

SUBDIVISION REGULATIONS  
OF  
ANDERSON COUNTY TENNESSEE



As Adopted by Anderson County Regional  
Planning Commission  
NOVEMBER 2007

# TABLE OF CONTENTS

ARTICLE I – PURPOSE, AUTHORITY, AND JURISDICTION	4
A. Purpose	4
B. Authority	6
C. Jurisdiction	6
ARTICLE II – PROCEDURE FOR PLAT APPROVAL	7
A. General	7
B. Preliminary Plat	8
C. Final Plat	10
ARTICLE III – GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN	13
A. Suitability of the Land	13
B. Street and Roads	14
C. Lots	21
D. Commercial or Industrial Subdivisions	22
E. Public Use and Open Space	22
F. Utility and Drainage Easements	23
G. Zoning	22
H. Utilities:	23
I. Septic Tanks	23
J. Monuments and Lot Markers	23
K. Variances	24
L. Additional Standards or Requirements	24
M. Phasing	24
ARTICLE IV – BONDING	25
A. General	25
B. Performance Bonds	25
C. Maintenance Bonds	26
D. Extensions	27
E. Bond Securities	27
F. Recordkeeping	27

ARTICLE V – ENFORCEMENT AND PENALTIES FOR VIOLATIONS	28
A.    Enforcement	28
B.    Penalties	28
ARTICLE VI – ADOPTION AND EFFECTIVE DATE	30

## ARTICLE I

### PURPOSE, AUTHORITY, AND JURISDICTION

#### A. Purpose

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

The purpose of the subdivision regulations is to maintain the character of the community, to keep new development in harmony with the overall design and to safeguard the health, safety, convenience and general well-being of residents. The regulations support this purpose by providing standards for light, air, recreation, transportation, drainage, water, sewers, and other sanitary facilities. The following procedures must be followed:

#### PROCEDURES FOR SUBDIVISIONS

The Developer:

1. Contact the Department of Zoning and Public Works.
2. Department of Zoning and Public Works will advise the developer on procedures for subdivision.
3. Department of Zoning and Public Works will furnish developer with a copy of a preliminary plat requirements of the subdivision regulations, outlining the information needed in the submittal and review of the preliminary plat as noted in Article II, part B.
4. The Developer may ask assistance from the County personnel or state assistance on his/her development.
5. The Developer needs to furnish one (1) original plus eleven (11) copies of the preliminary plat to the Department of Zoning and Public Works at least fourteen (14) days prior to the regular planning commission meeting. The close of the agenda occurs at noon on the fourteenth day before the planning commission meeting. The deadline for submittals to the planning commission is intended to allow time for review by County staff, planning staff, other public entities and the planning commission's membership. Subdivision plats and related materials are expected to be submitted complete and designed in conformance with all applicable regulations. The land owner/developer and his/her design professionals are responsible for obtaining and utilizing all applicable

regulations in preparing development proposals and subdivision plats. Whenever possible, the County staff will attempt to provide applicants with comments or corrections in advance of the planning commission meeting. These comments shall be considered preliminary in nature and additional issues may be identified at any time during the review process. When such comments are available, the applicant may be permitted to submit a corrected plat or other materials. The deadline for submitting such corrections shall be the Thursday before a regularly scheduled planning commission meeting. Subdivision requests that remain incomplete after this date will be deemed insufficient submittals and be removed from the agenda. Subdivision requests that require corrections and/or other changes may be deferred or denied by the planning commission. Again, it is the responsibility of the owner/developer and his/her design professionals to prepare and submit all subdivision plats and related materials in conformance with applicable regulations. It is therefore advisable for them to consult informally with staff and to submit requests for approval well in advance of any project deadlines they may be operating under.

6. Department of Zoning and Public Works will send copies of the preliminary plat to each department as follows:  
  
One (1) copy - Department of Zoning and Public Works  
One (1) copy - Anderson County Highway Dept.  
One (1) copy - Local Planning Office  
One (1) copy - State Health Department (TDEC)  
Seven (7) copies - Planning Commission Members
7. The planning commission will review proposed subdivisions at their regular meeting. They will approve, disapprove, or make recommendations on the preliminary plat. If the preliminary plat is approved, the Department of Zoning and Public Works will furnish a copy of the final plat requirements of the subdivision regulations to help the developer with his/her final plat. Preliminary and final plat reviews and approvals shall not be conducted in the same meeting, session, or on the same day.
8. Final subdivision plats shall be submitted to the planning commission using the same procedures noted above. Final plat submissions shall include and incorporate all corrections or modifications required by the planning commission during the preliminary review process. Final plat requirements are contained in Article II, Part C.
9. The Department of Zoning and Public Works will send copies to required departments for final report as stated in Article II, Part C.
10. Performance bonds shall be set in an amount necessary to insure the completion of all required improvements and shall be supported by the submission of three (3) written cost estimates.
11. Preliminary and final plats may be submitted without required certificate signatures for initial staff review in accordance with subsection 5 (above). However, fully signed plats

must be submitted by the Thursday prior to the regular planning commission meeting. Plats that remain unsigned by this deadline shall be deemed incomplete and removed from the agenda. The owner/developer shall then be required to file a new application for consideration at the next meeting.

B. Authority

These subdivision regulations are adopted under the authority granted by Sections 13-3-401 through 13-3-411 of the Tennessee Code Annotated. The planning commission has fulfilled the requirements set forth in these acts as prerequisite to the adoption of such standards.

These regulations provide for procedures and standards by which the planning commission can consider and equitably appraise all plats for land subdivision and by which the prospective developer may be guided in land subdivision, plat preparation, review, and approval requirements.

C. Jurisdiction

These regulations shall govern all subdivision of land within Anderson County, Tennessee. Within these standards, the term "subdivision" shall mean and be defined by Section 13-3-401 of the Tennessee Code Annotated.

These regulations shall also govern the development and subdivision of lands for commercial areas, industrial areas, business districts, shopping centers, or tourist trade areas as set forth in sections of the Anderson County Zoning Resolution. Any owner of land wishing to subdivide land or develop these areas or districts shall submit to the Anderson County Planning Commission a plat of the subdivision or development according to the procedures outlined in Article II of these regulations and conforming to the minimum requirements set forth in Article III and IV. All improvements shall be made as required by Article IV of these standards.

ARTICLE II  
PROCEDURE FOR PLAT APPROVAL

A. General

The owner or agent for any land lying within the area of jurisdiction of the Anderson County Planning Commission who wishes to subdivide or develop such land shall seek approval by the planning commission according to the following procedures:

1. Informal Consultation. The developer should consult early and informally with the staff for advice and assistance prior to submitting any plat. In general, informal consultations and/or concept approvals are not granted in planning commission meetings.
2. Submission of preliminary plat. Prior to making any street improvements or installing any utilities, the developer shall submit to the planning commission a preliminary plat if the entire development includes more than five (5) lots.
3. Submission of final plat. After the planning commission approves the preliminary plat, the developer may proceed with preparation of the final plat and any other documents or materials required. No final plat shall be approved by the Planning Commission until:
  - a) It is complete with no outstanding corrections to be made; no outstanding required plans, documents, or other materials to be submitted, except for the submission of any required improvements bonds; and no other approvals pending. The Planning Commission shall generally not grant final approval to incomplete plats on a “subject to” or contingency basis. However, the Planning Commission may, at their discretion and in very limited circumstances, allow for minor plat adjustments or other cosmetic changes when granting final approval.
  - b) All required improvements are constructed in a satisfactory manner and approved by the local approving agent; or
  - c) In lieu of such prior construction, a performance bond in an amount established by the Planning Commission has been submitted; whereby improvements may be made and utilities installed without cost to the local government in the event of default by the developer. All said bonds must be submitted to the Department of Zoning and Public Works within ten (10) working days after the meeting granting final plat approval. If the bond is not turned into the Department of Zoning and Public Works, appropriately made out to the Anderson County Regional Planning Commission with the correct expiration date and bond amount, the final plat approval will automatically be considered void. The developer shall have to re-apply for another final approval with no final bond contingency. No plat shall be signed until a final approval has been granted by the Planning Commission and an acceptable bond is in place in the Department of Zoning and Public Works.

B. Preliminary Plat Requirements

1. Submission. The developer shall submit to the Department of Zoning and Public Works of Anderson County by noon fourteen calendar days in advance of the Planning Commission meeting day, one (1) original plus eleven (11) copies of a preliminary plat of the proposed subdivision drawn to a scale of not less than one (1) inch equals one hundred (100) feet.
2. Contents. This preliminary plat shall meet the general requirements and minimum standards of design set forth in Article III and shall give the following information. If any of the following items are not submitted with the plat, it shall not be placed on the agenda.
  - a) Topography, showing contours at vertical intervals of not more than five (5) feet, except when specifically not required by the Planning Commission. The topography shall be certified as accurate by a registered surveyor in the State of Tennessee.
  - b) Name, location, and acreage of the proposed subdivision, name of designer of the plat; names of adjoining property owners.
  - c) Zoning district, tax map and parcel number.
  - d) Date, north point, and graphic scale.
  - e) Proposed utility layouts (sewers, water, gas, and electricity) showing connections to the existing or any proposed utility systems. Sewer profiles are required to establish feasibility of proposed sewerage system.
  - f) Road locations, layouts, profiles are required.
  - g) A plan for storm water management prepared in conformance with the Anderson County Storm Water Management and Pollution Control Resolution. Said plan must be reviewed and approved by the County Environmental Coordinator.
  - h) Location of existing site features: Property lines, utilities, easements, streets, buildings, streams, wet-weather springs/wetlands, sewers, water mains, bridges and drainage structures, fire hydrants and zoning (both on land to be subdivided or developed and on adjoining land).
  - i) Names, locations, widths, and other dimensions of proposed streets, easements, parks and other open spaces, reservations, lot lines, block numbers, drainage requirements, and building setback lines (in accordance with Anderson County Zoning Resolution). Street profiles showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals twenty (20) feet vertically may be required by the Planning Commission.
  - j) A legible location map showing relationship to the surrounding area, including nearest street intersections.

- k) If any portion of the land being subdivided is subject to flood or below the elevation of the high water profiles, the area subject to flood shall be shown.
  - l) The acreage of the land to be subdivided.
  - m) Certified stamp of surveyor and/or engineer as appropriate.
  - n) All of the property's existing construction shall be shown on the plat including, but not limited to: houses, trailers, barns, storage sheds, existing subsurface sewage disposal systems, etc.
3. Action by the Planning Commission. Within sixty (60) days after submission of the preliminary plat, the Planning Commission will review it and indicate its approval, disapproval, or approval subject to modifications.

One (1) copy of the plat will be retained in the files of the Planning Commission;  
One (1) copy will be retained by the Department of Zoning and Public Works;

The approval of the preliminary plat by the Planning Commission does not constitute acceptance of the final plat nor does it obligate the Planning Commission to grant approval to a final plat. Action taken on the preliminary plat shall be noted in the minutes of the Planning Commission meeting. The developer or his authorized agent must be present at the meetings of the Planning Commission when his/her plat is being reviewed. This is to ensure proper communication and allow the Planning Commission to more fully evaluate the proposal. If the developer or his agent is not present at the time of the preliminary plat hearing, the plat shall be automatically denied. After such denial, the plat shall be re-submitted with a new application fee at a later Planning Commission agenda.

4. Submission of a Final Plat Only. A developer may omit the submission of a preliminary plat, submitting only a final plat if all the following conditions are met:
- a) The proposed subdivision contains five (5) lots or less in its entirety, including all phases or future development areas.
  - b) All public improvements set forth in Article IV are already installed or because of the nature of the development are deemed not necessary by the Planning Commission. (Any construction, installation, or improvement of any public infrastructure shall require the submission of a preliminary plat).
  - c) The developer has consulted informally with the staff or consultant for advice and assistance before preparation of the final plat and its formal application for approval.
  - d) The submitted materials contain all information required on preliminary and final plats, including: topography (which may be submitted on separate drawings),

drainage areas and easements, and the location and size of all infrastructure serving the proposed subdivision.

5. Lapse of Preliminary Plat Approval. The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one (1) year from the date of such approval unless an extension of time is applied for and granted by the Planning Commission. Extensions shall be limited to one (1) request for six (6) months only. After one extension, the developer shall be required to resubmit the plat for preliminary review.

C. Final Plat

1. Submission. At least by noon on the fourteenth (14) day prior to the Planning Commission meeting at which it is considered, the developer shall submit to the Planning Commission one (1) original plus eleven (11) copies of the final plat, which shall follow the approved layout of the preliminary plat with such modifications as the Planning Commission has required. Each copy of the final plat shall have attached any street profiles or other plans or documents as may be required by the Planning Commission.

2. Approval

- a) The Planning Commission shall approve or disapprove a completed final plat within sixty (60) days after its submission. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission. The developer or his/her authorized agent must be present at the meeting. This is to ensure proper communication and allow the Planning Commission to more fully evaluate the proposal. If no one is present, the plat shall be automatically denied and the developer must re-submit the plat with the appropriate fees to the Anderson County Department of Zoning and Public Works for a re-review at the next regular Planning Commission meeting.
- b) If the plat has been approved by the Planning Commission, copies presented by the developer will be certified by the signature of the Planning Commission secretary. The final certified copies will be distributed as follows:

One (1) copy to the developer for filing with the County Register of Deeds as the official plat of record.

One (1) copy to the developer for his/her records.

One (1) copy will be retained in the records of the Planning Commission.

One (1) copy will be retained in the records of the Department of Zoning and Public Works.

### 3. Contents.

The final plat shall substantially conform to the preliminary plat as approved; however, if desired by the developer, it may constitute only that portion which he chooses to record and develop at the time, such as in the case of a phased development. The final plat for recording shall be drawn to a minimum scale of one (1) inch equals one hundred feet, on sheets not to exceed twenty-four (24) by thirty-six (36) inches. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key. All signatures shall be on every sheet in a multiple sheet plat.

The final plat shall show:

- a) Name and location of subdivision, date, graphic scale, and true north point.
- b) Location sketch map showing site in relation to area, with distances and bearings to existing marks.
- c) Names and locations of adjoining subdivisions and streets, and the location and ownership of adjacent property.
- d) Right-of-way lines and classifications of all streets, block numbers, lot lines, building setback lines, lots numbered in numerical order, house numbers, reservations, drainage or utility easements, areas dedicated to public use, and any sites for non-residential use (with notes stating purpose and any limitations). Lots or parcels which are not intended for sale and which are reserved for or dedicated to the use of the public shall be identified on the plat and a notation shall be made on the plat as to the reserved use. Lots deemed unsuitable for development by the Planning Commission will be so marked on those lots.
- e) All dimensions to the nearest one-hundredth (0.01) of a foot and all bearings to the nearest minute.
- f) Location and descriptions of monuments.
- g) Sufficient data to determine readily and reproduce on the ground and location, bearing, length of every street line, lot line, boundary line, block line, and building setback line, whether curved or straight. This shall include the radius, arc distance, chord bearings and chord distance for the centerline of curved streets and curved property lines that are not the boundaries of curved streets. Profiles of all street showing natural and finished grades drawn to a scale of not less than one (1) inch equals twenty (20) feet vertically may be required by the Planning Commission.
- h) If any portion of the land being subdivided is subject to flooding, as defined in Article III, Section A3, the area subject to flood shall be shown.

- i) All drainage easements, conveyances, ponds, and retention or detention areas shall be shown on the plat along with a plat note as to who is responsible for the maintenance of those drainage areas. It may be the individual lot owner, on whose lot the structures are located or a homeowner's board. It must be noted that the County shall in no way be responsible for the maintenance of drainage conveyances, structures, retention ponds, or detention facilities unless they are located in a County right-of-way with the approval by the Highway Superintendent.
4. Certification. The following certificates properly signed or ready for signature shall be presented with the final plat or statements to this effect shall be shown on the plat.
  - a) Ownership and dedication (by owner and /or owners).
  - b) Accuracy (by registered surveyor).
  - c) Acceptable installation of streets verified by Highway Superintendent and other improvements or execution of performance bond in lieu thereof.
  - d) Acceptable installation of utilities (by the appropriate utility district or other approving agency) or execution of performance bond in lieu thereof. When the installation is complete, as-built drawings of the water and sewer systems, roads and drainage structures/systems shall be presented within one (1) month after completion and before final approval or bond release.
  - e) Approval by the state health officer when individual sewage disposal or water system is to be installed.
  - f) Certification of approval of street names & property numbers (E-911).
  - g) Approval for recording (by secretary of the Planning Commission).
5. County Acceptance. Approval of the final plat shall not constitute acceptance by Anderson County of the dedication of any improvements, roads, ways, or grounds. However, upon satisfactory completion of all required improvements, including as-built installation drawings and passing the required inspections by the County Highway Superintendent, the Road Committee will formally recommend to the County Commission that they be accepted. Final release of infrastructure bond amount will take place after the roads have been accepted by the County Commission.

ARTICLE III

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

A. Suitability of the Land

1. Land unsuitably located. The Planning Commission shall not approve what it considers to be scattered or premature subdivision of land because of lack of, or adverse affect on: water supply or sewage disposal, schools, transportation infrastructure, other public services, or because of excessive expenditures of public funds for the supply or maintenance of such services.
2. Land physically unsuitable. Lands may be deemed unsuitable for subdivision development due to various physical or topographic factors. These factors include but are not limited to: rock formations, sink holes, poor drainage or flooding conditions, poor soil properties for septic systems or other development factors, steep slopes (particularly those in excess of forty percent), and/or other such features which may endanger health, life, or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditure of public funds for supply and maintenance of services. All proposed lots must be accessible by standard residential vehicles under all weather conditions and contain building sites reasonably free from limiting physical features. The Planning Commission may require the developer to identify accessible building sites on any proposed lot affected by such physical limitations to ensure that the purposes of these regulations are met.
3. Land subject to flooding. Land subject to flooding shall not be platted for residential occupancy or for any other uses that may increase flood hazard, endanger health, life, or property, or aggravate erosion. Such land within the plat shall be set aside for uses that shall not be endangered by periodic or occasional inundation, or produce unsatisfactory living conditions.

Land located within a floodway; as defined in the Anderson County Zoning Resolution, and identified by the Anderson County Flood Insurance Study and Flood Insurance Rate Maps, shall be considered unsuitable for development or building sites. Said land shall not be counted as part of any lot when computing minimum lot sizes and each lot shall contain a building site outside of a floodway and outside the limits of any existing or proposed easement or building setback line. The use of fill to raise or alter the land shall not be permitted within a floodway.

All subdivision plats shall be reviewed to determine whether the development will be reasonably safe from flooding. If a subdivision proposal or other proposed new development that includes the subdivision of property is in a flood-prone area, such proposal shall be reviewed to ensure that:

- 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 developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.
4. Inadequate access. Any proposed subdivision that does not have direct access to a County road shall be deemed unsuitable for development unless it complies with Article III Section 3.B.4. (Joint Permanent Easements). In addition, any subdivision proposed to access an unpaved County road or a County road that is not wide enough to accommodate two-way traffic shall be considered premature and unsuitable for development. The Planning Commission shall not approve a subdivision that would require the County to extend or upgrade existing streets, or require the installation of new streets to provide adequate access to the subdivision. Where the extension, improvement, or installation of streets or roadways is required, the improvements shall be the expense of the developer. All road improvements shall meet the requirements of the subdivision regulations and County road standards and shall be approved by the County Highway Superintendent. A traffic study may be required if the road giving access to a proposed subdivision is less than eighteen (18) feet in width or is inadequate to safely accommodate two-way traffic.
5. Public agency approvals. The Planning Commission shall not approve the subdivision of land if, from adequate investigation by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

B. Streets and Roads

- 1. Conformity to the major street and road plans. The location and width of all streets and roads shall conform to the official major street and road plan on file in the Register of Deeds office.
- 2. Relation to adjoining street and road system. The proposed street system shall extend existing streets or roads at the same or greater width, but in no case less than the required minimum width specified hereinafter.
- 3. Street and road ROW widths. The minimum width of right-of-way (ROW), measured from lot line to lot line, shall be as shown on the major street and road plans but shall not be less than the following:
  - a) Arterial Roads (120 - 250 ft wide) Arterial roads are those used for traffic of high speeds and high volumes between major urban areas and regions. These roads will be shown on the major road plan.
  - b) Primary and Secondary Highways (80 ft wide) Primary and secondary roads and highways are those to be used primarily for fast and heavy traffic and will be shown on the major road plan.

- c) Collector Roads (60 ft wide) Collector roads are those which carry traffic from minor roads to the major system of arterial roads and highways and include the principal entrance roads of a residential development and streets for major circulation within such a development.
- d) Minor Residential Roads (50 ft wide) Minor residential roads are those which are used primarily for access to the abutting residential properties and are designed to discourage their use by through traffic.
- e) Marginal Access and Frontage Roads (50 ft wide) Marginal access roads are minor roads which are parallel and adjacent to arterial roads and highways; and which provide access to abutting properties and protection from through traffic.
- f) Dead-end Roads (cul-de-sac) (50 ft wide with 100 ft diameter cul-de-sac end) Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.
- g) Alleys: Alleys are permitted as long as each lot has a legal and legitimate access to a public road. Alleys shall be permitted as a rear entrance to a lot for garage purposes, additional access, garbage collection, etc. However, alleys are prohibited as the only access source.
- h) One-Way Streets These are not permitted except in extremely unusual conditions with the approval of the Highway Superintendent and the Planning Commission. Data must be provided to illustrate why the development should be permitted on a one way street and cannot be accessed by a two way road. Only minor plats may be permitted on a one way street. Approvals are not to be assumed except in rare instances.

4. Joint Permanent Easements:

- a) 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.

- b) Joint Permanent Easements shall meet the following additional standards:  
Roadway construction standards shall be approved by the Department of Zoning and 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 surveyor 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.
- c) Joint Permanent Easements may be platted in a subdivision in accordance to the provisions of this section.
- i) 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 radi 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.

- ii) 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 radi 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.

- iii) 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 Anderson County 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 radi 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.

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

- e) Interior One-Lot divisions (flag lots) - 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 sub divider within a 90 day period.
5. Pavement Widths. Except on highways and arterial roads pavement widths of at least twenty (20) feet are required.
  6. Pavement Base and Construction. Pavement base shall be eight (8) inches compacted stone with two and one-half (2 ½) inches binder and one and one-half (1 ½) inches compacted asphalt. Extruded concrete curbs must be constructed. Cul-de-sacs shall be circular with a diameter of eighty (80) feet paved.

The Anderson County Highway Department and the Department of Zoning and Public Works must be notified in advance of any grading, filling, spreading of base, or application of topping.

Furthermore, at each stage of road construction, the Highway Department and the Department of Zoning and Public Works must be present to inspect the various stages of work and record their approval. It is the developer's responsibility to schedule all inspections with both departments and wait for said inspections before beginning subsequent work. If the developer fails to inform the Highway Department and wait for an inspection at each stage of road construction, a penalty of thirty (30) percent will be assessed on the bond and as-built engineering certification required if requested by the Highway Superintendent.

7. Tangents, Curves, Construction of Ditch Lines, etc. No specific provisions exist for tangents, curves, and ditch lines. Instead, all plans for road and street construction shall be reviewed and approved by the County Highway Superintendent. Said plans shall be prepared under the direction of the Highway Superintendent and in conformance with all applicable design and construction standards utilized by the Highway Department. The developer must plan the road to adequately carry traffic, eliminate any hazardous curves, avoid dangerous intersections, and construct ditch lines in a manner which will avoid pooling, flooding of road bed and sedimentation and culverts. Complete plans, which are not submitted in advance of final approval to staff and the Highway Superintendent, will cause the developer's application to either be removed from the agenda of the Planning Commission or not to be placed on the agenda. Furthermore, the Planning Commission and the Highway Superintendent have the authority to require road relocations and other matters pertaining to the planning and construction of the road. The Planning Commission and the Highway Superintendent may also order changes in construction where the developer has failed to construct the road properly or where ditch lines and other drainage matters appear to be insufficient.

8. Additional width on existing streets. Subdivisions that adjoin existing streets or roads shall dedicate additional right-of-way to meet the above minimum street width requirements:
  - a) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street or road.
  - b) When the subdivision is located on only one side of an existing street or road, one-half of the required right-of-way, measured from the center line of the existing roadway, shall be provided.
  - c) The developer may be required to improve the existing road to the standards specified herein.
  - d) The Planning Commission may require segments of any street or road passing through a proposed neighborhood commercial or local business area to be increased ten (10) feet in width on each side to provide for movement of automobiles and trucks into and out of necessary off-street parking and loading areas without interference to traffic. The Planning Commission may also require turnouts or marginal access turning lanes into any subdivision.
9. Restriction of Access. When a tract fronts on an arterial, primary or secondary road or highway, the Planning Commission may require such lots to be provided with frontage on an access street.
10. Grades, elevations, and drainage.
  - a) Grades on roads shall not exceed fifteen (15) percent. Variances shall not be permitted for road grades over fifteen (15) percent under any circumstances. Road bank slopes may be no greater than a 2 to 1 (for both cut and fill slopes) or 1.5 to 1 with appropriate stabilization and documentation by a licensed engineer.
  - b) All streets and roads must be designed as to provide for the discharge of surface water from the right-of-way by proper grading and drainage. Drainage openings shall be designed so as not to restrict the flow of water or increase flood heights. Drainage ways shall not cause the flow of water onto other properties. Any drainage way emptying into a County owned culvert, tile, or ditch line will require the developer to improve the County owned property if the drainage will increase water flows in excess of the capacity of the existing tiles, culverts, ditches, etc.
11. Intersections. Street intersections shall be as nearly at right angles (90°) as is practicable, and no intersection shall be at an angle of less than sixty (60) degrees, Property line radii at street intersections shall not be less than twenty-five (25) feet.
12. Street Jogs. Street jogs with center line offsets of less than 125 feet shall not be allowed.

13. Dead-end streets or Cul-de-sacs.

- a) Minor terminal streets or courts designed to have one end permanently closed shall be no more than two thousand five hundred (2,500) feet long unless necessitated by topography. They shall be provided at the closed end with a turnaround having an outside right-of-way diameter of at least one hundred (100) feet and a cul-de-sac diameter of at least eighty (80) feet.
- b) Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary paved turnaround having a diameter of at least eighty (80) feet.

14. Private Street and Reserve Strips. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. The access to every lot shall be a legitimate access with a proven manner of entry to a structure. Paper access strips or road frontages that cannot provide access due to waterways, extreme topographical reasons or other such barriers are prohibited even though the lot physically is located on a public road. There shall be no reserve strips or joint easements controlling access to public ways or adjoining properties, except where the control and perpetual maintenance of such strips is definitely placed with the community under conditions approved by the Planning Commission; and it complies with Article III Section 3.B.4 (Joint Permanent Easements).

C. Lots

1. Lot Arrangement. In so far as practicable, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot shall have a minimum frontage of at least twenty (25) feet along a public road, provided that the lot is of such a size that it could not be further subdivided under the minimum lot sizes allowed by either these regulations of the County's zoning requirements. All other lots shall have at least fifty (50) feet of accessible public road frontage unless it complies with Article III Section 3.B.4 (Joint Permanent Easements)..
2. Lot Access. All lots shall be designed to include usable road frontage that provides clearly traversable access from the roadway to a legitimate building site. Access easements shall not be utilized to provide the sole means of access to a proposed lot unless it complies with Article III Section 3.B.4 (Joint Permanent Easements). However, The Planning Commission may permit or require the platting of shared driveway or other easements as a secondary means of lot access or in situations where it is determined that their use would improve safe access along public roadways. A surveyor shall be required to certify, on the plat and in accordance with these regulations, that each lot is accessible from its platted frontage.
3. Minimum Lot Size. For the purposes of determining lot size minimums under these regulations public water and sewer shall include only those services provided by a public

utility operated by a city or County utility system (including but not limited to, the Clinton Utility Board, Anderson County Utility Board, and Knoxville Utility Board), the Hallsdale-Powell Utility District, or the First Utility District. Community well systems, shared well systems, shared septic systems, alternative septic systems, on-site privately owned public sewer systems, and/or other similar systems for providing either potable water or sewage disposal shall generally not be permitted, and shall not be considered as public for the purposes of determining minimum allowable lot sizes.

Lots without public water and without sewer service: There is a three acre minimum per lot for all lots proposing to utilize individual wells and septic systems. A note shall be placed on the plat clearly stating that “no lot may be further divided unless it conforms to all applicable subdivision requirements”.

Lots with public water but no sewer: Lots with access to a proposed or existing public water line shall be a minimum of 22,000 square feet each. Provided, that each lot must also receive septic system approval for at least three bed room construction by the health department. Lots that are unable to meet this standard shall be increased in size or combined with adjoining lots, as required.

Lots with public water and sewer access: Lots located within traditional subdivisions shall be a minimum of 12,000 square feet each. Lots located within a proposed Residential Planned Unit Development (PUD) with open space, common areas, recreation areas, and a homeowners board shall be a minimum of 7,500 square feet, or shall be developed at an overall density of 7,500 square feet per unit when subdivided in connection with an approved planned unit development in accordance with the County’s zoning regulations.

#### D. Commercial or Industrial Subdivisions

A plat must be presented to the Planning Commission containing all information required of regular subdivisions. However, a site plan must also accompany the plat showing ingress and egress and widths, parking lot areas, spaces, and design, landscaping plans, and a letter from the health department, utilities, and Highway Department stating that the development proposal conforms to their requirements.

#### E. Public Use and Open Space

The Planning Commission may require the dedication of property for public use, not to exceed ten (10) percent of the land area for recreation, schools, pedestrian traffic, parks, or other purposes.

#### F. Utility and Drainage Easements

Eight (8) feet of utility easements inside all property lines or in rare instances a sixteen (16) feet wide easement across a property may be required for local utility districts to service lines. These easements shall be located where the utility deems appropriate. Electrical utility easements shall

be in conformance with the local electrical utility. No construction shall take place within any established utility easement.

Drainage easements may be required by the Planning Commission, staff, or Highway Superintendent to assure the adequate flow of water. No construction can occur on these easements and the size shall be determined by the drainage patterns of the land. These must be included on the final plat.

#### G. Zoning

Each lot must conform to the zoning requirements for the district in which it is located. If there is any discrepancy between the Zoning Resolution and the Subdivision Regulations, the more stringent or highest standard shall apply.

#### H. Utilities:

1. Water: Water lines in a subdivision must be at least six (6) inches in diameter. Fire hydrants are required every 500 feet. Where a subdivision's six (6) inch water line is tying into a line of less size owned by a utility, the developer may be required to upgrade the utility's line to six (6) inch size. The water line design must be submitted to and approved by the State of Tennessee before the construction of the water line.

The developer must also provide certification that the water pressure throughout the proposed development will meet fire protection standards. Provisions for a meter shall be made for each lot.

All water lines and other system components, including laterals, needed for the installation of water meters at each lot must be installed before the road base is applied. No road cuts shall be made after the base is applied.

2. Sewer: The design of the public sewer must be submitted to and approved by the State of Tennessee before the construction of the sewer line.

#### I. Septic Tanks

The State Health Department (TDEC) must certify that subsurface sewerage disposal systems will be capable of operating in accordance with its standards. Each lot on the plat must be given a three bedroom rating or higher by the health department prior to final Planning Commission review or approval. No final subdivision plat shall be approved contingent on health department review, stamp or certification.

#### J. Monuments and Lot Markers

Corner monuments shall be minimum one half (1/2) inch rebar or iron pipe, a minimum of two feet long, with a surveyor's cap. These monuments shall be set at the intersection of all street

right-of-way lines, at all points where such lines intersect the exterior boundaries of the subdivision, and at all lot corners. A visible wooden stake shall also be driven at the location of the iron pipe or pin. Two (2) permanent concrete control monuments shall also be set within each subdivision of up to ten (10) lots with an additional monument set for each additional ten (10) lots within the subdivision. These monuments shall be tied to the state plane on X & Y coordinates.

#### K. Variances

The Planning Commission may grant variances in subdivisions except for minimum lot sizes, road construction and slope, and size of utility lines. There must be a reason stated in the minutes of the Planning Commission for the variance.

#### L. Additional Standards or Requirements

The Planning Commission may invoke additional requirements or corrections to the plat based on the topographical conditions, rock outcroppings, sinkholes, flooding, improper access, inability of utilities to provide service, improper planning in the layout of lots and roads, any other adverse condition as determined by the Planning Commission, or failure of the developer to consult properly with staff, the Highway Department, utility districts, the health department, or any other pertinent agency.

#### M. Phasing

The Planning Commission has the right to deny approving sequential phases of a development if it determines that previously approved phases are not progressing in a timely manner in regard to the installation of planned infrastructure or previous requirements of Planning Commission, Zoning Resolution, Subdivision Regulations or any other provision of state or local law has not been complied with.

ARTICLE IV  
BONDING

A. General

Bonding is required prior to final approval of a subdivision when improvements necessary to meet the requirements of the subdivision regulations are not completed. Such improvements shall include, but not be limited to: roads, drainage structures, and public utilities. The Planning Commission may cash in a bond at any time if the Planning Commission determines that the infrastructure is at risk of not being installed or installed in a timely manner. Bonds may be revoked immediately if the developer fails to respond to requests from the Department of Zoning and Public Works or building commissioner to extend the bond or to renew the bond. The bond may also be revoked or cashed in by the Planning Commission if the developer fails to respond to problems in installing the infrastructure.

B. Performance Bonds

The developer shall submit three detailed cost estimates for the improvements to the Department of Zoning and Public Works. Cost estimates shall include all materials, supplies, equipment, labor, and supervision required to install the improvements as shown on the subdivision plans (NOTE: plans must be approved by the Planning Commission). The cost estimates shall also include the name of the contractor proposing the estimate. In addition, the developer shall request a cost estimate for the improvements from the County Official (for roads and drainage structures) and the utility company (for utilities). These estimates shall be forwarded to the Department of Zoning and Public Works.

The highest estimate (or portions of estimates in the case of multiple improvements) shall be used as the basis for setting the performance bond amount. The bond amount shall be calculated as 120% of the highest estimate. Approval of the final subdivision plat will not be made until an acceptable bond has been posted with the Department of Zoning and Public Works or until the improvements have been successfully completed.

Performance bonds shall be set for a period not to exceed 12 months from the date the Planning Commission sets the bond amount. The Department of Zoning and Public Works shall notify the developer, governing authority, Planning Commission, and County Attorney within 60-days before the expiration of the bond. This notification shall include, but not be limited to, the date of expiration, the amount of the bond, the improvement(s) required, and the current status of the improvement. If all necessary improvements have not been made within the 12-month period, the bond shall be cashed and the Director of Accounts and Budgets notified (in writing, by the Department of Zoning and Public Works) that the money is to be deposited and held in a County account under the direction and control of the Planning Commission and earmarked for necessary repairs and improvements to the subdivision covered by the bond. If improvements have been made in accordance with the governing specifications, the bond shall be reduced to a maintenance bond as discussed in the following paragraph.

### C. Maintenance Bonds

Maintenance Bonds shall remain in effect for a 24 month period. If the improvement is completed during that 24 month period, the developer shall request a letter be sent to the Department of Zoning and Public Works from the authorized official having jurisdiction over the improvement (e.g., the Anderson County Highway Superintendent for roads, the manager or engineer of utility companies for water lines, etc.). The letter shall indicate that the named improvement has met all specifications and has been approved by the authorized official for acceptance. (NOTE: This “approval” does not necessarily constitute “acceptance”. The developer should contact the authorized official to determine what additional requirements must be met to gain acceptance of the improvement.) Upon receipt of this letter, the Department of Zoning and Public Works shall recommend to the Planning Commission that the bond amount be reduced to 20% of the highest estimate. The 20% shall constitute a maintenance bond, which shall be held until the improvement is accepted by the governing authority. In no case shall the maintenance bond be held longer than a 24-month period. The Department of Zoning and Public Works shall notify the developer, governing authority, Planning Commission, and County Attorney within 60-days before the expiration of the bond. This notification shall include, but not be limited to, the date of expiration, the amount of the bond, the improvement(s) required, and the current status of the improvement. If the governing authority notes any deficiencies in the improvement during the 24-month period, the Department of Zoning and Public Works shall notify the developer and the Planning Commission of the deficiencies. If the deficiencies are not satisfactorily repaired during the 24-month period, the bond shall be cashed and the Director of Accounts and Budgets notified (in writing, by the Department of Zoning and Public Works) that the money is to be spent on making necessary repairs and improvements. If the governing authority accepts the improvement, the developer shall have the authorized official send a letter of acceptance to the Department of Zoning and Public Works. Upon receipt of this letter, the Department of Zoning and Public Works shall recommend to the Planning Commission that the bond be released.

#### D. Extensions

If a bond has reached expiration and the developer feels there are significant reasons for this delay, an appeal for an extension can be made to the Planning Commission. This appeal shall be in the form of a letter and shall include an explanation of the reasons for requesting an extension. If, in the opinion of the Planning Commission, the reasons for the delays are sufficient, an extension may be granted. The length of the extension will be based on the developer's proposed schedule of activities, but, in no case, shall be more than 12 months. The bond amount shall be reevaluated by following the same procedures as outlined for setting the original bond amount. Once the new bond amount and duration are set, the previous bond may be released.

The purpose of extensions is to encourage developers to complete work under their own direction. However, as the affected infrastructure is essential to the development, a maximum limit of 36 months shall be placed on Performance Bonds and 30 months for Maintenance Bonds.

#### E. Bond Securities

Bonds shall be in one of the following forms to be considered acceptable:

- Irrevocable Letter of Credit naming the Anderson County Regional Planning Commission as beneficiary.
- Performance or surety bonds.
- Certificates of Deposit in the name of the Anderson County Regional Planning Commission.
- Cash bond.

Other securities may be allowed with the approval of the County Law Director and the Planning Commission.

#### F. Recordkeeping

The Department of Zoning and Public Works shall keep the original bond a complete record of all outstanding bonds. The record shall include the following information:

- Date bond amount was set
- Bond amount
- Name(s) of developer(s)
- Name of subdivision
- Description of improvements covered by bond
- Indication of Performance or Maintenance bond
- Date of required notification (60 days prior to expiration)
- Date of bond expiration

Record of letters of notification shall be kept as part of the Department of Zoning and Public Works files.

## ARTICLE V

### ENFORCEMENT AND PENALTIES FOR VIOLATIONS

The enforcement of these regulations and penalties for the unapproved recording or transfer of land is provided by state law in the authority granted by Title 13 of the Tennessee Code Annotated.

#### A. Enforcement

1. No plat or plan of a subdivision of land into two or more lots located within the jurisdiction of the Anderson County Planning Commission shall be admitted to the land records of the County or received or recorded by the County register of deeds until said plat or plan has received final approval in writing by the Planning Commission as provided in Section 13-3-402 of the official edition of the Tennessee Code Annotated.
2. No public authority shall not accept, lay out, open, improve, grade, pave, or light any street or lay or authorize water mains or sewers or connections to be laid in any street within the County unless such street shall have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat which has been approved by the Planning Commission as provided in Section 13-3-406 of the official edition of the Tennessee Code Annotated.

#### B. Penalties

No County register shall receive, file, or record a plat of a subdivision within the County without the approval of the Planning Commission as required in Section 13-3-402 of the Tennessee Code Annotated.

1. Section 13-3-410 of the Tennessee Code Annotated provides that
  - a) Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the regional planning commission and obtained its approval as required by this part and before such plat is recorded in the office of the appropriate county register, or who falsely represents to a prospective purchaser of real estate that roads or streets will be built or constructed by a county or other political subdivision, commits a Class C misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The owner or agent of any land may sell, transfer or agree to sell any lot or lots shown on a plan having been given tentative approval by the regional planning commission. The owner or agent shall post bond in form and amount and with conditions and surety satisfactory to the regional planning commission, providing for and securing to the public the actual construction and installation of (such

improvements and utilities within a period specified by the regional planning commission and expressed in the bond. The county, through its county attorney or other official designated by the county legislative body, may enjoin such transfer or sale or agreement by action or injunction.

**(b)** The remedies and penalties provided by this chapter are to be applied exclusively to the owner or agent of the owner. Title to any tract conveyed without compliance with the provisions of this chapter is not affected by this chapter unless the sale or transfer has been enjoined by a court of competent jurisdiction prior to the conveyance being recorded in the office of the appropriate county register. While the title to any such tract is not affected by this chapter, the tract remains otherwise subject to all provisions of this chapter.

2. Section 13-3-411 of the Tennessee Code Annotated provides that

**(a)** From and after the time when the platting jurisdiction of any regional planning commission has attached as provided in § [13-3-402](#), no building permit shall be issued and no building shall be erected on any lot within the region, unless one (1) of the following three (3) 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 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

**(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 § [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 a proposed subdivision, as defined in § [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.

**(c)** Any building erected or to be erected in violation of this section is an unlawful structure, and the state building commission or the county attorney or other official designated by the county legislative body may institute a civil action to enjoin such erection or cause it to be vacated or removed.

ARTICLE VI

ADOPTION AND EFFECTIVE DATE

Before adoption of these subdivision standards, a public hearing, as required by Section 13-3-403, Tennessee Code Annotated, was held on November 13, 2007.

Notice of such hearing was announced in the Clinton Courier-News, being of general circulation within the area of planning jurisdiction, on October 13, 2007, said notice stating the time and place for the hearing.

The rules and regulations shall be in full force and effective from and after their adoption.

\_\_\_\_\_  
Chairman, Planning Commission

\_\_\_\_\_  
Adopted

\_\_\_\_\_  
Attest: Secretary