

SUBDIVISION REGULATIONS
OF THE
HARDEMAN COUNTY, TENNESSEE REGIONAL PLANNING COMMISSION

(Hereafter referred to as the Planning Commission)

ARTICLE I - GENERAL PROVISIONS

A. Purpose

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

The following subdivision standards guiding the Planning Commission are designed to secure a coordinated layout with adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewer, and other sanitary facilities and services; to promote a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

The following regulations set forth the minimum standards to be adhered to by developers of lands for residential, commercial, and industrial uses, and to provide a guide for the Planning Commission and other county officials exercising their duties pertaining to the review, approval and administration of land subdivision development with the jurisdiction of Hardeman County.

B. Authority

These Subdivision Regulations, procedures and standards set forth herein are adopted by the Planning Commission under the authority granted by Tennessee Code Annotated, Section 13-3-401 through 13-3-411, the Planning Commission has fulfilled the requirements set forth in these statutes as prerequisites to the adoption of such standards, having filed a certified copy of the Major Road Plan the Office of the Register of Hardeman County, Tennessee.

C. Jurisdiction

These regulations shall govern all subdivision of land within the unincorporated areas of Hardeman County, Tennessee outside of any municipal planning regions. Within these regulations the term "subdivision" shall mean the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided.

Any owner of land within this area wishing to subdivide land shall submit to the Hardeman County Planning Commission a plat of the subdivision according to the procedures outlined in Article II. This plat shall conform to the minimum requirements as set forth in Article III. Improvements shall be installed as required by Article IV of these regulations.

D. Policy

It shall be the policy of the Planning Commission to encourage subdivision development which enhances the health, safety, and welfare of the community and which optimizes the use of the land while providing a prudent balance between the economic considerations of the developer and the public interest. Conversely, it shall be the policy of the Planning Commission to disapprove proposed subdivision development which is deemed to be inefficient use of land, inconsistent with the needs and character of the community, economically untimely, or otherwise not in the public interest. Further, it shall be the policy of the Planning Commission to consider each proposed subdivision development on its merits in context with existing or planned land use, population and traffic distribution, and the needs and best interest of the community. Consequently, the mere compliance with minimum standards set forth in these regulations does not grant to the developer an implicit or explicit right to subdivision approval. Accordingly, the Planning Commission may require that a proposed subdivision development exceed the minimum standards to satisfy site peculiar conditions or to conform to the existing neighborhood.

E. Basic Definitions and Interpretations

Except as specifically defined herein, all words used in these regulations shall have their customary dictionary definitions where not inconsistent with the context.

For the purposes of these regulations, and in order to carry out the provisions and intentions as set forth herein certain words, terms and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense include the future tenses. Words in the singular number include the plural. Words in the plural number include the singular. The word "person" includes a firm, partnership, or corporation as well as an individual. The word "lot" includes the word "plot" or "parcel". The word "building" includes the word "structure". The terms "shall" and "will" are always mandatory and not directory, and the word "may" is permissive.

Arterial - A major street used primarily for heavy through traffic that will be so designated on the Hardeman County Major Road Plan.

Collector Street - A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development. Collector streets are usually designated as such on the Hardeman County Major Road Plan.

Block - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Planning Commission. The Planning Commission shall approve all bonds whenever a bond is required by these regulations.

Building - Any structure built for the support, shelter, or enclosure of persons, animals, or movable property of any kind and includes any structure.

Building Setback Line - A line in the interior of a lot which is generally parallel to and a specified distance from, the street right-of-way line or lines or from property lines; which creates a space between such lines in which no building shall be placed.

Buildable Area of a Lot - That portion of a lot bounded by the required rear and side yards and the building setback line.

Collector Street - A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development. Collector streets are usually designated as such on the Hardeman County Major Road Plan.

Cul-de-sac - Permanent dead-end streets with a turn-around provided at the dead-end.

Dedication - The setting aside of land/or improvements for a particular use.

Developer - An individual, partnership, corporation, or other legal entity or agent thereof 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.

Easement - The right to use another person's property but only for a limited and specifically named purpose, the owner generally continues to make use of such land since he has given up only certain and not all, ownership rights.

Easement, Access, Travel - The right granted by the owner of land to another party by deed or prescription, to allow access across one parcel of land to another. For the purpose of these regulations any easement created for this purpose shall have a minimum width of fifty (50) feet and be permanently recorded in perpetuity. An easement serving more than one lot shall be constructed to the standards laid out in Article IV Section D.

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

Engineer - A qualified Civil Engineer registered and currently licensed to practice engineering in the State of Tennessee.

Final Plat - The map or plan or record of subdivision and any accompanying material as described in these regulations.

Flood plain - An area of a river or stream, together with appropriate adjacent land, established to insure adequate and safe drainage.

Frontage -The side of a lot abutting on a road and regarded as the front of the lot.

Grade - The slope of a road, street, or other public way, specified in percentage (%) terms.

Environment and Conservation Department – This term is to be construed as being the same as Hardeman County Environment and Conservation Department.

Highway Department - This term is to be construed as being the same as Hardeman County Highway Department.

Lot Area - The total horizontal area included within lot lines.

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

Lot Lines - The lines bounding a lot as defined herein.

Lot Number - The official number assigned to a lot for identification purposes.

Lot Width - The width of a lot at the building setback line measured at right angles to its depth.

Major Road Plan - The official plan adopted by the Hardeman County Regional Planning Commission designating types and locations of roads within the County.

Major Subdivision – All subdivisions not classified as minor subdivisions including but not limited to subdivisions of five (5) or more lots or subdivisions of any size requiring any new or improved road, the extension of government facilities, or the creation of any public improvements, or containing any flood prone area.

Minor Subdivision – Any subdivision containing less than five (5) lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities, or the creation of any public improvements, and is not in conflict with any provision of the adoption of the general plan, Major Road Plan, Zoning Resolution or these regulations.

Monuments - Markers placed on or in the land.

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

Planning Commission – This term is to be construed as being the same as the Regional Planning Commission of Hardeman County.

Private Streets - A street which has not been dedicated to the public use, and to which the general public is denied access.

Protective Covenants - Contracts between the land subdivider and lot purchaser expressing an agreement covering the use of the land.

Public Sewer System - A central sewer system owned operated and maintained by a municipality or Hardeman County.

Public Hearing - A meeting held for the review of a matter, whereby opinions may be presented by the public. These hearings may take place during the regular Planning Commission meetings and are held according to State laws.

Public Street - A street dedicated to the public use and open to the public access.

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 or county department or board duly authorized to furnish under state regulations to the public electricity, gas, steam, communications, telegraph, transportation, water, or sewer.

Recreational Facilities - Country clubs, riding stables, golf courses and their similar recreational areas and facilities including swimming pools.

Register of Deeds – This is to be construed as being the same as the Hardeman County Register of Deeds.

Reserve Strip - A portion of land set aside to prevent and prohibit access to adjoining property or public thoroughfare.

Resubdivision - 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 subdivision.

Right-of-way - A dedication of land to be used generally for streets, alleys, or other public uses wherein the owner gives up all his rights to the property as long as it is being used for the dedicated purpose. Also, a land measurement term meaning the distance between lot property lines which generally contain not only the street pavement but also the sidewalks, grass area and utilities.

Road - For the purpose of these regulations, "road" shall be defined the same as "street".

Roadway - The portion of the street right-of-way which contained the street pavement, and is used primarily as a channel for vehicular movement and secondarily as a drainage channel for storm water.

Sanitary Sewer System - A public or community sewage disposal system of a type approved by the State Department of Public Environment and Conservation.

Secretary - The person designated by the Planning Commission as its secretary

Septic Tank - A water-tight receptacle that receives the discharge of sewage from a building, sewer or part thereof, and is designed and constructed so as to permit the settling of solids from this liquid, digestion of the organic matter, and the discharge of the liquid portion into a disposal area.

Setback - The distance required to obtain the minimum front, side and rear yards.

Street - A general term used to describe a right-of-way, which provides a channel for vehicular and pedestrian movement between certain points in the community. It may also

provide for vehicular and pedestrian access to properties adjacent to it, and it may provide space for the location of underground and above ground utilities.

Street, Half - A street that has a width less than what is required by these and other appropriate regulations.

Street, Intersecting - Any street that joins another street at an angle, whether or not it crosses the other.

Street Classification - Types of streets as set forth in the Major Road Plan.

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 mid-point of the lot shall be taken as the street grade.

Street Line - The legal line between street right-of-way and abutting property.

Street Sign - The sign designating the official name of the street.

Subdivision - 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 resubdivision and when appropriate to the context relates to the process of resubdividing or to the land or area subdivided.

Surveyor - A qualified surveyor registered and currently licensed to practice surveying in the State of Tennessee.

Test Holes - Openings dug, bored, or drilled in the ground for conducting soil tests.

Unit - A subsection of a total subdivision developed as a complete segment.

Use - The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Way - A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Yard, Front - An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line (extended) of the building and the street line.

Yard, Rear - An open (other than for permitted accessory structures) space on the same lot with the principal building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard, Side - An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Zoning Resolution - The duly adopted Zoning Resolution of Hardeman County, Tennessee.

ARTICLE II - PROCEDURE FOR SUBDIVISION APPROVAL

A. General

The subdivider shall consult early and informally with the Planning Commission and its technical staff for advice and assistance before the preparation of the Plat and its formal application for approval. This will enable him/her to become familiar with these regulations, the Major Road Plan and other plans or public improvements, which might affect the area. Such informal review should prevent unnecessary and costly revisions.

The procedure for review and approval of major subdivisions consists of two step. These steps include the preparation of a Preliminary and Final Plat. Minor subdivisions require submission of a Final Plat only. The Final Plat once approved by the Planning Commission, becomes the instrument to be recorded by the Office of the Hardeman County Register.

B. Application, Administration and Fees

Any owner of land lying within the area of the jurisdiction of the Planning Commission wishing to divide such land into two (2) or more lots, sites or divisions for the purpose of either immediate or future sale or building shall make application to the Planning Commission by submitting the required plat of the proposed subdivision along with the application fees. Such plat shall conform to the minimum standards for subdivision design as set forth in Article III of these regulations and such additional site peculiar criteria as may be deemed necessary by the Planning Commission or its technical staff.

1. Official Submission Dates and Deadlines and Fees

All plats shall be submitted to the Office of Zoning Compliance no less than **fifteen (15) days prior** to the regularly scheduled Planning Commission meeting. Any plat submitted less than fifteen (15) days prior to the regularly scheduled Planning Commission meeting will not be considered until the subsequent meeting.

For the purpose of these regulations, the official submission date of a plat shall be the date of the first regular Planning Commission meeting after the plat was submitted to the Office of Zoning Compliance. The statutory period required for formal approval or disapproval shall not begin to run until that date.

The County Commission shall establish the schedule of subdivision application and review fees required.

2. Required Submission

Prior to commencing any street improvements, substantial grading, installation of utilities or any horizontal construction the developer shall submit plans to obtain the approval of a preliminary (construction plat) in accordance with Section "D" of this Article.

3. Subdivision of tracts with remainders of 5 acres or greater

When a tract of land is subdivided and the remainder is 5 acres or greater, the property lines of the remaining tract will not be required to be surveyed, but the following procedures will need to be followed:

- a. The owner will have to include a notarized certificate stating that the remainder will be five acres or greater.
- b. The Hardeman County tax map number and parcel number of the parent tract will be included on the plat.
- c. The distance to an identifiable corner of the parent tract shall be noted on the tract.

C. Final Plat

When approved and duly recorded as provided by law, the Final Plat becomes a permanent public record of the survey of the lots or parcels, rights-of-way, easements and public lands, and the restrictive covenants as may be applicable to the lots or parcels within the boundary of the subdivision. As such, it serves as a vital instrument in the sale and transfer of real estate, in the dedication of rights-of-way, easements and public lands and in future land survey of the properties contained in or adjoining the subdivision.

1. Submission of Final Plat

- a. The developer shall submit eight (8) copies of the Final Plat to the Office of Zoning Compliance no less than fifteen (15) days prior to the Planning Commission meeting at which it is to be considered.
- b. The original of the Final Plat shall be in permanent ink on a sheet of a maximum size of twenty-four inches by thirty-five inches (24" x 35"), to a scale no less than one inch equals one hundred feet (1" =100'). If more than one sheet is required, an index sheet of the same size shall be filed and shall show a key map of the entire area being platted. The separate sheets of the Final Plat shall be keyed alphabetically and shall have match lines with the adjoining sheets.

2. Contents of Final Plat

- a. The lines of all streets and roads, lot lines, building setback lines, lots numbered in numerical order, reservations for easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- b. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, curved property lines that are not the boundary of curved streets and acreage of lots.
- c. All dimensions to the nearest one hundredth (100th) of a foot and bearings to the nearest minute.

- d. Location and description of monuments.
- e. The names and locations of adjoining subdivisions and streets and the point.
- f. Location and ownership of adjoining unsubdivided property.
- g. Date, title name and location map of subdivision, graphic scale, and true north point.
- h. Any restrictive covenants which are to apply to lots or other parcels within the subdivision.
- i. Any proposed utilities.

3. Certificates Required on Plat

The following certificates are required on the plat (forms are in the appendix):

- a. Certification showing that applicant is the landowner and dedicates streets, rights-of-way, utilities and any sites for public use to Hardeman County.
- b. Certification by a licensed surveyor to the accuracy of survey, plat, and placement of monuments.
- c. Certification by the County Staff or County Environmentalist of approval of water lines, sewer lines, wells, and septic tank systems.
- d. Certification of approval of installation of streets, water, sewer and drainage or the posting of sufficient financial surety to insure completion of all required improvements signed by the County Staff.
- e. Certification of approval signed by the Planning Commission Secretary.

4. Planning Commission Review

Within sixty (60) days after submission of the final plat, the Planning Commission shall review and indicate approval, disapproval, or approval subject to modifications. The Planning Commission noting approval of modifications to which the approval is subject and if disapproval, a list of reasons for disapproval, shall issue a certification of action.

Failure of the Planning Commission to act on the final plat within sixty (60) days will be deemed approval of the plat. However, that the applicant for Commission approval may waive this requirement and consent to the extension of such period.

5. Effect of Final Plat Approval

Approval of the Final Plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public ways or grounds, until all water, streets, drainage and other improvements shall have been installed, approved and accepted by Hardeman County.

6. Recording of the Approved Final Plat

Upon approval of the Final Plat by the Planning Commission, the developer shall submit to the Office of Zoning Compliance the original and one (1) copy of the Final Plat. The Secretary of the Planning Commission shall attest to approval by signing the appropriate certificate of the original and copy of the plat. The Secretary of the Planning Commission shall deliver the original to the Office of Zoning Compliance, who shall record the approved plat in the Office of the Register of Hardeman County, Tennessee. The Secretary of the Planning Commission shall note the date, plat book and page number of recording on the file copy of the plat.

7. Approval of Minor (Two-Lot) Subdivisions by the Zoning Compliance Officer

If the minor plat of a subdivision contains no more that two (2) lots, including any larger remaining tract greater than five acres, the approval may be endorsed in writing on the plat by the Secretary of the Planning Commission without the approval of the entire Planning Commission, upon the certification of the Zoning Compliance Officer that the subdivision complies fully with these regulations, provided that the Tennessee Department of Environment and Conservation renders certification of approval of the suitability of soils and septic tanks, and also provided that no variance from these regulations has been requested, as allowed by Tennessee Code Annotated 13-3-402 (a)(1).

The Zoning Compliance Officer or the Secretary of the Planning Commission shall have the discretion to refer any such plat to the full Planning Commission and Planning Staff for consideration, and shall refer any such plat to the full Planning Commission if any variance is requested.

D. Preliminary Plat

The Preliminary Plat is the initial plat for a proposed major subdivision and shall include the full area of the proposed subdivision. The purpose of the Preliminary Plat is to insure the proposed subdivision conforms to the Hardeman County Zoning Resolution, the Major Road Plan and other related regulations. The developer should consult early with the Planning Staff and review the Hardeman County Major Road Plan, Subdivision Regulations and the Zoning resolution prior to submitting a Preliminary Plat for approval. All minor subdivisions are exempt from preliminary plat submittal.

1. Plat Submission

After consultation with the Planning Commission and/or the Planning Staff, the developer shall submit 8 copies of the plat, together with all applicable fees, to the Zoning Compliance Office no less than 15 business days prior to the regularly planned meeting. One of those copies must be submitted to the Local Planning Assistance Office in order that the staff planner could review the proposed plat at length. All plans must be drawn to a scale of not less than one inch equals one hundred feet (1" = 100').

2. Plat Content

The Preliminary Plat shall, even when the subdivision is to be developed in phases or sections, meet the minimum standards of design as set forth in Article III and give the following information:

- a. Meet the minimum sign standards as set forth in article III;
- b. Be prepared by a Land Surveyor licensed in the State of Tennessee;
- c. Be drawn to a scale no less than one inch equals one hundred feet (1" = 100' and ;
- d. Contain the following information:
 - (1) Scale, date of preparation, north arrow, vicinity map, acreage, zoning classification and number of lots;
 - (2) Subdivision name; name and address of the developer and/or developers and the name of the individual responsible for the preparation of the plat;
 - (3) Lot lines, dimensions of lot lines, lot numbers, building setback lines, and the lot area in square feet;
 - (4) Boundary lines from deed records and surveys;
 - (5) Adjoining subdivisions by name and section, and the names of owners and acreage of all abutting tracts;
 - (6) Name, location, and rights-of-way of all existing and proposed streets and alleys;
 - (7) All existing buildings, primary and accessory on or within three hundred (300) feet on any adjacent properties;
 - (8) Location and type of all existing and proposed utilities (i.e. water, sewer, electric and gas);
 - (9) Proposed method of sewage disposal;
 - (10) One hundred (100) year floodplain, floodway boundaries and elevations of each;
 - (11) Major environmental features, including but not limited to rivers, streams, drainage ditches and groupings or stands of trees;
 - (12) All existing and proposed public and private easements including their location, purpose and width, and the instrument number for any existing easements;

- (13) Where divisions of the property into phases or sections are contemplated, the proposed boundaries of such sections shall be shown and labeled, and the sequence of development listed alphabetically or numerically;
- (14) Where the re-subdivision of a lot in a previously recorded subdivision is proposed, the title of the proposed subdivision must indicate and identify the lot number and subdivision name from the previous subdivision;
- (15) Request for variances from the Subdivision Regulations, along with justification of proposed variances, shall be submitted in writing with the application for Preliminary Plat approval; and
- (16) A typical road cross-section of improvements for the various classifications of streets proposed construction or improvement.
- (17) Sites reserved for parks, playgrounds, open spaces, schools or other public uses, together with the purpose, and conditions or limitations of such reservations;
- (18) The location of existing storm sewers and sanitary sewers or the distance to the nearest available structure;
- (19) Existing and proposed contour data showing contour intervals of five (5) feet or less; elevation shall reference a bench mark on or near the subjects property;
- (20) A drainage plan which shall include, but not be limited to, an analysis of the drainage area, a storm water routing plan showing maximum quantities of flow and maximum rates of flow before and after development. A map of the drainage area in which the subdivision is located shall be included with the drainage plan and shall include the drainage structures leading to and from the subdivision with their sizes. The scale of the map shall be drawn to scale no less than one inch equals two hundred feet. (1" = 200').

3. Plat Review

a. Subdivision Review Committee

The Subdivision Review Committee shall recommend to the Planning Commission the approval, approval with conditions or disapproval of the application and shall include all department/agency comments received.

b. Planning Commission

Within sixty (60) days after submission of the Preliminary Plat, the Planning Commission shall review the plat and indicate its approval, disapproval, or approval subject to modifications. If a plat is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to modifications, the nature of the required modifications will be indicated. The Planning commission may, prior to the close of the public meeting, hold the matter under advisement or defer a decision until the

next regular meeting. Substantial changes made to the plat after review by the Subdivision Review Committee shall be cause for the Planning Commission to defer a decision pending review of a revised plat.

c. Revised Plat

If modifications are requested by the Planning Commission or staff, the developer shall submit the revised Preliminary Plat, along with a letter addressing the revisions requested, no less than 15 days prior to the Planning Commission meeting at which it is to be considered.

d. Failure To Take Action

Failure of the Planning Commission to act on the preliminary Plat within sixty (60) days shall be deemed as approval of the plat, provided, however, that the applicant, with the Commissioner's approval, may waive this requirement and consent to the extension of such period.

4. Plat Approval

a. Action Upon Approval

Upon approval of the Preliminary Plat by the Planning Commission, the developer shall present three (3) copies of the approved Preliminary Plat for signing by the Planning Commission Secretary. The developer shall then provide the signed copies to the Zoning Compliance Officer or his designated representative for filing in Zoning Office. One of the signed copies must also be submitted to the Local Planning Assistance Office in Jackson, Tennessee.

b. Effect of Approval

The approval of the Preliminary Plat by the Planning Commission will not constitute acceptance of the Final Plat and will not be indicated on the Preliminary Plat.

c. Expiration of Approval and Renewal

The approval of the Preliminary Plat shall lapse unless a Final Plat, based thereon, is submitted within 12 months from the date of such approval unless an extension of time is applied for and granted by the Planning Commission. Failure of the developer to act within the specified time or denial of a time extension shall require new application for Preliminary Plat approval including the application fee.

ARTICLE III - GENERAL REQUIREMENTS AND STANDARDS OF DESIGN

A. General Design Concepts

To achieve the desired objectives, all subdivisions within Hardeman County must conform to the following four (4) basic design concepts.

1. External Factors

Subdivision design must provide for external factors of community-wide concern including the proper extension of major streets, extensions of utilities, preservation of major drainage channels and of related flood lands, and the reservation of needed school and park sites. Additional external factors to be considered include proximity to local, community and regional shopping centers; to places of employment; and to educational and recreational facilities.

2. Land Use

Subdivision design must be related to proposed and existing land uses. Layout of subdivision is inseparable from the use to which the land is to be put. Moreover, adjacent land use patterns must be considered. Some uses, such as parks, certain institutional uses and bodies of surface water, may be used in the design to create value. Others, such as railroads, power lines and associated easements, poorly subdivided lands, and unsightly strip commercial developments, may require special design techniques to minimize their deprecatory effect on property values.

3. Natural Environment

Subdivision design must give due consideration to the natural environment. The preservation of trees and prominent terrain is encouraged.

Low areas subject to flooding or areas of unsuitable soil or ground water conditions should not be put to residential use.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including mobile home parks and subdivisions) which is greater than fifty lots and/or five acres.

4. Internal Details

Subdivision design must give attention to internal design details including the proper layout of the streets, lots, utilities, needed open space and adjustment of the design to topography and soil capabilities of the land. A major aspect of internal detailing is careful attention to drainage.

B. Street Layout

1. Conformity to the Major Road Plan

The location and width of all roads shall conform to the Major Road Plan and any other plans of Hardeman County.

2. Relation to Adjoining Road System

The arrangement of roads in a proposed subdivision shall provide for the continuation of existing roads in adjoining subdivisions (or their projection when adjoining property is not subdivided). The width shall be the same or greater than the existing road, but in no case less than the minimum width required. The arrangement of roads shall be such as to provide for future extension of utilities and storm water drainage, to prevent creation of severed parcels of land and to cause no undue hardship on owners of adjoining properties.

3. Relation to Existing Topography

The arrangement of roads in a proposed subdivision shall make optimum use of the existing natural topography by designing the layout around the natural drainage routing and by carefully adjusting the roads to the topography so as to minimize grading and drainage problems. Collector roads should generally follow valley lines and land access streets should cross contours at right angles. Side hill road locations are to be avoided where possible.

4. Relation to Land Use Density

The arrangement of roads shall, insofar as is practical, optimize the total length of roads such that the cost per lot or building site for the construction and maintenance of streets, underground utilities, and other improvements are minimal. The arrangement of streets shall also be used as a means of optimizing land use density relative to other improvements.

5. Relation of Street Elevation to Drainage

Surface street elevation, at all points, shall be set to preclude periodic inundation due to the overflow of constructed or natural open channels. Street elevation may be raised by fill embankment providing such embankment does not result in flooding of lots or building sites within the subdivision, nor in increased flood heights upstream and downstream. Drainage openings through roadbed embankment shall not impede the flow of water except where such embankment is an integral part of a planned detention basin requiring regulated outflow. In no case shall flooding of residential lots or building sites be permitted by design.

6. Road Right-of-way

The road right-of-way, measured from lot line to lot line, shall be as shown on the Major Road Plan. Or if not shown on such plan, shall be not less than listed below (in case where topography or other physical conditions make a road of the minimum required width impracticable, the Planning Commission may modify the above requirements by not more than ten (10) percent of the specified width. In no case shall the street widths be modified solely for the purpose of increasing the area of marketable land, nor to accommodate a land use, which might otherwise be inappropriate):

- a. Major Arterial.....As determined by the State of Tennessee
- b. Minor Arterial 80 feet
- c. Major Collector Streets 68 feet
- d. Minor Collector Streets 60 feet
- e. Commercial Access Streets..... 60 feet

Commercial access streets are land access streets that are primarily intended to provide access to commercial and industrial properties.

- f. Residential Streets 50 feet

Residential streets are land access streets that are primarily for access to abutting residential properties and are designed to discourage through traffic.

- g. Dead-end Streets (Cul-de-sac)..... 50 feet

Cul-de-sacs are permitted dead-end street which may provide access to commercial, industrial, or residential properties, and which are designed to prevent future extension. A right-of-way diameter of 80 feet shall be provided for turnarounds.

- h. Marginal Access Streets50 feet

Marginal access streets are minor land access streets which are normally parallel to and adjacent to arterial streets or highways. These streets provide access to abutting properties (usually office, commercial or industrial uses); and which are designed to provide protection from through traffic and to provide maximum control of ingress and egress onto heavily traveled thoroughfares.

7. Additional Width on Existing Streets

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

- b. Where the subdivision is located only one side of an existing street, one-half (1/2) of the required right-of-way measured from the center line of the existing right-of-way shall be provided.
- c. A non-residential subdivision abutting and having access on a residential street shall provide the total additional right-of-way required for a commercial access street.

8. Restriction of Access

- a. Where a proposed subdivision fronts on an arterial street or highway, or where a non-residential use abuts on a street opposite a residential use area, the Planning Commission may require that frontage be provided on a marginal access street. Double frontage shall not be permitted between any residential or major street and a marginal access street.
- b. For residential subdivisions bordering on an arterial street or highway, the Planning Commission may require, in lieu of a marginal access street, that "through" and "corner" lots be provided with double frontage on both the arterial street or highway and a single family residential street. In this case, the right of vehicular access to the arterial street or highway shall be permanently dissolved and such dissolution shall be noted permanently on the Final Plat of the Subdivision.

9. Road Alignment and Grades

Storm drainage shall be considered in setting the alignment and grades for roads.

10. Maximum Street Grades

Grades on arterial and major collector streets shall not exceed seven (7) percent. Grades on all other streets shall not exceed ten (10) percent.

11. Horizontal Curves

The minimum center line radius for each road classification is as shown below.

Arterial Streets.....	as determined by County Staff
Non-residential Collector	400 feet
Residential Collector Street.....	250 feet
Minor Residential Street.....	100 feet
Marginal Access Street.....	100 feet
Loop and Dead End Streets	100 feet

In all cases, horizontal curves shall be designed to provide a minimum two hundred (200) feet sight distance between any two points within the paved street surface.

All street radii will be subject to review by the County Staff and may be required to be greater than the minimum where necessitated by design and safety considerations.

12. Vertical Curves

Every change in street grade shall be connected by a vertical curve designed to afford a minimum sight distance of two hundred (200) feet as measured from a driver's eyes. These curves are assumed to be four and one-half (4 1/2) feet above the paved surface, to an object four (4) inches high on the pavement. Vertical curves shall be of standard parabolic design.

13. Intersections

- a. The angle of intersection between two major streets or between a major street and a land access street shall, generally, be a right angle, but in no case shall such intersection be less than sixty (60) degrees of arc.
- b. Property line radii at street intersections involving arterial or collector streets shall be not less than thirty-five (35) feet. All other intersections shall have property line radii of not less than twenty-five (25) feet.

14. Intersection Sight Distance

On a corner lot, within the area formed by the center lines of streets at a distance of one hundred (100) feet from their intersections, there shall be no obstruction of vision between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of such street or railroad at the center line thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

15. Tangents

A tangent street segment shall be introduced between reverse or compound curves, where necessary, to provide a minimum sight distance of two hundred (200) feet from any two points within the paved street surface. Between reverse curves on arterial and collector streets, a tangent of not less than one hundred (100) feet in length shall be provided.

16. Street Jogs or Offsets

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

17. Dead-end Streets

- a. Cul-de-sacs shall be no more than one thousand (1000) feet long. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet. The Planning Commission may approve an alternate design to meet unusual site conditions.
- b. Where the Planning Commission determines a need for future access to adjacent properties, proposed subdivision streets shall be extended or

additional street segments provided to the boundary of the subdivision at locations specified by the Planning Commission. Such extensions or additions shall be designed as temporary turnarounds having a paved area with a diameter equal to the width of the required street right-of-way.

18. Access Easements and Reserve Strips

- a. Access or travel easements shall be permitted provided that they have a minimum width of fifty (50) feet, and be permanently recorded in perpetuity. Access or travel easements that serve more than one lot shall be improved as set out in Article IV Section D. and the construction standards of Hardeman County Subdivision Regulations. Utility easements shall be provided as required by the Planning Commission and these regulations.
- b. There shall be no reserve strips controlling access to streets or utilities, except where the control of such strips is definitely placed with Hardeman County under conditions approved by the Planning Commission.

19. Street Names

Proposed streets that are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for a proposed street duplicate an existing street name irrespective of the suffix used, i.e., street, avenue, boulevard, drive, parkway, cove, court, or place. Street names shall be subject to the review and approval of the 911 Board.

C. Blocks

Block configuration within a proposed subdivision is essentially determined by the street layout; hence, it must be considered concurrently with the alignment of streets.

1. Block Length

Blocks shall be not less than three hundred (300) feet nor more than fifteen hundred (1500) feet in length measured center line to center line of street, except as the Planning Commission may deem necessary to secure efficient use of the land or desired features of street pattern.

2. Block Width

Blocks shall be wide enough to allow two (2) rows of lots, except where double frontage or open space is provided or required, or where prevented by topography or other physical conditions of the site. In such cases, the Planning Commission may permit a single row of lots.

D. Lot Layout

In general, all lots within a proposed subdivision shall have about the same area. Minimum lot areas and frontages are specified in the Hardeman County Zoning Resolution. However, a subdivision plan should not be predicated solely on producing a maximum density. The lot layout plan should give balanced consideration to the natural topography of the tract being subdivided; to the conservation and preservation of the natural environment, to the provision of adequate open space, to the enhancement of the

character and beauty of the community, to the optimization of lot density to improvements ratio and to the protection of life and property.

1. Adequate Building Site

Each lot shall contain a building site not subject to flooding or other hazards, and such site shall be outside the limits of any easements, rights-of-way, building lines, side yards, rear yards, buffers, screens, or landscaped areas which are existing or are required by the Hardeman County Zoning Resolution.

2. Arrangement of Lots

Where practical, side lot lines shall be at right angles to street lines and radial to curved street lines. Each lot shall front on a public street which has a right-of-way width of not less than fifty (50) feet or an access easement which is not less than 50 feet in width. Where lots abut on an arterial street, double frontage, marginal access or other acceptable arrangements shall be made to control ingress and egress onto such streets from the individual lots.

3. Minimum Size of Lots

The size, shape, and orientation of lots or building sites shall be as the Planning Commission deems appropriate for the intended use and topography of the site, for adjoining land uses, and for the protection of life and property.

- a. The minimum area and dimensions of residential lots shall be as specified by the Hardeman County Zoning Resolution.
- b. The minimum area and dimensions of office, commercial and industrial tracts shall be as specified by the Hardeman County Zoning Resolution and such tract shall also provide adequate space for the off-street service and parking facilities, landscaping and screening as required.

4. Building Setback and Yard Requirements

All lots or tracts shall have at least the minimum front, side, and rear yard that is required by the Hardeman County Zoning Resolution. To accommodate peculiar site conditions, the Planning Commission may increase these yard requirements.

5. Large Tracts or Parcels

Where land is subdivided into larger parcels than ordinary building sites, such parcels shall be arranged to allow for future opening of streets and for logical re-subdivision. This is to be construed to allow the creation of severed parcels.

6. Lot Drainage and Grading

Where possible, lots shall drain toward the street or toward both the street and the rear lot lines. In case of drainage to the rear lot line, lateral drainage along rear lot lines shall be required, necessitating careful attention to grading. Where required by the topography, side yard drainage may be required, in which case it may be necessary to increase minimum side yard requirements. Terracing of lots, particularly in residential subdivisions, shall be avoided unless essential for erosion control or to reduce the velocity of runoff.

E. Open Space And Easements

No single aspect of subdivision design contributes more to the attractiveness and value of a subdivision development than the effective use of open space. The provision of open space and easements, preferably designed for multiple uses, is an essential consideration in the planning and design of both residential and non-residential subdivisions.

1. Easement for Utilities

Utility easements, with a minimum width of five (5) feet, shall be provided along all rear lot lines. Utility easements with a minimum width of five (5) feet shall be provided along all front lot lines. Where required to permit efficient layout of utilities or to provide access to rear lot lines, utility easements not less than five (5) feet in width shall be provided along side lot lines. Where deemed necessary, the Planning Commission may require utility easements to have a width to a maximum of 10 feet from any property line. Unless approved by the Planning Commission, no landscape plantings except for lawn grasses and other appropriate ground cover vegetation, shall be permitted within a required utility easement. Planting restrictions within utility easements shall be noted on the Final Plat.

2. Landscaped Buffers and Screens

Open space shall be reserved for fences, vegetative screening, and other landscape areas as required by the Hardeman County Zoning Resolution in addition to these Subdivision Regulations. The design of landscaped buffers and screens shall be subject to review and approval of the Planning Commission. Where residential lots have a double frontage on public streets, there shall be a continuous screening of acceptable design along the rear of such lots.

3. Conservation and Preservation of Community Assets

All effort should be made to preserve historic sites and similar assets.

4. Private Use Open Space

Open space may be reserved for private use contingent upon residency or employment. However, such open space shall not become the responsibility of Hardeman County, rather the owners or members of an owner's association shall have full responsibility for all care, preservation, and maintenance of the grounds and facilities contained within the reserved open space. An appropriate provision, declaring the responsibilities of the owner or owner's association and absolving Hardeman County of any responsibility for private use open space, shall be included in the covenants and restrictions of the subdivision.

5. Preservation of Open Space

Once an area has been designated as a landscaped area, buffer, or other permanent open space, whether for public or private use, it shall not be encroached upon by any building, structure, or parking area, and shall be so noted on the Final Plat.

F. Suitability Of Land

The Planning Commission shall not approve subdivisions where it has been found that, in the public interest, the land is not suitable for subdivision development. Any subdivision which shall result in increase upstream or downstream flooding, endanger health, life or property or aggravate downstream erosion, sedimentation, or pollution shall not be approved. Any land within a proposed subdivision, which is unsuitable for the intended use, shall be reserved for open space or other compatible uses.

Land which is subject to flooding or which has unsuitable soil or ground water conditions shall not be subdivided for any type of residential use. No lot or tract intended for use, as a building site shall be permitted where a natural or manmade condition, on or adjacent to such lot or tract, may endanger the integrity of any building or structure erected on the site.

ARTICLE IV - PREREQUISITES TO FINAL SUBDIVISION APPROVAL

A. General Requirements

As a condition precedent to the final acceptance of any subdivision, subdivision addition, or re-subdivision, every subdivision developer shall be required to grade and improve streets and other public rights-of-way, to install survey monuments, utilities, sewers, water mains, surface and ground water drainage channels and structures, and buffer screens, in accordance with these regulations and the construction standards of Hardeman County. In lieu of the completion of such improvements prior to final subdivision acceptance, the Planning Commission may accept a bond, or other financial surety in an amount and with surety and conditions satisfactory to it, providing for and securing to Hardeman County the actual construction and installation of such improvements within a period specified by the Planning Commission and expressed in the bond, or financial surety agreements.

B. Survey Monuments

Permanent and semi-permanent survey monuments are an essential by-product of the land subdivision process. Such placement of the monuments facilitates resurvey of the lands contained within the subdivision and provides survey control points for future cadastral and cartographic surveys and mapping. Each subdivision developer shall provide, at his/her expense, all survey monuments and documentation specified herein.

1. Permanent Monuments

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 corners on the exterior boundaries of the subdivision. The top of the monument shall be set with a 2 1/4" Brass cap stamped "control monument" and the name and license number of the firm or surveyor setting said monument. The top of the monument shall be set flush with the finished grade. Permanent monuments will be referenced to the National Geodetic Survey Standards and reference information shall be included on the final plat.

2. Semi-permanent Monuments

- a. All lot corners in the subdivision not set with a permanent monument shall be marked with an iron rod not less than five-eighths of an inch (5/8") in diameter and twenty-four inches (24") long, set flush with the finished grade of the surrounding surface.
- b. Upon completion of subdivision development, these metal rods shall be protected by one (1) or more flagged guard stakes.

3. Unauthorized Survey Marks

Survey reference marks, benchmarks, witness marks, or auxiliary corners which are unsightly or damaging to driveways and street pavements shall not be permitted. Any such unauthorized marks and corners shall be removed or repaired by the developer at his expense, prior to final subdivision plat approval.

a. Survey Documentation

Prior to Final Plat approval, the developer shall provide a detailed description of all new and recovered permanent survey monuments lying within or on the boundary of the subdivision to the County staff. Each description shall include:

- (1) A physical description of the monuments.
- (2) Instructions for locating the monuments with respect to a fixed prominent landmark.
- (3) Survey data in addition to that shown on the final plat, which shall, when available, consist of adjacent plane coordinates and elevations, survey precision and accuracy, and datum to which coordinates and elevation refer.

C. Road Improvements

The developers shall construct and pave all public roads, and streets at his/her expense to the approved alignment, grades and cross sections. Deviations due to site peculiar conditions may be allowed only with prior approval of both the Planning Commission and the County Superintendent of Highways. The developer will pay for all engineering inspection and laboratory costs incidental to the construction of subdivision streets including, but not limited to material and density tests.

1. Special Precautions

Where streets are constructed under or adjacent to existing major electric transmission lines or major gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure. All street grading shall be done in a manner that will not disturb the structure nor result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the pavement surface to the nearest conductor shall meet the requirements of the National Electrical Safety Code.

2. Minimum pavement widths for all subdivision roads and streets

- a. Arterial Streets.....(See Major Road Plan)
- b. Collector Streets30 feet
- c. Minor Residential Streets22 feet
- d. Marginal Access Streets22 feet
- e. Loop Streets.....22 feet
- f. Dead-end Streets (cul-de-sac).....22 feet

The maximum length shall be 1,000 feet or 20 dwelling units. Cul-de-sacs shall have a paved turnaround with a minimum 80-foot diameter.

3. Roadway Subgrade Preparation

a. Clearing and Grubbing

Before roadway grading for public streets or access easements is started, the entire right-of-way area shall be cleared of all stumps, brush, roots, all trees not intended for preservation, and all other objectionable materials. The cleared and grubbed material shall be disposed of in a legal manner, away from the construction site and subdivision.

b. Excavation

During construction, roadbed excavations for public and private streets should be maintained in a smooth condition with sufficient slope to insure adequate drainage under all weather conditions. All obstructions, such as roots, stumps, bounders and other similar material, shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered shall be scarified to a depth of twelve (12) inches below the subgrade. All loose material in the roadway shall be compacted in the manner prescribed by the County Superintendent of Highways.

c. Slopes

Cut and fill slopes adjacent to the roadway shall not be steeper than as follows unless stabilized:

0' - 4' Slope of 3-1

4. Pavement Base Course

The base material and application procedures shall comply with the Tennessee Highway Department Standard Specifications. After compaction, the base shall be at least six (6) inches deep or more. The base course shall extend 3 feet past the edge of the pavement surface to provide shoulders.

5. Roadway Surfacing

The minimum surface treatment shall be a double bituminous mat. The material and application procedures shall comply with the Tennessee Highway Department Standard Specifications.

The Planning Commission and the County Superintendent of Highways may specify additional requirements for road improvements warranted by soil conditions or the type and amount of traffic.

D. Access Easement Improvements

The developers shall construct all access easements and pave all access easements serving more than one lot at his/her expense to the approved alignment, grades and cross sections. Deviations due to site peculiar conditions may be allowed only with prior approval of both the Planning Commission and the County Superintendent of Highways. The developer will pay for all engineering inspection and laboratory costs incidental to

the construction of access easements. Access easements serving more than one lot shall be constructed according to the standards listed below.

1. Special Precautions

Where access easements are constructed under or adjacent to existing major electric transmission lines or major gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure. All access Easement grading shall be done in a manner that will not disturb the structure, nor result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the pavement surface to the nearest conductor shall meet the requirements of the National Electrical Safety Code.

2. Minimum pavement width for all subdivision access easements shall have a paved surface of 22 feet. The maximum length shall be 600 feet or 15 dwelling units. Access easements, serving as dead end streets, shall have a paved turnaround with an 80-foot diameter.

3. Roadway Subgrade Preparation

a. Clearing and Grubbing

Before grading for an access easement is started, the entire right-of-way area shall be cleared of all stumps, brush, roots, all trees not intended for preservation, and all other objectionable materials. The cleared and grubbed material shall be disposed of in a legal manner, away from the construction site and subdivision.

b. Excavation

During construction, access way excavations for access easements should be maintained in a smooth condition with sufficient slope to insure adequate drainage under all weather conditions. All obstructions, such as roots, stumps, bounders, and other similar material, shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered shall be scarified to a depth of twelve (12) inches below the subgrade. All loose material in the access way shall be compacted in the manner prescribed by the County Superintendent of Highways.

c. Slopes

Cut and fill slopes adjacent to the access way shall not be steeper than as follows unless stabilized:

0' - 4' Slope of 3-1

4. Pavement Base Course

The base material and application procedures shall comply with the Tennessee Highway Department Standard Specifications. After compaction, the base shall be at least six (6) inches deep or more. The base course shall extend three (3) feet past the edge of the pavement surface to provide shoulders.

5. Access Easement Surfacing

The minimum surface treatment shall be a double bituminous mat. The material and application procedures shall comply with the Tennessee Highway Department Standard Specifications.

The Planning Commission and the County Superintendent of Highways may specify additional requirements for access easement improvements warranted by soil conditions or the type and amount of traffic.

E. Issuance of Zoning Compliance Permits and Certificates of Occupancy

1. The extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of occupancy permit. At the time of the dedication the developer shall submit monies in escrow to the local government in a sum determined by the local government Superintendent of Highways for the necessary final improvement of the street.
2. No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission for the plat have been fully completed and dedicated to the local government.

F. Acceptance of and Warranty Period for Improvements

Hardeman County, upon final approval and acceptance, will take full title to the improvements and will provide maintenance, thereafter, except that the developer will be responsible for construction failures and defects in the subdivision for one (1) year after the final acceptance of the subdivision construction. During this period, it shall be the responsibility of the developer to correct and cure these defects and failures. The subdivision performance bond or financial surety will not be released until the warranty period and all required repair work is completed.

ARTICLE V - VARIANCES, APPEALS AND AMENDMENTS

A. Variances

Variances to the general requirements, design standards and extent of improvements required by these regulations may be granted or imposed by the Planning Commission. All requests for variances shall be submitted in writing. The Planning Commission may grant or impose variances under the following conditions:

1. Hardship

Where it can be shown that strict adherence to the provisions of these regulations would cause unnecessary hardship, a variance may be granted, except that, in no case shall this be construed to permit subdivision of land which is unsuitable or otherwise inadequate for the intended use, nor to permit waiver of any requirements which are necessary to the protection of life or property.

2. Site Peculiar Conditions

Where the Planning Commission determines that the topography or other site peculiar conditions warrant, and departure from these regulations would not destroy their intent, a variance may be granted or required. In this regard, the Planning Commission may impose additional requirements and higher standards to cope with peculiar conditions. Any variance thus authorized shall be stated in writing in the minutes of the Planning Commission.

B. Appeals

For matters falling within the scope of the regulating powers granted to the Planning Commission by Sections 13-3-402 and 13-3-403, Tennessee Code Annotated, any person or persons, taxpayer, department, board or bureau of the County aggrieved by any decision, finding or interpretation by the Planning Commission may seek review by a court of record of such decision, finding or interpretation, in the manner provided by the laws of the State of Tennessee. Decisions, findings and interpretations of the Planning Commission with regard to the standards and extent of improvements required for subdivision approval shall in all instances be final administrative decisions. Other appeals shall be as follows:

1. County Commission

Matters submitted to the Planning Commission pertaining to the widening, narrowing, relocation, vacation, change in use, acceptance, acquisition, sale or lease of any street or public way, place or property may be overruled by the County Commission by a majority vote of its membership.

C. Amendments

The procedures, policies, design standards, requirements, and restrictions set forth in these Regulations may from time to time be amended, supplemented, changed, or rescinded by the Planning Commission. A public hearing thereon shall be held by the Planning Commission in accordance with Section 13-3-403, Tennessee Code Annotated before adoption of any amendment. At least thirty- (30) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county.

ARTICLE VI - LEGAL STATUS PROVISIONS

A. Powers of the Planning Commission

These regulations are in accordance with the provisions of Chapter 3, Title 13, Tennessee Code Annotated, which grants to the Planning Commission the powers to regulate the subdivision of land within Hardeman County. In accordance with Section 13-3-402, Tennessee Code Annotated, the Planning Commission, its members and employees, in the performance of its work, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. The code further provides that, in general, the Planning Commission shall have powers as may be necessary to enable it to perform its purposes and to promote regional planning.

B. Enforcement of Subdivision Regulations

The enforcement of these regulations is provided for by State law in the authority granted by public acts of the State of Tennessee.

1. Submission of Subdivision Plat for Approval

No plat of a subdivision of land into two (2) or more lots or tracts located within Hardeman County shall be admitted to the land records of Hardeman County or received nor recorded by the County Register of Deeds, until such plat shall have been submitted to and approved by the Planning Commission. Such approval entered in writing on the plat by the Secretary of the Commission as provided in Section 13-3-402, Tennessee Code Annotated.

2. Acceptance of and Improvements of Unapproved Streets

No board, public official, or authority shall accept, lay out, open, improve, grade, pave or light any street or lay or authorize water mains or sewers or connection to be laid in any street within the Hardeman County Planning Region unless such shall have otherwise received the legal status of a public street prior to 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 as provided in Section 13-3-402, Tennessee Code Annotated. However, the County Commission may locate and construct or may accept any other street, provided that the Resolution or other measure for such location and construction or for such acceptance be first submitted to the Planning Commission for its approval; and if disapproved by the Commission, be passed by a majority of the entire membership of the County Commission. A street approved by the Planning Commission or constructed or accepted by said majority vote after disapproval by the Commission, shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the Planning Commission or on a plat made and adopted by the Planning Commission.

3. Issuance of Zoning Compliance Permits

No zoning compliance permit shall be issued and no building shall be erected on any lot within Hardeman County, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or open as, or shall have 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 with a street shown on a subdivision plat approved by the Planning

Commission; or on a street plat made and adopted by the Planning Commission; or with a street located or accepted by the County Commission as provided in Section 13-3-411, Tennessee Code Annotated. A zoning compliance permit may be issued on a lot shown on a subdivision plat, approved by the Planning Commission, provided that the roadbed base has been applied and the subdivision development is substantially complete.

C. Complaints Regarding Violations

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint stating fully the causes and basis thereof. Such complaint shall be filed with the Zoning Compliance Officer. He shall record properly such complaint, investigate, take necessary action within his authority or refer the complaint to the County Attorney or other official designated by the County Commission. A report of all violations of these regulations and action taken shall be included in the minutes of a regular meeting of the Planning Commission.

D. Penalties for Violations

The penalties for the filing or recording of a plat, transfer or sale of land, and erection of a building, in violation of these regulations, are provided for by State law in authority granted by Public Acts of the State of Tennessee.

1. Recording of Unapproved Subdivision Plat

No County Register shall receive, file, or record a plat of any subdivision within Hardeman County without the approval of the Planning Commission as required in Section 13-3-402, Tennessee Code Annotated. Any County Register doing so shall be deemed guilty of a Class A misdemeanor, punishable as other misdemeanors as provided by law.

2. Transfer or Sale of Land Without Prior Subdivision Approval

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 such subdivision or 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 Hardeman County Register, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Hardeman County, through its County Attorney or other official designated by the County Commission, may enjoin such transfer or sale or agreement by action or injunction.

3. Unlawful Structures

Any building erected or to be erected in violation of these regulations shall be deemed an unlawful structure. The Zoning Compliance Officer, the County Attorney or other official designated by the County Commission may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-411, Tennessee Code Annotated.

E. Provisions of Regulations Declared to be Minimum Requirements

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the public interest and orderly development of Hardeman County. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions, or deed restrictions, the most restrictive, or that imposing the higher standards shall govern.

ARTICLE VII. - SEVERABILITY

Should any section or provision of these Subdivision Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Regulations as a whole, or any part, thereof, other than the part so declared to be unconstitutional or invalid.

If any court of competent jurisdiction shall adjudge the application of any provisions of this resolution to a particular property, building or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

ARTICLE VIII - ADOPTED AND EFFECTIVE DATE

A. Public Hearing

Before adoption, amendment, revisions, or rescission of all or part of these Subdivision Regulations a Public Hearing as required by Section 13-3-403, Tennessee Code Annotated, was afforded any interested person or persons.

B. Effective Date

The attachment of the Planning Commission's Subdivision jurisdiction and these Subdivision Regulations shall be in full force and effect from and after their adoption and effective date. The effective date of any amendment, revision or rescission of these Subdivision Regulations shall be the date such amendments, revision or rescission shall have been adopted by the Planning Commission.

Adopted by the Planning Commission on the _____ day of _____, 2000.

Chairman, Hardeman County Planning Commission

ATTEST: _____

Secretary

APPENDICES

APPENDIX A

FINAL PLAT CERTIFICATES

CERTIFICATE OF SURVEY

I, (printed name of signer), do hereby certify that I am a registered Land Surveyor and that I have surveyed the lands, embraced within the plat or map designated as _____, a subdivision all lying within the planning region of Hardeman County, Tennessee; said plat or map is a true and correct plat or map of the lands embraced therein, showing the subdivision thereof in accordance with the Subdivision Regulations of Hardeman County, Tennessee; I further certify that the survey of the lands embraced within said plat or map has been correctly monumented in accordance with the Subdivision Regulations of Hardeman County, Tennessee.

In witness whereof, I, the Said (printed name of surveyor), (Professional Civil Engineer) (Land Surveyor), hereunto set out hand and affix my seal the ____ day of _____, 20__.

Professional Civil Engineer
Land Surveyor,
State of Tennessee
Certificate No. _____

(SEAL)

CERTIFICATE OF APPROVAL OF SUITABILITY OF SOILS FOR SEPTIC TANKS

“Approval is hereby granted for lots _____ defined as _____ County, Tennessee, as being suitable for subsurface sewage disposal (SSD) with the listed or attached restrictions.

Prior to any construction of a structure, mobile or permanent, the plans for the exact house/structure location must be approved and an SSD system permit issued by the Division of Ground Water Protection. Water taps, water lines, underground utilities and driveways should be located at side property lines unless otherwise noted. Any cutting, filling or alterations of the soil conditions may void this approval.”

Hardeman County Environment
and Conservation Department

, 20__ -
Date

CERTIFICATE OF APPROVAL OF WATER AND SEWAGE SYSTEMS

I, (printed name of signer), do hereby certify that a set of construction plans regarding the water supply and/or sanitary sewers bearing the seal of the Tennessee Department of Environment and Conservation, Division of Water Pollution Control which indicates said plans meet the Department's requirements have been received.

_____, 20____
Date

Superintendent of Water and Sewer

CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify: (1) that streets, utilities and drainage treatments have been installed in an acceptable manner and according to specifications, or (2) that a guarantee has been posted with the Planning Commission to assure completion of all required improvements in case of default.

_____, 20____
Date

County Staff

PLANNING COMMISSION CERTIFICATE

I, (printed name of signer), do hereby certify that the Hardeman County Planning Commission has approved this plat of subdivision for recording.

_____, 20____
Date

Secretary, Hardeman County
Planning Commission

OWNER'S CERTIFICATE

I, (printed name of signer), the undersigned owner of the property shown hereon, hereby adopt this as my plan of subdivision and dedicate the streets, easements, rights-of-way, rights of access as shown and all utilities to Hardeman County forever, and hereby certify that I am the owner in fee simple, duly authorized so to act, and that said property is unencumbered by any taxes that have become due and payable.

Owner

DUE 15 DAYS BEFORE MEETING

CHECK LIST FOR FINAL PLAT CONSIDERATION

Name of Subdivision _____
Location _____ Zoning District _____
Owner of Record _____ Address _____ Tel. _____
Engineer or Designer _____ Address _____ Tel. _____
Date Submitted for approval _____

CHECK LIST

- _____ 8 copies submitted 15 days prior to meeting.
- _____ Name of Subdivision.
- _____ Name, address and phone number of owner of record and subdivider.
- _____ Name, address and phone number of designer and/or engineer
- _____ North point, graphic scale and date.
- _____ Sufficient information to determine location and bearings (to nearest minuet), dimensions (to nearest hundredth of feet), widths of all proposed streets (and names), alleys and lots.
- _____ Location of proposed easements and/or land reserved or dedicated for public use.
- _____ All building setback lines.
- _____ Reservations for easements and other areas dedicated to the public.
- _____ Lots numbered in numerical order.
- _____ Location map showing the relationship of the subdivision site to the County
- _____ Ownership of adjoining unsubdivided property.
- _____ Any restrictive covenants which apply to lots and parcels in the subdivision.
- _____ Certificate showing the applicant is the owner of the land and dedicates streets, utilities, easements and rights-of-way to Hardeman County
- _____ Certificate of accuracy of survey and placement of monuments
- _____ Certificate of receipt of a letter from the TN Dept. of Environment and Conservation indicating approval of water and sewer plans.
- _____ Certificate of approval of installation of streets, water, sewer and drainage by the county engineer and/or county staff or the receipt of a bond to insure their completion.
- _____ Certificate of approval to be signed by the Secretary of the Planning Commission.

APPENDIX B

SUBDIVISION FEES

THE DEVELOPER WILL PAY HARDEMAN COUNTY THE FOLLOWING AMOUNTS AS
HEREINAFTER DETAILED.

Schedule of Fees

Subdivision Development

- | | | |
|----|-----------------------------------|--|
| A. | Review Fee for Major Subdivisions | 5-15 lots \$100 plus registration fees;
16 lots or more \$200 plus
registration fees |
| B. | Review Fee for Minor Subdivisions | registration fee only |
| C. | Performance Bond | 100% of development cost |