

SUBDIVISION REGULATIONS
OF
THE CITY OF NIOTA, TENNESSEE

PREPARED BY THE
NIOTA MUNICIPAL PLANNING COMMISSION

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FOREWORD

The basic and fundamental principal followed by the Niota Municipal Planning Commission in its adoption of subdivision regulations was set forth by the Tennessee Legislature in Chapter 45, Public Acts of 1935 (Now Section 13-4-301 through Section 13-4-309, **Tennessee Code Annotated**).

A further and fuller look at this legislative "birth certificate" of subdivision regulations discloses that local planning commissions are authorized and directed by said Act to adopt such regulations as will accomplish the following objectives:

1. Harmonious development of the city;
2. Coordination of streets within subdivisions and with other existing or planned streets and with the comprehensive plan of the city; and
3. Adequate open spaces for traffic, recreation, light and air, and the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity.

Said Act also authorizes municipal planning commissions to prescribe requirements as to the extent and manner in which streets shall be graded and improved. Water, sewer, and other utility mains shall be installed according to these regulations as a condition precedent to the approval by the commission of any subdivision plat.

Subdivision regulations are intended to be realistic in their provisions and are designed to benefit all concerned--the developer, the builder, the homeowner, and the taxpayer. Their impartial enforcement will be an important factor in promoting the growth and prosperity of the entire area. Such regulations are needed in order to assure that Niota will become a more prosperous and attractive area. New industry will have greater inducements to locate here; and prospective homeowners will have a wider and better choice of more attractive and desirable home sites.

In the adoption and administration of subdivision regulations for the City of Niota, the Niota Municipal Planning Commission has sought and will seek to do that which is for the greatest good of the greatest number of citizens. It does not propose to make elaborate plans just for the sake of planning, nor does it propose to burden the developer of new residential areas and the builder of new houses with unreasonably costly or unnecessary requirements. It does propose to carry out the instructions which the Legislature gave it by law in 1935 and to prescribe and require reasonable and proper minimum standards to be complied with in the opening and development of any new residential subdivision within the area over which the law gives it jurisdiction.

SUGGESTED STEPS FOR A DEVELOPER OF A SUBDIVISION

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

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

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

WHEN PRELIMINARY APPROVAL HAS BEEN GRANTED:

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

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

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

Prepare final plat.

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

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

ANSWERS TO QUESTIONS OFTEN ASKED ABOUT SUBDIVISION REGULATIONS

1. ARE SUBDIVISION REGULATIONS FAIR TO EVERYONE?

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

2. WHO IS AFFECTED BY THE REGULATIONS?

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

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

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

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

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

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

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

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

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

sewers, water mains, lighting, or other utilities in unauthorized roads.

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

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

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

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

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

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

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

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

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

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

The provisions of subdivision regulations apply to all subdivisions of land, including that for use of business and industry. Since space, parking, and service requirements will vary

greatly, it is impossible to establish standards for all types of uses. For that reason, specific requirements for lot sizes and area are set forth only for residential areas.

12. WHERE CAN I GET TECHNICAL SITE PLANNING ASSISTANCE?

Your planning commission will help by recommending several competent subdivision designers who can contribute much to the financial success of your subdivision. Although they will not prepare final plans for you, trained planners are available at the Southeast Tennessee Development District (SETDD).

ARTICLE 1

PREAMBLE AND ENACTMENT CLAUSE

IN PURSUANCE OF AUTHORITY SET FORTH IN SECTION 13-4-301 THROUGH SECTION 13-4-309, **TENNESSEE CODE ANNOTATED**, AND FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, PROSPERITY, AND GENERAL WELFARE OF THE CITY; TO ENCOURAGE ECONOMICALLY SOUND AND STABLE LAND DEVELOPMENT; TO ASSURE THE PROVISION OF REQUIRED STREETS, UTILITIES, AND OTHER FACILITIES AND SERVICES TO LAND DEVELOPMENTS; TO ASSURE THE ADEQUATE PROVISION OF SAFE AND CONVENIENT TRAFFIC ACCESS AND CIRCULATION, BOTH VEHICULAR AND PEDESTRIAN, IN LAND DEVELOPMENT; TO ASSURE THE PROVISION OF NEEDED PUBLIC OPEN SPACES AND BUILDING SITES IN LAND DEVELOPMENT THROUGH THE DEDICATION OR RESERVATION OF LAND FOR RECREATIONAL, EDUCATIONAL, AND OTHER PUBLIC PURPOSES; AND TO ASSURE THAT LAND IS DEVELOPED IN CONFORMITY WITH THE COMPREHENSIVE PLAN OF NIOTA, TENNESSEE, THE MUNICIPAL PLANNING COMMISSION OF THE CITY OF NIOTA, TENNESSEE, DOES ORDAIN AND ENACT THE FOLLOWING ARTICLES AND SECTIONS.

ARTICLE 2

SHORT TITLE

This document shall be known and may be cited as the **Subdivision Regulations of Niota, Tennessee.**

ARTICLE 3

DEFINITIONS OF CERTAIN TERMS USED HEREIN

Except as specifically defined herein, all words used in these regulations have their customary dictionary definitions where not inconsistent with the context. For the purpose of these regulations, certain words or terms are defined as follows: The term "shall" is mandatory. The word "may" is permissive. When not inconsistent with the context, words used in the singular include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

BOND - any form of security (including a cash bond, surety bond, undated letter-of-credit, cashiers check, or certified check) in an amount and form satisfactory to the planning commission for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement with the Niota Planning Commission.

BUILDING - any structure built for support, shelter, or enclosure for any occupancy or storage.

CURB RADIUS (added 3-12) – the curved edge of the thoroughfares at an intersection measured at the outer edge of the street curb or of the parking lane.

DEED RESTRICTIONS - a private covenant among the residents of a subdivision or development limiting uses or setting conditions within the subdivision or development.

DEVELOPER - any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

DEVELOPMENT - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

EASEMENT - the right given by a property owner to another party (either public or private) for a specific limited use of a designated part of his property. Uses can be for vehicular egress, drainage, utility installations, etc.

FLAG LOT - lot which lies behind the land or lots which front a street. The flag lot takes its access from the street via a narrow strip which is part of the flag lot and is not shared with any other lot or parcel. The name flag lot derives from the appearance of the lot on a plat, i.e. a flag (building site) with a flag pole (access strip).

FLOOD - a temporary rise or overflow of a body of water onto adjacent lands not normally covered by water.

FLOOD, REGULATORY - large flood selected for regulatory purposes and a basis for floodplain management. In Niota, as in most places, the 100-year Flood is the regulatory flood or base flood and there are no flood restrictions outside its limit. The 100-year Flood statistically has a one-percent chance of occurring each year. The boundary of the regulatory flood is shown on the Flood Hazard Boundary Maps prepared by the Federal Emergency Management Agency (FEMA).

Since Niota's floodways are calculated to pass the 100-year flood with an increase in water level not more than one (1) foot, the flood protection elevation at any point along a stream is the natural 100-year flood level at the point plus one (1) foot.

FLOODPLAIN - the relatively flat area or lowlands adjoining a watercourse or other body of water which has been or may be covered by water.

FLOODWAY - the channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to provide for the passage of flow from the regulatory flood (the 100-year Flood). This area must be left unobstructed in order to preserve the flood-carrying capacity of the stream and its flood plain without increasing the height of the floodwaters more than one foot.

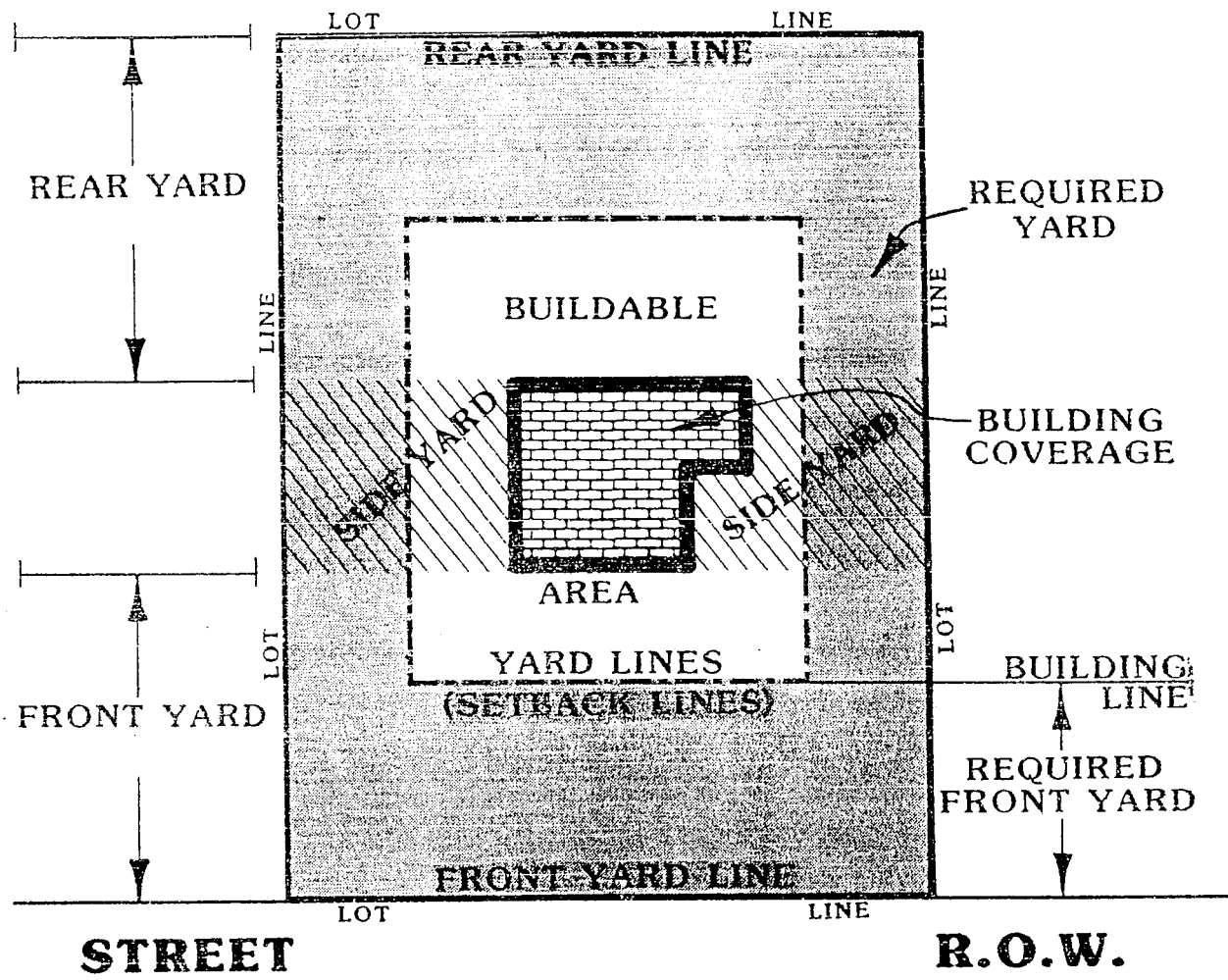
FLOODWAY FRINGE - the land located between the floodway boundary line and the maximum elevation subject to inundation by the 100-year flood.

FRONTAGE - The side of a lot abutting on a public road or street. Only one side of a corner lot shall be regarded as frontage. (Added 5-94)

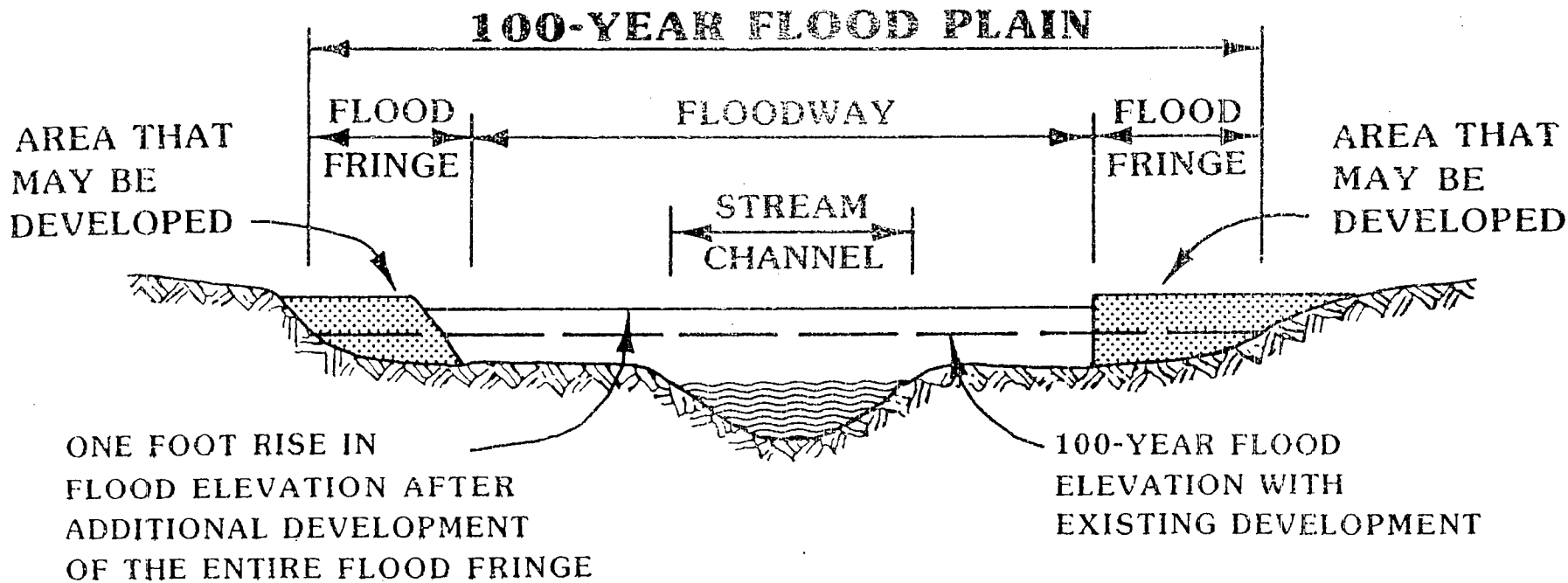
1. Frontage is the width of a lot as measured at the front yard setback line.
2. For a flag lot, frontage is measured at the narrowest width of the lot, excluding the stem of the lot extending to a road.

HEALTH AUTHORITY - the environmentalist of the McMinn County Health Department or his duly authorized representative, usually a sanitarian or environmentalist employed by the Tennessee Department of Environment and Conservation.

LOT - a portion or parcel of land separated from other portions or parcels by description as on a subdivision plat, or record of survey map, or as described by metes and bounds, and is intended for transfer of ownership or for building development. For the purpose of these regulations, the term does not include any portion of a dedicated right-of-way.



SETBACKS AND YARDS



100-YEAR FLOOD PLAIN SCHEMATIC

LOT OF RECORD - a designated tract of land as shown on a plat or other document recorded in the County Register's Office or the County Assessor of Property's Office.

LOT DIMENSIONS are defined as follows:

Lot Area - the total area of a lot calculated from surveyed boundaries or other reliable means.

Lot Depth - the average distance from the front lot line measured perpendicularly to the rear lot line.

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

MOBILE HOME - a factory-manufactured structure or housing unit at least eight feet in width and 40 feet in length, which is not self-propelled, but which is built as a single unit and is transportable. It is built on a permanent single chassis and is designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

MONUMENTS - permanent concrete or iron markers used to establish definitely all lines on the plat of a subdivision, including all lot corners, boundary lines, corners, and points of change in road alignment.

PLANNING COMMISSION - refers to the Niota Municipal Planning Commission.

PLAT - the scale drawing or map of a subdivision including plat, plan, plot, or replot.

Preliminary Plat - a subdivision plat showing the proposed lot arrangement and with the provisions contained in Article 8. It is generally submitted to the planning commission for approval prior to the preparation of the final plat.

Final Plat - a subdivision plat prepared in accordance with the provisions contained in Article 11. The final plat is designed to be placed on record with the County Register after approval by the planning commission.

RIGHT-OF-WAY (ROW) - a strip of land occupied or intended to be occupied by a road, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. Such rights-of-way shall not become the responsibility of the City of Niota until accepted by resolution of the Niota Mayor and City Commission. Right-of-Way (R.O.W.) width shall be the distance across the R.O.W. from property line to property line. (Amended 5-94)

SETBACK LINE - a line established by the Subdivision Regulations, generally parallel with and measured from the lot lines, delineating the minimum allowable distance between the

property line and a building on a lot within which no building or other structure shall be placed except as otherwise provided.

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

Arterials - the streets designated as such in the Niota, Tennessee Major Road Plan, including any state or federal route.

Collectors - the streets designated as such in the Niota, Tennessee Major Road Plan.

Local Street - a neighborhood street used primarily for access to the abutting properties.

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

STREET JOG (added 3-12) – A situation that exists when a street intersects a cross street at two (2) separate locations.

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

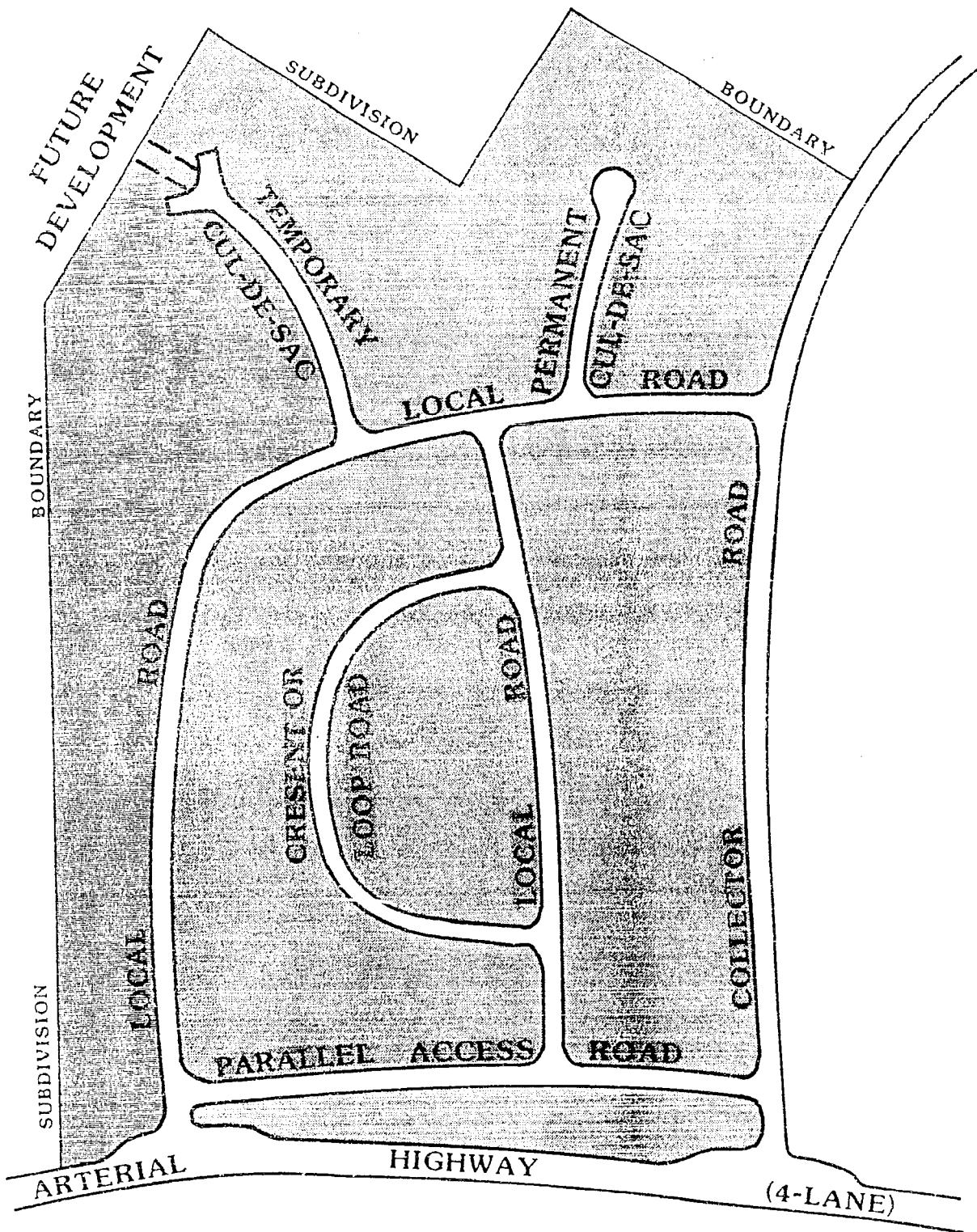
SUBDIVISION - the division of a tract or parcel of land into two (2) or more lot, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes resubdivision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

VARIANCE - a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

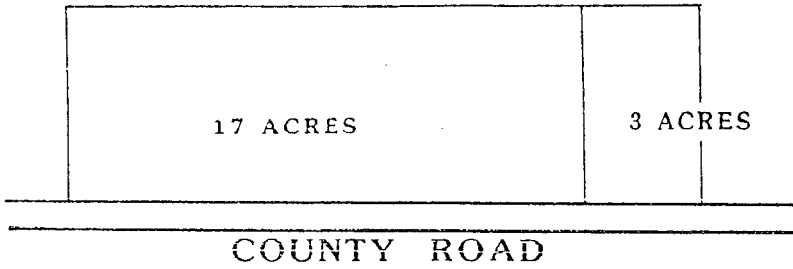
YARD, FRONT - the required open space, unoccupied by buildings, between the road or street right-of-way line and the principal building.

YARD, REAR - the required space, unoccupied except by an allowed accessory use, extending from the rear of the principal building to the rear lot line the full width of the lot.

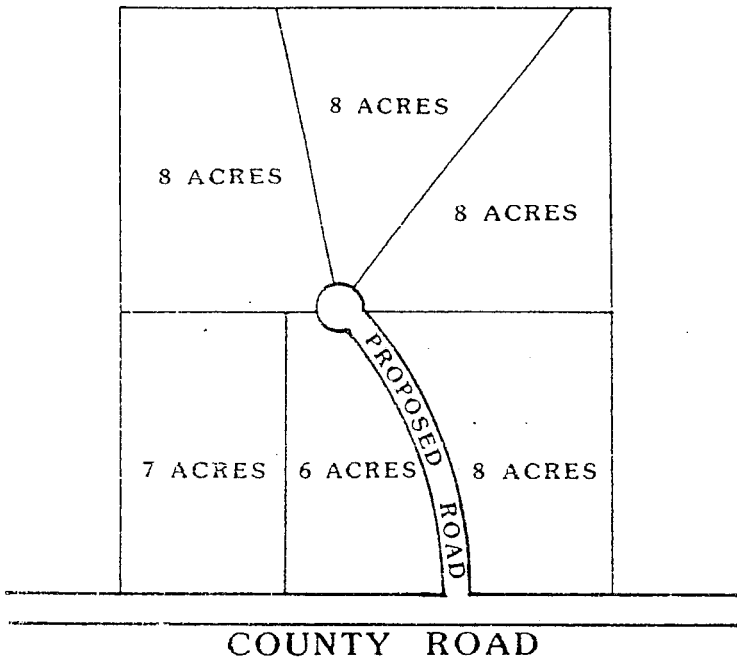
YARD, SIDE - the space, unoccupied except as herein provided, measured between side lot line and the nearest point of the principal building and between the front yard and the rear yard.



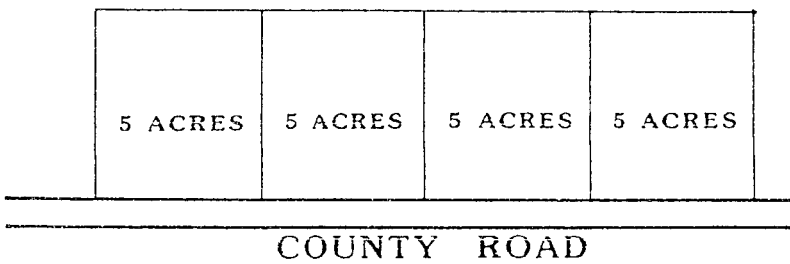
ROAD TYPES



THIS IS A SUBDIVISION
BECAUSE ONE LOT IS LESS
THAN FIVE (5) ACRES.



THIS IS A SUBDIVISION
BECAUSE A NEW ROAD IS
NEEDED FOR ACCESS.



THIS IS NOT A SUBDIVISION
BECAUSE ALL LOTS ARE FIVE
(5) ACRES AND NO NEW ROADS
OR PUBLIC UTILITIES ARE
REQUIRED

WHAT IS A SUBDIVISION ?

ARTICLE 4

GENERAL DESIGN REQUIREMENTS

Section 4.01. Suitability of the Land. The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

Land within any designated floodway shall not be platted for residential occupancy or building sites. Fill may not be used to raise land within any designated floodway. In other areas subject to flood, fill may be used providing the proposed fill does not restrict the flow of water and unduly increase flood heights and an equal area is channelized.

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

Section 4.02. Name of Subdivision. The name of the subdivision must have the approval of the Planning Commission. The name shall not duplicate or closely approximate the name of an existing subdivision.

Section 4.03. Access. Access to every subdivision shall be provided over a public road.

Section 4.04. Public Use Areas. When features of other plans adopted by the Planning Commission (such as schools or other public building sites, parks or other land for public uses) are located in whole or in part in a land subdivision, land for such features shall be either dedicated or reserved by the subdivider for acquisition within one (1) year by the appropriate public agency.

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

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

ILLUSTRATION – public open spaces

Where public use is to be made of the property and where the residents of the subdivision will receive primary benefit, the dedication of the property should be encouraged. Where the public use is for the public as a whole, the community should pay proportionately for the acquisition of reserved areas within a reasonable time. A reasonable time is to be determined according to the circumstances, because the subdivider should not be required to hold his land idle for a lengthy indefinite period.

Section 4.05. Large-Scale Development. The requirements of these regulations may be modified in the case of large-scale community or neighborhood units, such as a housing project, mobile home park, or shopping center which is not subdivided into customary lots, blocks and streets. Plans for all such developments shall be presented to the Planning Commission for review and approval prior to the commencement of construction.

The requirements and regulations of the Niota Mobile Home Ordinance must be satisfied prior to approval by the planning commission (**Amended 5-94**)

Section 4.06. Cluster Development.(Added 3-12) Cluster development is where the developer's intention is to leave open space for use by the designated lot owners of the proposed development or by the public at large for use and conservation. To allow for higher intensity residential use on developable property, forty-five percent open space is required. All setbacks are still in effect and are valid.

- a. Adequate connectivity will be required for both pedestrian and vehicular movement.
- b. All street standards will still apply to a cluster development.
- c. Ten percent (10%) of the required 45% open space must be useable open space.
- d. The minimum lot area for a cluster development shall adhere to the requirements of section 7.03. Length and width requirements may be reduced if the developer shows that proper design of the lots will not have a negative impact on the adjoining lots or the development as a whole. Length and width requirements shall not be reduced below fifty (50) feet wide at the setback line and a depth of not less than seventy-five (75) feet and not greater than three (3) times the width at the lot at the building line.
- e. Maintenance of open space within a cluster development will be the responsibility of a duly formed homeowner's association.

Section 4.07. Road Building Permit. Any person or persons other than the recognized federal, state, and city governments, desiring to construct or have constructed, or reconstructed, any road, street, or easement of access in Niota, where such roads, streets, or easements of access are intended for public use or intersects and/or adjoins a Niota Maintained Road, shall first apply to Mayor's Office and shall provide the following information: (1) Road design and location map of new road; (2) Identity of the owner or owners of the land; (3) the estimated cost of the completed road.

Upon proper application, a road building permit will be issued fifteen (15) days after filing the application if (1) The Niota Municipal Planning Commission approves the road design and (2) the McMinn County Road Superintendent's Office approves the design and certifies that the intersection of the new road and existing county road is as safe as possible. Approval may be given with stipulations that design changes or other special requirements be adhered to during construction.

ARTICLE 5
GENERAL REQUIREMENTS FOR STREETS
AND OTHER RIGHTS-OF-WAY

Section 5.01. Conformance to Adopted Major Thoroughfare Plan. All streets and other features of the Major Thoroughfare Plan of Niota, Tennessee, shall be platted by the subdivider in the location and to the dimensions indicated on the Major Thoroughfare Plan adopted by the Planning Commission. (The Major Thoroughfare Plan is on file in the County Courthouse.)

Section 5.02. Continuation of Existing Streets. Existing streets shall be continued at the same or greater width but in no case less than the required width.

Section 5.03. Street Connections. Where proposed streets are to adjoin existing streets, the developer must make the connection at his expense and meet all street design requirements set forth in these requirements.

Section 5.04. Street Elevations.(Amended 3-12) The Planning Commission may require, where necessary, profiles and elevations of streets in areas subject to flood, as defined in these regulations. Fill may be used for streets provided such fill does not unduly increase flood heights. Drainage openings shall be so designed as to not restrict the flow of water and unduly increase flood heights. The minimum street elevation shall be no lower than the elevation from a flood of 100-year frequency of occurrence.

The authority for establishing the 100-year frequency of occurrence flood elevation shall be the Federal Emergency Management Agency (FEMA).

Section 5.05 Street Names. (Amended 9-99) The street names shall require the approval of the Planning Commission and the McMinn County Emergency 911. Street names shall not duplicate or closely approximate the name of an existing street. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street.

Section 5.06. Restriction of Access. When a tract fronts on an arterial or highway, the Planning Commission may require such lots to be provided with frontage on a marginal access street or may require reverse frontage lots.

Section 5.07. Alleys. Alleys may be required at the rear of all lots used for multi-family, commercial or industrial developments but shall not be provided in one- and two-family residential developments unless the subdivider provides evidence satisfactory to the Planning Commission of the need for alleys.

Section 5.08. Private Streets and Reserve Strips. There shall be no private streets platted in any subdivision. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the city under conditions approved by the Planning Commission.

Section 5.09. Easements. Easements having a minimum width of ten (10) feet shall be provided where deemed necessary along each side or rear lot line for utility lines and underground mains and cables. Easements of the same or greater width shall be required along the lines of, or across lots, where necessary for the extension of existing or planned utilities.

Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided a storm water or drainage right-of-way of adequate width. Parallel streets may be required by the Planning Commission in connection therewith.

ARTICLE 6

STREET DESIGN REQUIREMENTS

Section 6.01. Street Right-of-Way Widths. The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

- a. **MAJOR ARTERIALS (amended 3-12)**
See Major Road Plan 100 feet, or as may be required
- b. **MINOR ARTERIALS**
See Major Road Plan 80 feet
- c. **PRIMARY COLLECTORS**
See Major Road Plan 60 feet

Collectors are secondary thoroughfares which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets of a residential development and streets for major circulation within such a development;

- d. **LOCAL STREETS (neighborhood) 50 feet**

Local streets are the minor streets found within a residential subdivision. Their chief function is to provide access to abutting properties and to carry traffic to the larger streets.

- e. **ALLEYS (amended 3-12) 15 feet**

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

- f. **CUL-DE-SACS 50 feet**

Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.

Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs, or dead-end streets, shall not be greater in length than one thousand (1,000) feet. They shall be provided at the closed end with a paved turn-around area having a property line radius of at least fifty (50) feet and an outside pavement radius of at least forty (40) feet.

- g. **TEMPORARY CUL-DE-SACS 50 feet**

Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around having a property line radius of at least fifty (50) feet and an outside pavement radius of at least forty (40) feet.

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

Section 6.02. Additional Width on Existing Streets. Sub- divisions that adjoin existing streets shall dedicate additional right-of-way if needed so the existing streets meet the minimum street width requirements.

- a. The entire right-of-way shall be dedicated where any part of the subdivision is on both sides of the existing street, and
- b. Where the subdivision is located on only one side of an existing street, the amount of right-of-way to be dedicated is as follows:
 1. If the land across the roadway from the proposed subdivision has not been subdivided or developed, the subdivider is only required to dedicate one-half of the required right-of-way, measured from the center line of the existing roadway.
 2. If the land across the roadway has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the roadway to bring the total right-of-way to the required width. (In no case shall the right-of-way be less than fifty (50) feet.)
- c. In cases where rights-of-way in excess of fifty (50) feet are required, additional widths shall be reserved, and when used just compensation therefore shall be paid by the condemning authority.

Section 6.03. Street Pavement Widths. Street pavement widths shall be as follows:

- a. Arterials (**amended 3-12**) 50 feet or greater, or as may be required
- b. Collectors 30 feet or greater, or as may be required
- c. Local (Neighborhood) 20 feet with 30 foot radius for turnaround area with shoulders (40 foot radius for turnaround with curbs)
- d. Alleys (**amended 3-12**) 15 feet
- e. Cul-de-sacs 20 feet with 30 foot radius for turnaround area with shoulders (40 foot radius for turnaround with curbs)

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

NOTE: The pavement widths are measured from pavement edge to pavement edge. These widths are considered the minimum necessary to accommodate modern traffic. All Arterials and Collectors are designed to be high-volume, high-speed traffic movers. At no time should parking be allowed along Arterials or Collectors. However, in the case of Local Streets, street parking must be considered in the pavement width. Where no street parking is permitted or none is anticipated, allowances may be made. A parallel parking lane normally requires eight (8) feet of width.

Section 6.04. Shoulders and Ditches. The minimum shoulder width shall be three feet of compacted gravel on each side of the street pavement. To provide local drainage the streets shall also have parallel ditches on each side which shall be a minimum of 1 1/2 feet deep with the ditch centerline located three feet from the outer edge of the road shoulder.

Section 6.05. Street Grades. Maximum and minimum street grades shall be fourteen (14) percent and one percent (1.0) respectively.

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

Section 6.06. Horizontal Curves. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, the street shall have a centerline radius of not less than the following:

- a. Arterials 300 feet
- b. Collectors 200 feet
- c. Minor Streets 100 feet

Section 6.07. Vertical Curves. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one-half (4 1/2) feet above the pavement, to an object four (4) inches high on the pavement. Where topography warrants it, in the opinion of the Planning Commission, profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one

hundred (100) feet horizontally and one (1) inch equals twenty (20) feet vertically may be required.

Section 6.08. Intersections. (amended 3-12) Street intersections shall be as nearly at right angles as is possible and no intersection shall be at an angle of less than eighty (80) degrees.

Curb radii at street intersections shall not be less than twenty (20) feet, and where the angle of a street intersection is less than ninety (90) degrees, the Planning Commission may require a greater curb radius. Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise setback sufficiently to permit such construction.

Section 6.09. Tangents. Between reverse curves there shall be a tangent having a length not less than one hundred (100) feet.

Section 6.10. Street Jogs. Street Jogs with centerline off-sets of less than one hundred fifty (150) feet shall not be allowed.

25 FEET
VERTICAL
DISTANCE (V)

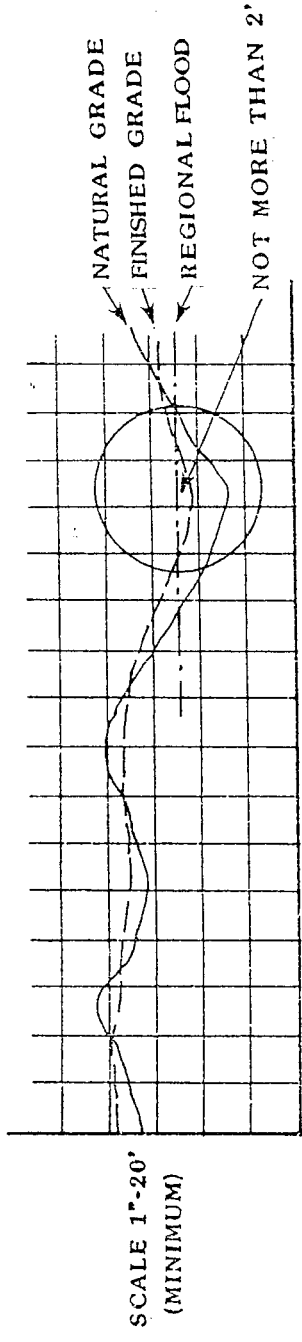
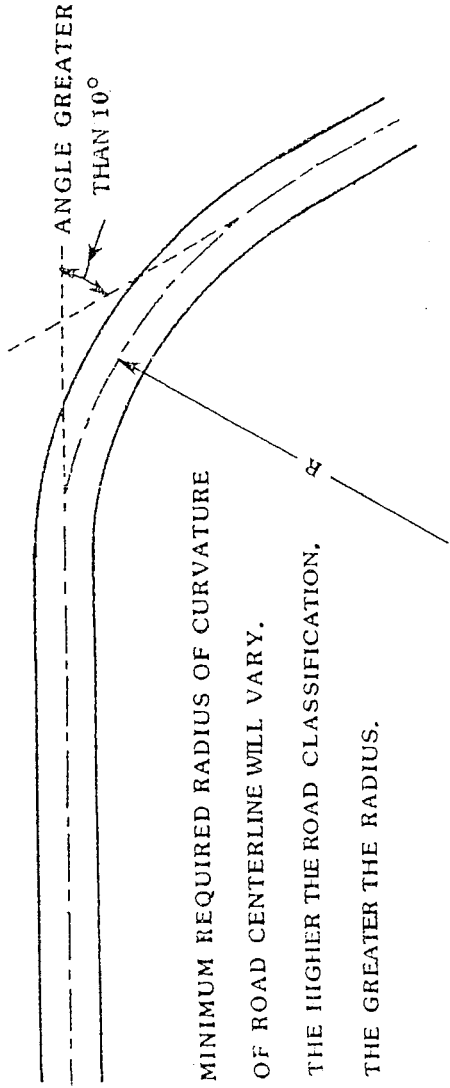
25% GRADE (1:4)

GRADE OR SLOPE

100 FEET
HORIZONTAL DISTANCE
(H)

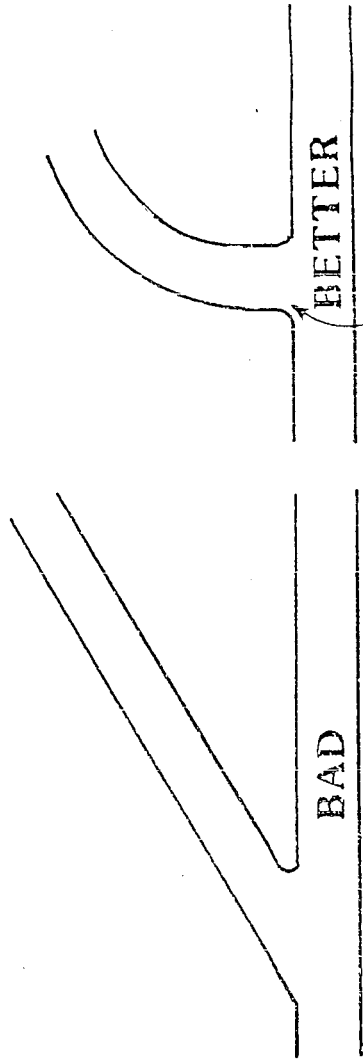
GRADE (SLOPE) FORMULA: $\text{SLOPE} = \frac{V}{H}$

SLOPE CALCULATION



SCALE 1"=100'
(MINIMUM)

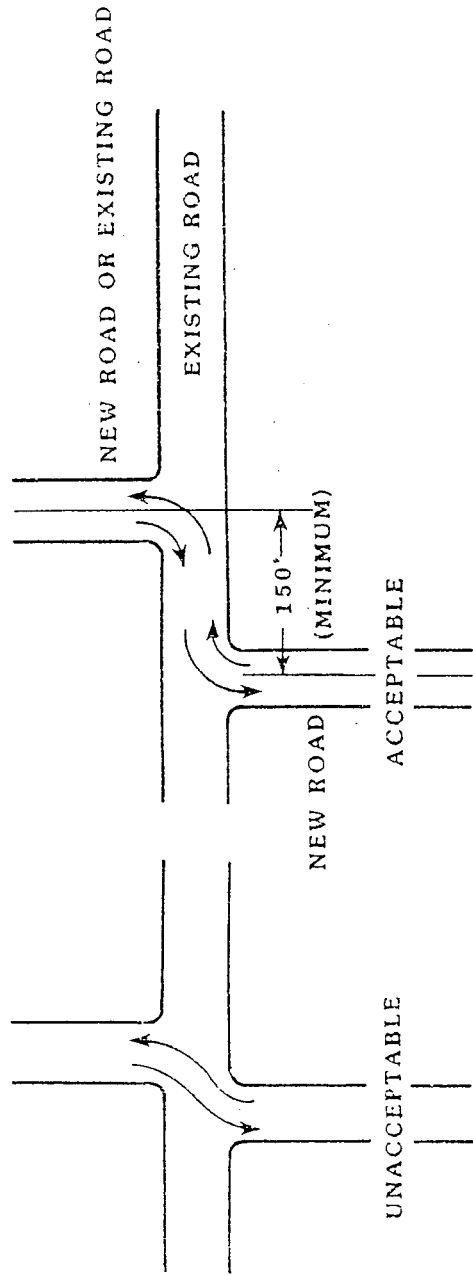
HORIZONTAL CURVE STREET PROFILE



BETTER

BAD

90° FOR 2 CAR LENGTHS



NEW ROAD OR EXISTING ROAD

EXISTING ROAD

150'
(MINIMUM)

NEW ROAD

UNACCEPTABLE

ACCEPTABLE

STREET JOGS

INTERSECTIONS

ARTICLE 7

DESIGN STANDARDS FOR BLOCKS AND LOTS

Section 7.01. Block Lengths and Widths. Block lengths and widths shall be as follows:

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

Section 7.02. Flood-Free Building Site. (Amended 3-12) Each lot in a subdivision shall contain a flood-free building site outside of the limits of any existing easement or the building setback lines as required by these regulations. The finished floor elevation for a "concrete slab on grade" type of structure or the bottom of the floor joist for a crawl space type of structure shall have a minimum elevation above the elevation for a flood of 100-year frequency.

The authority for establishing the 100-year frequency of occurrence flood elevation shall be the Federal Emergency Management Agency (FEMA). In the event the site is in an area for which a study has not been done, a comprehensive study will be required by a professional engineer licensed to practice in Tennessee.

Section 7.03. Minimum Lot Sizes and Shapes Based on Utility Availability.

- a. Length and Width - Residential lots shall not be less than seventy-five (75) feet wide at the setback (building) line, and shall have a depth of not less than one hundred (100) feet and not greater than three (3) times the width of the lot at the building line, unless unusual circumstances make these limitations impractical.
- b. Area: (Amended 5-94)
 1. Lots served by a public water and public sewer the minimum area shall be 7,500 square feet.
 2. Lots not on public sewerage shall be a minimum of 20,000 square feet in area, or larger if required by the Health Department.

ILLUSTRATION – Lot arrangement

The Health Department/Tennessee Department of Environment and Conservation shall check each proposed lot to ascertain that the lot is large enough for a private well, if required, as well as a private septic system with room for duplication of the system if the original fails.

NOTE: Where public water and sanitary sewer systems are reasonably accessible, the subdivider shall connect with such systems and provide a connection or connections to each lot. Where a public sewer is not accessible, an alternative method of sewage disposal may be used upon approval by the Health Department/Tennessee Department of Environment and Conservation and the planning commission.

- c. Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets.
- d. Commercial and industrial lots shall be adequate in size to provide service areas and off-street parking suitable for the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.
- e. Land shall not be platted for commercial or industrial purposes unless the subdivider can demonstrate to the Planning Commission that each lot provides the following:
 - 1. A site that does not unduly interfere with through traffic. (Each industrial subdivision or area shall utilize a single collector for all heavy traffic between the area and the general system of streets and roads. Minor industrial streets and individual industrial parcels shall be oriented at right angles with the collector and with adjacent railroads.)
 - 2. An integrated parking area.
 - 3. An insulation against any adverse effect on any present or future adjacent residences.
 - 4. A parcel size sufficient in area to allow future expansion.

Section 7.04. Lot Lines. All lot lines shall be perpendicular or radial to street lines, unless impractical because of topographic or other features.

Septic System Diagram

Section 7.05 Building Setback Lines.(Amended 9-99) A building line (setback line) meeting the front yard setback requirements of the subdivision regulations shall be established on all lots. The front yard setback shall be a minimum of thirty (30) feet from the street right-of-way lines. Other minimum setback lines shall be as follows:

- a. from the side property line 15 feet
- b. from rear property line 20 feet
- c. from side property line which abuts
a minor street (corner lots) 30 feet or greater

Section 7.06. Lots Abutting Public Streets. Each lot shall abut upon a dedicated public street.

Section 7.07. Double and Reverse Frontage Lots. Double frontage and reverse frontage lots should be avoided, except where essential to provide separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Reverse frontage lots shall have a depth of not less than one hundred and fifty (150) feet. A planted evergreen screen easement of at least ten (10) feet wide, across which there shall be no right of access shall be provided along the line of lots abutting a traffic artery or other incompatible use.

Section 7.08. Flag Lots. (Added 5-94) A "Flag Lot" is a lot which, except for a narrow private access lane, does not front on or abut a publicly-maintained road. These lots are used to provide a building site in the interior of a tract of land behind the lots which have full frontage on a publicly-maintained road.

7.08.01. General Flag Lot Requirements:

- a. The overall subdivision shall be designed so that the point where the access strip of the flag lot abuts the public road shall be safe for vehicular ingress and egress as far as visibility and grade are concerned since, unlike the purchaser of a conventional lot, the owner of a flag lot will have no other choice as to driveway location. (The safety of this intersection is even more important if the flag lot is ever made into a subdivision housing a number of families.)
- b. The developer should locate the access strip on land which affords a grade which would meet Section 6.05 so that if the flag lot is later subdivided, the planning commission will be able to approve the grade of the new public road built on the access strip. (This requirement is needed so the city does not in the future have a dangerous road which is difficult to maintain and to serve with public vehicles such as school buses.)
- c. Within the portion of the flag lot which doesn't include the access strip, the various buildings' setbacks for front, side, and rear shall still apply and be measured from the boundaries of the portion excluding the access strip.
- d. No more than two access strips shall be located side-by-side.
- e. Flag stems should not exceed 500 feet; however, the planning commission may grant a variance for flag stems not to exceed 1,000 feet in length, total.

7.08.02. Sliding Scale of Access Width Requirements:

A sliding scale provides that larger flag lots have wider access strips. This will usually allow future subdivision development through resubdivisions to occur.

- a. For flag lots of one (1) acre or less, the access strip shall be a minimum of twenty-five (25) feet in width.
- b. For flag lots of more than one (1) acre, the access strip shall be a minimum of fifty (50) feet in width.

ARTICLE 8

PRELIMINARY PLATTING REQUIREMENTS

8.01. Preapplication Review. Whenever a subdivision of a tract of land within the Niota Corporate Limits is proposed, the subdivider is urged to consult early and informally with the Chairman of the Niota Municipal Planning Commission and its staff and with the McMinn County Health Department. The subdivider may submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the preapplication review and no formal application shall be required.

(The purpose of the preapplication review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the planning commission and its staff in order to facilitate the subsequent preparation and approval of plats.

At this stage, the subdivider should also consult with any lending institutions that will be participating in the financing of his proposed development. He should contact the Federal Housing Administration (FHA) or the Farm Service Agency (FSA) if either agency is being asked to insure mortgages on houses that may be built in the proposed subdivision.

It is important that the subdivider submit a sketch plat to the county health department at least thirty (30) days prior to the meeting when he will ask the planning commission for preliminary approval.)

8.02. Preliminary Plat Approval.

8.02.01. Application for Preliminary Plat Approval.

Following the preapplication review of a proposed subdivision, the subdivider shall inform the chairman or the secretary of the planning commission or its professional staff of his readiness to request preliminary plat approval. ***In no case shall the planning commission review a preliminary plat for which notification is given on the date of the regularly scheduled meeting. Fifteen days before the meeting shall be the normal time required.***

The subdivider shall distribute one copy of the preliminary plat to each of the following individuals or agencies for their review and records: 1) planning commission; 2) Niota Water Department; 3) county health department; and 4) City Recorder.

8.02.02. Review of Preliminary Plat.

During its scheduled meeting, the planning commission shall check the plat for conformance to these regulations.

Then, the planning commission shall give approval or disapproval of the preliminary plat. A notation of the action shall be made in the minutes of the meeting. The minutes shall contain the reasons for disapproval if this be the case or the conditions for approval if that be the case. One (1) copy shall be returned to the subdivider or his agent and one (1) copy added to the records of the planning commission.

The planning commission shall act on the preliminary plat within thirty (30) days after the plat is presented at a planning commission meeting.

8.03. Preliminary Plat Specifications:

8.03.01. Scale.

The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch unless the unusually large size of the lots allows a smaller scale without an appreciable loss of legibility.

8.03.02. Sheet Size.

Sheet size shall be twenty-four (24) inches by thirty-six (36) inches. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.

8.03.03. Ground Elevations. (Amended 9-99)

Contour lines shall be show at vertical intervals of not more than five (5) feet, except when specifically not required by the planning commission or the McMinn County Department of Public Health and Environment.

8.03.04. Information to be Provided on the Preliminary Plat. (Amended 3-12)

The preliminary plat shall contain the following information.

- a. Name of subdivision (Note: Do not duplicate or closely approximate the names of existing subdivisions in the county or city).

- b. Name, address, and phone number of owner of record, subdivider, and surveyor.
- c. North point, graphic or bar scale, and date plat was designed.
- d. Vicinity map showing location and acreage of subdivision.
- e. Exact boundary lines of the tract by bearings and distances.
- f. Names of all adjoining property owners and/or subdivisions.
- g. Existing streets, buildings, railroads, culverts, utilities and easements on and adjacent to the tract, as well as natural features such as sinkholes, watercourses, and rock outcroppings.
- h. Proposed design including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for the purposes other than single-family dwellings.
- i. Lot numbers, which shall be consecutive.
- j. Plans of proposed utility layouts and easements (sewers, water, and gas) showing feasible connections to the existing or any proposed utility systems. When connections to certain public utilities are not practical, any proposed individual water supply and/or sewage disposal system must be approved by the county health department.
- k. Where public sewerage and/or water are not available, the subdivider shall obtain preliminary approval from the Health Department/Tennessee Department of Environment and Conservation that lot sizes and soil permeability appear to be adequate for both an individual septic system and independent water source. (Note: the approval of the county health department of the size and shape of the proposed individual lots is critical to the design of the entire subdivision.)
- l. Minimum building front yard setback lines.
- m. The present zoning classification, if any, on the land to be subdivided and on the adjoining land.
- n. Contour lines at least for every five (5) foot change in elevation. (**Amended 5-94**)
- o. Drainage area size and size of proposed drainage structures, as may be required.
- p. For land believed to have unusual topographic features, street centerline (vertical curve) profiles may be required by the planning commission to show that the proposed streets after grading and construction will not exceed the maximum street grades.
- q. Street cross-section profiles as may be required by the planning commission to indicate proper crowning for drainage purposes.
- r. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the following criteria shall be met.

1. The floodplain and floodway limits shall be shown.
2. Public utilities and facilities shall be constructed so as to minimize flood damage.
3. Adequate drainage shall be provided.
4. The developer of a subdivision greater than fifty (50) lots or five (5) acres shall develop base flood elevation data for the subdivision.

Section 8.04 Certifications Required for the Preliminary Plat (amended 3-12)

CERTIFICATE OF APPROVAL OF PRELIMINARY PLAT

Pursuant to the **Subdivision Regulations of Niota, Tennessee**, all of the requirements of preliminary approval have been fulfilled. Therefore, the "Preliminary Plat of _____ Subdivision" has been approved by the Niota Municipal Planning Commission on _____, 20 _____, subject to the following modifications: _____

This approval does NOT constitute approval of a final plat. This **Certificate of Preliminary Approval** shall expire and be null and void on _____, 20 _____ (one year from date of approval).

Variances granted (if any): _____

Signed: _____
Secretary, Niota Municipal
Planning Commission

Note: After the subdivider has received preliminary plat approval, he may begin work on necessary improvements for final plat approval.

CHECKLIST FOR PRELIMINARY PLAT CONSIDERATION

NAME OF SUBDIVISION: _____

LOCATION: _____

OWNER OF RECORD: _____

Address _____ Tel. _____

SUBDIVIDER: _____

Address _____ Tel. _____

SURVEYOR: _____

Address _____ Tel. _____

DATE SUBMITTED FOR PRELIMINARY APPROVAL: _____

CHECKLIST:

- _____ 4 copies submitted 15 days prior to meeting.
- _____ Name of Subdivision.
- _____ Name, address and phone number of owner of record, subdivider, and surveyor.
- _____ North point, graphic scale, and date of drawing.
- _____ Scale not less than 1" = 100'.
- _____ Sheet size (24" x 36" plus 2" binding strip on long edge).
- _____ Vicinity map showing acreage and location of subdivision in relation to surrounding roads and property.
- _____ Zoning, if applicable.
- _____ Flood boundaries, if applicable.
- _____ Boundary lines by bearing and distances.
- _____ Names of adjoining property owners and/or subdivision(s).
- _____ Location of all existing physical features on land and nearby properties.
- _____ Location of existing nearby sewer and/or water lines.
- _____ Lot lines, parks and reservations, easements, and names, locations, and dimensions of proposed streets and alleys.
- _____ Consecutive lot numbers.
- _____ Plans of proposed utility layouts showing connections to existing or proposed utility systems. Notation on plat if private wells or septic tanks are planned.
- _____ Preliminary approval for individual wells and/or septic systems has been granted by the McMinn County Health Department.
- _____ 10' contour intervals.
- _____ Cross-section and centerline street profiles at suitable scales as may be required by street superintendent and/or planning commission.
- _____ Minimum building front yard setback line of 50 feet.
- _____ Conforms to general requirements and minimum standards of subdivision design.

ARTICLE 9
REQUIRED IMPROVEMENTS FOR FINAL PLAT APPROVAL
OF MAJOR SUBDIVISION

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

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

Section 9.01. Monuments. (Amended 9-99)

- a. All corners shall be established, and shall be metal, or concrete. **(amended 3-12)**
- b. Metal corners shall be no less than ½ inch in diameter; concrete corners shall be no less than 4 inches in diameter; and both shall be no less than 18 inches in length unless some impregnable material is encountered.
- c. The type of corner (old or new) shall be indicated on the plat.
- d. When conditions warrant setting a corner on an offset, the location shall be selected so that the corner lies on a line of the survey, or a prolongation of the line.
- e. All new corners placed shall have a cap or tag of non-corrosive material with the surveyor's registration number or company name stamped.
- f. In the case of placement of a concrete marker, the marker shall have a permanent mark for the survey point and shall have the surveyor's registration number or company name attached or stamped. A notation on the plat shall be made stating whether the corners were found or set, and in addition, the statement shall indicate the material and size of the corner found or set.

Section 9.02. Grading. All streets, roads, and alleys shall be graded by the subdivider to the required cross section and grade. When the grading is completed, the developer must notify the County Road Superintendent and allow his office time to inspect the grading before proceeding to the installation of the road base. Due to special topographical conditions, deviation from the required cross section and grade will be allowed only with special approval of the McMinn County Highway Department.

Where roads are constructed under or adjacent to existing electric transmission lines, the nearest edge of the roadway surface shall be a minimum of fifteen (15) feet from any transmission line structure and all grading for the road shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines,

the clearance from the road to the nearest conductor shall meet the requirements of the National Electric Safety Code.

- a. Preparation. Before grading is started the entire right-of-way area shall be first cleared of all stumps, roots, brush, and other objectionable materials and all trees not intended for preservation. All of which shall be burned or hauled away.
- b. Cuts. All tree stumps, boulders, and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade. This provision applies to the roadway and not necessarily to the entire right-of-way width.
- c. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted by a sheep's foot roller. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped.

Section 9.03. Installation of Utilities. After grading is completed and approved and before any base is applied, all of the required underground work--water mains, sewer lines, gas mains, etc.--and all service connections shall be installed completely and approved throughout the subdivision.

Section 9.04. Road Construction. Sections 9.04.01. and 9.04.02. state the requirements for constructing a new city street with hot mix asphalt or with a concrete surface. All new subdivision streets shall be surfaced using one of these options. Copies of weight tickets for materials delivered and used in road construction shall be provided to the County Highway Superintendent. (Amended 5-94)

9.04.01. Specifications for Hot-Mix Asphalt Pavements. A hot mix pavement is the first option allowed for all classes of roads.

- a. Base. The base shall consist of crushed stone (not crusher run stone) Grade D, Class A (pub mix) compacted to a minimum of six (6) inches and constructed as specified in the latest edition of the Tennessee Department of Transportation's Standard Specification for Road and Bridge Construction. It shall be applied at a rate of 660 pounds of crushed stone per square yard. When the base is completed, the developer must notify the County Highway Superintendent and allow his office time to inspect the base before proceeding to the installation of the surface course. (Amended 5-94)
- b. Surface Course. The Hot Mix Surface Course shall be constructed with asphaltic concrete (hot mix) to a minimum compacted thickness of two (2) inches. In all cases it shall have not less than an average weight of two hundred twenty (220) pounds per square yard. When the surface course is completed, the developer must notify the County Highway Superintendent and allow his office time to inspect the surface course in the third and final inspection needed for approval.

NOTE: Each new road proposed under these regulations shall be inspected by the McMinn County Highway Department at stages during the construction process. The first inspection will occur after grading has been completed; the second after the road base has been constructed; and the third after the surface course has been

completed. Failure to obtain such inspection will constitute grounds for non-acceptance of the road by the City of Niota.

Section 9.04.02. Specifications for Concrete Pavements. A concrete pavement is the second option allowed for all classes of roads.

a. Sub-Grade Preparation for Concrete Roads.

1. Subgrade prepared in fill sections must be of suitable material, compacted in eight (8) inch layers using heavy sheep's foot roller or other approved mechanical compaction equipment.
2. Subgrade shall be fine graded with all irregular spots removed. After fine grading is completed, it shall be rolled with steel or rubber-tired roller.
3. The subgrade shall be inspected and approved by the County Road Superintendent before any concrete is placed. Upon request by the Road Superintendent, the developer must furnish compaction test results and pay all costs for such tests.

b. Widths. The pavement width, shoulder width, and ditch specifications shall all be in accordance to the Niota Municipal Planning Commission's existing standards contained elsewhere in these regulations.

c. Concrete Mix Design.

1. All concrete shall develop four thousand (4,000) pounds per square inch compressive strength at twenty-eight (28) days, with a five (5) percent air-entrainment.
2. The concrete supplier shall furnish copies of the design mix to the developer and shall be approved by the County Road Superintendent prior to any concrete being placed. The maximum allowable slump is four (4) inches.

d. Concrete Road Thickness. The minimum thickness shall be four (4) inches, except at formed construction joints, as described in construction details below. Reinforcing steel will not be required.

e. Concrete Road Construction Details.

1. Before placing concrete, the subgrade shall be in a moist condition. This may require sprinkling with a water wagon or water pump and hose.
2. The street width shall be poured one side at a time, with a formed construction joint in the center of the street width. Each construction joint shall have a keyed joint and be six (6) inches thick and tapered to four (4) inches in eighteen (18) inches. A formed construction joint with key will be used at the end of each day's pour.
3. Transverse contraction joints shall be sawed or hand formed each ten (10) feet. The depth of the contraction joint shall be one (1) inch or one-fourth (1/4) the depth of the slab. The maximum width of the joint shall be one-fourth (1/4) inch.

4. The concrete finish shall be a medium broom finish to a gritty final surface.
- f. Curing of Concrete. Curing shall be that obtained with a uniform coverage of white membrane curing compound, or by seven (7) day coverage with white polyethylene or waterproof paper. The completed pavement shall be closed to passenger car traffic for a minimum of three (3) days and to truck traffic for seven (7) days.

Section 9.05. Storm Drainage. An adequate drainage system including necessary open ditches (see Section 6.04 for roadside ditch specifications), pipes, culverts, intersectional drains, drip inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

Erosion control measures shall be required on disturbed slopes and on-site retention of storm waters may be required if conditions and development characteristics warrant such.

Cross drains should be provided to accommodate all natural water flow and shall be of sufficient length to permit a full-width roadway and the required slopes. The size and location of cross drains shall be determined by the McMinn County Highway Superintendent, but in no case shall they be less than fifteen (15) inches in diameter. All storm drainage contained in pipes or culverts under the roadway shall have endwalls, headwalls, or rip-rap with a concrete apron wall where necessary to prevent erosion.

NOTE: Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed.

Section 9.06. Water Supply System. Water mains properly connected with the community water supply system or with an alternate supply approved by the County Health Authority or registered environmentalist shall be constructed in such a manner as to serve adequately for both domestic use and fire protection all lots shown on the subdivision plat.

A public water system shall be provided when the proposed subdivision is within 500 feet of an existing system. The appropriate size of the water mains shall be determined by the Planning Commission.

Plats determined by the County Health Department to be unsuitable for fresh water wells shall provide a public water system before the plat is approved by the planning commission.

Section 9.07. Sanitary Sewerage. When the subdivision is located within the service area of a public sewerage system, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system.

Where lots cannot be economically connected with a sewerage system, each lot shall be required to pass percolation tests, or a certification by a state certified soil scientist, and shall contain adequate area for the installation of approved septic tank and disposal fields, and be approved in writing by the County Health Authority or registered state environmentalist.

Section 9.08. Sidewalks. (Amended 3-12) For the safety of pedestrians and of children at play or on approaches to community facilities (schools, parks, etc.) installation of sidewalks on one or both sides of the street shall be required of the developer when considered to be necessary by the Planning Commission.

When a large scale residential subdivision of eight lots or more is located within 1,000 feet as measured from property boundary to property boundary of a public or private school, a listing on the National Register of Historic Places, or other public functions including governmental facilities, installation of sidewalks is required. The option of installing a sidewalk on one side of the street may be an alternative if other pedestrian safety designs are implemented such as, but not limited, to crosswalks, signage and street calming.

When sidewalks are required, the following specifications shall be met: Sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on the property line at a later date. In single-family residential areas concrete sidewalks shall be four (4) feet wide and four (4) inches thick. In multi-family or group housing development sidewalks shall be five (5) feet wide and four (4) inches thick. In commercial areas, sidewalks shall be ten (10) feet wide and four (4) inches thick.

Section 9.09. Guarantee in Lieu of Completed Improvements. No final subdivision plat shall be approved by the Planning Commission or accepted for record by the County Register of Deeds, until one of the following conditions have been met:

- a. All required improvements have been constructed in a satisfactory manner and approved by the Planning Commission; or
- b. The Planning Commission has accepted a surety bond, letter of credit, or a certified check in an amount equal to the estimated later cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the city or county in the event of default by the subdivider.

NOTE: The developer shall contact the appropriate firms to determine cost estimates of the necessary improvements and present these estimates to the planning commission.

Details of concrete roads

ARTICLE 10

REVIEW PROCEDURE FOR MINOR SUBDIVISION PLATS

Section 10.01. Exempted Requirements. Whenever a minor subdivision is proposed, the requirements of Article 8 shall not apply except as herein provided. The following procedures for application review and approval shall govern.

NOTE: A subdivision is considered minor when it contains four (4) or less lots and no streets, utilities or other improvements are to be made.

Section 10.02. Submittal. The subdivider shall submit to the Secretary of the Planning Commission four (4) copies of a survey (hereafter called the "plat") of the proposed minor subdivision prepared by an approved land surveyor or registered engineer.

Section 10.03. Flood Area. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the limit of such flood shall be shown.

Section 10.04. Plat Requirements. The plat shall be clearly and legibly drawn at a suitable scale and shall contain all information normally required in an official survey with an engineer's or surveyor's certification plus:

- a. the name and address of owner of record;
- b. a vicinity map showing the location and acreage of the subdivision;
- c. the existing streets, buildings, water courses, utilities and easements; and
- d. the present zoning classification, if any, on the land to be subdivided and on the adjoining land.

Certificates that shall be required are: (1) owners' certification; (2) certificate of dedication; and (3) certificate of approval directly on the plat as prescribed for the subdivision plats in Article 11 and any other certificate deemed necessary by the Planning Commission.

NOTE: For example, where septic tanks are to be used in a minor subdivision, the Planning Commission should require certificates of approval by the County Health Officer.

Section 10.05. Planning Commission Review and Action. (Amended 3-12) The Planning Commission shall check the plat for conformance to the rules and regulations and shall afford a hearing on the plat, notice of the time and place of which shall be sent by the Secretary of the Planning Commission to the person submitting the plat at least five (5) days prior to the date of the hearing. Thereafter, the Planning Commission shall approve or disapprove the plat, including a statement of the reasons for disapproval if the plat is disapproved. One (1) copy shall be returned to the subdivider or his agent, one (1) copy added to the records of the Planning Commission, one (1) copy sent to the City Recorder, and one (1) copy shall be recorded in the office of the McMinn County Register by the Secretary of the Planning Commission.

If action is not taken by the Planning Commission within sixty (60) days from the date of submittal, the plat shall be considered approved and a certificate of approval shall be issued on

demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

If a subdivision is a simple land split resulting in only two (2) lots, meets all requirements of the Niota Subdivision Regulations and does not require the construction of new roads or utilities, the Planning Commission secretary can approve and sign the plat following staff review.

ARTICLE 11

FINAL PLATTING REQUIREMENTS

11.01. Final Plat Approval.

11.01.01. Application for Final Plat Approval.

After the preliminary plat of a proposed land subdivision has been given approval by the planning commission, the subdivider may, within one year from the date of preliminary approval, contact the planning commission secretary or staff to request review and approval of the Final Plat. In no case shall the planning commission review a final plat for which notification is given on the date of the regularly scheduled meeting. Fifteen days notice shall generally be required.

The subdivider shall distribute one (1) copy of the final plat to each of the following individuals or agencies for their review and records: 1) one copy to be recorded in the files of the county register; 2) one copy for the records of the planning commission; 3) one copy for the Niota Water Department; 4) one copy for the city recorder; 5) one copy for the county health department; and 6) one copy for return to the subdivider with inscriptions of the planning commission.

11.01.02. Review of Final Plat. (amended 3-12)

The planning commission shall check the final plat for substantial conformance with the approved preliminary plat and with the rules and regulations of this document.

Thereafter, the planning commission shall approve or disapprove the final plat. A notation of the action of the planning commission shall be made on the six (6) copies of the final plat, including a statement of the reasons for disapproval if the plat is disapproved. If action on a final plat is not taken by the planning commission within sixty (60) days of the date of submittal, the final plat shall be considered approved and certificate of approval shall be considered approved. However, the applicant for approval may waive this requirement and consent to an extension of time.

11.01.03. Certificate of Approval of the Final Plat by the Planning Commission.

If the subdivision is approved, the secretary of the planning commission shall sign the **Certificate of Approval** of the final plat directly on the copies of the plat as outlined in Section 11.01.02 of these regulations.

NOTE: All certifications with appropriate signatures shall be placed on six (6) copies of the plat and any others that may be deemed necessary. No certification signatures should be placed on the reproducible copy.

11.01.04. Recording of Final Plat.

Upon approval of a final plat, the subdivider shall have the final plat recorded in the Office of the McMinn County Register.

11.02. Final Plat Specifications. Whereas the preliminary plat is a working drawing showing how the streets and lots will be laid out upon the land, the final plat is intended to be primarily a

legal instrument suitable for recording. It contains information needed to prepare deeds and also contains signed statements certifying that required improvements have been made. The final plat will contain the following information and certifications.

11.02.01. List of Final Plat Specifications.

The final plat shall substantially conform to the preliminary plat which was previously approved. The final plat shall show:

- a. Name and location of subdivision and graphic scale, true north point, and date of drawing,
- b. Location on a sketch map showing site in relation to surrounding area,
- c. The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining unsubdivided property,
- d. All dimensions to the nearest one-hundredth (100th) of a foot and angles to the nearest minute,
- e. All street, road and alley lines; lot lines and building setback lines; and lot numbers in numerical order;
- f. Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, block line, and building line, whether curved or straight, and including true north point; this shall include the radius, central angle, and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets. Where the subdivision does not require a public street but private driveways connect to county or state highways, the subdivider shall provide documentation of approval from county or state road officials that the driveway connection conforms to county or state regulations,
- g. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public uses,
- h. Accurate location, material, and description of existing and proposed monuments and markers,
- i. A statement, either directly on the plat or in an identified attached document, of any private covenants (deed restrictions),
- j. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the following criteria shall be met:
 1. The floodplain limits shall be shown.
 2. Public utilities and facilities shall be constructed so as to minimize flood damage.
 3. Adequate drainage shall be provided.
 4. The developer of a subdivision greater than fifty (50) lots or five (5) acres shall develop base flood elevation data for the subdivision.

- k. Contour lines **only** if so specified by the planning commission.

(NOTE: "As built" plans and profiles of all streets, sewers, waterlines, and storm drains shall be furnished to the city upon completion of the project.)

- l. Certificates signed appropriately as covered in Subsections 11.02.02. through 11.02.07.

11.02.02. Certificate of Ownership and Dedication.

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon; that all state, city, and county taxes or other assessments now due on the land have been paid; and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building setback lines, and hereby dedicate to the public use forever all the streets as shown on this plat.

DATE	OWNER
OWNER	

11.02.03. Certificate of Approval of Sewage Disposal.

I hereby certify that each lot shown on this subdivision plat:

- 1) is adequate for individual septic tanks;

DATE	COUNTY HEALTH DEPARTMENT
------	--------------------------

OR

- 2) is adjacent to a properly installed extension of an approved public sewerage system;

DATE	PUBLIC SEWERAGE SYSTEM OFFICIAL
------	---------------------------------

OR

- 3) that an adequate bond has been posted for such sewer extensions.

DATE	PUBLIC SEWERAGE SYSTEM OFFICIAL
------	---------------------------------

11.02.04. Certificate of Approval of Water System.

I hereby certify that each lot shown is either: 1) large enough and has adequate soils for both a private well and an individual septic system;

DATE

COUNTY HEALTH DEPARTMENT

OR

2) is served by public water system extensions designed and installed in accordance to applicable local and state regulations;

DATE

LOCAL WATER UTILITY

OR

3) that an adequate bond has been posted to cover such water system extensions.

DATE

PLANNING COMMISSION SECRETARY

11.02.05. Certificate of Registered Surveyor.

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; and that all monuments shown hereon actually exist or are marked as "future", and their location, size, type, and material are correctly shown; and that all requirements of the Subdivision Regulations of Niota, Tennessee, have been fully complied with."

DATE

SURVEYOR

11.02.06. Certificate of Approval of Streets and Drainage System.

I hereby certify that the streets and drainage facilities shown on this plat have been installed in an acceptable manner in accordance to required specifications or that an adequate bond has been posted.

DATE

COUNTY ROAD SUPERINTENDENT

11.02.07. Certificate by Planning Commission of Approval for Recording.

I hereby certify that the subdivision plat shown hereon has been found to comply with the **Subdivision Regulations of Niota, Tennessee**, with the exceptions of such variances, if any, as may be noted on this Final Plat; and that all required improvements have either been completed

or covered by an approved bond large enough to complete the required improvements in case of default; and that this Final Plat has been approved for recording in the Office of the McMinn County Register.

DATE

PLANNING COMMISSION SECRETARY

11.02.08. Certificate by McMinn County E-911 Board(Added 9-99)

I hereby certify that I have reviewed this plat and find that it conforms to the County’s E-911 requirements.

McMinn County
E-911 Representative

DATE

CHECKLIST FOR FINAL PLAT CONSIDERATION

NAME OF SUBDIVISION: _____

LOCATION: _____

CIVIL DISTRICT: _____

ZONING DISTRICT: _____

OWNER OF RECORD: _____

Address _____ Tel. _____

DATE PRELIMINARY APPROVAL GRANTED: _____

DATE SUBMITTED FOR FINAL APPROVAL: _____

CHECKLIST:

- _____ Submitted within one year from date of preliminary approval.
- _____ 5 copies submitted 5 days prior to planning commission meeting.
- _____ Name of subdivision.
- _____ Drawn to a scale of ___ equals ___ on sheets not larger than 24 inches by 36 inches including the binding strip.
- _____ Name, address, and phone number of owner of record, subdivider, and surveyor.
- _____ North point, graphic scale, and date of drawing.
- _____ Bearings of property lines, and sufficient engineering data to locate all lot and street lines including radii, angles, and tangent distances.
- _____ Reservations, easements, or other non-residential areas.
- _____ Dimensions to nearest 10th of a foot and angles to nearest minute.
- _____ Lot lines, alleys, and building setback lines.
- _____ Location and description of monuments.
- _____ Names and locations of adjacent properties.
- _____ Lines, names, and widths of all streets and roads.
- _____ Lots numbered in numerical order.
- _____ Location sketch map with any floodable areas outlined.
- _____ Certificate of ownership and dedication.
- _____ Certificate of approval of water system.
- _____ Certificate of approval of sewerage systems.
- _____ Certificate of approval of streets and drainage.
- _____ Certificate of engineer and/or surveyor.
- _____ Reference to any proposed deed restrictions.
- _____ Conforms to general requirements and minimum standards of design.
- _____ Required physical improvements have been made or bond posted in the amount of \$_____.

ARTICLE 12
PLATTING JURISDICTION, ENFORCEMENT,
AND PENALTIES FOR VIOLATION

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

12.01. Platting Authority. From and after the passage of these regulations, the planning commission shall be the official platting authority, and no plat of a land subdivision as defined in these regulations shall be entitled to record in the Office of the McMinn County Register of Deeds unless it shall have the approval of the planning commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the planning commission as required by these regulations is declared to be a misdemeanor, punishable by law.

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

12.03. Enforcement. No plat or plan of a subdivision located within the area of planning jurisdiction shall be filed or recorded by the county register of deeds until said plat or plan has received final approval in writing by the planning commission as provided in Section 13-4-302, **Tennessee Code Annotated.**

12.04. Opening and Improving Public Streets (Roads). As provided in Section 13-4-307, **Tennessee Code Annotated**, no public officer, authority, or city governing body shall accept, layout, open, improve, grade, pave, or light any street; lay or authorize the laying of water mains or sewers; or the construction of other facilities or utilities in any street located within the area of planning jurisdiction unless such street shall have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the planning commission, or on a street plan made and adopted by the planning commission. The Niota City Commission may accept or layout any other road provided the ordinance for such acceptance, laying out, or adoption shall first be submitted to the planning commission for its approval. If disapproved by the planning commission, the road ordinance shall receive at least a majority vote of the entire membership of the Niota City Commission.

12.05. Erection of Buildings. As provided in Section 13-4-308, **Tennessee Code Annotated**, no building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the planning commission unless the street giving access thereto has been accepted as a public street in accordance with these regulations and Section 13-4-307, **Tennessee Code Annotated.**

Any new building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building inspector or the city attorney or other official designated by the Niota City Commission may bring action to enjoin such erection or cause it to be vacated or removed.

12.06. Penalties. No county register shall receive, file, or record a plat of a subdivision without the approval of the planning commission as required in Section 13-4-302, **Tennessee Code Annotated**, and any county recorder so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

Section 13-4-306, **Tennessee Code Annotated**, provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of such subdivision of such land without having submitted the 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 city, through its attorney or other official designated by the city commission, may enjoin such transfer or sale or agreement by action or injunction.

ARTICLE 13

VARIANCES, AMENDMENTS, AND APPEALS

13.01. Variances. Variances may be granted where the planning commission decides that there are topographical or other conditions peculiar to the site and a departure from these regulations will not destroy their intent. Any variance thus authorized shall be stated in writing in the minutes of the planning commission with the reasoning on which the departure is justified set forth.

13.02. Amendments. These regulations may be amended from time to time by the planning commission, which shall hold a public hearing thereon, notice of the time and place of which shall be published in a newspaper of general circulation in the city.

13.03. Appeals. Appeal is granted from the final action of the planning commission to the Chancery Court, but only for the wrongful withholding of approval by its arbitrary, capricious and/or discriminatory conduct or acts.

ARTICLE 14

LEGAL STATUS PROVISIONS

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

14.02. Conflict With Other Regulations. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building codes, or other official regulations, the highest or most restrictive standard shall apply.

14.03. Adoption and Effective Date. Before adoption of these Subdivision Regulations, a public hearing as required by Section 13-4-303, **Tennessee Code Annotated**, was afforded interested persons and was held on _____. Notice of such hearing was announced in the Daily Post Athenian, being of general circulation within the area of planning jurisdiction, on _____.

These regulations shall be in full force and effect from and after their adoption and effective date.

ADOPTED: _____

EFFECTIVE: _____

**MINTIE WILLSON, PLANNING
COMMISSION CHAIRMAN**

**MABEL YOUNG, PLANNING
COMMISSION SECRETARY**