

ORDINANCE NO. 211-5

AN ORDINANCE TO ADOPT THE REVISED SUBDIVISION REGULATIONS OF THE CITY OF BANEERRY, TENNESSEE

WHEREAS, the Baneberry Planning Commission has revised the Baneberry Subdivision Regulations, City Ordinance 92-6, and has recommended the revision be submitted to the Baneberry Board of Commissioners for approval; and

WHEREAS, the Baneberry Board of Commissioners, after reviewing the revisions of the City’s subdivision regulations, acknowledge the revisions will be in the best interest of the City’s citizens.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Baneberry, Tennessee as follows:

SECTION I. The revised subdivision regulation which is attached hereto and incorporated herein by reference is hereby adopted.

SECTION II. This ordinance shall take effect no sooner than fifteen (15) days after first passage thereof, provided that it is read two (2) different days in open session before its adoption, and not less than one week elapses between first and second readings, the public health, safety and welfare requiring it.

Mike Keane
Mayor

Attest: _____
Patricia Lunsford
City Manager/Recorder

Passed 1st reading: _____

Passed 2nd reading: _____

Public Hearing: _____

SUBDIVISION REGULATIONS
of
BANEBERRY, TENNESSEE

Prepared for the
Baneberry Municipal Planning Commission

by the
LOCAL PLANNING ASSISTANCE OFFICE
The Department of Economic and Community Development
Knoxville, Tennessee

~Revised 2011~

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SUBDIVISION REGULATIONS

OF

THE BANE BERRY, TENNESSEE PLANNING COMMISSION

(Hereafter referred to as the planning commission)

ARTICLE I

PURPOSE, AUTHORITY, AND JURISDICTION

A. Purpose

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

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

B. Authority

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

C. Jurisdiction

These regulations shall govern all subdivision of land within the corporate limits of Baneberry, Tennessee, or its authorized area of planning jurisdiction, as now or hereafter established. Within these regulations the term “subdivision” shall mean the division of a tract or parcel of land into two (2) or more lots, sites or other division for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided, provided, however, that “subdivision” does not include a division of any tract or parcel of land into two (2) or more tracts or parcels when such parts or parcels are five (5) acres or larger in size. The term “road”

shall mean, relate to, and include roads, streets, highways, avenues, boulevards, parkways, lanes, or other ways or any part thereof. The term “plat” shall mean plat, plan, plot or re-plot. The term “planning commission” shall mean the municipal planning commission. Any prospective subdivider owning land located within the Baneberry planning jurisdiction shall submit his subdivision plat to the planning commission. The plat is to be submitted according to the procedure outlined in Article II, which plat shall conform to the minimum requirements set forth in Article III. Improvements shall be installed as required by Article IV of these regulations.

D. Background

Using Baneberry Ordinance 92.6, An Ordinance Amending the Zoning Ordinances of the City of Baneberry, Tennessee, (90-1 & 92-3) Pursuant to Tennessee Code Annotated, §13-7-204, Amending the Subdivision Regulations on New Developments as the basic document, this ordinance incorporates all previous Baneberry ordinances relating to subdivision issues, and repeals and replaces Ordinance 92.6 and all previously approved subdivision and subdivision-related ordinances as enumerated in Ordinance 92-6.

E. Relevant Codes, References and Ordinances

In addition to the subdivision standards and requirements set forth in this ordinance, the following codes, references and ordinances apply to and set the standards for any work being conducted within the incorporated area of the City of Baneberry, Tennessee or its authorized area of planning jurisdiction, whether that work is utility installation, removal, replacement or maintenance; road and/or roadside cutting, ditching, trenching, drilling, tunneling, or paving; new structure construction; renovation; demolition; removal; sub-dividing, platting, etc.

- Ordinance No. 204-9: Revised Zoning Ordinance of the City of Baneberry, Tennessee
- The most current editions, as adopted by Baneberry City Ordinances of:
 - International Residential Code for 1- and 2-Family Dwellings
 - International Building Code
 - International Property Maintenance Code
 - NFPA-1 Uniform Fire Code
 - ADA Standards for Accessible Design
- The most current edition of the Model Energy Code, by the Council of American Building Officials, in accordance with Tennessee Code Annotated; §§ 6-54-501 through 6-54-506
- Ordinance 205-10: Property Maintenance Regulations
- Better Site Design: A Handbook for Changing Development Rules in Your Community, Center for Watershed Protection, Ellicott City, Maryland, 1998

Anyone who designs, executes, modifies, constructs and/or maintains any utility service; any storm water management or treatment system; any road, street, highway, avenue, boulevard, parkway, lane, or other way or any part thereof; any structure including but not limited to commercial buildings, public buildings, homes, accessory buildings, decks, patios, porches, swimming pools, driveways, sidewalks, bridges, culverts; or anyone who takes action that requires cutting, ditching, trenching, drilling, tunneling, or paving shall use those portions of the “*Better Site Design Principles*” that best apply to their proposed project(s) and describe such selected design principles to the Baneberry Planning Commission and include same in all applicable plan and design documents. Developers are encouraged to adopt the concepts listed in “*Better Site Design Principles*”.

- Ordinance 204-7; Utility Policy for the City of Baneberry.

ARTICLE II

PROCEDURE FOR PLAT APPROVAL

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

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

A. General

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

B. Preliminary Sketch Plat

1. At least ten (10) working days prior to the meeting at which it is to be considered, the subdivider shall submit to the planning commission four (4) copies of a

preliminary sketch plat of the proposed subdivision drawn to a scale of not less than one-inch (1") equals one hundred (100') feet. A preliminary plat shall not be acceptable for submission unless it meets all the required standards of designs (Article III) and unless it contains all the required information or a written request for a variance for each specific deviation from the requirements with reasons therefor. (See page 9 for a checklist.)

2. The sketch plat, which shall meet the minimum standards of design as set forth in Article III and the general requirements for the construction of public improvements as set forth in Article IV, shall give the following information insofar as possible:
 - a. The proposed subdivision's name and location; the name, address and phone number of the owner or owners; and the name, address and phone number of the designer of the plat who shall be an engineer Licensed in the State of Tennessee or a registered surveyor.
 - b. Date; approximate north point; and graphic scale.
 - c. The location of existing and platted property lines; streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements and lines; the present zoning classification both on the land to be subdivided and on the adjoining land; and the names of the adjoining property owners or subdivisions.
 - d. A construction plan which shall include: (1) a complete drainage plan prepared by a certified engineer showing all improvements including all proposed streets, easements, storm sewers, swales, ditches, reserved areas, catch basins, and lot drainage; (2) a complete erosion control plan developed in accordance with Article III, H; (3) a plan and profile of all streets showing typical cross sections of proposed roadways, swales, and ditches, as well as both existing and proposed finished grades of paved right-of-way and special ditches, and (4) details of all structures which are part of the physical improvements in the subdivision. All proposed drainage structures including manholes, catch basins, junction boxes, pipe storm drains, ditches, and other drainage facilities, including headwalls, shall be shown on the plan and profile.
 - e. A location map showing relation of subdivision to well-known highways, railroads, and water courses in all directions to a distance of at least one-half (1/2) mile. Suggested scale: one-inch (1") equals two thousand feet (2000').
 - f. Plans of proposed streets and street profiles.
 - g. Plans of proposed utility layouts designed in accordance with the requirements and policies of the City of Baneberry. These utility plans shall

show feasible connections to the existing or any proposed utility systems. When such connections are not practicable, any proposed individual water supply and/or sewage disposal system must be approved by the Jefferson County Department of Environmental Health.

- h. The names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building setback lines, and utilities.
- i. Contours at vertical intervals of not more than five (5') feet except when specifically not required by the planning commission.
- j. The acreage of the land to be subdivided.
- k. Surveyor's seal and certification as to the class of survey and the ratio of precision of the unadjusted survey (up to 1:7,500).
- l. If any portion of the land being subdivided is subject to flood, as defined in Article III, Section F, the area subject to flood shall be shown and the Base Flood Elevation (BFE) shall be sited.

The Base Flood Elevation (BFE) is the computed elevation to which floodwater is anticipated to rise during the base ("100-year") flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles. The BFE is the regulatory requirement for the elevation or flood-proofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.

- m. Certificate of Preliminary Subdivision Plat Agreement (Appendix A).
3. Within thirty-five (35) days the planning commission will review the preliminary sketch plat and indicate its approval, disapproval, or approval subject to modifications as a basis for the preparation of the final plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved, subject to modifications, the nature of the required modifications will be indicated.
 4. Approval of the preliminary plat by the planning commission will not constitute acceptance of the final plat.
 5. Failure of the planning commission to act on the preliminary sketch within the specified timeframe as noted in B.3., after being presented at a planning commission meeting in accordance with subsections B.1., and B.2., of this Article, will be deemed approval of this preliminary plat, provided however, that the applicant may waive this requirement and consent to the extension of such period.

6. One (1) copy of the sketch plat will be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.
7. The approval of the preliminary sketch plat shall lapse unless a final plat based thereon is submitted within one (1) year from the date of such approval or an extension of time is applied for and granted by the planning commission.
8. If the subdivision is going to be developed and submitted as final plats in portions of the preliminary plat, the portions must be designated and titled in alphabetical characters.
9. No new subdivision shall use the name of an existing subdivision except one being developed in stages.

PRELIMINARY SUBDIVISION PLAT CHECKLIST
Baneberry, Tennessee

The items on this checklist must be incorporated into all preliminary subdivision plats and submitted to the Baneberry Planning Commission for review and approval. Plats shall be filed with the building official ten (10) days prior to the regular monthly meeting date. In addition to the specific items on this checklist, the Baneberry Subdivision Regulations and the applicable sections of the Baneberry Zoning Ordinance must be followed.

- _____ 1. Four (4) copies of the plat submitted ten (10) days prior to the meeting
- _____ 2. Drawn to required scale
- _____ 3. Name of subdivision and a general location map of subdivision
- _____ 4. Owner and surveyor and their phone numbers
- _____ 5. Date, north-point, and graphic scale
- _____ 6. Location of all existing physical features on land and nearby properties (including buildings)
- _____ 7. Names of adjoining property owners
- _____ 8. Present zoning classification of land to be subdivided and on the adjoining land
- _____ 9. Plans of proposed utility layouts
- _____ 10. Names, locations, and dimensions of proposed streets, alleys, easements, parks and reservations, lot lines, etc.
- _____ 11. Flood hazard areas clearly marked and the Base Flood Elevation (BFE) sited
- _____ 12. Drainage plans
- _____ 13. Erosion control plans
- _____ 14. Plans and profiles of all proposed streets at required scales
- _____ 15. Contours at not more than five (5') feet intervals
- _____ 16. Total acreage of land to be subdivided
- _____ 17. Conforms to general requirements and minimum standards of design
- _____ 18. Certificate of preliminary subdivision plat agreement

C. Final Plat

1. The final plat shall conform substantially to the preliminary sketch plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary sketch plat which he proposes to record and develop at the time, provided, however, that such portions conform to all requirements of these regulations.
2. The final plat shall be submitted to the planning commission at least ten (10) days prior to the meeting at which it is to be considered. The subdivider shall submit four (4) copies of the drawings (blue line prints), together with any plans that may be required by the planning commission. (See page 15 for checklist.)
3. The final plat shall be presented to the planning commission at its next meeting by the developer or designated representative for consideration for approval or disapproval.
4. The plat shall be drawn to a scale of one-inch (1") equals one-hundred (100') feet on sheets no larger than twenty-four (24") inches by thirty inches (30") or of an approved size to correspond to local plat book dimensions. When more than one (1) sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.
5. When the final plat has been approved by the planning commission, two (2) signed copies will be returned to the subdivider, with the approval of the planning commission certified thereon, for filing with the county register of deeds as the official plat of record. The subdivider shall submit proof of filing the plat with the county register of deeds prior to the building official issuing a building permit. Two (2) signed copies of the plat will be retained by the planning commission.
6. The planning commission shall approve or disapprove the final plat within thirty-five (35) days after its submission. Failure of the planning commission to act on this final plat within the specified time shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the planning commission.
7. Approval of the final plat shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground. Procedures for street acceptance are set forth in Article V.
8. The final plat shall show:
 - a. The lines of all streets and roads, alley lines, lot lines, building setbacks, lots numbered in numerical order, reservations, easements, and any areas to be dedicated to public use of sites for other than residential use with notes stating their purpose and any limitations.

- b. 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, and including north point. This shall include the radius, central angle, and tangent distance for the right-of-way of curved streets and curved property lines that are not the boundary of curved streets.
 - c. If any portion of the land being subdivided is subject to flooding, as defined in Article III, Section F, the limits of such flood area and the Base Flood Elevation (BFE) shall be shown on the final plat as recorded.
 - d. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute.
 - e. Location and description of monuments.
 - f. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property.
 - g. The present zoning classification on the land to be subdivided.
 - h. Date, title, name and location of subdivision, graphic scale, and north point.
 - i. Location sketch map showing site in relation to surrounding area.
 - j. All boundary traverses including lot and block traverses.
9. The following certificates shall be presented with the final plat.
- a. Certifications showing that the applicant is the land owner and dedicates streets, rights-of-way and any sites for public use (Appendix A).
 - b. Certification of final subdivision plat agreement showing that applicant understands no building permit will be issued until the building official receives verification that the plat has been filed in the county registrar's office (Appendix A).
 - c. Certification by a registered surveyor or engineer to accuracy of survey and plat and placement of monuments (Appendix A).
 - d. Certification by the Jefferson County Department of Environmental Health when individual sewage disposal and/or waste waste systems are to be installed (Appendix A).

- e. Certification by the road commission and other designated persons that the subdivider has access to existing roads and utilities or has complied with one of the following alternatives:
 - i. Installation of all improvements in accordance with the requirements of the subdivision regulation and utility policies (Appendix A); or
 - ii. An agreement with the city has been approved and signed and (1) a security bond, cash bond, or surety bonds in sufficient amount has been posted to assure such completion of all required improvements; or (2) a letter of credit or certified check in sufficient amount has been submitted; or (3) an escrow account in sufficient amount has been established.
- f. Certification of approval of road names and property numbers by the Jefferson County E-911 office (Appendix A).
- g. Certification of approval to be signed by the secretary of the planning commission (Appendix A).

FINAL SUBDIVISION PLAT CHECKLIST
Baneberry, Tennessee

The items on this checklist must be incorporated into all final subdivision plats and submitted to the Baneberry Planning Commission for review and approval. Plats shall be filed with the building official ten (10) days prior to the regular monthly meeting date. In addition to the specific items on this checklist, the Baneberry Subdivision Regulations and the applicable sections of the Baneberry Zoning Ordinance must be followed.

- _____ 1. Submitted within twelve (12) months of preliminary plat approval
- _____ 2. Four (4) copies of the plat submitted ten (10) days prior to the meeting
- _____ 3. Drawn to required scale
- _____ 4. Name of subdivision and a general location map of subdivision
- _____ 5. Date, true north-point, and graphic scale
- _____ 6. Identify all reservations, easements, etc.
- _____ 7. Bearings of all property lines and sufficient engineering data to locate all lines including radii, angles, and tangent distances
- _____ 8. Dimensions to the nearest 100th of a foot and angles to the nearest minute
- _____ 9. Lot lines, alleys, and building setback lines
- _____ 10. Lines and names of all streets and roads
- _____ 11. Location and description of all monuments
- _____ 12. Lots numbered in numerical order
- _____ 13. Names and locations of adjoining properties
- _____ 14. Current zoning of the property
- _____ 15. Flood hazard areas clearly marked and the Base Flood Elevation (BFE), cited
- _____ 16. Required physical improvements have been made or bond has been posted
- _____ 17. Certificate of Ownership & Dedication
- _____ 18. Certificate of Final Subdivision Agreement
- _____ 19. Certificate of Accuracy
- _____ 20. Certificate of Approval of Water and Sewage Systems
- _____ 21. Certificate of Approval of Streets
- _____ 22. Certificate of Approval of Utilities
- _____ 23. Certificate of Approval of Street Names and Property Numbers (E-911)
- _____ 24. Certificate of Approval for Recording
- _____ 25. Conforms to general requirements and minimum standards of design

ARTICLE III

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

A. Streets

1. Conformity to the Major Road Plan.

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

2. Relation to Adjoining Street System.

The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than the required minimum width.

3. Street Elevation.

No street shall be approved if it is more than two (2') feet lower than the elevation of the TVA Structure Profile. 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 street patterns shall be designed so that in time of flood each lot shall be readily accessible to emergency vehicles.

4. Access Streets to Subdivision Boundaries.

Sufficient access streets to adjoining properties shall be provided within subdivisions to permit harmonious development of the area.

5. Street Widths.

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

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

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

- b. Major Collector Streets 70-80 feet;
as may be required

Major collector streets are those which carry traffic from lesser travelled streets to arterial streets and highways.

- c. Local Collector Streets.....60 feet

Local collector streets are those which carry traffic from local streets to the major system of arterial and major collector streets and include the principal entrance streets of a residential development and streets for major circulation within such a development.

- d. Local Streets.....50 feet

Local streets are minor streets which are used primarily for access to abutting properties and designed to discourage through traffic.

Residential streets, access streets, dead-end streets (cul-de-sacs), and other similar streets are considered local streets.

6. Additional Width on Existing Streets.

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

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- b. When the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way, measured from the centerline of the existing roadway, shall be provided.

7. Road Improvements.

All streets and roads shall be improved by the developer or subdivider as specified in Article IV. A. 1-10. If an existing, approved public street is inadequate to serve a proposed development, the developer may be required to improve the existing street to approved city standards.

8. Restriction of Access.

When a subdivision fronts on an arterial, major collector, or local collector street or highway, the planning commission may require any one or a combination of the following:

- a. Shared driveways between two lots;
- b. Access to corner lots being restricted to one street, usually the lower classified street;
- c. Marginal access streets;
- d. Reverse frontage with screened plantings contained in a non-access reservation along the rear of the property line; and
- e. Any other treatment as may be necessary for adequate protection for residential properties and for safer ingress/egress from the subdivided properties.

9. Street Grades.

Grades on arterial, major collector, and local collector streets and highways shall not exceed seven (7%) percent (3.997° degree angle of rise from horizontal). Grades on local streets shall not exceed ten (10%) percent (5.71° degree angle of rise or decline from horizontal; AKA rise-over-run).

10. Horizontal Curves.

Where a deflection angle of more than ten (10°) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. Arterial, major-collectors, and local collector streets shall be designed for a minimum speed of forty miles per hour (40 mph). The centerline radius of curvature for these streets shall not be less than four hundred and fifty (450') feet. If the design speed is greater than forty miles per hour (40 mph), the centerline radius of curvature shall be increased accordingly.

Local streets shall be designed for a minimum speed of thirty miles per hour (30 mph). The centerline radius of curvature for these streets shall not be less than two hundred and fifty (250') feet. If the design speed is greater than thirty miles per hour (30 mph), the centerline radius of curvature shall be increased accordingly. (See page 21 for illustrations.)

11. 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 distances shall be measured from the driver's eyes, which are assumed to be four and one-half feet (4-1/2') above the pavement surface to an object, four inches (4") high on the pavement. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one-inch (1") equals one hundred feet (100') horizontal and one-inch (1") equals twenty feet (20') vertical; shall be required for all proposed streets. (See page 21 for illustration.)

12. 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.

Property line radii at street intersections shall not be less than twenty (20') feet. Where the angle of street intersection is less than seventy-five (75°) degrees, the planning commission may require a greater curb radius. Wherever necessary to permit the construction of an intersection corner 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. (See pages 22 for illustrations.)

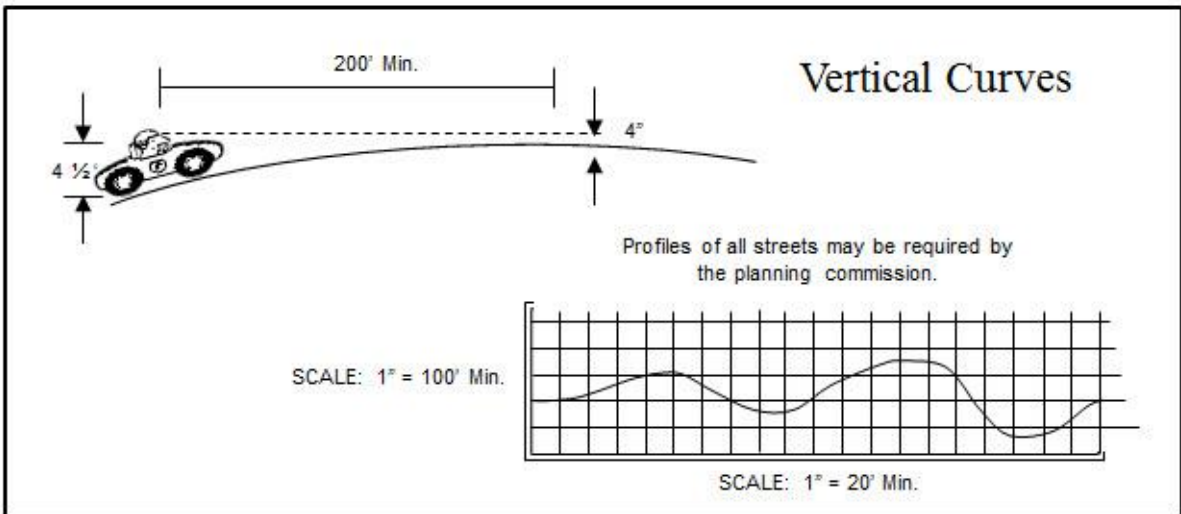
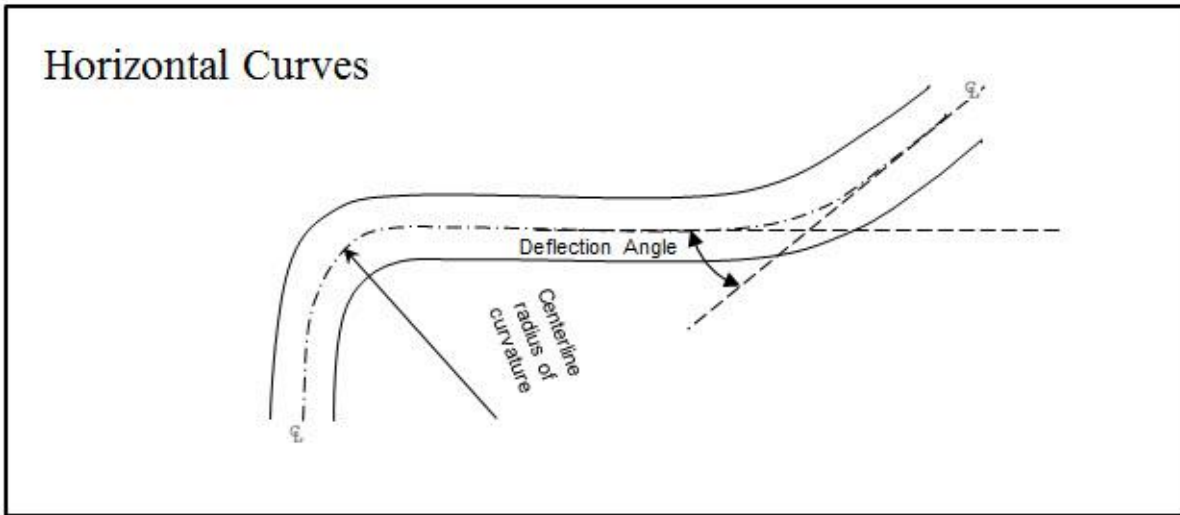
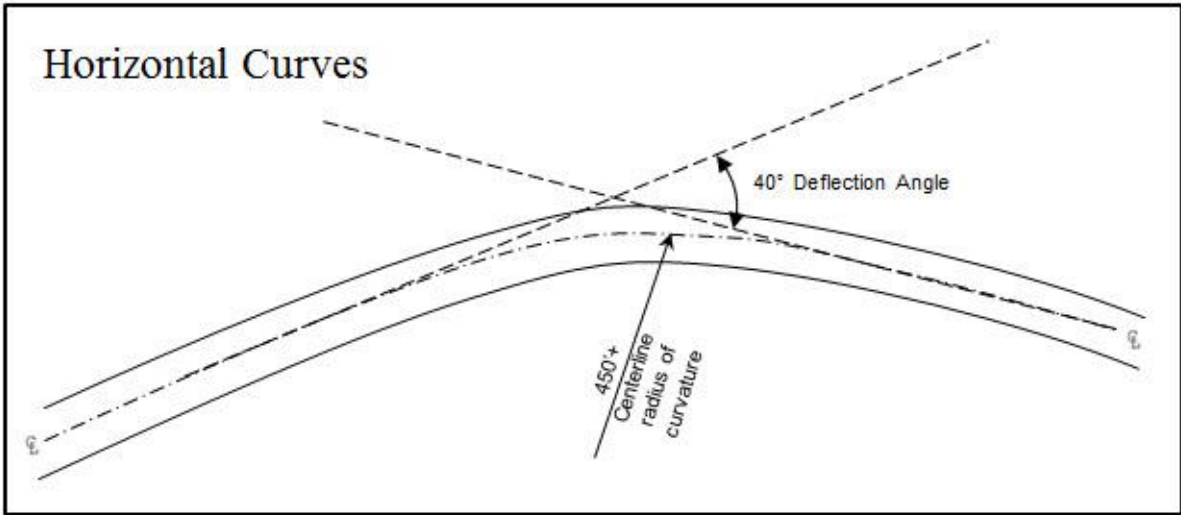
13. Tangents.

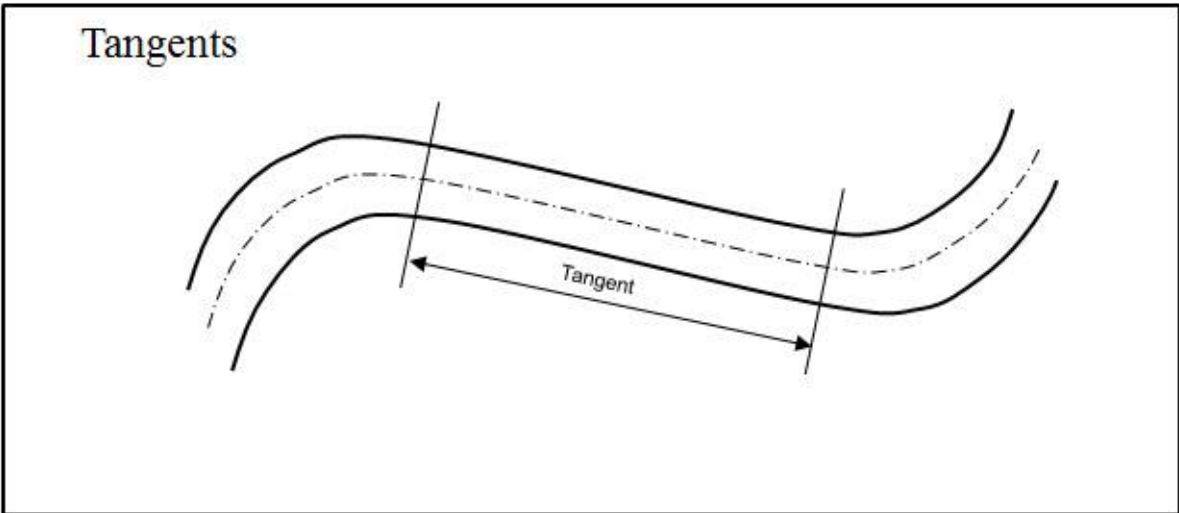
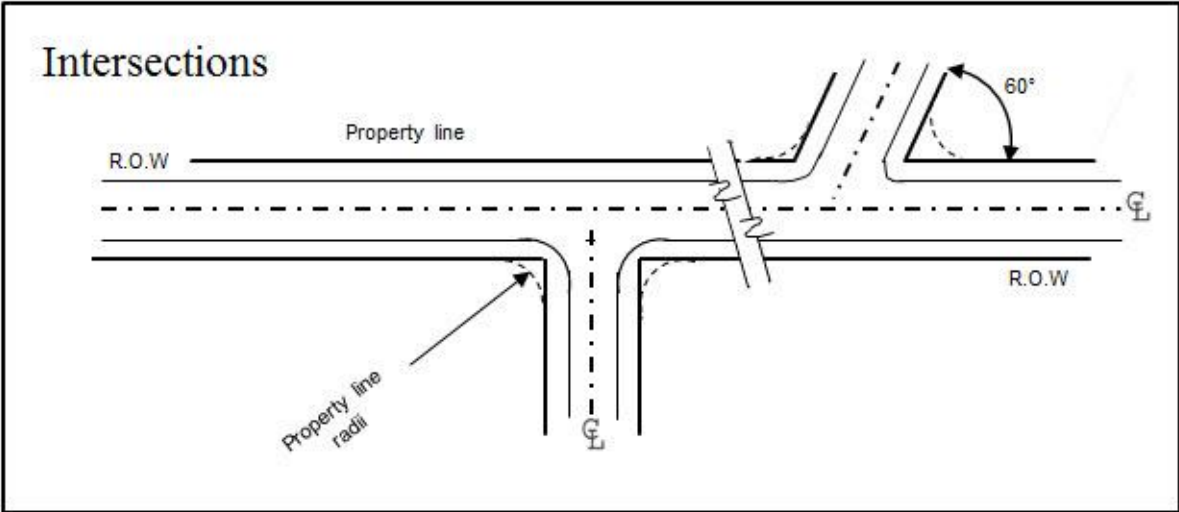
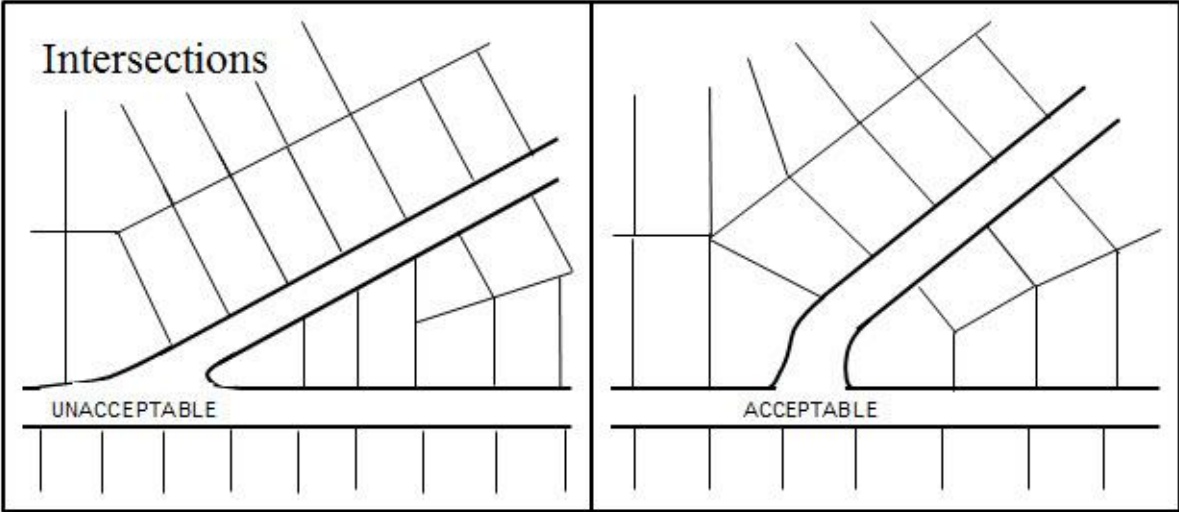
A tangent of at least one hundred (100') feet in length shall be introduced between reverse curves on arterial, major-collector, and local collector streets when the design speed is forty miles per hour (40 mph). If the design speed is greater than 40 miles per hour, the tangent shall be increased accordingly.

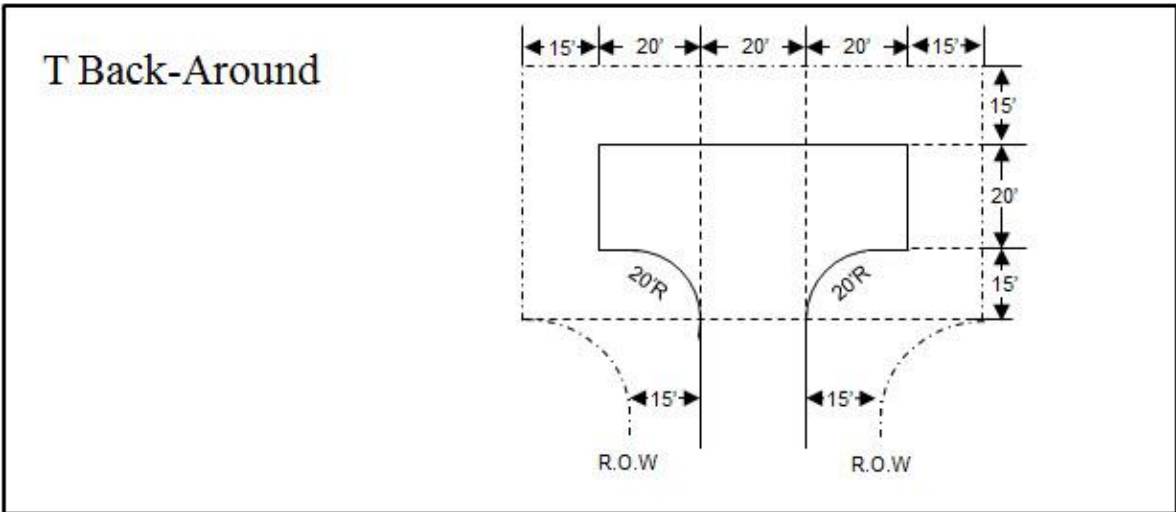
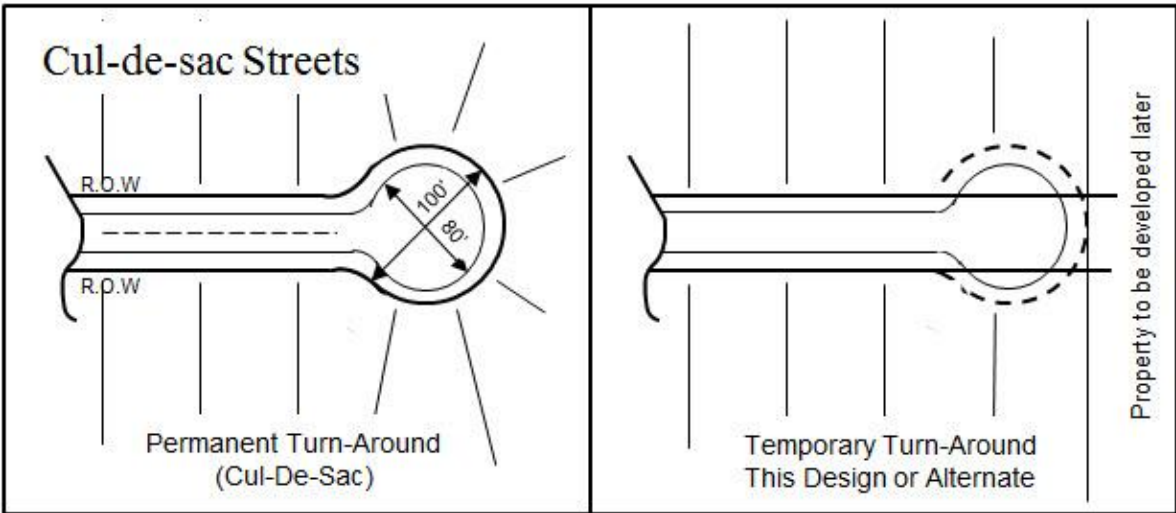
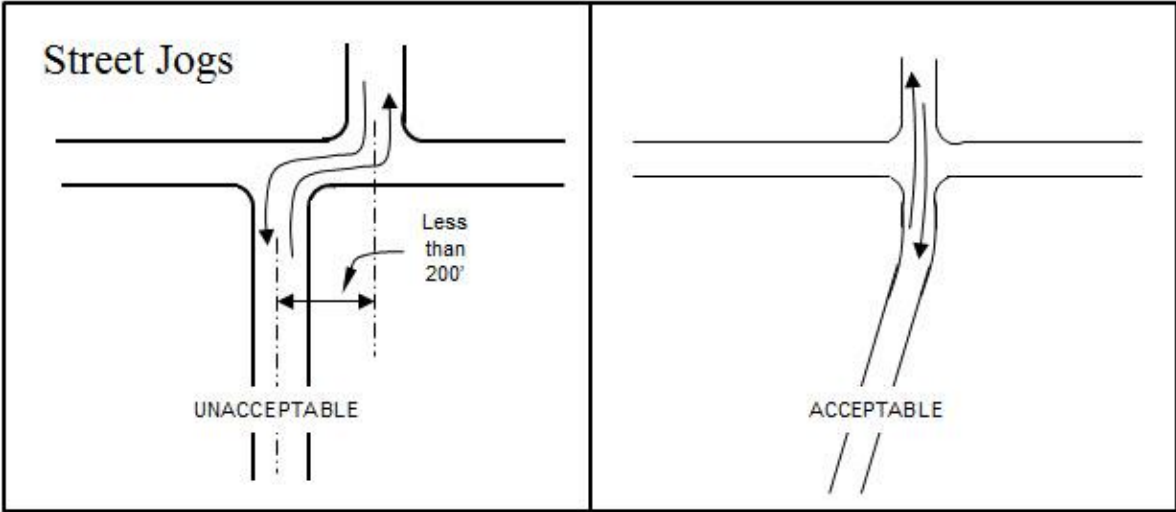
A tangent of at least fifty (50') feet in length shall be introduced between reverse curves on local streets when the design speed is thirty miles per hour (30 mph). If the design speed is greater than thirty miles per hour (30 mph), the tangent shall be increased accordingly. (See page 22 for illustration.)

14. Street Jogs.

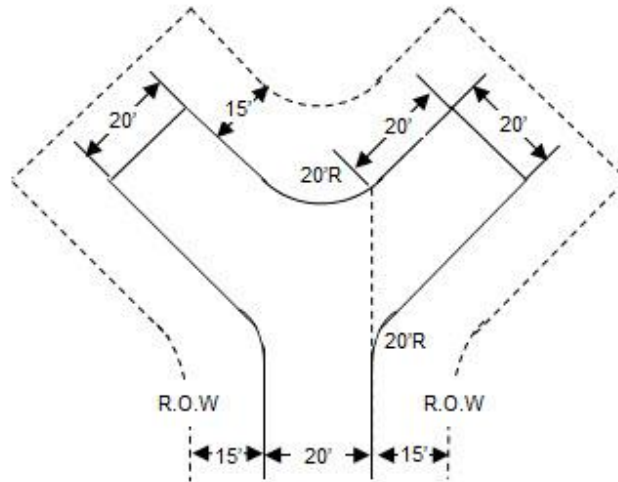
Street jogs with centerline offsets of less than two hundred (200') feet shall not be allowed. (See page 23 for illustration.)







Y Back-Around



Grade-Slope

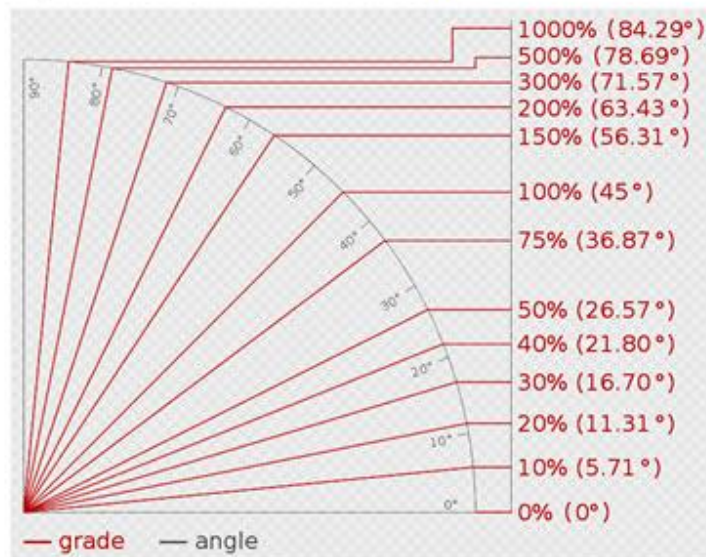
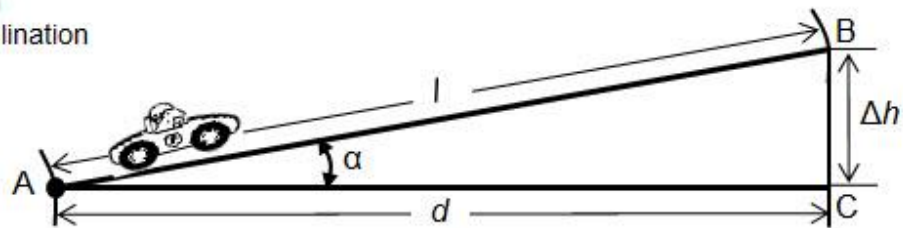
Triangle = AB-BC-CD

d = run

Δh = rise

l = slope length

α = angle of inclination



15. Dead-End Streets.

- a. Cul-de-sacs shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty feet (80') and a street right-of-way diameter of at least one hundred feet (100') and shall be no more than six hundred feet (600') long unless necessitated by topography. "T" and "Y" back around designs may be used provided they are approved by the planning commission. (Design requirements are shown on the illustration on page 23.)
- b. Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property. Such dead-end streets shall be provided with a temporary turnaround.

16. Private Streets and Reserve Strips.

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

17. Street Names.

Proposed streets which obviously align with existing and named streets shall bear the names of the existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix: street, avenue, boulevard, drive, way, place, lane, court, etc. The planning commission and the Jefferson County E-911 office can assist the subdivider in avoiding duplication.

18. Drainage.

All streets, roads and/or ditches shall be designed so as to provide for the discharge of surface water from the right-of-way. To prevent the off-site flooding of streets and ditches from this additional surface water run-off, the installation of storm water retention areas capable of storing runoff from a ten year storm shall be required or a storm water sewer system shall be constructed.

All new or replaced storm water outfalls shall not discharge unmanaged storm water into jurisdictional wetlands, sole-source aquifers, or other water bodies and all new or replaced outfalls shall employ designs that remove and treat storm water pollutants as outlined in the reference: Better Site Design: A Handbook for Changing Rules in Your Community.

B. Blocks

1. Length.

Blocks shall not be less than four hundred (400') feet or more than twelve hundred (1200') feet in length, except as the planning commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over eight hundred (800') feet in length, the planning commission may require one (1) or more public crosswalks of not less than ten (10') feet in width to extend entirely across the block and at locations deemed necessary.

2. Width.

Blocks shall be wide enough to allow two (2) rows of lots, except where reverse frontage or arterial, major collector, or local collector streets are provided.

C. Lots

1. Arrangement.

- a. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for a minimum of forty (40') feet upon a public street or road.
- b. Where a significant elevation difference exists between the roadway and the right-of-way line, lot frontage shall be increased as necessary to guarantee accessibility to the building site by a driveway which does not exceed a ten (10%) percent grade (5.71° degree angle of rise or decline from horizontal; AKA rise-over-run. See page 24). Off-street parking requirements provided by the zoning ordinance shall also be taken into account.

2. Minimum Size.

- a. All lots shall conform to the zoning ordinance. Lots without a public water supply shall be a minimum requirement established by the Tennessee Department of Conservation and Environment. (Refer to Baneberry Zoning Ordinance.)
- b. Greater area may be required for private sewage disposal if, in the opinion of officials from appropriate agencies, such as the Tennessee Department of Conservation and Environment, the Department of Agriculture, and the Soil Conservation Office, there are factors of drainage, soils, geology or other conditions that may pose potential health problems.

c. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

3. Adequate Building Sites.

Each lot shall contain a building site not subject to flood and free from sinkholes and drainage-ways. Each building site shall be outside the limits of any existing easement or building setback line required in the applicable zoning regulations.

D. Public Use and Service Areas

1. Public Open Space.

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

2. Easements for Utilities.

Easements not exceeding twelve (12') feet in width shall be required along, side and rear lot lines for the placement of poles, wire, conduits, storm and sanitary sewers, gas, water, heat mains, or any other utility lines. Easements of the same or greater width may be required along the property lines of or across lots, where necessary, for the extension of existing or planned utilities. Each cul-de-sac shall have provisions for a utility easement therefrom to prevent dead-end water mains.

Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage easement along each side for the purpose of widening, deepening, relocating, improving, or protecting such drainage easement.

3. Storm Water Retention Areas and Storm Sewers.

All streets, roads, ditches, and parking areas shall be designed so as to provide for the discharge of surface water. To prevent off-site flooding of streets and ditches from this additional surface water run-off, the installation of storm water retention areas capable of storing runoff from a ten-year storm shall be required or a storm sewer system shall be constructed.

All new or replaced storm water outfalls shall not discharge unmanaged storm water into jurisdictional wetlands, sole-source aquifers, or other water bodies and all new or replaced outfalls shall employ designs that remove and treat storm water pollutants as outlined in the reference: Better Site Design: A Handbook for Changing Rules in Your Community.

4. Community Assets.

In all subdivisions, due regard shall be shown for all natural features such as large trees, water courses, historical spots, and similar community assets which, if preserved, will retain the attractiveness and environmental quality of the property.

5. Water Supply and Sewerage Connections.

Where a public water supply or public sewerage system is reasonably accessible, the subdivider shall indicate a connection with such water supply or sewerage system, specifying such material, to include size and length, as to meet the requirements of the City of Baneberry. Where a public water supply or public sewerage system is not reasonably accessible or not planned for in the future, an alternate method of water supply and sewage disposal may be indicated and shall be approved in writing by the Jefferson County Department of Environmental Health.

E. Suitability of the Land

Land, which the planning commission, or other applicable public agencies, has been found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formations, or other features likely to be harmful to the future residents, shall not be subdivided unless adequate methods designed by a certified engineer are formulated for meeting the requirements of these regulations.

F. Land Subject to Flooding

Land subject to flooding shall not be platted for residential occupancy or for such other uses as may increase danger to health, life, or property or aggravate erosion by the flood hazard.

Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

For the purpose of these standards, land subject to flooding:

1. Land lying along the French Broad River (Douglas Lake Reservoir) and below the level of the TVA Structure Profile as shall be determined from the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM)

reflecting latest hydraulic and hydrologic information for the City of Baneberry. (Maps may be viewed in Baneberry City Hall.)

2. Land lying along small streams and drainage channels, hereafter referred to as streams, and land within one hundred (100') feet of the top of the bank. The planning commission may reduce the distance from the top of the bank if it is demonstrated that the reduction will not increase the danger to health, life, or property. In no case, however, will structures be permitted nearer than ten (10') feet to a stream bank.

G. Flood Control Measures

1. Fill may not be used to raise land in areas where fill would increase flood levels.
2. All proposed subdivisions containing land subject to flood shall identify the floodway and flood fringe areas on the plat and cite the Base Flood Elevation (BFE).
3. All subdivisions shall have all public utilities and facilities located and constructed in such a manner as to minimize flood damage.
4. All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

H. Erosion and Sedimentation Control

For all proposed subdivisions, erosion and sedimentation control plans prepared by a certified engineer shall be presented to the planning commission and shall meet the following standards. No plans shall be required for minor subdivision plats; however, at the time the building permit is applied for, the building official may require that erosion and sedimentation control plans to be submitted.

1. Topography.

The development plan shall be fitted to the topography and the soils to minimize erosion potential.

2. Development Coordination.

Erosion and sedimentation control measures shall be coordinated with the required steps in construction, and appropriate control measures installed prior to the start of construction.

3. Sequential Control Measures.

Land shall be developed in increments of workable size, on which, adequate controls of erosion and sedimentation can be provided and maintained during the construction period. Operations shall be staged so that the area being developed is not being exposed for a long period of time without stabilization and so that the initial disturbed areas are completely controlled before the next section is opened. The developer shall be required to schedule sequentially phased controls of erosion and sedimentation as coordinated with the development and construction stages, and shall specify in detail precisely which areas will be cleared first, and how long these areas will be exposed to the elements. The maximum exposure period shall not exceed one hundred twenty (120) days.

4. Runoff Controls.

Provisions shall be made to accommodate the increase runoff caused by changed soil and surface conditions during the ensuing development. Runoff shall be intercepted and safely conveyed to storm drains, retentions ponds, or natural outlets where it will not erode or flood land. The drainage system for the development shall be completed and made operational as quickly as possible during construction and shall be prepared by a certified landscape architect or civil engineer. In the event sediment covers adjacent roadways and fills adjacent ditches, the developer shall be required to clean the roadways and empty the ditches.

5. Cover.

Wherever feasible, natural vegetation shall be retained and protected. Temporary vegetation and/or mulching shall be used where necessary to protect exposed areas during development.

6. Sediment Basins, Debris Basins, De-silting Basins, or Silt Traps.

Sediment basins, debris basins, de-silting basins, or silt traps shall be installed and maintained to collect sediment from runoff waters from land undergoing development. Storm sewer inlets with debris guards and micro silt basins shall be provided to trap sediment and avoid possible damage by blockage.

7. Final Vegetation and Structures.

The permanent vegetation and structures shall be installed as soon as practical in the development.

8. Paved Areas.

Streets, parking lots, and other areas shall be paved as quickly as practical.

I. Large Tracts or Parcels

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision. A minimum of fifty (50') feet road frontage shall be maintained for these larger parcels.

J. Planned Unit Development

Planned unit development shall follow all regulations and requirements of Article VI of the Baneberry Zoning Ordinance. Planned unit developments shall also generally comply with the standards established in these regulations. Due to the uniqueness of each proposed development, however, these standards may be modified by the planning commission provided intent of these standards is preserved.

1. A planned unit development plat shall show the appropriate subdivision properties.
2. Each development shall follow all road standards as stated in these regulations, however, pavement widths may be decreased, provided:
 - a. Paved sidewalks, a minimum of four (4') feet in width, are constructed throughout the development; and
 - b. Driveways, a minimum of twenty-two (22') feet in width and which provide four (4) off-street parking spaces, are constructed for each unit to eliminate the need for any on-street parking.
3. All multi-family, commercial, or industrial planned unit developments shall be served by public water and sanitary sewer. Fire hydrants shall also be installed which shall be connected to 6-inch or greater internal diameter circulating water main.

K. Variances

Variances may be granted under the following conditions:

1. Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardship, or
2. Where the planning commission determines 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 and the reasons thereof shall be stated in writing in the minutes of the planning commission.

L. Zoning and Other Regulations

All final and minor subdivision plats shall comply with the requirements of the Baneberry Zoning Ordinance and all other applicable state and local regulations which are in effect at the time of planning commission review and approval.

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Baneberry Zoning Ordinance, building code, or other official regulation, the higher standard shall apply.

M. Utility Standards

This section specifies procedures and minimum standards for the extension and/or installation of utility services by any utility district, whether public or private, or any authorized contractor or individual. In no way do the provisions of this section abrogate the powers and duties of the Jefferson County Department of Environmental Health, the Tennessee Department of Environment and Conservation, or any utility district, company or co-op of their industry, state, and/or county standards and/or codes.

In all cases, the most restrictive, protective, and current standards, regulations, and/or codes shall apply.

As specified in Article VII, Section A, paragraph 2: “No board, public officer, or authority shall light any road; lay or authorize the laying of water mains or sewer lines; or authorize or begin construction of other facilities or utilities in any road located within the municipality unless such road shall have been accepted, opened, or otherwise received the legal status of a public road prior to the adoption of these regulations, or unless such road corresponds in its location and lines to a road shown on a subdivision plat approved by the planning commission, or on a road plan made and adopted by said commission as provided in Tennessee Code Annotated, Section 13-4-307.”

These requirements are adopted to ensure that neither the current nor the future residents of the City of Baneberry and its planning growth area are caused to bear the significant costs of utility replacement resulting from short-sighted planning.

1. The City of Baneberry shall:
 - a. Ensure all plans, proposals, and/or reviews are submitted to the planning commission ten (10) days prior to its next regularly scheduled meeting.
 - i. The planning commission will review and approve or disapprove proposed extensions, installations, or upgrades of utility service within the City of Baneberry’s corporate bounds and regional planning growth area.

- ii. The planning commission, upon approval or denial of a utility installation or extension proposal, shall submit its recommendation to the city commissioners for final approval or denial pursuant to § 7-35-412, Tennessee Code Annotated (TCA).
- b. Ensure availability of adequate utility services.
- c. Coordinate all proposed extensions or installations of utility service within its corporate bounds and the regional planning growth area.
- d. Issue applicable permits for the installation, extension and/or replacement of utility services within its corporate bounds and regional planning growth area.
- e. Require installation of appropriate size and capacity utilities that consider both current and future utility needs.
- f. Require all plans or proposals to install or extend utilities in the corporate bounds of the City of Baneberry and/or its regional planning growth area to include: appropriate maps, engineering drawings, impact studies and projections, project description or narrative and timelines, erosion prevention plan, sediment control plan, and applicable engineering reports.
- g. Require a letter of agreement from any utility or other entity proposing the installation or extension of a utility that states that the project will conform to City standards.
- h. Maintain records and maps of all installations and extensions, illustrating locations of all installed utilities and enumerating installation specifications including: depth below final grade, pipe diameters, inlets-outlets / flow directions, connection points and types, lengths between connections, service controls, valves, dividers, flow restrictors, access and clean-out points, pressure applicable to the utility, and flow rate applicable to the utility and all installed water hydrants.
- i. Maintain records provided by utility districts, surveyors, engineers, installers, repair staff, inspectors, etc.
- j. Inspect and approve all installations, extensions and significant repairs.
- k. Require developers to pay for utility extensions from the point of development to the nearest connection to an adequate size and capacity utility main, including the cost of upgrade replacement when necessary.

- l. Require any damage to public right-of-way or surrounding properties attributable to the utility installation / extension be repaired and returned to acceptable standards.
 - m. Require posting or provision of a security bond, cash bond, surety bond, performance bond, letter of credit, certified check, or an escrow account in an amount equal to one hundred and twenty five (125%) percent of the estimated cost of the installation, extension, or maintenance. (See additional guarantee information at Article IV., Section B. Guarantee in Lieu of Completed Improvements.
2. Minimum Installation / Extension Standards:
- a. All extensions or installations of water service will include installation of fire hydrants to be located within two-hundred fifty (500') feet of every buildable site/lot.
 - i. To the maximum extent possible, fire hydrants will be installed on the right-hand side of roads and intersections whenever possible, with regard to the most likely direction of response by a fire engine.
 - b. All extensions or installations of water utility service in R-1 and R-2 residential areas will employ six-inch (6") interior diameter pipe, extended to connect to a six-inch (6") or larger interior diameter circulating main.
 - c. All supply mains must provide a minimum flow of five hundred gallons per minute (500 GPM) at a minimum residual pressure of twenty pounds per square inch (20 psi).
 - d. Replacement of a substandard or non-complying line with a substandard or non-complying line is prohibited.
3. Exceptions:
- a. Emergency services such as water line breaks or similar emergency repairs shall not be reviewed by the planning commission.
 - i. An emergency repair is one that may cause health and safety issues if not immediately repaired such as flooding from broken water system or effluent ponding from a broken sewer.
 - ii. Applicable code inspections apply to emergency repairs and permits shall be filed after the work is completed, inspected and approved.

- iii. As far as is practicable, emergency repair operations shall replace damaged components with the same size, type, function, and quality components.
- b. Routine maintenance and testing shall not be reviewed by the planning commission.
 - i. Inspections for this type work, if needed, are the responsibility of the utility provider.

ARTICLE IV

DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

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

A. Required Improvements

Every subdivision developer shall be required to grade and improve streets and alleys, and to install needed monuments, sewers, storm water inlets and retention areas, and water mains in accordance with specifications established by the Baneberry Planning Commission. Where specifications adopted by local authorities conflict with standards set forth in these subdivision regulations, the higher set of standards, as determined by the planning commission, shall govern.

1. Monuments.

- a. Concrete monuments, four inches (4") in diameter or square, three feet (3') long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curb in each street. The top of the monuments shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
- b. All other corners and points shall be marked with iron pins.

2. Grading.

All streets, roads, and alleys shall be graded or filled horizontally to the full width of their rights-of-way by the subdivider or developer.

- a. Preparation. Before grading is started, necessary parts of the right-of-way area shall be cleared of all trees, stumps, roots, brush, and other objectionable material.
- b. Cuts. All tree stumps, boulders and other obstructions shall be removed to a depth of two feet (2') below the subgrade. Rock, when encountered, shall be sacrificed to a depth of twelve inches (12") below subgrade.

- c. 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 six inches (6”) loose and compacted by a sheep’s foot roller. Unless another method of preparation of subgrade is approved by the planning commission, the subgrade shall be constructed as specified in Section 203, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works – March 1, 2006 and the latest revisions thereto. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, and where water is used to assist compaction, the water content shall not exceed the optimum of moisture.

3. Storm Drainage.

An adequate drainage system, including storm sewers, storm water retention areas, necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

Cross drains 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 site openings to be provided shall be determined by Talbot’s formula (Appendix B), but in no case shall the pipe be less than eighteen inches (18”) in diameter. Cross drains shall be built in a straight line and grade and shall be laid on a firm base, but not on rock. Pipes shall be laid with spigot end pointing in the direction of 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 foot (1’) below the roadbed.

All new or replaced storm water outfalls shall not discharge unmanaged storm water into jurisdictional wetlands, sole-source aquifers, or other water bodies and all new or replaced outfalls shall employ designs that remove and treat storm water pollutants as outlined in the reference: Better Site Design: A Handbook for Changing Rules in Your Community.

4. Roadway Improvements.

- a. Base. A compacted base course of six inches (6”) deep and two feet (2’) wider than the width of the pavement on each side of the street shall be installed on all streets, including cul-de-sacs, temporary turnarounds and access streets adjoining properties, according to the method specified in Section 33, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works – March 1, 2006 and the latest revisions thereto. Wetting of the stone before compaction

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

- b. Prime Coat. After a thoroughly compacted base has been established, a prime coat shall be applied as specified in Section 402, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works – March 1, 2006, and the latest revisions thereto.
- c. Wearing Surface. The wearing surface shall consist of a surface course constructed with asphalt concrete, prepared with mineral aggregate, laid hot as specified under section 411, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works – March 1, 2006, and the latest revisions thereto. It shall be constructed in one layer not less than two inches (2”) thick to conform to the lines, grades, and cross sections indicated on the plan approved by the inspecting engineer.

5. Minimum Street Improvement Widths.

Minimum pavement widths shall be as follows:

- a. Arterial Streets As may be required;
not usually paved
by developer
- b. Major Collector Streets 36 feet;
additional width may
be required for turn
lanes and/or
acceleration/
deceleration lanes
- c. Local Collector Streets 36 feet;
additional width may
be required for turn
lanes and/or
acceleration/
deceleration lanes

- d. Local Streets..... 26 feet;
 additional width may
 be required for turn
 lanes and/or
 acceleration/
 deceleration lanes

- e. Local streets that
 are cul-de-sacs not
 exceeding 300 feet
 in length and/or
 accessing a maximum
 of five (5) dwelling
 units or building
 lots..... 22 feet;
 additional width may
 be required for
 turn lanes

6. Sidewalks.

For the safety of pedestrians, installation of sidewalks, if desired and approved by the planning commission may be required on all arterial, major collector, and local collector streets. Sidewalks may be required on *local streets* if the planning commission deems they are necessary. Minor subdivisions shall be exempt from these requirements.

Sidewalks, if required, shall be located not less than one foot (1') from the property line to prevent interference or encroachment by fencing, walls, hedges, or other plantings or structures placed on the property line at a later date. In single-family residential areas, concrete sidewalks shall be a minimum of four feet (4') wide and four inches (4") thick. In commercial areas, sidewalks shall be a minimum of ten feet (10') wide and four inches (4") thick.

7. Installation of Utilities and Driveways.

After grading is completed and approved and before any base is applied, all of the underground works – water mains, gas mains, sewer mains, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. Water mains and sewer mains shall be installed at this time and sealed off if these services are not currently available. This is to ensure that these services will become available to residents as soon as main lines are extended into the area.

All driveways for houses to be built by the developer shall be cut and drained.

Driveways leading to the building site shall not exceed a ten (10%) percent grade (5.71° degree angle of rise or decline from horizontal; AKA rise-over-run. See page 24).

8. Water Supply System.

Water mains, properly connected with the community water supply system or with an alternate supply approved by the Jefferson County Department of Environmental Health, shall be constructed in such a manner to adequately serve all lots shown on the subdivision plat for both domestic use and fire suppression.

The size of water mains, the location and type of valves and hydrants, the amount of soil to cover the pipes, and other features of the installation shall comply with the applicable State, county and local regulations and code.

Water mains shall be installed prior to road constructions and sealed off if public water is currently not available. This is to ensure that public water will become available as soon as a water main is extended into the area.

9. Sanitary Sewers.

Where lots cannot be economically connected with a community sewerage system, they must contain adequate area for the installation of approved septic tank and disposal fields and must be approved in writing by the Jefferson County Department of Environmental Health and comply with the sewer system regulations of the City of Baneberry and, if applicable, special approvals by the Tennessee Department of Environment and Conservation.

Sewer mains shall be installed prior to road constructions and sealed off if public sewer is currently not available. This is to ensure that public sewer will become available as soon as a sewer main is extended into the area.

10. Street Name Signs.

Appropriate street signs enable strangers, delivery concerns, and even potential lot buyers to find their way around. Street names should appear at all intersections. Upon request, the planning commission will aid the subdivider with specifications for the construction, placing, and setting of such signs.

B. Guarantee in Lieu of Completed Improvements

No final subdivision plat shall be approved by the planning commission or accepted for recording by the county registrar of deeds until one of the following conditions are met:

1. All required improvements have been constructed in a satisfactory manner and approved by the City of Baneberry, Tennessee.

2. The planning commission has accepted the agreement between the city and the developer and a security bond, cash bond, surety bond, performance bond, letter of credit, certified check, or an escrow account, as follows:
 - a. To ensure satisfactory completion of required subdivision improvements or other requirements of these regulations, the planning commission shall, prior to filing of the subdivision plans:
 - i. Accept a performance guarantee securing to the City of Baneberry, the satisfactory construction and installation of such improvements and utilities, **or**
 - ii. Authorize the filing of the plans with a conditional approval, **or**
 - iii. Acknowledge that no performance guarantee is required.
 - b. No construction activity of any kind, including the removal of trees, shall commence until the corresponding performance guarantees (if required) shall have been posted.
 - c. No final subdivision plan shall be filed and no building permits shall be issued until the city attorney, city manager, and the building official have reviewed the proposed performance guarantee and approved it as to form, substance, and credit-worthiness, such as:
 - i. A passbook savings account from a financial institution approved by the Chief Financial Officer provided:
 - Such account shall be federally insured, and
 - The account shall only be in the name of the City of Baneberry
 - ii. A certified check from a financial institution approved by the City Manager made payable only to the City of Baneberry,
 - iii. A certificate of deposit from a financial institution approved by the City Manager provided:
 - Such instrument shall be federally insured, and
 - The instrument shall only be in the name of the City of Baneberry
 - iv. A money market account from a financial institution approved by the City Manager provided:
 - Such account shall be federally insured, and
 - The account shall only be in the name of the City of Baneberry.

- v. An unconditional irrevocable letter of credit approved by the City Manager and issued by a financial institution authorized to do business in Tennessee naming the City of Baneberry as the sole beneficiary.
- d. The amount of the performance guarantee shall be equal to one hundred and twenty five (125%) percent of the estimated cost of all public improvements.

Public improvements include, but are not limited to:

- i. Building of any streets, in accordance with specifications of the City of Baneberry
- ii. Installation of drainage, utilities, and other required or provided items
- iii. Payments by the sub-divider in lieu of open space requirements
- iv. Installation of monuments demoting subdivision streets and marking of lot corners with pins
- v. Installation of all required erosion control measures
- vi. Fire protection costs, and
- vii. Any other costs as determined by the city commissioners, planning commission, city manager and/or the city building official.
- e. The city manager or city commissioners may require that up to twenty (20%) percent of the performance guarantee be in the form of a passbook savings account or other cash equivalent in favor of the City of Baneberry for erosion and sediment control and other purposes.
- f. An estimate of the cost of all public improvements shall be prepared by the sub-divider's engineer and approved by the city commissioners and city manager.
- g. Each performance guarantee which has an expiration date shall include:
 - i. A provision that the performance guarantee shall not expire unless the City Manager has received written notice of such expiration at least thirty (30) days, but not more than forty-five (45) days, before such expiration is to occur, and

- ii. A provision that, in case such notice is received, the City of Baneberry may draw, without further condition, the balance of the performance guarantee, and
 - iii. A provision that, unless such notice is received, the performance guarantee shall automatically be extended for periods of not less than one year each year until all improvements or other requirements of these regulations are completed.
- h. Reduction in the amount of the performance guarantee may be considered by the planning commission, city commission and city manager for the completed public improvements provided that the performance guarantee shall not be reduced below twenty-five (25%) percent of the original amount of the performance guarantee.
- i. Any interest or dividend accruing on any account or instrument shall accrue in the name of the sub-divider and such funds:
- i. Shall be deemed to increase the principal amount of the performance guarantee, and
 - ii. May be used by the City of Baneberry in the same manner as the principal.
- j. Except to the extent that the proceeds from a performance guarantee are actually used to satisfy obligations hereunder, the obligations under these regulations are not satisfied by an inability of the City of Baneberry to collect a performance guarantee.
- k. If the planning commission shall decide at any time during the security that the extent of the building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security; or that required improvements have been installed as provided in this section in sufficient amount to warrant reduction in the face amount of said security; or that the character and the extent of such development requires additional improvements for any or all such improvements; the face value of such security shall thereupon be reduced or increased by an appropriate amount so that the new face amount will cover the cost in full of the amended list of improvements.
- l. All bonds which are submitted in lieu of the installation or required improvements shall be in cash or made by a surety company authorized to do business in the State of Tennessee.

ARTICLE V

PROCEDURES FOR STREET ACCEPTANCE

A. Purpose

As per Tennessee Code Annotated, Section 13-4-305, planning commission approval of any plat does not constitute or affect an acceptance of the dedication of streets, roads, and other grounds shown upon the plat. The purpose of this article is to set forth formal procedures for road acceptance within the city limits of Baneberry, Tennessee. In no case, however, shall any road or street be accepted within the City of Baneberry contrary to Tennessee Code Annotated, Sections 13-3-406 and 13-4-307.

B. Staff Review

To ensure that all roads are constructed in accordance with these regulations, the Road Commission, the building official, or other designated representative of the city shall inspect all stages of road construction to verify compliance. Upon final inspection of the road, the designated city official shall notify the developer in writing that the road has been constructed in accordance with these regulations.

C. City Council Approval

Upon written notification from the designated city official that the road has been constructed in accordance with these regulations, the developer shall petition to City Council to formally accept the newly constructed street. City Council shall formally accept all streets by ordinance.

ARTICLE VI

REGULATIONS FOR THE REVIEW AND APPROVAL OF MINOR SUBDIVISIONS

This article sets forth procedures designed to expedite the review and approval process for minor subdivisions. Due to the nature of minor subdivisions, no development other than the platting process is required. Therefore Article IV of the Baneberry Subdivision Regulations does not apply to minor subdivisions.

A. Definition

To be considered a minor subdivision, the tract or parcel of land to be subdivided shall be located on an existing open public road that has been accepted and is being maintained by the city, county, or state highway departments and shall be situated in a manner that there are no changes in existing streets, no new streets, or easements of access, and no excavation, grading, or physical development is needed and the property must be adequately provided with existing community facilities to the extent that no extension of water, sewer, or gas lines are required.

B. General Requirements

All requirements and design standards including requirements for the preparation of subdivision plats will be the same as set forth in Article I through VII of the Baneberry Subdivision Regulations.

Minor subdivisions will be considered for approval at each regularly scheduled meeting of the planning commission. If it places an extreme and undue hardship on the developer or selling agent, a special review committee may review the subdivision prior to the regular monthly meeting. The special review committee may grant tentative approval and permission to sell, pending official approval by the planning commission. The following procedures and policies shall govern the review and approval of minor subdivisions:

1. At least ten (10) days prior to the meeting at which it is to be considered, the subdivider shall submit to the building official, four (4) copies of the subdivision plat.
2. Plats shall be prepared on sheets not larger than eleven (11") inches by seventeen (17") inches.
3. Requests for special review and approval due to hardship must be accompanied by a statement explaining the nature of the hardship and reasons why special review is necessary.

4. Preliminary approval may be granted prior to environmental health department approval for items such as layout design of the subdivision and enumeration of development requirements.
5. Permission to sell cannot be granted unless the plat has received environmental health department and utilities approval.
6. Subdivisions must be properly marked at all corners and survey points with iron pipe or solid steel rods not less than one-half inch (1/2") in diameter and twenty-four inches (24") in length.
7. If permission to sell is granted, the sale is made subject to any changes or additional requirements by the planning commission for final approval and buyers of the property shall be properly informed of this condition by the person or persons selling the property.

ARTICLE VII

ENFORCEMENT AND PENALTIES FOR VIOLATIONS

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

A. Enforcement

1. No plat or plan of a subdivision of land into two (2) or more lots located within Baneberry's corporate boundary, or its authorized area of planning jurisdiction, shall be admitted to the land records of the county or received or recorded by the County Registrar of Deeds until said plat or plan has received final approval in writing by the planning commission as provided in Tennessee Code Annotated, Section 13-4-302.
2. No board, public officer, or authority shall light any road; lay or authorize the laying of water mains or sewer lines; or authorize or begin construction of other facilities or utilities in any road located within the municipality unless such road shall have been accepted, opened, or otherwise received the legal status of a public road prior to the adoption of these regulations, or unless such road corresponds in its location and lines to a road shown on a subdivision plat approved by the planning commission, or on a road plan made and adopted by the said commission as provided in Tennessee Code Annotated, Section 13-4-307.

B. Penalties

1. No county registrar shall receive, file, or record a plat of a subdivision within the Baneberry planning jurisdiction without the approval of the planning commission as required in Tennessee Code Annotated, Sections 13-4-301 through 13-4-309; and any county registrar so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.
2. Section 13-4-306, Tennessee Code Annotated, provides that "Whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the planning commission and obtained its approval as required by this Act and before such plat be recorded in the office of the county registrar, 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 documents used in the process of selling or transferring shall not exempt the transactions from such penalties."
3. Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the building

official or the solicitor of the municipality or other official designated by the chief legislative body may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-4-308, Tennessee Code Annotated.

ARTICLE VIII

ADOPTION AND EFFECTIVE DATE

A. Before Adoption

Before adoption of these subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the planning commission.

B. These Rules

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

APPENDIX A:

FORMS FOR SUBDIVISION PLAT CERTIFICATES

CERTIFICATE OF PRELIMINARY SUBDIVISION PLAT AGREEMENT

I (we) hereby certify that I (we) understand that the approval of a preliminary subdivision plat shall expire twelve (12) months after the date of approval.

_____	_____
Date	Owner
_____	_____
Date	Owner

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 the plan of subdivision with my (our) fee consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks, and other open space to public use as noted.

_____	_____
Date	Owner
_____	_____
Date	Owner

CERTIFICATE OF FINAL SUBDIVISION PLAT AGREEMENT

I (we) hereby certify that I (we) understand that no building permits can be issued for a tract/parcel of land in an approved final subdivision plat until the Building Official received verification that the plat has been filed in the Office of the County Registrar.

_____	_____
Date	Owner
_____	_____
Date	Owner

CERTIFICATE OF ACCURACY

This is to certify that the plan shown and described hereon is true and correct survey to the accuracy required by the Baneberry Municipal Planning Commission and that the monuments have been placed as shown hereon, to the specifications of the Subdivision Regulations.

Date

Registered Engineer or Surveyor

CERTIFICATE OF APPROVAL OF PUBLIC WATER SUPPLY

This is to certify that the existing water service mains are available and are adequate for the subdivision shown hereon.

Date

Name of Provider
Authorized Representative

CERTIFICATE OF APPROVAL OF ELECTRIC POWER SERVICE

This is to certify that the existing power service lines are available and are adequate for the subdivision shown hereon.

Date

Name of Provider
Authorized Representative

CERTIFICATE OF APPROVAL OF PUBLIC SEWER

This is to certify that the existing public sewer lines are available and are adequate for the subdivision shown hereon.

Date

Name of Provider
Authorized Representative

CERTIFICATE OF APPROVAL OF STREETS

This is to certify that the existing road(s) fronting all the proposed tracts/parcels of the platted subdivision is (are) a public road and is (are) publicly maintained.

Date

Baneberry Road Commission
Authorized Representative

**CERTIFICATE OF APPROVAL OF PRIVATE
WATER AND/OR SEWAGE SYSTEMS**

This is to certify that the private water supply and/or sewage disposal utility system or systems installed, or proposed for installation, fully meet the requirements of the Tennessee State Conservation & Environment Department, and are hereby approved as shown.

Date

Jefferson County Department of Environmental Health
Authorized Representative

CERTIFICATE OF APPROVAL OF STREETS

This is to certify: (1) that the streets have been installed in an acceptable manner and according to city specifications or, (2) that a security bond in the amount of \$ _____ has been posted with the planning commission to assure completion of all required improvements in case of default.

Date

Baneberry Road Commission
Authorized Representative

CERTIFICATE OF APPROVAL OF UTILITIES

This is to certify: (1) that the water, power, and sewer have been installed in an acceptable manner and according to city specifications or, (2) that a security bond in the amount of \$ _____ has been posted with the planning commission to assure completion of all required improvements in case of default.

Date

Name of Utilities
Authorized Representative

**CERTIFICATE OF APPROVAL OF STREET NAMES
AND PROPERTY NUMBERS (E-911)**

I hereby certify that (1) the names of existing public streets/roads shown on this subdivision plat are correct; (2) the names of any new roads, whether public or private, do not duplicate any existing names; and (3) the property numbers of the lots shown on this plat are in conformance with the E-911 System.

Date

Authorized Representative, Title

CERTIFICATE OF APPROVAL FOR RECORDING

This is to certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Baneberry, Tennessee, with the exception of such variances, if any, as are noted in the minutes of the planning commission and that it has been approved for recording in the office of the county registrar.

Date

Planning Commission Secretary

APPENDIX B:

Talbot's Formula FULL CIRCLE DRAINAGE TABLE

This chart is based on Talbot's Formula for determining correct culvert size for the area to be drained.

Diameter of Culvert in Inches	Area of Waterway Opening in Sq. Ft.	Acres of Mountainous Country	Acres of Rolling Country	Acres of Level Country
12	.785	.75	3	6
15	1.227	1	6	11
18	1.767	2	9	18
24	3.142	5	20	39
30	4.909	8	36	71
36	7.068	14	59	115
42	9.621	20	89	175
48	12.566	29	125	250
54	16.000	40	175	345
60	19.635	55	230	455
66	23.760	70	295	585
72	28.274	85	375	735
78	33.183	105	460	910
84	38.484	130	560	1110

MULTIPLE CULVERT INSTALLATION

This table shows the number of smaller diameter culverts equal in water carrying capacity to that of one culvert or larger size. It is based on culverts laid on the same slope.

EXAMPLE: One twenty-four (24") diameter culvert is equivalent to five (5), twelve-inch (12") culverts or two (2), eighteen-inch (18") culverts in water-carrying capacity.

Diameter	12"	15"	18"	21"	24"	30"	36"	42"	48"	54"
12"	1									
15"	1.7	1								
18"	2.5	1.5	1							
21"	3.6	2.2	1.4	1						
24"	5	3	2	1.4	1					
30"	8	5	3	2.3	1.7	1				
36"	12	8	5	3.5	3.6	1.5	1			
42"	18	11	7	5	3	2.2	1.4	1		
48"	24	15	10	7	5	3	1.9	1.4	1	
54"	32	19	13	9	6.5	4	2.6	1.8	1.3	1
60"	41	25	16	11	8	5	3.3	2.3	1.7	1.3
66"	51	29	20	14	10	6	4	2.8	2	1.6
72"	63	37	25	17	12	7.5	5	3.5	2.5	1.9
84"	90	53	35	25	18	11	7	5	3.6	2.8