

**Subdivision Regulations
of the City of Sevierville,
Tennessee**

and the

Sevierville Planning Region

DEPARTMENT OF PLANNING & DEVELOPMENT

120 Gary Wade Boulevard, P. O. Box 5500, Sevierville, Tennessee 37864
865-453-5504



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Of the
City of Sevierville, Tennessee
and the
Sevierville Planning Region**

Sevierville Regional Planning Commission

Lyle Overbay, Chairman

Bryan Atchley, Mayor
Teddy Murrell
Billy Carroll

Jerry Loveday, Alderman
Jim Arwood
Alan Dillow

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Contents

Answers to Questions Often Asked About Subdivision Regulations.....1

Article

Article I

PURPOSE, AUTHORITY, AND JURISDICTION.....3
A. Purpose..... 3
B. Authority.....3
C. Jurisdiction.....3

Article II

PROCEDURE FOR PLAT APPROVAL.....5
A. General.....5
B. Preliminary Sketch Plat.....5
C. Final Plat.....10

Article III

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN.....13
A . Streets13
B. Blocks.....15
C. Lots.....16
D. Public Use and Service Areas.....17
E. Suitability of the Land.....18
F. Large Tracts or Parcels.....18
G.Group Housing Developments.....19
H. Mobile Home Subdivisions.....20
I. Variances.....20
J. Zoning or Other Regulations.....22

Article IV

DEVELOPMENT PRE-REQUISITE TO FINAL APPROVAL.....23
A. Required Improvements.....23
B. Guarantee in Lieu of Completed Improvements.....28

Article V

REGULATIONS FOR REVIEW AND APPROVAL OF MINOR SUBDIVISION.....30
A. Definition.....30
B. General Requirements.....30

Article VI

ENFORCEMENT AND PENALTIES FOR VIOLATIONS.....32
A. Enforcement..... 32
B. Penalties.....32

Article VII

ADOPTION AND EFFECTIVE DATE.....33

APPENDIX.....34
Appendix A: PERFORMANCE BOND FORM.....35
Appendix B: LETTER OF CREDIT FORM.....36
Appendix C: FORMS FOR FINAL PLAT CERTIFICATION.....39

Answers to Questions Often Asked About Subdivision Regulations

Are subdivision regulations fair to everyone?

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

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.

Am I affected if I resubdivide my tracts 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.

What's to prevent me from recording a subdivision plat without approval?

The County Registrar of Deeds is prevented by law from recording land subdivision lying within planning regions without final approval in writing.

Can I sell by an unapproved plat 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.

What happens if I sell unapproved and unrecorded lots from my subdivision?

- A. A State law has been broken (Section 10, Chapter 22, Public Acts of 1951).
- B. Some cloud would exist on the title of 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.

What improvements will I need to install in my subdivision?

Sevierville Subdivision Regulations require the developer to grade and improve streets, install monuments, sewers (where applicable), and water mains in accordance with adoptf3d specifications.

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.

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.

How do I go about having a subdivision approved?

The Sevierville Planning Commission's printed set of regulations includes 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.

What if I wish to lay out a commercial or industrial subdivision?

The provisions of subdivision regulations apply to all subdivision 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.

Where can I get technical site planning assistance?

The 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.

SUBDIVISION REGULATIONS OF THE SEVIERVILLE, TENNESSEE REGIONAL PLANNING COMMISSION

(Hereafter referred to as the *Planning Commission*)

ARTICLE I: PURPOSE, AUTHORITY AND JURISDICTION

A. Purpose

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

The following subdivision regulations guiding the planning commission are designed to provide for the harmonious development of the planned region; to secure a coordinated layout and adequate provision for traffic and also to secure adequate provision for light, air, recreation, transportation, water, drainage, sewer and other sanitary facilities.

B. Authority

These subdivision regulations are adopted under authority granted by Sections 13-4-301 through 13-4-309 and Sections 13-3-401 through 13-3-411, Tennessee Code Annotated. The planning commission has fulfilled the requirements set forth in these statutes as pre-requisite to the adoption of such regulations. A certified copy of the Sevierville, Tennessee Major Street and Road Plan has been filed in the Office of the Registrar of Sevier County, Tennessee.

C. Jurisdiction

These regulations shall govern all subdivision of land within the corporate limits of Sevierville, Tennessee, as now or hereafter established within the Sevierville, Tennessee Planning Region as established by resolution of the Tennessee State Planning Office. Within these regulations the term "subdivision" shall mean the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions for the purposes, whether immediate or future, of sale or building development, and includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided, provided, however, that "subdivision" does not include a division of any tract or parcel of land into two (2) or more tracts or parcels' when such parts or parcels are five (5) acres or larger in size. The term "road" shall mean, relate to, and include roads, streets, highways, avenues, boulevards, parkways, lanes, or other ways or any part thereof. The term "plat" shall mean plat, plan, plot or replot. The term "planning

commission" shall mean any regional planning commission established by the State Planning Office as provided by law, and includes any municipal planning commission designated by the State Planning Office as the regional planning commission of a planning region composed of the territory of a single municipality together with the territory adjoining but outside of such municipality. Any prospective subdivider owning land located within the Sevierville Planning Region shall submit a subdivision plat to the Sevierville Regional Planning Commission. The plat is to be submitted according to the procedures outlined in Article II, such plat shall conform to the minimum requirements set forth in Article III. Improvements shall be installed as required by Article IV of these regulations.

ARTICLE II: PROCEDURE FOR PLAT APPROVAL

The procedure for review and approval of a subdivision plat consists of two separate steps. The initial step is the preparation and submission of a preliminary plat of the proposed subdivision and submission of a preliminary plat of the proposed subdivision to the planning commission. The second step is the preparation and submission to the planning commission of a final plat together with required certificates. The final plat becomes the instrument to be recorded in the Office of the County Registrar when duly signed by the secretary of the planning commission.

A. General

- 1) Any owner of land lying within the area of jurisdiction of the planning commission wishing to divide such land into two or more lots, sites, or divisions, for the purpose, either immediate or future, of sale or building development, or wishing to re-subdivide for this purpose, shall submit a plan of such proposed subdivision to the planning commission for approval and shall obtain such approval prior to the filing of his subdivision plat for record. Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in Article III of these regulations and shall be presented in the manner specified in the following section of this Article. No plat of a subdivision of land within these areas of jurisdiction shall be filed by the County Registrar without the approval of the planning commission.
- 2) The subdivider should consult early and informally with the planning commission and its technical staff for advice and assistance before the preparation of the preliminary plat and its formal application for approval. This will enable the developer to become thoroughly familiar with these regulations, the Major Street and Road Plan, and other official plans or public improvements which might affect the area. Such informal review should prevent unnecessary and costly revisions.
- 3) A subdivider may omit the submission of a preliminary plat, submitting only a final plat if the following conditions are met:
 - a. All public improvements as set forth in Article IV are already installed. Any construction, installation, or improvements of any public improvements shall require the submission of a preliminary plat as prescribed by Section B of Article II.
- 4) All subdivision plats and the traverse on which they are based shall meet the requirements established in the "Standards of Practice" adopted by the Tennessee Board of Examiners for Land Surveyors.

B. Preliminary Sketch Plat

- 1) At least twenty(20) days prior to the meeting at which a preliminary plat is to be considered, the subdivider shall submit to the Sevierville Office of Planning and Development six (6) copies of the plat of the proposed subdivision in order to allow the planning commission's technical staff and utility officials time for necessary reviews and preparation of recommendations. The subdivision plan shall be drawn to a scale of not less

than one inch equals one hundred (100) feet. At the time of such submission, the secretary or a designated representative shall issue a receipt acknowledging said submission. Neither the submission of the preliminary sketches plat to the secretary or the receipt issued by the secretary shall constitute submission of the preliminary sketch plat for consideration by the planning commission.

- 2) The sketch plat which shall meet the minimum standards of design as set forth in Article II, and the general requirements for the construction of public improvements as set forth in Article IV shall give the following information insofar as possible.
 - a. The proposed subdivision name and location, the name and address of the owner or owners, and the name of the designer of the plat who shall be a licensed or certified engineer or surveyor approved by the planning commission.
 - b. Date, approximate north point, and graphic scale.
 - c. The location of existing and platted property lines, streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements, the present zoning classification (if any) both on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.
 - d. A construction plan which shall include:
 1. A complete drainage plan showing all improvements including all proposed streets, easements, storm sewers, swells, ditches, reserved areas and lot drainage.
 2. A plan and profile of all streets showing typical cross sections of proposed roadways, swells, and ditches as well as both existing and proposed finished grades of paved rights-of-way and special ditches, and details of all structures which are part of the physical improvements in the subdivision. All proposed drainage structures including manholes, catch basins, junction boxes, pipe storm drains, ditches, and other drainage facilities including headwalls shall be shown on the plan and profile.
 - e. A location map showing relation of subdivision to well-known highways, railroads, and water courses in all directions to a distance of at least one-half mile. Suggested scale: one inch equals two-thousand (2,000) feet.
 - f. Plans of proposed utility layouts showing feasible connections to the existing or any proposed utility systems. When such connections are not practical, any proposed individual water supply and/or sewage disposal system must be approved by the County Health Department.
 - g. The names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building lines and utilities.
 - h. Contours at vertical intervals of not more than five (5) feet, except when specifically not

required by the planning commission.

- i. The acreage of the land to be subdivided.
 - j. Surveyor's seal and certification as to the class of survey and the ratio of precision of the unadjusted survey (Up to 1:7,500).
- 3) Within sixty (60) days after submission of a preliminary sketch plat located in the planning region, or within thirty (30) days if located in the municipality, the planning commission will review it and indicate its approval, disapproval, or approval subject to modifications as a basis for the preparation of the final plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications will be indicated.
 - 4) Approval of a preliminary plat by the planning commission will not constitute final plat approval.
 - 5) Failure of the planning commission to act on the preliminary sketch plat within the specified time frame as noted in B.3) after being presented at a planning commission meeting in accordance with subsections B.1) and B.2) of this Article will be deemed approval of this plat, and a certificate to that effect shall be issued by the commission on demand, provided, however, that the applicant may waive this requirement and consent to the extension of such period.
 - 6) One copy of the sketch plat will be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.
 - 7) The approval of the preliminary sketch plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval, unless an extension of time is applied for and granted by the planning commission.
 - 8) If the subdivision is going to be developed and submitted as final plats in portions of the preliminary plat, the portions must be designated and titled in alphabetical characters.
 - 9) No new subdivision shall use the name of an existing subdivision except one being developed in stages.
 - 10) When a subdivision proposed for development involves changes to the land contour through grading, filling, excavating, removal or destruction of topsoil, trees or vegetative covering thereon, the developer shall submit a plan for erosion and sedimentation control. All plans for erosion and sedimentation control shall conform to applicable requirements of the National Pollutant Discharge Elimination System Permit issued for the City of Sevierville and any Permit that applies within the City of Sevierville Planning Region. A plan also shall be submitted to the Tennessee Department of Environment and Conservation in conformance with any state regulations or rules which apply to grading, erosion, and sedimentation.

- a. For all proposed subdivisions, erosion and sedimentation control plans shall be presented to the planning commission and shall meet the following guidelines:
1. Topography: The development plan should be fitted to the topography and the soils in order to minimize erosion potential.
 2. Development Coordination: Erosion and sedimentation control measures shall be coordinated with the required steps in construction, and appropriate control measures installed prior to the start of construction.
 3. Sequential Control Measures: Land shall be developed in increments of workable size, on which, adequate controls of erosion and sedimentation can be provided and maintained during the construction period. Operations shall be staged so that the area being exposed for a long period of time without stabilization, and so that the initially disturbed areas are completely controlled, before the next section is opened. The developer shall be required to schedule sequentially phased controls of erosion and sedimentation as coordinated with the development and construction stages, and shall specify in detail precisely which areas will be cleared first, and how long these areas will be exposed to the elements. The maximum exposure period shall not exceed 120 days.
 4. Runoff Controls: Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during the ensuing development. Runoff must be intercepted and safely conveyed to storm drains or natural outlets where it will not erode or flood land. The drainage system for the development shall be completed and made operational as quickly as possible during construction.
 5. Cover: Wherever feasible, natural vegetation shall be retained and protected. Temporary vegetation and/or mulching shall be used where necessary to protect exposed areas during development.
 6. Sediment Basins (Debris Basins, Desilting Basins, or Silt Traps): Sediment basins shall be installed and maintained to collect sediment from runoff waters from land undergoing development. Storm sewer inlets with debris guards and micro silt basins shall be provided to trap sediment and avoid possible damage by blockage.
 7. Final Vegetation and Structures: The permanent vegetation and structures shall be installed as soon as practical in the development.
 8. Paved Areas: Streets, parking lots, and other areas shall be paved as quickly as practical.

SUBDIVISION RECORD - PRELIMINARY PLAT

Date Submitted For Preliminary Approval ___/___/___

Name of Subdivision _____

Location _____ Civil District _____ Zoning District _____

Owner(s) _____

Address _____ Phone _____

Agent(s) _____

Address _____ Phone _____

Surveyor _____

Address _____ Phone _____

Check List

- Copies submitted as required prior to meeting.
- Drawn to required scale.
- Name, location, owner and surveyor.
- Date north point, and graphic scale.
- Location of all existing physical features on land and nearby properties.
- Names of adjoining property owners and/or subdivisions.
- Plans of proposed utility layouts.
- Names, locations, and dimensions of proposed streets, alleys, easements
- Parks and reservations, lot lines, etc.
- Profiles of all streets at required scales.
- Contours at not more than five-foot intervals.
- Acreage of land to be subdivided.
- Conforms to general requirements and minimum standards of design.

Approved ___/___/___ to proceed to final plat. Subject to the following modifications:

Disapproved ___/___/___ for the following reasons: _____

Signed _____ Secretary of Planning Commission

C. Final Plat

- 1) The final plat shall conform substantially to the preliminary sketch plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary sketch plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations. If a proposed subdivision fronts upon an existing public road, the planning commission may waive the requirements for preliminary approval, and permit the developer to submit only a final plat.
- 2) In order to allow the planning commission technical staff and utility personnel ample time to review and prepare recommendations to the planning commission, the final plat shall be submitted to the planning commission at least twenty (20) days prior to the meeting at which it is to be considered. The subdivider shall submit six (6) copies of the drawings (blue line prints), together with street profiles or other plans that may be required.
- 3) The final plat shall be presented to the planning commission at its next meeting by the developer or designated representative for consideration for approval or disapproval.
- 4) The plat shall be drawn to scale of one inch equals one hundred (100) feet on sheets eighteen (18) by twenty-four (24) inches or of an approved size to correspond to local plat book dimensions. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.
- 5) When the final plat has been approved by the planning commission, one copy will be returned to the subdivider, with the approval of the planning commission certified thereon, for filing with the County Registrar as the official plat of record.
- 6) The planning commission shall approve or disapprove the final plat within sixty (60) days if located in the region and within thirty (30) days if located in the municipality after its submission. Failure of the commission to act on this final plat within the specified time shall be deemed approval of it. If the plat is disapproved the grounds for disapproval shall be stated upon the records of the planning commission.
- 7) Approval of the final plat shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground.
- 8) The final plat shall show:
 - a. The lines of all streets and roads, alley lines, lot lines, building setbacks, lots numbered in numerical order, reservations, easements, and any other areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
 - b. 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 north point. This shall include the radius central angle and tangent distance for the right-of-way of curved streets and curved property lines that are not the boundary of curved streets.

- c. All dimensions to the nearest one-hundredth (100th) of a foot and angles to the nearest minute.
 - d. Location and description of monuments.
 - e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.
 - f. Date, title, name and location of subdivision, graphic scale, and north point.
 - g. Location sketch map showing site in relation to area.
 - h. All boundary traverses including lot and block traverses.
- 9) The following certificates shall be presented with the final plat:
- a. Certification showing that applicant is the land owner and dedicates streets, rights-of-way and any sites for public use (See Appendix C).
 - b. Certification by registered land surveyor to accuracy of survey and plat and placement of monuments (See Appendix C).
 - c. Certification by the City or County health offices when individual sewage disposal or water systems are to be installed (See Appendix C).
 - d. Certification by the City Engineer or other designated person that the subdivider has complied with one of the following alternatives:
 1. Installation of all improvements in accordance with the requirements of the subdivision regulations, and utility policies, OR,
 2. Posting of security bond or cash bond in sufficient amount to assure such completion of all required improvements (See Appendix A).
 - e. Certification of approval to be signed by the secretary of the planning commission (See Appendix C).

SUBDIVISION RECORD – FINAL PLAT

Preliminary Approval Granted ____/____/____

Date Submitted For FINAL Approval ____/____/____

Name of Subdivision _____

Location _____ Civil District _____ Zoning District _____

Owner(s) _____

Address _____ Phone _____

Check List

Submitted within the specified time from preliminary approval.

Copies submitted as required prior to meeting.

Drawn to scale of __ inch equals ___ feet on sheets not larger than ___ inches x ___ inches.

Date, true north point, graphic scale, name and location of subdivision.

Reservations, easements, or other non-residential areas.

Bearings of property lines and sufficient engineering data to locate all lines including radii, angles and tangent distances.

Dimensions to the nearest 100th of a foot and angles to the nearest minute.

Lot lines, alleys, building setback lines.

Lines and names of all streets and roads.

Location and description of monuments.

Names and locations of adjoining properties.

Lots numbered in numerical order.

Certificate of Ownership and Dedication.

Certificate of Accuracy.

Certificate of Approval of Water and Sewerage Systems.

Certificate of Approval of Streets and Utilities.

Proposed deed restrictions if not a zoned area.

Conforms to General requirements and Minimum Standards of Design.

Required physical improvements have been made or bond posted in the amount of \$_____.

Approved for Recording: _____

Variances Granted: _____

Disapproved ____/____/____ for the following reasons: _____

Signed: _____, Secretary of the Planning Commission

ARTICLE III: GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

A. Streets

- 1) Conformity to the Major Thoroughfare Plan: The location and width of all streets and roads shall conform to the official Major Thoroughfare Plan, which includes the Major Street Plan within the municipality and the Major Road Plan within the remainder of the planning region.
- 2) Relation to Adjoining Street System: The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width.
- 3) Access Streets to Subdivision Boundaries: Sufficient access streets to adjoining properties shall be provided in subdivisions to permit harmonious development of the area.
- 4) Street Widths: The minimum width of the right-of-way, measured from lot line to lot line, shall be as shown on the Major Thoroughfare Plan and shall be not less than as follows:
 - a. Arterial Streets and Highways: 80-150 feet, as may be required. Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the Major Thoroughfare Plan.
 - b. Collector Streets: 50-60 feet. Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets for a residential development and streets for major circulation within such a development.
 - c. Minor Residential Streets: 50 feet. Minor residential streets are those which are used primarily for access to the abutting residential properties and designed to discourage use by through traffic.
 - d. Marginal Access Streets: 40 feet (or more width where necessary for adequate traffic conveyance and suitable infrastructure). Marginal access streets are minor streets which are parallel to, and adjacent to, arterial streets and highways, and which provide both access to abutting properties and protection from through traffic.
 - e. Dead-End Streets (Cul-de-Sac): 40 feet. Cul-de-Sacs are permanent dead-end streets or courts not to exceed six-hundred (600) feet or fifteen (15) dwelling units, designed so that they cannot be extended in the future. Note: In cases where topography or other physical conditions make a street of the required minimum width impractical, the planning commission may modify the above requirements.
 - f. Loop Streets: 40 feet. Loop streets are streets open at both ends and connected to only one residential street with a maximum length of twelve-hundred (1200) feet or twenty-five (25) dwelling units.

- g. Alleys: 20 feet. Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.
- 5) Additional Width On Existing Streets: Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.
 - a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
 - b. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the center line of the existing roadway, shall be provided. In no case shall the resulting right-of-way width be less than forty (40) feet.
 - 6) Restriction of Access: Where a subdivision abuts or contains an existing or proposed major street, the planning commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties to afford separation of through and local traffic.
 - 7) Street Grades: Grades on major streets shall not exceed seven (7) percent. Grades on other streets may exceed seven (7) percent but shall not exceed fifteen (15) percent.
 - 8) Horizontal Curves: Where a deflection angle of ten (10) degrees or more in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the center line radius of curvature shall not be less than three-hundred (300) feet; on other streets, not less than one-hundred (100) feet.
 - 9) Vertical Curves: All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in rates of grade for major streets and one-half this minimum length for other streets. Profiles of all streets showing natural and finished grades, drawn to a scale of not less than one inch equals one-hundred (100) feet horizontal, and one-inch equals ten (10) feet vertical, may be required by the planning commission.
 - 10) Intersections: Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees.
 - 11) Tangents: A tangent at least one-hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
 - 12) Street Jogs: Street jogs with center line off-sets of less than one-hundred and twenty-five (125) feet shall not be allowed.
 - 13) Sight Distance: On all streets constructed for the conveyance of vehicular traffic adequate sight distance shall be provided for the safe travel of vehicles. Sight distance standards employed by the American Association of State Highway and Transportation Officials (ASSHTO) shall be applied to the design and construction

of streets and roads, including horizontal and vertical curves, street intersections, street and driveway intersections, and connections of new thoroughfares with existing street and road systems.

14) Dead-End Streets

- a. Minor terminal streets or courts designed to have one end permanently closed shall be no more than six-hundred (600) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one-hundred (100) feet, or the planning commission may approve an alternate design such as the "T" or "Y" backaround.
- b. Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around.

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

16) Drainage: All streets and roads must be so designed as to provide for the discharge of surface water from the right-of-way. Where it is the opinion of the planning commission that water cannot be adequately discharged by surface drainage, the planning commission may require the installation of a storm sewer system.

17) Street Name: Proposed streets, which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the names for proposed streets duplicate existing street names, irrespective of the use of suffix street, avenue, boulevard, driveway, place, or court.

18) Alleys: Alleys may be required to the rear of all lots used for business purposes, and shall not be provided in residential blocks.

B. Blocks

- 1) Length: Blocks shall not be less than four-hundred (400) feet, nor more than twelve-hundred (1200) feet in length, except as the planning commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over eight-hundred (800) feet in length, the planning commission may require one or more public cross walks.
- 2) Width: Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or size of the property.

C. Lots

- 1) Arrangement: Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for a minimum of forty (40) feet upon a public street or road which is not less than forty (40) feet in width.
- 2) Minimum Size: The size, shape and orientation of lots shall be such as the planning commission deems appropriate for the type of development and use contemplated. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer and provide a connection to each lot. Where a public sewer is not accessible, an alternate method of sewage disposal may be used when meeting all applicable public health regulations.
 - a. Residential lots served by a public sewerage system shall not be less than seventy-five (75) feet wide at the building setback line nor less than seventy-five hundred (7500) square feet in area, except mobile home lots shall be a minimum of five-thousand (5,000) square feet.
 - b. Residential lots not served by public sewerage systems shall not be less than forty(40) feet wide at the street right-of-way line, and a minimum of eighty (80) feet wide at the building setback line, and shall provide a minimum area of twenty-thousand (20,000) square feet. Greater area may be required for private sewage disposal if, in the opinion of the County Health Department, there are factors of drainage, soil condition, or other conditions to cause potential health problems. The planning commission may require that data from percolation tests be submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal.
 - c. The minimum size of residential lots to be served by a private source of water supply shall be determined by the County Health Officer after investigations of soil conditions, proposed sewerage system, and depth of groundwater. However, in no case shall these lots have less than a minimum area of twenty-thousand (20,000) square feet.
 - d. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by 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.
 - d. The sizes and widths of lots shall in no case be less than the minimum requirements of any zoning ordinance in effect.
- 3) Building Setback Lines and Yard Requirements
 - a. The minimum depth of building setback lines from the street right-of-way line shall not be less than thirty (30) not be feet from minor residential and collector streets and forty (40) feet from all others. In case of corner lots, provide a setback of fifteen (15) feet from the side street right-of-way line,* unless a lower

standard is allowed by the existing zoning ordinance. A minimum side yard of six (6) feet on one side for all lots and a total minimum side yard setback of fifteen (15) feet is required for interior lots.

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

<u>Voltage of Line</u>	<u>Minimum Building Setback</u>
46KV	37 ½ feet
69KV	50 feet
161 KV and Over	75 feet

- 4) Corner Lots: Corner lots shall be sufficiently wider and larger to permit the additional side yard requirements of the zoning ordinance or building setback lines as outlined above.

D. Public Use and Service Areas

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

- 1) Public Open Space: Where a school, neighborhood park or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the planning commission, is located in part in the applicant's subdivision, the planning commission may require the dedication or reservation of such open space within the subdivision up to a total of ten (10) percent of the gross area of water frontage of the plat, for park, school, or recreation purposes.
- 2) Easements for Utilities
 - a. Drainage and utility easements shall be provided on each side and rear lot line where deemed necessary by the planning commission. The easements shall be designed to adequately provide utilities and drainage for all lots in the proposed subdivision. Where drainage is proposed to cross any lot at any point other than the side or corner of the lot, the plat shall indicate the size of the pipe necessary to carry the proposed runoff. Each cul-de-sac shall have provisions for a fifteen (15) foot utility easement extending therefrom to prevent dead-end water mains. Easements of the same or a greater width may be required along the lines of or across lots where necessary for the extension of existing/planned utilities.
 - b. Storm Sewers: Where in the opinion of the planning commission the flow of water cannot be accommodated with surface drainage, storm sewers may be required. The planning commission shall determine, on the basis of the watershed and the probable runoff, the size of the storm sewers. In ascertaining the size of the storm sewers, the planning commission may call upon its technical staff or any public or private agency to

assist it in its determinations.

- 3) **Water Supply and Sewerage Connections:** Where a public water supply or public sewerage system is reasonably accessible, the subdivider shall indicate connections with such water supply or sewerage system, and a water and sewerage connection for each lot with such material and to such size and length as shall be approved by the planning commission. Where a public water supply or public sewerage system is not reasonably accessible or not planned for in the future, an alternate method of water supply and sewage disposal may be indicated and shall be approved in writing by the County Health Officer.
- 4) **Community Assets:** In all subdivisions due regard shall be shown for all natural features such as large trees, water courses, historical sites, and similar community assets which, if preserved, will add attractiveness and value to the property.

E. 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.

- 1) **Flood Control Measures:** Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion of flood hazard. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
 - a. Fill may not be used to raise land in areas where the fill would increase flood levels.
 - b. All proposed developments containing land shown on the flood maps of Sevierville and Sevier County shall identify the floodway and flood fringe area on the proposed development plan, and the location of structures and improvements shall be subject to flood restrictions.
 - c. All development proposals shall have all public utilities and facilities located and constructed to minimize flood damage.
 - d. All development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

F. Large Tracts or Parcels

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

G. Group Housing Developments

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

- 1) Planned Unit Development: For the purpose of these regulations, a planned unit development shall be a planned residential, commercial, or industrial development professionally designed as a unit on a parcel of land that may have separate ownership of, or acceptable lease arrangements and property in joint ownership. A planned unit development shall have ample open space provisions for the benefit and use of the residents. The open space shall be permanent and established in an appropriate legal manner. Planned unit developments shall include condominiums, mobile home parks, and similar group building developments formally or informally divided for development.
 - a. Planned unit developments shall generally comply with the standards established in these regulations, however, the uniqueness of each proposed development may require special consideration of these standards and they may be modified by the planning commission to achieve appropriate design arrangements.
 - b. The final site plan shall contain the location of proposed structures, roads, drives, parking, utilities, drainage, open space areas and all other requirements established for final approval.
 - c. A planned unit development plat shall show appropriate subdivision of properties.
 - d. No free standing building shall be closer than twenty (20) feet to any other free standing building and no closer than twenty-five (25) feet to any exterior property line.
 - e. Each development shall have a pedestrian circulation system plan and the walkways shall be improved a minimum of four (4) feet in width.
 - f. Any planned unit development within the corporate limits shall meet all requirements of the municipal zoning ordinance.
 - g. All planned unit developments within the corporate limits shall be served by a sanitary sewer. An alternative may be considered by the planning commission provided it shall be first approved by the County Health Department and reviewed by the Sevierville Water and Sewer Works Commission. In the planning region, the planning commission shall receive a favorable report from the Health Department prior to granting final approval.
 - h. A final landscaping plan shall be required. Landscaping shall be designed to lessen noise, improve the visual appearance and create a pleasing environment.

- i. A final open space plan shall be required. The open space shall be permanent and established through appropriate legal documents which shall be submitted with the plan. The documents shall show the manner or way in which the open space is owned and how it will be maintained. The open space plan shall also show all open space improvements such as swimming pools, tennis courts, golf courses, and similar open space uses.
 - j. Changes and modifications in the final planned unit development plan shall be submitted to the planning commission as a revision request of the approved planned unit development.
- 2) Mobile Home Parks: A proposed mobile home park shall be considered as a Development informally dividing a land parcel into mobile home sites or spaces for the purpose of renting or leasing, and it shall be considered as a planned unit development and plats shall be submitted to the planning commission for preliminary and final approval.

H. Mobile Home Subdivisions

The planning commission may approve a subdivision with lots designed and established EXCLUSIVELY for mobile homes. These developments shall comply with the standards established herein.

- 1) The minimum land parcel to be considered for proposed mobile home subdivision shall be two (2) acres.
- 2) The minimum lot size for proposed developments with individual septic tank sewage disposal systems or other similar systems shall be ten thousand (10,000) square feet. For developments with lots serviced by a sanitary sewer system, the minimum lot size shall be five thousand (5,000) square feet. However, within the corporate limits lot size will be determined by the density provisions in the zoning ordinance.
- 3) The minimum setbacks and yard requirements shall be the same as those established in these regulations.
- 4) Appropriate certificates shall be affixed to the final plat, and appropriate legal documents shall be recorded, to assure the planning commission that the proposed development shall be developed and utilized as mobile home lots exclusively.

I. Variances

Variances may be granted under the following conditions:

- 1) Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardship, OR;

- 2) Where the planning commission determines 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 and the reasons therefore shall be stated in writing in the minutes of the planning commission

J. Zoning or Other Regulations

No final plat of land within the force and effect of an existing zoning ordinance will be approved unless it conforms with such ordinance.

Note: Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations, the highest standard shall apply.

ARTICLE IV: DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

A perfectly prepared and recorded subdivision or plat means little to a prospective lot buyer until the person can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community from a potential tax liability. The following tangible improvements are required before final plat approval in order to assure the physical reality of a subdivision, which approval and recordation will establish legally.

A. Required Improvements

Every subdivision developer shall be required to grade and improve streets and alleys, and to install curbs, monuments, sewers, storm water inlets and water mains, in accordance with specifications established by the Sevierville Regional Planning Commission. Where specifications adopted by local authorities conflict with standards set forth in these subdivision regulations, the higher set of standards, as determined by the planning commission, shall govern.

1) Monuments

- a. Concrete monuments four (4) inches in diameter or square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monuments shall have indented cross to identify properly the location and shall be set flush with the finished grade.
- b. All other corners and points shall be marked with iron pins.

2) Street Elevation Above 100 Year Flood Level

All streets shall be constructed so that their surfaces for vehicular travel are situated at least one (1) foot above the elevation of the 100 Year Flood based upon the latest available flood maps provided by the Federal Emergency Management Agency (FEMA), or if no elevation is available, at least one (1) foot above the highest adjacent grade as defined in the Municipal Flood Damage Prevention Ordinance of the City of Sevierville, Tennessee.

3) Storm Water Drainage Measures

An Adequate storm water drainage system shall be required to manage runoff from the streets proposed for construction within a subdivision. An effective system may include storm sewers, pipes, culverts, catch basins, intersectional drains, drop inlets, bridges, ditches or swales, detention or retention basins, and other structures.

A stormwater drainage plan shall be submitted with the preliminary plat, as stated in Article II, Section B of these regulations. The plan shall be prepared only by a professional engineer (PE) licensed to practice in the State of Tennessee, when the following conditions occur: the plat subdivides an area of one acre or more; and, a street, road, or

way of five hundred (500) feet or more in length is proposed to access properties in the area subdivided on the plat. Also, only a professional engineer (PE) shall prepare a storm water drainage plan where detention or retention of storm water runoff is determined to be necessary. Arrangements for detention or retention generally shall be required for any proposed street, road, or way amounting to five-hundred (500) feet or more in length. However, storm water detention or retention may be required for any proposed street, road, or way of less than five-hundred (500) feet in length, as determined by the City Engineer. A land surveyor, licensed to practice in the State of Tennessee, may prepare a storm water drainage plan for a subdivision including a street, road or way consisting of less than five-hundred feet (500) in length, if the City Engineer determines that storm water arrangements for detention or retention are not necessary. With respect to a situation where a plat subdivides one or more acres, but does not include the creation of a street, then a storm water drainage plan may be required. In such an instance, the City Engineer shall determine the need to submit a plan, and the advisability of providing storm water detention or retention. Before any construction begins on the site of a subdivision, the developer shall obtain the approval of the Sevierville Regional Planning Commission. Each drainage plan submitted for approval must display the signed, professional stamp of the person preparing it.

A stormwater drainage plan shall be designed consistent with the particular stormwater regulations applying to a given location. Within Sevierville, the City of Sevierville Stormwater Ordinance shall govern the information and calculations provided in the plan, in addition to the requirements of these subdivision regulations. Outside of Sevierville's municipal boundaries, in the jurisdiction of the Sevierville Planning Region, the Sevier County Stormwater Resolution shall likewise govern the information and calculations provided by the plan. At a minimum, the submitted plan and any necessary stormwater detention or retention, should be based on a 25 year, 24 hour storm event, with the post-development runoff not exceeding the predevelopment runoff from a given site. All manholes, catch basins, inlets, and pipe shall be installed in accordance with the provisions of Section 611, "Manhole, Catch Basins, Inlets, and Pipe End Wall," Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation. Construction of all storm water drainage structures shall conform to the plan approved by the Sevierville Regional Planning Commission. Any departure from the approved storm water drainage plan may result in denial of a final subdivision plat, or result in a planning commission action to refuse the release of an improvements guarantee (bond, irrevocable letter of credit, etc.).

For plans regarding erosion and sedimentation control see Article II, Section B, Subsection 10 of this document.

- 4) Street Construction Standards, Process, and Inspection. Streets constructed both inside and outside of the municipal limits of Sevierville, but within the Planning Region, shall follow the construction standards and procedures set out below. Prior to initiating each stage in the construction process, as set out below, the developer and/or his contractor shall be responsible for notifying the City Engineer and/or County Road Superintendent so that an on-site inspection may be conducted at each stage of construction. Upon agreement with the County Road Superintendent, streets located outside the corporate limits may have the required inspections performed by the City

Engineering Department. (Notations given below to Standard Specifications for Road and Bridge Construction shall be assumed to refer to the latest edition of that document.)

- a. Initial Clearing. The removal of topsoil and other materials from the full width of the right-of-way shall be accomplished in accordance with Section 201, 'Clearing and Grubbing' and Section 202, "Removal of Structures and Obstructions, Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation.
- b. Grading. All streets, roads, and alleys shall be graded by the subdivider so that pavement and sidewalks may be constructed to the required cross-section. Deviation from the above due to special topographical conditions may be allowed only with a variance by the Planning Commission. Measures outlined in Section 209, "Temporary Project Water Pollution Control," Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation, shall be employed during all phases of street construction. Where streets are constructed under or adjacent to an existing electric transmission line or other structure, all grading for the street shall be done in a manner which will not disturb the structure or result in erosion detrimental to it. In the case of electric transmission lines, the clearance from pavement to the nearest conductor shall meet the requirements of the National Electrical Safety Code.
- C. Preparation and Construction of Subgrade. Preparation and construction of the subgrade shall be accomplished in accordance with Section 203, "Excavating and Undercutting," Section 205, "Embankments," and Section 207, "Subgrade Construction and Preparation," Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation. The density of the finished subgrade shall equal one hundred percent (100%) of the maximum density. The determination of the optimum moisture, maximum density, and density of the soil in place shall be in accordance with the provisions of Subsection 205.04, "Construction of Pavement Base," as referenced in the above named publication.
- d. After the subgrade has been inspected and found to meet the standard set out in Section C above, the roadbed shall be surfaced with Type A mineral aggregate crushed stone, pugmill mixed, with even wetting to maintain a uniform moisture count. In accordance with Section 303, "Mineral Aggregate and Base," Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation, the material shall be applied in reasonably close conformity with the lines, grades, thicknesses, and typical cross sections shown on the street plan/profile. The average density shall not be less than ninety-five (95%) of maximum density, determined in accordance with the AASHTO T99, Method D. The following depths shall be required for compacted, crushed stone according to specific street classifications:

Local Streets – 8 inches (in 2 layers)

Collector and Arterial Streets (up to 1,000ADT*) – 8 inches (in 2 layers)

Arterial Streets (over 1,000ADT*) – 10 inches (in 2 layers)

*(ADT) Average Daily Traffic for the Subdivision

e. Curbing. Curbs shall be installed consisting of concrete, and having a height of six inches above the street pavement. All manholes, catch basins, inlets, and pipes shall be installed according to the provisions of Section 611, “Manhole, Catch Basins, Construction” and “Inlets and Pipe End Wall,” Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation. Drop inlets shall be required on all streets or roads, and no curb cuts allowed for the drainage of storm water from such thoroughfares.

f. Application of Binder. Following completion and inspection of the subgrade and stone base, a binder course consisting of hot mix asphaltic concrete (307-B) shall be applied. The binder course shall be applied in accordance with Section 307, “Bituminous Plant Mix Base (Hot Mix),” Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation, and in reasonably close conformity with the lines, grades, thickness, and typical cross sections shown on the street plan/profile. The binder course shall be applied in the following depths, according to the the various street classifications:

Local Residential Street – 2 inches

Local Commercial Street – 3 inches

Collector or Arterial Streets (up to 1,000 ADT*) – 3 inches

Arterial Street (over 1,000 ADT*) – 5 inches of asphalt base and 2 Inches of Asphalt Leveling Binder (411-C)

*(ADT) Average Daily Traffic for the Subdivision

g. Application of Wearing Surface. Upon completion and inspection of the binder, the wearing surface shall be applied according to Sections 411 and 407 of the Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation. The wearing surface shall be asphaltic concrete, Type 411-E, as described in Section 411, “Asphaltic Concrete Surface (Hot Mix),” and measured and applied according to Section 407, “Bituminous Plant Mix Pavement (General).” The material shall be applied in accordance with the lines, grades, typical cross sections, and rate of application or thickness as shown on the street plan/profile and in these regulations. Asphaltic concrete shall be applied in the following depths:

Local Streets – 1 ½ inches

Collector (up to 1,000 ADT & 35 MPH or less) – 2 inches

Collector and Arterial Streets (up to 1,000 ADT & more than 35 MPH) – 2 inches with pavement markings according to the Manual of Uniform Traffic Control Devices (MUTCD)

Collector and Arterial Streets (over 1,000 ADT) – 1 ½ inches for

Asphalt Top with pavement markings according to MUTCD

- h. Minimum Street Improvement Widths. Street and road widths necessarily vary according to the functions of particular thoroughfares in the overall transportation network in the municipality and its planning region. Widths depend upon the nature of the building development accessed by the street or road, the character of the traffic carried by that street or road, and the type(s) of thoroughfares connecting with it. Below are the minimum widths of paving required for various classifications or categories of streets and roads:

Arterial Street – Width determined by state and local authorities, according to traffic needs

Collector Street – 28 feet (Greater width may be required where more than two traffic lanes are necessary for adequate traffic flow and safety.)

Local Residential Street – 26 feet

Local Loop Street – 20 feet (maximum of 1,200 feet in length or 25 dwelling units fronting it) (expansion of loop street width to 26 feet required where another street is extended from loop street)

Local Cul-de-sac – 20 feet (maximum length of 600 feet or 15 dwelling units)(expansion of cul-de-sac street width to 26 feet required where another street is extended from cul-de-sac street)

Marginal Access Street* - 20 feet (providing access to properties parallel to arterial or collector street or road, with a maximum length of 1,200 feet and/or 25 dwelling units)(greater width required for commercially oriented marginal access streets or residential extensions exceeding 1,200 feet and/or 25 dwellings)

One-Way Street – 16 feet

- 4) Installation of Utilities: After grading is completed and approved before any base is applied, all of the underground works-water mains, gas mains, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses to be built by the developer shall be cut and drained.
- 5) Water Supply System: Where water mains are laid to serve newly constructed subdivisions, such mains shall have adequate diameters, valves, and any other associated structures needed to provide water for both domestic use and fire protection. Within the City of Sevierville, the adequacy of the water supply needed for fire protection shall be based upon the latest version of the National Fire Protection Association NFPA 1 Uniform

Fire Code that has been adopted by the municipality's Board of Mayor and Aldermen. A signed certification by a Professional Engineer (P.E.) shall be required for approval of a final plat in any subdivision of more than four lots where public water lines are extended to serve the development, and the certification shall confirm that flows of necessary fire hydrants are adequate to meet the standards of the above stated code as adopted by the City of Sevierville (see Article II, C, 9 and Appendix C of these regulations).

6) Sanitary Sewers

- a. Where lots cannot be economically connected with a sewerage system, they must contain adequate area for the installation of approved septic tank and disposal fields and must be approved in writing by the County Health Officer.
- b. All lots connected to the City sewerage system shall meet all requirements of the Water and Sewer Board.
- c. All lots connected to a sewer system shall be approved by the utility operating the system. They shall meet all requirements of the State Health Department and shall be approved by the Sevier County Health Department.
- d. Subdividers shall supply all data required for the installation and/or operation of the sewerage system to the Water and Sewer Board, Sevier County Health Department and the Tennessee State Department of Health.

- 7) Street Name Signs: Appropriate street signs also add sales value to land subdivisions and enable strangers, delivery concerns and even potential lot buyers to find their way around. Street names should appear at all intersections. Upon request, the planning commission will aid the subdivider with specifications for the construction, placing and setting of such signs.

B. Guarantee in Lieu of Completed Improvements

No final subdivision plat shall be approved by the planning commission or accepted for record by

- 1) All required improvements have been constructed in a satisfactory manner and approved by the City of Sevierville, Tennessee.
- 2) The planning commission has accepted a security or performance bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the City in the event of default of the subdivider. The conditions of such security or performance bond shall provide for the installation of the improvements covered by such bond within a period not to exceed one (1) year; provided, however, that such period may be extended by the planning commission with the consent of the parties thereto, if the planning commission finds that the public interest will not be adversely affected by such extension. If the planning commission shall decide at any time during the performance bond that the extent of the building development that has taken place in the subdivision is not

sufficient to warrant all the improvements covered by such performance bond, that required improvements have been installed as provided in this Section in sufficient amount to warrant reduction in the face amount of said bond, or that the character and the extent of such development require additional improvements for any or all such improvements, the face value of such performance bond shall be thereupon reduced or increased by an appropriate amount so that the new face amount will cover cost in full of the amended list of improvements.

Performance bonds which are submitted in lieu of the installation of required improvements shall be in cash or made by a surety company authorized to do business in the State of Tennessee. In the case of a surety company, the performance bond shall be prepared according to the form as shown in "Appendix A", said "Appendix A" is made a part of these subdivision regulations.

ARTICLE V: REGULATIONS FOR THE REVIEW AND APPROVAL OF MINOR SUBDIVISIONS

This article sets forth procedures designed to expedite the review and approval process for minor subdivisions. Due to the nature of minor subdivisions, no development other than the platting process is required. Therefore, ARTICLE IV of the Sevierville Subdivision Regulations does not apply to minor subdivisions.

A. Definition

In order to be considered a minor subdivision the tract or parcel of land to be subdivided shall be located in an existing open public road that has been accepted and is being maintained by the County or State Highway Department and shall be situated in a manner that there are no changes in existing streets, no new streets or easements of access, and no excavation, grading or physical development needed and the property must be adequately provided with existing community facilities to the extent that no extensions of water, sewer or gas lines are required.

B. General Requirements

All requirements and design standards, including requirements for the preparation of subdivision plats, will be the same as set forth in ARTICLE I through ARTICLE III of the Sevierville Subdivision Regulations.

Minor subdivisions will be considered for official approval at each regularly scheduled meeting of Sevierville Regional Planning Commission. In the event that it places an extreme and undue hardship on the developer or selling agent, a special review committee may review the subdivision prior to the regular monthly meeting. The special review committee may grant tentative approval and permission to sell, pending official approval by the Sevierville Regional Planning Commission. The following procedures and policies shall govern the review and approval of minor subdivisions:

- 1) At least ten (10) days prior to the meeting at which it is to be considered, the subdivider shall submit to the secretary of the planning commission or the planning commission technical staff four (4) copies of the subdivision plat.
- 2) Requests for special review and approval due to hardship must be accompanied by a statement explaining the nature of the hardship and reasons why special review is necessary.
- 3) Preliminary approval may be granted prior to Health Department approval (includes layout and design of the subdivision and development requirements).
- 4) Permission to sell subject to final approval may be granted either by the full commission or the minor subdivision sub-committee.
- 5) Permission to sell cannot be granted unless the plat has received Health Department approval.

- 6) Subdivisions must be properly marked at all corners and survey points with iron pipe or solid steel rods not less than one-half (1/2) inches in diameter and twenty-four (24) inches in length.
- 7) If permission to sell is granted, the sale is made subject to any changes or additional requirements requested by the planning commission *for* final approval and buyers of the property shall be properly informed of this condition by the person(s) selling the property.

ARTICLE VI: ENFORCEMENT AND PENALTIES FOR VIOLATIONS

The enforcement of these regulations and penalties *for* the unapproved recordation or transfer of land is provided by State Law in the authority granted by Public Acts of the State of Tennessee.

A. Enforcement

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

B. Penalties

- 1) No County Registrar shall receive, file, or record a plat of a subdivision within the Planning Region without the approval of the planning commission as required in Section 13-3-402, Tennessee Code Annotated, and any County Registrar so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.
- 2) Sections 13-3-410 and 13-3-406, Tennessee Code Annotated, provides that "Whoever being the owner or agent of the owner of any land, transfers, or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the planning commission and obtained its approval as required by this Act and before such plat be recorded in the office of the County Registrar, 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 documents used in the process of selling or transferring shall not exempt the transaction *from* such penalties." In the case of the regional planning commission, Section 13-3-410, Tennessee Code Annotated, provides that the County through its County Attorney, or other official designated by the Quarterly County Court may enjoin such transfer or sale agreement by action or injunction.
- 3) Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the building commissioner of the solicitor of the municipality or other official designated by the chief legislative body and/or county attorney or other official designated by the Quarterly County Court may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-11, Tennessee Code Annotated.

ARTICLE VII: ADOPTION AND EFFECTIVE DATE

- A.** Before adoption of these subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the planning commission; thirty (30) days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in each County lying wholly or partly in the planning region.

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

Adopted: ____ / ____ / ____

Effective: ____ / ____ / ____

Signed _____

Secretary
Sevierville Regional Planning Commission



Appendix

Appendix A

Performance Bond Form

KNOW ALL MEN by these presents:

WHEREAS, _____ Principal herein
Is the owner and developer of the _____, located in Sevier
County, Tennessee and _____, a surety company
authorized to do business in the State of Tennessee (hereinafter called the "surety"), and;

WHEREAS, the plans and specifications of said subdivision showing the location,
construction, and installation of streets, roads, curbs, and utilities and other improvements
therein have been filed with the Sevierville Regional Planning Commission for final
approval, and which are referred to and made a part of this instrument, as if fully copied
and set forth therein, and;

WHEREAS, the Principal herein does hereby obligate itself and does agree to
complete the construction and installation of all streets, roads, sidewalks, curbs, and
utilities, and all other improvements in the said subdivision in accordance with the said
plans and specifications now on file, pending final approval by the said planning
commission.

NOW, THEREFORE, the _____, as
Principal and _____, as Surety do hereby firmly bind
the Sevierville Planning Commission for and on behalf of the City of Sevierville,
Tennessee, in the sum of \$ _____ conditioned upon the performance by the
Principal of its undertaking herein, and its completion of said _____
Subdivision in the construction of all the streets, sidewalks, roads, curbs, and all other
improvements therein called for by the plans thereon and same to be completed on or
before the _____ day of _____, 20____, and upon the completion thereof
this obligation to be null and void, otherwise to remain in full force and effect.

If the Principal fails to complete the construction, and the improvements of said subdivision
as shown and provided for by said plans and specifications herein referred to within the
time herein specified, the Planning Commission may in its discretion extend the time for the
completion of said work by order duly made and entered by the said Planning Commission
for a period of from thirty (30) to ninety (90) days.

WITNESS our hands this the _____ day of _____, 20__

WITNESS

Principal _____
Surety _____

Appendix B Agreement

This Agreement entered into at Sevierville, Tennessee, on this the _____ day of _____, 20____, by and between _____, hereinafter referred to as the "Developer", a Tennessee Banking Corporation, hereinafter referred to as "Bank" and Sevierville Regional Planning Commission, hereinafter referred to as "Commission".

Recitals

1) Whereas, Developer desires to develop a subdivision known as to be located within the jurisdiction of Commission;

2) Whereas, Bank desires to finance the development of said subdivision, and to provide credit which shall secure the completion of improvements to said subdivision required by Commission;

3) Whereas, Commission desires security for the completion of improvements to said subdivision in accordance with specification and time schedule authorized by Commission.

Witnesseth

1) Developer agrees that the itemized list of specifications for improvements to said attached hereto and marked Exhibit "A" are those specified by the Commission and that the timetable for completion thereof attached hereto and marked Exhibit "B" have been established by the Commission, and hereby reaffirms its agreement to complete said improvements in accordance with the specifications of the Commission and within the time schedule established by the Commission.

2) The parties hereto agree to the amount of \$ _____ as appropriate to establish as security for the completion of said improvements.

3) Bank hereby agrees that it has and is hereby reaffirming an irrevocable line of credit to Developer to secure the completion of the herein above described improvements in accordance with specifications and the time schedule established by the Commission, and does hereby agree to honor the assignment stated herein below from the Developer of the Commission of any and all funds necessary to complete said improvements in accordance with Commission specifications and time schedule, up to the amount of \$ _____. Bank agrees and warrants to Commission that said line of credit will be sufficient to complete said improvements by Commission up to the maximum

amount stated.

4) By affixing their authorized signatures to this Agreement, Bank and Developer do hereby agree that the line of credit extended by Bank to Developer for the amount described herein above is irrevocable by either Bank or Developer until a written release is received by Bank and Developer.

5) Developer does hereby make to Commission an irrevocable assignment of the proceeds of a line of credit from Bank to Developer described herein above for the completion of said improvements to the extent necessary to complete said improvements in accordance with the specifications of the Commission and in accordance with the time schedule established by Commission.

6) Developer agrees that it shall make no attempt to revoke said assignment at any time prior to the receipt of a written release from Commission.

7) It is agreed between the parties that the herein above described assignment is made by Developer by affixing his signature hereto, but that said assignment shall be exercised by Commission only in the even the herein above described improvements are not completed in accordance with Commission specifications and/or in compliance with the time schedule established by the Commission.

8) Bank hereby agrees that it will honor said assignment and provide to Commission any and all funds necessary, to complete said improvements in accordance with Commission specification and time schedule up to the maximum amount of \$_____ upon written notification from Commission of the failure of Developer to comply with said specifications and/or said time schedule.

9) As between Bank and Commission, it is agreed that said notification is conclusive of non compliance, and Bank shall take no action to delay or deny its agreement to honor said assignment from Developer to Commission.

10) Bank agrees that any and all funds paid to Commission in accordance with the assignment made between Developer and Commission herein shall be debited against the credit of Developer, and Bank will in no event attempt to hold the Sevierville Regional Planning Commission liable under any legal or equitable principle for the repayment of said funds.

11) Commission agrees that it shall give Developer five (5) days written notice of its intent to exercise its assignment described herein above, and the specific reasons therefor. If Developer makes no written reply to Commission within said five (5) days, developer

hereby agrees it shall take no action, legal or otherwise, to interfere with said assignment, and by its failure to respond within said five (5) days, shall be deemed to acknowledge non-compliance with the specifications of Commission and/or the time schedule as specified in the notice received by Developer, and to the amount of the assignment.

12) This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, administrators, and assigns, and shall not be modified or terminated without the written agreement of all parties hereto.

Developer

By: Sevierville Regional Planning Commission

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown here has been found to comply with the Subdivision Regulations of the City of Sevierville, Tennessee and the Sevierville Planning Region, with the exception of such variances, if any, as are noted in the minutes of the PLANNING COMMISSION, and that it has been approved for recording in the office of the county registrar.

Date: _____

SECRETARY, PLANNING COMMISSION

CERTIFICATION OF THE APPROVAL OF WATER AND SEWAGE SYSTEMS

I hereby certify that the water supply and/or sewage system installed, or proposed for installation, fully meets the requirements of the TENNESSEE STATE HEALTH DEPARTMENT, and are hereby approved as shown.

Date: _____

GENERAL MANAGER, SWS

CERTIFICATION OF STREET NAMES

I certify that all street names have been approved by the SEVIER COUNTY EMERGENCY COMMUNICATIONS DISTRICT, are in compliance with E-911 specifications, and do not conflict with other street names in the county.

Date: _____

E-911 COORDINATOR

CERTIFICATION OF THE APPROVAL OF STREETS

I hereby certify: (1) that streets and related appurtenances have been installed in an acceptable manner, and according to specifications, or (2) that a surety bond in the amount of _____ has been posted with the PLANNING COMMISSION to assure completion of all required improvements in case of default.

Date: _____

CITY ENGINEER OR COUNTY ROAD SUBERINTENDENT

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Date: _____

OWNER

Date: _____

OWNER

Date: _____

OWNER

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY, AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER, AND I HEREBY CERTIFY THAT I MADE THIS SURVEY AND MAP AND THAT BOTH ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

Date: _____

SIGNATURE

