

**SUBDIVISION REGULATIONS  
OF  
POLK COUNTY, TENNESSEE**

Prepared for  
the  
Polk County Regional Planning Commission

Assisted by  
the  
Southeast Tennessee Local Planning Assistance Office  
of the  
Tennessee Department of Economic  
and Community Development

2010

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# SUBDIVISION REGULATIONS FOR POLK COUNTY TENNESSEE

## TITLE

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

## PURPOSE

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

## **ARTICLE 1**

### **PREAMBLE AND ENACTMENT CLAUSE**

IN PURSUANCE OF AUTHORITY SET FORTH IN SECTION 13-3-401 THROUGH 13-3-412, TENNESSEE CODE ANNOTATED, AND FOR THE PURPOSES OF PROMOTING THE HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, PROSPERITY AND GENERAL WELFARE OF THE COUNTY; TO ENCOURAGE ECONOMICALLY SOUND AND STABLE LAND DEVELOPMENT; TO ASSURE THE PROVISION OF REQUIRED STREETS, UTILITIES AND OTHER FACILITIES AND SERVICES TO LAND DEVELOPMENTS; TO ASSURE THE ADEQUATE PROVISION OF SAFE AND CONVENIENT TRAFFIC ACCESS AND CIRCULATION, BOTH VEHICULAR AND PEDESTRIAN, IN LAND DEVELOPMENT; TO ASSURE THE PROVISION OF NEEDED PUBLIC OPEN SPACES AND BUILDING SITES IN LAND DEVELOPMENTS THROUGH THE DEDICATION OR RESERVATION OF LAND FOR RECREATIONAL, EDUCATIONAL AND OTHER PUBLIC PURPOSES; AND LAND SUBDIVIDED SHALL BE OF SUCH CHARACTER THAT IT CAN BE USED SAFELY FOR BUILDING OR OTHER PURPOSES WITHOUT DANGER TO HEALTH OR PERIL FROM FIRE, FLOOD, OR OTHER MENACE, AND THAT LAND SHALL NOT BE SUBDIVIDED UNTIL PROPER PROVISION HAS BEEN MADE FOR ADEQUATE WATER AND ELECTRICAL SERVICE, DRAINAGE, ACCESS, AND ACCEPTABLE METHOD FOR SEWAGE DISPOSAL; AND TO ASSURE THAT LAND IS DEVELOPED IN CONFORMITY WITH THE COMPREHENSIVE PLAN OF POLK COUNTY, THE PLANNING COMMISSION OF POLK COUNTY, TENNESSEE DOES ORDAIN AND ENACT THE FOLLOWING ARTICLES AND SECTIONS.

## **ARTICLE 2**

### **SHORT TITLE**

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

## ARTICLE 3

### DEFINITIONS OF CERTAIN TERMS USED HEREIN

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

The term "shall" is mandatory. When not consistent with the context, words used in the singular include the plural and those used in the plural number include the singular. Words used in the present tense include the future and words used in the future tense include the present. The word person includes all forms of associations, organizations, partnerships, companies, firms, corporations, trusts, unincorporated associations, and individuals.

**ARAP:** Aquatic Resource Alteration Permit

**Bond:** Any form of security (including a cash bond, surety bond, undated letter-of-credit, cashiers check, or certified check) in an amount and form satisfactory to the planning commission for the amount of the estimated construction cost plus 50 percent guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement with the PCRPC.

**Cluster Development:** A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features. Buildings should be clustered together allowing for pedestrian and vehicular connectivity.

**Common Plan Development:** Is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

**Deed Restrictions:** A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the county register of deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

**Developer:** Any individual, corporation, partnership, or any configuration of the aforementioned, or entity which owns property that is subject to these standards and regulations set forth in the Polk County Subdivision Regulations, or which finances, manages, designs, administers, or invests in (including in-kind contributions) the development or redevelopment of the property.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

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

**Easement, Utility:** The right granted by the owner of land to allow utilities to be constructed, maintained, or preserved. Utility Easement shall include, but is not limited to, easement for storm drainage, water lines, sewer lines, electric power lines, and pipe lines.

**Easement Vehicular/Private Road:** The right granted by the owner of land to another party by deed or description, to allow vehicular access across one parcel of land to another. For purposes of this document will be referred to as a Private Road.

**Flag Lot:** An interior lot located to the rear of another lot but with a narrow portion of the lot extending the public or private road, which is constructed according to these regulations. The narrow portion of the lot that extends to the road shall be suitable for ingress and egress, and shall not be included in the calculation of the minimum lot area.

**Flood:** A temporary rise or overflow of a body of water onto adjacent lands not normally covered by water. Please refer to the Polk County Flood Plain Management Resolution for regulatory requirements and other definitions.

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

**Floodplain:** The relatively flat area or low lands adjoining a watercourse or other body of water which has been or may be covered by water.

**Floodway:** One hundred (100) feet on each side, measured from the bank, of each river or stream--unless the developer demonstrates that a lesser distance, but not less than ten (10) feet, is adequate.

**Floodway Fringe:** That part of the flood plain located between the floodway and the designated outline of the 100-year flood which would be covered by flood waters of the 100-year flood. Uses are permitted if they are protected by fill, flood-proofed, or otherwise protected.

**Regulatory Flood:** A large flood selected for regulatory purposes and a basis for floodplain management. In Polk County, as in most places, the 100-year flood is the regulatory flood or base flood and there are no flood restrictions outside its limit. The 100-year flood statistically has a one-percent chance of occurring each year.

**Grade (Slope):** The slope of a road, or the ground, specified by the percentage that the vertical rise is to the horizontal distance in which the vertical rise takes place.

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

**Improvement Standards:** A set of regulations adopted by the commission setting forth the details, specifications, and instructions to be followed in the planning, design, and construction of certain required improvements to property.

**Lot:** A portion or parcel of land separated from other portions or parcels by description as on a subdivision plat or record or survey map or as described by metes and bounds, and intended for

transfer of ownership or for building development. For the purpose of these regulations, the term does not include any portion of a dedicated right-of-way.

**Lot Dimensions:**

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

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

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

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

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

**Monument:** A permanent concrete or iron marker or natural object used to definitely establish all lines on the plat of subdivision including all lot corners and points of change in street alignment. Monuments shall meet or exceed the standards of section 0820-3-.07(1)(h) Tennessee Land Surveyors Laws and Regulations, 2000 (as amended). See also section 14.010 of these regulations.

**NOC:** Notice of Completion.

**NOI:** Notice of Intent for Construction Activity.

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

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

**Open Space:** Land that is designated for non buildable area within a subdivision and stated on a plat as open space. This land can consist from untouched forests to landscaped parks.

**Useable open space:** Land that is not a protected water body or environmentally impacted area.

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

**Phase Development:** The development of a subdivision or shopping center or other large scale land development project in two or more stages. (The developer may wish to use phase development in order to finance a later phase with the financial returns of the earlier phase. The planning commission will need to review preliminary plans of the entire development and will then grant final approval by stage.)

**Planning Commission:** The Polk County Regional Planning Commission (PCRPC).

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

**Planning Staff:** The Planner assigned to Polk County from the Tennessee Department of Economic and Community Development, Local Planning Assistance Office.

**Plat:** The scaled drawing or map of a subdivision, including plat, plan, plot or replot.

**Private Road/Vehicle Easement:** The right granted by the owner of land to another party by deed and description, to allow vehicular access across one parcel of land to another. For purposes of this document will be referred to as a Private Road. Any right-of-way or area set aside to provide vehicular access within a development that is not dedicated or intended to be dedicated to the county and that is not maintained by the county.

**Recreational Subdivision:** An optional type of subdivision development for areas trying to remain remote and natural. (See Article 9 for additional qualification.)

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

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

**Sanitary Sewer System:** A municipal or community sewage collection, treatment, and disposal system of a type approved by the Tennessee Regulatory Authority.

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

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

**Alley:** A minor way used for service access to the bank or side of properties otherwise abutting on a street.

**Arterial and Collectors:** The street designated as such in the Polk County, Tennessee Transportation Plan.

**Cul-de-sac:** A local street with only one outlet, sometimes called a "dead end" street.

**Local Street:** A neighborhood street used primarily for access to the abutting properties.

**Marginal Access Street:** A minor street parallel and adjacent to major thoroughfares which offers access to abutting properties.

**Secondary Collector:** A collector street which carries traffic from local streets to major thoroughfares.

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

**Subdivision:** The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided

**Major Subdivision:** A subdivision having five (5) or more lots, building sites, or other divisions, or a subdivision which involves a new road or public water or sewer extension regardless of the number of lots which requires Planning Commission approval.

**Minor Subdivision:** A subdivision having four (4) or less lots, building sites, or other divisions and not involving a new road or public water or sewer extension which requires Planning Commission approval.

**Simple land Split:** All Divisions of a tract into two (2) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. Provided that there are no new utility or street extensions and/or a request for a variance in the strict application of the Polk County Subdivision Regulations which requires staff or Planning Commission Approval.

**Subdivision Regulations:** The "Polk County, Tennessee Subdivision Regulations" in its entirety and future amendments thereto.

**TDEC:** Tennessee Department of Environment Conservation and also referred to as the Local Health Authority

**TDOT:** Tennessee Department of Transportation

**Variance:** The modification of the strict terms of the relevant regulations where such modifications will not be contrary to the public interest and where, only to the conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship based on narrowness, shallowness, shape, or topography of a specific piece of property at the time of the enactment of these regulations.

## ARTICLE 4

### **PLATTING JURISDICTION, ENFORCEMENT AND PENALTIES FOR VIOLATION**

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

**4.01. Platting Authority:** From and after the passage of these regulations, the Planning Commission shall be the official platting authority, and no plat of land subdivision shall be entitled to be recorded in the office of the Polk County Register of Deeds unless it shall have the approval of the Planning Commission herein inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the Planning Commission, as required by these regulations and enforced under T.C.A. section 13-3-402.

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

**4.03. Enforcement:** No plat or plan of a subdivision located within the area of planning jurisdiction shall be filed or recorded by the Polk County Register of Deeds until said plat or plan has received final approval in writing by the Planning Commission as provided in Section 13-3-402, Tennessee Code Annotated.

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

**4.05. Erection of Buildings:** No building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the Regional Planning Commission unless the road giving access thereto has been accepted as a public road or private road in accordance with these regulations, or unless such road has been accepted as a public road or private road prior to the effective date of these regulations. Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building commissioner or the county attorney or other official designated by the Polk County Council may bring action to enjoin such erection or cause it to be vacated or removed.

**4.06. Penalties for Transferring Lots in Unrecorded Subdivisions:** Section 13-3-410 Tennessee Code Annotated, provides (a) 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 regional planning commission and obtained its approval as required by this part and before such plat is recorded in the office of the appropriate county register, or who

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\* Article 10, Section 10.03(g)

falsely represents to a prospective purchaser of real estate that roads or streets will be built or constructed by a county or other political subdivision, commits a Class C misdemeanor. 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 owner or agent of any land may sell, transfer or agree to sell any lot or lots shown on a plan having been given tentative approval by the regional planning commission. The owner or agent shall post bond in form and amount and with conditions and surety satisfactory to the regional planning commission, providing for and securing to the public the actual construction and installation of such improvements and utilities within a period specified by the regional planning commission and expressed in the bond. The county, through its county attorney or other official designated by the county legislative body, may enjoin such transfer or sale or agreement by action or injunction. (b) The remedies and penalties provided by this chapter are to be applied exclusively to the owner or agent of the owner. Title to any tract conveyed without compliance with the provisions of this chapter is not affected by this chapter unless the sale or transfer has been enjoined by a court of competent jurisdiction prior to the conveyance being recorded in the office of the appropriate county register. While the title to any such tract is not affected by this chapter, the tract remains otherwise subject to all provisions of this chapter

## ARTICLE 5

### GENERAL DESIGN REQUIREMENTS

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

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

The mountains of Polk County, Tennessee are characterized by steep slopes and thin soils. Land Development on a high-elevation, steep-slope mountain potentially threatens the public health, safety, welfare, and economic progress.

- A. Land which is subject to flooding shall not be platted for residential occupancy or building sites unless such land is shown to be outside of the floodway of the river or stream causing flooding. Fill may not be used to raise land within the floodway. However, fill may be used outside of the floodway providing that the requirements of Article 6, Section 6.04 are satisfied and further provided that any fill shall extend twenty-five (25) feet beyond the limits of any structure erected thereon. Any fill must meet applicable regulations laid forth in the Polk County Flood Plain Management Ordinance.
- B. Land which is subject to steep slopes shall not be platted for residential occupancy or building sites unless such land is shown to be suitable by a certified soil or geotechnical engineer indicating that the steep slope may be safely developed.

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

**5.03. Access:** Access to every subdivision shall be provided over a public road, private road/vehicular easement as defined in section 6.080 and 6.100.

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

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

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

The requirements and regulations of the “Manufactured Homes and Recreational Vehicles” chapter of the Tennessee Code Annotated, Sections 68-126-101 through 68-126-412 and the Polk

County Mobile Home Ordinance must be satisfied and the approval of the local health authority must be secured prior to approval by the Planning Commission.

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

Where public use is to be made of the property and where the residents of the subdivision will receive primary benefit, the dedication of the property should be encouraged. Where the public use is for the public as a whole, the community should pay proportionately for the acquisition of reserved areas within a reasonable time.

## ARTICLE 6

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

**6.01. Conformance to Adopted Transportation Plan:** All streets and other features of the Major Road Plan for Polk County, Tennessee, shall be platted by the subdivider in the location and to the dimensions indicated on the Transportation Plan adopted by the Planning Commission.

**6.02. Continuation of Existing Streets:** Existing streets shall be continued at the same or greater width, but in no case less than the required width.

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

**6.04. Street Elevations:** The Planning Commission may require, where necessary, profiles and elevations of streets in areas subject to flood, as defined in these regulations. Fill may be used for streets provided such fill does not unduly increase flood heights. Drainage openings shall be so designed as to not restrict the flow of water and unduly increase flood heights.

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

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

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

**6.08. Private Roads/Vehicular Easement:** There shall be no private roads platted in any subdivision unless such roads are constructed to the same standards found in these regulations, as required for roads which are to be county-maintained. The planning commission shall have the right to decide if private standards are acceptable in recreational subdivision. Any further restrictions of private roads will be according to the standards set forth by any homeowners association as referred to in Article 14 of these regulations.

A. Requirements for Private Roads/Vehicular Easements:

If private roads are to be constructed in any major subdivision and has received the planning commission's approval, the following conditions shall be met:

1. The fact that the road is private shall be noted on the subdivision plat and in the individual deeds.
2. The actual private road shall be marked in accordance with 911 standards.
3. The private road shall meet the specifications set forth in Section 14.06 of these regulations.

4. An additional certification shall be added to the plat stating the dedication and ownership of said private road. This certification is found in Section 16.02.
5. The Private Road/Vehicular Easement shall be open to emergency and public safety vehicles.
6. All Private Roads/Vehicular Easements must adhere to the Polk County Easement standards in section 6.10.

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

**6.10. Easements:**

**Utilities:**

- A. Easements having a minimum width of ten (10) feet shall be provided where deemed necessary along each side or rear lot line for utility lines and underground mains and cables. Easements of the same or necessary greater width shall be required along the lines of or across lots, where necessary, for the extension of existing or planned utilities.
- B. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided on both sides a stormwater or drainage right-of-way of 30 feet from the rested vegetation line. Parallel streets may be required by the Planning Commission in connection there with.

**Private Road/Vehicle Easement:**

- A. A permanent easement may be permitted under certain conditions. These easements shall meet the following minimum requirements and any special conditions attached by the Planning Commission, and the requirements and special conditions for the easement shall be placed on the final plat for recording.
  1. A permanent easement/private road serving one lot of or less than 1 acre shall have a required width of no less than twenty-five (25) feet. However, the planning commission will require the easement to be increased to fifty (50') feet in the case that the property is further subdivided in the future. There will be no road base requirement (\*must be able to meet grade requirements in case road is developed in the future).
  2. A permanent easement serving in excess of one lot or more than one acre shall be of a required width of no less than fifty (50) feet. However, the planning commission may require greater widths if necessary to meet any special conditions present on a plat. There will be no road base requirement (\*must be able to meet grade requirements in case road is developed in the future).
  3. Permanent easement providing legal access to more than five (5) lots shall meet the Private Road Standards established in Articles 7 Street Design Requirements and 13 Improvement Standards of the Polk County Subdivision Regulations.

4. Permanent Easement Standards Chart

- a. The 25 or 50 foot right of way requirement will still be part of the regulations, and when an easement exceeds the five lot requirement (6 or more lots) it will have to be brought up to current road standards.

1 lot            25'ROW            only requirement (\*see above notes)

1 to 5 lots      50'ROW            only requirement (\*see above notes)

Over 5 lots      50'ROW            must meet current county road standards.

\*\*Number of lots will be based on lots with access to easement

**Access:** For the purpose of easements, access will be defined as any property (separate parcel) that abuts the easement.

**Note:** As lots are added to existing easements, the entire easement must meet current standards based on the **new total number of properties** (individual lots) with use of the easement. At no time will an easement be approved without direct connection to a publicly maintained road.

## ARTICLE 7

### STREET DESIGN REQUIREMENTS

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

- A. Principal Arterial - 100 feet, or as may be required
- B. Minor Arterial - 80 feet
- C. Major Collectors - 80 feet
- D. Minor Collectors - 60 feet
- E. Local Roads (Neighborhood) - 50 feet
- F. Marginal Access Streets - 40 feet  
Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.
- G. Alleys - 20 feet  
Alleys are minor public ways used primarily for service access to the bank or side of properties otherwise abutting on a street.
- H. Cul-de-sacs - 50 feet  
Cul-de-sacs are permanent dead end streets or courts designed so that they cannot be extended in the future. They shall be provided at the closed end with a turnaround having a property line radius of at least fifty (50) feet with an outside pavement radius of at least twenty (20) feet encircling a landscaped island. A cul-de-sac shall not be greater in length than one thousand (1,000) feet.
- I. Temporary Cul-de-sacs - 50 feet  
Where in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary to such property. Such dead end streets shall be provided with a temporary turnaround having a property line radius of at least thirty (30) feet with an outside pavement radius of at least fifty (50) feet.

Where perceived necessary for connectivity purposes all streets that are dead ending into future developable lands a street stub shall consist of a T or Y turnaround with landscaping placed at the terminus of said street stub.

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

**7.02. Additional Width on Existing Streets:** Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements.

- A. The entire right-of-way shall be dedicated where any part of the subdivision is on both sides of the existing street;
- B. Where the subdivision is located on only one side of an existing street, the amount of right-of-way to be dedicated is as follows:
  - 1. If the land across the roadway from the proposed subdivision has not been subdivided or developed, the subdivider is only required to dedicate one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway.
  - 2. If the land across the roadway has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the roadway to bring the total right-of-way to the required width.
- C. Where the subdivision is located along a State or U.S. Highway, additional right-of-way dedication will not be required, but an additional setback shall be required to match the difference between the existing right-of-way width and the required width based on the Polk County Major Road Plan.

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

Principal Arterial	28 feet inside curb or greater or as may be required.
Minor Arterial	26 feet inside curb or greater or as may be required.
Major Collectors	24 feet inside curb or greater or as may be required.
Minor Collectors	22 feet inside curb.
Local Roads	20 feet inside curb <b>(Neighborhood or Local)</b>
Alleys	16 feet with two (2) foot dirt shoulders planted with a ground cover to reduce erosion. <b>(Alleys are one way only.)</b>
Cul-de-sacs	40-foot radius for turn arounds.

Through proposed neighborhood or local business areas, the street widths shall be increased ten (10) feet on each side to provide for turning movements of vehicles into and out of necessary off-street parking areas without interference to traffic.

Through proposed neighborhood, local business areas or Rural collector streets, the street widths can be increased per TDOT standards to provide for designated Bike lanes.

NOTE: The pavement widths are considered the minimum necessary to accommodate modern traffic. Street parking must, of course, be considered in the pavement widths. Where no street parking is permitted or none is anticipated, allowances may be made. A parallel parking lane normally requires eight (8) feet. On secondary streets, a moving traffic

lane should have a minimum of ten (10) feet. On neighborhood streets where the abutting property has adequate off-street parking and traffic moves slower, provision for one lane of parking and two nine (9) foot traffic lanes may be adequate. (Pavement widths for major streets are normally a responsibility of the governing body.)

Road Cross Section Graphic \*\*

**7.04. Street Grades:** Maximum street grades shall be fourteen (14) percent.

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

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

Major Thoroughfares	300 feet
Secondary Thoroughfares	200 feet
Local Streets	100 feet

**7.06. Vertical Curves:** Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one-half (4-1/2) feet above the pavement, to an object four (4) inches high on the pavement. Where, in the opinion of the Planning Commission, topography warrants it, profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals twenty (20) feet vertically may be required.

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

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

## ROAD TYPES

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

**7.09. Street Jogs:** Street jogs with center line offsets of less than one hundred fifty (150) feet shall not be allowed.

## STREET JOGS

## ARTICLE 8

### DESIGN STANDARDS FOR BLOCKS AND LOTS

**8.01. Block Lengths and Widths:**

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

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

**8.03 Extreme Slope Building Site:** Each lot in a subdivision shall contain a suitable buildable area outside the limits of any existing easement or the building setback lines as required by these regulations.

Accordingly, all land development practices must follow these guidelines:

Average Slope of Development to be Developed or Subdivided	Minimum Lot Size (in acres)	Maximum Density (lots per acre)
15-29%	2	.5
30-44%	2.5	.4
45% or more	10	.1

For an individual building site consisting of one lot, the basis of the average slope calculation will include only the building and grading envelope for such site. For the subdivisions of more than one lot, the average slope calculation shall be based on the entire tract to be subdivided unless the subdivider wishes to use a phasing method. No Phase may be less than ten (10) acres if a phasing method is used for calculation. A preliminary plat will be required on all property with 15% or greater slope and be in accordance with Article 5.01.

**8.04. Lot Sizes:**

- A. Residential lots shall meet the lot area requirements of TDEC. In no instance shall residential lots be less than seventy-five (75) feet wide at the building setback line. Other minimum requirements are as follows:
- B. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than five (5) times the width of the lot at the building line, unless unusual circumstances make these limitations impractical.

- C. Lots not served by public water and sanitary sewer systems shall be at least  $\frac{3}{4}$  of an acre or 32,670 square feet in area or of a size specified by the county health authority to adequately accommodate both fresh water well and septic system on the same lot. The minimum distance between the septic system and fresh water well shall be one hundred (100) feet.
- D. Where individual septic systems are used on lots served by a public water system, minimum lot size shall be at least  $\frac{1}{2}$  of an acre or 21,780 square feet unless stated otherwise in Conservation Design Standards in Polk County Subdivision Regulations. The health officer shall also prescribe minimum lot sizes to conform to health standards which may be greater than the standards contained herein. Septic and Field Line shall be completely contained inside each individual lot.
- E. Residential Lots which have Public Water and Public Sewer shall be at least twelve thousand (12,000) square feet.
- F. For alternative lot sizes see Article 9 for Conservation Design Standards.
- G. Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets.
- H. Commercial and industrial lots shall be adequate in size to provide service areas and off-street parking suitable for the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.
- I. Land shall not be platted for commercial or industrial purposes unless the subdivider can demonstrate to the Planning Commission that each lot provides the following:
  - 1. A site that does not unduly interfere with through traffic. (Each industrial subdivision or area shall utilize a single collector for all heavy traffic between the area and the general system of streets and roads. Minor industrial streets and individual industrial parcels shall be oriented at right angles with the collector and with adjacent railroads.)
  - 2. An integrated parking area. With connectivity for vehicular and pedestrian traffic.
  - 3. An insulation against any adverse effect on any present adjacent residences.
  - 4. A parcel size sufficient in area to allow future expansion.
  - 5. A buffer from residential areas shall be provided at 30 feet from the adjacent property line.

**8.05. Flag Lots:** An interior lot located to the rear of another lot but with a narrow portion of the lot extending the public or private road, which is constructed in accordance with these regulations. The narrow portion of the lot that extends to the road shall be suitable for ingress and egress, and shall not be included in the calculation of the minimum lot area.

- A. Within the portion of the flag lot that excludes the access strip, the building setbacks for front, side and rear yards shall still apply and be measured from the boundaries of the parcel excluding the access strip.
- B. No more than two access strips shall be located side-by-side with a minimum distance of 100 feet required between additional access strips.
- C. Flag stem Width and length:
  - 1. Flag stems of 25 feet shall not exceed two hundred (250) feet in length.
  - 2. Flag stems of 50 feet or greater shall not exceed three hundred (500) feet in length.
- D. Width:
  - 1. Flag lot access strip shall be a minimum of twenty-five (25) feet in width for lots of one (1) acre or less.
  - 2. Flag lot access strip shall be a minimum of fifty (50) feet in width for lots greater than one (1) acre.

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

**8.07. Building Setback Lines:** In the absence of a zoning ordinance, building setback lines from the street right-of-way line and all side and rear property easements or property lines are as follows.

From Frontright-of-way or easements..... 35 feet

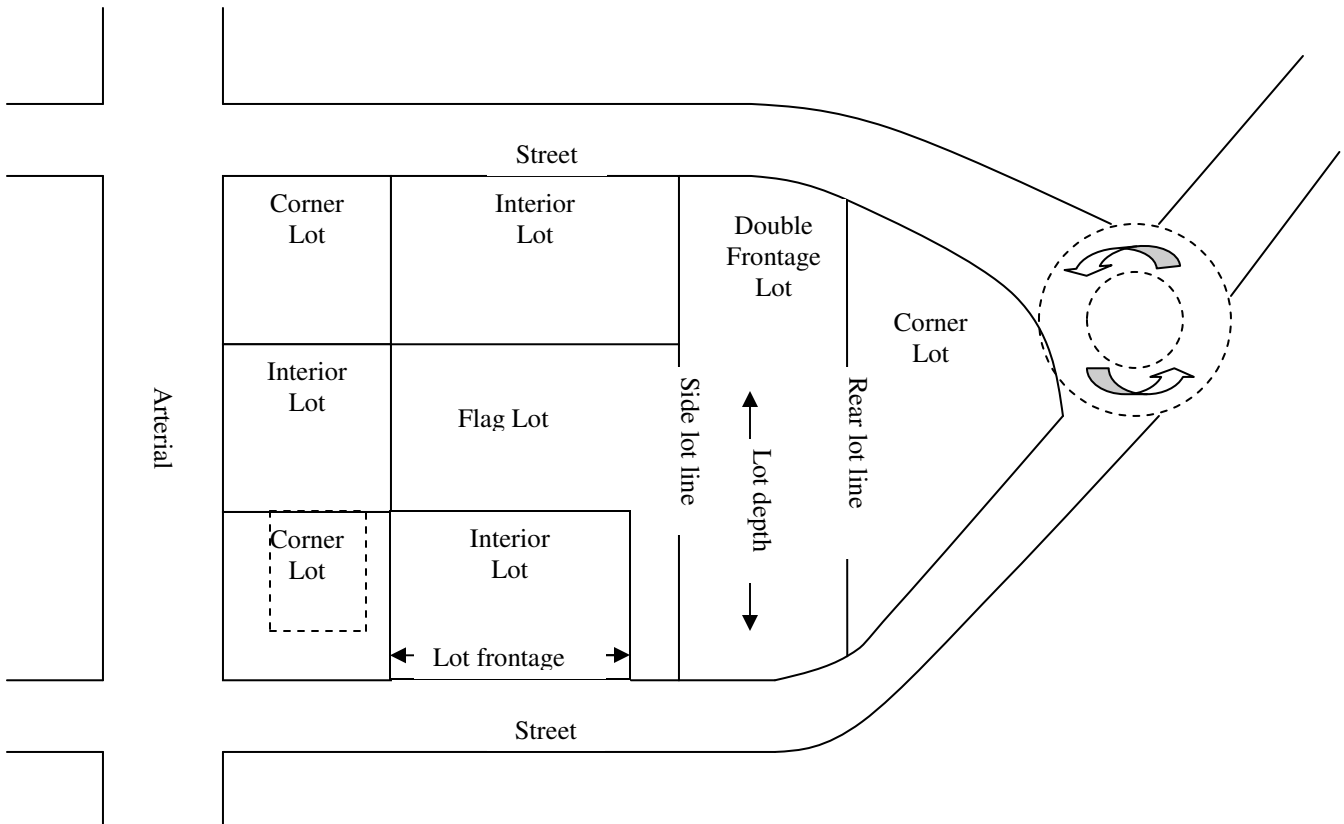
From the side property line..... 10 feet with a total of 25 between structures

From rear property line..... 15 feet

From side property line of Corner Lots.....20 feet when abutting right-of-way/easement

**8.08. Lot Abutting Road:** Each lot shall abut upon an approved Public or Private Road constructed in accordance with the standards of these regulations and have road frontage of not less than 50 feet unless specified in these regulations.

**8.09. Double and Reverse Frontage Lots:** Double frontage lots should be avoided, except where essential to provide separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Reverse frontage lots shall have a depth of not less than one hundred fifty (150) feet. A planted evergreen screen and buffer 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.



**Table-3A** **Types of Lots**

## ARTICLE 9

### CONSERVATION SUBDIVISION REQUIREMENTS

Conservation Subdivision Design is a development strategy that can help communities preserve open space and natural areas in residential housing developments. This type of design strategically concentrates home construction on the development site and requires the use of Public Sewer and Water, in order to protect sensitive and valuable open space, habitat, and other environmental resources. At no time can the Conservation Subdivision requirements contradict those Steep Slope requirements.

#### 9.01

The development requirements that are the same for a recreational subdivision are:

Street Design Requirements - Article 7

Improvement Standards - Article 14

Procedure for Preliminary Plat Approval - Article 12

Preliminary Plat Specifications for Subdivision - Article 13

Procedure for Final Plat Approval of a Subdivision - Article 15

Final Plat Specifications - Article 16

#### 9.02

The development requirements that are specific to a Conservation Subdivision are:

Approval Procedure for Subdivisions - Article 11, Section 11.020

Lot Size for Residential lots: Residential lots shall be a maximum of 12,000 square feet and a minimum of 8,000 square feet. Maximum area for development can not be less than 10 acres with public water and public sewer access adjacent to development. Building sites shall be prohibited on slopes in excess of 30 percent.

Residential Building Setback Lines:

Residential lots must be fifty (50) feet wide at the building setback line.

Front yard setbacks shall be a minimum of ten (10) feet from the street right-of-way line. Side property line setbacks shall be a minimum of five (5) feet from any and all easements, If easements are not existing, then measurement must be taken from adjacent property line. Side setbacks that lie adjacent to streets or access strips shall be a minimum of fifteen (15) feet.

Rear property line setbacks shall be a minimum of ten (10) feet from any and all easements, if easements are not existing then measurement must be taken from adjacent property line.

Open-Space Requirements:

Conservation Design Subdivisions must have a minimum of forty percent (**40%**) of open space and fifty percent (**50%**) of open space shall be usable open space for the development. This open space cannot come from the setbacks, right-of-ways, easements or aquatic resources within the development. Utility easements may be used if they provide a dual function as walking trails or safe walks for access to public or private learning institutions or parks.

## ARTICLE 10

### APPROVAL PROCEDURE FOR SUBDIVISIONS

**10.01 Who Must Plat:** Any property owner, developer, or person who divides, splits, etc., a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less 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 (refer to definition of "subdivision" on page 4 for further guidance).

**10.02. Pre-Construction Conference:** Prior to any construction activity, the developer and owner shall attend a pre-construction conference with the Polk County Road Superintendent. Attendees should be the Polk County Road Superintendent, developer, owner, engineer and staff planner.

**10.03. Concept Design and or Site Plan Required:** When a subdivision is proposed consisting of 12 lots or more, a concept design showing all improvements and the development scheme must be submitted to the planning commission before the preliminary plat is prepared.

- A. The required concept design shall be drawn to scale and must include the following information:
  - 1. Name of development.
  - 2. Name and address of owner and applicant.
  - 3. Date, scale, north point.
  - 4. Site location map.
  - 5. Topographic map to accompany concept design.
  - 6. Total land area.
  - 7. Type of development: Conventional, Recreational or Conservational:
    - a. individual lots.
    - b. cluster.
  - 8. Surrounding land use.
  - 9. Proposed lot sizes (Graphically represented with artist renderings of how the development will be laid out and typical types of houses that will be built within the development).
  - 10. Proposed street location.
  - 11. Location of public water supply.
  - 12. Sewage disposal system or public sewage line, and
  - 13. Street design and layout for development.

By submitting a concept design and/or site plan prior to preliminary platting, unnecessary expense can be avoided by the developer.

**10.04. Steps for Obtaining Subdivision Approval:** The procedure for having a subdivision plat approved in Polk County is as follows:

- A. Consider utilizing phase development to reduce the initial expenditures for improvements.
- B. The subdivider should consult early with any lending institution that will participate in the financing of his proposed development and with the Federal Housing Administration of the Department of Housing and Urban Development, local banks, or Farmers Home Administration that may be insuring mortgages on houses that may be built on this land subdivision.
- C. Consult the Polk County Health Department for sewage disposal requirements.
- D. Consult Tennessee Department of Environment and Conservation (TDEC) on all erosion, sedimentation and pollution control plans and practices and to file a Notice of Intent (NOI) at 540 McCallie Avenue, Suite 550 Chattanooga, TN 37402. Phone-(423)634-5745 Fax-(423)634-6389.
- E. Obtain a surveyor to prepare a preliminary plat.
- F. Schedule pre-construction conference with Polk County Road Superintendent.
- G. Provide calculated average slope for particular land tract of concern with supporting documentation to Staff Planner for assessment.
- H. Have a preliminary plat approved by the Polk County Regional Planning Commission.
- I. Have water system plans approved by the Tennessee Department of Health and Environment.
- J. Construct roads and other necessary improvements, or have letters of credit in place to cover 150 % of cost of construction. Construction is to include parts and labor.
- K. Have the Polk County Road Commissioner approve the roads in the subdivision and petition the county governing body for acceptance of the roads into the county system or provide adequate bonding measures in accordance with these regulations.
- L. After all improvements have been made or bonds posted, and all certifications obtained, submit the plat to the Polk County Regional Planning Commission for final approval.
- M. After final approval is given, the subdivider can record the plat and begin to sell lots.

## ARTICLE 11

### PROCEDURE FOR PRELIMINARY PLAT

**11.01 Plat Submittal Requirements:** The subdivider shall submit two (2) copies of a plat at least ten (10) business days prior to the next scheduled meeting of the Polk County Regional Planning Commission in order to be included on the next meeting's agenda. Plats should be submitted to the Polk County Executives Office no later than twelve noon on plat review day (**10 business days prior to the regularly scheduled Planning Commission meeting**). In no case will a plat be reviewed or receive action that is submitted on the day of the scheduled meeting or once the meeting has begun:

- A. All items including plats set to appear on the agenda, {six (6) copies shall be submitted for Preliminaries (black and white prints)} shall be submitted to the Polk County Executives Office in final form by twelve noon pm on the day of the scheduled meeting.
- B. Six (6) copies of the preliminary plat and other documents, as specified in Article 12. NOTE: Six (6) copies of the preliminary plat and other documents are suggested to provide a review and record copy for: 1. Planning Commission; 2. Subdivider; 3. Public Utility Department or Company (for record); 4. County health Officer; 5. Polk County E-911 Office; and 6. Street Superintendent.

**11.02 Review of Preliminary Plat:** The Planning Commission shall check the plat for conformance to these regulations and shall afford a hearing on the preliminary plat. Thereafter, the Planning Commission shall give tentative approval or disapproval of the preliminary plat. A notation of the action shall be made in the minutes of the meeting. Two (2) copies of a list containing the reasons for disapproval, if the preliminary plat is disapproved, shall be issued. One (1) copy shall be returned to the subdivider or his agent and one (1) copy added to the records of the Planning Commission. **Tentative approval of a preliminary plat does not constitute approval of a final plat.** It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval shall expire and be null and void after a period of one (1) year unless an extension of time is applied for by the subdivider or his representative and approved by the Planning Commission. If action on a preliminary plat is not taken by the Planning Commission within sixty (60) days of the date of submittal, the preliminary plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

**11.03 Certificate of Tentative Approval:** Two (2) Certificates of Tentative Approval of the Preliminary Plat by the Planning Commission shall be issued; one (1) copy for the subdivider or his agent and one (1) for the Planning Commission records. The certificate shall contain the following: (This certificate shall by no means be placed on the preliminary plat)

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

\_\_\_\_\_  
Therefore, the "Preliminary Plat" of \_\_\_\_\_

Subdivision has been approved by the Polk County Regional Planning Commission on \_\_\_\_\_, 20\_\_\_\_, subject to the following modifications. This approval does not constitute approval of a final plat. This Certificate of Tentative Approval shall expire and be null and void on \_\_\_\_\_, 20 \_\_\_\_."

---

Secretary, Polk County Regional  
Planning Commission

## ARTICLE 12

### PRELIMINARY PLAT SPECIFICATIONS

**12.01 Scale:** The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one (1) inch to one hundred (100) feet or at a scale satisfactory to the planning commission.

**12.02 Sheet Size:** Sheet size shall no less than twenty-four (24) by thirty-six (36) inches, or shall be the sheet size required by the county register for recording purposes. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a cover sheet of the same size.

**12.03 Ground Elevations:** Contours shall be shown at vertical intervals of not more than five (5) feet.

**12.04 Information to be Provided on Preliminary Plat:**

- A. Name of subdivision (Note: do not duplicate or closely approximate the names of existing subdivisions in the county).
- B. Name and address of owner(s) of record, subdivider, surveyor, date, title, name and location of subdivision, graphic scale, and true north point.
- C. North point, graphic or bar scale shown and stated and date plat was designed.
- D. Vicinity map showing location, north point, site label, and acreage of subdivision.
- E. Exact boundary lines of the tract by bearing and distances.
- F. Names and addresses of adjoining property owners and/or subdivisions.
- G. Existing streets, buildings, railroads, culverts, utilities and easements on and adjacent to the tract, as well as natural features such as sink holes, water courses, and rock outcroppings.
- H. Proposed design including all roads and alleys with proposed road names, lot lines with approximate dimension, easements, land to be reserved or dedicated for public uses and any land to be used for purposes other than single family dwellings.
- I. Block and lot numbers, which shall be consecutive.
- J. Plans of proposed utility layouts (sewers, water (including fire hydrant locations), gas, and electricity) showing feasible connections to the existing or any proposed utility systems and drainage. When connections to certain public utilities are not practical, any proposed individual water supply and/or sewage disposal system must be approved by the county health department (TDEC representative).

- K. Minimum building front yard, side yard, and rear yard setback lines shall be shown and listed as provided in these regulations.
- L. The present zoning classification, if any, on the land to be subdivided and on the adjoining land.
- M. Road cross-section and centerline profile.
- N. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the limit of such flood shall be shown.
- O. Proposed culverts and drainage locations and designs shall be shown on the preliminary plat or separately when drainage design is prepared by an engineer. When not submitted with or on the preliminary plat, this information can be submitted at the pre-construction conference.
- P. Existing natural drainage locations shall be shown on the preliminary plat.
- Q. Average slope calculation.
- R. Contour lines not less than every five (5) foot change in elevation.

PRELIMINARY PLAT

## ARTICLE 13

### IMPROVEMENT STANDARDS

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

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

#### **13.01 Monuments.**

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

**13.02 Road Inspection:** A road inspection shall be performed by the Polk County Road Superintendent or his designee. Polk Counties Road Superintendent shall inspect the grading, road construction at all phases with weight tickets furnished to him by the developer at every pertinent phase, and the road storm drainage system.

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

- A. Preparation. Before grading is started, the entire right-of-way area shall be first cleared of all stumps, roots, brush, and other objectionable materials, and all trees not intended for preservation.
- B. Cuts. All tree stumps, boulders, and other obstructions shall be removed to a depth of two (2) feet below the subgrade. This provision applies to the roadway and not necessarily to the entire right-of-way width.
- C. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed twelve (12) inches (in depth) loose and compacted to a degree acceptable to the county road department. The filling of utility trenches and other places not accessible to a roller shall be mechanically compacted.

D. Specifications. Cut and fill slopes shall not be steeper than as follows:

0' - 4' slope of 4:1

4' - 6' slope of 3:1

6' - 8' slope of 2:1

8' - up slope of 1 1/2:1

No slope shall be steeper than 1 1/2:1 unless authorized by the Polk County Regional Planning Commission.

E. Compacting Subgrade. All vegetation on subgrades shall be removed and disposed of as directed by the County Road Superintendent prior to beginning reworking and compacting operations. The density of the finished subgrade shall be equal to not less than 90 percent Standard Proctor. When field tests show failure to meet the density requirement, the subgrade shall be loosened by discing, harrowing or other approved methods to a depth of not less than six (6) inches, then reshaped and compacted until the subgrade meets the required density. The subgrade material shall be moistened or aerated as necessary during mixing and compacting to provide optimum moisture content. All soft, yielding material which will not compact readily shall be reworked or removed and replaced and replacement material compacted in accordance with this section.

**13.04 Installation of Utilities:** After grading is completed and approved and before any stone is applied, all of the required underground work--water mains, electric lines, sewer lines, gas mains, etc.--and all main lines shall be installed completely and approved throughout the subdivision.

All utilities shall be placed underground for developments upon approval of the local utility.

**13.05. Road Specifications:**

A. Required Inspections During Road Construction. Before road construction begins, the developer shall contact the Marion County Road Superintendent as notification and to discuss pre-construction project specifics. While road construction is taking place, inspections shall be made by the Road Superintendent before, during and after each step or process and prior to the next course or procedure. The Road Superintendent shall check the width, depth and crown of the road among other things. Weight tickets showing the type, class, and weight of gravel and surfacing material shall be furnished to the Road Superintendent after the completion of each step.

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

1. Mineral Aggregate. 303-02 shall be compacted to a minimum of six (6) inches. The roadway width shall be no less than twenty (20) feet with three (3) feet of graveled shoulders on each side (base total width 26 feet). When the base is completed, the developer must notify the Road Superintendent and furnish weight tickets to determine gravel content. The base shall be tested for thickness and compaction by a Geotechnical Engineer at the developers' expense. Test will be conducted at a maximum spacing of 200 feet, staggered right and left of the centerline. Any areas that do not meet requirements and specifications shall be corrected before asphalt can be laid.
2. Surface Course. All proposed subdivisions shall use a hot mix surface for all new roads. The subdivision roads shall use an asphaltic concrete (hot mix) to include a binder and a topping meeting the following specifications: The course binder (B.M. Grade Hot Mix 307-B) to be placed 2.5 inches and compacted at the rate of 275 lbs. The wearing coat (Grade E Hot Mix 411-E) to be placed 1.5 inches and compacted at a rate of 165 lbs. In all cases, it shall have not less than an average weight of two hundred seventy five (275) pounds per square yard for the binder and no less than one hundred sixty five (165) pounds per square yard for the wearing coat. Bituminous plant-mix base (hot mix) shall be in accordance to the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" (or any subsequent revisions), March 1, 1981. When the surface course binder is completed and again when the topping is completed, the developer must notify the Road Superintendent and allow his office to inspect the surface course in the third and final inspection needed for approval. At the time of notification, the developer is required to provide a job-mix formula to the Highway Superintendent to ensure that proper materials and standards will be used during construction.
3. Curbs should be constructed using concrete material when the developer chooses to use curbing in a development.

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

Pavement. All streets shall be paved using asphalt concrete surface cover (hot mix).

Asphalt Specifications:

Binder (307-B) to be placed 2.5 inches compacted or 275 lbs.

Wearing Coat (411-E) to be placed 1.5 inches compacted or 165 lbs.

4. Shoulders In the case of asphaltic (plant mix-hot or cold) surfaces, shoulders shall be required. Said shoulders shall be of the same aggregate

size as the base aggregate material, and shall be compacted to the level of the final grade surface of the finish coat.

Shoulder widths shall be as follows:

Arterial Roads	5 feet
Collector Roads	3 feet
Residential Roads	2 feet

- C. **Pavement Failure:** Where there is a pavement failure while the road is still under maintenance bond (see Section 13.11) the county road superintendent may require the contractor to cut samples from the compacted pavement for testing. Samples of the mixture shall be taken for the full depth of the course at locations selected by the superintendent. Samples shall be cut with a power saw or core drill and have a minimum surface area of at least ten (10) square inches or as required by the superintendent. Holes formed by the taking of samples shall be repaired with the same type of mixture that was removed, and compacted to conform to the surrounding pavement. Cutting and repairing of the sample holes shall be at the developer's expense. The county road superintendent or his/her designee shall be present when the samples are taken.

**13.06. Pavement Requirements:** Double Bituminous, Asphaltic (Plant Mix - Hot or Cold) Concrete Pavement. Roads which the developer has the option of providing either a double bituminous, asphaltic (plant mix - hot or cold), or concrete pavement surface. These surface treatments shall be constructed to the specifications set forth in Section 13.05.

**13.07. Storm Drainage:** An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, drip inlets, bridges, etc., shall be provided for the proper drainage of all surface water. All storm drainage contained in pipes or culverts under roadway shall have endwalls, headwalls, or rip-rap with concrete apron wall where necessary to prevent erosion. Where open trenches or ditches are used, the grades exceeding eight (8) percent shall be paved with three thousand (3,000) psi Portland Cement Concrete.

NOTE: Cross drains should be provided to accommodate all natural water flow and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Manning Formula, but in no case shall the pipe be less than fifteen (15) inches. Cross drains shall be built on straight line and grade and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed.

**13.08. Water Supply System:**

- A. Water mains and appurtenances properly connected with the community water supply and approved by the State of Tennessee Department of Health

Environment shall be constructed in each subdivision for both domestic use and fire protection for all lots shown on the subdivision plat.

- B. Where public water systems are to be used, six, or eight inch cast iron or plastic water mains shall be required, except along cross streets of one thousand (1,000) feet or less and in permanent cul-de-sacs. The location and types of valves and hydrants, the amount of soil cover over the pipes and other features of the installation shall be approved by the Planning Commission, after conference with the public utility board or utility district and shall conform to accepted standards of good practice for water systems.
- C. When the subdivision is located within the service area or 500', whichever is more stringent, of a public water system, public water shall be installed in such a manner as to serve adequately all lots with connection to the public system.
- D. Hydrants shall be placed and color coded. Top of hydrant shall be color coded to show flow capabilities (Red-0 to 499 gpm, Orange-500 to 999 gpm, Yellow-1000 to 1499, and Blue-1500+). Hydrants with out fire flow capability shall also be tagged so that pumpers will not connect directly to the hydrants and collapse the water line, but water from the hydrant can still be used to fill reservoir(s).

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

1. Hydrant Locations

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

The location and types of valves and fire hydrants, the amount of soil cover over the pipes and other features of the installation shall conform to accepted standards of good practice for water systems

and must meet the approval of the appropriate water providers, fire department, and PCRPC.

**13.09. Sewage Disposal:** When the subdivision is located within the service area or 500', whichever is more stringent, of a public sewerage system, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system.

When lots cannot be connected with a sewerage system, each lot shall be required to pass a soil scientist's review for the installation of approved septic tank and disposal fields and be approved in writing by the county health officer.

**NOTE:** Upon receipt of a preliminary plat, the health authority reviews the data and a field investigation of each lot is made. If soil science surveys are acceptable, other topographic features including lot sizes are considered. In addition to unsatisfactory percolation test results, lots may be deemed unacceptable because of rock outcroppings, gullies, natural storm rains, excessive slope, and the like. In view of topographic features and percolation test results, the maximum amount of available usable area for subsurface disposal is determined for each lot. By using the Recommended Guide for the Location, Design, and Construction of Septic Tanks and Disposal Field, 1967, Tennessee Department of Public Health, calculations are made to determine the maximum number of bedrooms for a home and/or the maximum daily flow of sewage from establishments or institutions allowable for each lot. These data limitations and restrictions will be entered on the preliminary plat by the health authority and shall be shown on the final plat. This does not preclude the developer from enlarging lot sizes, combining unsuitable lots with acceptable lots, or designating certain lots for uses not requiring sewage disposal facilities as long as other requirements of the Planning Commission and other agencies are satisfied and provided that the above named alternatives are reviewed and approved prior to the preparation of the final plat.

**13.10. Sidewalks:** For the safety of pedestrians and of children at play or on approaches to community facilities (schools, parks, etc.), installation of sidewalks on one side of the street may be required of the developer for subdivisions of 10 lots or more. Sidewalk specifications are as follows.

- A. Sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date.
- B. In single-family residential areas, concrete sidewalks shall be five (5) feet wide and four (4) inches thick.
- C. In multi-family or group housing developments, sidewalks shall be five (5) feet wide and four (4) inches thick with a 1 foot buffer of grass from the curb or vegetated open channel.
- D. In commercial areas, sidewalks shall be six (6) feet wide and four (4) inches thick with a 1 foot buffer of grass from the curb or vegetated open channel.

**13.11. Guarantee in Lieu of Completed Improvements:** No final subdivision plat shall be approved by the Planning Commission or accepted for record by the county Register of Deeds until one of the following conditions has been met:

- A. Procedures when utilities are constructed (completed) at time of final plat submittal.
  - 1. If the improvement are completed when the final plat is presented, the developer's engineer will sign the plat stating that the road and utilities have been constructed to county specifications.
  - 2. The developer will post a performance bond in the amount of 50% of the total cost (amount to be verified by Commissioner of Highways) of the road and utilities for the first 18 months to cover any possible repairs, such as deterioration in the road including drainage systems. During the 18 month performance period, examples of repairs are as follows: (examples: base, pavement, curbs, and constructed drainage elements). The developer can then by written request ask that the county accept the road. It is the developer's responsibility to contact the county concerning acceptance of a road into the county highway system. Thirty (30) days prior to the bond's expiration, the developer's engineer notifies (written notification) the Polk County Highway Dept and the County Planner whether or not the road still meets county specifications. If the road meets specifications, the Polk County Highway Dept can recommend the road to the County Commission. If the road does not meet required specifications, the developer must extend the bond for a minimum of six months and make repairs and get a recommendation from the engineer that the road meets required specifications.
  
- B. Procedures when the improvements are Not Fully Constructed when final plat is submitted.
  - 1. If the improvements are not fully completed when the final plat is presented, an engineer will sign the plat stating that the roads and utilities have been designed to county specifications and a bond for construction must be posted by the developer (150% of the total cost of the road) for a twelve (12) month period. To receive final plat approval with a bond the "road base" as described in Article 13, Section 13.05 B. number 1 must be completed and verified.  
**Note:** Road construction cost estimates will be determined by the Commissioner of Highways and Planning Commission, a minimum of two estimates must be submitted for reference.
  - 2. Prior to the end of the twelve (12) month period, if the improvements are not completed, the Planning Commission may at their own discretion at the request of the developer allow an

extension for completion of the improvements. The developer must submit a new bond application to the Planning Commission with revised cost estimates no later than 30 days from the scheduled bond termination date. In the event an extension is granted, in no instance shall the installation of the improvements bond exceed a two year period beginning from the date original final plat approval was granted. In the event the improvements have not been completed, the Planning Commission may exercise its right to collect the entire amount of the bond in order for the improvements to be made and refund any amounts unexpended to the financial institution issuing the bond or the developer as the case may be. Any deficit, which may result from the completion of the improvements, will be the responsibility of the developer and Polk County may institute an action against the developer for such deficit. In the event that an action is instituted the developer will be responsible for all costs, including attorney's fees in collection for the deficit. Where a bond is provided to extend a utility, the utility provider will be responsible for holding the bond. The Polk County attorney's office shall be provided a copy of the bond for the utility.

2. Once the road is constructed, an engineer will send a letter to the Commissioner of Highways stating that the road has been constructed to county specifications. The developer will post a performance bond in the amount of 50% of the total cost of the road for the first 18 months to cover any possible repairs, such as deterioration in the road including drainage systems. During the 18 month performance period, examples of repairs are as follows: (examples: base, pavement, curbs, and constructed drainage elements). The developer can then by written request ask that the county accept the road. The Polk County Highway Dept can then recommend the road to the County Commission; the road number becomes permanent and the road becomes public. It is the developer's responsibility to contact the county concerning acceptance of a road into the county highway system.
3. Thirty days prior to the performance bond's expiration, the developer's engineer notifies (written notification) the Polk County Highway Dept and the County Planner whether or not the road still meets county specifications. If the road meets specifications, the Polk County Highway Dept can recommend the road to the County Commission. If the road does not meet required specifications, the developer must extend the bond for a minimum of six months and make repairs and get a written recommendation from the engineer that the road meets required specifications.

## ARTICLE 14

### PROCEDURE FOR FINAL PLAT APPROVAL OF A SUBDIVISION

#### **14.01 Plat Submittal Requirements**

- A. The subdivider shall submit two (2) copies of a plat at least ten (10) business days prior to the next scheduled meeting of the Polk County Regional Planning Commission in order to be included on the next meeting's agenda. Plats should be submitted to the Polk County Executives Office no later than twelve noon on plat review day (**10 business days prior to the regularly scheduled Planning Commission meeting**). In no case will a plat be reviewed or receive action that is submitted on the day of the scheduled meeting or once the meeting has begun.
1. All items including plats set to appear on the agenda, {seven (7) copies for Final Plats (black and white prints)} shall be submitted to the Polk County Executives Office in final form (including all appropriate certificates with signatures) by twelve noon pm on the day of the scheduled meeting.
  2. Seven (7) copies of the final plat and other documents, as specified in Article 15, plus the original which shall be drawn in permanent ink on permanent reproducible material, equal to the standards required by the county register. Signatures and the required certifications shall not be placed on the reproducible copy but on all seven (7) prints of the plat.

NOTE: The Seven (7) copies required here will provide: 1. one (1) original plat to be recorded in the files of the county register; 2. one (1) copy for the records of the Planning Commission; 3. one (1) copy for the governing body; 4. one (1) copy for the county engineer; 5. one (1) copy for return to the subdivider with inscriptions of the Planning Commission; 6. copy for 911 and 7. one (1) copy for the health authority.

**14.02 Review of Final Plat.** The Planning Commission shall check the final plat for conformance with the tentatively approved preliminary plat, and with the rules and regulations of this document, and shall afford a hearing on the final plat.

Thereafter, the Planning Commission shall approve or disapprove the final plat. A notation of the action of the Planning Commission shall be made on the seven (7) copies of the final plat, including a statement of the reasons for disapproval if the plat is disapproved. If action on a final plat is not taken by the Planning Commission within sixty (60) days of the date of submittal, the final plat shall be considered approved and a certification of approval shall be issued upon demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

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

"All the requirements of approval having been fulfilled pursuant to the Subdivision Regulations of Polk County, Tennessee, this final plat was given final approval by the Polk County Regional Planning Commission and can be recorded after \_\_\_\_\_ , 20\_\_\_\_."

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Polk County Regional  
Planning Commission

NOTE: All certificates with appropriate signatures shall be placed on all seven (7) copies of the plat and any others that may be deemed necessary. Certifications could possibly be placed on the plats by means of rubber stamps, leaving a blank for the appropriate signatures. No certifications or signatures should be placed on the reproducible copy.

#### **14.04 Creation of a Homeowners Association.**

- A. Before the planning commission grants final approval on any subdivision of land on which a private road will be located, the following minimum requirements shall be met by the developer.
1. There shall be a creation of a chartered homeowners association and it shall be noted on the plat.
  2. Membership into the homeowners association shall be noted in the individual deeds.
  3. There shall be a charter accompanying the final plat which states the responsibilities of the homeowners association. These responsibilities will include, but are not limited to the following.
    - a. The ownership of the private road will remain in the homeowners association's name.
    - b. Maintenance of this private road will be the homeowner's association responsibility and not the responsibility of the government of Polk County.
    - c. Maintenance of any common areas, parks, vacant property, unimproved or unkempt lots will be the responsibility of the homeowners association.
    - d. Taxes on this private road shall be paid by the homeowners association.
    - e. Mechanisms to assure revenues for the homeowners associations to perform its duties and functions.
  4. These responsibilities of the homeowners association are the minimum requirements of the planning commission and are subject to any further requirements set forth by the homeowners association. The Planning

Commission has no authority to enforce homeowner's association requirements.

**14.05. Procedure for Expeditious Certifications of Minor Subdivisions.** A developer or property owner who wishes to divide a tract or lot into four (4) or less lots, all of which will have the required access to a publicly-maintained road, and does not involve any new roads or extensions of public water or sewer, may prepare a combined preliminary and final plat which meets all of the platting requirements and submit to the Polk County Regional Planning Commission. Provided there is no request for, or need for a variance of any type, and does not involve any new road construction or additional utility installations, both the preliminary and final plats can be approved at the same planning commission meeting provided all platting requirements, including soils tests, are met.

**14.06. Simple Land Splits.** To expedite the review process, all divisions of land into two (2) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, can be reviewed by planning staff prior to the planning commission meeting and if in total compliance receive final approval and circulated for signatures. The planning staff shall report to the Polk County Regional Planning Commission at the planning commission's next regularly scheduled meeting, all simple land splits, which have received staff approval.

**14.07 Recording of Final Plat.** Upon approval of a final plat, the Chairman of the Planning Commission shall with the developer or his agent have the final plat recorded in the office of the Polk County Register of Deeds.

## ARTICLE 15

### FINAL PLAT SPECIFICATIONS

**15.01 Final Plat Specifications.** The final plat shall conform to and meet the specifications of the preliminary plat (Article 13) with the following additions. A checklist in the index of these regulations will be submitted with all plats.

- A. Bearings and distances to the nearest existing road lines, bench marks or other permanent monuments shall be accurately described on the plat.
- B. Municipal, county and land-lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision;
- C. Exact boundary lines of the tract, determined by an engineering survey, giving distances to the nearest minute, which shall be balanced and closed with an error closure not to exceed one (1) to five thousand (5,000);
- D. Name of subdivision, Owners name and address, exact location, total acreage including acres remaining, widths and names of all roads and alleys within the immediate adjoining tract;
- E. Road centerline showing angles of deflection, angles of intersection, radii and lengths of tangents;
- F. Lot lines with dimensions to the nearest one-tenth (1/10) of a foot and bearings as well as Minimum Setbacks as required by these regulations.
- G. Lots numbered in numerical order and blocks lettered alphabetically;
- H. Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use;
- I. Accurate location, material and description of existing and proposed monuments and markers;
- J. A statement, either directly on the plat or in an identified attached document, of any private covenants; and
- K. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the limit of such flood shall be shown. **Reference Flood Map Panel Number and Effective Date.**
- L. County deed book and page numbers of property being subdivided, **and tax map and parcel number(s).**
- M. Drainage and existing natural drainage easement locations shall be shown on the final plat.

FINAL PLAT

**15.02. Certifications Required.**

**Certification of Surveyor**

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; and that all monuments shown hereon actually exist or are marked as "future", and their location, size, type and material are correctly shown; and that this survey meets or exceeds standards set forth by the Tennessee Standards of Practice for Land Surveyors."

\_\_\_\_\_ By: \_\_\_\_\_  
Date

Seal:

**Certification of Owner**

"The owner of the land shown on this plat and whose name is subscribed thereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state, city and county taxes or other assessments now due on this land have been paid."

\_\_\_\_\_ Owner: \_\_\_\_\_  
Date

Address: \_\_\_\_\_

**Certificate of Dedication**

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum subdivision requirements, and dedicate all roads, alleys, walks, parks and other open spaces to public or private use as noted.

\_\_\_\_\_ Date \_\_\_\_\_ Owner

\_\_\_\_\_ Owner

**Certification of Approval of Streets and Drainage System**  
**(for roads completed at time of final plat)**

"I hereby certify that the streets and drainage facilities shown on this plat have been installed (constructed) in an acceptable manner in accordance to required specifications and that an adequate performance bond has been posted. A performance bond in the amount of \$\_\_\_\_\_ (**50% of the total value of all road and drainage improvements installed**) has been figured to cover any necessary repairs for the next eighteen (18) months after construction.

Date	Polk County Commissioner of Highways
Date	Polk County Finance Director (for bond)
Date	Developer's Engineer (for design/construction)

**Certification of Approval of Streets and Drainage System**  
**(for roads NOT completed at time of final plat)**

I hereby certify that the streets and drainage facilities for the \_\_\_\_\_ subdivision have been **designed** in an acceptable manner in accordance to required specifications AND a bond or adequate letter of credit in the amount of \$\_\_\_\_\_ has been posted to cover the construction of streets and drainage. (Bond Amount Shall be 150% of total Cost of improvements)

**\*The following signatures required if public road.**

\_\_\_\_\_  
DATE (for bond) **Planning Secretary**

\_\_\_\_\_  
DATE **Polk County Commissioner of Highways**  
(engineer's plans received)

\_\_\_\_\_  
DATE **Developer's Engineer (for design / construction)**

**\*The following signatures required if private road / easement.**

\_\_\_\_\_  
DATE (for bond) **Polk County Director of Finance**

\_\_\_\_\_  
DATE **Owner**

\_\_\_\_\_  
DATE **Developer's Engineer (for design / construction)**

**Certification of Road Status (Owner) Private Road**

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

\_\_\_\_\_ Date \_\_\_\_\_ Owner

**Certification of Road Status (Completed Private Road)**

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

\_\_\_\_\_ Date \_\_\_\_\_ Licensed Engineer (for design)

\_\_\_\_\_ Date \_\_\_\_\_ Owner

**Certification of Approval of Sewage Disposal System**

\*Or Certification as required by TDEC

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

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

\_\_\_\_\_ Date \_\_\_\_\_ Public Sewer System Official

**Existing Septic System Certificate**

The existing septic system is located as shown on the plat (**lot(s)**\_\_\_\_\_).  
The location included the septic tank and all field lines. To the best of my knowledge the septic system is in proper working order on this date and the septic system(s) is/are contained within the boundary of the individual lot.

\_\_\_\_\_ Date \_\_\_\_\_ Owner

**Certificate of Approval of Sewage Disposal.**

**Article I. Option 2**

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

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

**or Option 3**

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

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

**Certificate of Approval of Water System.**

**Option 2**

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

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

**Or Option 3**

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

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



**Certification of Approval for Simple Land Split**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Polk County Regional Planning Commission

## ARTICLE 16

### VARIANCES AND AMENDMENTS

**16.01. Variances:** Variances may be granted where the Planning Commission decides that such modifications will not be contrary to the public interest and where, only to the conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship based on narrowness, shallowness, shape, or topography. Any variances thus authorized shall be stated in writing in the minutes of the Planning Commission with the reasoning on which the departure is justified set forth.

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

## ARTICLE 17

### LEGAL STATUS OF PROVISIONS

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

**17.02. Conflict with Other Regulations:** No final plat of land within the force and effect of an existing zoning ordinance shall be approved unless it conforms to such ordinance. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building codes, or other official regulations, the higher or more restrictive standard shall apply.

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

Adopted by the Planning Commission on: May 8, 1970

Amended: July 11, 1972

Amended: July 8, 1974

Amended: October 23, 1979

Amended: August 20, 1985

Amended: April 14, 1987

Amended: October 10, 1991

Amended: August 13, 1998

**Readopted by the Planning Commission: April 20, 2010**

# APPENDIX

## CHECKLIST FOR PRELIMINARY PLAT CONSIDERATION

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

LOCATION: \_\_\_\_\_

OWNER OF RECORD: \_\_\_\_\_

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

SUBDIVIDER: \_\_\_\_\_

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

SURVEYOR: \_\_\_\_\_

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

DATE SUBMITTED FOR PRELIMINARY APPROVAL: \_\_\_\_\_

### CHECKLIST:

- \_\_\_\_\_ 2 copies submitted (**10 business**) days prior to meeting.
- \_\_\_\_\_ 6 copies submitted by noon of the day the planning commission meeting
- \_\_\_\_\_ Pre-construction meeting with Polk County Road Superintendent.
- \_\_\_\_\_ All forms and plans submitted to TDEC.
- \_\_\_\_\_ Name of Subdivision.
- \_\_\_\_\_ Drawn to scale of not less than one inch equals 100 feet
- \_\_\_\_\_ Name, address fax number and phone number of owner of record, subdivider, and surveyor.
- \_\_\_\_\_ North point, graphic scale, and date of drawing.
- \_\_\_\_\_ Vicinity map showing location, north point and acreage of subdivision
- \_\_\_\_\_ Boundary lines by bearing and distances.
- \_\_\_\_\_ Names and addresses of adjoining property owners and/or subdivision(s).
- \_\_\_\_\_ Location of all existing physical features on land and nearby properties.
- \_\_\_\_\_ Names, locations, designation and dimensions of proposed streets, alleys, easements, parks and reservations, lot lines, etc.
- \_\_\_\_\_ Lot numbers consecutively.
- \_\_\_\_\_ Plans of proposed utility layouts showing connections to existing or proposed utility systems.
- \_\_\_\_\_ Minimum building setback line.
- \_\_\_\_\_ Present zoning classification, if any, on land in subdivision and adjacent land
- \_\_\_\_\_ Cross-section and centerline street profiles at suitable scales as may be required by road superintendent and/or planning commission.
- \_\_\_\_\_ Conforms to general requirements and minimum standards of subdivision design.
- \_\_\_\_\_ Percolation tests have been made and proposed sewage systems have been approved.

Disapproved \_\_\_\_\_, 20\_\_\_\_\_, because of incomplete items above or other reasons as stated: \_\_\_\_\_

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

## CHECKLIST FOR FINAL PLAT CONSIDERATION

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

LOCATION: \_\_\_\_\_

OWNER OF RECORD: \_\_\_\_\_

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

DATE PRELIMINARY APPROVAL GRANTED: \_\_\_\_\_

DATE SUBMITTED FOR FINAL APPROVAL: \_\_\_\_\_

### CHECKLIST:

- \_\_\_\_\_ Submitted within one year from date of preliminary approval.
- \_\_\_\_\_ 2 copy submitted (**10 business**) days prior to meeting.
- \_\_\_\_\_ 7 copies submitted by noon of the day the planning commission meeting.
- \_\_\_\_\_ Name of subdivision.
- \_\_\_\_\_ Drawn to a scale of one inch equals one hundred feet.
- \_\_\_\_\_ Name, address, and phone number of owner of record, subdivider, and surveyor.
- \_\_\_\_\_ North point, graphic scale, and date of drawing.
- \_\_\_\_\_ Bearings of property lines, and sufficient engineering data to locate all lines including radii, angles, and tangent distances.
- \_\_\_\_\_ Reservations, easements, or other non-residential areas.
- \_\_\_\_\_ Dimensions to nearest 10th of a foot and angles to nearest minute.
- \_\_\_\_\_ Lot lines, alleys, and building setback lines.
- \_\_\_\_\_ Location and description of monuments.
- \_\_\_\_\_ Names, addresses and locations of adjacent properties.
- \_\_\_\_\_ Lines, names, designation and widths of all streets and roads.
- \_\_\_\_\_ Lots numbered in numerical order.
- \_\_\_\_\_ Location sketch map with north point and any floodable areas outlined.
- \_\_\_\_\_ FEMA map and panel number stated in notes and all flood limits shown.
- \_\_\_\_\_ Certificate of ownership.
- \_\_\_\_\_ Certificate of approval of water and sewerage systems and streets.
- \_\_\_\_\_ Certificate of engineer and/or surveyor.
- \_\_\_\_\_ Certificate of E-911.
- \_\_\_\_\_ Proposed deed restriction if not a zoned area.
- \_\_\_\_\_ Conforms to general requirements and minimum standards of design.
- \_\_\_\_\_ Required physical improvements have been made or bond posted in the amount of \$\_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
Date Approved

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

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

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

Have a preliminary sketch plat prepared by a reputable engineer or surveyor.

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

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

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

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

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

Prepare final plat.

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

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

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

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

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

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

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

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

Yes. "Subdivision" means the division of a tract or parcel of land into two or more lots, sites or divisions for immediate or future sale or building development and includes resubdivision (see Definition of Subdivision in Article 3).

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

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

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

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

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

- a. A state law has been broken (Section 10, Chapter 222, Public Acts of 1951).
- b. Some cloud would exist on the title to the lot.
- c. Most lending agencies will not approve or guarantee loans.
- d. State law requires that public bodies shall not extend sewers, water mains, lighting, or other utilities in unauthorized roads.

- e. Where zoning is in effect, a building permit to construct any building will be withheld.
- f. Any building or structure erected in violation may be forced to be vacated or removed.
- g. The legislative body of a county or municipality may stop sales by injunction or other legal action.

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

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

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

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

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

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

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

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

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

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

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

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