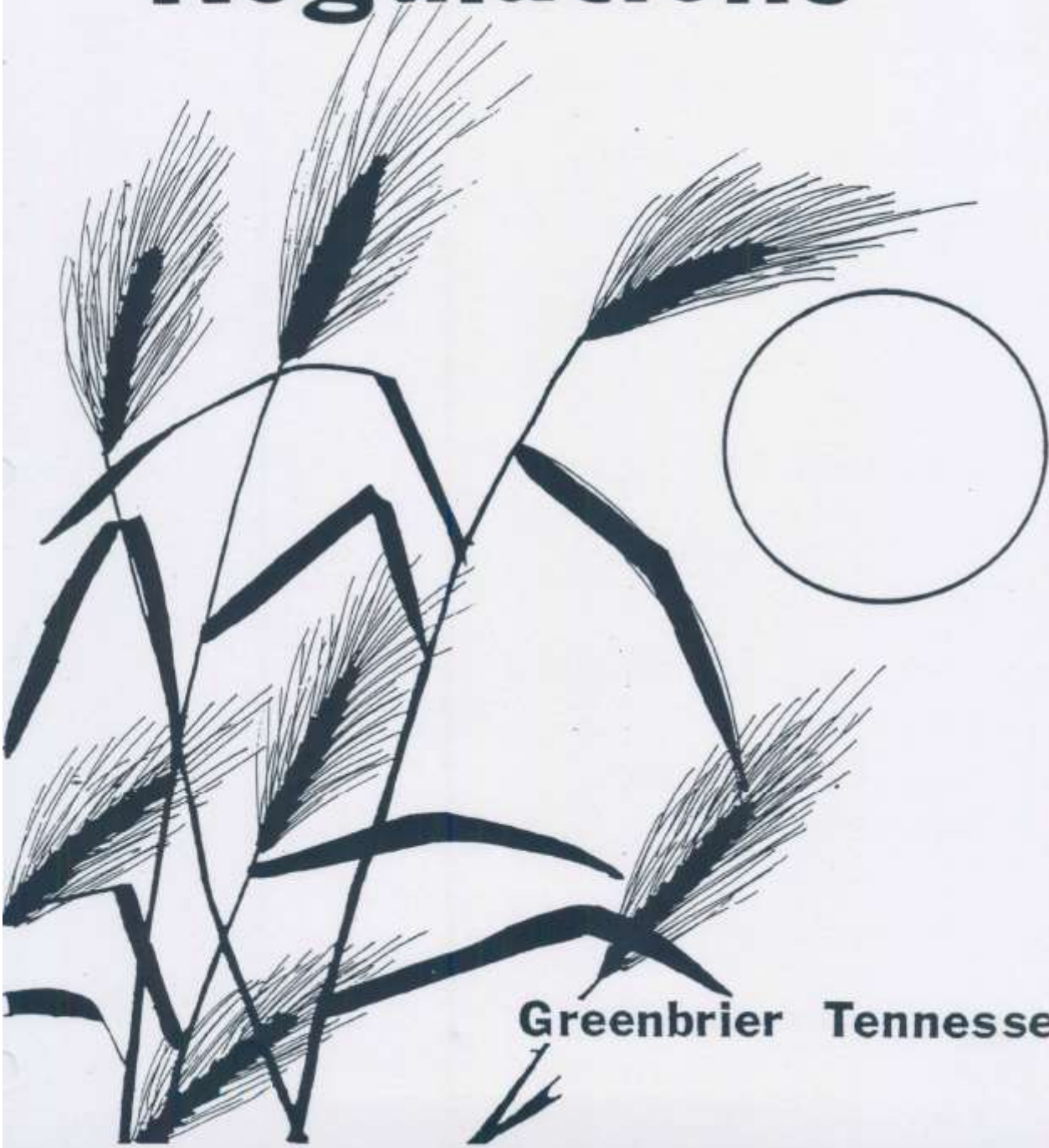


Subdivision Regulations



Greenbrier Tennessee

**SUBDIVISION REGULATIONS
GREENBRIER, TENNESSEE**

ADOPTED: DECEMBER 4, 1990

LAST AMENDED: AUGUST 13, 2010

**SUBDIVISION REGULATIONS
GREENBRIER, TENNESSEE**

**PREPARED FOR THE
GREENBRIER MUNICIPAL PLANNING COMMISSION**

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PARALLEL REFERENCE TABLE

Volume 3A, 1980 Replacement, Tennessee Code, revises Title 13, with a new numbering system. In addition, certain changes in section arrangement became necessary in order to maintain a proper sequence of subject matter. The following table indicates those changes pertinent to these Subdivision Regulations.

Former Sections

1980 Replacement

13-204	13-3-301
13-503	13-4-201
13-505	13-4-203
13-601	13-4-301
13-602	13-4-302
13-603	13-4-303
13-604	13-4-304
13-605	13-4-305
13-606	13-4-306
13-607	13-4-307
13-608	13-4-308
13-609	13-4-309

AMENDMENTS

<u>DATE</u>	<u>RESOLUTION</u>	<u>AMENDMENTS</u>
April 14, 1998	98-2	Chapter 4, Is Deleted in Its Entirety and Replaced with New Chapter 4, <u>Requirements for Improvements, Reservations, and Design</u>
November 5, 1998	98-3	Appendix B, Is Deleted in Its Entirety and Replaced with New Appendix B, <u>Street Construction and Drainage Specifications Standard Drawings</u>
March 14, 2000	2000-01	Chapter 4, Subsection 4-105.303, Is Deleted in Its Entirety and Replaced with New 4-105.303, <u>Ditching, Concrete Ditch Paving, Curbs, and Culverts and Storm Drains</u>
November 14, 2000	Resolution	Chapter 4, Amended, Subsection 4-107.3, <u>Individual Disposal System Requirements</u>
September 10, 2002	2002-01	Chapter 4, Subsection 4-108.1, <u>Underground Service Lines</u> , Is Deleted in Its Entirety and Replaced
September 10, 2002	2002-02	Chapter 5, Subsection 5-103.1, <u>General Design</u> , Is Deleted in Its Entirety and Replaced
January 14, 2003	2002-03	Chapter 3, Subsection 3-101.2, <u>Performance Bond</u> , Deleted and Replaced with New Subsection 3-101.2, <u>Surety Instrument</u>
January 14, 2003	2002-03	Chapter 3, Section 3-103, <u>Maintenance of Improvements</u> , Deleted and Replaced with New Section 3-103, <u>Maintenance Surety Instrument</u>
July 8, 2003	03-01	Chapter 4, Section 4-101.3, <u>Monuments</u> , Deleted in its entirety and Replaced with New Section 4-101.3. Added to Appendices, Drawing B-14, Iron Bar Monument Detail.
August 12, 2003	03-02	Section 2.101.201 be deleted in its entirety and replaced with a new Section 2.101.201.
July 12, 2005	05-01	Section 4-103, amended by changing road width requirements.
March 14, 2006	06-01	Section 5-106, Subsection 5-106.1 <u>General</u> , amended by adding nos. 17, and 18
March 14, 2006	06-02	Section 3-106, amended by adding no. 4.

<u>DATE</u>	<u>RESOLUTION</u>	<u>AMENDMENTS</u>
April 11, 2006	06-03	Section 4-108, Subsection 4-108.1, amended by adding additional language.
January 9, 2007	2007-01	Article III, Section 3-106 A.5. Amended.
August 14, 2007	2007-02	Article III, Section 3-106 A.7, B. Amended.
April 13, 2010	2010-01	Chapter 2, Subsection 2-101.201, <u>Review Procedure</u> , Subpart (1), <u>Minor Subdivision</u> , delete (d), in its Entirety.

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CHAPTER 1

GENERAL PROVISIONS

1-101 Title

These regulations shall, hereinafter, be known and cited as the Subdivision Regulations of Greenbrier, Tennessee.

1-102 Authority

These subdivision regulations are adopted by the Greenbrier Municipal Planning Commission (hereinafter referred to as "planning commission"), in pursuance of the authority and powers granted by Sections 13-4-301 through 13-4-309, Tennessee Code. Having adopted a major street plan for the municipality, and filed a certified copy of the plan with the Robertson County Register of Deeds (hereinafter referred to as "county register"), as required by Section 13-4-302, Tennessee Code, and having held a public hearing as indicated in Section 7-101, of these regulations, and as required by Sections 13-4-303, Tennessee Code, the planning commission has fulfilled the requirements set forth in state law as prerequisites to the adoption of these regulations.

1-103 Jurisdiction

These subdivision regulations shall apply to all subdivisions, as herein defined, located within the Municipality of Greenbrier, Tennessee. No land shall be subdivided within the municipality until the subdivider submits a plat as required by these regulations, obtains planning commission approval of the plat, and files the approved plat with the county register.

1-104 Policy and Purpose

It is hereby declared to be the policy of the planning commission to consider the subdivision of land and development of a subdivision plat as subject to the control of the adopted land use or community development plan of Greenbrier, Tennessee, for the orderly, planned, and efficient physical and economical development of the municipality. Land to be subdivided shall be of such character that it can be used for building purposes without danger of health, fire, flood, or other menace. Land shall not be subdivided until proper provisions have been made for drainage, water, sewerage, other public utilities, and for other required public utilities, and for other required public facilities and improvements. The existing and proposed public improvements shall generally conform to and be properly related to the proposals shown in the land development plan of the municipality. The regulations herein shall supplement and facilitate the enforcement of the provisions and standards contained in the Zoning Ordinance, of Greenbrier, Tennessee (hereinafter referred to as "zoning ordinance").

These regulations are adopted for the following purposes:

- (1) To promote the public health, safety, and general welfare of the municipality.
- (2) To guide the development of the municipality in accordance with the land use or community development plan, considering the suitability of nonresidential and public areas of the municipality 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 the social and economic well-being of the municipality through the orderly and beneficial development of the areas.
- (5) To conserve the value of land, buildings, and improvements throughout the municipality and to minimize detrimental conflicts among the uses of land and buildings.
- (6) To serve as a guide for public policy and action adequately providing for transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public needs and for private enterprise in building, investment, and other economic activity related to uses of land and buildings throughout the municipality.
- (7) To provide for the most beneficial relationship between the uses of land and buildings and traffic movement throughout the municipality, especially attempting to avoid traffic congestion and to provide for the proper location and width of streets and building lines.
- (8) To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; and to insure proper legal descriptions and proper monumenting of subdivided land.
- (9) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the proper management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (10) To preserve the natural beauty and topography of the municipality, and to insure appropriate development with regard to these natural features.
- (11) To provide for open spaces through efficient design and layout of the land while preserving the density of land as established in the zoning ordinance.
- (12) To encourage and effect efficient subdivision and resubdivision layout design so as to maximize the conservation of all forms of energy.

1-105 Interpretation, Conflict, and Severability

1-105.1 Interpretation

These regulations are intended to promote the health, safety, and welfare of the persons within the municipality, and toward that purpose, these regulations are to be liberally construed.

1-105.2 Conflict with Public and Private Provisions

1-105.201 Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any ordinance, action of the Greenbrier Board of Mayor and Aldermen (hereinafter referred to as “municipal board”), or any other federal, state, or local regulation, statute, or other provision of law; provided, that if any provision of these regulations or any ordinance, action of the municipal board, or any federal, state, or local statute conflicts, whichever provisions are most restrictive or imposes higher standards shall govern.

1-105.202 Private Provisions

These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction; provided, that where these regulations are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction imposes more restrictive obligations and duties or imposes higher standards than the requirements of these regulations or than the determinations of the planning commission in approving a subdivision or in enforcing these regulations, it shall not be the policy of the planning commission to intervene into or enforce such regulations.

1-105.3 Severability

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances, and for the purpose, the provisions or any portion of the provisions in these regulations are considered severable.. The planning commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

1-106 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of prior subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person; or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations; or as vacating or annulling any rights obtained by any person by lawful action of the municipality, except as expressly provided, otherwise, in these regulations.

1-106.1 Previously Approved Subdivisions

1-106.101 Unexpired Preliminary Approval

The approval granted on any plat prior to the effective date of these regulations shall remain in force and effect for the time period stipulated by the regulations under which the approval was first granted.

1-106.102 Expired Preliminary Approval

In any instance in which the period of preliminary approval shall have passed with some portion of the subdivision not having received final approval, and the applicant wishes an extension of the preliminary approval, the planning commission may:

- (1) Permit the remaining portion of the subdivision to be constructed and to receive approval under provisions set forth in the regulations whereby preliminary approval was originally granted, or
- (2) Stipulate that the plat is null and void and that a new plat be presented subject to the provisions of these regulations.

In making this determination, the planning commission shall consider all pertinent facts available to it. The current state and active pursuit of construction and development activities within the subdivision shall be given due consideration in the course of the planning commission's deliberation on this question.

1-107 Amendments

1-107.1 Enactment

For the purpose of providing for the public health, safety, and general welfare, the planning commission may amend these regulations by the affirmative vote of the majority of its entire membership.. Before the adoption of any amendment to these regulations, a public hearing, thereon, shall be held by the planning commission, notice of the time and place of which shall be given in a newspaper of general circulation in the municipality.

1-107.2 Codification and Distribution

Subsequent to the adoption of any amendment to these regulations, such amendment shall be incorporated into the text of these regulations in the following manner:

- (1) Replacement pages shall be prepared incorporating the new or changed language. Each such new or replacement page shall have the amendment number and shall be dated so as to indicate the date of the last revision of the page.

- (2) In Chapter 7, of these regulations, each adopted amendment shall be numbered consecutively and printed on pages separate from any other amendment and in a manner which fully states any language deleted from these regulations and any language added and the place in the text of each such change.

1-108 Resubdivision of Land

1-108.1 Procedure for Resubdivision

If any change in an approved or recorded subdivision plat would affect the layout of any street layout shown on such plat, or area reserved, thereon, for public use, or any lot line, or if it would affect any map, plan, or plat legally recorded before the adoption of any subdivision regulations, such amendment shall be approved by the planning commission by the same procedure, rules, and regulations as for a subdivision.

1-108.2 Procedures for Subdivision Where Future Resubdivision Is Foreseen

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land or double the minimum required area for any zoning district in which the lot is located, and the planning commission has reason to believe that such lots will be resubdivided into smaller building sites, the planning commission may require that the subdivision and development of such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. The planning commission may require that dedications providing for the future opening and extension of such streets be indicated on the plat.

1-109 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision are exercises of valid police power delegated by the state to the planning commission. The developer has the duty of compliance with reasonable conditions imposed by the planning commission for design, dedication, improvement, and restrictive use of the land so as to provide for the physical and economical development of the municipality and for the safety and general welfare of future plot owners in the subdivision and of the community at large.

1-110 Vacation of Plats

Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot described therein, by a written surety instrument, to which a copy of such plat shall be attached, declaring the plat or part of the plat to be vacated. The planning commission shall follow the same procedure for approval of surety instrument as required for approval of plats. The municipal board may reject any such surety instrument which abridges or destroys any public rights in any of its public uses, improvements, or streets, or alleys. Such a surety instrument shall be executed, acknowledged, or approved, and duly recorded plat and divest all public rights in the streets, alleys, and public grounds and all dedications laid out or described in such plat.

When any lot or lots have been sold, the plat may be vacated in the manner herein provided only if all of the owners of lots in such platted area join in the execution of such writing.

1-111 Variances

1-111.1 General

If the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted; provided, such variance shall not have the effect of nullifying the general intent and purpose of these regulations and provided, further, that the planning commission shall not recommend variations unless it shall make findings based upon written evidence presented to it in each specific case that:

- (1) The granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located;
- (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and
- (4) The variance will not in any manner alter the provisions of the land development plan, the major street or road plan, or any zoning ordinance.

1-111.2 Procedures

A petition for any such variance shall be submitted in writing by the subdivider along with the initial filing of the plat. The petition shall state fully the grounds for the application and all of the facts upon which the petitioner is relying.

1-111.3 Conditions

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

1-112 Enforcement, Violation, and Penalties

1-112.1 General

1-112.101 Authority

The enforcement of these regulations and the penalties for violations are provided pursuant to Title 13, Chapter 6, Tennessee Code.

1-112.102 Enforcing Officer

It shall be the duty of the Greenbrier Municipal Building Inspector (hereinafter referred to as "the building inspector") to enforce these regulations and to bring to the attention of municipal attorney any violations or lack of compliance, herewith.

1-112.103 Recording of Plats

Pursuant to Section 13-4-302, Tennessee Code, no plat of a subdivision of land within the municipality shall be filed by any person or admitted to the land of records of Robertson County or be received or recorded by the county register until the plat has received final approval of the planning commission, in accordance with these regulations, and such approval has been endorsed in writing on the plat by the planning commission secretary in the manner prescribed by Section 2-105, of these regulations.

1-112.104 Use of Unapproved Plats

Pursuant to Section 13-4-306, Tennessee Code, no owner or agent of the owner of any land shall transfer or sell or agree to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat of a subdivision of such land without first having submitted a plat of such subdivision to the planning commission and obtained its approval as required by these regulations and having recorded such plat with the county register; provided, however, that the owner or agent of the owner of any land in the municipality may sell, transfer, or agree to sell any lot or lots shown on a plat having been approved by the planning commission as required by these regulations and stipulating, further, that the owner or agent posts surety instrument in a form and amount and with conditions and surety satisfactory to the planning commission providing for and securing to the public the actual construction and installation of required improvements and utilities within a period specified by the planning commission and expressed in the surety instrument.

The description by metes and bounds in the surety instrument of transfer or other document used in the process of selling or transfer shall not exempt any owner or agent violating the provisions of the preceding paragraph from the penalties or remedies provided in Sections 1-112.2 and 1-112.3, of these regulations.

1-112.105 Metes and Bounds Subdivisions

The subdivision of any lot or parcel of land by use of metes or bounds description without complying with the provisions of these regulations shall not be permitted. All such described subdivisions shall be subject to all of the requirements of these regulations.

1-112.106 Roads and Utilities

Pursuant to Section 13-4-307, Tennessee Code, the municipality shall not nor shall any public authority accept, layout, open, improve, grade, pave,

or light any street, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any street located within the municipality, unless such street shall have been accepted, opened, or otherwise, received the legal status of a public street prior to the attachment of the planning commission's jurisdiction or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the planning commission or on a street plat made by the planning commission; provided, however, that the municipal board may accept or lay out any other street or adopt any other street location, except that the ordinance or other measure for such acceptance, laying out, or adoption first shall be submitted to the planning commission for its approval and, if disapproved by the planning commission, shall receive the favorable vote of a majority of the entire membership of the municipal board. A street approved by the planning commission upon such submission or accepted, laid out, or adopted by the planning commission shall have the status of an approved street location as fully as though it originally had been shown on a subdivision plat approved by the planning commission or on a plat made and adopted by the planning commission. In case, however, of any state highway constructed or to be constructed in the municipality by the State of Tennessee with state funds as part of the state highway system, the submission to the planning commission shall be by the Tennessee Commissioner of Transportation, who shall have the power to overrule the disapproval of the planning commission.

1-112.107 Building Permits

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of any provision of these regulations.

1-112.108 Access to Lots by Street or Private Easement

Pursuant to Section 13-4-308, Tennessee Code, no building permit shall be issued and no building or structure shall be erected on any lot within the municipality, unless the street giving access to the lot upon which the building or structure is proposed to be placed shall have been accepted or opened or shall have, otherwise, received the legal status of a public street prior to the attachment of the commission's platting jurisdiction, or unless such street corresponds in its location and lines with a street plat made by the planning commission as prescribed in Subsection 1-112.106, of these regulations or on a subdivision plat approved by the planning commission or with a street located or accepted by the municipal board after submission to the planning commission, and in case of the planning commission's approval, by the favorable vote of a majority of the entire membership of the municipal board, or unless such lot fronts upon a permanent easement with access to an existing public highway, street, or thoroughfare; provided, however, that the provisions of this section relating to access shall not apply to subdivisions of property zoned commercial or industrial and that no building permit shall be withheld in such cases of noncompliance with this section. Provided, further, that when a permanent easement to a public street 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 thirty (30) 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. This section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private streets 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. Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure.

1-112.2 Penalties for Violations

1-112.201 Recording of Unapproved Plats

No county register shall receive, file, or record a plat of a subdivision within the planning region without the approval of the planning commission as required in Section 13-4-302, Tennessee Code, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. Any county register, receiving, filing or recording a plat of a subdivision in violation of Subsection 1-112.103, of these regulations, shall be deemed guilty of a violation of the above cited provision of the Tennessee Code.

1-112.202 Use of Unapproved Plats

Section 13-4-306, Tennessee Code, provides that whoever being the owner or agent of the owner of any land transfers, or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the planning commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; and the description by metes and bounds in the surety instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The city through its city attorney may enjoin such transfer or sale or agreement by action of injunction.

1-112.3 Civil Enforcement

1-112.301 General

Appropriate actions and proceedings may be taken in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages; to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise; these remedies shall be in addition to the penalties described in Subsection 1-112.2, of these regulations.

1-112.302 Specific Statutory Remedies

- A. **Use of Unapproved Plats** - The city, through its attorney or other official designated by the city council, may enjoin by action for injunction any transfer of, sale of, or agreement to sell any land in violation of Subsection 1-112.104, of these regulations.

- B. **Erection of Unlawful Buildings** - Where any building or structure is erected or being erected on any lot in violation of the road or easement frontage requirements of Subsection 1-112.109, of these regulations, the city building official or the city attorney or other official designated by the city council may bring action to enjoin such erection or cause the building or structure to be vacated or removed.

- C. **Enforcement of Surety Instruments** - Where a surety instrument is accepted in lieu of completion of subdivision improvements and utilities as provided in Section 1-112.104, and Chapter 3, of these regulations, the municipality may enforce such surety instrument in the manner prescribed by Chapter 3, of these regulations, or the attorney for the municipality may enforce such surety instrument by all appropriate legal and equitable remedies. The moneys collected on such surety instrument shall be paid into the municipal treasury and, upon the order of the planning commission, shall be applied to the construction and installation of all improvements and utilities covered under the surety instrument.

CHAPTER 2

PROCEDURES FOR PLAT APPROVAL

2-101 General Procedure

2-101.1 Plat Approval Requirements

Except, as otherwise, provided in Subsection 1-112.104, of these regulations, before any contract is executed for the sale of any parcel of land which is proposed to be subdivided and before any permit for the erection of any structure in a proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure the planning commission's approval of the proposed subdivision in accordance with the procedures of this chapter.

2-101.2 Classification of Subdivisions

The planning commission shall classify each subdivision proposal as either major or minor as defined herein.

2-101.201 Review Procedure

The subdivider shall follow the procedure described below in order to secure plat approval.

(1) Minor Subdivision

- (a) Preapplication conference with the Enforcing Officer and Planning Staff including submittal of a scale drawing or survey of the proposed subdivision for preliminary discussion and review.
- (b) Securing of approvals from other public agencies and any affected utility districts or companies.
- (c) Submittal of a final plat, prepared, in accordance with the specifications in Section 5-106, herein, for approval by the planning commissions.

(2) Major Subdivision

- (a) Preapplication conference on the subdivision with the planning commission and/or planning staff to the commission, generally including a sketch plat.
- (b) Submittal of a preliminary plat, prepared in accordance with Section 5-103, herein for planning commission approval.
- (c) Securing of approvals from other public agencies, including utilities.

- (d) Submittal of the final subdivision plat, prepared in accordance with Section 5-106, herein for planning commission approval.

2-101.3 Official Submission Date

For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the planning commission at which the public hearing on the final subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required in Section 13-4-304, Tennessee Code, for formal approval or disapproval of the plat shall commence.

2-101.4 Policy on Flood Prone Areas

In determining the appropriateness of land subdivision at any site containing a flood prone area, the planning commission, in reviewing any plat, shall consider the policy and purpose set forth in Section 1-104, of these regulations, and, additionally:

- (1) 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;
- (2) the danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others;
- (3) the adequacy of proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions;
- (4) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner;
- (5) the importance of the services provided by the proposed facility to the community;
- (6) the requirements of the subdivision for a waterfront location;
- (7) the availability of alternative locations not subject to flooding for the proposed subdivision and land uses;
- (8) the compatibility of the proposed uses with existing development or development anticipated in the foreseeable future;
- (9) the relationship of the proposed subdivision to the land development plan and the floodplain management program for the area;
- (10) the safety of access to the property for emergency vehicles in times of flood;

- (11) the expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site;
- (12) 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, streets, and bridges; and
- (13) the effect of the proposed subdivision upon the planning commission's participation in the National Flood Insurance Program, if such municipality is, or elects to be, in the program.

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-year flood level) shall be determined from the latest U. S. Corps of Engineers' study for Robertson County, including Greenbrier Municipality, and any subsequent revisions, thereto. 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.

In any instance in which the planning commission determines that a proposed subdivision may affect the flood height, velocity, or duration in any flood prone area outside its jurisdiction, the commission shall take all actions necessary and proper to ensure the coordinated review of the development with the appropriate governmental agencies of the affected area.

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 any zoning ordinance. The planning commission shall also ensure that development within any floodway fringe area (within the one hundred-year flood level) will be protected adequately against potential flood hazards by the methods prescribed in Chapter 4, of these regulations.

The planning commission shall disapprove the subdivision of any land containing a flood prone area when the commission determines that subdivision plans are not consistent with the policy stated in this section.

2-101.5 Special Provisions Governing Unit Ownership (Condominium) Subdivisions

2-101.501 General Provisions

- A. **Intent** -- This section is intended to augment the general legislation of Sections 66-27-101 through 66-27-123, Tennessee Code, entitled, "Horizontal Property Act", by providing supplemental rules and regulations for the implementation of the act, as specifically authorized in Section 66-27-121, Tennessee Code.
- B. **Applicability** -- Whenever a developer, the sole owner, or the co-owners of a building or buildings expressly declare through the

submission of a master deed, lease, or plat their desire to submit their property to a regime, as established and provided by Sections 66-27-101 through 66-27-123, Tennessee Code, wherein there is established a horizontal property regime, each such condominium or horizontal property regime created under the authority of these provisions for the purpose of sale or transfer of real property is subject to the provisions of these regulations.

2-101.502 Submission of Plat Required

Prior to the sale or transfer of any property incorporated in the property regime, the developer, sole owner, or co-owners of such property shall submit to the planning commission a subdivision plat of such property in the manner prescribed by this chapter; and such plat, if approved, shall be filed with the county register in the manner prescribed by this chapter.

2-101.503 Determination of Subdivision Type

Condominium subdivisions shall be classified by the planning commission during the plat review process as either horizontal condominiums or vertical condominiums as defined in Chapter 6, of these regulations.

2-101.504 Procedure

An applicant seeking approval of either a horizontal condominium subdivision or a vertical condominium subdivision shall proceed through the normal procedure for subdivision approval, as set forth in this chapter.

2-101.505 Contents of Plans and Documents

The plats, plans, and documents submitted by an applicant seeking approval of a horizontal condominium subdivision or a vertical condominium subdivision shall conform with the specifications set forth in Chapter 5, of these regulations.

2-102 Sketch Plat

2-102.1 Purpose of Sketch Plat

The subdivider may elect to submit a sketch plat for the preapplication conference with the planning commission. The sketch plat is to be a concept plan for design purposes and should be used to discover all factors which may have an impact on the proposed development and to advise the subdivider of various possibilities before substantial amounts of time and money have been invested in a detailed proposal which may contain elements contrary to these regulations.

2-102.2 Sketch Plat Requirements

The sketch plat should include:

- (1) A scale drawing of the property and owners of adjacent property.
- (2) Size of the original tract(s) being subdivided.

- (3) Notation of any existing legal rights-of-way or easements, or other encumbrances affecting the property.
- (4) Approximate topography of the site extended into adjacent properties.
- (5) Any areas which may be affected by flooding.
- (6) General road and lot pattern.
- (7) Proposed phasing, if any.

Additionally, a vicinity map should be provided showing the relationship of the property to the surrounding area, particularly the area's lot pattern, circulation and street pattern, existing public utilities, and drainage characteristics.

2-102.3 Approval of Sketch Plat

If a sketch plat is submitted for planning commission approval, the number of copies required and timing of the submission shall be as for a preliminary plat. Approval of the plat shall constitute authorization to prepare detailed plans and specifications.

2-102.4 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.

2-103 Preliminary Plat (Major Subdivisions Only)

2-103.1 Application Procedure and Requirements

The applicant shall file with the planning commission a preliminary plat. The failure of the applicant to satisfy the requirements of this section with full and correct information shall be cause for disapproval of a preliminary plat. The preliminary plat application shall:

- (1) Be made in duplicate on forms available at Greenbrier City Hall.
- (2) Include all land which the applicant proposes to subdivide and all land immediately adjacent, extending two hundred (200) feet, therefrom, or of that directly opposite, thereto, extending two hundred (200) feet from the road frontage of such opposite land. The lot pattern of surrounding development shall be shown within that area located within two hundred (200) feet of the proposed development;
- (3) Be accompanied by a minimum of four (4) copies of the preliminary plat as described herein. The copies shall be distributed at least seven (7) days prior to the planning commission meeting at which the plat is to be considered as follows: One (1) copy to the planning commission, one (1) copy to the appropriate municipal representative, one (1) copy to the staff planner, and one (1) copy for permanent files.

- (4) Be accompanied by a minimum of three (3) copies of construction plans as described in Section 5-105, of these regulations, if deemed necessary by the planning commission.
- (5) Be presented to a designated planning commission representative at least fifteen (15) days prior to a regular officially opened meeting of the planning commission.

2-103.2 Administrative Review

An administrative review meeting shall be conducted on the preliminary plat, construction plans, and any exhibits submitted in conformance with these regulations. This review shall include the staff planner for the planning commission and any other appropriate official. The review meeting shall be held prior to the regularly scheduled planning commission meeting at which the plat is to be reviewed. The findings of the review meeting shall be presented to the planning commission.

With expert assistance, when necessary, the subdivider shall prepare a report, on any proposed subdivision containing or abutting a flood prone area which:

- (1) Estimates the discharge of the regulatory flood.
- (2) Determines the specific flooding threat at the site of the proposed subdivision and determines whether the subdivision is located in a floodway or floodway fringe area by:
 - (a) Calculation of water surface elevations and regulatory flood protection elevations based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood;
 - (b) Computation of the floodway required to convey the regulatory flood without increasing natural flood heights of the regulatory flood more than one (1) foot at any point. Staff representatives from the Corps of Engineers may be consulted in order that these data be accurately derived.
 - (c) Computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. No increase in flood storage attributable to encroachments on the floodplain of any river or stream shall be permitted in any one reach or for the cumulative effect of several reaches.

2-103.3 Notice of Hearing

The planning commission shall hold a hearing as required by Section 13-4-304, Tennessee Code, on each plat brought before it.

2-103.4 Preliminary Approval

After the planning commission at the public hearing has reviewed the preliminary plat, construction plans, exhibits, and the results of administrative review, the applicant shall be advised of any required changes or additions. 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 public hearing on preliminary approval, including adjourned date, thereof, is closed.

The failure of the planning commission to act upon a preliminary plat within the prescribed time period shall be deemed preliminary approval of the plat, and in such event, a certificate of preliminary approval shall be issued by the secretary of the planning commission, upon demand, and the applicant may proceed to apply for final subdivision plat approval in the manner prescribed by Section 2-104, of these regulations.

After the planning commission approves, conditionally approves, or disapproves the preliminary plat, one (1) copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval, and the reasons therefor accompanying the plat. If a preliminary plat is disapproved the planning commission shall state specific reasons for disapproval which shall be entered into the minutes of the meeting.

Before the planning commission approves a preliminary plat showing park reservation or for other public use proposed to be dedicated to the municipality, the planning commission shall obtain approval of the park or land reservation from the appropriate governmental agency.

2-103.5 Public Improvements

The planning commission may require that all 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 public improvements be installed and dedicated prior to signing of the final subdivision plat, an adequate surety instrument shall be approved. The amount of such surety instrument shall be established by the planning commission based upon the recommendation of the appropriate municipal representative designated by the mayor or municipal board to receive cost bids from two (2) or more independent contracting firms equal to the cost of all necessary improvements, plus an additional ten (10) percent to cover inflation. It is the subdivider's responsibility to furnish these estimates to the planning commission. Such surety instrument shall be submitted by the applicant at the time of application for final subdivision plat approval. The planning commission shall require the applicant to indicate on the plat all roads and public improvements to be dedicated; all districts for water, fire, and utility improvements which shall be required to be established or extended; and any other special requirements deemed necessary by the planning commission in order for the subdivision plat to conform to the major street plan and the land development plan for the municipality.

2-103.6 Effective Period of Preliminary Approval

The approval of a preliminary plat shall be effective for a period of eighteen (18) months, at the end of which time final approval of the subdivision plat must have been obtained from the planning commission, although the plat need not have been signed and filed with the county register. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to submit a new plat for approval subject to any zoning ordinance provisions and the subdivision regulations

2-103.7 Zoning Regulations

Every plat shall conform to any existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the zoning ordinance or these regulations rendering the plat nonconforming as to bulk, use, or development standards, provided, that final approval is obtained within the effective period of preliminary approval set forth in Subsection 2-103.6, above.

2-104 Final Subdivision Plat (Minor and Major Subdivisions)

2-104.1 Application Procedure and Requirements

A subdivider shall file with the planning commission an application for approval of a final plat. The plat shall:

- (1) Be made on forms available at Greenbrier City Hall.
- (2) Include the entire subdivision, or section thereof, for which final approval is sought.
- (3) Be accompanied by a minimum of four (4) copies of the final subdivision plat as described herein. Distribution of the copies shall be as in Subsection 2-103.1, (3).
- (4) Comply substantially with the preliminary plat, where such plat is required.
- (5) Be presented to a designated planning commission representative at least twenty-one (21) days prior to the regular meeting of the commission at which it is to be considered. **(Changed number of days on May 13, 2003)**
- (6) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, and municipal uses, utilities, parks, and easements, in a form approved by municipal attorney, as applicable; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as shown in Chapter 5, of these regulations.).
- (7) Be accompanied by a surety instrument, if required, in a form satisfactory to the municipal attorney and in an amount satisfactory to the planning commission upon recommendation by the appropriate municipal representative and shall include provisions that the principal of the surety instrument shall comply with all the terms of the resolution of final subdivision plat approval, as determined by the planning commission,

including, but without limitations, the performance of all required subdivision and offsite improvements, and that all improvements and land included in the irrevocable offers of dedication shall be dedicated to the municipality free and clear of all liens and encumbrances on the premise(s);

- (8). Be accompanied by written assurance from any public utility companies serving the area of the subdivision that necessary utilities will be installed and by proof that the applicant has submitted petitions in writing for the creation or extension of any utility districts as required by the planning commission upon preliminary plat approval.
- (9) Be accompanied, if the final plat contains open space, or recreational facilities, or if any portion of the site is in common ownership, by the following documentation for approval by the planning commission and recording with the final plat:
 - (a) Plans for improvement and maintenance of the open space or facilities located thereon.
 - (b) Where open space or facilities are to be deeded to a co-owners association or similar organization acting on behalf of the joint owners of said property; articles of incorporation and by-laws of the co-owners association or other legal entity charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision.
 - (c) Where open space or facilities are to be retained by the developer, declaration of covenants and restrictions pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended.

2-104.2 Endorsement of Notations

The notations and certifications required by Subsection 5-106.3, of these regulations, to appear upon the final plat shall be endorsed by appropriate officials and other persons prior to application for final subdivision plat approval, except that the certificate of planning commission approval shall be signed at the time specified in Section 2-105, of these regulations. The application for final approval shall not be deemed properly submitted until these signed certifications appear upon the plats submitted with the final application.

2-104.3 Hearing and Decision on Final Plat

The planning commission shall hold a hearing as required by Sections 13-4-304 and 13-4-404, Tennessee Code, on each final plat brought before it. The planning commission shall, within thirty (30) days after submission of the plat, approve, modify, or disapprove the final subdivision plat by resolution, which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval. In no event shall the period of time stipulated by the planning commission for completion of required improvements exceed one (1) year from the date of final resolution.

Failure of the planning commission to act upon a plat within the prescribed time shall be deemed approval of the plat, and in such event, a certificate of approval, entitling the subdivider to proceed as specified in Subsection 2-104.4 and Section 2-105, of these regulations, shall be issued, upon demand, by the secretary of the planning commission. The applicant, however, may permit an extension of the time permitted for planning commission review.

One (1) copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon, along with the reasons for any disapproval.

2-104.4 Vested Rights

No vested rights, if any, 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 particular subdivision or to all subdivisions generally, shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the secretary of the planning commission. Where the planning commission has required the installation of improvements prior to the signing of the final plat, the planning commission shall not modify unreasonably the conditions set forth in the resolution of final approval.

2-105 Signing and Recording of Subdivision Plat

2-105.1 Signing of Plat

- (1) When a surety instrument is required, the secretary of the planning commission shall endorse approval on the plat after the surety instrument has been approved by the planning commission and after all the conditions of the resolution pertaining to the plat have been satisfied.
- (2) When installation of improvements is required, the secretary of the planning commission shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the municipality as shown on certifications by the appropriate municipal representative (usually the municipal engineer or specific utility superintendent) that the necessary dedications of public lands and improvements have been accomplished.
- (3) When the conditions of this section are satisfied, the secretary shall sign the tracing cloth and/or a permanent reproducible original of the subdivision plat. The mylar or other reproduction shall be returned to the applicant's engineer.

2-105.2 Recording of Plat

It shall be the responsibility of the developer to file plat with the county register's office within sixty (60) days of the date of signature. When the plat is filed, the developer simultaneously shall record the agreements of dedication together with such legal documents as the municipal attorney may require to be recorded.

2-105.3 Sectionalizing Major Subdivision Plats

Prior to granting final approval of a major subdivision plat, the planning commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of each section as it may deem necessary to assure the orderly development of the subdivision. The planning commission may require that a surety instrument be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required surety instrument principal amount until the remaining sections of the plat are offered for filing. The developer also may file irrevocable offers to dedicate streets and improvements in the section offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the planning commission, shall be granted concurrently with final approval of the plat. Such authorized sections must contain at least ten (10) percent of the total number of lots contained in the proposed plat unless a specific waiver of this requirements is granted by the planning commission.

CHAPTER 3

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

3-101 Improvements and Surety Instrument

3-101.1 Completion of Improvements

Before the final subdivision plat is signed by the planning commission officer specified in Subsection 2-105.1, 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 street, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations and approved by the planning commission, and shall dedicate such improvements to the municipality free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

3-101.2 Surety Instrument (Amended by Resolution No. 2002-03, January 14, 2003)

The Planning Commission at its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plat by providing that, as an alternative, the applicant post a surety instrument (Letter of Credit) at the time of submission for final subdivision approval in an amount estimated by the Planning Commission as sufficient to guarantee to the City of Greenbrier that satisfactory construction, installation, and dedication of the incomplete portion of required improvements. (See Subsection 2-103.5).

Such surety instrument (Letter of Credit) shall comply with all statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Planning Commission in the resolution approving the final subdivision plat and shall be incorporated in the surety instrument and which shall not exceed two (2) years from date of final approval.

Such surety instrument (Letter of Credit) shall be approved by the Planning Commission as to amount plus five (5) percent per year to cover inflation and any conditions imposed by the planning commission. The Planning Commission may, upon proof of difficulty, extend the completion date set forth in such surety instrument (Letter of Credit) for a maximum period of one (1) additional year. The Planning Commission may accept at any time during the period of such surety instrument (Letter of Credit) a substitution of principal.

3-101.3 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 specified by the planning commission. Prior to

construction of any temporary facility or improvement, the applicant shall file with the municipality a separate suitable surety instrument for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

3-101.4 Costs of Improvements

All required improvements shall be made by the applicant at his expense. Any provisions for reimbursement by the municipality or any utility agency shall be stipulated clearly in the provisions of any surety instruments.

3-101.5 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 chapter.

3-101.6 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 approval shall be deemed 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 municipality 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.

3-101.7 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of streets, easements, and parks shall be by formal action of the municipal board. Such action shall be in the form of a resolution recommended by the planning commission to the municipal board. The approval by the planning commission of a subdivision plat shall not be deemed to constitute or imply an acceptance by the municipality of any street, easement, or other ground shown on the plat. The planning commission may require the plat to be endorsed with appropriate notes to this effect.

3-102 Inspection of Improvements

3-102.1 General Procedure

The planning commission may provide for inspection of required improvements during construction and ensure their satisfactory completion. If the appropriate municipal representative finds upon inspection that any of the required improvements have not been constructed in accordance with the government'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.

3-102.2 Release or Reduction of Surety Instrument

3-102.201 Certificate of Satisfactory Completion

The municipal board shall not accept dedication of required public improvements nor release nor reduce a surety instrument until the appropriate municipal 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 municipal representative (through submission of a detailed "as built" survey of the subdivision 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 is 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 Subsections 1-112.106 and 3-101.7, of these regulations.

3-102.202 Reduction of Surety Instrument

A surety instrument may be reduced upon actual dedication and acceptance of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a surety instrument be reduced below twenty-five (25) percent of the principal amount prior to final acceptance of all items covered under the surety instrument.

3-103 Maintenance Surety Instrument (Amended by Resolution No. 2002-03, January 14, 2003)

The applicant shall be required to maintain all improvements including all lot improvements, until acceptance of the all public improvements by the Greenbrier Board of Mayor and Aldermen.

The applicant will be required to file a maintenance surety instrument equal to twenty-five (25) percent of the cost of the improvements with the Planning Commission prior to the offer of dedication determined by the appropriate governmental representative and in a form satisfactory to Greenbrier City 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 and the City Board

3-104 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 municipality prior to signing of the final subdivision plat by the appropriate municipal representative(s) or post a surety instrument or other surety instrument ensuring completion of said improvements upon demand of the municipality.

3-105 Escrow Deposits for Lot Improvements

3-105.1 Acceptance of Escrow Funds

Whenever, by reason of the season of the year, any lot improvements required by these regulations cannot be performed, the building inspector, 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 is no danger to the health, safety, or general welfare, upon accepting a cash escrow deposit in an amount to be determined by the appropriate municipal representative for the cost of such improvements. The surety instrument covering such lot improvements shall remain in full force and effect.

3-105.2 Procedures on Escrow Fund

All required improvements for which escrow moneys have been accepted by the building inspector 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 building inspector shall provide written notice of 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 building inspector, he may request the municipality 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 building inspector, prior to obtaining the certificate of occupancy, a notarized statement from the purchaser(s) of the premise authorizing the building inspector 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.

3-106 Issuance of Building Permits and Certificates of Occupancy (Amended by Resolution No. 2006-02, March 14, 2006 and Resolution No. 06-04, July 11, 2006

- A. Where a performance bond has been required for a subdivision, or any section of a subdivision, no applicable building permit or certificate of occupancy for any building in the subdivision or section thereof shall be issued prior to the completion of improvements as set forth below.

Building permits shall not be issued for any lot prior to completion of the required improvements for street base stone and utilities as set forth in these regulations. These improvements include:

1. All underground utility conduit located in the public right-of-way (if applicable)
2. Sanitary sewer facilities
3. Storm sewer basins facilities
4. Water system facilities
5. Property line and building envelope markers have been installed by a licensed surveyor and have been approved by the appropriate official.
6. All drainage and erosion control improvements are installed in accordance with the minimum standards set forth in these regulations and are approved by the City.
7. All streets and designated cul-de-sacs (temporary and permanent) shall be constructed to the minimum standards for base stone as set forth in these regulations, including all required tests established in these regulations, and approved by the City.

Certificates of occupancy (CO's) shall not be issued until the binder and curbing has been installed, tested, and approved by the appropriate authority of the City.

- B. No building permits shall be issued for the final ten (10) percent of lots in a subdivision, or if ten (10) percent be less than two (2) lots, for the final two (2) lots of a subdivision, until the final coat of asphalt is applied by the developer.

(Chapter 4, Amended in its Entirety by Resolution No. 98-2, April 14, 1998)

CHAPTER 4

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

4-101 General Requirements

4-101.1 Conformance to Applicable Rules and Regulations

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

- (1) all applicable provisions of Tennessee Law, regulations, or policy;
- (2) any zoning ordinance, any building and housing codes, and all other applicable laws or policies of the planning commission;
- (3) the adopted general plan and major road or street (public way) plan;
- (4) the rules of the county health department and the Tennessee Department of Environment and Conservation;
- (5) the rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, if the subdivision or any lot contained therein abuts a non local highway; and
- (6) the standards and regulations adopted by all other boards, commissions, and agencies of the planning commission, where applicable.

Plat approval may be withheld if a subdivision is not in conformity with the above rules or with the provisions set forth in Section 1-104, of these regulations.

4-101.2 Self-Imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by any zoning ordinance or these regulations, such restrictions or reference thereto shall be recorded with the county register on a separate form, along with the final subdivision plat in the office of the county register.

4-101.3 Monuments (Amended by Resolution 03-01, July 8, 2003)

Permanent monuments of non-degradable material shall be placed in all subdivisions. Placement of the monuments shall be to the accuracy of a Category I, Survey, as defined by the Tennessee Board of Examiners for Land

Surveyors in the current Standards of Practice and a statement to this effect shall be signed and sealed by a professional land surveyor licensed to practice land surveying in the State of Tennessee. All monuments will conform to the appropriate type of monument

1. **Control Monuments** - A minimum of two (2) control monuments shall be placed in all major subdivisions (as defined by these regulations). At the discretion of the Planning Commission, control monuments will generally not be required within minor subdivisions (as defined by these regulations) when the subdivision occurs along existing streets, however, the Planning Commission shall retain the right to require control monuments within minor subdivisions where flooding or other extraordinary conditions are found to exist.

All control monuments shall be placed in areas least likely to be disturbed, preferably at the beginning or end of curves along the street right-of-way, and shall be visible with at least one other control monument within the subdivision. Control monuments shall be placed only after all street construction is complete and curbs have been backfilled or drainage ditches cut and stabilized.

The recorded plat shall contain horizontal and vertical data for each control monument. The horizontal data shall be tied to a coordinate system, preferably the Tennessee Coordinate System of 1983, as defined in TCA, 66-6-101, however, local coordinates will, at the discretion of the enforcing officer, be acceptable when it is not practical to use the Tennessee Coordinate System. In either case each control monument will be tied, by bearings expressed to the nearest second of arc distances expressed to the nearest hundredth of a foot, to a minimum of two (2) property corners within the subdivision and to the nearest established street right-of-way corner. The vertical datum for the subdivision shall be relative to the mean sea level and the datum used, (i.e., NGVD29, NAVD88) shall be noted and shown on the recorded plat.

The following types of monuments, either of which will be acceptable, can be used as a control monument.

- a. **Concrete Monument** - Shall be no less than four (4) inches in diameter and no less than eighteen (18) inches in length, unless some impregnable material is encountered. The monument must be steel reinforced to facilitate detection by a magnetic locator. The monument shall have a metal cap with the Land Surveyor's name and license number, or company name embedded in the cap and bear a permanent mark for the precise survey point.
- b. **Iron Bar Monuments** - Shall be no less than 5/8 inch in diameter and no less than twenty-four (24) inches in length, unless some impregnable material is encountered. Each bar shall have a permanent metal cap with a minimum diameter of two (2) and one half (1/2) inches with the land Surveyor's name and license number, or company name embedded in the cap (See Appendices, Drawing 14, Iron Bar Monument Detail) and bear a permanent mark for the precise survey point.

All monuments shall be set flush with the ground. In the case where impregnable material is encountered the iron bar monument may be shortened to a minimum of twelve (12) inches. Concrete is then to be poured in a three (3) inch radius around the bar and to the depth of twelve (12) inches. When depth of soil is less than twelve (12) inches, a new location for the control monument must be established.

2. **Lot Corners** - Metal corner shall mark all external property corner, internal lot corners and right-of-way points. These corners shall be no less than 1/2 inch in diameter and eighteen (18) inches in length. All new corners shall have a cap of noncorrosive material and the cap shall bear the surveyor's registration number or company name.
3. **Witness Corner** - Lot corners that are inaccessible for any reason shall have a witness corner. The witness corner should be set along one of the property lines leaving said lot corner to be monumented and shall be sufficient distance from the actual lot corner so as there can be no misinterpretation of its location. The witness corner and its tie to the actual lot corner shall be shown and identified on the recorded plat. A witness corner shall be no less than 1/2 inch in diameter, eighteen (18) inches in length and shall have a cap of non-corrosive material and the cap shall bear the surveyor's registration number of company name.

4-101.4 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:

- (1) 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; and
- (2) 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.
- (3) installation of flood warning systems.
- (4) the use of fill, dikes, levees, and other protective measures.

- (5) the use of floodproofing measures, which may include:
- (a) anchorage to resist flotation and lateral movement.
 - (b) installation of watertight doors, bulkheads, shutters, or other similar methods of closure.
 - (c) reinforcement of walls to resist water pressures.
 - (d) use of paints, membranes, or mortars to reduce seepage through walls.
 - (e) addition of mass or weight to structures to resist flotation.
 - (f) installation of pumps to lower water levels in structures.
 - (g) construction of water supply and waste treatment systems so as to prevent the entrance of or contamination of flood waters.
 - (h) installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.
 - (i) building design and construction to resist rupture or collapse caused by water pressure of floating debris.
 - (j) installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and stormwater into buildings or structures.
 - (k) location and installation of all electrical equipment, circuits, and appliances so that they are protected from inundation by the regulatory flood.
 - (l) 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.

The acceptability of any flood protection methods formulated by the subdivider or his agent shall be determined by the planning commission, which shall be guided by the policies set forth in Section 1-104 and Subsection 2-101.4, of these regulations.

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.

4-101.5 Subdivision Name

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations. The planning commission shall have authority to designate the name of the subdivision which shall be determined at sketch or preliminary plat approval.

4-102 Lot Requirements

4-102.1 Lot Arrangement

4-102.101 General

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, flood hazards, or other conditions in securing building permits to build on all lots in compliance with any zoning ordinance and state and county public health department regulations and in providing driveway access to buildings on such lots from an approved public way.

4-102.102 Solar Access

Where reasonably feasible lot arrangement shall be such that building sites will afford maximum utilization of energy conservation measures, such as providing for solar access.

4-102.103 Lots Subject to Flood

Where a lot in any flood prone area must be improved to provide a building site free from flooding, such improvements shall be made outside the floodway by elevation or fill to at least the regulatory flood protection elevation (one hundred-year flood) for a distance extending at least twenty-five (25) feet beyond the limits of intended structures and, additionally, extending a sufficient distance to include areas for subsurface sewage disposal if the lot is not to be connected to a public sanitary sewer system. Any fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the planning commission.

In nonresidential building sites outside a floodway but subject to flooding, the use of structural floodproofing methods specified in Subsection 4-101.4, of these regulations, as an alternative to landfill, may be approved by the planning commission, as provided in Subsection 2-101.4, of these regulations.

4-102.104 Lots Located on Steep Slopes

Due to the potential threat to health and safety posed by development located on lands with slopes in excess of fifteen (15) percent, the following regulations shall apply.

a. Site Development Plan Required

No building permit shall be issued for a building or any lot with slopes fifteen (15) percent or over until a site plan meeting the following requirements has been approved by the planning commission. Said site plan shall show:

- (i) The exact size, shape, and location of the lot,
- (ii) The proposed location of all buildings, driveways, drainageways, and utilities,
- (iii) Proposed contours at vertical intervals of no more than five (5) feet,
- (iv) The extent of natural tree cover and vegetation,
- (v) The location of any onsite soil absorption sewage disposal systems,
- (vi) The type and location of erosion control methodology.
- (vii) The surveyor's or engineer's stamp that prepared the plan,
- (viii) Certification as to the stability of the structures and slope and compliance with sound construction methods for areas with steep slopes and landslide problems by a registered civil or geotechnical engineer.

b. Site Development Standards

The following standards shall be used as a guide in determining the suitability of the construction proposed for the particular site in question. The engineer's certification required in Subsection 4-102.104, a, (viii), above, shall address these standards.

- (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 slope 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 all 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.

4-102.2 Lot Dimensions

Lot dimensions shall comply with the minimum standards of any zoning ordinance, where applicable. Where lots are more than double the minimum area required by any zoning ordinance, the planning commission may require that such lots be arranged so as to allow further subdivision and the opening of future public ways where they would be necessary to serve such potential lots, all in compliance with any zoning ordinance and these regulations. Generally side lot lines shall be at right angles to street lines or radial to curving street lines.

The minimum lot frontage on a public way shall be fifty (50) feet, except for radius of a cul-de-sac which shall be forty (40) feet.

Dimensions of the corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback requirements from both public way rights-of-way.

Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, and as established in any zoning ordinance.

4-102.3 Building Setback Lines

In the case of electric transmission lines where easement widths are not definitely established, a minimum building setback line from the center of the transmission line shall be established as follows:

<u>Voltage of Line</u>	<u>Building Setback</u>
7.2 KV	15 feet
13 KV	25 feet
46 KV	37 1/2 feet
69 KV	50 feet
161 KV	75 feet

4-102.4 Double Frontage Lots and Access to Lots

4-102.401 Double Frontage Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation.

4-102.402 Access from Arterial or Collector Public Ways

The planning commission may require that lots shall not derive access exclusively from arterial or collector public ways. Where driveway access from such public ways may be necessary for several adjoining lots, the planning commission may require that the lots be served by a combined access drive in order to limit possible traffic hazards. Driveways shall be designed and arranged so as to avoid requiring vehicles to back onto arterial or collector public ways.

4-102.5 Soil Preservation, Grading, Erosion Control, and Seeding

4-102.501 Soil Preservation and Final Grading

No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved construction plan and the lot precovered with soil having an average depth of at least six (6) inches and containing no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets or where the grade has not been changed or natural vegetation seriously damaged.

Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between any sidewalks and curbs, and be stabilized by seeding or planting.

4-102.502 Lot Drainage

Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area which includes subsurface drainage. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

The planning commission reserves the right to set minimum elevations on all floors, patios, and building equipment. This prerogative to establish elevation exists in addition to any ordinances that refer to floodplain elevation requirements. The content of the preceding paragraph is to give summary review powers over any calculated or historical evidence of storm water presence in overland or channel conditions.

The subdivision developer will insure that all artesian ground waters of a permanent or temporary nature will be intercepted and carried away to primary drainage conduits along swales ditches or in underground pipes on property line easements. Regardless of the location of property lines, intercept will be allowed by the planning commission at the point of artesian surfacing. The intent of this paragraph is to prevent flooding by overland flow. 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 serve at any time as a means of moving ground water into the subterranean serves will be protected by structure as approved by the planning commission. The allowed alternative to this is the construction of an alternative means of storm water relief as approved by the planning commission. In any event, location and elevation of future construction will be designated to allow for the worst possible conditions.

4-102.503 Erosion and Sediment Control

There shall be a minimization of changes in the rate of natural erosion and sedimentation which result from the development process. An erosion and sediment control plan shall be presented with the construction plans submitted in conformance with Section 5-103, of these regulations. Such plans shall incorporate the following principals:

- (a) clearing and grading shall be integrated with layout design;
- (b) clearing shall be minimized and existing vegetation shall be preserved to the maximum feasible degree;
- (c) grading shall be strictly limited to those areas involved in current construction activities;
- (d) disturbed areas shall be protected and stabilized as soon as possible;
- (e) structural and vegetative measures to control the velocity and volume of runoff shall be required;
- (f) sediment basins and traps shall be required as necessary;
- (g) adequate maintenance of all planting and structures measures shall be assured.

4-102.6 Debris and Waste

No cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot or public way at the time of the issuance of a certificate of occupancy for the lot, and removal of such

waste shall be required prior to issuance of any certificate of occupancy. Neither shall any such waste be left nor deposited in any area of the subdivision at the time of expiration of the surety instrument or dedication of public improvements, whichever is sooner.

4-102.7 Fencing

Each subdivider or developer shall be required to furnish and install all fences wherever the planning commission determines that a hazardous condition exists. Such fences shall be constructed according to standards established by the planning commission, as appropriate, and shall be noted on the final plat as to height and required materials. No certificate of occupancy shall be issued for any affected lot until such fence improvements have been installed.

4-102.8 Water Bodies and Watercourses

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The planning commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a governmental responsibility.

No more than ten (10) percent of the minimum area of a lot required under any zoning ordinance may be satisfied by land which is under water. Where a watercourse separates a buildable area of a lot from the public way by which it has access, provisions shall be made for installation of a culvert or other structure approved by the planning commission and no certificate of occupancy shall be issued for a structure on such a lot until the installation is completed and approved by the planning commission and/or the appropriate governmental representative.

4-103 Public Ways

4-103.1 General Requirements

4-103.101 Frontage on Improved Public Ways

No subdivision shall be approved unless the area to be subdivided shall meet the requirements for access set forth in Subsection 1-112.108, of these regulations. If any new street construction or improvements are involved, such shall be approved and, where public, dedicated as provided in Chapters 1 and 2, of these regulations. Any such public way must be suitably improved to the standards required by this chapter or be bonded by a surety instrument required under these regulations, with the roadway and right-of-way widths required by this chapter or the major street or road plan.

4-103.102 Grading and Improvement Plan

Public ways shall be graded and improved to conform to the standards required by this section 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 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.

4-103.103 Improvements in Floodable Areas

The finished elevation of proposed public ways subject to flood shall be no more than one (1) foot below 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.

4-103.104 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 each and 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.

4-103.105 Topography and Arrangement

- (a) 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. A combination of steep grades and curves shall not be permitted. Specific design standards are contained in Subsection 4-103.2, of these regulations.
- (b) The use of public ways running in a east-west direction and lots on a north-south axis is encouraged for energy conservation of developments.
- (c) 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 street or road plan or the land development plan.
- (d) 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.

- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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.

4-103.106 Blocks

- (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width may be permitted in blocks adjacent to major public ways, railroads, or waterways.
- (b) The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (i) provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - (ii) any zoning requirements as to lot sizes and dimensions;
 - (iii) needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic; and
 - (iv) limitations and opportunities of topography.
- (c) Block lengths in residential areas shall not exceed sixteen hundred (1,600) feet nor be less than two hundred (200) feet, except as the planning commission deems necessary to secure efficient use of land or desired features of the public way pattern. Wherever practicable, blocks along arterial or collector routes shall not be less than one thousand (1,000) feet in length.

- (d) Blocks designed for industrial or commercial uses shall be of such length and width as may be deemed suitable by 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, and/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.

4-103.107 Access to Arterials and Collectors

Where a subdivision borders on or contains an existing or proposed arterial or collector route, the planning commission may require that access to such public way be limited by:

- (a) the subdivision of lots so as to back on the arterial or collector route and front on a parallel minor route;
- (b) a series of cul-de-sac, "U" shaped public ways, or short loops entered from and designed generally at right angles to such a parallel public way, with the rear lines of their terminal lots backing onto the arterial or collector route; or
- (c) a marginal access or service public way, separated from the arterial or collector route by a planting or grass strip and having access thereto at suitable points.

The number of residential or local public ways entering on arterial or collector routes shall be kept to a minimum.

4-103.108 Reserve Strips

The creation of reserve strips adjacent to a proposed public way in such a manner as to deny access from adjacent property to such public way shall generally not be permitted.

However, in extraordinary circumstances the planning commission may allow creation of a reserve strip to enable a more appropriate pattern of lots or public ways. Where such is created the planning commission must agree to any and all future depositions of same. A notation to this effect shall be entered on the final plat or approved as an auxiliary instrument attached thereto.

4-103.109 Arrangement of Continuing and Dead-End Public Ways

(a) Arrangement of Continuing Public Ways

The arrangement of public ways shall provide for the continuation of major public ways between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and when such continuation is in accordance with the major street or 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 turnabout shall be provided on all temporary dead-end public ways as required in the following turnabout 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.

(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 turnabout 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 in length in accordance with the design standards of these regulations.

4-103.2 Design Standards

4-103.201 Purpose

In order to provide public ways of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, sanitation, and road-maintenance equipment, and to coordinate public ways so as to compose a convenient and safe system and avoid undue hardships to adjoining properties, the public way design standards set forth in this section are hereby required. (Public way classification shall be as indicated on the land development plan or major street or road plan; otherwise, the public way shall be classified by the planning commission according to the definitions in Chapter VI, of these regulations.)

4-103.202 General Design

The general design of all public ways shall conform to the standards in the tables entitled "General Design Standards for Public Ways", which follow, hereafter.

4-103.203 Intersections

- (a) Public ways shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new public ways at an angle of less than seventy-five (75) degrees shall not be permitted. An oblique public way should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) public ways shall intersect at any one point unless specifically approved by the planning commission.
- (b) Proposed new intersections 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 fifty (150) feet shall not be permitted, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where public ways intersect arterial or collector routes, 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 ways shall be twenty-five (25) feet, and minimum curb radius at an intersection involving a collector public way shall be thirty (30) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- (d) Where a public way intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such 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 wherever practical. 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, measured from the nearest right-of-way line of the intersecting public way.
- (f) The cross-slope on all public ways, including intersections, shall be three (3) percent or less.

**GENERAL DESIGN STANDARDS FOR PUBLIC WAYS (Amended by Reso. #05-01
July 12, 2005)**

IMPROVEMENT	RESIDENTIAL PUBLIC WAY	NONRESIDENTIAL PUBLIC WAY (INDUSTRIAL, COMMERCIAL: OTHER)
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Minimum Right-of-Way Width (in Feet)

Minor	50	60
Collector	60	60 or (See *Below)
Arterial	*	*

Minimum Width of Roadway or Paved Area (in Feet) not Including Parking Requirements

	<u>Ditch Section</u>	<u>Curb & Gutter</u>	<u>Ditch Section</u>	<u>Curb & Gutter</u>
Minor	20	22	24	30
Collector	24	24	28	38
Arterial	(See * Below)			(See * Below)

Maximum Percentage Grade

Minor	10	6
Collector	7	6
Arterial	6	5

Pavement Crown

The paved surface shall slope downward from the centerline of the street outward to the edge of the paved surface on each side 2/5ths of an inch per foot.

Minimum Center Line Radius of Curve (in Feet)**

Minor	100	200
Collector	250	300
Arterial	500	500

* As determined by appropriate governmental representative.

** Applies where a deflection angle of 15 degrees or more in the alignment of pavement occurs.

GENERAL DESIGN STANDARDS FOR PUBLIC WAYS (Continued)

IMPROVEMENT	RESIDENTIAL PUBLIC WAY	NONRESIDENTIAL PUBLIC WAY (INDUSTRIAL, COMMERCIAL: OTHER)
<u>Minimum Length of Vertical Curves</u>		
Minor	100 feet, but not less than 20 feet for each algebraic difference in grade.	
Collector	100 feet, but not less than 20 feet for each algebraic difference in grade.	
Arterial	300 feet, but not less than 50 feet for each algebraic difference in grade.	
<u>Minimum Length of Tangents Between Reverse Curves (in Feet)</u>		
Minor	100	200
Collector	100	200
Arterial	300	400
<u>Minimum Sight Distance (in Feet)*</u>		
Minor	200	250
Collector	240	250
Arterial	300	400
Intersection	Across Corners 75 Feet Back	Across Corners 75 Feet Back
<u>Minimum Turnaround on Cul-de-sacs on Minor Public Ways (in Feet)</u>		
Right-of-Way Diameter	100	160
Pavement Diameter	80	140
<u>Length of Cul-de-sac</u>		
Permanent	1,000 Feet	
Temporary	1,200 Feet	
<u>Minimum Radius (in Feet) of Return at Intersections</u>		
At Right-of-Way	25	30
At Pavement	30	50

* The sight distance is measured from a point 4 1/2 feet above the center line of the roadway surface to a point 4 inches above the center line of the roadway surface.

4-103.204 Excess Right-of-Way

A slope easement in excess of the right-of-way designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be less than three to one (3:1). Where solid rock is encountered slopes shall be one-half to one (1/2:1).

4-103.205 Railroads and Limited Access Highways

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

- (a) In residential areas, a buffer strip at least twenty-five (25) feet in depth in addition to the normally required depth of the lot may be required adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening; the placement of structures hereon 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 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 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.

4-103.206 Bridges

Bridges of primary benefit to the subdivider, as determined by the planning commission, shall be constructed at the full expense of the subdivider without reimbursement from the planning commission. The sharing of expenses for the construction of bridges not of primary benefit to the subdivider, as determined by the planning commission, shall be fixed by special agreement between the planning commission and the subdivider. The cost shall be charged to the subdivider pro rata as to the percentage of his development so served.

4-103.3 Right-of-Way Width Dedication on Existing Public Ways

Where a subdivision adjoins an existing narrow public way or where the major street or 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:

- (1) the entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing public way; or
- (2) 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.

4-103.4 Public Way Surfacing and Improvements

After underground utilities have been installed, the subdivider shall construct curbs or curbs with gutters, where required, and shall surface or cause to be surfaced public ways to the widths prescribed in these regulations. No public way shall be surfaced until preliminary approval of the subdivision plat has been obtained. Surfacing shall be of such character as is suitable for the expected traffic. Types and methods of paving shall be according to the specifications of the planning commission, but in no event shall such construction be below the construction specifications set forth in **Appendix B**, of these regulations. Adequate provisions shall be made for culverts or other drains, and bridges, as required.

All public ways pavements, shoulders, drainage improvements and structures, any curb turnabouts, and sidewalks shall conform to all construction standards and specifications adopted by the planning commission and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

4-104 Road Construction Specifications

The road construction specifications are included in these regulations as **Appendix B**, and are adopted as a part hereof. These specifications shall be the minimum standards for any subdivision within the jurisdictional area.

4-105 Drainage and Storm Sewers

4-105.1 General Requirements

The planning commission shall not approve any plat of a subdivision which does not make adequate provisions for stormwater or floodwater run-off channels or basins. The stormwater drainage system shall be separate and independent from any sanitary sewer system.

4-105.2 Nature of Stormwater Facilities

4-105.201 Location

The subdivider may be required by the planning commission to transport by pipe or open ditch any spring or surface water that may exist prior to or as a result of the subdivision. Such drainage facilities shall be located in the public way right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the construction specifications contained in these regulations.

4-105.202 Accessibility to Public Storm Sewers

- (a) Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of stormwaters, subject to the specifications of the appropriate governmental representative; inspection of facilities shall be conducted by the enforcing officer to assure compliance.
- (b) If a connection to a public storm sewer will be provided eventually, as determined by the planning commission, the subdivider shall make arrangements for future stormwater disposal by a public system at the time the plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the surety instrument required for the final subdivision plat.

4-105.203 Accommodation of Upstream Drainage Areas

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Necessary facilities shall be sized based on the construction specifications and assuming conditions of maximum potential watershed development permitted by any zoning ordinance.

4-105.204 Effect on Downstream Drainage Areas

The planning commission also shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the planning commission may withhold approval of the subdivision until provision has been made for adequate improvement of such drainage facilities in such sum as the planning commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

4-105.205 Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the planning commission may approve such subdivision; provided, that the applicant fills the affected floodway fringe area of said subdivision to place public way elevations at no more than twelve (12) inches below the regulatory flood elevation and first floor elevations (including basements) at no less than one (1) foot above the regulatory flood elevation. The plat of such subdivision shall provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither

shall any building nor flood-restrictive structure be erected or placed therein. The boundaries of the floodway and floodway fringe area, and the regulatory flood elevation, shall be determined by the planning commission based upon the review specified in Subsection 2-103.2, of these regulations and the submission of flood data in construction plans as specified in Section 5-103, of these regulations.

4-105.206 Floodplain Areas

The planning commission may when it deems it necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. The regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any subdivision which contains flood prone land shall be subject to the special provisions set forth in Subsections 2-101.4; 4-101.4; Section 4-104; and Subsection 4-105.2, of these regulations.

4-105.3 Dedication of Drainage Easements

4-105.301 General Requirements

Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainageways are utilized they shall be designed for the twenty-five (25) year frequency flood.

4-105.302 Drainage Easements

- (a) Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within a public way right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the public way lines and with satisfactory access to public ways. Easements shall be indicated on the preliminary and final plats. Drainage easements shall be carried from the public way to a natural watercourse or to other drainage facilities.
- (b) When a new drainage system is to be constructed which will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (c) The applicant shall dedicate, when required by the planning commission, either in fee, or by drainage or conservation easement, the land on both sides of an existing watercourse to a distance to be determined by the planning commission.

- (d) Along watercourses, low-lying lands within any floodway, as determined by the planning commission pursuant to Section 2-103, of these regulations, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

4-105.303 Ditching, Concrete Ditch Paving, Curbs, and Culverts and Storm Drains (Amended by Resolution No. 2000-01, March 14, 2000)

The design and construction details of drainage facilities shall be in accordance with the provisions of these regulations. The design and construction details of all such facilities shall be approved by the appropriate governmental representative.

All commercial and residential subdivisions with an average lot size of thirty thousand (30,000) square feet or less are required to have curbs and storm drains. These facilities are to be designed in compliance with the provisions set forth in **Appendix B**, of these regulations, and approved by the city's consulting engineer.

4-106 Water Facilities

4.106.1 General Requirements

- (1) Necessary action shall be taken by the developer to extend a water supply system capable of providing domestic water use and fire protection.
- (2) Where a public water main is within reasonable access of the subdivision, as determined by the planning commission, the subdivider shall install adequate water facilities, including fire hydrants, subject to construction and material specifications approval of the planning commission, the Tennessee Department of Environment and Conservation and these regulations.
- (3) Where required for fire protection water mains shall not be less than six (6) inches in diameter; where water mains are not to be utilized for fire protection, the planning commission may approve smaller lines, as necessary, to meet potable water demand.
- (4) 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.

4-106.2 Fire Hydrants

Fire hydrants shall be required in all subdivisions; they shall be located no more than one thousand (1,000) feet apart and be within five hundred (500) 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. To eliminate future public way cutting 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.

4-107 Sewage Facilities

4-107.1 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 any applicable governmental agency or appropriate unit thereof.

4-107.2 Mandatory Connection to Public Sewer System

- (1) When public sanitary sewers are within reasonable access of the subdivision, as determined by the planning commission, the subdivider 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 the regulations of the Tennessee Department of Environment and Conservation.
- (2) 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.

4-107.3 Individual Disposal System Requirements (Amended by Resolution, November 14, 2000)

If public sewer facilities are not available and individual disposal systems are proposed, lot areas shall not be less than the minimums specified in Subsection 4-102.2, of these regulations, and all pertinent absorption tests shall be made as direct by the county environmentalist and the results submitted to the County Health Department for approval.

The individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device shall be located on the same platted lot as the dwelling unit it will service, and shall also be approved by the Robertson County Environmentalist. Appeals to this rule may be granted by the planning commission and shall not be unreasonably withheld.

The planning commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding, or unsuitable soil characteristics or constitute a public nuisance. To this effect, any alternative subsurface disposal system to be placed on any individually platted lot, as certified by the Staff of the Tennessee

Department of Environment and Conservation shall be individually specified as per the affected lot, and a recommendation as pertains to the suitability and acceptability of the subject lot being serviced by such alternative system, in relation to adjoining lots and properties shall be made by the planning commission to the approval or certifying state agency. The planning commission may require that the subdivider note on the face of the plat and any deed of conveyance that soil absorption fields are prohibited in designated areas.

4-107.4 Design Criteria for Sanitary Sewers

Sanitary sewer systems shall be designed for the ultimate tributary population based upon appropriate plans and zoning regulations.

The minimum size of a public sewer line shall be eight (8) inches in diameter with individual lot service lines a minimum of four (4) inches.

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.

4-108 Electric Power-Telephone Service Facilities

4-108.1 Underground Service Lines (Amended by Resolution No. 2002-01, September 10, 2002, Resolution No. 2006-03, April 11, 2006)

In all subdivisions where new public ways are constructed, the developer will be required to have the secondary service lines placed underground and the primary service lines location only on one (1) side of the public road. These underground utilities shall be constructed to standards set forth by the local utility provider. The commission shall have adequate documentation from the utility provider ensuring that these lines will be so located prior to any plat being signed by the Secretary of the Planning Commission.

4-108.2 Street Lighting

It shall be the responsibility of the developer to provide the infrastructure for street lighting in the subdivision during construction. Once the street lighting is completed, the developer will be responsible for the utility bill until the roads are accepted by the City Board.

4-109 Driveways

- (1) All driveways shall be constructed so as not to impair drainage within the road right-of-way or alter the stability of the roadway subgrade and at the same time not impair or materially alter drainage of the adjacent areas.

- (2) Cuts may be made into concrete curbs or standard rolled curbs in order to facilitate easy ingress-egress for the driveway providing that a minimum of height of four inches is maintained of the curb. No curb cut shall exceed twelve (12) feet in width and shall not allow water to enter exit. All cuts must have approval of the building inspector or the Greenbrier Public Works Department prior to work beginning.
- (3) All driveways are required to be hard surfaced for a length of ten (10) feet or to rear of the public right-of-way which ever is greater.

4-110 Pedestrian Ways

4-110.1 Sidewalks and Bicycle Paths

Sidewalks and bicycle paths, where required by the planning commission, shall be included within the dedicated non-pavement right-of-way of all public ways as indicated in the following table and shall be improved as required by Subsection 4-103.4, of these regulations. Concrete curbs are required for all public ways where sidewalks are to be constructed. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

SIDEWALK DESIGN

<u>Class of Street</u>	<u>Sidewalk Width</u>	
	<u>Residential Public Way</u>	<u>Nonresidential Public Way (Industrial, Commercial; Other)</u>
Minor Public Way	4 feet wide	6 feet wide
Collector Public Way	5 feet wide	6 feet wide
Arterial Public Way	5 feet wide	6 feet wide

4-110.2 Pedestrian Accesses

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 indicated on the plat.

4-111 Utility Easements

- (1) 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 wide. 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 his development.

- (2) 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 on the plat.
- (3) Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project.

4-112 Public Uses

4-112.1 Plat to Provide for Public Uses

Whenever a tract to be subdivided includes a school, recreation use, a portion of a major public way, or other public use, as indicated on the land development plan and/or major street or road plan, or any portion thereof, such tract shall be suitably incorporated by the developer into his plat when first presented for review by the planning commission.

After proper determination of its necessity by the planning commission and the appropriate governmental representative(s) involved in the acquisition and use of such site, and after a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the developer into the plat prior to final approval by the planning commission and recording of the plat.

4-112.2 Referral to the Governmental Agency Concerned

The planning commission shall refer any plat presented in accordance with Subsection 4-112.1, to the governmental agency concerned with acquisition of the land. The planning commission may propose alternate areas for such acquisition and shall allow the appropriate governmental agency thirty (30) days for reply.

Among the areas which the planning commission may propose for public acquisition, when the commission deems it appropriate and consistent with the policies and purposes set forth in these regulations, is any land within a floodway or floodway fringe determined according to the procedure outlined herein.

The acquiring agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

4-112.3 Notice to Property Owner

Upon receipt of an affirmative report, the planning commission shall notify the property owner and shall designate on all plats any areas proposed to be acquired by any governmental agency. Upon such designation by the planning commission, any reserved portion of any floodway or floodway fringe shall not be altered from its natural state by the development in any manner whatsoever, except upon written approval of the planning commission.

4-112.4 Duration of Land Reservation

The acquisition of land reserved by a governmental agency on the final plat shall be initiated within twenty-four (24) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a plat of a proposed development and a tentative schedule of construction. Failure on the part of the governmental agency to initiate acquisition within the prescribed twenty four (24) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

4-113 Preservation of Natural Features and Amenities

Existing features which would add value to 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 subdivision plat has been approved by the planning commission.

4-114 Nonresidential Subdivisions

4-114.1 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 set forth in any 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 proposed land development plan, major street or road plan, and any zoning ordinance.

4-114.2 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:

- (1) proposed industrial parcels shall be suitable in areas and dimensions to the types of nonresidential development anticipated;
- (2) public way rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated;
- (3) special requirements may be imposed by the governing body with respect to any public way, curb, gutter, and sidewalk design and construction specifications;

- (4) special requirements may be imposed by the governing body with respect to the installation of public utilities, including water, sewer, and stormwater drainage;
- (5) 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; and
- (6) public ways carrying nonresidential traffic, especially trucks, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.

CHAPTER 5

SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

5-101 Sketch Plat

5-101.1 General

Sketch plats submitted to the planning commission, prepared in pen or pencil, shall be drawn to a convenient scale no smaller than two hundred (200) feet to an inch.

5-101.2 Features

The sketch plat shall show:

- (1) a scale drawing of the property and the names of the owners of adjoining property;
- (2) size of the original tract(s) being subdivided;
- (3) notation of any existing legal rights-of-way or easements, or other encumbrances affecting the property;
- (4) approximate topography of the site extended into adjacent properties;
- (5) any areas which may be affected by flooding;
- (6) general street and lot patterns, if any;
- (7) proposed phasing, if any;
- (8) location map of property;

5-102 Application for Sketch Plat Approval

The form of the application for sketch plat approval, required by Subsection 2-102.1, of these regulations, shall be as reproduced, below. Such forms are available at city hall and must be completed in duplicate by the applicant in order to apply for sketch plat approval.

GREENBRIER MUNICIPAL PLANNING COMMISSION

FORM NUMBER 1 (Page 1)

APPLICATION FOR SKETCH PLAT APPROVAL

Date Filed: _____

1. Name of Subdivision: _____

2. Name of Applicant: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

3. Name of Local Agent: _____

4. Owner of Record: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

5. Engineer: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

6. Land Surveyor: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

7. Attorney: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

8. Subdivision Location: On the _____ side of _____
(Street)

_____ feet _____ of _____
(Direction) (Street)

9. Total Acreage: _____ Number of Lots _____

_____ Zoning Classification: _____

10. Does the proposed subdivision include or abut any flood prone area, as defined in the Subdivision Regulations? _____ If so, the area must be delineated on the sketch plat.

11. Tax Map Designation: Map Parcel Number(s): _____

GREENBRIER MUNICIPAL PLANNING COMMISSION

FORM NUMBER 1 (Page 2)

APPLICATION FOR SKETCH PLAT APPROVAL

- 12. Is any open space being offered as part of this subdivision application? _____? If so, what amount? _____
- 13. Has the Municipal Board of Zoning Appeals granted any variance, exception, or special permit concerning this property? _____. If so, list and name: _____
- 14. Attach four (4) copies of sketch plat, if to be submitted for planning commission review.
- 15. List all contiguous holdings in the same ownership (as defined in the Subdivision Regulations). _____
- 16. Attach hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the Robertson County Register of Deed's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property, and date the contract of sale was executed.

STATE OF TENNESSEE)
COUNTY OF _____) SS.:

I, _____, hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address:

(City) (State) (Zip Code)

Subscribed and sworn before me this _____ of _____, 20__

Notary Public

MY COMMISSION EXPIRES:

5-103 Preliminary Plat

5-103.1 General Design (Amended by Resolution No. 2002-02, September 10, 2002)

The preliminary plat shall be prepared by a licensed land surveyor, at a convenient scale no smaller than one (1) inch equals two hundred (200) feet to an inch. The plat may be prepared in pen or pencil and should be permanently reproducible. When more than one (1) sheet is required, the sheets shall be numbered in sequence.

5-103.2 Features

The preliminary plat shall show the following

- (1) the location of the property to be subdivided with respect to surrounding property(s) and street(s); the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.
- (2) the location and dimensions of all boundary lines of the property, expressed to the nearest hundredth (100th) of a foot;
- (3) the location of existing streets, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, and bridges, as determined by the planning commission;
- (4) the location and width of all existing and proposed streets and easements, alleys, and other public ways and easements and proposed street rights-of-way, and building setback lines;
- (5) the location, scale dimensions, and areas of all proposed or existing lots;
- (6) in the instance of condominium subdivisions, the position of all existing or proposed buildings;
- (7) the location and scale dimension of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;
- (8) the limits of floodway and floodway fringe areas and the associated regulatory flood elevation and regulatory flood protection elevation, as determined by the planning commission pursuant to Section 2-103, of these regulations;
- (9) the name and address of the owner or owners of land to be subdivided, the name and address of the subdivider, if other than the owner, and the land surveyor or other professional persons responsible for preparation of the plat;
- (10) the date of the map, approximate true north point, scale, and title of the subdivision;

- (11) sufficient data to determine readily the general location, bearing, and length of all lines and to reproduce such lines upon the ground; the location of all proposed monuments.
- (12) name of the subdivision and all new streets, as approved by the planning commission;
- (13) the zoning classification of all zoned lots, as well as an indication of all uses other than residential proposed by the subdivider;
- (14) vicinity map showing relation of the subdivision to all streets, railroads, and water courses in all directions to a distance of at least one-half (1/2) mile (suggested scale: one (1) inch equals one thousand (1,000) feet);
- (15) contours at vertical intervals of not more than five (5) feet. Such contours to be field surveyed or taken from acceptable aerial photographs;
- (16) The following notations shall be shown:
 - (a) explanation of drainage easements, if any;
 - (b) explanation of site easements, if any;
 - (c) explanation of reservations, if any;
 - (d) for any lot where public sewage or water systems are not available, the following shall be shown:
 - (i) areas to be used for sewage disposal and their percolation results, or if the planning commission desires, any other acceptable data to show that the site can be served effectively by septic tanks;
 - (ii) water wells (existing and proposed); and
 - (iii) rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features.
- (17) draft of proposed restrictive covenants, if any, to be imposed and designation of areas subject to special restrictions; and
- (18) a form for endorsement of planning commission approval of the preliminary plat, which shall read as follows:

Approved by the Greenbrier Municipal Planning Commission, with such exceptions or conditions as are indicated in the minutes of the Commission on _____.
Date

This preliminary plat approval shall not constitute approval of this subdivision in final form and does not constitute approval recording of the plat.

5-104 Application for Preliminary Plat Approval

The form of the application for preliminary plat approval, required by Subsection 2-103.1, of these regulations, shall be as reproduced in this section.

Copies of the form may be obtained at City Hall. The completed and signed application shall be filed in duplicate.

5-105 Construction Plans

5-105.1 General

Construction plans shall be prepared for all improvements required improvements as specified by Subsection 2-103.1, (4). Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall if possible be of the same size as the preliminary plat. These plans shall be in compliance with the specifications in Chapter 4, of these regulations. Construction plans approval must precede actual construction, and no final plat shall be considered by the planning commission until the required plans have been approved.

5-105.2 Features

The construction plans shall show the:

- (1) Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- (2) The planning commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred-foot stations be shown at five (5) points as follows: on a line at right angles to the center line of the street and said elevation points shall be the center line of the street, each property line, and points twenty-five (25) feet inside each property line.
- (3) Plans and profiles indicating the locations and typical cross-section of street pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins; the location of street trees, street lighting standards, and street signs; The location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility system. and exact location and size of all water, gas, or other underground utilities or structures.

GREENBRIER MUNICIPAL PLANNING COMMISSION

FORM NUMBER 2 (Page 1)

APPLICATION FOR PRELIMINARY PLAT APPROVAL

Date Filed: _____

1. Name of Subdivision: _____

2. Name of Applicant: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

3. Name of Local Agent: _____

4. Owner of Record: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

5. Engineer: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

6. Land Surveyor: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

7. Attorney: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

8. Subdivision Location: On the _____ side of _____
(Street)

_____ feet _____ of _____
(Direction) (Street)

9. Total Acreage: _____ Number of Lots _____

_____ Zoning Classification: _____

10. Tax Map Designation: Map Parcel Number(s): _____

11. Has the Municipal Board of Zoning Appeals granted any variance, exception, or special permit concerning this property? _____. If so, list and name: _____

12. Date of sketch plat approval: _____

GREENBRIER MUNICIPAL PLANNING COMMISSION

FORM NUMBER 2 (Page 2)

APPLICATION FOR PRELIMINARY PLAT APPROVAL

13. Have any changes been made since this plat was last before the commission?
_____ If so, describe: _____
14. Attached are four (4) copies of proposed preliminary plat.
15. Attached are three (3) copies of construction plans, if required.
16. List all contiguous holdings in the same ownership (as defined in the Subdivision Regulations). _____

17. Attach hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the Robertson County Register of Deed's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property, and date the contract of sale was executed.

STATE OF TENNESSEE)
COUNTY OF _____) SS.:

I, _____, hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address: _____

(City) (State) (Zip Code)

Subscribed and sworn before me this _____ of _____, 20__

Notary Public

MY COMMISSION EXPIRES:

- (4) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, and features noted on the land development plan or major street plan at the point of connection to proposed facilities and utilities within the subdivision. The water elevations of adjoining lakes or streams and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plan. If the subdivision borders a lake, river, or stream, the distance and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.
- (5) In addition to the other requirements of this section, the developer shall prepare for any portion of a subdivision containing a flood prone area, or an area known to be subject to flooding, the following information necessary for the planning commission to determine the suitability of the particular site for the proposed development:
 - (a) plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of any part of the subdivision within a flood prone area; existing or proposed structures or building sites, fill, storage of materials and floodproofing measures, as specified in Subsection 4-101.4, of these regulations; and the relationship of the above to the location of the stream channel, floodway, floodway fringe, the regulatory flood elevation, and the regulatory flood protection elevation;
 - (b) a typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information, if required by the planning commission;
 - (c) surface-view plans showing elevations and contours of the ground; pertinent structures, fill, or elevations of streets, and water supply, sanitary facilities, soil types, and other pertinent information, as required by the planning commission; and
 - (d) specifications for building construction and materials, floodproofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities.
- (6) Contours at the same vertical interval as on the preliminary plat. (See Subsection 5-103.2, Item 15, of these regulations for preliminary plat contour specifications.
- (7) In addition to the other requirements of this section, construction plans for condominium subdivisions shall contain "as built" drawings of all underground utilities, regardless of proposed ownership, and the construction design of all public facilities which are proposed for dedication to the municipality.

- (8) A notation of construction plans approval as follows:

Owner

Date

These construction plans have been reviewed by me and are approved with the exception of such modifications indicated by me on the plans.

Designated Official

Date

These construction plans are approved by the Greenbrier Municipal Planning Commission with such exceptions or modifications indicated in the minutes of the commission.

Date

Secretary

Date

- (9) Title, name, address, and signature of professional engineer or surveyor, and date, including any revision dates.

5-106 Final Subdivision Plat (Amended by Resolution No. 2006-01, March 14, 2006)

5-106.1 General

The final subdivision plat shall be prepared in india ink on tracing cloth or reproducible mylar at a scale no smaller than one inch equals one hundred (100) feet on sheets eighteen (18) by twenty-four (24) inches, if possible. The use of an appropriate smaller scale may be permitted for lots larger than two (2) acres. When more than one (1) sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets numbered in sequence.

Construction plans, if required as described in Section 5-105, of these regulations, must have been approved prior to planning commission approval of the final subdivision plat.

The final plat shall include the following:

- (1) The location of the property to be subdivided with respect to surrounding property and roads; the names of all adjoining property owners of record or the names of adjoining developments; the names of adjoining streets.

- (2) The exact boundary lines of the tract, determined by a field survey, giving angles to the nearest minute and distances to the nearest one hundredth (1/100) of a foot.
- (3) The location of all streets, easements, water bodies, large streams or rivers, railroads, parks, and cemeteries.
- (4) The limits of floodway and floodway fringe areas and the associated regulatory flood elevation and regulatory flood protection elevation; as determined by the planning commission pursuant to Section 2-103, of these regulations.
- (5) The location and width of all easements and rights-of-way for streets, alleys, and other public ways, as well as the building setback lines on all lots.
- (6) The location, dimensions, and area of all lots. All dimensions shall be field run to the nearest one tenth (1/10) of a foot and angles to the nearest minute.
- (7) The location and dimensions, to the accuracy set forth in Item 6, above, of all 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, if any, of the dedication or reservation.
- (8) The final plat of all condominium subdivisions shall contain, in addition to the other information required by this section, the following:
 - (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) some sort of 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., and appropriate permanent monument or other acceptable reference datum or fixed known point). Elaborate exterior elevations and architectural detail are not necessary to satisfy this requirement;
 - (c) Any other special information which the planning commission may find necessary to protect the rights of future owners of the condominium or the public in general.
- (9) The name and address of the owner(s) of the land being subdivided, the name and address of the subdivider, if other than the owner, and the name of the land surveyor or other professional who was responsible for person preparation the plat.

- (10) The date of the plat, approximate true north point, scale, and title of the subdivision.
- (11) Sufficient data to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground. This shall include the radius, central angle, and tangent distance for the center line of the curved streets and curved property lines that are not the boundary of curved streets. The location of all monuments and pins shall be indicated on the plat.
- (12) The name of all roads.
- (13) The total acreage within the subdivision.
- (14) Lot numbered in numerical order and blocks lettered alphabetically.
- (15) The line size and location of water and sewer facilities, and the location of all fire hydrants.
- (16) Notations and certifications in the form reproduced in this section shall appear upon the final plat, if applicable. All required certificates shall bear the signature of the approving or authorizing agent at the time of application for final plat approval, except that the form for endorsement of the planning commission's approval for recording shall appear unsigned at the time of application for approval.
- (17) A notation referencing compliance to the requirements for all underground utilities as provided in Chapter 4, Section 4-108.1 Underground Service Lines, shall be placed on the final plat.
- (18) For all major subdivision plats, a diskette with the digital plat information, which will be submitted to the Robertson County Property Assessor's Office.

5-106.2 Plat Certificates

- (a) Certification showing that the applicant is the landowner; that he dedicate streets; rights-of-way, and any site for public use; and that he 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 _____, Robertson County Register's 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 roads, utilities, and other facilities have been filed, as required by the Greenbrier Municipal Subdivision Regulations.

_____, 20____
Date

Owner

Title (if acting for partnership or corporation)

- (b) Certification by licensed surveyor or registered engineer to accuracy of the survey and plat and the placement of monuments:

CERTIFICATE OF ACCURACY

I (we) hereby certify that to the plan shown and described hereon is a true and correct survey to the accuracy required by the Greenbrier Planning Commission and that the monuments have been or will be placed, as shown hereon, to the specifications in these regulations.

_____, 20____
Date

Registered Engineer or
Licensed Surveyor

- (c) Certification by appropriate municipal representative(s) that sewage disposal and water systems have been installed as required by local and state law regulations:.

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 surety instrument has been filed to guarantee said installation of such system(s).

_____, 20____
Date

Name, Title and Agency or
Authorized Approving Agent

CERTIFICATE OF APPROVAL OF SEWAGE SYSTEM

I hereby certify that the sewage disposal systems installed or proposed for final installation in the subdivision, entitled, _____, have been installed in accordance with current local and state government requirements or a surety instrument has been filed which will guarantee installation of such system(s).

_____, 20____
Date

Name, Title, and Agency of
Authorized Approving Agent

- (d) Certification by appropriate municipal representative that the subdivider has complied with one of the following alternatives:
- (i) installation of all street improvements in accordance with the requirements of these regulations; or
 - (ii) in lieu of compliance with subdivision improvement requirements, certification shall be made on the final plat that a surety instrument has been posted by the subdivider in an amount approved by appropriate municipal representative to assure completion of all required improvements.

CERTIFICATE OF APPROVAL OR SURETYING OF STREETS

I hereby certify: (1) that all designated streets on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the Greenbrier Municipal Subdivision Regulations, or (2) that a surety instrument has been posted with the Greenbrier Planning Commission to assure completion of all required improvements in case of default.

_____, 20____
 Date _____
Appropriate Governmental Representative

- (e) For a subdivision containing common open space or facilities, certification of dedication of common areas in accordance with procedures established in these regulations:

CERTIFICATION OF COMMON AREAS DEDICATION

(Owner)

 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 hereby for use by the general public, but are dedicated to the common use and enjoyment of the homeowners in (Name of Subdivision)
 _____, as more fully provided in Chapter _____, "Declaration of Covenants and Restrictions", applicable to the (Name of Subdivision)

 and recorded with this plat. Said Chapter _____, is hereby incorporated and made a part of this plat.

_____, 20____
 Date _____
Owner

- (f) Certification of the Greenbrier Planning Commission's approval for recording of the plat.

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Greenbrier Subdivision Regulations, with the exception of such variances, if any, as are noted in the minutes of the Greenbrier Planning Commission, and that it has been approved for recording in the Office of the Robertson County Register of Deed's.

_____, 20____
Date
Commission

Secretary, Planning

- (g) **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 plat that development or modification of the land within any floodway 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.
- (8) **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 plat.
- (9) **Notation of Private Restrictions** -- Private restrictions and trusteehips and their periods of existence shall be indicated. Should these restrictions or trusteehips be of such length as to make their lettering on the plat 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 trusteehips are of record, the plat note shall state where they are recorded.

5-107 Application for Final Plat Approval

The form of the application for final subdivision plat approval, required by Subsection 2-104.1, of these regulations, shall be as reproduced in this section.

Copies of the form may be obtained at city hall. The completed and signed application shall be filed in duplicate.

GREENBRIER MUNICIPAL PLANNING COMMISSION

FORM NUMBER 3 (Page 1)

APPLICATION FOR FINAL PLAT APPROVAL

Date Filed: _____

1. Name of Subdivision: _____

2. Name of Applicant: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

3. Name of Local Agent: _____

4. Owner of Record: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

5. Engineer: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

6. Land Surveyor: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

7. Attorney: _____ Phone: _____

Address: _____
(Street No. and Name) (City) (State) (Zip Code)

8. Subdivision Location: On the _____ side of _____
_____ feet _____ of _____
(Direction) (Street) (Street)

9. Total Acreage: _____ Number of Lots _____

_____ Zoning Classification: _____

10. Date of sketch plat approval, if applicable: _____

GREENBRIER MUNICIPAL PLANNING COMMISSION

FORM NUMBER 3 (Page 2)

APPLICATION FOR FINAL PLAT APPROVAL

11. Date of preliminary plat approval: _____
12. Have any changes been made since this plat was last before the commission?
_____ If so, describe: _____

13. List all contiguous holdings in the same ownership, as defined in the Subdivision Regulations.

Tax Map Parcel Number(s) _____

14. Attached are four (4) copies of proposed final subdivision plat.
15. Attached are three (3) copies of construction plans, if required, if not previously submitted to and approved by the planning commission.
16. Attached, if applicable, is planning commission Form Number 4, entitled "Offer of Irrevocable Dedication", as reproduced at Section 5-108, of the Greenbrier Municipal Subdivision Regulations, and approved by the municipal attorney. The form may be modified as required by the municipal attorney and/or other appropriate municipal representative.
17. Attached, if the subdivision plat contains open space, recreational facilities, or any portion of the site in common ownership, regardless of the method of ownership, are the plans and documents required by Subsection 2-104.1, Item 9, of the Greenbrier Municipal Subdivision Regulations.
18. Attached, hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the Robertson County Register of Deed's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property, and date the contract of sale was executed.

GREENBRIER MUNICIPAL PLANNING COMMISSION

FORM NUMBER 3 (Page 3)

APPLICATION FOR FINAL PLAT APPROVAL

STATE OF TENNESSEE)
COUNTY OF _____) SS.:

I, _____, hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address:

(City) (State) (Zip Code)

Subscribed and sworn before me this _____ of _____, 20__

Notary Public

MY COMMISSION EXPIRES:

5-108 Form of Dedication Offer

The form of the offer of irrevocable dedication, required by Subsection 2-104.1, Item 6, of these regulations, shall be as reproduced in this section and approved by the municipal attorney.

Copies of this form may be obtained at the office of the building inspector.

GREENBRIER MUNICIPAL PLANNING COMMISSION

FORM NUMBER 4 (Page 1)

OFFER OF IRREVOCABLE DEDICATION

AGREEMENT made this _____ day of _____, 20____, by and between _____, a _____, having its office and place of business at _____, hereinafter designated as "developer", and Greenbrier, Tennessee, hereinafter designated as the "local government".

WHEREAS, the Greenbrier Municipal Planning Commission is in the process of approving a subdivision plat entitled, _____, dated _____, and made by _____; and

WHEREAS, said map designates certain public improvements consistent with _____ to be dedicated to the _____, free and clear of all encumbrances and liens, (Name of Local Government) pursuant to the requirements of the Greenbrier Municipal Planning Commission and the local government; and

WHEREAS, the developer, simultaneously herewith, shall post a surety instrument or other surety instrument with the municipality for the construction, maintenance, and dedication of said improvements, if required; and

WHEREAS, the developer is desirous of offering for dedication the said improvements and land to the local government more particularly described in Schedule ____, attached, hereto;

WHEREAS, the developer has delivered deeds of conveyance to the city 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 local government to the developer and other good and valuable consideration, it is mutually **AGREED** as follows:

1. The developer herewith delivers to the local government deeds of conveyance for the premises described in Schedule _____, attached hereto, said delivery being a formal offer of dedication to the local government, until the acceptance or rejection of such offer of dedication by the local government.
2. The developer agrees that said formal offer of dedication is irrevocable and can be accepted by the local government at the time.

GREENBRIER MUNICIPAL PLANNING COMMISSION

FORM NUMBER 4 (Page 2)

OFFER OF IRREVOCABLE DEDICATION

3. The developer agrees to complete the construction and maintenance of the land and improvements pursuant to the surety instrument and the requirements of the Greenbrier Municipal Planning Commission and any ordinances, regulations, requirements, covenants, and agreements that may be imposed by the local government with respect thereto and, upon acceptance by the local government of the offer of dedication, shall within thirty (30) days after written notice from the local government of acceptance of the offer of dedication, furnish to the local government a sworn statement certifying that the premises are free and clear of all liens and encumbrances and shall furnish to the local government a check for all necessary fees and taxes to record the deeds heretofore delivered.

_____, 20____
Date

Developer

(CORPORATE SEAL)

ATTEST:

FOR THE (Name of Local Government):

BY: _____
City

_____, 20____

**ACKNOWLEDGMENT:
COPARTNERSHIP**

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/she, thereupon, acknowledged to me that he/she executed such instrument as and for the act and deed of said firm.

GREENBRIER MUNICIPAL PLANNING COMMISSION

FORM NUMBER 4 (Page 3)

OFFER OF IRREVOCABLE DEDICATION

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/she resides in _____; that he is the _____ of _____, the corporation described in and which executed the foregoing instrument; that he/she knows the corporate seal of said corporation; the corporate seal affixed by order and authority of the Board of Directors of said corporation, and that he/she signed his/her 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; that he/she acknowledged to me that he/she executed the same.

5-109 Forms of Surety Instrument

The form of the surety instrument, required by Section 2-104.1, Item 7, and Chapter 3, of these regulations, shall be as one of those Forms Number 5 and 6) reproduced in this section and subject to approval of the municipal attorney.

Copies of these forms may be obtained at city hall.

GREENBRIER MUNICIPAL PLANNING COMMISSION

FORM NUMBER 5

SURETY INSTRUMENT

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
City of Greenbrier as obligee, in the sum of _____

Dollars (\$_____) lawful money of the United States, for the payment
whereof to the Obligee, the Principal and the Surety bind 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 Greenbrier Municipal Planning
Commission, for approval of a subdivision shown on plat, entitled,
"_____", filed with the Planning
Commission of the Municipality of Greenbrier on _____, 20__, said
final plat being approved by the Greenbrier Municipal Planning Commission upon
certain conditions, one of which is that a surety instrument in the 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.

**Greenbrier Municipal Planning Commission
Form Number 5
Surety Instrument
(Page 2)**

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 Greenbrier Municipal 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 surety instrument, the local governing body may thereupon declare this surety instrument to be in default and collect the sum remaining payable thereunder, and upon receipt of the proceeds thereof, the local governing body shall install such improvements as covered by this surety instrument 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

SURETY INSTRUMENT NO. _____

ACKNOWLEDGMENT:
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/she 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/she resides in _____; that he/she is the _____ of _____, corporation described in and which executed the foregoing instrument; that he/she 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/she signed his/her 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.

GREENBRIER MUNICIPAL PLANNING COMMISSION

FORM NUMBER 6

IRREVOCABLE DOCUMENTARY LETTER OF CREDIT

- 1. DATE OF ISSUE _____
- 2. CREDIT NO. OF ISSUING BANK _____
- 3. CREDIT NO. OF ADVISING BANK _____
- 4. ADVISING BANK _____
- 5. ACCOUNTEE _____
- 6. BENEFICIARY, MAIL TO _____
- 7. LATEST PERFORMANCE DATE _____
- 8. LATEST DATE FOR NEGOTIATION _____
- 9. MAXIMUM AMOUNT _____

10. We hereby issue this documentary letter of credit in your (the beneficiary's) favor which is available against your drafts at _____ drawn on _____ Bank, Credit No. _____" accompanied by the following document: A certificate of default signed under oath by the Chairman of the Greenbrier Municipal Planning Commission and the Mayor of the Municipality of Greenbrier certifying that the accountee has not complied with the terms of the agreement between the planning commission and the accountee and the amount of approximate damage to the local government, which amount shall be identical to the face amount of the accompanying draft.

11. **SPECIAL CONDITIONS**

We hereby engage with the bona-fide holders of all drafts or documents presented under and in compliance with the terms of this letter of credit that such drafts or documents will be duly honored upon presentation to us.

The amount of each drawing must be endorsed on the reverse of this letter of credit by the negotiating bank.

The advising bank is requested to advise this letter of credit without engagement of their part.

Bank

Authorized Signature, Issuing Bank

Authorized Signature, Issuing Bank

CHAPTER 6
DEFINITIONS

6-101 Usage

- (1) For the purpose of these regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this chapter.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural number include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".
- (3) A "person or agency" includes a corporation, a partnership, a public or private organization (or official or employee thereof), and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

6-102 Words and Terms Defined

Agency -- A private or public organization who may have a business relationship with the Greenbrier Municipality.

Alley -- A public right-of-way or private easement not to exceed thirty (30) feet in width, 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 premise.

Architect -- See "registered architect".

Arterial Street -- A street intended to carry large volumes of at medium to high speeds. Such street serves the major traffic flows between principal areas of traffic generation and can connect to interstate highways and collector streets. A secondary function is to service adjacent properties.

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

Board of Mayor and Aldermen -- The chief legislative body for Greenbrier, Tennessee. See "city board".

Surety Instrument -- A surety instrument or other surety permitted in these regulations, in a form specified by Chapter 5, of these regulations.

Building -- Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind; the term includes any permanent structure and includes mobile homes.

Building Inspector -- The person designated by the Greenbrier Board of Mayor and Aldermen to enforce municipal building codes, the municipal zoning ordinance, and these regulations.

Capital Improvements Program -- A proposed schedule of all 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.

City -- The Municipality of Greenbrier, Tennessee.

City Attorney -- See “municipal attorney”.

City or Municipal Board -- The Greenbrier Board of Mayor and Aldermen.

City Hall -- Municipal or local government headquarters.

Collector Street -- Street which provides both moderate volume traffic service and land service. The traffic service function of this street is to act as an interface between the local streets (land service) found predominantly in residential areas, and arterial streets (traffic service).

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.

Community Development Plan -- The land use plan with any supplementary growth management policies. See “land use plan”.

Condominium -- A form of ownership of less than the whole of a building or system of buildings under a statute which provides the mechanics and facilities for formal filing and recordation of divided interests in real property, whether the division is vertical or horizontal in nature.

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

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

Vertical Condominium Subdivision -- A condominium 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.

Construction Plan -- The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission as a condition of the approval of said plat.

County --The County of Robertson, Tennessee.

County Environmentalist -- That person, under this or another title, designated by appropriate authority to administer the health regulations of Robertson County, including Greenbrier Municipality.

Cul-de-sac -- A street having only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Dead-End Street -- A street with only one (1) vehicular traffic outlet.

Developer -- The owner of land proposed to be subdivided or his authorized representative.

Dwelling Unit -- One (1) room, or connected rooms, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; it is physically separated from any other dwelling units which may be in the same structure; and contains 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 his property.

Engineer -- See “registered engineer” or “municipal engineer”, as appropriate, depending upon the context.

Equal Degree of Encroachment -- The delineation of floodway limits so that floodplain lands on both sides of a stream are capable to 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.

Escrow -- A deposit of cash with the municipality in lieu of amount required and still in force on a performance or maintenance surety instrument.

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

Final Plat -- See “final subdivision plat”.

Final Subdivision 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, may be submitted to the county register for recording.

Flood -- A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams, or the unusual and rapid accumulation of runoff of surface water from any source.

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

Flood Hazard Area -- See "land subject to flood".

Flood Hazard Boundary Map -- An official map, issued by the Federal Insurance Administrator, on which the boundaries of the floodplain areas having special flood hazards have been delineated.

Floodplain -- A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters; or an area subject to the unusual and rapid accumulation of runoff of surface water from any source. For the purpose of these regulations, it particularly refers to land subject to inundation by the one hundred-year flood.

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 requirements, and these regulations.

Flood Profile -- A graph showing the water surface elevation, or height or 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 Prone Area -- A flood hazard area.

Floodproofing -- Any combination of structural and nonstructural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and other such facilities or systems and their contents.

Floodway -- The stream channel and that portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of not more than one (1) foot above the predevelopment conditions.

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

Floodway Fringe -- Land lying outside a designated floodway, but within the area subject to inundation by the one hundred-year flood.

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

General Common Elements -- See “common elements”.

Grade -- The slope of a road or other public way, specified in percentage terms.

Health Authority -- See “county environmentalist”.

Horizontal Condominium Subdivision -- See “condominium subdivision”.

Horizontal Property Act -- "The Tennessee Horizontal Property Act", as codified in Sections 66-27-101 through 66-27-122, Tennessee Code.

Hundred Year Flood -- See “one hundred-year flood”.

Improvements -- See “lot improvement” or “public improvement”.

Individual Sewage Disposal System -- A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate local or state government authorities

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

Joint Ownership -- Joint ownership among persons shall be construed as the same owner; “constructive ownership”, for the purpose of imposing subdivision regulations.

Land Subject to Flood -- In applying the provisions of these regulations, land subject to flood shall be defined as follows: Any land subject to flooding as determined by the latest U.S. Corps of Engineers’ flood study for Robertson County, including Greenbrier Municipality.

Land Surveyor -- See “registered land surveyor”.

Land Use Plan -- The Community Development Plan for Greenbrier, Tennessee. This plan meets the intent of Sections 13-4-201 and 13-4-203, Tennessee Code.

Local Government -- See “municipality or city”.

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

Lot, Corner -- A lot situated at the intersection of two (2) streets, with the interior angle of such intersection not exceeding one hundred-thirty-five (135) degrees.

Lot Improvement -- 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.

Major Road -- See “major street or arterial street”.

Major Road Plan -- The plan (usually map) adopted by the planning commission, pursuant to Section 13-3-301, Tennessee Code, 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 ways.

Major Street Plan -- See “major road plan”.

Major Subdivisions -- All subdivisions not classified as minor subdivisions including but not limited to subdivisions of five (5) or more lots, or subdivisions of any size requiring any new or improved street, the extension of municipal facilities, or the creation of any other major public improvements.

Minor Road -- See “minor street”.

Minor Street -- A street which is not classified as an arterial or collector street. See “arterial street” and “collector street”.

Minor Subdivisions -- Any subdivision containing not more than four (4) lots fronting on an existing street; not requiring any new or improved street, the extension of public municipal facilities, or the creation of any public improvements.

Municipal -- Of, or officially pertaining to, the local governing body of Greenbrier. See “city”.

Municipal Attorney -- The attorney holding such position for the municipality, or such licensed attorney representing the municipality, or such licensed attorney representing the municipality in furnishing legal assistance for the administration of these or other municipal regulations. See “municipal representative”.

Municipal Engineer -- A civil or other engineer designated by the local government to be primarily in charge of municipal public works.

Municipal Representative -- An outside person or designated Greenbrier official or employee authorized to act on behalf of the municipality in making initial or final determinations, as specifically permitted, regarding legal, public works, planning, community development, or other municipal matters. See Subsection 6-101.3.

Municipality -- The local government of Greenbrier. See “city”.

National Flood Insurance Program -- A program established by the Federal 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.

Offsite -- 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 which has, on the average, a one (1) percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the “one (1) percent-chance flood”.

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

Ownership, Same -- See "same ownership".

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

Planning Commission -- The Greenbrier Municipal Planning Commission created in accordance with Title 13, of the Tennessee Code.

Planning Commission Representative -- The building inspector or staff planner. See "municipal representative".

Preliminary Plat -- The sketch or 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 -- A tract of land together with any buildings or structures which may be thereon.

Public Body -- Any type of legally established government, or a unit thereof.

Public Improvement -- Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility such as water or sewer, for which the appropriate governing body may ultimately assume ownership liability and/or responsibility for future maintenance, operating, and replacement costs.

Reach -- A hydraulic engineering term to describe 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 or natural obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings typically would constitute a reach.

Registered Architect -- An architect certified and registered by the Tennessee State Board of Architectural and Engineering Examiners, pursuant to Section 62-2-203, Tennessee Code, to practice in Tennessee.

Registered Engineer -- An engineer certified and registered by the State Board of Architectural and Engineering Examiners pursuant to Section 62-2-201, Tennessee Code, to practice in Tennessee.

Registered Land Surveyor -- A land surveyor certified and registered by the Tennessee State Board of Land Survey Examiners, pursuant to Section 62-18-101, Tennessee Code, to practice in Tennessee.

Regulatory Flood -- See "one hundred-year flood".

Regulatory Flood Elevation -- The water-surface elevation of the regulatory flood.

Regulatory Flood Protection Elevation -- The elevation of the regulatory flood, plus one (1) foot of freeboard to provide a safety factor.

Resubdivision -- A change in a map of any approved or recorded subdivision plat if such change affects any street layout on such map, or any area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way -- A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission lines, 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 not included within the dimensions or areas of such lots or parcels.

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.

Same Ownership -- Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, or ownership by different corporations, firm, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Setback -- The shortest distance between a building and the nearest street right-of-way.

Sketch Plat -- A sketch preparatory to the preparation of the preliminary plat (or representing a final subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the planning commission to the form of the plat and the objectives of these regulations.

Special Flood Hazard Area -- See “flood hazard area”.

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

Staff Planner -- State planning office planner authorized to assist the municipality in its planning program.

Start of Construction -- The first placement of permanent construction on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation or the affixing of any prefabricated structure or mobile home to or on its site. Permanent construction does not include land preparation; land clearing; grading; filling; excavation for basement footings, piers, or foundations; erection of temporary forms; the installation of piling under proposed subsurface footings; installation of sewer, gas, and water pipes and of electric or other service lines from the street; or existence on the property of accessory buildings.

Street -- Road, parkway, or other public way not considered an alley.

Street, Classification -- For the purpose of providing for the development of the streets, highways, roads, and rights-of-way in the municipality and for their future improvement, reconstruction, realignment, and necessary widening, including provision for any curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plats have been designated on the major street plan and classified herein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the municipality, its present and estimated future traffic volume, and its relative importance and function as specified in any planning document adopted by the municipality.

Street Right-of-Way Width -- The distance between property lines measured at right angles to the center line 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 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. See "subdivision".

Subdivision -- The division of a tract or parcel of land into two or more lots, sites, or other division of less than five acres or of more than five (5) acres, but less than ten (10) acres in size with depths no greater than four (4) times their widths for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The following are not included within this definition:

- a. testamentary division of property;
- b. partnership division of property between two (2) or more owners of an undivided interest by court order.

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 an attorney-at-law whose representation of another person consists solely of rendering legal service.

Subdivision, Major -- See "Major Subdivision".

Subdivision, Minor -- See "Minor Subdivision".

Subdivision Plat -- See "Final Subdivision Plat".

Substantial Improvement -- Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either before the improvement is begun or, if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement begins when the first alteration of any structural part of the building commences.

Temporary Improvement -- Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety instrument, the case deposited in escrow, or a letter of credit designed to ensure completion of required improvements.

Throughfare Plan -- See "Major Road Plan".

Twenty-Five Year Frequency Flood -- A four (4) percent-chance flood", as compared to the one hundred-year or one (1) percent-chance flood".

Vertical Condominium Subdivision -- See second paragraph under "condominium subdivision".

Watercourse -- Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is ten (10) acres or more in extent; provided, that it shall, upon the rule or order of the planning commission, also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis, but may be intermittent resulting from surface runoff of precipitation.

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. Also the level of natural flows or collections of water which may be expected to be found above or below surface.

Zoning Regulations -- Municipal zoning ordinance adopted and in effect for Greenbrier, Tennessee.

CHAPTER 7

ADOPTION OF REGULATIONS AND AMENDMENTS

7-101 Original Enactment

In order that land shall be subdivided in accordance with the objectives and standards set forth in these regulations, these subdivision regulations are hereby adopted this **4th** day of **December, 1990**, and immediately shall be in full force and effect. Pursuant to Section 13-4-303, Tennessee Code, a public hearing was held on these regulations on **December 4, 1990**, at **7:00 p.m.**, at **City Hall**, in **Greenbrier, Tennessee**, notice of which was given by publication in the **Robertson County Times**, on **November 22, 1990**.

Andrew A. Parker
Chairman

December 4, 1990
Date

ATTEST:

Steve Sorrels
Secretary

December 4, 1990
Date

(Original signature page)

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Andrew S. Parker
Chairman

12/4/90
Date

ATTEST:

Steve Soulls
Secretary

12/4/90
Date