

**SUBDIVISION REGULATIONS  
FOR  
SMITH COUNTY PLANNING REGION  
SMITH COUNTY, TENNESSEE**

**SMITH COUNTY REGIONAL PLANNING COMMISSION**

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**ADOPTED JUNE 17, 1996  
AMENDED AUGUST 19, 2019**



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## SUGGESTED STEPS FOR A DEVELOPER OF A SUBDIVISION

Throughout the following process, the owner/developer is strongly encouraged to personally participate in consultations and meetings regarding the development.

1. Confer with the Planning Commission and its Staff Planner to become thoroughly familiar with the subdivision requirements, the major road plan and other public improvements which might affect the area to be subdivided.
2. Have preliminary sketch plat prepared by a reputable state-licensed surveyor.
3. Discuss preliminary plat with the Staff Planner. This pre-application review by a trained land planner may save the subdivider time and costly revisions as could result in possible savings through better design.
4. Submit required copies of the preliminary plat to the Planning Commission in advance of its regular monthly meeting.
5. After preliminary plat approval has been granted, develop subdivision according to preliminary plat and the required modifications, if any. Install improvements. (Changes in design and layout of the subdivision may require resubmission of plat to Planning Commission.)
6. If lots in the development will use septic tanks, submit plat to the county's Environmental Specialist from the Division of Ground Water Protection. The Environmental Specialist may place restrictions on number, size, and use of lots. The timing of approval by the Planning Commission is dependent on the approval of the Environmental Specialist.
7. Inform the County Road Superintendent and the applicable water utility district manager if roads or water lines are to be installed.
8. Obtain Tennessee Department of Environment and Conservation approval of utility (water and/or sewer) construction plans and submit signed plans to the Planning Commission.
9. During construction of utilities and road, have required inspections.
10. Prepare final plat.
11. Obtain signatures on certificates from road and utility officials certifying that improvements have been completed (or that a financial guarantee has been established).
12. Submit final plat to the Planning Commission for approval. When approved, the Planning Commission Secretary will sign the certificate of approval for recording.
13. The subdivider records the plat with the county Register of Deeds' office and is now ready to sell the lots.



**SUBDIVISION REGULATIONS**  
**of**  
**The Smith County Regional Planning Commission**  
**Smith County, Tennessee**

**ARTICLE I      GENERAL PROVISIONS**

**A.      Purpose**

Land subdivision is the first step in the process of community development. Once land has been cut up into roads, 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 must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is therefore in the interest of the public, the developer, and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.

The following subdivision regulations guiding the Smith County, Tennessee, Regional Planning Commission (hereafter referred to as the Planning Commission) are designed to provide for the harmonious development of the regional area: to secure a coordinated layout and adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewer, and other sanitary facilities, and to avoid scattered or premature subdivision of land with lack of water supply, drainage, transportation or other public services that would necessitate an excessive expenditure of public funds for the supply of such services.

**B.      Authority**

These subdivision regulations are adopted under the authority granted by Section 13-3-401 through Section 13-3-411 of the Tennessee Code Annotated. The Planning Commission has fulfilled the requirements set forth in these statutes as a prerequisite to the adoption of such regulations, having filed on October 18, 1995 a certified copy of the Major Road Plan in Plat Book 3, Page 187, Slide A-173 in the office of the Register of Deeds of Smith County, Tennessee.

**C.      Jurisdiction**

These regulations shall govern all subdivisions of land within Smith County except those areas falling under jurisdiction of the Towns of Carthage, Gordonsville, and South Carthage Municipal Planning Commissions.

Any owner of land wishing to subdivide land shall submit to the Planning Commission a plat of the subdivision according to the procedures outlined in Article II, which plat shall conform to the minimum requirements set forth in Article III. Improvements shall be installed as required by Article III.



## D. Definitions

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

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

1. Dedication: The setting aside of land by the owner for acceptance by the public for some public use.
2. Developer: An individual, partnership, corporation, or other legal entity or agent thereof which undertakes the activities covered by these regulations. The term "developer" includes "subdivider", "owner", or "builder".
3. Engineer: A qualified Civil Engineer registered and currently licensed to practice engineering in the State of Tennessee.
4. Financial guarantee for improvements: A guarantee in the form of an escrow account, letter of credit, certified check, or other method approved by the Planning Commission to ensure completion of required subdivision improvements.
5. Improvements: Physical changes made to raw land and structures on or under the land surface in order to make the land more usable for the activities of man. Typical improvements in these regulations would include but not be limited to grading, road construction, drainage, and utilities.
6. Inspection: A physical examination of an improvement, or phase of an improvement, required under the provisions of these regulations by an appropriate official to ensure that said improvement meets the required standards. Inspections must be completed on all road, drainage and utility (water and sewer) improvements.
7. Lot: A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
  - a. Lot area: The computed ground area inside the lot lines.
  - b. Lot frontage: The side of the lot nearest the public Road. All sides of a lot adjacent to Roads shall be considered frontage.
  - c. Lot lines: Boundaries of a lot; includes front, rear, and side lot lines.
  - d. Lot width: The distance between side lot lines measured at the building setback line.

8. Major Road Plan: The official map, as adopted by the Smith County Regional Planning Commission, on which the planned locations of present and future municipal arterial and collector roads are indicated.
9. Permanent vehicular easement: A right-of-way for vehicular traffic which is not intended to be dedicated to the local government. All permanent vehicular easements shall meet same construction requirements of a public road.
10. Planning Commission: The Smith County Regional Planning Commission, its commissioners, officers, and staff.
11. Plat: The map, drawing, or chart on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record; it includes plat, plan, plot and replot.
12. Right-of-way: A strip of land occupied or intended to be occupied by any or all of the following: a street, road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the preparer of the plat on which such right-of-way is established.
13. Road/street: A public way, provided for the accommodation of vehicular traffic, or as a means of access to property, and includes streets, avenues, boulevards, roads, lanes, alleys, or other public ways. Roads/streets shall be classified as follows:
  - a. Arterial: Roads and highways used primarily for movement of fast or heavy traffic within and through the municipality; a secondary function is land access. These are usually shown on the Major Road Plan.
  - b. Collector: Roads which carry traffic from minor roads to the arterial roads and highways. This usually includes the principal entrance road(s) or roads of major circulation of a residential development. Collectors serve the internal traffic movement within a section of the municipality and connect this section with the arterial system.
  - c. Cul-de-sac: Permanent dead-end roads or courts with a paved turnaround designed so that they cannot be extended in the future.
  - d. Local: A road designated to accommodate local traffic, the major portion of which originates along the road itself. The primary function of a local road is land access. May also be called minor residential or minor commercial roads.
  - e. Marginal access: Minor roads which are parallel and adjacent to arterial roads and highways, and which provide access to the abutting properties and protection from the through traffic.

14. Staff Planner: The representative of the Local Planning Assistance Office serving as technical advisor for the Planning Commission.
15. Subdivision: The division of a tract or parcel of land into two (2) or more lots, sites, or other division requiring new road or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. Section 13-3-401 of Tennessee Code Annotated.
16. Surveyor: A qualified surveyor registered and currently licensed to practice surveying in the State of Tennessee.
17. Utility: A service to the public; including, but not limited to, sanitary and storm sewers, water, electric power, gas, telephone and other communication means, police and fire protection, garbage collection, mail, and road lighting.

## **E. Variances**

1. General: Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
  - a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
  - b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
  - c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
2. Conditions: In approving variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
3. Procedures: A petition for any variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration by the Planning Commission. Said petition shall state fully the grounds for the application. Each request for a variance shall be specifically applied for in the numerical order of the subdivision regulations.

**F. Separability**

Should any section, subsection, paragraph or provision of these regulations be held invalid or unenforceable by a court of competent jurisdiction, such decision shall in no way affect the validity of any other provision of these regulations, it being the intention of the Smith County Regional Planning Commission to adopt each and every provision of these regulations separately.

**G. Repeal of Previous Regulations**

All subdivision regulations previously adopted by the Smith County Regional Planning Commission are hereby repealed as of the adoption and effective date of these regulations.

**H. Amendments**

Before adoption of any amendments to this document, a public hearing shall be held by the Planning Commission. Thirty (30) days notice of the time and place of the hearing shall be given as provided in Section 13-3-403, Tennessee Code Annotated.

## ARTICLE II      PROCEDURE FOR PLAT APPROVAL

The procedure for review and approval of a subdivision plat consists of four (4) basic steps. (1) The initial step is the pre-development conference with the Staff Planner for the Planning Commission for advice and assistance. (2) The second step is the preparation and submission to the Planning Commission of a Preliminary Plat of the proposed subdivision. (3) The third step is to construct or install improvements such as roads, fire hydrants and utility lines. (4) The fourth step is the preparation and submission to the Planning Commission of a Final Plat, together with required certificates. This Final Plat becomes the instrument to be recorded in the office of the Smith County Register of Deeds when duly signed by the secretary of the Planning Commission.

### A.      General

1.      Any owner of land lying within the area of jurisdiction of the Planning Commission who wishes to divide land into two (2) or more lots, sites, or other divisions requiring any new road or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, or who wishes to resubdivide an existing subdivision lot(s) for this purpose, shall submit a plan of such proposed subdivision to the Planning Commission for approval and shall obtain such approval prior to the filing of his/her subdivision plat for record and prior to selling or giving a deed for any lot.

Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in Article III of these standards and shall be presented in the manner specified in the following sections of this Article. No plat of a subdivision of land within the area of planning jurisdiction shall be filed or recorded by the Register of Deeds without the approval of the Planning Commission as specified herein.

2.      In order to secure review and approval by the Planning Commission of a proposed subdivision, the prospective subdivider shall, prior to the making of any road improvements or installations of utilities, meet informally with the Staff Planner for a pre-development conference. The developer shall then submit to the Planning Commission a preliminary plat, and other required information, as provided in Sections C and D of this Article. On approval of said preliminary plat, the developer may proceed with the construction of improvements as set forth in Article III, and with the preparation of the final plat and other documents required in connection therewith as specified in Sections E and F of this Article. In no case shall a preliminary plat be presented in sections.
3.      Omission of Preliminary Plat--Small Subdivisions  
The preliminary plat may be omitted and only a final plat submitted, IF ALL OF THE FOLLOWING CONDITIONS ARE MET:
  - a.      The proposed subdivision does not contain more than five (5) lots, sites, tracts, or divisions.

- b. All public improvements as set forth in Article III are already installed. (Any construction, installation, or improvement of public improvements shall require the submission of a preliminary plat.) The Tennessee Department of Environment and Conservation has approved the lots for septic systems, if applicable.
  - c. The subdivider has consulted informally with the Staff Planner for advice and assistance, and it is agreed upon by the Planning Commission that a preliminary plat is unnecessary prior to submission of the final plat and its formal application for approval.
4. The owner or his authorized representative must be present at preliminary plat review and approval and final plat review and approval. In his absence, the property owner may be represented by his agent or representative who shall present written authorization.
  5. No final subdivision plat shall be approved by the Planning Commission or accepted for record by the Smith County Register of Deeds until the required improvements listed shall be constructed in a satisfactory manner and approved by the local approving agent. In lieu of such prior construction, the Planning Commission may accept certain forms of financial guarantees (See Section F-9 of this Article) in amounts equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to Smith County in the event of default by the subdivider.

## **B. Plat Standards**

1. State Standards Shall Apply  
All plats submitted to the Smith County Regional Planning Commission for consideration shall meet the accuracy standards for an Urban and Subdivision Survey (Category 1) as established by the Tennessee Board of Examiners for Land Surveyors (January, 1992 Revised). Said regulations state:

"For Category 1 surveys in Tennessee, the angular error of closure shall not exceed 15 seconds times the square root of the number of angles turned. The linear error of closure shall not exceed 1 foot per 10,000 feet of perimeter of the lot of the land (1 : 10,000). When very small lots are encountered, the allowable error shall not exceed 1/10 of a foot of positional accuracy per corner."

All plats shall include a statement by the surveyor regarding the methods used in making the survey and its relative accuracy, as well as the surveyor's seal and signature.

2. Sheet Format  
All preliminary and final plats submitted to the Smith County Regional Planning Commission for consideration shall be in a format consistent with the example of the acceptable sheet format depicted on Illustration 1 in Appendix A and shall:
  - a. Be generally drawn to a scale of not less than 1" = 100'. When more than one sheet is required, an index sheet of the same size

drawn at an easily read scale shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key. (Scale of 1:50, 1:40 etc. are acceptable for smaller subdivisions. The Planning Commission may permit scale of 1:200 for very large preliminary plats.)

- b. Be either 18" x 24" or 24" x 36" in size.
- c. Contain in the lower right-hand corner a standard title block, (See Illustration 2 in Appendix A), which includes:
  - (1) Name of subdivision
  - (2) Names, addresses, and phone numbers of developer, surveyor, and engineer (if applicable)
  - (3) Scale of drawing
  - (4) Acreage to be subdivided
  - (5) Number of lots to be created
  - (6) Smith County Tax Map(s) & Parcel Number(s)
  - (7) Date plat was prepared
- d. Contain in the upper right-hand corner a general location map showing property in relation to major roads, graphic scale and approximate north arrow.

### **C. Preliminary Plat Requirements**

In addition to being prepared to the prescribed format, each Preliminary Plat shall contain the following information as may be appropriate:

- 1. The location of all existing and proposed property lines, roads, water courses, railroads, sewer lines, water lines, drain pipes, bridges, culverts, and easements for existing utilities (water, sewer, gas, electricity, etc.) or other features. Existing features shall be distinguished graphically from those which are proposed.
- 2. The names of adjoining property owners or subdivisions, the name of the applicable water district, and the size of existing water and sewer lines.
- 3. Plans, prepared by the developer's engineer, of proposed sewer and water systems showing connections to the existing or any proposed utility systems, including line sizes, location of hydrants and manholes. When sewer connections are not accessible, as discussed in Article III, Section H, any land on which an individual sewage disposal system is proposed must be reviewed by the Tennessee Department of Environment and Conservation.
- 4. The proposed road names, and the location, width, and other dimensions of proposed roads, alleys, easements, parks and other open spaces, reservations, lot lines, and building setback lines.
- 5. Existing topographical contours at vertical intervals of not more than five (5) feet.

6. If any portion of the land proposed for subdivision lies within a floodable area, as determined by the official Smith County Flood Insurance Rate Map, that portion shall be so indicated.
7. A drainage plan showing proposed modifications to the flow of water across the site or to and from adjoining properties. The Planning Commission may require the submission of more detailed information including, but not limited to, a final grading plan for all or a portion of the site, and calculations describing the existing and proposed volumes of water to be discharged from the site.
8. Location of road cuts and fills and center line profiles for all proposed roads if required.
9. Subsurface conditions on the tract, if required by the Planning Commission: location and results of tests made to ascertain subsurface soil, rock, and ground water conditions; depth of ground water unless test pits are dry at a depth of five (5) feet; and location and results of soil percolation tests, if individual sewage disposal systems are proposed.
10. The location of all existing septic tanks and field Lines.

#### **D. Procedure for Preliminary Plat Review**

The following procedure shall apply for the review of all Preliminary Plats:

1. At least seven (7) days prior to the meeting at which it is to be considered, the subdivider shall submit to the Planning Commission Chairman or to the Staff Planner three (3) copies of any required preliminary plat of a proposed subdivision. If necessary the developer should provide copies to the Tennessee Department of Environment and Conservation. The developer must give copies of the plat to the Smith County Road Superintendent and to all applicable utilities (water, sewer, telephone, electric, or gas, as necessary).
2. The Staff Planner for the Planning Commission shall review the preliminary plat for conformance with the specifications and standards of these regulations.
3. The preliminary plat shall be presented by the developer or his designated representative to the Planning Commission at its next meeting. The developer should be physically present at the meeting(s) to answer questions and hear suggestions about his proposed development or be represented by an authorized agent as discussed in Article II, Section A(4). The Planning Commission may review plat up to 60 days.
4. Within 60 days after submission of the preliminary plat to the Planning Commission for consideration, the Planning Commission shall approve or disapprove said plat. Failure of the Planning Commission to act on the preliminary plat within the 60 day period will be deemed approval of this plat. If a plat is disapproved, reasons for such disapproval shall be stated



in writing. If approved subject to modifications, the nature of the required modifications shall be indicated.

5. If a plat has been disapproved, a new plat may be presented as though no previous plat had been submitted. If a plat has been approved, or approved subject to modifications, and the subdivider desires to make substantial modifications other than those already required by the Planning Commission, a new preliminary plat must be submitted, which is subject to the same regulations and procedures as though no previous plat had been submitted, except that a certification to the effect that the previous plat has been withdrawn must be submitted. If the Tennessee Department of Environment and Conservation rejects any lot(s) or recommends any alteration of lot size or shape, the Planning Commission may require the plat to be resubmitted for preliminary plat review.
6. Two (2) copies of the preliminary plat will be retained in the Planning Commission files, copies shall be retained by the applicable utility departments, and one copy shall be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.
7. The approval of the preliminary plat by the Planning Commission shall not constitute acceptance of any final plat.
8. The approval of the preliminary plat shall terminate unless a final plat based thereon is submitted within one (1) year from the date of such approval; provided, however, that an extension of time can be applied for by the developer and granted by the Planning Commission. If no work has begun to install improvements and if an approved final plat has not been financially guaranteed, and the Smith County Regional Subdivision Regulations have changed, the subdivision must meet the new regulations.

## **E. Final Plat Requirements**

1. The final plat shall conform substantially to the approved preliminary plat. Any alterations or deviation from the preliminary plat should be discussed with the Staff Planner to determine if the changes require new preliminary plat review.
2. If the subdivision is to be developed in phases and the final plats submitted as portions or sections of the preliminary plat, the sections must be identified by alphabetical or numerical characters, following the name of the subdivision as initially submitted or as approved on preliminary.
3. A final plat will not be acceptable for submission unless it meets all required standards of design, and contains all required information, or contains a written request for a variance for each specific deviation from requirements.
4. In addition to being prepared in the prescribed format, each Final Plat shall contain the following information as may be appropriate:

- a. The right-of-way and pavement lines of all streets and roads; the size and location of installed and/or preexisting water and sewer mains; alley lines; hydrant locations; lot lines; building setback lines; any easements for rights-of-way provided for public services, utilities and the disposal of surface water; the limitation and/or dimensions of all easements; lots numbered in numerical order; any areas to be dedicated to public use; and any sites for other than residential use, with notes stating their purpose and limitations.
- b. A statement of the restrictions for all drainage or utility easements and right-of-ways indicating the following:
  - (1) No permanent structure such as a deck, patio, garage, carport or other building shall be erected within the limits of any drainage or utility easement shown on this plat.
  - (2) No excavation, filling, landscaping or other construction shall be permitted in any drainage easement shown on this plat if such excavation, filling, landscaping or other construction will alter or diminish the flow of water through said easement.
  - (3) All driveways, entrances, curb cuts or other points of ingress or egress to the lots shown on this plat shall be in accordance with the rules and regulations of the Smith County Road Department; contact the County Road Superintendent for information.
  - (4) The placing of pipe within or otherwise filling of ditches within the right-of-way shown on this plat is prohibited without the approval of the Smith County Highway Department; contact the County Road Superintendent for information.
- c. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every road line, lot line, boundary line, block line, and building line whether curved or straight, and including true north point. This shall include the radius, central angle, and tangent distance for the center line of curved roads and curved property lines that are not the boundary of curved roads.
- d. All dimensions to the nearest one-hundredth (100th) of a foot and angles to the nearest 20 seconds.
- e. Location and description of all bench marks, monuments and corner markers.
- f. The names and locations of adjoining subdivisions and roads and the location and ownership of adjoining unsubdivided property.
- g. If any portion of the land being subdivided is subject to flooding or is in a FEMA identified flood hazard area, it shall be indicated on the final plat.

- h. If this is a resubdivision of a previously recorded subdivision, provide plat book and page of last subdivision plat being amended.
- i. Standard plat certifications as may be appropriate to the context of the subdivision (See Article II, Section F (10) below).
- j. The location of all existing septic tanks and field lines.

## **F. Procedure for Final Plat Review**

The following procedure shall apply for the review of all Final Plats:

1. Final plats should be submitted at least seven (7) days prior to the Planning Commission meeting. If the developer has obtained the signatures of utility and road officials because improvements have been completed or were not required, he should provide those utilities with a copy of the plat, and submit three (3) copies to the Staff Planner.
2. The Staff Planner for the Planning Commission shall review the final plat for conformance with the specifications and standards of these regulations.
3. The official submission of the final plat to the Planning Commission is considered to be the first Planning Commission meeting at which the plat is presented for consideration, with the developer or his authorized representative present to answer questions and provide information. The Planning Commission may review the plat for a 60 day period.
4. The Planning Commission shall approve or disapprove the final plat within 60 days after its submission for consideration. Failure of the Planning Commission to act on the final plat within this 60 day period shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission.
5. When the plat has been approved by the Planning Commission, the original will be returned to the subdivider with the approval of the Planning Commission certified thereon, for filing with the county register of deeds as the official plat of record; two (2) copies will be retained in the records of the Smith County Regional Planning Commission and one (1) copy will be returned to the developer for his records.
6. Approval of the final plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any roads or other public way or ground.
7. The Planning Commission shall require that an accurate "as-built" drawings of all water lines, valves, fire hydrants, sewer lines and appurtenances be supplied by the developer to the applicable utility district as a condition for final approval of any plat. State law requires that plans and specifications of all water and waste water facilities shall be prepared by a registered engineer and approved by the Tennessee Department of Environment and Conservation.

8. Approval of the final plat can not be given until completion and approval of the required improvements. These improvements are to be installed in accordance with Article III. The required improvements must be approved by a representative of the appropriate utility or road department, and then be reported to the Planning Commission. The required improvements include:
- a. Monuments and iron pins
  - b. Storm drainage system
  - c. Road grading and paving
  - d. Water supply system lines and laterals
  - e. Fire hydrants (if applicable)
  - f. Sewage collection lines and laterals (if applicable)
  - g. Driveway cuts with culverts (homes to be built by developer)
  - h. Any other improvements that may be required by the Planning Commission

9. Financial Guarantees in Lieu of Improvements

- a. Conditions may exist whereby a developer may be unable to install all improvements before requesting final plat approval. In lieu of the installation of all improvements, the Planning Commission may accept one of the following forms of financial guarantees, whereby in the event of default by the developer, improvements can be made and utilities installed without cost to the county:
  - (1) Depositing cash in a bank escrow account in the full amount of the estimated cost of required improvements, plus 10% yearly inflation factor.
  - (2) An Irrevocable Letter of Credit, issued by a Bank or Savings and Loan, signed by one officer, to cover the full amount of the estimated cost of improvements, plus 10% yearly inflation factor.
  - (3) A certified check in the full amount of the estimated cost of required improvements, plus 10 % yearly inflation factor.
- b. In determining the basic cost of improvements the Planning Commission may use a formula using a base cost per linear foot for each required improvement, that being a cost standard in the construction industry that particular year. The Planning Commission may determine the base cost by receiving information and/or bids from recognized contractors. If the developer provides the contract for cost of improvements, the Planning Commission must determine that the contractor will guarantee the cost for at least the term of the guarantee plus three (3) months.
- c. At the time of acceptance of a guarantee, the Planning Commission shall specify the specific length of time before Smith County would take legal steps to cash it, but this time cannot exceed two (2) years.
- d. No financial guarantee shall be partially withdrawn by the developer during the construction period to pay for development

costs except in the case of a final payment made after final inspection and approval by the Planning Commission, or except in the case where a developer is postponing final surface paving on a road until after a winter settling period for the completed and approved gravel base.

10. Certifications (See Appendix B for Forms)

In all cases some or all of the following certificates shall be present and signed on the original final plat before the Planning Commission Secretary signs the plat for recording the plat at the Register of Deeds' Office. The developer shall check with the Staff Planner as to which certificates shall be depicted on the final plat.

Form 1) Certificate of Ownership and Dedication-Certification showing that applicant is the land owner and dedicates roads, rights-of-way, and any sites for public use.

Form 2) Certificate of Accuracy & Precision-Certification by surveyor of accuracy of survey and plat and placement of monuments.

Form 3A) Certificate of General Approval for Installation of Subsurface Sewage Disposal Systems-This certification to be used if any lots will use septic tanks, and must be signed by an appropriate representative of the Tennessee Department of Environment and Conservation, Division of Ground Water Protection before presentation to Planning Commission for final approval.

Form 3B) Certificate of Approval of Public Sewage Collection Facilities-This certification is to be used for any lots connected to or proposed to be connected to a public sewer system. Part (1) pertains to sewer facilities installed, whereas Part (2) pertains to acceptance of a financial guarantee in lieu of improvements. This would be signed by an official of the applicable sewer service district.

Form 4A) Certificate of Approval of Water Lines-This certification is to be used for any lots where new water lines or hydrants have been (or will be) installed. Part (1) pertains to water facilities installed, whereas Part (2) pertains to acceptance of a financial guarantee in lieu of improvements. This would be signed by an official of the applicable utility district.

Form 4B) Certification of Existing Water Lines-This certification is to be used for any lots served by and connected to previously existing water lines. This would be signed by an official of the applicable utility district.

Form 5A) Certificate of Roads and Drainage System-This certification is to be used for any lots served by new roads, drainage systems, etc., recently constructed or to be constructed, in conformance to Planning Commission regulations. Part (1) pertains to roads constructed, whereas Part (2) pertains to acceptance of a financial guarantee in lieu of improvements. This would be signed by the County Road Superintendent.

Form 5B) Certificate of Existing County Road(s)-This certification is to be used for a subdivision which does not involve new road construction but which fronts on an existing county road. That road may not meet Planning Commission requirements. This would be signed by the County Road Superintendent.

Form 6) Certificate of Approval for Recording-Certification by Planning Commission Secretary that the plat has been approved by the commission. In all cases this certification will be signed only after all other certificates have been signed and after final approval has been granted by the Planning Commission.

Form 7) CERTIFICATE OF APPROVAL OF ADDRESSING AND STREET NAMING -Certification by the Director of E-911 that the street naming and/or addressing shown on the plat meets the current regulations of the Smith County E-911 Board.

\*Amended on August 28,2006

## **G. Inspections Procedures**

1. The developer shall notify the County Road Superintendent, the Utility District Manager and/or the Planning Commission's inspector (if applicable) when work on roads and/or utilities is to begin and the anticipated schedule for the preparation of subgrade and road base, installation of drainage and underground utilities, and final surfacing of the road. Since the inspections need to be made periodically during the entire process, communication with the County Road Superintendent, Utility District Manager, and the Planning Commission's inspector are essential to make the process move as smooth as possible.
2. The developer shall notify the County Road Superintendent, the Utility District Manager, and/or the Planning Commission's inspector (if applicable) at least 48 hours in advance of the needed inspection on:
  - a. Road grading, preparation of subgrade, and installation of the drainage system.
  - b. Installation and pressure testing of water mains, water stubs, and any other underground utility lines. (Inspected by applicable utility)
  - c. Pavement base. Inspection includes checking thickness of gravel at random points across width.
  - d. Prime coat and final surfacing.
3. Throughout the construction period, the County Road Superintendent and/or the Utility District Manager should keep a log of findings and periodically report the status to the Planning Commission and Staff Planner. Problems should be brought to the attention of the Planning Commission immediately.
4. Upon completion of inspections listed above, the inspector(s) will submit a written report to the Planning Commission. These inspection reports will become part of the official records of the Planning Commission.
5. If a financial guarantee is posted by the developer in lieu of required improvements, funds shall not be released until all roads and utilities

meet all required standards and the Planning Commission has received written reports to that effect.

## **H. Provisions for Review of Minor Subdivisions**

In certain circumstances, the Planning Commission may, as permitted in Tennessee Code Annotated Section 13-3-402, dispense with the regular plat review process and review minor subdivisions in the following manner:

1. Minor subdivision defined: A subdivision which consists of no more than two (2) lots, which is located on an existing county road, which is served by existing utilities, and which has been certified as suitable for sanitary septic systems by an Environmental Specialist, or which is served by a public sewer system.
2. In the case of a minor subdivision, as defined above, a developer must submit three (3) copies of the plat to the Planning Commission Chairman, who will then consult with the Staff Planner and the Planning Commission Secretary to determine that the proposed subdivision meets all applicable subdivision standards.
3. In conformity with state law, the Staff Planner shall certify to the Planning Commission that the minor subdivision complies with the subdivision regulations and does not involve a request for a variance from the regulations. This certification shall be in the form of a letter from the Staff Planner to the Chairman and Secretary of the Planning Commission.
4. If the proposed minor subdivision meets all applicable subdivision regulations standards, the Planning Commission Chairman and Secretary are authorized to grant approval for the subdivision and sign the plat.
5. After granting approval for a minor subdivision, the Chairman shall make a full report to the Planning Commission at its next scheduled meeting. In the event that the Chairman and Secretary do not grant approval for a minor subdivision, it may be submitted to the full Planning Commission for its review.
6. In order to avoid the piecemeal subdivision of land, the Planning Commission Chairman and Secretary may decline to review a minor subdivision if, in their opinion, it represents an effort to circumvent the intent of the subdivision regulations. In this event, the plat may be submitted to the full Planning Commission for review in the usual manner.

## **I. Recording of Final Plat**

Upon approval of the final plat and the signing of the appropriate certificates affixed thereto, it shall be the responsibility of the developer to ensure that said plat is placed upon the records of the Register of Deeds' Office of Smith County, Tennessee.

## **J. Grounds for Denying Plat Approval**

The Smith County Regional Planning Commission shall deny approval of any plat submitted to it for review that does not meet or exceed the minimum requirements set forth in these regulations. In addition, the Planning Commission may deny approval of a plat for the subdivision of land for which:

1. The available water supply is inadequate to serve the anticipated development or the available water supply is inadequate to provide fire protection;
2. The means of ingress and egress is inadequate to carry the vehicular traffic projected to be generated by the proposed subdivision or the means of ingress and egress is inadequate for use by school buses, garbage trucks, fire trucks or other county equipment; or
3. The approval of said plat will in the opinion of the Planning Commission be detrimental to the health and safety of the public



## **ARTICLE III DESIGN AND SPECIFICATIONS**

A perfectly prepared and recorded subdivision or plat means little to a prospective lot buyer until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community a potential tax liability.

### **A. Suitability of the Land**

#### **1. Land Physically Unsuitable for Subdivision**

- a. Land where flooding, bad drainage, steep slopes, rock formations, and other such features which may endanger health, life, or property, aggravate erosion, increase public funds for supply and maintenance of services, and
- b. Land which other public agencies have investigated and found in the best interest of the public not suitable for the type of platting and development proposed shall not be approved for subdivision unless adequate methods are formulated by the developer for meeting the problems created by subdivision of such land. Such land within any plat shall be set aside for such uses as shall not produce unsatisfactory living conditions.

#### **2. Land Unsuitably Located for Subdivision**

- a. The Planning Commission shall not approve what it considers to be scattered or premature subdivision of land which would endanger health, safety, or property because of lack of or adverse effect on water supply, schools, proper drainage, good transportation, or other public services or which would necessitate an excessive expenditure of public funds for the supply or maintenance of such services.
- b. Land unsuitable for subdividing is also that located in close proximity to potentially hazardous commercial or industrial operations which may endanger health, life, or property of the residents of the proposed subdivision.

### **B. Special Requirements for Floodable Areas**

1. The purpose of this section is for the review of subdivision proposals to determine whether such proposals will be reasonably safe from flooding. In order to accomplish this, the following regulations shall apply:
2. Definition of Land Subject to Flooding
  - a. For the purpose of these regulations, land subject to flooding shall be defined as those areas within the Smith County Planning Region shown as Special Flood Hazard Areas on the Flood Insurance Rate Maps for Smith County dated April 15, 1981, or any subsequent amendment or revision to said maps.
  - b. In addition, along all other streams and water courses not shown as floodable by the Flood Hazard Boundary Maps or Flood

Insurance Rate Maps, all land within 30 feet of the top of the bank is considered to be subject to flooding.

3. Regulations for Subdivisions Containing Land Subject to Flooding
  - a. All subdivision proposals shall be consistent with the need to minimize flood damage.
  - b. All creeks, lakes, ponds, sinkholes or other drainage areas shall be shown on the preliminary and final subdivision plat.
  - c. Every lot platted shall have a flood-free building site.
  - d. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
  - e. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  - f. Base flood elevation data shall be provided for all subdivision proposals containing land subject to flooding.
  - g. All proposed new roads shall be elevated above the base flood elevation.
  - h. Utilities
    - (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
    - (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration.
    - (3) If on-site waste disposal septic systems are to be used, a flood-free site shall be provided on each lot in order to avoid impairment to them or contamination from them during flooding.
  - i. Fill
    - (1) Land subject to flooding may be platted for residential use only if filled to such a height as will secure a flood-free site based on data submitted by the subdivider and prepared by registered professional engineers, provided such use of fill does not endanger health, life, or property or restrict the flow of water or increase flood heights. However, lots on fill will not usually be approved for septic tank drain fields. In order to be considered for development such lots must be served by a public sewer system.
    - (2) No fill shall be placed in the floodway of the stream and if undetermined no closer than 30 feet from the top of the bank of any stream or water course unless the subdivider demonstrates that a lesser distance (but not less than 15 feet) is adequate based on watershed area, the probable runoff, and other topographic and hydraulic data prepared by engineers.

- (3) All bridges, culverts, and other drainage openings shall be designed so as not to restrict the flow of water and unduly increase flood heights upstream.

## **C. Monuments**

All lot corners shall be marked with iron pins or pipe not less than three-fourth (3/4) inches in diameter and three (3) feet long and driven so as to be flush with the finished grade.

## **D. Roads - Design Standards**

The following standards shall apply for the design of all roads in subdivisions located in the Smith County Planning Region.

### **1. General Standards of Design**

#### **a. Arrangement**

The arrangement of roads in the subdivision shall provide for the continuation of principal roads of adjoining subdivision, and for proper projection of principal roads into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Local roads shall be so laid out that their use by through traffic will be discouraged. Where, in the opinion of the Planning Commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified. The curvi-linear road layout will be encouraged by the Planning Commission.

#### **b. Conformity to the Major Road Plan**

The location and width of all roads and roads shall conform to the official Major Road Plan. The latest Major Road Plan Map is on file in the Office of the Smith County Register of Deeds and a copy of said plan is included in the front of this document

Where a road designated by the Major Road Plan as a "Proposed Road" crosses the proposed site of subdivision, right-of-way sufficient to meet the design standards for the functional classification of said Road shall be dedicated to the public and shown on said plat.

#### **c. Relation to Adjoining Road System**

The proposed road system shall extend any adjoining existing roads at the same or greater width, but in no case less than the required minimum width.

#### **d. Relation to Topography**

The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all roads shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the roads. Grades of roads shall conform as closely as practicable to the original topography.

- e. Flood Prevention  
Roads which will be subject to inundation or flooding shall not be approved. All roads must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. Where flood conditions are anticipated, profiles and elevations of roads will be required in order to determine the advisability of permitting the proposed road layout.

**2. Minimum Road Right-of-Way Widths**

The minimum width of the road right-of-way, measured from lot line to lot line, shall be as shown on the Major Road Plan, or if not shown on such plan, shall be not less than as listed below.

- a. Local Roads ..... 50 feet
- b. End of Cul-de-sacs (diameter) ..... 100 feet
- c. Collector & Industrial Roads ..... 60 feet
- d. Arterial Roads and Highways..... 80 - 150 feet

**3. Minimum Road Surfacing Widths**

The minimum road surfacing widths shall be as follows:

- a. Local Roads\* ..... 18
  - b. End of Cul-de-sacs (diameter) ..... 80 feet
  - c. Collector Roads
    - Minor ..... 24 feet
    - Major ..... 30 feet
  - d. Industrial..... 24 feet
  - e. Arterial Roads and Highways..... 48 feet
- \* Asphalt surfacing is required

Due to the diversity of the development in the planning region, ranging from sparsely populated agricultural areas to densely populated urban areas, required surfacing widths may necessarily vary with the character of building development, the amount of traffic encountered, and the need to provide space for on-road parking.

In general, roads through proposed business areas shall be considered either collector roads or arterial roads and the road widths of roads so located shall be increased six (6) feet on each side if needed to provide parking without interference to normal passing traffic.

**4. Additional Right-of-Way on Existing County Roads**

Plats for subdivisions that abut existing county roads shall show the dedication of additional right-of-way to meet the minimum right-of-way width requirements.

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing road.
- b. When the subdivision is located on only one side of an existing road, one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

## 5. Substandard Existing County Roads

The subdivision of property abutting existing county roads that do not meet the minimum construction standards of these regulations shall generally be prohibited. The Planning Commission may require the widening of an existing county road based on potential for development and traffic. Should improvements to the existing road be required in order to meet the demands of the proposed subdivision, the cost of said improvements shall be borne by the developer unless determined otherwise by the Smith County Planning Commission and Smith County Road Department.

## 6. Road Grades

- a. Grades on major roads shall not exceed seven (7) percent; grades on other roads shall not exceed 12 percent.
- b. No more than three (3) percent grade within 100 feet of any intersection with a collector or arterial road and within 50 feet of any intersection with a minor residential or rural road will be allowed.
- c. Upon preliminary plat approval, if the road grade appears questionable, a road grade profile map may be required for the questionable area before approval of final plat.
- d. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of 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 surface.
- e. Profiles of all roads showing natural and finished grades drawn to a scale of not less than one (1) inch equals 100 feet horizontal, and one (1) inch equals 20 feet vertical, may be required by the Planning Commission.

## 7. Curves

- a. Horizontal Curves  
Where a deflection angle of more than ten (10) degrees in the alignment of a road occurs, a curve of reasonably long radius shall be introduced. On roads 60 feet or more in width, the center line radius of curvature shall be not less than 300 feet; on other roads it shall be not less than 100 feet.
- b. Tangents  
A tangent of at least 100 feet in length shall be introduced between reverse curves on all roads.
- c. Curve radii at road intersections shall not be less than 20 feet (See Illustration 3 in Appendix A) and where the angle of road intersection is less than 75 degrees the Planning Commission may require a greater curb radius. To permit the construction of a curb having a desirable radius without curtailing the sidewalk at a road corner to less than normal width, the property line at such road corner shall be rounded or otherwise set back sufficiently to permit such construction.

## 8. Intersections

- a. Road intersections shall be as nearly at right angles as is possible and no intersection shall be at the angle of less than 60 degrees. (See Illustration 4 in Appendix A).

No road intersection shall have more than four roads entering it, and the "T" or three-way intersection shall be used whenever possible. Additional road right-of-way on local roads may be required at intersections with collector or arterial roads to permit proper intersection design for traffic flow.

Local roads intersecting with collector roads shall, in general, be at least 500 feet apart and at least 1000 feet apart when opening into an arterial road. Local roads intersecting with other local roads shall, in general, be at least 200 feet apart.

- b. Road Jogs

Road jogs with centerline off-sets of less than 150 feet shall not be allowed if the proposed road is to connect with or is an arterial or collector road. Road jogs on local roads with centerline off-sets of less than 125 feet shall not be allowed. (See Illustration 5 in Appendix A).

- c. Visibility of Intersections: Steep Grades and Curves

A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road) shall be leveled and cleared of brush (except isolated trees) and obstructions above the level three (3) feet higher than the centerline of the road. If necessary, the ground shall be excavated to achieve visibility.

## 9. Dead-End Roads (Cul-de-sacs)

- a. Permanent

Minor terminal roads or courts designed to have one (1) end permanently closed shall be no more than 1200 feet long unless necessitated by topography. They shall be provided at the closed end with a circular turnaround having an outside pavement diameter of at least 80 feet and a road right-of-way diameter of at least 100 feet. The circular turnaround may be centered on the main body of the road or off-set to either side. When approved by the Planning Commission, alternate designs, including a "T" or "hammer head" configuration, may be used in lieu of the circular cul-de-sac. (See Illustration 6 in Appendix A).

- b. Temporary

If the subdivision is being developed in several stages, a temporary cul-de-sac (turnaround) shall be provided at end of each section and may be left in gravel (not paved) if the developer intends to continue the subdivision. The Planning Commission may require a financial guarantee for final surfacing of the turnaround should the subdivision not be continued.

Where, in the opinion of the Planning Commission, it is desirable to provide for road access to adjoining property, proposed roads shall be extended by dedication to the boundary of such property. Such dead-end roads shall be provided with a temporary paved turnaround having a roadway surface diameter of at least 80 feet.

**10. Private Roads or Permanent Vehicular Easements**

- a. The Planning Commission discourages the platting of private roads or permanent vehicular easements as every subdivided property should be served from a publicly dedicated road.
- b. Private roads and permanent vehicular easements shall be developed to meet all standards required for county roads as provided in these regulations. These include, but are not limited to, all requirements for road right-of-way widths, minimum surfacing widths, road grades, curves, intersections, road names, and road construction procedures and specifications.

**11. 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 under conditions approved by the Planning Commission.

**12. Special Treatment Along Major Arterial Roads**

When a subdivision abuts or contains an existing or proposed major arterial road, the commission may require either marginal access roads, reverse frontage with screen planting contained in a non-access reservation along the rear property line, lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential or non-residential properties and to afford separation of through and local traffic.

**13. Roads in Commercial Subdivision Developments**

- a. Service Roads or Loading Space in Commercial Developments  
Paved rear service roads or alleys of not less than 24 feet in right-of-way width, or adequate off-road loading space with a suitable paved surface shall be provided in connection with lots designed for commercial use. Service roads, alleys, and off-road loading spaces shall generally not be dedicated to, nor accepted by Smith County.
- b. Free Flow of Vehicular Traffic Abutting Commercial Development  
In front of areas designed for commercial use, the road's width shall be increased by such amount on each side as may be deemed necessary by the Planning Commission to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

**14. Road Names**

- a. Proposed roads, which are obviously in alignment with others already existing and named, shall bear the name of existing roads.

- b. New road names shall be substantially different so as not to be confused in sound or spelling with present road names as shown on the Smith County Official Road Name Map. The only exception to this policy is where a proposed road is an extension of (or is in alignment with) an existing road. Generally, no road should change direction by more than 90 degrees without a change in road name. Road names selected should be approved by the E-911 Board.
- c. The developer is required to erect or pay for road name signs in subdivisions within Smith County planning region. These add value to land subdivision and enable strangers, delivery concerns, emergency vehicles, and even potential buyers to find their way around. The subdivider should consult with the Smith County Road Superintendent for installation standards, or pay the Smith County Road Department for signs and installation.

**15. Warning and Regulatory Signs**

The developer is required to install or pay for warning and regulatory signs at appropriate locations in the subdivision (stop signs, etc.). The developer should consult with the Smith County Road Superintendent for proper location and installation standards, or pay the Smith County Highway Department for signs and installation.

**E. Roads - Construction Procedures and Specifications**

The following procedures and specifications shall apply for the construction of all roads in subdivisions located in the Smith County Planning Region.

**1. Road Construction Cross-Sections**

- a. The minimum road construction cross-section for each functional classification of a road shall be as follows:

Cross Section	Local*	Collector		
	Asphalt	Minor	Major	Industrial
Right-of-Way	50'	60'	80'	60'
Subgrade Width	26'	40'	44'	40'
Base Width	22'	32'	36'	32'
Base Thickness**	08"	08"	12"	12"
Binder Width	N/A	24'	30'	24'
Surface Width	18'	24'	30'	24'
Binder Thickness	N/A	02"	02"	02"
Surface Thickness	02"	01"	02"	01"

\* Amended March 22, 2004.

- b. Accepted right-of-way, base and surface width cross-sections for the various road classifications are depicted in Illustrations 7 and 8 in Appendix A.



- c. Accepted base, binder and surface thickness cross-sections for the various road classifications are depicted in Illustrations 9 and 10 in Appendix A.

## **2. Subgrade Preparation**

- a. Before grading is started, the areas within the limits of construction shall be cleared of all objectionable matter, such as trees, stumps, roots, weeds, heavy vegetation, etc. Top soil shall be removed and stockpiled for later use as a topping-out material for seeding and sodding.
- b. If rock is encountered, it shall be removed or scarified to provide adequate roadway drainage.
- c. The subgrade shall be constructed according to Section 207 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" 1981 edition. Cut and fill slopes shall not exceed a grade of 2:1.
- d. After grading is completed, and before any base is applied, all of the underground work (water lines, any other utilities, service connections, and drainage culverts) shall be installed completely throughout the length and width of the road.
- e. Where the subgrade is cut for the installation of underground utilities, the trench shall be backfilled with crushed stone 1 1/2 inches and down in size with fines and the utilities shall be properly bedded in suitable material, depending on subgrade. The backfill shall be thoroughly compacted in layers not to exceed eight (8) inches in thickness, by hand, or by pneumatic tamping equipment. Backfills shall be compacted to a density not less than that of the original compacted fill.
- f. The finished subgrade shall provide for the superelevation and crown of the roadway.

## **3. Road Drainage**

- a. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.
- b. All roadside ditches shall be built to a grade that will provide good drainage. The maximum side slope permitted on ditches is 3:1. The minimum bottom grade on ditches shall be one (1) percent. All drainage ditches shall be stabilized to prevent erosion.
- c. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes.
- d. All cross drains that are to be laid under the roadway shall be of concrete or metal construction as required by the Road Superintendent.
- e. The size openings to be provided shall be determined by the Rational Formula, but in no case shall the pipe be less than 15 inches.
- f. Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock.

- g. 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.
- h. Concrete head walls or other acceptable materials shall be provided at each end of all cross drains.
- i. All drain pipes and culverts 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.
- j. The drainage system should be designed based on a storm frequency of ten (10) years. However, if the ten (10) year design flow is greater than 100 cubic feet per second, the system shall be capable of accommodating the 100-year design flow within the drainage easement.
- k. In those cases where the drainage system relies on sinkholes for discharge, it should be capable of accepting the 100-year design flow within the dedicated easement.
- l. The drainage conduits shall maintain a minimum velocity of two and one-half (2 1/2) feet per second at full flow but shall not exceed 20 feet per second.

#### **4. Road Bank Seeding and Erosion Control**

- a. Areas disturbed by cut or fill along roadways shall be shaped and seeded with permanent vegetation. This work should be accomplished in conjunction with roadway construction in order to reduce erosion and prevent the siltation and clogging of culverts and drainage ways.
- b. In areas with slopes over three percent (3%) grade excluding rock conditions, sodding of drainage ways, concrete waterways and/or ditch checks may be required.

#### **5. Pavement Base Preparation**

- a. After preparation of the subgrade, the roadbed shall be surfaced with crushed rock, stone or gravel.
- b. The size of the crushed rock or stone shall be that generally known as "crusher run stone" from one and one-half (1 1/2) inches down including dust.
- c. 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.
- d. After spreading, the stone shall be rolled until thoroughly compacted (minimum 92% compaction). The compacted thickness of the stone roadway shall be no less than eight (8) inches for local and minor collector roads and twelve (12) inches for major collector and industrial roads. (Amended January 20, 1997). Inspection should be made at random points across road and down the entire length.
- e. Construction shall be as specified in Section 303 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction", 1981 edition.

## 6. Final Surfacing Alternatives

Final surfacing shall consist of a prime coat and a wearing surface. The wearing surface shall be either a double bituminous surface (commonly known as "tar and chip") or an asphaltic concrete surface (commonly known as "hot mix"). The final surfacing shall be constructed according to the following standards:

- a. Prime Coat
  - (1) The base, prepared as outlined above, shall be sprinkled lightly with water to settle any loose dust.
  - (2) A bituminous prime coat shall then be applied uniformly over the surface to the base by the use of an approved bituminous distributor.
  - (3) This prime coat shall be applied at the rate of three-tenths (3/10) gallon per square yard, using the bituminous materials specified in Section 402 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" 1981 edition.
  - (4) When the double bituminous (tar and chip) alternative for final surfacing is planned, the prime coat shall be immediately covered with aggregate material size seven (7) as specified in Section 402 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" 1981 edition at the rate of 12 to 15 pounds per square yard to prevent damage to the primed surface.
  - (5) Maintenance and protection of the prime coat shall be as specified in Section 402 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" 1981 edition.
  
- b. Double Bituminous (Tar and Chip) Wearing Surface\*

\*This option was removed on March 22, 2003.
  
- c. Asphaltic Concrete (Hot Mix) Wearing Surface Alternative
  - (1) Upon completion of the prime coat (or foundation/binder course if constructing a major collector or industrial road), the developer shall install the asphaltic concrete wearing surface.
  - (2) The asphaltic concrete pavement (hot mix) shall be composed of a mixture no less than Grade C or D as specified in Section 411 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" 1981 edition.
  - (3) Materials, construction equipment and construction procedures shall be as specified in Section 411 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" 1981 edition.
  - (4) The compacted thickness of the final asphaltic concrete surface shall be no less than two (2) inches.

- d. Foundation/Binder Course (Required for major collector or industrial roads only)
  - (1) Upon completion of the prime coat, a foundation/binder course shall be applied. The foundation/binder course shall be composed of a hot mixture of aggregate and asphalt (hot mix) which shall be no lesser than Grade B-M as specified in Section 307 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" 1981 edition.
  - (2) Materials, construction equipment and construction procedures shall be as specified in Section 411 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" 1981 edition.
  - (3) The compacted thickness of the foundation/binder course shall be no less than two (2) inches.

## **7. Inspections, Testing and Material Certifications**

- a. All road construction shall be inspected by the Smith County Road Superintendent. Prior to the start of construction the developer shall contact the Smith County Road Department to develop an inspection schedule.
- b. Upon completion of each inspection, the Road Superintendent will submit his findings in writing to the Planning Commission. These inspection reports will become a part of the official records of the Planning Commission.
- c. The Road Superintendent may request that the developer provide compaction tests prepared by an independent testing laboratory.
- d. The contractor(s) and/or supplier(s) furnishing base material, prime coat, binder surface, and/or pavement surface shall furnish to the Road Superintendent written certification that the materials used in the construction of roads developed under these regulations meet or exceed the appropriate specifications.

## **F. Utilities - General Standards**

The following general standards shall apply for the construction of utilities in or for subdivisions located in the Smith County Planning Region:

### **1. Easements**

The Planning Commission may require easements, not less than 12 feet and not more than 20 feet in width for poles, wires, conduits, gas, and heat mains, or other utility lines, along all rear lot lines, along side lot lines if necessary or if, in the opinion of the Planning Commission, advisable. All easements for waterlines, storm sewers and sanitary sewers shall be up to 20 feet in width and are usually located adjacent to the road right-of-way line. Easements of 12 feet to 20 feet in width may be required along side and rear lot lines, where necessary for the extension of existing or planned utilities.

All easements intended for the location of utilities shall be shown on the final plat of a proposed subdivision and shall be noted on said plat as a "Utility Easement".

## **2. Installation**

After road grading is completed and approved and before any gravel or surfacing is applied, all of the underground work [water mains, and other underground utilities (where applicable), and all service connections] shall be installed completely and approved throughout the length of the road and across the flat section.

## **G. Water Distribution System**

The following standards and specifications shall apply for the design and installation of water distribution systems in or for subdivisions located in the Smith County Planning Region:

### **1. General Standards of Design**

- a. In general, the water systems designed in or for subdivisions located in the Smith County Planning Region shall conform to the Rules of the Tennessee Department of Environment and Conservation - Division of Water Quality Supply, Chapter 1200-5-7, Minimum Design Criteria for Public Water Systems.
- b. Engineering plans and calculations showing system design, function, flow and pressure must be prepared by a licensed engineer and approved by the Safe Drinking Water Division of the Tennessee Department of Environment and Conservation. Plans and calculations shall also be submitted as requested for review by the Planning Commission, as well as stamped approved plans. After construction is complete, developer must furnish the water utility district "as-built" plans in form and numbers as required by the utility district.

### **2. Accessibility**

- a. The provision of a public water supply is deemed by the Planning Commission to be essential to the public welfare in developments where homes will be in close proximity to each other.
- b. When a proposed subdivision is not directly adjacent to a public water supply system, the Planning Commission shall determine the accessibility of the nearest system, and determine whether the subdivider must make connections. The Planning Commission may seek the advice of other government officials and/or qualified consultants prior to making this determination.
- c. Should existing water lines need to be improved in order to meet the demands of the proposed subdivision, the cost of said improvements shall be borne by the developer unless determined otherwise by the applicable utility district.

- d. Lands without accessibility to public water supply systems or developments not capable of the provision of an adequate supply of water through an approved system of production, storage, and distribution, capable of providing adequate flow for domestic use and fire protection shall be deemed unsuitable for development as a subdivision until such time as this system can be provided.

### **3. Construction Standards**

- a. Water mains properly connected with the applicable water utility district system shall be constructed in such a manner as to serve all lots shown on the subdivision plat for both domestic use and fire protection.
- b. Materials and construction procedures for water mains and connections shall be in accordance with basic requirements of the applicable water utility district. In general, lines shall be PVC 200 psi or better or copper and all lines shall have magnetic tracing tape.
- c. Water mains shall be installed outside of the pavement base but within the right-of-way of any road or road that it parallels, unless specified otherwise by the applicable utility district. If water lines have to be installed inside the property line, it should be limited to first five (5) feet of property off right-of-way.

### **4. Minimum Pipe Sizes**

Mains of a minimum six (6) inches in diameter shall be installed throughout the subdivision and shall connect to existing water mains; except in the last 500 feet of permanent cul-de-sacs, where no less than two (2) inch mains may be installed. Use of water lines less than six (6) inches in diameter will be dependent on the results of the hydraulic analysis made by the engineer in developing plans, since topography must allow adequate pressure along the entire line. Every attempt shall be made to establish a gridiron layout, preferably "looped", with a minimum of dead-end lines. All lines shall meet the specifications of the applicable water utility district.

### **5. Service Connections**

- a. Lateral water lines or lateral casing pipes connecting to lots across the road from the water lines shall be installed to every lot in the subdivision so that future connections will not require digging up or tunneling under roads or will not interrupt service to other connections on the system unless specified otherwise by the utility district. Laterals may serve more than one lot. The minimum pipe sizes for lateral service lines shall be as specified by the specific utility district.
- b. Connections to every lot shall be as required by applicable utility district.

## **6. Fire Protection**

- a. Fire hydrants are required in all water utility districts that do not charge a fire hydrant assessment or usage fee.
- b. In those water utility districts that do charge an assessment or usage fee for fire hydrants, the developer shall install tees and caps, meeting the same location requirements as fire hydrants, to afford the future placement of fire hydrants.
- c. Fire hydrants shall be spaced so that no part of any building site is more than 500 feet from a fire hydrant. Hydrant locations should be measured along the road frontage approximately 1000 feet apart so all lots will have coverage. The location of the first hydrant near the entrance to the subdivision will be based on the location of the nearest existing hydrant. Hydrants shall be so located that they will be accessible, protected from traffic hazards, and will not obstruct walks, roadways, or parking facilities.
- d. The location of all fire hydrants or tees and caps shall be depicted on the final plat.
- e. All fire hydrants shall have two (2) 2 and 1/2 inch outlets and one (1) outlet to fit large fire department suction hoses.
- f. There shall be a valve in the lateral between the road main and fire hydrant.

## **7. Inspections, Testing and Material Certifications**

- a. All water system construction is to be inspected by representatives of the applicable utility district. Prior to the start of construction, the developer or his representative shall contact the applicable utility district in order to develop an inspection schedule.
- b. As a minimum, all water systems shall be subjected to chemical, pressure and leakage testing as required by applicable utility district, which may require other testing, including compaction tests prepared by an independent testing laboratory for back-filled utility trenches.
- c. The contractor(s) and/or suppliers(s) furnishing pipe, valves, fire hydrants and other appurtenances shall furnish to the applicable utility district written certification that the materials used in the construction of water systems meet or exceed the appropriate specifications.

## **8. As-Built Drawings**

Prior to the acceptance of all water distribution systems shown on all plats presented to the Smith County Regional Planning Commission and prior to the release of any financial guarantee as required by these regulations, the developer shall submit to the applicable utility district a complete set of "as-built" drawings for said system.

## H. Waste Water Systems

### 1. Accessibility to Existing Public Waste Water Collection Systems

When a proposed subdivision is not directly adjacent to an existing public sewer system, the Planning Commission shall determine the accessibility of the nearest system and determine whether the subdivider must make connections. The Planning Commission may seek the advice of other government officials, and/or qualified consultants prior to making this determination.

### 2. Public Waste Water Collection Systems

#### a. Design Period

In general, public waste water collection systems shall be designed for the estimated ultimate development of the proposed subdivision and the potential future development of adjoining land.

#### b. General Standards of Design

In general, the waste water systems designed in or for subdivisions located in the Smith County Planning Region shall conform to the Rules of the Tennessee Department of Environment and Conservation - Division of Water Pollution Control, Chapter 2, Design of Waste Water Collection Lines and Pumping Stations.

c. Extensions of sanitary sewer collection lines shall be designed by a registered engineer, with design and hydraulics submitted to and approved by applicable municipal or utility district prior to submission to Tennessee Department of Environment and Conservation.

#### d. Minimum Size and Construction Standards

(1) The sanitary sewer lines shall be at least eight (8) inches in size and in accordance with the instructions and specifications of the applicable utility district and the Tennessee Department of Environment and Conservation, and in such a manner as to serve adequately all lots with connection to the public system.

(2) Service connections to the sewer system shall be installed for every lot in the subdivision and shall include a four (4) inch lateral extending at least ten (10) feet onto the property line with a clean-cut installed extending to grade and properly capped to prevent infiltration.

#### e. Protection of Water Supplies

There shall be no physical connection between a waste water system and a public or private potable water system



which would permit the passage of any waste water or polluted water into the potable water supply. The vertical and horizontal separation of sanitary sewers and water mains shall be as required by the applicable municipality or utility district.

f. Inspections, Testing and Material Certifications

(1) All sanitary sewers and appurtenances are to be inspected by representatives of the applicable utility district. Prior to the start of construction, the developer or his representative shall contact the applicable municipality or utility district in order to develop an inspection schedule.

(2) As a minimum, all sanitary sewer construction shall be subjected to visual, leakage, and where flexible pipe is permitted, deflection testing as required by applicable utility district. The municipality or utility district may also require other testing, including compaction tests prepared by an independent testing laboratory for back-filled utility trenches.

(3) The contractor(s) and/or supplier(s) furnishing pipe, manholes, and other appurtenances shall furnish to the municipality or utility district written certification that the materials used in the construction of sanitary sewer improvements developed under these regulations meet or exceed the appropriate specifications.

g. As-Built Drawings

Prior to the acceptance of all waste water collection systems shown on all plats presented to the Smith County Regional Planning Commission and prior to the release of any financial guarantee as required by these regulations, the developer shall submit to the municipality or utility district a complete set of "as-built" drawings for said system.

**3. Subsurface Sewerage Disposal Systems**

a. Where the Planning Commission determines that a subdivision does not have to connect to the existing public waste water collection system, lots must contain adequate area for the installation of approved septic tank(s) and disposal fields as determined by and approved in writing by the applicable Environmental Specialist from the Tennessee Department of Environment and Conservation, Division of Ground Water Protection prior to the plat receiving final approval but in no case can a lot be smaller than 30,000 square feet.

- b. Greater area may be required for private sewage disposal if there are factors of drainage, soil condition or other conditions to cause potential health problems. The Planning Commission requires that results from soils tests be submitted in order to approve subdivisions dependent upon septic tanks as a means of sewage disposal.

#### **4. Alternative Sewerage Disposal Systems**

If a developer proposes to install any type waste water system other than traditional septic tanks with subsurface field lines or connection to a municipal or utility district sewerage system, the plans for all parts of the proposed system, including but not limited to collection lines and treatment system, shall be reviewed and approved by the Tennessee Department of Environment and Conservation, Division of Water Pollution Control before the Planning Commission gives an unconditional approval of preliminary plat.

#### **I. Other Utilities (Gas, Electric, Telephone, Cable TV, etc.)**

##### **1. Below Ground**

The Planning Commission shall encourage the complete use of underground utilities wherever practical. These are to be installed in the road right-of-way between the paved roadway and property line to simplify location and repair of lines. After grading is completed and approved, and before any pavement base is applied, all of the inroad underground utility work shall be completely installed and approved throughout the length of the road and across the flat section.

##### **2. Above Ground**

Where electric, telephone and/or cable TV utilities are to be installed above ground, they should be provided for in rear lot easements whenever practicable. These easements shall be perpetual, unobstructed, a minimum of 20 feet in width and provided with satisfactory road access. Whenever possible easements shall be cleared and graded.

#### **J. Lots**

##### **1. Lots to be Buildable**

The lot arrangement shall be such that in constructing a building there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear. If the subdivision is to be served by public sewer, lots should be designed so that none will be "below grade" and be rendered unservable by sewer.

##### **2. Lot Lines**

Side lot lines shall generally be at right angles to straight road centerline, and radial to curved road centerline. Rear lot lines should consist of straight lines with a minimum number of deflections.

3. Minimum Lot Size

The size, shape and orientation of lots shall be such as the Planning Commission deems appropriate for the type of development and use contemplated.

- a. Residential lots served by public water and public sanitary sewer systems:  
Minimum area = 15,000 sq. ft.  
Minimum width at building setback line = 100 ft.
- b. Residential lots served by public water and subsurface sewerage disposal systems (septic tanks):  
Minimum area = 30,000 sq. ft.\*  
Minimum width at building setback line = 100 ft.\*

\*Greater area may be required for subsurface sewerage disposal systems if there are factors of drainage, soil condition or other conditions to cause potential health problems.

c. Non-residential Lots

The size of lots reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-road services and parking facilities required by the type of use and development contemplated. Platting of individual lots may be postponed in favor of an overall design of the land, so as to provide insulation against adverse effects on present or future adjacent residential development.

4. Building Setback Lines

a. The minimum depth of building setback lines from the abutting road right-of-way shall be as follows:

- Local Roads.....30 feet
- Collector Roads.....40 feet
- Arterial Roads.....50 feet

b. The minimum depth of building setback lines from the side and rear property lines shall be as follows:

- Rear Yard ..... 10 feet
- Side Yard..... 10 feet
- Side Yard on Corner Lot .....30 feet

5. Minimum Road Frontage

All lots shall have a minimum of 50 feet of frontage on a public road, except on a permanent dead-end road (cul-de-sac) where the minimum frontage may be 30 feet.

## **K. Drainage**

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. This will include adequate easements to remove surface water from the buildable portion of lots.

### **1. Drainage Plan Required**

A drainage plan showing proposed modifications to the flow of water across the site of the proposed subdivision or to and from adjoining properties shall be prepared and submitted with the preliminary plat of the subdivision.

### **2. Removal of Spring and Surface Water**

The subdivider may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

### **3. Other Watercourses**

- (a) Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the County Road Superintendent.
- (b) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required, and it shall in no case be less than 20 feet in width.

### **4. Storm Drainage Under Roads**

- (a) Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes.
- (b) All cross drains that are to be laid under the roadway shall be of concrete or corrugated metal construction.
- (c) The size openings to be provided shall be determined by the Rational Formula, but in no case shall the pipe be less than 15 inches in diameter.
- (d) Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock.
- (e) 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.

- (f) Headwalls (concrete or other acceptable materials) shall be provided at each end of all cross drains.
- (g) Drains shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact with the top of the pipe at least one (1) foot below roadbed.

**5. Driveway Culverts**

Driveway culverts shall be of concrete or steel construction and a minimum of 15 inches in diameter.

**6. Accommodation of Potential Upstream Development**

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

**7. Responsibility for Downstream Drainage**

The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage, provision shall be made for the improvement of said condition.

**8. Storm Water Retention**

The Planning Commission may require storm water retention facilities for subdivisions where the presence of sinkhole retention areas, flood hazard areas or water courses of limited capacity are the recipients of storm water discharge from the site of said subdivision. In general, this requirement will apply only to those subdivisions planned to contain ten (10) or more dwelling units or commercial and/or other structures which will consists of a total of 10,000 or more square feet of impermeable surface (roof and parking area).

When it is determined by the Planning Commission that storm water retention facilities are required, no plat for such subdivision shall be approved from which storm water run-off is discharged into public rights-of-way, public drainage structures or natural water-courses at a rate greater than the rate which water is being discharged from the site prior to the proposed development taking place.

The drainage plan accompanying the plat for all subdivisions meeting this criteria shall show all proposed discharge structures and points of storm water discharge from the site. Said plans shall be accompanied by a set of calculations which illustrate the flow of storm water from each existing and proposed discharge point expressed as cubic feet per second (cfs) and gallons per minute (gpm). Said calculations shall show this discharge of water under existing and proposed conditions.

**9. Land Subject of Flooding**

See Section B of this Article for Special Requirements for Floodable Areas.

**10. Erosion Reduction**

The developer shall utilize grading techniques, subdivision design, landscaping, sedimentation basins, special vegetation cover, and other measures to reduce erosion and sedimentation during and after development.

**L. Preservation of Natural Features**

The developer shall, wherever possible, attempt to preserve all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, historic spots, vistas and similar irreplaceable assets.

## **ARTICLE IV SPECIAL DEVELOPMENTS**

### **A. Special Planned Development Subdivision Standards**

The purpose of the Special Planned Development (SPD) is to allow flexibility and innovation in land development and land use. This form of development, which have also been referred to as "cluster development" or "open space development," usually involves the clustering of dwelling units on certain portions of the site and generally includes common open space property owned and maintained by a property owners association. It is an environmentally sound concept, because it can allow for development in the most suitable areas while preventing development in unsuitable areas such as flood plains or areas with steep slopes. Also it is an economically sound concept, because it can reduce the costs for infrastructure (the length of road and utility lines can be significantly decreased).

These developments may be for residential, commercial or industrial use. Mixed use developments are also allowed for the mixture of land uses such as traditional single-family houses, town houses, apartments, and some commercial and public uses. Generally, the intent of Planned Developments is to permit varied lot sizes and clustered development while at the same time preserving open space without increasing overall density and without increasing the effective impact on the community.

All Special Planned Developments or similar such developments shall meet the following standards:

1. The developer shall meet with county officials, the Planning Commission, and Staff Planner to become familiar with all applicable requirements.
2. In general, shall meet all requirements and minimum standards of design required in these regulations. Some variation in density may be considered.
3. Depending on the design of the development and/or types of residential units within, some or all of the development may be required to conform to Section 66-27-101 through Section 66-27-123, Tennessee Code Annotated, entitled Horizontal Property Act.

### **B. 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, trailer court or shopping center which is not subdivided into customary lots, blocks, and roads, if the development is approved by the Planning Commission and if it is in conformity with the purpose and intent of these regulations.

### **C. Condominium Developments**

Proposed residential or commercial projects which will offer individual attached units for sale with or without any land, and with certain elements in common to all units may be required to conform with requirements of Section 66-27-101 through Section 66-27-123, Tennessee Code Annotated, entitled Horizontal Property Act.

## ARTICLE V ENFORCEMENT AND PENALTIES FOR VIOLATIONS

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

- 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 Smith County Regional Planning Commission and obtained its approval and before such plat be recorded in the office of the county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law, as provided in Section 13-3-410 Tennessee Code Annotated.
- B. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring a lot in an unapproved subdivision shall not exempt the transaction from being a subdivision if two (2) or more lots are being created and does not exempt such transaction from misdemeanor penalties as provided in Section 13-3-410 Tennessee Code Annotated.
- C. No building or structure shall be erected on any lot and no building permit shall be issued within the area of jurisdiction of the Planning Commission unless the road giving access to the lot shall have been accepted or opened as a public road in accordance with these regulations, or otherwise had received the legal status of a public road, or unless such road corresponds to a road shown on an approved plat, etc., as provided in Sections 13-4-308 and 13-3-411 Tennessee Code Annotated.
- D. Any building or structure erected or to be erected in violation of Section 13-3-411, Tennessee Code Annotated, shall be deemed an unlawful building or structure, and the county attorney or other official designated by the Smith County Commission may bring action to enjoin such erection or cause it to be vacated or removed.
- E. No board, public officer, or authority shall light any road, lay or authorize the laying of water mains or sewers or the construction of other facilities or utilities in any road located within the area of planning jurisdiction, unless such road shall have been accepted, opened, or otherwise received the legal status of a public road prior to the adoption of these regulations, or unless such road corresponds in its location and lines with a road shown on a subdivision plat approved by the Planning Commission, or a thoroughfare plan made and adopted by the commission as provided in Section 13-3-406, Tennessee Code Annotated.
- F. No county register of deeds shall file or record a plat of a subdivision of land within the Smith County Planning Region without the approval of the Smith County Planning Commission as required by Section 13-3-402, Tennessee Code Annotated, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.



## ARTICLE VI ADOPTION

- A. Before adoption of these subdivision standards, a public hearing as required by Section 13-3-403, Tennessee Code Annotated, was afforded any interested person or persons and was held on June 17, 1996. Notice of such hearing was announced in the Carthage Courier, being of general circulation within the area of planning jurisdiction on May 16, 1996 stating the time and place for the hearing.
- B. These regulations shall be in full force and effect from and after their adoption.

Adopted: June 17, 1996

  
Chairman, Smith County Regional  
Planning Commission

  
Secretary, Smith County Regional  
Planning Commission

## **APPENDIX A: ILLUSTRATIONS**

ILLUSTRATION 1

## ILLUSTRATION 2

ILLUSTRATION 3

ILLUSTRATION 4

ILLUSTRATION 5

ILLUSTRATION 6I



ILLUSTRATION 7

ILLUSTRATION 8

ILLUSTRATION 9

ILLUSTRATION 10

## APPENDIX B: FINAL PLAT CERTIFICATIONS

### Form 1            CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all roads, alleys, walks, and parks as shown to the public or private use noted. I (we) further acknowledge that any change to this subdivision constitutes a resubdivision and requires the approval of the Planning Commission.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature

\*\*\*\*\*

### Form 2            CERTIFICATE OF ACCURACY AND PRECISION

I hereby certify that the plan shown and described hereon is a true and correct survey to the level of accuracy required by the Smith County Planning Commission. I further certify that the degree of precision (linear and angular) meets the standards required of an Urban and Subdivision as established by the Tennessee Board of Examiners for Land Surveyors. I also hereby certify that the monuments and pins have been placed as shown hereon, to the specifications of the Smith County Planning Commission.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Surveyor's Signature

\*\*\*\*\*

### Form 3A            CERTIFICATE OF GENERAL APPROVAL FOR INSTALLATION OF SUBSURFACE SEWAGE DISPOSAL SYSTEMS WITH RESTRICTIONS

Approval is hereby granted for lots \_\_\_\_\_ defined as \_\_\_\_\_, Smith County Tennessee, as being suitable for subsurface sewage disposal (SSD) with the listed or attached restrictions. Prior to any construction of a structure, mobile or permanent, the plans for the exact house/structure location must be approved and an SSD system permit issued by the Division of Ground Water Protection. Water taps, water lines, underground utilities and driveways should be located

at the side property lines unless otherwise noted. Any cutting, filling or alterations of the soil conditions may void this approval.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Environmental Specialist  
Division of Ground Water Protection

Form 3B      CERTIFICATE OF APPROVAL OF PUBLIC SEWAGE COLLECTION FACILITIES

I hereby certify that (1) public sewage collection facilities are installed in an acceptable manner and according to Smith County's specifications; or (2) a Financial Guarantee acceptable to the Smith County Planning Commission in the amount of \$\_\_\_\_\_ has been posted to assure completion of all required improvements in the case of default.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Sewer Utility District Representative

Form 3C\*      Existing Subsurface Sewage Disposal System

I (we), \_\_\_\_\_, am (are) owners of lot (s), \_\_\_\_\_, located in Smith County, Tennessee, do hereby acknowledge an existing subsurface sewage disposal system in compliance with subdivision regulations for Smith County, Tennessee does exist and has not been evaluated by the Tennessee Department of Environment and Conservation (TDEC).

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Owner Signature and/or  
Other Authorized Signature

\*Amended on August 19, 2019

\*\*\*\*\*

Form 4A\*      CERTIFICATE OF APPROVAL OF WATER LINES

Section 1

I hereby certify that the (city of - Utility District) has reviewed this proposed subdivision and agrees that this water system has (1) been installed in an acceptable manner and according to the specifications of the \_\_\_\_\_ Water Utility District and the Smith County Planning Commission; or (2) a Financial Guarantee acceptable to the \_\_\_\_\_ Water Utility District and the Smith County Regional Planning Commission in the amount of \$\_\_\_\_\_ has been posted to assure completion of all required improvements in the case of default.

In addition I hereby certify that the (City of - Utility District) can:

(1)\_\_\_\_\_provide adequate flows and pressures for DOMESTIC AND ADEQUATE FIRE PROTECTION WITH FIRE HYDRANTS WITHIN FIVE HUNDRED (500) FEET OF SAID LOT AND INSTALLED ON A SIX (6) INCH WATERLINE THAT PROVIDES A MINIMUM FIRE FLOW OF FIVE HUNDRED (500) GALLONS PER MINUTE AND TWENTY (20) PSI RESIDUAL PRESSURE.

(2)\_\_\_\_\_provide adequate flows and pressures for DOMESTIC USE ONLY.

In addition, I hereby certify that upon the registration of this plan, the (City of- Utility District) will operate and maintain the water supply system installed to serve the property herein subdivided.

\_\_\_\_\_  
Date Singed

\_\_\_\_\_  
Signature of Water Department  
Superintendent or Water Utility  
District Representative

Section 2

I hereby certify that the (City of - Utility District) provides a minimum of twenty (20) PSI residual pressure at the intake side of the master meter.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Signature of Water Department  
Superintendent or Water Utility  
District Representative

\*\*\*\*\*

Form 4B\*

CERTIFICATION OF EXISTING WATER LINES

Section 1

I hereby certify that the water lines shown hereon are in place and are operated and maintained by the \_\_\_\_\_Water Utility District and will adequately serve the lots herein depicted for:

(1)\_\_\_\_\_provide adequate flows and pressures for DOMESTIC and ADEQUATE FIRE PROTECTION WITH FIRE HYDRANTS WITHIN FIVE HUNDRED (500) FEET OF SAID LOT AND INSTALLED ON A SIX (6) INCH WATERLINE THAT PROVIDES A MINIMUM FIRE FLOW OF FIVE HUNDRED (500) GALLONS PER MINUTE AND TWENTY (20) PSI RESIDUAL PRESSURE:

(2)\_\_\_\_\_provide adequate flows and pressures for DOMESTIC USE ONLY.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Signature of Water Department  
Superintendent or Water Utility  
District Representative

Section 2

I hereby certify that the (City of - Utility District) provides a minimum of twenty (20) PSI residual pressure at the intake side of the master meter.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Signature of Water Department  
Superintendent or Water Utility  
District Representative

\*Amended on March 22,2004

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Form 5A      CERTIFICATE OF APPROVAL OF ROADS AND DRAINAGE SYSTEM

I hereby certify that (1) roads, drainage system (easements, culverts, etc.) and other improvements (curbs, sidewalks, etc.) as required by the Smith County Planning Commission are installed in an acceptable manner and according to required specifications; or (2) a Financial Guarantee acceptable to the Smith County Planning Commission in the amount of \$\_\_\_\_\_ has been posted to assure completion of all required improvements in the case of default.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Smith County Road Superintendent

\*\*\*\*\*

Form 5B      CERTIFICATION OF EXISTING COUNTY ROAD

I hereby certify that the road shown on this plat has the status of an accepted county road regardless of current condition.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Smith County Road Superintendent

\*\*\*\*\*

Form 6      CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations of the Smith County Regional Planning Commission with the exception of such variances, if any, as are noted in the Official Minutes of the Smith County Planning Commission, and that said plat has been approved for recording in the Office of the Register of Deeds of Smith County, Tennessee.

\_\_\_\_\_  
Date Signed

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

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Form 7\*

CERTIFICATE OF APPROVAL OF ADDRESSING AND STREET NAMING\*

I hereby certify that (1) the names of existing public roads shown on this subdivision plat are correct, (2) the names of any new road, whether public or private, do not duplicate any existing names and said names are approved, and (3) any property addresses of the lots, if shown on this plat, are in conformance with the E-911 System.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Director, Smith County E-911

\*Amended on August 28,2006

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# APPENDIX C: CHECKLIST FOR PRELIMINARY PLAT CONSIDERATION

Name of Subdivision\_\_\_\_\_

Location\_\_\_\_\_Civil District\_\_\_\_\_

Owner of Record\_\_\_\_\_Address\_\_\_\_\_Tel.\_\_\_\_\_

Subdivider\_\_\_\_\_Address\_\_\_\_\_Tel.\_\_\_\_\_

Surveyor\_\_\_\_\_Address\_\_\_\_\_Tel.\_\_\_\_\_

Date Submitted for Preliminary Approval\_\_\_\_\_

## CHECKLIST

\_\_\_\_ Three (3) copies submitted to the Planning Commission Chairman or Staff Planner seven (7) days prior to meeting.

\_\_\_\_ Name of subdivision.

\_\_\_\_ Drawn to a scale of not less than one inch equals 100 feet.

\_\_\_\_ Name and address of owner of record, subdivider and surveyor.

\_\_\_\_ North point, graphic scale and date.

\_\_\_\_ Vicinity map showing location and acreage of subdivision.

\_\_\_\_ Boundary lines by bearing and distances.

\_\_\_\_ Names of adjoining property owners and/or subdivision.

\_\_\_\_ Location of all existing physical features including any identified floodable areas on land and nearby properties.

\_\_\_\_ Contour lines, unless not specifically required.

\_\_\_\_ Names, locations and dimensions of proposed roads, alleys, easements, parks and reservations, lot lines, etc.

\_\_\_\_ Block numbers and lot numbers.

\_\_\_\_ Plans (locations and sizes) of proposed utility layouts showing connections to existing or proposed utility systems.

\_\_\_\_ Minimum building setback lines on all lots.

\_\_\_\_ Present zoning classification, if any, on land in subdivision and adjacent land.

\_\_\_\_\_ Cross-section and centerline road profiles at suitable scales as may be required by Road Superintendent and/or Planning Commission.

\_\_\_\_\_ Conforms to general requirements and minimum standards of design.

\_\_\_\_\_ Tennessee Department of Environment and Conservation has been notified of proposed subdivision.

\_\_\_\_\_ The location of all existing septic tanks and field lines

Disapproved \_\_\_\_\_, 19\_\_\_\_, because of incomplete items above or other reasons as stated:

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Signed:

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

Notes and Comments:

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# APPENDIX D: CHECKLIST FOR FINAL PLAT CONSIDERATION

Name of Subdivision\_\_\_\_\_

Location\_\_\_\_\_Civil District\_\_\_\_\_

Owner of Record\_\_\_\_\_Phone No.\_\_\_\_\_

Address\_\_\_\_\_

Preliminary Approval Granted:\_\_\_\_\_Date

Submitted for FINAL Approval:\_\_\_\_\_Date

## CHECKLIST

- \_\_\_\_\_ Submitted within one (1) year from date of preliminary approval.
- \_\_\_\_\_ Three (3) copies to the Planning Commission Chairman or Staff Planner seven (7) days prior to meeting plus one (1) copy to each appropriate utility.
- \_\_\_\_\_ Name of subdivision.
- \_\_\_\_\_ Drawn to a scale of 1":100' on sheets not larger than 24" x 30".
- \_\_\_\_\_ Name and address of owner of record, subdivider and surveyor.
- \_\_\_\_\_ North point, graphic scale, and date.
- \_\_\_\_\_ 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 with notes stating their purpose and limitations.
- \_\_\_\_\_ Dimensions to the nearest 100th of a foot and angles to the nearest 20 seconds.
- \_\_\_\_\_ Lot lines, alleys, building setback lines.
- \_\_\_\_\_ Location and description of monuments.
- \_\_\_\_\_ Names of all adjoining property owners, names of adjoining developments, and names of adjoining roads.
- \_\_\_\_\_ Lines, names and widths (including right-of-way and pavement) of all roads.
- \_\_\_\_\_ Lots numbered in numerical order.

- \_\_\_\_\_ Location sketch map.
- \_\_\_\_\_ Location of identified floodable areas.
- \_\_\_\_\_ Certificate of ownership and dedication.
- \_\_\_\_\_ Certificates of approval for water and public sewer or septic tank systems and roads.
- \_\_\_\_\_ Certificate of surveyor and seal of surveyor.
- \_\_\_\_\_ Proposed deed restrictions.
- \_\_\_\_\_ Conforms to general requirements and minimum standards of design.
- \_\_\_\_\_ The location of all existing septic tanks and field lines.
- \_\_\_\_\_ Soil tests completed and approvals from Tennessee Department of Environment and Conservation.
- \_\_\_\_\_ Location and size of all installed or pre-existing water and sewer lines and all fire hydrants.
- \_\_\_\_\_ Previous and last conveyance; tax map group and parcel number of property being subdivided.
- \_\_\_\_\_ If required physical improvements have not been made, financial guarantee posted in the amount of \$\_\_\_\_\_ for \_\_\_\_\_ days/months.

Date of Approval:\_\_\_\_\_

Notes and Comments:

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# APPENDIX E: SUBDIVISION INSPECTION FORM

## SMITH COUNTY REGIONAL PLANNING COMMISSION

SUBDIVISION NAME \_\_\_\_\_

DATE OF INSPECTION \_\_\_\_\_

IMPROVEMENT INSPECTED \_\_\_\_\_  
(road, drainage, water, sewer, etc.)

STAGE OF IMPROVEMENT \_\_\_\_\_  
(road subgrade, pavement base, prime coat, binder course, final surfacing, water/sewer line installation, pressure tests, etc.)

APPROVED \_\_\_\_\_

DISAPPROVED \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Inspector

\_\_\_\_\_  
Title of Inspector

\*Original submitted to the Smith County Regional Planning Commission; one copy to developer, one copy to inspector.

## **APPENDIX F: ADDRESSES OF PERTINENT AGENCIES**

Smith County Mayor's Office  
122 Turner High Cir. Suite 100  
Carthage, TN 37030  
615.735.2294

Smith County Planning Office  
122 Turner High Cir. Suite 111  
Carthage, TN 37030  
615.735.3418

Smith County Environmental Specialist  
High Street  
Carthage, TN 37030  
615.735.3785

Smith County Road Superintendent  
275 JMZ Drive  
Gordonsville, TN 38563  
615.683.3326

Smith County Staff Planner  
Local Planning Assistance Office  
621 E. 15th Street  
Cookeville, TN 38501-1820  
931.528.1577