

Subdivision Regulations of Marion County, Tennessee

Approved by the Marion County Regional Planning Commission on June 19, 2016

Updated through April 1st, 2025 with amendments to date

Reference no. 2025-02

PREAMBLE & ENACTMENT

In pursuance of authority set forth in sections 13-3-401 through 13-3-412 of the Tennessee Code Annotated (TCA), and for the purposes of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the county; to encourage economically sound and stable land development; to assure the provision of required streets, utilities and other facilities and services to land developments; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land development; to assure the provision of needed public open spaces and building sites in land developments through the dedication or reservation of land for recreational, educational and other public purposes; and that land subdivided shall be of such character that it can be used safely for building or other purposes without danger to health or peril from fire, flood, or other menace, and that land shall not be subdivided until proper provision has been made for adequate water and electrical service, drainage, access, and acceptable method for sewage disposal; and to assure that land is developed in conformity with the comprehensive plan of Marion County, the Regional Planning Commission of Marion County, Tennessee does ordain and enact the following articles and sections.

Marion County, Tennessee

Subdivision Regulations

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Article 1

General Provisions

101 Title

Regulations controlling the subdivision of land in Marion County, Tennessee; requiring and regulating the preparation and presentation of preliminary and final design standards; requiring minimum improvements to be made or guaranteed to be made by the subdivider; setting forth the procedure to be followed by the planning commission in applying these rules, regulations and standards; and prescribing penalties for the violation of its provisions.

102 Short Title

This document shall be known and may be cited as the “Subdivision Regulations of Marion County, Tennessee.”

103 Purpose and Intent

The basic and fundamental principle followed by the Marion County Regional Planning Commission in its adoption of subdivision regulations was set forth nearly a half century ago by the Tennessee Legislature in Chapter 45, Public Acts of 1935 as amended (TCA 13-3-101 through 13-3-412).

A further and fuller look at this legislative “birth certificate” of subdivision regulations discloses that local planning commissions are authorized and directed by said Act to adopt such regulations as will accomplish the following objectives:

- A. Harmonious development of the county;
- B. Coordination of streets within subdivisions and with other existing or planned streets and with the comprehensive plan of the county, and
- C. Adequate open spaces for traffic, recreation, light and air, and the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

Said Act also authorizes municipal and regional planning commissions to prescribe requirements as to the extent and manner in which streets shall be graded and improved. Water, sewer and other utility mains shall be installed according to these regulations as a condition precedent to the approval by the commission of any subdivision plat.

Subdivision regulations are intended to be realistic in their provisions and are designed to benefit all concerned (the developer, the builder, the home owner, and the taxpayer). Their impartial enforcement will be an important factor in

promoting the growth and prosperity of the entire area. Such regulations are needed in order to assure that Marion County will become a more prosperous and more attractive area. New industry will have greater inducements to locate here, and prospective home owners will have a wider and better choice of more attractive and desirable home sites.

In the adoption and administration of subdivision regulations for the Marion County Planning Region, the Marion County Regional Planning Commission has sought and will seek to do that which is for the greatest good of the greatest number of citizens. It does not propose to make elaborate plans just for the sake of planning, nor does it propose to burden the developer of new areas and the builder of new houses with unreasonably costly or unnecessary requirements. It does propose to carry out the instructions which the legislature gave it by law in 1935 and to prescribe and require reasonable and proper minimum standards to be complied with in the opening and development of any new subdivisions within the area over which the law gives it jurisdiction.

104

Jurisdiction

These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the limits of the unincorporated areas of Marion County, Tennessee.

These regulations shall not apply to:

- A. Property located within an urban growth boundary under the jurisdiction of a municipal planning commission which has been designated as a regional planning commission in accordance with TCA 13-3-102.
- B. Lots of Record, as defined herein.
- C. The subdivision of land which will produce tracts of land, all of which:
 - 1. Are greater than five (5) acres in size;
 - 2. Do not require the construction of new roads or utilities.

105

Platting Authority

From and after the passage of these regulations, the planning commission shall be the official platting authority, and no plat of a land subdivision as defined in these regulations shall be entitled to be recorded by Marion County on behalf of any developer or surveyor in the Marion County Register of Deeds unless the approval of the planning commission is inscribed thereon.

Use of Plat

The transfer of, sale, agreement to sell or negotiation to sell land by reference to or exhibition of, or other use of a subdivision plat that has not been given final approval by the planning commission and recorded in the office of the Marion County Register of Deeds is prohibited. The subdivision of any lot or parcel of land by use of metes and bounds description without complying with the plat provisions of these regulations shall not be permitted.

Enforcement

The enforcement of these regulations and penalties for the unapproved recordation or transfers of land are provided by state law in the authority granted by public acts of the State of Tennessee. All applicable enforcement provisions from the Tennessee Code Annotated, including but not limited to the sections listed below, shall be in effect in their amended form:

TCA 13-3-402(b). Recording of Plat by County Register.

No county register shall receive, file or record a plat of a subdivision, or an amendment, modification, or correction to a recorded plat of a subdivision, without the approval of the regional planning commission when and as required by this part. Each such plat so filed shall include the most recent recorded deed book number and page number for each deed constituting part of the property being platted. Notwithstanding this subsection (b), an easement or survey attached to an easement granted to the state, a county, municipality, metropolitan government, or entity of the state, county, municipality or metropolitan government, shall not constitute an amendment, modification, or correction of a recorded plat of a subdivision.

TCA 13-3-410. Penalties for Transferring Lots in Unrecorded Subdivisions.

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.

TCA 66-24-116. Filing and recording restrictions for maps, plats and surveys.

- A. It is unlawful for the recorder of deeds of any county or any proper public authority to file on record any map, plat, survey, or other document within the definition of land surveying which does not have impressed thereon, and affixed thereto, the personal signature and seal of a registered land surveyor, licensed to survey by title 62, chapter 18, or a registered engineer by whom the map, plat, survey or other document was prepared; except that any plat, map, survey or other document covered under this chapter and which was prepared prior to May 7, 1969, may be recorded by the recorder of deeds.
- B. Instruments shall not be accepted for registration unless, in the opinion of the register to which the instrument is presented for recording, the map, plat or survey distinctly shows all words and figures necessary for clear and accurate determination of all metes, bounds, bearings, calls, easements or other information sought to be shown with sufficient clarity for reduction and/or reproduction in the register's office.
- C. However, nothing in this section shall be construed as precluding the transfer of title nor the recording of any instrument evidencing such transfer between a willing buyer and a willing seller without survey nor shall this section preclude the use of an earlier recorded survey.

108

Opening and Improvement of Governmentally Maintained Roads

As provided in TCA 13-3-406, no public officer, authority or county governing body shall accept, layout, open, improve, grade, pave, or light any street, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the area of planning jurisdiction unless such street shall have been accepted, opened or otherwise received the legal status of a governmentally maintained street or road 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. The county commission may accept or lay out any other road provided the resolution for such acceptance, laying out or adoption shall first be submitted to the planning commission, for its approval and, if disapproved by the planning commission, shall receive at least a majority vote of the entire membership of the Marion County commission.

Erection of Buildings

As provided in TCA 13-3-411, no building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the planning commission unless the street giving access thereto has been accepted as a governmentally maintained street or approved private road in accordance with these regulations and TCA 13-3-406.

Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building inspector or the county attorney or other official designated by the Marion County Commission may bring action to enjoin such erection or cause it to be vacated or removed.

Vesting Periods and Expiration of Plat Approvals

The vesting period provisions in TCA 13-3-413 shall be in effect for all new subdivisions in Marion County. The subdivision regulations which are in effect on the date of preliminary plat approval shall remain the standards applicable to that property throughout the vesting period.

Preliminary Plats:

Upon the approval of a preliminary plat by the planning commission, the developer shall have three (3) years to obtain any necessary permits, commence site preparation, and secure final plat approval. "Site preparation" includes excavating, grading, demolition, debris removal, and work on physical improvements such as roads or utilities (TCA 13-3-413(k)(7)). If the necessary permits are not secured, site preparation does not commence, and final plat approval is not obtained within the three (3)-year vesting period, then the vesting period shall expire and preliminary plat approval shall become null and void.

Final Plats:

Approval of a final plat shall result in a two (2)-year extension of the vesting period beyond the expiration of the initial three (3)-year period. The developer must maintain any necessary permits and commence construction within this combined five (5)-year period to remain vested. "Construction" means the erection of construction materials in a permanent position and fastened in a permanent manner (TCA 13-3-413(k)(2)). This includes application of road construction materials and installation of utilities.

Once construction commences, the vesting period shall extend until the planning commission has certified final completion of the development. However, the vesting period shall not exceed ten (10) years in the aggregate from the date of preliminary plat approval unless an extension is granted by the planning commission.

Multiphase Developments:

In the case of developments which proceed in two (2) or more sections or phases as described on the preliminary plat, there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect on the date of approval of the preliminary plat for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases of the development. The total vesting period for all phases shall not exceed fifteen (15) years from the date of preliminary plat approval for the first section or phase, unless an extension is granted by the planning commission. The developer must maintain any necessary permits during the fifteen (15)-year period.

Note: The vesting period does not mean construction should continue for ten or fifteen years, but rather that development may proceed and plat amendments be approved under the subdivision regulations that were in place when the preliminary plat was first approved by the planning commission, provided that the conditions of TCA 13-3-413 are met. In accordance with Section 704, all improvements covered by a performance guarantee must be complete within two (2) years of the date of final plat approval, unless an extension has been granted by the planning commission.

111

Variances

If the planning commission finds that extraordinary hardships or practical difficulties would result from strict compliance with these regulations, a variance from these regulations may be granted, provided that such variance shall not have the effect of nullifying the purpose and intent of these regulations. The planning commission shall not grant variances unless it makes findings based upon the evidence presented to it in each specific case that all of the following conditions have been met:

- A. The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the area in which the property is located;
- B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property; and
- C. Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

In approving variances, the planning commission may impose such conditions that in its judgment will substantially secure the objectives, standards, and requirements of these regulations.

Variances shall be voted on by the planning commission during both preliminary and final plat approval. Any variances granted shall be noted on the final plat. All authorized variances shall be recorded in the minutes of the planning commission with the reasoning on which the departure is justified set forth.

112 Amendments

These regulations may be amended from time to time by the planning commission, which shall hold a public hearing thereon. At least thirty (30) days' notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the county in accordance with TCA 13-3-403.

113 Appeals

Appeal is granted from the final action of the planning commission to the chancery court but only for the wrongful withholding of approval by its arbitrary, capricious and/or discriminatory conduct or acts.

114 Subdivision Regulations are Minimum Requirements

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

115 Private Provisions

These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction.

Article 2

Definitions

Except as specifically defined herein, all words used in these regulations have their customary dictionary definitions where not inconsistent with the context. For the purposes of these regulations, certain words or terms are defined as follows:

The term “shall” is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

- 201 Access Easement. An access easement allows one or more persons to access or use or travel across another’s land to reach a nearby location, such as a road. In Marion County, up to four (4) lots which do not have frontage to a governmentally maintained or approved private road may be accessed by an easement in accordance with the provisions of these subdivision regulations.
- 202 Common Plan of Development or Sale. Is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.
- 203 Common Area. A parcel of land or an area of water, or combination thereof, within a designated development tract, which is designed and intended for the use of all lot owners of the development.
- 204 Deed Restrictions. A private covenant among the residents of a subdivision or development limiting uses or setting conditions within the subdivision or development.
- 205 Developer. Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself/herself or for another (see "Subdivider").
- 206 Easement. The right given by a property owner to another party (either public or private) for a specific limited use of a designated part of his property.
- 207 Easement, Drainage. A perpetual, unobstructed easement across property reserved to carry surface water drainage along specified routes to natural water courses. Drainage easements shall not be filled or built upon in any way that will impede the flow of surface water.

- 208 Easement, Utility. An easement for the installation, operation, inspection, maintenance, repair, or replacement of public utility lines, cables, poles, ditches, pipes, manholes, etc. and the appurtenances belonging thereto.
- 209 Easement, Vehicular. For the purposes of this document, vehicular easements will be referred to as private roads.
- 210 Flood. A temporary rise or overflow of a body of water onto adjacent lands not normally covered by water.
- Other flood-related terms can be found in the current effective Marion County Flood Damage Prevention Resolution.
- 211 Governmentally Maintained Road/Street. The traveled portion of, and the shoulders on each side of, any road or highway maintained for public travel by a county, city, the state, or the United States government, and includes all bridges, culverts, overpasses, fills, and other structures within the limits of the right-of-way of any such road or highway, and includes the entire right-of-way.
- 212 Grade (slope). The slope of a road, or the ground, specified by the percentage that the horizontal distance is to the vertical rise which occurs within the horizontal distance.
- 213 Health Authority. The director of the county or district health department having jurisdiction over the county health, or his duly authorized representative, usually a county environmentalist who works for Marion County or the Tennessee Department of Environment and Conservation. (Amended February 14, 2023)
- 214 Improvements, Subdivision. Road pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related facilities normally associated with the development of raw land into building sites and which may be required by subdivision regulations.
- 215 Lot. A portion or parcel of land separated from other portions or parcels by description as on a subdivision plat or record of survey map or as described by metes and bounds, and intended for transfer of ownership or for building development. For the purpose of these regulations, the term does not include any portion of a dedicated right-of-way.
- 216 Lot, Non-residential. A lot intended to be used for purposes other than residential structures and their accessory uses; such as for commercial or industrial development.

- 217 Lot of Record. A designated tract of land as shown on a plat or other document recorded in the County Register's Office or the County's Assessor of Property Office.
- 218 Lot Dimensions are defined as follows:
- Lot Area. The total area of a lot calculated from surveyed boundaries or other reliable means. The lot area of a flag lot shall not include its access strip.
- Lot Width. The width of the lot measured along a straight line between side lot lines (generally parallel to the road) and measured at the building setback line as indicated on the plat.
- Lot Depth. The average distance from the front lot line measured perpendicularly to the rear lot line.
- 219 Maintenance Guarantee. A performance guarantee in the form of a bank letter of credit, cashier's check, certified check, performance bond, wire transfer, or other approved surety instrument in an amount and form satisfactory to the planning commission in the amount of 50% of the original completion guarantee amount to cover any possible repairs such as the deterioration of roads or road drainage systems for the first eighteen (18) months after the completion of road construction.
- 220 Manufactured Home. A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure (TCA 68-126-202(2)).
- 221 MCRPC. Marion County Regional Planning Commission
- 222 Minor Subdivision. All divisions of a tract into four (4) or fewer lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

When the following exists, the division of land becomes a major subdivision regardless of the number of lots:

- All divisions of land involving a new street (new street includes a governmentally maintained or private street/road);
- A change in an existing street; or
- The extension of utilities (i.e. water, sewer, gas lines, or electricity)

- 223 Mobile Home. Mobile home means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C. § 5401 et seq.). It is a structure that is transportable in one (1) or more sections that in the traveling mode is eight (8) body-feet or more in width and forty (40) body-feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning and electrical systems contained in the structure (TCA 68-126-202(4)).
- 224 Monuments. Permanent concrete or iron markers used to establish definitely all lines on the plat of a subdivision, including all lot corners, boundary lines, corners, and points of change in road alignment.
- 225 NOI. Notice of Intent for Construction Activity
- 226 NPDES Storm Water Construction Permit. (NPDES National Pollutant Discharge Elimination Program) Operators of construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres. Permitted activities include housing subdivisions, commercial and industrial buildings, golf courses, utility lines, sewage treatment plants, and roads.
- 227 Offer of Dedication. The act of granting land or roads to an entity, such as the government, association, person, etc. The offer of dedication shall not constitute the acceptance of such land or roads by the local government, association or person.
- 228 Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
- 229 Performance Guarantee. A bank letter of credit, cashier's check, certified check, performance bond, wire transfer, or other approved surety instrument in an amount and form satisfactory to the planning commission in the amount of 150% of the cost of improvements including streets and utilities in a subdivision.
- 230 Planning Commission. The Marion County Regional Planning Commission (MCRPC).
- 231 Planning Region. The land within the Marion County Planning Region. More specifically, all land in Marion County which is outside of incorporated municipalities and their planning regions, if any. Or within incorporated municipalities where an interlocal agreement is in place for the MCRPC to do the planning.

- 232 Planning Staff. The planner assigned to Marion County from the Southeast Tennessee Development District and staff of the Marion County Planning Office.
- 233 Plat. The scale drawing or map of a subdivision including plat, plan, plot, or replot.
- 234 Plat, Preliminary. A subdivision plat showing the proposed lot arrangement and with the provisions contained in Article 8. It is generally submitted to the MCRPC for approval prior to the preparation of the final plat.
- 235 Plat, Final. A subdivision plat prepared in accordance with the provisions contained in Article 9. The final plat is designed to be placed on record with the County Register after approval by the planning commission.
- 236 Private Road. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons
- 237 Resubdivision. A change in a map of an approved or recorded (with the Register of Deeds) subdivision plat if such change affects any road layout on such map, or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- 238 Right-Of-Way (ROW). A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. Such rights-of-way shall not become a governmental responsibility until accepted, however.
- 239 Road/Street. Any right-of-way designed for vehicular movement. "Road" includes the full width of the right-of-way between property lines as well as the traveled portion thereof. "Road" includes "street", "highway", or any other designation of a right-of-way designed for vehicular movement.

For the purpose of these regulations, ROADS are divided into the following categories:

- A. Rural Interstate - (Interstate 24) the road designated as such in the Transportation Plan of Marion County
- B. Rural Major and Minor Arterials - the roads designated as such in the Major Road Plan of Marion County.
- C. Rural Major and Minor Collectors - a road which primarily carries traffic from local roads to arterials. Collector roads include those designated as such in the Major Road Plan of Marion County.
- D. Local Street - a road used primarily for access to abutting properties and lots in a residential subdivision. Also known as a neighborhood road or minor residential street. In Marion County, these may be either publicly or privately owned and maintained.
- E. Marginal Access Road - a minor road parallel and adjacent to major thoroughfares which offers access to abutting properties and is used to limit access points on an arterial.
- F. Alley - a minor way used for service access to the back or side of properties otherwise abutting on a road.
- G. Cul-de-sac - a local road with only one outlet, sometimes called a "dead-end" road. A cul-de-sac is measured from its dead-end or vehicular turn around back to the first intersection.
- H. Private Road - Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

240 Roadway. The actual road surface which is utilized to transport motor vehicles including necessary road shoulders and drainage facilities including ditches, curbing and guttering.

241 Road Paving Material Class. "Class" refers to the type and cleanliness of the paving material.

242 Road Paving Material Grade. "Grade" refers to the size of the aggregate in the paving material.

243 Sanitary Sewer System. A municipal or community sewage collection, treatment, and disposal system of a type approved by the health department.

244 Setback Line. A line established by the subdivision regulations, generally parallel with and measured from the lot lines, delineating the minimum allowable distance

between the property line and a building on a lot within which no building or other structure shall be placed except as otherwise provided.

245 Simple Land Splits. All divisions of a tract into two (2) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. Provided that there are no new utility or street extensions and/or a request for a variance in the strict application of the Marion County Subdivision Regulations.

246 Subdivider. The person, firm or corporation having such a proprietary interest in the land to be subdivided and will authorize the maintenance or proceedings to subdivide such land under these regulations, or the authorized agent, person, firm or corporation for the purpose or proceeding under these regulations.

247 Subdivision. According to TCA 13-3-401:

The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided.

Subdivision Definition Details

A. All such divisions where one (1) or more of the resulting tracts is less than five (5) acres in size;

B. All such divisions where a new road or public utility installation is required, regardless of the size of any or all of the parcels.

248 Subdivision Regulations. The "Marion County, Tennessee Subdivision Regulations" in its entirety and future amendments thereto.

249 Surety Instrument. See "Performance Guarantee."

250 TDEC. Tennessee Department of Environment and Conservation

251 TDOT. Tennessee Department of Transportation

252 Utility. A utility is some regularly supplied commodity of service provided by a business, organization, or government entity, including but not limited to such commodities or services as natural gas, electricity, water, telephone, sewage collection, cable television, fiber optics, broadband, etc., which requires the extension of lines, cables, wires, pipes, etc., to individual buildings, and which

may be regulated for the public convenience and necessity by federal, state or local government.

- 253 Variance. A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
- 254 Yard, Front. The required open space, unoccupied by buildings, between the road or street right-of-way line and the principal building.
- 255 Yard, Rear. The required space, unoccupied except by an allowed accessory use, extending from the rear of the principal building to the rear lot line the full width of the lot.
- 256 Yard, Side. The space, unoccupied except as herein provided, measured between side lot line and the nearest point of the principal building and between the front yard and the rear yard.

Article 3

Subdivision Procedure

Before any contract is executed for the sale of any part of land which is proposed to be subdivided, and before any permit for the erection of any structure in a proposed subdivision shall be granted, the subdivider or his agent shall apply for and secure the planning commission's approval of the proposed subdivision in accordance with the procedures of this article.

301 Preapplication Review

Whenever a subdivision of a tract of land within the Marion County Planning Region is proposed, the subdivider should consult early and informally with the planning commission's professional staff at the Marion County Office of Planning and Development and with the Marion County Health Department. The subdivider shall submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the preapplication review and no formal application shall be required.

The purpose of the preapplication review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the Planning commission and its staff in order to facilitate the subsequent preparation and approval of plats.

Also at this stage, the subdivider should consult with any lending institution that will be participating in the financing of his proposed development. He/she should contact the Federal Housing Administration (FHA) of the Department of Housing and Urban Development or the Farmer's Home Administration (FmHA) if either agency is being asked to insure mortgages on houses that may be built in this subdivision.

It is important that the subdivider submit a sketch plat to the Marion County health authority or the Tennessee Department of Environment and Conservation (TDEC) Environmentalist at least thirty (30) days prior to the meeting when he will ask the planning commission for preliminary approval. The TDEC Environmental Field Office can be reached at 1301 Riverfront Parkway, Suite #206, Chattanooga, TN 37402, Phone: (423) 634-5745, Fax: (423) 634-6389.

Power service should also be arranged through the appropriate provider. The Sequatchie Valley Electric Cooperative can be contacted at 512 South Cedar Ave., P.O. Box 31, South Pittsburg, TN 37380, Phone: (423) 837-8605 or (423) 267-8605 Toll Free: 1-800-923-2203 Fax: (423) 837-9836). The Chattanooga Electric Power Board (EPB) can be contacted at 10 West M.L. King Blvd., Chattanooga, TN 37402, Phone: (423) 648-1372.

302 Plat Review Day

Preliminary and Final Plats with 20 lots or greater are required to be submitted by the first Tuesday of each month. If this day falls on a holiday, the deadline will be the next business day.

Preliminary and Final Plats with 19 or fewer lots are required to be submitted ten (10) business days prior to the Planning Commission meeting.

303 Preliminary Plat Approval

Application for preliminary plat approval shall be made by submitting two (2) copies for staff review, plus one (1) additional copy if the subdivision involves road construction, to the planning office on or before plat review day in advance of the planning commission meeting at which approval will be requested. Office staff shall mail or deliver one (1) copy to planning staff at the Southeast Tennessee Development District for review.

Mailing Address:
P.O. Box 4757
Chattanooga, TN 37405-0757

Physical Address:
1000 Riverfront Parkway
Chattanooga, TN 37402

The second copy shall be kept in the planning office as a record of plat submission, and for examination by other reviewing officials. If the plat involves road construction and a third copy has been submitted, planning staff shall mail or deliver this copy to the highway superintendent.

Planning staff shall review the plat for conformance with the Marion County Subdivision Regulations and notify the subdivider of any required changes, providing sufficient time to make revisions and submit the corrected plat in time for the planning commission meeting.

The subdivider shall make all recommended and necessary changes and submit nine (9) copies of the preliminary plat to the planning office and one digital copy sent to the staff planner by 12:00 PM (noon) CST three (3) business days prior to the Planning Commission meeting.

Thereafter, the planning commission shall give tentative approval or disapproval of the preliminary plat. A notation of the action, including any reasons for disapproval, shall be recorded in the meeting minutes.

If action on a preliminary plat is not taken by the planning commission within sixty (60) days of the date of submittal, the preliminary plat shall be considered approved and a certificate of approval shall be issued on demand. However, the

applicant for approval may waive this requirement and consent to an extension of time.

304 Effect of Approval of Preliminary Plat

Approval of the preliminary plat does not constitute approval of the subdivision, nor does it guarantee approval of the final plat. Approval of the preliminary plat indicates general approval of the arrangement of streets, lots, and drainage as a guide to the preparation of the final plat.

After the approval of the preliminary plat, the subdivider shall schedule a pre-construction meeting with the highway superintendent, utility providers, and other appropriate officials. Once all proper local and state permits have been obtained, including any applicable TDEC stormwater permits, the developer may start construction of the streets and other improvements.

Approval of the preliminary plat vests certain property rights as set forth in Section 110. Approval of the preliminary plat shall become effective upon the date the planning commission votes to approve the preliminary plat.

305 Final Plat Approval

The final plat should be submitted within three (3) years of the date of preliminary plat approval. Otherwise, a preliminary plat shall be resubmitted.

Application for final plat approval shall be made by submitting two (2) copies for staff review, plus one (1) additional copy if the subdivision involves road construction, to the Marion County Planning Office on or before plat review day in advance of the planning commission meeting at which approval will be requested. Office staff shall mail or deliver one (1) copy to planning staff at the Southeast Tennessee Development District for review.

Mailing Address:
P.O. Box 4757
Chattanooga, TN 37405-0757

Physical Address:
1000 Riverfront Parkway
Chattanooga, TN 37402

The second copy shall be kept in the planning office as a record of plat submission, and for examination by other reviewing officials. If the plat involves road construction and a third copy has been submitted, planning staff shall mail or deliver this copy to the highway superintendent.

Planning staff shall review the plat for conformance with the approved preliminary plat and Marion County Subdivision Regulations and notify the subdivider of any required changes, providing sufficient time to make revisions and submit the corrected plat in time for the planning commission meeting.

The subdivider shall make all recommended and necessary changes and submit (8) copies of the final plat to the planning office and one digital copy to the staff planner by 12:00 PM (noon) central time three (3) business days prior to the Planning Commission meeting. These three days will allow Planning Staff the time to check the plat for conformance with the approved preliminary plat, if applicable, and with the rules and regulations of this document.

Thereafter, the planning commission shall approve or disapprove the final plat. A notation of the action, including any reasons for disapproval, shall be recorded in the meeting minutes. If the subdivision is approved, the secretary of the planning commission shall sign the certificate of approval directly on the copies of the plat.

If action on a final plat is not taken by the planning commission within sixty (60) days of the date of submittal, the final plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

306

Effect of Approval and Recording of Final Plat

Final approval and recording of the plat in the register's office shall not be an acceptance by the public or Marion County of the offer of dedication of any street, public way, or open space shown upon the final plat. The effect of recording the plat is for recording purposes only. Recording enables the developer to sell lots subject to any conditions specified or referred to on the plat and subject to existing subdivision regulations.

Approval of a final subdivision plat vests certain property rights as set forth in Section 110. Approval of final plat shall become effective upon the date the planning commission votes to approve the final plat.

307

Conditional Approval of Final Plat

This section outlines requirements by which a plat may receive conditional approval from the planning commission. When signed by the secretary, the date inscribed upon the plat shall be the date of the meeting at which the planning commission granted approval. The original approval date shall be used in the enforcement of vesting period provisions, performance guarantees, and other such deadlines.

A. Plats Missing Required Signatures

The Planning Commission will not take positive action on plats with missing signatures. It is recommended that the applicant withdraw the plat if all required signatures are not present on the plat at the time of the Planning Commission meeting.

B. Plats Involving Submission of a Performance Guarantee

In the event the proposed financial institution or bonding agency requires approval of a final plat by the planning commission before finalizing a bond or other surety instrument, the planning commission may agree to grant conditional approval ***subject to the submission of an approved performance guarantee to the Marion County Planning Office within fourteen (14) business days.***

Conditional approval shall only be considered if all other plat requirements have been fulfilled and the proposed performance guarantee meets the requirements of Article 7. At the request of the planning commission, a draft copy of the proposed surety instrument with the calculated coverage amount shall be presented at the meeting where conditional approval is requested. If conditional approval of the final plat is granted, any subsequent change to the form or amount of the surety instrument shall nullify the approval, and the plat shall be sent back to the planning commission for review and approval.

In such instances where conditional approval is granted, the plat copies shall be returned to the subdivider without the inscription of the planning commission secretary, or at the subdivider's request, filed and stored at the planning office. The subdivider shall submit the executed surety instrument to the Marion County Planning Office within fourteen (14) business days of the meeting date on which conditional approval was received. Failure to submit the performance guarantee within fourteen (14) business days shall result in conditional final plat approval becoming null and void, and the plat shall be resubmitted to the planning commission following the regular submission cycle.

Upon submission to the planning office, the county attorney shall review the final performance guarantee as to form, sufficiency, and manner of execution as set forth in these regulations. Once the final surety instrument has been accepted and approved, staff shall notify the planning commission secretary that the performance guarantee has been received. The secretary shall sign the final plats and the subdivider may collect them during regular office hours.

308

Plat Void if Revised Following Approval

No unauthorized changes, erasures, modifications, or revisions shall be made to any final plat after approval, whether conditional or final, has been granted by the planning commission. In the event a plat is changed or revised, or if an unauthorized plat is recorded, the plat shall be considered null and void and stricken from the records of the county register.

Recording of Final Plat by Marion County

Planning staff shall be responsible for recording the final approved plat at the Marion County Register of Deeds. No plat shall be recorded which has not been submitted through the Marion County Planning Office. Staff shall record all plats within three (3) business days following the inscription by the planning commission secretary.

Staff shall notify the subdivider that the plat has been recorded by the next business day. The subdivider shall have thirty (30) days to reimburse the planning office for all recording fees. No fee or surcharge beyond the recording fee shall be levied. Upon receiving reimbursement, staff shall return the subdivider's copy and distribute the other copies in accordance with Section 310.

Failure to reimburse the planning office for recording fees within thirty (30) days shall cause for the plat to be stricken from the roles of the county register and the final plat shall be declared null and void.

Distribution of Approved Plats

Once approved by the planning commission and signed by the secretary, copies of the plats shall be distributed as follows:

Preliminary Plats	Final Plats
<ul style="list-style-type: none"> • Subdivider (1) • Planning Office (2) • Public Utility (Water/Gas) (2) • Electric Utility (1) • Health Dept./TDEC (1) • Highway Dept. (1) • E-911 (1) 	<ul style="list-style-type: none"> • Subdivider (1) • For Recording at County Register (1) • Planning Office (1) • Public Utility (Water/Gas) (1) • Electric Utility (1) • Health Dept./TDEC (1) • Highway Dept. (1) • E-911 (1)

Any extra copies will be returned to the subdivider.

Staff-Approved Plats

Divisions of land involving two (2) or fewer lots (known as simple land splits) may be submitted at any time and approved by staff without having to go before the planning commission. Staff approval may only be granted for plats that do not require variances or involve the construction of a new street, a change in an existing street, or the extension of water, sewer, or gas lines.

Minor plat revisions, lot line adjustments, resubdivisions, and corrective plats involving no more than two (2) lots in previously recorded subdivisions may also be eligible for staff approval. However, if staff believes the proposed revision would drastically alter the nature of the existing development or the layout of the original subdivision, the plat shall be sent to the full planning commission for review.

Any subdivision where access is proposed over an access easement, or which requires the construction or extension of an access easement, shall have the plat presented to the planning commission for approval. Minor revisions, lot line adjustments, and corrective plats for such subdivisions may subsequently be approved by staff, but all new lots and any modifications to the easement shall be approved by the planning commission.

Staff and the planning commission secretary may sign eligible plats upon certification that the plat is in full compliance with the subdivision regulations, and upon completion of all other required signature blocks. Both the Certification by Planning Commission on Approval for Recording (Section 904(C)) and the Certification by Planning Staff on Approval of Minor Plat (Section 904(F)) shall be included on all staff-approved plats.

Planning staff shall report all plats that received staff approval at the next regularly scheduled planning commission meeting.

312 Minor Subdivisions

A developer or property owner seeking approval of a minor subdivision, as defined in Article 2, may prepare a combined preliminary and final plat which meets all of the platting requirements and submit it to the Marion County Regional Planning Commission for approval. The plat shall meet the specifications for a final plat as outlined in Article 9.

Minor subdivisions involving two (2) or fewer lots (simple land splits) may be approved by planning staff in accordance with Section 311. All other minor subdivisions shall follow the final plat approval procedure in Section 305.

313 Large-Scale Developments

The requirements of these regulations may be modified in the case of large-scale projects, such as apartment houses, mobile home parks or shopping centers. These complexes usually are not subdivided into customary lots, blocks and streets. Plans for all such developments shall be presented to the Planning Commission for review and approval prior to the commencement of construction.

314 Multiphase Developments

Final plat approval in multiphase developments shall only be granted for one phase at a time. Once a final plat for the initial phase has been approved by the planning commission, the developer may apply for preliminary plat approval of the next phase. The planning commission shall evaluate the status of construction and any improvements in previous phases before voting to grant preliminary or final plat approval for any subsequent phase. At its discretion, the planning commission may require full completion of all outstanding improvements or impose other such conditions it deems necessary to ensure the orderly development of the subdivision before approving any additional phases.

Under no circumstance shall a final plat for an additional phase be approved if a developer already has two (2) final plats with outstanding performance guarantees, unless the next phase is a minor subdivision that does not require the construction of roads or utilities.

Planning commission approval of the preliminary plat for the first phase vests certain development rights as provided in Section 110.

Submission of Electronic Files

When available, the developer shall submit shapefiles, CAD drawings, or other acceptable electronic file formats of the approved final subdivision design to the Marion County Assessor's office for purposes of accurately entering the subdivision into the county's electronic records system.

Article 4

Design Standards

401 Suitability of the Land

The planning commission shall not approve the subdivision of land if it is deemed to be topographically unsuitable or 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.

402 Name of Subdivision

The name of the subdivision shall have the approval of the planning commission. The name shall not duplicate or closely approximate the name of an existing subdivision.

403 Access

Access to every subdivision shall be provided over a governmentally maintained road/street, approved private road, or approved vehicular access easement.

404 Monuments

Monuments shall be set in accordance with the “Rules of the Tennessee Board of Examiners for Land Surveyors.” Other requirements shall be as follows:

A. Lot Corners

All lot corners shall be marked with iron pins or rebar not less than one-half (1/2) inches in diameter and twenty-four (24) inches long and driven so as to be one (1) inch above the finished grade.

Lots corners fronting on public roads shall be marked with numbered wooden lot stakes corresponding with the lot numbers on the approved final plat.

B. Boundary Monuments

Concrete monuments shall be set major angular corners of the exterior boundaries of all major subdivisions. Monuments shall be four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top. The top of the monument shall have an indented cross to properly identify the location and shall be set one (1) inch above the finished grade.

Monuments shall be set with reference to section lines, recognized geological marks, or other acceptable surveying techniques, and the locations shown on the final plat.

C. Control Monuments

Two (2) of the concrete monuments in Section 404(B) shall be designated as control monuments. These shall be set with a precision ratio of no less than 1:20,000 in the Tennessee State Plane Coordinate System using the North American Datum of 1983 (NAD83) and shall have the elevation included on them; the elevation shall be measured using the same system used to establish the benchmarks on the FEMA flood maps for the property (typically, the North American Vertical Datum of 1988). The control monuments shall be located on opposite sides of the exterior subdivision boundary, and the location shown on the final plat.

405

Flood Protection Elevation

Each lot in a subdivision shall contain a flood-free building site outside of the limits of any existing easement or the building setback lines as required by these regulations. The finished floor elevation for a concrete slab on grade type of structure or the bottom of the floor joist for a crawl space type of structure shall be elevated to the minimum height required by the Marion County Flood Damage Prevention Resolution.

The authority for establishing the 100-year (1.0% annual chance) frequency of occurrence flood elevation shall be the Federal Emergency Management Agency (FEMA) and the effective National Flood Insurance Program (NFIP) flood maps.

406

Development within Floodways

Land within the floodways shall not be platted for residential occupancy or building sites, but may be used in calculating overall lot size. Such land shall be set aside for uses as shall not be endangered by periodic or occasional inundation and high velocities. Land located in floodway fringe areas may be platted for residential occupancy or for such other uses which will not increase the flood hazard, endanger health, life or property, or aggravate erosion; provided, that a notation of the flood hazard is shown on the plat and provided the lot has a flood-free building site. In applying this provision, land below the elevation of the 100-year flood height (1.0% annual chance) shall be considered subject to periodic flooding.

The elevation of these controls shall be determined from the charts, "High Water Profiles, Tennessee River in Marion County, Tennessee" (Tennessee Valley Authority, February 1964); "High Water Profiles, Sequatchie River in Marion County, Tennessee" (Tennessee Valley Authority, November 1971); and "High

Water Profiles, Town Creek, Standifer-Pryor Cove Branch and Little Sequatchie River in Marion County, Tennessee” (Tennessee Valley Authority, November 1971), and revised flood hazard data on the Sequatchie River, Town Creek, Pryor Cove Branch, West Fork Pryor Cove Branch, and Standifer Branch in the vicinity of Jasper, Tennessee (TVA, September 1985), which charts are made a part of these regulations. Areas included in the floodways are shown on the maps, “Floodways, Sequatchie River and Tributaries in Marion County, Tennessee” (Marion County Regional Planning Commission, Tennessee State Planning Commission, November 1971) and “Floodway, Tennessee River in Marion County, Tennessee” (Marion County Regional Planning Commission, Tennessee State Planning Commission, February 1964), which maps are made a part of these regulations.

Fill may not be used to raise land within the floodway area. In other areas subject to flood, fill may be used provided that the proposed fill does not restrict the flow of water and unduly increase flood heights.

Note: It should be recognized that development within the floodway is dangerous to life and property. In floodway fringe areas, waters tend to eddy but do not materially help the flow of water. In all cases the higher standard applies. In Marion County’s case, the effective Marion County Flood Damage Prevention Resolution would be the higher standard.

407

Public Use Areas

When features of other plans adopted by the planning commission (such as schools or other public building sites, parks or other land for public use) are located in whole or in part in a land subdivision, land for such features shall be either dedicated or reserved by the subdivider for acquisition within one (1) year by the appropriate public agency.

Whenever a plat proposes the dedication of land to public uses that the planning commission finds not required or suitable for such use, the planning commission shall refuse to approve the plat and shall notify the governing body of the reasons for such action.

Note: One of the primary purposes and advantages of planning for the dedication and reservation of property for public use is to indicate areas which may be acquired at present acreage prices rather than at greatly increased prices in the future. Wanting to acquire land for future improvements would increase the expense to the taxpayer and create inconvenience for the individual property owner and for the neighborhood. Where public use is to be made of the property and where the residents of the subdivision will receive primary benefit, the dedication of the property should be encouraged. Where the public use is for the public as a whole, the community should pay proportionately for the acquisition of reserved areas within a reasonable time. A reasonable time is to be determined

according to the circumstances—the subdivider should not be required to hold his land idle for a lengthy indefinite period.

408 Block Lengths and Widths

Blocks shall be no shorter than four hundred (400) feet nor longer than twelve hundred (1200) feet in length, except in unusual circumstances. Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets or where other situations make this requirement impractical.

409 Lot Dimensions

Residential lots shall not be less than seventy-five (75) feet wide at the setback (building) line. In addition, residential lots shall have a depth of not less than one hundred (100) feet and not greater than five (5) times the width of the lot at the building line, unless unusual circumstances make these limitations impractical.

Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets.

410 Lot Sizes

Lots served by public water and sewer systems shall be a minimum of seven thousand five hundred (7,500) square feet, unless a greater lot size is required by TDEC or the Marion County health authority.

Lots served by a private well and private septic system shall be a minimum of twenty-five thousand (25,000) square feet. Those served by public water and a private septic system shall be a minimum of fifteen thousand (15,000) square feet. The minimum distance between the septic tank and well shall be fifty (50) feet. Lots shall be large enough to construct the original subsurface sewage disposal system and to provide an area for duplication of that system. Additional distance or larger lot sizes shall be provided if required by TDEC or the Marion County health authority.

Note: Minimum dimensions as per “Regulations to Govern Subsurface Sewage Disposal Systems,” TN Rule Chapter 0400-48-01, April 2014. Smaller lots will only be considered subject to approval by TDEC or the Marion County health authority.

411 Lot Lines

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

412 Road Frontage

Each lot shall have access by means of an approved easement or have at least fifty (50) feet of frontage on a governmentally maintained street or approved private road, unless the lot is a flag lot one (1) acre or smaller as outlined in Section 414(C).

413 Building Setback Lines

Minimum building setback lines shall be as follows:

- A. Front yard (measured from street ROW line)..... 40 feet
- B. Side yard..... 15 feet
- C. Rear yard..... 15 feet
- D. Side yard abutting a street (corner lot)..... 20 feet, or as required

414 Flag Lots

All residential lots that are designed in the shape of a flag are subject to planning commission review and approval. A lot is considered a flag lot when the access strip's boundary lines extend for a distance of fifty (50) feet or more in a parallel manner. Such flag lots shall meet the following requirements:

- A. Each flag lot shall have access from a governmentally maintained or approved private road.
- B. The "pole" portion of the flag lot shall have a maximum length of five hundred (500) feet.
- C. For flag lots that are one (1) acre or smaller (excluding the access strip), the minimum road frontage and flag stem width shall be twenty-five (25) feet. A note shall be included on the subdivision plat that the lot cannot be further subdivided unless additional right-of-way for a road is obtained.
- D. All flag lots greater than one (1) acre in size (excluding the access strip) shall have minimum road frontage and a flag stem width of fifty (50) feet. The fifty (50)-foot width will provide adequate right-of-way for a road in the event the property is subdivided in the future.
- E. The flag lot shall be designed so that the access point is safe for vehicular ingress and egress (primarily considering visibility and grade). Unlike the owner of a conventional lot, the owner of a flag lot will have no other choice as to the driveway location. The safety of this intersection becomes

even more important if the flag lot is ever re-subdivided and contains more than one home.

- F. In instances where a fifty (50)-foot-wide access strip is required, the developer shall locate it on land having a finished grade of no more than twelve percent (12%). This requirement is needed so that the county does not, at a future date, have a road that is difficult to maintain and dangerous to serve with public vehicles, such as school buses.
- G. In minor subdivisions, only one (1) flag lot may be permitted. In major subdivisions, no more than five percent (5%) of the total number of lots in may be designed as flag lots. In phased developments, this five percent (5%) limit shall apply to each phase; credits may not be earned in one phase and applied to another.
- H. The building setbacks shall apply only to the flag portion of the lot, not the access strip.
- I. Minimum lot sizes shall be calculated excluding the access strip.

415 Double and Reverse-Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Reverse frontage lots shall have a depth of not less than one hundred and fifty (150) feet.

416 Commercial and Industrial Lots

Commercial and industrial lots shall be adequate in size to provide service areas and off-street parking suitable for the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

Land shall not be platted for commercial or industrial purposes unless the subdivider can demonstrate to the planning commission that each lot provides the following:

- A. A site that does not unduly interfere with through traffic.
- B. An integrated parking area.
- C. Insulation against any adverse effect on any present or future adjacent residences.
- D. A parcel size sufficient in area to allow future expansion.

Large-Scale Developments

The requirements of these regulations may be modified in the case of large-scale projects, such as apartment houses, mobile home parks, or shopping centers. These complexes are not usually subdivided into customary lots, blocks and streets. Plans for all such developments shall be presented to the Planning Commission for review and approval prior to the commencement of construction.

Article 5
Rights-of-Way and Road Construction

501 Conformance to Major Road Plan

All streets and other features of the Major Road Plan of Marion County, Tennessee, shall be platted by the subdivider in the location and to the dimensions indicated on the Major Road Plan.

502 Continuation of Existing Streets

Existing streets shall be continued at the width specified in the Marion County Subdivision Regulations.

503 Street Connections

Where proposed streets are to adjoin existing streets, the developer shall make the connection at his expense and meet all street design requirements set forth in these regulations.

504 Street Elevations in Flood Hazard Areas

The planning commission may require, where necessary, profiles and elevations of streets in areas subject to flood. Fill may be used for streets, provided such fill does not unduly increase flood heights. Drainage openings shall be so designed as to not restrict the flow of water and unduly increase flood heights. The minimum street elevation shall be no lower than the elevation for a flood of 100-year frequency or occurrence (1.0% annual chance). The authority for establishing the flood elevations shall be the Federal Emergency Management Agency (FEMA).

505 Street Names

Street names shall be approved by the planning commission and E-911 department. Streets that are obviously in alignment with existing streets shall be given the name of the existing street.

506 Pavement and Right-of-Way Widths

Due to the diversity of development in Marion County, ranging from sparsely populated agricultural areas to densely populated urban areas, pavement and ROW widths will necessarily vary with the character of building development and the amount of traffic encountered.

The right-of-way (ROW) width shall be the distance across a street from property line to property line. This area is offered to the local government for use by the public.

Minimum pavement and right-of-way widths shall be as follows:

<u>Road Classification</u>	<u>Right-of-Way Width</u>	<u>Pavement Width</u>
Rural Major and Minor Arterials	100 feet or as required by highway superintendent	As required by highway superintendent
Rural Major and Minor Collectors	80 feet	24 feet
Marginal Access Streets	50 feet	20 feet
Local Streets	50 feet	<u>Option 1</u> : 20 feet with 3-foot gravel shoulders
		<u>Option 2</u> : 22 feet with concrete curbs (measured from interior faces)
Cul-de-sacs	50-foot radius (100 feet wide)	40-foot radius (80 feet wide)
Alleys	20 feet	12 feet

All new roads in residential subdivisions shall meet the minimum standards for a Local Street unless otherwise specified by the planning commission or highway superintendent.

507 Dedication of Property

The planning commission shall not require an owner of private property to dedicate real property to the public or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest (see *Nollan v. California Coastal Commission*) and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property (see *Dolan v. City of Tigard*). An owner of private property required to make dedication or pay money in violation of this subdivision may seek relief through a common law writ of certiorari in chancery court. (Added February 14, 2023)

508 Cul-de-sacs

Except where topographic or other conditions make a greater length unavoidable, roads ending in cul-de-sacs or dead-end roads shall not be greater in length than three thousand (3,000) feet. They shall be provided at the closed end with a turnaround having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet.

509 Temporary Cul-de-sacs

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 dedicating to the boundary of such property. Such dead-end streets shall be provided with a temporary turnaround approved by the planning commission

Where deemed necessary by the planning commission, adequate rights-of-way shall be dedicated to connect with any temporary dead-end street adjoining the subdivision.

Temporary cul-de-sacs shall adhere to the following additional guidelines:

- A. Temporary cul-de-sacs shall have a minimum of Grading D, Class A base stone in place (minimum of 6 inches in depth).
- B. The temporary cul-de-sac shall be a continuous part of the right-of-way that is to become permanent.
- C. Construction of the next phase of the subdivision shall begin at least sixty (60) days prior to expiration of the maintenance guarantee; otherwise, the permanent cul-de-sac must be completed OR there must be a final plat approved with a maintenance guarantee in place to cover the cost of extending the road.

510 Alleys

Alleys may be required at the rear of all lots used for multi-family, commercial, or industrial developments, but shall not be provided in one and two-family residential developments unless the subdivider provides evidence satisfactory to the planning commission of the need for alleys.

511 Street Grades

In general, streets shall be planned to conform to existing topographic conditions. The maximum percent of grade allowed is twelve percent (12%). Exceptions may be granted upon review by the highway superintendent (public road) or the Planning Commission (private road), provided that road designs prepared by a

licensed engineer and any required geotechnical and soils test results have been submitted in accordance with Section 532. In no case shall grade exceed fifteen percent (15%) for more than five hundred (500) linear feet per development.

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

512 Horizontal Curves

Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, the street shall have a centerline radius of not less than the following:

- A. Major thoroughfares.....300 feet
- B. Minor thoroughfares.....200 feet
- C. Local streets.....100 feet

513 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 (4.5) feet above the pavement, to an object four (4) inches high on the pavement. The planning commission may require 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 horizontally and one (1) inch equals twenty (20) feet vertically may be submitted.

514 Intersections

Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees.

Curb radii at street intersections shall not be less than twenty (20) feet, and where the angle of a street intersection is less than seventy-five (75) degrees, the Planning Commission may require a greater curb radius. Whenever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.

515 Tangents

Between reverse curves there shall be a tangent having a length of not less than one hundred (100) feet.

516 Street Jogs

Street jogs with centerline off sets of less than one hundred fifty (150) feet shall not be allowed.

517 Distance from Transmission Lines

Where roads are constructed under or adjacent to existing electric transmission lines, the nearest edge of the roadway surface shall be a minimum of fifteen (15) feet from any transmission line structure or guy wire. All grading for the road shall be done in a manner which will not disturb the transmission line structure or result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the road to the nearest conductors shall meet the requirements of the National Electric Safety Code.

518 Road Construction Agreement

Prior to the approval of a final plat, an agreement shall be reached between the subdivider or his agent and the county government with regard to the installation of any road improvements called for in the subdivision plat. The subdivider may contract with any Tennessee-licensed construction company to install the necessary improvements. Lists of said companies may be obtained from the State of Tennessee. All improvements shall be installed at the subdivider's expense.

519 Preconstruction Requirements

Prior to any construction activity, the developer shall contact the Marion County highway superintendent (public road) or the Marion County Planning Staff (private road) as notification and to discuss pre-construction project specifics.

For any proposed private roads, the developer's engineer shall submit design drawings to the Marion County Planning Staff.

For roads to be dedicated to the public, the developer shall submit design drawings to the highway superintendent ~~for review~~, plus an additional copy to planning staff.

~~The~~ All submitted design drawings shall contain, at a minimum, the following:

- A. Engineered designs for the proposed drainage system.

- B. Engineered road designs, profiles, and cross-sections with sufficient information to ensure that roads will not exceed the maximum street grades and have proper crowning for drainage purposes.

The developer shall also provide a job-mix formula to the highway superintendent to ensure that proper materials and standards will be used during construction. This information will be presented at a pre-construction conference that shall include the highway superintendent, developer, and engineer (public road). In order to ensure proper materials and standards will be used, the job-mix formula shall be provided in the engineer's final report for private roads.

In accordance with Section 532, the designs for all mountain roads must be approved by the planning commission. When ready, the developer should contact planning staff to have the road designs placed on the agenda for the next regularly scheduled planning commission meeting.

520

Road Construction Permits

The developer shall obtain the written permission from the highway department to connect to a county road before construction commences. If connecting to a state highway, all permits must be received from the Tennessee Department of Transportation. A copy of the TDOT State Highway Entrance Permit shall be provided to the highway superintendent, and an additional copy furnished to the planning office for record-keeping purposes.

521

Grading and Subgrade Preparation

All streets, roads, and alleys shall be graded by the subdivider to the required cross section. Deviations resulting from special topographic conditions shall be allowed only with approval of the planning commission.

Grading and preparation of the subgrade shall generally be completed as follows:

- A. Preparation. Before grading is started, the entire right-of-way area shall be cleared of all trees, stumps, roots, weeds, logs, heavy vegetation, and other objectionable materials not approved for preservation. The objectionable matter shall be removed from the right-of-way limits and disposed of in such a manner that it will not become incorporated within the fills nor hinder the proper operation of the storm drainage system.
- B. Cuts. All tree stumps, boulders and other obstruction shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to depth of twelve (12) inches below the subgrade. All topsoil shall be removed except where deemed not feasible by the highway superintendent (public road) or the Planning Commission (private road). This provision applies only to the roadway and not necessarily to the

entire right-of-way width. The finished cut shall meet a compaction rate of ninety-five percent (95%) standard proctor.

- C. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Unsuitable 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. All fill shall meet a compaction rate of ninety-five percent (95%) standard proctor. Soil and density tests may be required by the highway superintendent (public road) or the Planning Commission (private road) and shall be completed at the expense of the developer.
- D. Slope specifications. Cut and fill slopes shall be no steeper than one (1) foot vertical for every two (2) feet horizontal. Erosion control measures shall be used, as needed, to prevent washing. No slopes shall be steeper than 1:2 unless authorized by the highway superintendent, who may require additional measures to prevent soil erosion.
- E. Drains. Concrete cross drains meeting TDOT specifications shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than fifteen (15) inches. Cross drains shall be built on straight lines and grades, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow, and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed. All drains are subject to review by the highway superintendent (public road) or the Planning Commission (private road).

After the subgrade has been appropriately prepared and shaped, it shall be thoroughly rolled and then clipped with a grader until the final lines and grades are obtained. Water shall be added to the subgrade if the material is dry and will not readily compact under the roller. All material so determined by the highway superintendent (public road) to be unacceptable, and all soft-yielding material that does not readily compact under the roller, shall be removed. For proposed private roads, any material so determined by the developer's engineer to be unacceptable, and all soft-yielding material that does not readily compact under the roller, that was ultimately removed shall be included in the developer's engineer's final report to the Planning Commission.

All holes or depressions caused by the removal of this material shall be replaced with suitable material and rolled until compacted to the satisfaction of the highway superintendent (public road) or the developer's engineer (private road). The subgrade shall be compacted to ninety-five percent (95%) standard proctor to conform with the accepted cross-section and grade.

522 Installation of Utilities and Other Underground Improvements

Prior to road construction, all underground work that is to be within the roadway shall be completed. This includes all drainage, sewerage, water, telephone, electrical, and other utilities so that the completed roadway will not be disturbed later for the installation of any utility. All utilities under paved areas are to be backfilled with stone.

523 Road Base

Once the subgrade has been inspected and approved by the highway superintendent (public road) or the developer's engineer (private road), work on the base may proceed. The roadbed shall be surfaced with pug mill mix. Spreading of the mix shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the layer shall be rolled until thoroughly compacted. The compacted thickness of the road base shall be no less than eight (8) inches.

The base shall be tested for thickness and compaction by a geotechnical engineer at the developer's expense. Tests shall be conducted at a maximum spacing of two hundred (200) feet, staggered right and left of the centerline. Any areas that do not meet the minimum requirements and specifications shall be corrected before the application of asphalt.

If the road is a mountain road as outlined in Section 532, additional base may be required if specified in the engineered plans. In no case shall any road base have a compacted thickness less than eight (8) inches.

524 Surface Course

All new roads shall be paved to the following specifications:

- A. All standard roads shall be paved with a minimum of two (2) inches of grade C hot mix.
- B. Roads classified as mountain roads under Section 532 shall have additional surface course applied if required in the design plans approved by the planning commission.

- C. Bituminous plant-mix base (hot mix) shall be prepared and applied in accordance with the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction," dated March 1, 1981 (or any subsequent revisions).
- D. Commercial or industrial developments with heavier traffic flows may require additional pavement. The final amount for such developments shall be determined by the highway superintendent (public road) based on the developer's engineer and the results included in their final report. For proposed private roads, the Planning Commission will require any additional pavement that is required by the developer's engineer to be included in the final report to the Planning Commission.

When paving is completed:

For roads to be dedicated to the public the developer shall notify the highway superintendent and allow his office to inspect the surface course.

For private roads, the developer shall have an engineer who is licensed in the State of Tennessee to conduct an inspection of the road to include in their final report.

525

Optional Rigid Pavements

(Added February 14, 2023)

The developer may choose to construct (concrete) rigid pavements instead of flexible (asphalt) pavements. Rigid pavement shall be designed and constructed to meet the following requirements:

- A. Grading and Subgrade: The grading and subgrade requirements shall be the same as Section 521.
- B. Base: The base requirements shall be the same as Section 523.
The base thickness for asphalt shall be a minimum of eight (8) inches.
The base thickness for roller compacted concrete shall be a minimum of four (4) inches. **(Amended 01/07/25)**
- C. Concrete Mix: The concrete mix shall be designed to provide a twenty-eight (28) day compressive strength of four thousand (4,000) pounds per square inch with a four (4) inch (± 1) slump and maximum water cement ration of forty-five-hundredths (0.45). An air entraining agent shall be added to achieve a five percent (5%) air content. The concrete mix shall have a nominal maximum aggregate size of one and one-half (1½) inches.
- D. Concrete Design: Roller compacted concrete thickness shall be four (4) inches. Reinforcing is not required. Control joints shall be spaced regularly in a square pattern as per the PCA recommendations. A longitudinal joint shall be constructed along the centerline. Lateral joints shall be spaced the same as the lane width. Joints shall be sealed using an approved joint sealer. The joint sealer shall be submitted to the Geotechnical Engineer for approval before installation. **(Amended 01/07/25)**

- E. Concrete Placement: Concrete placement shall be according to ACI 304 Recommended Practice for Measuring, Mixing, Transporting, and Placing Concrete. Concrete shall be placed directly on the base. The ambient temperature at the time of placement shall be at least forty degrees (40°) F, and the forecast temperature in the first twenty-four (24) hours after placement shall be at least thirty-two degrees (32°) F. No standing water or frozen base shall be present at the time of placement. The concrete mix is expected to arrive at the site at the correct slump. If trucks arrive with a slump more than one (1) inch below the specified slump, then a maximum of twenty (20) gallons of water may be added, with the approval of the concrete supplier, to adjust the concrete slump. No water may be added after placement begins. If trucks arrive with a slump more than one (1) inch above the specified slump, the truckload shall be rejected. Concrete shall be placed within ninety (90) minutes of the batch time.
- F. Concrete Protection and Curing:
- (1) Protect freshly placed concrete from premature drying and excessive cold or hot temperatures. Comply with ACI 306.1 for cold-weather protection and with ACI 305R for hot-weather protection.
 - (2) Curing shall be accomplished in strict compliance with ACI 308.
 - (3) Finish: The concrete finish shall provide a durable, smooth surface, free of irregularities, but skid-resistant (such as burlap drag or broom finish)
- G. Quality Assurance: An ACI certified representative of the geotechnical engineer shall be present to monitor concrete placement and conduct quality assurance testing. The representative shall keep a record of each truck load of concrete delivered to the site, including the information provided on the batch ticket and the amount of water added at the site. The first load of concrete shall be checked for slump, air content, and unit weight to determine acceptance. Compressive strength samples shall be taken randomly from the first thirty (30) cubic yards, and every fifty (50) cubic yards after that. Compressive strength samples shall include a set of six (6) cylinders. Two (2) cylinders shall be tested at seven (7) days and two (2) at twenty-eight (28) days and two (2) for reserve. The remaining cylinder shall be kept in reserve. Slump and air content tests shall be conducted for each set of compressive strength samples taken, or if visual indications of changes in the slump or other concrete properties are observed.

526

Inspections During Road Construction

The developer and highway superintendent (public road) or the Planning Commission (private road) shall agree to an inspection schedule and procedure as a part of the preconstruction process outlined in Section 519. While road construction is taking place, inspections shall be made by the highway superintendent before, during, and after each step or process, and prior to the next course or procedure.

For roads to be dedicated to the public, the Highway Superintendent or his designated inspector shall review the developer's engineer's inspection findings regarding the width, depth, and crown of the road, among other things. Weight tickets showing the type, class, and weight of gravel and surfacing material shall be furnished to the inspector after the completion of each step.

For roads to be dedicated to the public, it is the responsibility of the developer to notify the Marion County Highway Department of progress in the construction of any road, and to ensure that no work advances until each of the following steps is completed and approved in writing by the highway superintendent:

- A. A road profile is submitted, where deemed as necessary by the superintendent.
- B. The clearing and preparation of the site, as described in Section 521(A) of these regulations.
- C. The cut and fill process, as described in Section 521(B) and (C) of these regulations.
- D. The application of the sub-grade.
- E. The application of the base, as described in Section 523 of these regulations.
- F. The application of the asphalt treatment, as described in Section 524 of these regulations.
- G. A final inspection and grant of approval.

At any time during development, the developer shall be able to provide proof of the qualities of the materials used in road construction.

527

Road Completion

If road construction is complete at the time of final plat approval, the developer's engineer shall sign the plat for private roads and county highway superintendent shall sign the plat for public roads stating that the road has been constructed to county specifications.

If road construction is not complete at the time of final plat approval, the developer's engineer (private road) and/or county highway superintendent (public road) shall sign the plat stating that the road has been designed to county specifications, and an approved performance guarantee as provided in Article 7 shall be posted. Once road construction is complete, the developer or his engineer shall send a letter to the County Planning Commission (private road) and/or the

highway superintendent (public road) stating that the road has been constructed to county specifications.

For all roads, public and private, it is the responsibility of the developer to hire an engineer, who is licensed in the State of Tennessee, to compile a final report of road completion.

For roads to be dedicated to the public, the report will be presented to the Marion County Highway Commissioner and Marion County Planning Staff; and filed with the Marion County Highway Commissioner and Planning Commission.

For proposed private roads, the report will be presented to the Marion County Planning Staff for review and will be filed with the Planning Commission only.

This final report of road completion shall detail the following:

- The specifics of the road (linear feet, materials, compaction testing, estimated cost to complete, etc.)
- Verify that the road will meet the County's requirements as specified in letters A-G of Section 526.

The Planning Commission may require the report to be peer reviewed and/or revised if there are any specifics of the report that need to be addressed further.

The Planning Commission reserves the right to review the selected engineer's previous experience to verify their ability to complete the development under review.

This report shall accompany the stamped and signed engineered plans at the time of plat approval.

528 Maintenance Guarantee

Once road construction is complete, the developer shall post a maintenance guarantee in accordance with Section 707.

Private roads do not require a maintenance guarantee.

529 Acceptance of Roads by County Commission

Once the eighteen (18)-month period covered by the maintenance guarantee has elapsed, the developer may submit a written request to the highway superintendent that the county accept the roads. If the roads were platted as public roads and meet all the construction standards in these regulations, the highway superintendent may recommend the roads for acceptance to the Marion County Commission. The roads shall become a permanent part of the Marion County road system upon a majority vote of the county commission.

Private Roads

A private road is any street serving one (1) or more lots where the access has been dedicated as an exclusive and perpetual right-of-way for the benefit of those being served by it. Private roads shall be jointly owned by the property owners utilizing the street, or by a property owners' association. All maintenance and repair costs shall be the responsibility of the private owners.

Private roads shall meet the following standards:

- A. Private roads in subdivisions shall be designed to and meet the same standards as a public road. The variance process shall not be used to circumvent this requirement.
- B. The final subdivision plat shall indicate that the right-of-way is for a private road.
- C. The private road shall be open for access by public safety and utility vehicles.
- D. Rights-of-way used for access shall be further defined and described by notes added to the plat which set forth the limits of public liability and responsibility to properties and citizens which are served by such access ways. These notations shall include, but shall not be limited to, the following:
 - The private road shown on this plat is to be privately constructed and maintained by the owners, not by the government of Marion County.
 - The property owners are responsible for providing all required utilities and services along the private road. The government of Marion County is not responsible for providing services beyond the limits of the governmentally maintained road or street.
- E. If a private road is ever proposed to be dedicated as a county road, the highway superintendent or county commission may require it be fully repaired or improved to the standards in the current subdivision regulations before accepting it as a county road.
- F. Private roads will require engineered plans designed by an engineer that is licensed in the State of Tennessee.

- a. The Planning Commission reserves the right to review the selected engineer's previous experience to verify their ability to complete the development under review.

531

Access Easements

In addition to dedicated rights-of-way owned by the government or private road owners, access to subdivisions may be provided by means of a permanent vehicular access easement. Access easements shall meet the requirements listed below.

- A. All access easements shall connect to a public road.
- B. Road names shall be assigned in accordance with Section 505.
- C. All new access easements shall have a minimum width of fifty (50) feet.
- D. Extensions of existing easements shall have a minimum width of fifty (50) feet, even if the current easement has a narrower right-of-way.
- E. Access easements shall be capable of being used for vehicular ingress and egress.
- F. All access easements shall be presented on the plat for review and approval by the planning commission. The full easement right-of-way, as opposed to a centerline, shall be shown on the plat.
- G. The plat shall indicate whether the access easement is for a public road or private road.
- H. Easements providing access to lots in a major subdivision (five (5) or more lots) shall meet all design standards for a public or private road.
- I. Easements providing access to lots in a minor subdivision (four (4) or fewer lots) shall not be required to be improved to the full standard for a public or private road. Such easements shall meet the requirements of Section 531.

532

Subdivisions off Unimproved Access Easements

Minor subdivisions of up to four (4) lots beyond the first lot having road access may be served by an unimproved access easement. In addition to the easement requirements in Section 530, unimproved access easements shall comply with the following requirements:

- A. The platting of a fifth (5th) lot off of an access easement at any time shall result in the loss of minor subdivision status and the easement shall be improved to the full public or private road standards along the entire extent of the easement.
- B. Easements shall be properly maintained to provide year-round access for emergency, public safety, and utility vehicles.
- C. Plats for subdivisions served by unimproved easements shall include an easement map showing the extent of the easement from its connection point on a public road to the lots presented on the subdivision plat.
- D. Subdivisions accessed by an unimproved access easement shall have the following notes added to the plat setting forth the limits of public liability and responsibility to properties and citizens which are served by the shared driveway:
 - The access easement shown on this plat is to be privately constructed and maintained by the owners, not by the government of Marion County.
 - The property owners are responsible for providing all required utilities and services along the easement. The government of Marion County is not responsible for providing services beyond the limits of the governmentally maintained road or street.
- E. In addition, plats with unimproved access easements shall have the Certification of Access Easement signature block included on the plat.

533

Mountain Roads

The topographical and geographical challenges posed by the diverse landforms of Marion County require certain roads to be constructed to a higher standard than what is generally required by these subdivision regulations. A public or private road shall be considered a mountain road if it meets any of the following criteria:

- A. The road grade exceeds nine percent (9%) at any point.
- B. The road is located in an area with known seismic activity or unstable landforms as determined by the Highway Superintendent (public roads) or the Planning Commission (private roads).

Mountain roads shall be designed by a licensed engineer in accordance with generally accepted engineering principles to ensure vehicular safety and long-

term roadway stability. The costs of engineering, geotechnical investigations, soil surveys, and other tests shall be borne by the developer.

The final design shall meet or exceed the minimum standards outlined in these subdivision regulations. Stamped design drawings detailing the road layout, elevations, grades, materials, drainage systems, and other pertinent information shall be submitted during the preconstruction process in accordance with Section 519. Along with Marion County Planning Staff's review of the proposed design plans, the Highway Superintendent shall make a recommendation on mountain roads to the Planning Commission. No road construction shall commence, and no final plat shall be approved, until the final, engineered designs for the mountain road have been approved by the planning commission. The approved road specifications (i.e. thickness of base and surface course), if different from the general standards for a public road, shall be included on the final plat.

During construction, minor changes commonly associated with road construction may be approved by the Highway Superintendent (public roads) or the Marion County Planning Commission (private roads), provided that no provision of these subdivision regulations is violated. However, any major changes such as increased grade or a proposed change in materials shall be approved by the planning commission.

534

Street Signs and Traffic Control Signs

Street signs and traffic control signs of a type approved by the planning commission shall be installed at the intersection of all streets within the subdivision, and at any point where existing streets are intersected by the streets of the new subdivision.

Article 6 Drainage, Utilities, and Other Improvements

601 Drainage

An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. All storm drainage contained in pipes or culverts under roadway shall have endwalls, headwalls or rip-rap with concrete apron wall where necessary to prevent erosion. Where open trench or swales are used, the grades exceeding eight percent (8%) up and two percent (2%) down shall be paved with 3,000 PSI cement concrete. Additional information may be required by the planning commission such as engineering and design documents.

Standards for cross drains used in road construction are in Section 521(E).

602 Water Supply System

When a proposed subdivision is located within one thousand (1,000) feet of an existing public water line, water lines shall be installed to serve all lots within the subdivision. Water lines shall also be extended if the subdivision is within one thousand (1,000) feet of an existing private water line, unless written denial of water service from the private utility is presented to the planning commission. If water service is not available from a public or private utility at the time of subdivision approval, but the utility is actively upgrading its water system and service will be available within three (3) years, water lines shall be installed in accordance with the utility's line extension policies.

The water distribution system and materials used in construction shall comply with all state regulations and meet the specifications of the water utility. Unless otherwise required by the water utility, water mains shall be six (6) inches and be able to meet domestic use and fire protection needs of all lots in the subdivision.

Water lines and system components shall be subject to inspection and approval by the water utility at all times throughout the construction process. If there is a cost for inspections, this cost shall be borne by the subdivider.

The entire cost of installing the required water supply system—including the connection to the existing water supply, and including but not limited to the cost of pipes, valves, fittings, trenching, backfilling, and services—shall be borne by the subdivider. The utility may require a performance guarantee be posted to ensure proper installation of the water system; an original copy of this guarantee shall be submitted to the planning office.

The name of the water service provider and size(s) of water lines shall be included on the final plat.

603 Fire Hydrants

Fire hydrants spaced a maximum of one thousand (1,000) feet apart shall be installed whenever water lines are extended in a subdivision. Hydrant locations shall be shown on the plat. Hydrants shall be color-coded to reflect pressure flows and meet the specifications of the National Fire Protection Association (NFPA).

604 Sewage Disposal

All lots in a subdivision shall have provisions for sanitary sewage disposal as provided below:

A. Public Sewer Systems

When a proposed subdivision is located within one thousand (1,000) feet of an existing public sewer line, sanitary sewers shall be installed to serve all lots within the subdivision unless written denial of sewer service from the utility is presented to the planning commission. If sewer service is not available at the time of subdivision approval, but the utility is actively upgrading its sewer system and service will be available within three (3) years, sewer lines shall be installed in accordance with the utility's line extension policies. The sewer system and materials used in construction shall meet the specifications of the public sewer utility involved.

The lines and system components shall be subject to inspection and approval by the sewer utility at all times throughout the construction process. If there is a cost for inspections, this cost shall be borne by the subdivider.

The entire cost of installing the sanitary sewerage system shall be borne by the subdivider. The utility involved may require a performance guarantee be posted to ensure proper installation of the sewer system; an original copy of this guarantee shall be submitted to the planning office.

B. Individual Subsurface Sewage Disposal Systems (Septic Systems)

Where a subdivision is located beyond the service limits of an existing sanitary sewer line as determined by the planning commission, the subdivider may elect to have the lots served by individual sewage disposal systems. Should individual sewage disposal systems be proposed, satisfactory evidence of acceptability from soil surveys shall be required. Subdivisions shall have lot sizes which are adequate for the installation of the proposed individual systems as provided in Section 410.

The final plat for such subdivisions shall include the appropriate subsurface sewage disposal approval certificate with any lot restrictions and bear the inscription of the authorized official from Tennessee Division of Ground Water Protection or the Marion County health authority.

C. Other

Other decentralized systems and septic systems serving more than one lot may be installed upon review and approval by the planning commission. Such systems shall meet the requirements of the Tennessee Regulatory Authority and be approved by TDEC or the Marion County health authority.

Article 7

Assurance for Completion and Maintenance of Improvements

701 Performance Guarantees

Prior to the approval of a final plat, an agreement shall be reached between the subdivider or his agent and the county government with regard to the installation of any road improvements or utility construction called for in the subdivision plat. All improvements shall be installed at the subdivider's expense. If all of the improvements have not been installed or completed at the time of final plat approval, the developer or subdivider shall be required to post a performance guarantee whereby improvements may be made and utilities installed without cost to the county or other responsible utility system in the event of default by the developer.

702 Accepted Performance Guarantees

Acceptable forms of performance guarantees shall include:

- Performance bonds
- Bank letters of credit
- Cashier's checks
- Cash deposits
- Wire transfers

Other forms of collateral and surety instruments may be accepted upon approval by the planning commission. The selected performance guarantee shall comply with all statutory requirements and shall be satisfactory to the county attorney as to form, sufficiency, and manner of execution as set forth in these regulations.

703 Coverage Amount

The amount of the surety instrument shall be equal to one hundred and fifty (150) percent of the estimated cost to construct and install all required improvements. The planning commission shall set the amount of the surety instrument(s) based upon the cost of improvements estimated by the highway superintendent for public roads or a report of the developer's engineer for private roads, utility officials, and/or other authorities designated by the planning commission.

704 Coverage Periods

The coverage period shall be two (2) years. Prior to the end of this two (2)-year period, the developer may request an extension. This request shall be made to the planning commission, which may extend the completion date upon finding that satisfactory progress has been made on the subdivision improvements over the previous two (2) years. Only one (1) extension shall be granted.

At the time of a request for an extension, the Highway Superintendent (public road), Planning Commission (private road), or other designated officials will require the developer and their engineer to calculate a revised coverage amount to reflect possible changes in the cost of materials. If this is the case, the developer shall submit a new performance guarantee equal to 150% of the revised cost estimate to the planning commission.

The period within which required improvements must be completed shall not in any event exceed two (2) years from the date of final plat approval, unless an extension has been granted by the planning commission.

705 Collection Procedure

In the event the improvements have not been completed within two (2) years, or by the set date if an extension has been granted, the planning commission may exercise its right to collect the entire amount of the performance guarantee in order for the improvements to be made and refund any amounts unexpended to the financial institution or the developer, as the case may be. Any deficit resulting from the completion of the improvements will be the responsibility of the developer, and Marion County may institute an action against the developer for such deficit. In the event that an action is instituted, the developer will be responsible for all costs, including attorney's fees in collection of the deficit.

706 Submission to Planning Office

Original copies of all performance guarantees shall be submitted and filed at the Marion County Planning Office.

Where a performance guarantee is provided to extend a utility, the utility provider will be responsible for holding the security. An original copy shall also be submitted to the Marion County Planning Office.

Staff shall notify the planning commission and the developer of any expiration dates involving a performance guarantee.

707 Maintenance Guarantee for New Roads

Upon certification that road construction is complete as provided in Section 526, the developer shall post a maintenance guarantee in the amount of fifty percent (50%) of the total cost of the road for the first eighteen (18) months to cover any possible repairs to the base, pavement, curbs, drainage system, or other road elements that may become necessary during this time period.

Thirty (30) days prior to the expiration of the eighteen (18)-month maintenance period, the developer's engineer or the developer shall provide written

notification to the Marion County Highway Department and Planning Office as to whether or not the road still meets county specifications. If no repairs are needed and the road meets all county specifications, the maintenance guarantee shall be released and the road, if it is to be dedicated as a county road, may be recommended by the highway superintendent for acceptance by the county commission as outlined in Section 528.

Private roads do not require a maintenance guarantee.

Maintenance guarantees shall be governed by the same regulations and procedures for performance guarantees, outlined above.

Article 8

Preliminary Plat Requirements

The preliminary plat is a working drawing showing how the subdivided lot, streets, and other improvements will be laid out upon the land. The preliminary plat shall contain the information and certifications required by this article.

801 Scale

The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch, unless large lot sizes allow for a smaller scale without an appreciable loss of legibility. When multiple sheets are used for large subdivisions, a cover sheet with a legible scale showing the entire subdivision shall be required.

802 Sheet Size

The sheet size shall be a maximum of twenty-four (24) by thirty-six (36) inches, with a two (2)-inch binding edge on the long side. If the entire subdivision cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size. (Amended February 14, 2023)

803 Contents of Preliminary Plat

The following elements shall be provided on the preliminary plat:

- A. Name of subdivision.
- B. Name and address of the owner of record, subdivider, and surveyor.
- C. Tax map and parcel number of property to be subdivided.
- D. North point, graphic or bar scale, and the date that the plat was drawn.
- E. Location map with north point showing site in relation to surrounding area.
- F. Names of all adjoining streets, property owners, and subdivisions.
- G. Exact boundary lines by bearings and distances.
- H. Existing streets, buildings, railroads, culverts, utilities, and easements on and adjacent to the tract, as well as natural features such as sink holes, water courses, and rock outcroppings.

- I. Proposed subdivision design including: streets and alleys with proposed street names; lot lines with approximate dimensions; easements; land to be reserved or dedicated for public uses; and any land to be used for purposes other than single-family dwellings.
- J. Lot numbers, which shall be in consecutive numerical order.
- K. Proposed utility layouts and easements showing feasible connections to existing or proposed utility systems. These shall include sewer, water, gas, and electric utilities.
- L. The water source for each lot. When septic systems are proposed, the plat shall show areas to be used for sewage disposal.
- M. Building setback lines.
- N. The present zoning classification, if any, on the land to be subdivided and on the adjoining land.
- O. Contours shown at vertical intervals of not more than five (5) feet, except when specifically not required by the planning commission.
- P. If any portion of the land being subdivided is subject to flood, the limits of any floodway or 100-year (1.0% annual chance) floodplain.
- Q. Existing natural drainage locations.
- R. Proposed culverts and drainage locations.

Plat Notes and Certificate

In addition to the required elements, the preliminary plat may have additional explanatory notes deemed necessary by the subdivider or requested by the planning commission. The plat shall also contain the Certificate of Approval of Preliminary Plat.

A. Certificate of Approval of Preliminary Plat

Certificate of Approval of Preliminary Plat	
Pursuant to the Subdivision Regulations of Marion County, Tennessee, all of the requirements of preliminary approval have been fulfilled. Therefore, the "Preliminary Plat of _____ Subdivision" has been approved by the Marion County Regional Planning Commission on _____, 20____, subject to the following modifications:	

This approval does not constitute approval of a final plat. This Certificate of Preliminary Approval shall expire and be null and void on _____, 20____ (three years from approval).	
Variances granted, if any: _____	

Vesting period reference no. <u>2025-02</u>	
_____	_____
Planning Commission Secretary	Date

Note: The vesting period reference number shall match the number on the cover page of the subdivision regulations that were in effect on the date of preliminary plat approval.

Article 9

Final Plat Requirements

Whereas the preliminary plat is a working drawing, the final plat is a legal instrument suitable for recording. It contains information needed to prepare deeds and also contains signed statements certifying that required improvements have been, or will be, made. The final plat shall contain the information and certifications required by this article.

901 Scale

The final plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch. When multiple sheets are used for large subdivisions, a cover sheet with a legible scale showing the entire subdivision shall be required.

902 Sheet Size

The sheet size shall be twenty-four (24) by thirty-six (36) inches. If the entire subdivision cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

903 Contents of Final Plat

The following elements shall be provided on the final plat:

- A. Name of subdivision.
- B. Name and address of the owner of record, subdivider, and surveyor.
- C. Tax map and parcel number of property being subdivided.
- D. North point, graphic or bar scale, and the date that the plat was drawn.
- E. Location map with north point showing site in relation to surrounding area.
- F. Names of all adjoining streets, property owners, and subdivisions.
- G. Lines of all streets, roads, and alleys.
- H. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building line, whether curved or straight. This shall include the radius, central angle, and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of a curved street.

- I. All dimensions to the nearest one-hundredth (100th) of a foot, and angles to the nearest minute.
- J. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.
- K. Accurate location, material, and description of existing and proposed monuments and markers.
- L. Lot numbers, which shall be in consecutive numerical order.
- M. Building setback lines.
- N. The present zoning classification, if any.
- O. Contours shown at vertical intervals of not more than five (5) feet, if required by the planning commission.
- P. Flood Insurance Rate Map (FIRM) panel numbers reflecting the land being subdivided. If any portion of the property being subdivided is subject to flood, the limits of any floodway or 100-year (1.0% annual chance) floodplain.
- Q. Drainage and existing natural drainage easement locations shall be shown on the final plat.
- R. Deed book reference by volume and page number.
- S. A statement, either directly on the plat or in an identified attached document, of any private covenants or deed restrictions.

904

Plat Notes and Certificates

In addition to the required elements, the final plat may have additional explanatory notes deemed necessary by the subdivider or requested by the planning commission. The plat shall also contain all of the certificates in this section which are applicable to the subdivision. Required certifications with original signatures shall be placed on all copies of the approved final plat.

Table of Required Certificates

<i>Required on all plats</i>	<p>A. Certification of Ownership and Dedication</p> <p>B. Certification of Registered Surveyor</p> <p>C. Certification by Planning Commission of Approval for Recording</p> <p>D. Certification of Approval by E-911</p> <p>E. Certification of Electrical Service</p>
<i>Required when requesting staff approval</i>	<p>F. Certification by Planning Staff on Approval of Minor Plat <i>Plat must involve no more than two (2) lots and require no variances. Certificate (C) shall also be included on staff-approved plats.</i></p>
<i>One (1) of the following is required on all plats</i>	<p>G. Certification of Access <i>Required when access is provided by an existing public/private road or access easement.</i></p> <p>H. Certification of Street and Drainage System Construction <i>Required when road construction is not complete at the time of final plat approval, but the roads are covered by a performance guarantee.</i></p> <p>I. Certification of Street and Drainage System Maintenance <i>Required when road construction is complete at the time of final plat approval and the roads are covered by a maintenance guarantee.</i></p>
<i>Required only when subdivision is accessed by a private road</i>	<p>J. Certification of Private Road Status</p>
<i>Required only when the subdivision is accessed by an <u>unimproved</u> access easement</i>	<p>K. Certification of Access Easement <i>Not required for roads built to a public or private road standard. Omit if Certificate (H), (I), or (J) is included on the plat.</i></p>
<i>Required only when natural gas service will be provided</i>	<p>L. Certification of Natural Gas Service</p>
<i>One (1) of the following is required, unless water will be provided by private wells</i>	<p>M. Certification of Water Service <i>Required when a water main exists and is available for connection.</i></p> <p>N. Certification of Water System Extension <i>Required when water lines will be constructed through the subdivision process.</i></p>
<i>One (1) of the following is required on all plats</i>	<p>O. Certification of Public Sewer Service <i>Required when the subdivision will connect to a public sewer system.</i></p> <p>P. Certification of Existing Septic System <i>Required when lots are currently served by a functioning septic system.</i></p> <p>Q. Certificate of Approval of Subsurface Sewage Disposal System <i>Required when new septic systems are proposed.</i></p>

A. **Certification of Ownership and Dedication**

Certification of Ownership and Dedication	
I (we) hereby certify that I am (we are) the owners of the property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building setback lines, and hereby forever dedicate to the public use all the streets as shown on this plat.	
_____	_____
Owner	Date

Note: Additional signature lines may be provided if the subdivision involves multiple property owners.

B. **Certification of Registered Surveyor**

Certification of Registered Surveyor	
[surveyor's original stamp]	
I hereby certify that this is a category ___ survey and that the ratio of precision of the unadjusted survey is <u>1</u> :_____ as shown hereon. This survey complies with the current Tennessee Minimum Standards of Practice. All monuments shown hereon actually exist or are marked as "future," and their location, size, type, and material are correctly shown.	
_____	_____
(Signature of surveyor)	Date
_____	_____
(Name of surveyor)	TN R.L.S. No.

C. Certification by Planning Commission of Approval for Recording

Certification by Planning Commission of Approval for Recording	
I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of Marion County, Tennessee, with the exception of such variances, if any, as may be noted on this plat; that all required improvements have either been completed or are covered by an approved performance guarantee large enough to complete the required improvements in the event of default by the developer; and that this plat has been approved for recording in the office of the county register.	
Vesting period reference no. <u>2025-02</u>	
_____	_____
Planning Commission Secretary	Date

Note: The vesting period reference number shall be the same as the reference number on the approved preliminary plat. If the plat is a combined preliminary-final plat, the vesting period reference number shall match the reference number on the cover page of the subdivision regulations that were in effect on the date of final plat approval.

D. Certification of Approval by E-911

Certification of Approval by E-911	
I hereby certify that I have reviewed this plat and find that it conforms to E-911 requirements for Marion County, including appropriate road names/numbers.	
_____	_____
Marion County E-911 Representative	Date

E. **Certification of Electrical Service**

Certification of Electrical Service	
This plat shows adequate easements for power lines. Electric power is available to all lots shown on this plat based on the line extension policies of <u> (name of electric utility) </u> . [If applicable:] An adequate performance guarantee in the amount of \$ <u> </u> has been posted to ensure electrical service is provided to all lots in this subdivision.	
_____	_____
Electric Power Official	Date

Note: The final sentence shall be included if the electric utility has required a bond or other form of surety instrument be posted as a condition of providing electrical service.

F. **Certification by Planning Staff on Approval of Minor Plat**

Certification by Planning Staff on Approval of Minor Plat	
I hereby certify that the subdivision plat shown hereon includes only two lots, has been found to comply with the subdivision regulations of Marion County, Tennessee, does not require any variances from the subdivision regulations, and no improvements are required.	
_____	_____
Planning Staff	Date

G. **Certification of Access**

Certification of Access	
I hereby certify that all lots shown have access over an existing county road, approved private road, or approved access easement.	
_____	_____
Marion County Highway Superintendent (Public Road)	Date
_____	_____
Planning Commission Secretary (Private Road)	Date

H. Certification of Street and Drainage System Construction

Certification of Street and Drainage System Construction	
I hereby certify that the streets and drainage facilities shown on this plat have been designed and will be constructed in an acceptable manner in accordance with the required specifications of Marion County, and that an adequate performance guarantee in the amount of \$ _____ (150% of the total value of all road and drainage improvements installed) has been posted to ensure road completion in the event of default by the developer.	
_____ Developer's Engineer (Public & Private Road)	_____ Date
_____ Planning Commission Secretary (Private Road)	_____ Date
_____ Marion County Highway Superintendent (Public Road)	_____ Date

I. Certification of Street and Drainage System Maintenance

Certification of Street and Drainage System Maintenance	
I hereby certify that the streets and drainage facilities shown on this plat have been constructed in accordance with the required specifications of Marion County. A maintenance guarantee in the amount of \$ _____ (50% of the total value of all road and drainage improvements installed) has been posted to cover any necessary repairs for eighteen (18) months after construction.	
_____ Marion County Highway Superintendent (Public Road)	_____ Date

J. **Certification of Private Road Status**

Certification of Private Road Status	
I hereby certify that the lot(s) shown on this plat are accessed by a private road that has not been dedicated to the government of Marion County. All maintenance and service is the responsibility of the private road owner(s).	
_____	_____
Owner	Date

K. **Certification of Access Easement**

Certification of Access Easement	
I hereby certify that the lot(s) shown on this plat are accessed by an easement that does not meet the public or private road standards of Marion County. All maintenance and service is the responsibility of the owner(s) served by the easement.	
_____	_____
Owner	Date

L. **Certification of Natural Gas Service**

Certification of Natural Gas Service	
I hereby certify that this subdivision plat shows adequate easements for available natural gas lines.	
_____	_____
Natural Gas Company	Date

P. Certification of Existing Septic System

Certification of Existing Septic System	
The existing septic system for Lot(s) _____ is located as shown on the plat and includes the septic tank and all field lines. To the best of my knowledge, the septic system is in proper working order on this date and is contained within the boundary of the individual lot.	
_____	_____
Owner	Date

**Q. Certificate of Approval of Subsurface Sewage Disposal System
(Amended February 14, 2023)**

Certificate of Approval of Subsurface Sewage Disposal System	
Approval is hereby granted for lots ___[LOT NUMBERS]___ defined as ___[SUBDIVISION NAME]___, Marion County, Tennessee as being suitable for subsurface sewage disposal (SSD) with the listed or attached restrictions.	
Prior to any construction of a structure, mobile or permanent, the plans for the exact house/structure location must be approved and an SSD system permit issued by the Division of Water Resources. Water taps, water lines, underground utilities and driveways should be located at side property lines unless otherwise noted. Any cutting, filling or alterations of the soil conditions may void this approval.	
_____	_____
Environmental Scientist	Date
Marion County Health Authority [or: Tennessee Department of Environment and Conservation]	
SSD System Restrictions:	
<ul style="list-style-type: none">• House location, Storm Water Pollution Prevention Plans, construction of dwellings with large floor plans, odd shaped configurations, excavated basements, as well as topography of property may result in reduction of bedrooms and/or SSD system requiring to be pumped. Prior to construction the property owner needs to contact this office in order to insure proper house site location.• Lot(s) _____ have adequate suitable soil to install and duplicate a _____ bedroom conventional subsurface sewage disposal (SSD) system. A pump system may be required for approval.	

Note: Lines under “Restrictions” may be added or deleted according to conditions within the subdivision or to meet the requirements of TDEC or the county health authority.

905

Requirements for Plats Involving Previously Approved Subdivisions

If any lot in a previously approved and/or recorded subdivision is being amended or further subdivided into two (2) or more lots, the following conditions shall be met:

- A. A final plat shall be prepared that meets those minimum standards as required by these regulations.
- B. The name of the existing subdivision shall be utilized and it shall state that the resubdivision is an amended or revised version.
- C. A note shall be included on the plat citing the plat book and page number(s) of the original subdivision plat as well as any subsequent plats or amendments thereto as filed in the Marion County Register of Deeds Office.
- D. It shall be the responsibility of the property owner or developer to research and obey any and all legal restrictions, public or private, controlling the use of said property. Any pre-existing restrictions applying to the land or deed shall be noted on the plat by deed book and page number.

Article 10

Special Scenarios

1001 Lot Line Abandonments

Plats submitted for the purpose of approving a lot line abandonment shall illustrate the lot lines to be abandoned and otherwise meet all of the requirements for a final plat. However, only the following certifications shall be required:

904(A) Certification of Ownership and Dedication

904(B) Certification of Registered Surveyor

904(C) Certification by Planning Commission of Approval for Recording

904 (F) Certification of Planning Staff on Approval of Minor Plat (if only two (2) lots are being combined)

1002 Lots of Record Accessed by an Easement

The planning commission recognizes that numerous lots of record exist whose only means of access is via an access easement. Modifications to these lots and easements shall be in conformance with Section 530 and all other applicable sections of these subdivision regulations. Other arrangements may be considered upon submission of a plat to the planning commission, which shall be authorized to grant variances for the proposed subdivision upon finding that the criteria of Section 111 have been fulfilled.

Article 11 Legal Status Provisions

1101 Separability

Should any section or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the regulations as a whole or part thereof which is not specifically declared to be invalid or unconstitutional.

1102 Conflict with Other Regulations

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall be in effect.

1103 Adoption and Effective Date

Before adoption of these subdivision regulations, a public hearing as required by Section 13-3-403, Tennessee Code Annotated, was afforded interested persons and was held on July 19, 2016. Notice of such hearing was announced in the *Marion County Independent*, being of general circulation within the area of planning jurisdiction, on June 15, 2016.

These regulations shall take effect and be in force from and after the day of adoption, the public welfare demanding it.

These regulations shall be in full force and effect from and after their adoption and effective date.

Adopted July 19, 2016

Effective July 19, 2016

Amended February 14, 2023

Secretary

Chairman