

SUBDIVISION REGULATIONS

FOR

ENGLEWOOD, TENNESSEE

TITLE

REGULATIONS CONTROLLING THE SUBDIVISION OF LAND IN ENGLEWOOD, 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 in 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.

ARTICLE 1

PREAMBLE AND ENACTMENT CLAUSE

In pursuance of authority set forth in Sections **13-4-301** through **13-3-309**, Tennessee Code Annotated, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the city; to encourage economically sound and stable land development; to assure the provision of required streets, utilities and other facilities and services to land developments; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land development; to assure the provision of needed public open spaces and building sites in land 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 Englewood, the Municipal Planning Commission of Englewood, Tennessee, does ordain and enact the following articles and sections:

ARTICLE 2

SHORT TITLE

This document shall be known and may be cited as the "Subdivision Regulations of Englewood, Tennessee."

ARTICLE 3

DEFINITION OF CERTAIN TERMS USED HEREIN

03.00. Definitions

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

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

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.

Block: A tract of land bounded by public ways or by public parks, cemeteries, railroad rights-of-way or shorelines or waterways or a combination of such.

Building: Any structure built for the support, shelter or enclosure of persons, animals, or movable property of any kind and includes any structure.

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

Building Setback Line: A line in the interior of a lot which is generally parallel to and a specified distance from the street right-of-way line or adjacent property lines; which creates a space between such lines in which no building shall be placed.

Buildable Area of a Lot: That portion of a lot bounded by the required rear and side yards and the building setback line.

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

Cluster Subdivision: A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant area is devoted to open space.

Collector Street or Road: A major public way intended to move traffic from local ways to arterial routes. Collector routes serve a neighborhood or large subdivision(s) and normally have an average daily traffic count ranging from one thousand and one (1,001) to three thousand (3,000).

Comprehensive Plan: A comprehensive long-range plan is intended to guide the growth and development of a community or region and one that includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use. For the purpose of these Subdivision Regulations, the Town of Englewood Comprehensive Plan.

Condominium: A form of ownership of less than the whole of a building or system of buildings under the provisions of Title 66, Chapter 27, Tennessee Code Annotated, which provides the mechanics and facilities for formal filing and re-coordination of divided interests in real property, whether the division is vertical or horizontal.

Condominium Subdivision: The subdivision of property through the establishment of a condominium or horizontal property regime.

Horizontal Condominium Subdivision - A subdivision where each unit occupies some ground space.

Vertical Condominium Subdivision - A subdivision of a multi-story building in which one (1) or more units do not occupy ground space.

Condominium Unit: A space conveyed by separate title and located within a condominium structure.

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

Culvert: A drain, ditch or conduit not incorporated in a closed system that carries drainage water under a driveway, roadway, railroad, pedestrian walk or public way.

Design Plat: A map of a proposed subdivision showing the lot sizes and layout, location and sizes of streets and used as an aid in discussing the design of the proposed subdivision.

Developer: The legal or beneficial owner of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land, and which undertakes the activities covered by these regulations. In as much as the subdivision plan drawings are merely a necessary means to the end of assuring satisfactory development, the term "developer" includes "subdivider", "owner" or "builder" even though the persons and their precise interests may vary at different project stages.

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: (1) Surface water runoff; (2) the removal of surface water or ground water from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

Dwelling Unit: A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

Easement: Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

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 allow utility facilities to be constructed, maintained or preserved. Utility easements shall include, but are not limited to, easements for storm drainage, water lines, sewer lines, electric power lines, and pipe lines.

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

Final Plat: The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission for approval and which, if approved by the Commission, is recorded with the County Registrar of Deeds.

Flag Lot: An interior lot located to the rear of another lot but with a narrow portion of the lot extending to the street. The narrow portion of the lot that extends to the street shall be suitable for ingress and egress.

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 Englewood'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 the Oostanaula Creek and other streams in the planning region 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. The floodway along Oostanaula Creek is indicated by the regional flood line on the chart, "High Water Profiles, Oostanaula Creek, Vicinity of Englewood, Tennessee" (TVA, February 1963) which is made a part of this ordinance.

Floodways on other streams shall be that area extending to each side of the stream a distance equal to five (5) times the width of the stream at top of banks, unless the subdivider demonstrates that a smaller area is reasonable, such determination being based on a study of the drainage area, the probable runoff after development, and other topographic and

hydrologic data prepared by a registered / licensed engineer. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot

Floodway Encroachment Limits: The lines marking the limits of floodways on official federal, state and local floodplain maps.

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

Grading: Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

Health Authority: The director of the county or district health department having jurisdiction over the county health, or his duly authorized representative.

Highway, Limited Access: A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property(s) or lands and other persons have no legal right of access to or from the traffic way, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Homeowners Association: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

Improvements: Physical changes made to raw land and structures on or under the land surface in order to make the land more usable for man's activities. Typical improvements in these regulations would include but not be limited to grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, street name signs and street trees.

Individual Sewage Disposal System: A septic tank, seepage title sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Land Subject to Flood: Anything which can be expected to be reached by floodwater because of its proximity to a stream and/or because it is below a designated elevation shall be considered to be subject to flood. Land outside the floodway raised by filling to above the designated level shall no longer be considered subject to flood.

Land Use Plan: A plan showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes. For the purposes of these Subdivision Regulations, the Town of Englewood Land Use Plan.

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 original (1st) adoption (August 1969) of the *Englewood Subdivision Regulations*.

Lot, Corner: A lot situated at the intersection of two (2) or more public ways.

Lot Depth: The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

Lot Frontage: That dimension of a lot or portion of a lot abutting on a street excluding the side dimension of a corner lot.

Major Road Plan: The plan adopted by the Planning Commission, pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, the general location, character and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways. For the purpose of these Subdivision Regulations, the Town of Englewood Major Street and Road Plan as registered at the McMinn County Registrar's Office.

Major Subdivision: All divisions of a tract or parcel of land into five (5) or more lots, building sites or other divisions for the purpose, whether immediate or future, for sale or building development; and includes all division of land into two (2) or more lots involving a new street, or a 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. The following are not included within this definition:

- a. testamentary division of property;
- b. partnership division of property between two (2) or more owners of an undivided interest by court order; or
- c. the division of land into parcels of five (5) acres or more not involving any new streets or easements of access.

The creation of a tract or parcel of less than five (5) acres shall be deemed a subdivision and subject to the provisions of this chapter whether or not it fronts on an existing street or road, except where land is partitioned among the owners by the court.

Minor Subdivision: All divisions of a tract into four (4) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The following are not included within this definition:

- a. all divisions of land involving a new street; a change in an existing street; or the extension of water, sewer or gas lines.

National Flood Insurance Program: A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the National Flood Insurance Program regulations. The program regulations are found at 24 Code of Federal Regulations, Chapter X, Subchapter B.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having title to or sufficient proprietary interest in the real property to seek subdivision or development of that property.

Percolation Test: An examination of subsoil used in determining the acceptability of the site and the design of the subsurface disposal system.

Performance Bond: See Surety Instrument.

Planning Commission: The Englewood Municipal Planning Commission (EMPC).

Preliminary Plat: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner of layout of the subdivision to be submitted to the Planning Commission for approval.

Public Improvements: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

Public Uses: Public parks, schools and administrative, cultural and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and material.

Public Utility: Any person, firm, corporation, municipal department or board duly authorized to furnish under state or municipal regulations to the public electricity, gas, stream, communications, telegraph, transportation, water, or sewer.

Public Way: Any publicly owned street, alley, sidewalk, or lane right-of-way which provides for movement of pedestrians or vehicles.

Reserve Strip: A portion of land set aside to prevent and prohibit access to adjoining property or public thoroughfare.

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

Right-of-Way: A strip of land occupied or intended to be occupied by a public way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way" for land platting purposes, shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimension areas of such lots or parcels.

Roadway: The portion of the street right-of-way which contains the street pavement, curb, and gutter, and is used primarily as a channel for vehicular movement and secondarily as a drainage channel for storm water. In these regulations the pavement is measured from face to face of the curbs.

Setback: - The distance between a building wall, edge of a structure or overhang of a building, whichever extends out the farthest and the nearest to a right-of-way of a public way, or the distance required to obtain the minimum front, side and rear yards.

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

- a. **Arterials and Collectors** - the street designated as such in the Englewood, Tennessee, Transportation Plan (the same streets may also be known as major thoroughfares).
- b. **Secondary Collector** - a collector street which carries traffic from local streets to major thoroughfares.
- c. **Local Street** - a neighborhood street used primarily for access to the abutting properties.

- d. **Marginal Access Street** - a minor street parallel and adjacent to major thoroughfares which offers access to abutting properties.
- e. **Alley** - a minor way used for service access to the back or side of properties otherwise abutting on a street.
- f. **Cul-de-sac** - a local street with only one outlet, sometimes called a "dead-end" street.

Street Furniture: Any improvements placed within the street right-of-way, such as utility poles, street signs, etc.

Street Grade: The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street at the midpoint of the lot shall be taken as the street grade.

Structure: Anything constructed above or below ground.

Subdivider: The person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance or proceedings to subdivide such land under this ordinance, or the authorized agent, person, firm or corporation for the purpose 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:** 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.
3. **Simple Subdivision Land Splits:** In accordance with Tennessee Code Annotated, Section 13-4-302 that if the plat of subdivision of land into no more than two (2) lots, then approval may be endorsed in writing on the plat by the secretary of the planning commission without the approval of the entire municipal planning commission , upon certification by the planning staff of the municipal planning commission that the subdivision complies with such regulations governing a subdivision of land as have been adopted by the planning commission pursuant to Tennessee Code Annotated Section

13-4-303; and, provided further, that no request for variance from such regulations has been requested, and no new utilities or streets are required.

Surety Instrument: Any form of security, including a cash deposit, surety bond, collateral, property or letter of credit in an amount and form satisfactory to the Planning Commission, such security to bind the one posting the bond to perform required acts, such as constructing subdivision improvements with the condition that the security shall be forfeited if such acts are not performed.

Temporary Improvement: Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements.

Yard, Front: An open space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line (extended) of the building and the street line.

Yard, Rear: A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots, except corner lots, the rear yard shall be opposite the front yard. On corner lots, the rear yard shall be defined at the time the building permit is issued.

Yard, Side: An open space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Zoning Ordinance or Resolution: A statute, legally adopted pursuant to Title 13, Chapters 4 or 7, Tennessee Code Annotated, for the purpose of regulating by district, land development or use for a designated area. For the purpose of these Subdivision Regulations, known as Town of Englewood Zoning Ordinance.

ARTICLE 4

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 shall be entitled to record in the office of the McMinn County Register unless it shall have the approval of the Planning Commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the Planning Commission, as required by these regulations, is declared to be a misdemeanor, punishable by law.

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 McMinn County Register is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties.

Section 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 13-4-302, 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 13-4-307, Tennessee Code Annotated.

Section 4.05. Erection of Buildings. No building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the Planning Commission unless the street giving access thereto has been accepted as a public street in accordance with these regulations, or unless such street has been accepted as a public street prior to the effective date of these regulations.

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

Section 4.06. Penalties. No county register shall receive, file or record a plat of a subdivision within the planning region without the approval of the Englewood Planning Commission as required in Section 13-4-306, Tennessee Code Annotated, and any county recorder so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

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

ARTICLE 5

GENERAL REQUIREMENTS

Section 5.01. 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 5.02. Access. Access to every subdivision shall be provided over a public street. New subdivisions using private streets or easements will not be allowed.

Section 5.03. Public Use Areas. When features of other plans adopted by the Planning Commission (such as schools or other public building sites, parks or other land for public use) are located in whole or in part in a land subdivision, land for such features shall be either dedicated or reserved by the subdivider for acquisition within one (1) year by the appropriate public agency.

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

NOTE: One of the primary purposes and advantages of planning for the dedication and reservation of property for public use is to indicate areas which may be presently acquired at today's acreage prices rather than at greatly increased prices in the future. Also, future improvements and acquisition would increase the expense to the city's taxpayers as well as inconveniencing the individual property owners and the neighborhood in general.

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 and indefinite period.

Section 5.04. Suitability of the Land. The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed. This includes land which is:

- a. Physically unsuitable because of flooding, bad drainage, steep slopes, rock formations, unsuitable soil, and other features which may endanger health, life, or property, aggravate erosion, increase the flood hazard, or necessitate expenditure of public funds for supply and maintenance of services and/or which other public agencies have investigated and found to be not in the best interest of the public.
- b. Unsuitably located by reason of being scattered or premature subdivision of land which would involve danger or injury to the health, safety, property, or economic utilization

because of lack of or adverse effect on water supply, schools, proper drainage, good transportation, or other public services or facilities that would necessitate an excessive expenditure of public funds for supply or maintenance of such services or elimination of danger.

- c. Subject to flooding because of its proximity to the stream or because of low elevation.

Land subject to flooding shall not be platted for residential occupancy or building sites unless such land is shown to be outside of the floodway of the river or stream causing the flooding. Fill may not be used to raise land within the floodway. Fill may be used outside of the floodway provided that any fill shall extend twenty five (25) feet beyond the limits of any structure erected thereon.

If a subdivision is proposed within one hundred (100) feet of a stream for which detailed flood data has not been published, the Planning Commission shall require detailed flood information for the particular area before deciding whether or not such subdivision development can occur.

In applying this provision, land below the elevation of the Regional Flood on Chestuee, Little Chestuee and Middle Creeks shall be considered subject to flood. The elevation of the flood shall be determined from the chart, High Water Profiles, Chestuee, Little Chestuee and Middle Creeks, Vicinity of Englewood, Tennessee (Tennessee Valley Authority, August 1969). Areas included in the floodway are as shown on the map, "Floodway, Chestuee, Little Chestuee and Middle Creeks, Vicinity of Englewood, Tennessee (Englewood Planning Commission, August 1969).

Section 5.05. Individual Mobile Home Parks and Subdivisions. The requirements and regulations of the "Englewood Mobile Home Ordinance" contained within the Zoning Ordinance shall be satisfied and the approval of the local health authority must be secured prior to approval by the Planning Commission of any mobile home or travel trailer park. All mobile home or travel trailer parks must be connected to public sewer.

A mobile home subdivision shall meet the general requirements of these regulations prior to the approval of any plat and before the sale or lease of any individual mobile home lots.

Section 5.06. Large-Scale Development. The requirements of these regulations may be modified in the case of large-scale community or neighborhood units, such as a housing project, apartment complex or shopping center which is not subdivided into customary lots, blocks and streets. Plans for all such developments shall be presented to the Planning Commission for review and approval prior to the commencement of construction.

Where deemed necessary by the Planning Commission, large-scale development which fronts on major or secondary thoroughfares shall be required to provide a frontage access road, of no less than twenty-seven (27) feet in width, with permanent or temporary access to the public

thoroughfare to be provided at a location deemed desirable by the planning commission.

ARTICLE 6

GENERAL REQUIREMENTS FOR STREETS

AND OTHER RIGHTS-OF-WAY

Section 6.01. Conformance to Adopted Transportation Plan. All streets and other features of the Transportation Plan of Englewood, Tennessee, shall be platted by the subdivider in the location and to the dimensions indicated on the Transportation Plan (a.k.a. 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 floodways, as defined in these regulations. No street shall be approved which is more than two (2) feet below flood elevation. Fill may be used for streets in areas subject to flood 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 the flood heights.

Section 6.05. Street Names. The street names shall require the approval of the Planning Commission and the McMinn County 911 Office. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street.

Section 6.06. Restriction of Access. When a tract fronts on an arterial or collector street, 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. Private Streets and Reserve Strips. There shall be no private streets platted in any subdivision. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the city under conditions approved by the Planning Commission.

Section 6.09. Drainage Easements. Drainage easements having a minimum width of ten (10) feet shall be provided where deemed necessary along each side or rear lot line for utility lines and underground mains and cables. Easements of the same or necessary greater width shall be required along the lines of or across lots, where necessary, for the extension of existing or planned utilities.

Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm-water or drainage right-of-way (easement) of adequate width (parallel streets may be required by the Planning Commission in connection therewith). The drainage easement shall be the same as the area designated as the floodway (as defined in Article 3).

ARTICLE 7

STREET DESIGN REQUIREMENTS

Section 7.01. Street Right-of-Way Widths. The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way width shall be as follows:

a. Major Arterials..... 100 feet, or as
(See Transportation Plan, may be required
Englewood, Tennessee)

b. Minor Arterials80 feet
(See Transportation Plan)

c. Primary Collectors50 feet

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

d. Local Streets (Neighborhood).....40 feet

The purpose of a local street is to provide access to property abutting the public right-of-way. This includes vehicular and pedestrian access. Moving traffic is a secondary function of local streets.

e. Marginal Access Streets.....40 feet

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

f. Alleys20 feet

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

g. Cul-de-sacs.....40 feet

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

ILLUSTRATION - ROAD TYPES

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 seven hundred (700) feet. They shall be provided at the closed end with a turn-around having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet.

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

Where in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets having a length greater than two hundred (200) feet shall be provided with a temporary turn-around of either a circular or back-and-turn design.

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

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.

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

Section 7.03. Street Pavement Widths. Street pavement widths shall be as follows:

- a. Major Arterials.....30 feet, or
greater, or as
may be required
- b. Minor Arterials30 feet, or
greater, or as
may be required
- c. Primary Collectors24 feet, or
greater, or as
may be required

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

NOTE: The pavement widths are measured from inside curb to inside 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 minor streets a moving traffic lane should have a minimum of ten (10) feet. On neighborhood streets where the abutting property has adequate off-street parking and traffic moves slower, provision 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. Maximum and minimum street grades shall be fourteen (14) percent and one percent (0.5 %) respectively.

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.

Illustration – TYPICAL TANGENT SECTION TYPE ONE

Illustration – TYPICAL TANGENT SECTION TYPE TWO

Section 7.05. Horizontal Curves. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, the street shall have a centerline radius of not less than the following:

- a. Major thoroughfares300 feet
- b. Collectors200 feet
- c. Local streets100 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 twenty (20) feet vertically shall be required.

Section 7.07. Intersections. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees.

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

Section 7.10. Permanent Vehicular Easements. A permanent easement may not be permitted for use in any new subdivision. All new lots shall be provided access along a public right of way.

ILLUSTRATION – INTRSECTIONS / STREET JOGS

ILLUSTRATION ALTERNATE TURN-AROUND DESIGNS

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ARTICLE 8

DESIGN STANDARDS FOR BLOCKS AND LOTS

Section 8.01. Block Lengths and Widths. Block lengths and widths shall be as follows:

- a. blocks shall be no greater than one thousand two hundred (1,200) feet nor less than three hundred (300) feet in length (4 to 1), except in unusual circumstances; and
- b. blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets or where other situations make this requirement impractical.

Section 8.02. Flood-Free Building Site. Each lot in a subdivision shall contain a flood-free building site which shall be outside of the limits of any existing easement and/or the building setback lines as required by these regulations.

In areas subject to flood where no fill is proposed, no building line shall be located any closer to a watercourse, drainage way, stream or channel than the edge of the area subject to flood. In areas where fill is used to raise the elevation of the building site, the fill shall extend streamward twenty-five (25) feet beyond the limits of any structure erected thereon, but no fill shall be placed in the floodway.

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 shall be as follows:

- a. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than four (4) times the width of the lot at the building line, unless unusual circumstances make these limitations impractical.
- b. Lots not served by public water and sanitary sewer systems shall be at least twenty five thousand (25,000) square feet in area or of a size specified by the city health authority to adequately accommodate both a 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, or as required by the state environmentalist. Where individual septic tanks are used on lots served by a public water system, minimum lot size shall be twenty thousand (20,000) square feet.
- c. Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets. Both property lines abutting streets will be required to meet front setback requirements.
- d. Commercial and industrial lots shall be adequate in size to provide service areas and off-street parking suitable for the type of use and development contemplated. Platting of

individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

- e. Land shall not be platted for commercial or industrial purposes unless the subdivider can demonstrate to the Planning Commission that each lot provides the following:
 - 1. A site that does not unduly interfere with through traffic. (Each industrial subdivision or area shall utilize a single collector for all heavy traffic between the area and the general system of streets and roads. Minor industrial streets and individual industrial parcels shall be oriented at right angles with the collector and with adjacent railroads.)
 - 2. An integrated parking area.
 - 3. An insulation against any adverse effect on any present or future adjacent residences.
 - 4. A parcel size sufficient in area to allow future expansion. For further requirements see Site Plan requirements in the Zoning Ordinance.

Section 8.04. Lot Lines. All lot lines shall be perpendicular or radial to street lines, unless impractical because of topographic or other features.

Section 8.05. Building Setback Lines.

A building setback line meeting the front yard setback requirements of the Zoning Ordinance shall be established on all lots. In the absence of a Zoning Ordinance, the front yard setback shall be a minimum of twenty-five (25) feet from the street right-of-way lines. Other minimum setback lines shall be as follows:

- a. from the side property line.....10 feet
- b. from rear property line.....15 feet
- c. from side street line which abuts.....25 feet
a minor street (corner lot) or as may be required

Section 8.06. Lot Abutting Public Streets. Each lot shall abut upon a dedicated public street at least 50 feet unless the lot is considered a flag lot.

Section 8.07. Double and Reverse Frontage Lots. Double 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 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.

Illustration TYPES OF LOTS

Section 8.08. Flag Lots. In the Englewood corporate limits, flag lots shall be allowed only if they meet these requirements:

- a. For flag lots of one (1) acre or less, the access strip shall be a maximum of 300 feet in length and a minimum of 25 feet in width;
- b. 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 40 feet in width. (This wider access strip will allow room for a public street when and if the flag lot is ever resubdivided.)
- c. 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 as 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 intersection is even more important if the flag lot is ever made into a subdivision housing a number of families.
- d. Whenever an access strip is required, the developer shall locate it on land which affords grade requirements of these regulations so that if the flag lot is subdivided, the planning commission will be able to approve the grade of the new public road built on the right-of-way necessary to construct a street meeting these requirements. (This requirement is needed so that the city does not, at a future date, have a dangerous road which is difficult to maintain and to serve public vehicles such as buses, fire trucks, etc.)
- e. Within the portion of the flag lot which doesn't 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.
- f. Minimum lot sizes shall be calculated, excluding the access strip.
- g. 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. Only two 25' width flag lots will be allowed side by side, and 40' or greater width flag lots will not be allowed side by side. The request to exceed two (2) flag lots in a subdivision must be approved by the EMPC, including side by side flag lots..

ARTICLE 9

PRE-APPLICATION PROCEDURE FOR MAJOR SUBDIVISION

Whenever a major subdivision of a tract of land within the Englewood Planning Region is proposed, the subdivider is urged to consult early and informally with the Secretary or a designated member of the Planning Commission. (See Article 15 for Review Procedure of Minor Subdivision Plats.) The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the pre-application review and no formal application shall be required.

NOTE: (1) The purpose of the pre-application review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the Planning Commission in order to facilitate the subsequent preparation and approval of plans.

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

(2) The various plat reviews required by these regulations may properly be made by the Secretary or a designated member of the Planning Commission. It would be 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 review.

ARTICLE 10

PRELIMINARY PLAT SPECIFICATIONS FOR MAJOR SUBDIVISION

(SEE ARTICLE 15 FOR MINOR SUBDIVISION)

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 no larger than eighteen (18) by twenty-four (24) inches, or shall be the sheet size required and deemed acceptable 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 Elevation. Contours shall be shown at vertical intervals of not more than five (5) feet, except when specifically not required by the Planning Commission.

Section 10.04. Information to be Provided on Preliminary Plat. The preliminary plat shall contain the following information:

NOTE: When submitting a plat for review by Staff one copy will be sufficient. A plat should be delivered to Staff one week prior to a meeting in order to get on the agenda.

- a. name of subdivision;
- b. name and address of owner of record, subdivider, and licensed surveyor;
- c. north point, graphic scale and date;
- d. vicinity map showing location and acreage of subdivision;
- e. exact boundary lines of the tract by bearing and distances;
- f. names of adjoining property owners and/or subdivisions;
- g. existing streets, buildings, water courses, railroads, culverts, utilities and easements on and adjacent to the tract;
- h. proposed design including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses and any land to be used for purposes other than single-family dwellings;
- i. block numbers and lot numbers;
- j. plans of proposed utility layouts (sewers, water, gas and electricity) showing feasible connections to the existing or any proposed utility systems and drainage. When connections

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

- k. where public sewerage and/or water are not available, the following shall be shown:
 - 1. areas to be used for sewage disposal on each lot;
 - 2. water wells (existing and/or proposed);
 - 3. rock outcroppings, marshes, springs, sinkholes, natural storm drains and other outstanding topographical features; and
- l. minimum building front yard setback lines;
- m. the present zoning classification, if any, on the land to be subdivided and on the adjoining land;
- n. contour lines at least for every five (5) foot change in elevation;
- o. such street cross-section and centerline profiles as may be required by the city engineer and/or Planning Commission; and
- p. 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.
- q. proposed fire hydrant locations.
- r. plans should include proposed stormwater drainage plan.

Illustration - PRELIMINARY PLAT DIAGRAM

ARTICLE 11

PROCEDURE FOR PRELIMINARY PLAT APPROVAL

OF MAJOR SUBDIVISIONS

Section 11.01. Application for Preliminary Plat Approval. Following the pre-application review of a proposed major subdivision the subdivider shall submit to the Chairman of the Planning Commission or Planning Staff, at least fifteen (15) days prior to the next regular meeting of the Planning Commission, the following:

- a. A letter requesting review of a plat and approval of a preliminary plat and giving the name and address of the person to whom the notice of the hearing by the Planning Commission on the preliminary plat shall be sent, and
NOTE: When submitting a plat for review by Staff one copy will be sufficient.
- b. After review and recommendation by Staff five (5) copies of the preliminary plat and other documents, as specified in Article 11.

NOTE: Five (5) copies of the preliminary plat and other documents are suggested to provide a review and record copy for: 1. Planning Commission; 2. Subdivider; 3. Public Utility Department or Company (for record); and 4. County Health Office; and 5. City Engineer.

Section 11.02. Review of Preliminary Plat. The Planning Commission shall check the plat for conformance to these regulations and shall afford a hearing on the preliminary plat, notice of the time and place of which shall be sent by the Secretary of the Planning Commission to the person designated in the letter requesting preliminary plat review and approval, not less than seven (7) days prior to the date of the hearing.

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

Tentative approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval shall expire and be null and void after a period of one (1) year unless an extension of time is applied for by the subdivider or his representative and approved by the Planning Commission.

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

11.03 Preliminary Plat Certificate.

Preliminary Plat Certificate

Therefore, the 'Preliminary Plat' of _____ Subdivision has been approved by the Englewood Regional Planning Commission on _____, 20____, subject to the following modifications. This approval does not constitute approval of a final plat. This Certificate of Tentative Approval shall expire and be null and void on _____, 20____." (one year later)

ARTICLE 12

APPROVAL OF MAJOR SUBDIVISION

Prior to the approval of a final plat, an agreement shall be reached between a subdivider or his agent and the City of Englewood or the county government with regard to the installation of any road improvements or utility construction called for in the subdivision plat. The subdivider, at his expense, may contract with any Tennessee licensed construction company to install the necessary improvements. Lists of said companies may be obtained from the State of Tennessee, the City of Athen's Department of Community Development, or the McMinn County Highway Department.

Section 12.01. Monuments.

- a. Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top, shall be set at all road corners, at all points where the road lines intersect the exterior boundaries of the subdivision, and at angle points of curve in each road. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
- b. All other lot corners shall be marked with iron pipe (rebar) not less than three-fourths (3/4) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

Section 12.02. Grading. All streets, roads and alleys shall be graded by the subdivider to the required cross section. Due to special topographic conditions, deviation from the above will be allowed only with special approval of the Planning Commission. Where roads are constructed under or adjacent to existing electric transmission lines, the nearest edge of the roadway surface shall be a minimum of fifteen (15) feet from any transmission line structure and all grading for the road shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the road to the nearest conductor shall meet the requirements of the National Electric Safety Code.

- a. **Preparation.** Before grading is started, the entire right-of-way area shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation. The roadway portion of the right-of-way shall be cleared of objectionable materials, such as topsoil and loose fill, down to a suitable level of stable soil.
- b. **Cuts.** All tree stumps, boulders and other obstructions shall be removed to a depth of two (2) feet below the subgrade or to a depth necessary to provide a suitable stable soil. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade. This provision applies to the roadway and not necessarily to the entire right-of-way width.
- c. **Fill.** All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed six (6) inches loose and compacted to a minimum of 80% of maximum

density by a “sheep's foot” roller. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped with a suitable tool. Utility trenches that are located beneath streets and other vehicular traffic areas should be backfilled completely with an approved crushed stone and mechanically tamped. All fill areas in the final subgrade of any public street should be compacted to a minimum of 95% of maximum density.

Section 12.03. Installation of Utilities. After grading is completed and approved and before any base is applied, all of the required underground work--water mains, sewer lines, gas mains, etc., and all service connections shall be installed completely and approved throughout the subdivision.

Section 12.04. Street or Road Base. The base shall consist of crushed stone, size 25, Grade D, Class B, compacted to six (6) inches, and constructed as specified in Section 303, Tennessee Department of Highways', Standard Specifications for Road and Bridge Construction, 1968 (or the current version if updated).

NOTE: Standards and specifications as indicated in the Tennessee Department of Highways', Standard Specifications for Road and Bridge Construction, are subject to periodic revision. Revisions made in Sections 35 and 104 should be incorporated in new road construction.

Section 12.05. Asphaltic Concrete Surface Course (Hot Mix). All proposed subdivisions shall use a hot mix surface for all new roads. The subdivision roads shall use an asphaltic concrete (hot mix) to include a binder and a topping meeting the following specifications: course binder (B.M. Grade Hot Mix 307-03-15) at the rate of 220 pounds per square yard and 2 inches in thickness and then the topping (Grade E Hot Mix 411-03-10) at the rate of 110 pounds per square yard one (1) inch in thickness. In all cases it shall have not less than an average weight of two hundred twenty (220) pounds per square yard for the binder and no less than one hundred ten (110) pounds per square yard for the topping. Bituminous plant-mix base (hot mix) shall be in accordance to the Tennessee Department of Transportation's “Standard Specifications for Road and Bridge Construction” (or any subsequent revisions), March 1, 1981. Materials shall conform to Section 307 (Grading C). When the surface course binder is completed and again when the topping is completed, the developer must notify the Commissioner of Highways and allow his office to inspect the surface course in the third and final inspection needed for approval. At the time of notification, the developer is required to provide a job-mix formula to the Commissioner of Highways to ensure that proper materials and standards will be used during construction.

- a. Curbs should be constructed using concrete material.

NOTE: Each new road proposed under these regulations shall be inspected by the City or County Commissioner of Highways or his duly qualified and appointed official at three or four stages during the construction process. The first inspection will occur after grading has been completed, the second after the road base has been constructed, the third after the Asphaltic Concrete Surface Course(binder) has been completed, and the fourth after the Asphaltic Concrete Surface Course(topping) has been completed (including curbs if used). If desired by the developer the road can be constructed to the binder stage, then the developer shall maintain a 18 month maintenance bond and apply the topping before the maintenance bond expires.

Section 12.06. Street or Road Base and Surface with Extruded Curb. If the subdivider proposes to utilize an approved extruded curb, the following requirements shall be met:

- a. Street Base. The street base shall consist of crushed stone Grade D, Class B, compacted to four (4) inches.
- b. Asphaltic Binder. The road surface shall consist of two (2) inches of approved asphalt binder (The extruded curbs shall be laid to true and even forms on the binder).
- c. Asphalt Topping. The road surface shall consist of one (1) inch of approved asphalt topping (see City of Englewood for approved asphalt specifications).

This section depends upon approval by the city.

Section 12.07 Curbs and Gutters. *Concrete curbs shall be installed by the developer or subdivider on both sides of all new streets within the corporate limits of Englewood. The curbs shall be backfilled with a suitable material and the fill shall slope toward the storm drainage system or curb line.*

Where access streets to adjoining properties are provided and they provide no other frontage for lots, they shall be curbed to the property line. Where a temporary turnaround or cul-de-sac is provided, curbs shall end at the transition curb in such a way to facilitate a smooth continuation of the future curbing.

- a. Material Specifications. *All curbing is to be constructed of Portland Cement type concrete.*
- b. Design Specification. *The following curb designs are illustrated on a separate page in the appendix.*

Extruded Design—*All curbing shall be of no lower classification than poured in-place or machine formed curbing formed or extruded to the following dimensions: eight (8) inches wide at the base, six (6) inches wide at the top, and eight (8) inches tall. (After the application of asphalt topping of the street, the curb should measure no less than seven (7) inches tall).*

Curb and Gutter—*All extruded or poured in-place combined curb and gutter shall be installed to the following dimensions: curb six (6) inches wide and eight (8) inches tall at the face and twelve (12) inches tall at the rear. Gutter: twelve (12) inches to the face of curb.*

Exceptions—*Any exceptions to the above material or design specifications should be submitted to the City of Englewood for approval prior to any construction.*

Section 12.08. Curb Cuts and Non-Residential Driveway Aprons. All curb cuts and the installation of non-residential driveway aprons shall be approved by the Building Inspector and shall be in a manner that insures positive drainage to the street. An expansion joint with filler shall be provided at each edge of the driveway apron where it abuts the curb and gutter. The driveway apron shall be constructed of either concrete or asphalt material and shall be paved from the edge of paved road to the end of the public right-of-way.

Section 12.09. Storm Drainage.

An adequate drainage system shall be provided and properly installed by the subdivider for the proper drainage of all surface water. These systems shall include any necessary open ditches, pipes, cross drains, culverts, intersectional drains, drop and curb inlets, bridges, detention areas, and other drainage structures.

NOTE: Cross drains should be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than twelve (12) inches. Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed.

Section 12.10. Water Supply System. When any portion of a proposed subdivision is located within three hundred (300) feet of an existing public water line, water lines shall be installed to serve all the lots within the subdivision. Water mains and appurtenances properly connected with the community water supply and approved by the State of Tennessee Department of Public Health and the Town of Englewood, shall be constructed in each subdivision to adequately serve all lots for domestic use and fire protection. All construction of water lines and appurtenances may be made by the water utility district serving the area, either with their own forces or by contract, upon the subdivider making proper bond or financial arrangements with said district. The subdivider may construct said water lines and appurtenances but said construction shall be subject at all times to the inspection and approval of said district or district authority and all inspections will be at the cost of the subdivider.

All water mains, except services, shall not be less than six (6) inches in diameter and of a material approved by the Federal Housing Administration. Fire hydrants shall be installed in all subdivisions within the Englewood corporate limits. The fire hydrants shall be located at the end of each line and no home or building shall be more than five hundred (500) feet from a fire hydrant. In special cases such as cross streets when six (6) inch mains are provided, four (4) inch mains may be acceptable provided that adequate fire protection may be furnished. No two (2) inch water mains shall be installed under any circumstances and no fire hydrants shall be located on four (4) inch mains.

The specifications of all material, including but not limited to fire hydrants, and the manner in which all lines and appurtenances are laid shall meet the inspection and approval of the Town of Englewood.

All water construction plans for subdivisions shall include a service from the main water line to the property line of each proposed lot in order that each proposed lot, at the time of construction, may be served by water without the installing of additional lines or appurtenances.

The entire cost and expense of installing the required water supply system including the connection to the existing water supply and including but not limited to the cost of pipe, valves, fittings, fire hydrants, trenching, backfilling, street repair and services shall be borne by the subdivider including the stipulated payment for tapping and metering the system to serve each lot.

The provisions of this section shall apply to all major subdivisions and may apply to minor subdivisions if deemed appropriate by the Englewood Municipal Planning Commission.

Section 12.11. Sewage Disposal. When any portion of a proposed subdivision is located within two hundred (200) feet of an existing public sanitary sewer line, sanitary sewers shall be installed to serve all the lots within the subdivision. *Should the subdivision have elevations which are below those of the nearest public sanitary sewer, a lift station shall be installed by the subdivider provided the public sanitary sewer is within a reasonable distance of all portion of the subdivision. Alternative designs utilizing grinder pumps may be used upon approval by the local district authority. All sanitary sewer construction shall be built in accordance with the rules and regulations of the Tennessee Department of Public Health. All construction of sanitary sewers and appurtenances shall be by an appropriate utility district, either with their own forces or by contract, upon the subdivider making proper bond or financial arrangements with said district. The subdivider may construct such sanitary sewers and appurtenances but said construction shall be subject at all times to the inspection and approval of said district authority and all inspections will be at the cost of the subdivider.*

All sewer lines except a house service shall be no less than eight (8) inches of a material approved by the Federal Housing Administration. Manholes shall be constructed to standard city specifications and located not more than four hundred (400) feet apart and at each change in direction and/or grade. Force mains shall be no less than four (4) inch pipe. Force main design for grinder pumps shall be approved by the local district authority and shall be a minimum of two (2) inches in diameter. Lift stations shall be prefabricated steel ejector type or duplex pump type. All construction in general shall conform to the requirements of and shall meet the approval of said district authority.

All sewer construction plans for subdivisions shall include a house service from the main sewer line to the property line of each proposed lot in order that each proposed lot at the time of construction may be served by sewer without the installing of additional lines. The end of each house service shall be properly marked.

The entire cost and expense of installing the required sanitary sewage system including the connection to the existing public sanitary sewer line and including but not limited to the cost of pipe, manholes, lift stations, force mains, trenching, excavation, backfill and services shall be borne by the subdivider including the stipulated payment for tapping the system to serve each lot.

Where a subdivision is located beyond the service limits as determined by the Planning Commission, the subdivider may elect to have the lots served by individual sewage disposal systems. Should individual sewage disposal systems be proposed, satisfactory evidence of acceptability in the form of certified approved percolation tests shall be required. Subdivisions shall also have lot sizes which are adequate for the installation of the proposed individual system and all such subdivisions shall be approved by the McMinn County Health Authority, in writing.

The provisions of this section shall apply to all major subdivisions and may apply to minor subdivisions if deemed appropriate by the Englewood Municipal Planning Commission.

NOTE: Upon receipt of a preliminary plat, the Health Authority reviews the data and a field investigation of each lot is made. If percolation rates are acceptable, other topographic features including lot sizes are considered. In addition to unsatisfactory percolation test results, lots may be deemed unacceptable because of rock outcroppings, gullies, natural storm drains, excessive slope and the like. In view of topographic features and percolation 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, 1967, 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 on 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 12.12. Sidewalks. For the safety of pedestrians and of children at play or on approaches to community facilities (schools, parks, etc) installation of sidewalks on both sides of the streets shall be required of the developer when considered to be necessary by the Planning Commission.

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

Section 12.13. Guarantee in Lieu of Completed Improvements. No final subdivision plat shall be approved by the Planning Commission or accepted for record by the county register of deeds, until one (1) of the following conditions has been met:

- a. All required improvements have been constructed in a satisfactory manner and approved by the Planning Commission; or

- b. The Planning Commission has accepted a surety bond or certified check in an amount equal to one hundred fifty (150) percent of the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the city, county, or other reasonable utility system in the event of default by the subdivider.

NOTE: The Town of Englewood shall set the amount of the bond based upon the cost of improvements estimated by the Town Engineer or other responsible utility district or official designated by the Planning Commission. The Planning Commission shall review the established amount.

Section 12.14. Maintenance Bond

- a. All improvements, whether constructed by the developer or by the Town using the developer's bond, shall have a maintenance bond to pay for any repairs during the first eighteen (18) months after construction.
 - 1. The Town agrees to attempt to contact the developer prior to making any repairs, unless these repairs are deemed by the Town to be of an emergency nature, to give the developer an opportunity to make the repairs prior to calling the bond.
 - 2. The maintenance bond shall cover 40 percent of the value of all road and drainage improvements.
 - 3. The bond shall be released upon expiration of the required time after a final inspection by the Town Street Commissioner or his designee and approval by the Englewood Board of Mayor and Commissioners.

ARTICLE 13

FINAL PLAT SPECIFICATIONS

Section 13.01. Final Plat Specifications. The final plat shall conform to and meet the specifications of the preliminary plat (Article 11) with the following additions:

- a. 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);
- b. municipal, county and land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision;
- c. exact boundary lines of the tract, determined by a field survey, giving distances to the nearest minute, which shall be balanced and closed with an error closure not to exceed one (1) to five thousand (5,000);
- d. property owners name(s), note tax map and parcel number, name of subdivision, exact location, widths and names of all streets and alleys within the immediately adjoining tract;
- e. street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents;
- f. lot lines with dimensions to the nearest one-tenth (1/10) of a foot and bearings;
- h. lots numbered in numerical order and blocks lettered alphabetically;
- i. location, dimensions and purposes of any existing easements and any areas to be reserved or dedicated for public use;
- j. show location of existing structures;
- j. accurate location, material and description of existing and proposed monuments and markers;
- k. a statement, either directly on the plat or in an identified attached document, or any private covenants;
- l. note FIRM including panel #, and 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; and
- m. modifications, limitations and approval by health authority
- n. note zoning

NOTE: "As built" plan and profile of all streets and sewers and storm drains shall be furnished to the town upon completion of the project.

ILLUSTRATION- FINAL PLAT

Section 13.02 Certifications

Surveyor's Certification. A registered / licensed land surveyor's certification shall be placed directly on the final plat as follows:

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; and that all monuments shown hereon actually exist or are marked as "Future," and their location, size, type and material are correctly shown; and that all engineering requirements of the Subdivision Regulations of Englewood, Tennessee, have been fully complied with." By: _____

Owner's Certification / Certificate of Dedication. A certification by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he is dedicating shall be placed on the final plat. As owner's certification shall be placed on the final plat, as follows:

"Owner's Certification:

State of Tennessee, Town of Englewood, County of McMinn

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey and that all state and county taxes or other assessments now due on this land have been paid, 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.

"The owner of the land shown on this plat and whose name is subscribed."

Agent _____

Owner _____

Date _____

Date _____

Street Certification. A certificate shall be placed on the final plat as follows:

"I hereby certify that the streets, surface drainage systems and related improvements, shown on the plat, have been completed to proper specifications and according to required design standards."

_____ Date

_____ Town Engineer / Town Official

Certification of the City Engineer, County Health Authority or City Attorney. The Town Engineer, or other responsible official designated by the Planning Commission, shall certify that the water or sewage disposal system and other improvements indicated on the plat have been completed to proper specifications and per design standards. Where the required improvements have not been completed, the city attorney shall certify that approved bond, or security, has been posted to insure their completion.

A certificate signed by the Town Engineer /Appropriate Town Official or County Health Authority shall be placed on the final plat as follows:

"Utility Certificates"

Certificate of Approval of Sewage Disposal.

Option 1

Certificate of Approval of Sewage Disposal (Septic System)

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

Environmental Specialist
Division of Ground Water Protection

Date

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

ENGLEWOOD BOARD OF WATER AND SEWER

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

ENGLEWOOD BOARD OF WATER AND SEWER

Englewood Town Recorder – for Surety Instrument

Certificate of Approval of Water System.

Option 1

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

ENGLEWOOD BOARD OF WATER AND SEWER

Or *Option 2*

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

ENGLEWOOD BOARD OF WATER AND SEWER

Englewood Town Recorder – for Surety Instrument

Certificate of Approval by Electric Power Utility.

I hereby certify that this subdivision plat shows adequate easements for existing and future electric power lines.

DATE

ELECTRIC UTILITY

Gas Certificate. A certificate signed by the manager of the utility gas system shall be placed on the final plat as follows:

"Gas Certificate"

"I hereby certify that adequate easements have been allowed where needed for gas lines in this subdivision."

Date _____

Manager, Gas System

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 and this street will be recommended to the Englewood Board of Mayor and Commissioners for acceptance as an official city street.

DATE

ENGLEWOOD STREET DEPARTMENT

or Option 2

I hereby certify that the streets and drainage facilities for the _____ subdivision have been designed in an acceptable manner in accordance to required specifications AND a bond or adequate letter of credit in the amount of \$ _____ has been posted to cover the construction of streets and drainage. Bond amount is 150% of cost of construction.

DATE

ENGLEWOOD STREET DEPARTMENT

Englewood Town Recorder – for Surety Instrument

Certification of Issuance of Drainage and Road Maintenance Bond

"I hereby certify that a maintenance bond has been issued to Englewood, TN which covers 40% of the value of the drainage and road improvements shown on this plat. Said bond will remain in the possession of this office for eighteen (18) months, unless called upon by the appropriate authority for any improvements to the drainage system and/or road(s) shown on this plat."

Date

(Signature)

Englewood Town Recorder – for Surety Instrument

Certification of E-911 Approval

I hereby certify that I have reviewed this plat and find that it conforms to McMinn County’s E-911 Requirements, including street names as shown on the plat.

Date

McMinn County E-911 Representative

Final Plat Approval Certificate

"All the requirements of approval having been fulfilled pursuant to the Subdivision Regulations of Englewood, Tennessee, this final plat was given approval by the Englewood Municipal Planning Commission effective _____, 20 ____."

Date _____

Secretary Englewood Municipal Planning Commission

Minor Subdivision B (Simple Land Split) Certificate (Amended 1.9.23)

NOTE: (Must be included with above Final Plat Approval Certificate)

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

Date

City Recorder or Building Inspector

ARTICLE 14

PROCEDURE FOR FINAL PLAT APPROVAL

OF A MAJOR SUBDIVISION

(SEE ARTICLE 15 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, submit to the Planning Commission at least fifteen (15) days prior to the next regular meeting of the Planning Commission, the following:

- a. a letter and one copy of the plat requesting review and approval of a final plat, giving the name and address of the person to whom the notice of the hearing by the Planning Commission on the final plat shall be sent; and (send one copy of the plat to Staff for review)
- b. then after review by Staff and corrections are made (if necessary) six (6) copies of the final plat and other documents as specified in Article 14 should be prepared for the Planning Commission meeting. The copies shall be made from the original. Sheet size shall be no larger than eighteen (18) by twenty-four (24) inches, or shall be the sheet size required and deemed acceptable by the County Register for recording purposes. The certificates shall be placed on the original reproducible plat, and all the six (6) copies shall have certificate signatures on the final version prior to receiving action at a Planning Commission meeting.

NOTE: The six (6) prints will provide a copy for 1. one (1) copy for the county register to record; 2. for the local Planning Commission; 3. the state Staff Planner; 4. the Town recorder; 5. the health authority, and 6. The town's utility departments.

Section 14.02. Review of Final Plat. The Planning Commission shall check the final plat for conformance with the tentatively approved preliminary plat, and with the rules and regulations of this document. Thereafter, the Planning Commission shall approve or disapprove the final plat. A notation of the action of the Planning Commission shall be made on the six (6) copies of the final plat, including a statement of the reasons for disapproval if the plat is disapproved. If action on a final plat is not taken by the Planning Commission within thirty (30) days of the date of submittal, the final plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

NOTE: All certifications with appropriate signatures shall be placed on all six (6) copies of the plat and any others that may be deemed necessary. Certifications could possibly be placed on the plats by means of rubber stamps. All certifications with the exception of the Planning Commission approval certification should be signed prior to action by the Planning Commission. No plat should be approved subject to signatures.

Section 14.03. A Certificate of Approval of the Final Plat by the Planning Commission. If the subdivision is approved, the Secretary of the Planning Commission shall include a certificate of approval of the final plat directly on the copies of the plat, as follows:

Final Plat Approval Certificate

"All the requirements of approval having been fulfilled pursuant to the Subdivision Regulations of Englewood, Tennessee, this final plat was given approval by the Englewood Municipal Planning Commission effective _____, 20 ____."

Date _____

Secretary
Englewood Municipal Planning Commission

Section 14.04. Recording of Final Plat. Upon approval of a final plat, the Owner of the property is responsible to have the final plat recorded in the office of the McMinn County Register.

ARTICLE 15

REVIEW PROCEDURE FOR MINOR SUBDIVISION PLATS

Section 15.01. Whenever a minor subdivision is proposed, the requirements of the applicable sections of Articles 12 and 13 must be met. The requirements of Articles 9, 10, 11, and 14 shall not apply except as herein provided. The following procedures for application review and approval shall govern.

A. 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 Chapter 6 of this document.

B. Minor Subdivision B (Simple Land Split) – Plat Procedure (Amended 1.9.23)

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

NOTE: All plats going before the Planning Commission should be submitted for review to City Hall or the Staff Planner one week prior to the meeting in order to be included on the agenda. Minor Subdivision B (Simple Land Split) plats will be reviewed in a timely manner. Two (2) copies of the plat should be submitted for review and five (5) copies of the final version should be submitted for signatures in compliance with final plat requirements.

Section 15.02. The subdivider shall submit to the Secretary of the Planning Commission six (6) copies of the survey (hereafter called the "plat") of the proposed minor subdivision prepared by an approved land surveyor. The plat shall be submitted to the secretary of the Planning Commission at least fifteen (15) days prior to the next regularly meeting of the Planning Commission in order to receive consideration at said meeting.

Section 15.03. If any portion of the land being subdivided is subject to flood, as defined in Article 5 of these regulations, the limit of such flood shall be shown.

Section 15.04. The plat shall be clearly and legibly drawn at a suitable scale and shall contain all information normally required in an official survey with a licensed surveyor's certification plus:

- a. the name and address of owner of record;
- b. a vicinity map showing the location and acreage of the subdivision;
- c. the existing streets, buildings, water courses, utilities and easements; and
- d. location of all structures including existing septic system, if one exists;
- e. the present zoning classification, if any, on the land to be subdivided and on the adjoining land.

Certificates that shall be required are: (1) owner's certification; (2) certificate of dedication; and (3) certification of Planning Commission's approval directly on the plat as prescribed for the subdivision plats in Article 16 and any other certificates deemed necessary by the Planning Commission.

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

Section 15.05. The Planning Commission shall check the plat for conformance to the rules and regulations. Thereafter, the Planning Commission shall approve or disapprove the plat. A notation of action shall be made on all copies of the plat, including a statement of the reasons for disapproval, if the plat is disapproved. One (1) copy shall be returned to the subdivider or his agent, and one (1) copy added to the records of the Planning Commission, one (1) copy sent to the City Engineers, two (2) copies shall be recorded in the office of the McMinn County Register by the Secretary of the Planning Commission and one (1) copy shall be sent to the health authority, if required.

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

ARTICLE 16

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 these regulations will not destroy their intent. Any variance thus authorized shall be stated in writing in the minutes of the Planning Commission with the reasoning on which the departure is justified set forth.

Section 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 city.

ARTICLE 17

LEGAL STATUS PROVISIONS

Section 17.01. Separability. Should any section or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the regulations as a whole or part thereof which is not specifically declared to be invalid or unconstitutional.

Section 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.

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

Section 17.03. Adoption and Effective Date. These regulations shall take effect and be in force from and after the first day of its adoption, the public welfare demanding it.

Adopted by the Planning Commission on the ____ day of _____, 2006.

Chairman
Englewood Municipal Planning Commission

APPENDIX

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.
- ___ 5 copies submitted 15 days prior to planning commission meeting.
- ___ Name of subdivision.
- ___ Drawn to a scale of ___ equals ___ on sheets not larger than 16 1/2 inches by 22 inches including the binding strip.
- ___ Name, address, and phone number of owner of record, subdivider, and licensed surveyor.
- ___ North point, graphic scale, and date of drawing.
- ___ Bearings of property lines, and sufficient survey data to locate all lot and street lines including radii, angles, and tangent distances.
- ___ Reservations, easements, or other non-residential areas.
- ___ Dimensions to nearest 10th of a foot and angles to nearest minute.
- ___ Lot lines, alleys, and building setback lines.
- ___ Location and description of monuments.
- ___ Names and locations of adjacent properties.
- ___ Lines, names, and widths of all streets and roads.
- ___ Lots numbered in numerical order and blocks lettered alphabetically.
- ___ Location sketch map with any floodable areas outlined.
- ___ Certificate of ownership and dedication.
- ___ Certificate of approval of water system.
- ___ Certificate of approval of sewerage systems.
- ___ Certificate of approval of streets and drainage.
- ___ Certificate of registered / licensed surveyor.
- ___ Reference to any proposed deed restrictions.
- ___ Conforms to general requirements and minimum standards of design.
- ___ Required physical improvements have been made or bond posted in the amount of \$ _____.

CHECKLIST FOR PRELIMINARY PLAT CONSIDERATION

NAME OF SUBDIVISION: _____

LOCATION: _____

OWNER OF RECORD: _____

Address _____ Tel. _____

SUBDIVIDER: _____

Address _____ Tel. _____

SURVEYOR: _____

Address _____ Tel. _____

DATE SUBMITTED FOR PRELIMINARY APPROVAL: _____

CHECKLIST:

- _____ 5 copies submitted 15 days prior to meeting.
- _____ Name of Subdivision.
- _____ Name, address and phone number of owner of record, subdivider, and licensed surveyor.
- _____ North point, graphic scale, and date of drawing.
- _____ Scale not less than 1" = 100'.
- _____ Vicinity map showing acreage and location of subdivision in relation to surrounding roads and property.
- _____ Zoning, if any, on land in subdivision and adjacent land.
- _____ Boundary lines by bearing and distances.
- _____ Names of adjoining property owners and/or subdivision(s).
- _____ Location of all existing physical features on land and nearby properties.
- _____ Lot lines, parks and reservations, easements, and names, locations, and dimensions of proposed streets and alleys.
- _____ Consecutive lot numbers.
- _____ Plans of proposed utility layouts showing connections to existing or proposed utility systems.
- _____ Notation on plat if private wells or septic tanks are planned.
- _____ Preliminary approval for individual wells and/or septic systems has been granted by the McMinn County Health Department.
- _____ Cross-section and centerline street profiles at suitable scales as may be required by street superintendent and/or planning commission.
- _____ Conforms to general requirements and minimum standards of subdivision design.

**CERTIFICATE OF TENTATIVE APPROVAL
OF PRELIMINARY PLAT**

Pursuant to the Subdivision Regulations of Englewood, Tennessee, all the requirements of tentative approval have been fulfilled. Therefore, the "Preliminary Plat of _____ Subdivision" has been approved by the Englewood Regional Planning Commission _____, 20 _____. subject to the following modifications: _____

_____.

This approval does not constitute approval of a Final Plat. This Certificate of Tentative Approval shall expire and be null and void on _____, 20 _____. (one year from approval)

Variances granted, if any: _____

Signed: _____
Secretary of Englewood Municipal
Planning Commission

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

SUBDIVISION REGULATIONS

Englewood, Tennessee

Prepared By the Englewood Municipal Planning Commission

Original adoption August 1969

Revision Adopted April 2006

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CHECKLIST FOR FINAL PLAT CONSIDERATION

CHECKLIST FOR PRELIMINARY PLAT CONSIDERATION

CERTIFICATE OF TENTATIVE APPROVAL OF PRELIMINARY PLAT

ALTERNATE TURN-AROUND DESIGNS (Two Diagrams)

ANSWERS TO QUESTIONS OFTEN ASKED ABOUT SUBDIVISION REGULATIONS

1. ARE SUBDIVISION REGULATIONS FAIR TO EVERYONE?

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

2. WHO IS AFFECTED BY THE REGULATIONS?

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

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

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

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

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

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

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

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

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

- g. The legislative body of a county or municipality may stop sales by injunction or other legal action.

7. WHAT IMPROVEMENTS WILL I NEED TO INSTALL IN MY SUBDIVISION?

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

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

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

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

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

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

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

11. WHAT IF I WISH TO LAY OUT A COMMERCIAL OR INDUSTRIAL SUBDIVISION?

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

12. WHERE CAN I GET TECHNICAL SITE PLANNING ASSISTANCE?

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

STEPS FOR A SUBDIVISION DEVELOPER IN THE ENGLEWOOD PLANNING REGION

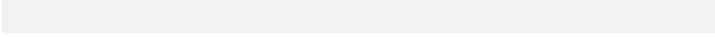
1. Confer with the Planning Commission and its staff representative to become thoroughly familiar with the subdivision requirements, the major street plan, and other public improvements which might affect the area to be subdivided.
2. Subdivider may submit sketch plans and data prior to preparing plat.
3. Have preliminary plat prepared by a licensed surveyor (This plat shall include the information listed in Article 9).
4. Discuss preliminary plat with staff representative.
5. Submit required copies of the preliminary plat to the Planning Commission for preliminary approval.

WHEN PRELIMINARY APPROVAL IS GIVEN -

6. Consult with the City of Englewood to obtain street and utility specifications.
7. Have construction drawing prepared by a licensed surveyor (See Article 13 for requirements).
8. Present drawings to the City of Englewood, and the appropriate State Agency for approval.
9. When written approval is granted - obtain permit for construction. (No charge.)
10. Develop subdivision according to approved plans and specifications.

(A performance bond may be posted with the City of Englewood in sufficient amount to cover the total cost of improvements prior to improvements being installed. Final plat approval may be given and permits issued. However, the bond will not be released until all improvements are made, certifications issued, and the streets and utilities accepted by the Englewood City Council.)

11. Call for the City of Englewood inspection during the progress of construction as per approved specifications.
12. Upon completion of improvement, prepare final plat.
13. Obtain signed certification from Engineer, Utilities Board and County Health Department (if applicable).
14. Submit final plat to the Englewood Municipal Planning Commission for approval.

15. Englewood Municipal Planning Commission approves final plat and recommends the adoption of a resolution accepting the streets and utilities by the Englewood City Council.
 16. City Council accepts streets and utilities, officially amending the City street map.
 17. Plat is recorded at the County Register's Office and lots are sold.
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**SUBDIVISION
REGULATIONS**

Englewood, Tennessee

April 2006