

Anderson County Joint Permanent Easements

Authority:

Prerequisites for Issuing Building Permits or Erecting Buildings: Proposed Permanent Easements

- a) *From and after the time when the platting jurisdiction of any regional planning commission has attached as provided in TCA §13-3-402, no building permit shall be issued and no building shall be erected on any lot within the region, unless one of the following three criteria is met:*
- (1) The street giving access to the lot upon which the building is proposed to be placed has been accepted or opened as, or shall have otherwise, received the legal status of, a public street prior to that time;*
 - (2) The street corresponds in its locations 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*
 - (3) (A) The lot fronts upon a permanent easement which conforms to all rules, regulations, and specifications applicable to the permanent easement of the planning commission or other department, division or agency of the county; provided, that such rules, regulations, and specifications governing permanent easements shall not take effect until such rules, regulations, and specifications are approved by the county legislative body in a resolution by a two-thirds (2/3) vote; and*
(B) The permanent easement has access to an existing highway, street or thoroughfare, or with a street located or accepted by the county legislative body after submission to the planning commission, and in case of the planning commission's disapproval, by the favorable vote of the county legislative body required in TCA §13-3-406.
- (b) The planning commission or other department, division or agency of a county as approved by the planning commission may recommend to the county legislative body regulations to govern a proposed permanent easement in the proposed subdivision, as defined in TCA 13-3-401. The purpose of the regulations is to ensure that the county is not responsible for the future maintenance of such permanent easement.*

Proposed Specifications:

All joint permanent easements shall meet the following standards:

All plats must be approved by the Anderson County Planning Commission. Submittal requirements shall be the same as those required for any other subdivision plat brought before the Planning Commission.

All lots served by a joint permanent easement shall comply with all other requirements for minimum lot size, set backs and other criteria as defined in the Anderson County Zoning Resolution and the Anderson County Subdivision Regulations.

The Planning Commission may approve joint permanent easements serving one (1) to no more than four (4) parcels. A parcel shall be considered to be served by a joint

permanent easement if the lot abuts the joint permanent easement and has legal traversable access to the easement.

Subdivisions with joint permanent easements shall conform to the general purpose of these regulations. Additionally, the subdivision shall be considered in the context and pattern of neighboring developments and shall not create double frontage lots. Joint permanent easements shall not be approved if it will create a connection between two (2) public roads.

All joint permanent easement locations must be traversable, with a maximum grade of ***eighteen (18) percent***.

Joint permanent easements shall not be less than ***thirty (30) feet*** in width except when used as a Common Driveway Easement. The area of the joint permanent easement shall be designated as a private right-of-way and shall not be included as part of the lots and lot area calculation. The area of the joint permanent easement shall be included in the plat.

All dead end joint permanent easements shall provide a suitable turnaround adequate for emergency apparatus.

A property owners association or other legal entity shall be established that addresses maintenance of the easement. The applicant must demonstrate to the reasonable satisfaction of the Planning Commission that the easement will be properly maintained.

A note shall be placed on the Final Plat that the joint permanent easement is not a public road and will not be maintained by Anderson County. ***Joint Permanent Easements shall never be adopted into the county road system until improvements and right-of-ways conform to Anderson County Highway Department standards.***

Joint permanent easements shall also function as a utility easement and a note shall be placed on the Final Plat specifying their use as such.

Joint Permanent Easements shall meet the following additional standards:

Roadway construction standards shall be approved by the Department Public Works and Planning Commission. An unobstructed driving surface shall be required, capable of supporting the imposed loads of emergency apparatus under all weather conditions. A gravel surface may be permitted, although paving may be required by Planning Commission, especially for erosion control.

A road profile may be required to determine whether a proposed joint permanent easement will be traversable. A statement from the engineer certifying that the road grade does not exceed ***Eighteen (18) percent*** shall be included on the plat.

Parcels served by a joint permanent easement shall not be further subdivided nor shall a joint permanent easement be extended to include or create additional parcels. Only one dwelling will be allowed per parcel. A note shall be placed on the Final Plat to that effect.

Joint Permanent Easements:

Joint Permanent Easements may be platted in a subdivision in accordance to the provisions of this section.

- 1) ***Joint Permanent Easements serving one (1) to two (2) lots: Joint Permanent Easements serving one (1) to two (2) lots shall meet the construction standards as follows. Access shall be provided by a private easement or right-of-way twenty-five (25) feet in width. Access shall be for vehicles as well as utilities to be contained within this easement. Drainage improvements shall be required, as necessary, and the private road itself shall consist of 4 inches deep rolled "pug-mix" gravel, at least ten (10) feet in width, upon a prepared sub grade with a crown. Compacted shoulders two feet wide on both sides shall be slightly lower than the road surface. These shoulders shall be sown in grass and covered in straw to facilitate germination and to stabilize the shoulders. Ditches on both sides (outside the shoulders) shall run the length of the road (when applicable) and rip-rap or other energy dissipaters may be required. Turnouts may be required by the Planning Commission depending upon the length and alignment of the JPE. A T- or Y- turnaround shall be contained within the easement at the end of the common drive. All private entrances must be paved from the edge of the existing pavement to the edge of the right-of-way to promote safety and keep gravel off the county road. The paved entrance shall contain adequate turning radiuses for emergency vehicles and the paved surface shall be on a prepared gravel surface and built to the same specifications as a county road. A preliminary plat containing all information for preliminary plat submittal is required. A property owners association (POA) must be established to ensure continuing maintenance of the roads, drainage, and other improvements. The POA documentation must accompany the final plat and be recorded in the Register of Deeds office along with the final plat and referenced in the deeds for separate lots. The maximum grade shall not exceed eighteen (18) percent. The final plat shall contain a note concerning the restriction against re-subdivision unless the joint permanent easement becomes a county road.***

All joint permanent easements that serve one (1) to two (2) dwelling units shall be named in conformance with applicable street naming ordinances.

- 2) ***Joint Permanent Easements serving three (3) to four (4) lots: Joint Permanent Easements serving three (3) to four (4) lots shall meet the same construction standards as a public road, except as follows. Access shall be provided by a private easement or right-of-way thirty (30) feet in width. Access shall be for vehicles as well as utilities to be contained within this easement. Drainage improvements shall be required, as necessary, and the private road itself shall consist of 6 inches deep rolled "pug-mix" gravel, at least eighteen (18) feet in width, upon a prepared sub grade with a crown. Compacted shoulders three (3)***

feet wide on both sides shall be slightly lower than the road surface. These shoulders shall be sown in grass and covered in straw to facilitate germination and to stabilize the shoulders. Ditches on both sides (outside the shoulders) shall run the length of the road (when applicable) and rip-rap or other energy dissipaters may be required. A cul-de-sac turnaround shall be contained within the easement at the end of the private road; the easement shall be increased in size to incorporate a minimum of fifty (50) foot radius cul-de-sac. All private entrances must be paved from the edge of the existing pavement to the edge of the right-of-way to promote safety and keep gravel off the county road. The paved entrance shall contain adequate turning radiuses for emergency vehicles and the paved surface shall be on a prepared gravel surface and built to the same specifications as a county road. A preliminary plat containing all information for preliminary plat submittal is required. A property owners association (POA) must be established to ensure continuing maintenance of the roads, drainage, and other improvements. The POA documentation must accompany the final plat and be recorded in the Register of Deeds office along with the final plat and referenced in the deeds for separate lots. The maximum grade for a private road shall not exceed *eighteen (18) percent*. The final plat shall contain a note concerning the restriction against re-subdivision unless the joint permanent easement becomes a county road.

All joint permanent easements that serve *three (3)* to four (4) dwelling units shall be named in conformance with applicable street naming ordinances.

- 1) Common Driveway Easement: A Common Driveway Easement consists of no more than two dwellings on a single parcel served exclusively by the common driveway easement. The common driveway easement must abut a county road. The lot sizes are restricted only by the minimum area standards established by the Subdivision Regulations and the Health Department. Access may be provided by a private easement or right-of-way twenty-five (25) feet in width. Access shall be for vehicles as well as utilities to be contained within this easement. Drainage improvements shall be required, as necessary, and the driveway itself shall consist of compacted gravel 4 inches deep of rolled "pug-mix" gravel, at least ten (10) feet in width, upon a prepared sub grade with a crown. Compacted shoulders two (2) feet wide on both sides shall be slightly lower than the road surface. These shoulders shall be sown in grass and covered in straw to facilitate germination and to stabilize the shoulders. Ditches shall run on both sides (outside the shoulders) and other energy dissipaters may be required. Turnouts may be required by the Planning Commission depending upon the length and alignment of the drive. A T- or Y- turnaround shall be contained within the easement at the end of the common drive. The common driveway shall be constructed to the last dwelling to be served.

All common driveway entrances located on collector streets or greater shall be paved from the edge of the existing pavement to the edge of the right-of-way to promote safety and keep loose gravel off the county road. The paved entrance

shall contain adequate turning radiuses for emergency vehicles and the paved surface shall be on a prepared gravel surface and be built to the same specification as a county road. Common driveways serving more than one dwelling must be maintained by a maintenance agreement for all dwellings served by the common driveway. The maintenance agreement must accompany the final plat and be recorded in the Register of Deeds Office along with the final plat and referenced in the deed. The maximum grade for a common driveway shall not exceed ***eighteen (18) percent.***

Reserve Strips – There shall be no reserve strips controlling access to streets (public or private).

Interior One-Lot divisions (flag lots) shall not be approved along Arterial roads or along joint permanent easements. Interior one-lot divisions shall not be located with adjacent twenty-five (25) foot frontages, and multiple twenty-five (25) foot frontages within any one development shall be separated by at least 150 feet. The portion of the lot acting as a twenty-five (25) foot corridor (flag stem) to a building site shall not be used to meet minimum lot area requirements. Only a single One-Lot division may be submitted by an individual subdivider within a 90 day period.

NOTE: Anderson County Zoning Resolution section 6.5 B. should be revised to recognize JPE and section 6.5 E. should be deleted at the time the above section titled Common Driveway Easements is adopted.