

SUBDIVISION STANDARDS OF

Marshall County, Tennessee, Regional Planning Commission (hereafter referred to as the planning commission).

ARTICLE I

PURPOSE, AUTHORITY, AND JURISDICTION

A. Purpose

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

The following subdivision regulations guiding 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, and also to secure adequate provision for light, air, recreation, transportation, water, drainage, sewer, and other sanitary facilities.

Amended 4-30-90; 9-18-01

B. Authority

These subdivision regulations are adopted under the authority granted by Sections 13-3-401 through 13-3-411, Tennessee Code Annotated. The planning commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such regulations, having filed a certified copy of the official Thoroughfare Plan in the Office of the Register of Deeds of Marshall County, Tennessee.

C. Jurisdiction

These subdivision regulations shall govern all subdivision of land within Marshall County which has outside existing municipal or municipal-regional planning jurisdictions as established by resolution of the Tennessee State Planning Commission. Within these regulations, the term "subdivision" shall mean the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided.

Any owner of land within the Marshall County Planning Region desiring to subdivide land shall submit to the planning Commission plats 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 IV, of these regulations.

ARTICLE II

PROCEDURE FOR PLAT APPROVAL

The procedure for review and approval of a subdivision plat consists of three (3) separate steps. The initial step is the early informal consultation with the planning commission technical staff for advice and assistance. The second step is the preparation and submission to the planning commission of a preliminary sketch plat of the proposed subdivision. The third 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 Register of Deeds when duly signed by the secretary of the planning commission.

Amended 11-20-90; 9-18-01

A. General

1. Any owner of land lying within the area of jurisdiction of the planning commission who desires to divide such land into two (2) or more lots, sites, or divisions for the purpose, whether immediate or future, of sale or building development, or who wishes to resubdivide 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 subdivision plat for record. Any such plat of a subdivision shall be presented in the manner specified in the following sections of this Article. No plat of a subdivision of land within the Marshall County Planning Region shall be filed or recorded by the Register of Deeds of Marshall County 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 street improvements or installations of utilities, submit to the planning commission a preliminary sketch plat as provided in Section B of this Article. On approval of said preliminary sketch plat he may proceed with the preparation of the final plat and other documents required in connection therewith as specified in Section D of this Article and with the improvements set forth in Article IV. In no case shall a preliminary plat be presented in sections.

B. Minor and One-Lot Subdivisions

1. Minor Subdivision

A subdivider may omit the submission of a preliminary plat, submitting only a final plat, if all of the following conditions are met:

- a. The proposed subdivision does not contain more than five (5) lots, tracts, or divisions.
- b. All public improvements as set forth in Article IV are already installed. (Any construction, installation, or improvement of public improvements shall require the submission of a preliminary plat as prescribed in Section C, of

Article II). For minor subdivisions, the Certificate of Approval of Streets shall not be required except for the need of right-of-way dedications; however, all other required and applicable certifications shall be included on the submitted plat.

- c. The subdivider has consulted informally with the planning commission technical staff 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.

2. One-Lot Subdivision

- a. Under the authority granted by Section 13-3-402, Tennessee Code Annotated, a final plat submitted for an one-lot subdivision may be endorsed in writing on the plat by the secretary of the planning commission without the approval of the planning commission, upon certification by the technical staff of the planning commission that the subdivision complies with the requirements as set forth in the Subdivision Regulations for Marshall County.
- b. The planning commission technical staff shall review one-lot subdivisions where all public improvements as set forth in Article IV are already installed. (Any construction, installation, or improvement of public improvements shall require the submission of a preliminary plat as prescribed in Section C, of Article II). For one-lot subdivisions, the Certificate of Approval of Streets shall not be required except for the need of right-of-way dedications; however, all other required and applicable certifications shall be included on the submitted plat.
- c. A concrete monument shall only be required on one of the front corners of the lot with iron pins required on the remaining three corners.
- d. A fire hydrant shall not be required for one-lot subdivisions.

Amended 5-21-91

- e. In the case where a property owner is adding a piece of land for agricultural or other uses, excluding any residential, commercial or industrial uses, and no buildings, except agricultural accessory buildings, will be constructed, the one-lot subdivision plat is required to show the following data:
 - (1) A line between the existing lot and the added property as a dashed line;
 - (2) Iron pins on each of the four corners of the added piece of property;
 - (3) Date, graphic scale and north point;
 - (4) The name and addresses of the owners and the tax map and parcel numbers of the existing lot and the added piece of property;
 - (5) The name and address of the surveyor preparing the plat;

- (6) The acreage of the added piece of property and total acreage of the new tract of land;
- (7) The names of all adjoining property owners or names of adjoining subdivisions, including tax map and parcel numbers;
- (8) The location of existing water courses, and flood problems checked using an official TVA or Corps of Engineers Flood Study map, and flooded areas outlined, if applicable;
- (9) A location sketch map;
- (10) The plat certificates for Ownership and Dedication; Accuracy; and Approval for Recording;
- (11) If the added piece of property is to be used for a subsurface disposal system, show the area to be designated for the system and include the Certificate of Approval by the County Environmentalist (for septic tanks); and
- (12) A note stating that the property being added to the existing lot of record shall not be used for any building purposes, and if future construction of any structure, other than an agricultural accessory building, is proposed, the developer shall submit a preliminary and/or final plat in accordance with the provisions of Article II, of these Subdivision Regulations.

Amended 10-20-92

- f. For one-lot subdivisions with an existing dwelling unit and with water supply and sewage disposal systems already installed, the Certificate of Approval of Utility Systems (water and sewer or septic tank) will not be required.

Amended 1-16-01

- g. For one-lot subdivisions, only a single division of land from a larger tract of land, by any person, firm or corporation, shall be allowed within one calendar year.

Amended 4-30-90; 8-15-95; 9-18-01

C. Preliminary Sketch Plat

1. At least fifteen (15) days prior to the meeting at which it is to be considered, the subdivider shall submit to the secretary of the planning commission five (5) copies of any required preliminary sketch plat of a proposed subdivision drawn to a scale of not less than one inch equals one hundred (100) feet. At the time of such submission the secretary of the planning commission shall issue a receipt acknowledging said submission. Neither the submission of the preliminary sketch plat to the secretary of the planning commission nor the receipt issued by the secretary of the planning commission shall constitute submission of the preliminary

sketch plat for consideration by the planning commission. At the time of such submission, the preliminary sketch plat shall be accompanied by a filing fee, as per the administrative fee schedule posted in the Zoning Compliance Office, to be paid by the subdivider.

One (1) copy of the preliminary sketch plat and a copy of the roadway construction plans shall be sent to the Marshall County Highway Department. The roadway construction plans shall be approved by the Marshall County Highway Department prior to preliminary sketch plat approval.

2. The preliminary sketch plat shall be presented to the planning commission at its next meeting by the secretary or the acting secretary of the planning commission for approval, disapproval, or approval subject to modification. Failure to present the preliminary sketch plat by the secretary or the acting secretary shall not relieve the planning commission of its responsibility to consider said plat.
3. The sketch plat, which shall meet the minimum standard of design as set forth in Article III and the general requirements for the construction of public improvements as set forth in Article IV, shall give the following information insofar as possible:
 - a. The proposed subdivision's name and location, the name(s) and address(es) of the owners, present tract designation according to official records in the office of the appropriate recorder, and the name of the designer of the plat who shall be a professional surveyor approved by the planning commission.
 - b. Date, approximate north point, and graphic scale.
 - c. The location of existing and proposed property lines, streets, water courses, railroads, sewers lines, water lines, drain pipes, bridges, culverts, and easements for existing utilities or other features. Existing features shall be distinguished from those which are proposed. In addition, the present zoning classification of the land to be subdivided and of adjoining lands and the names of adjoining property owners or subdivisions shall be indicated.

Amended 6-18-85 & 10-20-2003

- d. Plans of proposed sewer and water systems showing connections to the existing or any proposed utility systems. When such sewerage systems connections are not practicable, as determined in accordance with subsection A, 9, of Article IV, any proposed sewage disposal system must be approved by the Marshall County Health Department in writing. Moreover, prior to granting any approval of a preliminary plat, all water system plans designed to serve any proposed subdivision must be submitted to the Marshall County Board of Public Utilities for review. Approval of these plans must be furnished to the planning commission in written form. If wells are to be utilized as a water source, those lots shall comply with the minimum standards as established in the Zoning Resolution of Marshall County, Tennessee, dated, **November 22, 1989**. Written approval of such must be obtained from the Marshall County Health Department and furnished to the planning commission.
- e. The proposed street names, and the locations and dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building setback lines, and utilities.

- f. Contours at vertical intervals of not more than five (5) feet, except when specifically not required by the planning commission.
- g. 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 to 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.
- h. If any portion of the land proposed for subdivision lies within a floodable area, as determined by an official TVA or Corps of Engineers Flood Study Map, that portion shall be so indicated.
- i. The acreage of the land to be subdivided.
- j. Location sketch map showing relationship of subdivision site to area.

Amended 1-20-87

- k. A geological study of the site, when required by the planning commission.
- 4. Within sixty (60) days after submission and official review of the preliminary sketch plat by the planning commission, the planning commission shall take action on it. 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 is disapproved a new plat may be presented as though no previous plat had been submitted. If a plat is 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 and is subject to the same regulations and procedures as though no previous plat has been submitted, except that a certification to the effect that the previous plat has been withdrawn must be submitted.
- 6. One (1) copy of the preliminary sketch plat will be retained in the planning commission files; one (1) 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. Failure of the planning commission to act on the preliminary sketch plat within sixty (60) days after being presented at a planning commission meeting in accordance with Subsections C, 1, and C, 2, of this Article, will be deemed approval of this plat.
- 8. The approval of the preliminary sketch plat by the planning commission shall not constitute acceptance of the final plat; and such approval shall not be indicated on the preliminary sketch plat.
- 9. The approval of the preliminary sketch plat shall lapse unless a final plat (or section(s) thereof) based thereon is submitted within one year from the date of such approval; provided, however, that an extension of time is not applied for and granted by the planning commission.

10. If the subdivision is to be developed and submitted as final plats in portions or sections of the preliminary plat, the sections must be identified by alphabetical characters, following the name of the subdivision as initially submitted or approved on preliminary.
11. No subdivision shall use the name of an existing subdivision except as noted in Article II, Subsection C, 10.

D. Final Plat

1. The final plat shall conform substantially to any preliminary sketch plat as approved; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary sketch plat which he proposes to record and develop at the time; provided however, that such portion conforms to all requirements of these regulations.
2. If the final plat submitted is a section of the preliminary plat, the final plat shall be titled the same as the preliminary plat followed by an alphabetical section designation.
3. Subsection D, 1, of Article II, shall not apply when a final plat is submitted in accordance with Section B, of Article II.

Amended 4-30-90; 9-18-01

4. At least fifteen (15) days prior to the meeting at which it is to be considered, the subdivider shall submit the original drawing in black drawing ink and five (5) copies (black and white prints), together with street profiles or other plans that may be required by the planning commission. At the time of such submission the secretary of the planning commission shall issue a receipt acknowledging said submission. Neither the submission of the final plat to the secretary of the planning commission nor the receipt issued by the secretary of the planning commission shall constitute submission of the final plat for consideration by planning commission. At the time of such submission, the final plat shall be accompanied by a filing fee, as per the administrative fee schedule posted in the Zoning Compliance Office, to be paid by the subdivider.
5. The final plat shall be presented to the planning commission at its next meeting by the secretary or the acting secretary of the planning commission for consideration for approval or disapproval. Failure to present the final plat by the secretary or the acting secretary shall not relieve the planning commission of its responsibility to consider said plat.
6. The plat shall be drawn to a scale of one inch equals one hundred (100) feet on sheets not larger than eighteen (18) by twenty-four (24) inches. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.

Amended 11-20-90; 9-18-01

7. When the plat has been approved by the planning commission, a copy, with original signatures, shall be returned to the subdivider, with the approval of the planning commission certified thereon, for filing with the Register of Deeds as the official plat

of record. Before filing the final plat with the Register of Deeds, the subdivider shall have the final plat stamped by the county tax assessor. The original tracing containing all required certifications shall be returned to the subdivider for his records and the other copy shall be retained in the records of the planning commission.

8. The planning commission shall approve or disapprove the final plat within sixty (60) days after its submission for consideration. Failure of the planning commission to act on the final plat within these sixty (60) days 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.
9. Approval of the final plat by the planning commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground.
10. The final plat shall show:
 - a. The lines of all streets and roads; the size and location of any water and sewer mains; alley lines; 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. Sufficient date to determine readily and reproduce on the ground the location, bearing and length of every street 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 streets and curved property lines that are not the boundary of curved streets.
 - c. All dimensions to the nearest hundredth (100th) of a foot and angles to the nearest minute.
 - d. Location and description of monuments.
 - e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.
 - f. Date, title, name and location of subdivision, graphic scale, and true north point.
 - g. Location sketch map showing site in relation to area.
11. The following certificates shall be presented with the final plat:
 - a. Certification showing the applicant is the landowner and dedicates streets, rights-of-way, and any sites for public use (Form 1-Appendix).
 - b. Certification of surveyor to accuracy of survey and plat and placement of monuments (Form 2-Appendix).

- c. Certification by authorized approving agent that utility systems, private or otherwise, have been installed in accordance with government requirements (Form 3-Appendix).
- d. Certification by authorized approving agent (Form 4-Appendix) that the subdivider has complied with one of the following alternatives:
 - (1) Installed all improvements in accordance with the requirements of the regulations, or
 - (2) Posted a security bond in sufficient amount to assure such completion of all required improvements.
- e. Certification of approval to be signed by the secretary of the planning commission (Form 5-Appendix).

ARTICLE III

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

A. Streets

1. Conformity to the Official Thoroughfare Plan

The location and width of all streets and roads shall conform to the Official Thoroughfare Plan.

2. Relation to Adjoining Street System

The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than the required minimum width as set forth in this Article or the width of the existing street, whichever is greater.

Amended 1-20-87

3. Street Elevation

The planning commission may require where necessary profiles and elevations of streets for areas having unique topographic characteristics, for areas requiring sufficient filling and grading, and for areas subject to flood. In areas subject to flood, fill may be used for streets provided such fill does not unduly increase flood heights, and provided such fill is determined to be of a suitable nature to be used for street construction purposes.

Plans of all proposed public roadway and drainage improvements shall be prepared and stamped by a registered civil engineer licensed to practice in the State of Tennessee. Roadway plans shall indicate both horizontal and vertical alignment and curve data. Drainage calculations must be submitted with each drainage plan indicating existing and proposed drainage of all surface water. The rational method or similar standard engineering accepted method may be used in all drainage calculations.

4. Street Right-of-Way Widths

The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the Official Thoroughfare Plan, or if not shown on such plan, shall be not less than as follows:

- a. Arterial Streets 80 to 200 feet,
as may be required by the planning commission

- b. Collector Streets 60 feet
Collectors street carry traffic from minor streets to the arterial streets, and include the principal entrance streets of a residential development and streets for major circulation within such development.

- c. Minor Streets 50 feet
Minor streets are used primarily for access to abutting properties, and are designed to discourage through traffic.
- d. Marginal Access Streets 50 feet
Marginal access streets are minor streets parallel and adjacent to arterial streets; they provide access to abutting properties and protection from through traffic.
- e. Dead-End Streets (Cul-de-sac) 50 feet
Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.
- f. Alleys: in commercial or
 industrial districts 30 feet
 in residential districts 20 feet

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

In cases where topography or other physical conditions make a street of the required minimum width impracticable, the planning commission may modify the above requirements. Through proposed neighborhood or local business areas the street widths shall be increased ten (10) feet on each side to provide for movement of vehicles into and out of necessary off-street parking areas without interference to traffic.

5. Additional Right-of-Way Width on Existing Streets

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

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- b. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided.

6. Restriction of Access

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

Amended 4-30-907. Street Grades

Grades on arterial and collector streets shall not exceed ten (10) percent, or maximum grade specified on the Official Thoroughfare Plan, whichever is lower. Grades on other streets may exceed ten (10) percent, but not more than fifteen (15) percent for those up to four hundred (400) feet in length. Grades shall not exceed six (6) percent at intersections.

Amended 4-30-908. Horizontal Curves

When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the planning commission shall determine for special cases. On streets sixty (60) feet or more in width, the center line radius of curvature shall be not less than three hundred (300) feet; on other streets, not less than one hundred (100) feet. A maximum horizontal curve of thirty (30) degrees will be allowed, unless the above stated radius of curvature length is more stringent.

9. Vertical Curves

Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one-half (4 1/2) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals one hundred (100) feet horizontal, and one inch equals twenty (20) feet vertical, may be required by the planning commission.

10. Intersections

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

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

11. Tangents

A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on arterial and collector streets.

12. Street Jogs

Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed.

Amended 4-19-88; 8-15-95; 1-16-01

13. Dead-End Streets

- a. Minor terminal streets or courts designed to have one end permanently closed shall be no more than three thousand (3,000) feet long. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least ninety (90) feet and a street right-of-way diameter of at least one hundred and ten (110) feet.
- b. Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed street shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around when the street exceeds one hundred (100) feet in length. A temporary turn-around shall have a roadway diameter of at least eighty (80) feet.

14. Private Streets and Reserve Strips

There shall be no private street platted in any subdivision. Every lot subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the community under conditions approved by the planning commission.

15. Street Names

Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place or court. The planning commission can assist the subdivider in avoiding duplication.

16. Alleys

Alleys shall be provided to the rear of all lots used for business purposes, and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the planning commission of the need for alleys.

17. Signage

The developer shall furnish and install all roadway signs. These shall include signs for warning, the direction of traffic and the proper labeling of streets.

Street name signs shall be placed at every intersection. The plate shall be six (6) inches by twenty-four (24) inches (6" X 24") or six (6) inches by thirty (30) inches (6" X 30") as required by the length of the street name. The lettering shall be four (4)

inch capitals, reflective silver on a green background reflective sheeting. The name plate or plates, as necessary, shall be placed by use of properly fitting adapter on a three (3) pound per foot U-channel steel post.

18. Notification

The Marshall County Highway Department shall be notified by the developer, two (2) working days prior to the date that work on the proposed development of roadways is to start.

B. Blocks

1. Length

Blocks shall not be less than four hundred (400) feet nor more than twelve hundred (1,200) feet in length, except as the planning commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over eight hundred (800) feet in length, the planning commission may require one or more public cross walks of not less than four (4) feet in width extending entirely across the block and at locations deemed necessary.

2. Width

Blocks shall be wide enough to allow two (2) rows of lots, except where reverse fronting on major thoroughfares is provided or where prevented by topographical conditions or size of the property, in which case the planning commission will approve a single row of lots of minimum depth.

C. Lots

1. Adequate Building Sites

Each lot shall contain a building site not subject to flood as defined in Section E, of this Article and outside the limits of any existing easement or building setback lines required in Subsection 4, of this Section.

2. Arrangement

In so far as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a public street or road which has a right-of-way of not less than fifty (50) feet in width.

Amended 4-30-90

3. Minimum 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. Where a public sanitary sewer and/or a public water supply system are reasonably accessible, the subdivider shall connect with such system or systems and provide connections to each lot. Where such systems are not available, as determined in accordance with Section A, 9, of Article IV, an alternate method of sewage disposal, or water supply may be used, if it meets all applicable public health regulations.

Lots within the Marshall County Planning Region shall comply with the minimum standards as established in the Zoning Resolution of Marshall County, Tennessee, dated, **November 22, 1989**.

Amended 4-30-90

4. Building Setback Lines

The depth of building setback lines for front, side and rear yards shall comply with the minimum standards as established in the Zoning Resolution of Marshall County, Tennessee, dated, **November 22, 1989**.

D. Public Use and Service Areas

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as for use as public service areas.

1. Public Open Spaces

Where a school, neighborhood park, or recreation area or other public access to water frontage, shown on an official map or in a plan made and adopted by the planning commission, is located in whole or in part in the applicant's subdivision, the planning commission may require the dedication or reservation of such open space within the subdivision up to a total of ten (10) percent of the gross area or water frontage of the plot, for park, school, or recreation purposes.

2. Easements for Utilities

Except where alleys are permitted for the purpose, the planning commission may require easements not exceeding twelve (12) feet in width, for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, or other utility lines, along all rear lot lines, and along side lot lines if necessary, or advisable, in the opinion of the planning commission. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities.

3. Community Assets

In all subdivisions due regard shall be shown for all natural features such as large trees, water courses, and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

Amended 6-15-85

4. Outside Antennas

Outside antennas (T.V., radio, communications, etc.) shall not be installed in close proximity to overhead power lines; a safety clearance zone shall be maintained equivalent to overall installed height of the antenna/mast base horizontally or diagonally from said overhead power lines.

Amended 1-20-87

E. Suitability of the Land

Land subject to flooding, as determined by an official T.V.A. or Corp of Engineers Flood Study Map, and land deemed to be topographically unsuitable due to slope, soil type, sink holes, etc., shall not be platted for residential occupancy, or for any other uses that may increase flood hazards, endanger health, safety, life, or property; or aggravate erosion. Such land within the plat shall be set aside for uses such as recreational areas, open space areas, etc., as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

Fill shall not be used to raise land in areas subject to flood, unless the fill proposed does not restrict the flow of water and unduly increase flood heights.

Where deemed necessary by the planning commission, a geological report shall be prepared by a geological engineering firm licensed to conduct business in Tennessee, reflecting the suitability of the land in question.

F. Large Tracts or Parcels

When land is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical further resubdivision.

G. Group Housing Developments

A comprehensive group housing development, including the large scale construction of housing units together with necessary drives and ways of access, may be approved by the planning commission, although the design of the project does not include standard street, lot, and subdivision arrangements, if departure from the foregoing regulations can be made without destroying their intent.

H. Variances

Variances may be granted under the following conditions:

1. Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardship, or
2. Where the planning commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variance thus authorized shall be stated in writing in the minutes of the planning commission with the reasoning on which the departure is justified set forth.

I. Other Regulations

Whenever there is a discrepancy between the minimum regulations noted herein and those contained in other official regulations, the highest standard shall apply.

ARTICLE IV

DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

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 of a potential tax liability. The following tangible improvements, or provision for their estimated cost, are required before final plat approval in order to assure the physical reality of a subdivision which approval and recordation will establish legally.

A. Required Improvements

Every subdivision developer shall be required to grade and improve streets and alleys, and to install curbs, gutters, sidewalks, monuments, sewers, storm water inlets, and water mains in accordance with specifications established by the Marshall County Regional Planning Commission. Where specifications adopted by local authorities conflict with regulations set forth herein, the more stringent shall govern.

1. Monuments

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

2. Grading

All streets, roads, and alleys shall be graded by the subdividers so that pavements and sidewalks can be constructed to the required cross section. Deviation from the above due to special topographical conditions will be allowed only with special approval of the planning commission. Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure and all grading for the street shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines the clearance from the pavement to the nearest conductor shall meet the requirements of the National Electrical Safety Code.

- a. Preparation: Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush, and other objectionable materials and all trees not intended for preservation.

- b. Cuts: All tree stumps, boulders, and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade.
- c. Fill: All suitable material from roadway cuts may be used in the construction of fills, approaches, or other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted by a sheep's foot roller. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction, the water content shall not exceed the optimum of moisture.

Amended 4-30-90, 8-15-95

3. Storm 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 drainage system shall be completely separate from any sewage disposal system regardless of the source of the sewage.

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

All pipes in a drainage system shall have concrete headwalls. All headwalls for cross drains and driveway pipes shall be poured-in-place concrete (Class "A", 3,000 P.S.I. at twenty-eight (28) days).

Concrete headwalls shall be not less than twelve (12) inches thick for pipe sized from eighteen (18) inches through thirty (30) inches and shall be adequately reinforced for pipe larger than thirty (30) inches. Length of wingwalls and height of headwalls for all pipes shall be determined by the amount of fill, the size of the pipe and the general conditions surrounding the pipe, with no ditch being less than two (2) feet below the subgrade.

Amended 8-15-95

4. Stabilization of Ditches

All drainage ditches shall be stabilized to prevent erosion. All open ditches shall be stabilized in accordance with the following requirements:

Size of Nearest Culvert Upstream	Seed	Sod	Concrete Lined
18 inches	Grades less than 3.0 %	Grades 3 - 12.0 %	Grades exceeding 12.0 %
21 - 24 inches	Grades less than 1.5 %	Grades 1.5 - 7.0 %	Grades exceeding 7.0 %
30 - 36 inches	Grades less than 1.0 %	Grades 1.0 - 4.0 %	Grades exceeding 4.0 %
42 - 72 inches	-----	-----	Grades exceeding 2.5 %

Ditches that require lining with concrete shall be lined to a height above the bottom of the ditch no less than one-half (1/2) the diameter of the nearest culvert (upstream). However, in no case shall the lining extend less than one (1) foot above the bottom of the ditch.

Lined ditches shall be constructed of Class "B" Concrete (3,000 P.S.I. at twenty-eight (28) days strength). The lining shall be firmly bedded and securely attached to adjacent drainage structures. Concrete mixture used shall be such as to attain a smooth, monolithic and, reasonably, water-tight lining, and shall be placed upon a firm subgrade which will be void of all objectionable matter (i.e. grass, roots, etc.).

Amended 1-20-87, 4-30-90, and 11-20-90

5. Pavement Base, Shoulders and Penetration Paving

a. Pavement Base and Shoulders

After preparation of the subgrade, curbs and gutters when required shall be installed in a manner prescribed by the Marshall County Regional Planning Commission. The roadbed shall be surfaced with gravel. The gravel must be a sound, hard aggregate from two and one-half (2 1/2) inches down including dust.

The compacted thickness of the gravel roadway shall be no less than eight (8) inches. There shall be at least a three (3) foot shoulder on all roads.

All shoulders and slopes shall be trimmed and shaped to conform with cross sections shown on the construction plans. Rock cuts shall be sealed of all loose fragments, projecting points, etc., so as to leave a clean and neat appearance. Shoulders shall be completed where required as shown on the plans and shall be double bituminous surface treated, with care being taken

to protect the surface and edges of pavement. Shoulder materials shall be placed in uniform layers and compacted by overlapped rolling of both base course and pavement. The finished shoulders shall be firm against the pavement.

The base course of stone shall be placed and compacted in layers or lifts upon the prepared subgrade to a finished thickness as described and shown on the plans. No single layer or lift shall exceed four inches in depth.

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

The base stone shall be graded and rolled while it is still moist from the pugmill mix. If the enforcing officer determines that the mix is too dry, water shall be added with a distributor tank truck while the stone is being graded and rolled. Compaction shall be uniform for the entire width of the roadway until a density of 80 percent of the solid volume has been achieved. Placement and compaction of each layer shall be approved by the enforcing officer before materials for the next successive layer are placed.

No pavement shall be placed until the stone base has been approved by the enforcing officer. Marshall County may require testing for compaction and gradation at the expanse of the subdivider.

b. Penetration Paving

Penetration paving consisting of a prime coat and double bituminous surface treatment shall be installed as required below.

(1) Prime Coat

After the base stone has been prepared as outlined above, a bituminous prime coat shall be applied uniformly over the surface of the base by the use of an approved bituminous distributor. The prime coat shall be applied at the rate of three-tenths (3/10) gallon per square yard, using Grade RC-70 or RC-250, or refined tar, grade RT-2, RT-3 or emulsified asphalt grade AR-P. If, after the bituminous materials have been applied, they fail to penetrate before the time the roadway is to be used by traffic, dry cover materials shall be spread at a rate of twelve (12) pounds per square yard to prevent damage to the primed surface. An excess of cover materials shall be avoided. No succeeding stage of construction shall be placed upon the prime coat until it has properly cured. Aggregate for cover materials shall be Size No. 78 or 8.

In addition to these general requirements, unless otherwise stipulated, all materials and methods of installation shall conform to the technical specifications set forth in Section 402, Standard Specifications.

(2) Double Bituminous Surface Treatment

After the prime coat has been installed in the manner set forth above, a surface treatment of two (2) applications of bituminous material and mineral aggregate shall be applied to the roadway surface as set forth in Section 404, Standard Specifications.

Shoulder construction shall be completed by blading, moistening as necessary, and by thoroughly compacting. Shoulders shall at a minimum be three (3) feet wide, and covered with prime coat of bituminous materials at the rate of between 0.38 and 0.42 gallon per square yard.

All materials and methods of installation shall conform to the technical specifications set forth in Section 402, Standard Specifications.

- c. The Marshall County Highway Department, at its discretion, may modify any of the requirements in the construction of new roadways (i.e. the substitution of base stone of 2 1/2-inch down with other suitable material) as it deems necessary and appropriate.

6. Minimum Pavement Widths

- a. Minor Streets 20 feet
- b. Collector Streets 24 feet
- c. Arterial Streets as may be required by the planning commission.

For definitions and functions of the various types of streets listed above, refer to Article III, Section A, Subsection 4.

7. Installation of Utilities and Driveways

Before any base is applied to any street, alley, or driveway, and before any sidewalk is installed, all of the underground work--water mains, gas mains, power and telephone lines, etc., and all service connections--shall be installed completely and approved throughout the length of the road and its right-of-way. All driveways for houses to be built by the developer shall be cut and drained.

Amended 10-20-2003

8. Water Supply System

When connection to a public water supply system is required, water mains properly connected with the public water supply system shall be constructed in such a manner as to serve adequately, for both domestic use and current and future fire protection, all lots shown on any subdivision plat.

- a. When a proposed subdivision, with a total of twenty-five (25) lots or less when completed, is not directly adjacent to a public water supply system, but is within five hundred (500) feet of a public water supply system, the subdivider shall be required to make connections to the public water supply system for the entire subdivision according to the criteria within the specifications, standards and any other policies of the Marshall County Board of Public Utilities.
- b. When a proposed subdivision, with a total of twenty-six (26) lots or more when completed, is not directly adjacent to a public water supply system, but is within one thousand (1,000) feet of a public water supply system, the subdivider shall be required to make connections to the public water supply system for the entire subdivision according to the criteria within the specifications, standards and any other policies of the Marshall County Board of Public Utilities.
- c. As required for fire protection, water mains shall not be less than six (6) inches in diameter.
- d. All water systems, whether public or private, located in a flood-prone area shall be flood-proofed to the regulatory flood protection elevation. All water supply facilities located below the regulatory flood protection elevation shall be designed to prevent the infiltration of floodwaters into the water supply system and discharges from the system into floodwaters.
- e. All improvements to the water supply system shall be constructed in a road right-of-way only.
- f. Connections to the water system shall be installed for every lot in a subdivision so that future connections will not require digging up or tunneling under streets or interruption to service to other connections on the system.
- g. Within all commercial and industrial subdivisions, water service shall be required according to the criteria within the specifications, standards or any other policies of the Marshall County Board of Public Utilities.
- h. Where any proposed subdivision is not adjacent to and cannot be connected to a public water supply system, lots shall contain adequate area for the installation of water wells and shall comply with the minimum standards as established in the Zoning Resolution of Marshall County, Tennessee, dated, **November 22, 1989**.

Amended 10-20-2003

9. Fire Hydrants

An adequate system of fire mains shall be provided as part of the development. Every attempt shall be made to establish a gridiron layout, preferably "looped", with

a minimum of dead-end lines. Fire hydrants shall be spaced so that adequate fire protection to all buildings can be provided; and shall be so located that they will be accessible, protected from traffic hazards, and will not obstruct walks, roadways, or parking facilities.

- a. Fire hydrants shall be required in all subdivisions, subject to the criteria within the specifications, standards or any other policies of the Marshall County Board of Public Utilities.
- b. Fire hydrants shall be located no more than one thousand (1,000) feet apart and be within five hundred (500) feet of any residential, commercial, or industrial lot.
- c. The Marshall County Board of Public Utilities may require closer spacing where physical conditions or types of structures so warrant.
- d. Fire hydrant connections to the water system shall be installed for every lot, in a subdivision, so that future connections will not require digging up or tunneling under streets or interruption to service to other connections on the system.
- e. Fire hydrants shall be installed based on the adequacy of the fire flow capability of the water supply system, subject to the criteria within the specifications, standards or any other policies of the Marshall County Board of Public Utilities.
- f. Fire hydrants shall be classified according to the fire flow capability as follows:

<u>Class</u>	<u>Flow</u>
A	1000 gpm or greater
B	500 to 1000 gpm
C	Less than 500 gpm

- g. The Marshall County Board of Public Utilities shall determine the color coding system of fire hydrants based on the classification of the hydrants' fire flow capability and shall establish the procedures to assure controlled use of all fire hydrants.
- h. The Marshall County Board of Public Utilities shall advise each fire department within the county of all procedures, and any amendments thereto, controlling the use of all fire hydrants.

Amended 10-20-2003

10. Septic Tanks, Sanitary Sewer, and Alternative Wastewater Treatment Systems
(Amended Heading by Resolution, November 15, 2005)

- a. Where any proposed subdivision is not adjacent to and cannot be connected to an existing public sewerage system, lots shall contain either adequate area for the installation of approved septic tank with disposal field or adequate area for an alternative wastewater treatment system with proper facilities. The septic tank with disposal field or the alternative wastewater treatment system shall comply with the minimum standards, as established in the Zoning Ordinance of Marshall County, Tennessee, dated, **April 24, 2004**, and all subsequent revisions. Approval for septic tanks with disposal fields or alternative wastewater treatment systems shall be in writing by the Marshall County Board of Public Utilities, or an authorized representative, at the time of submission of any final plat and shall be made a part of said final plat.
(Amended by Resolution, November 15, 2005)
- b. If it is determined that any subdivision must connect to an existing public sewerage system, then sanitary sewer connections shall not be less than six (6) inches in diameter, and short laterals shall generally be six (6) inches. All other lines shall be eight (8) inches and larger, depending on anticipated flow.
- c. All alternative wastewater treatment systems shall be approved by the Marshall County Board of Public Utilities, or authorized representative, and subject to all local, state, and federal regulations. Upon completion and after approval, all alternative wastewater treatment systems shall be deeded to the Marshall County Board of Public Utilities. **(Added by Resolution, November 15, 2005)**

Amended 8-15-95 & 10-20-2003

B. Guarantee in Lieu of Completed Improvements

No final subdivision plat shall be approved by the planning commission or accepted for record by the county register of deeds until the improvements listed shall be constructed in a satisfactory manner and approved by the Marshall County Highway Department or the Marshall County Board of Public Utilities (the local approving agent). In lieu of such prior construction, the local approving agent may accept a security bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the county in the event of default of the subdivider. In determining the adequacy of particular bonds, the local approving agent may seek the advice of other government officials and/or qualified consultants prior to acceptance. In lieu of roadway construction, a security bond, in the form of a check, received by the Marshall County Highway Department shall be placed in escrow until the roadway is accepted by the Marshall County Highway Department as a public road. At the time of acceptance of the roadway by the Marshall County Highway Department, the bond shall be returned to the developer, along with any interest accrued during the bonding period. The initial bond for the performance period shall be two (2) years from the date of bond issuance. Any extension shall be at the discretion of the local approving agent.

Amended 4-30-90; 8-15-95; 10-20-2003

C. Maintenance Bond

The Marshall County Highway Department and the Marshall County Board of Public Utilities shall receive a maintenance bond due to development of any new roadways or water line extensions to assure any major defects not readily apparent at the time of acceptance. The maintenance bond shall be no less than thirty (30) percent of the initial bond and be for an one (1) year period.

Amended 4-30-90

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.

Amended 9-18-01

A. Enforcement

1. No plat or plan of a subdivision of land into two (2) or more lots located within the area of planning jurisdiction shall be admitted to the land records of the county or received or recorded by the county register of deed until said plat or plan has received final approval in writing by the planning commission as provided in Section 13-3-402, Tennessee Code Annotated.
2. No board, public officer, or authority shall light any street, lay or authorize the laying of water mains or sewers or the construction of other facilities or utilities in any street located within the area of planning jurisdiction, unless such street shall have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the planning commission, or on a thoroughfare plan made and adopted by the commission as provided in Sections 13-3-406 and 13-3-407, Tennessee Code Annotated.

Amended 9-18-01

B. Penalties

1. No county register of deeds shall receive, file, or record a plat of a subdivision within the planning region without the approval of the planning commission as required in Section 13-3-402, Tennessee Code Annotated, and any county register of deeds so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.
2. Section 13-3-410, Tennessee Code Annotated, provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the planning commission and obtained its approval as required before such plat be recorded in the office of the county register of deeds, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The county through its county attorney or other official designated by the Quarterly County Court, may enjoin such transfer or sale or agreement by action or injunction.

3. Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the county attorney or other official designated by the Quarterly County Court may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-411, Tennessee Code Annotated.

ARTICLE VI

ADOPTION AND EFFECTIVE DATE

- A. Before adoption of these subdivision regulations a public hearing as required by Section 13-3-403, Tennessee Code Annotated, was afforded any interested person or persons and was held on **September 24, 1968**.
- B. These rules and regulations shall be in full force and effect from and after their adoption and effective date.

Adopted by Planning Commission : Clarence Powell
Clarence Powell, Chairman

Effective: October, 1968
Date