

CITY OF ATHENS, TENNESSEE MINIMUM SUBDIVISION REGULATIONS



MINIMUM SUBDIVISION REGULATIONS

Athens, Tennessee

Prepared for the City of Athens and the Athens Planning Region

By the Athens Regional Planning Commission

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TABLE OF CONTENTS

ARTICLE 1: - PREAMBLE AND ENACTMENT CLAUSE.....	1
ARTICLE 2: - SHORT TITLE.....	2
ARTICLE 3: - DEFINITION AND ACRONYMS OF CERTAIN TERMS USED HEREIN	3
ARTICLE 4: - PLATTING JURISDICTION, ENFORCEMENT AND PENALTIES FOR VIOLATION	15
SECTION 41. PLATTING AUTHORITY.	15
SECTION 42. USE OF PLAT.....	15
SECTION 43. ENFORCEMENT.	15
SECTION 44. OPENING AND IMPROVING PUBLIC STREETS (ROADS	15
SECTION 45. ERECTION OF BUILDINGS.....	15
SECTION 46. GRADING AND/OR CLEARING OF PROPERTY.	16
SECTION 47. PENALTIES.....	16
ARTICLE 5: - GENERAL REQUIREMENTS	18
SECTION 51. NAME OF SUBDIVISION.	18
SECTION 52. ACCESS.....	18
SECTION 53. PUBLIC USE AREAS.	18
SECTION 54. SUITABILITY OF THE LAND	18
SECTION 55. INDIVIDUAL MOBILE HOME PARK SUBDIVISIONS.....	19
ARTICLE 6: - GENERAL REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY	20
SECTION 61. CONFORMANCE TO ADOPTED TRANSPORTATION PLAN.....	20
SECTION 62.....	20
SECTION 63.....	21
SECTION 64. STREET ELEVATIONS	21
SECTION 65. STREET NAMES.....	21
SECTION 66. RESTRICTION OF ACCESS.....	21
SECTION 67. ALLEYS	21
SECTION 68. RESERVE STRIPS.....	22
SECTION 69. UTILITY AND STORMWATER EASEMENTS.....	22
SECTION 610. PRIVATE STREETS.....	22
SECTION 611. GATED FACILITY OR COMMUNITY.....	22

ARTICLE 7: - STREET DESIGN REQUIREMENTS24

SECTION 71. STREET RIGHT-OF-WAY WIDTHS 24

SECTION 72. ADDITIONAL WIDTH ON EXISTING STREETS..... 26

SECTION 73. MINIMUM STREET PAVEMENT WIDTHS 27

SECTION 74. STREET GRADES 27

SECTION 75. HORIZONTAL CURVES. 27

SECTION 76. VERTICAL CURVES 27

SECTION 77. INTERSECTIONS 28

SECTION 78. TANGENTS 28

SECTION 79. STREET JOGS/SPACING OF INTERSECTIONS 28

ARTICLE 8: - DESIGN STANDARDS FOR BLOCKS AND LOTS30

SECTION 81. BLOCK LENGTHS AND WIDTHS. BLOCK LENGTHS AND WIDTHS SHALL BE AS FOLLOWS: 30

SECTION 82. FLOOD-FREE BUILDING SITE. 30

SECTION 83. LOT SIZES..... 30

SECTION 84. LOT LINES. 31

SECTION 85. BUILDING SETBACK LINES. 31

SECTION 86. LOT ABUTTING PUBLIC STREETS..... 31

SECTION 87. DOUBLE AND REVERSE FRONTAGE LOTS. 31

SECTION 88. FLAG LOTS. 31

ARTICLE 9: - PRE-APPLICATION PROCEDURE FOR MAJOR SUBDIVISION35

ARTICLE 10: - PRELIMINARY PLAT SPECIFICATIONS FOR MAJOR SUBDIVISION36

SECTION 101. SCALE..... 36

SECTION 102. SHEET SIZE. 36

SECTION 103. GROUND ELEVATION. 36

SECTION 104. INFORMATION TO BE PROVIDED ON PRELIMINARY PLAT. 36

ARTICLE 11: - PROCEDURE FOR MAJOR PRELIMINARY PLAT APPROVAL39

SECTION 111. APPLICATION FOR PRELIMINARY PLAT APPROVAL..... 39

SECTION 112. REVIEW OF PRELIMINARY PLAT. 39

SECTION 113. CERTIFICATE OF TENTATIVE APPROVAL..... 39

ARTICLE 12: - FINAL APPROVAL OF MAJOR SUBDIVISION41

SECTION 121. REQUIREMENTS FOR CONSTRUCTION DRAWINGS.....	41
SECTION 122. MONUMENTS.....	42
SECTION 123. GRADING.....	42
B. TOPSOIL STRIPPING AND STOCKPILING.....	43
SECTION 124. INSTALLATION OF UTILITIES.....	43
SECTION 125. STREET OR ROAD BASE.....	43
SECTION 126. ASPHALTIC CONCRETE SURFACE COURSE (HOT MIX).....	44
SECTION 127. STREET OR ROAD BASE AND SURFACE WITH EXTRUDED CURB.....	44
SECTION 128. HANDICAP RAMPS.....	44
SECTION 129 CURBS AND GUTTERS.....	44
SECTION 1210 CURB CUTS AND DRIVEWAY APRONS.....	45
SECTION 1211. STORM DRAINAGE.....	45
SECTION 1212. WATER SUPPLY SYSTEM.....	46
SECTION 1213. SEWAGE DISPOSAL/WASTEWATER COLLECTION.....	47
SECTION 1214. SIDEWALKS.....	48
SECTION 1215. GUARANTEE IN LIEU OF COMPLETED IMPROVEMENTS.....	48
SECTION 1216. MAINTENANCE BOND.....	49
ARTICLE 13: - FINAL PLAT SPECIFICATIONS.....	50
SECTION 131. FINAL PLAT SPECIFICATIONS.....	50
SECTION 132. SURVEYOR'S CERTIFICATION.....	53
SECTION 133. OWNER'S CERTIFICATION.....	53
SECTION 134. STREET CERTIFICATION.....	53
SECTION 135. CERTIFICATION OF UTILITIES AND COUNTY ENVIRONMENTAL SPECIALIST.....	53
SECTION 136. GAS CERTIFICATE.....	54
SECTION 137. CERTIFICATION OF ISSUANCE OF DRAINAGE AND ROAD MAINTENANCE BOND.....	54
SECTION 138, E-911 CERTIFICATION.....	55
ARTICLE 14: - REVIEW PROCEDURE FOR FINAL PLAT APPROVAL OF A MAJOR SUBDIVISION	56
SECTION 141. APPLICATION FOR FINAL PLAT APPROVAL.....	56
SECTION 142. REVIEW OF FINAL PLAT.....	56
SECTION 143. A CERTIFICATE OF APPROVAL OF THE FINAL PLAT BY THE PLANNING COMMISSION.....	57

SECTION 144. RECORDING OF FINAL PLAT.....57

ARTICLE 15: - REVIEW PROCEDURE FOR MINOR SUBDIVISION PLATS58

SECTION 15158

SECTION 152.....58

SECTION 153.....58

SECTION 154.....58

SECTION 155.....58

**ARTICLE 16: - REVIEW PROCEDURE FOR ADMINISTRATIVE APPROVED SUBDIVISION PLATS, EXEMPT
SUBDIVISION PLATS AND CORRECTED PLATS..... 60**

SECTION 161. QUALIFICATIONS FOR ADMINISTRATIVE PLAT REVIEW.....60

SECTION 162. ADMINISTRATIVE PLAT REVIEW PROCEDURES.....60

SECTION 163. WHEN VARIANCE IS NOT REQUESTED.....60

SECTION 164. REVIEW AND CERTIFICATION BY STAFF60

SECTION 165. APPROVAL AND CERTIFICATION FOR RECORDING.....60

SECTION 166. WHEN VARIANCE IS REQUESTED.....60

SECTION 167. REVIEW AND RECOMMENDATION TO PLANNING COMMISSION AND CERTIFICATION.....60

SECTION 168. EXEMPT PLATS.....60

SECTION 1609. CORRECTED PLATS61

SECTION 1610. ADMINISTRATIVE APPROVED PLAT TIME RESTRAINT61

ARTICLE 17: - VARIANCES AND AMENDMENTS62

SECTION 171. VARIANCES.....62

SECTION 172. AMENDMENTS.....62

ARTICLE 18: - LEGAL STATUS PROVISIONS.....63

SECTION 181. SEPARABILITY.....63

SECTION 182. CONFLICT WITH OTHER REGULATIONS.....63

SECTION 183. ADOPTION AND EFFECTIVE DATE.....63

APPENDICES64

CHECKLIST FOR FINAL PLAT CONSIDERATION65

CHECKLIST FOR PRELIMINARY PLAT CONSIDERATION67

ANSWERS TO QUESTIONS OFTEN ASKED ABOUT SUBDIVISION REGULATIONS.....69

STEPS FOR A SUBDIVISION DEVELOPER IN THE ATHENS PLANNING REGION 71

WHEN PRELIMINARY APPROVAL IS GIVEN 71

MINIMUM SUBDIVISION REGULATIONS

FOR

ATHENS, TENNESSEE

TITLE

REGULATIONS CONTROLLING THE SUBDIVISION OF LAND IN ATHENS, TENNESSEE, AND ITS PLANNING REGION: REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL DESIGN STANDARDS; REQUIRING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING COMMISSION AND PLANNING COMMISSION STAFF IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; ESTABLISHING ADMINISTRATIVE PROCEDURES FOR ENFORCEMENT OF THESE REGULATIONS AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

PURPOSE

Land subdivision is the first step in the process of community development. Once land has been divided into streets, lots and blocks and publicly recorded as such, the correction of defects is costly and difficult. Subdivision of land eventually creates 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 in the interest of the public, the developer and the future owner that subdivisions be conceived, designed and developed in accordance with sound rules and the proper minimum standards set forth in this document. Therefore, the purpose of these Subdivision Regulations is to coordinate layout with adequate provision for recreation, transportation, water, drainage, sewers, and other sanitary facilities and services; and to promote a distribution of population and traffic intended to create conditions favorable to the health, safety, convenience and prosperity.

Because of the variability of different types of subdivisions and development activities, it is not practical to write a step-by-step set of regulations that address every circumstance. Therefore, it is highly recommended that staff of the Community Development Department be consulted early in the development process to review the requirements and identify potential obstacles related to any proposal. It is important to remember that the Subdivision Regulations and the Zoning Ordinance are intended to work in concert to guide and regulate development in a way that reflects the goals of the community. The proper zoning for the intended use must be in place before beginning the subdivision or development process.

In order to accomplish these goals, the Subdivision Regulations are intended to:

- a. Promote the orderly development of the City in accordance with the goals and objectives of the adopted comprehensive land use plan and approved updates.
- b. Establish efficient standards for the subdivision of land that furthers the orderly layout and use of land, and that ensure proper legal description and monumentation of subdivided property.
- c. Protect and conserve the value of land throughout the city/growth boundary and the

value of buildings and improvements upon the land, while minimizing the conflicts among the uses of land and buildings.

- d. Provide suitably located streets of sufficient design to accommodate existing and anticipated traffic, affording adequate access for emergency response vehicles and equipment to buildings.
- e. Encourage street design that moderates traffic speeds and reduces primary reliance on arterial streets.
- f. Protect the residential character of the City and minimize the environmental and visual impacts of new development.
- g. Continue to enhance and expand the network of accessible open space throughout the City, preserving unique and sensitive community resources such as groundwater, floodplains, streams, historic sites, steep slopes, woodlands and wildlife habitat.
- h. Prevent the pollution, erosion and sedimentation of waterways and drainage facilities through efficient development management practices.
- i. Promote interconnected greenways and corridors throughout the City, particularly in floodplain areas.
- j. Provide a planning horizon to ensure that public facilities and services are available concurrent with new development and will have a sufficient capacity to serve the proposed development.
- k. Ensure that new development will bear its fair share of the costs of supporting the community through legally appropriate fees, land donations, and mitigation measures that address the public costs for new facilities and services.

The planning commission shall not require an owner of private property to dedicate real property to the public or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest (see *Nollan v. California Coastal Commission*) and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property (see *Dolan v. City of Tigard*). An owner of private property required to make dedication or pay money in violation of this subdivision may seek relief through a common law writ of certiorari in chancery court.

ARTICLE 1: - PREAMBLE AND ENACTMENT CLAUSE

In pursuance of authority set forth in Sections 13-3-401 through 13-3-413, 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 developments 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 Athens, the Planning Commission of Athens, 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 "Minimum Subdivision Regulations of Athens, Tennessee."

ARTICLE 3: - DEFINITION AND ACRONYMS OF CERTAIN TERMS USED HEREIN

The term "shall" is mandatory. 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.

Except as specifically defined herein, or where certain words have been defined by a state or nationally recognized planning association, 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:

AASHTO – The American Association of State Highway and Transportation Officials.

ADA – The Americans with Disabilities Act.

Applicant – The owner of land proposed to be subdivided or their representative who shall have express written authority to act on behalf of the owner.

ARAP-Aquatic Resource Alteration Permit

ASTM – The American Society for Testing and Materials.

AUB- Athens Utilities Board

Base Flood – The flood elevation having a one percent chance of being equaled or exceeded in any given year. The term is also referred to as the 100-year flood or the one percent annual chance flood.

Best Management Practices(BMP) – That combination of conservation measures, structures, or management practices that reduces or avoids adverse impacts of development on an adjoining site's land, water, waterways, or water bodies.

Bikeway – Any path or roadway facility that is intended for and suitable for bicycle use.

Block - A tract of land bounded by streets or by a combination of streets and public lands, cemeteries, railroad rights-of-way, shorelines of waterways or any other barrier to the continuity of development.

Buffer – A naturally vegetated area or vegetated area along all or a portion of the exterior boundaries, of an entire development processed in accordance with a multi-phase or phased subdivision application, which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land use.

Building - A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or personal property. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.

Building Setback Line - A line in the interior of a lot which is generally parallel to and a specified distance from the exterior property lines set forth in the City of Athens Zoning Ordinance; which creates a space between such lines in which no primary use structure allowed in each zoning district shall be placed except as otherwise provided in the City of Athens Zoning Ordinance.

Buildable Area of a Lot - That portion of a lot bounded by the required front, rear, and side setbacks where the primary structure/s can be constructed upon a lot.

City – City of Athens.

Collector Street or Road - A major public way intended to move traffic from local roads to arterial routes. Collector roads serve a neighborhood or large subdivision(s) and normally have an average daily traffic count ranging from one thousand and one (1,001) to three thousand (3,000).

Comprehensive Plan - A comprehensive long-range plan is intended to guide the growth and development of a community or region by including analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use.

Condominium - A form of ownership of less than the whole of a building or system of buildings under the provisions of Title 66, Chapter 27, Tennessee Code Annotated, which provides the mechanics and facilities for formal filing and re-coordination of divided interests in real property, whether the division is vertical or horizontal.

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

Horizontal Condominium Subdivision - A subdivision where each unit occupies some ground space.

Vertical Condominium Subdivision - A subdivision of a multi-story building in which one (1) or more units do not occupy ground space.

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

Conservation Easement - The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in perpetuity in its natural, scenic, open or wooded state, precluding future or additional development. The land may contain historic structures and archaeological sites.

Conservation Land - The portion of undeveloped land within a conservation subdivision that has been designated, dedicated, reserved or restricted in perpetuity from further development and is set aside under a conservation easement. Conservation Lands are divided into Primary and Secondary Conservation areas. Land to accommodate required subdivision infrastructure, including green infrastructure such as planting strips, street medians/islands, drainage fields for individual sewage disposal systems, and conventional stormwater management devices, is excluded from Conservation Land calculations. Conventional stormwater management devices are those designed to hold water for an extended period of time and require disturbance of the land in order to meet detention requirements.

Construction (Engineering) Plans - The professionally engineered, stamped design drawings of a subdivision showing the specific location and design of improvements to be installed in the subdivision in accordance with these regulations submitted to the Planning Commission to be considered for approval.

Conventional Subdivision- A lot-by-lot division of land that spreads development throughout a parcel utilizing all lands for proposed lots, drainage structures and roads without placing any lands into common ownership or preserving lands that will never be developed. The minimum lot sizes are determined by underlying zoning or the McMinn County Health Environmentalist.

Culvert - A culvert is a covered structure that conveys a flow of water under a road, railroad or other obstruction. Culverts are used to direct stream or rainfall runoff in a controlled manner to mitigate erosion and flooding.

Design Plat - A map of a proposed subdivision showing the lot sizes and layout, location and sizes of streets and used as an aid in discussing the design of the proposed subdivision.

Developer - The legal or beneficial owner of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land, and which undertakes the activities covered by these regulations. In as much as the subdivision plan drawings are merely a necessary means to the end of assuring satisfactory development, the term "developer" includes "subdivider", "owner" or "builder" even though the persons and their precise interests may vary at different project stages.

Drainage - (1) Surface water runoff; (2) the removal of surface water or ground water from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

Dwelling Unit - A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units

which may be in the same structure; and containing independent cooking and sleeping facilities.

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

Easement Vehicular - the right granted by the owner of land to another party by deed or prescription to allow vehicular access across one parcel of land to another.

Easement, Utility - the right granted by the owner of land to allow utility facilities to be constructed, maintained or preserved. Utility easements shall include, but are not limited to, easements for storm drainage, water lines, sewer lines, electric power lines, and pipe lines.

Easement, Drainage - A perpetual, unobstructed easement across property reserved to carry water drainage along specified routes to natural water courses. Drainage easements shall not be filled or built upon in any way that will impede the flow of surface water.

FEMA – The Federal Emergency Management Agency.

Final Plat - The final map or drawing and accompanying materials, with all required signatures/approvals of every public utility and entity required and described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission for approval and which, if approved by the Commission, is recorded with the County Register of Deeds.

FIRM- Flood Insurance Rate Map

Flag Lot - An interior lot located to the rear of another lot but with a narrow portion of the lot extending to the street. The narrow portion of the lot that extends to the street shall be the minimum required width per these regulations and must be suitable for ingress and egress to the parcel.

Flood - An overflow of lands or property not normally covered by water that results in significant effects in the vicinity. For the purpose of this Ordinance, land subject to flood shall be those areas designated on the Flood Insurance Rate Map (FIRM), City of Athens, Tennessee, dated September 27, 2007 or subsequent revisions as lying in the limits of a Special Flood Hazard Area (SFHA's) Subject to Inundation by the 1% Annual Chance Flood.

Floodway- An area lying within part of the 100-year flood limits as defined by the FIRM, City of Athens, Tennessee, dated September 27, 2007 or subsequent revisions. The channel of the stream and adjoining portions of the floodplain which have been hydrologically studied and determined to provide reasonably for the passage of the 100-year flood shall constitute the floodway.

Grading - Any stripping, cutting, filling, compacting, stockpiling of earth, and/or mass removal of vegetation including the operation of raising or lowering the ground surface to a predetermined grade.

HDPE – High Density Polyethylene (pipe).

Health Authority - The director of the county or district health department having jurisdiction over the county health, or their duly authorized representative.

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

Homeowners Association - A legally incorporated non-profit community association whose by-laws are generally recorded at the Register of Deeds office that can apply to any type of residential development, of which individual owners share common interests in open space, structures or facilities.

Improvements - Physical changes made to raw land and structures on or under the land surface in order to make the land more usable for man's activities. Typical improvements in these regulations would include but not be limited to grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, street name signs and street trees.

Individual Sewage Disposal System - A septic tank, seepage title sewage disposal system, or any other sewage treatment device that is not publicly owned but is approved by the appropriate governmental representative.

Land Subject to Flood. Any land and structures thereupon which can be expected to be reached by floodwater because of its proximity to a stream and/or because it is below a designated elevation shall be considered to be subject to flood.

Land Use Plan - A plan showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes.

LFE – The lowest floor of the lowest enclosed area (including basement). The lowest floor or a deck shall be the top of the lowest finished surface.

Local Government – City of Athens.

Local Utilities Board- Athens Utilities Board

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 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.

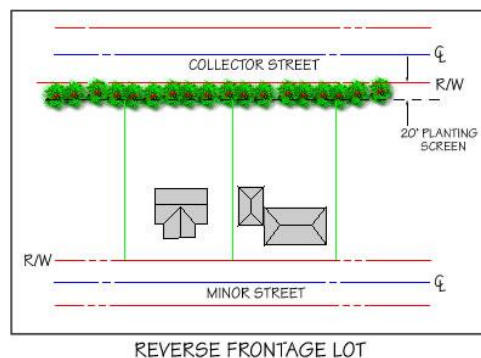
Lot, Corner - A lot situated at the intersection of two (2) or more streets. Corner lots require 2 front setbacks in accordance with every zoning district requirements in the zoning code, unless stipulated otherwise.

Lot Depth - The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

Lot, Double Frontage - “Double frontage lot” means a lot with street frontage along two opposite boundaries. On a “double frontage lot” both street lines shall be deemed front lot lines unless Zoning Code District states otherwise. (See “Types of Lots” Figure on page 39)

Lot Frontage - That dimension of a lot or portion of a lot abutting on a street excluding the side dimension of a corner lot.

Lot, Reverse Frontage - A “reverse frontage lot” is a double frontage lot for which the boundary along one of the streets is established as the rear lot line, and over the rear of which is a utility easement. The rear lot line of the lot shall be that boundary abutting a primary arterial, railroad right-of-way or other disadvantageous use.



Major Road Plan - The plan adopted by the Planning Commission, pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, the general location, character and extent of public ways, and the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways is registered at the McMinn County Register of Deeds Office as the “City of Athens Major Street and Road Plan”.

Major Subdivision. All divisions of a tract or parcel of land into five (5) or more lots, building sites or other divisions for the purpose, whether immediate or future, for sale or building development; and includes all division of land into two (2) or more lots involving a new street, or a change in existing streets; or divisions of land involving the extension of

water, sewer or gas lines and includes re-subdivisions and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The following are not included within this definition:

- a. testamentary division of property;
- b. partnership division of property between two (2) or more owners of an undivided interest by court order; or
- c. the division of land into parcels of five (5) acres or more not requiring new street or utility construction. However, “utility construction” does not include the mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains.

The creation of a tract or parcel of less than five (5) acres shall be deemed a subdivision and subject to the provisions of this chapter whether or not it fronts on an existing street or road, except where land is partitioned among the owners by the court.

Minor Subdivision. All divisions of a tract into four (4) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. All divisions of land involving a new street; a change in an existing street; or the extension of water or sewer lines are not included within this definition. In simpler terms: A subdivision is considered minor when it contains four (4) or less lots and no streets, utilities or other improvements are to be made.

Mobile Home or Trailer: A detached single-family dwelling unit, which is constructed as a single self-contained unit and mounted on a single chassis designed to be used with or without a permanent foundation. A mobile home contains the following characteristics:

- a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- b. Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels.
- c. Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

Mobile Home Park: Any area, tract, site or plot of land whereupon two or more mobile homes, as herein defined, are placed, located or maintained, or intended to be placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

Mobile Home Space: A plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

Multi-Use Trail or Path – A paved trail being at least ten (10) feet wide, except where variance to eight (8) feet is allowed within these Regulations. It is designed to support more than one use.

MUTCD – Manual on Uniform Traffic Control Devices.

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

NFPA – National Fire Protection Association.

Open Space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Ordinance – Any legislative action of a local government, which has the force of law, including any amendment or repeal of any ordinance.

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

Percolation Test – An examination of subsoil used in determining the acceptability of the site and the design of the subsurface disposal system.

Performance Bond – See Surety Instrument.

Planning Commission. The Athens Municipal Regional Planning Commission.

Planning Commission Staff. Community Development Department personnel or their agent/contractors approved by the Athens City Council

Preliminary Plat – The preliminary drawing or drawings, prepared by a Tennessee licensed Registered Land Surveyor, described in these regulations, indicating the proposed manner of layout of the subdivision to be submitted to the Planning Commission for approval.

Private Street – Any street that is not publicly owned and maintained. A private street shall be developed per Section 61 of these regulations

PROWAG – Public Rights-of-Way Accessibility Guidelines.

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

Public Uses - Public parks, schools and administrative, cultural and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and material.

Public Utility - Any person, firm, corporation, municipal department or board duly authorized to furnish under state or municipal regulations to the public electricity, telephone, gas, communications, transportation, water, or sewer.

Public Way - Any publicly owned street, alley, sidewalk, or lane right-of-way which provides for movement of pedestrians, bicycles, or vehicles.

RCP – Reinforced Concrete Pipe.

Reserve Strip - A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

Re-subdivision - A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling the subdivision of land.

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

Roadway - The portion of the street right-of-way which contains the street pavement, curb, and gutter, and is used primarily as a channel for vehicular movement and secondarily as a drainage channel for storm water. In these regulations the pavement is measured from face to face of the curbs.

Setback - A line established by the City of Athens Zoning Ordinance and in some instances by these subdivision regulations themselves, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure, other than in some

instances an accessory building, may be located above or below ground, except as may be provided in the City of Athens Zoning Ordinance.

Sinkhole – An open hole or closed surface depression created by erosive subsurface water activity.

Street. A way for vehicular traffic, whether designated as an avenue, arterial, collector, boulevard, road, highway, expressway, lane, alley, or other way, by the most recently adopted Athens Transportation Plan which for the purpose of these Regulations are divided into the following categories:

- a. **Arterials and Collectors** - any street designated as such in the Athens, Tennessee, Transportation Plan (the same streets may also be known as major thoroughfares).
- b. **Primary Collectors** – Collector streets are those which carry traffic from minor streets to the major system of arterial streets of a residential development and streets for major circulation within such development.
- c. **Secondary Collector** - a collector street which carries traffic from local streets to major thoroughfares.
- d. **Local Street** - a neighborhood street used primarily for access to the abutting properties.
- e. **Marginal Access Street** - a minor street parallel and adjacent to major thoroughfares which offers access to abutting properties.
- f. **Alley** - a minor way used for service access to the back or side of properties otherwise abutting on a street.
- g. **Cul-de-sac** - a local street with only one outlet, sometimes called a "dead-end" street.
- h. **Roundabout** – a circular intersection with a raised island that is usually landscaped and located at the intersection of at least two street legs used to reduce traffic speeds and accidents without diverting traffic onto adjacent residential streets.

Street Furniture - Any improvements placed within the street right-of-way, such as utility poles, street signs, etc.

Street Grade - The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street at the midpoint of the lot shall be taken as the street grade.

Structure - Anything constructed above or below ground.

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

Subdivision - "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of re-subdividing or to the land or area subdivided. (See Section 13-3-401 and 13-4-301, Tennessee Code Annotated)

Surety Instrument - Any form of security, including a cash deposit, surety bond, collateral, or property in an amount and form satisfactory to the Planning Commission. The intent of such security is to bind the Bonding Party to perform required acts, such as constructing subdivision improvements with the condition that the security shall be forfeited if such acts are not performed.

SWPPP-Stormwater Pollution Protection Plan

TCA – The Tennessee Code Annotated.

TDEC – The Tennessee Department of Environment and Conservation.

TDOT – The Tennessee Department of Transportation.

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

TMDL – Total Maximum Daily Loads.

Traffic Impact Study – An analysis of the effect of traffic generated by a development on the capacity of operations and safety of the public street and highway system.

USGS – The United States Geological Survey.

WNA – Waterway Natural Area means the area adjacent to, on either side, an intermittent or perennial stream waterway, as determined by the city, state, or USGS topographic information that is to remain in its natural state to protect the quality and ecology of the stream.

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 a building of accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

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

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

ARTICLE 4: - PLATTING JURISDICTION, ENFORCEMENT AND PENALTIES FOR VIOLATION

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

Section 41. 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 shall be entitled to recording 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, with each day of noncompliance being a separate offense.

Section 42. Use of Plat. The transfer of, 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.

Section 43. Enforcement. No plat or plan of a subdivision located within the area of planning jurisdiction shall be filed or recorded by the McMinn County Register 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.

Section 44. Opening and Improving Public Streets (Roads). No public officer, authority or county 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 Commission as provided in Section 13-3-406, Tennessee Code Annotated.

Section 45. Erection of Buildings. No building permit shall be issued and no building shall be erected on any lot in a proposed subdivision within the area of jurisdiction of the Planning Commission unless final plat approval has been granted and the plat recorded at the Register of Deeds office.

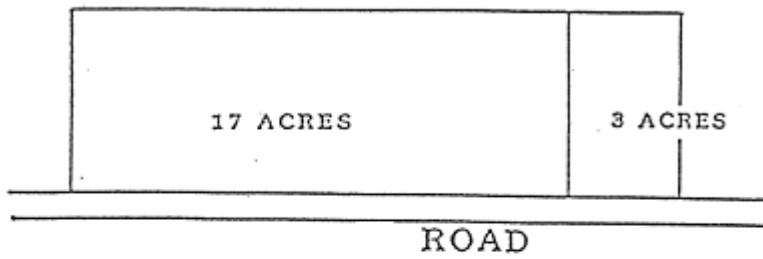
Within the corporate limits of the City, any building or structure erected in violation of this section shall be deemed an unlawful building or structure, and the building inspector or the city attorney may bring action to enjoin such erection or cause it to be vacated or removed.

Section 46. Grading and/or Clearing of Property. No grading or clearing of property for purposes of developing a subdivision, platting lots, installing infrastructure, or otherwise shall be initiated without first obtaining a grading permit from the City.

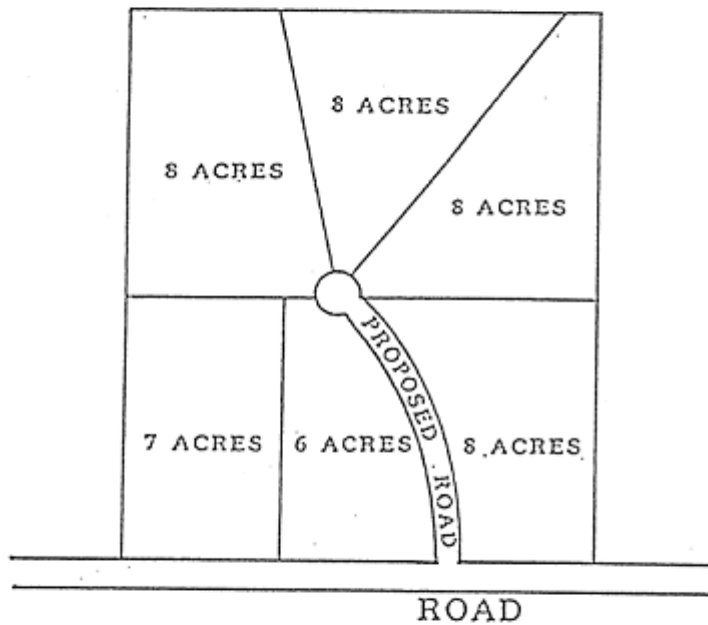
Section 47. Penalties. No county register shall receive, file or record a plat of a subdivision within the planning region without the approval of the Planning Commission as required in Section 13-3-402, Tennessee Code Annotated, and any county recorder so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

Section 13-3-410, Tennessee Code Annotated, provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the 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 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 its chief legislative body, may enjoin such transfer or sale of agreement by action or injunction.

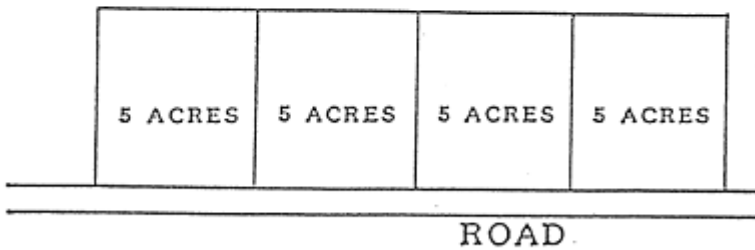
In addition, those who purchase the unapproved lots will have a cloud on their title, will be denied building permits if it is known the lot is illegal, and may have legal recourse against the developer.



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

ARTICLE 5: - GENERAL REQUIREMENTS

Section 51. 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 52. Access. Access to every subdivision lot inside the City of Athens shall be provided over a public street or a private street built to City Standards. Access to every subdivision lot inside the Urban Growth Boundary of the City of Athens shall be provided over a public County Road or a private right of way built to McMinn County Subdivision Standards. Otherwise, the subdivision lots shall be provided by access to State route.

Section 53. 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 use) 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 not 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.

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 their land idle for a lengthy and indefinite period.

Section 54. 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 planning and development purposes of the kind proposed. This includes land which is:

- a. Physically unsuitable because of flooding, bad drainage, steep slopes, rock formations, unsuitable soil, and other features which may endanger health, life, or property, aggravate erosion, increase the flood hazard, or necessitate expenditure of public funds for supply and maintenance of services and/or which other public agencies have investigated and found to be not in the best interest of the public.
- b. Unsuitably located by reason of being scattered or premature subdivision of land which would involve danger or injury to the health, safety, property, or economic utilization because of lack of or adverse effect on water supply, schools, proper drainage, good transportation, or other public services or facilities that would necessitate an excessive

expenditure of public funds for supply or maintenance of such services or elimination of danger.

Section 55. Individual Mobile Home Park Subdivisions. The requirements and regulations of the City of Athens Zoning Code Section 3.04.05 R-4 MOBILE HOME PARK DISTRICT and Municipal Code section under Title 14 Chapter 7 shall be satisfied prior to approval by the Planning Commission of any mobile home park.

A mobile home subdivision shall meet the general requirements of these regulations prior to the approval of any plat and before the sale or lease of any individual mobile home lots. Rental parks that do not have fee simple lots for sale or lease and rent all units, must meet the City of Athens Zoning Code R-4 Mobile Home Park District Regulations and Municipal Code section under Title 14 Chapter 7.

ARTICLE 6: - GENERAL REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY

Section 61. Conformance to Adopted Transportation Plan. All streets and other features of the Transportation Plan of Athens, Tennessee, shall be platted by the subdivider in the location and to the dimensions indicated on the Transportation Plan adopted by the Planning Commission.

The layout of streets in a subdivision shall conform to existing regulations and policies, and shall be based on a thorough consideration of:

- a. topography and drainage;
- b. public convenience and safety;
- c. existing street pattern and future development of adjacent tracts;
- d. proposed uses and land being subdivided;
- e. horizontal and vertical curves shall comply with the design standards in the latest edition of the AASHTO Policy for Geometric Design of Highways and Streets,
- f. existing streets shall be continued at the same or greater width, but in no case less than the required width; and
- g. where proposed streets are to adjoin existing streets, the developer must make the connection at their expense and meet all street design requirements set forth in these regulations.

Section 62. Roundabouts.

- a. General. Roundabouts meeting specific design criteria are allowed in residential and commercial subdivisions in the City of Athens. Roundabouts are intended to provide a safe means to control traffic at intersections and serve as a traffic calming measure. The design requirements for roundabouts vary, depending on the street classification and whether it is desirable to have landscaping or other features within the central island. There are three types of roundabouts allowed with the City of Athens:
 - 1. **Compact.** Roundabouts along local streets are compact roundabouts. The entire raised central island is mountable at low speeds.
 - 2. **Urban.** Roundabouts along collector streets or at intersections of collector and local streets are urban roundabouts. The apron portion of the central island is mountable by larger vehicles at low speeds. Landscaping or other features may be placed in the central island.

3. **Arterial/Commercial.** Roundabouts along or at the intersection of arterial streets or within a commercial subdivision are arterial/commercial roundabouts.

b. **Compact Roundabouts.** No features, signage, lighting or obstructions of any kind shall be placed within the central island/apron of a compact roundabout. The entire central island/apron shall be fully mountable at low speeds by larger vehicles and shall be six inches high at the highest point and sloped two percent to six percent for proper drainage. The central island shall be stamped concrete or other approved textured finish in a color contrasting with the street. The design vehicle for compact roundabouts is a large semitrailer (WB-55, as outlined in the AASHTO publication, A Policy on Geometric Design of Highways and Streets). The size, configuration and layout of radii, splitter islands, and any other aspect of the roundabout that are not specified in this document shall be designed in accordance with accepted industry standards such as the Federal Highway Administration Publication No. FHWA-RD-00-06, Roundabouts: An Informational Guide – Second Edition or later subsequent editions.

Section 63. Curbs and Gutters. To allow water to enter catch basins during construction phase of a subdivision, catch basins are to be set level with the binder at time of construction and raised to finish elevation when final asphalt work is completed.

Section 64. Street Elevations. The Planning Commission may require, where necessary, profiles and elevations of streets in floodways, as defined in these regulations. No street shall be approved which is more than two (2) feet below flood elevation. Fill may be used for streets in areas subject to flood, provided such fill does not unduly increase flood heights. Stormwater drainage structures shall be so designed as to not restrict the flow of water and unduly increase the flood heights.

Section 65. Street Names. The street names shall require the approval of McMinn County E-911 and the Planning Commission. Streets that are in alignment with streets already existing and named shall be given the name of the existing street.

Section 66. Restriction of Access. When a tract fronts on an arterial or collector street, the Planning Commission may require such lots to be provided with frontage on a marginal access street or may require reverse frontage lots.

Section 67. 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 or if the Conservation Subdivision Regulations of Article 16 are being utilized.

Section 68. Reserve Strips. 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 69. Utility and Stormwater Easements. The following language shall be added to the survey notes on all plats stating the minimum required utility and stormwater easements:

For all Standard City Residential/ Commercial/ Industrial lot and all growth boundary properties

“A 15' utility and drainage easement is reserved adjacent to all road right-of-way and 7.5' either side of side and rear of lot lines.”

For all City Patio Home Lots

“A 15' utility and drainage easement is reserved adjacent to all road right-of-way and 7.5' either side of all rear lines, and 10' for one side and 5' on opposing side to match the setback for the individual lot.”

All subdivisions shall meet all the easement requirements of the Athens Stormwater Management Policy.

Section 610. Private Streets. All proposed private streets shall meet or exceed the most recent specifications adopted by the Public Works Department for all public streets.

Section 611. Gated Facility or Community. All gated facilities or communities shall be accessed through a private street that meets Section 610 of these subdivision regulations.

A private street subdivision shall not cross any existing collector or arterial street as designated in the City's Major Thoroughfare Plan, nor prevent the construction of future streets as identified on the plan. No private street or gated subdivision shall be permitted in a location that would prevent vehicular access to future subdivisions on tracts adjacent to the site if such tracts in the determination of the Planning Commission, lack sufficient alternative access. In addition, a private street or gated subdivision shall not disrupt nor prevent the reasonable establishment of public, pedestrian, and bikeway connections between adjacent subdivisions, public streets, parks and other facilities used by the public.

No gates, structures, or guardhouses for a private street subdivision shall be placed on public right-of-way. All gates and guardhouses shall be located at least 50 feet from the public right-of-way, or as required by the Public Works Director.

Prior to the installation or replacement of a security gate or barrier at a gated facility or community, the developer or owner shall obtain security gate or barrier approval from the Athens Municipal-Regional Planning Commission. Approval shall only be issued for a security gate or barrier meeting the requirements of this section. Prior to any changes, alterations or blocking of private streets, plans detailing the change accompanied by drawings, shall be submitted to the Athens Municipal-Regional Planning Commission for approval.

Each preliminary plat, final plat, or revised final plat for a private street and gated subdivision as provided for in this article shall require the approval of the Athens Municipal-Regional Planning Commission. All private streets within a subdivision shall be identified on the final plat for the benefit of all lots in the subdivisions. The private streets shall be owned by the platted lot owner and maintained by the property owners association.

The maintenance and upkeep of any security gate or barrier shall be the sole responsibility of the developer, owner or any duly incorporated and active association having jurisdiction of the gated facility or community.

Inoperative security gates or barriers shall be repaired immediately. Inoperative gates shall be locked in the open position until repairs are made. Abandoned gates shall be permanently locked in the open position or removed completely.

All security gates or barriers shall be equipped with a radio operated receiver/controller capable of receiving signals from a police department, sheriff's department (if the gated facility or community is in the Growth Boundary outside the City of Athens corporate boundary), fire department, utility and emergency medical services' radio transceivers serving the gated facility or community that allow emergency responders and other necessary on-duty employees to open the security gate or barrier by use of the equipment. Any alternative gate opening methods shall be approved by the City of Athens Fire Chief.

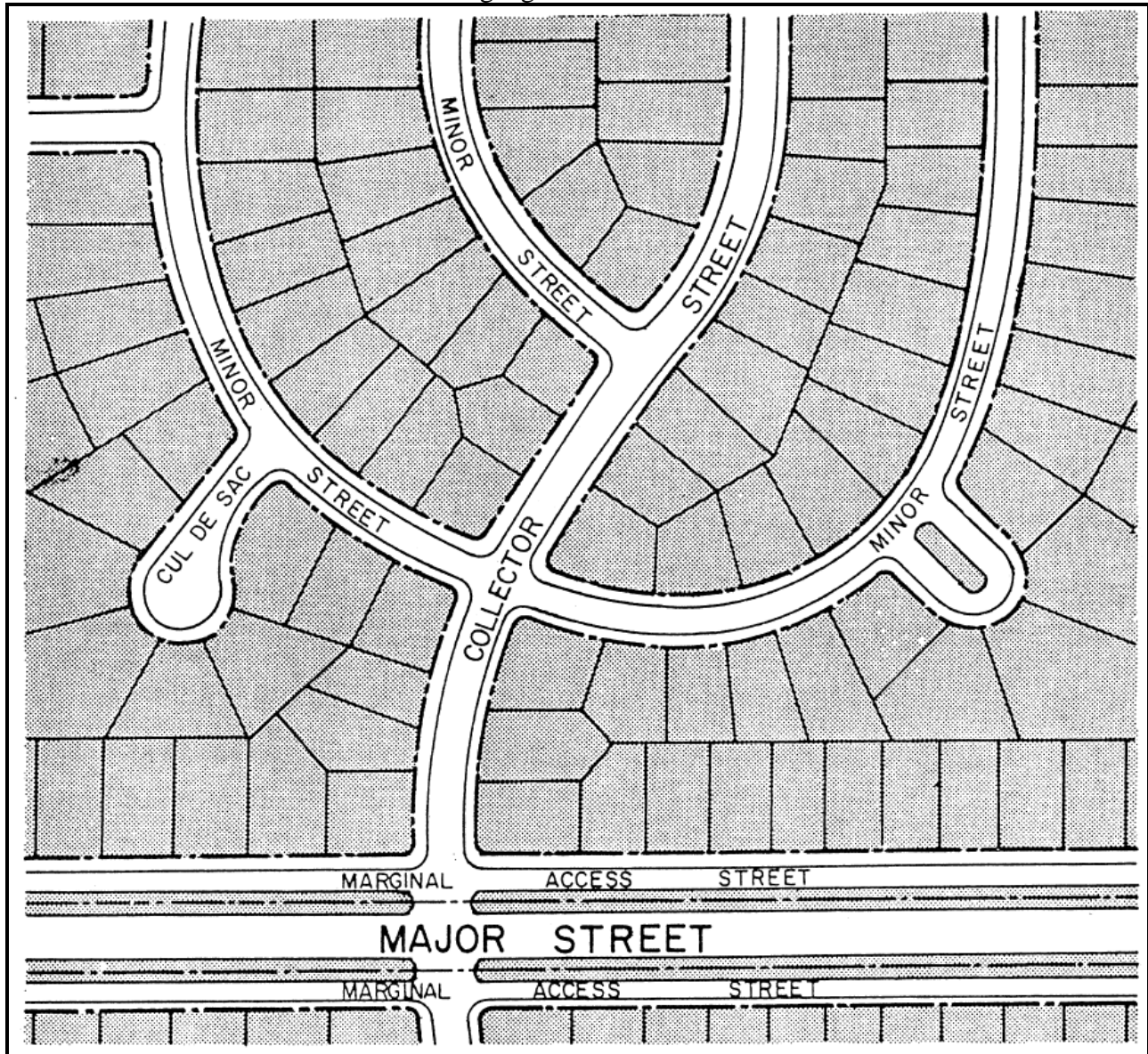
The party or parties controlling the operation and maintenance of the security gate or barrier shall be liable for any damages caused by the improper operation of the security gate or barrier. Additionally, the city shall not be liable for damages to inoperative gates caused by emergency personnel requiring access to the community/subdivision while responding to an emergency call for service.

ARTICLE 7: - STREET DESIGN REQUIREMENTS

Section 71. 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 width shall conform to standards and policies adopted by the Public Works Department for all public streets. There are various categories of Public Streets with varying minimum width requirements based upon their intended use.

****Visual Examples Only****

Please refer to written language for correct standards and dimension



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 (1000) feet. They shall be provided at the closed end with a turn-around having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet Cul-de-sac design shall conform to AASHTO Policy on Geometric Designs of Highways and Streets, latest edition, in addition to any supplemental standards and policies adopted by the Public Works Department.

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

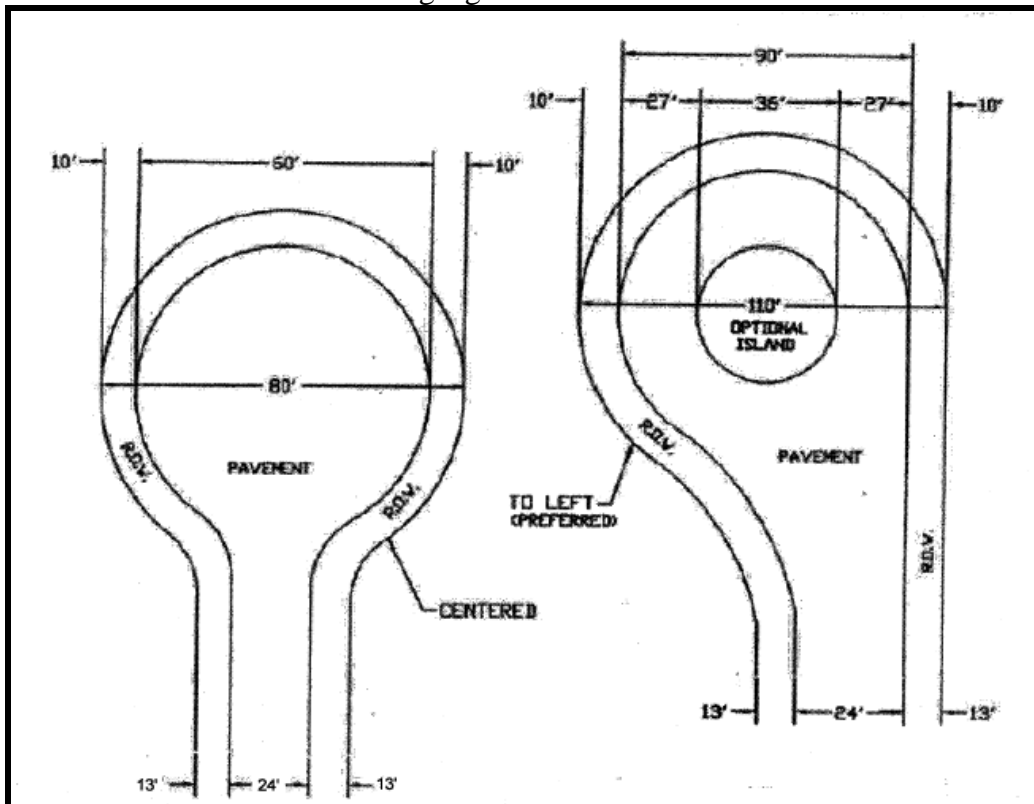
such property. Such dead-end streets having a length greater than two hundred (200) feet shall be provided with a temporary turn-around of either a circular or back-and-turn design.

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.

Cul-de-sac Designs

****Visual Examples Only****

Please refer to written language for correct standards and dimension



Section 72. Additional Width on Existing Streets. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements when there is an essential nexus between the dedication or payment and a legitimate local governmental interest, and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. (Please see Purpose Section located after Table of Contents and before Article I of this document for addition information)

- 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 (1) 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 (1/2)

of the required right-of-way, measured from the center line of the existing right-of-way.

2. If the land across the roadway has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on their side of the roadway to bring the total right-of-way to the required width (in no case less than fifty (50) feet).

Section 73. Minimum Street Pavement Widths. Street pavement widths shall be based upon the most current policy adopted by the Public Works Department for Public Streets. There are various categories of Public Streets with varying minimum width requirements based upon their intended use. Reference the most recently adopted Public Works Department policy for minimum widths for all City Streets.

In certain instances of proposed neighborhoods or local business areas, the minimum pavement widths shall be increased to accommodate a twelve (12) foot wide turning lane for turning movements of vehicles into and out of necessary off-street parking areas without interference to traffic.

NOTE: Pavement widths are to be measured from face of curb to face of curb. Where on-street parking is to be considered in the subdivision, design shall conform to AASHTO Policy on Geometric Designs of Highways and Streets, latest edition, in addition to any supplemental standards and policies adopted by the Public Works Department.

Section 74. Street Grades. Maximum and minimum street grades shall conform to AASHTO Policy on Geometric Designs of Highways and Streets, latest edition, in addition to any supplemental standards and policies adopted by the Public Works Department. Street grade design criteria shall be in accordance with a design speed suitable for the anticipated functional classification of the road.

NOTE: These street grade limits are considered to be the standard to provide adequate safety. Different topographical situations may necessitate adjustment.

Section 75. Horizontal Curves. Horizontal curvature design shall conform to AASHTO Policy on Geometric Designs of Highways and Streets, latest edition, in addition to any supplemental standards and policies adopted by the Public Works Department. Horizontal curve design criteria shall be in accordance with a design speed suitable for the anticipated functional classification of the road.

Section 76. Vertical Curves. Vertical curvature design shall conform to AASHTO Policy on Geometric Designs of Highways and Streets, latest edition, in addition to any supplemental standards and policies adopted by the Public Works Department. Vertical curve design criteria shall be in accordance with a design speed suitable for the anticipated functional classification of the road.

Section 77. Intersections. Intersection design shall conform to AASHTO Policy on Geometric Designs of Highways and Streets, latest edition, in addition to any supplemental standards and policies adopted by the Public Works Department. Intersection design criteria shall be in accordance with a design speed suitable for the anticipated functional classification of the adjoining roads.

Section 78. Tangents. Tangent design shall conform to AASHTO Policy on Geometric Designs of Highways and Streets, latest edition, in addition to any supplemental standards and policies adopted by the Public Works Department. Tangent design criteria shall be in accordance with a design speed suitable for the anticipated functional classification of the road.

Section 79. Street Jogs/Spacing of Intersections. Streets that intersect on opposite sides of a bisecting street shall be located directly across from each other whenever practicable. If geographic restrictions prohibit doing so, intersections shall be spaced with a centerline offset of not less than one hundred fifty (150) feet.

ARTICLE 8: - DESIGN STANDARDS FOR BLOCKS AND LOTS

Section 81. 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 impractical.

Section 82. Flood-Free Building Site. Each lot in a subdivision shall contain a flood-free building site. The entire buildable area of each lot shall be located outside of any special flood hazard area shown on the most current FEMA Flood Insurance Rate Maps.

Section 83. Lot Sizes. Residential lots shall meet the lot width and lot area requirements of the Zoning Ordinance. In the absence of a Zoning Ordinance, residential lots shall not be less than eighty (80) feet wide at the setback (building) line. Other lot size requirements shall be as follows:

- a. Residential lots 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. Residential lots in the City shall also conform to the Athens Zoning Code for minimum lot sizes in each zoning district.
- b. Lots not served by public water and sanitary sewer systems shall be at least twenty five thousand (25,000) square feet in area or of a size specified by the McMinn County Environmental Specialist to adequately accommodate both a fresh water-well and septic tank on the same lot. Where individual septic tanks are used on lots served by a public water system, minimum lot size shall of twenty thousand (20,000) square feet or of a size specified by the McMinn County Environmental Specialist.
- 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 and shall also conform to the Athens Zoning Code for minimum lot sizes in each zoning district.

- e. New subdivisions of 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. All local industrial streets and individual industrial parcels shall be oriented at right angles with the collector and with adjacent railroads whenever feasible.)
 - 2. An integrated parking area.
 - 3. A buffer against any adverse effect on any present or future adjacent residences. All lots in the City will comply with the buffering requirements of the City of Athens Landscape Ordinance.

Section 84. Lot Lines. All lot lines shall be perpendicular or radial to street lines, unless impractical because of topographic or other features.

Section 85. Building Setback Lines.

A building setback line meeting the front yard setback requirements of the City Zoning Ordinance shall be established on all lots. In the absence of a Zoning Ordinance, the front yard setback shall be a minimum of thirty-five (35) feet from all street/road right-of-way lines. Other minimum setback lines shall be as follows:

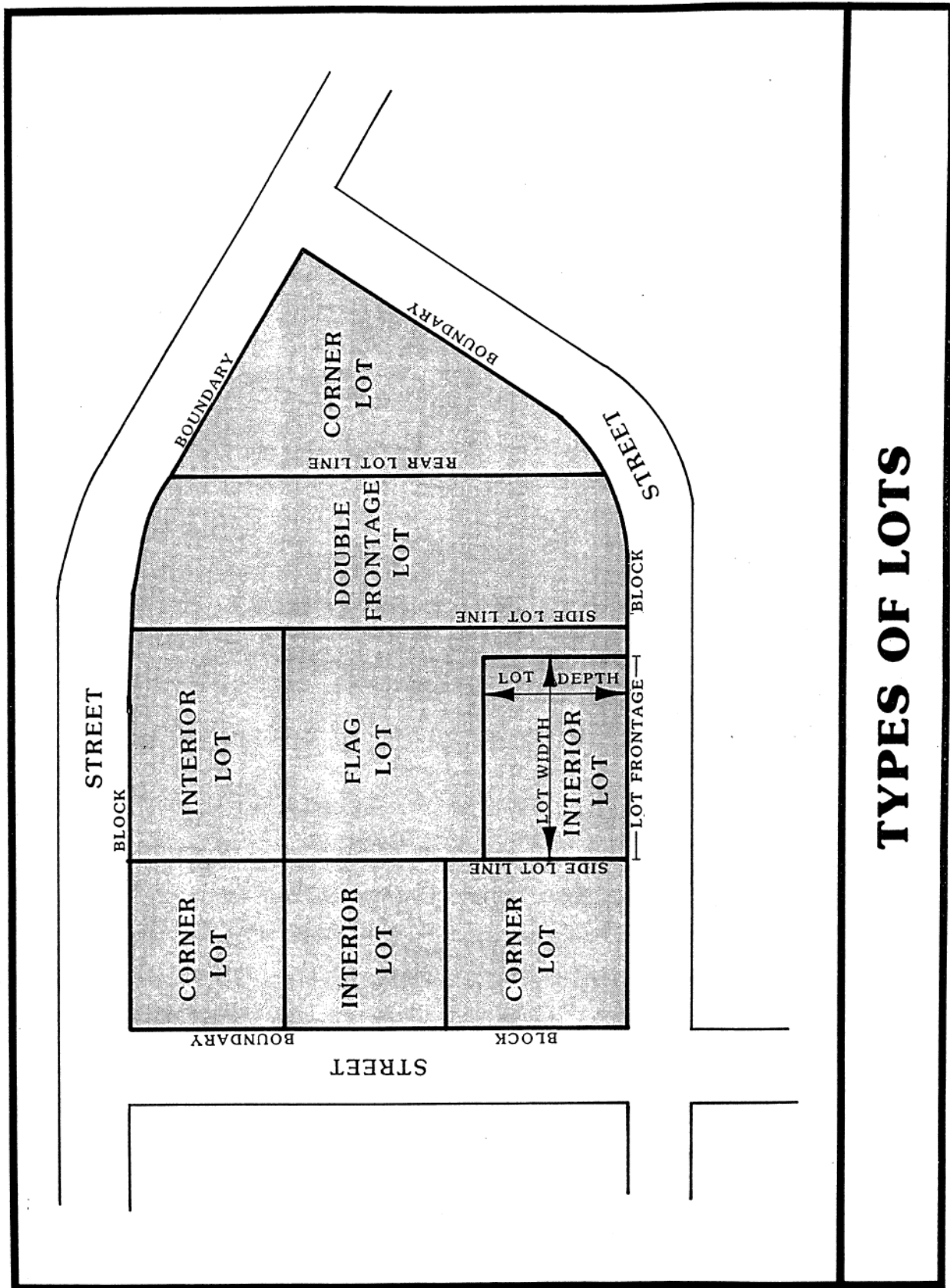
- a. from the side property line.....15 feet
- b. from rear property line.....20feet

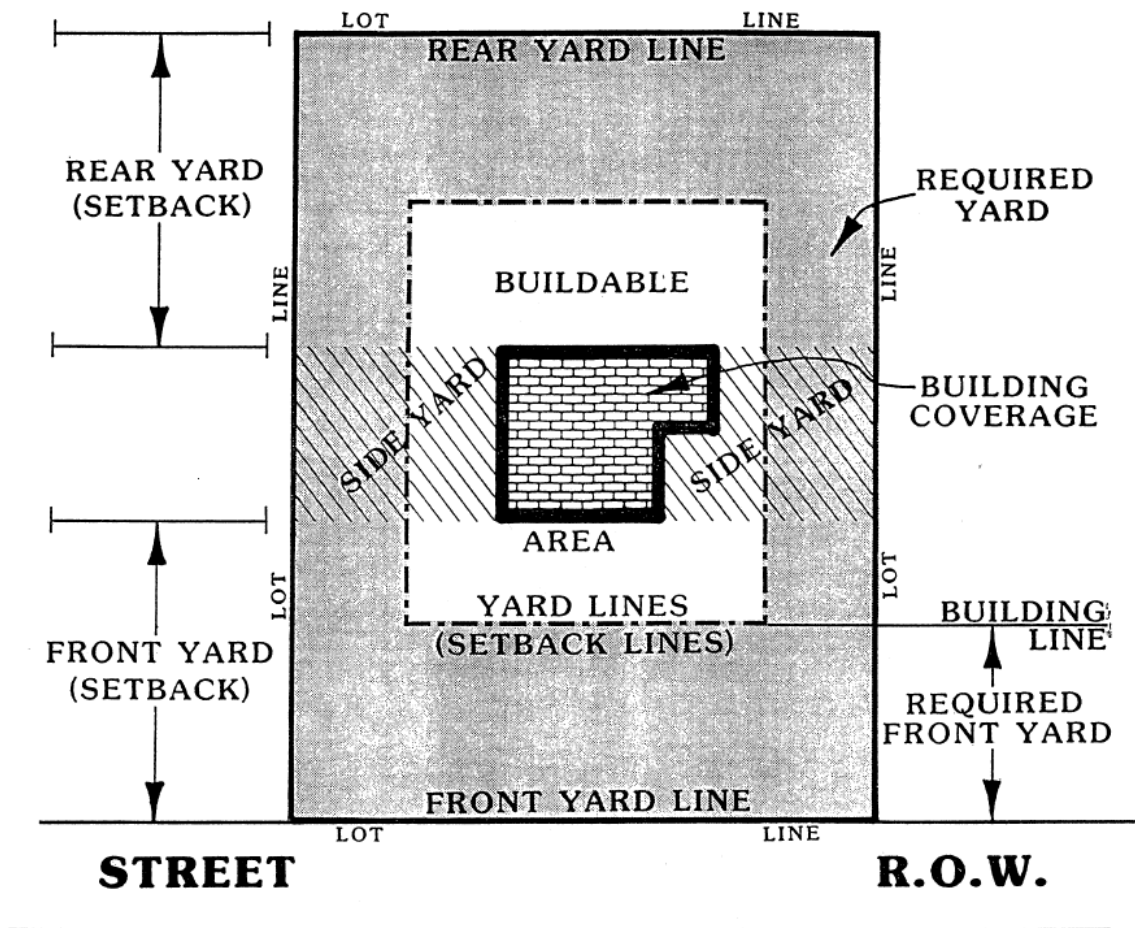
Section 86. Lot Abutting Public Streets. Each purposed lot shall abut upon a dedicated public street or an approved private street, built to city standards, a distance of at least fifty 50 feet, excluding certain flag lots. Lots located on a cul-de-sac shall have a minimum of 30 foot of street frontage and must also be designed to have a minimum 50 feet of width at the setback line. Flag lots of one (1) acre or less, shall have a minimum of 25 feet of street frontage.

Section 87. Double and Reverse Frontage Lots. Double 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 fifty (150) feet. A planted evergreen screen easement 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 land use.

Section 88. Flag Lots. In the Athens Planning Region, flag lots shall be allowed only if they meet these requirements:

- a. For flag lots of one (1) acre or less, the access strip shall be a maximum of 300 feet in length and a minimum of 25 feet in width;
- b. For flag lots of more than one (1) acre, the access strip shall be a maximum of 500 feet in length and a minimum of 50 feet in width. (This wider access strip will allow room for a public street when and if the flag lot is ever re-subdivided.)
- c. The overall subdivision shall be designed so that the point where the access strip of the flag lot abuts the public street 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.
- d. Whenever a 50 foot wide flag access strip is required, the developer shall locate it on land which affords a grade which would meet Section 74 so that if the flag lot is subdivided, the planning commission will be able to approve the grade of the new public road built on the right-of-way necessary to construct a street meeting the requirements of Section 74. (This requirement is needed so that the city does not, at a future date, have a dangerous road which is difficult to maintain and to serve public vehicles such as buses, fire trucks, etc.)
- e. Within the portion of the flag lot which doesn't include the access strip, the various building setbacks for front, side and rear shall still apply and be measured from the boundaries of the portion excluding the access strip.
- f. Minimum lot sizes shall be calculated, excluding the access strip.
- g. No more than two flag lot access strips shall be located side-by-side.
- h. If there will be any occupied building on a flag lot which will be more than 500 feet from the nearest fire hydrant, the subdivider shall have a fire hydrant installed on the water main at the point of the right-of-way which is the closest to the structure and easily accessible for firefighting purposes, but no less than 500 feet. In the event that the area cannot support fire flow, as determined by Athens Utilities Board (AUB), this requirement will not be applicable.





SETBACKS AND YARDS

ARTICLE 9: - PRE-APPLICATION PROCEDURE FOR MAJOR SUBDIVISION

Whenever a major subdivision of a tract of land within the Athens Planning Region is proposed, the subdivider is urged to consult early and informally with the Community Development Department. (See Article 15 for Review Procedure of Minor Subdivision Plats.) The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the pre-application review and no formal application for this consultation shall be required.

- NOTE:
- (1) The purpose of the pre-application review is to afford the subdivider an opportunity to obtain advice and assistance of the Planning Commission Staff before the applicant makes significant investment in detailed professional design work and in order to facilitate the subsequent preparation and approval of plans.
 - (2) The various plat reviews required by these regulations may properly be made by the Community Development Department Staff. Approval or disapproval in every subdivision case, excluding exempt plats and administrative approved plats, must be by action of the Commission. All subdivision plats regardless of type will require the signature of the Secretary of the Planning Commission for recording.

ARTICLE 10: - PRELIMINARY PLAT SPECIFICATIONS FOR MAJOR SUBDIVISION

(SEE ARTICLE 15 FOR MINOR SUBDIVISION)

Section 101. Scale. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch.

Section 102. Sheet Size. Sheet size shall be the sheet size required by the McMinn County Register of Deeds for recording purposes. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size in accordance with the requirements of the McMinn County Register of Deeds.

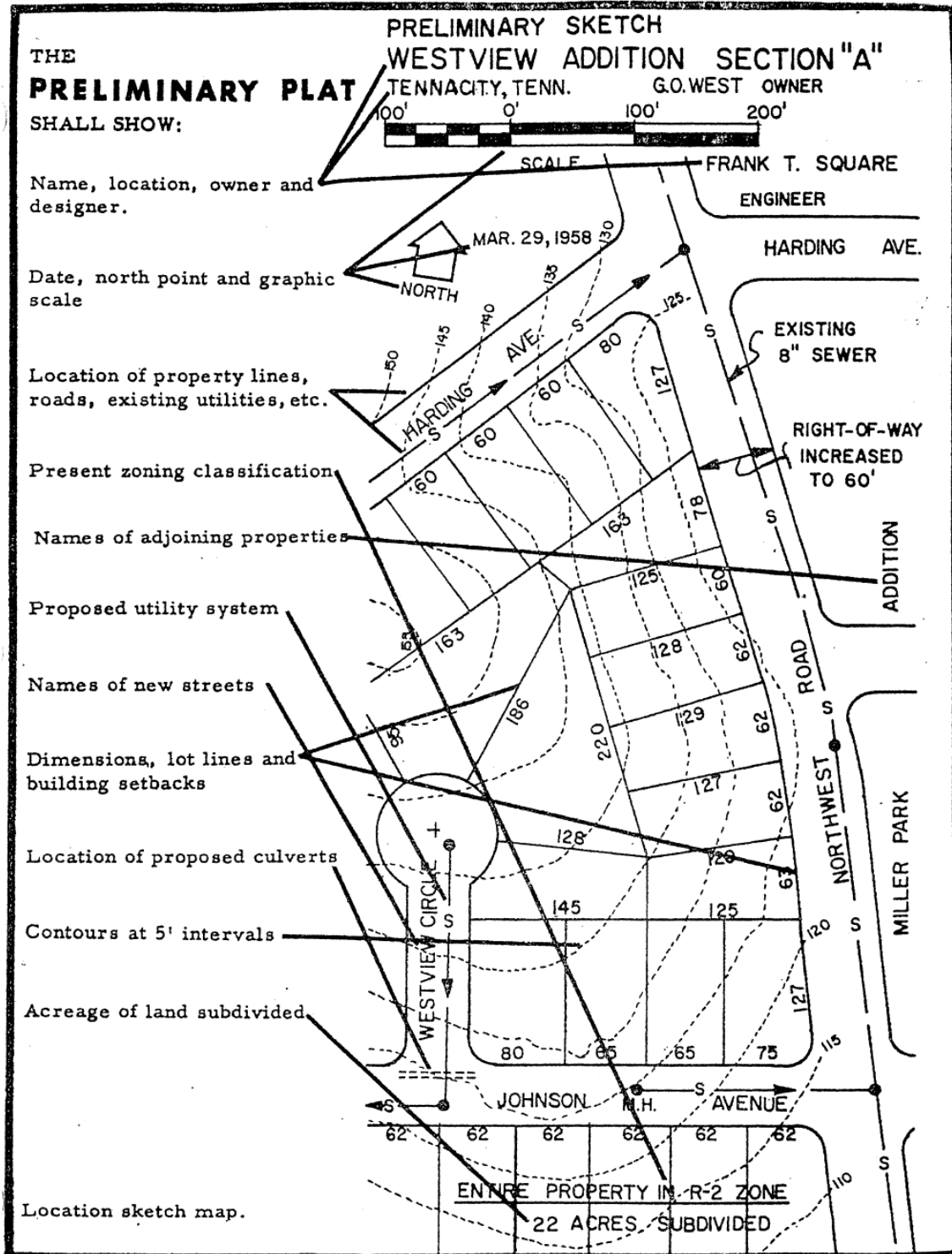
Section 103. Ground Elevation. Contours shall be shown at vertical intervals of two (2) feet.

Section 104. Information to be Provided on Preliminary Plat. The preliminary plat shall contain the following information:

- a. name of subdivision;
- b. name and address of owner of record, subdivider, and surveyor;
- c. north point, graphic scale and date;
- d. vicinity map showing location and acreage of subdivision;
- e. exact boundary lines of the tract by bearing and distances;
- f. names of adjoining property owners and/or subdivisions;
- g. existing streets, buildings, water courses, railroads, culverts, utilities and easements on and adjacent to the tract;
- h. proposed design including streets and alleys with proposed street names, stormwater controls, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses and any land to be used for purposes other than single-family dwellings;
- i. block numbers and lot numbers;

- j. plans of proposed utility layouts (sewers, water, gas and electricity) showing feasible connections to the existing or any proposed utility systems and drainage. When connections to certain public utilities are not practical, any proposed individual water supply and/or sewage disposal system must be approved by the McMinn County health department.
- k. where public sewerage and/or water are not available, the following shall be shown:
 - 1. Areas to be used for sewage disposal on each lot;
 - 2. Water wells (existing and/or proposed);
- l. rock outcroppings, marshes, springs, natural storm conveyance, and other outstanding topographical features;
- m. any sinkholes on the subject property as identified by a qualified geo-technical Engineer shall be located and appropriately labeled on the preliminary plan. The plan shall be designed to locate all sinkholes in permanent open space only and not within any buildable lots, Sinkholes in permanent open space shall be protected from natural and/or man-made debris;
- n. minimum building front yard setback lines;
- o. the present zoning classification, if any, on the land to be subdivided and on the adjoining land;
- p. Contour lines at least for every two (2) foot change in elevation;
- q. traffic impact study to determine the potential impact of any proposed development on the existing traffic network and/or the effects of traffic system improvements and alterations proposed by the applicant on the existing network, if requested by the Public Works Department in accordance with these Regulations.
- r. Such street cross-section and centerline profiles as may be required by the Public Works Department and/or Planning Commission; and
- s. the location of all “Blue Line” streams and wet weather conveyances on the property. A copy of the corresponding hydraulic determination report should also be provided;
- t. the approximate size and location of all proposed detention ponds and other water quantity and quality features;
- u. 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.
- v. the location of all proposed Fire hydrants in accordance with Section 1212 of these regulations

******VISUAL EXAMPLE ONLY- written rules in this document pertaining to subdivision development override anything illustrated in the Preliminary Plat graphic shown below:**



ARTICLE 11: - PROCEDURE FOR MAJOR PRELIMINARY PLAT APPROVAL

Section 111. Application for Preliminary Plat Approval. Following the pre-application review of a proposed major subdivision the subdivider shall submit to the Community Development Department, by the 15th of each month the following:

- a. An electronic PDF format copy of the proposed preliminary plat for review by the 15th of each month. Two (2) identical hard copies shall be submitted for signature, one for the city and one for the Petitioner.
- b. Pay the required preliminary plat review fee

Section 112. Review of Preliminary Plat. The Planning Commission shall check the plat for conformance to these regulations and shall afford a hearing on the preliminary plat, notice of the time and place of which shall be sent by the Secretary of the Planning Commission to the person designated in the letter requesting preliminary plat review and approval, not less than five (5) days prior to the date of the hearing.

Thereafter, the Planning Commission shall give tentative approval or disapproval of the preliminary plat. A notation of the action shall be made in the minutes of the meeting. Two (2) copies of a list containing the reasons for disapproval, if the preliminary plat is disapproved, shall be issued. One (1) copy shall be returned to the subdivider or their agent and one (1) copy added to the records of the Planning Commission.

Tentative approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval shall expire and be null and void after a period of one (1) year unless an extension of time is applied for by the subdivider or their representative and approved by the Planning Commission. This tentative approval is vested for three (3) years from the original passage date under the subdivision standards adopted at the time of passage. However, if extensions are not approved during the one year period mentioned above and during each of the two subsequent years following the original approval date, then the vesting is lost and the development will have to comply with all current subdivision regulations. Upon expiration of a vesting period for a preliminary plan, construction may not proceed unless a new preliminary plan is approved under the most current version of these regulations

If action on a preliminary plat is not taken by the Planning Commission within sixty (60) days of the date of submittal, the preliminary plat shall be considered approved and a certificate of approval shall be issued on demand. The date of submittal is the date on which all information required by these regulations has been provided to the Community Development Department. However, the applicant for approval may waive this requirement and consent to an extension of time by stating in writing on the preliminary plat that they wish to waive the 60 day period.

Section 113. Certificate of Tentative Approval. Two (2) Certificates of Tentative Approval of the Preliminary Plat by the Planning Commission shall be issued: One (1) copy for the subdivider

or their agent and one (1) for the Planning Commission records. The certificate shall contain the following:

"Pursuant to the Subdivision Regulations of Athens, Tennessee, all the requirements of tentative approval have been fulfilled.

Therefore, the 'Preliminary Plat' of _____ Subdivision has been approved by the Athens Regional Planning Commission on _____, 20__, subject to the following modifications. This approval does not constitute approval of a final plat. This Certificate of Tentative Approval shall expire and be null and void on _____, 20 _____. (One year later) This Tentative approval is vested for three (3) years from the original passage date under the subdivision standards adopted at the time of passage. However, if extensions are not approved during the one year period mentioned above on any of the two subsequent years following the original approval date, then the vesting is lost and the development will have to comply with any current subdivision regulations adopted."

1. Certificate of Tentative Approval vesting extension shall expire and be null and void on _____, 20 _____.
Secretary. AMRPC
2. Certificate of Tentative Approval vesting extension shall expire and be null and void on _____, 20 _____.
Secretary. AMRPC

Secretary, Athens Regional Planning Commission

ARTICLE 12: - FINAL APPROVAL OF MAJOR SUBDIVISION

Prior to the approval of a final subdivision plat, an agreement shall be reached between the subdivider or their agent and the City with regard to the installation of all improvements called for in the subdivision plat. All new infrastructure proposed shall comply with the technical requirements of this section or standard departmental policy unless an exception is granted by the Planning Commission. The City's Community Development Department will coordinate the review and approval of construction drawings. The subdivider shall be required to have the following improvements designed, approved, permitted and installed at their expense the following improvements, which are minimums. Additional requirements may be required by the Public Works Director or their designee to overcome problem areas. The subdivider at their expense, shall have the improvements installed by a bonded, insured, licensed private firm.

Required Improvements

- a. Every developer of a major subdivision shall be required to construct, streets, lighting, signage, pavement markings, public sanitary sewer lines and services, stormwater systems, public water mains and service lines, fire hydrants, sidewalks, bikeways, and to establish monumentation for right-of-way points and lot property corners, all in accordance with the approved plan, the condition of approval, and these Regulations.
- b. As each section or subdivision is platted, all public improvements, including, but not limited to streets, bikeways, or pedestrian accessways, utilities, and drainage, shall be installed by the subdivision developer to the property line of the next phase of development and/or to any other property abutting the subdivision.
- c. The Planning Commission may require the upgrade or extension of off-site public utilities to provide service to the development.
- d. The Planning Commission may waive the extension of certain public improvements when deemed in the public interest to do so and an alternative method for future completion of such improvements is determined and documented.

Section 121. Requirements for Construction Drawings. After approval of a preliminary plat, (see Article 11) the subdivider shall submit a complete set of Construction Drawings to the City, Local Utilities Board and any applicable State Agency for approval. The plans or drawings shall be prepared by a Tennessee licensed engineer and shall include:

- a. Street plans, profile, specifications and cross sections.
- b. Utility plans, profile, specifications and typical cross sections.
- c. Drainage design and specifications.
- d. Other data and calculations as the agencies may require.

e. **Traffic Control and Signage**

Upon written approval from the City, the Local Utilities Board and any applicable State Agency, the subdivider shall make application for a Construction Permit from the Public Works Department and the Community Development Department before undertaking any improvements. With the issuance of the permit the subdivider shall be free to contract for the installation of the improvements. However, before any construction is initiated a pre-construction meeting shall be scheduled to include representatives of the developer, contractor, and certified erosion control inspector. Erosion/siltation control per the approved control plan shall be installed prior to the initiation of grading work. This includes the installation of a construction entrance, tree protection, and stream buffer or non-disturb area protection, if applicable. In addition, a pre-construction meeting shall be schedule with AUB to discuss utility construction for the development. The subdivider shall call for inspections from the appropriate agency as construction progress based upon approved specifications.

Section 122. Monuments.

- a. If required by the Public Works Department, concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top, shall be set at all road corners, at all points where the road lines intersect the exterior boundaries of the subdivision, and at angle points of curve in each road. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade. In the event the department waives this requirement, the developer's representative shall coordinate with the department so that GPS coordinates can be recorded of the location where monuments would otherwise have been required.
- b. All other lot corners shall be marked with iron pipe or iron pin not less than three-fourths (3/4) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

Section 123. Grading. All streets, roads and alleys shall be graded by the subdivider to the required cross section. Due to special topographic conditions, deviation from the above will be allowed only with special approval of the Planning Commission. Where roads are constructed under or adjacent to existing electric transmission or distribution 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 or distribution lines, the clearance from the road to the nearest conductor shall meet the requirements of the National Electric Safety Code.

a. **Clearing and Grubbing.**

- (1) Clearing and grubbing includes the removal and disposal of all vegetation, topsoil and deleterious or unstable materials within the proposed

areas of the rights-of-way, slopes and easements and other areas as shown on the site grading plans unless certain areas or objects are noted to remain undisturbed.

- (2) Erosion-siltation controls and tree protection shall be installed prior to the clearing and grubbing operation.
- (3) The methods of disposal available to the contractor may include burning, clipping or ~~hal~~-off. If burning is approved, a burn permit will be required.
- (4) Roots larger than one inch in diameter must be grubbed out and removed.
- (5) Land disturbance shall only occur in areas as shown on the site grading plans.
- (6) Prior to beginning any clearing and grubbing operations, ensure the clearing limits are clearly staked.

b. Topsoil Stripping and Stockpiling.

- (1) Topsoil stripping includes the removal of topsoil material from the limits of the right-of-way areas or other areas designated on the site grading plans.
- (2) Topsoil removal is dependent upon the depth and types of soil and elevations of rock outcroppings.
- (3) The areas for stockpiling shall be neatly dressed, designated on the construction plans and shall be in areas that do not conflict with other construction activities, outside of flood plain areas, Waterway Natural Areas (WNA), or areas designated as tree protection areas or required buffers.

Section 124. 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, power conduits etc., and all service connections shall be installed completely and approved by the Local Utilities Board throughout the subdivision.

Section 125. Street or Road Base. The Public Works Department shall conduct a compaction test on the road base prior to any paved surface being applied to the base. The base shall be constructed as specified in Section 303, Tennessee Department of Highways', Standard Specifications for Road and Bridge Construction.

NOTE: Standards and specifications as indicated in the Tennessee Department of Highways', Standard Specifications for Road and Bridge Construction, are subject to periodic revision.

Revisions should be incorporated in new road construction, as well as any additional revisions adopted by the Public Works Department.

Section 126. Asphaltic Concrete Surface Course (Hot Mix). The road surface (paved surface) shall consist of approved asphalt course. The depth and asphaltic mix design shall meet the most current policy adopted by the Public Works Department.

The final surface course shall not be applied until the development is at least 75% built out unless the Public Works Director approves an earlier paving schedule. Developers will be required to provide the appropriate security for the final surface course in order to obtain final plat approval. Once paving is completed, the security will be released in lieu of the typical maintenance bond as described within these Regulations. In phased developments, the calculation will be based upon each phase individually.

Section 127. Street or Road Base and Surface with Extruded Curb. If the subdivider proposes to utilize an approved extruded curb, curbing shall be installed on completed and accepted street base, asphaltic binder..

Section 128. Handicap Ramps. In all subdivisions where sidewalks, curbs and gutters are required, handicap ramps shall be installed at all crosswalks so as to make the transition from street to sidewalk easily negotiable for physically handicapped persons in wheelchairs and for others who may have difficulty in making the step up or down from curb level to street level. This requirement is not subject to waiver and shall comply with the most current ADA and PROWAG standards.

Section 129 Curbs and Gutters. Concrete curbs shall be installed by the developer or subdivider on both sides of all new streets within the Athens Planning Region. The curbs shall be backfilled with a suitable material and shall provide positive drainage to the storm drainage system or curb line.

Where access streets to adjoining properties are provided and they provide no other frontage for lots, they shall be curbed to the property line. Where a temporary turnaround or cul-de-sac is provided, curbs shall end at the transition curb in such a way to facilitate a smooth continuation of the future curbing.

- a. Material Specifications. All curbing is to be constructed of Portland Cement type concrete.
- b. Design Specification.

Extruded Design—All curbing shall be of no lower classification than poured in-place or machine formed curbing formed or extruded to the following dimensions: eight (8) inches wide at the base, six (6) inches wide at the top, and eight (8) inches tall. (After the application of asphalt topping of the street, the curb should measure no less than seven (7) inches tall).

Curb and Gutter—All extruded or poured in-place combined curb and gutter shall be installed to the following dimensions: curb six (6) inches wide and eight (8) inches tall at

the face and twelve (12) inches tall at the rear. Gutter: twelve (12) inches to the face of curb.

Exceptions—Any exceptions to the above material or design specifications should be submitted to the City for approval prior to any construction. The Public Works Director may allow a “none curb” roadway design if bio-retention, swales are used when adequate shoulders are designed

Section 1210 Curb Cuts and Driveway Aprons. All curb cuts and the installation of driveway aprons shall be approved by the Athens Department of Public Works and shall be installed in a manner that insures positive drainage to the street. An expansion joint with filler shall be provided at each edge of the driveway apron where it abuts the curb and gutter. The driveway apron shall be constructed of either concrete or asphalt material and shall be paved from the edge of paved road to the end of the public right-of-way.

Section 1211. Storm Drainage. The City of Athens Stormwater Management policy, which describes in detail all requirements, technical guidelines, and design criteria for the provision of storm drainage and water quality management shall be enforced in all subdivisions within the corporate limits as well as all subdivisions within the City of Athens Growth Boundary.

The purpose of this section is to provide criteria for drainage system design that accomplishes the following:

- a. Accounts for both off-site and on-site stormwater flows.
- b. Protects downstream properties.
- c. Maintains natural topographic and watershed divides.
- c. Conveys stormwater to a stream, natural channel, or other existing facility in a manner that does not cause flooding or erosion.
- d. Discharges stormwater into the natural channel by connecting the channel at natural elevations, or by discharging the stormwater into an existing facility of sufficient capacity to receive it, or by discharging into an approved drainage swell.
- e. Wherever possible, natural waterways serving the major system shall remain undisturbed. Detention may be required to avoid discharges that exceed the capacity of the natural waterways. Modifications to natural waterways are discouraged and require the approval of the TDEC. Where man-made channels are necessary, the channels should be located as far away from buildings or structures as possible and preferably in established open space or other conservation corridors. Calculations performed for storm system design shall be submitted with the construction plans.
- f. Drainage structures under streets shall safely pass the calculated flows of the post-development site based on the required design storm(s). Spread shall not be allowed to

overtop the curb. Maximum inlet spacing is generally 300 feet to afford inspection, maintenance, and flushing as necessary. Inlets should be located at uphill corners of each street intersection to mitigate flow into and across intersections. In addition, inlets shall be flush with curb and pavement surface.

- g. Culverts shall be sized based on inlet and outlet control conditions. Headwater created by the worst condition shall neither overtop the bottom of the roadway subgrade nor cause unduly large impoundment of water behind the culvert. All piping underneath public streets shall be RCP. The minimum pipe diameter shall be 18 inches, unless approved otherwise subject to review of hydrology calculations. Installation and maintenance of driveway culverts shall be the responsibility of the owner, lessee, or other lawful holder of the property to be served, unless necessitated by a city roadway, utility, or drainage improvement project. Installations and/or connections are subject to City approval.
- h. The outlet ends of discharging pipes shall not result in velocities that equal or exceed the erosive velocity of the receiving channel unless energy dissipation and permanent erosion protection measures are installed at the outlet. Energy dissipation and erosion control devices shall have no overfall at the terminal end and shall discharge onto a stable area free of steep topography.

Section 1212. Water Supply System. Within the corporate limits of the City of Athens, water mains and appurtenances properly installed and connected with the water distribution system as approved by AUB and TDEC shall be constructed in each subdivision to adequately serve all lots for domestic use and fire protection. All construction of water lines and appurtenances shall be the responsibility of the subdivider in accordance with AUB Water Extension Policy.

Within the City of Athens Growth Boundary, when an existing six (6) inch water main is within 1,500 feet of any portion of the property being proposed for subdivision when measured along the right-of-way, water mains and appurtenances properly installed and connected with the water distribution system as approved by AUB and TDEC shall be constructed in each subdivision to adequately serve all lots for domestic use and fire protection.

All water mains, except services, shall not be less than six (6) inches in diameter and of a material approved by AUB. Fire hydrants shall be installed in all subdivisions within the Athens city limits. Fire hydrants shall be installed in all subdivisions within the Athens Planning Region where an adequate public water supply is available and installed under AUB installation specifications. No home or building shall be more than five hundred (500) feet from a fire hydrant. Fire hydrants shall not be more than one thousand (1,000) feet apart in order to maintain a good fire insurance rating and safety level. Additional hydrants may be required by the Planning Commission. The Athens Fire Department shall determine the placement of all hydrants in any subdivision.

The provisions of this section shall apply to all major subdivisions and may apply to minor subdivisions if deemed appropriate by the Athens Regional Planning Commission.

Section 1213. Sewage Disposal/Wastewater Collection. When any portion of a proposed subdivision is located within five hundred (500) feet of an existing public sanitary sewer line, sanitary sewers shall be installed to serve all the lots within the subdivision. Should the subdivision have elevations which are below those of the nearest public sanitary sewer, a lift station shall be installed by the subdivider. Alternative designs utilizing grinder pumps may be required by AUB. Wastewater Collection system extensions shall follow Athens Utilities Board's Policy's and Procedures, and standards, which describe in detail all requirements, technical guidelines, and design criteria for public wastewater collection and shall be enforced in all subdivisions within the corporate limits as well as the Athens Urban Growth Boundary.

The entire cost and expense of installing the required wastewater collection system including the connection to the existing public sanitary sewer line and including but not limited to the cost of pipe, manholes, lift stations, force mains, trenching, excavation, backfill and services shall be borne by the subdivider including the stipulated payment for tapping the system to serve each lot.

Where a subdivision is located beyond the public wastewater collection system service limits as determined by the Planning Commission (in conjunction with AUB), the subdivider may elect to have the lots served by individual sewage disposal systems. Should individual sewage disposal systems be proposed, satisfactory evidence of acceptability in the form of certified approved percolation tests shall be required. Subdivisions shall also have lot sizes which are adequate for the installation of the proposed individual system and all such subdivisions shall be approved by the McMinn County Health Authority, in writing.

The provisions of this section shall apply to all major subdivisions and may apply to minor subdivisions if deemed appropriate by the Athens Regional Planning Commission.

NOTE: Upon receipt of a preliminary plat, the Health Authority reviews the data and a field investigation of each lot is made. If percolation rates are acceptable, other topographic features including lot sizes are considered. In addition to unsatisfactory percolation test results, lots may be deemed unacceptable because of rock outcroppings, gullies, natural storm drains, excessive slope and the like. In view of topographic features and percolation test results, the maximum amount of available unusable area for subsurface disposal is determined for each lot. By using the Recommended Guide for the Location, Design, and Construction of Septic Tanks and Disposal Fields, 1967, Tennessee Department of Public Health, calculations are made to determine the maximum number of bedrooms for a home and/or the maximum daily flow of sewage from establishments or institutions allowable for each lot. These data limitations and restrictions will be entered on the preliminary plat by the Health Authority and shall be shown on the final plat. This does not preclude the developer from enlarging lot sizes, combining unsuitable lots with acceptable ones, or designating certain lots for uses not requiring sewage disposal facilities as long as other requirements of the Planning Commission and other agencies are satisfied and provided that the above named alternatives are reviewed and approved prior to the preparation of the final plat.

Section 1214. Sidewalks. For the safety of pedestrians and of children at play or on approaches to community facilities (schools, parks, etc) installation of sidewalks on one side of the streets shall be required with adequate crosswalks that are in accordance with the MUTCD, ADA, and PROWAG standards.

Sidewalks in all areas of the city and areas designated as the Athens Growth Boundary shall be required in residential areas on one side of the street on all local and minor streets.

Sidewalks in all areas of the city and areas designated as the Athens Growth Boundary shall be installed on both sides of the any roads classified as Collectors and above.

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. Single-family, multi-family or group housing development sidewalks shall be five (5) feet wide and four (4) inches thick, at a minimum. In commercial areas, sidewalks shall be eight (8) feet wide and four (4) inches thick, at minimum. All sidewalks, ramps, and pedestrian crossings shall comply with current ADA and PROWAG standards.

Sidewalks designed to function as multi-use trails shall have a minimum width of ten (10) feet. The width may be reduced to eight (8) feet in portions of the path to minimize disturbance to existing vegetation or other environmental constraints. In the event the developer connects to an existing multi-use trail, the developer shall connect to the trail and continue the multi-use trail through the development. When sidewalks are adjacent to the subdivision, the developer shall make connection to the existing sidewalks.

In order to obtain final plat approval, a developer must either install all required sidewalks and present a maintenance bond which will be required to remain in effect until buildout of the subdivision has reached 75% or provide an appropriate security to guarantee buildout of the sidewalks as each lot is developed. Once buildout has reached 75%, all remaining sidewalk must be installed. At this time the security will be returned in lieu of the typical maintenance bond required by these Regulations. The intent of this requirement is to ensure the City does not bear the expense of correcting issues with sidewalks damaged during development of each individual lot.

Section 1215. 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 (1) of the following conditions has 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 or certified check in an amount equal to the estimated cost of installation plus 25% of the required improvements, whereby improvements may be made and utilities installed without cost to the city, county, or other utility system in the event of default by the subdivider.

NOTE: The Planning Commission shall set the amount of the bond based upon the cost of improvements estimated by the Public Works Department or other responsible utility district or official designated by the Planning Commission.

Section 1216. Maintenance Bond

- a. All improvements, whether constructed by the developer or by the city using the developer's bond, shall have a maintenance bond to pay for any repairs during the first eighteen (18) months after construction.
 1. The city agrees to attempt to contact the developer prior to making any repairs, unless these repairs are deemed by the city to be of an emergency nature, to give the developer an opportunity to make the repairs prior to calling the bond.
 2. The maintenance bond shall cover 40 percent of the value of all road and drainage improvements.
 3. The bond shall be released upon expiration of the required time, with a final inspection by the Director of Public Works or their Designee, a favorable recommendation by the city attorney, and approval by the Athens Municipal Regional Planning Commission.

Section 1217. Revisions of Construction Drawings.

Unexpected conditions, field revisions, and design changes in subdivision layout and infrastructure are common. When changes to approved drawings are necessary or desired, the developer shall consult with staff from the Community Development Department and/or the Public Works Department prior to making any such changes. Failure to do so may result in additional cost, disapproval, or extended review times. Any changes to approved construction plans may require review and approval by the Planning Commission. Any deviations from initially approved design incurred during the course of construction are to be reflected in a final set of as-built plans to be submitted to the City upon completion of the development.

ARTICLE 13: - FINAL PLAT SPECIFICATIONS

Section 131. Final Plat Specifications. The final plat shall conform to and meet the specifications of the preliminary plat (Article 11) with the following additions:

- a. bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three (3) shall be accurately described on the plat);
- b. municipal, county and land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision;
- c. exact boundary lines of the tract, determined by a survey, giving distances to the nearest minute, which shall be balanced and closed with an error closure not to exceed one (1) in seven thousand five hundred(7,500);
- d. name of subdivision, exact location, widths and names of all streets and alleys within the immediately adjoining tract;
- e. street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents;
- f. lot lines with dimensions to the nearest one-tenth (1/10) of a foot and bearings;
- g. lots numbered in numerical order and blocks lettered alphabetically;
- h. location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use and any stormwater detention/retention areas required by the Athens Stormwater Ordinance;
- i. accurate location, material and description of existing and proposed monuments and markers;
- j. a statement, either directly on the plat or in an identified attached document, of any private covenants;
- k. if any portion of the land being subdivided is subject to flood, as defined in these regulations, the limit of such flood areas shall be shown;
- l. modifications or limitations on the number of bedrooms allowed on each lot when septic systems are approved by McMinn County Environment Specialist (when applicable);
- m. prior to the final approval or full release of the security for a development, a Tennessee registered engineer shall submit to the Public Works Department a certification letter stating that the site has been inspected and that the stormwater management system and stormwater BMPs are complete and functional in accordance with the approved plans. Any deviations

from the approved plans shall be noted on as-built drawings submitted to the City. To ensure the adequacy of stormwater quantity detention facilities, stormwater quality management practices, and public infrastructure, the certification submittal shall also include as-built drawings showing final topographic features of all these facilities. This shall include invert elevations of outlet control structures. Updated hydrology calculations may be required for as-built conditions if significant deviations from approved construction plans are noted in the as-built survey. Cut and fill balance certification should also be included for floodplain and sinkhole alterations; and,

- n. a fully executed and notarized stormwater maintenance agreement is required before final approval is granted.

******VISUAL EXAMPLE ONLY- written rules in this document pertaining to subdivision development override anything illustrated in the Final Plat graphic shown below:**

THE FINAL PLAT

SHALL SHOW:

STREETS, LOTS, SETBACK LINES,
LOT NUMBERS, ETC.

SUFFICIENT ENGINEERING DATA TO
REPRODUCE ANY LINE ON THE
GROUND.

DIMENSIONS, ANGLES, AND
BEARINGS

MONUMENTS

NAMES OF ADJOINING PROPERTIES

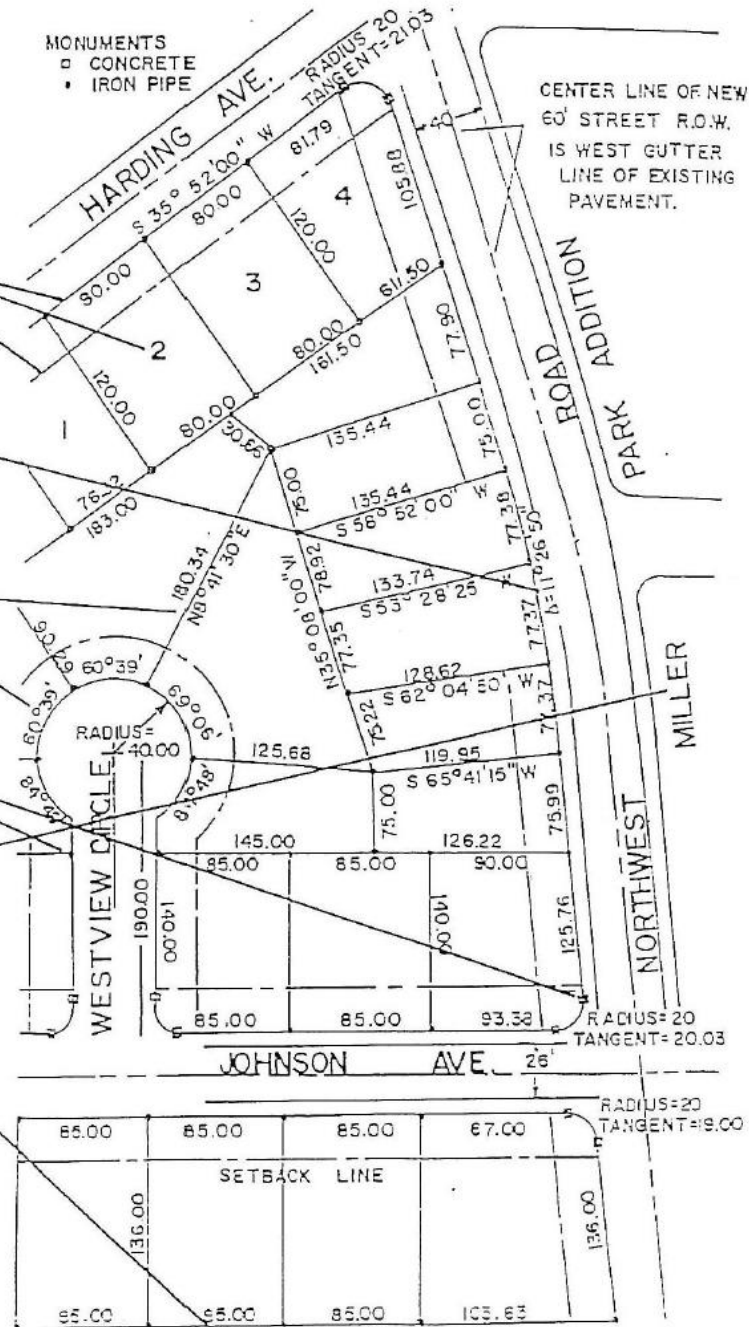
DATE, TITLE, NAME, AND LOCATION
OF SUBDIVISION.

GRAPHIC SCALE AND TRUE NORTH
POINT

LOCATION SKETCH MAP AND
CERTIFICATES AS REQUIRED.

MONUMENTS
□ CONCRETE
• IRON PIPE

CENTER LINE OF NEW
60' STREET R.O.W.
IS WEST GUTTER
LINE OF EXISTING
PAVEMENT.



SECTION "A"
WEST HILLS ADDITION
TENNA CITY, TENN.
MAY 5, 1979

SCALE IN FEET
100 0 100 200

Section 132. Surveyor's Certification. A registered or approved land surveyor's certification shall be placed directly on the final plat as follows:

"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 here on actually exist and their location, size, type and material are correctly shown; and that all surveying requirements of the Subdivision Regulations of Athens, Tennessee, have been fully complied with."

By: _____ Date: _____

Section 133. Owner's Certification. An owner's certification shall be placed on the final plat, as follows:

"OWNER'S CERTIFICATION"

"The owner/s of the land shown on this plat and whose name/s is/are subscribed hereto, in person or through a duly authorized agent, certifies that they own the land being subdivided; that there are no previous private restrictions against subdividing; that all Tennessee state taxes, City of Athens taxes, McMinn County taxes, and other assessments now due on this land have been paid; and that they are dedicating the road rights-of-way if they are designated as public streets and any other areas so designated and is also establishing easements as specified on the plat."

Agent _____ OR Owner _____

Date _____ Date _____

Section 134. Street Certification. A certificate shall be placed on the final plat as follows:

PUBLIC WORKS CERTIFICATION

"I hereby certify that the streets, surface drainage systems and related improvements, shown on the plat, have been completed to proper specifications and according to required design standards."

Date _____

Public Works Director

Section 135. Certification of Utilities and County Environmental Specialist. The Local Utilities Board shall certify that the water and sewage disposal system and other improvements indicated on the plat have been completed to proper specifications and per design standards. Where the required improvements have not been completed, the city attorney shall certify that approved bond, or security, has been posted to insure their completion.

A certificate signed by Local Utilities Representative shall be placed on the final plat as follows:

"Water Distribution Certificate"

"I hereby certify that the water distribution systems indicated on the plat have been installed according to the required specifications and design standards of the subdivision regulations."

Date _____
Athens Utilities Board

"Wastewater Collection Certificate"

"I hereby certify that the wastewater collection systems indicated on the plat have been installed according to the required specifications and design standards of the subdivision regulations."

Date _____
Athens Utilities Board

Where septic tanks are to be used in lieu of public sewerage within the Growth Boundary, the local health authority shall certify that lot areas shown on the plat are adequate to accommodate individual septic tank systems as restricted.

A certificate signed by the County Environmental Specialist shall be placed on the final plat as follows:

"I hereby certify that the lot areas shown on the plat of _____
Subdivision are adequate to accommodate individual septic tank systems according to the restrictions stated on the plat and that the percolation test results shown on the plat indicate that the soil conditions are adequate for the installation of individual sewage disposal systems.

Date _____
County Environmental Specialist

Section 136. Gas Certificate. A certificate signed by the manager of the utility gas system shall be placed on the final plat as follows:

"Gas Certificate"

"I hereby certify that adequate easements have been allowed where needed for gas lines in this subdivision."

Date _____
Local Utility Board

Section 137. Certification of Issuance of Drainage and Road Maintenance Bond

"I hereby certify that a maintenance bond has been issued to Athens, TN which covers 40% of the value of the drainage, sidewalks, and road improvements shown on this plat. Said bond will remain

in the possession of this office for eighteen (18) months, unless called upon by the appropriate authority for any improvements to the drainage system and/or road(s) shown on this plat."

Date _____

Athens Public Works Director

Section 138, E-911 Certification

"Certification of E-911 Approval"

"I hereby certify that I have reviewed this plat and find that it conforms to the McMinn County E-911 Requirements."

McMinn County E-911 Representative

Date

ARTICLE 14: - REVIEW PROCEDURE FOR FINAL PLAT APPROVAL OF A MAJOR SUBDIVISION

(SEE ARTICLE 15 FOR MINOR SUBDIVISION)

Section 141. Application for Final Plat Approval. After the preliminary plat of a proposed major land subdivision has been given tentative approval by the Planning Commission, the subdivider may, within one (1) year from tentative approval, submit to the Planning Commission by the 15th of each month, the following:

- a. An electronic PDF format copy of the proposed final plat for initial review by the 15th of each month. Minimum of five copies for signatures, since some signing agencies keep copies for their files when signing.
- b. Pay the required plat review fee

Section 142. Review of Final Plat. The Planning Commission shall check the final plat for conformance with the tentatively 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 original Velum/Mylar of the final plat, including a statement of the reasons for disapproval if the plat is disapproved. If action is not taken by the Planning Commission within sixty (60) days from the date of the initial placement up on a Planning Commission meeting agenda, the plat shall be considered approved, and a certificate of approval shall be issued on demand. The date of submittal is the date on which all information required by these regulations has been provided to the Community Development Department. However, the applicant for approval may waive this requirement and consent to an extension of time by stating so in writing on the Final Plat.

NOTE: All certifications with appropriate signatures shall be placed on all five (5) copies of the plat and any others that may be deemed necessary. Certifications could possibly be placed on the plats by means of rubber stamps, leaving a blank for the appropriate signature. No certification or signatures should be placed on the reproducible copy.

The following improvements shall be completed within each subdivision or section thereof before the approved final plat may be signed for recording:

- a. Grade and improved all lots, streets and alleys per the approved construction plans.
- b. Installation of the street base per the requirements of these Regulations.
- c. Installation of all curbs and gutters, per the requirements of these Regulations.
- d. Installation of the binder course, per the requirements of these Regulations.
- e. Installation of all required drainage/stormwater infrastructure, as shown on the approved construction plans.

f. Installation of all sewer and water infrastructure, as shown on the approved construction plans.

g. Installation of all required monuments, or approved alternative as required by these Regulations.

h. Unless otherwise approved by the Planning Commission, all amenity and entrance feature improvements shall be completed before building construction is completed on fifty (50) percent of the total building lots in the subdivision. In addition, before the plat for the first section of a subdivision is recorded, the developer shall provide adequate security in a form acceptable to the City to cover any uninstalled improvements.

Section 143. A Certificate of Approval of the Final Plat by the Planning Commission. If the subdivision is approved, the Secretary of the Planning Commission shall include a certificate of approval of the final plat directly on the copies of the plat, as follows:

"All the requirements of approval having been fulfilled pursuant to the Subdivision Regulations of Athens, Tennessee, this final plat was given approval by the Athens Regional Planning Commission effective _____, 20 ____."

Date _____

Secretary
Athens Municipal-Regional Planning Commission

Section 144. 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 of Deeds.

ARTICLE 15: - REVIEW PROCEDURE FOR MINOR SUBDIVISION PLATS

Section 151. Whenever a minor subdivision is proposed, the requirements of the applicable sections of Articles 12 and 13 must be met. The requirements of Articles 9, 10, 11, and 14 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; see Article 3 for definition.

Section 152. The subdivider shall submit to the Planning Commission one (1) electronic copy of the survey (hereafter called the "plat") of the proposed minor subdivision prepared by an approved land surveyor. The plat shall be submitted to the Planning Commission by the 15th of each month in order to receive consideration at next regularly meeting of the Planning Commission.

Section 153. If any portion of the land being subdivided is subject to flood, as defined in Article 5 of these regulations, the limit of such flood shall be shown.

Section 154. The plat shall be clearly and legibly drawn at a suitable scale and shall contain all information normally required in an official survey with a 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) owner's certification and (2) certification of Planning Commission's approval directly on the plat as prescribed for the subdivision plats in Article 14 and any other certificates deemed necessary by the Planning Commission.

NOTE: Where septic tanks are to be used in a minor subdivision, the Planning Commission shall require certificates of approval by the Health Authority in which instance all requirements regarding submission of data review and approval procedures as applicable to major subdivisions shall apply.

Section 155. The Planning Commission shall check the plat for conformance to the rules and regulations. Thereafter, the Planning Commission shall approve or disapprove the plat. A notation of action shall be made on all copies of the plat, including a statement of the reasons for disapproval, if the plat is disapproved.

If action is not taken by the Planning Commission within sixty (60) days from the date of the initial placement up on a Planning Commission meeting agenda, the plat shall be considered approved, and a certificate of approval shall be issued on demand. The date of submittal is the date on which all information required by these regulations has been provided to the Community Development Department. However, the applicant for approval may waive this requirement and consent to an extension of time.

ARTICLE 16: - REVIEW PROCEDURE FOR ADMINISTRATIVE APPROVED SUBDIVISION PLATS, EXEMPT SUBDIVISION PLATS AND CORRECTED PLATS

Section 161. Qualifications for Administrative Plat Review. The subdivision shall be classified as an administrative plat when the plat divides the tract into no more than two (2) lots thereby creating only one (1) new lot, where the plat combines existing lots into no more than two lots, where an adjustment is made to the lot line(s) between two existing recorded lots, where a plat is required for recording an easement or new information and no subdivision of land is involved, or, where the plat meets the requirements for an exempt or corrected plat.

Section 162. Administrative Plat Review Procedures. Applicant shall submit an electronic PDF format copy of the proposed final plat for initial review. Minimum of five copies for signatures, since some signing agencies keep copies for their files when signing. Petitioner shall pay the required plat review fee as well. Administrative plat review procedures may vary depending on conditions involved. The procedures are as follows in Sections 173-177:

Section 163. When Variance Is Not Requested. When no variance is requested five (5) copies of the subdivision plat, accompanied by the final plat checklist certified by the surveyor, must be submitted for review.

Section 164. Review and Certification by Staff and Endorsement of Approval by Secretary.. The staff of the Planning Commission shall review the subdivision plat and, a) certify to the secretary of the commission that such plat complies with all requirements of these regulations, or b) advise the surveyor of the plat's deficiencies.

Section 165. Approval and Certification for Recording. Upon correction of all deficiencies, if any, and a determination by the Planning Commission staff that all requirements have been met, approval and certification for recording may be endorsed on the plat by the Secretary of the Planning Commission.

Section 166. When Variance Is Requested. When any variance to these regulations has been requested, a formal planning commission action for final plat approval shall be required.

Section 167. Review and Recommendation to Planning Commission and Certification. Such subdivision plats shall be placed for consideration on the next appropriate Planning Commission agenda consistent with filing date of application. Final Plat procedure will be followed in reviewing and making recommendations to the Planning Commission and, if approved, certified for recording.

Section 168. Exempt Plats. A plat shall be considered as an exempt plat if the division of property meets all the following criteria:

1. The parent tracts of the division of property are all five (5) acres or greater in area, and all resultant lots being created by the division of property are five (5) acres or greater in area.

2. All lots shall have at a minimum, fifty feet (50) feet of frontage on a public street or roadway.
3. No new road construction is required to serve the subdivision.
4. No new utility construction is required other than individual service lines to a lot.
5. The proposed lots are not a result of the combination of lots smaller than five acres.

Section 1609. Corrected Plats

A plat shall be considered as a corrected plat if an error is discovered after recording, and the correction of the error does not result in a change affecting the size of any lot; the location of any property line or easement; add any new information that is not required for the correction; or eliminate any dedicated usage of the property (i.e. drainage or access easement)

A corrected plat shall identify the plat in the title block as a “Corrected Plat”; include a note stating what has been corrected on the plat; include the date of the corrected plat revision; and make reference to the instrument number of the previously recorded plat as recorded in the Register of Deeds Office.

Section 1610. Administrative Approved Plat Time Restraint

No more than one (1) administrative approved plat utilizing any portion of the same parcel can be approved within one year from the date of this administrative approval.. For example if one parcel is split into two, neither of the two lots created with this original administrative approved plat can be part of another administratively approved plat for the period of one- year from the date of this approval. However, the new lots can be subdivided at any time with Planning Commission approval.

ARTICLE 17: - VARIANCES AND AMENDMENTS

Section 171. 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 justification for the departure being specifically set forth in writing.

Section 172. Amendments. These regulations may be amended from time to time by the Planning Commission. However, before enacting an amendment, the Planning Commission shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be published in a newspaper of general circulation in the city.

ARTICLE 18: - LEGAL STATUS PROVISIONS

Section 181. Separability. Should any section or provision 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.

Section 182. Conflict with Other Regulations. No final plat of land within the force and effect of an existing Zoning Ordinance shall be approved unless it conforms to such ordinance.

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building codes, departmental policies, or other official regulations, the highest or more restrictive standard shall apply.

Section 183. Adoption and Effective Date. These regulations are hereby officially adopted by the Athens Municipal-Regional Planning Commission and shall replace previously adopted Subdivision Regulations. These regulations shall take effect and be in force from and after the first day of its adoption, the public welfare demanding it.

Adopted by the Planning Commission on the 1 day of August, 2022.

Chairman
Athens Municipal-Regional Planning Commission

Attest:

Secretary
Athens Municipal-Regional Planning Commission

APPENDICES

CHECKLIST FOR FINAL PLAT CONSIDERATION

Proposed Subdivision Name			
Location			
Address of Developer			
Owner of Record (Name DB/PG)			
Civil District		Preliminary Approved	
Telephone Number		Submittal Date	
Surveyor	City	Checklist Requirement for Final Plat	
		Submitted within one year from date of most recent preliminary approval.	
		Submit an electronic PDF format copy of the proposed final plat for initial review by the 15 th of each month-Minimum of five copies for signatures, since some signing agencies keep copies for their files when signing.	
		Name of subdivision.(Should match Preliminary Plat name if one was approved)	
		Labeled "Final Plat"	
		If applicable, all TDEC NOI, SWPPP, and ARAP Permits have been filed and a copy has been given to PC. Please provide all tracking number for these permits.	
		Appropriate number of corrected copies submitted by noon on the day the planning commission meeting with all appropriate signatures	
		Drawn to a scale of one inch equals one hundred feet on sheets not larger than 16 1/2 inches by 22 inches including the binding strip. (If multiple panels submit cover showing entire property at scale to fit page)	
		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, utilities easements and widths, or other non-residential areas	
		Minimum dimensions to nearest 10th of a foot and angles to nearest minute.	
		Lot lines, alleys, and building setback lines.	
		Location and description of monuments, if required by the Public Works Department.	

		Monuments installed in the subdivision, if required by the Public Works Department.
		Lines, names, designation (public or private) and widths of all streets and roads.
		Lots numbered in numerical order and blocks lettered alphabetically.
		Location sketch map with north point and any floodable areas outlined.
		Names, addresses and Deed Book and Page of adjacent properties.
		FEMA map and panel number stated in notes and all flood limits shown on plat.
		Certificate of ownership and dedication.
		Certificate of approval of water system.
		Certificate of approval of sewer. (mandatory sewer hookup required in the City) or Certificate of approved septic systems from the McMinn County Environmental Specialist.
		Certificate of approval of streets and drainage.
		Certificate of engineer and/or surveyor.
		List variances granted in notes.
		List the acreage of the site and the remaining acreage for lots larger than 5 acres. Show entire parent tract that lots are being subdivided from (A small scale insert maybe allowed when subdividing large tracts of land).
		List total water line, sewer line, and new road lengths.
		Certificate for subsurface sewage disposal by the TDEC or an existing septic certificate when property is outside City limits.
		List overlay districts if applicable.
		Show all existing structures and septic systems locations.
		List in notes if there is a homeowners association and bring a copy of the homeowners documents for the planning commission to examine.
		List date preliminary plat was approved.
		Certificate of E-911.
		Certificate of Recording.
		All certificates signed.
		Conforms to general requirements and minimum standards of design.
		Required physical improvements have been made or bond posted in the amount of \$_____.

Bond posted for improvements which cannot be installed until a certain amount of build out has been reached. Amount to be approved by Public Works Department for Asphaltic Road Surface and sidewalks.

Maintenance Bond posted for improvements which have been made which covers maintenance for a period of 18 months.

If applicable, include a copy of the Stormwater Facilities Maintenance Agreement.

CHECKLIST FOR PRELIMINARY PLAT CONSIDERATION

Proposed Subdivision Name			
Location			
Name/Address of Surveyor			
Name/Address of Developer			
Owner of Record (Name DB/PG)			
Surveyors Number		Developers Number	
Owners Number		Submittal Date	
Surveyor	City	Checklist Requirement for Preliminary Plat	
		An electronic PDF format copy of the proposed preliminary plat for review by the 15 th of each month. Two (2) identical hard copies shall be submitted for signature, one for the city and one for the Petitioner.	
		Name of subdivision.	
		Labeled "Preliminary Plat".	
		Drawn to scale of not less than one inch equals 100 feet (Other legible scales maybe allowed upon request).	
		Name, address and phone number of owner of record, subdivide, and surveyor.	
		North point, graphic scale, and date of drawing.	
		Map Group and Parcel of land being subdivided or combined.	
		Vicinity map showing acreage and location of subdivision in relation to surrounding roads and property.	
		Zoning, if any, on land in subdivision and adjacent land.	
		Contour Lines shown on the plat as required by the subdivision regulations.	
		Proposed Official street names for 911 approval.	
		Boundary lines by bearing and distances.	
		Names and addresses of adjoining property owners and/or subdivision(s) and deed book and page numbers of adjoining property owners.	
		Location of all existing physical features on land and nearby properties.	

		Show location of all existing septic systems including tanks and field lines (show approximate location when necessary).
		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 including fire hydrants.
		Notation on plat if private wells or septic tanks are planned.(water and sewer hookup are mandatory with the city limits of Athens).
		If applicable, location of any rock outcroppings, marshes, springs, natural storm drains, outstanding topographical features, and sinkholes.
		State minimum building setbacks or show building envelopes on each individual lot. Delineate different zoning district boundaries as well physically on the drawing as well if applicable.
		Consecutive lot numbers.
		Preliminary approval for individual wells and/or septic systems has been granted by the McMinn County Health Department on properties located outside the City.
		Cross-section and centerline street profiles at suitable scales as may be required by street superintendent and/or planning commission.
		Drainage Plans.
		Delineate the Limits of 100-year flood boundary and elevations of designated floodway if applicable.
		State the FEMA FIRM map and number and what flood zones are applicable.
		List all utility easements on the plat that correspond to lot lines, show all utility and drainage easements that do not correspond to lot lines.
		Conduct preconstruction meeting with appropriate road / street official in community prior to any construction activity.
		If applicable, File NOI with TDEC and obtain SWPPP and/or ARAP permits prior to any construction activity.
		Conforms to general requirements and minimum standards of subdivision design.

Certificates of approval are included and signed by appropriate parties.
Cover letter is attached.

Preliminary plat approval only good for one year

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 RE-SUBDIVIDE 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 re-subdivision (See Article 3 for definition of subdivision).

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 (TCA 13-3-410).
- 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. Building permits 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, stormwater controls, monuments, sewers, and water mains in accordance with adopted specifications, unless each new lot already has access to all these items.

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

The lot buyer does—at the time they purchase their 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 staff 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.

STEPS FOR A SUBDIVISION DEVELOPER IN THE ATHENS PLANNING REGION

1. 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.
2. Subdivider may submit sketch plans and data prior to preparing plat.
3. Have preliminary plat prepared by a licensed engineer or surveyor (This plat shall include the information listed in Article 9).
4. Discuss preliminary plat with staff representative.
5. Submit required copies of the preliminary plat to the Planning Commission for preliminary approval.

WHEN PRELIMINARY APPROVAL IS GIVEN

6. Consult with the City of Athens and Local Utilities Board to obtain street and utility specifications.
7. Have construction drawing prepared by a licensed engineer (See Article 13 for requirements).
8. Present drawings to the City of Athens, Local Utilities Board and appropriate State Agency for approval.
9. When written approval is granted - obtain permit for construction. (No charge.)
10. Develop subdivision according to approved plans and specifications.

(A performance bond may be posted with the City Manager in sufficient amount to cover the total cost of improvements prior to improvements being installed. The City Manager and City Staff will determine the amount of the bond. Final plat approval may be given and permits issued. However, the bond will not be released until all improvements are made, certifications issued, and the streets and utilities accepted by the Athens City Council.)

11. Call for the City of Athens and Local Utilities Board inspection during the progress of construction as per approved specifications.
12. Upon completion of improvement, prepare final plat.
13. Obtain signed certification from Director of Public Works, Local Utilities Board and County Health Department (if applicable).

14. Submit a final plat prepared, signed and stamped by a Tennessee Licensed Surveyor to the Athens Regional Planning Commission for approval.
15. Athens Regional Planning Commission approves final plat and recommends the adoption of a resolution accepting the streets and utilities by the Athens City Council.
16. City Council accepts streets and utilities, officially amending the City street map.
17. Plat is recorded at the County Register of Deeds Office and lots are sold.