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**01.00. Preamble.**

PURSUANT TO THE AUTHORITY SET FORTH IN SECTION 13-4-301 THROUGH SECTION 13-4-309, **TENNESSEE CODE ANNOTATED**, AND FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, PROSPERITY, AND GENERAL WELFARE OF THE CITY; 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 DEVELOPMENT THROUGH THE DEDICATION OR RESERVATION OF LAND FOR RECREATIONAL, EDUCATIONAL, AND OTHER PUBLIC PURPOSES; AND TO ASSURE THAT LAND IS DEVELOPED IN CONFORMITY WITH THE COMPREHENSIVE PLAN OF DUNLAP, TENNESSEE, THE MUNICIPAL PLANNING COMMISSION OF THE CITY OF DUNLAP, TENNESSEE, DOES ORDAIN AND ENACT THE FOLLOWING CHAPTERS AND SECTIONS.

**01.01. Purpose.**

Land subdivision is the first step in the process of community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility, in that roads and streets must be maintained and various public services must be provided. It is therefore in the interest of the public, the developer and the future owner that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.

**01.02. Enactment Clause.**

In pursuance of the authority set forth in Section 13-4-301 through 13-4-309, of the *Tennessee Code Annotated*, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the municipality; 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 to assure that land is developed in conformity with Comprehensive Plan of Dunlap, the Municipal Planning Commission of Dunlap Tennessee ordain and enact the following Chapters and Sections:

**01.03. Short Title.**

This document shall be known and may be cited as the **Subdivision Regulations of Dunlap, Tennessee.**

## **CHAPTER 2 DEFINITIONS OF TERMS**

### **Section: 02.00. Definitions**

#### **02.00. Definitions.**

Except as specifically defined herein, all words used in these regulations have their customary dictionary definitions where not inconsistent with the context. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular include the plural and those used in the plural number include the singular. Words used in the present tense include the future. For the purpose of these regulations, certain words or terms are defined as follows.

**Abutting:** having a common border with or being separated from such common border by an alley or easement.

**Access:** the right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

**Area of Shallow Flooding:** a designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard:** the land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year.

**Base Flood:** the flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Building:** any structure built for support, shelter, or enclosure for any occupancy or storage.

**Building Inspector:** the codes enforcement officer or his authorized representative appointed by the Dunlap Board of Mayor and Commissioners.

**Development:** any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**Drainage:** the removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

**Flag Lot:** a "flag lot" is a lot which is shaped somewhat like a flag on a pole. These lots are used to provide a building site in the interior of a tract of land behind the lots which front a public street.

**Flood or Flooding:** a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM):** an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study:** the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the risk premium zones applicable to the community.

**Flood Protection Elevation:** the elevation to which structures and uses, regulated by these regulations, are required to be elevated or flood-proofed. Since Dunlap's floodways are calculated to pass the 100-year flood with an increase in water level not more than one (1) foot, the flood protection elevation at any point along a stream is the natural 100-year flood level at the point plus one (1) foot.

**Floodway:** the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Floodway Fringe:** the land located between the floodway boundary line and the maximum elevation subject to inundation by the 100-year flood.

**Health Authority:** the environmentalist of the Sequatchie County Health Department or his duly authorized representative.

**Letter of Credit:** An agreement or commitment by a bank made at the request of a subdivider/developer that the bank will honor drafts or other demands of payment from third parties (i.e. the City of Dunlap) if the subdivider/developer deviates from the conditions specified in the letter of credit. **(Amended 6/24/2013)**

**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 is 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.

**Lot of Record:** a lot which is part of a subdivision, recorded in the county register of deeds, or a lot, described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the adoption of the ***Dunlap Subdivision Regulations.***

**Performance Bond:** Also known as a surety bond, it is a written promise from a bank or insurance company stating that if a given person does not complete work as required by the specified terms of the agreement, then the insurer will pay the City of Dunlap for incomplete work or will pay for damages. **(Amended 6/24/2013)**

**Planning Commission:** refers to the Dunlap Municipal Planning Commission.

**Private Road:** a privately maintained road constructed on a recorded permanent easement and built to the standards set forth in these regulations. **(Amended 6/24/2013)**

**Private Vehicular Access Easement:** the right granted by the owner of land to another party by deed or prescription to allow vehicular access across one parcel of land to another. **(Amended 6/24/2013)**

**Right-of-Way:** a strip of land upon which a public road is built. The right-of-way includes not only the pavement surface, but the additional dedicated width of land provided for utilities, drainage and future widening of the roadway.

**Street:** a way for vehicular traffic, whether designated as an avenue, arterial, collector, boulevard, road, highway, expressway, lane, alley, or other way, and for the purpose of these regulations **streets** are divided into the following categories:

1. Arterials: major thoroughfares designed to move large volumes of vehicles.
2. Collectors: those which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets of a residential development and streets for major circulation within such a development.
3. Local Street: a neighborhood street used primarily for access to the abutting properties.
4. Marginal Access Street: a minor street parallel and adjacent to arterials which offers access to abutting properties.
5. Alley: a minor way used for service access to the back or side of properties otherwise abutting on a street.
6. Cul-de-Sac: a local street with only one outlet, sometimes called a dead-end street.

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

**Subdivision: (Amended 09-25-00)** within these regulations the term “subdivision” means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions for the purpose, whether immediate or future, for the sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The term “subdivision” maybe further defined as follows:

1. Major Subdivision: All divisions of land into five (5) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development; and including all division of land into two (2) or more lots involving a new street, or change in existing streets; or divisions of land involving the extension of water, sewer or gas lines and includes re-subdivisions and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.
2. Minor Subdivision: All divisions of land into four (4) 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. This definition shall not include any divisions of land involving a new street, a change in an existing street, or the extension of water, sewer or gas lines.
3. Minor Subdivision B (Simple Land Splits): For divisions of land into no more than two (2) lots, approval may be endorsed in writing on the plat by the secretary of the Planning Commission without the approval of the Planning Commission, upon review and certification by planning staff of the Planning Commission that the subdivision complies with the Subdivision Regulations. This definition shall not include any divisions of land involving a new street, a change in an existing street, or the extension of water, sewer or gas lines, and provided that no request for a variance from such regulations has been requested or is needed. See Minor Subdivision B (Simple Land Split) Certificate Section 8.07. (Added 6/24/02)

**Surety Instrument:** A letter of credit or performance bond that has been accepted by the City of Dunlap guaranteeing the completion of required water lines, sewer lines, roads, or any other infrastructure project that is required by the City in order to obtain approval on a final subdivision plat. The subdivider/developer is bound by the terms of the agreement and the timeframe set by the Dunlap Municipal Planning Commission. **(Amended 6/24/2013)**

## **CHAPTER 3 PLATTING JURISDICTION AND ENFORCEMENT**

### **Section:**

#### **03.00. Platting Authority**

#### **03.01. Use of the Plat**

#### **03.02. Enforcement**

#### **03.03. Opening and Improving Public Streets**

#### **03.04. Erection of Buildings**

#### **03.05. Penalties**

#### **03.00. Platting Authority.**

The **Dunlap Municipal Planning Commission (DMPC)** shall be the official platting authority for land within its planning jurisdiction. The DMPC's planning jurisdiction shall include land within the corporate limits of Dunlap, Tennessee and any future region, outside its corporate limits, that may be designated by the State of Tennessee.

#### **03.01. 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 Sequatchie County Register of Deeds is prohibited. The description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from these regulations.

#### **03.02. Enforcement.**

No plat or plan of a subdivision located within the area of planning jurisdiction shall be filed or recorded by the county register of deeds until said plat or plan has received final approval in writing by the Dunlap Municipal Planning Commission.

#### **03.03. Opening and Improving of Public Streets.**

No public officer, authority, or city 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 public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the planning commission, or on a street plan made and adopted by the planning commission. The city commission may accept or layout any other road provided the ordinance 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 Dunlap Board of Mayor and Commissioners.

#### **03.04. Erection of Buildings.**

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 public street in accordance with these regulations.

Any new 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 city attorney or other official designated by the Dunlap Board of Mayor and Commissioners may bring action to enjoin such erection or cause it to be vacated or removed.

### **03.05. Penalties.**

No county register of deeds shall receive, file, or record a plat of a subdivision without the approval of the planning commission. Violation of this provision shall be deemed a misdemeanor, punishable as provided by law.

Any owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of such subdivision to the planning commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The city, through its attorney or other official designated by the city council, may enjoin such transfer or sale or agreement by action or injunction.

## **CHAPTER 4**

### **DESIGN REQUIREMENTS FOR SUBDIVISIONS**

#### **Section:**

- 04.00. Suitability of Land**
- 04.01. Name of Subdivision**
- 04.02. Access**
- 04.03. Public Use Areas**
- 04.04. Block Lengths and Widths**
- 04.05. Flood Protection Elevation**
- 04.06. Lot Sizes**
- 04.07. Lot Lines**
- 04.08. Building Setback Lines**
- 04.09. Lot Abutting a Public Street**
- 04.10. Double Frontage Lots**
- 04.11. Reverse Frontage Lots**
- 04.12. Flag Lots**

#### **04.00. Suitability of Land.**

The planning commission shall not approve the subdivision of land if from adequate investigations is deemed unsuitable for platting and development purposes of the kind proposed.

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 extreme water 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 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 shall be considered subject to periodic flooding.

The elevation of these controls shall be determined from the "Flood Insurance Study" and the corresponding Flood Insurance Rate Maps (effective 9-6-88), and any subsequent revisions thereto developed by the Federal Emergency Management Agency, which are made 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 the proposed fill does not restrict the flow of water or increase flood heights.

#### **04.01. Name of Subdivision.**

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

#### **04.02. Access. (Amended 6/24/2013)**

Access to every subdivision shall be provided over a public road. Access may also be provided over a private road or private vehicular access easement according to Section 05.07 and Section 05.07.01 of these regulations.

#### **04.03. Public Use Areas.**

When public use features or other plans adopted by the planning commission are located in whole or in part in a 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.

The planning commission shall refuse to approve the plat and shall notify the governing body of the reasons for such action whenever it finds a dedication of land to public uses is not required or suitable for such use.

*Where public use is to be made of the property and the residents of the subdivision will receive 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 circumstance--the subdivider should not be required to hold his land idle for a lengthy, indefinite period.*

#### **04.04. Block Lengths and Widths.**

Block lengths and widths shall be as follows:

1. Blocks shall be no shorter than two hundred (200) feet nor longer than twelve hundred (1,200) feet in length, except in unusual circumstances.
2. 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.

#### **04.05. Flood Protection Elevation.**

Each lot in a subdivision shall contain a flood-free building site outside 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 a minimum of one (1) foot above the 100-year flood elevation.

#### **04.06. Lot Sizes.**

Residential lots shall not be less than seventy-five (75) feet wide at the building setback line. Other lot size requirements follow.

1. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than three (3) times the width of the lot at the building line, unless unusual circumstances make these limitations impractical.
2. Lots not served public water or sewer systems shall be at least fifteen thousand (15,000) square feet in area or of a size specified by the county health authority; the minimum distance between the septic tank and well shall be one hundred (100) feet.
3. Where lots are served by public sewer and public water system, minimum lot size shall be seven thousand five hundred (7,500) square feet.
4. Corner lots shall have adequate width to meet building setback requirements for both abutting streets.

5. 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.
6. Land shall not be platted for commercial or industrial purposes unless the subdivider can demonstrate that each lot provides:
  - (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 expansions.

**04.07. Lot Lines.**

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

**04.08. Building Setback Lines.**

All building setback lines shall be measured from the property line. Minimum building setback lines shall be as follows:

1. Front yard setback:
  - (A) Major Thoroughfares.....30 feet
  - (B) Local Streets .....25 feet
2. Side yard setback .....10 feet  
(except in R-3 district) .....15 feet
3. Rear Yard Setback .....20 feet
4. Side yard setback abutting a public street (corner lot)
  - (A) Major Thoroughfares.....30 feet
  - (B) Local Streets .....25 feet

*In cases where a drainage or other easement is required on the plat, setbacks may be increased.*

**04.09. Lot Abutting Public Streets.**

Each lot shall abut for at least fifty (50) feet upon a dedicated public street.

**04.10. Double Frontage Lots.**

Double frontage lots should be avoided, except to overcome specific disadvantages of topography and orientation.

**04.11. Reverse Frontage Lots.**

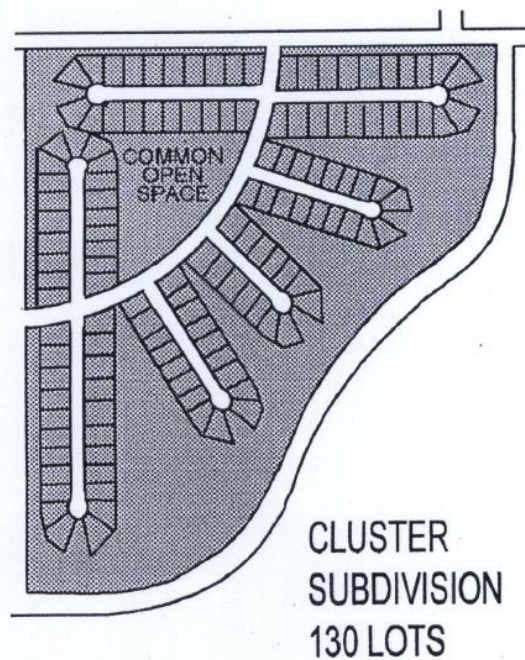
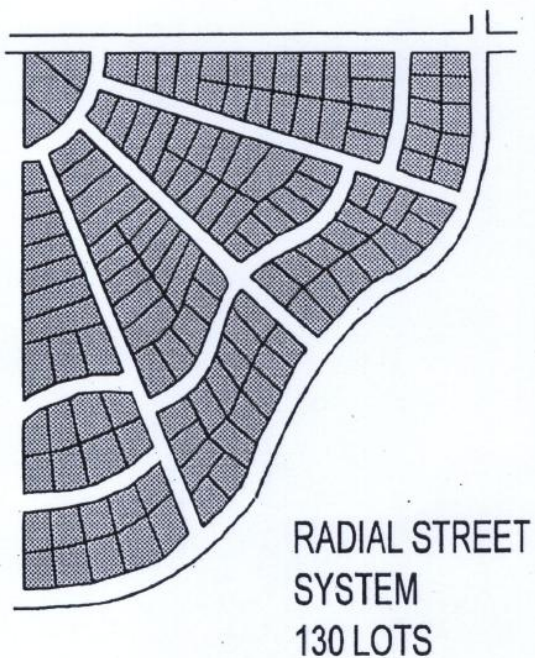
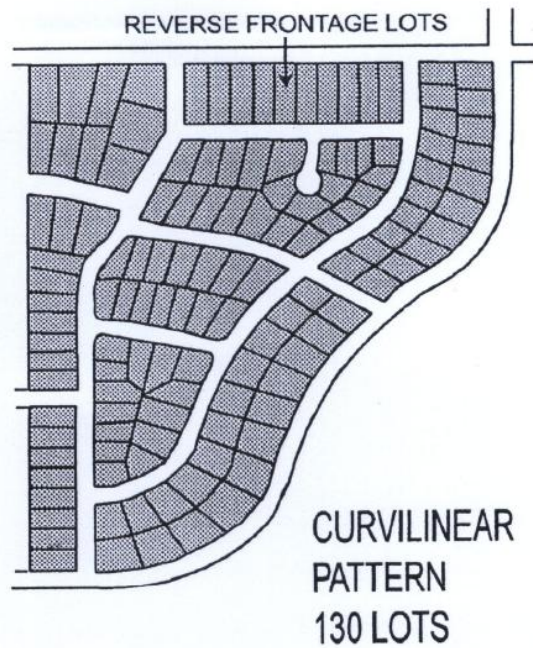
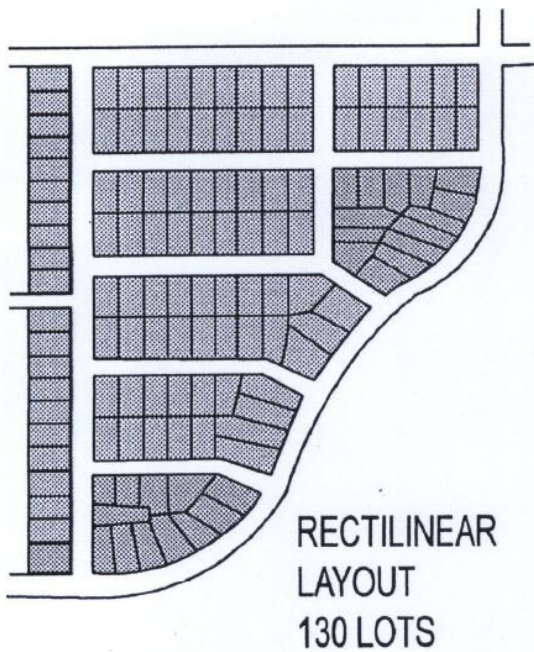
Reverse frontage lots should be encouraged where essential to provide separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Reverse frontage lots shall have a depth of not less than one hundred fifty (150) feet. A planted evergreen buffer strip, at least ten (10) feet wide, shall be provided along the lot lines which abut the traffic artery of highest classification. *(An earthen berm or opaque fence may be used in lieu of an evergreen buffer strip.)*

#### **04.12. Flag Lots.**

Flag lots may be allowed and shall meet the following criteria:

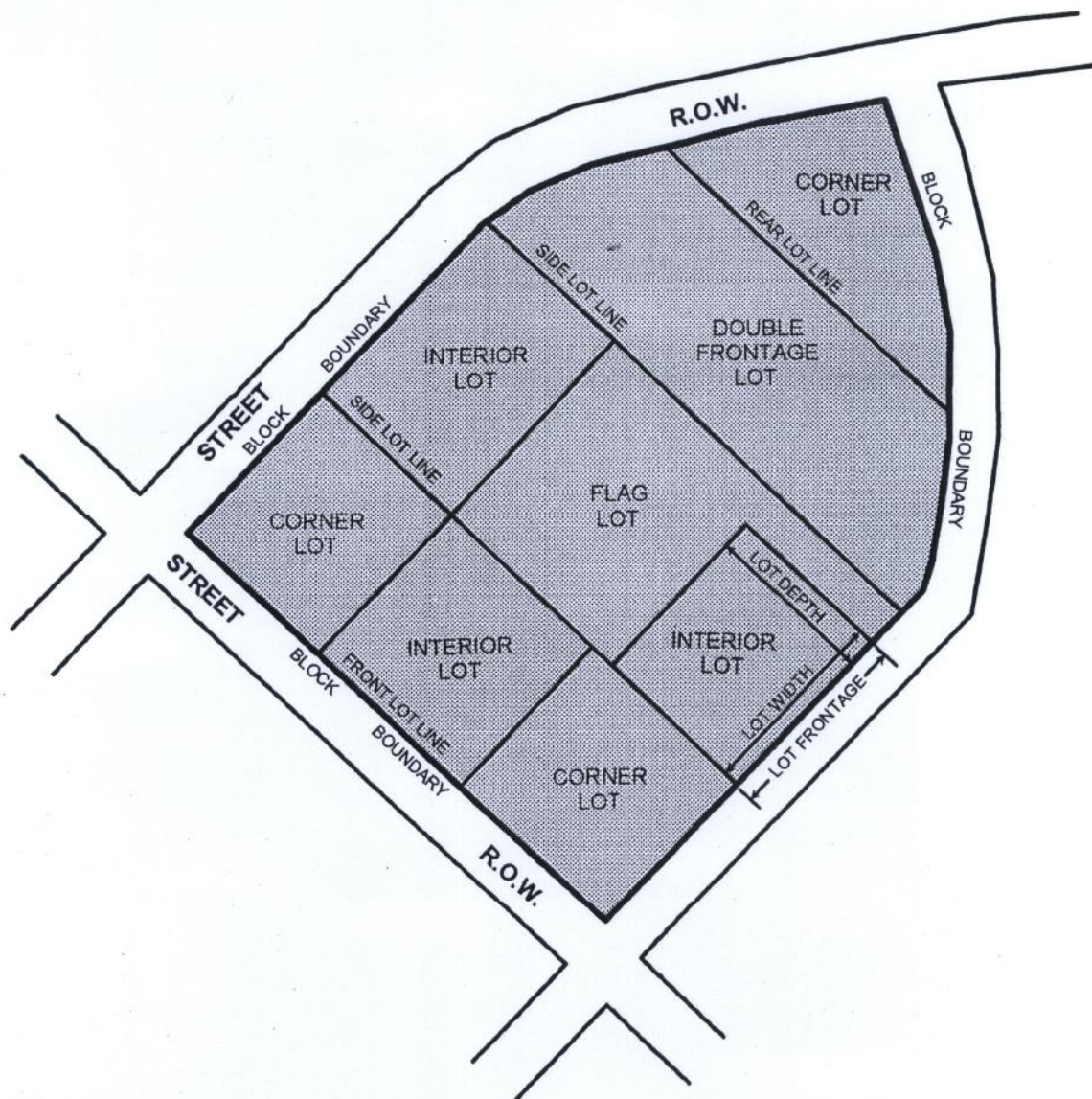
1. For flag lots of one (1) acre or less, the access strip shall be a maximum of 200 feet in length and a minimum of 20 feet in width;
2. For flag lots of more than one (1) acre, the access strip shall be a maximum of 500 feet in length and a minimum of 50 feet in width. (This additional width will allow for the construction of a public street if the flag lot is ever re-subdivided.);
3. The overall subdivision shall be designed so that the point where the access strip of the flag lot abuts the public street shall be safe for vehicular ingress and egress as far as visibility and grade are concerned since, unlike the purchaser of a conventional lot, the owner of a flag lot will have no other choice as to driveway location. (The safety of this location is even more important if the flag lot is ever made into a subdivision, containing several lots.);
4. Whenever a fifty (50) foot wide access strip is required, the developer shall locate it in a position where:
  - (A) the grade could meet the specifications of section 05.12.;
  - (B) the intersection for of ingress and egress is safe for vehicular traffic;
5. Within the portion of the flag lot which does not include the access strip the various building setbacks for front, side and rear shall still apply and be measured from the boundaries of the portion excluding the access strip;
6. Minimum lot sizes shall be calculated, excluding the access strip.

## SUBDIVISION DESIGNS



## SUBDIVISION DESIGNS

# TYPES OF LOTS



## **CHAPTER 5 DESIGN REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY**

### **Section:**

- 05.00. Conformance to Major Road Plan**
- 05.01. Continuation of Existing Streets**
- 05.02. Street Connections**
- 05.03. Street Elevations**
- 05.04. Street Names**
- 05.05. Restriction of Access**
- 05.06. Alleys**
- 05.07. Private Streets and Reserve Strips**
- 05.08. Easements**
- 05.09. Right-of-Way Widths**
- 05.10. Additional Widths on Existing Streets**
- 05.11. Minimum Pavement Widths**
- 05.12. Street Grades**
- 05.13. Horizontal Curves**
- 05.14. Vertical Curves**
- 05.15. Intersections**
- 05.16. Tangents**
- 05.17. Street Jogs**

### **05.00. Conformance to Major Road Plan.**

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

### **05.01. Continuation of Existing Streets.**

Existing streets shall be continued at the same or greater width, but in no case less than the required width.

### **05.02. Street Connections.**

Where proposed streets intersect existing streets, the developer must make the connection at his expense and meet all street design requirements set forth in these regulations. Where proposed streets connect with a city or state highway, the developer shall obtain authorization from the city or state highway department granting approval of the design of the proposed road connection.

### **05.03. Street Elevations.**

The planning commission may require profiles and elevations of streets in areas subject to flood. Fill may be used for streets provided such fill does not increase flood heights. Drainage openings shall be designed to not restrict the flow of water and increase flood heights. The minimum street elevation shall be no lower than the 100-year flood elevation.

### **05.04. Street Names.**

The street names shall require the approval of the planning commission. Streets that are in obvious alignment with existing streets shall be given the name of the existing street.

### **05.05. Restriction of Access.**

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

#### **05.06. 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.

#### **05.07. Private Streets and Reserve Strips. (Amended 6/24/2013)**

There shall be no private streets or private vehicular access easements platted in any subdivision or deeded to any property owner unless it meets the standards contained herein and has been approved by the Dunlap Municipal Planning Commission. Depending on the number of lots that will be served by a private right-of-way, there are several options that will allow access to property that otherwise does not front upon a public street. In all cases, the right-of-way whether it be for a private road or private vehicular access easement shall be no less than fifty (50) feet in width.

##### **1. Access Serving 1-2 Lots**

In cases where proposed lots will not front upon a public street, a private vehicular access easement of at least fifty (50) feet in width may be platted to serve the newly created lots. The deeds must reference the easement, which shall allow for access and the extension of utilities. The deeds must also state that access will be granted in perpetuity until such time as access can be provided by a public street or by an extension of real property that would connect each individual subdivided lot to a public street.

##### **2. Access Serving 3-4 Lots**

In cases where proposed lots will not front upon a public street, a private road may be constructed to serve the proposed lots. A right-of-way or easement of at least fifty (50) feet shall be provided. A road surface of at least two (2) inches of compacted crusher run gravel that is at least sixteen (16) feet wide shall also be provided. The deeds must reference the private road, which shall allow for access and the extension of utilities. The deeds must also state that access will be granted in perpetuity until such time as access can be provided by a public street or by an extension of real property that would connect each individual subdivided lot to a public street.

##### **3. Access Serving 5 or More Lots**

In cases where proposed lots will not front upon a public street, a private road may be constructed to serve the proposed lots. A right-of-way or easement of at least fifty (50) feet shall be provided. The surface of the road shall be the same as required for newly constructed streets in the City of Dunlap, which are contained in these regulations. The deeds must reference the private road, which shall allow for access and the extension of utilities. The deeds must also state that access will be granted in perpetuity until such time as access can be provided by a public street or by an extension of real property that would connect each individual subdivided lot to a public street.

#### **05.07.01. Additional Requirements for Private Roads and Private Vehicular Access Easements. (Amended 6/24/2013)**

- a. Private road and private vehicular access easement improvements shall be maintained either by the owner, a legally established home-owner's

association, or other similar group approved by the Planning Commission, and not by the Government of the City of Dunlap. The legal documents establishing the private right-of-way shall be submitted with the final plat for review and approval and shall be recorded with the final plat and deed for each property.

- b. All desired utilities are the responsibility of the owner, a legally established home-owner's association, or other similar group approved by the Planning Commission. The Government of the City of Dunlap is not responsible for providing services beyond the limits of a public road.
- c. If, at any future date, a private road or private vehicular access easement is submitted for acceptance as a public street, it shall first be submitted to the Planning Commission for review. In considering the easement for approval as a public street, the Planning Commission shall require the improvements to the easements to meet the minimum street construction standards in effect at the time the request for public acceptance is made. Once the street has been built to the appropriate standard it shall be inspected by the Dunlap Field Superintendent prior to a request being made to the Dunlap Board of Mayor and Commissioners for acceptance into the City's street system.
- d. The private road or private vehicular access easement must have access to a public street, but shall not connect between two (2) or more public roads.
- e. No lot shall be bought or sold, or deed transferred, until all private road or private vehicular access easement requirements have been met.

**05.08. Easements.**

Easements having a minimum width of ten (10) feet shall be provided where deemed necessary for utility lines and underground mains and cables. Easements of the same or greater width shall be required along the lines of, or across, lots where necessary for the extension of existing or planned utilities.

Where a subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a storm water or drainage easement of adequate width.

#### **05.09. Street Right-of Way Widths.**

The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

- |    |                              |                                  |
|----|------------------------------|----------------------------------|
| 1. | Arterials.....               | 80 feet<br>or as may be required |
| 2. | Collector Streets.....       | 50 feet                          |
| 3. | Local Streets.....           | 50 feet                          |
| 4. | Marginal Access Streets..... | 40 feet                          |
| 5. | Alleys .....                 | 20 feet                          |
| 6. | Cul-de-sacs.....             | 40 feet                          |

*Cul-de-sacs or dead-end streets shall not be greater in length than one thousand two hundred (1,200) feet. They shall be provided at the closed end with a turn-around having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet (thirty [30] feet where shoulders are used).*

- |    |                             |         |
|----|-----------------------------|---------|
| 7. | Temporary Cul-de-sacs ..... | 50 feet |
|----|-----------------------------|---------|

*Where 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 turn-around approved by the planning commission. Adequate rights-of-way shall be dedicated to connect with any temporary dead-end street adjoining the subdivision.*

#### **05.10. Additional Width on Existing Streets.**

Subdivisions that abut existing streets shall dedicate additional right-of-way to meet the minimum street requirements as follows:

1. The entire right-of-way shall be dedicated where any part of the subdivision is on both sides of the existing street.
2. Where the subdivision is located on one side of an existing street, the amount of dedicated right-of-way shall be dedicated:
  - (A) If the land across the roadway from the proposed subdivision has not been subdivided or developed, the subdivider is only required to dedicate one-half of the required right-of-way, measured from the centerline of the existing roadway.
  - (B) If the land across the roadway has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the roadway to bring the total right-of-way to the required width in no case shall the right-of-way be less than forty (40) feet.
3. In cases where the rights-of-way in excess of fifty (50) feet are required, additional widths shall be reserved, and when used, just compensation therefore shall be paid by the condemning authority.

**05.11. Minimum Pavement Widths.**

The required pavement widths will vary with the character of the building development and the amount of traffic encountered. (Amended 4/28/03)

Minimum Surface Widths shall be as follows:

- |    |  |         |
|----|--|---------|
| 1. | Arterial Streets.....  | 48 feet |
| 2. | Collector Streets.....   | 30 feet |
| 3. | Local Streets.....with 3' shoulders                                      | 20 feet |
|    | Curbed   | 22 feet |
|    | Local Streets includes streets of lower classification.                  |         |
| 4. | Cul-de-sacs...same as local, with 40 foot pavement width for turn around |         |

\*Greater widths may be required by the DMPC.

*Each subdivision plat will be reviewed on a case-by-case basis. The planning commission reserves the right to increase the minimum surface width if through its plat review the planning commission finds the type of development proposed warrants a larger minimum surface width.*

**05.12. Street Grades.**

Streets shall be planned to conform to existing topographic conditions. Grade may exceed twelve (12) percent for a distance up to four hundred (400) feet, but may not exceed fourteen (14) percent. Minimum street grade shall be 0.5 percent (this includes the lateral grade across the pavement to allow for an adequate 'crown' for drainage purposes).

**05.13. 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.

- |    |                         |          |
|----|-------------------------|----------|
| 1. | Arterials.....          | 300 feet |
| 2. | Collectors .....        | 200 feet |
| 3. | All Other Streets ..... | 100 feet |

**05.14. 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. Sight distance shall be measured from four and one-half (4 1/2) feet above the pavement, to an object four (4) inches high on the pavement. Profiles of all streets, showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals twenty (20) feet vertically, may be required.

**05.15. Intersections.**

Street intersections shall be as nearly at right angles as is possible, and no intersections 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.

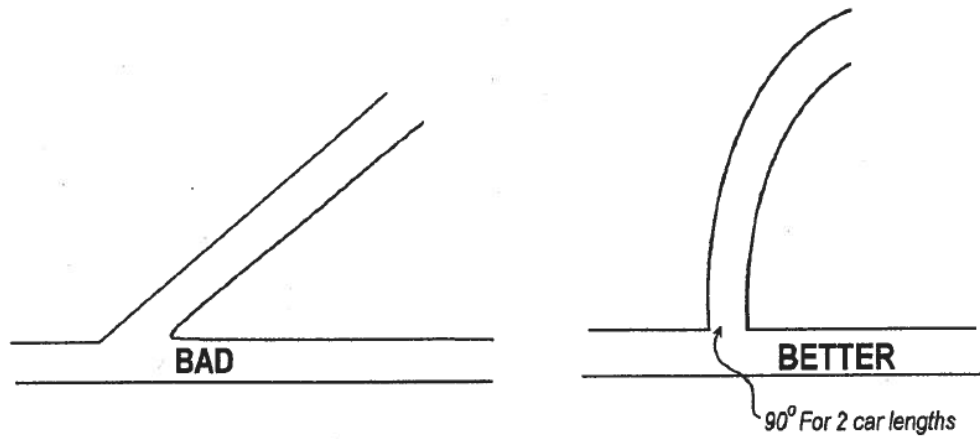
**05.16. Tangents.**

Between reverse curves, there shall be a tangent having a length of not less than one hundred (100) feet when used with minimum radius.

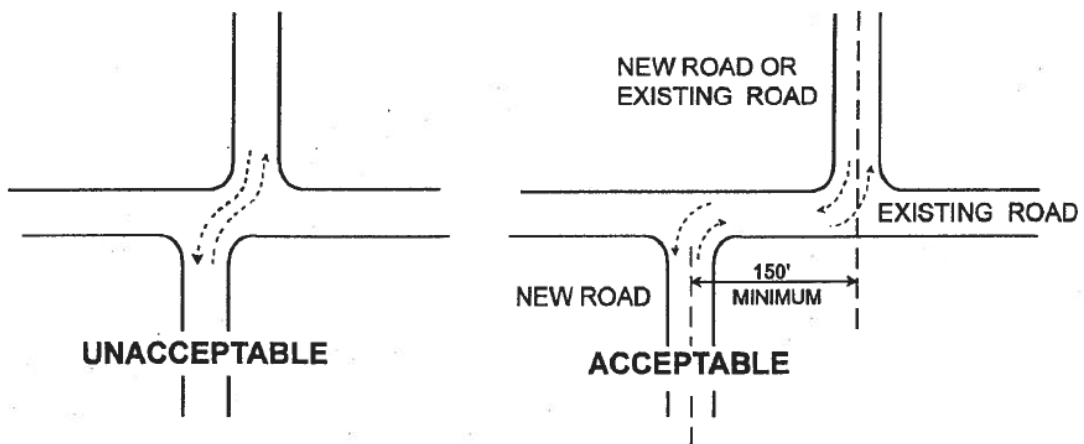
**05.17. Street Jogs.**

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

## STREET JOGS/INTERSECTIONS

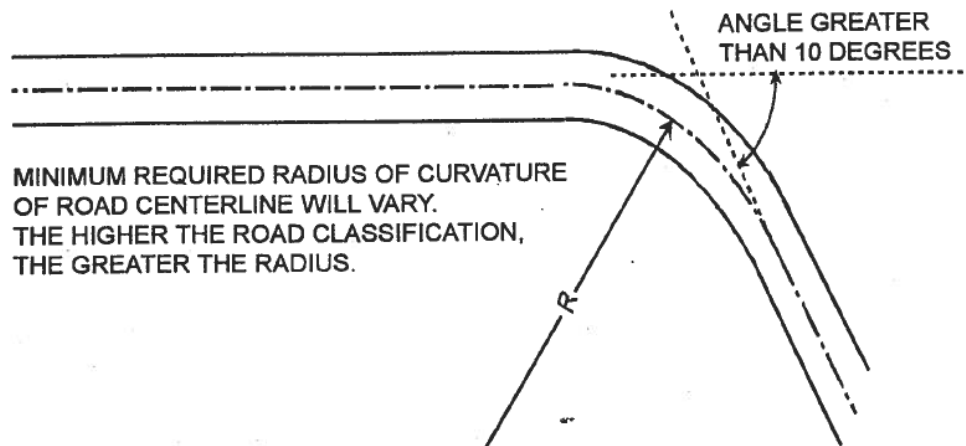


## INTERSECTIONS

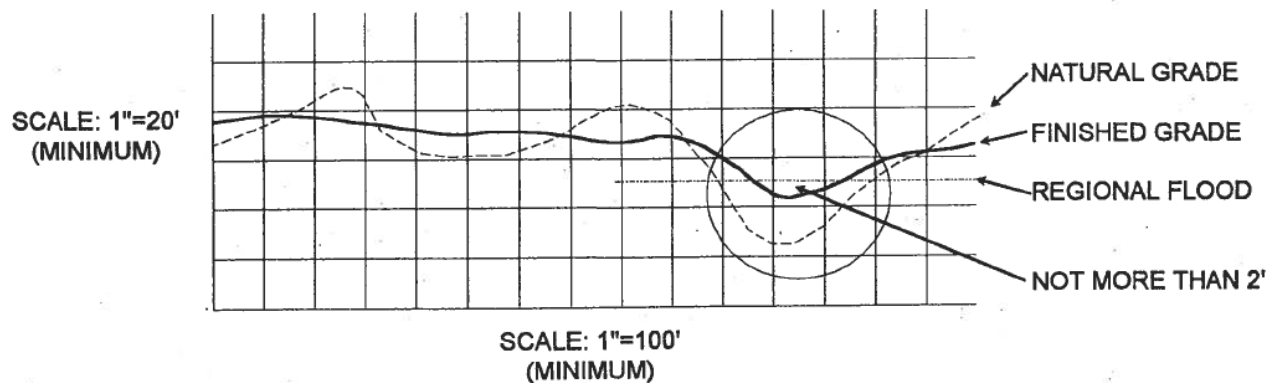


## STREET JOGS

## HORIZONTAL CURVE/STREET PROFILE



## HORIZONTAL CURVE



## STREET PROFILE

## **CHAPTER 6 PRELIMINARY PLATTING REQUIREMENTS**

### **Section:**

#### **06.00. Pre-Application Review**

#### **06.01. Preliminary Plat Approval**

#### **06.02. Use of Preliminary Plat and Expiration.**

#### **06.03. Timely Action and Automatic Approval.**

#### **06.04. Preliminary Plat Specifications**

#### **06.05. Certificate of Approval**

#### **06.00. Pre-Application Review. (Amended 6/24/2013)**

The subdivider is urged to consult early with the Dunlap Municipal Planning Commission and its staff as well as the Sequatchie County Health Department. The subdivider may 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 pre-application review and no formal application shall be required.

*At this stage, the subdivider should consult with any lending institutions participating in the financing of his proposed development. The subdivider should contact the Federal Housing Administration (FHA) or the Farmers Home Administration (FmHA) regarding mortgage insurance on houses that may be built in the proposed subdivision. It is important that the subdivider submit a sketch plat to the county health department prior to the meeting when he will ask the planning commission for preliminary approval.*

#### **06.01. Preliminary Plat Approval. (Amended 6/24/2013)**

The following procedures are required for all subdivisions consisting of five (5) or more lots or when new streets and/or utilities such as water or sewer are to be installed. The following steps shall be required prior to submitting a final plat to the Dunlap Planning Commission.

#### **06.01.01. Application for Preliminary Plat Approval. (Amended 6/24/2013)**

The subdivider shall inform the Dunlap Codes Enforcement Officer of a request for preliminary plat approval at least 10 business days prior to a scheduled planning commission meeting. A preliminary plat shall be submitted no later than 8 business days prior to a scheduled planning commission meeting in order to be included on the agenda, and so that the planning staff will have adequate time to review the proposed plat. **In no case shall the Planning Commission review a preliminary plat for which notification is given on the date of the regularly scheduled meeting.**

The subdivider shall distribute one copy of the preliminary plat to each of the following individuals or agencies for their review and records: 1) planning commission; 2) Dunlap Field Superintendent; 3) county health department; 4) city road commissioner; and 5) the city planner.

#### **06.01.02. Review of Preliminary Plat. (Amended 6/24/2013)**

The planning commission shall check the plat for conformance to local regulations governing land development including but not limited to the Dunlap Subdivision Regulations and Zoning Ordinance. The planning commission shall then give approval or disapproval of the preliminary plat. A notation of the action shall be made in the minutes of the meeting. The minutes shall contain the reasons for disapproval or the conditions for approval. One (1) copy shall be returned to the subdivider or his agent, one (1) copy added to the records of the planning commission, and one (1) copy given to the city planner.

The planning commission shall act on the preliminary plat within the timeframe prescribed by Tennessee Code Annotated 13-4-304.

**06.02. Use of Preliminary Plat and Expiration.**

Preliminary plat approval only indicates approval of the layout as a guide to the preparation of the final plat. Preliminary plat approval shall expire after a period of one (1) year unless an extension of time is applied for by the subdivider or his representative and approved by the planning commission. **Approval of the preliminary plat does not constitute approval of the final plat.**

**06.03. Timely Action and Automatic Approval. (Amended 6/24/2013)**

Once a preliminary plat has been presented at a planning commission meeting, the planning commission shall act upon the preliminary plat within the timeframe specified in Tennessee Code Annotated 13-4-304.

**06.04. Preliminary Plat Specifications**

The following specifications are required on the preliminary plat.

**06.04.01. Scale.** The preliminary plat shall be legibly drawn at a scale not smaller than one hundred (100) feet equals one (1) inch.

**06.04.02. Sheet Size.** Sheet size shall be eighteen (18) by twenty-four (24) inches from trim lines, with a two (2) inch binding edge on the long side. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.

**06.04.03. Ground Elevations.** Contours shall be shown at vertical intervals of not more than five (5) feet, except when waived by the planning commission or the Sequatchie County Department of Public Health and Environment.

**06.04.04. Information to be Provided on the Preliminary Plat.** The preliminary plat shall contain the following information.

1. Name of subdivision.
2. Name and address of owner of record, subdivider, and surveyor.
3. North point, graphic or bar scale, and date plat was designed.
4. Vicinity map showing location and acreage of subdivision.
5. Exact boundary lines of the tract by bearings and distances.
6. Names of all adjoining property owners and/or subdivisions.
7. Existing streets, buildings, railroads, culverts, utilities and easements on and adjacent to the tract, as well as natural features such as sink holes, watercourses, and rock outcroppings.
8. Proposed design including streets and alleys with proposed street names, lot lines with dimensions, easements, land to be reserved or dedicated for public uses.
9. Consecutive lot numbers.

10. Plans of all proposed utility layouts and easements showing connections to the existing or any proposed utility systems.
11. Minimum building front yard setback lines.
12. The present zoning classification on the land to be subdivided and on the adjoining land.
13. Contour lines at least for every five (5) foot change in elevation.
14. Street centerline profiles
15. Street cross-sections profiles or drainage purposes.
16. If any portion of the land being subdivided is subject to flood, the following criteria shall be met:
  - (A) The flood plain limits shall be shown.
  - (B) Public utilities and facilities shall be constructed so as to minimize flood damage.
  - (C) Adequate drainage shall be provided.
  - (D) The developer of a subdivision greater than fifty (50) lots or five (5) acres shall develop base flood elevation data for the subdivision.

**06.05. Certificate of Preliminary Plat Approval.**

The following certificate shall be attached to the preliminary plat and shall have all required signatures prior to the commencement of improvements to the subdivision.

**CERTIFICATE OF APPROVAL OF PRELIMINARY PLAT**

Pursuant to the **Subdivision Regulations of Dunlap, Tennessee**, all of the requirements of preliminary approval have been fulfilled. Therefore, the "Preliminary Plat of \_\_\_\_\_ Subdivision" has been approved by the Dunlap Municipal Planning Commission on \_\_\_\_\_, 19 \_\_\_\_\_, 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 \_\_\_\_\_, 19 \_\_\_\_\_ (one year from date of approval).

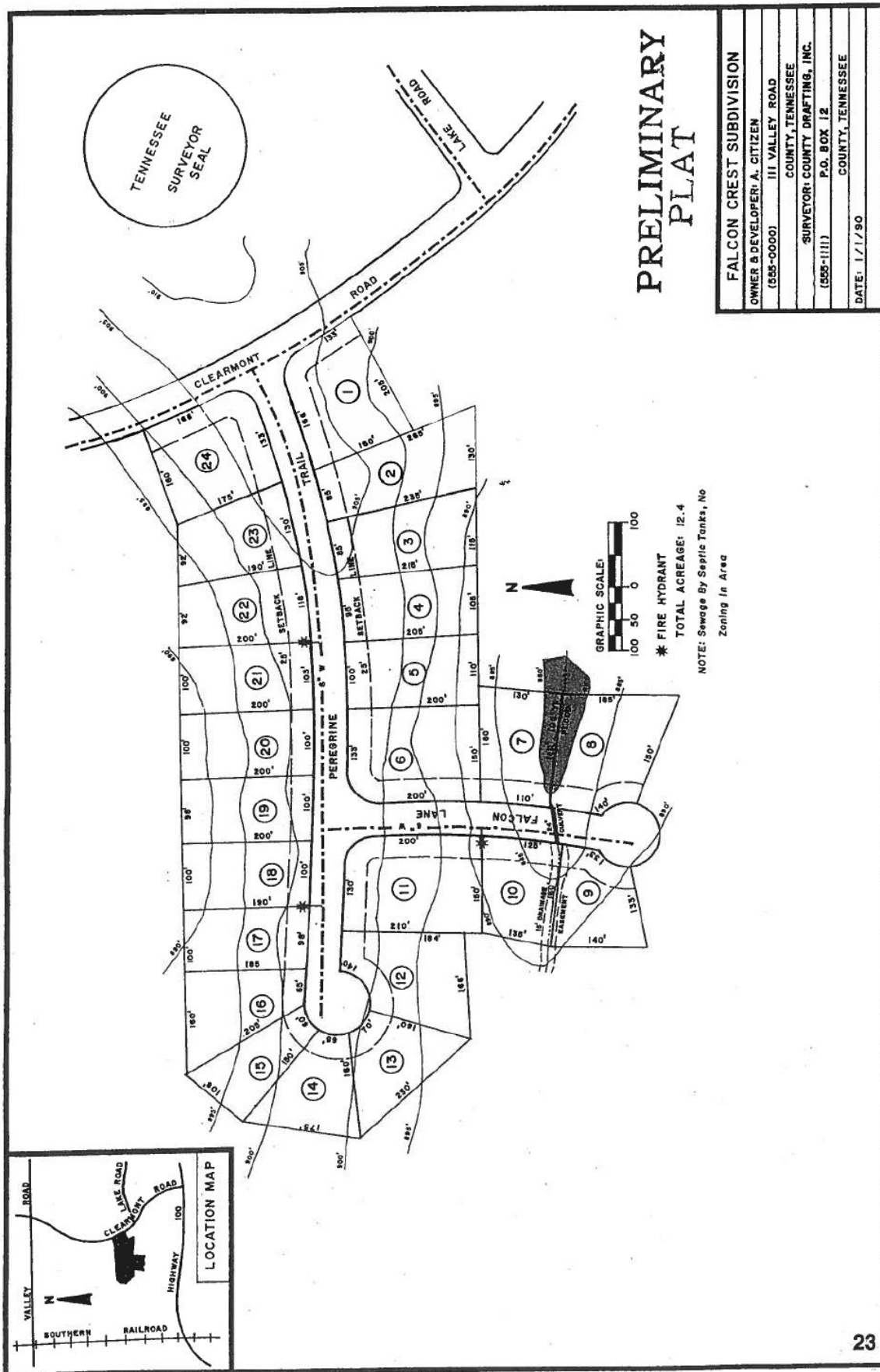
Variances granted (if any): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

\_\_\_\_\_  
Secretary, Dunlap Municipal  
Planning Commission

# PRELIMINARY PLAT



## CHAPTER 7 IMPROVEMENTS PREREQUISITE TO FINAL PLAT APPROVAL

### Section:

- 07.00. Improvements**
- 07.01. Monuments**
- 07.02. Grading**
- 07.03. Installation of Utilities**
- 07.04. Street or Road Base**
- 07.05. Pavement**
- 07.06. Storm Drainage**
- 07.07. Water Service**
- 07.08. Sewage Disposal**
- 07.09. Guarantee In Lieu of Completed Improvements**

### **07.00. Improvements.**

Prior to the approval of a final plat, the subdivider shall be required to install the improvements set forth in sections 07.01. through 07.08. of these regulations.

### **07.01. Monuments.**

Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top, shall be set at all road corners and at all points where the road lines intersect the exterior boundaries of the subdivision. 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.

*Concrete monuments shall be set with reference to section lines, recognized geological marks, or other acceptable surveying techniques.*

All other lot corners shall be marked with iron pin not less than three-fourth (3/4) inch in diameter and twenty-four (24) inches long and driven so as to be one (1) inch above the finished grade. Lot corners fronting on public roads shall be marked with numbered wooden lot stakes.

### **07.02. Grading.**

All streets, roads, and alleys shall be graded to the required cross section. Where roads are constructed under or adjacent to existing electric transmission lines, the fifteen (15) foot easement from any transmission line structure and all grading for the road shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the road to the nearest conductor shall meet the requirements of the National Safety Code.

1. **Preparation.** The entire right-of-way areas shall be first cleared of all stumps, roots, brush, and other objectionable materials.
2. **Cuts.** All tree stumps, boulders, and other obstructions shall be removed to a depth of two (2) feet below the sub-grade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the sub-grade. This provision applies to the roadway and not necessarily to the entire right-of-way width.
3. **Fill.** All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess 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. Utility trenches and other places not accessible to a roller shall be mechanically tamped.

4. **Specifications.** Cut and fill slopes shall be no steeper than one (1) foot vertical for every two (2) feet horizontal unless extra measures are taken to assure that the slope is stabilized to prevent soil erosion.

#### **07.03. Installation of Utilities.**

After grading is completed and approved and before any base is applied, all utilities shall be installed completely and approved throughout the subdivision.

For a subdivision identified in a flood hazard area, the utilities must be constructed to minimize flood damage.

#### **07.04. Street or Road Base.**

After preparation of the sub-grade, the roadbed shall be surfaced with material of no lower classification than crushed rock, stone, or gravel. The size of the crushed rock or stone shall be that generally known as "crusher run stone" from two and one-half (2 1/2) inches down, including dust. Spreading of the stone 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 stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six (6) inches.

#### **07.05. Pavement.**

All streets shall be paved using asphalt concrete (hot mix).

1. Asphaltic concrete surface shall be constructed with asphaltic concrete binder compacted to two (2) inches with not less than an average weight of two hundred twenty (220) pounds per square yard and should also include a one (1) inch surface topping. *See typical tangent section and curb design alternatives.* (Amended 4/28/03)

#### **07.06. Storm Drainage.**

An adequate drainage system including 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 (8) percent up and two (2) percent down shall be paved with three thousand (3,000) p.s.i. Portland cement concrete.

*Cross drains should 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 case shall be built on straight line and grade and shall be determined by any acceptable engineering formula, and shall be laid on a firm base, but not in 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 (1) foot below the roadbed.*

#### **07.07. Water Service. (Amended 6/24/2013)**

A public water system shall be provided to all major subdivisions, as defined by these regulations, when the proposed subdivision is within 1,000 feet of an existing public water system, or when the Planning Commission determines that the lack of public water system will negatively impact the safety and wellbeing of Dunlap's citizens. The Planning Commission may decide not to require the extension of water when the elevation of the line to be extended is above the 800' contour line. The appropriate size of the water mains shall be recommended by the Planning Commission, and determined by the applicable utility provider.

Developments determined by the County Health Department or the Tennessee Department of Environment and Conservation to be unsuitable for fresh water wells shall agree to provide a public water system before a final plat is approved by the Planning Commission.

Fire hydrants of a type approved by the City shall be installed in all major subdivisions (as defined by these regulations) whenever adequate water flow is available, or as determined by the Dunlap Water System in coordination with the Dunlap Planning Commission (DPC). Additional hydrants may be required by the Dunlap Water System or the Planning Commission. All fire hydrants shall have a base coat of chrome yellow. The top of the hydrants shall be color coded to show flow capabilities as follows: Red – 0 to 499 gpm, Orange – 500 to 999 gpm, Green - 1000 to 1499 gpm, Blue – 1500+, and Black – Signifies Out of Service. Hydrants without fire flow capability shall also be tagged so that pumper trucks will not connect directly to the hydrant and collapse the water line; however, water from the hydrant can still be used to fill reservoirs.

When necessary, the developer shall have an agreement with the local utility for the installation and/or service of fire hydrants.

The following requirements shall govern the placement of fire hydrants within or in proximity to all subdivisions of property requiring the installation of hydrants:

1. Fire hydrants shall be located at a place that is clearly visible from the road and can be easily accessed by firefighters and other fire equipment used to connect to the hydrant.
2. No lot shall be more than one-thousand (1,000) feet (measured along the road) from a fire hydrant. Fire hydrants should not be more than one thousand (1,000) feet apart in order to maintain a good fire insurance rating and safety level. However, the distance between fire

hydrants may exceed one-thousand (1,000) feet provided lots abutting the roadway are still within one-thousand (1,000) feet of a fire hydrant.

3. The Dunlap Planning Commission (DPC) can require additional fire hydrants in cases where topography and/or larger lots make it more difficult for adequate fire protection. Prior to making a decision the DPC should consult with the Dunlap Fire Department and Dunlap Water Department.

The location and types of valves and fire hydrants, the amount of soil cover over the pipes and other features of the installation shall conform to accepted standards of good practice for water systems and must meet the approval of the Dunlap Water System, Fire Department, and the Dunlap Planning Commission.

#### **07.08. Sewage Disposal.**

When a proposed subdivision utilizes a public sanitary sewer main, sanitary sewers shall be installed to serve all the lots within the subdivision. The specifications of all materials and the manner in which all lines and appurtenances are laid shall meet the inspection and approval of the public sewerage system involved.

Where a subdivision is located beyond the service limits of a public sewage disposal system, the lots shall be served by individual sewage disposal systems. Lot sizes shall be adequate for the installation of the proposed individual systems. All such systems shall have the approval, in writing, of the Sequatchie County Health Department.

#### **07.09. Guarantee In Lieu of Completed Improvements. (Amended 6/24/2013)**

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

1. All required improvements have been constructed in a satisfactory manner and approved by the various authorities for which certificates are required. These improvements include the extension of water and/or sewer lines and the construction of a road and storm drainage.

OR

2. The Dunlap Planning Commission and City Attorney have accepted a letter of credit or performance bond that is for a period of twelve (12) months or less in an equal amount to **one-hundred-ten (110%) percent** of the estimated cost of installation of the required improvements, whereby improvements may be made and roads and/or utilities installed without cost to the City or other utility providers in the event of default by the developer/subdivider. The City Attorney will be responsible for the execution of the surety instrument, which will be held in a secure location at Dunlap City Hall. At the end of the twelve (12) month period (or the time specified in the surety instrument approved by the Planning Commission) the Planning Commission shall have issued a written decision specifying what should be done with the letter of credit or performance bond based on the status of the improvements for which it was issued. Upon a ruling by the Planning Commission, the City Attorney will be charged with the responsibility of either releasing or collecting the surety instrument on behalf of the City.

*The Planning Commission shall set the amount of the letter of credit or performance bond based upon the cost of improvements estimated by the Dunlap Field Superintendent, utility official, or other authority designated by the Planning Commission.*

**07.10. Procedure for Executing and Enforcing Letters of Credit & Performance Bonds.**  
**(Amended 6/24/2013)**

Once a final subdivision plat is submitted to the Planning Commission for approval, the developer/subdivider shall have also submitted a letter of credit or a performance bond in an amount equal to one-hundred-ten (110%) percent of the estimated cost of installing and constructing the required improvements. The developer/subdivider then has up to twelve (12) months to complete the required improvements. The appropriate signed certificates on the plat should recognize that a letter of credit or performance bond has been secured, it must state the amount that it will cover, and it must give a description of what it will cover. The letter of credit or performance bond serves as a contract between the developer/subdivider and the City, thus ensuring that the required improvements will be completed in a timely manner and at no cost to taxpayers.

**A. Procedure for Completed Improvements**

1. If the required improvements are completed within twelve (12) months (or the time specified by the surety instrument), then the developer/subdivider shall formally request in writing that the Planning Commission release the surety instrument.
2. A letter must also be obtained from the appropriate utility or city official stating that the required improvements have been completed in an acceptable manner and that no further or immediate costs are anticipated as a result of the completion of a particular project.
3. The Planning Commission may require a letter from a certified engineer if there is question about operation or design of the completed infrastructure.
4. The Planning Commission shall certify that all of the required improvements have been installed or constructed in an acceptable manner based on good engineering principles and adherence to state and local regulations. Once satisfied, the Planning Commission shall instruct the City Attorney in writing to release the surety instrument.
5. In the case of roads, the developer/subdivider shall request that the Dunlap Board of Mayor and Alderman accept the road as a City street if it is intended to be public. Otherwise, the future maintenance of the road falls to the developer/subdivider.

**B. Procedure for Calling in a Surety Instrument for Incomplete Improvements**

1. During the month which represents the midpoint for the period of time specified in the surety instrument, the developer/subdivider shall submit a progress report to the Planning Commission noting the work that has been done to fulfill the terms of the surety instrument for incomplete infrastructure. No communication within thirty (30) days of being notified to present a progress report shall be deemed as an abandonment of the project, and shall cause the surety instrument to be collected early.
2. Ninety (90) days prior to the expiration of a letter of credit or performance bond, the Planning Commission shall send a certified letter to the developer/subdivider and the issuer of the surety instrument notifying them of the deadline for completing the required improvements. If the required improvements are not completed, then the Planning Commission shall begin the process of collecting payment guaranteed in the approved surety instrument beginning thirty (30) days prior to the end of the twelve (12) month period. It should be noted that the end of the twelve (12) month period does not make the

letter of credit or performance bond invalid; rather it allows the Planning Commission to collect it to fund the completion of the required improvements. The Planning Commission may call in the surety instrument at anytime following the twelve (12) month period (or time specified in the surety instrument). An extension of the specified period may, in some cases, be granted by the Planning Commission, but a renewed letter of credit or performance bond shall be of a sufficient amount to cover the remaining improvements. The renewed letter of credit or performance bond must also specify the extended timeframe granted by the Planning Commission.

3. The developer/subdivider and the issuer of the letter of credit or performance bond shall be notified at least seven (7) days prior to the hearing in which the Planning Commission will vote to call in the surety instrument.
4. Within thirty (30) days prior to the end of the twelve (12) month period, the Planning Commission shall conduct a hearing either at a special called meeting or a regularly scheduled meeting to vote on calling in the letter of credit if the required improvements are incomplete. A certified letter shall be sent to the developer/subdivider and the issuer of the surety instrument with notification of the Planning Commission's decision.
5. The Planning Commission shall send a letter to the City Attorney requesting that the letter of credit or performance bond be dispensed to the City to cover the cost of completing the required improvements.

*If the surety instrument is for a period of less than twelve (12) months, then the Planning Commission shall adhere to the procedures listed above for calling in surety instruments, except in cases where the timeframe specified in the surety instrument does not allow for the two notifications listed above. In which case, the Planning Commission shall only adhere to the 7 day notice to the developer/subdivider notifying them of the hearing that will be held within the 30 days prior to the surety instrument's expiration.*

## **CHAPTER 8**

### **FINAL PLATTING REQUIREMENTS**

#### **Section:**

#### **08.00. Application for Final Plat Approval**

#### **08.01. Review of Final Plat**

#### **08.02. Recording of Plat**

#### **08.03. Final Plat**

#### **08.04. Final Plat Specifications**

#### **08.05. Certificate of Approval**

#### **08.06. Minor Subdivision – Plat Procedure**

#### **08.07. Final Plat Certifications**

#### **08.00. Application for Final Plat Approval. (Amended 6/24/2013)**

The subdivider may, within one year from the date of preliminary plat approval, request review and approval a final plat. This contact should be made allowing a reasonable amount of time for the planning commission to review the information provided. Final plats should be submitted for review at least eight (8) business days prior to a scheduled planning commission meeting. ***In no case shall the planning commission review a final plat which notification is given on the date of the regularly scheduled meeting.***

The subdivider shall distribute the final plat to each of the following individuals or agencies for their review and records: 1) one copy to the county register of deeds; 2) one copy for the planning commission; 3) one copy for Dunlap Field Superintendent; 4) one copy for return to the subdivider with inscriptions of the planning commission; 5) one copy for the health department; and 6) one copy for the City's planning staff.

#### **08.01. Review of Final Plat. (Amended 6/24/2013)**

The planning commission shall check the final plat for conformance with the approved preliminary plat 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 of the planning commission shall be made on the six (6) copies of the final plat, including a statement of the reasons for disapproval, if the plat is disapproved. The planning commission shall take action to either approve or disapprove the plat within the timeframe specified in Tennessee Code Annotated 13-4-304. However, the applicant may waive this requirement and consent to an extension of time.

#### **08.02. Recording of Final Plat.**

Upon approval of a final plat, the subdivider shall have the final plat recorded in the Office of the Sequatchie County Register of Deeds.

#### **08.03. Final Plat.**

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 made. The final plat will contain the following information and certifications.

#### **08.04. Final Plat Specifications.**

The final plat shall conform to the preliminary plat, previously approved, and shall show:

1. Date, name, and location of subdivision, graphic scale, and true north point,
2. Location and sketch map showing site in relation to area,

3. The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining un-subdivided property,
  4. All dimensions to the nearest one-hundredth (100th) of a foot and angles to the nearest minute,
  5. The lines of all streets and roads, alley lines, lot lines, building setback lines, and lots numbered in numerical order,
  6. 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 curved streets. Where the subdivision does not require a public street but private driveways connect to city or state highways, the subdivider shall provide documentation of approval from city or state road officials that the driveway connection conforms to city or state regulations,
  7. Show the locations of existing streets, buildings, railroads, or other utility or right-of-way easements. **(Amended 6/24/2013)**
  8. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public uses,
  9. Accurate location, material, and description of existing and proposed monuments and markers,
  10. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the following criteria shall be met:
    - (A) The flood plain limits shall be shown.
    - (B) Public utilities and facilities shall be constructed so as to minimize flood damage.
    - (C) Adequate drainage shall be provided.
    - (D) The developer of a subdivision greater than fifty (50) lots or five (5) acres shall develop base flood elevation data for the subdivision.
  11. Contour lines **only** if so specified by the planning commission.
- "As built" plans and profiles of all streets, sewers, waterlines, and storm drains shall be furnished to the city upon completion of the project.***

#### **08.05. Certificates of Approval.**

The following certifications shall be required directly on the final plat.

***All certifications with appropriate signatures shall be placed on six (6) copies of the plat and any others that may be deemed necessary. No certification signatures should be placed on the reproducible copy.***

**08.06. Minor Subdivision A – Plat Procedure (Added 09-25-00)**

Whenever a proposed subdivision contains four (4) or less lots and does not require the construction or installation of new streets, utilities or other improvements, the following procedures for review and approval of the subdivision shall apply.

The subdivider may, if he desires, submit only a final plat in securing plat approval provided that the plat submitted complies with all the requirements of the final plat. However, if any corrections or modifications are needed, the Planning Commission shall disapprove the plat and require that it be resubmitted for approval. Submission of a preliminary plat is **optional** unless topographical or other features justify submission as determined by the Planning Commission. If required, the preliminary plat must meet all standards contained in Chapter 6 of this document.

**Minor Subdivision B (Simple Land Split) – Plat Procedure (Added 6/24/02)**

For divisions of land into no more than two (2) lots and does not require the construction or installation of new streets, utilities or other improvements, approval may be endorsed in writing on the plat by the secretary of the Planning Commission, without the approval of the Planning Commission, provided that upon review and certification by planning staff of the Planning Commission that the subdivision complies with the Subdivision Regulations. Plats should be submitted to City Hall or the Staff Planner for review. The Minor Subdivision B (Simple Land Split) Certificate will be endorsed by City Staff to insure that the plat has been reviewed by the Staff Planner.

NOTE: All plats going before the Planning Commission should be submitted for review to City Hall or the Staff Planner one week prior to the meeting in order to be included on the agenda. Minor Subdivision B (Simple Land Split) plats will be reviewed in a timely manner. Two (2) copies of the plat should be submitted for review and five (5) copies of the final version should be submitted for signatures in compliance with Chapter 8.

Preliminary Plat Specifications (OPTIONAL)

See Section 06.04 of these regulations for the Preliminary Plat Specifications.

Final Plat Specifications (REQUIRED)

See section 8.04 of these regulations for the Final Plat Specifications and section 8.07 Certifications.

Preliminary Plat Specifications (OPTIONAL)

See Section 06.04 of these regulations for the Preliminary Plat Specifications.

Final Plat Specifications (REQUIRED)

See Section 08.04 of these regulations for the Final Plat Specifications.

Minor Subdivision B (Simple Land Split) Certificate

I hereby certify that the subdivision plat shown hereon includes no more than two (2) lots, and has been reviewed by the Staff Planner, and has been found to comply with the Subdivision Regulations of Dunlap, Tennessee, and no variances from the Subdivision Regulations or no improvements are required.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Building Inspector

# Plat Certificates

## **08.07. Final Plat Certifications**

### **Certificate of Ownership and Dedication.**

I (we) hereby certify that I am (we are) the owner(s) 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 dedicate to the public use forever all the streets as shown on this plat.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
OWNER

### **Certificate of Registered Surveyor.**

I certify that the property shown on this plat was surveyed by me and that the bearings and distances above are accurate as required.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SURVEYOR

### **Certificate of Approval of Sewage Disposal (Sewer). (Amended 6/24/2013)**

(OPTION 1)

I hereby certify that each lot shown on this subdivision plat is adjacent to a properly installed extension of an approved public sewerage system.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PUBLIC SEWERAGE SYSTEM OFFICIAL

**OR**

(OPTION 2)

I hereby certify that the City of Dunlap has accepted a [letter of credit or performance bond] in the amount of \$\_\_\_\_\_ to guarantee the installation of an approved public sewerage system that will serve each lot shown on this subdivision plat. I acknowledge that the surety instrument may be collected by the City of Dunlap upon its expiration if the installation of this system is not complete or an extension has been granted by the Planning Commission. I, the developer, further certify that I will submit a progress report to the Planning Commission at least 6 months prior to the surety instrument's expiration.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PUBLIC SEWERAGE SYSTEM OFFICIAL

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SUBDIVIDER/DEVELOPER

### **Dunlap Septic Certification**

Approval is hereby granted for the Lot shown heron, City of Dunlap, Sequatchie County, TN, as being suitable for subsurface sewage disposal (SSD) systems with above listed restrictions. Prior to any construction of any structure (mobile or permanent), the plans for the exact house/structure location must be approved and an SSD permit issued by the Division of Groundwater Protection. Water taps, water lines, underground utilities, and driveways should be located at the side property lines unless otherwise noted. Any cutting, filling or alterations of the soil conditions may void this approval. Pending structure location and/or elevation, pumping of effluent may be required.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TDEC, ENVIRONMENTAL SPECIALIST  
DIVISION OF GROUNDWATER PROTECTION

### **Existing Septic System Certificate (added 12/18/06)**

The existing septic system is located as shown on the plat (lot(s) \_\_\_\_\_). The location 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 the septic system(s) is/are contained within the boundary of the individual lot. I understand that my lot has not been verified for a duplicate septic system by TDEC (state environmentalist/health department).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

**Certificate of Approval of Water System. (Amended 6/24/2013)**

(OPTION 1)

I hereby certify that each lot shown is large enough and has adequate soils for both a private well and an individual septic system.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
COUNTY HEALTH DEPARTMENT

**OR**

(OPTION 2)

I hereby certify that each lot shown is served by public water system extensions designed and installed in accordance to applicable local and state regulations.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
LOCAL WATER UTILITY

**OR**

(OPTION 3)

I hereby certify that the City of Dunlap has accepted a [letter of credit or performance bond] in the amount of \$\_\_\_\_\_ to guarantee the installation of an approved water system that will serve each lot shown on this subdivision plat. I acknowledge that the surety instrument may be collected by the City of Dunlap upon its expiration if the installation of this system is not complete. I, the developer, further certify that I will submit a progress report to the Planning Commission at least 6 months prior to the surety instrument's expiration.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PUBLIC WATER SYSTEM OFFICIAL

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SUBDIVIDER/DEVELOPER

**Certificate of Approval of Streets and Drainage System. (Amended 6/24/2013)**

(OPTION 1)

I hereby certify that the streets and drainage facilities shown on this plat are public and have been installed in an acceptable manner in accordance to required specifications.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DUNLAP FIELD SUPERINTENDENT

**OR**

(OPTION 2)

I hereby certify that the City of Dunlap has accepted a [letter of credit or performance bond] in the amount of \$\_\_\_\_\_ to guarantee the construction of an approved public street(s) and necessary storm water drainage that will serve each lot shown on this subdivision plat. I acknowledge that the surety instrument may be collected by the City of Dunlap upon its expiration if the street and drainage collection system are incomplete. I, the developer, further certify that I will submit a progress report to the Planning Commission at least 6 months prior to the surety instrument's expiration.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DUNLAP FIELD SUPERINTENDENT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SUBDIVIDER/DEVELOPER

**Certificate of Approval by Electric Power Utility.**

I hereby certify that this subdivision plat shows adequate easements for needed electric power lines.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ELECTRIC POWER OFFICIAL

**Certificate of Approval by Gas Utility. (If applicable.)**

I hereby certify that this subdivision plat shows adequate easements for available natural gas lines.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
NATURAL GAS COMPANY

**Certificate 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 Dunlap, Tennessee**, with the exceptions of such variances, if any, as may be noted on this plat; and that all required improvements have either been completed or covered by an approved bond large enough to complete the required improvements in case of default; and that this plat has been approved for recording in the Office of the Sequatchie County Register.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PLANNING COMMISSION SECRETARY

**Certificate of E-911 Approval (added 4/24/06)**

I hereby certify that I have reviewed this plat and find that it conforms to Sequatchie County's E-911 Requirements, including appropriate street names.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SEQUATCHIE COUNTY E-911 REPRESENTATIVE

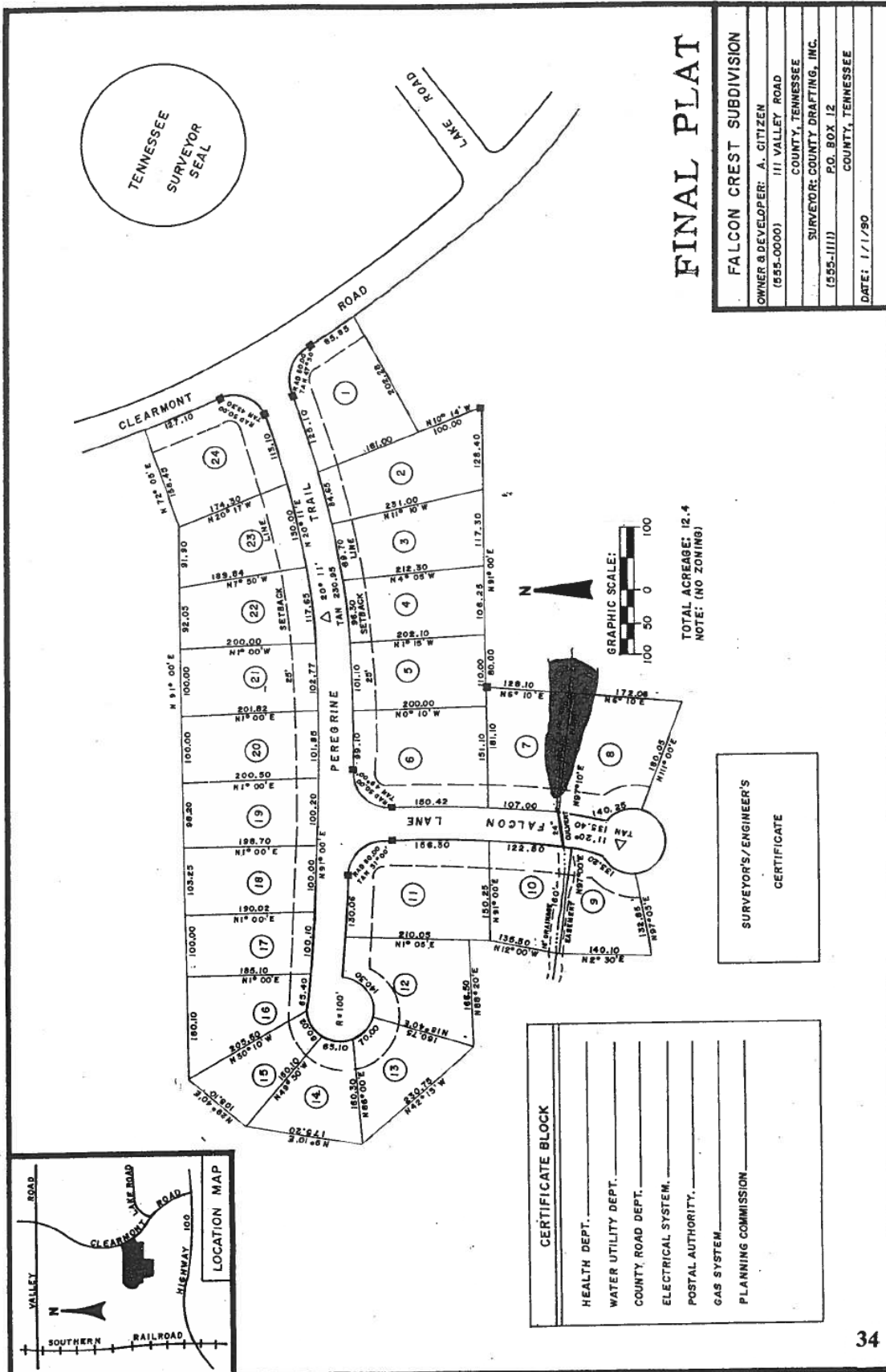
**Certification of Road Status (Owner) Private Road**

"It is hereby certified that the road labeled on this plat is private and not dedicated to the government of the City of Dunlap. The government of the City of Dunlap will not be expected to accept any responsibility for the maintenance of this private road or the extension of any utility.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Developer

# FINAL PLAT



## CHAPTER 9 LEGAL PROVISIONS

**Section:**

**09.00. Variances**

**09.01. Amendments**

**09.02. Appeals**

**09.03. Separability**

**09.04. Conflict with Other Regulations**

**09.05. Adoption and Effective Date**

**09.00. Variances.**

Variances may be granted where the planning commission decides that there are topographical or other conditions peculiar to the site and a departure from these regulations will not destroy their intent. Any variance thus authorized shall be stated in writing in the minutes of the planning commission with the reasoning on which the departure is justified set forth.

**09.01. Amendments.**

These regulations may be amended from time to time by the planning commission, who shall hold a public hearing thereon, notice of the time and place of which shall be published in a newspaper of general circulation in the city.

**09.02. 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.

**09.03. Separability.**

Should any section or provisions 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.

**09.04. Conflict with Other Regulations.**

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

**09.05. Adoption and Effective Date.**

Before adoption of these subdivision regulations, a public hearing was held on \_\_\_\_\_. Notice of such hearing was announced in the *Dunlap Tribune*, a newspaper of general circulation within the area of planning jurisdiction, on \_\_\_\_\_.

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

**Adopted:** \_\_\_\_\_

**Effective:** \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

## APPENDIX

**CHECKLIST FOR PRELIMINARY PLAT CONSIDERATION**

NAME OF SUBDIVISION: \_\_\_\_\_

LOCATION: \_\_\_\_\_

OWNER OF RECORD: \_\_\_\_\_

Address \_\_\_\_\_ Tel. \_\_\_\_\_

SUBDIVIDER: \_\_\_\_\_

Address \_\_\_\_\_ Tel. \_\_\_\_\_

SURVEYOR: \_\_\_\_\_

Address \_\_\_\_\_ Tel. \_\_\_\_\_

DATE SUBMITTED FOR PRELIMINARY APPROVAL: \_\_\_\_\_

**CHECKLIST:**

- \_\_\_\_\_ 4 copies submitted 5 days prior to meeting.
- \_\_\_\_\_ Name of Subdivision.
- \_\_\_\_\_ Drawn to scale of not less than one inch equals one-hundred feet.
- \_\_\_\_\_ Name and address of owner of record, subdivider, and surveyor.
- \_\_\_\_\_ North point, graphic scale, and date.
- \_\_\_\_\_ Vicinity map showing location and acreage of subdivision.
- \_\_\_\_\_ Boundary lines by bearing and distances.
- \_\_\_\_\_ Names of adjoining property owners and/or subdivision(s).
- \_\_\_\_\_ Location of all existing physical features on land and nearby properties.
- \_\_\_\_\_ Names, locations, and dimensions of proposed streets, alleys, easements, parks and reservations, lot lines, etc.
- \_\_\_\_\_ Lot numbers.
- \_\_\_\_\_ Plans of proposed utility layouts showing connections to existing or proposed utility systems.
- \_\_\_\_\_ Minimum building front yard setback line.
- \_\_\_\_\_ Cross-section and centerline street profiles at suitable scales as may be required by street superintendent and/or planning commission.
- \_\_\_\_\_ Conforms to general requirements and minimum standards of design.
- \_\_\_\_\_ Preliminary approval for individual septic systems is granted by the Sequatchie County Health Department.

## CHECKLIST FOR FINAL PLAT CONSIDERATION

NAME OF SUBDIVISION: \_\_\_\_\_

LOCATION: \_\_\_\_\_

CIVIL DISTRICT: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_

OWNER OF RECORD: \_\_\_\_\_

Address \_\_\_\_\_ Tel. \_\_\_\_\_

DATE PRELIMINARY APPROVAL GRANTED: \_\_\_\_\_

DATE SUBMITTED FOR FINAL APPROVAL: \_\_\_\_\_

### CHECKLIST:

- \_\_\_\_\_ Submitted within one year from date of preliminary approval.
- \_\_\_\_\_ 5 copies submitted 5 days prior to planning commission meeting.
- \_\_\_\_\_ Name of subdivision.
- \_\_\_\_\_ Drawn to a scale of 1 inch equals 100 feet on sheets not larger than 16 1/2 inches by 22 inches.
- \_\_\_\_\_ Name and address of owner of record, subdivider, and surveyor.
- \_\_\_\_\_ North point, graphic scale, and date.
- \_\_\_\_\_ Bearings of property lines, and sufficient engineering data to locate all lines including radii, angles, and tangent distances.
- \_\_\_\_\_ Reservations, easements, or other non-residential areas.
- \_\_\_\_\_ Dimensions to nearest 10th of a foot and angles to nearest minute.
- \_\_\_\_\_ Lot lines, alleys, and building setback lines.
- \_\_\_\_\_ Location and description of monuments.
- \_\_\_\_\_ Names and locations of adjacent properties.
- \_\_\_\_\_ Lines, names, and widths of all streets and roads.
- \_\_\_\_\_ Lots numbered in numerical order and blocks lettered alphabetically.
- \_\_\_\_\_ Location sketch map with floodable areas outlined.
- \_\_\_\_\_ Certificate of ownership and dedication.
- \_\_\_\_\_ Certificate of approval of water and sewerage systems and streets.
- \_\_\_\_\_ Certificate of surveyor.
- \_\_\_\_\_ Proposed deed restrictions if not a zoned area.
- \_\_\_\_\_ Conforms to general requirements and minimum standards of design.
- \_\_\_\_\_ Required physical improvements have been made or bond posted in the amount of \$\_\_\_\_\_.

**SUBDIVISION REGULATIONS**

**for**

**The City of Dunlap, Tennessee**

**Prepared by the**

**Dunlap Municipal Planning Commission**

**May 1995**

**Amended June 24, 2002**

**Amended April 28, 2003**

**Amended April 24, 2006**

**Amended August 22, 2011**

**Amended June 24, 2013**



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