FAYETTE COUNTY, TENNESSEE
REGIONAL SUBDIVISION REGULATIONS

SEPTEMBER 2015

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ARTICLE I

GENERAL PROVISIONS

1-101 Title

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

1-102 Authority

The Fayette County Regional Planning Commission (hereinafter referred to as "Planning Commission") has adopted these subdivision regulations, in pursuance of the authority and powers granted by Sections 13-3-401 through 13-3-411, Tennessee Code. Having adopted a major street or road plan for the jurisdictional area, and filed a certified copy of the plan, in Plat Book 8, Page 46, with the County Register of Deeds (hereinafter referred to as "County Register"), as required by Sections 13-3-402, Tennessee Code, and having held a public hearing as indicated in Section 7-101, of these regulations, and as required by Section 13-3-403, Tennessee Code, the Planning Commission has fulfilled the requirements set forth in state law as prerequisites to the adoption of these regulations.

1-103 Jurisdiction

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

1-104 Policy and Purpose

It is hereby declared to be the policy of the Planning Commission to consider the subdivision of land and development of a subdivision plat as subject to the control of the adopted land use or community development plan or growth plan (hereinafter referred to as "growth plan") of the jurisdictional area for orderly, planned, and efficient physical and economical development. The Fayette County Growth Plan as required by Public Chapter 1101 shall be the base policy document for these regulations. As such, differing standards and/or procedures may be required for areas with in Planned Growth, Rural and Urban Growth Boundaries.

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

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

These regulations are adopted for the following purposes:

A. To promote the public health, safety, and general welfare of the jurisdictional area.

B. To guide the development of the jurisdictional area in accordance with the growth plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.

C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.

D. To enhance the rural character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.

E. To conserve the value of land, buildings, and improvements throughout the jurisdictional area and to minimize detrimental conflicts among the uses of land and structures.

F. To guide public and private policy and action providing for transportation, water, sewerage, schools, recreational areas, and other public requirements and facilities.

G. To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.

H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; and to insure proper legal descriptions and proper monumenting of land.

I. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to preserve the integrity, stability, beauty, and value of the jurisdictional area.

K. To preserve the natural beauty and topography of the jurisdictional area, and to insure appropriate development with regard to these natural features.

L. To encourage subdivision design, which would maximize the conservation of all forms of energy.

M. To promote and encourage the use of different types of planned developments in conjunction with the Zoning Resolution, to provide flexibility and encourage creativity in the land development process.

N. To recognize and facilitate the differences between Urban, Planned Growth and Rural areas as defined and described by the Public Chapter 1101 Growth Plan.

1-105 Interpretation, Conflict and Severability

1-105.1 Interpretation

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

1-105.2 Conflict with Public and Private Provisions

1-105.201 Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed

by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

1-105.202 Private Provisions

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

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

1-105.3 Severability

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

1-106 Saving Provision

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

1-106.1 Previously Approved Subdivisions

1-106.101 Unexpired Preliminary Approval

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

1-106.102 Expired Preliminary Approval

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

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

subject to the provisions of these regulations.

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

1-107 Amendments

1-107.1 Enactment

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

1-107.2 Codification and Distribution

A copy of each amendment of these Subdivision Regulations shall appear in "Article VII – Adoption of Regulations and Amendments" in sequential order until the Building Commissioner shall have published an updated copy of these regulations, which he shall accomplish in September of each calendar year; and he shall maintain in the files of the Planning Department a permanent record of all amendments, to include a copy of the required newspaper notice.

1-108 Resubdivision of Land

1-108.1 Procedures for Resubdivision

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

1-109 Conditions

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

1-110 Vacating of Plats

Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot described therein, by a written instrument, to which a copy of such plat

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

1-111 Variances

1-111.1 General

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

1. The granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located;

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

3. Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and

4. The variance will not in any manner alter the provisions of the County Growth Plan, the major street or road plan, or any other plan or zoning regulation; and

5. That financial disadvantage to the subdivider is not the principal basis of the alleged hardship; and

6. That the circumstances upon which the variance is based do not result from any action of the subdivider.

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

1-111.2 Procedures

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

in the minutes the grounds for the variance and all of the facts upon which the decision is made. All variances shall be noted on the final plat.

1-111.3 Conditions

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

1-112 Enforcement, Violation and Penalties

1-112.1 General

1-112.101 Authority

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

1-112.102 Enforcing Officer

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

1-112.103 Recording of Plats

Pursuant to Section 13-3-402, Tennessee Code, no plat of a subdivision of land within the jurisdictional area shall be received or recorded by the County Register until the plat has received final approval of the Planning Commission in accordance with these regulations, and such approval has been endorsed in writing on the plat by the Planning Commission secretary in the manner prescribed by Section 2-105, of these regulations.

The subdivider shall be responsible for completing the plat and obtaining all necessary approvals. The enforcing officer shall be responsible for reviewing the plat, obtaining the Planning Commission's Secretary's signature and recording the plat. The subdivider shall pay all recording fees.

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

1-112.104 Use of Unapproved Plats

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

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

1-112.105 Metes and Bounds Subdivisions

The subdivision of any lot or parcel of land by use of metes or bounds description without complying with the plat provisions of these regulations shall not be permitted.

1-112.106 False Statements About Roads

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

1-112.107 Landlocked Parcels

No building permit shall be issued for any lot created after November 20, 1984, which does not have the minimum required frontage on an approved road as defined in the Fayette County Zoning Resolution.

1-112.108 Public Roads and Utilities

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

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

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

1-112.109 Building Permits

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

1-112.2 Penalties for Violations

1-112.201 Recording of Unapproved Plats

No County Register shall receive, file, or record a plat of a subdivision within the planning region without the approval of the Planning Commission, as required in Section 13-3-402, Tennessee Code, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. Any county register, receiving, filing or recording a plat of a subdivision in violation of Subsection 1-112.103, of these regulations, shall be deemed guilty of a violation of the above-cited provision of the Tennessee Code.

1-112.202 Use of Unapproved Plats

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

1-112.203 Illegal Buildings

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

1-112.3 Civil Enforcement

1-112.301 General

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

1-112.302 Specific Statutory Remedies

a. Use of Unapproved Plats -- The Planning Commission, through its attorney or other official designated by the Planning Commission, the County Commission through its attorney or other official designated by the County Commission, may enjoin by action for injunction any transfer of, sale of, or agreement to sell any land in violation of Subsection 1-112.104, of these regulations.

b. Erection of Unlawful Buildings - Where any building or structure is erected or being erected on any lot in violation of the road or easement frontage requirements of Subsection 1-112.109, of these regulations, the county enforcing officer or the county attorney or other official designated

by the County Commission may bring action to enjoin such erection or cause the building or structure to be vacated or removed.

1-113 Repeal of Previous Regulations

Upon the adoption and effective date of these regulations, the Subdivision Regulations of Fayette County, Tennessee, adopted February 10, 1994, as amended, are hereby repealed.

ARTICLE II

PROCEDURES FOR SUBDIVISION REVIEW AND APPROVAL

2-101 Goal and Policies of the Subdivision Review and Approval Process

It is the goal of this section to elaborate clearly a process for the review and approval of land subdivision that both conforms to Tennessee Code and avoids confusion and dispute to the greatest extent possible.

To implement this goal the development of a major subdivision shall proceed in the following sequence – preliminary plat, site development design, site infrastructure construction, and final plat – and the following three policies shall apply:

First, complete infrastructure construction always shall precede final plat approval, except for final road surfacing as provided below and where the Planning Commission by a written finding has determined it to be in the public interest that some particular element of infrastructure construction should be delayed with suitable financial assurance.

Second, there shall not occur any conditional approval or conditional disapproval of a preliminary plat or final plat; simple approval or simple disapproval are the only choices, provided that a disapproved plat may be resubmitted upon payment of a reconsideration fee of $500.00. The purpose of this fee is not only to offset the cost of another review but also to encourage a subdivider to extend the duration specified by TCA 13-3-404 where his project is unready for approval by the Planning Commission, as well as to discourage repeated submissions that cannot be approved because of nonconformity with the zoning resolution or failure to meet the standards of these regulations.

Third, multiphase preliminary plats shall not be approved, as the fifteen (15) year 'freeze' in development standards that TCA 13-3-413 provides a multiphase project is too lengthy a duration for regulatory stasis in a suburbanizing jurisdiction extensively dependent for its economic well-being on agriculture, which depends on environmental factors often destabilized by extensive land development. Further, no site development design or final plat shall be approved that does not incorporate a project's entire approved preliminary plat, which policy shall be considered a written finding herein by the Fayette County Regional Planning Commission, the overseeing local authority in such matters, that *any* material change of a project from what has received preliminary plat approval will increase the oversight and inspection expenditures of county government necessary to implement and sustain the proposed use.

2-102 General Procedure

2-102.1 Plat Approval Requirements

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

subdivision in accordance with the procedures of this article. Following the Planning Commission's approval and recordation of the plat in the County Registrar's Office, parcel sales and the issuance of building permits may occur.

2-102.2 Classification of Subdivisions

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

2-102.201 Review Procedure

The subdivider shall follow the procedure described below in order to secure plat approval. A major subdivision within an Urban Growth Boundary shall be disapproved if it has not been reviewed by the appropriate municipal planning commission prior to review by the regional planning commission.

A. Minor Subdivision

1. Pre-application conference with the planning staff including submittal of a scale drawing or survey of the proposed subdivision for preliminary discussion and review.

2. Securing of approvals from other relevant public agencies, including the Tennessee Department of Environment and Conservation Groundwater Protection Division, or its successor agency.

3. Submittal of a final plat, prepared in accordance with the specifications in Section 5-103, herein, for approval by the Planning Commission.

4. When a subdivision either (1) combines lots without altering its exterior boundaries or (2) divides a tract into no more than two lots and does not involve any road or public utility construction to serve such lot(s), the approval may be endorsed in writing on the plat by the secretary of the Planning Commission upon certification by the planning staff that the subdivision complies in all respects with these regulations and all other adopted ordinances and policies of the governing body; provided, further, that no request for a variance from these regulations has been requested or will be required as a result of said approval. May be submitted on 81/2" x 14" paper.

5. Any person authorized to endorse approval in writing on the final plat, as provided in Section 2-102.201, A.4 herein, may refuse to endorse approval of the plat and request consideration of the plat by the Planning Commission at the next regularly scheduled meeting of the body.

6. Minor subdivisions in areas designated as Rural by the Growth Plan shall only be permitted once every twelve months from any parent tract of land.

B. Major Subdivision

1. Pre-application meeting with the Planning Director and staff.

2. Submittal of a Preliminary Plat by the subdivider prepared in accordance with Section 2-103 for Planning Commission review and action.

3. Submittal of a site development design to the Planning Director suitable for his approval.

4. Complete and satisfactory construction of all site infrastructure described by the approved site development design.

5. Submittal of the final subdivision plat prepared in accordance with Section 5-103, infra, to the regional planning commission for its approval, along with all required security instruments and payments.

C. Large Lot (Over Five Acres Subdivisions Requiring Construction of Electric Utilities)

Where a land division into multiple lots constitutes a subdivision only because of the necessity of electrical utility construction (excluding service lines), it may be treated as a minor plat and approved by the Planning Commission's secretary upon submission of a final plat as directed by these regulations and with full payment of all applicable fees. The secretary of the Planning Commission may refuse to sign the plat and forward it to the full Planning Commission for review.

2-102.3 Official Filing Date

For both preliminary plats and final plats as well as site development designs the official filing date shall be the date a plat is submitted bearing the signed seal of the surveyor or engineer accompanied by payment of the relevant review fee as documented by the county receipt, which payment it shall be the subdivider's responsibility to initiate, provided that no final plat shall be considered as properly filed that is submitted prior to certification by the Planning Commission that all required infrastructure construction has been fully and satisfactorily completed. Once filed as specified herein, a preliminary plat or final plat shall be placed on the agenda of the Planning Commission within thirty (30) days of the filing or the next regularly scheduled Planning Commission meeting after the thirty (30) day period. The subdivider may waive the time frame requirement for the plat's placement on the agenda and consent to an extension or extensions of the applicable time period.

2-103 Preliminary Plat (Major Subdivisions Only)

2-103.1 Procedure and Requirements

A preliminary plat shall be submitted to the planning department in twenty-five (25) copies, or fewer if authorized by the Planning Director. The preliminary plat shall serve as a diagrammatic basis for discussion with the Planning Commission regarding the design of the proposed subdivision. Preliminary plat submission is required by the Planning Commission for all major subdivisions as a way of helping applicants and

planning commissioners develop a better understanding of the property and its features.

A preliminary plat shall include the information listed in items 1-14 below. The preliminary plat is not intended to be a completely engineered drawing, but rather a general description and drawing of the proposal, provided that where individual sewage disposal systems will be used each proposed lot shall have been approved conclusively with applicable restrictions by the Tennessee Department of Environment and Conservation Division of Groundwater Protection, or its successor agency. The applicant should utilize existing sources of information in formulating the preliminary plat.

1. Name and address of the legal owner and/or the applicant.

2. Name of person responsible for preparing the plan.

3. Graphic scale and north arrow, however dimensions need not be exact at this stage.

4. Approximate property boundaries.

5. Location map depicting the entire property including all subdivisions, subdivision sections or phases; and the entirety of all tracts, properties or subdivisions surrounding the subject property. Separate sheets can be utilized if approved by the planning staff. Existing sources of information should be utilized. The intent is to depict the proposal within the context of its surroundings.

6. Existing and proposed zoning.

7. Floodplain and floodway limits, if any.

8. Topographic, physical and cultural features including but not limited to, fields, pastures, hills and gullies, wooded areas, hedgerows and other significant veegetation, ponds, ditches, drains, dumps, storage tanks, streams within the tract, existing rights-of-way and easements and cultural features such as all structures, foundations, walls, wells, significant trails, and abandoned roads. Existing sources of information should be utilized.

9. A schematic layout depicting a general concept for development.

10. A brief narrative describing the proposed development concept, to include the approximate number and size of lots, provisions for open space, etc.

11. In the case of plans involving nonresidential uses, the proposed location of buildings and major structures and parking areas.

12. General description of proposed method of water supply, sewage disposal and stormwater management.

13. Include a site context map showing the location of the proposed subdivision within the context of the lands surrounding it. For sites less than 100 acres, the context map shall show the relationship of the subject property to natural and cultural

features within 1,000 feet of the site. For sites of 100 acres or more, the context map shall show the above within 2,000 feet of the site. The features that shall be shown should include but are not limited to property lines, roads, significant trails, utility easements, topography, streams and floodplains, public lands and woodlands over one/half an acre.

14. Accompanied by a review fee of $1,000.00 plus $75 per proposed lot.

2-103.2 Hearing and Notice on Preliminary Plat

No preliminary plat shall be acted upon by the Planning Commission without affording a hearing thereon, notice of the time and place of which shall be sent by mail to the address of the owner and/or subdivider stated on the plat at least five (5) days before the date of the hearing.

2-103.3 Preliminary Plat Approval or Disapproval

The Planning Commission shall approve or disapprove a preliminary plat within sixty (60) days after its initial consideration at a regularly scheduled meeting, unless at the end of the sixty (60) day period there is a holiday or an unexpected interceding event that closes county government offices, in which case the preliminary plat shall be approved or disapproved at the next regularly scheduled meeting of the commission after the sixty (60) day period; otherwise, the preliminary plat shall be deemed approved and a certificate to that effect shall be issued by the Planning Commission on demand. The subdivider may waive the time frame requirement for approval or disapproval of the preliminary plat and consent to an extension or extensions of the applicable time period. If a preliminary plat is disapproved, the Planning Commission shall state specific reasons for the disapproval, which shall be entered into the minutes of the meeting.

The Planning Commission shall not approve any preliminary plat showing land for any public use other than roads without approval for the land reservation first having been obtained from the County Commission or other appropriate governmental authority.

2-103.4 Approved Preliminary Plat A Vested Property Right

A preliminary plat shall be considered a "preliminary development plan" for purposes of TCA 13-3-413 and shall have a vested property right in the development standards governing the project for a period of ten (10) years following the date of Planning Commission approval, during which time no development standards thereafter adopted shall apply to the approved preliminary plat except as provided by TCA 13-3-413. The Planning Commission may grant an extension or extensions of the ten (10) year period upon a written finding by the commission that such extension(s) will best serve both equity and the public interest.

2-103.401 Applicability of Vested Property Right

The ten (10) year vested property right in an approved preliminary plat applies to the plat in its entirety and not to a portion thereof. There is no deadline in these regulations for submission of a site development design following preliminary plat approval, nor any deadline herein to begin infrastructure construction, but the site

development design must incorporate the entire approved preliminary plat, and the entire project as depicted by the approved preliminary plat must obtain certification by the Planning Commission as fully and satisfactorily completed in all required infrastructure construction not later than ten (10) years after the date of preliminary plat approval. To either seek site development design approval for only a portion of the approved preliminary plat or to accomplish infrastructure construction for only a portion of the approved preliminary plat will require the submission of a revised preliminary plat for approval or disapproval by the Planning Commission, which if approved will restart the ten (10) year period, subject to the zoning law and subdivision regulations then current, or as nearly so as reasonably can be attained for infrastructure already installed.

2-103.402 Documentation of Vested Property Right

To document the development standards applicable during the ten (10) year vesting period the Planning Commission shall cause a complete copy of the then-current subdivision regulations and zoning resolution to be recorded in the Office of the Fayette County Register promptly following preliminary plat approval, as well as a plat captioned "Vested Preliminary Development Plan" adapted from the approved preliminary plat to remove all lot numbers and such other data as might be misconstrued to indicate final plat approval. The recorded subdivision regulations and zoning resolution and the plat captioned "Vested Preliminary Development Plan" shall reference each other and each document prominently shall state both the date of preliminary plat approval and that the sole purpose and utility of the recordation is to document the date and content of the vested development standards.

2-103.5 Zoning Regulations

Every plat shall conform to the zoning regulations applicable at the time of preliminary plat approval.

2-104 Site Development Plans Design (Major Subdivisions Only)

2-104.1 Application Procedure and Requirements

Following preliminary plat approval a subdivider shall submit to the Planning Director a site development design, which shall correspond to and incorporate the entirety of the approved preliminary plat, and no construction of infrastructure shall begin nor shall any elevation be changed prior to the Planning Director's approval of the site development design. The Planning Director shall confer with the Fayette County Department of Public Works in his evaluation of the site development design, as well as with other local and state authorities as needed. Evaluation of the site development design shall not be unreasonably protracted, and in no case shall it extend beyond 120 days without a written explanation to the Planning Commission. Should the Planning Commission find the explanation unsatisfactory, the Planning Commission itself may approve the site development design. The site development plans shall be prepared in accordance with Section 5-102 and shall be submitted to the planning department in ten (10) copies, or fewer if authorized by the Planning Director.

Submission of the site development design shall be accompanied by review fees in the amount of:

$150 plus 25 cents per linear foot of road for initial review
$350 for each re-review
$150 plus 15 cents for each foot of linear road for inspection.

2-105 Site Infrastructure Construction

Under county inspection there may commence the construction of roads, utilities, drainage ways, erosion controls, and other facilities and improvements as well as site grading and shaping following written approval of the site development design by the Planning Director or Planning Commission as provided above. Responsibility shall be with the subdivider to obtain certification by the Planning Commission that all required infrastructure construction has been fully and satisfactorily completed within ten (10) years after the date of preliminary plat approval (the vested period), which certification may be by a vote of the Planning Commission recorded in the commission's approved minutes.

2-106 Final Subdivision Plat (Minor and Major Subdivisions)

2-106.1 Procedure and Requirements

A final plat shall be prepared in accordance with Section 5-103, and shall:

1. In the case of a major subdivision, correspond to and incorporate the entirety of the approved preliminary plat.

2. Be submitted to the planning department in twenty-five (25) copies, or fewer if authorized by the Planning Director, provided that in the case of a minor subdivision as described in Section 2-102.201(A)(4) only five (5) copies are required.

3. Be accompanied by payment of a plat review fee of fifty dollars ($50.00) for a minor subdivision or fifty dollars ($50.00) plus five dollars ($5.00) per lot for a major subdivision to a maximum of seven hundred dollars ($700.00).

4. In the case of a major subdivision, be accompanied by a cash escrow for final road surfacing and for any other final site improvements deferred by the Planning Commission, which cash escrow shall be in an amount required by the Planning Director with the concurrence of the Public Works Director and placed in an interest-bearing account; submitted with the cash escrow shall be all instruments of conveyance necessary to constitute irrevocable offers of dedication free and clear of liens and encumbrances of all site facilities intended by the Planning Commission to be for public use and maintenance.

5. In the case of a major subdivision, be accompanied by written assurance from any public utility companies serving the area of the subdivision that necessary utilities will be installed as required by the Planning Commission.

6. Be accompanied by the following documents for approval or disapproval by the

Planning Commission if any portion of the site or facilities will be in common ownership:

(a) plans for improvement and maintenance of the open space or facilities located thereon;

(b) articles of incorporation and bylaws of the co-owners association or other legal entity (where open space or facilities are to be deeded to a co-owners association or similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision; and

(c) declaration of covenants and restrictions pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended, where open space or facilities are to be retained by the developer or any private entity associated with the development.

7. Be submitted in electronic form in either Microstation DGN Version 7 or better or AutoCAD DWG format.

2-106.2 Hearing and Notice on Final Plat

No final plat shall be acted upon by the Planning Commission without affording a hearing thereon, notice of the time and place of which shall be sent by mail to the address of the owner and/or subdivider stated on the plat at least five (5) days before the date of the hearing.

2-106.3 Final Plat Approval or Disapproval

The Planning Commission shall approve or disapprove a final plat within sixty (60) days after its initial consideration at a regularly scheduled meeting, unless at the end of the sixty (60) day period there is a holiday or an unexpected interceding event that closes county government offices, in which case the final plat shall be approved or disapproved at the next regularly scheduled meeting of the commission after the sixty (60) day period; otherwise, the final plat shall be deemed approved and a certificate to that effect shall be issued by the Planning Commission on demand. The subdivider may waive the time frame requirement for approval or disapproval of the final plat and consent to an extension or extensions of the applicable time period. If a final plat is disapproved, the Planning Commission shall state specific reasons for the disapproval, which shall be entered into the minutes of the meeting.

2-107 Administration

Throughout the process of subdivision design and construction the planning staff shall monitor the project, issue corrective instructions as necessary, and collaborate fully with other supervising agencies.

2-108 Signing and Recording of Subdivision Plat

No final plat shall be recorded without the signature of all officials indicated by the certifications appearing on the final plat, and until all other required signatures have been obtained the Secretary of the Planning Commission shall not affix his or her

signature to the final plat. Also, the Secretary of the Planning Commission shall sign the final plat only after written confirmation by the Planning Director that all required payments and documents have been received. Until a final plat is recorded its approval by the Planning Commission shall be revocable.

2-109 Policy and Evaluation in Areas Within a Floodway or 100 Year Floodplain

2-109.1 Policy

Land within a floodway shall not be subdivided.

In determining the appropriateness of a proposed subdivision design at any site within a floodplain, the Planning Commission shall consider the policy and purpose set forth in Section 1-104 of these regulations and:

1. The danger to life and property due to the increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses; and

2. The danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others; and

3. The adequacy of proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions; and

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner; and

5. The importance of the services provided by the proposed facility to the community at large; and

6. The requirements of the subdivision for a waterfront location; and

7. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses; and

8. The compatibility of the proposed uses with existing development or development anticipated in the foreseeable future; and

9. The relationship of the proposed subdivision to the County Growth Plan and the floodplain management program for the area; and

10. The safety of access to the property for emergency vehicles in times of flood; and

11. The expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site; and

12. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public roads, and bridges; and

13. The effect of the proposed subdivision upon the Planning Commission's participation in the National Flood Insurance Program.

No subdivision or part thereof within the 100 year floodplain shall be approved by the Planning Commission if proposed levees, fills, structures, or other features within the subdivision will, individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (the one hundred-year flood level) shall be determined from the latest approved flood study for the jurisdictional area, and any subsequent revisions thereto. Specific engineering studies are to be formulated by the developer in those areas in which flood data are not currently available, if deemed necessary by the Planning Commission.

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

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

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

2-109.2 <u>Evaluation</u>

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

1. Calculation of water surface elevations and regulatory flood protections based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood; and

2. Computation of the floodway required to convey the regulatory flood without increasing natural flood heights of the regulatory flood more than one (1) foot at any point; and

3. Unless otherwise established, computation of increase in flood heights caused by any encroachment based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. No increase in flood storage attributable to encroachments on the floodplain of any river

or stream shall be permitted in any one reach or for the cumulative effect of several reaches.

2-110 Special Provisions Governing Unit Ownership (Condominium) Subdivisions

2-110.1 General Provisions

A. Intent – This section is intended to augment the provisions of Tennessee Code Annotated Sections 66-27-101 through 66-27-123, entitled "Horizontal Property Act," by providing supplemental rules and regulations for the implementation of the act, as specifically authorized in TCA Section 66-27-121.

B Applicability – Whenever a developer, the sole owner, or the co-owners of a building or buildings expressly declare through the submission of a master deed, lease, or plat their desire to submit their property to a regime, as established and provided by TCA Sections 66-27-101 through 66-27-123, wherein there is established a horizontal property regime, each such condominium or horizontal property regime created under the authority of these provisions for the purpose of sale or transfer of real property shall be subject to the provisions of these regulations.

2-110.2 Submission of Plat Required

Prior to the sale or transfer of any property incorporated in the property regime, the developer, sole owner or co-owners of such property shall submit to the Planning Commission a subdivision plat of such property in the manner prescribed by this article; such plat, if approved, shall be filed with the County Register in the manner prescribed by this article.

2-110.3 Determination of Subdivision Type

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

2-110.4 Procedure

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

2-110.5 Contents of Plans and Documents

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

ARTICLE III

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

3-101 Improvements

3-101.1 Completion and Warranty of Improvements

Complete and satisfactory construction of all site infrastructure described by the approved site development design shall precede final plat approval, as well as repairs needed in consequence of construction activity, except where the Planning Commission by a written finding has determined it to be in the public interest that some particular element of infrastructure construction should be delayed with suitable financial assurance.

The applicant shall warrant all installed site improvements against any defect of materials or workmanship for a period of one (1) year following final plat approval and shall provide, in the format and amount required by the Building Commissioner with the concurrence of the regional planning commission, a surety to secure the warranty.

Following expiration of the warranty, the subdivider within four (4) years shall accomplish final road surfacing and complete any other deferred final site improvements. He shall be allowed to pay his contractor(s) from the cash escrow provided under Section 2-105.1(7), supra, and any unspent balance, with accrued interest, shall be refunded to the subdivider. The regional planning commission shall require of the contractor(s) a one (1) year warranty against any defect of materials or workmanship and an appropriate surety to secure the warranty.

3-101.2 Temporary Improvements

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

3-101.3 Costs of Improvements

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

3-101.4 Acceptance of Dedication Offers

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

3-102 Inspection of Improvements

3-102.1 General Procedure

The Planning Commission may provide for inspection of required improvements during construction and ensure their satisfactory completion. If the appropriate governmental representative finds upon inspection that any of the required improvements has not been constructed in accordance with the governing body's construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards.

3-103 Maintenance of Improvements

The applicant shall be required to maintain every public improvement until it has been accepted by the appropriate governmental representative.

ARTICLE IV

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN

4-101 General Requirements

4-101.1 Conformance to Applicable Rules and Regulations

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

1. all applicable provisions of Tennessee Law, regulations, or policy;

2. any zoning resolution, any building and housing codes, and all other applicable laws or policies of the Planning Commission;

3. the County Growth Plan and major roads, streets or public way plan;

4. the rules of the county health department and the Tennessee Department of Environment and Conservation;

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

4-101.2 Self-Imposed Restrictions

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

4-101.3 Monuments and Permanent Markers

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

1. Monuments shall be located on public road right-of-way lines, at road intersections, and at the beginning and ending point of curves.

2. The major external boundaries and their corresponding corners of a subdivision shall be monumented in the field by metal fence posts and marked by the surveyor's identification as required by Tennessee Code Annotated.

3. All internal boundaries, breaks at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along a meander line (said points to be not less than twenty (20) feet back from

the bank of any river or stream, except that when such corners or points fall within a public road or proposed future public road, the permanent markers shall be placed on the side line of the public road) and any other corners or points not referred to in the preceding paragraph shall be permanently marked in the field by iron rods, pipe, or pins at least twenty four (24) inches long and one-half (1/2) inch in diameter.

4. The lines of lots that extend to rivers or streams shall be permanently marked in the field by iron pins at least twenty four (24) inches long and one-half (1/2) inch in diameter or by round or square iron bars at least twenty four (24) inches long. Such pins shall be placed at the point of intersection of the river or stream and lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream.

5. All monuments and pins shall be properly set in the ground and approved by a licensed surveyor prior to the time the Planning Commission recommends approval of the final plat.

4-101.4 Character of the Land

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

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

1. the imposition of any restrictions enforceable by the Planning Commission to regulate the future type and design of uses within the flood prone areas; and

2. flood protection measures designed so as not to increase, either individually or collectively, flood flows, height, duration, or damages, and so as not to infringe upon the regulatory floodway;

3. installation of flood warning systems;

4. the use of fill, dikes, levees, and other protective measures;

5. the use of floodproofing measures, which may include:

   (a) anchorage to resist flotation and lateral movement;

   (b) installation of watertight doors, bulkheads, shutters, or other similar methods of closure;

   (c) reinforcement of walls to resist water pressures;

(d) use of paints, membranes or mortars to reduce seepage through walls;

(e) addition of mass or weight to structures to resist flotation;

(f) installation of pumps to lower water levels in structures;

(g) construction of water supply and waste treatment systems so as to prevent the entrance of or contamination of flood waters;

(h) installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures;

(i) building design and construction to resist rupture or collapse caused by water pressure of floating debris;

(j) installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and storm water into buildings or structures;

(k) location and installation of all electrical equipment, circuits, and appliances so that they are protected from inundation by the regulatory flood;

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

The acceptability of any flood protection methods formulated by the subdivider or his agent shall be determined by the Planning Commission, which shall be guided by the policies set forth in Section 1-104 and Subsection 2-102.4 of these regulations.

Where protection of the recharge of the Memphis Aquifer is considered necessary by the Planning Commission, the following aquifer protection techniques may be required, as deemed appropriate by the Planning Commission:

(a) Methods and devices to reduce the amounts of impervious surfaces.

(b) Stormwater runoff control and treatment methods.

(c) Restrictions upon underground storage tanks.

(d) Water conservation techniques including but not limited to native landscaping and water saving devices.

(e) Restrictions on the use and storage of various chemical compounds.

4-101.5 <u>Density Policy</u>

The Planning Commission may impose on any subdivision more restrictive density requirements than those of the Fayette County Zoning Resolution **where there occur at least three (3) of the following circumstances:**

1. the subdivision will be located either two (2) or more miles from a fire hydrant connected to a municipally owned and operated public water supply system or more than three (3) miles from the nearest fire department by which it will be served (as measured on the most direct route along paved public roads to the principal entrance of the subdivision);

2. the subdivision will be located more than five (5) miles from the public elementary school by which it will be served (as measured by the most direct route along paved public roads to the principal entrance of the subdivision);

3. the subdivision will be located where access or lot frontage is only or primarily by an unpaved road or would necessitate premature public road improvements;

4. the subdivision would be located where undeveloped lands within one (1) mile in all directions from any part of the subdivision are fifty percent (50%) or more prime farmland (as designated by the most recent Prime Farmlands Map(s) of the U.S. Department of Agriculture Soil Conservation Service);

5. The subdivision will be located in an area designated as Rural on the Growth Plan.

Further, it shall be the responsibility of the subdivider to demonstrate compliance with the above. Additionally, the Planning Commission may impose on a subdivision more restrictive density requirements than those of the Fayette County Zoning resolution if the land has been designated for condemnation within the next two (2) years by any duly empowered public or semi-public authority or if the land lies within a one hundred (100) year floodplain.

4-101.6 Subdivision Name

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in Fayette County. The Planning Commission shall have final authority on the name of the subdivision, which shall be determined at sketch plan approval.

4-102 Lot Requirements

The Planning Commission shall have the final authority on any and all lot arrangements, layouts and design.

4-102.1 Lot Arrangement

4-102.101 General

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

4-102.103 Lots Subject to Flood

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

In nonresidential building sites outside a floodway but subject to flooding, the use of structural floodproofing methods specified in Subsection 4-101.4, of these regulations, as an alternative to landfill, may be approved by the Planning Commission, as provided in Subsection 2-102.4 of these regulations.

4-102.104 Lots Located on Steep Slopes

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

a. Site Development Plan Required – No sketch plan or plat shall be approved for any site with slopes thirty (30) percent or greater until a site plan meeting the following requirements has been approved by the Planning Commission. Said site plan shall show:

   (i) The exact size, shape and location of the proposed lot(s);

   (ii) The proposed location of all buildings, driveways, drainage ways, and utilities;

   (iii) Proposed contours at vertical intervals of no more than five (5) feet;

   (iv) The extent of natural tree cover and vegetation;

   (v) The location of any onsite soil absorption sewage disposal systems;

   (vi) The type and location of erosion control methodology;

   (vii) Proper design for areas with steep slopes and land slide problems completed by a Registered Engineer;

   (viii) The surveyor's or engineer's stamp that prepared the plan.

b. Site Development Standards -- The following standards shall be used as a guide in determining the suitability of the construction proposed for the particular site in question. The engineer's design required in Subsection 4-102.104, a, (viii), above, shall address these standards.

(i) Natural vegetation shall be preserved to the maximum extent possible;

(ii) Natural drainage ways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques;

(iii) Operations such as, but not limited to, filling, irrigation systems, accessory buildings, and onsite soil absorption sewage disposal systems that increase loads, reduce slope support, and cause instability of the slope shall be prohibited to the maximum extent possible while permitting reasonable development of the site;

(iv) Where sanitary sewers are not available, any onsite sewage disposal system shall be shown on the site plan and located to avoid slide-prone areas, and such system first shall have been approved by the Tennessee Department of Environment and Conservation prior to the Planning Commission's review, taking into account these requirements;

(v) Erosion control measures shall be employed to prevent all soil material from leaving the site, and soil from excavation on the site shall not be disposed as fill on a potential slide area;

(vi) No construction which would cut the toe of the slope shall be permitted, and this shall apply as well to subdivision roads constructed under these regulations.

c. All lots subject to these provisions shall be so designated on the final plat

4-102.2 Lot Dimensions

Lot dimensions shall comply with the minimum standards of any applicable zoning law. Generally, side lot lines shall be at right angles to road lines or radial to curving road lines.

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

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

4-102.3 Deleted

4-102.4 Building Setback Lines

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

Voltage of Line	Building Setback

7.2	**KV**	**15**	**feet**
13	**KV**	**20**	**feet**
46	**KV**	**37 1/2**	**feet**
69	**KV**	**50**	**feet**
161	**KV**	**75**	**feet**

In the case of underground gas, oil or other type of volatile liquid or gas, the Planning Commission may require setbacks depending on the nature of the line.

4-102.5 Double Frontage Lots and Access to Lots

4-102.501 Double Frontage Lots

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

In the case of double frontage lots, said double frontage lots shall use front yard setbacks on all sides that face the road, and rear yard setbacks shall be used on the portion of the yard that is obviously the rear. No side yard setbacks shall be used on any lot with double frontage.

The Planning Commission will require minimum lot sizes to accommodate the required setbacks, along with an additional 15 foot wide area with sufficient and significant screening and buffering for any double frontage lots.

4-102.502 Access Driveways from Roads

The Planning Commission may require that lots shall not derive access exclusively from arterial or collector roads. Where driveway access from such roads may be necessary for several adjoining lots, the Planning Commission may require that the lots be served by a combined access drive in order to limit possible traffic hazards.

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

4-102.601 Soil Preservation and Final Grading

Except as required for the building site, topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide cover on the lots. Upon lots served by individual sewage disposal systems, grading shall be performed in strict accordance with requirements of the local office of the State Department of Environment and Conservation. No final plat shall be approved without such alteration of lots or individual sewage disposal system approvals as may be specified by the Tennessee Department of Environment and Conservation Division of Groundwater Protection, or its successor agency, to correct damage to soils caused by construction activity since the time of sketch plan approval; and all final plats shall depict areas where soils shall not be disturbed to ensure properly functioning individual sewage disposal systems.

4-102.602 Lot Drainage

Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the affected watershed, which includes subsurface drainage. Drainage shall be so designed so as to avoid concentration of storm drainage water from each lot to adjacent lots as required in 4-105.

Second Paragraph Deleted.

The subdivision developer will insure that all artesian ground waters of a permanent or temporary nature encountered within the right-of-way will be intercepted and properly handled for maximum aquifer recharge. Regardless of the location of property lines, intercept will be allowed at the point of artesian surfacing. The intent of this paragraph is to perform this work upon evidence of artesian water for a period of one (1) year following acceptance of all roads and utilities.

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

4-102.603 <u>Erosion and Sediment Control</u>

There shall be a minimization of changes in the rate of natural erosion and sedimentation, which result from the development process. An erosion and sediment control plan shall be presented for review and approval to the Fayette County Public Works Department with the site development plans submitted in conformance with Section 5-102, of these regulations. Such plans shall incorporate the following principals:

a. clearing and grading shall be integrated with layout design;

b. clearing shall be minimized and existing vegetation shall be preserved to the maximum feasible degree;

c. grading shall be strictly limited to those areas involved in current construction activities;

d. disturbed areas shall be protected and stabilized as soon as possible;

e. structural and vegetative measures to control the velocity and volume of runoff shall be required;

f. sediment basins and traps shall be required as necessary;

g. adequate maintenance of all planting and structures measures shall be assured.

4-102.7 <u>Debris and Waste</u>

No cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot or road at the time of the issuance of a certificate of occupancy for the lot, and removal of such waste shall be required prior to issuance of any certificate of occupancy. Neither shall any such waste be left nor

deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

4-102.8 Fencing and Screening

Each subdivider or developer shall be required to furnish and install all fences and/or screening wherever the Planning Commission determines that conditions warrant it. Such conditions could include differing land uses or zoning districts, protection of natural features or other hazardous or conflicting occurrence. Such fences and/or screening shall be constructed according to standards established by the Planning Commission, as appropriate, and shall be noted on the final plat as to height and required materials. No certificate of occupancy shall be issued for any lot until such fence and/or screening improvements have been installed.

4-102.9 Water Bodies and Watercourses

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

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

4-103 Roads

4-103.1 General Requirements

4-103.101 Frontage on Improved Roads

No subdivision shall be approved unless the area to be subdivided shall meet the requirements for access set forth in Subsection 1-112.107, of these regulations. If any new road construction is proposed, all construction shall be in accordance with the provisions of these regulations and their appendices. All public road improvements shall be dedicated to the appropriate governmental body as provided in Articles II and III of these regulations, and placed under a maintenance bond for a period of one (1) year from the date of acceptance.

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

Whenever the area to be subdivided is within a Planed Growth Area or Urban Growth Boundary, and is bounded by an existing county road, said road shall be suitably improved as provided herein above. The Planning Commission shall further require that the entire right-of-way required by these subdivision regulations and the Major Road Plan be dedicated to the county as a condition of final plat approval. The Planning Commission may require payment in lieu of improvement, or a combination of payment and improvements after consultation with the Public Works Director. Said payments shall cover the estimated costs of improvements as determined by the Public Works Director. Said funds shall be held and only be utilized to construct necessary road improvements along the subdivision's existing road frontage at a future date determined by the Public Works Board.

Whenever the area to be subdivided is located within a designated Rural area, and is bounded by an existing county road, the Planning Commission may after consultation with the Public Works, Fire, Emergency Management and other pertinent departments require that said road frontage be suitably improved to meet current Fayette County Road improvements specifications as defined in these regulations. The Planning Commission may require payment in lieu of improvement, or a combination of payments and improvements after consultation with the Public Works Director. Said payments shall cover the estimated costs of improvements as determined by the Public Works Director. Said funds shall be held and only be utilized to construct necessary road improvements along the subdivision's existing road frontage at a future date determined by the Public Works Director. Further, the Planning Commission shall require the proper right-of-way dedication in areas designated as Rural.

If the required road improvements in any area are not begun within fifteen (15) years of deposit of any monies, all monies and interest shall be returned to the applicant.

4-103.102 Grading and Improvement Plan

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

4-103.103 Curbs and Gutter

Where new roads are installed and more than ten (10) percent of the lots will be less than one acre in size, there shall be installed curbs, gutters and storm sewers as necessary.

4-103.104 Improvements in Floodable Areas

The finished elevation of proposed roads subject to flood shall be no less than one (1) foot above the regulatory flood protection elevation. The Planning Commission may require profiles and elevations of roads to determine compliance with this requirement. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring

the finished elevation of any road to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable to the appropriate governmental representative.

4-103.105 Private Roads

Private dead-end roads shall be permitted, only where public roads are permitted according to the Zoning Resolution, but shall be constructed to current county road standards. Approval from Public Works and input from the Fire and Emergency Management Departments shall be required before any final plat containing private roads shall be approved.

4-103.106 Topography and Arrangement

a. All roads shall be arranged so as to obtain as many of the building sites as possible at or above the grades of the roads. Grades of roads shall conform as closely as possible to the original topography. A combination of steep grades and curves shall not be permitted. Specific design standards are contained in Subsection 4-103.2, of these regulations.

b. All roads shall be properly integrated with the existing and proposed system of public roads and dedicated rights-of-way as established on the Major Road Plan and with minor roads not depicted on the Major Road Plan.

c. All roads shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; to population densities; and to the pattern of existing and proposed land use.

d. Minor roads shall be designed to conform as much as possible to the topography; to permit efficient traffic patterns; to permit efficient drainage and utility systems; and to require the ways necessary to provide convenient and safe access to property.

e. Innovative road design and patterns shall be encouraged where such design will increase connectivity and result in a more desirable layout.

f. Proposed public roads shall be extended utilizing right-of-way reservations to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the subdivision design with the existing layout or the most advantageous future development of adjacent tracts.

g. In commercial and industrial developments, roads and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

4-103.107 Blocks

a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block may be permitted in blocks adjacent to major public roads, railroads, or waterways.

b. The lengths, widths, and shapes of blocks shall be determined with due regard to:

   (i) provision of adequate building sites suitable to the special needs of the type of use contemplated;

   (ii) any zoning requirements as to lot sizes and dimensions;

   (iii) needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic; and

   (iv) limitations and opportunities of topography.

c. Blocks shall be of suitable length and depth to serve the proposed development.

d. In any long block, the Planning Commission may require the reservation of an easement, or the placement of a road through the block to accommodate utilities, drainage, facilities, and/or pedestrian traffic.

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

4-103.108 <u>Access to Arterials and Collectors</u>

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

a. a series of cul-de-sac, "U" shaped roads, or short loops entered from and designed generally at right angles to such a parallel road, with the rear lines of their terminal lots backing onto the arterial or collector route; or

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

4-103.109 <u>Reserve Strips</u>

The creation of a reserve strip adjacent to a proposed new road in such a manner as to deny access from adjacent property to such road shall not be permitted.

4-103.110 <u>Arrangement of Continuing and Dead-End Roads</u>

a. Continuing Roads -- The arrangement of roads shall provide for the continuation of roads between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provisions of utilities, and when such continuation is in accordance with the major road or road plan as determined by the Planning Commission. If the adjacent property is undeveloped and the road must be a dead-end road temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac, temporary T-shaped or L-shaped turnabout shall be provided on all temporary dead-end roads as required in the following turnabout standards, with a notation on the subdivision plat that land outside the normal road right-of-way shall revert to abutting property owners whenever the road is continued. All proposed future roads contained within a proposed subdivision shall be improved prior to final plat approval, except for reservations as described in 4-103.106.

The Planning Commission may limit the length of temporary dead-end roads in accordance with the design standards of these regulations.

b. Dead-End Roads – Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than one hundred (100) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout shall be provided at the end of a dead-end road in accordance with the design standards of these regulations.

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

4-103.2 Design Standards

4-103.201 Purpose

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

4-103.202 General Design

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

4-103.203 Intersections

a. Roads shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new roads at an angle of less

than seventy-five (75) degrees shall not be permitted. An oblique road should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet there-from. Not more than two (2) roads shall intersect at any one point unless specifically authorized by the Planning Commission.

b. Proposed new intersections along one side of an existing road shall coincide, wherever practicable, with any existing intersections on the opposite side of such road. Jogs within road having center line offsets of less than one hundred twenty five (125) feet shall not be permitted, except where the intersected roads have separated dual drives without median breaks at either intersection, or where deemed appropriate by the Planning Commission as a traffic calming measure. Where roads intersect arterial or collector routes, their alignment shall be continuous. Intersections of arterial or collector roads shall be at least eight hundred (800) feet apart.

c. Minimum curb radius at the intersection of two (2) minor roads shall be twenty-five (25) feet, and minimum curb radius at an intersection involving a collector road shall be thirty-five (35) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

d. Where a road intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate site distance.

e. Intersections shall be designed with a flat grade wherever practical; in hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting road.

f. The cross-slope on all roads, including intersections, shall be three (3%) percent or less.

g. The developer shall install road signs, and the Public Works Department must accept them as a portion of the road improvements. Road signs shall be installed before any building permits are issued in the subdivision. All signs shall be governed by the Manual On Uniform Traffic Control Devices (For Streets and Highways), 1988, U.S. Department of Transportation, Part II.

4-103.204 <u>Excess Right-of-Way</u>

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

TABLE I - GENERAL DESIGN STANDARDS FOR ROADS

IMPROVEMENT	RESIDENTIAL ROAD	NONRESIDENTIAL ROAD (INDUSTRIAL, COMMERCIAL: OTHER)
Minimum Right-of-Way Width (in Feet)		
Minor	50	60
Collector	60	80 or (See * Below)
Arterial	*	
Marginal or Frontal Acc	16	

Minimum Width of Roadway or Paved Area (in Feet) not Including Parking Requirements

	Ditch Road Section	Curb & Gutter	Ditch Road Section	Curb & Gutter
Minor	22	27	24	38
Collector	27	38	27	38
Arterial	(See * Below)			(See * Below)

Maximum Percentage Grade (%)

Minor	10	6
Collector	8	6
Arterial	6	5

Pavement Crown

The paved surface shall slope downward from the centerline of the road outward to the edge of the paved surface on each side. This slope shall be a 2% to 3% cross slope or ¼ inch per foot.

Minimum Center Line Radius of Curve (in Feet) - (also sight distance for horizontal curves for driveways)**

Minor	100	200
Collector	200	200
Arterial	500	500

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* As determined by appropriate governmental representative.
** Applies where a deflection angle of 15 degrees or more in the alignment of pavement occurs.

Minimum Length of Vertical Curves

	Design Speed	
Minor	30	Rate of curvature, K = 30 for crest, 40 for sag, but not less than 100'.
Collector	45	Rate of curvature, K = 80 for crest, 70 for sag, but not less than 100'.

Arterial	**60**	**Rate of curvature, K = 190 for crest, 120 for sag, but not less than 300'.**

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

Minimum Length of Tangents Between Reverse Curves (in Feet)

Minor	**100**	**200**
Collector	**100**	**200**
Arterial	**300**	**400**

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

Minor	**200**	**200**
Collector	**250**	**250**
Arterial	**300**	**400**
Intersection	**Across Corners 100 feet back**	**Across Corners 100 feet back**

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

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

Length of Cul-de-sac and Dead End Roads

Permanent	**1,400 feet**
Temporary	**1,400 feet**

A cul-de-sac or dead end road may extend to an absolute maximum of 1,400 feet, as measured from the throat of the cul-de-sac.

Minimum Radius (in Feet) of Return at Intersections

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

4-103.205 Railroads and Limited Access Highways

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

a. In residential areas, a buffer strip at least twenty-five (25) feet in depth in addition to the normally required depth of the lot may be required adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening; the placement of structures hereon is prohibited."

b. In commercial or industrial areas, the nearest road extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial property usage.

c. Roads parallel to a railroad, when intersecting a road which crosses the railroad at grade, shall to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

4-103.206 Bridges

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

Further, the Planning Commission may withhold approval of any subdivision utilizing a bridge which, in the opinion of the Public Works Department is outdated, requires improvement or upgrades, or could result in unsafe conditions from increased traffic flows.

4-103.3 Right-of-Way Width Dedication on Existing Roads

Where a subdivision adjoins an existing road or where the major road or road plan or any zoning setback provisions indicate plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to dedicate, at his expense, areas for widening or realigning such road as set forth below. Minimum acreage requirements shall not include any dedicated right-of-way and shall be calculated from the proposed right-of-way line.

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

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

4-103.4 Road Surfacing and Improvements

After underground utilities have been installed, the subdivider shall construct curbs or curbs with gutters, where required, and shall construct roads to the specifications of these regulations for the type development intended. The final wearing surface of any road shall be applied within four (4) years after the expiration of the warranty or after construction of a principal building on at least fifty (50) percent of the lots, whichever occurs first. Types and methods of paving shall be according to the specifications of the Planning Commission, provided that in no event shall any construction be authorized that would not minimally satisfy the specifications elaborated in Appendix B of these regulations. Adequate provision shall be made for culverts or other drains and bridges as required.

All roads pavements, shoulders, drainage improvements and structures, any curb turnabouts, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission and shall be incorporated into the site

development plans required to be submitted by the developer for plat approval.

4-104 Road Construction Specifications

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

4-105 Drainage and Storm Sewers

4-105.1 General Requirements

The Planning Commission shall not approve any major subdivision plat which does not make adequate provision for storm water or floodwater run-off channels or basins. The storm water drainage system shall be separate and independent from any sanitary sewer system. The current Stormwater Management Policies and Guidelines of Collierville, Tennessee shall be used for all stormwater drainage facilities.

4-105.2 Nature of Storm Water Facilities

4-105.201 Location

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

4-105.202 Accessibility to Public Storm Sewers

a. Within a Planned Growth Area or an Urban Growth Boundary where a public storm sewer is accessible the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of stormwaters, subject to the specifications of the appropriate governmental representative; inspection of facilities shall be conducted to assure compliance. The Fayette County Public Works Department shall conduct inspection of facilities with guidance from the appropriate municipality if within an Urban Growth Boundary.

b. If a connection to an existing municipal public storm sewer will be provided eventually, as determined by the Planning Commission, the subdivider shall make arrangements for future stormwater disposal by a public system at the time the plat receives final approval. Provisions for such connection shall be incorporated by inclusion of a performance bond required for the final subdivision plat.

4-105.203 Accommodation of Upstream Drainage Areas

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

4-105.204 Effect on Down Stream Drainage Areas

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

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

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

Detention facilities shall be located on a lot in the common ownership of every landowner in the subdivision, which lot shall have at least twenty (20) feet of road frontage but no minimum size; and the plat shall make explicit that the lot shall not be for individual ownership, development or use and that maintenance of the detention facility shall be a common responsibility of ever landowner in the subdivision. The government of Fayette County will in no way be responsible for maintenance of drainage facilities on private property. Estimated increases in discharge velocity shall be mitigated by energy dissipation devices where required to prevent erosion.

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

4-105.205 Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the

Planning Commission may approve such subdivision; provided, that the applicant fills the affected floodway fringe area of said subdivision to place road elevations at no less than twelve (12) inches above the regulatory flood elevation and first floor elevations (including basements) at no less than one (1) foot above the regulatory flood elevation. The plat of such subdivision shall provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither shall any building nor flood-restrictive structure be erected or placed therein. The boundaries of the floodway and floodway fringe area and the regulatory flood elevation shall be determined by the Public Works Department based upon the review specified in Subsection 2-103 of these regulations along with the submission of flood data in site development plans as specified in Section 5-103 of these regulations. In any area that is subject to flooding, FEMA shall be contacted before any earthwork begins in or reasonably near the floodway fringe due to possible changes in the floodway.

When sinkholes are encountered, the developer based upon competent engineering shall determine the limits of any standing water. The Planning Commission may prohibit construction in and around sinkholes. The Public Works Department and Planning Commission shall approve any alteration of a sinkhole or the drainage pattern. (See Subsection 4-102.602.)

4-105.206 Floodplain Areas

The Planning Commission may when it deems necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property, which lies within the floodplain of any stream or drainage course. The regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps. Any subdivision which contains flood prone land shall be subject to the special provisions set forth in Subsections 2-102.4; 4-101.4; and Subsection 4-105.2, of these regulations.

4-105.207 Storm Water Detention and Discharge Control

a. The general policy of the Fayette County Planning Commission is to allow release of the increased volume of water generated by a development rather than detain it to allow recharge of the Memphis Aquifer if the increased runoff can be conveyed to an adequate drainage way which will not cause downstream flooding. The major factors in evaluating drainage designs will be the effect on downstream water levels, existing conveyances, proximity of any structures, and erosion of banks.

b. Any drainage system that discharges without some form of detention shall route its water along a designated public drainage easement. A drainage system can be allowed to discharge along an existing (prescriptive) but nonrecorded easement if all of the following are true:

   (i) Post-development flow is less than or equal to the pre-development flow at the same location. (See Subsection 4-105.204.)

(ii) In order to prevent erosion at all outlet points, the engineer will be required to design and submit for approval an outlet system that approximates the width and velocity of the flow which existed prior to development.

4-105.3 Dedication of Drainage Easements

4-105.301 General Requirements

Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainage ways are utilized they shall be designed for the ten (10) year frequency flood.

4-105.302 Drainage Easements

a. Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within a road right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the road lines and with satisfactory access to roads. Easements shall be indicated on the preliminary and final plats. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

b. When a new drainage system is to be constructed which will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

c. When required by the Planning Commission, the applicant shall dedicate, either in fee through the appropriate governmental representative or by drainage or conservation easement through a declaration of covenants and restrictions, the land on both sides of an existing watercourse to a distance to be determined by the Public Works Department and approved by the Planning Commission.

d. Lands within any floodway shall be preserved and retained in their natural state as drainage ways whether or not included in areas for dedication.

4-105.303 Drainage Construction

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

4-106 Water Facilities

4.106.1 General Requirements

1. Necessary action shall be taken by the developer to extend a water supply system capable of providing domestic water use and fire protection.

2. Where a potable water main within a Planned Growth Area or Urban Growth Boundary is within reasonable access of the subdivision, as determined by the

Planning Commission, the subdivider shall install adequate water facilities, including fire hydrants (as required in section 4-106.2 below), subject to construction and material specifications, approval of the Planning Commission, the Tennessee Department of Environment and Conservation and these regulations.

3. Dry water lines and hydrants shall be required within Planned Growth Areas and Urban Growth Boundaries where the Planning Commission has determined that water is not within reasonable access in order to easily connect to future water line extensions. Payments in lieu of improvements can be substituted at the discretion of the Planning Commission.

4. Where required for fire protection, water mains shall not be less than six (6) inches in diameter.

5. All water systems located in a flood prone area shall be floodproofed to the regulatory flood protection elevation. All water supply facilities located below the regulatory flood protection elevation shall be designed to prevent the infiltration of floodwaters into the water supply system and discharges from the system into floodwaters.

6. All water systems shall comply with the general instructions and detailed specifications for construction of water projects of the Tennessee Department Environment and Conservation.

7. Unless otherwise permitted, all subdivisions shall include a service line from the main water line in order that each proposed lot, at the time of construction, may be served by water without the installation of additional lines. The end of each service line shall be properly marked. All service lines shall have a minimum cover of twenty-four (24) inches.

8. All potable water systems or water systems serving more than one dwelling unit, lot, parcel or other division of property shall be owned and operated by an incorporated municipality whose physical boundaries incorporate actual real estate within Fayette County.

9. Where the Planning Commission requires the installation of water facilities of such a size that they are capable of serving a larger geographic area than that of the proposed subdivision, cost sharing measures shall be devised so that a single developer does not bear the cost of providing water service to an area outside of his proposed development.

4-106.2 <u>Fire Hydrants and Fire Protection Measures</u>

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

Where water is not available to a major subdivision in a Planned Growth Area or Urban Growth Boundary, as determined by the Planning Commission, and the proposed subdivision is located more than 1 mile from an existing pressurized or dry fire hydrant, as measured by driving public road access, the subdivider shall be required to install and provide for maintenance of a dry hydrant system. Such a system shall be constructed to the standards of the Fayette County Fire Department. Dry lines, or payment in lieu of, will also be required by the Planning Commission in the proposed subdivision.

It is the policy of Fayette County to ensure fire protection for all areas of Fayette County. As such, major subdivisions or RPEDs in areas designated as Rural and located more than 1.5 miles from an existing wet or dry fire hydrant, as measured by driving road access, which the Fayette County Fire Department has access to, will be required to install and provide for maintenance of a dry hydrant system through covenants or an agreement with the Fayette County Fire Department. Such a system shall be constructed to the standards of the Fayette County Fire Department and at a minimum be located twenty (20) feet from a public access point.

If more than two minor subdivisions are created from a parent tract in a twelve month period, then subsequent subdivisions from that parent tract shall be considered major for the purposes of this section.

4-107 Sewage Facilities

4-107.1 General Requirements

The applicant shall install sanitary sewer facilities in a manner prescribed by the regulations of the Tennessee Department of Environment and Conservation and by any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit, thereof. However, no collective wastewater treatment system or sewage facility, other than individual septic systems, shall be approved in any subdivision development within an area designated as Rural by the Fayette County Growth Plan of 2003 or any subsequent amendment. Within areas designated within an Urban Growth Boundary or Planned Growth Area, any collective wastewater treatment facility or any system other than individual septic systems shall be owned and operated by an incorporated municipality whose municipal corporate limits encompass actual real estate within Fayette County.

4-107.2 Mandatory Connection to Public Sewer System

1. Within Planned Growth Areas and Urban Growth Boundaries, when publicly owned sanitary sewers are within reasonable access of the subdivision, as determined by the Planning Commission, the subdivider shall provide sanitary sewer facilities to each lot therein and shall connect the facilities to the public system. The subdivider shall provide sewers that meet standards set forth in the regulations of the Tennessee Department of Environment and Conservation and the relevant municipality.

2. All sanitary sewer facilities located in a flood hazard area shall be floodproofed to the regulatory flood protection elevation. All sewerage facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.

3. Within Planned Growth Areas and Urban Growth Boundaries, the Planning Commission may require the installment of dry sanitary sewer lines, or payment in lieu of, to allow the future connection to a public sanitary sewer facility at the request of the municipality that provides the sewer service.

4-107.3 Individual Disposal System Requirements

If municipally owned and operated sewer facilities are not available, individual, lot by lot, disposal (septic) systems will be required. All pertinent soil absorption assessments shall be made as directed by the county environmentalist and the results submitted to the local office of the State Department of Environment and Conservation for approval.

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

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

4-107.4 Design Criteria for Sanitary Sewers

4-107.401 General

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

4-107.402 Design Factors

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

SEWER DESIGN FLOWS

Building Type	
One and Two Family Dwellings	**0.02 cubic feet per second (c.f.s. per acre)**
Apartments	
One and Two Story	**0.02 c.f.s. per acre**

Three Through Six Story	**0.03 c.f.s. per acre**
Commercial	
Small Stores, Offices and Miscellaneous Business	**0.02 c.f.s. per acre**
Shopping Centers	**0.02 c.f.s. per acre**
Industrial	**As suggested by engineer**

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

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

4-107.403 Maximum Size

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

4-107.404 Minimum Size

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

4-107.405 Minimum Slope

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

MINIMUM SLOPES FOR SEWER LINES

Recommended Sewer Size (in Inches)	Recommended Minimum Slopes (Feet/100 Feet)	Required Minimum Slopes (Feet/100 Feet)
8	0.522	0.40
10	0.387	0.28
12	0.304	0.22
14	0.247	0.17

15	**0.226**	**0.15**
16	**0.206**	**0.14**
18	**0.177**	**0.12**
21	**0.144**	**0.10**
24	**0.120**	**0.08**

4-107.406 Alignment

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

4-107.407 Manhole Location

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

4-017.408 Manholes

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

4-107.409 Sewerage Locations

Sanitary sewers shall be located within road or alley right-of-way, unless topography dictates otherwise. When located in easements on private property, access shall be available to all manholes. A manhole shall be provided at each road or alley crossing. End lines shall be extended to provide access from road or alley rights-of-way where possible. Imposed loading shall be considered in all locations.

4-107.410 Cleanouts and Lampholes

Cleanouts and lampholes will not be permitted.

4-107.411 Water Supply Interconnections

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

4-107.412 Relation of Sewers to Water Mains

A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines, or as per the regulations of the providing municipality. At points where sewers cross water mains, the sewer shall be laid at such an elevation that the top of the sewer is at least two (2) feet below the bottom of the water main. When the elevation of the sewer cannot be varied to meet the above requirement, the water main, upon approval of the appropriate engineer and the Tennessee Department of Environment and Conservation, shall be relocated to provide this vertical separation or reconstructed with mechanical-joint pipe for a distance of ten (10) feet on each side of the sewer. One full length of water main shall be centered over the sewer so that both joints will be as far from the sewer as possible.

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

4-108 Pedestrian Ways

4-108.1 Sidewalks and Bicycle Paths and Trails

Within Urban Growth Boundaries, sidewalks, bicycle paths and trails, may be required by the Planning Commission in any subdivision according to an adopted plan and at the request of the municipality and shall be included within the dedicated nonpavement right-of-way of all roads as indicated in the following table and shall be improved as required by Subsection 4-103.4, of these regulations. Concrete curbs shall be required for all roads where sidewalks are to be constructed. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

SIDEWALK DESIGN

Class of Road	Sidewalk Width	
	Residential Road	Nonresidential Road (Industrial, Commercial, Other
Minor Road	4 feet wide, 4" deep	6 feet wide, 4"deep
Collector Road	5 feet wide, 4" deep	6 feet wide, 4" deep
Arterial Road	5 feet wide, 4" deep	6 feet wide, 4" deep

4-108.2 Pedestrian Access

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

4-109 Utility Easements

A. Easements along all lot lines or additionally across lots, if deemed necessary by the Planning Commission, shall be provided for utilities (private or public). Such easements shall be at least fifteen (15) feet wide on each side of the lot line, except for across-lot easements that shall be at least twenty (20) feet wide. The subdivider shall take such actions as are necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within his development.
B. Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project.

4-110 Public Uses

4-110.1 Plat to Provide for Public Uses

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

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

4-110.2 Referral to Public Body

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

Among the areas which the Planning Commission may propose for public acquisition, when the commission deems it appropriate and consistent with the policies and purposes set forth in Section 1-104, Subsections 2-102.4 and 4-101.4, and Section 4-111, of these regulations, is any land within a floodway or floodway fringe determined according to the procedure described in Section 2-102 of these regulations.

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

4-110.3 Notice to Property Owner

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

4-110.4 Duration of Land Reservation

The acquisition of land reserved by a governmental agency on the final plat shall be initiated within twenty-four (24) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a plat of a proposed development and a tentative schedule of construction. Failure on the part of the governmental agency to complete acquisition within the prescribed thirty-six (36) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

4-111 Preservation of Natural Features and Amenities

Existing features which would add value to residential development or to the planning region as a whole, watercourses, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision, as required by the Planning Commission. No change of grade of land effected until approval of a sketch plan has been granted. When desired the sketch plan shall show the number and location of existing trees and shall indicate all those marked for retention.

4-112 Nonresidential Subdivisions

4-112.1 General

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

4-112.2 Standards

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

1. proposed industrial parcels shall be suitable in areas and dimensions to the types of nonresidential development anticipated;

2. road rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated;

3. special requirements may be imposed by the governing body with respect to any road, curb, gutter, and sidewalk design and construction specifications;

4. special requirements may be imposed by the governing body with respect to the installation of public utilities, including water, sewer, and storm water drainage;

5. every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary; and

6. roads carrying nonresidential traffic, especially trucks, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE V

SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

5-101 Sketch Plan

5-101.1 General

The sketch plan shall be prepared by a land planning professional and generally be at a scale not less than one hundred (100) feet to one (1) inch. Sheets shall be numbered in sequence if more than one sheet is used. The sketch plan is not meant to be a completely engineered document and existing sources of information are expected to be utilized.

5-101.2 Features

The sketch plan shall include:

1. all items described in 2-103.1;

2. a form for endorsement of Planning Commission approval of the preliminary plat which shall read as follows:

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

   Sketch Plan approval shall not constitute final approval for recording purposes.

   _____.
   Director of Planning

5-102 Site Development Plans

5-102.1 General

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

5-102.2 Features

The following shall be shown on the Site Development plans.

1. Profiles showing existing and proposed elevations along center lines of all roads.

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

3. Where a proposed road intersects an existing road or ways, the elevation along the center line of the existing road within one hundred (100) feet of the intersection.

4. Approximate radii of all curves, lengths of tangents, and central angles on all roads.

5. Proposed roads as required by the Planning Commission; where such are required, horizontal stationing along the center of the road shall be at twenty-five (25) foot intervals and cross-sectional elevations shall be to an accuracy of one tenth (1/10) foot vertical on a line at right angles to the center line of the road.

6. Plans and profiles indicating the locations and typical cross-section of road pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins.

7. The location of road signs.

8. The location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility system.

9. Exact location and size of all water, gas, or other underground utilities or structures.

10. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to, existing roads, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, and features noted on the land development plan or major street or road plan.

11. The water elevations of adjoining lakes or streams and the approximate high-water elevations of such lakes or streams as determined from evidence on the ground shall be shown. All elevations shall be referred to the U.S.G.S. datum plane.

12. If the subdivision borders a lake, river or stream, the distance and bearings of a meander line established not less than twenty (20) feet back form the ordinary high-water mark of such waterways.

13. The developer shall prepare for any portion of a subdivision containing a flood prone area, or an area known to be subject to flooding, information necessary for the Planning Commission to determine the suitability of the particular site for the proposed development, as follows:

    (a) plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of any part of the subdivision within a flood prone area; existing or proposed structures or building sites, fill, storage of materials and floodproofing measures, as specified in these regulations; and the relationship of the above to the location of the stream channel, floodway, floodway fringe, the regulatory flood elevation, and the regulatory flood protection elevation;

(b) a typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information, if required by the Planning Commission;

(c) surface-view plans showing elevations and contours of the ground;

(d) pertinent structures, fill, or elevations of roads;

(e) water supply, sanitary facilities, soil types, and other pertinent information, as required by the Planning Commission; and

(f) specifications for site development, including materials, flood-proofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities.

14. Where grading is necessary for lots less than one acre in size, existing and proposed contours at vertical intervals of not more than five (5) feet where the proposed subdivision has an average slope of five (5) percent of less, or at vertical intervals of not more than two (2) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the Planning Commission).

15. In addition to the other requirements of this section, Site Development plans for condominium subdivisions shall contain "as built" drawings of all underground utilities, regardless of proposed ownership, and the construction design of all public facilities which are proposed for dedication to the governing body.

16. A notation for the Site Development plans approval by appropriate persons or governmental representatives.

17. Title, name, address, stamp and signature of engineer who prepared the plans.

18. Date of plans, including any revision dates.

19. An erosion and sediment control plan shall be prepared for each development required to submit Site Development plans. Such plan shall demonstrate the manner in which the general principals for erosion and sediment control set out in Subsection 4-102.603 are to be implemented on the site covered by the Site Development plans.

5-103 Final Subdivision Plat

5-103.1 General

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

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

5-103.2 Features

The final plat shall include:

1. The location of the property to be subdivided with respect to surrounding property and roads, and the map and parcel number of the property being subdivided.

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

3. The names of all roads and adjoining roads.

4. The exact boundary lines of the tract, determined by a field survey, showing bearings to the nearest second and distance to the nearest one hundredth (1/100) of a foot. The adjusted accuracy of the survey shall meet or exceed the standards set forth in Title 62, Chapter 18, of the Tennessee Code, for a Category II (Suburban Subdivision). The survey shall be tied into the Tennessee Grid Coordinate System if a controlled monument is located within one-fourth (1/4) mile of any point of the property.

5. The location of all roads, easements, water bodies, large streams or rivers, railroads, parks, and cemeteries.

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

7. The location and width of all easements and rights-of-way for roads, as well as the building setback lines on all lots.

8. The location, dimensions, and area of all lots; all dimensions shall be field run to the nearest one hundredth of a foot and bearings to the nearest second; lots under one acre in size shall be shown to the nearest square foot, and lots over one acre in size shall be depicted to the nearest thousandth of an acre.

9. The location, area and dimensions, to the accuracy set forth in Item 8, above, of all property to be set aside for park or playground use or other public or private reservation, with a designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

10. The final plat of a condominium subdivision shall contain, in addition to the other information required by this section:

    (a) an "as-built" building location and boundary survey, to "American Land Title Association" or other similar standards, showing complete and accurate dimensions and bearings of the boundary of the parcel(s) on which the condominium is located, together with exterior dimensions and locations relative to those boundaries of the building(s) which constitute the condominium subdivision;

    (b) some sort of datum plane or other suitable vertical location reference, and in meeting this requirement it is only necessary that the upper and lower limits of each level of each condominium unit be identified specifically in relation to the vertical reference, (e.g., an appropriate

permanent monument or other acceptable reference datum or fixed known point); elaborate exterior elevations and architectural detail are not necessary to satisfy this requirement;

(c) copies of the charter and by-laws of any Homeowners' Association established; and special information which the Planning Commission may require to protect the rights of future owners of the condominium or the public in general, where any common areas exist in the development.

11. The name and address of the owner(s) of the land being subdivided.

12. The name and address of the subdivider if other than the owner.

13. The name and stamp of the land surveyor or other person preparing the plat.

14. The date of the plat, approximate true north point, scale, and title of the subdivision.

15. Sufficient data to determine readily the location, bearing and length of all lines necessary to reproduce such lines upon the ground, which shall include the radius, central angle and tangent distance for the center line of the curved roads and curved property lines that are not the boundary of curved roads, and the location of all monuments and pins shall be indicated on the plat.

16. Location sketch map showing site in relation to area.

17. The zoning classification of all lots, as well as an indication of uses other than residential proposed by the subdivider.

18. The total acreage within the subdivision, and the remaining acreage of the parent tract from which the subject property is being subdivided, if applicable.

19. The most recent recorded deed book and page numbers for each deed constituting part of the property being platted.

20. The distance at the right-of-way line from a corner of the subdivided property to the nearest public cross-road or cross-street, rounded to the nearest foot.

21. Lot numbers, where required.

22. The line size and location of gas, water and sewer facilities, electric, cable TV, and telephone if applicable (either shown on the final plat or stated in a note on the final plat).

23. The location, diameter and length of all road culverts.

24. Applicable certifications in the form reproduced in this section shall appear upon the final plat, and all required certificates shall bear the signature of the approving or authorizing agent at the time of application for final plat approval, except that the form for endorsement of the Planning Commission's approval for recording shall appear unsigned at the time of application for approval.

25. State Department of Environment and Conservation public water and sewer design layout and approval stamps, if applicable; also actual design plans for

appropriate governmental representative's office.

26. Commitment notes may be printed or stamped on the final plat reflecting location and dimension of easements, or extent of other agreements or factual data, in lieu of drafted illustration, when applicable, and as approved by the Planning Commission.

27. Any required security instruments.

28. For any lot where public sewer or water system is not available, the following shall be shown:

    (a) areas to be used for sewage disposal, field lines and reserve area; and
    (b) water wells (existing and proposed, if known).

5-103.3 **Plat Certificates**

1. Certification of the landowner that he consents to the subdivision plan and dedicates all site facilities and infrastructure to shared public or private use (as approved by the regional planning commission).

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of this subdivision site and that I (we) adopt this plan of subdivision with my (our) free consent, establish easements as specified hereon, and dedicate all roads, parks, utilities, and other facilities and/or infrastructure to public or private use as noted hereon.

_____, 20___ _____
Date Owner

_____
Title (if acting for partnership or corporation)

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

CERTIFICATE OF SURVEY ACCURACY

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

_____, 20___ _____
Date Licensed Land Surveyor Number _____

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

CERTIFICATE OF APPROVAL OF
SUBSURFACE SEWAGE DISPOSAL SYSTEMS (if applicable)

As provided by staff from Groundwater Protection and
the Office of Planning and Development.

CERTIFICATE OF APPROVAL OF WATER SYSTEM (where applicable)

I, _____, do hereby certify that the plans for the water system meet the requirements of _(the utility provider)_ and that the mains and fire hydrants and required appurtenances have been properly installed.

_____, 20__ _____
Date Name, Title and Agency of Authorized Approving Agent

4. Certification by the developer that he warrants all installed site improvements.

DEVELOPER'S WARRRANTY

I hereby warrant that all improvements installed on the site of this subdivision Shall be free from any defect of materials or workmanship for a period of one (1) year following final plat approval.

_____, 20__ _____
Date Director of Public Works

5. Certification that road names do not duplicate.

CERTIFICATE OF APPROVAL FOR ROAD NAME(S)

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

_____, 20__ _____
Date Director of 911 Addressing

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

CERTIFICATE OF COMMON AREAS DEDICATION

_____ in recording this plat has designated certain areas of land shown hereon as common areas intended for use by the homeowners within (Name of Subdivision) for recreation and related activities. The above-described areas are not dedicated for use by the general public, but are dedicated to the common use of the homeowners within the named subdivision and are governed by the provisions recorded at Instrument _____, R.O.F.C., which are hereby incorporated and made a part of this plat.

_____, 20__ _____
Date Owner

7. Certification of the Fayette County Regional Planning Commission authorizing Plat Recordation.

CERTIFICATE OF APPROVAL OF THE FAYETTE COUNTY REGIONAL PLANNING COMMISSION

I hereby certify (1) that the design of this subdivision conforms to the Subdivision Regulations of Fayette County, Tennessee, with the exception of such variances, if any, as noted hereon; (2) that to my best knowledge all required monuments, roads, signs, utilities, drainage improvements, and erosion control measures have been installed to the approved design specifications; (3) that a surety in the amount of _____ has been provided by the developer to secure his one (1) year warranty against any defect of materials or workmanship in the installed site improvements; (4) that a cash escrow in the amount of _____ has been provided by the developer for final road surfacing and for such other final site improvements deferred by the Fayette County Regional Planning Commission, if any, as noted hereon; and (5) that this plan of subdivision has been approved by the Fayette County Regional Planning Commission for recordation in the Office of the Fayette County Register.

_____, 20__ _____
Date Secretary, Planning Commission

8. Certification of consent to restrictions by creditors.

CERTIFICATE OF JOINDER AND CONSENT TO DEDICATION

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

_____, 20___ _____
Date Creditor

9. Certification of the Fayette County Property Assessor

CERTIFICATE OF THE FAYETTE COUNTY PROPERTY ASSESSOR

I herby certify that I am in receipt of a copy of this subdivision plat as required by "Fayette County Private Acts of 1972, Chapter Number 284."

_____, 20___ _____
Date Fayette County Property Assessor

10. Notation of Possible Flooding -- If any portion of the land being subdivided is subject to flooding as defined in these regulations, a notation shall be made on the plat that development or modification of the land within any floodway delineated on the plat is prohibited and that development within any floodplain delineated on the plat shall be done in such a manner that any structure shall be

protected against flood damage to at least the regulatory flood protection elevation, which elevation shall be stated in the notation. Any additional restrictions imposed by the Planning Commission upon development within flood prone areas also shall be indicated on the plat.

11. Notation of Health Restrictions -- Any modifications or limitations that may be imposed by any state or county public health agencies shall be clearly indicated on the plat.

12. Notation of Private Restrictions -- Private restrictions and trusteeships and their periods of existence shall be indicated on the plat. Should these restrictions or trusteeships be of such length as to make their lettering impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat or, if the restrictions and trusteeships are of record, the plat shall note where they are recorded. The Planning Commission **does not** enforce private restrictions. Private restrictions are only enforced by owners and/or adjoining property owners.

13. Notation of Payment of Rollback Taxes – A note shall be added to the final plat stating that it is the responsibility of the developer to assure that rollback taxes will be paid.

14. Notation of Sport Shooting Range Area - For any new subdivision development that is located in whole or in part within one thousand (1,000) feet of any portion of the outside boundary of any land on which is contained a sport shooting range that was established, by clear and convincing evidence, constructed and operated prior to the development of the subdivision, the owner of the development shall provide on any plat filed with the Fayette County Regional Planning Commission the following note:

Sport Shooting Range Area

This property is located in the vicinity of an established sport shooting range. It can be anticipated the\at customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from these uses and activities.

15. All final plats shall also be submitted in an electronic format compatible with Fayette County's Geographic Information System.

16 For minor subdivisions described in 2-102.201 a. (iv) the following notes/ certificates shall be depicted:

a. There is dedicated herewith a ____ foot road right-of-way from the centerline of _____.

_____ _____
Owner Date

b. I herby certify that I am in receipt of a copy of this subdivision plat as required by "Fayette County Private Acts of 1972, Chapter Number 284."

_____ _____
Fayette County Property Assessor Date

ARTICLE VI

DEFINITIONS

6-101 Usage

A. For the purpose of these regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this article.

B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".

C. A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

D. Terms listed in the Fayette County Zoning Resolution shall be incorporated into these Regulations.

6-102 Words and Terms Defined

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

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

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

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

Bond -- An instrument with a clause, with a sum of money fixed as a penalty, binding the parties to pay the same, conditioned, however, that the payment of the penalty may be avoided by the performance by some one or more of the parties of certain acts.

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

> General Common Elements -- Any of the common elements of a condominium which are held in joint ownership by all owners of the condominium.
>
> Limited Common Elements -- Any of the common elements of a condominium which are reserved for use by the owner of a particular condominium unit or group of units.

Condominium -- A form of ownership of less than the whole of a building or system of buildings under the provisions of Title 66, Chapter 27, Tennessee Code, which provides the mechanics

and facilities for formal filing and recordation of divided interests in real property, whether the division is vertical or horizontal.

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

> Horizontal Condominium Subdivision -- A subdivision where each unit occupies some ground space.
>
> Vertical Condominium Subdivision -- A subdivision of a multi-story building in which one (1) or more units do not occupy ground space.

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

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

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

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

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

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

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

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

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

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

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

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

Final Subdivision Plat -- The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning

Commission for approval and which, if approved by the commission, is recorded with the county register of deeds.

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

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

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

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

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

Grade -- The slope of a road specified in percentage terms.

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

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

Individual Sewage Disposal System -- A septic tank with seepage tile sewage disposal system approved by the appropriate governmental representative.

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

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

Jurisdictional Area -- Planning boundary(s) established in keeping with Sections 13-3-101, 13-3-102, 13-3-201, and 13-3-301, Tennessee Code.

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

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

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

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

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

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

Major Street or Road Plan -- The plan adopted by the Planning Commission, pursuant to Section 13-3-402 and 13-4-302, Tennessee Code, showing, among other things, "the general location, character, and extent of roads...(and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing roads..."

Major Subdivision -- All subdivisions not classified as minor subdivisions including but not limited to subdivisions of three (3) or more lots (including parent tract) or subdivisions of any size requiring any new or improved road, the extension of government facilities, or the creation of any public improvements, or containing any floodplain area.

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

Minor Subdivision -- Any subdivision containing less than three (3) lots (including parent tract) fronting on an existing road and not involving any new or improved road, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adopted general plan, major street or road plan, zoning ordinance, or these regulations.

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

Municipality – A city, town or other municipal corporation existing within and encompassing lands within Fayette County (i.e. an actual location within Fayette County) at the time of adoption of these regulations.

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

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

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

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

Performance Bond -- See "Bond".

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

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

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

Private Way – A private driveway serving more than one lot or lot of record.

Public Improvement -- Any drainage ditch, public utility, roadway, parkway, sidewalk, pedestrian way, landscaping, off-road parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

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

Regulatory Flood -- The one hundred-year flood.

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

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

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

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

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

Sight Distance – A measurement equal to no less than those required by nationally recognized minimum standards.

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

Sketch Plan -- A sketch preparatory to the site development plans and final subdivision plat.

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

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

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

Structure -- Anything constructed above or below ground.

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

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

Subdivision -- "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions 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. (See Sections 13-3-401 and 13-4-301, Tennessee Code.)

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

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

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

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

ARTICLE VII

ADOPTION OF REGULATIONS AND AMENDMENTS

7-101 Original Enactment

In order that land shall be subdivided in accordance with the objectives and standards set forth in these regulations, these subdivision regulations are hereby adopted on this **7th Day of September 2004**, and immediately shall be in full force and effect. Pursuant to Section 13-3-403, Tennessee Code, a public hearing was held on these regulations on **September 7, 2004, at 6:30 p.m.**, **Fayette County Court House**, in Somerville, Tennessee, notice of which was given by publication in **Fayette County Review** on June 9, 2004.

_____ _____

Chairman, Harris A. Armour Date

ATTEST:

_____ _____

Recording Secretary, Date
James W. Gresham

APPENDIX A -- FORMS

FAYETTE COUNTY REGIONAL PLANNING COMMISSION

FORM NUMBER 1 -- FINAL PLAT CHECKLIST

NAME OF SUBDIVISION _____

LOCATION _____ **ZONING DISTRICT** _____

OWNER _____

ENGINEER OR SURVEYOR _____

____ 1. **Twenty (20) copies of plat (major/minor), five (5) copies of plat (minor, 2-tract).**

____ 2. **Location of property with respect to surrounding property and streets.**

____ 3. **Names of all adjoining property owners, or names of adjoining developments.**

____ 4. **Reproducible original (to be returned after recordation).**

____ 5. **Location and dimensions of all boundary lines of the property to the nearest one hundredth (1/100) of a foot.**

____ 6. **The size and location of any water and sewer mains and gas lines.**

____ 7. **Location of existing easements and utilities.**

____ 8. **Lots numbered.**

____ 9. **Names of new roads.**

____ 10. **Locations, dimensions, and areas of all proposed or existing lots with building setbacks, along with a vicinity map.**

____ 11. **Location and dimensions of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.**

____ 12. **Flood Map number and date; Tax Map and Parcel number.**

____ 13. **Date, appropriate true north point and graphic scale.**

____ 14. **Any other pertinent information required in Article V, Section 5-103.**

____ 15. **Bearings and dimensions of all lines.**

____ 16. **Location and description of all proposed monuments.**

____ 17. **Plat Certificates:**

Fayette County Regional Planning Commission
Form Number 1 -- Final Plat Checklist -- Page 2

____ ***Ownership and Dedication***

____ ***Accuracy***

____ ***Utility Systems*** ***Water*** _____ ***Sewer*** _____

____ ***Approval by County Health Department***

____ ***Approval of Roads***

____ ***Certification of Common Areas Dedication, if necessary***

____ ***Approval by County 911 Addressing***

____ ***Approval for Recording***

____ ***Property Assessor***

____ ***Joinder and Consent to Dedication***

____ ***Others as necessary (i.e. Flooding, Rollback Taxes, etc.)***

Copies of these forms may be obtained at the Fayette County Planning Office.

FAYETTE COUNTY REGIONAL PLANNING COMMISSION

FORM NUMBER 2 -- SITE DEVELOPMENT PLANS CHECKLIST

NAME OF SUBDIVISION _____

LOCATION _____ ZONING DISTRICT _____

OWNER OF RECORD _____ TELEPHONE: _____
OWNER ADDRESS _____

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

DATE SUBMITTED FOR APPROVAL _____

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

____ 1. Date of preliminary approval.

____ 2. Three (3) copies of Site Development Plans including all plans and profiles.

____ 3. One (1) copy of sketch plan.

____ 4. The subdivision name and location.

____ 5. The name(s), address(es) and phone number(s) of owner or owner(s) of record.

____ 6. Name, address and phone number of designer and/or engineer.

____ 7. Date, approximate north point and graphic scale.

____ 8. The location of existing property lines, roads, buildings, bridges, right-of-way and easements and drainage ditches and water and sewer lines.

____ 9. Name(s) of proposed roads.

____ 10. Bearings and dimensions of all lines.

____ 11. Present zoning classification both on lot to be subdivided and adjoining land and name of surrounding property owners.

____ 12. Location with sufficient information to determine the dimensions, names, and widths of all proposed roads, alleys and lots.

____ 13. Location map showing the relationship of the subdivision site in the county.

____ 14. Area of largest, smallest and average lot.

____ 15. Acreage of land to be subdivided.

____ 16. Conforms to general requirements and minimum standards of the Subdivision Regulations.

____ 17. Contours at vertical intervals of not more than one (1) foot.

____ 18. Location and line size of closest existing and proposed water and sewer lines.

____ 19. Base flood elevations when development is greater than 50 lots or 5 acres, whichever is less.

____ 20. 100 Year flood plain limits and elevation when subject to flooding.

____ 21. Drainage plan as required by the Public Works Director, depicting pre and post drainage.

____ 22. Erosion control general criteria.

____ 23. Certificate of accuracy of engineering and design (Note: Certificate not valid unless signed) copy attached.

____ 24. Construction plans shall be signed only by the County Engineer.

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

____ 1. Plans and profile of proposed utilities (water and sewer mains) showing the connection to the existing system.

____ 2. Grading plan showing existing contours in dashed lines and proposed contours as solid lines. Contour lines shall extend 50 feet beyond the property boundary for subdivision with lots less than one acre in size.

____ 3. Drainage plans for drainage structures and hydraulic data used in designing the structures.

____ 4. Plans and profile of proposed roads and storm drainage systems.

____ 5. Final erosion control plan including all measures used to control erosion.

____ 6. Plans and profiles for water and sewer lines.

_____ _____
SIGNATURE* DATE

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

STAFF REVIEW COMPLETION DATE: _____

APPENDIX B -- ROAD CONSTRUCTION SPECIFICATIONS

SECTION I -- GENERAL

A. JURISDICTION

These rules and regulations are the minimum standards governing the construction of roads and streets and shall apply within the Fayette County, Tennessee, Planning Region.

B. PURPOSE

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

C. DEFINITIONS

1. Local Government - The city or county government having jurisdiction within the area where a development is located.

2. Engineer - An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code.

3. Enforcing Officer - That individual designated by the chief executive officer of the local government to enforce these provisions.

4. Standard Specifications TDOT - Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation, Bureau of Highways, Nashville, Tennessee, March 1, 1995, and subsequent revisions and additions.

5. A.A.S.H.T.O. - American Association of State Highway and Transportation Officials.

6. A.S.T.M. - American Society for Testing Materials.

7. Basic Regulations - The basic subdivision regulations of the Fayette County Planning Region to which this material is attached as an appendix.

D. Cross Sections for Major and Minor County Roads are attached, infra.

E. APPROVALS

All construction plans shall be prepared and submitted to the Enforcing Officer. The content and submission procedure shall be as set forth in "Section II - Planning."

F. ACCEPTANCE

Acceptance for public maintenance of any facilities or improvements located within any subdivision may only be accomplished by formal action of the governing body in the manner established in Subsection 3-101.4. Any approval of plans, etc., submitted in conformance with these provisions shall not in any manner bind or presuppose acceptance of these facilities by the governing body.

G. RESPONSIBILITY FOR COMPLIANCE

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

SECTION II -- PLANNING

A. PLAN PREPARATION

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

B. CONTENT

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

C. SUBMISSION, REVIEW AND APPROVAL

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

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

D. ACTION UPON APPROVAL

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

SECTION III -- MATERIALS SPECIFICATION AND CONSTRUCTION PROCEDURES

A. PRELIMINARY WORK

1. Location and Protection of Underground Utilities

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

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

2. Surveying and Staking

The subdivider shall be responsible for his own surveys and establish his own grades, unless otherwise, directed by the appropriate County authority.

3. Removal of Obstructions

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

4. Clearing and Grubbing

The subdivider shall be responsible for cutting, removing and disposing of all trees, brush, stumps, roots, and weeds within the construction area. Disposal shall be by means of chippers, landfills, or other approved methods not in conflict with state or local ordinances. No burial of materials is permitted. Care shall be taken to avoid unnecessary cutting or root damage to trees not in the construction area.

5. Traffic Control and Safety

The subdivider shall provide and maintain access to and from all properties along the line of his work. The subdivider shall also provide temporary bypasses and bridges where necessary to route traffic and shall maintain them in a safe and usable condition whenever, in the opinion of the enforcing officer, detouring

of traffic to alternate routes cannot be done without hardship or excessive increase in travel by the public.

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

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

B. ROADWAY CONSTRUCTION

1. Stripping, Stockpiling and Placing Topsoil

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

A two (2) or three (3) inch layer of topsoil shall be placed where seeding is required or where required by the enforcing officer.

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

2. Excavation

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

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

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

Where spring or seepage water is encountered that is not provided for on drainage plans it shall be reported to the appropriate County authority.

3. Fills and Embankments

Embankment and fill materials shall be free from frost, stumps, trees, roots, sod, or muck. Only materials from excavation or borrow pits, or other materials approved by the enforcing officer shall be used. Materials shall not be placed on

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

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

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

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

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

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

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

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

4. Undercutting

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

Known areas to be undercut shall be designated on the materials approved by the enforcing officer. The backfill materials shall be placed in eight (8) inch lifts and compacted as specified for fill construction.

Disposal of unsatisfactory materials shall be approved by the enforcing officer.

5. Subgrade Construction and Preparation

The subgrade shall be prepared in reasonably close conformity with the lines and

grades as shown on the plans. The subgrade must have at least a two (2) percent slope from the centerline.

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

Hauling over finished subgrade shall be limited to that which is essential for construction purposes, and all ruts or rough places that develop in a completed subgrade shall be smoothed and recompacted. Soft areas shall be removed and replaced with crushed stone or as directed by the enforcing officer.

Subgrade density tests shall be conducted by a testing laboratory approved by the county and licensed by the State of Tennessee, and shall be furnished at the expense of the developer and submitted directly to the County Highway Department from the testing laboratory. A minimum of one subgrade density test for every fifty (50) feet of roadway will be required, this test shall vary across the width of the roadway, and provided the Highway Department may require such tests at a closer interval than fifty feet where questionable areas are encountered.

The subgrade shall be checked and approved by the enforcing officer for adherence to the plans before any base materials are placed.

6. Shoulders and Slopes

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

C. BASE AND PAVING

1. Base course

There shall be three (3) alternative base courses from which a subdivider may select with the concurrence of relevant county staff for minor roads, appropriate increased widths for collector roads shall apply:

Alternative A: Six (6) inches of grading D limestone over a twenty-six (26) foot width (i.e., 970 tons per 1000 linear feet) installed in two (2) to three (3) inch compacted lifts per TDOT Section 303 or as revised from time to time.

Alternative B: Six (6) inches of soil cement over a twenty-six (26) foot width, with design mix formula for soil type subject to relevant county staff approval, installed per TDOT Section 304 or as revised from time to time.

Alternative C: Four (4) inches of hot mix asphalt binder over a twenty-two (22) foot wide surface (i.e. 540 tons per 1,000 linear feet) installed per TDOT Section 307, with gravel shoulders two (2) feet wide and 6 inches deep and flush with the surface of the pavement.

2. Temporary Wearing Surface

A temporary wearing surface, twenty-two (22) feet wide for minor roads shall be installed as follows, appropriate increased widths for collector roads shall apply:

Alternative Surface A: A prime coat per TDOT Section 402 and a single bituminous seal coat per TDOT Section 405 shall be installed over Grade D limestone base.

Alternative Surface B: One and three-quarter (13/4) inches (.i.e., 195 lbs. Per square yard) of a 307 C-W hot mix asphalt course per TDOT Section 307 shall be installed of the soil-cement base after curing.

No temporary wearing surface shall be required over hot mix asphalt base (Alternative C).

3. Final Wearing Surface

A final wearing surface, twenty-two (22) feet wide for minor roads and increase appropriately for collector roads shall be installed by the developer between one and five years of final plat approval as follows:

Final Surface A: A tack coat per TDOT Section 403 and two (2) inches (i.e., 220 lbs. per square yard) of 307 C-W or a 411E hot mix asphalt course per TDOT Section 301 or 411, as applicable, shall be installed over a single bituminous seal coat.

Final Surface B: A tack coat per TDOT Section 403 and one and one-quarter (1¼) inches (i.e.,140 lbs. per square yard) of a 307 C-W or a 411E hot mix asphalt course per TDOT Section 307 or 411, as applicable, shall be installed over hot mix asphalt.

4. Shoulders

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

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

5. Testing

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

1. Ditching and Channelization

This work shall consist of the construction of ditches adjacent to roadway shoulders and feeding to and from culverts under or adjacent to the roadway. All drainage ditches shall be graded in their entirety during the time the roadways are being graded; such grading shall be completed prior to final inspection of the roadways.

2. Stabilization of Ditches

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

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

Alternatives utilizing erosion control blankets may be utilized at the discretion of the Superintendent of Public Works.

3. Concrete Ditch Pavings

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

All soft materials shall be removed and replaced with acceptable materials and compacted as directed by the enforcing officer.

Concrete ditch pavement shall be four (4) inches in thickness throughout and shall be backfilled immediately after the concrete has set and the forms have been removed. The backfilled materials shall be thoroughly compacted. Expansion joints shall be located as directed by the enforcing officer.

4. Culverts and Storm Drains

Natural drainage courses shall be maintained and drainage culverts installed under subdivision roads where they cross natural drainage ways. Road culverts shall have either flared-end sections or concrete headwalls conforming to fill slopes and shall be of sufficient length so that wing walls extend to the toe of the fill slope. Culverts shall have a minimum of one (1) foot of cover measured from the subgrade to the top of the pipe on the upstream side of the road template at

the edge of the pavement. Drainage culverts shall be reinforced concrete or corrugated metal either 10 gauge or asphalt-coated with gauge specified by size as required by the Public Works Department. Culverts shall be sized to carry the peak design flow under inlet control with a maximum allowable headwater depth that is equal to the culvert diameter. Culverts shall not have a slope which is less than the minimum required to carry the peak design flow.

5. Headwalls

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

6. Catch Basins

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

7. Box Culverts and Bridges

Design of box culverts and bridges shall be submitted to the enforcing officer for approval before construction is permitted.

8. Roadside Ditches

Roadside ditches in conventional sections shall be built to a grade that will permit good drainage, and in no case shall the slope of the ditch be less than one-half of one (1) percent. All drainage ditches shall be stabilized as indicated in these specifications.

9. Changes in Water Channels

Where the subdivider rechannelizes through a subdivision he will be responsible for replacing cross drains under roads, as directed by the enforcing officer. This work shall be done at the expense of the subdivider.

10. Curb and Gutter

Concrete curbs and gutters, if required, shall conform to appropriate standards as defined in these regulations.

Curbs and gutters shall be constructed to the lines and grades shown on the plans, or as designated by the enforcing officer. The final subgrade for curbs and gutters shall be carefully graded and compacted to an even density and shall be smooth and true to grade.

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

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

Any ramp not conforming to the foregoing requirements shall be removed and replaced by the lot owner at their expense.

11. Alternative Measures

Alternative methods my be utilized depending on local preferences and engineering standards. Any alternative must be approved by the Planning and Public Works Directors.

E. FINAL DRESSING, SEEDING, AND SODDING

1. Final Dressing

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

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

2. Seeding

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

After designated areas have been carefully hand graded, soil shall be prepared for fertilizing and seeding. Fertilizer shall be a standard commercial fertilizer Grade 15-15-15, or equivalent, and shall be applied at a rate of not less than ten (10) pounds per one thousand (1,000) square feet. The subdivider shall be responsible for any regrading or reseeding required to produce an acceptable grass cover. Rutting and washing shall be restored by reseeding and strawing; in areas of extreme erosion sodding may be required. The seed shall be as follows:

Name	**In the Spring**	**Percent by Weight**
Lespedeza		**20**
Sericea Lespedeza		**15**
Kentucky 31 Fescue		**40**
English Rye		**15**
White Dutch Clover		**5**
Weeping Love Grass		**5**

Bermuda	**20**
Or in the Fall	
Kentucky 31 Fescue	**55**
Redtop	**15**
English Rye	**20**
White Dutch Clover	**5**
Weeping Love Grass	**5**

The seed shall be sown as specified by the Soil Conservation Service.

3. Sodding

Sodding shall consist of furnishing and placing sod at all locations shown on the plans, or as directed by the enforcing officer. Work shall include the furnishing and placing of new sod, consisting of live, dense, well-rooted growth of permanent grasses free from johnson grass and other obnoxious grasses or weeds, well suited for the soil on which it is placed. All sod shall be cleanly cut in strips having a uniform thickness of not less than two and one-half (2½) inches. Sod shall be set when the soil is moist and favorable to growth. No setting shall be done between October 1 and April 1, without permission of the enforcing officer. The area to be sodded shall be brought to the lines and grades shown on the plans, or as directed by the enforcing officer.

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

Sod shall be placed as soon as practical after removal from the point of origin; it shall be kept in a moist condition during the interim. Sod shall be carefully placed by hand on the prepared ground surface with the edges in close contact and, as far as possible, in a position to break joints. Each strip of sod laid shall be fitted into place and tamped. Immediately after placing, the sod shall be thoroughly wetted. On slopes of two to one (2:1) or steeper, staking may be required to hold the sod in place.

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

F. LICENSE REQUIREMENTS

The subdivider shall construct the road template and install all drainage structures and appurtenances to the specifications of these regulations and as directed by the County Engineer. In all phases of road and drainage construction, the subdivider shall retain and utilize the services of contractors that hold a valid license in the State of Tennessee with a Highway, Railroad and Airport (HRA) Classification and the appropriate subcategory classification (A – Grading and Drainage; B – Base and Paving; C –

Bridges and Culverts) for the work to be performed. Contractors shall have a minimum of three (3) years of related work experience under the required license classification. Prior to the start of construction, the subdivider shall submit to the County Engineer a list of all contractors to be used to perform the work to include their license classification, number and expiration date.

The subdivider shall not install any base course until authorized in writing by the planning staff; and failure to comply with this requirement shall result in suspension of the approval process until the base course is removed.

G. MASONARY/CONCRETE ENTRANCE AND INTERSECTION STRUCTURES

The construction of structures, decorative or otherwise, within the road right-of-way at entrances and intersections in the subdivision shall be prohibited. Should construction of these structures occur within the right-of-way, the County shall remove the structure(s), all or part, from the right-of-way prior to road acceptance. Should construction of the structures occur within the right-of-way after road acceptance, the County shall remove the offending structure(s), all or part, from the right-of-way at the developer's expense.

Should the developer, at his own discretion, elect to construct structures, decorative or otherwise, outside the road right-of-way at entrances and intersections in the subdivision, they shall be subject to intersection sight distance requirements as outlined in "AASHTO-Geometric Design of Highways and Roads, 2001" or the Fayette County Zoning Resolution.

APPENDIX C -- FIRE HYDRANT COLOR CODE SCHEME

GENERAL INSTRUCTIONS

To insure that a uniform color code scheme is used throughout the county when installing fire hydrants, the following color code shall be used.

A. CLASSIFICATION OF HYDRANTS

Fire hydrants shall be painted in a uniform color-coding scheme in order to designate the rated flow capacities (at 20 psi (1.4 bar) residual pressure or other designated value) as follows:

Silver	**Rated capacity of 1000 gpm or greater**
Red	**Rated capacity of 500-999 gpm**
Yellow	**Rated capacity of less than 500 gpm**

B. MARKING OF HYDRANTS

All barrels should be red unless otherwise designated by the local utility district. The tops and nozzle caps shall be painted.

For rapid identification at night, the capacity colors shall be of a reflective-type paint.

Hydrants rated at less than 20 psi (1.4 bar) shall have the rated pressure stenciled in black on the hydrant top.