

# **TOWN OF CHAPEL HILL, TENNESSEE**

## **SUBDIVISION REGULATIONS**

### **CHAPEL HILL PLANNING COMMISSION**

#### **Planning Commission Members:**

Marion Joyce, Chairman

Stacey Booker, Planning Commission Secretary

Isaac Zimmerle

Jeff Knox

Ben Piper

Danny Bingham, Town Administrator

Phillip Dye, Town Recorder

August 28, 2023

<b>TABLE OF CONTENTS</b>	
<b>TITLE</b>	<b>PAGE</b>
<b>ARTICLE I – General Provisions</b>	<b>6</b>
A. Title	6
B. Authority	6
C. Jurisdiction	6
D. Purpose	6
E. Policy	7
F. Powers of the Planning Commission	8
1) Submission of Subdivision Plat for Approval	8
2) Acceptance of Improvements on Unapproved Streets	9
3) Issuance of Building Permits	9
4) Access to Lots by Public Way or Private Access Easement	9
G. Penalties for Violation	9
1) Recording of Unapproved Subdivision Plat	10
2) Transfer or Sale of Land Without Prior Subdivision Approval	10
3) Unlawful Structures	10
<b>ARTICLE II – Procedure For Minor Subdivision Approval</b>	<b>11</b>
A. Procedure	11
B. Final Plat of a Minor Subdivision	11
1) Plat Submission	11
2) Plat Content	11
3) Plat Review	12
a) Subdivision Review	13
b) Planning Commission	13
c) Revised Subdivision Plat	13
d) Failure to Take Action	13
4) Subdivision Plat Approval	13
a) Recording of the Final Plat of a Minor Subdivision	13
<b>ARTICLE III – Procedure for Major Subdivision Approval</b>	<b>15</b>
A. General	15
B. Sketch Plan	15
1) Approval of a Sketch Plan	15
2) Expiration of Approval	16
C. Preliminary Plat	16
1) Plat Submission	16
2) Plat Content	16
3) Plat Review	18

<b>TITLE</b>	<b>PAGE</b>
4) Plat Approval	18
D. Construction Plans	20
1) Plans Submission	20
2) Plans Content	20
3) Administrative Review	20
4) Preliminary Approval	20
5) Public Improvements	21
6) Effective Period of Preliminary Plan Approval	21
E. Final Subdivision Plat	22
1) Plat Submission	22
2) Plat Content	22
3) Plat Review	23
4) Plat Approval	24
<b>ARTICLE IV – Assurance for Completion and Maintenance of Improvements</b>	26
A. Improvements and Surety Instrument	26
1) Completion of Improvements	26
2) Surety Instrument for Completion	26
3) Temporary Improvements	27
4) Costs of Improvements	27
5) Governmental Units	27
6) Failure to Complete Improvements	27
7) Acceptance of Dedication Offers	27
B. Inspection of Improvements	28
C. Release of Surety Instrument	28
D. Maintenance of Improvements	28
E. Deferral or Waiver of Required Improvements	28
F. Escrow Deposits for Lot Improvements	29
1) Acceptance of Escrow Funds	29
2) Procedures on Escrow Fund	29
G. Issuance of Building Permits for Approved Lots	30
<b>ARTICLE V – General Requirements and Standards of Design</b>	31
A. General Requirements	31
1) General Design Concepts	31
2) Self – Imposed Restrictions	32
3) Survey Monuments	32
4) Character of the Land	32
5) Policy on Flood- Prone Areas	34
B. Lot Layout	36
1) Adequate Building Sites	36
2) Arrangement of Lots	36
3) Minimum Size of Lots	36
4) Lots located on Steep Slopes	36

<b>TITLE</b>	<b>PAGE</b>
5) Lot Dimensions	38
6) Building Setback and Yard Requirements	38
7) Large Tracts or Parcels	39
8) Lot Drainage and Grading	39
C. Public Rights-of-Way	40
1) General Standards of Design	40
2) Frontage on Improved Public Ways	40
3) Grading and Improvement Plan	40
4) Improvements in Flood-Prone Areas	40
5) Private Streets	41
6) Design Criteria	41
7) Blocks	42
8) Access to Arterial and Collector Roads	43
9) Arrangement of Continuing and Dead-End Public Ways	43
10) Intersections	44
General Design Standards for Public R.O.W.	45
a) Minimum widths of Rights-of-Way	45
b) Minimum Width of Roads not including Parking Requirements	45
c) Maximum Percentage of Grades	45
d) Minimum Center Line Radius of Curves	46
e) Minimum Length of Vertical Curves	46
f) Minimum Length of Tangents Between Reverse Curves	46
g) Minimum Sight Distance	46
h) Minimum Turnaround on Cul-de-Sacs on Minor R.O.W.	47
11) Railroads and Limited Access Highways	47
12) Bridges	47
13) Right-of-Way Width Dedication on Existing Public Ways	48
14) Pavement Designs	48
15) Public Way Surfacing and Improvements	48
16) Pedestrian Ways	49
17) Mailbox Kiosks	49
D. Storm Drainage	50
1) Storm Pipes	50
2) Headwalls	50
3) Detention Ponds	50
4) Stormwater Quality	51
5) Stream Buffers	51
6) Drainage Easements	52
a) Minimum Widths of Easements for Storm Drain Pipes	52
7) Flood Plain Areas	53
E. Water Facilities	54
1) General Requirement	54
2) Fire Hydrants	54
3) Design Criteria for Water System Improvements	55
F. Sewage Facilities	56
1) General Requirements	56
2) Mandatory Connection to Public Sewer System	56

<b>TITLE</b>	<b>PAGE</b>
3) Design Criteria for Sanitary Sewers	57
G. Location of Utilities and Utility Easements	60
H. Preservation of Natural Features and Amenities	61
I. Non-residential Subdivisions	61
1) General	61
2) Standards	62
<b>ARTICLE VI – Specifications for Documents to be Submitted</b>	63
A. Sketch Plan	63
a) Sketch Plan Checklist	63
B. Preliminary Plan	64
a) Preliminary Plan Checklist	64
C. Construction Plans	65
a) Construction Plans Checklist	65
D. Final Subdivision Plat	67
a) Final Subdivision Plat Checklist	67
E. Plat Certificates	70
a) Certificate of Ownership and Dedication	70
b) Certificate of Survey Accuracy	71
c) Certificate of Approval of Water System	71
d) Certificate of Approval of Sewer Systems	72
e) Certificate of Approval for Private Subsurface Sewage Disposal	72
f) Certificate of Approval of Public Ways for Bond Posting	73
g) Certificate of Common Areas Dedication	73
h) Certificate of Approval for Recording	73
i) Certificate of Maintenance Bond Posted for Public Ways, Alleys, Walks, Public Infrastructure, Parks, and Open Space	74
j) Form for Offer of Irrevocable Dedication	75
<b>ARTICLE VII - Definitions</b>	78
A. General	78
<b>ARTICLE VIII – Adoption of Regulations and Amendments</b>	89
A. Original Enactment	87
<b>APPENDIX A</b>	90
Forms	
1) Preliminary Plat Checklist (Form Number 1)	91
2) Final Subdivision Plat Checklist (Form Number 2)	93
3) Performance Bond (Form Number 3)	96
4) Chapel Hill Municipal Planning Commission Maintenance Bond	100
5) Irrevocable Documentary Letter of Credit (Form Number 5)	103

## **ARTICLE I GENERAL PROVISIONS**

### **A. TITLE**

These regulations shall hereinafter be known and cited as the Municipal Subdivision Regulations for the Town of Chapel Hill, Tennessee.

### **B. AUTHORITY**

These Municipal Subdivision Regulations are adopted by the Town of Chapel Hill Municipal Planning Commission under authority granted by Sections 13-3-401 through 13-3-411 and 13-4-301 through 13-4-309 of the Tennessee Code Annotated and are adopted in conformity with said statutes by having filed a copy of the Major Road Plan in the office of the Registrar of Marshall County and having held a Public Hearing on the Municipal Subdivision Regulations after fifteen (15) days notice in a newspaper of general circulation.

### **C. JURISDICTION**

These Municipal Subdivision Regulations shall apply to all subdivisions, as herein defined, located within the corporate limits of Chapel Hill, Tennessee. No land shall be subdivided within the jurisdiction of these Municipal Subdivision Regulations until a plat is submitted by the developer in accordance with these Municipal Subdivision Regulations, the plat is approved by the Planning Commission, and the plat is filed with the County Registrar.

### **D. PURPOSE**

These regulations are adopted for the following purposes:

1. To promote the public health, safety, and general welfare of the jurisdictional area.
2. To guide the development of the jurisdictional area in accordance with the Land Development Plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.
3. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers and to prevent overcrowding of the land and undue congestion of population.

4. To enhance the character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.
5. To conserve the value of land, buildings, and improvements throughout the jurisdictional area and to minimize detrimental conflicts among the uses of land and structures.
6. To guide public and private policy and action providing for transportation, water, sewerage, schools, recreational areas and other public requirements and facilities.
7. To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.
8. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions; to further the orderly layout and use of land; and to assure proper legal descriptions and proper monumenting of land.
9. To assure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
10. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table and to preserve the integrity, stability, beauty and value of the jurisdictional area.
11. To preserve the natural beauty and topography of the jurisdictional area and to assure appropriate development with regard to these natural features.
12. To provide for open spaces through efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the zoning ordinance.
13. To encourage subdivision design which would maximize the conservation of all forms of energy.

## **E. POLICY**

It is the policy of the Planning Commission to review plats and proposed subdivision developments for conformity to the Comprehensive Plan, the Land Use Plan, the Transportation Plan, and the Zoning Ordinance of Chapel Hill, Tennessee, and to require conformity as a condition of plat approval.

It is further the policy of the Planning Commission to review plats and proposed subdivision developments in the context of existing land use and development, population and traffic distribution and the needs and best interests of the immediate community and to require that a particular subdivision exceed the minimum standards set within these Municipal Subdivision Regulations when specific site conditions or immediate community conditions warrant.

## **F. POWERS OF THE PLANNING COMMISSION**

The enforcement of these regulations is provided for by State law in the authority granted by public acts of the State of Tennessee.

### **1) Submission of Subdivision Plat for Approval**

No plat of a subdivision of land into (2) or more lots or tracts located within the Town of Chapel Hill, shall be admitted to the land records of Marshall County or received or recorded by the County Registrar of Deeds until such plat shall have been submitted to and approved by the Planning Commission and such approval entered in writing on the plat by the Secretary of the Commission as provided in Section 13-4-302, Tennessee Code Annotated.

As a condition precedent to the approval of a plat, the regulations may include and the Planning Commission may require infrastructure improvement requirements as to the extent to which and the manner in which:

- (a) Roads are constructed and improved;
- (b) Water, sewer, and other utility mains, piping, and connections are constructed or installed; or
- (c) Other infrastructure and facilities are constructed or installed. In exercising the powers granted to it by § 13-4-302, the planning commission shall not require an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. An owner of private property required to make a dedication or pay money in violation of this subdivision.
- (d) May seek relief through a common law writ of certiorari in chancery court.

## 2) Acceptance of Improvements on Unapproved Streets

No board, public official, or authority shall accept, layout, open, improve, grade, pave or light any street or lay or authorize water mains or sewers or connection to be laid in any street within the Town of Chapel Hill unless such shall have otherwise received the legal status of a public street prior to 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 as provided in Section 13-4-307, Tennessee Code Annotated; however, the Mayor and the Board of Aldermen may locate and construct or may accept any other street, provided that the Ordinance or other measure for such location and construction

## 3) Issuance of Building Permits

No building permit shall be issued and no building shall be erected on any lot within the Town of Chapel Hill, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as or shall have 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 with a street shown on a subdivision plat approved by the Planning Commission or on a street plat made and adopted by the Commission, or with a street located or accepted by the Mayor and the Board of Aldermen as provided in Section 13-4-308, Tennessee Code Annotated. A building permit may be issued on a lot shown on a subdivision plat, approved by the Planning Commission, provided that the roadbed base has been applied and the subdivision development is substantially complete.

## 4) Access To Lots by Public Way Or Private Access Easement

Provided, further, that when a permanent easement to a public way is used as access to a lot or tract of land having been or being separated by deed or plat from other property, such easement shall be at least fifty (50) feet in width from and after the time of adoption of these regulations and shall not be used to provide access to more than one lot or tract of land.

The above section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements which have been approved by the Planning Commission and will be in private ownership and control in perpetuity.

## G. PENALTIES FOR VIOLATION

The penalties for the filing or recording of a plat, transfer or sale of land, and erection of a building, in violation of these regulations, are provided for by State law in authority granted by Public Acts of the State of Tennessee.

### 1) Recording of Unapproved Subdivision Plat

No County Register shall receive, file, or record a plat of a subdivision within the Town of Chapel Hill, without the approval of the Planning Commission as required in Section 13-4-302, Tennessee Code Annotated.

### 2) Transfer or Sale of Land Without Prior Subdivision Approval

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 such subdivision of such land without having submitted 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 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 Town of Chapel Hill through its Attorney or other official designated by the Mayor and the Board of Aldermen may enjoin such transfer or sale or agreement by action or injunction.

### 3) Unlawful Structures

Any building erected or to be erected in violation of these regulations shall be deemed an unlawful structure, and the Building Inspector or the Attorney of the Town of Chapel Hill or other official designated by the Mayor and the Board of Aldermen 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 II**

### **PROCEDURE FOR MINOR SUBDIVISION APPROVAL**

Whenever a proposed subdivision containing three (3) lots or less fronting on an existing public way; not involving any new or improved public way, no extensions of public facilities or the creation of any public improvements, the property is not located in any recognized flood hazard area, and not in conflict with any provision of the adopted general plan, Major Road Plan, Zoning Ordinance, or these regulations, this procedure for review and approval of the subdivision may apply.

#### **A. PROCEDURE**

1. The owner shall request a preapplication conference with the building inspector and submit a plan or survey of the proposed subdivision for review and comments.
2. Submit plan for approvals to other public agencies and any affected utility districts or companies.
3. Submittal of a final subdivision plat in accordance with the specifications for approval by the planning commission.

#### **B. FINAL PLAT OF A MINOR SUBDIVISION**

##### **1. Plat Submission**

After consultation with the Planning Staff, but not less than fifteen (15) days prior to the Planning Commission meeting at which the Final Plat of a minor subdivision will be considered, the developer shall submit five (5) copies and a digital copy of the plat, together with all applicable fees, to the office of the Town Administrator.

The original of the Final Plat of a minor subdivision shall be on a sheet twenty inches by twenty-four inches (20" x 24"), to a scale of one inch equals one-hundred feet (1" = 100'). If more than one sheet is required, an index sheet of the same size shall be filed and shall show a key map of the entire area being platted. The separate sheet of the Final Plat of a minor subdivision shall be keyed alphabetically and shall show match lines with the adjoining sheets.

##### **2. Plat Content**

The Final Plat of a minor subdivision shall contain the following information:

- a) This plan shall be prepared by a Professional Land Surveyor licensed in the State of Tennessee.

- b) Be drawn to a scale no less than one-inch equals one hundred feet (1"= 100').
- c) The lines of all streets and roads with names, alley lines, lot lines, building setback lines, lots numbered in numerical order, lot area in square feet.
- d) 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.
- e) Sufficient data to determine the accessibility of water, sewer, gas, and electric facilities including the location of manholes, water meters, fire hydrants, and electric poles.
- f) All dimensions to the nearest one hundredth (100<sup>th</sup>) of a foot and bearings to the nearest minute.
- g) Location and description of monuments.
- h) The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining properties.
- i) Date, title, and name of the subdivision, designer of the subdivision, vicinity map graphic scale, total acreage subdivided, zoning classification and true north arrow.
- j) Any restrictive covenants which are to apply to lots or other parcels within the subdivision.
- k) Provide the locations of all existing easements and also provide public utilities and drainage (P.U.D.E.) easements along all property lines. The front easement shall be a minimum of 20 feet and the side and rear shall be 10 feet.
- l) The following certificates are required on the Final Plat:
  - i. Certification showing that the applicant is the landowner and dedicates the streets, rights-of-way, utilities and any sites for public use to the Town of Chapel Hill.
  - ii. Certification by a surveyor to the accuracy of the survey, the plat and the placement of the monuments.
  - iii. Certificate of Approval by the Secretary of the Planning Commission.

### 3. Plat Review

a) Subdivision Review

The Town Planner shall recommend to the Planning Commission the approval, approval with conditions or disapproval of the application. The Town Planner shall consult with the Utility Manager, the Public Works Director, the Police Chief, and the Fire Chief as necessary for additional review and comments.

b) Planning Commission

Within thirty (30) days after submission of the Final Plat of a minor subdivision, the Planning Commission shall review the plat and indicate its approval, disapproval, or approval subject to modifications. If a plat is disapproved, reasons for such disapproval shall be stated in writing. If approved, subject to modifications, the nature of the required modifications will be indicated and the revised plat will be required to undergo staff review to ensure modifications.

Substantial changes made to the plat after initial review by the Town Planner shall be cause for the Planning Commission to defer a decision pending review of a revised plat.

c) Revised Final Plat

If modifications are requested by the Planning Commission the developer shall submit the revised Final Plat of a minor subdivision, along with a letter addressing the revisions requested, to the office of the Town Administrator no more than fourteen (14) days following the Planning Commission meeting at which the plat was granted contingent approval, provided, however, that the Planning Commission may extend this deadline at the request of the developer.

d) Failure To Take Action

Failure of the Planning Commission to act on the Final Plat of a minor subdivision within sixty (60) days shall be deemed approval of this plat, provided, however, that the applicant, with the Commission's approval, may waive this requirement and consent to the extension of such period.

4. Subdivision Plat Approval

The approval of the Final Plat of a minor subdivision by the Planning Commission will not constitute acceptance of the Construction Plans.

a) Recording of the Final Plat of a Minor Subdivision

- i. Upon approval of the Final Plat by the Planning Commission, the developer shall submit to the office of the Town Administrator the original and one (1) copy of the Final Plat. The Town Administrator or his

designated representative shall verify that the plat is acceptable for recording and that required modifications, if any, have been properly made. Upon such verification, the Secretary of the Planning Commission shall attest to approval by signing the appropriate certificate on the copy of the plat.

- ii. The Town Administrator or his designated representative, shall record the approved plat in the Office of the Register of Deeds of Marshall County, Tennessee, and shall note the date, plat book and page number of recording on the file copy of the plat.
- iii. The recorded original plat shall be retained as a permanent record in the Planning Commission files after it has been stamped and signed by the County Register of Deeds.

## **ARTICLE III**

### **PROCEDURE FOR MAJOR SUBDIVISION APPROVAL**

#### **A. GENERAL**

Any owner of land lying within the area of the jurisdiction of the Planning Commission considering to divide such land into three (3) or more lots, sites or divisions for the purpose of either immediate or future sale or building shall make application to the Planning Commission by submitting the required plans and plats of the proposed subdivision along with the application fees.

The subdivider shall consult early and informally with the Planning Commission and its technical staff for advice and assistance during the preparation of a Sketch Plan for approval. This will enable the developer 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.

The procedure for review and approval of subdivisions and its documentation consists of four (4) separate steps:

1. The first step is the Sketch Plat which is submitted to the Planning Commission.
2. The second step is the Preliminary Plan which will be reviewed by the staff and the Planning Commission.
3. The third step is the preparation of the construction plans for review and approval by the Town Engineer.
4. The fourth step is the preparation of a Final Plat with all the required certificates for submission to the Planning Commission. The Final Plat, once approved by the Planning Commission and signed by the Secretary of the Planning Commission, becomes the instrument to be recorded by the Office of the County Registrar.

#### **B. SKETCH PLAN**

The developer shall submit a sketch plat to the Planning Commission for review and approval. The sketch plat is a concept plan for design purposes and should be used to discover all the factors which may have an impact on the proposed development and to advise the developer of various situations before substantial amounts of time and money are invested in a detailed proposal which may contain elements contrary to these regulations.

1. Approval of a sketch plat

When a sketch plat is submitted for Planning Commission review, the number of plans required and the schedule for the submittal shall be the same as a preliminary plan. The review of the sketch plat shall constitute authorization to prepare detailed

plans and specifications.

2. Expiration of Approval

The approval of the sketch plat shall expire within one (1) year if no further progress is made toward the development. An extension may be granted upon proper application.

**C. PRELIMINARY PLAT**

The Preliminary Plat is the next formal submittal for a proposed subdivision and shall include the full area of the affected property or properties though the subdivision may be developed in stages or phases. The purpose of the Preliminary Plat is to assure harmonious development throughout the subdivided land and to assure that the proposed subdivision conforms with the Zoning Ordinance, the Major Road Plan, and the subdivision regulations.

1. Plat Submission

After consultation with the Planning Commission and/or the Planning Staff, but not less than fifteen (15) days prior to the Planning Commission meeting at which the Preliminary Plat will be considered, the developer shall submit five (5) copies of the plat, together with all applicable fees, to the office of the Town Administrator. All plans must be drawn to a scale of not less than one-inch equals one hundred feet (1" = 100').

2. Plat Content

The Preliminary Plat shall at least contain the following information:

- a) Meet the minimum design standards as set forth in Article V;
- b) This plan shall be prepared by a Civil Engineer or Landscape Architect licensed in the State of Tennessee;
- c) Be drawn to a scale no less than one-inch equals one hundred feet (1"= 100');
- d) Scale, date of preparation, north arrow, vicinity map, acreage, tax map and parcel, zoning classification and number of lots;
- e) Subdivision name; name and address of the developer and/or developers and the name of the individual responsible for the preparation of the plat;
- f) Lot lines, dimensions of lot lines, lot numbers, building setback lines, and the lot areas in square feet;

- g) Adjoining subdivisions by name and section, and the names of owners and approximate acreage of all abutting tracts, and the zoning of each tract;
- h) Name, location, and rights-of-way of all existing and proposed streets and alleys;
- i) All existing buildings, primary and accessory on or within three hundred (300) feet on any adjacent properties;
- j) Location and type of all existing utilities (e.g. water- including fire hydrants, sewer, electric and gas) and the location of existing storm sewers and sanitary sewers or the distance and bearing to the nearest available structure.
- k) Provide the location of one hundred (100) year floodplain, floodway limits and base flood elevations;
- l) Major environmental features, including groupings or stands of trees, environmentally sensitive areas, concerning geological formations and sinkholes;
- m) Identify the location of any cemeteries and accesses to cemeteries.
- n) All existing public and private easements including their location, purpose and width, and the instrument number for any existing easements;
- o) Provide public utilities and drainage easement (P.U.D.E.) along all property lines.
- p) Existing contour data showing contour intervals of two (2) foot; elevation shall reference a benchmark on or near the subject property;
- q) Where divisions of the property into phases or sections is contemplated, the proposed boundaries of such sections shall be shown and labeled, and the sequence of development listed alphabetically or numerically.
- r) Where the re-subdivision of a lot in a previously recorded subdivision is proposed, the title of the proposed subdivision must indicate and identify the lot number and subdivision name from the previous subdivision.
- s) Request for variances from the Municipal Subdivision Regulations, along with justification of proposed variances, shall be submitted in writing with the application for Preliminary Plat approval.
- t) The planning commission may require other information, such as, but not limited to, traffic study, drainage study, sewer study or other information necessary to evaluate the subdivision proposal and its effects on the adjoining neighborhoods and public facilities or utilities.
- u) An approved letter of availability for the water and sewer usage for the proposed development shall be submitted for the Planning Commission to review. The

applicant shall also include the projected amounts of the tap fees that will be part of the final plat approval and review process.

### 3. Plat Review

- a) The Town Planner shall recommend to the Planning Commission the approval, approval with conditions or disapproval of the application. The Town Planner shall consult the entire staff including Utility Manager, the Public Works Director, the Police Chief, and the Fire Chief for additional reviews and comments.
- b) During review of the Preliminary Plat, the Town Planner shall consider the orderly phasing of the subdivision development. In particular, the following shall be considered:
  - i. Proper access to the proposed development.
  - ii. The feasibility of developing any adjoining tracts of land.
  - iii. The adherence of each phase to the design standards in Article V of these regulations and the Utility Specifications.

#### c) Planning Commission

Within sixty (60) days after submission of the Preliminary Plat, the Planning Commission shall review the preliminary plat and indicate its approval, disapproval, or approval subject to modifications. If a plat is disapproved, reasons for such disapproval shall be stated in writing. If approved, subject to modifications, the nature of the required modifications will be indicated and the revised plat will be required to undergo staff review to ensure modifications. Substantial changes made to the plat after initial review by the Town Engineer shall be cause for the Planning Commission to defer a decision pending review of a revised plat.

#### d) Revised Plat

If modifications are requested by the Planning Commission the developer shall submit the revised Preliminary Plat, along with a letter addressing the revisions requested, to the office of the Town Administrator no more than fourteen (14) days following the Planning Commission meeting at which the plat was granted contingent approval, provided, however, that the Planning Commission may extend this deadline at the request of the developer.

### 4. Plat Approval

a) Effect of Approval

The approval of the Preliminary Plat by the Planning Commission will not constitute acceptance of the Construction Plan and Final Plat and will not be indicated on the Preliminary Plat.

b) Vesting Rights

In accordance with T.C.A. Section 13-4-310, the approval of a preliminary plan has a defined period of time that the approval is valid and the standards that are to remain in effect during this period of time that are known as vesting rights. The initial period of time that the approval is valid is for three (3) years from the date of the approval of the plan.

If a project proceeds with the preparation of construction plans and obtaining permits for construction and a final subdivision plat is recorded, then the approval status of the preliminary plan is extended for an additional two (2) years. The vesting period shall remain in effect until the final completion of the subdivision. The total vesting period shall not exceed ten (10) years from the date of approval.

Depending upon the size of the project and if the development contains several sections or phases then the development standard in effect at the time of the approval of the preliminary plan shall remain in effect. The total vesting period shall not exceed fifteen (15) years from the date of the approval of the preliminary plan.

c) Revised Plat

If modifications are requested by the Planning Commission the developer shall submit the revised Preliminary Plat, along with a letter addressing the revisions requested, to the office of the Town Administrator no more than fourteen (14) days following the Planning Commission meeting at which the plat was granted contingent approval, provided, however, that the Planning Commission may extend this deadline at the request of the developer.

d) Failure To Take Action

Failure of the Planning Commission to act on the Preliminary Plat within sixty (60) days shall be deemed approval of this plat, provided, however, that the applicant, with the Commission's approval, may waive this requirement and consent to the extension of such period.

## **D. CONSTRUCTION PLANS**

The Construction Plans are a fully engineered design of all or part of the proposed subdivision in sufficient detail for the review agencies to determine that the improvements to be installed or constructed for said subdivision meet the required standards, provide adequate protection of the public's health and safety, and do not create or aggravate potential hazards to life or property.

### **1. Plans Submission**

- a) After the Preliminary Plat has been approved by the Planning Commission, the developer shall submit four (4) copies of the Construction Plan, together with applicable fees, to the office of the Town Administrator. All plans must be drawn to a scale of not less than one-inch equals one hundred feet (1" = 100').
- b) If in the process of completing the Construction Plan, it becomes necessary to make major design changes in contrast to the approved Preliminary Plat, the developer shall submit a revised Preliminary Plat to the Planning Commission for review and approval. If minor changes to the approved Preliminary Plat are necessary, they will be identified in writing on the Construction Plan. The Town Administrator, in conjunction with the Town Engineer and the Town Planner, will determine if the proposed changes are minor or major in nature.

### **2. Plans Content**

- a) The Construction Plans shall conform substantially to the approved Preliminary Plat, meet at least the minimum design standards and general requirements of Article V, provide for the construction of all improvements required in the Town of Chapel Hill Subdivision Regulations.
- b) The Construction Plans shall include the following information as detailed in the checklist in Article VI.

### **3. Administrative Review**

- a) An administrative review meeting with the staff assistant to the Planning Commission and other staff members to review the preliminary plat, construction plans and other required information. This review shall be held prior to the scheduled Planning Commission meeting in which this item is to be heard. All of the information shall be assembled and presented to the Planning Commission for their review and consideration.
- b) If a property is located within an area that floods and contains a flood plain area, then the developer and engineer shall submit additional information for the review. This information shall include the discharge of the regulatory flood, identify the areas that contain a flood plain or floodway designation. Include all mapping data and flood plain panel numbers to establish base flood elevations for the property.

#### 4. Preliminary Approval

After the Planning Commission has reviewed the preliminary plan, construction plans, additional exhibits and the results of the administrative review, the applicant shall be advised of any required changes to the plans. The Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat within sixty (60) days after the date of the regular meeting of the Planning Commission at which the hearing on preliminary approval, including adjourned date thereof, is closed.

A certificate of approval shall be issued by the Secretary of the Planning Commission, or an approved designee, and the applicant may proceed to apply for final subdivision plat approval as outlined in these regulations.

After the Planning Commission approves, conditionally approves, or disapproves the preliminary plat, one (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval thereon. If a preliminary plat is disapproved the Planning Commission shall state the specific reasons for disapproval for the record in the minutes of the Planning Commission.

If the Planning Commission approves the preliminary plat showing a dedicated public use for a portion of the property, then the Planning Commission shall obtain approval for a land reservation from the appropriate department.

#### 5. Public Improvements

The Planning Commission may require that all the public improvements be installed and dedicated prior to the signing of the final subdivision plat by the Secretary of the Planning Commission. If the Planning Commission does not require that all the public improvements be install and dedicated prior to the signing of the plat the applicant must present a performance bond to the Planning Commission for approval. The amount of the bond shall be calculated by the Planning Commission based upon the departments' recommendations or by receipt of cost bids from two (2) independent contractors provided by the applicant to prepare project take-off of quantities and establishing a total construction cost for the project. These numbers shall be used plus a ten (10) contingency fee to establish the final amount of the bond numbers.

The bond shall be submitted at the time of the application for the final subdivision plat approval. All public ways and improvements shall be noted on the final plat and all additional requirements shall be shown in order for the final plat to conform to the major road plan and the land development plan for the jurisdictional area.

#### 6. Effective Period of Preliminary Plan Approval

In accordance with T.C.A. Section 13-4-310, the approval of a preliminary plan has a defined period of time that the approval is valid and the standards that are to remain in effect during this period of time that are known as vesting rights. The initial period of

time that the approval is valid is for three (3) years from the date of the approval of the plan.

If a project proceeds with the preparation of construction plans and obtaining permits for construction and a final subdivision plat is recorded, then the approval status of the preliminary plan is extended for an additional two (2) years. The vesting period shall remain in effect until the final completion of the subdivision. The total vesting period shall not exceed ten (10) years from the date of approval.

Depending upon the size of the project and if the development contains several sections or phases then the development standard in effect at the time of the approval of the preliminary plan shall remain in effect. The total vesting period shall not exceed fifteen (15) years from the date of the approval of the preliminary plan.

## **E. FINAL SUBDIVISION PLAT**

The Final Plat is the culmination of the land subdivision process. When approved and duly recorded as provided by law, the Final Plat becomes a permanent public record of the survey of the lots or parcels, rights-of-way, easements and public lands, and the restrictive covenants as may be applicable to the lots or parcels within the boundary of the subdivision. As such, it serves as a vital instrument in the sale and transfer of real estate, in the dedication of rights-of-way easements, and public lands, and in future land survey of the properties contained in or adjoining the subdivision.

### **1) Plat Submission**

The developer shall submit five (5) copies of the Final Plat to the office of the Town Administrator no less than fifteen (15) days prior to the Planning Commission meeting at which it is to be considered. The Final Plat shall conform substantially to the approved Preliminary Plat and Construction Plans.

The Final Plat shall not be submitted to the Town Administrator until the conditions of approval by the Planning Commission are met. Upon the submittal of the plat the staff shall inspect the site to determine if the conditions are met to proceed.

The original of the Final Plat shall be on a sheet twenty inches by twenty-four inches (20" x 24"), to a scale of one-inch equals one-hundred feet (1" = 100'). If more than one sheet is required, an index sheet of the same size shall be filed and shall show a key map of the entire area being platted. The separate sheet of the Final Plat shall be keyed alphabetically and shall show match lines with the adjoining sheets.

### **2) Plat Content**

The Final Plat shall include the following information:

- a) The lines of all streets and roads with names, alley lines, lot lines, building setback lines, lots numbered in numerical order, lot area in square feet, reservations for easements and any areas to be dedicated to public use or sites for other than building 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 curved property lines that are not the boundary of curved streets.
- c) All dimensions to the nearest one hundredth (100th) of a foot and bearings to the nearest minute.
- d) Location and description of monuments.
- e) The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining properties.
- f) Date, title and name of the subdivision, designer of the subdivision, vicinity map, graphic scale, total acreage subdivided, zoning classification and true north arrow.
- g) Any restrictive covenants which are to apply to lots or other parcels within the subdivision.
- h) The following certificates are required on the Final Plat (See Appendix II):
  - i. Certification showing that the applicant is the landowner and dedicates the streets, rights-of-way, utilities, and any sites for public use to the Town of Chapel Hill.
  - ii. Certification by a licensed surveyor to the accuracy of the survey, the plat and the placement of the monuments.
  - iii. Certification by the Director of Public Works of the approval of the water, sewer and drainage system.
  - iv. Certificate of Approval of installation of streets, water, sewer and drainage or the posting of sufficient financial surety to assure completion of all required improvements by the Director of Public Works or Town Engineer.
  - v. Certification by the Design Engineer as to the accuracy of the Engineering and Design of the subdivision.
  - vi. Certificate of Approval by the Secretary of the Planning Commission.

### 3) Plat Review

- a) Subdivision Review Committee

The Town Planner shall recommend to the Planning Commission the approval or disapproval of the application. The Town Planner shall consult the Utility Manager, the Public Works Director, the Police Chief, the Fire Chief, the Town Administrator, and the Town Engineer as needed.

b) Planning Commission

Within sixty (60) days after submission of the Final Plat, the Planning Commission shall review the plat and indicate its approval, disapproval, or approval subject to modifications. If a plat is disapproved, reasons for such disapproval shall be stated in writing. If approved, subject to modifications, the nature of the required modifications will be indicated. Substantial changes made to the plat after review by the Town Planner shall be cause for the Planning Commission to defer a decision pending review of a revised plat.

c) Revised Plat

If modifications are requested by the Planning Commission, the developer shall submit a letter addressing the revisions requested and a revised Final Plat indicating any approved variances, not more than fourteen (14) days following the Planning Commission meeting at which the Final Plat was granted contingent approval, provided, however, that the Planning Commission may extend this deadline at the request of the developer.

4) Plat Approval

a) Action Upon Approval

Upon approval of the Final Plat by the Planning Commission, the developer shall present the one (1) copy of the Final Plat for signing by the Planning Commission Secretary. The developer shall then provide the signed copy to the Town Administrator or his designated representative for filing in the office of the Town Administrator and the Office of the Registrar of Marshall County.

b) Vested Rights

No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Secretary of the Planning Commission. All requirements, conditions, or regulations adopted by the Planning Commission, applicable to the subdivision, shall be deemed a condition of approval.

c) Recording of the Final Plat

Upon approval of the Final Plat by the Planning Commission, the developer shall submit to the office of the Town Administrator the original and one (1) copy of the

Final Plat. The Town Administrator or his designated representative shall verify that the plat is acceptable for recording and that required modifications, if any, have been properly made. Upon such verification, the Secretary of the Planning Commission shall attest to approval by signing the appropriate certificate on the original and copy of the plat.

The City Administrator or his designated representative, shall record the approved plat in the Office of the Registrar of Marshall County, Tennessee, and shall note the date, plat book and page number of the recording on the file copy of the plat. The recorded original plat shall be retained as a permanent record in the Planning Commission files after it has been stamped and signed by the County Registrar.

**ARTICLE IV**  
**ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS**

**A. IMPROVEMENTS AND SURETY INSTRUMENT**

1. Completion of Improvements

Before the Final Plat is signed by the Secretary of the Planning Commission as specified in Article III of these regulations, all applicants shall complete, in accordance with the Planning Commission's decision and to the satisfaction of the appropriate governmental representative, all public ways, sanitary sewers, water, drainage and other improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations by the Planning Commission. The applicant shall dedicate public improvements to the appropriate governing body free and clear of all liens and encumbrances on the property and public improvements thus dedicated. The Planning Commission may require other improvements that benefit the subdivision generally to be completed and conveyed to a homeowners' association prior to acceptance of public improvements.

2. Surety Instrument for Completion

The applicant shall complete and dedicate all public improvements prior to the signing of the Final Plat. The Planning Commission shall have the authority to allow the applicant to post a surety instrument at the time of submission for Final Plat approval. The Planning Commission shall require that surety be in an amount not less than that estimated by the Town Engineer as sufficient to guarantee to the governing body the satisfactory construction, installation, and dedication of the incomplete portions of the required improvements, plus an additional twenty (20%) percent to cover the cost of potential price increases.

There are two forms of surety that are accepted by the Town of Chapel Hill. An Irrevocable Standby Letter of Credit ("Letters of Credit") and cash. Such surety instruments shall comply with all statutory requirements and shall be satisfactory to legal counsel of the Town as to form, sufficiency, and manner of execution, as set forth in these regulations. Letters of Credit may be approved by the Planning Commission as set forth herein. Cash bonds and agreements (not including escrow deposits for lot improvements as set forth below), must be approved by the Board of Mayor and Alderman upon the recommendation of the Planning Commission.

The Irrevocable Standby Letter of Credit ("Letter of Credit") shall be issued from a bank located within a fifty (50) mile radius from the Town of Chapel Hill and from a financial institution which is a member of the Tennessee Bank Collateral Pool. A Letter of Credit shall be good for a period of not less than one (1) year and shall automatically renew for additional like terms unless specifically released by the Town. Applicant may apply to the Planning Commission to reduce the amount of the Letter of Credit during construction,

provided that, a Letter of Credit may not be reduced more than once during a twelve (12) month period and the applicant shall pay the Town for all expenses of such application, including review fees by the Town Engineer and Town Attorney, prior to such reduction being approved.

The time period within required improvements must be completed shall be specified by the Planning Commission upon Final Plat approval. The surety amount required for any component of the construction phase work that has not been 100% completed, shall be the amount of the value of the work that remains outstanding, based upon the Town Engineer's estimate, and shall not be less than 20% of the total value of the construction phase work, based upon the Town Engineer's estimate.

Such surety instrument shall be approved by the Planning Commission as to amount and conditions. The Planning Commission may, upon proof of difficulty, extend the completion date set forth in such surety instrument for a maximum period of one (1) additional year. The Planning Commission may accept at any time during the period of such surety instrument a substitution of principal.

### 3. Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission and shall maintain them to a reasonable satisfaction for the period of time specified by the Planning Commission. Prior to construction of any temporary facility or improvement, the applicant shall file with the Planning Commission a separate suitable surety instrument for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

### 4. Costs of Improvements

All required improvements shall be made by the applicant at his expense. Any provisions for reimbursement by the governing body or any utility agency shall be stipulated clearly in the provisions of any surety instruments and shall be supported by certified resolution or ordinance of such governing body or agency.

### 5. Governmental Units

Governmental units to which these surety instruments and contract provisions apply may file, in lieu of said contract or surety instrument, a certified resolution or ordinance from officers or agencies authorized to act in their behalf agreeing to comply with the provisions of this Article.

### 6. Failure to Complete Improvements

In subdivisions for which no surety instrument has been posted, if the improvements are not completed within the period specified by the Planning Commission in the resolution approving the plat, the Planning Commission may deem the approval to have expired. In those cases in which a surety instrument has been posted and required improvements have not been installed within the terms of such surety instrument, the Planning Commission thereupon may declare the surety instrument to be in default and require that all the

improvements be installed regardless of the extent of the building development at the time the surety instrument is declared to be in default.

#### **7. Acceptance of Dedication Offers**

Acceptance of formal offers of dedication of public ways, easements, and parks shall be by formal action of the governing body. Such action shall be in accord with the acceptance policies of the Board of Mayor and Aldermen. In accordance with Tennessee Code Annotated 13-4-104, the widening, narrowing, relocation, vacation, change in use, acceptance, acquisition, sale or lease of any public street or property shall be submitted to the planning commission. Such submission and review shall be separate and independent of subdivision review. Approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply an acceptance by the local government of any public way, easement, or other ground shown on the plat. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect.

The Planning Commission shall not recommend acceptance of public improvements unless and until the applicant presents a surety instrument in an amount considered adequate by the appropriate governmental representative and in a form satisfactory to legal counsel of the Town to assure the satisfactory condition and maintenance if necessary of the required improvements, including all lot improvements, for a period not less than one year after the date of acceptance of the public improvements by the Board of Mayor and Aldermen.

### **B. INSPECTION OF IMPROVEMENTS**

#### **General Procedure**

If a representative of the Town finds upon inspection that any of the required improvements has not been constructed in accordance with the governing body's construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a surety instrument, the applicant and the bonding company shall be liable severally and jointly for completing said improvements according to specifications.

### **C. RELEASE OF SURETY INSTRUMENT**

The Planning Commission shall not recommend acceptance of required public improvements nor shall the Planning Commission release a surety instrument until the appropriate governmental representative submits a certificate stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Planning Commission and the appropriate governmental representative (through submission of "As-Builts" Documents for all improvements indicating location, dimensions, construction materials, and any other information required by the Planning Commission) that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the subdivision. Upon such approval and recommendation, the governing body, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in other sections of

these regulations.

#### **D. MAINTENANCE OF IMPROVEMENTS**

The applicant shall be required to maintain all improvements including all lot improvements, until acceptance of the public improvements by the governmental body.

The applicant will be required to file a maintenance bond with the Planning Commission prior to the dedication, in an amount to be determined by the appropriate governmental representative and in a form satisfactory to the Town's Attorney in order to assure the satisfactory condition of the required improvements, including all lot improvements, for a period of one (1) year after the date of acceptance of the public improvements by the Planning Commission.

#### **E. DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS**

The Planning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons, the developer shall either pay his share of the costs of the future improvements to the Planning Commission prior to signing of the Final Plat by the appropriate governmental representative(s) or post a surety instrument in an amount determined by the Town Engineer, ensuring completion of said improvements upon demand by the Planning Commission.

#### **F. ESCROW DEPOSITS FOR LOT IMPROVEMENTS**

##### **1) Acceptance of Escrow Funds**

Whenever, by reason of the season of the year, any lot improvements required by these regulations cannot be performed, the enforcing officer nevertheless may issue a certificate of occupancy upon accepting a cash escrow deposit in an amount to be determined by the appropriate governmental representative for the cost of such improvements; provided, there otherwise is no danger to the health, safety, or general welfare. The surety instrument covering such lot improvements shall remain in full force and effect.

##### **2) Procedures on Escrow Fund**

All required improvements for which escrow moneys have been accepted by the enforcing officer at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been installed properly at the end of the time period, the enforcing officer shall provide written notice, within two (2) weeks, to the developer requiring him to install the improvements, and in the event they are not installed

properly, in the judgment of the enforcing officer, he may request the Planning Commission to proceed to install or to contract for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit.

At the time of the issuance of the certificate of occupancy for which escrow moneys are being deposited, the applicant shall obtain and file with the enforcing officer, prior to obtaining the certificate of occupancy, a notarized statement from the purchaser(s) of the premise authorizing the enforcing officer to install the improvements at the end of the nine (9) month period in the event the improvements have not been installed properly by the developer.

#### **G. ISSUANCE OF BUILDING PERMITS FOR APPROVED LOTS**

In accordance with Tennessee Code Annotated 13-4-308, no building permit shall be issued for any lot within the Town of Chapel Hill that does not have access from a street that has been accepted or opened as, or otherwise received the legal status of, a public street or unless such street shall correspond in its lines and location with a street shown on an approved subdivision plat.

No building permits shall be issued for the final ten (10) percent of the lots in a subdivision until all the public improvements required by the Planning Commission approval of the final plat have been fully completed, dedicated and accepted by the Board of Mayor and Aldermen.

**ARTICLE V**  
**GENERAL REQUIREMENTS AND STANDARDS OF DESIGN**

**A. GENERAL REQUIREMENTS**

1) General Design Concepts

All sanitary sewer, water, gas, electric and roadway facilities which connect to, or will be dedicated to, the Authority's existing infrastructure shall be designed in accordance with all criteria established herein. Also, all materials, construction, and testing of such facilities shall be in accordance with the Standard Specifications and shall be subject to the inspection by the Town of Chapel Hill as it deems necessary to insure the requirements contained herein are met.

In addition to the requirements established in these Subdivision Regulations, all subdivision plats shall comply with all applicable laws, ordinances, resolutions, rules, or regulations, including, but not limited to:

- a) All applicable provisions of Tennessee Law, regulations, or policy.
- b) Any Zoning Ordinance, any Building and Housing Codes, and all other applicable laws or policies of the Planning Commission.
- c) The Utility Specifications and the design and construction standards contained therein.
- d) The adopted General Plan and Major Road (public right-of-way) Plan.
- e) The rules of the county health department and the Tennessee Department of Environment and Conservation (TDEC).
- f) The rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation (TDOT), if the subdivision or any lot contained therein abuts a non-local highway.
- g) The standards and regulations adopted by all other boards, commissions, and the Planning Commission.

Plat approval may be withheld if a subdivision is not in conformity with the above rules or with the provisions set forth in Article VI of these regulations.

## 2) Self-imposed Restrictions

If the owner places restrictions on any portion of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto shall be recorded with the County Registrar on a separate form, along with the Final Plat in the Office of the County Registrar.

## 3) Survey Monuments

- a) A survey monument shall be set behind the curb on the North and East side of every street and at least one monument shall be provided near each street intersection and located to provide inter-visibility with one or more monuments located on each of the intersecting streets. At least one monument shall be located at a point in the exterior boundary of the subdivision or subdivision addition. There shall be a minimum of two (2) such monuments within every subdivision. A concrete marker shall have a mark designating the survey point and shall have the Land Surveyor's registration number or the company name stamped on top of the marker.
- b) All lot corners in the subdivision shall be marked with an iron rod not less than five eighths inch (5/8") in diameter and twenty-four inches (24") long, set flush with the finished grade of the surrounding surface. Each iron pin shall have a plastic cap with the Land Surveyor's registration number or company's name stamped on it. Upon completion of subdivision development, these metal rods shall be protected by one (1) or more flagged guard stakes.
- c) Survey reference marks, benchmarks, witness marks, or auxiliary corners which are unsightly or damaging to curbs, gutters, sidewalks, driveways, and street pavements shall not be permitted. Any such unauthorized marks and corners shall be removed, or damages repaired by the developer at his expense, prior to the Final Plat approval.
- d) All monuments and iron pins shall be properly set in the ground and approved by a licensed surveyor prior to the time the Planning Commission recommends approval of the final plat or release of the bond.

## 4) Character of the Land

Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of any staff assistant serving the Planning Commission and/or other

governmental representative, if any, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses as will not involve such a danger.

Where protection against flood damage is necessary, in the opinion of the Planning Commission, flood-damage protection techniques may include, as deemed appropriate by the Planning Commission, any of the following:

- a) The imposition of any surety and deed restrictions enforceable by the Planning Commission to regulate the future type and design of uses within the flood-prone areas.
- b) Flood protection measures designed so as not to increase, either individually or collectively, flood flows, height, duration, or damages, and so as not to infringe upon the regulatory floodway.
- c) Installation of flood warning systems.
- d) The use of fill, dikes, levees, and other protective measures.
- e) The use of flood proofing measures, which may include:
  - i. Anchorage to resist flotation and lateral movement.
  - ii. Installation of watertight doors, bulkheads, shutters, or other similar methods of closure.
  - iii. Reinforcement of walls to resist water pressures.
  - iv. Use of paints, membranes, or mortars to reduce seepage through walls.
  - v. Addition of mass or weight to structures to resist flotation.
  - vi. Installation of pumps to lower water levels in structures.
  - vii. Construction of water supply and waste treatment systems so as to prevent the entrance of or contamination of flood waters.
  - viii. Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.
  - ix. Building design and construction to resist rupture or collapse caused by water pressure or floating debris.
  - x. Installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and storm water into buildings or structures.
  - xi. Location and installation of all electrical equipment, circuits, and appliances so that they are protected from inundation by the regulatory flood.

- xii. Location of storage facilities for chemicals, explosives, buoyant material, flammable liquids, or other toxic materials which would be hazardous to the public health, safety, and welfare at or above the regulatory flood protection elevation, or design of such facilities to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials.
- xiii. The acceptability of any flood protection methods formulated by the subdivider or his agent shall be determined by the Planning Commission.
- xiv. All such flood protection measures shall be designed so as not to increase, either individually or collectively, flood flows, heights, duration, or damages so as not to infringe upon the regulatory floodway.

#### 5) Policy on Flood-Prone Areas

- a) In determining the appropriateness of land subdivision at any site containing a flood-prone area, the Planning Commission, in reviewing any plat, shall consider:
  - i. The danger to life and property due to the increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses.
  - ii. The danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others.
  - iii. The adequacy of proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions.
  - iv. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner.
  - v. The importance of the services provided by the proposed facility to the community at large.
  - vi. The requirements of the subdivision for a waterfront location.
  - vii. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.
  - viii. The compatibility of the proposed uses with existing development or development anticipated in the foreseeable future.
  - ix. The relationship of the proposed subdivision to the Land Development Plan and the floodplain management program for the area.
  - x. The safety of access to the property for emergency vehicles in times of flood
  - xi. The expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site.

- xii. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public ways, and bridges.

All such flood protection measures shall be designed so as not to increase, either individually or collectively, flood flows, heights, duration, or damages so as not to infringe upon the regulatory floodway.

- b) No subdivision or part thereof shall be approved by the Planning Commission if proposed levees, fills, structures, or other features within the subdivision will individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits the one hundred (100) year and five hundred (500) year flood level shall be determined from the latest approved flood maps for the jurisdictional area, and any subsequent revisions:

FEMA Panel numbers and effective dates:

47117C0040D - effective date September 28, 2007

47117C0045D - effective date September 28, 2007

47117C0105D - effective date September 28, 2007

47117C0110D - effective date September 28, 2007

- c) Specific engineering studies are to be formulated by the developer in those areas in which flood data are not currently available, if deemed necessary by the Planning Commission and staff.
- d) In approving plans for subdivision of land containing flood-prone areas, the Planning Commission shall ensure that development will proceed in such a way that property lying within any floodway, as defined by these regulations, will be maintained in a manner as prescribed by the Zoning Ordinance. The Planning Commission shall also ensure that development within any floodway fringe area within the one hundred (100) year and five hundred (500) year flood level will be protected adequately against potential flood hazards by the methods prescribed in these regulations.

## B. LOT LAYOUT

In general, all lots within a subdivision shall have similar lot areas. Minimum lot areas and frontages are specified in the Town of Chapel Hill Zoning Ordinance; however, a subdivision plan should not be predicated solely on producing a maximum number of lots and density. The lot layout plan should consider the natural topography of the tract being subdivided, to the conservation and preservation of the natural environment, to the provision of adequate open space, to the enhancement of the character and beauty of the town, to the optimization of lot density, to improvements ratio, and to the protection of life and property.

### 1) Adequate Building Sites

Each lot shall contain a building site not subject to flooding or other hazards and such sites shall be outside the limits of any easements, rights-of-way, building lines, side yards, rear yards and front yards as defined in the Zoning Ordinance.

### 2) Arrangement of Lots

Where practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Each lot shall front on a public street or road which has a right-of-way width of not less than fifty (50) feet. Where lots abut on an arterial street or have double frontage, acceptable arrangements shall be made to control ingress and egress onto such streets from the individual lots.

### 3) Minimum Size of Lots

The size, shape and orientation of lots or buildings sites shall be as the Planning Commission deems appropriate for the intended use and topography of the site, for adjoining land uses, and for the protection of life and property.

- a) The minimum area and dimensions of residential lots shall be as specified by the Town of Chapel Hill Zoning Ordinance.
- b) The minimum area and dimensions of office, commercial and industrial tracts shall be as specified by the Town of Chapel Hill Zoning Ordinance and such tract shall also provide adequate space for the off-street service and parking facilities, landscaping and screening required by the type of use and proposed development.

### 4) Lots located on Steep Slopes

- a) Due to potential threat to health and safety posed by development located on steep slopes in excess of fifteen (15) percent, the following items shall be included on the site plan for a steep lot:

<b>Site Plan Checklist for Steep Sloped Lots</b>	
No.	Item
1.	Prepare boundary and topographic survey of the lot. Contour interval shall be a minimum of two foot.
2.	Show the minimum building setback lines and easements on the property.
3.	Provide a tree survey of the lot locating trees larger than six (6) inches.
4.	Provide the location of water and sewer services to serve the lot. If a septic tank and overflow fields are proposed show the location of the tank and the field lines.
5.	Show the location of the proposed house and driveway.
6.	Provide a grading plan showing the finished grade elevations of the finished floors of the house, the grades of the driveway and the final grades of the lot grading.
7.	Show the location of all drainage swales on the lot lines to direct surface water from the adjoining property.
8.	Provide an erosion-siltation control plan
9.	Provide details of retaining walls over four feet in height.
10.	The plan should be prepared by a Professional Civil Engineer or Landscape Architect licensed in the State of Tennessee.

b) Site Development Standards – The following standards shall be used as a guide in determining the suitability of the construction proposed for a steep sloped lot:

- i. Natural vegetation shall be preserved to the maximum extent possible;
- ii. Natural drainageways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques;
- iii. Development densities shall be limited to one (1) dwelling unit per two (2) acres of land;
- iv. Operations that increase loads, reduce slope support, and cause instability of the slopes shall be prohibited to the maximum extent possible which will permit reasonable development of the site. These include filling, irrigation systems, accessory buildings, and onsite soil absorption sewage disposal systems;
- v. Where sanitary sewers are not available any onsite sewage disposal system shall be shown on the site plan and located to avoid slide-prone

areas. Said system shall be approved by the county health department prior to the Planning Commission's review taking into account these requirements;

- vi. Erosion control measures shall be employed to prevent no soil material from leaving the site. Additionally, soil from excavation on the site shall not be disposed as fill on a potential slide area;
- vii. No construction which would cut the top of the slope shall be permitted. This shall apply as well to subdivision roads constructed in compliance with these regulations.

## 5) Lot Dimensions

Lot dimensions shall comply with the minimum standards of the zoning ordinance, where applicable. Side lot lines shall be at right angles to the street right-of-way lines and radial to a curve road frontage.

The minimum lot frontage on a public way shall be a minimum of fifty (50) feet and at the end of a cul-de-sac the lot frontage shall be (30) feet.

The dimensions of a corner lot shall be large enough to allow for the construction of a building to have minimum front setback lines from both public rights-of-way.

Depth and width of properties reserved or laid out for non-residential purposes (i.e. commercial or industrial) shall be designed for the off-street parking and loading facilities for the types of uses and development contemplated.

## 6) Building Setback and Yard Requirements

- a) All lots or tracts shall have at least the minimum front, side and rear yard that is required by the Zoning Ordinance. To accommodate site peculiar conditions, such as side or rear yard drainage, the Planning Commission may require increasing the yard requirements for a given lot or tract to provide for easements.
- b) In the case of electrical transmission lines where easement widths are not definitely established, there shall be a minimum building setback line from the center of the transmission line as follows:

<u>Voltage of Line</u>	<u>Minimum Building Setback</u>
7.2 KV	15 feet
13 KV	25 feet
46 KV	37.5 feet
69 KV	50 feet
161 KV	75 feet

#### 7) Large Tracts or Parcels

Where land is subdivided into larger parcels than ordinary building sites, such parcels shall be arranged to allow for future opening of streets and for logical re-subdivision. In no case shall this be construed to allow the creation of severed parcels.

#### 8) Lot Drainage and Grading

Where possible, lots shall drain toward the street or toward both the street and the rear lot lines. In case of drainage to the rear lot line, lateral drainage along rear lot lines shall be required, necessitating careful attention to grading. Where required by the topography, side yard drainage may be required, in which case it may be necessary to increase the minimum side yard requirements. Terracing of lots, particularly in residential subdivisions, shall be avoided unless essential for erosion control or to reduce the velocity of runoff.

The Planning Commission reserves the right to require that minimum elevations for finished floors of structures, patio and building equipment be established. This requirement to establish elevations exist in addition to any other ordinance that refer to floodplain elevation requirements.

The developer will insure that all artesian ground waters of a permanent or temporary nature will be intercepted and directed away to a proposed drainage pipe or open channel system. The developer is obligated to perform this work upon evidence of artesian water for a period of one (1) year following acceptance of all roads and utilities.

Any sinkhole or natural channel which serves at any time as a means of channeling ground water into subterrain caves will be protected by structure as approved by the Planning Commission. The allowed alternative to this is the construction of a drainage system as a means of storm water relief as approved by local and state agencies. In any event, location and elevation of future construction will be designated to allow for the worst conditions.

If a property is identified as a flood prone parcel the planning commission may require additional engineering information to be presented for review to determine the process for the development of the property.

## C. PUBLIC RIGHTS-OF-WAY

### 1) General Standards of Design

All projects shall be designed in accordance with criteria set forth in the latest revision of the American Association of State Highway and Transportation Officials (AASHTO) publication “A Policy on Geometric Design of Highways and Streets”, the latest revision of the Federal Highway Administration (FHWA) publication “Manual on Uniform Traffic Control Devices (MUTCD)”, criteria identified within this document, the Utility Specifications and/or by Tennessee Department of Transportation (TDOT).

### 2) Frontage on Improved Public Ways

No subdivision shall be approved unless the area to be subdivided shall meet the requirements for access as set forth in this article and Article VI of these regulations. If any new street construction or improvements to existing streets are required, such improvements shall be approved and publicly dedicated as provided for in these regulations. Any new street or required improvement to a public way must be suitably improved to the standards required by the Subdivision Regulations or be bonded by a surety instrument as required under these regulations. All roads must adhere to the required right-of-way widths of this article and the Major Road Plan.

### 3) Grading and Improvement Plan

Public ways shall be graded and improved to conform to the standards required by the Subdivision Regulations and shall be approved as to design and specification by the appropriate governmental representative in accordance with the specifications required herein. No surface shall be applied to the base or binder of any proposed public way prior to the approval of the Final Plat of the subdivision or of the final approval of any section of the subdivision in question without having been properly inspected by the Town of Chapel Hill.

### 4) Improvements in Flood-Prone Areas

The finished elevations of proposed public ways subject to flood shall be at least one foot above the regulatory flood protection elevation. The Planning Commission may require profiles and elevations of public ways to determine compliance with this requirement. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring the finished elevation of any public way to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the Planning Commission. Any fill material placed in the floodplain shall require a compensating quantity of cut within in the limits of the floodplain area. An as built of the excavated areas shall be prepared and submitted to the City staff.

## 5) Private Streets

Where the ownership, control and maintenance of any street is proposed to remain in private ownership such streets shall be constructed to the design and construction standards for public ways as herein provided. A permanent access easement over such streets shall be provided to every parcel or lot which is to gain access therefrom. All such private improvements shall be maintained by the developer/owner or by a legally established homeowners' association or other similar group approved by the Planning Commission. The legal documents establishing ownership and maintenance of the easement shall be submitted with the Final Plat for review and approval and shall be recorded with the Final Plat.

## 6) Design Criteria

The street pattern shall be based upon the following general design criteria:

- a) Provide for adequate vehicular access to all properties within the development.
- b) Provide street connections to adjacent properties to ensure adequate traffic circulation within the general area.
- c) Provide a local residential street system which discourages through traffic and provides adequate access for fire, police, and other emergency vehicles.
- d) Provide a sufficient number of continuous streets and major thoroughfares, adequately sized to accommodate the present and future traffic demands of an area.
- e) Provide principal and minor arterials in accordance with the Major Road Plan.
- f) All public ways shall be arranged so as to obtain as many of the building sites as possible at or above the grades of the public ways. Grades of public ways shall conform as closely as possible to the original topography.
- g) All public ways shall be properly integrated with the existing and proposed system of public ways and dedicated rights-of-way as established on the Major Road Plan or the Land Development Plan.
- h) All public ways shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; to population densities; and to the pattern of existing and proposed land use.
- i) Minor public ways shall be laid out to conform as much as possible to the topography; to discourage use by through traffic; to permit efficient drainage and utility systems; and to require the minimum ways necessary to provide convenient and safe access to property.

- j) The use of curvilinear streets, cul-de-sac, or "U"-shaped streets shall be encouraged where such use will result in a more desirable layout.
- k) Proposed public ways shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the subdivision design with the existing layout or the most advantageous future development of adjacent tracts.
- l) In business and industrial developments, public ways and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

## 7) Blocks

- a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed width for a block may be permitted in areas adjacent to major public ways, railroads or waterways.
- b) The lengths, widths, and shapes of blocks shall be determined as follows:
  - i. Provisions of adequate building sites suitable to the special needs of the proposed type of uses;
  - ii. Any zoning requirements as to lot sizes and dimensions;
  - iii. Needs for access, circulation, traffic controls, and safety of vehicular and pedestrian traffic;
  - iv. Site topography conditions.
- c) The length of a block in a residential area shall not exceed sixteen hundred (1,600) feet and not be less than two hundred (200) feet, except as the Planning Commission deems necessary to secure efficient use of land or establish a specific feature of the public way pattern. Wherever possible, blocks along arterial or collector routes shall not be less than one thousand (1,000) feet in length.
- d) Blocks located in commercial or industrial zoned properties shall be of such length and width as per the review and approval of the Planning Commission.
- e) In any long block, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities or pedestrian traffic.

A pedestrian walkway, not less than ten (10) feet wide, may be required by the Planning Commission through the approximate center of any block more than

eight hundred (800) feet long, where deemed essential to provide circulation or access to a school, playground, shopping center, transportation facility, or other community facility.

#### 8) Access to Arterial and Collector Roads

Where a subdivision is adjacent to or contains an existing or proposed arterial or collector route, the Planning Commission may require that access to such a public way be limited by the following:

- a) The layout of the lots shall be to back up onto the arterial or collector route and front on a parallel minor route;
- b) The addition of a series of cul-de-sacs, “U” shaped public ways, or short loops entered from and designed generally at right angles to a parallel public way, with the rear lot lines backing up onto the arterial or collector route;
- c) A marginal access or service road separated from the arterial or collector route by a planting or grass strip and having access at specific locations. The number of residential or local public ways accessing onto an arterial or collector route shall be kept to a minimum.

#### 9) Arrangement of Continuing and Dead-End Public Ways

##### a) Arrangement of Continuing Public Right-of-Way

The extension of a public rights-of-way shall provide for the continuation of major public ways between adjacent properties when such continuation is necessary for connectivity between properties, effective emergency protection, efficient provisions of utilities, and when such continuation is in accordance with the Major Road Plan.

If the adjacent property is undeveloped and the public way must be a dead-end public way temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac, temporary T-, or L-shaped turnaround shall be provided on all temporary dead-end public ways as required in the following turnaround standards, with a notation on the subdivision plat that land outside the normal public way right-of-way shall revert to abutting property owners whenever the public way is continued. Also a sign shall be installed at the end of the temporary turnaround stating that this road may be extended in the future.

##### b) Dead-End Public Ways

Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac shall be provided at the end of a dead-end public way in accordance with the design standards of these regulations.

For greater convenience to traffic and more effective police and fire protection, permanent dead-end public ways shall, in general, be limited to a maximum length of one thousand (1000') feet. Cul-de-sac or turnaround may not be required for dead end streets less than two hundred feet (200') in length, where emergency and service vehicles are able to back out.

#### 10) Intersections

- a) Public ways shall be designed to intersect at right angles. A proposed intersection of two (2) roads at an angle of less than seventy-five (75) degrees shall not be permitted. An oblique road should be curved approaching an intersection and should provide a tangent line from the centerline at a right angle for at least one hundred and fifty (150) feet. Not more than two (2) roadways shall intersect at any one point unless specifically approved by the Planning Commission.
- b) Proposed new intersection along one side of an existing public way shall coincide, wherever practicable, with any existing intersections on the opposite side of such public way. Jogs within public ways having center line offsets of less than one hundred and fifty (150) feet shall not be permitted, except where the intersected public ways have separated dual lanes without median breaks at either intersection. Where public ways intersect arterial or collector roads their alignment shall be continuous. Intersections of arterial or collector public ways shall be at least eight hundred (800) feet apart.
- c) Minimum curb radius at the intersection of two (2) minor public roads shall be twenty-five (25) feet, and minimum curb radius at an intersection involving a collector road shall be thirty (30) feet.
- d) Where an intersection is located where the adjoining ground line grades create a traffic hazard by limiting sight distance, the developer shall cut ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate sight distance.
- e) Intersections shall be designed with a flat grade. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater

than a two (2) percent grade for a distance of sixty (60) feet from the nearest right-of-way line of the intersecting right-of-way line.

- f) The cross-slopes on all public roads, including intersections, shall be a minimum of two (2) percent.

#### GENERAL DESIGN STANDARDS FOR PUBLIC RIGHTS-OF-WAY

MINIMUM WIDTH OF RIGHT-OF-WAY (feet)			
NUMBER	TYPE OF ROAD	RESIDENTIAL	NON-RESIDENTIAL
A.	Minor	50	60
B.	Collector	60	60
C.	Arterial	*	*
*The width shall be determined by the appropriate governmental representative.			

MINIMUM WIDTH OF ROADS (in feet) NOT INCLUDING PARKING REQUIREMENTS					
NUMBER	TYPE OF ROAD	RESIDENTIAL		NON-RESIDENTIAL	
		Ditch Section	Curb & Gutter	Ditch Section	Curb & Gutter
A.	Minor	24	28	24	38
B.	Collector	24	38	24	38
C.	Arterial	*	*	*	*
*The width shall be determined by the appropriate governmental representative					

MAXIMUM PERCENTAGE OF GRADE			
NUMBER	TYPE OF ROAD	RESIDENTIAL	NON-RESIDENTIAL
A.	Minor	10%	6%
B.	Collector	7%	6%
C.	Arterial	6%	5%

<b>MINIMUM CENTER LINE RADIUS OF CURVE (in feet) **</b>			
NUMBER	TYPE OF ROAD	RESIDENTIAL	NON-RESIDENTIAL
A.	Minor	100	200
B.	Collector	300	300
C.	Arterial	500	500
** Applies where a deflection angle of 15 degrees or more in the alignment of pavement occurs			

<b>MINIMUM LENGTH OF VERTICAL CURVES</b>			
NUMBER	TYPE OF ROAD	RESIDENTIAL	NON-RESIDENTIAL
A.	Minor	100 feet, but not less than 20 feet for each algebraic difference in grade.	
B.	Collector	100 feet, but not less than 20 feet for each algebraic difference in grade.	
C.	Arterial	300 feet, but not less than 50 feet for each algebraic difference in grade.	

<b>MINIMUM LENGTH OF TANGENTS BETWEEN REVERSE CURVES (in feet)</b>			
NUMBER	TYPE OF ROAD	RESIDENTIAL	NON-RESIDENTIAL
A.	Minor	100	200
B.	Collector	100	200
C.	Arterial	300	400

<b>MINIMUM SIGHT DISTANCE (in feet)*</b>			
NUMBER	TYPE OF ROAD	RESIDENTIAL	NON-RESIDENTIAL
A.	Minor	200	250
B.	Collector	240	250
C.	Arterial	300	400
D.	Intersection	**	**
*The sight distance is measured from a point 4.5 feet above the center line of the roadway surface to a point 4 inches above the center line of the roadway surface			
**Across Corners 75 Feet Back			

<b>MINIMUM TURNAROUND ON CUL-DE-SACS ON MINOR R.O.W. (in feet)</b>		
LAND USE	PAVEMENT DIAMETER	R.O.W. DIAMETER
RESIDENTIAL	80	100
NON-RESIDENTIAL	140	160

#### 11) Railroads and Limited Access Highways

Railroad right-of-way and limited access highways, where so located as to affect the subdivision or development of adjoining properties, shall be treated as follows:

- a) In residential areas, a buffer strip at least twenty-five (25) feet in depth shall be placed adjacent to the railroad right-of-way or limited access highways and adjoining a lot that abuts this buffer strip. The buffer strip shall be part of the platted lot and designated on the plat as follows:

“This buffer strip is reserved for screening and the placement of any structure is prohibited.”

- b) In commercial or industrial areas, the nearest public way extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure a suitable depth for commercial or industrial usage.
- c) Public ways parallel to a railroad, when intersecting a public way which crosses the railroad at grade, shall to the extent practicable, be at a distance of at least one hundred and fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

#### 12) Bridges

Bridges of primary benefit to a development shall be constructed at the full cost of the developer without any reimbursement from the Town of Chapel Hill. If the construction of the bridge benefits the developer and the Town of Chapel, then the sharing of the costs shall be determined by the Planning Commission. The cost shall be charged to the developer on a pro-rata basis as to the percentage of sharing.

### 13) Right-of-Way Width Dedication on Existing Public Ways

Where a subdivision adjoins an existing narrow public way or where the Major Road Plan or any zoning setback provisions indicate plans for realignment or widening of a public way that would require use of some of the land in the subdivision, the subdivider shall be required to dedicate, at his expense, areas for widening or realigning such public way as set forth below:

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

### 14) Pavement Design

- a) Pavement design shall be completed based on the design traffic volumes (ADT) for a specific facility and use.
- b) For subgrade or base, a geotechnical engineer shall evaluate the necessity of a subgrade treatment and determine the appropriate method as identified in TDOT Standard Specifications. Any use of these alternative methods must meet TDOT Standards.
- c) Typical paving sections are shown on the standard drawings contained in the Town of Chapel Hill Specifications.

### 15) Public Way Surfacing and Improvements

After underground utilities have been installed, the subdivider shall construct curbs with gutters, and shall install the pavement courses to the widths prescribed in these regulations.

No public way shall be surfaced until approval by the Town of Chapel Hill has been obtained. Surfacing shall be of such character as is suitable for the expected traffic. Types and methods of paving shall be in accordance with the specifications for the Town of Chapel Hill and in no event shall such construction be below the standards set forth in those specifications. All drainage and extensions of utilities shall be installed prior to the placement of the road subgrade.

The surface course shall not be installed until a minimum of 75% of the houses have been completed.

## 16) Pedestrian Ways

- a) Sidewalks and bicycle paths, where required by the Planning Commission, shall be included within the portion of the dedicated non-pavement of the right-of-way. Sidewalks will be required on both sides of the road. The following table outlines the widths of the sidewalks and the road designations. Concrete curbs are required for all public ways where sidewalks are to be constructed. A minimum of two (2) foot spacing shall be required between the sidewalk and the back of curb. This spacing shall be grassed or landscaped.

SIDEWALK DESIGN		
Type of Street	Sidewalk Width	
	Residential	Non-residential
Minor Public Way	4 feet	6 feet
Collector Public Way	5 feet	6 feet
Arterial Public Way	5 Feet	6 feet

- b) Pedestrian Access

The Planning Commission may require in order to facilitate pedestrian access from the public way to schools, parks, playgrounds, or other nearby public ways, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be included on the Preliminary Plan and the Final Subdivision Plat.

- c) The planning commission can waive the requirement of the construction of sidewalks based on existing conditions and future improvements that could impact the sidewalks. The Planning Commission can require that funds in lieu of be accepted for the future construction of the sidewalks.

## 17) Mailbox Kiosks

To comply with the United States Postal Service (USPS) requirements for centralized locations of mailboxes to more efficiently deliver mail and packages to the public. The locations of the mailbox kiosks shall be approved by the Planning Commission and the

Post Office.

- a) The location of the kiosk shall be located in an area that can provide a safe turnoff for the deliveries and pickups by the postman and the general public. The number of parking spaces will be based upon the number of boxes each location provides. The parking lot shall provide an accessible parking space.
- b) If a development contains an amenity area, then the kiosk could be designed to be located within the area of this space. If a development does not contain an amenity area, then the kiosk should be located in an open space area adjoining a public road or a private easement.
- c) The developer shall design the kiosk locations, the number of boxes to be served at this location, the details of the boxes and cover during the preliminary plan phase of the project.
- d) Each individual lot will be required to install an address plaque in front of each lot as per the guidelines established by the Town of Chapel Hill.

#### **D. STORM DRAINAGE**

##### 1) Storm Pipes

- a) The minimum diameter of a storm pipe within a public system is eighteen (18) inches.
- b) Pipes that are installed under paved surfaces within a public right-of-way shall be concrete (RCP). The minimum cover of a pipe in a road is two feet.
- c) Pipes that are installed outside of the paved surface can be smooth interior high density polyethylene pipe (HDPE), or concrete pipe (RCP).
- d) The minimum diameter of a private driveway culvert is 15". The approved pipe materials are CMP, HDPE, Contech A-2000 or concrete pipe (RCP).

##### 2) Headwalls

- a) All headwalls shall be constructed of reinforced concrete and include wing walls.
- b) Energy dissipaters shall be added to the outlet end of the headwall if the velocity exceeds 5 ft/sec.

- c) Stone riprap shall be placed at the outlet end of the headwall to decrease the velocity of the flow and prevent erosion.
- d) A pipe and headwalls for a road or driveway connection to a TDOT right-of-way must be submitted to TDOT for their review and approval for a permit for the construction.

### 3) Detention Ponds

- a) A detention pond shall be designed to limit the rate of runoff from a proposed site. The post development runoff from the pond shall be determined by the area of the upstream drainage watershed. If the upstream drainage area is equal to or less than 50 acres then the 25-year post development discharge from the pond shall be equal to the 2 year pre-developed flow. If the upstream drainage watershed is greater than 50 acres then the 50-year post developed flow shall be reduced to the 5-year pre developed flow.
- b) The actual runoff calculated from the post-development flows shall be computed based on a design frequency for a 24-hour duration storm.
- c) A detention pond must be constructed in an open space lot and not part of a recorded residential lot. The ownership and maintenance of the detention pond shall be responsibility of the Homeowners' Association for the subdivision.
- d) Prior to the detention pond being turned over to a Homeowners' Association the developer shall prepare an as-built survey to verify the volume of the pond and the weir structure is built per the design calculations.
- e) The outlet control structure for the pond will be designed to handle the 100-year storm event. An emergency overflow will be constructed on the dam to pass higher storm flows. The spillway is intended to protect the embankment of the dam from structural damage.
- f) Provide one-foot of freeboard for the detention pond. The height of the freeboard is measured from the bottom of the emergency spillway to point on the top of the dam embankment.

### 4) Stormwater Quality

- a) The design of stormwater quality control measures shall include structural and non-structural items as part of the NPDES permit.
- b) If the site disturbance is greater than one acre the design engineer shall prepare and submit to the state of Tennessee a Storm Water Pollution Prevention Plan (SWPPP) that includes the Best Management Plan (BMP) items to control erosion and improve stormwater quality. The SWPPP shall be submitted to the Town with the construction plans for review and approval.

5) Stream Buffers

- a) Stream buffers shall be incorporated into all new developments to preserve streams that are classified by the Tennessee Department of Environment and Conservation (TDEC).
- b) A stream buffer shall remain in its natural state to filter surface flows before entering the waters of the stream. These areas shall be established as buffer easements and protected.
- c) The width of the buffer is measured from the top of the bank on each side to a horizontal dimension as described below.
- d) Stream buffers are determined by the upstream watershed area of the stream. If the watershed area is less than 1 square mile or 640 acres, the width of the buffer is 30 feet on each side. If the watershed area is greater than 1 square mile or 640 acres, the width of the buffer is 60 feet on each side.

6) Drainage Easements

- a) A drainage easement shall be created for the portion of the drainage system that is located outside the public right-of-way that directs a pipe or ditch line from the R.O.W. to a drainageway that is designated as a discharge point. The width of the easement shall be dependent upon the size of the pipe or ditch line is within the easement.
- b) The easement shall be shown on the Preliminary Plan and the Construction Plans. The purpose of the easement is to provide a dedicated location for the structure and provide a means of access for future maintenance and /or replacement of said pipe.

MINIMUM WIDTHS OF EASEMENTS FOR STORM DRAIN PIPES		
Pipe Diameter	Invert Depth (Feet)	Min. Easement Width (Feet)
18 inches	0 to 5	15
	6 to 10	20
	6 to 10	20
	11 to 15	35
	16 to 20	45
24 to 30 inches	0 to 5	15

	6 to 10	20
	11 to 15	35
	16 to 20	45
36 to 48 inches	0 to 5	20
	6 to 10	25
	11 to 15	40
	16 to 20	45
54 to 72 inches	0 to 5	N/A
	6 to 10	30
	11 to 15	40
	16 to 20	50

#### 7) Flood Plain Areas

- a) Whenever a plat is submitted for review and approval to the Planning Commission that contains an area which is subject to flooding, the Planning Commission may approve such subdivision; provided, that the applicant fills the affected floodway fringe area of said subdivision to place public way elevations at no less than one (1) foot above the regulatory flood elevation and first floor elevations (including basements) at no less than one (1) foot above the regulatory flood elevation.
- b) The plat of such subdivision shall provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither shall any building nor flood-restrictive structure be erected or placed therein. The boundaries of the floodway and floodway fringe area, and the regulatory flood elevation, shall be determined by the Planning Commission based upon the review specified in these regulations and the submission of flood data in a Construction Plan as specified in these regulations.
- c) The Planning Commission may when it deems it necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course.
- d) The regulatory floodway shall be preserved from any destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps.

Any subdivision which contains flood-prone land shall be subject to the special provisions set forth in these regulations.

## **E. WATER FACILITIES**

### **1) General Requirements**

- a) The developer shall extend a water supply system capable of providing domestic water use and fire protection in accordance with these regulations, the Standard Specifications, latest edition, and the standards of the Tennessee Department of Environment and Conservation.
- b) The subdivider shall install adequate water facilities, including fire hydrants, subject to construction and material specifications for the Town of Chapel Hill Standard Utility Specifications, latest edition. Water mains shall be installed behind curbs where practical and all water mains to be dedicated to the public shall be constructed within dedicated right- of-way or utility and drainage easements at least twenty (20) feet in width. Such facilities shall be approved by the Planning Commission, the Tennessee Department of Environment and Conservation and these regulations.
- c) Where required for fire protection, water mains shall not be less than six (6) inches in diameter. All development shall be provided with a minimum of 500 g.p.m. fire flow at a minimum residual pressure of 20 psi unless a higher fire flow rate is deemed necessary for the particular development type.
- d) All water systems, whether public or private, located in a flood-prone area shall be floodproofed to the regulatory flood protection elevation. All water supply facilities located below the regulatory flood protection elevation shall be designed to prevent the infiltration of floodwaters into the water supply system and discharges from the system into floodwaters.

### **2) Fire Hydrants**

- a) Fire hydrants shall be required in all subdivisions; they shall be located no more than five hundred (500) feet apart and be within three hundred (300) feet of any residential, commercial, or industrial lot. However, the Planning Commission may require closer spacing where physical conditions or types of structures so warrant.
- b) To eliminate future public way buttings or openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of a public way shown on the subdivision plat, unless otherwise approved by the Planning Commission.

### 3) Design Criteria for Water System Improvements

- a) All water mains shall be designed in accordance with these criteria, specifications contained in other Sections, and the standards of the Tennessee Department of Environment and Conservation (TDEC).
- b) Water mains to be dedicated to the Town of Chapel Hill shall be constructed within dedicated rights-of-way, or utility and drainage easements, at least 20 ft. in width.
- c) All potential customers shall be provided a minimum of 20 p.s.i. residual pressure at the meter, at the design domestic flow:

$$Q=20 (c)^{1/2}$$

Q = flow in g.p.m.

c = total customers served, based on 2.5 persons per household

- d) All development shall be provided a minimum of 500 g.p.m. fire flow at a minimum residual pressure of 20 psi unless the development requires a higher fire flow rate.
- e) Maximum designed velocity shall be 5.0 ft./sec. Minimum designed velocity shall be 2.0 ft./sec.
- f) All water mains less than 12" in diameter shall be PVC Class 200, unless otherwise necessary for compliance with guidelines for pressure ratings. All water mains 12" and greater in diameter shall be ductile iron pipe, Pressure Class 350, unless otherwise necessary for compliance with guidelines for pressure ratings. All water mains shall be a minimum of 6" diameter.
- g) Water mains shall be designed for installation behind curbs where practical. Dead- end mains shall extend to the last lot or parcel being served so that no service lines are installed in front of adjacent lots or parcels. Service meters shall be located adjacent to property lines, and grouped in pairs where practical.
- h) All mains shall have a minimum of 30 inches of cover in non-traffic area, and a minimum of 36 inches of cover in paved areas subject to vehicular traffic.
- i) Water mains shall have 10 ft. horizontal and 18" vertical clearance from sanitary sewers, and shall have 3 ft. horizontal and 12" vertical clearance from other underground structures.
- j) All service lines which cross under streets, highways, or any other paved roads must be placed inside Schedule 40 PVC casing pipe, 2" minimum size, to 2 ft. behind the curb. Size of casing will vary, depending on size of the service line.

All service lines greater than 50' in length shall be 1" diameter, minimum.

- k) A 3-way valve arrangement shall be required at every water main intersection, where feasible. For connection to live mains, check with the Town for details on allowable connection features.
- l) Adequate thrust blocking shall be designed for the expected pressures, including the required test pressure, 200 p.s.i. minimum.
- m) Fire hydrants shall be required at a maximum spacing of 500 ft., and at no more than 300 feet from any structure. Fire hydrants shall not be permitted on lines smaller than 6" diameter.
- n) A fire hydrant, or flushing hydrant or blow-off assembly, shall be required at the dead end of any water main to allow for flushing the main at 2.5 ft./sec., minimum.
- o) Pressure regulators for individual services are not required by the Town except in areas of pressure exceeding 75 p.s.i.; however, they are recommended. They are not part of the Town's system for operation and maintenance.
- p) All water mains and appurtenances which connect to the Town's system shall be designed according to these criteria.

## **F. SEWAGE FACILITIES**

### **1) General Requirements**

The applicant shall install sanitary sewer facilities in a manner prescribed by the regulations of the Tennessee Department of Environment and Conservation and by any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards of these regulations, the Standard Specifications, and any applicable governmental agency or appropriate unit thereof.

### **2) Mandatory Connection to Public Sewer System**

- a) Within the Corporate limits the applicant shall install sanitary sewers in any subdivision within dedicated rights-of-way or utility and drainage easements and shall provide sanitary sewer facilities to each lot therein and shall connect the facilities to the public system. The subdivider shall provide sewers which meet standards set forth in these regulations, the Town of Chapel Hill Standard Design

Specifications, the regulations of the Tennessee Department of Environment and Conservation, and any other applicable law or regulation.

- b) All sanitary sewer facilities located in a flood hazard area shall be floodproofed to the regulatory flood protection elevation. All sewer facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.
- c) In areas outside of the corporate limits, individual subsurface waste water disposal systems shall meet standards set forth in the regulations of the Tennessee Department of Environment and Conservation

### 3) Design Criteria for Sanitary Sewers

- a) Sanitary sewer systems shall be designed for the ultimate tributary population based upon appropriate plans and zoning regulations.
- b) Sanitary sewers shall be located within a public street right-of-way unless topography dictates otherwise. Public utility easements shall be provided across private property for access to lines and manholes, such easements to be of an adequate width for service purposes, but in no case less than twenty (20) feet.
- c) Sewers shall be designed for a minimum velocity of 2.0 ft/second at design flow, a maximum velocity of 5.0 ft/second, based on Manning's formula using an "n" value of 0.013, and shall accommodate design flow at one-half full. Sewer shall be a minimum 8-inch diameter and minimum slope for all gravity sanitary sewer lines shall be in accordance with the following Table, however, slopes greater than these are desirable as long as they do not exceed 15%.

<b>MINIMUM SLOPES FOR GRAVITY SEWERS</b>	
<b>Pipe Size</b>	<b>Minimum Slope in Feet / 100 Feet</b>
8"	0.40'
10"	0.28'
12"	0.22'
14"	0.17'
15"	0.15'
16"	0.14'
18"	0.12'
21"	0.10'
24"	0.08'

- d) Design flows shall be based on a contribution of 100 gallon / capacity /day multiplied by a peak factor of 4.0. If the sewer serves other than residential developments, the design flow shall be calculated independently for each user based upon on their specific demand.
- e) In general, sewers should be sufficiently deep to receive wastewater from basements and to prevent freezing. Insulation shall be provided for sewers that cannot be placed at a depth sufficient to prevent freezing. All efforts should be taken to ensure that the sewer line not be shallower than 4 feet.
- f) Buoyancy of sewers shall be considered, and flotation of the pipe shall be prevented with appropriate construction where high groundwater conditions are anticipated.
- g) Sewers shall be laid with uniform slope between manholes.
- h) All manholes shall be designed in accordance with the following guidelines:
  - i. Maximum distance between manholes shall be 400 ft.
  - ii. Maximum deflection angle at manholes shall be 90 degrees.
  - iii. For in/out invert elevations greater than 2.0 ft., a drop manhole shall be used. Drop manholes shall be avoided where practical.
  - iv. Watertight frames and covers shall be required where the proposed manholes are subject to inundation, or in locations as directed by Town of Chapel Hill's Engineer.
  - v. A vent assembly shall be required on trunk sewers with continuous length of watertight frames and covers at approximately 1500 ft. intervals, and at the end manhole where practical.
- i) All sanitary sewers shall be constructed of the following types of pipe:
  - i. Sanitary sewers 21 inches in diameter and smaller shall be constructed of ductile iron sewer pipe or PVC DR 26 sewer pipe unless specific needs demand otherwise, and only then pending the review and approval of the Engineer. PVC sewer pipe shall be allowed where the pipe slope is less than or equal to 12%, and the cut is less than or equal to 14 ft. If the slope

is greater than 12%, or the cut is greater than 14 ft., ductile iron sewer pipe shall be used. "Cut" is defined as the vertical distance from the finished ground, or surface, to the invert of the pipe.

- ii. Sanitary sewers with slopes in excess of 15% shall be constructed with concrete restraining collars designed at intervals to insure pipe stabilization.
  - iii. Sanitary sewers 21 inches in diameter and larger shall be constructed of epoxy lined ductile iron sewer pipe, unless specific needs demand otherwise, and only then pending the review and approval of the Engineer. Sanitary sewers crossing storm drains, creeks, or ditches shall be ductile iron pipe and will be provided with concrete encasement.
  - iv. Sanitary sewers with less than 4ft. of cover shall be ductile iron pipe.
  - v. If areas which have been filled and the proposed sewer will be within the fill, ductile iron pipe must be specified. If the pipe trench through the fill area is to be undercut to natural ground and refilled to pipe grade with properly compacted crushed stone, PVC or concrete pipe may be approved by the Town.
- 
- j) All sanitary sewers shall have a minimum of 48 inches of cover, where possible (but no less than 30 inches) in non-traffic areas and 48 inches in paved areas subject to vehicular traffic.
  - k) Separation between sanitary sewers and water mains shall be 10 ft. horizontal, and 18 inches vertical between the bottom of the water main and the top of the sanitary sewer.
  - l) Permanent easements for sanitary sewers shall be a minimum width of 20 feet. Permanent easements for sanitary sewers in excess of 12 ft. in depth shall be a minimum width of 30 feet.
  - m) Sewers shall be designed to serve every lot or parcel adjacent to the sewer, and manufactured, 90-degree "tees" shall be used for connection of service lines to the collector sewer.
  - n) In general, sewer 24 inches (600 mm) or less shall be laid with straight alignment between manholes. Straight alignment shall be checked by using a laser beam.
  - o) When a smaller sewer joins a large one, the crown of both sewers should be at the same elevation. Sewer extensions should be designed for projected flows even when the diameter of the receiving sewer is less than the diameter of the proposed extension. Where possible the joining of sewer lines of different diameters should

occur at a manhole constructed with special consideration of an appropriate flow channel to minimize turbulence when there is a change in sewer size. The Town of Chapel Hill may require a schedule for construction of future downstream sewer relief.

- p) All sanitary sewers or force main systems which discharge into the Town of Chapel Hill's system shall be designed according to these criteria. In a manner prescribed by these regulations and by any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards of the Standard Specifications, latest edition, and any applicable governmental agency or appropriate unit thereof.

## **G.LOCATION OF UTILITIES AND UTILITY EASEMENTS**

- 1) If a proposed street, roadway, driveway, bike path, or sidewalk crosses an existing water main or sanitary sewer line, the trench shall be filled completely with properly compacted select earth material or with crushed stone as per the direction of the Town's Engineer and the standard construction specifications.
- 2) Sanitary sewer lines and water mains shall be located as follows:
  - a) Trunk sewers shall be routed along natural drainage features, where practical, to provide a conduit at elevations low enough to serve the entire drainage basin within which the trunk is located, and to minimize impact on existing or proposed development.
  - b) Collector sewers shall be routed along existing or proposed street centerlines. In curved roadways, sewers shall be routed as close to center line as possible while maintaining a clearance of 5.0 feet, minimum, from faces of curbs, edges of pavement, or other drainage features.
  - c) Water mains shall be located a minimum 3.0 feet behind curbs or from the edges of pavement. Mains shall be located consistently along the same side of the street within a project or development, and street crossings shall be minimized.
  - d) Gas lines shall be located a minimum 7.0 feet behind curbs or from the edges of pavement. Lines shall be located consistently along the same side of the street within a project or development, and street crossings shall be minimized.
  - e) Electric lines shall be located a minimum of 10.0 feet behind curbs or from the edges of pavement. Lines shall be located consistently along the same side of the street within a project or development, and street crossing shall be minimized.

- f) Deviations from the above, such as the routing of collectors' sewers along rear lot lines, shall be presented to the Town's Engineer for review and consideration. The Planning Commission reserves the right to reject any particular layout or design of any water mains or sanitary sewers within its service areas.
- 3) Any facilities not specifically covered herein shall be presented to the Planning Commission for its review and approval during the Preliminary Plan review.
- 4) Easements down rear lot lines or additionally across lots, if deemed necessary by the Planning Commission, shall be provided for utilities (private or public). Such easements shall be at least twenty (20) feet in width. The subdivider shall take such actions as are necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within a development.
- 5) Where topographical or other conditions are such as to make impractical the inclusion of utilities within rear lot lines, perpetual unobstructed easements at least twenty (20) feet in width shall be provided along side lot lines with satisfactory access to public ways or rear lot lines. Easements shall be indicated and dedicated on the final plat.
- 6) Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any project.

## **H. PRESERVATION OF NATURAL FEATURES AND AMENITIES**

Existing features which would add value to a residential development or to the area as a whole, such as trees, watercourses and falls, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision, as required by the Planning Commission. No change of grade of the land shall be affected nor shall any natural features be removed or relocated until a Preliminary Plat has been approved by the Planning Commission.

## **I. NONRESIDENTIAL SUBDIVISIONS**

### **1) General**

If a proposed subdivision includes land which is zoned for a commercial or industrial purpose, the layout of the subdivision with respect to such land shall make such provisions as the Planning Commission may require. A nonresidential subdivision also shall be subject to all the requirements of site plan approval as set forth in the applicable zoning ordinance. Site plan approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards set forth by the Planning Commission, and shall conform to the Land Development Plan, Major Road Plan, and Zoning Ordinance.

## 2) Standards

In addition to the principles and standards in the regulations, which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the public way, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- a) Proposed industrial parcels shall be suitable in areas and dimensions to the types of nonresidential development anticipated.
- b) Public way rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated.
- c) Special requirements may be imposed by the governing body with respect to any public way, curb, gutter, and sidewalk design and construction specifications.
- d) Special requirements may be imposed by the governing body with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- e) Every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary.
- f) Public ways carrying nonresidential traffic, especially trucks, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.

**ARTICLE VI**  
**SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED**

**A. Sketch Plat**

A sketch plat submitted to the Planning Commission shall be prepared to a scale no smaller than one inch = two hundred feet (1" = 200').

SKETCH PLAT CHECKLIST		
×	Number	Item
	1.	A scaled drawing of the property;
	2.	Names of the owners of the adjoining properties;
	3.	Size of the original tract being subdivided;
	4.	Vicinity Map of the Property
	5.	North Arrow
	6.	Existing Zoning of property and adjoining tracts;
	7.	Tax Map and Parcel number(s)
	8.	Designate any existing rights-of-way or easements, or other encumbrances affecting the property;
	9.	Topography of the property at a contour interval of two (2) foot, extend a minimum of fifty (50) onto adjoining property;
	10.	Provide the locations of any floodplains on the property;
	11.	Provide the location of any cemeteries on the property;
	12.	Identify locations of sinkholes;
	13.	Proposed layout of roads and lots;
	14.	Show phasing of subdivision if required;
	15.	Name, address, phone number of the applicant;

	16.	Name, address, phone number of the surveyor;

## B. Preliminary Plat

The preliminary plat is the next step in the process for subdivision of property. The following are items to be included on this plan:

<b>PRELIMINARY PLAT CHECKLIST</b>		
x	Number	Item
	1.	The location of the property to be subdivided and the properties adjoining this property;
	2.	The names of the adjoining property owners and names of existing developments adjoining this property;
	3.	Provide the location and names of the public roadways adjoining or fronting this property;
	4.	Provide the scale and a graphic scale;
	5.	Provide a north arrow;
	6.	Provide the bearings and the distances of the boundary lines;
	7.	Provide the area of the property;
	8.	Tax maps and parcel numbers;
	9.	Vicinity map (1' = 1000');
	10.	Provide the location of any existing easements, streams, structures on the property, cemeteries, sinkholes and other pertinent features of the property;
	11.	Provide the recording data of any easements and identify owner of the easement;
	12.	Provide the minimum building setback lines;

	13.	Provide the location of drainage pipes and swales on the property;
	14.	The location of portions of the property proposed for future dedication as a park, playground or other reservation;
	15.	The limits of flood plain and floodway areas and information of the regulatory flood elevations and flood protection elevations per the flood maps and flood studies;
	16.	The name, address, and phone number of the owner(s) of the property;
	17.	The name, address, and phone number of the civil engineer and company preparing this plan;
	18.	Provide the title and name of the subdivision;
	19.	The zoning classifications of the property and the adjoining tracts;
	20.	Provide topography of subject property at a contour interval of two (2) foot;
	21.	Designated drainage easements;
	22.	Designated public utilities easements
	23.	Designated of future reservations for public or private amenities;
	24.	Additional information for properties not served by public water and sewer systems;
		a.) areas to be used for sewage disposal and their percolation rates or other acceptable data to show that site can be served effectively by septic tanks;
		b.) water wells (existing and proposed)
		c.) rock outcropping, marshes, springs, sinkholes and other outstanding topographic features;
	25.	Draft of proposed restrictive covenants and any additional special restrictions;
	26.	An approved letter of availability for the water and sewer usage for the proposed development shall be submitted for the Planning Commission to review. The applicant shall also include the

		projected amounts of the tap fees that will be part of the final plat approval and review process.
	27.	<p>Add the following certificate:</p> <p>“Approval by the Chapel Hill Planning Commission, with such exceptions or conditions as are indicated in the minutes of the Commission on _____(Date)_____ .</p> <p>Preliminary Plat approval shall not constitute final approval for recording purposes.</p>
	28.	Provide a list of additional items to be included with the submittal:

### C. Construction Plans

Construction plans shall be prepared detailing all the improvements including roads, drainage, water, sanitary sewers and other utilities to serve a particular purpose for a future development. Plans shall be drawn a scale of no more than 1” = 50’. Plans shall be in compliance with the specifications in Article V of these regulations. The construction plans shall be submitted to the Town of Chapel Hill for review and approval before a grading permit can be issued. The construction plans shall be prepared by a professional engineer licensed in the State of Tennessee. The following are items to be included in the submittal:

CONSTRUCTION PLANS CHECKLIST		
x	Number	Item
	1.	Road plan and profiles of the existing and proposed elevations along the centerlines of the alignment;
	2.	Where a proposed road intersects with an existing road provide elevations along the centerline in both directions for a minimum of 200 feet to review sight distances;
	3.	Provide the radius of the horizontal curves, lengths of tangents and central angles of all the roads;

	4.	Provide the horizontal stationing at fifty (50) foot intervals and cross-sectional elevations on a line at right angles to the center-line of the roadway to a distance of twenty-five (25) feet outside the R.O.W. line.
	5.	Provide a typical roadway cross section detail showing the pavement, curb and gutters, sidewalks and easements;
	6.	Provide a signage plan showing the locations of stop sign, street name signs and speed limit signs;
	7.	The location, size, and invert elevations of existing and proposed sanitary sewers, storm drainage pipes, waterline and fire hydrants, show connections to any existing or proposed utility systems.
	8.	Provide the location and sizes of all water, gas, or other underground utilities or structures;
	9.	Location, size, elevations of any existing facilities or utilities, existing roads, sewers, drains, water lines, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings and features shown of the land development or major street or road plan;
	10.	The water surface elevations of adjoining lakes or streams and the approximate high and low water elevations of the lakes or streams shall be shown. All elevations shall be referred to the U.S.G.S. datum elevation.
	11.	The plans shall designate any portions of the site containing flood-prone areas and detail any work to be done in these areas;
	12.	Any properties that are located adjacent to a flood plain shall provide lowest floor elevations for any proposed structures.
	13.	Any floodproofing measures that are going to be proposed for site development;
	14.	Provide topographic information for the property;
	15.	Provide an overall grading plan showing the overall grading for the drainage of the roads and the lots layout.
	16.	Provide and identify any stream buffers that are being proposed;
	17.	Provide site grading plan for detention pond and control structures for the ponds;
	18.	Provide erosion-siltation control plans for the initial, intermediate, and final phases of the site development;
	19.	Provide details of the "Best Management Plans" (BMP)
	20.	Provide a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to TDEC for review and approval;
	21.	Provide details for roads, drainage structures including inlets and pipes, ditch cross sections, water and sanitary sewer details;
	22.	Name, address, phone number of civil engineer that prepared and stamped the construction plans;
	23.	Submit drainage calculations

D. Final Subdivision Plat

<b>FINAL SUBDIVISION PLAT CHECKLIST</b>		
<b>x</b>	<b>Number</b>	<b>Item</b>
	1.	The location of the property to be subdivided with respect to surrounding property(s) and public rights-of-way;
	2.	The names of adjoining properties of record and the names of adjoining developments;
	3.	The names of the adjoining public rights-of-way;
	4.	Provide the bearing and distances of the boundary and the lots being subdivided. The adjusted accuracy of the survey shall meet or exceed the standards as set forth by the Tennessee State Board of Examiners for Land Surveyors in the Standards of Practice in section 0820-03-.05 Accuracy of Surveys;
	5.	Provide the location of all public ways, easements, water bodies, large streams or rivers, railroads, parks and cemeteries;
	6.	Provide the limits of floodways and flood plain areas and the regulatory flood elevations and the regulatory flood protection elevation;
	7.	Provide the location and the widths of all easements and public rights-of-way and provide the recording information for the easements;
	8.	Provide the building setback lines for the lots per the zoning district;
	9.	The location, area and dimensions for all the lots;
	10.	The location, area, and dimensions of all the property to be set aside for park or playground use or other public or private reservation, with a designation of the purpose thereof, and conditions of the dedication or reservation;
	11.	The final plat for a condominium subdivision shall require the following additional information:

		a.) an “as-built” building location and boundary survey to “American Land Title Association” or other similar standards, showing complete and accurate dimensions and angles of the boundary of the parcel(s) on which the condominium is located, together with exterior dimensions and locations relative to those boundaries of the building(s) which constitute the condominium subdivision;
		b.) A datum plane or other suitable vertical location reference. In meeting these requirements, it is only necessary that the upper and lower limits of each level of each condominium unit be identified specifically in relation to the vertical reference, (e.g., an appropriate permanent monument or other acceptable reference datum or fixed known point). Exterior elevation and architectural detail are not required;
		c.) Provide copies of deed covenants, the charter and by-laws of any homeowners’ association established; and special information which the Planning Commission may require to protect the rights of future owners of the condominium or the public in general;
	12.	The name, address, and phone number of the owner(s) of the land being subdivided;
	13.	The name, address, and phone number of the subdivider if other than the owner;
	14.	The name, address and phone number of the surveyor that prepared the final plat;
	15.	Provide a north arrow and scale;
	16.	Provide a title for the subdivision;
	17.	Provide the locations of the iron pins and monuments that were found and set;
	18.	Provide and label the names of all the public roads;
	19.	The zoning classification for the property and indicate any uses other than residential proposed by the subdivider;
	20.	The total area within the subdivision;
	21.	Provide lot numbers for each lot;
	22.	Provide the locations and the sizes of water and sanitary sewer facilities;

	23.	Provide the location of all the fire hydrants;
	24.	Provide the location and sizes of the drainage pipes and inlets;
	25.	For lots where public water or sewer facilities are not available provide the following:
		a.) areas to be used for sewerage disposal;
		b.) wells for water (existing and proposed)
	26.	Applicable certifications required;

#### E. Plat Certificates

1. Certification showing that the applicant is the landowner; that he/she dedicates public ways, rights-of-way, and any site for public use; and that he/she consents to the subdivision plan.

#### **CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon as evidenced in Book Number \_\_\_\_\_, page \_\_\_\_\_, County Registers Office, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and that offers of irrevocable dedication for all public ways, utilities, and other facilities have been filed.

\_\_\_\_\_, 20 \_\_\_\_\_

Date

\_\_\_\_\_

Owner

\_\_\_\_\_

Title (if acting for partnership or corporation)

2. Certification by a registered land surveyor as to the accuracy of the land survey.

### **CERTIFICATE OF SURVEY ACCURACY**

I (we) hereby certify that to the best of my (our) knowledge and belief this is a true and accurate survey of the property shown hereon; that this is a Class "\_\_\_\_\_" Land Survey as defined in Title 62, Chapter 18, Tennessee Code, and that the ratio of precision is greater than or equal to 1: \_\_\_\_\_.

\_\_\_\_\_, 20\_\_\_\_\_  
Date

\_\_\_\_\_  
Registered Land Surveyor

\_\_\_\_\_  
Number

3. Certification by appropriate governmental official that water system has been installed.

### **CERTIFICATE OF APPROVAL OF WATER SYSTEM**

I hereby certify that the water system(s) outlined or indicated on the final subdivision plat entitled, \_\_\_\_\_, has/have been installed in accordance with current local and state government requirements, or a sufficient bond or other surety has been filed to guarantee said installation.

\_\_\_\_\_, 20\_\_\_\_\_  
Date

\_\_\_\_\_  
Name, Title and Agency or Authorized  
Approving Agent

4. Certification by appropriate governmental official that sewer system has been installed.

**CERTIFICATE OF APPROVAL OF SEWER SYSTEMS**

I hereby certify that the sewer system(s) outlined or indicated on the final subdivision plat entitled, \_\_\_\_\_, has/have been installed in accordance with current local and state government requirements, or a sufficient bond or other surety has been filed to guarantee said installation.

\_\_\_\_\_, 20 \_\_\_\_\_  
Date

\_\_\_\_\_  
Name, Title and Agency or Authorized  
Approving Agent

**CERTIFICATE OF APPROVAL FOR PRIVATE  
SUBSURFACE SEWAGE DISPOSAL**

General approval is hereby granted for lots proposed hereon as being suitable for subsurface sewage disposal with the listed and /or attached restrictions.

Before the initiation of construction, the location of the house or other structures and plans for the subsurface sewage disposal system shall be approved by the local health authority.

\_\_\_\_\_, 20 \_\_\_\_\_  
Date

\_\_\_\_\_  
Local Health Authority

5. Certification on the final plat by appropriate governmental representative that the subdivider has complied with one of the following:

- (a) Installation of all public way improvements in accordance with the requirements of these regulations; or
- (b) In lieu of compliance with subdivision improvement requirements, certification that surety has been posted by the subdivider in an amount approved by appropriate governmental representative to guarantee completion of all improvements.

**CERTIFICATE OF APPROVAL  
OF PUBLIC WAYS FOR BOND POSTING**

I hereby certify: (1) that all designated public ways on this final subdivision plat have been installed in an acceptable manner and according to the specification of the Town of Chapel Hill Subdivision Regulations, or (2) that a performance bond or other surety has been posted with the Planning Commission to guarantee completion of all required improvements in case of default.

\_\_\_\_\_, 20\_\_\_\_\_  
Date

\_\_\_\_\_  
Appropriate Governmental Representative

6. For a subdivision containing common open space or facilities, certification on the final subdivision plat of dedication of common areas in accordance with procedures established in the regulations.

**CERTIFICATE OF COMMON AREAS DEDICATION**

\_\_\_\_\_ in recording this plat has designated certain areas of land shown hereon as common areas intended for use by the homeowners within \_\_\_\_\_  
(Name of Subdivision) \_\_\_\_\_ for recreation and related activities. The above described areas are not dedicated for use by the general public but are dedicated to the common use of the homeowners within the above-named subdivision.

“Declaration of Covenants and Restrictions,” applicable to the above-named subdivision, is hereby incorporated and made a part of this plat.

\_\_\_\_\_, 20\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

7. Certification on the final subdivision plat of Planning Commission approval of the plat.

**CERTIFICATE OF APPROVAL FOR RECORDING**

I hereby certify that the final subdivision plat shown hereon has been found to comply with the Town of Chapel Hill Subdivision Regulations, 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 Register.

\_\_\_\_\_, 20\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Planning Commission

**CERTIFICATE OF MAINTENANCE BOND POSTED FOR PUBLIC WAYS,  
ALLEYS, WALKS, PUBLIC INFRASTRUCTURE, PARKS, AND OPEN AREAS**

I hereby certify that a one-year maintenance bond has been posted with the Chapel Hill Planning Commission on \_\_\_\_\_, 20\_\_\_\_\_, and in the amount of \$ \_\_\_\_\_ to cover the maintenance of installed improvements.

\_\_\_\_\_, 20\_\_\_\_\_  
Date

\_\_\_\_\_  
Developer/Subdivider, Owner or Agent

8. Notation of Possible Flooding – If any portion of the land being subdivided is subject to flooding as defined in these regulations, a notation shall be made on the final subdivision plat that development or modification of the land within any floodway delineated within the plat is prohibited and that development within the floodway fringes delineated on the plat shall be done in such a manner that any structure shall be protected against flood damage to at least the regulatory flood protection elevation, which elevation shall be stated in the notation. Any additional restrictions imposed by the Planning Commission upon development within flood prone areas also shall be indicated on the plat.
9. Notation of Health Restrictions – Any modifications or limitations which may be imposed by the state or county health department shall be clearly indicated on the final subdivision plat.
10. Notation of Private Restrictions – Private Restrictions and trusteeships and their periods of existence shall be indicated on the plat. Should these restrictions or trusteeships be of such length as to make their lettering impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat or, if the restrictions and trusteeships are of record, the plat shall note where they are recorded.

,

## FORM FOR OFFER OF IRREVOCABLE DEDICATION

**AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by and between \_\_\_\_\_, a \_\_\_\_\_, having its office and place of business at \_\_\_\_\_, Tennessee, hereinafter designated as the “local government”.

WHEREAS, the Chapel Hill Planning Commission is in the process of approving a final subdivision plat entitled, \_\_\_\_\_, dated \_\_\_\_\_, and made by \_\_\_\_\_; and

WHEREAS, said map designates certain public improvements consisting of \_\_\_\_\_ to be dedicated to the Town of Chapel Hill, free and clear of all encumbrances and liens, pursuant to the requirements of the Planning Commission and the local government; and

WHEREAS, the developer, simultaneously herewith, shall post a performance bond the Town of Chapel Hill for the construction, maintenance, and dedication of said improvements, if required;

WHEREAS, the developer is desirous of offering for dedication the said improvements and land to the Town of Chapel Hill more particularly described in Schedule \_\_\_\_\_ attached hereto;

WHEREAS, the developer has delivered deeds of conveyance to the Town of Chapel Hill for the said land and improvements as described herein;

NOW THEREFORE, in consideration of the sum of one dollar (\$1.00) lawful money of the United States paid by the Town of Chapel Hill to the developer and other good and valuable consideration, it is mutually AGREED as follows:

- A. The developer herewith delivers to the Town deeds of conveyance for the premises described in Schedule \_\_\_\_\_, attached hereto, said delivery being a formal offer of dedication to the Town until the acceptance or rejection of such offer of dedication by the Town.
- B. The developer agrees that said formal offer of dedication is irrevocable and can be accepted by the Town at the time.
- C. The developer agrees to complete the construction and maintenance of the land improvements pursuant to the performance bond and the requirements of the Chapel Hill Planning Commission and any ordinances, regulations, requirements, covenants, and agreements that may be imposed by the Town with respect thereto and, upon acceptance by the Town of the offer of dedication, furnish to the Town a sworn statement certifying that the premises are free and clear of all liens and encumbrances and shall furnish to

the Town a check for all necessary fees and taxes to record the deeds heretofore delivered.

- D. That this irrevocable offer of dedication shall run with the land and shall be binding on all assigns, guarantees, successors, or heirs of the developer.

\_\_\_\_\_, 20 \_\_\_\_\_  
Date Developer

**(CORPORATE SEAL)**

ATTEST: FOR THE TOWN OF: \_\_\_\_\_  
BY: \_\_\_\_\_  
\_\_\_\_\_, 20 \_\_\_\_\_

**ACKNOWLEDGEMENT COPARTNERSHIP**

**STATE OF TENNESSEE**

**(COUNTY OF \_\_\_\_\_) SS: \_\_\_\_\_**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known and known to me to be one of the firm \_\_\_\_\_, described in and who executed the foregoing instrument, and he thereupon acknowledged to me that he executed such instrument as and for the act and deed of said firm.

\_\_\_\_\_  
CORPORATE

**STATE OF TENNESSEE**

**(COUNTY OF \_\_\_\_\_) SS: \_\_\_\_\_**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who, being by me first duly sworn, did depose and said that he resides in \_\_\_\_\_; that he is the \_\_\_\_\_ of \_\_\_\_\_, the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation, and that he signed his name thereto by like order and authority.

---

Individual

## ARTICLE VII

### DEFINITIONS

#### A. GENERAL

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations.

Alley - A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant - The owner of land proposed to be subdivided or his authorized representative. Consent shall be required from the legal owner of the premises(s).

Architect - Any architect or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code Annotated, to practice in the State of Tennessee.

Arterial Street or Road - A major public way intended to move traffic to and from major industrial or commercial areas or a route for traffic between communities or large areas and has an average daily traffic count in excess of three thousand (3,000) and shown on the major thoroughfare plan.

Base Flood Elevation - The highest elevation, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood.

Base Map - A map having sufficient points of reference, such as state, county or municipal boundary lines, streets, easements, and other selected physical features to allow the plotting of other data.

Block - A tract of land bounded by public ways or by public parks, cemeteries, railroad rights-of-way or shorelines or waterways or a combination of such.

Bond - An instrument with a clause, with a designated amount of money fixed as a penalty, binding the parties to pay the same; conditioned, however, that the payment of the penalty may be avoided by the performance by one or more of the parties of certain acts.

Building - Any structure built for the support, shelter or enclosure of persons, animals, or movable property of any kind and includes any structure.

Building Inspector - The building inspector or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

Building Setback Line - A line in the interior of a lot which is generally parallel to and specified distance from the street right-of-way line; which creates a space between such lines in which no building shall be placed.

Buildable Area of a Lot - That portion of a lot bounded by the required rear and side yards and the building setback line

Capital Improvements Program - A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

Collector Street or Road - A major public way intended to move traffic from local ways to arterial routes. Collector routes serve a neighborhood or large subdivision(s) and normally have an average daily traffic count ranging from one thousand and one (1,001) to three thousand (3,000).

Common Elements - Any portion of a condominium which is held in common by owners of condominium units. These elements may be either general common elements or limited common elements, as defined below.

General Common Elements - Any of the common elements of a condominium which are held in joint ownership by all owners of the condominium.

Limited Common Elements - Any of the common elements of a condominium which are reserved for use by the owner of a particular condominium unit or group of units.

Condominium - A form of ownership of less than the whole of a building or system of buildings under the provisions of Title 66, Chapter 27, Tennessee Code Annotated, which provides the mechanics and facilities for formal filing and re-coordination of divided interests in real property, whether the division is vertical or horizontal.

Condominium Subdivision - The subdivision of property through the establishment of a condominium or horizontal property regime.

Horizontal Condominium Subdivision - A subdivision where each unit occupies some ground space.

Vertical Condominium Subdivision - A subdivision of a multi-story building in which one (1) or more units do not occupy ground space.

Condominium Unit - A space conveyed by separate title and located within a condominium structure.

Construction Plan - The maps or drawings of a subdivision showing the specific location and design of improvements to be installed in the subdivision in accordance with these regulations submitted to the Planning Commission for approval.

Contractor - An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

County - The County of Marshall within the State of Tennessee.

County Environmentalist - An agent designated to administer local and/or state health regulations.

Cul-de-sac - A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement; definition includes: dead end, turn-around, or turn-about.

Culvert - A drain, ditch or conduit not incorporated in a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walk or public way.

Curb - A stone or concrete boundary usually marking the edge of the roadway or paved area.

Dedication - Gift or donation of property by the owner to another party.

Density - The number of families, individuals, dwelling units, or housing structures per unit of land.

Design Engineer - Engineer(s) certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code Annotated, to practice in the State of Tennessee and perform detail design of Plans submitted to the Town for approval of water, wastewater, roadway, drainage, and other facilities required for a development.

Design Specifications - Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

Developer - The legal or beneficial owner of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land, and which undertakes the activities covered by these regulations.

Development - The act of combining raw land, roads, utilities, buildings, financing, and promotion, or any combination thereof, into a completed operating property with permanent improvements.

Drainage - (1) Surface water runoff; (2) the removal of surface water or ground water from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

Drainage Area - That area in which all of the surface runoff resulting from precipitation is concentrated into a particular stream.

Drainage System - Pipes, swales, natural features and man-made improvements designed to carry drainage.

Dwelling Unit - A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

Easement - Authorization by a property owner for the use by another, for a specified purpose, of any designated part of the property.

Engineer - An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code Annotated, to practice in the State of Tennessee.

Equal Degree of Encroachment - The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

Equipment - All machinery, together with the necessary supplies for upkeep and maintenance, and also all tools and apparatus necessary for the proper construction and acceptable completion of the work.

Escrow - A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a surety instrument subject to agreement of the Planning Commission.

External Subdivision Boundary - All points along the periphery of a subdivision.

FEMA – Federal Emergency Management Agency

Final Plat - The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission for approval and which, if approved by the Commission, is recorded with the County Registrar of Deeds.

Flood - A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Frequency - The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

Flood Hazard Boundary Map - An official map on which the boundaries of the floodplain areas having special flood hazards have been delineated.

Flood Hazard or Flood-Prone Area - The maximum area of the floodplain that, on the average, is likely to be flooded once every one hundred (100) years (i.e., that has a one (1) percent chance of being flooded in any year).

Flood Insurance Rate Map - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain - A land area adjoining a river, stream watercourse, bay, or lake which is likely to be flooded. It is composed of floodway and floodway fringe.

Floodplain Management Program - The overall program of corrective and preventive measures for reducing flood damage, including, but not limited to emergency preparedness plans, flood control works, building code regulations, health regulations, Zoning Ordinance regulations and these Subdivision Regulations.

Flood Profile - A graph showing the water surface elevation or height of a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined through the use of standard open-channel hydraulic calculations.

Flood Proofing - Any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduce or eliminate potential flood damage to lands, water facilities, sanitary facilities and other utilities; structures; and contents of buildings; and which prevent pollution of floodwaters from such natural or man-made sources.

Floodway - The stream channel and adjacent overbank areas required to carry and safely discharge the one hundred (100) year flood without increase flood levels more than one foot above natural flood levels.

Floodway Encroachment Limits - The lines marking the limits of floodways on official federal, state and local floodplain maps.

Floodway Fringe - The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a one hundred (100) year flood.

Frontage - That side of a lot abutting a public way ordinarily regarded as the front of the lot. It shall not be considered as the ordinary side of a corner lot.

General Plan - The official statement of the Planning Commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Sections 13-3-301, and 13-3-302, and 13-4-102, Tennessee Code Annotated.

Governmental Agency - Any public body other than the governing body.

Governing Body - The chief legislative body of any government.

Governmental Representative - An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Grade - The degree of rise or descent of a sloping surface specified in percentage terms.

Grade, Finished - The final elevation of the ground surface after development.

Grade, Natural - The elevation of the ground surface in its natural state before man-made alterations.

Grading - Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

Health Department - The Marshall County Health Department.

Highway Department - The Marshall County Highway Department.

Highway, Limited Access - A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property(s) or lands and other persons have no legal right of access to or from the traffic way, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Horizontal Property Act - "The Tennessee Horizontal Property Act" as codified in Title 66, Chapter 2, Tennessee Code Annotated.

Improvements - Physical changes made to raw land and structures on or under the land surface in order to make the land more usable for man's activities. Typical improvements in these regulations would include but not be limited to grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, street name signs and street trees.

Individual Sewage Disposal System - A septic tank, seepage title sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Inspector - An authorized representative of the Engineer and/or Authority assigned to make all necessary inspections and/or tests of the work performed, or of the materials furnished or being furnished by the Contractor.

Internal Subdivision Boundary - All points within a subdivision which do not constitute external boundaries.

Joint Ownership - The equal estate interest of two or more persons. Joint ownership among persons shall be construed as the same owner for the purpose of imposing Municipal Subdivision Regulations.

Jurisdictional Area - Planning boundary(s) established in keeping with Sections 13-3- 102, 13-3-201 and 13-3-301, Tennessee Code Annotated.

Land Development Plan - An element of the general plan which sets out a plan or scheme of future land usage.

Land Surveyor - A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Title 62, Chapter 18, Tennessee Code Annotated, to practice in the State of Tennessee.

Land Use Plan - A plan showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes.

Legal Counsel - The person designated by the governing body to provide legal assistance for the administration of these and other regulations.

Lot - A tract, plot or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for development.

Lot Area - The total horizontal area included within lot lines.

Lot, Corner - A lot situated at the intersection of two (2) or more public ways.

Lot Frontage - That dimension of a lot or portion of a lot abutting on a street excluding the side dimension of a corner lot.

Lot Improvements - Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Lot Lines - The lines bounding a lot as defined herein.

Major Street or Road - A public way which is classified as a collector or arterial public way according to these regulations or by the Major Road Plan for the jurisdictional area.

Major Road Plan - The plan adopted by the Planning Commission, pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, the general location, character and extent of public ways (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways.

Major Subdivision - All subdivisions not classified as minor subdivisions including but not limited to subdivisions of three (3) or more lots or subdivisions of any size requiring any new or improved road, the extension of government facilities, or the creation of any public improvements, or containing any flood prone area.

Metes and Bounds - A method of describing the boundaries of land by directions and distances from a known point of reference.

Minor Street or Road - A public way which is not classified as an arterial or collector.

Minor Subdivision - Any subdivision containing less than three (3) lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities, or the creation of any public improvements, not containing any flood-prone area, and not in conflict with any provision of the adoption general plan, Major Road Plan, Zoning Ordinance or these regulations.

Monuments - Markers placed on or in the land to identify property corners and right-of-way points.

NPDES - National Pollutant Discharge Elimination System- The NPDES Program is a federal program that controls water pollution by regulating point sources that discharge into Waters of the State.

National Flood Insurance Program - A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide a flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the National Flood Insurance Program regulations. The program regulations are found at 24 Code of Federal Regulations, Chapter X, Subchapter B.

Off-site - Any premise not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

One Hundred-Year Flood - A flood having an average frequency of occurrence of once in one hundred (100) years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

Open Space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Owner - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having title to or sufficient proprietary interest in real property to be subdivided under these regulations.

Owner's Engineer - Shall mean the engineer or land surveyor registered and in good standing with the State Board of Registration of Tennessee who is the agent in his professional capacity of

the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

Percolation Test - An examination of subsoil used in determining the acceptability of the site and the design of the sub-surface disposal system.

Performance Bond - See "Bond".

Perimeter Street - Any existing street to which the parcel of land to be subdivided abuts on only one side.

Plans - The official construction drawings or exact reproduction thereof which show and describe the work to be done.

Planning Commission - A public planning body established pursuant to Title 13, Chapter 2 or 5, Tennessee Code Annotated, to execute a partial or full planning program within authorized area limits.

Preliminary Plat - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner of layout of the subdivision to be submitted to the Planning Commission for approval.

Premise(s) - A tract of land together with any buildings or structures which may be thereon.

Public Improvements - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

Public Sewer System - A central sewer system, owned, operated and maintained by the Town of Chapel Hill.

Public Hearing - A meeting for the review of a matter where opinions may be presented by the public. These hearings may take place during the regular Planning Commission meetings and are held according to state law.

Public Uses - Public parks, schools and administrative, cultural and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and material.

Public Way - Any publicly owned street, alley, sidewalk, or lane right-of-way which provides for movement of pedestrians or vehicles.

Reach - A hydraulic engineering term to described longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made area or natural obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossing typically would constitute a reach.

Register of Deeds - Marshall County Registrar of Deeds.

Regulatory Flood - The one hundred (100) year flood.

Regulatory Flood Protection Elevation - The elevation of the regulatory flood plus one foot of freeboard to provide a safety factor.

Re-subdivision - A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if

it affects any map or plan legally recorded prior to the adoption of any regulations controlling the subdivision of land.

Right-of-Way - A strip of land occupied or intended to be occupied by a public way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way" for land platting purposes, shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimension areas of such lots or parcels.

SWPPP – Storm Water Pollution Prevention Plan - A plan designed by a licensed engineer in the State of Tennessee to control storm water erosion through a series of best management practices for a specified site development plan.

Sale or Lease - Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, or other written instrument.

Sanitary Sewer System - A public or community sewage disposal system of a type approved by the State Department of Conservation and Environment.

Secretary - The person designated by the Planning Commission as its secretary.

Setback - The distance between a building wall, edge of a structure and nearest right-of-way of a public way.

Sketch Plat - A sketch preparatory to the Preliminary Plat (or Final Plat, in the case of minor subdivisions) to enable the applicant to save time and expense in reaching general agreement with the Authority as to the form of the plat and the objectives of these regulations.

Slope - the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees. (See Grade)

Special Flood Hazard Map - The official map designated by the Federal Insurance Administrator to identify floodplain areas having special flood hazards.

Staff Assistant to the Planning Commission - The person(s) employed by the local governing body to assist the Planning Commission in planning and land use regulation activities.

Start of Construction - For purposes of subdivision control, any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

Storm Sewer - A sewer which carries surface runoff and subsurface waters.

Street Grade - The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street at the midpoint of the lot shall be taken as the street grade.

Street Line - The legal line of the street right-of-way and abutting property.

Street Sign - The sign designating the official name of the street.

Structure – Anything constructed above or below ground.

Subdivider - Any person who (1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to

sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development in a subdivision or any interest, lot, parcel site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision - "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of re-subdividing or to the land or area subdivided. As used herein, "utility construction" does not include the mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains.<sup>i</sup> (See Section 13-3-401 and 13-4-301, Tennessee Code Annotated)

Subdivision Agent - Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site or plot in a subdivision, except in an instance where only legal counsel is provided.

Surveyor - A qualified surveyor registered and currently licensed to practice surveying in the State of Tennessee.

Temporary Improvement - Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements.

Topography - The configuration of a surface area showing relative elevations.

Twenty-five Year Flood - A flood having an average frequency of occurrence of once in twenty-five (25) years.

USGC - The United States Geological Survey.

Vested Property Rights - Property rights that were established by the Vested Rights Act of 2014 that provided guidelines to developers and planning commissions on the approval of development plans and the period of time these plans are valid and approved for construction. The vesting period is a duration of time that the technical specifications and requirements are valid for a specific development plan that has been review and approved. An initial period of time is established at the time a building permit is issued and can be extended if construction has begun and the permits are active.

Water Surface Elevation - The heights in relation to mean sea level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain.

Way- A Street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Yard, Front - An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line (extended) of the building and the street line.

Yard, Rear - A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots, except corner lots, the rear yard shall be opposite the front yard. On corner lots, the rear yard shall be defined at the time the building permit is issued.

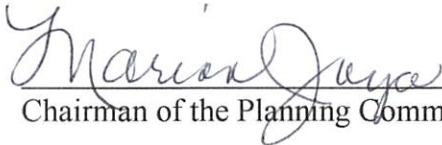
Yard, Side - An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Zoning Ordinance or Resolution - A statute, legally adopted pursuant to Title 13, Chapters 4 or 7, Tennessee Code Annotated, for the purpose of regulating by district, land development or use for a designated area within the Town of Chapel Hill.

**ARTICLE VIII**  
**ADOPTION OF REGULATIONS AND AMENDMENTS**

A. Original Enactment

In order that shall be subdivided in accordance with the objectives and standards set forth in these regulations, these subdivision regulations are hereby adopted on August 28, 2023 and immediately shall be in full force and effect. Pursuant to Sections 13-3-403 and 13-4-303, Tennessee Code, a public hearing was held on these regulations on August 28, 2023 , at 6:00 PM , at the Chapel Hill Town Hall, in Chapel Hill, Tennessee, notice of which was given by publication on Town website www.townofchapelhilltn.gov on July 26, 2023, posted at Town Hall, Post Office and Apex Bank on July 27, 2023. No newspaper publication was printing at this time due to the sell of the Marshall Co. Tribune.

  
Chairman of the Planning Commission

August 28, 2023  
Date

ATTEST:

  
Secretary of Planning Commission

August 28, 2023  
Date

## **APPENDIX A**

### **FORMS**

Chapel Hill Municipal Planning Commission  
**Preliminary Plat Checklist**

Form Number 1

Name of Subdivision:	
Location:	
Property Owner:	
Engineer:	
Date of Submittal:	

CHECKLIST OF ITEMS TO BE INCLUDED		
x	No.	Item
	1.	Five copies of Preliminary Plan
	2.	Provide a north arrow
	3.	Provide the scale of the plan and provide a graphic scale
	4.	Provide the location of the adjoining properties and roads within 200 feet of the subject property.
	5.	Provide the owners names of the adjoining properties and provide the zoning of the properties.
	6.	Provide the existing topographic features of the subject property. The contour interval shall be at a two (2) contour interval.
	7.	Provide the boundary data information showing the bearings and distances of the subject property. Provide the total area of the property.
	8.	Provide the location of the existing utilities and easements serving the property.
	9.	Provide the locations of existing water bodies, streams, sinkholes, swamps, railroads, buildings, parks, cemeteries, major drainageways impacting property.

	10.	Provide the location, dimensions, and areas of the proposed and existing lots.
	11.	Provide the proposed location of all property to be dedicated for a park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions of the dedication or reservation.
	12.	Provide road layout and label width of rights-of-way and pavement widths.
	13.	Provide the location of the proposed utilities layouts to serve the development.
	14.	Provide the lot numbers and designate any open space areas.
	15.	Provide the layout of the drainage system including inlets and pipes.
	16.	Identify stream types and designate any stream buffers.
	17.	Provide the location of the detention pond(s).
	18.	Provide any off-site improvements that are being proposed including additional dedication of right-of-way, turn lanes or signal improvements.
	19.	If project requires phasing, provide phase or sections numbers.
	20.	An approved letter of availability for the water and sewer usage for the proposed development shall be submitted for the Planning Commission to review. The applicant shall also include the projected amounts of the tap fees that will be part of the final plat approval and review process.

# Chapel Hill Municipal Planning Commission

## Final Plat Checklist

Form Number 2

Name of Subdivision:	
Location:	
Property Owner:	
Surveyor:	
Date of Submittal:	

CHECKLIST OF ITEMS TO BE INCLUDED:		
x	No.	Item
	1.	Five copies of Final Plat Plan;
	2.	Provide a north arrow;
	3.	Provide the scale of the plan and provide a graphic scale;
	4.	Provide the names and location of the adjoining properties and roads within 100 feet of the subject property;
	5.	Provide the owners names of the adjoining properties and provide the zoning of the properties;
	6.	Provide the boundary data information showing the bearings and distances of the subject property. Provide the total area of the property;
	7.	Provide the location of the existing utilities and easements serving the property;
	8.	Provide the locations of existing sinkholes, swamps, railroads, buildings, parks, cemeteries impacting property;
	9.	Provide the dimensions and areas of the proposed lots;

	10.	Provide the proposed location of all property to be dedicated for a park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions of the dedication or reservation;
	11.	Provide road layout, widths of rights-of-way, and road names;
	12.	Provide the location and sizes of the proposed utilities layouts to serve the development;
	13.	Provide the lot numbers and designate any open space areas;
	14.	Provide the layout of the drainage system;
	15.	Identify stream types and designate any stream buffers;
	16.	Provide the location of the detention pond(s) and easements for the ponds;
	17.	Identify all property corners for the proposed lots;
	18.	Provide the minimum building setback lines for each lot;
	19.	Provide a current property title reference for the property;
	20.	Show all public utilities and drainage easements serving the lots;
	21.	If project requires phasing provide an index sheet showing the overall layout and provide additional sheets for the subject section to be recorded;
	22.	Performance Bond:
		Water: (Amount) =
		Sewer: (Amount) =
		Roads: (Amount) =

		Drainage: (Amount) =
		Off-site Improvements (if required): (Amount) =
	23.	Plat Certifications:
		Ownership and Dedication
		Accuracy
		Utility Systems
		Water
		Sewer
		Approval by County Health Department
		Approval of Streets
		Approval for Recording

**CHAPEL HILL MUNICIPAL PLANNING COMMISSION**

Form Number 3

**PERFORMANCE BOND**

KNOW ALL MEN BY THESE PRESENTS, That We, \_\_\_\_\_ as  
Principals, \_\_\_\_\_, State of \_\_\_\_\_  
and the \_\_\_\_\_ INSURANCE COMPANY, a \_\_\_\_\_  
Corporation authorized to do business in the State of Tennessee, having an office and place of business  
at \_\_\_\_\_, as Surety, are held and firmly bound unto the Town of Chapel  
Hill, Tennessee as obligee, in the sum of \_\_\_\_\_  
Dollars (\$ \_\_\_\_\_) lawful money of the United States, for the payment whereof to the  
Oblige, the Principal and the Surety Bond themselves, their heirs, executors, administrators, successors,  
and assigns, jointly and severally, firmly to these presents:

SIGNED, SEALED, AND DATED, This \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

WHEREAS, application was made to the Town of Chapel Hill Municipal Planning Commission  
for approval of a subdivision shown on plat entitled, " \_\_\_\_\_"  
filed with the chief enforcing officer of the Town of Chapel Hill, on \_\_\_\_\_,  
20 \_\_\_\_\_, said final plat being approved by the Town of Chapel Hill Municipal Planning  
Commission upon certain conditions, one of which is that a performance bond amount of

\_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

is to be filed with the planning commission and accepted by the local governing body to guarantee  
certain improvements in the subdivision named above.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the above named principal shall within one (1) year from the date hereof (time may be extended for one (1) year only beyond this period by the local governing body upon the recommendation of the planning commission with the consent of the parties) will and truly make and perform the required improvements and construction of public improvements in said subdivision in accordance with the local government specifications and the resolution of \_\_\_\_\_  
20 \_\_\_\_\_, then this obligation is to be void, otherwise to remain in full force and effect.

It is hereby understood and agreed that in the event that any required improvements have not been installed as provided by said resolution, within the term of this performance bond, the governing body may thereupon declare this bond to be in default and collect the sum remaining payable thereunder, and upon receipt of the proceeds thereof, the local government shall install such improvements as covered by this bond and commensurate with the extent of building development that has taken place in the subdivision but not exceeding the amount of such proceeds.

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Insurance Company

BY: \_\_\_\_\_  
Attorney-In-Fact

BOND NO. \_\_\_\_\_

ACKNOWLEDGEMENT:  
COPARTNERSHIP

STATE OF TENNESSEE

COUNTY OF \_\_\_\_\_ SS.: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known and known to me to be one of the firm of \_\_\_\_\_, described in and who executed the foregoing instrument, and he thereupon acknowledged to me that he executed such instrument as and for the act and deed of said firm.

\_\_\_\_\_  
CORPORATE

STATE OF TENNESSEE

COUNTY OF \_\_\_\_\_ SS.: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who, being by me first duly sworn, did depose and say that he resides in \_\_\_\_\_; that he is the \_\_\_\_\_ of \_\_\_\_\_, corporation described in and which executed the foregoing instrument; that he knows the corporate seal of said corporation; that the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation, and that he signed his name thereto by like order and authority.

\_\_\_\_\_  
INDIVIDUAL

STATE OF TENNESSEE

COUNTY OF \_\_\_\_\_ SS.: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known and known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same.

\_\_\_\_\_

Bond Number # \_\_\_\_\_  
Bond Amount: \$ \_\_\_\_\_

**CHAPEL HILL MUNICIPAL PLANNING COMMISSION  
MAINTENANCE BOND**

KNOW ALL MEN BY THESE PRESENTS, That we,  
\_\_\_\_\_(Developer), as Principal, \_\_\_\_\_  
(address), and \_\_\_\_\_ (**Bonding Company**), authorized to do  
business in the State of Tennessee, having an office and place of business at  
\_\_\_\_\_, as Surety, are held and firmly bound unto the Town  
of Chapel Hill, Tennessee, as Obligee, in the sum of \_\_\_\_\_ (**bond  
amount**), lawful money of the United States, for the payment whereof to the Obligee, the  
Principal and the Surety Bond themselves, their heirs, executors, administrators, successors,  
and assigns, jointly and severally, firmly to these presents:

WHEREAS, application was made to the Chapel Hill Municipal Planning Commission for  
approval of a subdivision shown on the plat entitled,  
\_\_\_\_\_, filed with the Town of Chapel Hill,  
Tennessee, on \_\_\_\_\_, said plat being approved by the Chapel Hill  
Municipal Planning Commission upon certain conditions, one of which is that  
this maintenance bond in the above amount of is to be filed with the planning commission  
and accepted by the Town to guarantee certain maintenance obligations in the subdivision  
named above.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the  
above named principal shall within one (1) year from the date hereof (time may be extended  
for one (1) year beyond this period by the planning commission) will and truly shall  
maintain and remedy certain maintenance obligations, free from defects in materials and  
workmanship, in said subdivision in accordance with the Town's specifications, then this  
obligation is to be void; otherwise to remain in full force and effect.

It is hereby understood and agreed that in the event that any required maintenance  
obligations have not been maintained or remedied, as provided herein, within the term of  
this maintenance bond, the governing body may thereupon declare this bond to be in  
default and collect the sum remaining payable hereunder, and upon receipt of the proceeds  
thereof, the Town shall perform such maintenance obligations as covered by this bond,  
but not exceeding the amount of such proceeds. The Principal and the Surety Bond hereby  
agree to be jointly and severally

Bond Number # \_\_\_\_\_  
Bond Amount: \$ \_\_\_\_\_

liable for the payment of the sum of up to \$ \_\_\_\_\_ to the Town  
to guarantee these maintenance obligations.

If any provision of this contract is held to be invalid or unenforceable by a court of  
competent jurisdiction, the remaining provisions of this contract shall remain in full force  
and effect.

This contract may be executed in counterparts, each of which shall be deemed an original,  
but all of which together shall be deemed to be one and the same instrument.

This contract shall be governed by and construed in accordance with the laws of the State  
of Tennessee.

The parties hereto agree that any legal proceedings arising out of or relating to this contract  
shall be brought exclusively in Marshall County, Tennessee. The parties hereby  
irrevocably submit to the personal jurisdiction of such courts for such purpose.

SIGNED, SEALED, AND DATED, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Principal)

Before me, the undersigned, a Notary Public of said County and State, personally appeared,  
\_\_\_\_\_, with whom I am personally acquainted (or proved to me on the basis  
of satisfactory evidence), and who, upon oath, acknowledged himself to be the  
\_\_\_\_\_ of \_\_\_\_\_, the within named Principal, a  
\_\_\_\_\_, and that he as such \_\_\_\_\_ executed  
the foregoing instrument for the purposes therein contained, by signing the name of the  
company by himself as \_\_\_\_\_.

Witness my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Bond Number # \_\_\_\_\_  
Bond Amount: \$ \_\_\_\_\_

\_\_\_\_\_  
**Notary Public**

**My Commission Expires:** \_\_\_\_\_

\_\_\_\_\_  
**(Surety)**

Before me, the undersigned, a Notary Public of said County and State, personally appeared, \_\_\_\_\_, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the for \_\_\_\_\_ the within named Surety, and that he as such \_\_\_\_\_, has the authority to execute and guarantee all bonds and other contracts on behalf of Surety. and that executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as \_\_\_\_\_.

Witness my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**My Commission Expires:** \_\_\_\_\_

Chapel Hill Planning Commission  
Form Number 5  
**IRREVOCABLE LETTER OF CREDIT**

*ON BANK LETTERHEAD*

IRREVOCABLE LETTER OF CREDIT

Date: \_\_\_\_\_

Irrevocable Letter of Credit #: \_\_\_\_\_

Amount: \$ \_\_\_\_\_

Applicant/Developer: \_\_\_\_\_

Beneficiary: **Town of Chapel Hill, Tennessee**

We, \_\_\_\_\_ (Bank), hereby issue in your favor this irrevocable Letter of Credit which is available by payment as set forth herein.

The amount of this letter of credit is \$ \_\_\_\_\_. This amount may be reduced only by written approval of the Town of Chapel Hill ("Town").

This letter of credit is available by payment of your draft at sight drawn accompanied by this original letter of credit and a statement from the Town, on Town letterhead, that \_\_\_\_\_ (Developer) has failed to comply with its obligations related to the installation of any of the following infrastructure/improvements in \_\_\_\_\_ (Subdivision): **Erosion control, respread topsoil, stormwater, sanitary wastewater, water service and roads**. In the event of a partial draw by the Town, the date and amount of such draw shall be noted on the original Letter of Credit and such original shall be returned to the Town.

This letter of credit is valid for one calendar year from the above date and shall automatically be renewed for successive one-year periods unless we notify the Town in writing, at least 90 days prior of our intention not to renew. Such notice shall be construed as default by the Developer and grant the Town the right to draw the full amount (or unused balance) of the letter or credit.

Presentation of this letter of credit for payment may be made by Town at \_\_\_\_\_

Jurisdiction and venue for any litigation with regard to this letter of credit shall be held in the Chancery Court for Marshall County, Tennessee.

Drafts drawn and negotiated in conformity with this letter of credit will be duly honored on presentation. Except as expressly provided herein, this letter of credit is subject to the Uniform

Customs and Practice for Documentary Credits, International Chamber of Commerce, as revised, and applicable laws of the State of Tennessee.

Signature: \_\_\_\_\_

Authorized Bank Representative

# Subdivision Regulations

## Amendments

**TOWN OF CHAPEL HILL PLANNING COMMISSION  
RESOLUTION NO. 2025-001**

**RESOLUTION ADOPTING AMENDMENTS TO THE TOWN OF CHAPEL HILL  
SUBDIVISION REGULATIONS**

**WHEREAS**, The Tennessee Code Annotated Statutes, as amended, Title 13, Section 13-4-303 grants municipalities and counties the authority to adopt Subdivision Regulations, and.

**WHEREAS**, the current copy of the Chapel Hill Subdivisions was adopted by the Planning Commission in June 2023, and;

**WHEREAS**, it has now become necessary to make amendments to the Subdivision Regulations to be consistent with current land development practices, and;

**WHEREAS**, a Notice of Public Hearing on the plan was advertised in a newspaper of general circulation within the Town on January 2, 2025 and;

**WHEREAS**, a Public Hearing was held at the Planning Commission meeting on January 27, 2025, and

**WHEREAS**, the Amendments to the Regulations were presented, and the public were provided an opportunity to discuss and comment on the Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Chapel Hill, Tennessee that the Town's Subdivision Regulations be amended as shown below and as provided under Tennessee Code Annotated 13-4-303.

**Section 1. Certification of Street Names**

That Article VI, Specifications for Documents to be Submitted, Section E, Plat Certificates, is amended by adding the Certification of Street Names attached to this Resolution as **Exhibit A** as a new subsection (k).

**Section 2. Electrical Facilities and Street Lights**

That Article V, General Requirements and Standards of Design, is amended by adding a new section J, Electrical Facilities and Street Lights as set forth in **Exhibit B** to this Resolution, attached hereto and incorporated herein by reference.

**Section 3. Open Space Dedication to the Homeowners' Association (HOA)**

That Article V, General Requirements and Standards of Design, Section A, General Requirements, be amended by adding a new subsection (6) Open Space Dedication to the Homeowners' Association (HOA), as set forth in **Exhibit C** to this Resolution, attached hereto and incorporated herein by reference.

**Section 4. Retaining Walls Specifications**

That Article V, General Requirements and Standards of Design, Section B, Lot Layout, is amended by adding a new subsection (9) Retaining Walls Specifications as set forth in **Exhibit D** to this Resolution, attached hereto and incorporated herein by reference.

### **Section 5. Final Acceptance of Sanitary Sewer System**

That Article IV, Assurance for Completion and Maintenance of Improvements, Section A, Improvements and Surety Instrument is amended by adding a new subsection (8), Final Acceptance of Sanitary Sewer System as set forth in **Exhibit E** to this Resolution, attached hereto and incorporated herein by reference.

### **Section 6. Mailbox Kiosks**

That Article V, General Requirements and Standards of Design, Section C, Public Rights-of-Way, Subsection 17, Mailbox Kiosks is amended by adding a new subsection (e), as set forth in **Exhibit F** to this Resolution, attached hereto and incorporated herein by reference.

### **Section 7. Flag Lots**

That Article V, General Requirements and Standards of Design, Section B, Lot Layout, subsection 5, Lot Dimensions is amended by adding a new subsection (a), Flag Lots as set forth in **Exhibit G** to this Resolution, attached hereto and incorporated herein by reference

### **Section 8. Irrigation Meter Requirements**

That Article V, General Requirements and Standards of Design, Section E, Water Facilities, Subsection 1, General Requirements, is amended by adding a new subsection (e), Irrigation Meter Requirements as set forth in **Exhibit H** to this Resolution, attached hereto and incorporated herein by reference.

### **Section 9. Sidewalk ADA Requirements**

That Article V, General Requirements and Standards of Design, Section C, Public Rights-of-Way, Subsection 16, Pedestrian Ways, is amended by adding a new subsection (d), Sidewalk ADA Requirements as set forth in **Exhibit I** to this Resolution, attached hereto and incorporated herein by reference.

### **Section 10. Locations of Underground Vaults**

That Article V, General Requirements and Standards of Design, Section E, Water Facilities, Subsection 1, General Requirement is amended by adding a new subsection (f), Locations of Underground Vaults, as set forth in **Exhibit J** to this Resolution, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately on approval.

Approved this 27<sup>th</sup> day of January, 2025.

  
Isaac Zimmerle, Chairman

**EXHIBIT A**

**CERTIFICATION OF STREET NAMES**

I hereby certify that the Marshall County Department of Emergency Management E-911 has approved the street name(s) and addresses shown on the final subdivision plat titled:

\_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_

Date

\_\_\_\_\_  
Marshall County Emergency Management E-911

## **EXHIBIT B**

### **ELECTRICAL FACILITIES**

#### **1) General Requirements**

- a) The applicant shall install underground electrical facilities and street lights in a manner outlined by the Duck River Electric Membership Corporation (DREMC) Standard Utility Specifications Installations, latest edition. All plans shall be designed and approved in accordance with these specifications and standards.
- b) The developer and contractor shall meet with a DREMC representative prior to any installation of conduit and equipment.

#### **2) Design Criteria for Electrical Improvements**

- 1) The latest edition of all applicable building and safety codes shall be followed in the installation of the electrical underground distribution system. Included, but not limited to, are the:
  - i. National Electric Code (NEC)
  - ii. National Electrical Safety Code (NESC)
  - iii. National Life Safety Code (NFPA 101)
  - iv. State and Local Building Codes
  - v. U.S. Occupational Safety and Health Act of 1970 (OSHA)
  - vi. State of Tennessee Chapter 0780-2-1, Electrical Installations
  - vii. The American Society for Testing and Materials (ASTM)

#### **3) Requirements for Street Lighting**

- a) Streetlights are required in all residential and commercial developments as approved by the Planning Commission.
- b) One street light is required at all road intersections.

- c) Street lighting shall be spaced approximately every 300' feet. For example, blocks measuring less than less than 450 feet shall have one street light at each road intersection and one street light mid-block. A block measuring 1,000 feet shall have one street light at each road intersection and three (3) street lights evenly space mid-block.
- d) All bulb fixtures are required to be installed between fifteen (15) and eighteen (18) feet above grade.
- e) Only the poles and fixtures specified in Duck River's Standard Utility Specifications are allowed.

### **EXHIBIT C**

#### **OPEN SPACE DEDICATION TO THE HOMEOWNERS ASSOCIATION ( H.O.A.)**

A subdivision contains three elements the lots, road rights-of-way and open space areas. The open space areas are to be used by the residents of the subdivision. The open space areas shall be designated on the final subdivision and recorded per the guidelines for a final subdivision plat.

The open space may contain easements for the installation and future maintenance of utilities such as sanitary sewers lines, drainage pipes, drainage ditches, water lines, bike paths or sidewalks, detention ponds and other utilities. The open space area may be considered as a public utilities and drainage easement for future access of said utility providers or designated as a private easement.

The open space areas shall be conveyed to the Homeowners Association (H.O.A.) by a recorded deed. The exhibit for the open space shall be shown by the final subdivision plat. The areas of the open spaces shall be conveyed in a finished condition including finished grade elevations per the approved construction plans, all disturbed areas shall be established with ground cover and all forms of erosion-siltation controls measures removed. If a landscaping plan has been approved, then all work shall be completed and inspected prior to the conveyance to the H.O.A.

The developer shall provide the representatives of the H.O.A. with a schedule of the completion of the work and inform the Town of Chapel Hill of the proposed schedule. The conveyance of the open areas shall be by a deed recorded in the Marshall County Registers of Deeds' Office. All open space areas shall be conveyed prior to the release of the maintenance bonds.

## **EXHIBIT D**

### **RETAINING WALLS SPECIFICATIONS**

#### **A. General:**

A retaining wall is a structure that is constructed to hold back a vertical slope of earth and eliminate a steep slope. There are several different types of walls such as gravity walls, cantilever walls and mechanically stabilized earth (MSE) walls that can be designed and constructed. The height of a retaining wall is measured from the bottom of the footing to the top of the wall. If a wall is taller than four (4) feet, then the wall must be designed by a licensed engineer in the State of Tennessee. The plans must be submitted and reviewed by the Town of Chapel Hill for approval. The submittal package shall include a site plan and grading plan providing the location of the wall and the pertinent calculations for the design of the wall.

#### **B. Heights:**

If a retaining wall has a height of 30 inches or higher measured from the finished grade of the ground to the top of the wall a handrail shall be required. Higher walls shall be designed to not exceed ten (10) feet in height per section of vertical wall and provide a horizontal distance of ten (10) feet before the next wall section is constructed. No single wall shall be over ten (10) feet in height.

#### **C. Materials for Walls:**

The materials for a retaining wall shall be concrete. A poured concrete wall can be faced with brick or stone as approved by the Planning Commission. No walls shall be constructed of railroad ties or pressure treated lumber. No boulder walls shall be approved.

#### **D. Location of Walls:**

A retaining wall shall not be constructed on a property line and no portion of the footing shall encroach onto an adjacent property. No portion of the retaining wall shall be constructed within a public utility and drainage easement (PUDE) or a public right-of-way for a road.

### **EXHIBIT E**

#### **Final Acceptance of Sanitary Sewer System:**

Prior to the conversion of the Performance Bond to a Maintenance Bond the developer shall be required to camera the sewer lines and provide the number of services that are connected to the public lines. Any defects in the lines shall be corrected and document the locations of the repairs for future reference to the Town of Chapel Hill's Sewer Department. Upon the release of the Maintenance Bond the portions of the sewer lines that have been impacted with any additional service connections shall be required to camera the lines and submit the survey to the Town of Chapel Hill's Sewer Department. If any defects in the lines have occurred or any debris located in the lines, all repairs must be completed and verified that no debris is located in the sewer lines.

### **EXHIBIT F**

#### **Mailbox kiosks:**

Each mailbox kiosk in a subdivision and the surrounding areas including parking spaces and walkways shall be lighted to provide safe access from a parking space to the boxes for the residents. The mailbox kiosk may require an independent lighting source if the structure is not located within 30 feet of a street light.

### **EXHIBIT G**

#### **Flag Lots:**

Residential flag lots will not be approved in a subdivision in the Town of Chapel Hill. The Planning Commission may grant an exception if the following conditions are met:

- a. The minimum technical standards of the proposed subdivision for the zoning district are met.
- b. The dimensions of the lot shall have a maximum depth to width ratio shall be 5:1. The width of the lot shall be measured at the right-of-way line that the lots fronts.
- c. The Planning Commission may increase the front minimum building setback line of the flag lot to provide more distance between structures on each lot.
- d. The maximum distance for the structure to a fire hydrant shall be less than 500 feet.

## **EXHIBIT H**

### **Irrigation meters requirements:**

Any new irrigation systems install in the Town of Chapel Hill for a residential or commercial property will be required to be metered. The applicant shall submit to the Water Department the size of the lot, the number of zones and a projected flow calculations based on a schedule of use to determine a meter size. The applicant must submit the size of the existing tap and meter size to verify the capacity of the lines and meters for domestic and landscaping uses.

If the current meter and service line size is determined to be adequate, then the applicant must submit a plan to the Water Department showing the location of the sub meter (for landscaping purposes) and the location of the backflow preventer.

If a separate tap is required then the applicant will be required to submit plans and all fees associated for the new tap and meter. The property owner will be responsible for all costs associated with the installation of the new tap and meter.

## **EXHIBIT I**

### **Sidewalk ADA requirements:**

At street intersections all sidewalks will require an accessible (ADA) ramp to maneuver the difference in elevation from the sidewalk and street elevations. The maximum slope of the ramp shall be 8.3%. A detectable warning surface shall be installed at the back of the curb at the street level.

Detectable warning surfaces are truncated domes, these domes have base diameter of 0.9 of an inch to a maximum of 1.4 inches. The diameter of the top of the dome is 50% of the base diameter. The height of the domes is 0.2 of an inch. The spacing of the domes range from 1.6 inches to 2.4 inches. The color of the detectable warning surface shall be a color that contrast from the concrete curb or the pavement.

**EXHIBIT J**

**Locations of underground vaults:**

Underground vaults for water meters shall be installed in green space areas only. No vault shall be installed within paved areas within a parking lot or driveway.

Page : 1 of 1 12/27/2024 08:35:50  
Order Number : 13299552  
PO Number :  
Customer : 12921939 TOWN OF CHAPEL HILL  
Contact :  
Address1 : PO Box 157  
Address2 :  
City St Zip : CHAPEL HILL TN 37034  
Phone : (931) 379-2914  
Fax :  
Credit Card :  
Printed By : Kathryn Overman  
Entered By : Kathryn Overman  
Keywords : PC 1.27  
Notes :  
Zones :

Ad Number : 13458481  
Ad Key :  
Salesperson :  
Publication : Marshall County Post  
Section : Classified Section  
Sub Section : Classified Section  
Category : Announcements 105  
Dates Run : 01/02/2025-01/02/2025  
Days : 1  
Size : 1 x 1.98, 19 lines  
Words : 72  
Ad Rate :  
Ad Price : 20.90  
Amount Paid : 0.00  
Amount Due : 20.90

---

#### Notice of Public Hearing

The Town of Chapel Hill Planning Commission will hold a public hearing for comments concerning amendments to the Town's Subdivision Regulations at its regularly scheduled meeting on Monday, January 27, 2025 at 6:00 pm at Town Hall, 4650 Nashville Highway, Chapel Hill, TN 37034. The proposed amendments are available for review and inspection at Town Hall. This is a public hearing and the public is welcome to attend.