

**SUBDIVISION REGULATIONS**

**FOR**

**MONTEAGLE, TENNESSEE**

**TITLE**

REGULATIONS CONTROLLING THE SUBDIVISION OF LAND IN MONTEAGLE, 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.

**PURPOSE**

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

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**ARTICLE I**

**PREAMBLE AND ENACTMENT CLAUSE**

In pursuance of authority set forth in Sections 13-3-401 through 13-3-411, Tennessee Code Annotated, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the municipality; to encourage economically sound and stable land development; to assure the provision of required streets, utilities and other facilities and services to land developments; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land development; to assure the provision of needed public open spaces and building sites in land developments through the dedication or reservation of land for recreational, educational and other public purposes and to assure that land is developed in conformity with the Comprehensive Plan of Monteagle, the Planning Commission of Monteagle, 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 Monteagle, Tennessee."

**ARTICLE III**

**DEFINITION OF CERTAIN TERMS USED HEREIN**

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

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

**Abutting:** having a common border with or being separated from such common border by an alley or easement.

**Access:** the right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

**Area of Shallow Flooding:** a designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard:** the land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year.

**Base Flood:** the flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Cul-de-sac Street:** A local street with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

**Building:** any structure built for support, shelter, or enclosure for any occupancy or storage.

**Building Inspector:** the codes enforcement officer or his authorized representative appointed by the Monteagle Board of Mayor and Commissioners.

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

**Drainage:** the removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

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

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**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 parcel provided that that parcel is being used for the same land use activity as the parcel giving access.

**Easement, Utility:** the right granted by the owner of land to another party to allow utility facilities to be constructed, maintained, or preserved. Utility easements shall include, but are not limited to, easement for storm drainage, water lines, sewer lines, electric power lines and pipelines.

**Flag Lot:** a "flag lot" is a lot, which is shaped somewhat like a flag on a pole. These lots are used to provide a building site in the interior of a tract of land behind the lots, which front a public street.

**Flood or Flooding:** a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM):** an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study:** the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the risk premium zones applicable to the community.

**Flood Protection Elevation:** the elevation to which structures and uses, regulated by these regulations, are required to be elevated or flood-proofed. Since Monteagle'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 the point plus one (1) foot.

**Flood Protection System:** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**Floodplain Management:** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**Floodway:** areas along creeks and streams in Monteagle which 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.

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

**Health Authority:** the director of the City, County or Regional Health Department having jurisdiction over the Community Health, or his duly authorized representative (TDEC).

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

**Lot of Record:** a lot which is part of a subdivision, recorded in the county register of deeds, or a lot, described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the adoption of the *Monteagle Subdivision Regulations*.

**Planning Commission:** the Monteagle Regional Planning Commission.

**Right-of-Way:** a strip of land upon which a public road is built. The right-of-way includes not only the pavement surface, but also the additional dedicated width of land provided for utilities, drainage and future widening of the roadway.

**Road. (Amended 3/16/10)** A way for vehicular traffic, whether designated as an avenue, arterial, collector, boulevard, road, highway, expressway, lane, alley, or other way, and for the purpose of these regulations "roads" are divided into the following categories:

1. **Rural Principal Arterials** - the rural principal arterial system consists of a connected rural network of continuous routes having the following characteristics:
  - a. Serve corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel.
  - b. Serve all, or virtually all, urban areas of 50,000 and over population and a large majority of those with population of 25,000 and over.
  - c. Provide an integrated network without stub connections except where unusual geographic or traffic flow conditions dictate otherwise (e.g., international boundary connections and connections to coastal cities).

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

2. **Rural Minor Arterials** - the rural minor arterial road system should, in conjunction with the principal arterial system, form a rural network having the following characteristics:
  - a. Link cities and larger towns (and other traffic generators, such as major resort areas, that are capable of attracting travel over similarly long distances) and form an integrated network providing interstate and inter-county service.

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- b. Be spaced at such intervals, consistent with population density, so that all developed areas of the State are within a reasonable distance of an arterial highway.
  - c. Provide an integrated network without stub connections except where unusual geographic or traffic flow conditions dictate otherwise (e.g., international boundary connections and connections to coastal cities).
3. **Collectors** - the rural collector routes generally serve travel of primarily intra-county rather than statewide importance and constitute those routes on which (regardless of traffic volume) predominant travel distances are shorter than on arterial routes. Consequently, more moderate speeds may be typical, on the average.

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

a. *Rural Major Collectors*

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

b. *Rural Minor Collectors*

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

4. **Local Streets (Neighborhood)** – a neighborhood street used primarily for access to the abutting properties. Local streets are included in the rural local road system.

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

5. **Marginal Access Street** – a minor street parallel and adjacent to arterials which offer access to abutting properties.

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6. **Alley** – a minor street used for service access to the back or side of properties otherwise abutting on a street.
7. **Cul-de-sac** – a local street with only one outlet, sometimes called a “dead-end” street. A permanent cul-de-sac is a “dead-end” street for which there are no plans for extending and no need for extending.

**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 these regulations, or the authorized agent, person, firm, or corporation for the purpose of proceeding under these regulations.

**Subdivision:** Within these regulations the term “subdivision” means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions for the purpose, whether immediate or future, for the sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The term “subdivision” maybe further defined as follows:

1. **Major Subdivision:** All divisions of land into five (5) 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 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 four (4) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. 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 or gas lines.

**Minor Subdivision B (Simple Land Splits):** For divisions of land into no more than two (2) 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 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 13.02. (All of 3 added)(Added 6/27/02)

**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 within the Monteagle regional planning jurisdiction shall be entitled to be recorded in the office of the Marion County or Grundy 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.

**Section 4.02. Use of Plat.**

The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a subdivision plat that has not been given final approval by the planning commission and recorded in the office of the Marion County or Grundy 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 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 Section 13-3-402, Tennessee Code Annotated.

**Section 4.04. Opening and Improving Public Streets (Roads).**

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

**Section 4.05. 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 recorder so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

Section 13-3-410, 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

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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 municipality, through its attorney or other official designated by its chief legislative body, may enjoin such transfer or sale or agreement by action or injunction.

**ARTICLE V**

**GENERAL DESIGN REQUIREMENTS**

**Section 5.01. 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 planning and development purposes of the kind proposed.

Land subject to flooding and land deemed to be topographically unsuitable should not be platted for residential occupancy, or for any other uses that may increase flood hazard, endanger health, life or property, or aggravate erosion. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

**Section 5.02. 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 5.03. Access.**

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

**Section 5.04. 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 two (2) years 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.

**Section 5.05. 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, trailer court or shopping center which is not subdivided into customary lots, blocks and streets, if the development is approved by the planning commission and if it is in conformity with the purpose and intent of these regulations.

The requirement and regulations of the "Tennessee Trailer Court Act," Tennessee Code Annotated - Sections 68-36-101 through 68-36-411, must be satisfied and the approval of the Local Health Authority must be secured prior to approval by the planning commission.

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

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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 5.06. Lot Abutting Public Streets.**

Each lot shall abut for at least fifty (50) feet upon a dedicated public street. (See exception for flag lots less than one acre Section 5.07.1.)

#### **Section 5.07. Flag Lots.**

Flag lots may be allowed and shall meet the following criteria:

1. For flag lots of one (1) acre or less, the access strip shall be a maximum of 200 feet in length and a minimum of 25 feet in width including 25 feet of road frontage;
2. For flag lots of more than one (1) acre, the access strip shall be a maximum of 500 feet in length and a minimum of 50 feet in width. (This additional width will allow for the construction of a public street if the flag lot is ever re-subdivided.);
3. The overall subdivision shall be designed so that the point where the access strip of the flag lot abuts the public street shall be safe for vehicular ingress and egress as far a visibility and grade are concerned since, unlike the purchaser of a conventional lot, the owner of a flag lot will have no other choice as to driveway location. (The safety of this location is even more important if the flag lot is ever made into a subdivision, containing several lots.);
4. Whenever a fifty (50) foot wide access strip is required, the developer shall locate it in a position where:
  - a. the grade could meet the specifications of section 05.12.;
  - b. the intersection for of ingress and egress is safe for vehicular traffic;
5. Within the portion of the flag lot which does not include the access strip the various building setbacks for front, side and rear shall still apply and be measured from the boundaries of the portion excluding the access strip;
6. Minimum lot sizes shall be calculated, **excluding** the access strip.
7. Only two (2) flag lots per subdivision will be allowed unless existing topographical or other conditions peculiar to the site features require the need for more. The request to exceed two (2) flag lots in a subdivision must be approved by the MRPC.

**Section 5.08. Standards for Subdivision Proposals**

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres.

ARTICLE VI

GENERAL REQUIREMENTS FOR STREETS  
AND OTHER RIGHTS-OF-WAY

**Section 6.01. Conformance to Adopted Major Road Plan.**

All streets and other features of the Major Road Plan of Monteagle, Tennessee, (August 25, 1981) shall be platted by the subdivider in the location and to the dimensions indicated on the Major Road Plan adopted by the planning commission.

**Section 6.02. Continuation of Existing Streets.**

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

**Section 6.03. 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 6.04. 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.

**Section 6.05. Street Names.**

The street names shall require the approval of the planning commission. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.

**Section 6.06. 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 6.07. 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 6.08. Reserve Strips.**

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

**Section 6.09. Easements.**

1. Utility Easements - Easements having a minimum width of ten (10) feet shall be provided where deemed necessary for utility lines and underground mains and cables. Easements of

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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.

2. Drainage Easement - Where a subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a storm water or drainage easement of adequate width.
3. Permanent Easements, Vehicular - A permanent easement may be permitted under certain conditions. These easements shall meet the following minimum requirements and any special conditions attached by the Planning Commission, and the requirements and special conditions for the easement shall be placed on the final plat for recording.
  - a. A permanent easement shall be of a required width of no less than fifty (50) feet. However, the planning commission may require greater widths if necessary to meet special conditions present on a plat.
  - b. A permanent easement providing legal access to more than one lot shall be improved to meet the road construction standards established in these regulations.
  - c. Permanent easement improvements shall be maintained by the developer/owner or by a legally established home owners association or other similar group approved by the planning commission. 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.
  - d. If, at any future date, a permanent easement is submitted for acceptance as a public street or road, it shall be submitted to the planning commission for approval. In considering the easement for approval as a public street or road, the planning commission shall require the improvements to the easements to meet the minimum street construction standards in effect at the time the request for public acceptance is made.
  - e. A building permit may be issued for a building to be located on a recorded lot of record as of 05/19/82, which lot fronts on a permanent easement with access to an existing public street or road; provided, however, that any future subdivision of said lot shall be subject to these provisions.

ARTICLE VII

STREET DESIGN REQUIREMENTS

**Section 7.01 Street Right-of-Way Widths. (Amended 3/16/10)**

The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows and are also recorded on the **Monteagle, Tennessee Major Road Plan: (Amended 04-16-02)**

- 1. Rural Principal Arterials.....100 feet or as  
may be required
- 2. Rural Minor Arterials.....80 feet
- 3. Rural Major Collectors..... 60 feet
- 4. Rural Minor Collectors.....60 feet
- 5. Local Streets.....50 feet
- 6. Alleys..... 20 feet
- 7. **(Amended 3/24/09)** Cul-de-sacs (Residential).....50 feet  
Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.

Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs, or dead-end streets, shall not be greater in length than two-thousand-five-hundred (2,500) feet, and no more than sixty (60) lots shall be located along any street which dead-ends. A cul-de-sac shall be provided at the closed end of the streets, and it shall have a right-of-way radius of at least fifty (50) feet measured from the abutting property lines. Further, cul-de-sac shall have outside pavement radius of at least forty (40) feet. Cul-de-sacs in commercial developments may be required to have greater widths and turning radii as determined by the Planning Commission.

- 8. 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 street right-of-way shall be extended by dedication to the boundary of such property and temporary dead-end streets shall be constructed of the necessary length and furnished 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.

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**Section 7.02. Additional Width on Existing Streets.**

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements.

1. The entire right-of-way shall be dedicated where any part of the subdivision is on both sides of the existing street; and
2. Where the subdivision is located on only one (1) side of an existing street, the amount of right-of-way to be dedicated is as follows:
  - a. If the land across the roadway from the proposed subdivision has not been subdivided or developed, the subdivider is only required to dedicate one-half (1/2) of the required right-of-way, measured from the centerline of the existing roadway.
  - b. If the land across the roadway has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the roadway to bring the total right-of-way to the required width [in no case less than fifty (50) feet].

**7.03. Street Pavement Widths. (Amended 3/16/10)**

Street pavement widths shall be as follows:

1. Rural Principal Arterials.....48 feet, or greater  
as may be required
2. Rural Minor Arterials.....32 feet
3. Rural Major Collectors.....30 feet
4. Rural Minor Collectors..... 30 feet
5. Local Streets.....22 feet
6. Alleys..... 16 feet
7. Cul-de-sacs.....22 feet, with 40  
foot radius for  
turn-around.
8. Through proposed neighborhood or local business areas, the street widths shall be increased ten (10) feet on each side to provide for turning movements of vehicles into and out of necessary off-street parking areas without interference to traffic.

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STREET TYPES

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

**Section 7.04. Street Grades. (amended 3/20/07)**

Maximum street grades shall not exceed fourteen (14) percent, and five-tenths of one percent (0.5%) shall be the minimum grade.

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

**7.05. Horizontal Curves. (Amended 3/16/10)**

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

1. Rural Principal Arterial.....700 feet
2. Rural Minor Arterial.....700 feet
3. Rural Major Collector.....300 feet
4. Rural Minor Collector.....300 feet
5. Local Streets.....100 feet

**Section 7.06. 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 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 ten (10) feet vertically may be required.

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GRADES

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CUL-DE-SAC

## Monteagle Subdivision Regulations

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#### **Section 7.07. Intersections.**

Street intersections shall be at right angles, and radial when located on a curve.

Curb radii at street intersections shall not be less than twenty-five (25) feet. 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 7.08. Tangents.**

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

#### **Section 7.09. Street Jogs.**

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

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TANGENTS

**ARTICLE VIII**

**DESIGN STANDARDS FOR BLOCKS AND LOTS**

**Section 8.01. Block Lengths and Widths.**

Block lengths and widths shall be as follows:

1. 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
2. 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 8.02. 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.

**Section 8.03. 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 follow:

1. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than three (3) times the width of the lot at the building line, unless unusual circumstances make these limitations impractical.
2. Lots served by public water and sanitary sewer systems shall be at least ten thousand (10,000) square feet in area.

Lots not served by public water and sanitary sewer systems shall be at least forty-three thousand five hundred sixty (43,560) square feet in area or of a size specified by the county health authority to adequately accommodate both fresh-water well and septic tank on the same lot. The minimum distance between the septic tank and fresh-water well shall be one hundred (100) feet. Where individual septic tanks are used on lots served by a public water system, minimum lot size shall be twenty-one thousand seven hundred eighty (21,780) square feet. The health officer shall also prescribe minimum lot sizes to conform to health standards, which may be greater than the standards contained herein.

3. Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets.
4. 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 site plan of the land to be used for such purposes.

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- 5. 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:
  - a. 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 streets and roads. Minor industrial streets and individual industrial parcels shall be oriented at right angles with the collector and with adjacent railroads.)
  - b. An integrated parking area.
  - c. An insulation against any adverse effect on any present or future adjacent residences.
  - d. A parcel size sufficient in area to allow future expansion.

**Section 8.04. Lot Lines.**

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

**Section 8.05. Building Setback Lines. (Amended 3/16/10)**

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 the Zoning Ordinance, the front yard setback lines shall be as follows:

- 1. Rural Principal Arterials.....fifty (50) feet
- 2. Rural Minor Arterials.....fifty (50) feet
- 3. Rural Major Collectors.....fifty (50) feet
- 4. Rural Minor Collectors.....fifty (50) feet
- 5. Local Streets.....forty (40) feet
- 6. Cul-de-sacs.....forty (40) feet

In no instance shall any lot be less than seventy-five (75) feet wide at the building setback line.

Other minimum setback lines shall be as follows:

- a. from the side property line.....25 feet
- b. from the rear property line.....40 feet

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- c. from the property line which abuts a local street or alley.....40 feet
- d. from side property line which abuts an arterial or collector road.....50 feet
- e. from side property line on a cul-de-sac.....15 feet

**Section 8.06. Double and Reverse Frontage Lots.**

Double frontage and reverse frontage lots should be avoided, except where essential to provide separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Reverse frontage lots shall have a depth of not less than one hundred and fifty (150) feet. A planted evergreen screen easement at least ten (10) feet wide, across which there shall be no right of access, shall be provided along the line of lots abutting a traffic artery or other incompatible land use.

**ARTICLE IX**

**PRE-APPLICATION PROCEDURE FOR MAJOR SUBDIVISIONS**

Whenever a major subdivision of a tract of land within the Monteagle Corporate Limits is proposed, the subdivider is urged to consult early and informally with the Staff Planner, Town Recorder, or a designated member of the planning commission. (See Article XV for Review Procedure of Minor Subdivision Plat.) 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 the Public Health Department if septic systems are to be installed.

(2) The various plat reviews required by these regulations may properly be made by the Staff Planner or a designated member of the planning commission. It would be a waste 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.

**ARTICLE X**

**PRELIMINARY PLAT SPECIFICATIONS FOR MAJOR SUBDIVISIONS**

**Section 10.01. 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 10.02. Sheet Size.**

Sheet size 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 10.03. Ground Elevations.**

Contours shall be shown at vertical intervals of not more than five (5) feet (greater or less intervals may be required if deemed necessary by the Planning Commission), except when specifically not required at all by the planning commission.

**Section 10.04. Information to be Provided on Preliminary Plat.**

The preliminary plat shall contain the following information:

1. name of subdivision;
2. name and address of owner of record, subdivider, and surveyor;
3. north point, graphic scale and date;
4. vicinity map showing location and acreage of subdivision;
5. exact boundary lines of the tract by bearing and distances;
6. names of adjoining property owners and/or subdivisions;
7. existing streets, buildings, water courses, railroads, culverts, utilities and easements on and adjacent to the tract;
8. 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;
9. block numbers and lot numbers;
10. plans of proposed utility layouts and easements for sewers, water, gas, and electricity showing feasible connections to the existing or any proposed individual water supply and/or sewage disposal system must be approved by the county health department;

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11. Where public sewage and/or water are not available the following shall be shown:
  - a. areas to be used for sewage disposal on each lot;
  - b. water wells (existing and/or proposed);
  - c. rock outcroppings, marshes, springs, sinkholes, natural storm drains and other outstanding topographical features.
12. minimum building front yard setback lines;
13. the present zoning classification, if any, on the land to be subdivided and on the adjoining land;
14. contour lines at least for every five (5) foot change in elevation, if required;
15. such street cross-section and centerline profiles as may be required by the Street Superintendent and/or planning commission; and
16. if any portion of the land being subdivided is subject to flood, as defined in these regulations, the limit of such flood will be shown.

**ARTICLE XI**

**PROCEDURE FOR PRELIMINARY PLAT APPROVAL  
OF MAJOR SUBDIVISION**

**Section 11.01. Application for Preliminary Plat Approval.**

Subdivision plats are considered for preliminary approval each month at the regular meeting of the Monteagle Regional Planning Commission. In order for a plat to be considered for preliminary approval at that time the following conditions must have been met:

1. Two (2) copies of a plat will be sufficient when submitting a plat(s) for review by Planner(s). Plats should be submitted to the Staff Planner or to Monteagle Town Hall no later than thirty (30) calendar days (**amended 3.7.23**) prior to the next planning commission meeting in order to be included on the agenda.
2. If desired, the developer or his representative may call or request in writing Town Hall or the Staff Planner a subdivision review committee meeting to be held at least one week in advance of the regular meeting of the planning commission.
3. The developer or his representative must be present at the regular Monteagle Regional Planning Commission meeting when his plat is being reviewed.
4. In no case will a plat be reviewed or receive action that is submitted on the day of the regularly scheduled planning commission meeting.

T.C.A. § 13-4-304(a) provides that a subdivision plat shall be approved or disapproved by the planning commission within sixty (60) days after initial consideration by the commission (with extensions for city celebrated holidays). Failure to act within 60 days shall be deemed an approval of the plat. (**amended 3.7.23**)

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.

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**Section 11.02. Certificate of Preliminary Plat Approval.**

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

"Pursuant to the Subdivision Regulations of Monteagle, Tennessee, all the requirements of preliminary plat have been fulfilled. Therefore, the "Preliminary Plat" of \_\_\_\_\_ Subdivision has been approved by the Monteagle Regional Planning Commission \_\_\_\_\_, 20\_\_\_\_, subject to the following modifications. This approval does not constitute final approval of the plat and cannot be recorded until the final plat is approved. This Certificate of Preliminary Plat Approval shall expire and be null and void on \_\_\_\_\_." (one year later)

\* Changes suggested by Planning Commission (if necessary)/variances granted, if any.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Secretary, Monteagle Reg. Planning Commission

PRELIMINARY PLAT

**ARTICLE XII**

**REQUIRED IMPROVEMENTS FOR FINAL PLAT APPROVAL  
OF A SUBDIVISION**

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

NOTE: The subdivider at his expense, may contract with a private firm to install the necessary improvements.

**Section 12.01. Monuments.**

1. All corners shall be established with a metal or concrete object. Metal corners (monuments) shall be no less than one-half (1/2) inch in diameter, concrete corners shall be no less than 4 inches in diameter, both shall be no less than 18 inches in length. Monuments shall be placed so the top is flush with the finish grade.
2. Concrete markers shall have a permanent mark for the survey point and shall have the surveyor's name or company name attached or stamped. All new monuments shall have a cap or tag of non-corrosive material with surveyor's registration number or company name stamped. (Ref. Sec. 0820-3-.07 (1) (h) Rules of Tenn. State Board of Examiners for Land Surveyors)

**Section 12.02. Grading.**

Before grading is started, the areas between the proposed slopes shall be cleared of all trees, stumps, roots, weeds, logs, heavy vegetation, and other objectionable matter, and shall be grubbed or removed to a depth below the proposed grade in cuts and the natural ground in fills so as to expose a suitable subgrade. The objectionable matter shall be removed from within the right-of-way limits and disposed of in such a manner that it will not become incorporated within the fills, nor in any manner hinder proper operation of the drainage system.

All suitable material may be used in the construction of embankments or at any other place needed. If rock is encountered, it shall be removed to a depth of not less than 12" below the subgrade of the roadbed. Where boulders are encountered, they shall be removed 6" below the proposed subgrade.

Prior to road construction, all underground work that is to be within the roadway shall be completed. This includes all drainage, sewage, water, telephone, electrical, and other utility mains to the end that the completed roadway will not be disturbed for the installation of any utility main. All utilities under paved areas are to be backfilled with good quality clean fill dirt compacted to ninety-five (95%) percent of maximum density.

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#### 1. Subgrade

The subgrade shall be prepared to the lines and grades as designed and staked by the Subdivision Engineer and to correspond to the cross-section of the bottom of the base as indicated on the typical cross-section approved by the planning commission.

After the subgrade has been approximately prepared and shaped, it shall be thoroughly rolled and then clipped with a grader until final lines and grades are obtained. Water shall be added to the subgrade if the material is dry and will not readily compact under the roller. All soft yielding material that does not readily compact under the roller shall be removed. All holes or depressions, caused by the removal of this material shall be replaced with suitable material and rolled until compacted to 95% of maximum density.

#### 2. Embankments

Any area, upon which embankment is to be constructed having more than a 3 to 1 slope, shall be plowed or scarified completely and rolled thoroughly with a sheep-foot roller. Each layer of embankment formation shall be compacted before the formation of the next layer is begun.

Each layer of embankment is to be constructed with a thickness not to exceed 6", and shall be compacted at optimum moisture content to ninety-five (95%) percent of maximum density of same material when tested in accordance with the Standard Specification for compaction and density of solid, S.S.S.H.O. Serial Designation T. 99.49.

If, in the event any section of embankment appears not to be satisfactory in respect to compaction, the Developer or Contractor will be required to have a compaction analysis performed by a recognized authority and the repair work carried out as directed by this analysis. If the compaction is in accord to these standards, the planning commission will bear the expense of the laboratory test; if not, the contractor will bear the expense of the test.

#### **Section 12.03. Base.**

Before the base operation is begun, the Monteagle Road Inspector will make an inspection of the subgrade. Approval in writing of the subgrade is required prior to the placing of any base material. Base is to be:

Crushed stone 33c (T.B.R.) or pug mill mix.

#### 1. Base

The crushed stone shall be applied at the rate of 110 pounds per square yard per inch of thickness. The minimum thickness shall be determined by the type of surface which is applied. The minimum thickness shall be 6" compacted where a hot mix surface is applied and an 8" minimum where a double bituminous surface treatment is used. Where in the

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opinion of the Monteagle Road Inspector a thicker base is necessary, he may require that a thicker base be applied.

Weight tickets shall be furnished to the Monteagle Road Inspector for the gravel used. The crushed stone shall be dumped and windrowed uniformly along the center of the roadway.

**Section 12.04. Prime and Surface.**

1. Prime

After the base course has been thoroughly compacted and worked to the lines and grades as shown on the typical cross-section, it shall be broomed to remove any excess loose material and dampened if necessary.

Prime alternates are as follows:

Type and Grade	Application Temperature
R.C. - 1	90o - 110o
R.C. - 2	120o - 150o
A.E. - 1	100o - 125o
R.T. - 1-2	80o - 125o

The type and grade of prime material shall depend on the condition of the base course and shall be approved by the Monteagle Road Inspector.

Rate of application shall be .25 to .35 gallons per square yard.

If RT - 1 or 2 is used, there shall be a curing period before the surface treatment is begun. The length of curing period shall depend on the season of the year and weather conditions. The County Road Superintendent or his inspector shall determine when the prime is cured and the surface treatment can be started.

Immediately after the prime material has been applied, mineral aggregate (size 15 or 16) shall be spread at the rate of 25 to 30 pounds per square yard. Then a steel wheel roller shall roll the aggregate into the prime material. Seasonal limitations on prime are from April 1 to November 1.

2. Surface

The surface alternates are as follows:

- a. Double Bituminous Surface Treatment.
- b. Asphaltic Surface Course.

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1. Double Surface Bituminous Treatment

Bituminous Material

<u>Type and Grade</u>	<u>Application Temperature</u>		
RS-2, RS-3	90o	-	140o
RC-2, RC-4	120o	-	175o
AC-100-150 Pen.	275o	-	300o

The first application shall be applied at the rate of .40 to .50 gallons per square yard. Immediately following this application, mineral aggregate (size 15) shall be applied at the rate of 30 to 40 pounds per square yard and rolled into the bituminous material. The second application shall be applied at the rate of .35 to .40 gallons per square yard. The mineral aggregate (size 19) shall be applied at the rate of 25 to 30 pounds per square yard. After the final surface has been rolled, it shall then be dragged with a broom, or wire, until the seal chips are uniformly spread.

2. Asphaltic Surface Course

The asphalt and mineral aggregate for this item shall conform to the Tennessee Department of Highways Specifications, Item 401.

The bituminous material shall be of a grade known as "Grade-C". The temperature range shall be 250o - 325o F.

Seasonal Limitations of Asphalt:

Prime: April 1 to October 15

Surface Treatment and Road Mix: April 1 to October 15

Plant Mix: March 1 to December 1

The outside temperature away from artificial heat and in the shade shall be 60o and rising for all treatments except plant mix. The temperature for plant mix shall be 40o and rising. Plant mix will be 220 pounds per square yard. Weight tickets shall be furnished to the Monteagle Road Inspector.

**Section 12.05. Shoulders.**

There shall be a three-(3) foot gravel shoulder on each side of the pavement surface. The shoulders should be developed with "crusher run" gravel and compacted in place.

An alternative to the gravel shoulders is an extruded asphalt or concrete curb. If the curb alternative is used, the curb must be backfilled. Where curbs are used, the pavement width will be measured from face to face of the curbs.

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**Section 12.06. Storm Drainage.**

An adequate drainage system, including necessary open ditches, pipe culverts, catch-basins, and bridges shall be provided for the proper drainage of all surface water. Cross drains shall be of sufficient length to permit full roadway widths and the required slopes. The drainage structure sizes are to be determined by the Manning Formula, but in no case shall a cross drain be less than 15" in diameter. The County Highway Department shall be consulted before any drains are installed to insure they will conform to the formula as to proper size.

Cross drains shall be built on a straight line and grade and shall be laid on a firm compacted base. In the event rock is encountered in the trench, the rock shall be removed 4" below the grade and replaced with suitable material. Pipe shall be laid with the spigot end pointing in the direction of flow and with ends fitted and matched to provide tight joints and a smooth uniform invert made by grouting tile of 24" diameter or larger half way up the pipe on the inside and half way down on the outside.

When necessary for proper flow, inlet and outlet ditches shall be provided at drainage structures and drainage easements shall be shown on side and rear lot lines.

Treatment of the inlet and outlet ditches and all drainage ways in the subdivision shall conform to the following table and in all cases be constructed on firm base.

Size of Nearest Culvert

<u>Upstream</u>	<u>TREATMENT</u>	
	<u>Seeded</u>	<u>Sod</u>
15"	Grades 3 - 10%	Grades exceeding 10.0%
18", 24"	Grades 1.5% - 7.0%	Grades exceeding 7.0%
30", 36"	Grades 1.0% - 4.0%	Grades exceeding 4.0%
42", 60"	Grades 2.5%-or less	Grades exceeding 2.5%

Swales or ditch lines paralleling the roadway shall be graded a minimum of 1% where possible, in no case will grades of less than 0.5% be allowed. Where at all possible, main drainage ways shall be cut to the rear of lot lines and not carried down the roadway. This is to avoid having oversized side drains under driveways.

If a drainage pipe is under three feet in diameter, located in the ditch line and more than 50 feet long, concrete or solid masonry catch basins with a 6" minimum wall thickness shall be required at intervals of 50', except a greater run may be approved by the Monteagle Road Inspector. The design of these catch basins shall be approved by the Monteagle Road Inspector.

Where there are long grades, relief pipes shall be placed. The maximum interval of relief pipes shall be 500'.

Should a bridge or large drainage structure be required to provide proper drainage, it shall be designed by a licensed civil engineer and approved by the Monteagle Road Inspector.

**Section 12.07. Water Supply System. (Amended 5/18/04)**

Prior to construction of any water main developers shall submit construction plans and consult with the Town of Monteagle and possibly the State of Tennessee. Water mains properly connected with the community water supply system or with an alternate supply approved by the health authority shall be constructed in such a manner as to serve adequately for both domestic use and fire protection, all lots shown on the preliminary and final plats. Where public water systems are to be used, six-inch (6") cast iron or polyvinyl chloride water mains shall be required throughout the planning region, except along cross streets of one thousand (1,000) feet or less and in permanent cul-de-sacs. In cross streets of one thousand (1,000) feet or less, a two-inch (2") water main may be installed providing that fire hydrants are located at each end of the cross street on six-inch (6") mains. In permanent cul-de-sacs, a six-inch (6") water main is required for a distance to within three hundred (300') feet of the dead-end. A fire hydrant shall be located at the end of the six-inch (6") section and a two-inch (2") water main is required in the last three hundred (300') feet.

**Hydrant Locations**

1. Fire hydrants should be located at the corner of each intersecting road or street so that fire trucks can connect to the fire hydrant on their way to an emergency.
2. Fire hydrants should be located every (1000') feet along a 6" waterline to insure that where the center of each lot intersects the right of way is within (500') feet of a fire hydrant.
3. Fire hydrants should be located within (300') feet of the end of a dead end / cul de sac street where there are three or less lots fronting on the dead end / cul de sac, and where there are greater than three lots fronting on the dead end / cul de sac there shall be a fire hydrant required at the dead end / cul de sac.
4. The MRPC can require additional fire hydrants in cases where topography and/or larger lots make it more difficult for appropriate fire protection. Prior to making a decision the MRPC should consult with the Fire Chief and water department.

The location and types of valves and fire hydrants, the amount of soil cover over the pipes and other features of the installation shall conform to accepted standards of good practice for water systems and must meet the approval of the Monteagle Town Water Department, Fire Department, and MRPC.

**Section 12.08. Sewage Disposal**

When any portion of a contiguous tract of land being subdivided in any part is within reasonable distance of a public sewer line sanitary sewers shall be required to be installed in such a manner as to serve adequately all lots within the entire tract. The planning commission shall determine the reasonable distance to public sewer for each individual plat, but in no case shall the reasonable distance be considered to be more than five-hundred (500') feet by gravity sewer or more than three-hundred (300') feet by lift and force main. This provision shall apply to both major and minor subdivision.

Where lots cannot be connected with a sewerage system without undue hardship, each of these lots shall be required to pass acceptable soil evaluation ratios, contain adequate area for the installation of approved septic tank and disposal fields with at least 100% reserve, and be approved in writing by the county health officer.

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NOTE: Upon receipt of a preliminary plat the Health Authority reviews the data and a field investigation of each lot is made. If soil evaluation rates are acceptable, other topographic features including lot sizes are considered. In addition to unsatisfactory soil ratio results, lots may be deemed unacceptable because of rock outcropping, gullies, natural storm drains, excessive slope and the like. In view of topographic features and soil test results, the maximum amount of available unusable area for subsurface disposal is determined for each lot. By using the Recommended Guide for the Location, Design, and Construction of Septic Tanks and Disposal Fields, 1975, Tennessee Department of Public Health, calculations are made to determine the maximum number of bedrooms for a home and/or the maximum daily flow of sewage from establishments or institutions allowable for each lot. These data limitations and restrictions will be entered in the preliminary plat by the Health Authority and shall be shown on the final plat. This does not preclude the developer from enlarging lot sizes, combining unsuitable lots with acceptable ones, or designating certain lots for uses not requiring sewage disposal facilities as long as other requirements of the planning commission and other agencies are satisfied and provided that the above named alternatives are reviewed and approved prior to the preparation of the final plat.

#### **Section 12.09. Sidewalks. (Amended 3/24/09)**

For the safety of pedestrians and of children at play or on approaches to community facilities (schools, parks, etc.) installation of sidewalks on one side or both sides of the street 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, planted vegetation, or structures placed on the property line at a later date. In single-family, multi-family, and group housing residential areas, sidewalks shall either be constructed of concrete or of another material that is designed to be durable and safe for pedestrians. Sidewalks in residential areas shall be at least four (4) feet wide and at least four (4) inches thick (depending on the design and durability of the material used). In multi-family or group housing developments, sidewalks shall be five (5) feet wide and four (4) inches thick (also depending on the design and durability of the material used). In commercial areas, sidewalks shall be five (5) feet wide and four (4) inches thick. Sidewalks in commercial areas shall also be constructed of either concrete or of another material that is designed to be durable and safe for pedestrians.

#### **Section 12.10. Guarantee in Lieu of Completed Improvements.**

No final subdivision plat shall be approved by the planning commission or accepted for recording by the county register of deeds until one of the following conditions has been met.

1. All required improvements have been constructed in a satisfactory manner and approved by the various authorities for which certificates are required.
2. The planning commission has accepted a letter of credit, bond, or other surety instrument in an amount equal to **one hundred twenty-five (125) percent** of the estimated cost of installation of 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. Where the required improvements have not been completed, the town attorney or appropriate public official shall certify that approved security has been posted to ensure their completion.

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*The planning commission shall set the amount of the letter of credit based upon the cost of improvements estimated by the town road department or utility official or other authority designated by the planning commission.*

**ARTICLE XIII**

**FINAL PLAT SPECIFICATIONS**

**Section 13.01. Final Plat Specifications.**

The final plat shall conform to and meet the specifications of the preliminary plat (Article X) with the following additions:

1. bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three (3) shall be accurately described on the plat);
2. 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;
3. exact boundary lines of the tract, determined by an engineering field survey, giving distances to the nearest one-hundredth (1/100) of a foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one (1) to five thousand (5,000);
4. name of subdivision, exact location, widths and names of all streets and alleys within or immediately adjoining the tract;
5. street centerlines and rights-of-way showing angles of deflection, angles of intersection, radii and lengths of tangents;
6. lot lines with dimensions to the nearest one-hundredth (1/100) of a foot and bearings;
7. lots numbered in numerical order and blocks lettered alphabetically;
8. location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use;
9. accurate location, material and description of existing and proposed monuments and markers;
10. a statement, either directly on the plat or in an identified attached document, of any private covenants;
11. 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;
12. modifications, limitations, and approval by Health Authority.

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**Section 13.02. Certifications .**

The following certifications shall be on all final plats:

**Certificate of Ownership and 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 that apply (streets, alleys, walks, parks and other open spaces) to public or private use as noted.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
OWNER

**Certificate of Approval of Sewage Disposal.**

***Option 1***

I hereby certify that each lot shown on this subdivision plat is adequate for individual septic tanks. ***Restrictions (if any)*** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
COUNTY HEALTH DEPARTMENT

***Option 2***

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

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PUBLIC SEWERAGE SYSTEM OFFICIAL

***or Option 3***

I hereby certify that the plans for the construction of approved sewerage system extensions to all lots for the \_\_\_\_\_ subdivision have been designed in accordance with applicable local and state regulations AND a bond or adequate letter of credit in the amount of \$ \_\_\_\_\_ has been posted to cover such sewerage system extensions.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PUBLIC SEWERAGE SYSTEM OFFICIAL

Monteagle Subdivision Regulations

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**Certificate of Approval of Water System.**

***Option 1***

I hereby certify that each lot of the \_\_\_\_\_ subdivision is large enough and has adequate soils for both a private well and an individual septic system;

\_\_\_\_\_  
DATE

\_\_\_\_\_  
COUNTY HEALTH DEPARTMENT

***Option 2***

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

\_\_\_\_\_  
DATE

\_\_\_\_\_  
LOCAL WATER UTILITY

**Or *Option 3***

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

\_\_\_\_\_  
DATE

\_\_\_\_\_  
LOCAL WATER UTILITY

**Certificate of Approval of Streets and Drainage System.**

***Option 1***

I hereby certify that the streets and drainage facilities for the \_\_\_\_\_ subdivision have been installed in an acceptable manner in accordance to required specifications.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TOWN ROAD INSPECTOR

***or Option 2***

I hereby certify that the streets and drainage facilities for the \_\_\_\_\_ subdivision have been installed 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.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TOWN ROAD INSPECTOR

Monteagle Subdivision Regulations

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**Certificate of Approval by Electric Power Utility.**

I hereby certify that this subdivision plat shows adequate easements for needed electric power lines.

\_\_\_\_\_  
DATE SEQUACHEE VALLEY ELECTRIC COOPERATIVE

**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

**Certificate of Registered Surveyor**

It is certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision, all monuments shown hereon actually exist or are marked as "future", and their location, size, type and material are correctly shown, all engineering requirements of the Subdivision Regulations of Monteagle, Tennessee have been fully complied with, and the boundary survey closes with a precision greater than 1:10,000.

\_\_\_\_\_  
DATE SURVEYOR  
\_\_\_\_\_  
Surveyor's Seal

**Certificate by Planning Commission of Approval for Recording**

All the requirements of approval having been fulfilled pursuant to the Subdivision Regulations of Monteagle, Tennessee, this final plat was given final approval by the Monteagle Regional Planning Commission.

\_\_\_\_\_  
DATE Secretary, Monteagle Regional Planning Commission

Monteagle Subdivision Regulations

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**Minor Subdivision B (Simple Land Split) Certificate(Added 6/27/02)**

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

\_\_\_\_\_
Date

\_\_\_\_\_
Town Recorder or Building Inspector

**Certificate by Planning Commission Secretary of Approval for Recording of Minor Plat (Added 12/5/23)**

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

\_\_\_\_\_
DATE

\_\_\_\_\_
Secretary, Monteagle Municipal-Regional Planning Commission

**Certification of E-911 Approval (Added 7/20/04)**

I hereby certify that I have reviewed this plat including road name(s) and find that it conforms to the county's E-911 Requirements.

\_\_\_\_\_
Date

\_\_\_\_\_
County E-911 Representative
(Marion, Grundy, or Franklin)

\*Surveyor/developer should leave a copy of the final version of the plat with the 911 office. If the property involves multiple counties, approval is required by each county.

FINAL PLAT

**ARTICLE XIV**

**PROCEDURE FOR FINAL PLAT APPROVAL OF A MAJOR  
SUBDIVISION (SEE ARTICLE XV FOR MINOR SUBDIVISION)**

**Section 14.01. Application for Final Plat Approval.**

After the preliminary plat of a proposed major land subdivision has been given tentative approval by the planning commission, the subdivider may, within one (1) year from tentative approval, request the planning commission to grant final plat approval. The procedure for requesting final plat approval shall be as follows:

1. Two (2) copies of a plat will be sufficient when submitting a plat(s) for review by Planner(s). Plats should be submitted to the Staff Planner or to Monteagle Town Hall no later than thirty (30) calendar days (**amended 3.7.23**) prior to the next planning commission meeting in order to be included on the agenda.
2. The developer or his representative must attend the meeting of the subdivision review committee (if a meeting is so desired) to answer any questions which may arise concerning his plat.
3. The developer or his representative must attend the regular meeting of the Monteagle Regional Planning Commission to present his plat for final approval.
4. In no case will a plat be reviewed or receive action that is submitted on the day of the regularly scheduled planning commission meeting.

T.C.A. § 13-4-304(a) provides that a subdivision plat shall be approved or disapproved by the planning commission within sixty (60) days after initial consideration by the commission (with extensions for city celebrated holidays). Failure to act within 60 days shall be deemed an approval of the plat. (**amended 3.7.23**)

**Section 14.02. Recording of Final Plat.**

Upon approval of a final plat the developer shall have the final plat recorded in the office of the appropriate County Register.

**ARTICLE XV**

**REVIEW PROCEDURE FOR MINOR SUBDIVISION PLATS**

**Section 15.01. Applicable Regulations.**

Whenever a minor subdivision is proposed the requirements of the applicable sections of Article XII and XIII must be met. The requirements of Article IX, X, XI, and XIV shall not apply except as herein provided. The following procedures for application review and approval shall govern.

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

**Section 15.02. Submission Procedure (Amended 12/6/10)**

An approved land surveyor must prepare all plats. All plats requiring Planning Commission approval should be submitted for review to Town Hall or the Staff Planner (Local Planning Assistance Office) no later than ten (10) business days prior to the next meeting in order to be included on the agenda. Minor Subdivision B (Simple Land Split) plats which do not require Planning Commission approval will be reviewed and approved by Staff in a timely manner. In all cases, two (2) copies of the plat should be submitted for review and six (6) copies of the final version should be submitted for signatures in compliance with Article XIII. For Minor Subdivision A plats, six (6) copies of the final plat shall be presented at the Planning Commission meeting. For Minor Subdivision B plats, six (6) copies of the final plat should be submitted to Town Hall to be signed by the Planning Commission Secretary. The developer or his representative must attend the regular meeting of the Monteagle Regional Planning Commission to present his plat for final plat approval. Attendance at the planning commission meeting is not necessary for Minor Subdivision B plats.

In no case will a plat be reviewed or receive action if it is submitted on the day of the regularly scheduled planning commission meeting.

The Planning Commission shall approve or disapprove a plat within sixty (60) days of initial consideration (the first time the plat appears on the agenda of a regularly scheduled meeting) of the plat by the Planning Commission. If the plat is not acted upon within the sixty-day period, it will automatically be approved.

1. **Minor Subdivision A – Plat Procedure**

Whenever a proposed subdivision contains four (4) or less 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 X of this document.

## Monteagle Subdivision Regulations

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

For divisions of land into no more than two (2) lots which do 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 the planning staff of the Planning Commission that the subdivision complies with the Subdivision Regulations. Plats should be submitted to Town Hall or the Staff Planner for review. The Minor Subdivision B (Simple Land Split) Certificate will be endorsed by Town Staff to ensure that the plat has been reviewed by the Staff Planner.

#### Preliminary Plat Specifications (OPTIONAL)

See Article X of these regulations for the Preliminary Plat Specifications.

#### Final Plat Specifications (REQUIRED)

See Article XIII of these regulations for the Final Plat Specifications and Section 13.02 Certifications.

#### **Section 15.03. Flood Prone.**

If any portion of the land being subdivided to flood, as defined in Section 51 of these regulations, the limit of such flood shall be shown.

#### **Section 15.04. Plat Specifications.**

The plat shall be clearly and legibly drawn at a suitable scale and shall contain all information normally required in an official survey with a surveyor's certification, plus: **(Amended 04-16-02)**

1. the name and address of owner of record;
2. a vicinity map showing the location and acreage of the subdivision;
3. the existing streets, buildings, water courses, utilities and easements; and
4. the present zoning classification, if any, on the land to be subdivided and on the adjoining land;
5. bearings and distances to the nearest existing street lines or bench marks or other permanent monuments;
6. exact boundary lines of the tract, determined by an engineering field survey, giving distances to the nearest one-hundredth (1/100) of a foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one (1) to five thousand (5,000);
7. lot lines with dimensions to the nearest one-hundredth (1/100) of a foot and bearings;
8. accurate location, material and description of existing and proposed monuments and markers;

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Certificates that shall be required are: (1) County Health Department, (2) Electric Cooperative, (3) Monteagle Utility Board, (4) Owner's Certificate, (5) Surveyor's Certificate, and (6) Planning Commission's Certificate.

**ARTICLE XVI**

**VARIANCES AND AMENDMENTS**

**Section 16.01. Variances.**

Variances may be granted where the planning commission decides that there are topographical or other conditions peculiar to the site, and a departure from the 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 16.02. 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 fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the town.

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**ARTICLE XVII**

**LEGAL STATUS PROVISIONS**

**Section 17.01. Separability.**

Should any section or provision of these regulations be declared 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 17.02. 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.

**Section 17.03. 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 the 16<sup>TH</sup> day of October 2001.

---

Chairman, Monteagle Regional  
Planning Commission

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**APPENDIX**

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**Certificate of Preliminary Plat Approval.**

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

"Pursuant to the Subdivision Regulations of Monteagle, Tennessee, all the requirements of preliminary plat have been fulfilled. Therefore, the "Preliminary Plat" of \_\_\_\_\_ Subdivision has been approved by the Monteagle Regional Planning Commission \_\_\_\_\_, 20\_\_\_\_, subject to the following modifications. This approval does not constitute final approval of the plat and cannot be recorded until the final plat is approved. This Certificate of Preliminary Plat Approval shall expire and be null and void on \_\_\_\_\_." (one year later)

\* Changes suggested by Planning Commission (if necessary)/variances granted, if any.

---

---

\_\_\_\_\_  
Secretary, Monteagle Regional  
Planning Commission

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

The following items must be corrected before preliminary approval can be given:

A. \_\_\_\_\_  
\_\_\_\_\_

B. \_\_\_\_\_  
\_\_\_\_\_

C. \_\_\_\_\_  
\_\_\_\_\_

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**CHECKLIST FOR PRELIMINARY PLAT CONSIDERATION**

NAME OF SUBDIVISION: \_\_\_\_\_

Location \_\_\_\_\_ Civil District \_\_\_\_\_ Zoning District \_\_\_\_\_

Owner of Record \_\_\_\_\_ Address \_\_\_\_\_ Tel. \_\_\_\_\_

Subdivider \_\_\_\_\_ Address \_\_\_\_\_ Tel. \_\_\_\_\_

Surveyor \_\_\_\_\_ Address \_\_\_\_\_ Tel. \_\_\_\_\_

Date submitted for preliminary approval \_\_\_\_\_

**CHECKLIST:**

- \_\_\_ 2 copies (one to Planner and one to Town Hall) submitted at least 7 days prior to meeting.
- \_\_\_ Drawn to scale of not less than one inch equals 100 feet.
- \_\_\_ Name of Subdivision.
- \_\_\_ Name(s) and address(es) of owner(s) of record.
- \_\_\_ Address, seal and license number of surveyor.
- \_\_\_ Date, north point, and graphic scale.
- \_\_\_ Vicinity map showing location and acreage of subdivision.
- \_\_\_ Exact boundary lines by bearing and distance.
- \_\_\_ Names of adjoining property owners and/or subdivision(s).
- \_\_\_ Location of all existing physical features on land and nearby properties.
- \_\_\_ Names, locations and dimensions of proposed streets, lot lines, etc.
- \_\_\_ Lot numbers and lot sizes.
- \_\_\_ Building setback lines.
- \_\_\_ Contours at not more than 5' intervals.
- \_\_\_ Present zoning, if any.
- \_\_\_ Plans of proposed utility layouts.
- \_\_\_ Conforms to general requirements and minimum standards of subdivision design.
- \_\_\_ Street cross-section and centerline profiles, as may be required.
- \_\_\_ Location of all easements.

Approved \_\_\_\_\_, 20 \_\_\_\_, to proceed to final plat. Subject to following modifications:

\_\_\_\_\_  
\_\_\_\_\_

Variances granted: \_\_\_\_\_

Disapproved \_\_\_\_\_, 20 \_\_\_\_, For following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_  
Secretary, Planning Commission

Monteagle Subdivision Regulations

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**CHECKLIST FOR FINAL PLAT CONSIDERATION**

NAME OF SUBDIVISION: \_\_\_\_\_

Location \_\_\_\_\_ Civil District \_\_\_\_\_ Zoning District \_\_\_\_\_

Owner of Record \_\_\_\_\_ Address \_\_\_\_\_ Tel. \_\_\_\_\_

Date preliminary approval granted \_\_\_\_\_

Date submitted for final approval \_\_\_\_\_

CHECKLIST:

- \_\_\_ Submitted within one year from date of preliminary approval.
- \_\_\_ Copies submitted 7 days prior to meeting (two copies, one to Planner and one to Town Hall).
- \_\_\_ Drawn to a scale of 1" equals 100' on sheets not larger than \_\_\_ inches by \_\_\_ inches.
- \_\_\_ Date, true north point, graphic scale, name and location of subdivision.
- \_\_\_ Reservations, easements, or other non-residential areas.
- \_\_\_ Bearings of property lines and sufficient engineering data to locate all lines including radii, angles and tangent distances.
- \_\_\_ Dimensions to nearest 100th of a foot and angles to the nearest minute.
- \_\_\_ Lot lines, alleys, and building setback lines.
- \_\_\_ Location and description of monuments.
- \_\_\_ Names and locations of adjoining properties.
- \_\_\_ Lines and names of all streets and roads.
- \_\_\_ Lots numbered in numerical order.
- \_\_\_ Certificate of Accuracy.
- \_\_\_ Certificate of Ownership and Dedication.
- \_\_\_ Certificate of approval of water and sewerage systems.
- \_\_\_ Certificate of approval of streets and utilities.
- \_\_\_ Location sketch map with flooded areas outlined.
- \_\_\_ Proposed deed restrictions if not a zoned area.
- \_\_\_ Conforms to general requirements and minimum standards of design.
- \_\_\_ County Director of Public Works has made the required inspections at the end of the three stages and has approved each stage and signed appropriate certificate.
- \_\_\_ Required physical improvements have been made or bond posted in the amount of \$ \_\_\_\_\_

Approved for Recording \_\_\_\_\_, 20 \_\_\_\_\_. Variances granted: \_\_\_\_\_

Disapproved \_\_\_\_\_, 20 \_\_\_\_\_, For following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_  
Secretary, Planning Commission

**CERTIFICATE OF OWNERSHIP AND DEDICATION (SAMPLE)**

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 that apply (streets, alleys, walks, parks and other open spaces) to public or private use as noted.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

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**MONTEAGLE SUBDIVISION REGULATIONS**

**Originally Prepared By The  
1982  
Monteagle Regional Planning Commission**

**C. W. Butler, Chairman**

**John Bagenstos**

**Dean Lay**

**Jerry Melnitzke**

**Paul Sturtevant**

**Franklin Taylor**

**Approved for Town of Monteagle - May 19, 1982  
Approved for the Monteagle Planning Region - January 6, 1983  
Revision Approved by the MRPC – June 27, 2002  
(Amended to 12/6/10)**

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SUBDIVISION PROCESS

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**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 RE-SUBDIVIDE 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 3 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 (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.

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- 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.

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#### **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.

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

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

#### **WHEN PRELIMINARY APPROVAL HAS BEEN GRANTED:**

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

**MONTEAGLE  
REGIONAL  
PLANNING  
COMMISSION**

**SUBDIVISION  
REGULATIONS**