

SUBDIVISION REGULATIONS

**TIPTON COUNTY,
TENNESSEE**

**SUBDIVISION REGULATIONS
TIPTON COUNTY, TENNESSEE**

**ADOPTED: January 2, 2001
REPRINTED: May 18, 2009**

**PREPARED FOR THE
TIPTON COUNTY REGIONAL PLANNING COMMISSION**

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TIPTON COUNTY SUBDIVISION REGULATIONS AMENDMENTS INDEX

<u>ADOPTED DATE</u>	<u>AMENDMENT</u>
2/25/02	Article I. Section 112.109. Add Subsection e. to <i>Access to Lots by Public Way or Private Easement</i> .
2/25/02	Article IV. Section 103. Add Section 103.5 <i>Road Improvements on Existing Roads</i> .
2/25/02	<u>Section 1</u> – Article II. Section 103.1. Add to item 2 in <i>Application Procedure and Requirements</i> . <u>Section 2</u> – Appendix A. Form Number 2. Add to item 1 on <i>Form Number 2</i> .
2/25/02	Appendix A. Form Number 5. Insert 2 additional items on <i>Form Number 5</i> , and renumber.
2/25/02	Article V. Section 103.3. Add to item 3 in <i>Plat Certificates</i> .
2/25/02	Article V. Section 103.2. Add to item 20 in <i>Features</i> .
2/25/02	<u>Section 1</u> – Article V. Section 103.3. Add item to <i>Plat Certificates</i> , and re-number. <u>Section 2</u> – Appendix A. Form Number 2. Add to item 18 on <i>Form Number 2</i> .
2/25/02	<u>Section 1</u> – Article V. Section 103.3. Replace item number 4 in its entirety in <i>Plat Certificates</i> . <u>Section 2</u> – Article V. Section 103.3. Replace item number 6 in its entirety in <i>Plat Certificates</i> .
10/28/02	Article IV. Section 4-103.2. Amended Table I in <i>Design Standards</i> for length of Cul-De-Sac.
10/28/02	Appendix B, Section II.B. Add to <i>Content</i> for standard design detailed sections.
10/28/02	Appendix B, Section III.D.4. Add paragraph to <i>Culverts and Storm Drains</i> .
1/27/03	Article II. Section 2-101.201.a. Add to part (iv) for Review Procedure for Minor Subdivisions.
1/27/03	Article III. Section 3-101.2. Add to Surety Instrument for a Maintenance Bond and its requirements.
11/24/03	Appendix B, Section III.C.1 Delete 5 th paragraph from <i>Base Course</i> (alternative base course of soil cement.)
11/24/03	Appendix B, Section III.D.11 Add new section to <i>Drainage System Design</i> called Drainage Easements.
11/24/03	Appendix B, Section III.D.4 Add verbage to <i>Culverts and Storm Drains</i> .

11/24/03	Appendix A, Form Number 6 Add <i>Driveway Culvert and Storm Drain Permit</i> .
2/23/04	Appendix B, Section III.C.2 & 3. Modified, added and deleted verbage to <i>Base and Paving</i> .
7/26/04	Article IV. Section 4-111. Add \$100 per acre penalty for grading property without a grading permit.
7/26/04	Article V. Section 5-102.2.19. Created a density factor to determine when a stormwater runoff analysis is required on major plats.
7/26/04	Article IV. Section 4-102.3. Modified how the width to depth ratio is calculated.
1/23/06	Article II. Section 2-104.2. Recording of plat by enforcing officer within 10 days of signature.
1/23/06	Article I. Section 1-112.103. Recording of plat corrected reference.
1/23/06	Article IV. Section 4-106.2. Clarified second paragraph of fire hydrants by adding the words "a minor subdivision of".
1/23/06	Article V. Section 5-101.2. Removed the words "culverts, driveway tiles" from #8 in the Preliminary Plat Features.
1/23/06	Article V. Section 5-103.2. Add the words " show total area of road dedication" to item #21 in the Final Plat Features.
1/23/06	Appendix A, Form Number 1. Replaced Preliminary Plat Checklist in its entirety.
1/23/06	Appendix A, Form Number 2. Replaced Final Plat Checklist in its entirety.
9/25/06	Article V, Section 5-403.2. Add the words ", including the location of all required fire hydrants." To item #23 in the Final Plat Features.
9/25/06	Appendix A, Form Number 2. Replaced item #6 in its entirety to read "The size and location of any water and sewer mains, gas lines and all required fire hydrants." To the Final Plat Checklist.
2/26/07	Appendix B: Road Construction Specifications in its entirety.
2/26/07	Article IV, Section 4-113. Added Wetlands Requirements section in its entirety.
10/22/07	Article IV, Section 4-108.1. Changed "32,670 square feet" to "is less than 30,000 square feet."
4/28/08	Article II, Section 2-104.1.2. Added Requirements for Septic Drawings and Affidavits to signing of plats.

4/28/08	Article IV, Section 4-103.109.a. Connection of Temporary Cul-de-sac's to new subdivisions.
4/28/08	Article IV, Section 4-103.2.Table I. Changed "every 500 feet" to "every 400 to 600 feet."
7/28/08	Article II, Section 2-102.1.1&6. Changed Time Frames for Submittal and Required Checklist for Preliminary Plats.
7/28/08	Article II, Section 2-103.1.4&10. Changed Time Frames for Submittal and Required Checklist for Final Plats.
7/28/08	Article V, Section 5-101.2.5 and Appendix A, Form 1. Added potential wetlands and Revised Preliminary Plat Checklist.
7/28/08	Article V, Section 5-103.2.5 and Appendix A, Form 2. Added potential wetlands and Revised Final Plat Checklist.
1/26/09	Article I, Section 1-108.3. Added procedures for resubdivision of 5 lots or more.
1/26/09	Article II, Section 2-101.501.b and 2-101.502. New TCA section references for condominiums.
1/26/09	Article IV, Section 4-109.A. Added specific requirements to utility easements.
1/26/09	Article VI, Section 6-102. Added definition for Out-Parcel and changed the definition of Subdivision to reflect TCA changes.
1/26/09	Appendix B, Section III.D.12 (fourth paragraph). Added second sentence about connection to a public conveyance.
1/26/09	Entire Document. Corrected references of "Streets" and renamed them "roads".
4/27/09	Appendix C.A. Corrected the Marking of Hydrants to NFPA 291.
1/23/12	Article III, Section 3-101.2 and 3-102.202. Removed maximum of 1 year and changed 20% to 50% respectively. Also, Article VI, Section 6-102, added to Bond definition.
5/18/15	Article I, Section 1-104. Added that the PC shall not take action on any plat under litigation.
5/18/15	Article II, Section 2-103.5. Replaced Vested Property Rights Article II, Section 2-102.5. Revised Effective Period of Plat Article II, Section 2-103.4. Revised Hearing and Decision on Plat

6/25/18	Appendix B, Section III.D.12. Replaced 10 Year with 25 Year (8)
6/25/18	Appendix B, Section III.D.10. Replaced 0.75 acres with 0.689 acres
6/25/18	Article II, Section 2-104.4. Added Plat Title Requirements
6/25/18	Article V, Section 5-103.3.3. Replaced Titles for State personnel.
6/25/18	Article V, Section 5-103.3.5. Revised Certificate for S/D and Roads
6/25/18	Article V, Section 5-103.2.23. Revised Features on Final Plat
7/22/19	Article I, Section 1-112.201. Revised Recording of Unapproved Plats
12/20/21	Article IV, Section 4-106.2. Added Flush Hydrants & Deleted App. C
12/20/21	Article V, Section 103.2 & App A, Form 2. Added Category IV Surveys
12/19/22	Article I, Section 1-102. Authority updated to follow CTAS on R-O-W.
12/19/22	Article III, Section 3-101.2, 3-103, 4-103.101. Update to Maintenance and Warranty Bonds.
12/19/22	Article IV, Section 4-103.3. Changed to Major only and revised.
12/19/22	Article IV, Section 4-103.5. Changed to Major only
12/19/22	Article V, Section 5-103.3.1. Added 'if required' for plat certificates.
12/19/22	Article V, Section 5-103.3.3. Deleted Certificate of Approval of Availability of Water (Minor Plat only)
12/19/22	Article V, Section 5-103.2.21 and Appendix A Form 2 #21. Added 'if required' to item #21 in both locations.
10/28/24	Article V, Section 5-103.3.3. Added Cert. to Connect to public sewer.

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ARTICLE I

GENERAL PROVISIONS

1-101 Title

These regulations shall hereinafter be known and cited as the Subdivision Regulations, of Tipton County, Tennessee.

1-102 Authority (Amended 12/19/22)

The Tipton County Regional Planning Commission (hereinafter referred to as "Planning Commission") has adopted these subdivision regulations, in pursuance of the authority and powers granted by Sections 13-3-401 through 13-3-411, Tennessee Code. Having first adopted a major street or road plan for the jurisdictional area, and filed a certified copy of the plan, September 19, 1969, with the County Register of Deeds (hereinafter referred to as "county register"), as required by Sections 13-3-402, Tennessee Code, and having held a public hearing as indicated in Section 7-101, of these regulations, and as required by Section 13-3-403, Tennessee Code, the Planning Commission has fulfilled the requirements set forth in state law as prerequisites to the adoption of these regulations. The Tipton County, Tennessee Transportation Plan was last updated on October 27, 2014 and recorded with the county register on October 28, 2014 in Plat Cabinet H, Slide 939. The Tipton County, Tennessee Transportation Plan is fully based on the State of Tennessee, Department of Transportation's Functional Classification Map.

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

1-103 Jurisdiction

These subdivision regulations shall apply to all subdivisions, as herein defined, located within the Tipton County Planning Region. No land shall be subdivided within the planning region until the subdivider submits a plat as required by these regulations, obtains Planning Commission approval of the plat, and files the approved plat with the county register.

1-104 Policy and Purpose

It is hereby declared to be the policy of the Planning Commission to consider the subdivision of land and development of a subdivision plat as subject to the control of the adopted land use or community development plan (hereinafter referred to as "land development plan") of the jurisdictional area for orderly, planned, and efficient physical and economic development.

Land to be subdivided shall be of such character that it can be used for building purposes without danger of health, fire, flood, or other menace.

Land shall not be subdivided until proper provisions have been made for drainage, water, sewerage, other public utilities, and for other required public services. The existing and proposed public improvements shall generally conform to and be properly related to the proposals shown in the land development plan.

The Planning Commission shall not knowingly take action on any plat that is currently involved in litigation. (Amended 5/18/15)

These regulations are adopted for the following purposes:

- A. To promote the public health, safety, and general welfare of the jurisdictional area.
- B. To guide the development of the jurisdictional area in accordance with the land development plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.
- C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.
- D. To enhance the character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.
- E. To conserve the value of land, buildings, and improvements throughout the jurisdictional area and to minimize detrimental conflicts among the uses of land and structures.
- F. To guide public and private policy and action providing for transportation, water, sewerage, schools, recreational areas, and other public requirements and facilities.
- G. To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.
- H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; and to insure proper legal descriptions and proper monumenting of land.
- I. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to preserve the integrity, stability, beauty, and value of the jurisdictional area.
- K. To preserve the natural beauty and topography of the jurisdictional area, and to insure appropriate development with regard to these natural features.
- L. To provide for open spaces through efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in any zoning ordinance.
- M. To encourage subdivision design, which would maximize the conservation of all forms of energy.

1-105 Interpretation, Conflict, and Severability

1-105.1 Interpretation

These regulations shall be held to be the minimum requirements for the promotion of health, safety, and general welfare.

1-105.2 Conflict with Public and Private Provisions

1-105.201 Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

1-105.202 Private Provisions

These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction; provided, that where these regulations are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

Where any private provision exceeds the standards set forth herein, such shall be considered a private contract between the parties of interest, and as such is beyond the jurisdiction of the Planning Commission.

1-105.3 Severability

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations without any such part, provision, or application.

1-106 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of prior subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person; or as waiving any right of the Planning Commission under any section or provision existing at the time of adoption of these regulations; or as vacating or annulling any rights obtained by any person by lawful action of the Planning Commission, except as expressly provided otherwise in these regulations.

1-106.1 Previously Approved Subdivisions

1-106.101 Unexpired Preliminary Approval

The approval granted on any plat prior to the effective date of these regulations shall remain in force and effect for the time period stipulated by the regulations under which the approval was first granted.

1-106.102 Expired Preliminary Approval

In any instance in which the period of preliminary approval shall have passed with some portion of the subdivision not having received final approval, and the applicant wishes an extension of the preliminary approval, the Planning Commission may:

- (1) permit the remaining portion of the subdivision to be constructed and to receive approval under provisions set forth in the regulations whereby preliminary approval was originally granted, or
- (2) stipulate that the plat is null and void and that a new plat be presented subject to the provisions of these regulations.

In making this determination, the Planning Commission shall consider all pertinent facts available to it. The current state and active pursuit of construction and development activities within the subdivision shall be given due consideration in the course of the Planning Commission's deliberation on this question.

1-107 Amendments

1-107.1 Enactment

For the purpose of providing for the public health, safety, and general welfare the Planning Commission may from time to time amend these regulations. Before the adoption of any amendment to these regulations, a public hearing thereon shall be held by the Planning Commission, as required by Chapter 3, Title 13, Tennessee Code, at least thirty (30) days notice of the subject, time and place of which shall be given in a newspaper of general circulation.

1-107.2 Codification and Distribution

Subsequent to the adoption of any amendment to these regulations, such amendment shall be incorporated into the text of these regulations in the following manner.

1. Replacement pages shall be prepared incorporating the new or changed language. Each such new or replacement page shall have the amendment number and shall be dated so as to indicate the date of the last revision of the page.
2. In Article VII, of these regulations, each adopted amendment shall be numbered consecutively and printed on pages separate from any other amendment and in a manner, which fully states any language deleted from

these regulations and any language added and the place in the text of each such change.

1-108 Resubdivision of Land

1-108.1 Procedures for Resubdivision

If any change in an approved or recorded subdivision plat would affect the layout of any public road, alley, or road (hereinafter referred to as public way) shown on such plat, or area reserved thereon for public use, or any lot line, or if it would affect any map, plan, or plat legally recorded before the adoption of any subdivision regulations, such amendment shall be approved by the Planning Commission by the same procedure, rules, and regulations as for a subdivision. The Planning Commission may require notification of any and/or all lot owners in the subdivision before approving any change in a recorded final plat.

1-108.2 Procedures for Subdivision Where Future Resubdivision Is Foreseen

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land or double the minimum required area for any zoning district in which the lot is located, and the Planning Commission has reason to believe that any such lot(s) will be resubdivided into smaller building sites, the Planning Commission may require that the subdivision and development of such parcel of land allow for the future opening of public ways and the ultimate extension of adjacent public ways. The Planning Commission may also require that dedications providing for the future opening and extension of such public ways be indicated on the plat.

1-108.3 Procedures for Subdivision When Resubdivision Occurs

Whenever a parcel of land is subdivided more than once every two years into a total of three (3) lots of more, the Planning Commission shall require such subdivision to comply with the fire hydrant regulations as provided in Subsection 4-106.2.

Whenever a parcel of land is subdivided more than once every two years into a total of five (5) lots of more, the Planning Commission shall require such subdivision to comply with the Road Improvements on Existing Roads regulations as provided in Subsection 4-103.5. (Amended 1/26/09)

1-109 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision are exercises of valid police power delegated by the State to the Planning Commission. The developer has the duty of compliance with reasonable conditions imposed by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to provide for the physical and economic development of the jurisdictional area and for the safety and general welfare of future plot owners in the subdivision and of the community at large.

1-110 Vacation of Plats

Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot described therein, by a written instrument, to which a copy of such plat shall be attached, declaring the plat or part of the plat to be vacated. The Planning Commission shall follow the same procedure for approval of plats. The Planning Commission or County Commission may reject any such instrument, which abridges or destroys any public rights in any of its public uses, improvements, or public ways. Such an instrument shall be executed, acknowledged, or approved, and duly recorded or filed; the instrument shall operate to void the recorded plat and divest all public rights in the public ways and public grounds and all dedications laid out or described in such plat. When any lot or lots have been sold the plat may be vacated in the manner herein provided only if all of the owners of lots in such platted area join in the execution of such writing.

1-111 Variances

1-111.1 General

If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted; provided, such variance shall not have the effect of nullifying the general intent and purpose of these regulations and provided, further, that the Planning Commission shall not recommend variations unless it shall make findings based upon written evidence presented to it in each specific case that:

1. the granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located;
2. the conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
3. because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed or financial) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and
4. the variance will not in any manner alter the provisions of the County Growth Plan, the major street or road plan, or any zoning ordinance.

Where the Planning Commission concludes that the purpose of these regulations may be specifically served to an equal or greater extent by an alternative proposal, condition, or circumstance, it may approve other variations to these regulations.

1-111.2 Procedures

Each and every variance or modification of these subdivision regulations sought by a subdivider shall be specifically applied for in the numerical order of the subdivision regulations, in writing by the subdivider in letter form. Any condition shown on the plat, which would require a variance or modification, shall constitute grounds for disapproval of the plat unless such special application for modification variance is made. In approving any variance from these regulations the Planning Commission shall state fully in the minutes the grounds for the variance and all of the facts upon which the decision is made.

1-111.3 Conditions

In approving variances, the Planning Commission may impose such conditions as in its judgment will secure substantially the objectives, standards, and requirements of the regulations.

1-112 Enforcement, Violation, and Penalties

1-112.1 General

1-112.101 Authority

The enforcement of these regulations and the penalties for violations are provided pursuant to Title 13, Tennessee Code.

1-112.102 Enforcing Officer

It shall be the duty of the Building Inspector (hereinafter referred to as "the enforcing officer") to enforce these regulations with the cooperation of the Director of Public Works, the County Register, or person designated by the chief executive officer, and the Tax Assessor. The enforcing officer shall bring to the attention of legal counsel (the county attorney) any violations or lack of compliance herewith.

1-112.103 Recording of Plats (Amended 1/23/06)

Pursuant to Section 13-3-402, Tennessee Code, no plat of a subdivision of land within the jurisdictional area shall be received or recorded by the county register until the plat has received final approval of the Planning Commission in accordance with these regulations, and such approval has been endorsed in writing on the plat by the Planning Commission secretary in the manner prescribed by Section 2-104, of these regulations.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt any owner or agent violating the provisions of the preceding paragraph from the penalties or remedies provided in Subsections 1-112.2 and 1-112.3, of these regulations.

1-112.104 Use of Unapproved Plats

Pursuant to Section 13-3-410, Tennessee Code, no owner or agent of the owner of any land shall convey such land contrary to the provisions stated herein.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt any owner or agent violating the provisions of the preceding paragraph from the penalties or remedies provided in Subsections 1-112.2 and 1-112.3, of these regulations.

1-112.105 Metes and Bounds Subdivisions

The subdivision of any lot or parcel of land by use of metes or bounds description without complying with the plat provisions of these regulations shall not be permitted. All such described subdivisions shall be subject to all of the requirements of these regulations.

1-112.106 False Statements About Roads

Pursuant to Section 13-3-410, Tennessee Code, no owner or agent of the owner of any land shall falsely represent to a prospective purchaser of real estate that roads or streets will be built or constructed by any city, county, or any other political subdivision. The falsifier shall be deemed guilty of a misdemeanor, punishable as other misdemeanors under the law. The county, through its attorney or other designated official may enjoin such transfer, sale or agreement by action or injunction.

1-112.107 Public Ways and Utilities

Pursuant to Section 13-3-406, Tennessee Code, the Planning Commission shall not nor shall any public authority accept, lay out, open, improve, grade, pave, or light any public way, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any public way located within the jurisdictional area unless such way shall have been accepted, opened, or otherwise received the legal status of a public way prior to the attachment of the Planning Commission's jurisdiction, or unless such way corresponds in its location and lines to a way shown on a subdivision plat approved by the Planning Commission or on a public way plat made by the Planning Commission.

However, the County Commission may override the Planning Commission as provided in Title 13, Tennessee Code.

In case of any state highway constructed or to be constructed within the jurisdictional area with state funds as a part of the state highway system, the submission to the Planning Commission shall be by the Tennessee Commissioner of Transportation, who shall have the power to overrule the disapproval of the Planning Commission.

1-112.108 Building Permits

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of any provision of these regulations.

1-112.109 Access to Lots by Public Way or Private Easement

(Amended 2/25/02)

Pursuant to Section 13-3-411, Tennessee Code, no building permit shall be issued and no building or structure shall be erected on any lot within the jurisdictional area, unless the public way giving access to the lot upon which the building or structure is proposed to be placed shall have been accepted or opened or shall have otherwise received the legal status of a public way as provided by law, or unless such lot fronts upon a permanent easement which conforms to the provisions set forth in these regulations.

Provided, further, that when a permanent easement to a public way is used as access to a lot or tract of land having been or being separated by deed or plat from other property, said easement shall meet the following minimum requirements and any special conditions attached by the Planning Commission:

- a. A permanent easement used for access to a lot or tract of land shall be at least fifty (50) feet in width, for the entire distance, from the public way to the lot or tract being served. The Planning Commission may require greater widths if necessary to meet special conditions present on a plat;
- b. A permanent easement providing legal access to more than one lot shall be improved to meet the road construction standards established in the general requirements and minimum standards and development prerequisites to final approval sections of these regulations.
- c. If, at any future date, a permanent easement is submitted for acceptance as a public street or road, it shall be submitted to the Planning Commission for approval. In considering the easement for approval as a public street or road, the Planning Commission shall require the improvements to the easement to meet the minimum road construction standards in effect at the time the request for public acceptance is made.
- d. A building permit may be issued for a building to be located on a recorded lot of record as of 9/26/88, on which the lot fronts on a permanent easement with access to an existing public street or road; provided, however, that any future subdivision of said lot shall be subject to these provisions.
- e. A permanent easement that is used for access to a lot or a tract of land shall not intersect another permanent easement nor more than one (1) property line.

The above section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements, which have been approved by the Planning Commission, and will be in private ownership and control in perpetuity.

1-112.2 Penalties for Violations

1-112.201 Recording of Unapproved Plats

No county register shall receive, file or record a plat of a subdivision, or an amendment, modification, or correction to a recorded plat of a subdivision, without the approval of the regional planning commission as required in Section 13-3-402, Tennessee Code. An easement or survey attached to an easement granted to the stated, a county, municipality, metropolitan government, or entity of the state, county, municipality, or metropolitan government, shall not constitute an amendment, modification, or correction of a recorded plat of a subdivision. (Amended 7/22/19)

1-112.202 Use of Unapproved Plats

Section 13-3-410, Tennessee Code, provides that whoever being the owner or agent of the owner of any land transfers, or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The county through its county attorney may enjoin such transfer or sale or agreement by action of injunction.

1-112.203 Illegal Buildings

Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure; and the enforcing officer or other official designated by the chief legislative body may bring action or enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-411, Tennessee Code.

1-112.3 Civil Enforcement

1-112.301 General

Appropriate actions and proceedings may be taken in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages; to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise; these remedies shall be in addition to the penalties described in Subsection 1-112.2, of these regulations.

1-112.302 Specific Statutory Remedies

- a. Use of Unapproved Plats -- The Planning Commission, through its attorney or other official designated by the Planning Commission, the County Commission through its attorney or other official designated by the County Commission, may enjoin by action for injunction any transfer of, sale of, or agreement to sell any land in violation of Subsection 1-112.104, of these regulations.
- b. Erection of Unlawful Buildings - Where any building or structure is erected or being erected on any lot in violation of the road or easement frontage requirements of Subsection 1-112.109, of these regulations, the county enforcing officer or the county attorney or other official designated by the County Commission may bring action to enjoin such erection or cause the building or structure to be vacated or removed.
- c. Enforcement of Bonds -- Where a bond is accepted in lieu of completion of subdivision improvements and utilities as provided in Article III, of these regulations, the county shall enforce such instrument in the manner prescribed by Article III, of these regulations.

1-113 Repeal of Previous Regulations

Upon the adoption and effective date of these regulations, the Subdivision Regulations of Tipton County, Tennessee, adopted March 9, 1997, as amended, are hereby repealed.

ARTICLE II

PROCEDURES FOR PLAT APPROVAL

2-101 General Procedure

2-101.1 Plat Approval Requirements

Before any contract is executed for the sale of any parcel of land which is proposed to be subdivided and before any permit for the erection of any structure in a proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure the Planning Commission's final plat approval of the proposed subdivision in accordance with the procedures of this article.

2-101.2 Classification of Subdivisions

The Planning Commission shall classify each subdivision proposal as either major or minor as defined herein.

2-101.201 Review Procedure

The subdivider shall follow the procedure described below in order to secure plat approval.

a. Minor Subdivision (Amended 1/27/03)

- (i) Preapplication conference with the enforcing officer including submittal of a scale drawing or survey of the proposed subdivision for preliminary discussion and review.
- (ii) Securing of approvals from other public agencies and any affected utility districts or companies.
- (iii) Submittal of a final plat, prepared, in accordance with the specifications in Section 5-103, herein, for approval by the Planning Commission.

(iv) When a subdivision either (1) combines lots without altering its exterior boundaries or (2) divides a tract into no more than two lots and does not involve any road, permanent easement or public utility construction to serve such lot(s), the approval may be endorsed in writing on the plat by the secretary of the Planning Commission upon certification by the enforcing officer that the subdivision complies in all respects with these regulations and all other adopted ordinances and policies of the governing body; provided, further, that no request for a variance from these regulations

or of any other adopted ordinances or policies has been requested or will be required as a result of said approval.

- (v) Any person authorized to endorse approval in writing on the final plat, as provided in Subsection 2-101.201, (a), (iv), herein may refuse to endorse approval of the plat and request consideration of the plat by the Planning Commission at the next regularly scheduled meeting of the body.

b. Major Subdivision

- (i) Preapplication conference on the subdivision with the enforcing officer.
- (ii) Submittal of a preliminary plat and construction plans prepared in accordance with Section 5-101 and Section 5-102 respectively, for Planning Commission approval.
- (iii) Securing of approval from other public agencies.
- (iv) Submittal of the final subdivision plat and any securing instruments, such as road bonds, prepared in accordance with Section 5-103, herein, for Planning Commission approval.

2-101.3 Official Submission Date

For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the Planning Commission at which the public hearing on the final subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required in Section 13-3-404, Tennessee Code, for formal approval or disapproval of the plat shall commence.

2-101.4 Policy on Flood Prone Areas (Areas within the 100 year flood plain)

In determining the appropriateness of land subdivision at any site containing a flood prone area, the Planning Commission, in reviewing any plat, shall consider the policy and purpose set forth in Section 1-104, of these regulations and, additionally:

1. the danger to life and property due to the increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses;
2. the danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others;

3. the adequacy of proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions;
4. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner;
5. the importance of the services provided by the proposed facility to the community at large;
6. the requirements of the subdivision for a waterfront location;
7. the availability of alternative locations not subject to flooding for the proposed subdivision and land uses;
8. the compatibility of the proposed uses with existing development or development anticipated in the foreseeable future;
9. the relationship of the proposed subdivision to the County Growth Plan and the floodplain management program for the area;
10. the safety of access to the property for emergency vehicles in times of flood;
11. the expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site;
12. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public ways, and bridges; and
13. the effect of the proposed subdivision upon the Planning Commission's participation in the National Flood Insurance Program, if such Planning Commission is, or elects to be, in the program.

No subdivision or part thereof shall be approved by the Planning Commission if proposed levees, fills, structures, or other features within the subdivision will individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (the one hundred-year flood level) shall be determined from the latest approved flood study for the jurisdictional area, and any subsequent revisions thereto. Specific engineering studies are to be formulated by the developer in those areas in which flood data are not currently available, if deemed necessary by the Planning Commission.

In any instance in which the Planning Commission determines that a proposed subdivision may affect the flood height, velocity, or duration in any flood prone area outside its jurisdiction, the commission shall take all actions necessary and proper to ensure the coordinated review of the development with the appropriate governmental agencies of the affected area.

In approving plans for subdivision of land containing flood prone areas, the Planning Commission shall ensure that development will proceed in such a way that property lying within any floodway, as defined by these regulations, will be maintained in a manner as prescribed by any zoning ordinance. The Planning Commission shall also ensure that development within any floodway fringe area (within the one hundred-year flood level) will be protected adequately against potential flood hazards by the methods prescribed in Article IV, of these regulations.

The Planning Commission shall disapprove the subdivision of any land containing a flood prone area when the commission determines that subdivision plans are not consistent with the policy stated in this section.

2-101.5 Special Provisions Governing Unit Ownership (Condominium) Subdivisions

2-101.501 General Provisions

- a. Intent -- This section is intended to augment the general legislation of Title 66, Chapter 27, Tennessee Code, entitled "Horizontal Property Act," by providing supplemental rules and regulations for the implementation of the act, as specifically authorized in Title 66, Chapter 27, Tennessee Code.
- b. Applicability -- Whenever a developer, the sole owner, or the co-owners of a building or buildings expressly declare through the submission of a master deed, lease, or plat their desire to submit their property to a regime, as established and provided by Title 66, Chapter 27, Tennessee Code, wherein there is established a horizontal property regime, each such condominium or horizontal property regime created under the authority of these provisions for the purpose of sale or transfer of real property is subject to the provisions of these regulations. (Amended 1/26/09)

2-101.502 Submission of Plat Required

Prior to the sale or transfer of any property incorporated in the property regime, the developer, sole owner, or co-owners of such property shall submit to the Planning Commission a subdivision plat of such property in the manner prescribed by this article and in 66-27-309 Tennessee Code; such plat, if approved, shall be filed with the county register in the manner prescribed by this article. (Amended 1/26/09)

2-101.503 Determination of Subdivision Type

The Planning Commission shall classify condominium subdivisions during the plat review process as either horizontal condominiums or vertical condominiums as defined in Article VI, of these regulations.

2-101.504 Procedure

An applicant seeking approval of a condominium subdivision shall proceed through the normal procedure for subdivision approval, as set forth in this article.

2-101.505 Contents of Plans and Documents

The plats, plans, and documents submitted by an applicant seeking approval of condominium subdivision shall conform with the specifications set forth in Article V, of these regulations.

2-102 Preliminary Plat (Major Subdivisions Only)

2-102.1 Application Procedure and Requirements

The applicant shall file with the Planning Commission a preliminary plat. The failure of the applicant to satisfy the requirements of this section with full and correct information shall be cause for disapproval of a preliminary plat. The preliminary plat shall be prepared in accordance with Section 5-101, and:

1. be presented with one (1) copy at the office of the enforcing officer before 12:00 P.M. (Noon) at least twenty-eight (28) days prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered for review; and the required number of corrected copies be presented before 12:00 P.M. (Noon) at least fourteen (14) days prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered; (Amended 7/28/08)
2. **a preliminary plat fee of seventy-five (\$75.00) dollars;**
3. include all land which the applicant proposes to subdivide and all land immediately adjacent, extending two hundred (200) feet therefrom, or of that directly opposite thereto, extending two hundred (200) feet from the public way frontage of such opposite land. The lot pattern of surrounding development shall be shown within that area located within two hundred (200) feet of the proposed development;
4. be accompanied by a minimum of ten (10) copies of the preliminary plat as described herein;
5. be accompanied by a minimum of two (2) copies of construction plans submitted to the office of the enforcing officer as described in Section 5-102, of these regulations; and
6. be presented with one (1) completed copy of the required checklist (found in Appendix A as Form 1). (Amended 7/28/08)

2-102.2 Notice of Hearing

A Planning Commission shall hold a hearing as required by Chapter 3, of Title 13, Tennessee Code, on each plat brought before it.

2-102.3 Preliminary Approval

After the Planning Commission has reviewed the preliminary plat, construction plans and exhibits, the applicant shall be advised of any required changes. The Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat within sixty (60) days after date of the regular meeting of the Planning Commission at which the hearing on preliminary approval, including adjourned date thereof, is closed.

The secretary of the Planning Commission, upon demand, shall issue a certificate of preliminary approval and the applicant may proceed to apply for final subdivision plat approval in the manner prescribed by Section 2-103, of these regulations.

After the Planning Commission approves, conditionally approves, or disapproves the preliminary plat, one copy of the proposed preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval thereon. If a preliminary plat is disapproved, the Planning Commission shall state specific reasons for disapproval, which shall be entered into the minutes of the meeting.

Before the Planning Commission approves a preliminary plat showing land for any public use, the Planning Commission shall obtain approval for the land reservation from the County Commission or appropriate governmental agency.

2-102.4 Public Improvements

The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the secretary of the Planning Commission. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat, an adequate performance bond shall be approved. The amount of such bond shall be established by the Planning Commission based upon the recommendation of the appropriate governmental representative or by receipt of cost bids from two (2) or more independent contracting firms equal to the cost of all necessary improvements plus an additional ten (10) percent to cover inflation shall be added. It is the subdivider's responsibility to furnish these estimates to the Planning Commission.

The applicant shall submit such bond at the time of application for final subdivision plat approval. The Planning Commission shall require the applicant to indicate on the plat all public ways and improvements to be dedicated; all districts for water, fire, and utility improvements which shall be required to be established or extended; and any other special requirements deemed necessary by the Planning Commission in order for the subdivision plat to conform to the major street or road plan and the land development plan for the jurisdictional area.

2-102.5 Effective Period of Preliminary Approval (Amended 5/18/15)

The approval of a preliminary plat shall be effective for a period of three (3) years, at the end of which time final approval of the subdivision plat must have been obtained from the Planning Commission, although the plat need not have been signed and filed with the county register. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to submit a new plat for approval subject to any zoning provisions and the subdivision regulations currently in effect.

2-102.6 Zoning Regulations

Every plat shall conform to any existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to such zoning ordinance or these regulations rendering the plat nonconforming as to bulk, use, or development standards, provided, that final approval is obtained within the effective period of preliminary approval set forth in Subsection 2-102.5, herein.

2-103 Final Subdivision Plat (Minor and Major Subdivision)

2-103.1 Application Procedure and Requirements

(Amended 2/25/02)

A subdivider shall file with the Planning Commission a final plat. The plat shall be prepared in accordance with Section 5-103, and:

1. include the entire subdivision, or section thereof, for which final approval is sought;
2. be accompanied by a minimum of ten (10) copies of the final subdivision plat as described herein, or five (5) copies if the final plat is a minor, 2-tract plat as described in Subsection 2-101.201, (a), (iv).
3. comply substantially with the preliminary plat, where such plat is required;
4. be presented with one (1) copy at the office of the enforcing officer before 12:00 P.M. (Noon) at least twenty-eight (28) days prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered for review; and the required number of corrected copies be presented before 12:00 P.M. (Noon) at least fourteen (14) days prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered; (Amended 7/28/08)
5. be accompanied with a **fifty dollar (\$50.00) plat fee for MINOR SUBDIVISION PLATS or fifty dollar (\$50.00) plat fee plus five dollar (\$5.00) per lot for MAJOR SUBDIVISION PLATS to a maximum of five hundred (\$500.00).**

6. be accompanied by formal irrevocable offers of dedication to the public of all public ways and uses, utilities, parks, and easements, in a form approved by legal counsel, as applicable. (The subdivision plat shall be marked with a notation indicating the formal offers of dedication as shown in Article V, of these regulations.);
7. be accompanied by a performance bond, if required, in a form satisfactory to legal counsel and in an amount adequate to complete the required improvements. It shall include provisions that the principal of the bond shall comply with all the terms of the resolution of final subdivision plat approval, as determined by the Planning Commission, including, but without limitations, the performance of all required subdivision and offsite improvements, and that all improvements and land included in the irrevocable offers of dedication shall be dedicated to the Planning Commission free and clear of all liens and encumbrances on the premise(s);
8. be accompanied by written assurance from any public utility companies serving the area of the subdivision that necessary utilities will be installed and by proof that the applicant has submitted petitions in writing for the creation or extension of any utility districts as required by the Planning Commission upon preliminary plat approval; and
9. be accompanied, if the final plat contains open space, utility or drainage easements or recreational facilities, of if any portion of the site is in common ownership, by the following documentation for approval by the Planning Commission:
 - (a) plans for improvement and maintenance of the open space or facilities located thereon;
 - (b) articles of incorporation and bylaws of the co-owners association or other legal entity (where open space or facilities are to be deeded to a co-owners association or similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision; and
 - (c) declaration of covenants and restrictions pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended, where open space or facilities are to be retained by the developer or any private entity associated with the development.
10. be presented with one (1) completed copy of the required checklist (found in Appendix A as Form 2). (Amended 7/28/08)

2-103.2 Administrative Review

An administrative review should be conducted on final minor plats, preliminary plats, construction plans, and any exhibits submitted in conformance with these regulations. This review should include the enforcing officer and any other appropriate governmental representative. The review should be held prior to the

regularly scheduled Planning Commission meeting at which the plat is to be reviewed. The findings of the review committee will be presented to the Planning Commission through its recommendation.

With expert assistance, as necessary, the subdivider shall prepare a report, on any proposed subdivision containing or abutting a floodprone area. Such report shall estimate the discharge of the regulatory flood; determine the specific flooding threat at the site of the proposed subdivision; and indicate whether the subdivision is located in a floodway or floodway fringe area by:

1. calculation of water surface elevations and regulatory flood protections based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood;
2. computation of the floodway required to convey the regulatory flood without increasing natural flood heights of the regulatory flood more than one (1) foot at any point; and
3. unless, otherwise, established, computation of increase in flood heights caused by any encroachment based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. No increase in flood storage attributable to encroachments on the floodplain of any river or stream shall be permitted in any one reach or for the cumulative effect of several reaches.

2-103.3 Endorsement of Notations

The notations and certifications required by Subsection 5-103.4, of these regulations, to appear upon the final plat shall be endorsed by appropriate officials and other persons prior to application for final subdivision plat approval, except that the certificate of Planning Commission approval shall be signed at the time specified in Section 2-104, of these regulations.

2-103.4 Hearing and Decision on Final Plat (Amended 5/18/15)

The Planning Commission shall hold a hearing as required by Section 13-3-404, Tennessee Code, on each final plat brought before it. The Planning Commission shall, within sixty (60) days after submission of the plat, approve, modify, or disapprove the final subdivision plat by resolution, which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval.

Failure of the Planning Commission to act upon a plat within the prescribed time shall be deemed approval of the plat, and in such event, a certificate of approval, entitling the subdivider to proceed as specified in Subsection 2-103.5 and Section 2-104, of these regulations, shall be issued, upon demand, by the secretary of the Planning Commission. The applicant, however, may agree to an extension of the time for Planning Commission review.

One (1) copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon.

2-103.5 Vested Rights

As enacted by the Tennessee General Assembly in Public Chapter No. 686, Vested Property Rights Act of 2014, statutory requirements have been established relative to development standards and vested property rights for landowners and developers. These statutory requirements are enumerated in Appendix B, Vested Property Rights.

2-103.501 Definitions of Vested Property Rights

Applicant – means a landowner or developer or any party, representative, agent, successor, or heirs of the landowner or developer.

Construction – means the erection of construction materials in a permanent manner, and includes excavation, demolition, or removal of an existing building.

Development Plan – means both a preliminary development plan and a final development plan.

Development Standards – means all locally adopted or enforced standards applicable to the development of property including, but not limited to planning; storm water requirements; layout; design; local infrastructure construction standards, off-site improvements, lot size, configuration, and dimensions. NOT included are standards required by federal or state law, or building construction safety codes.

Final Development Plan – means a plan approved by the local government describing with reasonable certainty the use of property. Such plan may be in the form of, but not limited to, a planned unit development plan; subdivision plat; general development plan; subdivision infrastructure construction plan; final engineering site plan; or any other land-use approval designated utilized. Unless otherwise expressly provided by the county, such a plan shall include the boundaries of the site; significant topographical features affecting the development of the site; locations of improvements; building dimensions; and the location of all existing and proposed infrastructure on the site. Neither a sketch plan nor other document that fails to describe with reasonable certainty the use and development scheme may constitute a final development plan.

Preliminary Development Plan – means a plan submitted to facilitate initial public feedback, and secure preliminary approvals from local government. It serves as a guide for all future improvements.

Site Preparation – means excavation, grading, demolition, drainage, and physical improvements such as water and sewer lines, footings, and foundations.

2-103.502 Vesting Rights and Periods

Vested property rights are established for any preliminary development plan, final development plan (where no preliminary development plan is required), or building permit issued to allow construction of a building to

commence where there is no local requirement for prior approval of a preliminary development plan.

During the vesting period, the locally adopted development standards in effect on the date of approval remain the development standards applicable to that property or building during the vesting period as follows:

- a. **Building permit projects (no preliminary plan approval)** – The vesting period commences on the date of building permit issuance and remains in effect for the period authorized by the building permit.
- b. **Development plan project** – The vesting period applicable to a development plan is three years, beginning on the date of approval of the preliminary development plan; provided the applicant obtains final development plan approval, secure permits, and commences site preparation within the three (3)-year vesting period.

If the applicant obtains approval of a final development plan, secures permits, and commences site preparation within the three (3)-year vesting period, then the vesting period is extended an additional two (2) years (to a total of five (5) years) to commence construction from the date of preliminary plan approval. During the two year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

If construction commences within the five (5)-year vesting period following preliminary development plan approval, the development standards in effect on the date of approval remain in effect until final completion of the project, provided however, that the vesting period shall not exceed ten (10) years unless the county grants an extension through an ordinance or resolution; and provided further that the applicant maintain all necessary permits during the ten (10)-year period.

- c. **Multi-phase projects** – A separate vesting period applies for projects proceeding in two or more sections or phases (as set forth in the development plan). The development standards in effect on the date of approval of the preliminary development plan for the first section or phase remain in effect for all subsequent sections or phases; provided the total vesting period does not exceed fifteen (15) years unless the county grants an extension through a resolution; and provided that the applicant maintain all necessary permits during the fifteen (15)-year period.

<u>Type of Project</u>	<u>Effective Date</u>	<u>Vesting Period</u>	<u>Total Vesting Period to Maintain Vesting Rights</u>	<u>Required Actions Obtain:</u>
<u>Building Permit (No Development Plan Required)</u>	Date of Issuance of Building Permit	Period Authorized by the Building Permit	Period Authorized by the Building Permit	Complete Construction within period authorized by the building permit
<u>Preliminary Development Plan</u>	Date of Issue	3 Years	3 Years	Final Development Plan Approval, Secure Permits, and Commence Site Preparation
<u>Final Development Plan</u>	3 Years from Date of Preliminary Plan Approval	2 Years	5 Years	Complete Construction, Maintain Permits
	5 Years from Date of Preliminary Plan Approval	5 Years	10 Years	Complete Construction, Maintain Permits
<u>Multi-Phase or Sections</u>	Date of Issue of Preliminary Development Plan	Separate Vesting Period for Each Phase or Section	15 Years	Complete Construction for Each Phase; Maintain Permits

A vested property right attaches to and runs with the applicable property and confers upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendment thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

2-103.503 Termination of Vesting Rights

During the vesting period, the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the issuance of a building permit, whichever applies, remain the development standards applicable to the property described in such preliminary development plan or permit, except such vested property rights terminate upon a written determination by the county under the following circumstances:

- a. When the applicant violates the terms and conditions specified in the approved development plan or building permit; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the county may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;
- b. When the applicant violates any of the terms and conditions specified in the local resolution; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the county may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

- c. Upon a finding by the county that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan or intentionally and knowingly did not construct the development in accordance with the issued building permit or the approved development plan or an approved amendment for the building permit or the development plan; or
- d. Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the county and that precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

A county may allow a property right to remain vested despite such a determined occurrence when a written determination by the county is made that such continuation is in the best interest of the community.

2-103.504 Development Standards Enforcement

A vested development standard shall not preclude county enforcement of any development standard when:

- a. The county obtains the written consent of the applicant or owner;
- b. The county determines, in writing, that a compelling, countervailing interest exists relating specifically to the development plan or property which is the subject of the building permit that seriously threatens the public health, safety or welfare of the community and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the county, by the applicant using vested property rights;
- c. Upon written determination by the county of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;
- d. A development standard is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by the county, regardless of nomenclature; or
- e. A county is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order or other type of governance; regardless of nomenclature.

2-103.505 Development Plan Amendment

An amendment to an approved development plan by the applicant must be approved by the county to retain the protections of the vested property right. An amendment may be denied based upon a written finding by the county that the amendment:

- a. Alters the proposed use;
- b. Increases the overall area of the development;
- c. Alters the size of any nonresidential structures included in the development plan;
- d. Increases the density of the development so as to affect traffic, noise or other environmental impacts; or
- e. Increases any local government expenditure necessary to implement or sustain the proposed use.

If an amendment is denied by the county based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application. Notwithstanding the foregoing, a vested property right shall not terminate if the county determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right.

2-103.506 Waiver Rights Prohibited

A county may not require an applicant to waive the applicant's vested rights as a condition of approval, or as a consideration of approval, of a development plan or the issuance of a building permit.

2-103.507 Extension of Rights

The vesting period for an approved construction project may be extended as deemed advisable by the county.

2-103.508 Zoning with Vested Property Rights

A vested property right, once established, precludes the effect of any zoning action by a county which would change, alter, impair, prevent, diminish, or otherwise delay the development of the property, while vested, as described in an approved development plan or building permit. With said exception, nothing shall preclude, change, amend, alter or impair the authority of a county to exercise its zoning authority.

2-103.509 Development Moratorium

In the event the county enacts a moratorium on development or construction, the vesting period established by this act shall be tolled during the moratorium period.

2-103.510 Eminent Domain with Vested Property Rights

A vested property right does not preclude, change, amend, alter or impair the authority of a county to exercise its eminent domain powers as provided by law.

2-104 Signing and Recording of Subdivision Plat

2-104.1 Signing of Plat

1. When a bond is required, the secretary of the Planning Commission shall endorse approval on the plat after the bond has been approved by the Planning Commission and after all the conditions of the resolution pertaining to the plat have been satisfied.
2. When installation of improvements is required, the secretary of the Planning Commission shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the Planning Commission as shown on certifications by the appropriate governmental representative(s) that necessary land dedications and improvements have been accomplished. In addition, all septic drawings and/or affidavits associated with the plat, including the remaining acreage if less than five (5) acres, shall be provided before endorsing approval. .(4/28/08)
3. When the conditions of this section are satisfied, the secretary shall sign the permanent reproducible original of the subdivision plat.
4. In no event shall any action by the Planning Commission approving a subdivision plat become final until the plat is signed by the secretary of the Planning Commission.

2-104.2 Recording of Plat

1. All plats receiving final approval of the Planning Commission shall within ninety (90) days following the date of the meeting at which such approval is granted be presented to the enforcing officer for purposes of obtaining the signature of the secretary of the Planning Commission and filing with the county register.
2. Any plat not presented for signing and filing within the ninety (90) day period specified above shall be null and void and shall require a new hearing and decision on final approval as set forth in Subsection 2-103.4. In no event shall the secretary sign nor shall the enforcing officer attempt to file any plat not presented for signing and filing within the ninety (90) day period specified herein.

3. All plats shall be filed by the enforcing officer, at the expense of the developer, with the county register's office within ten (10) days of the date of signature. (Amended 1/23/06)

2-104.3 Sectionalizing Major Subdivision Plats

Prior to granting final approval of a major subdivision plat, the Planning Commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of each section as it may deem necessary to assure the orderly development of the subdivision. All subdivisions that are divided into sections shall state "Section" and then shall be followed by a capital letter starting with the letter "A", additional sections shall follow in sequence.

The Planning Commission may require that a performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. The developer also may file irrevocable offers to dedicate public ways and improvements in the section offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Planning Commission, shall be granted concurrently with final approval of the plat. Such authorized sections must contain at least ten (10) percent of the total number of lots contained in the proposed plat.

2-104.4 Plat Titles

All plat titles shall begin with a letter, not a number nor a symbol. (Amended 6/25/18)

ARTICLE III

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

3-101 Improvements and Performance Bond

3-101.1 Completion of Improvements

Before the final subdivision plat is signed by the Secretary of the Planning Commission specified in Subsection 2-104.1, of these regulations, all applicants shall complete, in accordance with the Planning Commission's decision and to the satisfaction of the appropriate governmental representative, all public way, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations and approved by the Planning Commission, and shall dedicate such improvements to the governing body free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

3-101.2 Surety Instrument (Amended 1/27/03 & 1/23/12 & 12/19/22)

The Planning Commission at its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plat by providing that, as an alternative, the applicant may post a bond at the time of submission for final subdivision approval in an amount estimated by the Planning Commission provided by the appropriate governmental representative as sufficient to guarantee to the governing body the satisfactory construction, installation, and dedication of the incomplete portion of required improvements. (See Subsection 2-102.4).

Such performance bond shall comply with all statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Planning Commission in the resolution approving the final subdivision plat and shall be incorporated in the bond. This time period shall be one (1) year initially, and shall not exceed a total of two (2) years from date of final approval.

The Planning Commission as to amount and conditions shall approve such bond. The Planning Commission may, upon proof of difficulty, extend the completion date set forth in such bond. The Planning Commission may accept at any time during the period of such bond a substitution of principal.

A maintenance bond shall be required and remain in effect for a 60-month period beginning prior to the approval of the final plat. Enforcement of the maintenance bond shall be governed by the Enforcing Officer. In no case shall the maintenance bond be held longer than a 60-month period. The Planning Commission shall notify the developer and county attorney in writing within 60 days before the expiration of the bond. The notification shall include, but not limited to, the date of expiration, the amount of the bond, the improvements covered, and current status of roads. The Enforcing Officer will notify the developer via certified letter if there are any deficiencies during this 60-month period. If the deficiencies are not satisfactorily improved or repaired at any time during the 60-month period, the bond shall be

cashed and the appropriate departments will be notified about what improvements will be made using the bond's funds.

If no deficiencies are identified within 60 days before the expiration of the bond, the developer shall request a letter be sent to the Planning Commission from the Enforcing Officer having the jurisdiction over the improvement. The letter shall confirm that the named improvement has met all specifications and no additional improvements are necessary. Following confirmation by the Director of Public Works, at the end of the 60-month period, that there are no necessary improvements that are needed, the Enforcing Officer shall recommend to the Planning Commission that the bond be released.

In addition, the applicant is required to file a warranty bond with the Planning Commission prior to dedication, in an amount considered adequate by the Director of Public Works and in a form satisfactory to legal counsel in order to assure the satisfactory condition of the required improvements, including all lot improvements, for a period of one year after the date of acceptance of the public improvements by the County Commission.

If the obligations listed herein are not fulfilled, the Planning Commission shall have the option to engage an attorney to file necessary legal action to enforce the required improvements or sue for any sums of money due and owing for necessary maintenance work to be performed, liability arising incidental to these procedures and all other allowable damages as allowed under the law of the State of Tennessee. If litigation is necessary and the Planning Commission or its designee is the prevailing party, the developer will pay the reasonable attorney's fees, Court costs, expert fees and expenses of litigation.

Once the new road has been completed and then approved by the Tipton County Commission, the developer shall be required to hold a warranty bond for a period of one (1) year. The warranty bond shall be in an amount that is no less than fifty (50%) percent of the original full amount of the performance bond. The Warranty bond shall be treated in the same manner as an extension to the performance bond requiring Planning Commission approval.

3-101.3 Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission, and shall maintain them to a reasonable satisfaction for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, the applicant shall file with the Planning Commission a separate suitable bond for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained and removed.

3-101.4 Costs of Improvements

All required improvements shall be made by the applicant at his expense. Any provisions for reimbursement by the governing body or any utility agency shall be stipulated clearly in the provisions of any bonds.

3-101.5 Governmental Units

Governmental units to which these bonds and contract provisions apply may file, in lieu of said contract or bond, a certified resolution or ordinance from officers or agencies authorized to act in their behalf agreeing to comply with the provisions of this article.

3-101.6 Failure to Complete Improvements

In subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Planning Commission in the resolution approving the plat, the approval shall be deemed to have expired. In those cases in which a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Planning Commission thereupon may declare the developer's bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the developer's bond is declared to be in default. The Planning Commission then may call the bond and authorize the completion of the required improvements through the appropriate governmental representative.

3-101.7 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of public ways, easements, and parks shall be by formal action of the county. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply an acceptance by the local government of any public way, easement, or other ground shown on the plat. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect.

3-102 Inspection of Improvements

3-102.1 General Procedure

The Planning Commission may provide for inspection of required improvements during construction and ensure their satisfactory completion. If the appropriate governmental representative finds upon inspection that any of the required improvements has not been constructed in accordance with the governing body's construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards. Whenever a performance bond covers the cost of improvements, the applicant and the bonding company shall be liable severally and jointly for completing said improvements according to specifications.

3-102.2 Release or Reduction of Performance Bond

3-102.201 Certificate of Satisfactory Completion

The Planning Commission shall not recommend dedication of required public improvements nor shall the Planning Commission release a developer from their performance bond until the appropriate governmental representative submits a certificate stating that all required improvements have been satisfactorily completed, a site inspection by the Planning Commission's Enforcing Officer has been completed, and until the applicant's engineer or surveyor has certified to the Planning Commission and the appropriate governmental representative (through submission of a detailed "as built" survey of the subdivision indicating location, dimensions, construction materials, and any other information required by the Planning Commission) that the layout and the line and grade of all public improvements are in accordance with the approved construction plans and substantially comparable with the certified preliminary plat for the subdivision. Upon such approval and recommendation, the governing body, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in these regulations.

3-102.202 Reduction of Performance Bond (Amended 1/23/12)

A performance bond may be reduced (if the appropriate governmental representative permits) upon actual dedication and acceptance of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below fifty (50) percent of the principal amount prior to final acceptance of all items covered under the bond.

3-103 Maintenance of Improvements (Amended 12/19/22)

The applicant shall be required to maintain all improvements including, but not limited to, all lot improvements and roadways until all of the public improvements have been accepted by the appropriate governmental representative.

A maintenance bond shall be required and remain in effect for a 60-month period beginning prior to the approval of the final plat. Enforcement of the maintenance bond shall be governed by the Enforcing Officer. In no case shall the maintenance bond be held longer than a 60-month period. The Planning Commission shall notify the developer and county attorney in writing within 60 days before the expiration of the bond. The notification shall include, but not limited to, the date of expiration, the amount of the bond, the improvements covered, and current status of roads. The Enforcing Officer will notify the developer via certified letter if there are any deficiencies during this 60-month period. If the deficiencies are not satisfactorily improved or repaired during the 60-month period, the bond shall be cashed and the appropriate departments will be notified about what improvements will be made using the bond's funds.

If no deficiencies are identified within 60 days before the expiration of the bond, the developer shall request a letter be sent to the Planning Commission from the Enforcing Officer having the jurisdiction over the improvement. The letter shall confirm that the named improvement has met all specifications and no additional improvements are necessary. Following confirmation by the Director of Public Works, at the end of the 60-

month period, that there are no necessary improvements that are needed, the Enforcing Officer shall recommend to the Planning Commission that the bond be released.

In addition, the applicant is required to file a warranty bond with the Planning Commission prior to dedication, in an amount considered adequate by the Director of Public Works and in a form satisfactory to legal counsel in order to assure the satisfactory condition of the required improvements, including all lot improvements, for a period of one year after the date of acceptance of the public improvements by the Tipton County Commission.

If the obligations listed herein are not fulfilled, the Planning Commission shall have the option to engage an attorney to file necessary legal action to enforce the required improvements or sue for any sums of money due and owing for necessary maintenance work to be performed, liability arising incidental to these procedures and all other allowable damages as allowed under the law of the State of Tennessee. If litigation is necessary and the Planning Commission or its designee is the prevailing party, the developer will pay the reasonable attorney's fees, Court costs, expert fees and expenses of litigation. A maintenance bond shall be required and remain in effect for a 60-month period. Enforcement of the maintenance bond will be governed by the Enforcing Officer. In no case shall the maintenance bond be held longer than a 60-month period. The Planning Commission shall notify the developer, governing authority, and county attorney within 60 days before the expiration of the bond. The notification shall include, but not limited to, the date of expiration, the amount of the bond, the improvements covered, and current status of roads. The Planning Commission will notify the developer if there are any deficiencies during this 60-month period. If the deficiencies are not satisfactorily improved or repaired at any time during the 60-month period, the bond shall be cashed and the appropriate departments will be notified about what improvements will be made using the bond's funds.

If no deficiencies are identified within 30 days before the expiration of the bond, the developer shall request a letter be sent to the Planning Commission from the authorized official having the jurisdiction over the improvement. The letter shall confirm that the named improvement has met all specifications and no additional improvements are necessary. Following confirmation by the appropriate authority, at the end of the 60-month period, that there are no necessary improvements that are needed, the Director of Public Works shall recommend to the Planning Commission that the bond be released.

If the obligations listed herein are not fulfilled, the Planning Commission shall have the option to engage an attorney to file necessary legal action to enforce the required improvements or sue for any sums of money due and owing for necessary maintenance work to be performed, liability arising incidental to these procedures and all other allowable damages as allowed under the law of the State of Tennessee. If litigation is necessary and the Planning Commission or its designee is the prevailing party, the developer will pay the reasonable attorney's fees, Court costs, expert fees and expenses of litigation.

3-104 Deferral or Waiver of Required Improvements

The Planning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

3-105 Issuance of Building Permits and Certificates of Occupancy

- A. Where a performance bond has been required for a subdivision, or any section of a subdivision, no certificate of occupancy for any building in the subdivision or section thereof shall be issued prior to the completion and dedication of the improvements to the appropriate governmental unit, as required in the Planning Commission's resolution of final approval of the subdivision plat.
- B. The extent of public way improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment prior to the issuance of an occupancy certificate.
- C. No building permit shall be issued for the final ten (10) percent of lots in a subdivision, or if ten (10) percent is less than two (2) lots, for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission's resolution of final plat approval have been fully completed, dedicated, and accepted by the governmental body.

ARTICLE IV

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

4-101 General Requirements

4-101.1 Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, ordinances, resolutions, rules, or regulations, including, but not limited to:

1. all applicable provisions of Tennessee Law, regulations, or policy;
2. any zoning resolution, any building and housing codes, and all other applicable laws or policies of the Planning Commission;
3. the adopted County Growth Plan and major road or streets (public way) plan;
4. the rules of the county health department and the Tennessee Department of Environment and Conservation;
5. the rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, if the subdivision or any lot contained therein abuts a nonlocal highway; and
6. the standards and regulations adopted by all other boards, commissions, and agencies of the Planning Commission, where applicable.

Plat approval may be withheld if a subdivision is not in conformity with the above rules or with the provisions set forth in Section 1-104, of these regulations.

4-101.2 Self-Imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by any zoning resolution or these regulations, such restrictions or reference thereto shall be recorded with the county register on a separate form, along with the final subdivision plat in the office of the county register. If such restrictions are not recorded along with the final subdivision plat, the restrictions will be considered null and void. These restrictions are the sole responsibility of the property owner(s) and shall be enforced by the property owner(s) through the appropriate legal court. At no time shall the county enforce such restrictions.

4-101.3 Monuments and Permanent Markers

The subdivider shall place, by a licensed surveyor, permanent reference monuments and markers on the subdivision as required herein. Monuments and permanent markers shall be located and set as follows.

1. Monuments shall be located on public way right-of-way lines, at public way intersections, and at the beginning and ending point of curves.
2. The major external boundaries and their corresponding corners of a subdivision shall be monumented in the field by iron rods not less than three (3) feet in length driven flush with grade; not less than five-eighths (5/8) inches in diameter; and marked by the surveyor's identification on top with an aluminum disc securely attached, except where permanent markers are in existence. These monuments shall be placed not more than fourteen hundred (1,400) feet apart in any straight line and at all corners.
3. All internal boundaries, breaks at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along a meander line (said points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a public way or proposed future public way, the permanent markers shall be placed on the side line of the public way) and any other corners or points not referred to in the preceding paragraph shall be permanently marked in the field by iron rods, pipe, or pins at least twenty four (24) inches long and one-half (1/2) inch in diameter.
4. The lines of lots that extend to rivers or streams shall be permanently marked in the field by iron pins at least twenty four (24) inches long and one-half (1/2) inch in diameter or by round or square iron bars at least twenty four (24) inches long. Such pins shall be placed at the point of intersection of the river or stream and lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream.
5. All monuments and pins shall be properly set in the ground and approved by a licensed surveyor prior to the time the Planning Commission recommends approval of the final plat or release of the bond where bond is made in lieu of improvements.

4-101.4 Character of the Land

Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of any staff assistant serving the Planning Commission and/or other governmental representative, if any, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses as will not involve such a danger.

Where protection against flood damage is necessary, in the opinion of the Planning Commission, flood-damage protection techniques may include, as deemed appropriate by the Planning Commission:

1. the imposition of any surety and deed restrictions enforceable by the Planning Commission to regulate the future type and design of uses within the flood prone areas; and
2. flood protection measures designed so as not to increase, either individually or collectively, flood flows, height, duration, or damages, and so as not to infringe upon the regulatory floodway;
3. installation of flood warning systems;
4. the use of fill, dikes, levees, and other protective measures;
5. the use of floodproofing measures, which may include:
 - (a) anchorage to resist flotation and lateral movement;
 - (b) installation of watertight doors, bulkheads, shutters, or other similar methods of closure;
 - (c) reinforcement of walls to resist water pressures;
 - (d) use of paints, membranes, or mortars to reduce seepage through walls;
 - (e) addition of mass or weight to structures to resist flotation;
 - (f) installation of pumps to lower water levels in structures;
 - (g) construction of water supply and waste treatment systems so as to prevent the entrance of or contamination of flood waters;
 - (h) installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures;
 - (i) building design and construction to resist rupture or collapse caused by water pressure of floating debris;
 - (j) installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and storm water into buildings or structures;
 - (k) location and installation of all electrical equipment, circuits, and appliances so that they are protected from inundation by the regulatory flood;

- (l) location of storage facilities for chemicals, explosives, buoyant material, flammable liquids, or other toxic materials which would be hazardous to the public health, safety, and welfare at or above the regulatory flood protection elevation, or design of such facilities to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials.

The acceptability of any flood protection methods formulated by the subdivider or his agent shall be determined by the Planning Commission, which shall be guided by the policies set forth in Section 1-104 and Subsection 2-101.4, of these regulations.

4-101.5 Subdivision Name

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations. The Planning Commission shall have authority to designate the name of the subdivision, which shall be determined at sketch or preliminary plat approval.

4-102 Lot Requirements

4-102.1 Lot Arrangement

4-102.101 General

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, flood hazards, or other conditions in securing building permits to build on all lots in compliance with any zoning resolution, the Tennessee Department of Environment and Conservation and county public health department regulations and in providing driveway access to buildings on such lots from an approved public way.

4-102.103 Lots Subject to Flood

Where a lot in any flood prone area must be improved to provide a building site free from flooding, such improvements shall be made outside the floodway by elevation or fill to at least the regulatory flood protection elevation (one hundred-year flood) for a distance extending at least twenty-five (25) feet beyond the limits of intended structures and, additionally, extending a sufficient distance to include areas for subsurface sewage disposal if the lot is not to be connected to a public sanitary sewer system. Any fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the Planning Commission.

In nonresidential building sites outside a floodway but subject to flooding, the use of structural floodproofing methods specified in Subsection 4-101.4, of these regulations, as an alternative to landfill, may be approved by the Planning Commission, as provided in Subsection 2-101.4, of these regulations.

4-102.104 Lots Located on Steep Slopes

Due to the potential threat to health and safety posed by development located on lands with slopes in excess of thirty (30) percent, the following regulations shall apply.

- a. Site Development Plan Required -- No building permit shall be issued for a building or any lot with slopes thirty (30) percent or over until a site plan meeting the following requirements has been approved by the Planning Commission. Said site plan shall show:
 - (i) The exact size, shape, and location of the lot,
 - (ii) The proposed location of all buildings, driveways, drainage ways and utilities,
 - (iii) Proposed contours at vertical intervals of no more than five (5) feet,
 - (iv) The extent of natural tree cover and vegetation,
 - (v) The location of any onsite soil absorption sewage disposal systems,
 - (vi) The type and location of erosion control methodology.
 - (vii) The surveyor's or engineer's stamp that prepared the plan,
 - (viii) Proper design of site for areas with steep slopes and land slide problems by a Registered Engineer.
- b. Site Development Standards -- The following standards shall be used as a guide in determining the suitability of the construction proposed for the particular site in question. The engineer's design required in Subsection 4-102.104, a, (viii), above, shall address these standards.
 - (i) Natural vegetation shall be preserved to the maximum extent possible,
 - (ii) Natural drainage ways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques,
 - (iii) Operations that increase loads, reduce slope support, and cause instability of the slope shall be prohibited to the maximum extent possible, which will permit reasonable development of the site. These include filling, irrigation systems, accessory buildings, and onsite soil absorption sewage disposal systems,

- (iv) Where sanitary sewers are not available, any onsite sewage disposal system shall be shown on the site plan and located to avoid slide-prone areas. Said system shall be approved by the county health department prior to the Planning Commission's review taking into account these requirements,
 - (v) Erosion control measures shall be employed to prevent all soil material from leaving the site. Additionally, soil from excavation on the site shall not be disposed as fill on a potential slide area,
 - (vi) No construction, which would cut the toe of the slope, shall be permitted. This shall apply as well to subdivision roads constructed in compliance with these regulations.
- c. All lots subject to these provisions shall be so designated on the final plat

4-102.2 Lot Dimensions

Lot dimensions shall comply with the minimum standards of any zoning ordinance, where applicable. Where lots are more than double the minimum area required by any zoning resolution, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future public ways where they would be necessary to serve such potential lots, all in compliance with any zoning resolution and these regulations. Generally side lot lines shall be at right angles to road lines or radial to curving road lines.

The minimum lot frontage on a public way or private easement shall be fifty (50) feet except, lots fronting on the radius of a cul-de-sac shall have a minimum frontage of forty (40) feet.

Dimensions of the corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback requirements from both public way rights-of-way.

Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-road parking and loading facilities required for the type of use and development contemplated, and as established in any zoning resolution.

4-102.3 Width to Depth Ratio (Amended 7/26/04)

No lot when subdivided shall have a greater width to depth than one to five (1:5); therefore, when any lot is subdivided from an existing lot or tract, no side lot line shall be greater than five (5) times the length of the front lot line, based on the width of the lot at the front building setback line. Lots that front along the radius of a cul-de-sac or are greater than five (5) acres are exempt from this requirement.

4-102.4 Building Setback Lines

In the case of electric transmission lines where easement widths are not definitely established, a minimum building setback line from the center of the transmission line shall be established as follows:

<u>Voltage of Line</u>	<u>Building Setback</u>
7.2 KV	15 feet
13 KV	20 feet
46 KV	37 1/2 feet
69 KV	50 feet
161 KV	75 feet

4-102.5 Double Frontage Lots and Access to Lots

4-102.501 Double Frontage Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation.

In the case of double frontage lots, said double frontage lots shall use front yard setbacks on all sides that face the road, and rear yard setbacks shall be used on all other sides not facing the road. No side yard setbacks shall be used on any lot with double frontage.

Reverse frontage lots shall have a depth of not less than two hundred (200) 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.

4-102.502 Access from Arterial or Collector Public Ways

The Planning Commission may require that lots shall not derive access exclusively from arterial or collector public ways. Where driveway access from such public ways may be necessary for several adjoining lots, the Planning Commission may require that the lots be served by a combined access drive in order to limit possible traffic hazards. Driveways shall be designed and arranged so as to avoid requiring vehicles to back onto arterial or collector public ways, and shall observe the site distances for horizontal and vertical curves as required in Table I in Article IV.

4-102.6 Soil Preservation, Grading, Erosion Control, and Seeding

4-102.601 Soil Preservation and Final Grading

Except as required for the building site, topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide cover on the lots. Upon lots served by individual sewage disposal systems, grading shall be performed in strict accordance with requirements of the local office of the State Department of Environment and Conservation.

4-102.602 Lot Drainage

Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area, which includes subsurface drainage. Drainage shall be so designed so as to avoid concentration of storm drainage water from each lot to adjacent lots as required in 5-102.2.

The Planning Commission reserves the right to require the developer's engineer to set minimum elevations on all floors, patios, and building equipment. This prerogative to establish elevation exists in addition to any ordinances that refer to floodplain elevation requirements. The content of the preceding paragraph is to give the Planning Commission summary review powers over any calculated or historical evidence of storm water presence in overland or channel conditions.

The subdivision developer will insure that all artesian ground waters of a permanent or temporary nature encountered within the right-of-way will be intercepted and carried away to primary drainage conduits along swale ditches or in underground pipes on property line easements. Regardless of the location of property lines, intercept will be allowed at the point of artesian surfacing. The intent of this paragraph is to perform this work upon evidence of artesian water for a period of one (1) year following acceptance of all roads and utilities.

Any sinkhole or natural channel which serves or has served as a means of moving or storing ground water shall be protected as may be required by the county engineer.

4-102.603 Erosion and Sediment Control

There shall be a minimization of changes in the rate of natural erosion and sedimentation, which result from the development process. An erosion and sediment control plan shall be presented with the construction plans submitted in conformance with Section 5-102, of these regulations. Such plans shall incorporate the following principals:

- a. clearing and grading shall be integrated with layout design;
- b. clearing shall be minimized and existing vegetation shall be preserved to the maximum feasible degree;
- c. grading shall be strictly limited to those areas involved in current construction activities;

- d. disturbed areas shall be protected and stabilized as soon as possible;
- e. structural and vegetative measures to control the velocity and volume of runoff shall be required;
- f. sediment basins and traps shall be required as necessary;
- g. adequate maintenance of all planting and structures measures shall be assured.

4-102.7 Debris and Waste

No cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot or public way at the time of the issuance of a certificate of occupancy for the lot, and removal of such waste shall be required prior to issuance of any certificate of occupancy. Neither shall any such waste be left nor deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

4-102.8 Fencing

Each subdivider or developer shall be required to furnish and install all fences wherever the Planning Commission determines that a hazardous condition exists. Such fences shall be constructed according to standards established by the Planning Commission, as appropriate, and shall be noted on the final plat as to height and required materials. No certificate of occupancy shall be issued for any affected lot until such fence improvements have been installed.

4-102.9 Water Bodies and Watercourses

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a governmental responsibility.

None of the minimum area of a lot required under any zoning resolution may be satisfied by land, which is permanently under water. Where a watercourse separates a buildable area of a lot from the public way by which it has access, provisions shall be made for installation of culvert or other structure approved by the Planning Commission and no certificate of occupancy shall be issued for a structure on such a lot until the installation is completed and approved by the Planning Commission and/or the appropriate governmental representative.

4-103 Roads

4-103.1 General Requirements

4-103.101 Frontage on Improved Roads (Amended 12/19/22)

No subdivision shall be approved unless the area to be subdivided shall meet the requirements for access set forth in Subsection 1-112.109, of these regulations. If any new road construction is proposed, all construction shall be in accordance with the provisions of these regulations and their appendices. All right-of-way improvements shall be dedicated to the appropriate governmental body as provided in Articles II and III, of these regulations, and placed under a warranty bond for a period of one (1) year from the date of acceptance.

In an instance where the county engineer determines construction of the cross-section shown in the Major Thoroughfare Plan will compromise sound engineering practices or the safety of the general public, the county engineer may recommend to the Planning Commission a suitable alternative for consideration. The Planning Commission may require the alternative be constructed as part of the platting process. In no case shall the recommended alternative significantly increase the impact of the upgraded construction requirements of the Major Thoroughfare Plan.

Whenever the area to be subdivided is to utilize existing road frontage, said road shall be suitably improved as provided herein above, or be bonded by a performance bond as required by these regulations. The Planning Commission shall further require that the entire right-of-way required by these subdivision regulations and the Major Thoroughfare Plan be dedicated to the county as a condition of final plat approval.

4-103.102 Grading and Improvement Plan

Roads shall be graded and improved to conform to the standards required by this section and shall be approved as to design and specification by the appropriate governmental representative in accordance with the specifications required herein. No surface shall be applied to the base of any proposed road prior to the approval of the final plat of the subdivision or of the final approval of any section of the subdivision in question without having been properly inspected.

4-103.103 Improvements in Floodable Areas

The finished elevation of proposed roads subject to flood shall be no less than one (1) foot above the regulatory flood protection elevation. The Planning Commission may require profiles and elevations of roads to determine compliance with this requirement. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring the finished elevation of any road to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable to the county engineer.

4-103.104 Private Roads

There shall be no private roads platted in any subdivision. Every subdivided property shall be served from a publicly dedicated road or by a fifty (50) foot permanent ingress/egress easement that is served by a publicly dedicated road.

4-103.105 Topography and Arrangement

- a. All roads shall be arranged so as to obtain as many of the building sites as possible at or above the grades of the roads. Grades of roads shall conform as closely as possible to the original topography. A combination of steep grades and curves shall not be permitted. Specific design standards are contained in Subsection 4-103.2, of these regulations.
- b. All roads shall be properly integrated with the existing and proposed system of public ways and dedicated rights-of-way as established on the Major Thoroughfare Plan.
- c. All public ways shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; to population densities; and to the pattern of existing and proposed land use.
- d. Minor public ways shall be designed to conform as much as possible to the topography; to discourage use by through traffic; to permit efficient drainage and utility systems; and to require the minimum ways necessary to provide convenient and safe access to property.
- e. The use of curvilinear roads, cul-de-sac, or "U"-shaped roads shall be encouraged where such use will result in a more desirable layout.
- f. Proposed public ways shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the subdivision design with the existing layout or the most advantageous future development of adjacent tracts.
- g. In commercial and industrial developments, public ways and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

4-103.106 Blocks

- a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block may be permitted in blocks adjacent to major public ways, railroads, or waterways.
- b. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (i) provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - (ii) any zoning requirements as to lot sizes and dimensions;
 - (iii) needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic; and
 - (iv) limitations and opportunities of topography.
- c. Block lengths in residential areas shall not exceed two thousand (2,000) feet nor be less than four hundred (400) feet, except as the Planning Commission deems necessary to secure efficient use of land or desired features of the road pattern. Wherever practicable, blocks along arterial or collector routes shall not be less than one thousand (1,000) feet in length.
- d. Blocks designed for industrial or commercial uses shall be of such length and width as may be deemed suitable by the Planning Commission.
- e. In any long block, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage, facilities, and/or pedestrian traffic.

A pedestrian walkway, not less than five (5) feet wide, may be required by the Planning Commission to transverse the approximate center of any block more than one thousand (1,000) feet long, where deemed essential to provide circulation or access to a school, playground, shopping center, transportation facility, or other community facility.

4-103.107 Access to Arterials and Collectors

Where a subdivision borders on or contains an existing or proposed arterial or collector route, the Planning Commission may require that access to such public way be limited by:

- a. the subdivision of lots so as to back on the arterial or collector route and front on a parallel minor route;
- b. a series of cul-de-sac, "U" shaped public ways, or short loops entered from and designed generally at right angles to such a parallel public way, with the rear lines of their terminal lots backing onto the arterial or collector route; or

- c. an off-road access public right-of-way (frontage Road), separated from the arterial or collector route by a planting or grass strip and having access thereto at suitable points. In addition, there shall be no overlap of the right-of-way of such proposed frontage road and existing arterial or collector route. Such road shall be built to specifications set out in Subsection 4-103.2.

Note: The number of residential lots and local public ways entering on arterial or collector routes shall be kept to a minimum.

4-103.108 Reserve Strips

The creation of reserve strips adjacent to a proposed public way in such a manner as to deny access from adjacent property to such public way shall generally not be permitted.

However, in extraordinary circumstances the Planning Commission may allow creation of a reserve strip to enable a more appropriate pattern of lots or public ways. Where such is created the Planning Commission must agree to any and all future depositions of same. A notation to this effect shall be entered on the final plat or approved as an auxiliary instrument attached thereto.

4-103.109 Arrangement of Continuing and Dead-End Roads

- a. Arrangement of Continuing Roads -- The arrangement of roads shall provide for the continuation of major roads between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provisions of utilities, and when such continuation is in accordance with the major street or road plan. If the adjacent property is undeveloped and the public way must be a dead-end road temporarily, the right-of-way shall be extended to the property line. At such time, when the adjacent property is to be developed, the developer of the new development, at their expense, shall connect the existing temporary cul-de-sac to a road in the new development. (Amended 4/28/08) A temporary cul-de-sac, temporary T-, or L-shaped turnabout shall be provided on all temporary dead-end roads as required in the following turnabout standards, with a notation on the subdivision plat that land outside the normal road right-of-way shall revert to abutting property owners whenever the road is continued. The Planning Commission shall limit the length of temporary dead-end roads in accordance with the design standards of these regulations.
- b. Dead-End Roads -- Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than one hundred (100) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout shall be provided at the end of a dead-end road in accordance with the design standards of these regulations.

In addition, there shall be a maximum of four (4) branches (secondary cul-de-sacs) off of the primary cul-de-sac, none of which shall exceed five hundred (500) feet in length, and a maximum combined length of two thousand (2,000) feet for all secondary cul-de-sacs. No secondary cul-de-sac shall be closer than one hundred fifty (150) feet from any beginning radius of any other cul-de-sac. No cul-de-sacs shall be developed off of any secondary cul-de-sac.

For greater convenience to traffic and more effective police and fire protection, permanent dead-end roads shall, in general, be limited in length in accordance with the design standards of these regulations.

4-103.2 Design Standards

4-103.201 Purpose

In order to provide roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, sanitation, and road-maintenance equipment, and to coordinate roads so as to compose a convenient and safe system and avoid undue hardships to adjoining properties, the road design standards set forth in this section are hereby required. (Road classification shall be as indicated on the major street or road plan; otherwise, the road shall be classified by the Planning Commission according to the definitions in Article VI, of these regulations.)

4-103.202 General Design

The general design of all roads shall conform to the standards in the tables entitled "General Design Standards for Roads", which follow hereafter.

4-103.203 Intersections

- a. Roads shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new roads at an angle of less than seventy-five (75) degrees shall not be permitted. An oblique road should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) roads shall intersect at any one point unless specifically approved by the Planning Commission.
- b. Proposed new intersections along one side of an existing road shall coincide, wherever practicable, with any existing intersections on the opposite side of such road. Jogs within roads having center line offsets of less than one hundred twenty five (125) feet shall not be permitted, except where the intersected public ways

have separated dual drives without median breaks at either intersection. Where roads intersect arterial or collector routes, their alignment shall be continuous. Intersections of arterial or collector roads shall be at least eight hundred (800) feet apart.

- c. Minimum curb radius at the intersection of two (2) minor roads shall be twenty-five (25) feet, and minimum curb radius at an intersection involving a collector road shall be thirty-five (35) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- d. Where a road intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate site distance.
- e. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting road.
- f. The cross-slope on all roads, including intersections, shall be two (2%) percent or less.
- g. The developer shall install road signs, and the highway department must accept them as a portion of the road improvements, or the cost shall be included in the amount of the construction bond posted for insurance of the road. Road signs shall be installed before any building permits are issued on that subdivision. All signs shall be governed by the Manual On Uniform Traffic Control Devices (For Streets and Highways), 1988, U.S. Department of Transportation, Part II.

4-103.204 Excess Right-of-Way

A slope easement in excess of the right-of-way designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be less/steeper than three to one (3:1).

TABLE I
GENERAL DESIGN STANDARDS FOR ROADS

IMPROVEMENT		RESIDENTIAL ROAD	NONRESIDENTIAL ROAD (INDUSTRIAL, COMMERCIAL: OTHER)	
<u>Minimum Right-of-Way Width (in Feet)</u>				
Minor	50		60	
Collector	60		80 or (See * Below)	
Arterial	*			
<u>Minimum Width of Roadway or Paved Area (in Feet) not Including Parking Requirements</u>				
	<u>Ditch Road Section</u>	<u>Curb & Gutter</u>	<u>Ditch Road Section</u>	<u>Curb & Gutter</u>
Minor	24	28	24	38
Collector	24	38	24	38
Arterial	(See * Below)			(See * Below)
<u>Maximum Percentage Grade (%)</u>				
Minor	10		6	
Collector	8		6	
Arterial	6		5	
The minimum grade in all sections shall be no less than 0.50%				
<u>Pavement Crown</u>				
The paved surface shall slope downward from the centerline of the road outward to the edge of the paved surface on each side. This slope shall be a 2% cross slope.				
<u>Minimum Center Line Radius of Curve (in Feet)** - (also site distance for horizontal curves for driveways)</u>				
Minor	100		200	
Collector	200		200	
Arterial	500		500	

* As determined by appropriate governmental representative.

** Applies where a deflection angle of 15 degrees or more in the alignment of pavement occurs.

TABLE I (Continued)
GENERAL DESIGN STANDARDS FOR ROADS

IMPROVEMENT	RESIDENTIAL ROAD	NONRESIDENTIAL ROAD (INDUSTRIAL, COMMERCIAL: OTHER)
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Minimum Length of Vertical Curves

	<u>Design Speed</u>	
Minor	30	Rate of curvature, K = 30 for crest, 40 for sag, but not less than 100'.
	Collector 45	Rate of curvature, K = 80 for crest, 70 for sag, but not less than 100'.
	Arterial 60	Rate of curvature, K = 190 for crest, 120 for sag, but not less than 300'.

All values are derived from AASHTO-Geometric Design of Highways and Streets, 1990.

Minimum Length of Tangents Between Reverse Curves (in Feet)

Minor	100	200
Collector	100	200
Arterial	300	400

Minimum Sight Distance (in Feet) for Vertical Curves – (also for driveways)

Minor	250	250
Collector	250	250
Arterial	300	400
Intersection	Across Corners 75 feet back	Across Corners 75 feet back

Minimum Turnaround on Cul-de-sacs on Minor Roads (in Feet)

Right-of-Way Diameter	100	160
Pavement Diameter	80	140

Length of Cul-de-sac

Permanent	1,000 feet
Temporary	1,000 feet

A cul-de-sac may extend to an absolute maximum of 2,000 feet, however, any cul-de-sac that extends to a distance of greater than 1,000 feet shall be required to install a circular turnaround, with the same specifications as the terminus of the cul-de-sac, every 400 to 600 feet, from the beginning of the cul-de-sac. (Amended 10/28/02 and 4/28/08)

Minimum Radius (in Feet) of Return at Intersections

At Right-of-Way	25	30
At Pavement	35	50

4-103.204 Excess Right-of-Way

A slope easement in excess of the right-of-way designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be less/steeper than three to one (3:1).

4-103.205 Railroads and Limited Access Highways

Railroad right-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

- a. In residential areas, a buffer strip at least twenty-five (25) feet in depth in addition to the normally required depth of the lot may be required adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening; the placement of structures hereon is prohibited."
- b. In commercial or industrial areas, the nearest road extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial property usage.
- c. Roads parallel to a railroad, when intersecting a road which crosses the railroad at grade, shall to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

4-103.206 Bridges

Bridges of primary benefit to the subdivider, as determined by the Planning Commission, shall be constructed at the full expense of the subdivider without reimbursement from the county. The sharing of expenses for the construction of bridges not of primary benefit to the subdivider, as determined by the Planning Commission, shall be fixed by special agreement between the County Commission and the subdivider. The cost shall be charged to the subdivider pro rata as to the percentage of his development so served.

4-103.3 Right-of-Way Width Dedication on Existing Roads (Amended 12/19/22)

Where a Major subdivision adjoins an existing minor road or where the recorded Tipton County Transportation Plan or the Tipton County Capital Improvements Plan or any zoning setback provisions indicate plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to dedicate, at his expense, areas for widening or realigning such road as set forth below:

1. the entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing road; or

2. when the subdivision is located on only one side of an existing road, one-half (1/2) of the required right-of-way, measured from the center line of the existing pavement, shall be provided.

4-103.4 Road Surfacing and Improvements

After underground utilities have been installed, the subdivider shall construct curbs or curbs with gutters, where required, and shall surface or cause to be surfaced roads to the widths prescribed in these regulations. No road shall be surfaced until preliminary approval of the subdivision plat has been obtained. Surfacing shall be of such character as is suitable for the expected traffic. No final surface of a road shall be applied until at least eighty-five (85%) percent of all structures are complete or approval by the Director of Public Works. Types and methods of paving shall be according to the specifications of the Planning Commission, but in no event shall such construction be below the construction specifications set forth in Appendix B, of these regulations. Adequate provision shall be made for culverts or other drains, and bridges, as required.

All roads pavements, shoulders, drainage improvements and structures, any curb turnabouts, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

4-103.5 Road Improvements on Existing Roads (Amended 12/19/22)

Where a Major subdivision adjoins an existing road on either one side or both sides of the road, the subdivider shall be required to improve the existing road as set forth below:

1. When the subdivision is on one side of the road, the subdivider shall be required to improve the road section to the corresponding typical road section as set forth by the Tipton County Public Works Department; or
2. When the subdivision is located on both sides of the existing road, the subdivider shall be required to improve the entire road section to the corresponding typical road section as set forth by the Tipton County Public Works Department; and
3. In either case, the drainage system (cross culverts, road side conveyances, driveway culverts, etc.) shall be improved to accommodate the improved road section and the development constructed by the subdivider.

All improvements, drainage or road system related, shall adhere to the specifications set forth in Appendix B of these regulations.

4-104 Road Construction Specifications

The road construction specifications are included in these regulations as Appendix B, and are adopted as a part hereof. These specifications shall be the minimum standards for any subdivision within the jurisdictional area. The standard specifications for road and bridge construction of the Tennessee Department of Transportation will be utilized for all items not included in these minimum specifications. All road and drainage construction details are subject to the approval of the Director of Public Works, **and shall be submitted to the office of the enforcing officer.**

4-105 Drainage and Storm Sewers

4-105.1 General Requirements

The Planning Commission shall not approve any major subdivision plat, which does not make adequate provision for storm water or floodwater run-off channels or basins. The storm water drainage system shall be separate and independent from any sanitary sewer system.

4-105.2 Nature of Storm Water Facilities

4-105.201 Location

The subdivider may be required by the Planning Commission to transport by pipe or open ditch any spring or surface water that may exist prior to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the construction specifications contained in these regulations.

4-105.202 Accessibility to Public Storm Sewers

- a. Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the appropriate governmental representative; inspection of facilities shall be conducted to assure compliance. The enforcing officer shall conduct inspection of facilities.
- b. If a connection to a public storm sewer will be provided eventually, as determined by the Planning Commission, the subdivider shall make arrangements for future storm water disposal by a public system at the time the plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the performance bond required for the final subdivision plat.

4-105.203 Accommodation of Upstream Drainage Areas

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Necessary facilities shall be sized based on the construction specifications and assuming conditions of maximum potential watershed development permitted, as approved by the Director of Public Works.

4-105.204 Effect on Downstream Drainage Areas

The developer shall also prepare and submit to the county engineer a study of the effect of each major subdivision on existing downstream drainage facilities outside the area of the subdivision.

Increased flow rates, volumes, and velocities of water generated by a development must be estimated and may be released if the increased runoff is conveyed to an adequate downstream watercourse or facility without adverse impact (as determined by the county engineer) upon the land over which the waters are conveyed or upon the watercourse or facility into which such waters are discharged.

Where it is anticipated that the additional runoff incidental to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provisions have been made for adequate improvement of such drainage facilities. The developer may be required to either construct adequate downstream facilities, contribute his pro-rata share toward the construction of adequate downstream facilities, or install onsite storm water detention to mitigate the downstream impacts. The Planning Commission reserves the right to require pro-rata share contributions or downstream improvements where storm water detention is not in the best interest of the overall drainage system and the county in general.

On site storm water detention proposed to reduce the peak rate of discharge to the off-site drainage system in lieu of downstream improvements shall not cause increased peak flows or velocities detrimental to downstream properties or facilities. When detention facilities are utilized, the peak rate of discharge after development shall not exceed the predevelopment peak rate with adequate provision made to prevent erosion due to increased velocities and adequate provision made for downstream accommodation of increased volumes of runoff.

Should it be determined by the county engineer that downstream conditions dictate additional control of lesser storms (up to the twenty-five (25) year design storm), the developer shall install flow control devices (weir, etc.), as approved by the county engineer.

Detention facilities shall be platted as perpetual drainage easements and shall be maintained by the property owner(s). The government of Tipton County will in no way be responsible for maintenance of drainage facilities on private property. Estimated increases in discharge velocity shall be mitigated by energy dissipation devices where required to prevent erosion.

The drainage system shall be designed to honor natural drainage divides, where practical. Surface waters shall not be concentrated and discharged onto adjoining property at rates and/or velocities exceeding predevelopment conditions unless the owner of the affected land has granted an easement expressly authorizing such discharge or unless the discharge is into an adequate natural watercourse or drainage system.

4-105.205 Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission may approve such subdivision; provided, that the applicant fills the affected floodway fringe area of said subdivision to place public way elevations at no less than twelve (12) inches above the regulatory flood elevation and first floor elevations (including basements) at no less than one (1) foot above the regulatory flood elevation. The plat of such subdivision shall provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither shall any building nor flood-restrictive structure be erected or placed therein. The boundaries of the floodway and floodway fringe area and the regulatory flood elevation shall be determined by the county engineer based upon the review specified in Subsection 2-103.2, of these regulations, and the submission of flood data in construction plans as specified in Section 5-102, of these regulations. In any area that is subject to flooding, FEMA shall be contacted before any earthwork begins in or reasonably near the floodway fringe due to possible changes in the floodway.

When sinkholes are encountered, the developer based upon competent engineering shall determine the limits of any standing water. The Planning Commission may prohibit construction in and around sinkholes. The county engineer and Planning Commission shall approve any alteration of a sinkhole or the drainage pattern. (See Subsection 4-102.502.)

4-105.206 Floodplain Areas

The Planning Commission may when it deems necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property, which lies within the floodplain of any stream or drainage course. The regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any subdivision which contains flood prone land shall be subject to the special provisions set forth in Subsections 2-101.4; 4-101.4; and Subsection 4-105.2, of these regulations.

4-105.207 Storm Water Detention and Discharge Control

- a. The general policy of the Tipton County Planning Commission is to allow release of the increased volume of water generated by a development rather than detain it if the increased runoff can be conveyed to an adequate drainage way, which will not cause downstream flooding. The major factors in evaluating drainage designs will be the effect on downstream water levels, existing conveyances, proximity of any structures, and erosion of banks.
- b. Any drainage system that discharges without some form of detention shall route its water along a designated public drainage easement. A drainage system can be allowed to discharge along an existing (prescriptive) but non-recorded easement if all of the following are true:

- (i) Post-development flow is less than or equal to the pre-development flow at the same location. (See Subsection 4-105.204.)
 - (ii) In order to prevent erosion at all outlet points, the engineer will be required to design and submit for approval an outlet system that approximates the width and velocity of the flow which existed prior to development.
- c. A Stormwater Runoff Analysis, as defined in 6-102, shall be completed and submitted with the construction plans.

4-105.3 Dedication of Drainage Easements

4-105.301 General Requirements

Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainage ways are utilized they shall be designed for the twenty-five (25) year frequency flood.

4-105.302 Drainage Easements

- a. Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within a road right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the road lines and with satisfactory access to roads. Easements shall be indicated on the preliminary and final plats. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- b. When a new drainage system is to be constructed which will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- c. The applicant shall dedicate, when required by the Planning Commission, either in fee through the appropriate governmental representative, or by drainage or conservation easement through a declaration of covenants and restrictions, the land on both sides of an existing watercourse to a distance to be determined by the County Engineer and approved by the Planning Commission.
- d. Along watercourses, low-lying lands within any floodway, as determined by the Planning Commission pursuant to Section 2-102, of these regulations, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

4-105.303 Drainage Construction

All ditch, channelization, culvert, storm drain, or catch basin construction shall be governed by the Specifications for Drainage Construction, included as Appendix B. These specifications are adopted and made a part of these regulations.

4-106 Water Facilities

4.106.1 General Requirements

1. Necessary action shall be taken by the developer to extend a water supply system capable of providing domestic water use and fire protection.
2. Where a public water main is within reasonable access of the subdivision, as determined by the Planning Commission, the subdivider shall install adequate water facilities, including fire hydrants (as required in section 4-106.2 below), subject to construction and material specifications, approval of the Planning Commission, the Tennessee Department of Environment and Conservation and these regulations.
3. Where required for fire protection, water mains shall not be less than six (6) inches in diameter.
4. All water systems, whether public or private, located in a flood prone area shall be floodproofed to the regulatory flood protection elevation. All water supply facilities located below the regulatory flood protection elevation shall be designed to prevent the infiltration of floodwaters into the water supply system and discharges from the system into floodwaters.
5. All water systems shall comply with the general instructions and detailed specifications for construction of water projects of the Tennessee Department Environment and Conservation.
6. Unless otherwise permitted, all subdivisions shall include a service line from the main water line that terminates at the property line in order that each proposed lot, at the time of construction, may be served by water without the installation of additional lines. The end of each service line shall be properly marked. All service lines shall have a minimum cover of twenty-four (24) inches.

4-106.2 Fire Hydrants

Fire hydrants shall be required in all major subdivisions; they shall be located no more than five hundred (500) feet apart as measured by the servicing road or so that no building envelope (whether residential, commercial, or industrial) shall be more than two hundred fifty (250) feet from any fire hydrant as measured by the servicing road. However, the Planning Commission may require closer spacing where physical conditions or types of structures so warrant. To eliminate future road cuttings or openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of a road shown on the subdivision plat.

Where a minor subdivision of three (3) or more lots (including the parent tract) are being subdivided along existing public ways and adequate water lines are available, (six (6) inches in diameter or greater), fire hydrants shall be installed in cooperation with the appropriate utility district. (Amended 1/23/06 & 12/20/21)

Where a minor subdivision of three (3) or more lots (including the parent tract) are being subdivided along existing public ways and water lines are available, (four (4) inches in diameter to less than six (6) inches in diameter), flush plug hydrants shall be installed in cooperation with the appropriate utility provider, subject to flow availability. If flow availability is not adequate, then a letter from the appropriate utility stating such is sufficient. (Amended 12/20/21)

4-107 Sewage Facilities

4-107.1 General Requirements

The applicant shall install sanitary sewer facilities in a manner prescribed by the regulations of the Tennessee Department of Environment and Conservation and by any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit, thereof.

4-107.2 Mandatory Connection to Public Sewer System

1. When public sanitary sewers are within reasonable access of the subdivision, as determined by the Planning Commission, the subdivider shall provide sanitary sewer facilities to each lot therein and shall connect the facilities to the public system. The subdivider shall provide sewers that meet standards set forth in the regulations of the Tennessee Department of Environment and Conservation.
2. All sanitary sewer facilities located in a flood hazard area shall be floodproofed to the regulatory flood protection elevation. All sewerage facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.

4-107.3 Individual Disposal System Requirements

If public sewer facilities are not available and individual disposal systems are proposed, lot areas shall not be less than the minimums specified in these regulations; all pertinent soil absorption tests shall be made as directed by the county environmentalist and the results submitted to the local office of the State Department of Environment and Conservation for approval.

The local office of the State Department of Environment and Conservation also shall approve the individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device.

Upon recommendation of the local office of the State Department of Environment and Conservation, the Planning Commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. The Planning Commission may require that the subdivider note on the face of the plat

and any deed of conveyance that soil absorption fields are prohibited in designated areas.

4-107.4 Design Criteria for Sanitary Sewers

4-107.401 General

These design criteria are not intended to cover extraordinary situations. Deviations can be allowed and may be required in those instances where considered justified by the county engineer. These design criteria are considered minimum standards and public utility systems and State requirements may be more restrictive.

4-107.402 Design Factors

Sanitary sewer systems shall be designed for the ultimate tributary population. Due consideration may be given to any current zoning regulations and approved planning reports, where applicable. Sewer capacities shall be adequate to accommodate the anticipated maximum hourly quantity of sewage and industrial wastes, together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented hereinafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria.

SEWER DESIGN FLOWS

Building Type

One and Two Family Dwellings	0.02 cubic feet per second (c.f.s. per acre)
Apartments	
One and Two Story	0.02 c.f.s. per acre
Three Through Six Story	0.03 c.f.s. per acre
Commercial	
Small Stores, Offices and Miscellaneous Business	0.02 c.f.s. per acre
Shopping Centers	0.02 c.f.s. per acre
Industrial	As suggested by engineer

These design factors shall apply to watersheds of three hundred (300) acres or less. Design factors for watersheds larger than three hundred (300) acres and smaller than one thousand (1,000) acres shall be computed on the basis of a linear decrease from the applicable design factor for an area of three hundred (300) acres to a design factor of 0.01 c.f.s. per acre for an area of one thousand (1,000) acres, unless otherwise directed by appropriate governmental representative. Design factors for watersheds

larger than one thousand (1,000) acres shall be 0.01 c.f.s. per acre, unless otherwise directed.

All sanitary sewer materials shall be A.S.T.M. and/or A.W.W.A. approved.

4-107.403 Maximum Size

The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable.

4-107.404 Minimum Size

No public sewer shall be less than eight (8) inches in diameter. All homes shall have a minimum four (4) inch sewer service.

4-107.405 Minimum Slope

All sewers shall be designed to give mean velocities when flowing full of not less than 2.0 feet, per second. All velocity and flow calculations shall be based on Kutter's formula using a N value of 0.013. The design slopes shall be evenly divisible by four (4). The slopes shall be no less than the minimums specified in the following table. Exceptions to these minimum slopes shall be made, upon the approval of the local government engineer and the Tennessee Department of Environment and Conservation, at the upper end of lateral sewers serving under thirty (30) houses. Said sewers shall have a minimum slope of 0.76 percent. Where lateral sewers serve less than ten (10) houses, the minimum slope shall be not less than one (1) percent.

MINIMUM SLOPES FOR SEWER LINES

<u>Sewer Size (in Inches)</u>	<u>Recommended Minimum Slopes (Feet/100 Feet)</u>	<u>Required Minimum Slopes (Feet/100 Feet)</u>
8	0.522	0.40
10	0.387	0.28
12	0.304	0.22
14	0.247	0.17
15	0.226	0.15
16	0.206	0.14
18	0.177	0.12
21	0.144	0.10
24	0.120	0.08

4-107.406 Alignment

All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved.

4-107.407 Manhole Location

Manholes shall be installed at the end of each line; at all changes in grade, size, or alignment; at all intersections; and at distances not greater than three hundred-fifty (350) feet for sewers fifteen (15) inches or less in diameter, four hundred (400) feet for sewers eighteen (18) inches or twenty-one (21) inches in diameter, and five hundred (500) feet for sewers twenty-four (24) inches or greater in diameter.

4-017.408 Manholes

The difference in elevation between any incoming sewer and the manhole invert shall not exceed twelve (12) inches, except where required to match crowns. The use of drop manholes will require approval. The minimum inside diameter of the manholes shall conform to those specified. Inside drop manholes will require special considerations; however, in no case shall the minimum clear distance be less than that indicated above. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.

4-107.409 Sewerage Locations

Sanitary sewers shall be located within road or alley right-of-way, unless topography dictates otherwise. When located in easements on private property, access shall be available to all manholes. A manhole shall be provided at each road or alley crossing. End lines shall be extended to provide access from road or alley rights-of-way where possible. Imposed loading shall be considered in all locations. Not less than six (6) feet of cover shall be provided over the top of pipe in road and alley rights-of-way or three (3) feet in all other areas.

4-107.410 Cleanouts and Lampholes

Cleanouts and lampholes will not be permitted.

4-107.411 Water Supply Interconnections

There shall be no physical connection between a public or private potable water supply system and a sewer. There shall be no passage any of sewage or polluted water into the potable supply. Sewers shall be kept removed from the water supply wells or other water supply resources and structures.

4-107.412 Relation of Sewers to Water Mains

A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be laid at such an elevation that the top of the sewer is at least two (2) feet below the bottom of the water main. When the elevation of the sewer cannot be varied to meet the above requirement, the water

main, upon approval of the county's engineer and the Tennessee Department of Environment and Conservation, shall be relocated to provide this vertical separation or reconstructed with mechanical-joint pipe for a distance of ten (10) feet on each side of the sewer. One full length of water main shall be centered over the sewer so that both joints will be as far from the sewer as possible.

When the horizontal and vertical separation specified above is impossible, both the water main and sewer shall be constructed of mechanical-joint cast-iron pipe and shall be pressure-tested to assure water tightness.

4-108 Pedestrian Ways

4-108.1 Sidewalks and Bicycle Paths

Sidewalks and bicycle paths, shall be required by the Planning Commission in any major subdivision when any lot in the subdivision is less than 30,000 square feet, and shall be included within the dedicated nonpavement right-of-way of all roads as indicated in the following table and shall be improved as required by Subsection 4-103.4, of these regulations. Concrete curbs are required for all roads where sidewalks are to be constructed. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs. (Amended 10/22/07)

SIDEWALK DESIGN

<u>Class of Road</u>	<u>Sidewalk Width</u>	
	<u>Residential Road</u>	<u>Nonresidential Road (Industrial, Commercial; Other)</u>
Minor Road	4 feet wide	6 feet wide
Collector Road	5 feet wide	6 feet wide
Arterial Road	5 feet wide	6 feet wide

4-108.2 Pedestrian Accesses

The Planning Commission may require, in order to facilitate pedestrian access from the road to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

4-109 Utility Easements

- A. Easements down side or rear lot lines or across front lot lines shall be provided for utilities (private or public), where required. Such easements shall be at least ten feet (10') wide and designed to the appropriate utility districts' requirements. The required utility easements shall be shown on all plats and not located within the

road right-of-way. The subdivider shall take such actions as are necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within his development. (Amended 1/26/09)

- B. Where topographical or other conditions are such as to make impractical the inclusion of utilities within rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to roads or rear lot lines. Easements shall be indicated on the plat.
- C. Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project.

4-110 Public Uses

4-110.1 Plat to Provide for Public Uses

Whenever a tract to be subdivided includes a school, recreation use, a portion of a major road, or other public use, as indicated on the major street or road plan, or any other plan thereof, such tract shall be suitably incorporated by the developer into his plat when first presented for review by the Planning Commission.

After proper determination of its necessity by the Planning Commission and the appropriate governmental representative(s) involved in the acquisition and use of such site, and after a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the developer into the plat prior to final approval by the Planning Commission and recording of the plat.

4-110.2 Referral to Public Body

The Planning Commission shall refer any plat presented in accordance with Subsection 4-110.1, to the public body concerned with acquisition of the land. The Planning Commission may propose alternate areas for such acquisition and shall allow the appropriate governmental agency thirty (30) days for reply.

Among the areas which the Planning Commission may propose for public acquisition, when the commission deems it appropriate and consistent with the policies and purposes set forth in Section 1-104, Subsections 2-101.4, 4-101.4, and Section 4-111, of these regulations, is any land within a floodway or floodway fringe determined according to the procedure described in Section 2-102, of these regulations.

The acquiring agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

4-110.3 Notice to Property Owner

Upon receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on all plats any areas proposed to be acquired by any public body. Upon such designation by the Planning Commission, any reserved portion of any floodway or floodway fringe shall not be altered from its natural state by the development in any manner whatsoever, except upon written approval of the Planning Commission.

4-110.4 Duration of Land Reservation

The acquisition of land reserved by a governmental agency on the final plat shall be initiated within twenty-four (24) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a plat of a proposed development and a tentative schedule of construction. Failure on the part of the governmental agency to initiate acquisition within the prescribed twenty-four (24) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

4-111 Preservation of Natural Features and Amenities

Existing features which would add value to residential development or to the planning region as a whole, such as trees, watercourses and falls, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision, as required by the Planning Commission. No trees shall be removed from any subdivision nor any change of grade of land effected until approval of a preliminary subdivision plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade. When required the preliminary plat shall show the number and location of existing trees and shall indicate all those marked for retention.

Grading permits are required before any work begins for any lot, tract, subdivision, commercial development or industrial development with the exception of agricultural activities (including timber crops). **The penalty for grading prior to site plan approval or grading without a permit shall be \$100 per acre.** (Amended 7/26/04)

4-112 Nonresidential Subdivisions

4-112.1 General

If a proposed subdivision includes land which is zoned for a commercial or industrial purpose, or if not zoned, includes land intended by the applicant as a commercial or industrial use, the layout of the subdivision with respect to such land shall make such provisions as the Planning Commission may require. A nonresidential subdivision also shall be subject to all the requirements of site plan approval set forth in any zoning ordinance. Site plan approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as, such additional standards set forth by the Planning Commission, and shall conform to the proposed County Growth Plan, Major Thoroughfare Plan, and Zoning Resolution.

4-112.2 Standards

In addition to the principles and standards in the regulations, which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the road, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. proposed industrial parcels shall be suitable in areas and dimensions to the types of nonresidential development anticipated;
2. road rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated;
3. special requirements may be imposed by the governing body with respect to any road, curb, gutter, and sidewalk design and construction specifications;
4. special requirements may be imposed by the governing body with respect to the installation of public utilities, including water, sewer, and storm water drainage;
5. every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary; and
6. Roads carrying nonresidential traffic, especially trucks, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.

4-113 Wetlands Requirements (Amended 2/26/07)

Wetlands are defined as lands which have hydric soils and a dominance (fifty percent (50%) or more of stem count based on communities) of obligate hydrophytes. They include the following generic types: fresh water meadows, shallow fresh water marshes, shrub swamps with semi permanent water regimes most of the year, wooded swamps or forested wetlands, open fresh water except farm ponds, and bogs as defined in *11-14-401 Tennessee Code Annotated*.

The National Wetland Inventory Map, derived by the U.S. Fish & Wildlife Service, provides a digital map of potential wetland areas in Tipton County, Tennessee. Any existing or future lots or tracts shall meet a twenty-five (25) foot building envelope setback from any potential wetland shown on the NWI map, or as determined based upon the above definition, unless such potential wetland is determined not to be classified as a wetland through the Army Corp of Engineers. In addition, all potential wetland areas shall be shown on the Final Plat as a shaded or hatched area. Any accessory structure shall meet the required twenty-five (25) foot setback from any potential wetland. All existing structures as of February 26, 2007 are excluded from this requirement.

4-114 Gated Communities Requirements

The intent of this section is to provide standards for the installation and construction of all electronic access gates into private developments to allow for the safe and efficient ingress and egress for emergency responders and other necessary on-duty employees for the health, safety and general welfare of the public. In addition, this section also defines the responsibilities of the Homeowners' Association regarding all infrastructure within the development.

Any residential subdivision proposals that include gated access to the subdivision shall adhere to the Tipton County Subdivision Regulations and Zoning Resolution and include the following provisions:

4-114.1 Homeowners' Association

Any residential subdivision proposals that include gated access with private roads must have an incorporated association under the laws of the State of Tennessee approved by the Planning Commission during the Final Plat Approval process. The homeowners' association package shall be submitted during the Preliminary Plat Approval process for review and comment so as not to unnecessarily delay the Final Plat Approval process.

4-114.2 Maintenance

The maintenance of all private roads, drainage control structures, common areas and any other private infrastructure improvements shall be the responsibility of the homeowners' association. The Tipton County Public Works Department reserves the right to repair private roads and drainage control structures to County standards and recover the costs thereof from the homeowners' association if the homeowners' association does not maintain its private infrastructure improvements to County standards. Maintenance performed by the Tipton County Public Works Department does not constitute acceptance of any private infrastructure improvements.

4-114.3 Roads

All interior roads shall be constructed to Tipton County standards, per the Tipton County Subdivision Regulations (Article IV, Sections 4-103 and 4-104 and Appendix B of these regulations). All private roads shall be at a minimum design speed of 30 M.P.H. and speed bumps/humps are not allowed within the roadway. All interior intersections shall have a 35 foot turning radius. All road signs shall be installed and maintained by the Homeowners' Association. Road striping shall be applied the same as on County maintained roads.

4-114.4 Sewage Facilities

Sewage facilities shall apply the same as exists for the County (Article IV, Section 4-107). All sewage facilities are deemed private unless otherwise approved by the Planning Commission.

4-114.5 Utilities (Water and Gas Lines)

Water and gas line infrastructure, including fire hydrants (Article IV, Section 4-106), shall be public where provided by a public utility and shall be constructed to the specific Utility Districts standards. The required utility easements shall be shown on all plats and not located within the road right-of-way.

4-114.6 Drainage

Stormwater drainage structures, including but not limited to conveyances and retention/detention ponds shall be private, constructed to County standards (Article IV, Section 4-105 and Appendix B) and are to be maintained by the homeowners' association. Ponds, swales, ditches and any other form of drainage infrastructure shall be properly mowed, cleaned and maintained by the homeowners' association. Structures that create a point source discharge shall connect to public conveyances as determined by the County Engineer.

In the case of a gated community utilizing an underground stormwater retention/detention system, the homeowners' association shall enter into a maintenance agreement with a licensed and certified contractor to perform maintenance of the underground stormwater detention system. An annual inspection of the underground detention facility is required and the report shall be submitted to the County Engineer and County Code Enforcement Officer.

4-114.7 Gates

Each directional gate shall be a minimum of 14 feet in unobstructed width and located at least 50 feet from the nearest edge of the right-of-way of the intersecting public road for proper emergency access. Gate approaches shall be a minimum of 40 feet wide unobstructed to the 50 foot dimension with a 35 foot turn radius off the intersecting public road. In the case of an arched gateway, there shall be a minimum vertical clearance of 13 feet 6 inches for the entire gate width in each direction and marked as such with a minimum of 4 inch reflective lettering.

Secondary access shall be provided for gated communities of more than 50 units, following the same requirements of the primary access.

All gates shall be equipped with a radio operated receiver/controller capable of receiving signals from a police department, sheriff's department, fire department, utility and emergency medical services' radio transceivers serving the gated community which allow emergency responders and other necessary on-duty employees to open the gate by use of such equipment. In addition, all gates shall be equipped with a Knox Box, or equivalent, that guarantees emergency responders and other necessary on-duty employees access to the development. All gates shall be equipped with a battery backup.

Semi-annual inspection and testing of the gate control system is required by an independent firm hired by the homeowners' association. Reports of the inspection and maintenance performed shall be sent to the County Code Enforcement Officer and the 911 Office within thirty (30) days.

The maintenance and upkeep of any gate shall be the sole responsibility of the developer, owner or homeowners' association. Inoperative gates shall be repaired immediately. Inoperative gates shall be locked in the open position until repairs are made.

Retrofits shall follow the same standards for placement and turnaround as set out in this section, including those for existing non-gated subdivisions or existing private roads. No variances to this section shall be granted.

4-114.8 Escrow Account

The developer shall create an escrow account with the Tipton County Public Works Department in an amount equal to that required to resurface and restripe all private roads within the subdivision to serve as a maintenance bond. The county shall have the right to maintain any and all roads and drainage structures, and charge these costs to the escrow account. The amount to be permanently maintained in escrow by the homeowners' association shall be determined by the County Engineer and approved by the Planning Commission, with an annual review to ensure that adequate funds are present.

4-114.9 Road Lighting

If installed, road lights shall be private and maintained by the homeowners' association. If at any such time the homeowners' association is abandoned, the road lights shall become the responsibility of the property owner on which the road light exists.

4-114.10 Signage and Striping

All road signs and striping shall be private, and are to be installed and maintained to County standards or *The Manual on Uniform Traffic Control Devices* by the Homeowners' Association.

4-114.11 Disaster Response

In the event of an emergency, a gated community is treated like all other communities. However, the County's responsibility for cleanup in a gated community is the same as that of other private property.

4-114.12 Other

Other provisions may be required by the Planning Commission for a particular site in the interest of the health, safety and general welfare of Tipton County.

If, at any time, the homeowners' association is abandoned, the County shall remove the gates to the subdivision, inspect all roads and drainage structures and make any necessary repairs at the equally divided expense of the property owners within the subdivision.

ARTICLE V

SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

5-101 Preliminary Plat

5-101.1 General

The preliminary plat shall be prepared by a licensed surveyor engaged in the practice of land surveying at a scale not less than one hundred (100) feet to one (1) inch. The plat may be prepared in pen, and the sheets shall be numbered in sequence if more than one sheet is used. The map prepared for the preliminary plat may be used for the final subdivision plat and should be permanently reproducible.

5-101.2 Features

The preliminary plat shall include:

1. the location of the property to be subdivided with respect to surrounding property(s) and public way(s);
2. the names of all adjoining property owners of record, or the names of adjoining developments;
3. the names of adjoining public ways;
4. the location and dimensions of all boundary lines of the property, figured to the nearest hundredth (100th) of a foot;
5. the location of existing public ways, easements, water bodies, streams, and other pertinent features, such as swamps, potential wetlands, railroads, buildings, parks, cemeteries, drainage ditches, and bridges;
6. the location and width of all existing and proposed easements, alleys, and other public ways, and building setback lines;
7. the location, dimension, and area of all proposed or existing lots;
8. associated drainage structures sized along with necessary easements; electrical and telephone easements; (Amended 1/23/06)
9. the position of all existing or proposed buildings within proposed condominium developments;
10. the location and dimension of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;

11. flood map reference number and date; the limits of floodway and floodway fringe areas shall be hatched or shaded, and the associated regulatory flood elevation and regulatory flood protection elevation, as determined according to flood maps or flood studies as required;
12. the name and address of the owner(s) of land to be subdivided, the subdivider if other than the owner, and the land surveyor or other person preparing the plat;
13. the date of the plat, approximate true north point, scale, and title of the subdivision;
14. sufficient data to determine readily the general location, bearing, and length of all lines necessary to reproduce such lines upon the ground;
15. name of the subdivision and all new public ways, as approved by the Planning Commission;
16. the zoning classification of all zoned lots, as well as an indication of all uses other than residential proposed by the subdivider;
17. the approximate distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing public ways and to the original corner of the original survey of which it is a part;
18. key map showing relation of the subdivision to all public ways, railroads, and water courses in all directions to a distance of at least one-half (1/2) mile (suggested scale: one (1) inch to two thousand (2,000) feet);
19. contours at vertical intervals of not more than two (2) feet where the proposed subdivision has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the Planning Commission) where new road and drainage construction is involved;
20. map and parcel numbers as recorded on the land tax maps of the county;
21. chart depicting lot or tract number, square footage, and acreage;
22. The following notations:
 - (a) explanation of drainage easements;
 - (b) explanation of site easements;
 - (c) explanation of reservations; and
 - (d) for any lot where public sewer or water systems are not available, the following:

- (i) areas to be used for sewage disposal and their percolation results, or if the Planning Commission desires, any other acceptable data to show that the site can be served effectively by septic tanks;
 - (ii) water wells (existing and proposed); and
 - (iii) rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features;
- 23. the line size and approximate location of gas, water and sewer facilities along with the approximate location of hydrants.
- 24. a form for endorsement of Planning Commission approval of the preliminary plat which shall read as follows:

Approved by the Tipton County Regional Planning Commission, with such exceptions or conditions as are indicated in the minutes of the Commission on _____.
date

Preliminary plat approval shall not constitute final approval for recording purposes.

5-102 Construction Plans

5-102.1 General

Construction plans shall be prepared for all improvements required by these regulations. Plans shall be drawn at a scale of no more than fifty (50) feet to an inch. Plans shall be in compliance with the specifications in Article IV, of these regulations. Approval of plans must precede actual construction, and no final plat shall be considered by the Planning Commission until the required plans have been approved. The construction plans shall be prepared and stamped by a licensed engineer engaged in the practice of civil engineering. Design calculations for drainage, structures, and special construction items will be submitted for review.

5-102.2 Features

The following shall be shown on the construction plans.

- 1. Profiles showing existing and proposed elevations along center lines of all public ways.
- 2. Where a proposed road intersects an existing public way or ways, the elevation along the center line of the existing public way within one hundred (100) feet of the intersection.
- 3. Approximate radii of all curves, lengths of tangents, and central angles on all public ways.

4. Proposed public ways, as required by the Planning Commission; where such are required, horizontal stationing shall be at fifty (50) foot intervals and cross-sectional elevations shall be to an accuracy of one tenth (1/10) foot vertical on a line at right angles to the center line of the public way at the following points: the center line of the public way, each property line, and points twenty-five (25) feet inside each property line.
5. Plans and profiles indicating the locations and typical cross-section of public way pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins.
6. The location of public way signs.
7. The location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility system.
8. Exact location and size of all water, gas, or other underground utilities or structures.
9. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to, existing public ways, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, and features noted on the land development plan or major street or road plan.
10. The water elevations of adjoining lakes or streams and the approximate high- and low-water elevations of such lakes or streams shall be shown. All elevations shall be referred to the U.S.G.S. datum plane.
11. If the subdivision borders a lake, river, or stream, the distance and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.
12. The developer shall prepare for any portion of a subdivision containing a flood prone area, or an area known to be subject to flooding, information necessary for the Planning Commission to determine the suitability of the particular site for the proposed development, as follows:
 - (a) plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of any part of the subdivision within a flood prone area; existing or proposed structures or building sites, fill, storage of materials and floodproofing measures, as specified in these regulations; and the relationship of the above to the location of the stream channel, floodway, floodway fringe, the regulatory flood elevation, and the regulatory flood protection elevation;
 - (b) a typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information, if required by the Planning Commission;

- (c) surface-view plans showing elevations and contours of the ground;
 - (d) pertinent structures, fill, or elevations of public ways;
 - (e) water supply, sanitary facilities, soil types, and other pertinent information, as required by the Planning Commission; and
 - (f) specifications for building construction and materials, flood proofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities.
- 13. Contours at the same vertical interval as on the preliminary plat.
 - 14. In addition to the other requirements of this section, construction plans for condominium subdivisions shall contain "as built" drawings of all underground utilities, regardless of proposed ownership, and the construction design of all public facilities which are proposed for dedication to the governing body.
 - 15. A notation of construction plans approval by appropriate persons or governmental representatives.
 - 16. Title, name, address, stamp and signature of engineer who prepared the plans.
 - 17. Date of plans, including any revision dates.
 - 18. An erosion and sediment control plan shall be prepared for each development required to submit construction plans. Such plan shall demonstrate the manner in which the general principals for erosion and sediment control set out in Subsection 4-102.603 are to be implemented on the site covered by the construction plans.
 - 19. Stormwater runoff analysis, which includes a study using hydrologic engineering methods and principles to examine and propose changes to conveyances and structures required to handle the incremental storm water volumetric flow rate as a result of the proposed development based on a 25 year rainfall event. The analysis shall include the downstream impact on adjoining parcels, roads, culverts, bridges and other conveyances and structures and will continue to the point that incremental estimated flow rate as a result of the completed proposed development will result in no adverse impact to public or private property; the incremental flow shall be less than ten percent (10%) of predevelopment flow in any specific conveyance at the point of study termination.

A stormwater runoff analysis will be required on all major plats where the density of the subdivision is greater than one (1) dwelling unit per three (3) acres. (Amended 7/26/04)

5-103 Final Subdivision Plat

5-103.1 General

The final subdivision plat shall be prepared on drafting material at a scale of no less than one hundred (100) feet to one (1) inch. The use of an appropriate smaller scale may be permitted for lots larger than two (2) acres. When more than one (1) sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets numbered in sequence.

Construction plans, if required as described in Section 5-102, of these regulations, shall have been approved prior to Planning Commission approval of the final subdivision plat.

5-103.2 Features

(Amended 2/25/02)

The final plat shall include:

1. The location of the property to be subdivided with respect to surrounding property(s) and public ways. The map and parcel number of the property being subdivided.
2. The names of all adjoining property owners of record or the names of adjoining developments.
3. The names of all public ways and adjoining public ways.
4. The exact boundary lines of the tract, determined by a field survey, showing angles to the nearest minute and distance to the nearest one hundredth (1/100) of a foot. The adjusted accuracy of the survey shall meet or exceed the standards set forth in Title 62, Chapter 18, of the Tennessee Code, for a Category II (Suburban Subdivision) or a Category IV (Remote Sensing Survey). The survey shall be tied into the Tennessee Grid Coordinate System if a controlled monument is located within one-fourth (1/4) mile to any point of the property. (Amended 12/20/21)
5. The location of all public ways, easements, water bodies, large streams or rivers, railroads, parks, cemeteries, and potential wetlands.
6. Flood map reference number and date; the limits of floodway and floodway fringe areas shall be hatched or shaded and the regulatory flood elevation and regulatory flood protection elevation.
7. The location and width of all easements and rights-of-way for public ways, as well as the building setback lines on all lots.
8. The location, dimensions, and area of all lots. All dimensions shall be field run to the nearest one hundredth of a foot and angles to the nearest minute. Lot areas shall be shown to the nearest tenth of a square foot. Also, chart depicting lot or tract number, square footage, and acreage.

9. The location, area, and dimensions, to the accuracy set forth in Item 8, above, of all property to be set aside for park or playground use or other public or private reservation, with a designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
10. The final plat of a condominium subdivision shall contain, in addition to the other information required by this section:
 - (a) an "as-built" building location and boundary survey, to "American Land Title Association" or other similar standards, showing complete and accurate dimensions and angles of the boundary of the parcel(s) on which the condominium is located, together with exterior dimensions and locations relative to those boundaries of the building(s) which constitute the condominium subdivision;
 - (b) some sort of datum plane or other suitable vertical location reference. In meeting these requirements, it is only necessary that the upper and lower limits of each level of each condominium unit be identified specifically in relation to the vertical reference, (e.g., an appropriate permanent monument or other acceptable reference datum or fixed known point). Elaborate exterior elevations and architectural detail are not necessary to satisfy this requirement; and
 - (c) copies of the charter and By-Laws of any Homeowners' Association established; and special information which the Planning Commission may require to protect the rights of future owners of the condominium or the public in general, where any common areas exist on the development.
11. The name and address of the owner(s) of the land being subdivided.
12. The name and address of the subdivider if other than the owner.
13. The name and stamp of the land surveyor or other person preparing the plat.
14. The date of the plat, approximate true north point, scale, and title of the subdivision.
15. Sufficient data to determine readily the location, bearing, and length of all lines necessary to reproduce such lines upon the ground. This shall include the radius, central angle, and tangent distance for the center line of the curved public ways and curved property lines that are not the boundary of curved public ways. The location of all monuments and pins shall be indicated on the plat.
16. Location sketch map showing site in relation to area.
17. The zoning classification of all lots, as well as an indication of uses other than residential proposed by the subdivider.

18. The total acreage within the subdivision, and the remaining acreage of the parent tract from which the subject property is being subdivided, if applicable.
19. The most recent recorded deed book and page numbers for each deed constituting part of the property being platted.
20. A legal description of the total property included in the recorded subdivision prepared by a licensed surveyor or a registered professional engineer, shall accompany the plat, but not necessarily be shown on the plat.
21. The distance at the right-of-way line from a corner of the subdivided property to the nearest public cross-road, rounded to the nearest foot. Show total area of road dedication, if required. (Amended 1/23/06 & 12/19/22)
22. Lot numbers, where required.
23. The line size and location of gas, water (either shown on the final plat or stated in a note on the final plat) and sewer facilities (by permit drawing, affidavit or lot restrictions signed on the final plat by an Environmental Scientist from the Division of Water Resources), including the location of all required fire hydrants. (Amended 9/25/06) (Amended 6/25/18)
24. The diameter and width of all driveway culverts.
25. For any lot where public sewer or water system is not available, the following shall be shown:
 - (a) areas to be used for sewage disposal (when required); and
 - (b) water wells (existing and proposed).
26. Applicable certifications in the form reproduced in this section shall appear upon the final plat. All required certificates shall bear the signature of the approving or authorizing agent at the time of application for final plat approval, except that the form for endorsement of the Planning Commission's approval for recording shall appear unsigned at the time of application for approval.
27. State Department of Environment and Conservation, public water and sewer design layout and approval stamps, if applicable; also, actual design plans for filing in appropriate governmental representative's office.
28. Commitment notes may be printed or stamped on the final plat reflecting location and dimension of easements, or extent of other agreements or factual data, in lieu of drafted illustration, when applicable, and as approved by the Planning Commission.
29. Any required security instruments.

5-103.3 Plat Certificates

(Amended 2/25/02 & 12/19/22)

1. Certification showing that the applicant is the landowner; that the offers for dedication public ways, rights-of-way, and any site for public use, if required; and that he consents to the subdivision plan.

CERTIFICATE OF OWNERSHIP AND DEDICATION

(Amended 12/19/22)

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon as evidenced in Book Number _____, Page _____, Tipton County Registers Office, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and that offers of irrevocable dedication for all public ways, utilities, and other facilities, if required, have been filed.

_____, 20____
Date

Owner

Title (if acting for partnership or corporation)

2. Certification by a licensed land surveyor as to the accuracy of the land survey.

CERTIFICATE OF SURVEY ACCURACY

I (we) hereby certify that to the best of my (our) knowledge and belief this is a true and accurate survey to the specifications of the Tipton County Subdivision Regulations of the property shown hereon; that this is a Class "_____" Land Survey as defined in Title 62, Chapter 18, Tennessee Code, and that the ratio of precision is greater than or equal to 1:_____.

_____, 20____
Date

Licensed Land Surveyor Number _____.

3. Certification by appropriate governmental or quasi-governmental official(s) that sewage disposal and/or water system(s) has/have been installed.

CERTIFICATE OF APPROVAL OF WATER SYSTEM (or option below)

I, _____, do hereby certify that the District has reviewed the plans for the water system(s) and that those plans meet the requirements of (the utility district) and/or Subdivision Regulations are hereby approved or (2) that a performance bond or other surety instrument has been provided to the Planning Commission to guarantee completion of all required improvements for this subdivision, in case of default.

_____, 20____
Date

Name, Title and Agency of Authorized
Approving Agent

CERTIFICATE OF APPROVAL OF AVAILABILITY OF WATER

Deleted - (Amended 12/19/22)

**CERTIFICATE OF APPROVAL OF
SUBSURFACE SEWAGE DISPOSAL SYSTEMS**
(Major Subdivisions Only, Unless Otherwise Required)

Approval is hereby granted for lots _____ defined as _____, _____ County, Tennessee, as being suitable for subsurface sewage disposal (SSD) with the listed or attached restrictions.

Prior to any construction of a structure, mobile or permanent, the plans for the exact house/structure location shall be approved and an SSD system permit issued by the Division of Water Resources. Water taps, water lines, underground utilities and driveways should be located at side property lines unless otherwise noted. Any cutting, filling or alterations of the soil conditions may void this approval.

_____, 20____
Date

Environmental Scientist
Division of Water Resources

**CERTIFICATE OF APPROVAL OF
CONNECTION TO A PUBLIC SEWER SYSTEM**
(if applicable)

I, _____, do hereby certify that I have reviewed the proposed subdivision plat and certify that public sewer is available to the lots created on this plat.

_____, 20____
Date Name of Authorized Approving Agent

Agency of Authorized Approving Agent

4. Certification on the final plat by appropriate governmental representative that the subdivider has complied with one of the following:
- (a) installation of all public way improvements in accordance with the requirements of these regulations; or
 - (b) in lieu of compliance with subdivision improvement requirements, certification that surety has been posted by the subdivider in an amount approved by appropriate governmental representative to guarantee completion of all improvements.

**CERTIFICATE OF APPROVAL
OF ROADS AND ROADWAY DRAINAGE**
(Major Plats Only, Unless Otherwise Applicable)

I, _____, hereby certify: (a) that all improvements, including but not limited to **road, roadway drainage improvements and stormwater drainage** have been installed in accordance with these regulations and/or the other specifications adopted by Tipton County or (b) that a performance bond or other surety instrument in the amount of \$_____ has been provided to the Planning Commission to guarantee completion of all required improvements for this subdivision, in case of default.

_____, 20____
Date Director of Public Works

5. Certification on the final plat of Planning Commission approval for recording, shows that the applicant is in accordance with the subdivision and road names, on major subdivision plats or plats with new roads. (Amended 6/25/18)

CERTIFICATE OF APPROVAL FOR SUBDIVISION AND ROAD NAME(S)

I, _____, do hereby certify that I have reviewed the proposed subdivision and certify that the name of the subdivision and/or name(s) of the road(s) within this proposed subdivision do not conflict with other subdivisions and road names for emergency service purposes.

_____, 20____
Date Director of 911 Addressing

6. For a subdivision containing common open space or facilities, certification on the final plat of dedication of common areas in accordance with procedures established in these regulations.

CERTIFICATION OF COMMON AREAS DEDICATION

_____ in recording this plat has designated certain areas of land shown hereon as common areas intended for use by the homeowners within _____ (Name _____ of Subdivision) _____ for recreation and related activities. The above-described areas are not dedicated for use by the general public, but are dedicated to the common use of the homeowners within the named subdivision.

"Declaration of Restrictions," applicable to the above named subdivision, is hereby incorporated and made a part of this plat.

_____, 20____
Date Owner

7. Certification on the final plat of Planning Commission approval for recording of the plat.

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivisions plat shown hereon has been found to comply with the Tipton County Subdivision Regulations, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission; that the Planning Commission hereby accepts the dedication of the road right-of-way for the benefit and use of Tipton County and the Tipton County Public Works Department, and that this plat has been approved for recording in the Office of the County Register.

_____, 20____
Date

Secretary, Planning Commission

8. Certification on the final plat of Planning Commission approval for recording on the plat.

CERTIFICATE OF JOINDER AND CONSENT TO DEDICATION

The undersigned here certifies that (he, she, they, it) is/are the holder of a mortgage, lien or other encumbrance upon the above described property and that the undersigned hereby joins in and consents to the dedication of the lands described above by the owner thereof and agrees that its mortgage, lien or other encumbrance which is recorded in Trust Deed Book _____, Page _____, Registers Office, Tipton County, Tennessee, shall be subordinated to the above dedication.

_____, 20____
Date

Signed

9. Notation of Possible Flooding -- If any portion of the land being subdivided is subject to flooding as defined in these regulations, a notation shall be made on the plat that development or modification of the land within any floodway delineated within plat is prohibited and that development within floodway fringes delineated on the plat shall be done in such a manner that any structure shall be protected against flood damage to at least the regulatory flood protection elevation, which elevation shall be stated in the notation. Any additional restrictions imposed by the Planning Commission upon development within flood prone areas also shall be indicated on the plat.

10. Notation of Health Restrictions -- Any modifications or limitations that may be imposed by any federal, state or county agencies shall be clearly indicated on the plat.
11. Notation of Private Restrictions -- Private restrictions and trusteeships and their periods of existence shall be indicated on the plat. Should these restrictions or trusteeships be of such length as to make their lettering impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat or, if the restrictions and trusteeships are of record, the plat shall note where they are recorded. The Planning Commission **does not** enforce private restrictions. Private restrictions are only enforced by owners and/or adjoining property owners.

5-104 Form of Dedication Offer

The form of the offer of irrevocable dedication, required by Subsection 2-103.1, Item 5, of these regulations, shall be as reproduced in this section and approved by the county attorney. The form may be modified as required by the county attorney.

Copies of this form may be obtained at the office of the enforcing officer.

FORM FOR OFFER OF IRREVOCABLE DEDICATION

AGREEMENT made this ____ day of _____, 20__, by and between _____, a _____, having its office and place of business at _____, Tennessee, hereinafter designated as the "local government".

WHEREAS, the Tipton County Regional Planning Commission is in the process of approving a subdivision plat entitled, _____, dated, _____, and made by _____; and

WHEREAS, said map designates certain public improvements consisting of _____ to be dedicated to the County of Tipton, free and clear of all encumbrances and liens, pursuant to the requirements of the Planning Commission and the local government; and

WHEREAS, the developer, simultaneously herewith, shall post a performance bond with the county for the construction, maintenance, and dedication of said improvements, if required;

WHEREAS, the developer is desirous of offering for dedication the said improvements and land to the county more particularly described in Schedule _____, attached hereto;

WHEREAS, the developer has delivered deeds of conveyance to the county for the said land and improvements as described herein;

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00) lawful money of the United States paid by the county to the developer and other good and valuable consideration, it is mutually **AGREED** as follows:

- A. The developer herewith delivers to the county deeds of conveyance for the premises described in Schedule _____, attached hereto, said delivery being a formal offer of dedication to the county until the acceptance or rejection of such offer of dedication by the county commission.
- B. The developer agrees that said formal offer of dedication is irrevocable and can be accepted by the county at the time.
- C. The developer agrees to complete the construction and maintenance of the land and improvements pursuant to the performance bond and the requirements of the _____ Planning Commission and any ordinances, regulations, requirements, covenants, and agreements that may be imposed by the county with respect thereto and, upon acceptance by the county of the offer of dedication, furnish to the county a sworn statement certifying that the premises are free and clear of all liens and encumbrances and shall furnish to the county a check for all necessary fees and taxes to record the deeds heretofore delivered.

- D. That this irrevocable offer of dedication shall run with land and shall be binding on all assigns, guarantees, successors, or heirs of the developer.

_____, 20____
Date Developer

(CORPORATE SEAL)

ATTEST: FOR THE COUNTY OF TIPTON BY

_____, 20____

**ACKNOWLEDGEMENT:
COPARTNERSHIP**

STATE OF TENNESSEE

(COUNTY OF _____) SS.: _____

On this ____ day of _____, 20____, before me personally appeared _____, to me known and known to me to be one of the firm _____, described in and who executed the foregoing instrument, and he thereupon acknowledged to me that he executed such instrument as and for the act and deed of said firm.

CORPORATE

STATE OF TENNESSEE

(COUNTY OF _____) SS.: _____

On this ____ day of _____, 20____, before me personally appeared _____, to me known, who, being by me first duly sworn, did depose and said that he resides in _____; that he is the _____ of _____, the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation, and that he signed his name thereto by like order and authority.

INDIVIDUAL

ARTICLE VI

DEFINITIONS

6-101 Usage

- A. For the purpose of these regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this article.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".
- C. A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

6-102 Words and Terms Defined

Alley -- A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other road.

Applicant -- The owner of land proposed to be subdivided or his authorized representative. Consent shall be required from the legal owner of the premise(s).

Architect -- An architect or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code, to practice in Tennessee.

Arterial Street or Road -- A major public way intended to move traffic to and from major industrial areas or a route for traffic between communities or large areas and which has an average daily traffic count in excess of three thousand (3,000).

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

Bond -- An instrument with a clause, with a sum of money fixed as a penalty, binding the parties to pay the same: conditioned, however, that the payment of the penalty may be avoided by the performance by some one or more of the parties of certain acts. The term "Bond" includes all surety instruments, performance instruments and letters of credit. (Amended 1/23/12)

Building -- Any structure built for the support shelter, or enclosure of persons, animals, chattels, or movable property of any kind; the term includes a mobile home.

Capital Improvements Program -- A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

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).

Common Elements -- Any portion of a condominium which is held in common by owners of condominium units. These elements may be either general common elements or limited common elements, as defined below.

General Common Elements -- Any of the common elements of a condominium which are held in joint ownership by all owners of the condominium.

Limited Common Elements -- Any of the common elements of a condominium which are reserved for use by the owner of a particular condominium unit or group of units.

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, which provides the mechanics and facilities for formal filing and recoordination 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.

Construction Plan -- The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission.

Contractor -- An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

County Environmentalist -- An agent designated to administer local and/or state health regulations.

Cul-de-sac -- A minor road having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement; definition includes: dead end, turn-around, or turn-about.

Design Specifications -- Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

Developer -- The owner of land proposed to be subdivided or his authorized representative.

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.

Enforcing Officer -- The building inspector or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

Engineer -- An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code, to practice in Tennessee. (The County Engineer is the same as the Director of Public Works)

Equal Degree of Encroachment -- The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

Escrow -- A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a bond subject to agreement of the Planning Commission.

External Subdivision Boundary -- All points along the periphery of a subdivision.

Final Subdivision 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 register of deeds.

Flood -- A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Frequency -- The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

Flood Hazard Boundary Map -- An official map on which the boundaries of the floodplain areas having special flood hazards have been delineated.

Flood Hazard or Flood Prone Area -- The maximum area of the floodplain that, on the average, is likely to be flooded once every one hundred (100) years (i.e., that has a one (1) percent chance of being flooded in any year).

Floodplain -- A land area adjoining a river, stream watercourse, bay, or lake that is likely to be flooded. It is composed of a floodway and floodway fringe.

Floodplain Management Program -- The overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, building code regulations, health regulations, zoning ordinance regulations, and these subdivision regulations.

Flood Profile -- A graph showing the water surface elevation or height of a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined through the use of standard open-channel hydraulic calculations.

Floodproofing -- Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate potential flood damage to lands; water facilities, sanitary facilities, and other utilities; structures; and contents of buildings; and which prevent pollution of floodwaters from such natural or man-made sources.

Floodway -- The stream channel and adjacent overbank areas required to carry and safely discharge the 100-year flood without increasing flood levels more than one foot above natural flood levels.

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

Floodway Fringe -- The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a 100-year flood.

Frontage -- That side of a lot abutting a public way ordinarily regarded as the front of the lot. It shall not be considered as the ordinary side of a corner lot.

General Plan -- The official statement of the Planning Commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Sections 13-3-301, 13-3-302, and 13-4-102, Tennessee Code.

Governmental Agency -- Any public body other than the governing body.

Governing Body -- The chief legislative body of any government.

Governmental Representative -- An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Grade -- The slope of a public way specified in percentage terms.

Highway, Limited Access -- A freeway or expressway providing a trafficway 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 trafficway, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Horizontal Property Act -- "The Tennessee Horizontal Property Act" as codified in Title 66, Chapter 2, Tennessee Code.

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

Internal Subdivision Boundary -- All points within a subdivision which do not constitute external boundaries.

Joint Ownership -- Joint ownership among persons shall be construed as the same owner for the purpose of imposing subdivision regulations.

Jurisdictional Area -- Planning boundary(s) established in keeping with Sections 13-3-102, 13-3-201, and 13-3-301, Tennessee Code.

Land Development Plan -- An element of the general plan which sets out a plan or scheme of future land usage.

Land Surveyor -- A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Title 62, Chapter 18, Tennessee Code, to practice in Tennessee.

Legal Counsel -- The person designated by the governing body to provide legal assistance for the administration of these and other regulations.

Lot - A tract, plot, or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or for building development.

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

Lot Improvement -- Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Major Street or Road -- A public way which is classified as a collector or arterial public way according to these regulations or by the major street or road plan for the jurisdictional area.

Major Street or Road Plan -- The plan adopted by the Planning Commission, pursuant to Section 13-3-402 and 13-4-302, Tennessee Code, 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..."

Major Subdivision -- All subdivisions not classified as minor subdivisions including but not limited to subdivisions of five (5) or more lots or subdivisions of any size requiring any new or improved road, the extension of government facilities, or the creation of any public improvements, or containing any flood prone area.

Minor Street or Road -- A public way which is not classified as an arterial or collector.

Minor Subdivision -- Any subdivision containing less than five (5) lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adopted general plan, major street or road plan, zoning ordinance, or these regulations.

Monument -- An object, such as metal, fixed in the ground to mark a boundary position.

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 a 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.

Off Site -- Any premise not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

One Hundred-Year Flood -- A flood having an average frequency of occurrence of once in 100 years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

Out-Parcel -- A parcel of land, generally located on the perimeter of a larger parcel of land that is subordinate in size to the larger parcel typically for access, parking and drainage purposes. An out-parcel is typically a non-buildable lot and shall be labeled as such. (Amended 1/26/09)

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

Performance Bond -- See "Bond".

Perimeter Road -- Any existing road to which the parcel of land to be subdivided abuts on only one side.

Planning Commission -- A public planning body established pursuant to Title 13, Chapters 2 or 5, Tennessee Code, to execute a partial or full planning program within authorized area limits.

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.

Premise(s) -- A tract of land together with any buildings or structures that may be thereon.

Public Improvement -- Any drainage ditch, public utility, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-road 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 Way -- Any publicly owned road, alley, sidewalk, or lane right-of-way which provides for movement of pedestrians or vehicles.

Reach -- A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made area where flood or natural obstruction occurs. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings typically would constitute a reach.

Regulatory Flood -- The one hundred-year flood.

Regulatory Flood Protection Elevation -- The elevation of the regulatory flood plus one foot of freeboard to provide a safety factor.

Resubdivision -- A change in a map of any approved or recorded subdivision plat altering the number of lots incorporated within the confines of the original plat.

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 dimensions or areas of such lots or parcels.

Sale or Lease -- Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, or other written instrument.

Same Ownership -- Ownership by the same person, corporation, firm entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Setback -- The distance between a building wall and the nearest public way right-of-way.

Sketch Plat -- A sketch preparatory to the preliminary plat (or final subdivision plat, in the case of minor subdivisions).

Special Flood Hazard Map -- The official map designated by the Federal Insurance Administrator to identify floodplain areas having special flood hazards.

Staff Assistant to the Planning Commission -- The person(s) employed by the local governing body to assist the Planning Commission in planning and land use regulation activities.

Start of Construction -- For purposes of subdivision control any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

Structure -- Anything constructed above or below ground.

Stormwater -- Water from rainfall that accumulates on and flows from a defined area of land.

Stormwater Runoff Analysis -- A study using hydrologic engineering methods and principles to examine and propose changes to conveyances and structures required to handle the incremental storm water volumetric flow rate as a result of the proposed development based on a 25 year rainfall event. The analysis shall include the downstream impact on adjoining parcels, roads, culverts, bridges and other conveyances and structures and will continue to the point that incremental estimated flow rate as a result of the completed proposed development will result in no adverse impact to public or private property; the incremental flow shall be less than ten percent (10%) of predevelopment flow in any specific conveyance at the point of study termination.

Subdivider -- Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision -- "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other division requiring new road or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. As used herein, "utility construction" does not include the mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains. (See Sections 13-3-401 and 13-4-301, Tennessee Code.) (Amended 1/26/09)

Subdivision Agent -- Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except in an instance where only legal counsel is provided.

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.

Twenty-Five Year Flood -- A flood having an average frequency of occurrence of once in twenty-five (25) years.

Water Surface Elevation -- The heights in relation to mean-sea-level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain. Also the level of natural flows or collectors or water which may be expected to be found above or below surface.

Zoning Ordinance or Resolution -- A statute, legally adopted pursuant to Title 13, Chapters 4 or 7, Tennessee Code, for the purpose of regulating by district, land development or use for a designated area.

ARTICLE VII

ADOPTION OF REGULATIONS AND AMENDMENTS

7-101 Original Enactment

In order that land shall be subdivided in accordance with the objectives and standards set forth in these regulations, these subdivision regulations are hereby adopted on this Second day of January, 2001, and immediately shall be in full force and effect. Pursuant to Section 13-3-403, Tennessee Code, a public hearing was held on these regulations December 18, 2000, at 6:00 p.m., Tipton County Justice Center, in Covington, Tennessee, notice of which was given by publication in The Covington Leader, on November 15, 2000.

L B Glass
Chairman, L. B. Glass

January 2, 2001
Date

ATTEST:

Elaine Erwin
Recording Secretary, Elaine Erwin

January 2, 2001
Date

APPENDIX A FORMS

TIPTON COUNTY REGIONAL PLANNING COMMISSION

Form Number 1

PRELIMINARY PLAT CHECKLIST

NAME OF SUBDIVISION _____

LOCATION _____ ZONING DISTRICT _____

OWNER _____

ENGINEER OR SURVEYOR _____

Planning
Initials

Surveyor
Initials

1. The location of the property to be subdivided with respect to surrounding property(s) and public way(s).

2. The names of all adjoining property owners of record, or the names of adjoining developments.

3. Names of adjoining public ways.

4. The location and dimensions of all boundary lines of the property, figured to the nearest hundredth (1/100) of a foot.

5. The location of existing public ways, easements, water bodies, streams, and other pertinent features, such as swamps, potential wetlands, railroads, buildings, parks, cemeteries, drainage ditches, and bridges.

6. The location and width of all existing and proposed easements, alleys, and other public ways, and building setback lines.

7. The location, dimension, and area of all proposed or existing lots.

8. Associated drainage structures sized along with necessary easements; electrical and telephone easements.

9. The position of all existing or proposed buildings within proposed condominium developments.

10. The location and dimension of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

11. Flood map reference number and date; the limits of floodway and floodway fringe areas shall be hatched or shaded, and the associated regulatory flood elevation and

regulatory flood protection elevation, as determined according to flood maps or flood studies as required.

- _____ 12. The name and address of the owner(s) of land to be subdivided, the subdivider if other than the owner, and the land surveyor or other person preparing the plat.
- _____ 13. The date of the plat, approximate true north point, scale, and title of the subdivision.
- _____ 14. Sufficient data to determine readily the general location, bearing, and length of all lines necessary to reproduce such lines upon the ground.
- _____ 15. Name of the subdivision and all new public ways, as approved by the Planning Commission.
- _____ 16. The zoning classification of all zoned lots, as well as an indication of all uses other than residential proposed by the subdivider.
- _____ 17. The approximate distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing public ways and to the original corner of the original survey of which it is a part.
- _____ 18. Key map showing relation of the subdivision to all public ways, railroads, and water courses in all directions to a distance of at least one-half (1/2) mile (suggested scale: one (1) inch to two thousand (2,000) feet).
- _____ 19. Contours at vertical intervals of not more than two (2) feet where the proposed subdivision has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the Planning Commission) where new road and drainage construction is involved.
- _____ 20. Map and Parcel numbers as recorded on the land tax maps of the county.
- _____ 21. Chart depicting lot or tract number, square footage, and acreage.
- _____ 22. The following notations:
 - (a) explanation of drainage easements
 - (b) explanation of site easements
 - (c) explanation of reservations
 - (d) for any lot where public sewer or water systems are not available, the following:

- (i) areas to be used for sewage disposal and their percolation results, or if the Planning Commission desires, any other acceptable data to show that the site can be served effectively by septic tanks
- (ii) water well (existing and proposed)
- (iii) rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features.

_____ 23. The line size and approximate location of gas, water and sewer facilities along with the approximate location of hydrants.

_____ 24. A form for endorsement of Planning Commission approval of the preliminary plat which shall read as follows:

Approved by the Tipton County Regional Planning Commission, with such exceptions or conditions as are indicated in the minutes of the Commission on _____.

Preliminary plat approval shall not constitute final approval for recording purposes.

APPROVED: _____
DATE

CONDITIONS:

DISAPPROVED: _____
DATE

FOLLOWING REASONS:

SIGNED: _____
SECRETARY OF PLANNING COMMISSION

This form shall be filled out completely and accurately before any item submitted to appear before the Planning Commission will be accepted. Any item that is not required, write N/A in its place.

TIPTON COUNTY REGIONAL PLANNING COMMISSION

Form Number 2

FINAL PLAT CHECKLIST

NAME OF SUBDIVISION _____

LOCATION _____ **ZONING DISTRICT** _____

OWNER _____

ENGINEER OR SURVEYOR _____

**Planning
Initials**

**Surveyor
Initials**

- | | | |
|-------|-------|---|
| _____ | _____ | 1. The location of the property to be subdivided with respect to surrounding property(s) and public ways. The map and parcel number of the property being subdivided. |
| _____ | _____ | 2. The names of all adjoining property owners of record or the names of adjoining developments. |
| _____ | _____ | 3. Names of all public ways and adjoining public ways. |
| _____ | _____ | 4. The exact boundary lines of the tract, determined by a field survey, showing angles to the nearest minute and distance to the nearest one hundredth (1/100) of a foot. The adjusted accuracy of the survey shall meet or exceed the standards set forth in Title 62, Chapter 18, of the <u>Tennessee Code</u> , for a Category II (Suburban Subdivision) or a Category IV (Remote Sensing Survey). The survey shall be tied into the Tennessee Grid Coordinate System if a controlled monument is located within one-fourth (1/4) mile to any point of the property. |
| _____ | _____ | 5. The location of all public ways, easements, water bodies, large streams or rivers, railroads, parks, cemeteries, and potential wetlands. |
| _____ | _____ | 6. Flood map reference number and date; the limits of floodway and floodway fringe areas shall be hatched or shaded and the regulatory flood elevation and regulatory flood protection elevation. |
| _____ | _____ | 7. The location and width of all easements and rights-of-way for public ways, as well as the building setback lines on all lots. |

- _____ 8. The location, dimensions, and area of all lots. All dimensions shall be field run to the nearest one hundredth of a foot and angles to the nearest minute. Lot areas shall be shown to the nearest tenth of a square foot. Also, chart depicting lot or tract number, square footage, and acreage.
- _____ 9. The location, area, and dimensions, to the accuracy set forth in Item 8, above, of all property to be set aside for park or playground use or other public or private reservation, with a designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- _____ 10. The final plat of a condominium subdivision shall contain, in addition to the other information required by this section:
- (a) an “as-built” building location and boundary survey, to “American Land Title Association” or other similar standards, showing complete and accurate dimensions and angles of the boundary of the parcel(s) on which the condominium is located, together with exterior dimensions and locations relative to those boundaries of the building(s) which constitute the condominium subdivision;
 - (b) some sort of datum plane or other suitable vertical location reference. In meeting these requirements, it is only necessary that the upper and lower limits of each level of each condominium unit be identified specifically in relation to the vertical reference, (e.g., an appropriate permanent monument or other acceptable reference datum or fixed known point). Elaborate exterior elevations and architectural detail are not necessary to satisfy this requirements; and
 - (c) copies of the charter and By-Laws of any Homeowners’ Association established; and special information which the Planning Commission may require to protect the rights of future owners of the condominium or the public in general, where any common areas exist on the development.
- _____ 11. The name and address of the owner(s) of the land being subdivided.
- _____ 12. The name and address of the subdivider if other than the owner.
- _____ 13. The name and stamp of the land surveyor or other person preparing the plat.
- _____ 14. The date of the plat, approximate true north point, scale, and title of the subdivision.

- _____ 15. Sufficient data to determine readily the location, bearing, and length of all lines necessary to reproduce such lines upon the ground. This shall include the radius, central angle, and tangent distance for the center line of the curved public ways and curved property lines that are not the boundary of curved public ways. The location of all monuments and pins shall be indicated on the plat.
- _____ 16. Location sketch map showing site in relation to area.
- _____ 17. The zoning classification of all lots, as well as an indication of uses other than residential proposed by the subdivider.
- _____ 18. The total acreage within the subdivision, and the remaining acreage of the parent tract from which the subject property is being subdivided, if applicable.
- _____ 19. The most recent recorded deed book and page numbers for each deed constituting part of the property being platted.
- _____ 20. A legal description of the total property included in the recorded subdivision prepared by a licensed surveyor or a registered professional engineer, shall accompany the plat, but not necessarily be shown on the plat.
- _____ 21. The distance at the right-of-way line from a corner of the subdivided property to the nearest public cross-road, rounded to the nearest foot. Show total area of road dedication, if required.
- _____ 22. Lot numbers, where required.
- _____ 23. The line size and location of gas, water and sewer facilities (either shown on the final plat or stated in a note on the final plat), including the location of all required fire hydrants.
- _____ 24. The diameter and width of all driveway culverts.
- _____ 25. For any lot where public sewer or water system is not available, the following shall be shown:
- (a) areas to be used for sewage disposal (when required);
and
(b) water wells (existing and proposed).
- _____ 26. Applicable certifications in the form reproduced in this section shall appear upon the final plat. All required certificates shall bear the signature of the approving or authorizing agent at the time of application for final plat approval, except that the form for endorsement of the Planning Commission's approval for recording shall appear unsigned at the time of application for approval.

- _____ 27. State Department of Environment and Conservation, public water and sewer design layout and approval stamps, if applicable; also, actual design plans for filing in appropriate governmental representative's office.
- _____ 28. Commitment notes may be printed or stamped on the final plat reflecting location and dimension of easements, or extent of other agreements or factual data, in lieu of drafted illustration, when applicable, and as approved by the Planning Commission.
- _____ 29. Any required security instruments.

This form shall be filled out completely and accurately before any item submitted to appear before the Planning Commission will be accepted. Any item that is not required, write N/A in its place.

TIPTON COUNTY REGIONAL PLANNING COMMISSION

Form Number 3

CONSTRUCTION PLANS PLAT CHECKLIST

NAME OF SUBDIVISION _____

LOCATION _____ **ZONING DISTRICT** _____

OWNER OF RECORD _____ **TELEPHONE:** _____
OWNER ADDRESS _____

ENGINEER OR DESIGNER _____ **TELEPHONE:** _____
ENGINEER'S ADDRESS _____

DATE SUBMITTED FOR APPROVAL _____

CHECK LIST: (FAILURE TO CHECK OR INDICATE N/A SHALL RESULT IN THE APPLICATION BEING REJECTED)

- ___ 1. Date of preliminary approval.
- ___ 2. Two (2) copies of construction drawings including all plans and profiles.
- ___ 3. One (1) copy of preliminary plat.
- ___ 4. The subdivision name and location.
- ___ 5. The name(s), address(es) and phone number(s) of owner or owner(s) of record.
- ___ 6. Name, address and phone number of designer and/or engineer.
- ___ 7. Date, approximate north point and graphic scale.
- ___ 8. The location of existing property lines, roads, buildings, bridges, right-of-way and easements and drainage ditches and water and sewer lines.
- ___ 9. Name(s) of proposed roads.
- ___ 10. The location and dimensions of proposed property lines, roads, buildings, bridges, right-of-way and easements and drainage ditches.
- ___ 11. Present zoning classification both on lot to be subdivided and adjoining land and name of surrounding property owners.
- ___ 12. Location with sufficient information to determine the dimensions, names, and widths of all proposed roads, alleys and lots.

**Tipton County Regional Planning Commission
Form Number 3
Construction Plans Plat Checklist
Page 2**

- ___ 13. Location map showing the relationship of the subdivision site in the County.**
- ___ 14. Area of largest, smallest and average lot.**
- ___ 15. Acreage of land to be subdivided.**
- ___ 16. Conforms to general requirements and minimum standards of the Subdivision Regulations.**
- ___ 17. Contours at vertical intervals of not more than two (2) feet.**
- ___ 18. Location and line size of closest existing water and sewer lines.**
- ___ 19. Base flood elevations when development is greater than 50 lots or 5 acres, whichever is less.**
- ___ 20. 100 Year flood plain limits and elevation when subject to flooding.**
- ___ 21. Comprehensive drainage plan, including stormwater runoff analysis.**
- ___ 22. Erosion control general criteria.**
- ___ 23. Certificate of accuracy of engineering and design (Note: Certificate not valid unless signed) copy attached.**
- ___ 24. Construction plans shall be signed only by the County Engineer.**

WHEN THE SUBDIVISION IS DEVELOPED IN SECTIONS, THE FOLLOWING INFORMATION SHALL BE REQUIRED FOR THE SECTION TO BE DEVELOPED. IF NOT DEVELOPED IN SECTIONS, THE FOLLOWING INFORMATION SHALL BE REQUIRED FOR THE WHOLE SUBDIVISION.

- ___ 1. Plans and profile of proposed utilities (water and sewer) showing the connection to the existing system.**
- ___ 2. Grading plan showing existing contours in dashed lines and proposed contours as solid lines. Contour lines shall extend 50 feet beyond the property boundary.**
- ___ 3. Drainage plans for drainage structures and hydraulic data used in designing the structures.**
- ___ 4. Plans and profile of proposed roads and storm drainage systems.**

**Tipton County Regional Planning Commission
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Construction Plans Plat Checklist
Page 3**

- ____ 5. Final erosion control plan including all measures used to control erosion. State of Tennessee Letter of Approval for erosion control.**
- ____ 6. Plans and profiles for water and sewer lines.**
- ____ 7. Plan of conservation and preservation of community assets.**

SIGNATURE _____

DATE _____

***SIGNATURE SIGNIFIES ALL REQUIREMENTS HAVE BEEN MET AND ARE ON THE PLAN SUBMITTAL WHERE APPLICABLE.**

STAFF REVIEW COMPLETION DATE: _____

TIPTON COUNTY REGIONAL PLANNING COMMISSION

Form Number 4

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That We, _____,
as Principals, _____, State of _____,
and the _____ INSURANCE COMPANY,
a _____ Corporation authorized to do business in the State of
Tennessee, having an office and place of business at
_____, as Surety, are held and firmly bound unto the
County of Tipton as obligee, in the sum of _____
Dollars (\$_____) lawful money of the United States, for the payment
whereof to the Obligee, the Principal and the Surety bind themselves, their heirs,
executors, administrators, successors, and assigns, jointly and severally, firmly to
these presents:

SIGNED, SEALED, AND DATED, This ____ day of _____, 20__.

WHEREAS, application was made to the Tipton County Regional Planning
Commission for approval of a subdivision shown on plat entitled
"_____", filed with the chief enforcing officer
of the County of Tipton on _____, 20__, said final plat being
approved by the Tipton County Regional Planning Commission upon certain
conditions, one of which is that a performance bond amount of
_____ Dollars (\$_____) is to be filed with the
Planning Commission and accepted by the local governing body to guarantee
certain improvements in the subdivision named above.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the
above named principal shall within one (1) year from the date hereof (time may be
extended for one (1) year only beyond this period by the local governing body upon
the recommendation of the Planning Commission with the consent of the parties)
will and truly make and perform the required improvements and construction of
public improvements in said subdivision in accordance with the local government
specifications and the resolution of _____, 20__, then this
obligation is to be void; otherwise to remain in full force and effect.

**Tipton County Regional Planning Commission
Form Number 4
Performance Bond
Page 2**

It is hereby understood and agreed that in the event that any required improvements have not been installed as provided by said resolution, within the term of this performance bond, the governing body may thereupon declare this bond to be in default and collect the sum remaining payable thereunder, and upon receipt of the proceeds thereof, the local government shall install such improvements as covered by this bond and commensurate with the extent of building development that has taken place in the subdivision but not exceeding the amount of such proceeds.

Principal

Principal

Insurance Company

BY

Attorney-in-Fact

BOND NO.

**ACKNOWLEDGEMENT:
COPARTNERSHIP**

STATE OF TENNESSEE

(COUNTY OF _____) SS.:

On this _____ day of _____, 20____, before me personally appeared _____, to me known and known to me to be one of the firm of _____, described in and who executed the foregoing instrument, and he thereupon acknowledged to me that he executed such instrument as and for the act and deed of said firm.

CORPORATE

STATE OF TENNESSEE

(COUNTY OF _____) SS.:

On this _____ day of _____, 20____, before me personally appeared _____, to me known, who, being by me first duly sworn, did depose and say that he resides in _____; that he is the _____ of _____, corporation described in and which executed the foregoing instrument; that he knows the corporate seal of said corporation; that the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation, and that he signed his name thereto by like order and authority.

INDIVIDUAL

STATE OF TENNESSEE

COUNTY OF _____) SS.:

On this _____ day of _____, 20____, before me personally appeared _____ to me known and known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same.

TIPTON COUNTY REGIONAL PLANNING COMMISSION

Form Number 5

IRREVOCABLE DOCUMENTARY LETTER OF CREDIT

1. DATE OF ISSUE _____
2. NAME OF SUBDIVISION AND SECTION (IF ANY) _____
3. NAME OF ROADS INVOLVED _____
4. CREDIT NO. OF ISSUING BANK _____
5. CREDIT NO. OF ADVISING BANK _____
6. ADVISING BANK _____
7. ACCOUNTEE _____
8. BENEFICIARY, MAIL TO _____
9. LATEST PERFORMANCE DATE _____
10. LATEST DATE FOR NEGOTIATION _____
11. MAXIMUM AMOUNT _____
12. We hereby issue this documentary letter of credit in your (the beneficiary's) favor which is available against your drafts at _____ drawn on _____ Bank, Credit No. _____" accompanied by the following document: A certificate of default signed under oath by the Chairman of the Tipton County Regional Planning Commission and the County Executive of Tipton County certifying that the accountee has not complied with the terms of the agreement between the Planning Commission and the accountee and the amount of approximate damage to the local government, which amount shall be identical to the face amount of the accompanying draft.
13. SPECIAL CONDITIONS

We hereby engage with the bona-fide holders of all drafts or documents presented under and in compliance with the terms of this letter of credit that such drafts or documents will be duly honored upon presentation to us.

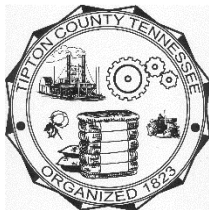
The amount of each drawing must be endorsed on the reverse of this letter of credit by the negotiating bank.

The advising bank is requested to advise this letter of credit without engagement of their part.

Bank

Authorized Signature, Issuing Bank

Authorized Signature, Issuing Bank



TIPTON COUNTY, TENNESSEE
PUBLIC WORKS DEPARTMENT

P.O. BOX 310
BRIGHTON, TENNESSEE 38011

Driveway Culvert and Storm Drain Permit
(Residential or Commercial)

Any driveway to be constructed is to conform to the Tipton County Subdivision Regulations for constructing Culverts and Storm Drains on County Right-of-Way.

Name: _____ Phone #: _____

Address: _____ City: _____

Location of Driveway: _____

If in a Subdivision, Name of Subdivision: _____ Lot #: _____

Any culvert or storm drain that does not meet the specifications of the Tipton County Public Works Department will be removed and reinstalled or replaced at the owner's expense by the Tipton County Public Works Department.

Signature: _____ Date: _____

Office Use Only

Required Minimum Culvert Size: _____

Required Minimum Pipe Length: _____

Remarks:

Tipton County Public Works Director: _____ Date: _____

Date Inspected: _____ Approved By: _____

APPENDIX B

ROAD CONSTRUCTION SPECIFICATIONS

(Amended in its entirety February 26, 2007)

SECTION I

GENERAL

A. JURISDICTION

These rules and regulations governing the construction of roads and streets shall apply within the Tipton County, Tennessee Planning Region.

B. PURPOSE

The purpose of these specifications is to establish standards of design and construction, including construction procedures and quality of materials, that are adequate to assure the safety, convenience, and welfare of the people within the planning jurisdiction.

C. DEFINITIONS

1. Local Government - The city or county government having jurisdiction within the area where a development is located.
2. Engineer - An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code.
3. Standard Specifications - Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation, Bureau of Highways, Nashville, Tennessee, March 1, 1995, and subsequent revisions and additions.
4. A.A.S.H.T.O. - American Association of State Highway and Transportation Officials.
6. A.S.T.M. - American Society for Testing Materials.
6. Basic Regulations - The basic subdivision regulations of Tipton County Planning Region to which this material is attached as an appendix.

D. APPROVALS

All construction plans shall be prepared and submitted to the Director of Tipton County Public Works. The content and submission procedure shall be as set forth in SECTION II, PLANNING.

E. ACCEPTANCE

Acceptance for public maintenance of any facilities or improvements located within any subdivision may only be accomplished by formal action of the governing body in the manner established in Subsection 3-101.7, Basic Regulations. Any approval of plans, etc., submitted in conformance with these provisions, shall not in any manner bind or presuppose acceptance of these facilities by the governing body.

F. RESPONSIBILITY FOR COMPLIANCE

In all matters involving enforcement of, or compliance with, the provisions contained herein, the subdivider (as defined in Basic Regulations, Section 6-102) is considered as the party legally responsible for performance; and the use of engineers, contractors, or other agents shall in no way diminish or absolve the subdivider of this basic responsibility.

SECTION II

PLANNING

A. PLAN PREPARATION

All construction plans for improvements within land subdivisions shall be prepared by engineers registered to practice within the State of Tennessee. The plans shall bear the stamp and signature of the individual responsible for their preparation.

B. CONTENT

The information set forth in Section 5-102, Construction Plans, shall be required upon each and every plan submitted hereunder. In any instance where special conditions may warrant, additional data may be required. An addendum to Appendix B, Road Construction Specifications providing standard design detailed sections for roads, curbs, headwalls, etc. may be obtained at the Public Works Department located at 8279 Highway 51, Brighton, TN 38011.

C. SUBMISSION, REVIEW, AND APPROVAL

When the plans are complete, with all required data entered thereon, they shall be submitted to the office of the enforcing officer for review and comment fourteen (14) days prior to formal presentation before the Planning Commission. If the Director of Tipton County Public Works finds that the plans are in order and all required information is presented, he shall forward the plans to the Planning Commission for review and approval. Should any disagreement between the Director of Tipton County Public Works and the subdivider (or his engineer) arise as to the nature of, or requirement for, any particular improvement or facility, the plans may be forwarded to the Planning Commission for arbitration of the dispute.

Action by the Planning Commission may come in the form of unconditional approval of the plans as submitted, conditional approval, or disapproval. Should the commission's action come in the form of conditional approval, the applicant may modify and resubmit the plans to the Director of Tipton County Public Works for further review. Should the Director of Tipton County Public Works find that the conditions established by the commission have been met, he may so certify in which instance the plans shall be considered approved. Should the commission act to conditionally approve the plans and no subsequent action is pursued by the subdivider (or his engineer) for a period of six (6) months following the date on which action was taken by the Planning Commission, the plans shall become null and void and any subsequent action shall require submission of new plans.

D. ACTION UPON APPROVAL

Once the plans have received approval as set forth above, construction may begin.

SECTION III
MATERIALS SPECIFICATION
AND CONSTRUCTION PROCEDURES

A. PRELIMINARY WORK

1. Location and Protection of Underground Utilities

Prior to beginning excavation or grading, the subdivider shall determine, insofar as possible, the actual locations of all underground utilities in the vicinity of his operations and shall clearly mark them so that they can be avoided by equipment operators. Where such utility lines or services appear to lie in the path of construction, they shall be uncovered in advance to determine their exact location and depth and to avoid damage due to excavation or grading operations. Existing facilities shall be protected during construction or removed and replaced in equal condition, as necessary.

Should any existing utility line or service be damaged during or as a result of the subdivider's operations, the subdivider shall take such emergency measures as may be necessary to minimize damage and shall immediately notify the utility agency involved. The subdivider shall then repair the damage to the satisfaction of the utility agency or shall pay the utility agency for making the repairs. In all cases the damaged structure shall be in as good or better condition as before the damage occurred.

2. Surveying and Staking

The subdivider shall be responsible for his own surveys and establish his own grades, unless, otherwise, directed by the representative of Tipton County Public Works.

3. Removal of Obstructions

The subdivider shall be responsible for the removal, safeguarding, and replacement of fences, walls, structures, culverts, road signs, billboards, shrubs, mailboxes, or other obstructions that must be moved to facilitate construction. Such obstructions shall be restored to at least their original condition, and movement or removal of such items shall be coordinated with any affected adjacent property owners.

4. Clearing and Grubbing

The subdivider shall be responsible for cutting, removing, and disposing of all trees, brush, stumps, roots, and weeds within the construction area. Disposal shall be by means of chippers, landfills, or other approved methods not in conflict with state or local ordinances.

Care shall be taken to avoid unnecessary cutting or damage to trees not in the construction area. The subdivider shall be responsible for loss or damage to trees outside the permanent easement or rights-of-way.

5. Traffic Control and Safety

The subdivider shall provide and maintain access to and from all properties along the line of his work. The subdivider shall also provide temporary bypasses and bridges where necessary to route traffic and shall maintain them in a safe and usable condition whenever, in the opinion of the representative of Tipton County Public Works, detouring of traffic to parallel routes cannot be done without hardship or excessive increase in travel by the public.

Where single-lane bypasses are provided the subdivider shall furnish signal men to control traffic operations and minimize delays.

The subdivider shall provide, erect, and maintain adequate barricades, warning signs, and lights at all excavations, closures, detours, points of danger, and uncompleted pavement.

The subdivider shall install and maintain until acceptance of the roadways, all road name and traffic control (stop, yield, etc) signs. The signs must be erected prior to any certificate of occupancy for any dwellings within the section.

B. ROADWAY CONSTRUCTION

1. Stripping, Stockpiling, and Placing Topsoil

All topsoil shall be stripped within the road right-of-way and from any other area designated by the representative of Tipton County Public Works. Topsoil shall be stored in stockpiles. All organic matter within the right-of-way shall be stripped and disposed of unless directed otherwise by the representative of Tipton County Public Works.

A two (2) or three (3) inch layer of topsoil shall be placed where seeding is required or where required by the representative of Tipton County Public Works.

After the stockpiled topsoil has been placed as specified above, the area where the topsoil was stockpiled shall be neatly graded and dressed.

2. Excavation

Preparation: The entire right-of-way shall be cleared of all tree stumps, roots, brush and other objectionable materials and all trees not intended for preservation; and all tree stumps, boulders and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of one (1) foot below the subgrade; and no topsoil, soft clays or other organic matter shall be used in the subgrade.

Excavation shall conform to limits indicated on the plans. Excavation materials shall be removed in such manner that the slopes can be neatly trimmed. Excavation shall not be made below grade except where rock or stone masonry is encountered or undercutting of unstable materials is required. Materials removed below grade shall be replaced with approved materials thoroughly compacted. Where borrow materials are required to complete embankments or fills the subdivider shall be responsible for providing them.

Rock excavation shall be removed to a minimum depth of twelve (12) inches below the subgrade and backfilled with approved materials, which shall be thoroughly compacted.

Where spring or seepage water is encountered that is not provided for on drainage plans it shall be reported to the representative of Tipton County Public Works.

3. Fills and Embankments

Embankment and fill materials shall be free from frost, stumps, trees, roots, sod, or muck. Only materials from excavation or borrow pits, or other materials approved by the representative of Tipton County Public Works shall be used. Materials shall not be placed on frozen ground.

Where excavated materials are used in fill construction and the materials consist of earth and various grades of rock, the fills shall be carefully constructed with the larger or hard rock on the bottom followed by the smaller or soft rock and finally the earth fill to provide a well-compacted and void-free embankment.

All depressions or holes below the natural ground surface, whether caused by grubbing, rock removal, undercutting, or otherwise, shall be filled with suitable materials and compacted to ground surface before fill construction is started.

Backfilling around a structure shall have been completed and thoroughly compacted to ground surface before any embankment materials are placed thereon.

Embankments shall be so constructed that adequate surface drainage will be provided at all times.

Fill areas shall be compacted by a sheep's foot roller, to a density of not less than ninety-five (95) percent of optimum density and within three (3) percent of optimum moisture content per ASTM D 698 and each lift of fill materials shall be rolled until the roller "walk out".

The finished grade shall be test rolled with a truck to be selected by the representative of Tipton County Public Works. Any areas found to be soft or "pumping" shall be cut out and replaced with suitable materials in lifts, each lift shall be compacted until the excavation has been brought back to finish grade.

Fill materials shall be placed in eight (8) inch lifts, maximum thickness. Where excavated materials consist mainly of rock too large to be placed in the normal eight (8) inch thickness without crushing or further breaking down the pieces, such materials shall be placed in the fill in layers not exceeding three (3) feet in depth. No rock larger than eighteen (18) inches in dimension shall be placed in fill. Care shall be taken to fill all voids between large rocks and to assure that fill materials are compacted such that settling is minimized. Compaction of the top six (6) inches of cuts or fills shall be accomplished with pneumatic-tire rollers.

Backfill around structures shall be of crushed stone or earth meeting the approval of the representative of Tipton County Public Works; and the fill shall be placed and compacted in eight (8) inch lifts and brought up evenly on all sides of the structure.

4. Undercutting

This work shall consist of the removal and disposal of unsatisfactory materials below grade in cut sections or areas upon which embankments are to be placed. It shall also include undercutting for pipes and box culverts where required.

Known areas to be undercut shall be designated on the materials approved by the representative of Tipton County Public Works. The backfill materials shall be placed in eight (8) inch lifts and compacted as specified for fill construction.

Disposal of unsatisfactory materials shall be approved by the representative of Tipton County Public Works.

5. Subgrade Construction and Preparation

The subgrade shall be prepared in reasonably close conformity with the lines and grades as shown on the plans.

Grading of subgrade shall be performed in such manner as to provide ready drainage of water. Ditches and drains shall be maintained to provide proper drainage during construction.

Hauling over finished subgrade shall be limited to that which is essential for construction purposes, and all ruts or rough places that develop in a completed subgrade shall be smoothed and recompact. Soft areas shall be removed and replaced with crushed stone or as directed by the representative of Tipton County Public Works.

Subgrade density tests shall be conducted by local testing laboratory, approved by the county and licensed by the State of Tennessee, and shall be furnished at the expense of the developer and submitted directly to the Tipton County Public Works Department, from the testing laboratory. A minimum of one subgrade density test for every five hundred (500) feet of roadway will be required.

The subgrade shall be checked and approved by the representative of Tipton County Public Works for adherence to the plans before any base materials are placed.

6. Shoulders and Slopes

All shoulders and slopes shall be trimmed and shaped to conform with the cross sections shown on the plans and as specified in Section C-5, below. Rock cuts shall be sealed of all loose fragments, projecting points, etc., so as to leave a clean and neat appearance. Shoulders shall be completed where required as shown on the plans with care being taken to protect the surface and edges of pavement. Shoulder materials shall be placed in uniform layers and compacted by overlapped rolling of both base course and pavement. The finished shoulder shall be firm against the pavement.

C. BASE AND PAVING

1. Base course

The base course of stone shall constitute either: (a) ten (10) inches of Class A aggregate, Grading D as defined for a Type A Base over the entire width of roadway and installed in four (4) inch compacted lifts as set forth in Section 303, Standard Specifications, or (b) six (6) inches of Grading D limestone over the entire width of roadway and installed in three (3) inch compacted lifts as set forth in Section 303, Standard Specifications; both shall be placed and compacted in layers or lifts upon the prepared subgrade to a finish thickness as described and shown on the plans.

The base course shall be a pugmill mix of mineral aggregate conforming to the technical specifications set forth in Section 303, Standard Specifications. The aggregate base shall not be spread on a subgrade that is frozen or that contains frost. The base shall be placed and spread in uniform layers or lifts without segregation of size; each layer shall be compacted to a thickness no greater than four (4) inches. The stone shall be mixed with graders or other equipment until a uniform mixture is obtained. Each layer shall be compacted by rolling with alternate blading until a smooth, even, and uniformly compacted finish is obtained.

The base course shall be graded and rolled while it is still moist from the pugmill mix. If the representative of Tipton County Public Works determines that the mix is too dry, water shall be added with a distributor tank truck while the stone is being graded and rolled. Compaction shall be uniform for the entire width of the roadway until a density of ninety-eight (98) percent of the solid volume has been achieved. Placement and compaction of each layer shall be approved by the representative of Tipton County Public Works before materials for the next successive layer are placed.

Base course density tests shall be conducted by local testing laboratory, approved by the county and licensed by the State of Tennessee, and shall be furnished at the expense of the developer and submitted directly to the Tipton County Public Works Department, from the testing laboratory. A minimum of one base course density test for every five hundred (500) feet of roadway will be required.

No pavement shall be placed until the course base has been approved by the representative of Tipton County Public Works.

2. Binder

Upon completion of the application of the prime coat, an asphaltic concrete surface (hot mix) shall be applied. All materials and methods of installation shall conform to the technical specifications set forth in Section 307, Standard Specifications for asphaltic concrete surface. The binder shall be constructed of two (2) inches of a 307-BM2 hot mix course (i.e., 200lbs per square yard) as set forth in Section 307, Standard Specifications and shall be installed upon completion of the base course. The binder shall be installed prior to a certificate of occupancy being issued for any structure in the current section being developed. A letter authorizing the Tipton County Planning Department to issue the certificate of occupancy will be issued once the binder has been inspected and approved by the Tipton County Public Works Department.

3a. Tack Coat

This work shall consist of furnishing and applying bituminous material to a previously prepared base or surface, to provide bond for a superimposed course, in accordance with the requirements of these Standard Specifications.

All equipment necessary for the satisfactory performance of this construction shall be on hand and approved before work will be permitted to begin. The required equipment shall include a power broom, equipment for heating bituminous material, a pressure distributor meeting the requirements of Subsection 402.03, Standard Specifications, and such other equipment and small tools as may be required to perform the work in a satisfactory manner.

The designated surface shall be prepared in accordance with the applicable provisions of Subsection 404.05, Standard Specifications. The surface shall be dry at the time the tack coat is applied.

Immediately after cleaning the surface, bituminous material shall be applied with the pressure distributor at a rate directed by the Engineer, but not to exceed 0.05 gallon of residual bitumen per square meter (per square yard) for all materials except asphalt cement. If the bituminous material is to be placed upon a milled surface, the rate of application shall be determined by the Engineer but shall not exceed 0.20 gallon of residual bitumen (per square yard).

When Asphalt Cement is used as a tack coat, the application rate shall be 0.05 to 0.10 gallon per square yard.

The tacked surface shall be allowed to dry until it is in a proper condition to receive the next course. Tack coat shall be applied only so far in advance of the paving operations as is necessary to obtain this proper condition of tackiness. The tack coat shall not be installed in more than 1000' lengths. The Contractor shall protect the tack coat from damage until the next course is placed.

3b. Wearing Surface

This work shall consist of an asphaltic concrete pavement composed of a mixture of coarse aggregate, fine aggregate, mineral filler if specified or required, and asphalt cement, constructed on a prepared roadbed in accordance with these Specifications and in reasonably close conformity with the lines, grades, typical cross section and rate of application shown on the Plans, or established by the Engineer. Typically, this surface shall be applied at a rate of 150 lbs./sq yd unless specified otherwise. This surface is to be installed once 85% of the structures in the subdivision have been completed. Application of the wearing surface may not be started until Tipton County Public Works has inspected the Binder Surface for areas of failure. Approval to pave must be obtained from the Tipton County Public Works Department prior to paving.

The provisions of Section 407, Standard Specifications, of these Specifications shall apply to this construction unless otherwise stipulated.

Composition of Mixtures.

- (a) Composition of mixtures used in this construction shall meet all applicable requirements of Subsection 407.03, Standard Specifications.
- (b) The specified mineral aggregate and asphalt cement shall be combined in such proportions as to produce mixtures within the following master composition limits.

Proportions of Total Mixture, Per Cent by Weight

Surface Courses	Combined Mineral Aggregate	Asphalt Cement
Grading "D"	93.0-94.7	5.3-7.0

In addition to the other requirements of these specifications where Grading "D" is used for the riding surface the composition of the mineral aggregate shall be such that when combined with the required amount of bitumen the resultant mixture shall have:

High Volume Roads (ADT over 1000)

*Minimum Stability. kN (lbs)-	9.0 (2000)
*Void Content (%)	3-5.5
*Flow, mm (.01 inch)-	2-4 (8-16)
*Minimum VMA (%)	14

Low Volume Roads (ADT under 1000)

*Minimum Stability. kN (lbs)-	6.75 (1500)
*Void Content (%)	2-5
*Flow, mm (.01 inch)-	2-4 (8-16)

The equipment used in this construction shall meet the requirements of Subsection 407.04 through 407.08, Standard Specifications. All equipment necessary for the satisfactory performance of this construction shall be on the project and approved, before work will be permitted to begin.

The construction requirements for this work shall be as prescribed in Subsections 407.09, 407.11, 407.12, and 407.14 through 407.17, Standard Specifications and the following Subsections.

Preparation of the designated surface upon which the material is to be placed shall be performed in accordance with the applicable provisions of Subsection 404.05, Standard Specifications, of these Specifications.

The surface shall meet the requirements specified under Subsection 407.18, Standard Specifications, and when tested in accordance with the provisions of that Subsection, the deviation of the surface from the testing edge of the straightedge shall not exceed $\frac{1}{4}$ inch.

4. Shoulders

Shoulder construction shall be completed by blading, moistening as necessary, and by thoroughly compacting. The shoulders shall be the width and thickness shown on the typical section as required. All roadways shall have a minimum gravel shoulder two (2) feet wide on either side of the roadway with a minimum thickness of six (6) inches.

Immediately after spreading and brooming the cover aggregate, the entire surface shall be rolled, beginning at the edges and progressing to the edge of the pavement. Rolling shall begin within thirty (30) minutes after the aggregate has been spread. The same rolling and curing procedures required in making the first application shall be repeated in making the second application.

In addition to these general requirements, unless otherwise stipulated, all materials and methods of installation shall conform to the technical specifications set forth in Section 404, Standard Specifications.

5. Testing

The developer will provide proper testing and inspection of asphalt material at the plant and at the project site at his expense. Certification that the asphalt meets regulations will be supplied to the Tipton County Public Works Department.

D. DRAINAGE SYSTEM DESIGN

1. Ditching and Channelization

This work shall consist of the construction of ditches adjacent to roadway shoulders and feeding to and from culverts under or adjacent to the roadway. All drainage ditches shall be graded in their entirety during the time the roadways are being graded; such grading shall be completed prior to final inspection of the roadways. All drainage conveyances that are not located within the road Right-Of-Way, shall be indicated on the plans as drainage easements.

2. Stabilization of Ditches

All open ditches shall be stabilized in accordance with the following requirements:

Size of Nearest Culvert (Upstream)	Seeding Required	Sod Required	To Be Concrete Lined
15"	Grades 1.00%-3.00%	Grades 3.00%-12.00%	Grades Exceeding 12.00%
18" thru 24"	Grades 1.00%-1.50%	Grades 1.50%-7.00%	Grades Exceeding 7.00%
30" thru 36"	Grades 1.00%-1.50%	Grades 1.00%-4.00%	Grades Exceeding 4.00%
42" thru 72"	Grades	Grades 2.50% or Less	Grades Exceeding 2.50%

3. Concrete Ditch Pavings

Concrete ditch paving shall consist of the construction of paved ditches on a prepared subgrade. The subgrade shall be shaped and compacted to a firm even surface.

All soft materials shall be removed and replaced with acceptable materials and compacted as directed by the representative of Tipton County Public Works.

Concrete ditch pavement shall be four (4) inches in thickness throughout and shall be backfilled immediately after the concrete has set and the forms have been removed. All concrete used in ditch linings and detention basins shall be air entrained and have fiber reinforcement. The backfilled materials shall be thoroughly compacted. Expansion joints shall be located as directed by the representative of Tipton County Public Works.

4. Culverts and Storm Drains

All culverts shall be approved for size and gage by the Tipton County Public Works Department, and the installation of the culvert shall be inspected by the Tipton County Public Works Department prior to final driveway surface installation (See Form Number 6 in Appendix A). Any culvert that does not meet the specifications of the Tipton County Public Works Department shall be removed and reinstalled prior to acceptance of the roadways within the section being developed.

This work shall consist of the construction of pipe culverts and storm sewers as shown on the plans.

Driveway culverts shall be a minimum diameter of fifteen (15) inches and a minimum length of twenty (20) feet; cross drains shall be a minimum diameter of eighteen (18) inches.

Reinforced concrete pipes shall conform to minimum standards for Class III, Reinforced Pipes, A.S.T.M. C76. Corrugated metal pipes shall conform to Section 915.02 or 915.04, Standard Specifications, and to gage as follows:

Rounded Corrugated Metal Pipes	
Size	Gage
15" - 24"	16
30"	14
36" - 48"	12
54" - 72"	10
78" - 84"	8

Arch Corrugated Metal Pipes	
Size	Gage
18" x 11" - 22" x 13"	16
25" x 16" - 36" x 22"	14
43" x 27" - 65" x 40"	12
72" x 44" or Larger	10

For pipes smaller than forty-eight (48) inches in diameter, a minimum cover of one (1) foot, exclusive of base and paving, is required from top of pipes to finished sub-grade. A minimum cover of two (2) feet is required for pipes forty-eight (48) inches in diameter and larger. All pipes shall be built on straight line and grade and shall be laid with the spigot end pointing in the direction of the flow, with the ends fitted and matched to provide tight joints and smooth uniform invert.

Pipes shall be bedded on a six (6) inch thickness of Class B materials and backfilled to a depth of thirty (30) percent of the diameter of the pipes. Recesses shall be dug in the bedding materials to accommodate the fill. Class B, bedding shall be Size No. 7, as shown in Chart No. 903.23, Standard Specifications. Culverts and storm drains in existing roadways shall be backfilled to the depth of the cut.

5. Headwalls

Concrete headwalls shall be constructed at both ends of cross drains as shown and detailed on the standard drawings included herein.

6. Catch Basins

This work shall consist of constructing catch basins complete within inlets, outlets, and inverts. Tops and inlets shall be constructed to conform to roadway grade so that drainage can easily be caught and no ponding created. Catch basins shall be constructed as shown and detailed on the standard drawings contained herein.

7. Box Culverts and Bridges

Design of box culverts and bridges shall be submitted to the representative of Tipton County Public Works for approval before construction is permitted.

8. Roadside Ditches

Roadside ditches, in conventional sections, shall be built to a grade that will permit good drainage, and in no case shall the slope of the ditch be less than one-half (0.50%) percent. All drainage ditches shall be stabilized, as indicated in these specifications.

9. Changes in Water Channels

Where the subdivider rechannelizes through a subdivision he will be responsible for replacing cross drains under roads, as directed by the representative of Tipton County Public Works. This work shall be done at the expense of the subdivider. Also, any alterations to existing channels or streams shall require the approval of the Tennessee Department of Environment and Conservation. An Aquatic Resource Alteration Permit (ARAP) shall be required for such activities and must be approved prior to the approval of the construction drawings.

10. Curb and Gutter (Formed)

Concrete curbs and gutters shall conform to the standard drawings as detailed herein, and shall be required for all major subdivisions when any lot is created under 0.689 acres (30,000 square feet). Concrete for curbs and gutters shall be Class A, at 3500 psi with air entrainment and fiber reinforcement. (Amended 6/25/18)

Curbs and gutters shall be constructed to the lines and grades shown on the plans, or as designated by the representative of Tipton County Public Works. The final sub-grade for curbs and gutters shall be carefully graded and compacted to an even density and shall be smooth and true to grade. Curbs and gutters shall be constructed with materials and methods that conform to the technical specifications set forth in Section 702, Standard Specifications.

Concrete driveway ramps shall be required on all curbs and gutters roads. The ramps shall extend a minimum of five (5) feet behind the curb. Materials for the remaining portion of the driveway shall be determined by the sub-divider. Driveway ramp construction shall conform to detailed standard drawings included herein.

Any driveway ramp to be placed after initial laying of curb shall require a permit and shall be installed in accordance with the standard drawings included herein.

Any ramp not conforming to the foregoing requirements shall be removed and replaced by the sub-divider at his expense and shall be enforced under provision of the maintenance bond.

11. Drainage Easements

All drainage easements are either private or public. The maintenance of Private drainage easements is the sole responsibility of the property owner, developer or homeowners association, and shall be noted as such on the plat to be recorded. The Tipton County Public Works Department shall approve all public drainage easements through the construction plans and shall be noted as such on the plat to be recorded. All drainage easements prior to the passage of this amendment shall be considered as private unless the Tipton County Public Works Department approves and accepts the dedication of the private drainage easement.

12. Detention

Approval of Design and Construction.

Any person, firm, or corporation proposing to construct any stormwater detention facility within Tipton County shall apply to the Director of Tipton County Public Works for approval of the location, dimensions, design and construction methods, and materials of such facility. The application shall be in writing, and shall contain such information including maps, plats, diagrams, design data, detailed drawings, specifications, and calculations as herein required.

If the Director of Tipton County Public Works finds that a proposed stormwater detention facility will conform to acceptable standards, the Director of Tipton County Public Works shall issue his approval in writing.

If the Director of Tipton County Public Works finds that a proposed stormwater detention facility will not conform to acceptable standards, the Director of Tipton County Public Works shall issue his notice of disapproval in writing.

Purpose.

The overall purpose of urban stormwater detention facilities is to control and utilize runoff in a sound manner such that the people and property of the areas, both upstream and downstream of changes in land use, experience only minor inconvenience. The effect of temporary storage of runoff on the shape of a hydrograph is pronounced and significant.

All stormwater detention facilities constructed within Tipton County shall be in accordance with the minimum design requirements and specifications as set forth in this chapter.

Applicability.

Whenever the calculated stormwater runoff, considering the fully developed basin at proposed zoning for the ten year storm, exceeds the capacity of the downstream pipes or channels, detention facilities shall be utilized. Drainage culverts or bridges installed by the State, County, or Cities in connection with a roadway project which do not have improvements beyond the right-of-way lines shall not be considered as permanent downstream restrictions, and shall not be considered in the determination of the need for detention.

Exemptions.

Where detention would be required by the preceding applicability section, if one of the following conditions applies, then the Engineer will not require that detention be utilized unless known downstream drainage problems would warrant such:

- (a) The runoff of a 25-year storm from the proposed project exceeds the maximum release rates by less than 10%. (Amended 6/25/18)
- (b) The runoff of a 25-year storm from the proposed project exceeds the maximum release rate by less than 1.5 CFS. (Amended 6/25/18)
- (c) A residential project of less than 2 AC in size with a rational runoff coefficient of .58 or less and with no underground drainage system available on or adjacent to the project.
- (d) A re-subdivision or re-development which does not change the usage or density, either existing or allowed, in such a manner as to increase or potentially increase the runoff.
- (e) Where the Engineer deems detention impractical.

Definitions.

For purposes of this chapter the following definitions of words and terms shall apply:

- (a) Dam – an artificial barrier or embankment having greater than six feet difference in elevation between the crest of the emergency spillway and the lowest point in the cross section taken along the centerline of the dam and which does or may impound water.
- (b) Detention Basin – any man-made area or structure that serves as a means of temporarily storing stormwater runoff.
- (c) Detention Storage – the temporary detaining or storage of stormwater on or beneath the ground surface, on rooftops, parking lots, or by other means under predetermined or controlled conditions.
- (d) Development – any change in land use, or improvement on any parcel of land that increases stormwater runoff.
- (e) Discharge – the rate of outflow of water from detention storage.
- (f) Drainage Area – the geographical area contributing stormwater runoff to a point under consideration, i.e., a watershed, tributary area, or catchment area.
- (g) Dry Bottom Basin – a detention basin or facility not intended to have a permanent pool.
- (h) Ten Year Storm – a rainstorm of a given duration and depth of precipitation having a ten percent chance of occurrence in any given year.
- (i) Freeboard – the difference in elevation between the design water surface in the detention facility and the elevation at which uncontrolled overtopping of the facility begins.
- (j) Hyetograph – intensity distribution of a rainfall event with respect to time.
- (k) Hydrograph – flow rate distribution of stormwater runoff with respect to time at the point under consideration, or of detention basin outflow.
- (l) One Hundred Year Storm – a rainstorm of a given duration and depth of precipitation having a one percent chance of occurrence in any given year.
- (m) Project – any development involving the construction, reconstruction, or improvement of structures and/or grounds.
- (n) Stormwater Runoff – the waters derived from precipitation falling within a drainage area, flowing over the surface of the ground or collected in channels or conduits.
- (o) Wet Bottom Basin – a detention basin intended to have a permanent pool.
- (p) Twenty-Five Year Storm – a rainstorm of a given duration and depth of precipitation having a twenty-five percent chance of occurrence in any given year. (Amended 6/25/18)

Maximum Release Rate.

The maximum allowable release rate of stormwater runoff originating within the proposed development shall be the quantity of flow computed using the allowable storm, as defined below, and the characteristics of the development drainage area, i.e., area, percent impervious, time of concentration, runoff coefficient, curve number and channel condition. The allowable storm is defined as the year storm which the controlling downstream pipe or improved channel could facilitate considering a fully developed upstream drainage basin at present or proposed zoning. Drainage culverts or bridges installed by the State or County in connection with roadway project that do not have improvements beyond the right-of-way lines shall not be considered in determining the maximum allowable release rate.

Detention Storage Volume.

The volume of storage provided in detention basins shall be sufficient to store the stormwater runoff generated by the development during a twenty five-year storm, less the discharge as permitted in the maximum release rate section of this chapter. Storage volume shall be sufficient to store excess flows resulting from a twenty five-year storm using a 24-hour rainfall distribution or other approved methods. (Amended 6/25/18)

Stormwater Runoff Not Detained.

The rate of discharge from a detention facility and the rate of discharge of stormwater runoff from areas of the development not controlled by the detention facility shall not collectively exceed the maximum release rate.

Project Site Information.

Detention basin storage type, capacity required and release rates are to be determined by the Design Engineer. To assist in the review of the proposed system the following project information shall be provided to Director of Tipton County Public Works by the Design Engineer:

- (a) A topographic map of the project site and immediately adjacent areas, of suitable scale and contour interval, which shall define the location of streams, extent of floodplains and calculated high water elevations, and shorelines of lakes and ponds.
- (b) The size, location, and flowline elevations of all existing sanitary and storm sewers, which fall within the project limits and within a distance of five hundred feet beyond the boundaries of said project.

- (c) A proposed grading plan and/or site plan showing existing and proposed contours, buildings, parking lots, and other development features.
- (d) Proposed areas and/or methods to be used for detention facilities. The developer's engineer shall coordinate with the Director of Tipton County Public Works on the location, size, shape, or other desired design features of proposed detention basins.
- (e) Drainage area map showing upstream drainage area tributary to the development, and to each proposed detention facility along with the location and size of the controlling downstream drainage structures.
- (f) Special Study to determine effects of development, if required by Director of Tipton County Public Works.

Plans, Specifications and Calculations.

Based on design data furnished, plans and specifications for detention facilities and appurtenances shall be submitted to the Director of Tipton County Public Works for approval prior to construction.

The following plan and design information shall be provided.

- (a) Finalized site plan, development plan, and facilities information as furnished pursuant to the previous section;
- (b) Complete plans for grading, storm sewers, inlets, outflow structures, dams, emergency spillways, and other appurtenances;
- (c) Slope, type, size, and complete flow calculations (if requested) for all existing and proposed storm sewers, outlet structures, spillways, and waterways,
- (d) The grading plan shall show existing and final contours, and a line defining the high water elevations to be expected during the one hundred year flood. Proposed cross sections and grades of overflow swales shall also be included;
- (e) Stage-outflow curves for proposed detention facilities plotted in units of detention facility water surface elevation (and depth).
- (f) Stage-outflow curves for outlet works plotted in units of detention facility water surface elevation (and depth).
- (g) Inflow and outflow hydrographs plotted in units of cubic feet per second of inflow and outflow as ordinates.
- (h) Inflow and outflow hydrographs, detention pond elevations, and storage in tabular form. The elevation at which the peak discharge occurs should be included.

Method of Detention.

The following conditions and limitations shall be observed in selection and use of method of detention.

- (a) General Location – Detention facilities shall be located within the parcel limits of the project under consideration. No detention or ponding will be permitted within public road right-of-ways except for singular in line oversized pipe systems. Location of detention facilities immediately upstream or downstream of the project will be considered by special request if proper documentation is submitted with reference to practicality, feasibility, and proof of ownership or right-of-use of the area proposed. Conditions for general location of detention facilities are identified in the following sections.
- (b) Dry Reservoirs – Dry reservoirs shall be designed with proper safety, stability, and ease of maintenance facilities, and shall not exceed eight (8) feet in depth. Maximum side slopes for grass reservoirs shall not exceed one (1) foot vertical for three (3) feet horizontal (3:1) unless adequate measures are included to provide for the above noted features. Minimum bottom slope of the grass reservoirs shall be 1 %, unless a concrete swale is provided. In no case shall the limits of maximum ponding elevation (100 year storm) be closer than thirty (30) feet horizontally from any building and less than one (1) foot vertically below the lowest sill or floor elevation. The entire reservoir area shall be seeded, fertilized, mulched, sodded or paved as required prior to issuance of certificate of occupancy. Any area susceptible to, or designed as, overflow by higher design intensity rainfall (100 year frequency) shall be sodded.
- (c) Open Channels – Normally permitted open channels may be used as detention areas provided that the limits of the maximum ponding elevation (100 year storm) are not closer than thirty (30) feet horizontally from any buildings, and less than one (1) foot below the lowest sill or floor elevation of any building. No ponding will be permitted within public road right-of-way unless approval is given by the Director of Tipton County Public Works.

For design of other typical channel sections, the features of safety, stability, and ease of maintenance shall be observed by the Design Engineer.

The entire reservoir area of the open channel shall be seeded, fertilized, mulched, sodded or paved as required in the original design. The hydraulic or water surface elevations resulting from channel detention shall not adversely affect adjoining properties.

- (d) Permanent Lakes – Existing permanent lakes with fluctuating volume controls may be used as retention areas provided that the limits of maximum ponding elevations (100 year storm) are no closer than thirty (30) feet horizontal from any building and less than one (1) foot below the lowest sill or floor elevation of any building.
- (e) Paved Parking Lots – Paved parking lots may be designed to provide temporary detention storage of stormwater on a portion of their surfaces. Generally such detention areas shall be in the more remote portions of such parking lots. Depths of storage shall be limited to a maximum depth of six inches in parking areas. Where storage is to be deeper than six inches, such areas shall be precluded from parking use, and shall be located so that access to and from parking areas is not impaired. In no case should the maximum limits of ponding be designed closer than ten (10) feet from a building for the 100-year storm. The lowest sill or floor elevation shall be one (1) foot above the 100-year storm ponding elevation.
- (f) Underground Systems – Underground storage systems may be used and shall be designed to provide storage for at least the 25-year storm. These systems shall be designed so that water surface from the 25 year storm; does not exceed the elevation of the top of the storage pipe or vault, or come within 6 inches of the bottom of any inlet grate, or exceed the top of any upstream pipes (unless these are privately maintained and the system and pipes are designed to operate as a pressure system). (Amended 6/25/18)

These systems shall be designed to be relatively maintenance free by; using adequate trash screens at all inlets to the system and at the control structures; avoiding the use of moving parts; avoiding the use of small control pipes and narrow weir openings; maintaining a minimum low flow velocity of 4 FPS at a reasonable frequent reoccurring storm.

When an underground storage system is used in a public right-of-way or public maintenance easement it shall be constructed of the same material as all public maintained systems and the minimum pipe diameter shall be 15 inches. These systems are to be singular (not multiple or paralleling) in line pipe systems. When the underground storage system is to be privately maintained and located on private property it shall be constructed of materials that have a similar expected life as that of the project. Tanks, vaults, or oversized pipes and multiple paralleling pipes may be used in the private systems.

All underground storage systems shall be provided with a reasonable number and type of access locations to allow easy inspection and maintenance.

Construction.

Standards for construction of inlets, pipes, manholes, paved ditches and other detention basin appurtenances shall be approved by the Director of Tipton County Public Works in accordance with the appropriate section of this manual and the County's construction specifications.

Emergency Spillways.

Emergency spillways shall be sized to carry the one hundred year flood assuming the detention basin is already filled to design storage capacity.

Freeboard for earthen detention basins shall be a minimum of one-foot difference in elevation between the top of the settled embankment and the water surface, with the emergency spillway flowing at design depth.

Slopes.

For wet or dry bottom basins, if side slopes exceed one foot vertical to three foot horizontal, both erosion control and safety measures shall be provided. In no case shall earthen slopes exceed one foot vertical to two foot horizontal at any point.

If vertical walls are used, the basin must be fenced, with steps, ramps or other means of egress provided.

Appearance.

The use of detention facilities for purposes other than the temporary storage of runoff is encouraged. Whenever possible, the designer should incorporate detention basins in parking lots, playgrounds, ponds, private lots or common areas to enhance the esthetic appearance of a facility. Pipes, drainage structures, outlet works, or other necessary structural features of detention ponds shall be devised so as to be minimum in number and inconspicuous.

Access.

Provisions shall be made to permit access and use of auxiliary equipment to facilitate emptying, cleaning, maintenance, or for emergency purposes.

Control Structures.

Detention facilities shall be provided with obvious and effective control structures. Plan view and section of the structure with adequate details shall be included in plans.

The maximum design discharge (Q) for the low-flow pipe shall not exceed the allowed maximum release rate when considering a 25-year storm. (Amended 6/25/18)

Sizing of the low-flow pipe shall be by inlet control or hydraulic control or hydraulic gradient requirements as appropriate. Low-flow pipes or constrictions shall not be smaller than fifteen (15) inches in diameter on public maintained systems to minimize maintenance and operating problems. An adequately sized bar-screen on a minimum 2:1 slope to reduce blockage by debris is suggested on the low-flow pipe and control structures.

Detention basin outflow shall discharge directly into the downstream drainage system. Structures that create a point source discharge shall connect to public conveyances as determined by the County Engineer.
(Amended 1/26/09)

Easements.

Two types of easements shall be provided in plans for detention facilities.

- (a) Private Drainage Easements – Private drainage easements will be required on all portions of the detention system that are not incorporated in a public drainage easement. Such areas shall be denoted on the development plat by “Reserved for Storm Water Detention”. The facilities located in these private easements shall be the responsibility of the property owner or owner’s association to maintain.
- (b) Public Drainage Easement – A public drainage easement will be accepted by the County for all components of the detention facilities which are standard Tipton County drainage structures; i.e., pipes, concrete channel lining, outlet structures and spillways.

Maintenance.

Detention facilities, when mandatory, are to be built in conjunction with storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be partially or fully operational soon after the clearing of the vegetation. Silt and debris connected with early construction shall be removed periodically from the detention area and control structure in order to maintain maximum storage capacity.

Maintenance of the portion of the detention facilities not located in a public drainage easement is the responsibility of the property owners or association. Maintenance shall consist of but not be limited to the following items:

1. Outlet cleaning
2. Mowing
3. Herbicide spraying
4. Litter control
5. Removal of sediment from basin and outlet control structure.
6. Repair of drainage structures.

The responsibility of all maintenance of the detention facilities and subdivision projects shall remain with the developer until the County has accepted the project. Upon acceptance of the subdivision by the County, maintenance responsibility shall transfer to the County for all components located in the public drainage easements and to the property owner or owner's association for all components of the detention system located in the private easement

The following note shall be clearly placed on the final plat of any development requiring on-site stormwater detention facilities.

The areas denoted by "Reserved for Stormwater Detention" shall not be used as a building site or filled without first obtaining written permission from the Director of Tipton County Public Works, as applicable. The stormwater detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or owner's association. Such maintenance shall be performed so to ensure that the system operates in accordance with the approved plan located in the Tipton County Public Works Department. Such maintenance shall include, but not be limited to; removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning; and repair of drainage structures.

Variances.

Any variance of these regulations shall be submitted to and approved by the Director of Tipton County Public Works.

Detention Basin Design.

The design of a detention basin involves the following steps:

1. Determine the purposes for which the basin will be used.
2. Determine the inflow hydrograph to the basin for the design storm.
3. Determine the maximum release rate.
4. Estimate the volume of storage needed.
5. Determine the depth-storage relationship for the basin.
6. Select the outlet structure(s) compatible with the basin uses and determine the depth-outflow relationship.
7. Determine the outflow hydrograph by performing the routing for the basin.

E. FINAL DRESSING, SEEDING, AND SODDING

1. Final Dressing

This work shall consist of dressing all slopes and areas to within reasonable close conformity to the lines and grades indicated on the plans, or as directed by the representative of Tipton County Public Works. Final dressing shall be performed by hand or machine to produce a uniform finish to all parts of the roadway including embankments, ditches, etc. Rock cuts shall be cleaned of all loose fragments; side slopes shall be laid back to a three to one (3:1) slope and seeded as described in these specifications.

The entire right-of-way shall be cleaned of all weeds and brush and all structures both old and new shall be cleared of all brush, rubbish, sediment, or other objectionable materials.

2. Seeding

In all areas damaged or disturbed by the construction operation where established ground cover was present before beginning of construction, the subdivider shall be responsible for restoring the ground cover after completion of construction, unless noted otherwise on drawings. All areas seeded shall be graded smooth prior to seeding and the subdivider shall be responsible for maintenance of the smooth finished grade until grass is established.

After designated areas have been carefully hand graded, soil shall be prepared for fertilizing and seeding. Fertilizer shall be a standard

commercial fertilizer Grade 15-15-15, or equivalent, and shall be applied at a rate of not less than ten (10) pounds per one thousand (1,000) square feet. The fertilizer shall be lightly harrowed, raked, or otherwise incorporated into the soil for a depth of approximately one half (1/2) inch. The subdivider shall be responsible for any regrading or reseeding required to produce an acceptable grass cover. Rutting and washing shall be restored by reseeding and strawing; in areas of extreme erosion sodding may be required. The seed shall be as follows:

<u>Name</u>	<u>Percent by Weight</u>
<u>In the Spring</u>	
Lespedeza	20
Sericea Lespedeza	15
Kentucky 31 Fescue	40
English Rye	15
White Dutch Clover	5
Weeping Love Grass	5
<u>Or in the Fall</u>	
Kentucky 31 Fescue	55
Redtop	15
English Rye	20
White Dutch Clover	5
Weeping Love Grass	5

The seed shall be sown uniformly at the rate of one and one-half (1 1/2) pounds per one thousand (1,000) square feet.

3. Sodding

Sodding shall consist of furnishing and placing sod at all locations shown on the plans, or as directed by the representative of Tipton County Public Works. Work shall include the furnishing and placing of new sod, consisting of live, dense, well-rooted growth of permanent grasses free from johnson grass and other obnoxious grasses or weeds, well suited for the soil on which it is placed. All sod shall be cleanly cut in strips having a uniform thickness of not less than two and one-half (2 1/2) inches. Sod shall be set when the soil is moist and favorable to growth. No setting shall be done between October 1 and April 1, without permission of the representative of Tipton County Public Works. The area to be sodded shall be brought to the lines and grades shown on the plans, or as directed by the representative of Tipton County Public Works.

The surface of the ground to be sodded shall be loosened to a depth of not less than one (1) inch with a rake or other device. If necessary, it shall be sprinkled until saturated for a minimum depth of one (1) inch and kept moist until the sod is placed. Immediately before placing the sod, fertilizer and lime shall be applied uniformly to the prepared surface of the ground. Fertilizer shall be applied at the rate of eight pounds of Grade 15-15-15, or equivalent, per one thousand (1,000) square feet.

Sod shall be placed as soon as practical after removal from the point of origin; it shall be kept in a moist condition during the interim. Sod shall be carefully placed by hand on the prepared ground surface with the edges in

close contact and, as far as possible, in a position to break joints. Each strip of sod laid shall be fitted into place and tamped. Immediately after placing, the sod shall be thoroughly wetted and rolled with an approved roller. On slopes of two to one (2:1) or steeper, pinning or pegging may be required to hold the sod in place.

The sod shall be watered as directed by the representative of Tipton County Public Works for a period of two (2) weeks. The subdivider shall not permit any equipment or materials to be placed on any planted area and shall erect suitable barricades and guards to prevent equipment, labor, or the public from traveling on or over any area planted with sod.

**APPENDIX C
FIRE HYDRANT
COLOR CODE SCHEME**

[THIS SECTION HAS BEEN REMOVED FROM THIS DOCUMENT]