

SUBDIVISION REGULATIONS

MIDDLETON, TENNESSEE

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February 2001

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SUBDIVISION REGULATIONS
OF

Middleton, Tennessee, Municipal Planning Commission (hereafter referred to as the
planning commission)

ARTICLE I: PURPOSE, AUTHORITY, AND JURISDICTION

A. Purpose

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

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

B. Authority

These subdivision standards are adopted under the authority granted by Sections 13-4-301 through 13-4-309, Tennessee Code Annotated. The Planning Commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such standards, having filed a certified copy of the Major Street Plan in the office of the Register of Hardeman County, Tennessee.

C. Jurisdiction

These regulations shall govern all subdivision of land within the corporate limits of Middleton, Tennessee, as now and hereafter established. Within these regulations the term “subdivision” means the division of a tract or parcel of land into two (2) or more lots, sites or other division for the purpose, whether immediate or future, of sale or building development, and includes resubdivision, and when appropriate to context, relates to the process of subdividing or to the land or area subdivided, provided, however, that “subdivision” does not include a division of any tract or parcel of land into two (2) or more tracts or parcels when such parts or parcels are ten (10) acres or larger in size. Also, parcels of five (5) acres but less than ten (10) acres is not a subdivision if depth of the lot exceeds its width by greater than four (4) times. Divisions of land which result in parcels of

five (5) acres but less than ten (10) acres with depths not greater than four (4) times their width are subdivisions and require review by the Planning Commission. In addition, the division of plats of land partitioned by the owners among themselves either in court or by deeds are exempted from the definition of a “subdivision” and do not require review by the Planning Commission.

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

ARTICLE II: DEFINITIONS

Within these regulations, certain terms and conditions are herewith defined as follows:

- A. Roads: Relates to and includes roads, streets, highways, avenues, boulevards, parkways, lanes or other ways, or any part thereof.
1. Major Roads and Arterial Streets and Highways - Those roads which are used primarily for fast or heavy traffic.
 2. Collector Streets - Those which carry traffic from minor streets to the major system of major roads or arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such development.
 3. Minor Streets - Those which are used primarily for access to the abutting properties.
 4. Marginal Access Streets - Minor streets which are parallel to and adjacent to major road and arterial streets and highways; and which provide access to the abutting properties and provide protection from through traffic.
 5. Alleys - Minor ways which are used primarily for vehicular service access to the back and side of properties otherwise abutting on a street.
 6. Dead-End Streets or Cul-de-sacs - Permanent dead-end streets designed so that they cannot be extended in the future.
- B. Roadway: That portion of a street or road that is paved and ordinarily used by vehicular traffic.
- C. Right-of-way (R.O.W.): The complete land which is dedicated for use as a street or road and includes roadway and those portions on either side customarily used for planting strips, drainage, or utility installation.
- D. Plat, Plan, Plot, or Replat: A map, drawing, or chart upon which the subdivider's plan of the subdivision is presented and which he submits for approval and intends to record in final form.

ARTICLE III: PROCEDURE FOR PLAT APPROVAL

The procedure for review and approval of a subdivision plat consists of two (2) separate steps. The initial step is the preparation and submission to the Planning Commission of a preliminary sketch plat of the proposed subdivision. The second step is the preparation and submission to the Planning Commission of a final plat together with required certificates. This final plat becomes the instrument to be recorded in the office of the county register when duly signed by the secretary of the Planning Commission.

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

A. General

1. Any owner of land lying within the area of jurisdiction of the Planning Commission who wishes to divide such land into two (2) or more lots, sites, or divisions for the purpose, whether immediate or future, of sale or building development, or who wishes to resubdivide for this purpose, shall submit a plan of such proposed subdivision to the Planning Commission for approval and shall obtain such approval prior to the filing of his subdivision plat for record. Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in Article IV of these standards and shall be presented in the manner specified in the following sections of this Article. No plat of a subdivision of land within the area of planning jurisdiction shall be filed or recorded by the county register without the approval of the Planning Commission as specified herein.
2. In order to secure review and approval by the Planning Commission of a proposed subdivision, the prospective subdivider shall, prior to the making of any street improvements or installations of utilities, submit to the Planning Commission a preliminary sketch plat as provided in Section B of this Article. On approval of said preliminary sketch plat, he may proceed with the preparation of the final plat and other documents required in connection therewith as specified in Section C of this Article and the improvement set forth in Article V.
3. A subdivider may omit the submission of a preliminary plat, submitting only a final plat if the following conditions are met:
 - a. All public improvements as set forth in Article V are already installed. Any construction, installation, or improvements of any

public facility shall require the submission of a preliminary plat as prescribed by Section B of Article III.

B. Preliminary Sketch Plan

1. At least fourteen (14) days prior to the meeting at which it is to be considered, the subdivider shall submit to the Planning Commission two (2) copies of a preliminary sketch plat of the proposed subdivision drawn to a scale of not less than one (1) inch equal one hundred (100) feet.
2. The sketch plat which shall meet the minimum standards of design as set forth in Article IV and the general requirements for the construction of public improvements as set forth in Article V shall give the following information insofar as possible:
 - a. The proposed subdivision's name and location, the name(s) and address (es) of the owner or owners, and the name of the designer of the plat, who shall be a licensed engineer or licensed surveyor approved by the Planning Commission.
 - b. Date, approximate north point, and graphic scale.
 - c. The location of existing and platted property lines, existing streets, building, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements or lines, the present zoning classification, if any, on the land to be subdivided and on the adjoining land; and the name of adjoining property owners or subdivisions.
 - d. Plans of proposed utility layouts (sewers, water, gas, and electricity) showing feasible connection to the existing or any proposed utility systems. When such connections are not practicable, any proposed individual water supply and/or sewage disposal system must be approved by the city and/or county health department.
 - e. The proposed street name, and the locations and dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines, building setback lines and utilities.
 - f. Contours at vertical intervals of not more than two (2) feet except when specifically not required by the Planning Commission.
 - g. The acreage of the land to be subdivided.

- h. Location sketch map showing relationship of subdivision site to area.
3. Within thirty-five (35) days after submission of the preliminary sketch plat, the Planning Commission will review it and indicate approval, disapproval, or approval subject to modification. 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 shall be indicated.
4. One (1) copy of the preliminary sketch plat will be retained in the Planning Commission files; one (1) copy shall be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.
5. Failure of the Planning Commission to act on the preliminary sketch plat within thirty-five (35) days will be deemed approval of this plat.
6. The approval of the preliminary sketch plat by the Planning Commission will not constitute acceptance of the final plat and will not be indicated on the preliminary sketch plat.
7. The approval of the preliminary sketch plat shall lapse unless a final plat based thereon is submitted within twelve (12) month from the date of such approval unless an extension of time is applied for and granted by the Planning Commission.

C. Final Plat

1. The final plat shall conform substantially to the preliminary sketch plat as approved; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary sketch plat which he proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these standards.

At least fourteen (14) days prior to the meeting at which it is to be considered, the subdivider shall submit the original drawing in black drawing ink and three (3) copies (black and white prints or blue line prints), together with any street profiles or other plans that may be required by the Planning Commission.

The plat shall be drawn to a scale of no smaller than one (1) inch equals one hundred (100) feet on sheets not larger than twenty (20) by twenty-four (24) inches or of an approved size to correspond to local plat book dimensions. When more than one (1) sheet is required, an index sheet of

the same size shall be filed showing the entire subdivision with sheets lettered in alphabetical order as a key.

When the plat has been approved by the Planning Commission, one (1) copy will be returned to the subdivider, with the approval of the Planning Commission certified thereon, for filing with the county register as the official plat of record. The original tracing containing all required certifications will be returned to the subdivider for his records and the other copy will be retained in the records of the Planning Commission.

2. The Planning Commission shall approve or disapprove this final plat with thirty-five (35) days after submission. Failure of the Planning Commission to act on this final plat within these thirty-five (35) days shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission.
3. 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 way or ground.
4. The final plat shall show:
 - a. The lines of all streets and roads, alley lines, lot lines, building setback lines, lots numbered in numerical order, house numbers, reservations for easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose any limitations.
 - b. Sufficient data to determine readily and reduce on the ground the location, bearing the length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including true north point. This shall include the radius, central angle, and tangent distance of the centerline of curved streets and curved property lines that are not the boundary of curved streets.
 - c. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute.
 - d. Location and description of monuments.
 - e. The name and locations of adjoining subdivisions and streets and the location of ownership of adjoining unsubdivided property.
 - f. Date, title, name, and location of subdivision, graphic scale, and true north point.

- g. Location sketch map showing site in relation to area.
- h. Certification showing that applicant is the land owner and dedicates streets, rights-of-way, and any sites for public use.
- i. Certification of surveyor or engineer to accuracy of survey and plat and placement of monuments.
- j. Certification by the city or county health officer when individual sewage disposal or water systems are to be installed.
- k. Certification by the approving agent name by the Planning Commission that the subdivider has complied with one of the following alternatives:
 - 1) Installation of all improvements in accordance with the requirements of the standards, or
 - 2) Posting of a security bond in sufficient amount to assure such completion of all required improvements.
- l. Certification of approval to be signed by the secretary of the Planning Commission.
- m. Acknowledgement of owner's signature.
- n. Each plat to be filed with the county register shall include the most recent recorded deed book number and page number for each deed constituting part of the property being platted.
- o. Certification by engineer to the accuracy of storm water drainage, water, sewer, and public utilities, where applicable.

ARTICLE IV: GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

A. Streets

1. Conformity to the Major Street Plan

The location and width of all streets and roads shall conform to the official Major Street Plan.

2. Relation to Adjoining Street System and Adjoining Properties

The proposed street system shall extend to existing streets or projects and provide extension to adjoining properties as required for future development. They shall be extended at a width no less than the required minimum width with curb and gutter. Sidewalks shall be installed as required by the Planning Commission.

3. Street Elevation

The Planning Commission shall require profiles and elevations of all proposed street, in addition, the Planning Commission may require where necessary profiles and elevations of streets for areas subject to flood. Fill may be used for streets provided such fill does not unduly increase flood heights. Drainage opening shall be so designed as to not restrict the flow of water and unduly increase flood heights.

4. Street Widths

The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the Major Street Plan or if not shown on such plan, shall be not less than as follows:

- a. Arterial Streets and Highways -----80-150 feet
(as may be required)

Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the Major Street Plan.

- b. Collector Streets ----- 60 feet

Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets for major circulation within such a development.

- c. Minor Residential Streets ----- 50 feet

Minor streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.

- d. Marginal Access Streets -----50 feet

Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

- e. Dead-end Street (cul-de-sac) ----- 50 feet

Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.

- f. Alleys ----- 20 feet

Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

In cases where topography or other physical conditions made a street of the required minimum width impracticable, the Planning Commission may modify the above requirements. Through proposed neighborhood or local business areas, the street widths shall be increased ten (10) feet on each side to provide for movement of vehicles into and out of necessary off-street parking areas without interference to traffic.

5. Additional Width on Existing Streets

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- b. When the subdivision is located on only one (1) side of an existing street, one-half (1/2) of the required right-of-way, measured from the centerline of the existing roadway, shall be provided. In no case shall the resulting right-of-way width be less than fifty (50) feet.

6. Restriction of Access

When a tract fronts on an arterial street or highway, the Planning Commission may require such lots to be provided with frontage on a marginal access street.

7. Street Grades

Grades on major streets shall not exceed seven (7) percent. Grades on other streets may exceed seven (7) percent but not ten (10) percent.

8. Horizontal Curves

Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, the curve of reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the centerline radius of curvature shall be not less than three hundred (300) feet; on other streets, not less than one hundred (100) feet.

9. Vertical Curves

Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one half (4 ½) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals twenty (20) feet vertical, may be required by the Planning Commission.

10. Intersections

Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than eighty (80) degrees.

Property line radii at street intersections shall not be less than 30 feet at the intersection of arterials and 25 feet for all others shall not be less than twenty-five (25) feet, and where the angle of street intersection is less than seventy-five (75) degrees, the Planning Commission may require a greater curb radius. Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at the street corner to less than normal width, the property line at such street corner shall be rounded or otherwise setback sufficiently to permit such construction.

11. Tangents

A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on arterial and collector streets.

12. Street Jogs

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

13. Dead-End Streets

a. Minor terminal streets or courts designed to have one end permanently closed shall be no more than four hundred (400) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet or the Planning Commission may approve an alternate design.

b. Each development shall be required to provide stub streets for future development and for the extension of the traffic. Where those stub streets are required the completed roadway and all utilities shall be extended to the adjoining property line and a temporary turn around constructed by the developer.

14. Private Streets and Reserve Strips

There shall be no private street platted in any subdivision. Every lot in subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the community under conditions approved by the Planning Commission.

15. Street Names

Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, driveway, place or court. Through its index list of street names on file, the Planning Commission can assist the subdivider in avoiding duplication.

16. Alleys

Alleys shall be provided to the rear of all lots for business purposes, and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Planning Commission of the need for alleys.

B. Blocks

1. Length

Blocks shall not be less than four hundred (400) feet or more than twelve hundred (1,200) feet in length, except as the Planning Commission considers necessary to secure sufficient use of land or desired features of street pattern. In blocks over eight hundred (800) feet in length the Planning Commission may require one (1) or more public crosswalks of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary.

2. Width

Blocks shall be wide enough to allow two (2) rows of lots, except where reverse frontage on major streets is provided or where prevented by topographical conditions or size of the property, in which case the Planning Commission will approve a single row of lots of minimum depth.

C. Lots

1. Arrangement

In so far as practical, side lot lines shall be at right angles to straight street lines. Each lot must front upon a public street (fifty (50) feet in width) for a distance as described in the Middleton Zoning Ordinance.

2. Minimum Size

- a. Residential lots shall meet the lot width and lot area requirements of the Middleton Zoning Ordinance.
- b. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

3. Building Setback Lines

- a. The minimum depth of building setback lines from the street shall not be less than thirty (30) feet, and in the case of corner lots, thirty (30) feet from the side street.

4. Corner Lots

Corner lots shall have extra width sufficient to permit the additional side yard requirements of the zoning ordinance or building setback lines outlined above.

D. Public Use and Service Areas

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

1. Public Open Spaces

Where a school, neighborhood park, or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the Planning Commission, is located in whole or in part in the applicant's subdivision, the Planning Commission may require the dedication or reservation of such open space within the subdivision up to a total of ten (10) percent of the gross area or water frontage of the plot for park, school, or recreation purposes.

2. Easements for Utilities

Except where alleys are permitted for the purposes, the Planning Commission may require easements, not exceeding twelve (12) feet in width, for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains or other utility lines all along rear lot lines, along side lot lines if necessary, or if advisable, in the opinion of the Planning Commission. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing of planned utilities.

3. Community Assets

In all subdivision due regard shall be shown for all natural features such as large trees and water courses, and for historical spots and similar community assets, which, if preserved, will add attractiveness and value to the property.

E. Suitability of the Land

The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

F. Large Tracts or Parcels

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

G. Group Housing Developments

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

H. Variances

Variances may be granted under the following conditions:

1. Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardship, or
2. Where the Planning Commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variances thus authorized shall be stated in writing in the minutes of the Planning Commission setting forth the reasoning on which the departure is justified set forth.

I. Zoning or Other Regulations

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

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

ARTICLE V: DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

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

A. Required Improvements

Prior to the approval of the final plat, an agreement shall be reached between the subdivider or his agent and the City of Middleton with regard to the installation of any street improvements or utility construction called for in the subdivision plat. The subdivider shall be required to have installed at his expense the following improvements.

1. Monuments

- a. 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 street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
- b. All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

2. Grading

All streets, roads, and alleys shall be graded by the subdividers so that pavements and sidewalks can be constructed to the required cross section. Deviation from the above due to special topographical conditions will be allowed only with special approval of the Planning Commission. Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure and all grading for the street shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the pavement TO the nearest conductor shall meet the requirements of the National Electrical Safety Code.

- a. Preparation: Before grading is started the entire right-of-way area shall be first cleared of all stumps, roots, brush, and other objectionable materials and all trees not intended for preservation.
- b. Cuts: All tree stumps, boulders, and other obstructions 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.
- c. Fill: All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Non-suitable materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted by a sheep's foot roller. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction, the water content shall not exceed the optimum of moisture.

3. Storm Drainage

- 1. General Requirements - An adequate drainage system, including necessary open ditches, pipes, culverts, intersection drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water, as deemed necessary by the Planning Commission.
 - a. Without Curbs and Gutters - In subdivisions where curbs and gutters are not required or provided, the developer shall provide open drainage ditches on each side of the road bed. Also, all intersections of streets shall have a minimum of a 15 inch metal, concrete, or aluminum culvert with concrete head walls at least 6 inches above the street. Drainage culverts required at locations other than intersecting streets shall also be either metal, aluminum or concrete and at least 15 inches in diameter with concrete head walls at least 6 inches above the street.
 - b. With Curbs and Gutters - In subdivisions where curbs and gutters are required or provided, the developer shall provide inlets which empty into storm sewer facilities, pipes, or open ditch spaced so as to prevent excessive spread of water in to the roadway area. The maximum spread allowed on residential streets shall not encroach within 7 feet of the center line. On collector and arterials,

one lane of traffic in each direction must be maintained. Storm sewer facilities shall be required when existing public storm sewer is accessible. When easements are required for drainage facilities outside the road right-of-way, the easement shall be at least 15 feet in width. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities.

2. Nature of Stormwater Facilities - The subdivider may be required by the Planning Commission to transport by pipe or open ditch any spring or surface water that may exist prior to or as a result of the subdivision. Such drainage facilities shall be located in the public way right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the construction specifications contained in these regulations.
 - a. Accessibility to Public Storm Sewers - Where a public storm sewer is accessible, the subdivider/developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of stormwaters, subject to the specifications of the appropriate governmental representative. The inspection of facilities shall be conducted to assure compliance and shall be conducted by the enforcing officer.
 - b. Accommodation of Upstream Drainage Areas - A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Necessary facilities shall be sized based on the construction specifications and assuming conditions of maximum potential watershed development permitted by any zoning ordinance.
 - c. Effect on Downstream Drainage Areas - The Planning Commission also shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for adequate improvement of such drainage facilities in such sum as the Planning Commission shall determine. No subdivision shall be approved unless adequate drainage

shall be provided to an adequate drainage watercourse or facility.

- d. Areas of Poor Drainage - Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission may approve such subdivision; provided, that the applicant fills the affected flood fringe area to place all public ways no more than one foot below the regulatory floor protection elevation and first floor elevations (including basements) at least 1 foot above the regulatory flood elevation. The plat of such subdivision shall provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither shall any building nor flood-restrictive structure be erected or placed therein. The boundaries of the floodway and floodway fringe area, and the regulatory flood elevation, shall be determined by the Planning Commission based upon the review specified in these regulations and the submission of flood data on the Preliminary Plat as specified in these regulations.
- e. Floodplain Areas - The Planning Commission may when it deems it necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. The regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any subdivision which contains flood-print land shall be subject to the special provisions set forth in these regulations.

3. Dedication of Drainage Easements

- a. General Requirements - Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainage ways are utilized, they shall be designed for the 25-year frequency flood.
- b. Drainage Easements

1. Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within the right-of-way of a public way, perpetual unobstructed easement at least 10 feet in width for such facilities shall be provided across property outside the public way lines and with satisfactory access to roads and streets. All easements shall be indicated on the Preliminary Plat and Final Plat. Drainage easement shall be carried from the public way to a natural watercourse or to other drainage facilities.
 2. When a new drainage system is to be constructed which will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
 3. The applicant shall dedicate, when required by the Planning Commission, either in fee, or by drainage or conservation easement, the land on both sides of an existing watercourse to a distance to be determined by the Planning Commission.
 4. Along watercourses, low-lying lands within any floodway, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.
4. Ditching, Concrete Ditch Paving, Culverts, and Storm Drains - The design and construction details of drainage facilities shall be in accordance with the provisions of these regulations. The design and construction details of all such facilities shall be approved by the appropriate governmental representative.

4. Roadway Improvements

- a. Base: A compacted base course of crushed stone (Grading D or B), soil cement, Camden chert, or equal, shall be installed on all streets, including cul-de-sacs, temporary turn-arounds, and access streets to adjoining properties as shown on the appropriate R.O.W. section. In all cases, the centerline of a roadway shall coincide with the centerline of the right-of-way dedicated for such road or street. Wetting of the stone before completion may

be done at a point of origin or on the job site at the option of the contractor.

City Building Inspector - After completion of the basic course, the city building inspector shall be contacted to inspect the smoothness and depth of the base course.

Other details such as maximum slopes and required cross sections shall conform to the accompanying diagram entitled City of Middleton, Cross Section Diagram.

- b. Surface: The surface course shall be 2” of 307-BM hot mix course (i.e. 200 lbs per square yard) as per technical specifications set forth in Section 307, Standard Specifications for Road and Bridge Construction, March 1, 1995, by the Tennessee Department of Transportation.
- c. Prime Coat: After the base course has been prepared a bituminous prime coat shall be applied uniformly over the base course surface at a rate of three-tenths (3/10) gallon per square yard. The prime coat shall be RL-250, refined tar Grade RT-2, RT3, or emulsified asphalt, grade AE-P.

5. Minimum Pavement Widths

Reference typical roadway diagram(s) for roadway widths and typical sections.

- a. Minor Streets -----24 feet
- b. Collector Streets ----- 30 feet
(or as may be required)
- c. Arterial Streets and Highways - (As may be required)
- d. The pavement width on streets through proposed commercial and industrial subdivision shall be increased eight (8) feet on each side to provide for turning movements of vehicles into and out of necessary off-street parking areas without interference of traffic.

6. Sidewalks

The Planning Commission reserves the right to require installation of sidewalks, i.e. paved, and drained walkways, where the safety of pedestrians and children at play demand them. Sidewalks will normally be required in business areas, along major streets and in the vicinity of

school sites. When required, sidewalks will be located so that walls, hedges, or other planting placed on the property line will not interfere with pedestrians.

7. Installation of Utilities

After grading is completed and approved and before any base is applied, all of the underground work, water mains, gas mains, etc., and all service connections shall be installed completely and approved throughout the length of the street.

8. Water Supply System

Water mains and appurtenances properly connected with the community water supply shall be constructed in each subdivision to adequately serve all lots for domestic use and fire protection. All water construction plans and specifications shall be approved by the area office of the Tennessee Department of Public Health - Environmental Health Services - prior to any construction (Tennessee Code Annotated, Section 53-2002).

All water mains, except service mains, shall not be less than six (6) inches in diameter and of a material approved by the Department of Public Health. Fire hydrants shall be installed in all subdivisions within the Middleton City Limits. The fire hydrants shall be located at the end of each line and no lot line shall be more than five hundred (500) feet from the fire hydrant.

Unless otherwise permitted by the City, all subdivisions shall include a service line from the main water line which terminates at the property line in order that each proposed lot, at the time of construction, may be served by water without the installation of additional lines. The end of each service line shall be properly marked. All service lines shall have a minimum cover of twenty-four (24) inches.

9. Sanitary Sewers

When any portion of a proposed subdivision is located within three hundred fifty (350) feet of an existing public sanitary sewer line, sanitary sewers shall be installed to service all the lots within the subdivision. Should the subdivision have elevations which are below those of the nearest public sanitary sewer, a lift station shall be installed by the subdivider provided the public sanitary sewer is within a reasonable distance of any portion of the subdivision. Any sewer construction plans and specifications shall be approved by the area office of the Tennessee Department of Public Health - Environmental Health Services - prior to any construction (Tennessee Code Annotated, Section 53-2002).

All sewer lines, except house service lines, shall be no less than eight (8) inches in diameter and of a material approved by the Department of Public Health. Manholes shall be constructed to standard city specifications and located not more than three hundred (300) feet apart and at each change in direction and/or grade. Force mains shall be no less than four (4) inches in diameter. Lift stations shall be prefabricated steel ejector type or duplex pump type.

Unless otherwise permitted by the City, all subdivisions shall include a service line from the main sewer line which terminates at the property line in order that each proposed lot, at the time of construction, may be served by sewer without the installation of additional lines. The end of each service line shall be properly marked. Lay service lines with minimum uniform slope and with eighteen (18) inches minimum cover over top of pipe. In cases where service pipe must cross a side ditch exposed, installed cast iron pipe across ditch, extending at least twelve (12) inches into ditch banks in each side.

B. Guarantee in Lieu of Completed Improvements

No final subdivision plat shall be approved by the Planning Commission or accepted for record by the county register of deeds until one of the following conditions has been met.

1. All required improvements have been constructed in a satisfactory manner and approved by the approving agent.
2. The Planning Commission has accepted a security bond, or other approved collateral, in an amount equal to the estimated cost of installation of the required improvements, whereby improvement may be made and utilities installed without cost to the Town of Middleton in the event of default by the subdivider.

ARTICLE VI: ENFORCEMENT AND PENALTIES FOR VIOLATIONS

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

A. Enforcement

1. No plat or plan of a subdivision of land into two or more lots located within the area of planning jurisdiction 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 13-602, Tennessee Code Annotated.
2. No board, public officer, or authority will light any street, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the area of planning jurisdiction unless such street shall have been accepted, opened or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the Planning Commission, or on a street plan made and adopted by the Commission as provided in Section 13-607, Tennessee Code Annotated.

B. Penalties

1. No county registrar shall receive, file, or record a plat of a subdivision within the planning region without the approval of the Planning Commission as required in Section 13-602, Tennessee Code Annotated, and any county registrar so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.
2. Section 13-606, Tennessee Code Annotated provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtain its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality, through its solicitor or other official designated by its chief legislative body, may enjoin such transfer or sale or agreement by action or injunction.

3. Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the building commissioner or the solicitor of the municipality or other official designated by the chief legislative body may bring action to enjoin such erection or cause it to be vacated or removed as provided by Section 13-608, Tennessee Code Annotated.

ARTICLE VII: ADOPTION AND EFFECTIVE DATE

- A. Before adoption of these subdivision standards a public hearing is required by Section 13-603, Tennessee Code Annotated, was afforded any interested person or persons and was held on June 30, 1969 and January 28, 1980.
- B. These rules and regulations shall be in full force and effect from and after their adoption and effective date.

Adopted June 30, 1969

Effective June 30, 1969

Amendments – Adopted January 28, 1980

Effective January 28, 1980

Amendments Adopted May 2001

Effective May 2001