



# **Roane County MINIMUM SUBDIVISION REGULATIONS**

**Prepared by:  
Roane County Regional Planning Commission**

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## **SECTION 1**

### **PURPOSE**

#### **1.1 GENERAL PURPOSE**

These subdivision regulations are adopted in order to provide for the harmonious development of Roane County; establishing minimum regulations governing the subdivision of land within the unincorporated territory of Roane County, establishing procedures for the submission and review of subdivision plats, establishing standards for the design and installation of improvements to subdivisions, providing for the administration and enforcement of these regulations, and providing for penalties for their violation.

#### **1.2 AUTHORITY**

Authority has been conferred by the Tennessee General Assembly by Title 13, Section 13-3-401 through Section 13-3-411 of the *Tennessee Code Annotated*, as amended, and other pertinent statutes for the establishment of regulations governing the subdivision of land.

The Planning Commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such standards, having filed a certified copy of the major street road plan in the office of the Register of Deeds of Roane County, Tennessee, on April 23, 1958, Plat Book 3, Page 199.

#### **1.3 JURISDICTION**

These regulations shall govern all subdivision of land within the unincorporated territory of Roane County, Tennessee not included in the planning regions of Harriman, Rockwood, and Kingston. A copy of the map Planning Regions in Roane County, Tennessee has been filed in the office of the Register of Deeds of Roane County, Tennessee on 11/27/84, Plat Book 7, Page 2 Slide 180 (#2).

#### **1.4 POWERS**

The Roane County Regional Planning Commission has the power to exercise all powers, explicit and implied, authorized in Tennessee Code Annotated Title 13 and other applicable titles and sections governing the subdivision of land within its jurisdiction. These powers include, but are not limited to the following:

- 1.4.1 To adopt and administer regulations that provide for the harmonious development of the region and its environs;
- 1.4.2 To coordinate the location of roads within subdivided lands with other existing and planned roads or the plans of the state, and the region, or municipalities in or near the region;
- 1.4.3 To ensure the conservation and production of adequate transportation, water, drainage, and sanitary facilities;
- 1.4.4 To ensure the adequate provision of open space for traffic, light, air, and recreation;

- 1.4.5 To prevent population congestion and scattered or premature land subdivision that involve danger or injury to health, safety or prosperity by reason of lack of water supply, drainage, transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services.

## SECTION 2

### DEFINITIONS

#### 2.1 PURPOSE

The purpose of this section is to eliminate ambiguity by providing a full definition of certain words and phrases which are used in these regulations.

#### 2.2 DEFINITION OF WORDS

For the purposes of these regulations and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense include the future tenses; words in the singular number include the plural, and words in the plural number include the singular; the word “person” includes a firm, partnership, or corporation as well as an individual; the word “lot” includes the word “plot” or “parcel”; the word “building” includes the word “structure”; and the terms “shall” and “will” are always mandatory and not directory, and the word “may” is permissive.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the common definition contained in any standard dictionary assigned to them.

**Abutting Property** - Means any property that is immediately adjacent or contiguous to property on the same side of the road.

**Alley** - Means any public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

**Arterial Street** - An arterial road or arterial thoroughfare is a high-capacity urban road. The primary function of an arterial road is to deliver traffic from collector roads to freeways or expressways, and between urban centers at the highest level of service possible. (i.e.: state highways)

**Acceptance.** Verification by the proper authority that a required improvement has been completed and accepted or that a bond sufficient to insure its construction in accordance with a prior approved design plan has been accepted.

**Administrative Agency.** An agency of state or local government.

**Average Daily Traffic. (ADT)**—the average 24-hour volume, being the total volume during a stated period divided by the number of days in that period.

**Average Ground Elevation.** The elevation of the mean finished grade.

**Benchmark.** A permanent reference monument (see definition) or suitably identified marker on a surface of a permanent structure which is referenced to mean

sea level datum and for which the elevation above mean sea level has been determined to the nearest one-hundredth of a foot.

**Block.** A surface land area which is separated and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, or other physical barriers.

**Block Number.** The official number or letter assigned to a block for identification purposes.

**Broken Back Curves.** Two (2) curves in the same direction with different origins (center points of the circles) connected by a tangent less than one thousand five hundred (1500) feet in length.

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

**Building.** Any enclosed structure intended for shelter, housing, or enclosure of persons, animals, or chattel.

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

**Certification.** The Planning Commission's endorsement that the final plat conforms to all legal requirements necessary for its recording.

**Collector Street.** A collector road or distributor road is a low-to-moderate-capacity road which serves to move traffic from sub-collector streets to arterial roads. Unlike arterials, collector roads are designed to provide access to residential properties.

**Community Sewer System.** A central sewer system which is owned, operated and maintained by a private corporation or non-profit property owners' association.

**County.** Roane County, Tennessee.

**County Commission or Commissioners.** The Roane County Commission and/or Commissioners.

**Cul-de-sac.** A street closed at one end.

**Dedication.** The setting aside by the owner and acceptance by the public of land for some public use.

**Design Review.** The review by the Planning Commission staff and/or other administrative agencies of a subdivision's design and conformance to development regulations, including these subdivision regulations.

**Developer.** An individual, partnership corporation, or other legal entity or agent thereof which undertakes the activities covered by these regulations. Inasmuch as

the subdivision plan drawings are merely a necessary means to the end of assuring satisfactory development, the term “developer” includes “subdivider”, “owner” or “builder”, even though the persons and their precise interests may vary at different project stages.

**Distribution.** The transmittal by the Planning Commission staff of copies of plats and engineering documents to those agencies required to review them.

**Easement.** The right to use another person’s property, but only for a limited and specifically named purpose; the owner generally continues to make use of such land since he has given up only certain, and not all, ownership rights.

**Easement Area.** A strip of land over, under, or through which an easement has been granted.

**Engineer.** A qualified civil engineer registered and currently licensed to practice engineering in the state of Tennessee.

**Engineering.** The preparation of plans, specifications, and estimates for, and the contract administration of construction of streets, drainage facilities, utilities and other similar public works installed within a subdivision for public use.

**Field Trip.** Conference and on-site investigation to determine the scope and types of improvements and the design criteria which apply to each proposed subdivision and to compare the plans with existing conditions.

**Floodplain.** The relatively flat area or low lands adjoining a floodway or other low area which has been, or may be, subject to be covered by floodwater.

**Floodway.** The natural channel and the portion of the floodplain along the channel that must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream.

**Frontage.** All property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street; or if the street is dead-ended, then all of the property abutting one (1) side between an intersecting street and the dead-end of the street.

**Health Department.** State of TN. Department of Environment and Conservation.

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

**Individual Sewage Treatment Facility.** A subsurface sewage disposal system as approved by the State of TN. Department of Environment and Conservation.

**Land Remnant.** Any portion of a tract of land which cannot be developed after the tract has been subdivided.

**Lot.** A parcel of land which is or may be occupied by a building and its accessory building or uses customarily incidental thereto, together with such yards or open spaces within the lot lines as may be required by these regulations or zoning ordinance.

**Lot, Double Frontage.** A lot which extends through a block from street to street or which has two (2) non-intersecting sides abutting on two (2) or more streets.

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

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

**Lot Number.** The official number assigned to a lot for identification purposes.

**Lot Width.** The width of a lot at the front building setback line measured at right angles to its depth.

**Major Road Plan.** The official plan adopted by the Roane Regional Planning Commission designating classifications, required right-of-way widths, and locations of streets in Roane County.

**Major Subdivision.** The subdivision shall be classified as a minor subdivision when the plat divides the tract into more than two (2) lots thereby creating more than one (1) new lot.

**Minor Residential Street.** A road is a low capacity road which serves to move traffic from residential properties to sub-collector streets. Minor residential streets are designed to provide access to residential properties.

**Minor Subdivision.** The subdivision shall be classified as a minor subdivision when the plat divides the tract into no more than two (2) lots thereby creating only one (1) new lot.

**Permanent Reference Markers.** Iron pins three-fourths (3/4) inch in diameter and at least thirty-six (36) inches in length set flush with the pavement at the point of intersection (PI) of the centerline of the right-of-way of two (2) intersecting streets, at the point of intersection (PI) of the center point of a cul-de-sac and the centerline of the street right-of-way, extended, and at such intermediate points as shall be determined by the appropriate city or county agency.

**Permanent Reference Monument.** Stone or concrete markers not less than thirty-six (36) inches in length and six (6) inches square with an iron pin set flush in the marker and each marker set flush with the finished grade (or other satisfactory monument as determined by the appropriate administrative agency).

**Plan, Preliminary.** An overall plan for the development of a tract of land in sufficient detail to evaluate the proposed road and lot layout and general drainage plan and specifying the proposed improvements.

**Planning Commission.** The Roane County Regional Planning Commission.

**Plat, Final.** An official survey instrument to be placed in the public records of Roane County and construction drawings of roads, utilities, site development and public improvements.

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

**Public Sewer System.** A central sewer system owned, operated, and maintained by a municipality, county, or utility district.

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

**Public Water System.** A central water system owned, operated, and maintained by a municipality, county, or utility district.

**Receipt.** The receipt by the Planning Commission staff of all the material which comprises the proper submittal of a plan or plat for administrative review or for consideration by the Planning Commission.

**Recommendation.** The Planning Commission staff's formal opinion concerning approval, conditional approval, disapproval, or postponement of consideration of a plan or plat, or the opinion of a responsible reviewing agency concerning an aspect of a plan or plat.

**Recreational Facilities.** Country clubs, riding stables, golf courses, and other similar recreational areas and facilities including swimming pools.

**Register of Deeds.** Roane County Register of Deeds.

**Reserve Strip.** A portion of land set aside to prevent and prohibit access to adjoining property or public thoroughfare.

**Reverse Curve.** In civil engineering, a **reverse curve** (or "**S**" **curve**) is a section of the horizontal alignment of a highway or railroad route in which a **curve** to the left or right is followed immediately by a **curve** in the opposite direction.

**Review.** The Planning Commission staff's and other administrative agencies' study (1) of Preliminary Plan for conformance to the Subdivision Regulations or (2) of a Design Plan for conformance to the Subdivision Regulations and development standards of agencies having review responsibilities or (3) of a Final Plat for conformance to the approved Design Plan and of platting required by the Subdivision Regulations.

**Reviewing Agency.** An agency which has responsibility for evaluation and verification of subdivision plans or plats or engineering documents.

**Right-of-Way.** An area used as a public way, measured from boundary line to boundary line, which may also accommodate public utilities.

**Road.** For the purpose of these regulations, “road” shall be defined the same as “streets”.

**Road Profile.** The road profile is the cross-sectional shape of the road surface in relation to the road corridor traversing the surrounding landscape.

**Roadway.** The portion of the street right-of-way which contains the street pavement, curb, and gutter, and is used primarily as a channel for vehicular movement and secondarily as a drainage channel for storm water. In these regulations where curbs are required, the pavement is measured from face to face of the curbs; without curbs, it is the measurement of the wearing surface.

**Rocking.** The preparation of a roadway base.

**Rural Low Impact Development (RLID).** A low impact development of lots of 5 acres or more in size and meeting the development standards as required in Section 7 of these regulations.

**Sanitary Sewer System.** A public or community sewage disposal system of a type approved by the State Department of Public Health.

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

**Septic Tank.** See Individual Sewage Treatment Facility.

**Setback.** The distance required to obtain the minimum front, side, and rear yards.

**Sight Distance.** The distance visible to the driver of a passenger automobile, measured along the normal path of a roadway, when the view is unobstructed.

**Staff.** Employees of the Roane County Regional Planning Commission.

**Street.** The entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel.

**Street, Classified.** A street, either existing or proposed, which is assigned a functional street classification by the *Major Road Plan*.

**Street, Half.** A street having width less than required by these and other appropriate regulations.

**Street, Intersection.** Any street which joins another street at an angle, whether or not it crosses the other.

**Street Classification.** Types of streets as set forth in the *Major Road Plan* for Roane County.



**Street Furniture.** Any improvements placed within the street right of way, such as utility poles, street signs, etc.

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

**Street Line.** The right-of-way, or legal line dividing the street right-of-way and abutting property.

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

**Sub-collector Street.** A collector road or distributor road is a low-to-moderate-capacity road which serves to move traffic from minor residential streets to collector streets. Sub-collector roads are designed to provide access to residential properties.

**Subdivider.** For the purpose of these regulations, “subdivider” shall be defined the same as “developer”.

**Subdivision.** The division, redivision, or resubdivision, of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, except any division which creates lots or sites which are larger than five (5) acres and not requiring new street or utility construction.

**Surveying.** Any service of work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries, and for the platting and layout of lands and subdivisions thereof, including the topography, drainage, alignment and grades of streets, and for the preparation and perpetuation of maps, record plats, field notes, records and property descriptions that represent these surveys.

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

**Test Holes.** Openings dug, bored, or drilled in the ground for conducting soil tests.

**Unit.** A subsection of a total subdivision developed as a complete segment.

**Use.** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

**Utility.** A service to the public, including sanitary and storm sewers, water, electric power, gas, telephone and other communication means, police and fire protection, garbage collection, mail, street lighting, and so forth.

**Utility Agency.** A municipal department, private for-profit or not-for-profit corporation, utility district or special district, or state, federal, or local agency which provides utility service to the public.

**Verification.** The written indication by each administrative and utility agency that the Design Plan and its accessory engineering documents conform to the section of these subdivision regulations which apply to that agency's area of responsibility and to that agency's requirements, or a written statement of the plan's deficiencies.

**Vesting.** Gives an immediately secured right of present or future development for time specified.

**Watercourse.** Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed or banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or surface water.

**Watercourse, Permanent.** A watercourse that flows year-round.

**Way.** A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**Zoning Ordinance.** The duly adopted *Zoning Ordinance of Roane County, Tennessee* or the *Zoning Ordinance of Roane County, Tennessee*.

## SECTION 3

### ADMINISTRATION

#### 3.1 PURPOSE

- 3.1.1 The purpose of this section is to specify the functions to be performed by the various administrative agencies in administering these regulations.

#### 3.2 PLANNING COMMISSION

- 3.2.1 The Planning Commission and its staff shall perform the following duties in regard to the administration of these regulations:
- 3.2.2 **Maintenance of Records.** The staff of the Planning Commission shall maintain permanent and current records of these regulations, including amendments thereto.
- 3.2.3 **Plans and Plats.** The Planning Commission, as represented by its staff, shall receive all plans and plats for administrative review and distribution.
- 3.2.4 **Distribution of Plans and Plats.** The Planning Commission staff shall distribute copies of all plans and plats to appropriate administrative and utility agencies for review as to conformance with the individual agency's requirements and with these regulations.
- 3.2.5 **Review.** The Planning Commission staff shall review all plans and plats for subdivision design and conformance to regulations governing the subdivision of land.
- 3.2.6 **Field Trips.** The Planning Commission staff shall arrange for and conduct all conferences and field trips necessary for proper investigation of plans and plats.
- 3.2.7 **Recommendations.** Based upon findings of the staff's review and the recommendations of other appropriate agencies, the Planning Commission staff shall make recommendations for approval or disapproval, or upon written request by the developer, postponement of consideration of the Preliminary Plan or Final Plat and place on the appropriate Planning Commission agenda.
- 3.2.8 **Plan Approval.** The Planning Commission staff shall require submission of statements certifying design approval from appropriate utilities and reviewing agencies prior to, or at the time of receipt of the final plat for Planning Commission consideration.
- 3.2.9 **Notification.** The planning commission shall notify the developer of the time and place of the public hearing on the preliminary plan or final plat. Notification shall take place at least five (5) days prior to the public hearing.
- 3.2.9.1 **Approval or Disapproval.** The Planning Commission shall receive the recommendations of its staff and approve, disapprove, or upon written request by the developer, postpone consideration of the preliminary plan or final plat. In the event that the Planning Commission fails to either approve, postpone with concurrence of applicant,

or disapprove a final plat within sixty (60) days of its receipt, such plat shall be regarded as approved.

- 3.2.10 **Certification.** Upon approval of the final plat, the Planning Commission shall certify that such plat is approved for recording with the Roane County Register of Deeds.
- 3.2.11 **Distribution of Certified Plat.** Upon certification of the final plat, certified copies of such plat shall be distributed to appropriate administrative and utility agencies by the Planning Commission staff.
- 3.2.12 **Records.** The Planning Commission staff shall keep a record of all plans and plats, the comments of appropriate governmental agencies and private individuals, and Planning Commission actions pertaining thereto.
- 3.2.13 **Subdivision Review Responsibility.** The following utilities and administrative agencies shall have review responsibilities under these regulations: State of TN. Department of Environment and Conservation, Roane County Highway Department and Utility Districts which provide sewer and water. Utilities which provide electricity, gas, telephone, or other communication services shall have no design review responsibility under these regulations, but may aid in the design of proposed subdivisions.

### **3.3 STATE GROUND WATER PROTECTION**

- 3.3.1 The County Health Department shall perform the following duties in regard to the administration of these regulations:
- 3.3.2 **Preliminary Plan.** After review of the Preliminary Plan, the County Health Department shall provide the Planning Commission with a written statement relative to the possible success of the proposal with respect to the following:
  - 3.3.2.1 Sewage Disposal Facilities. The adequacy of proposed sewage disposal facilities.
  - 3.3.2.2 Soil Suitability. The soil suitability as indicated by a soil survey certified by a Soil Scientist.
  - 3.3.2.3 Other Health Factors. Any other factors relating to the health of the community.
- 3.3.3 **Final Plat.** After review of the Final Plat, the County Health Department shall certify approval on the plat or if disapproved, provide the Planning Commission with a written statement of deficiencies.

### 3.4 UTILITY HAVING JURISDICTION

- 3.4.1 The utility having jurisdiction shall perform the following duties in regard to the administration of these regulations for subdivisions within the unincorporated area of Roane County.
- 3.4.2 **Preliminary Plan.** After review of the preliminary plan, the appropriate utility agency shall provide the Planning Commission with a written statement relative to the general availability of proposed public sewer, water, electric, and gas systems
- 3.4.3 **Sufficiency of Bonds.** The sufficiency of bonds, insurance, or other approved security to guarantee completion of proposed public utilities shall be determined by the appropriate utility agency.
- 3.4.4 **Final Plat.** The appropriate utility agency shall review the final plat (including minor subdivisions and administrative plats) to verify that all required utility easements have been identified on the plat.

### 3.5 ROANE COUNTY HIGHWAY DEPARTMENT

- 3.5.1 The Roane County Highway Department shall perform the following duties in regard to the administration of these regulations for subdivisions within the corporate limits of Roane County:
- 3.5.2 **Preliminary Plan.** After review of the Preliminary Plan, the Roane County Highway Department shall provide the Planning Commission with a written statement relative to the general acceptability of proposed roads, drainage systems and related improvements.
- 3.5.3 **Sufficiency of Bonds.** The sufficiency of bonds to guarantee completion of roads, drainage systems and related improvements shall be determined by the Roane County Highway Department.
- 3.5.4 **Final Plat.** After review of the final plat, the Roane County Highway Department shall certify acceptance on the plat of roads, drainage systems and related improvements, or that bond has been accepted to guarantee completion.

### 3.6 APPEALS

- 3.6.1 An appeal of any action or decision rendered pursuant to these regulations shall be to any Court of competent jurisdiction.

## SECTION 4

### PROCEDURES AND SPECIFICATIONS FOR SUBMISSION OF PLANS AND PLATS

#### 4.1 GENERAL PURPOSE

The purpose of this section is to outline the procedures which shall be followed by the developer in submitting plans and plats to the planning commission and to specify the information required to be included on or to accompany plans and plats of proposed subdivisions. The sub-divider shall prepare nineteen (19) copies of the preliminary plan or Twelve (12) copies of a final plat to be submitted in the following manner. Plans and plats shall be submitted on/or before the last day of each month to be on the following months agenda;

Twelve (12) copies to the planning commission, distributed by the zoning office.

One (1) copy to the appropriate electric utility district, distributed by the developer.

One (1) copy to appropriate water utility district, distributed by the developer.

One (1) copy to the Roane County Road Supervisor, distributed by the developer.

One (1) copy to the appropriate telephone utility district, distributed by the developer.

One (1) copy to the State of TN. Department of Environment and Conservation, distributed by the developer.

One (1) copy to the emergency 911 office as distributed by the developer.

One (1) copy to the tax assessor's office as distributed by the developer.

A signed receipt form shall be required indicating that all contacts have been made as noted by the signatures of all departments/offices having review over the plat. The form shall be provided by the zoning office.

4.1.1 No final plat for recording shall be approved by the planning commission unless the following provisions have been met:

4.1.1.1 A preliminary plat shall have been prepared and has been approved by the Planning Commission as specified herein.

4.1.1.2 The required improvements shall have been satisfactorily installed and completed by the subdivider or a bond has been posted to secure the same.

4.1.1.3 A final plat shall have been prepared and approved by the Planning Commission as specified herein.

4.1.1.4 The plat is a two-lot subdivision that has been approved by the staff.

4.1.1.5 The plat is a minor plat of five (5) lots or less and has been granted final approval by the planning commission.

4.1.2 Prior to the preparation of any plat of a subdivision of land, the Planning Commission and its technical staff are available for advice and assistance. This will enable one to become thoroughly familiar with these regulations, the road specifications of Roane County and other official plans and public improvements, which might affect the development.

4.1.2 Whenever regulations contained in this resolution are different from regulations contained in other county resolutions, the most restrictive regulation shall prevail.

4.1.3 The Planning Commission shall not approve the subdivision of land if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed. The proposed development, or lots within the development, may be denied for: poor soils (over 70 mpi perc rate), severe rock outcroppings, unstable soil and rock outcroppings, roads giving access to the proposed development which have less than fifty (50) feet road right of way, denial of lots by health department, private road access to the proposed development, hazardous contaminated soil area, inadequate fire protection area, sink holes and caverns, no health department approval, no appropriate bond in place.

## 4.2 PRELIMINARY PLAN

**4.2.1 Purpose.** the preliminary plan is the first official plan required by these regulations. The purpose of this plan is to provide the planning commission and the planning commission staff with sufficient information to determine the practicality, suitability, and conformance with regulations of the proposed preliminary concept plan.

**4.2.2 When Preliminary Plans are Required.** A Preliminary Plan shall be required for any subdivision that will divide land into six (6) or more lots, or include the construction and dedication of a public or private street.

**4.2.3 Submission of Preliminary Plan.** The applicant shall submit the preliminary plan to the planning commission for consideration. Twenty-two (22) copies of the plan and related data, as required in this section, shall be submitted to planning commission staff on/or before the last day of each month to be on the following months agenda.

**4.2.4 Public Hearing.** The planning commission shall consider the preliminary plan in public hearing at its first regular meeting consistent with closing date for filing proposals as prescribed in Section 4.2.3. The developer will be notified of such hearing in accordance with Section 3.2.9 of these regulations and he or his representative shall be present.

**4.2.5 Planning Commission Action.** Following the public hearing, the planning commission will consider all recommendations and approve, approve subject to conditions, disapprove, or upon request of the developer, either in writing or at the hearing, postpone action or permit withdrawal of the preliminary plan.

4.2.5.1 Approval of the preliminary plan by the planning commission is conditional on certification of engineering documentation that the proposed development meets the development standards of Roane County, and of the authorities having development review responsibilities, and all applicable regulations in effect at the time of certification of plan.

4.2.5.1.1 If **approved**, the developer is now authorized to proceed with the preparation of improvements as specified and preparation of the final plat. Lots shall not be sold or negotiated for sale, nor shall building construction begin at this time.

4.2.5.1.2 If **disapproved**, the reasons for such action shall be noted in the minutes of the Planning Commission. For further consideration, the developer shall re-work plans as though they were a completely new set of preliminary plans.

4.2.6 **Notice.** The hearing of a subdivision proposal shall be part of the meeting agenda which shall be given public notice through a newspaper of broad county distribution.

4.2.7 **Waiver of the Preliminary Plan.** A subdivider may omit the submission of a preliminary plan, submitting only a final plat if all the following conditions are met:

4.2.7.1 The proposed subdivision does not contain more than five (5) lots, sites or divisions.

4.2.7.2 All public improvements as set forth in Section 6 are installed or because of the nature of the development deemed not necessary by the Planning Commission. Any construction, installation or improvement of any public utilities/facilities shall require submission of a preliminary plan as prescribed by Section 4.2.

4.2.7.3 The sub-divider has consulted informally with the planning commission staff and the State of TN. Department of Environment and Conservation for advice and assistance before preparation of a final plat and its formal application for approval.

4.2.8 **Location Sketch.** A location sketch shall be drawn at a scale small enough to show the relationship of the tract to be subdivided with the adjoining area.

4.2.9 **Design Scheme.** The design scheme shall be drawn at a scale of one hundred (100) feet to the inch unless the developer obtains permission from the planning commission in advance of the meeting. If necessary, more than one (1) sheet may be used as long as a key map is shown to relate each sheet to the entire planned area and a title block is placed on each supplemental sheet providing subdivision title, civil district, and legend information. The design scheme shall show the following information:

4.2.9.1 The location of existing and platted property lines, existing streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements or lines, the present zoning classification, if any, on



the land to be subdivided and on the adjoining land, and the names of adjoining property owners or subdivisions.

- 4.2.9.2 Plans of proposed utility layouts (sewers, water, gas and electricity) showing feasible connections to the existing or proposed utility systems. When such connections are not practicable, any proposed individual water supply and/or wastewater disposal system must be approved by the appropriate health authorities.
- 4.2.9.3 The proposed street names, and the locations and dimensions of proposed streets, rights-of-way, alleys and easements. Road profiles are required.
- 4.2.9.4 Lot and block lines and identification numbers or letters together with approximate dimensions and total acres per lot.
- 4.2.9.5 Contours at vertical intervals of not more than five (5) feet except when specifically, not required by the Planning Commission; such request must be made prior to the submission of a preliminary plan.
- 4.2.9.6 All parcels of land intended to be dedicated or reserved for public use.
- 4.2.9.7 Any portion of the land being subdivided subject to flood, as defined in Section 5.4.4 shall be shown.
- 4.2.9.8 An impact statement detailing how the development, its traffic generation and construction shall impact the existing county roads and how the developer plans to off-set the impact.

4.2.10 **Public or Private Roadways.** The preliminary plan shall designate whether the roadways shown to be developed are to be public/private roadways or joint permanent easements.

4.2.11 **Accompanying Drawings, Documents, Statements.** The following information shall accompany the preliminary plan:

4.2.11.1 **General Drainage Plan.** Showing existing drainageways and probable location of major drainage structures including detention basins.

4.2.11.2 **Road Profiles.** At a horizontal scale equal to the horizontal scale of the land subdivision plan and a vertical scale of one-tenth (1/10) of the horizontal scale.

4.2.11.3 **List of required and proposed improvements.**

4.2.11.4 **Statement(s) or Letter(s) indicating the availability of public utilities.**

4.2.12 **Staking Roads.** The point of intersection of all perimeter roads with existing roads or with the boundary line of the tract must be staked prior to submission of the preliminary plan and the subdivision designer must meet in the field with reviewing agencies at their convenience; or the centerline of all roads must be staked prior to submission of the preliminary plan.

### 4.3 FINAL PLAT (Major Subdivision)

In order to receive a final plat approval, all standards must have been met; all required signatures must be on the plat, all bonds shall be posted to the Roane County Regional Planning Commission and health department approval must have been obtained. No conditional approvals shall be granted under any circumstances.

4.3.1 **Purpose.** All subdivision plats shall receive their second official consideration by the Planning Commission as Final Plats.

4.3.2 **Submission of Final Plat.** The sub-divider shall file the final plat and twelve (12) copies together with four copies of any covenants or restrictions with the Planning Commission not less than twelve (12) days prior to the regularly scheduled meeting of the Commission.

4.3.3 **Time Lapse.** Unless a time extension has been requested by the developer and granted by the commission, the Final Plat of the first unit shall be submitted within three (3) years of the approval date of the Preliminary Plan; otherwise the plat cannot receive Final Plat consideration, but shall be considered as, and resubmitted as, a new Preliminary Plan. Final Plat approval of each unit of the subdivision will subject to the vesting requirements as established in Section 8 of these regulations.

4.3.4 **Public Hearing.** The Planning Commission shall consider the Final Plat in public hearing at its first regular meeting consistent with the closing date for filing proposals as prescribed in Section 4.3.2. The developer will be notified of such hearing in accordance with Section 3.2.9 of these regulations and he or his representative shall be present.

4.3.5 **Notice:** The hearing of a proposal shall be part of the meeting agenda which shall be given public notice through a newspaper of broad county distribution.

4.3.6 **Planning Commission Action.** The Planning Commission shall take action on the proposed final plan within sixty (60) days after submission.

If approved, the final plat for recording is ready to be signed and recorded, then the developer may sell or agree to sell lots by reference to that plat. Planning Commission approval shall not be deemed to constitute or effect an acceptance by the local governing body of the dedication of any street or other proposed space offered for dedication since such acceptance is the prerogative of the local governing body alone.

4.3.7 **Recording of Final Plat.** The original of the final plat approved by the planning commission shall be filed with the Roane County Register of Deeds. The approved original shall not be altered in any manner.

- 4.3.8 **Location Sketch.** A location sketch showing the general location of the subdivision, and drawn at a scale small enough to show its relationship to adjoining properties shall be provided.
- 4.3.9 **Design Scheme.** The Final Plat is the official survey instrument to be recorded with the Roane County Register of Deeds. It provides all surveying data necessary for the accurate and legal transfer of property. The recorded plat, together with statements from the appropriate agencies certifying approval of the plan and its related documents, comprises the Final Plat submission package.

The Final Plat shall conform to the design standards and shall be prepared in the following manner:

- 4.3.9.1 **Scale.** The Final Plat shall be drawn to a scale of one hundred (100) feet or less to the inch. Under special circumstances, the plat may be drawn at a larger scale with the approval of the Secretary of the Planning Commission or his or her designee, and so long as the information required to be placed on the plat is legible.
- 4.3.9.2 **Size and Border.** The final plat original shall be no larger than 24 by 36 inches. If necessary, more than one sheet may be used as long as a key map is shown to relate each sheet to the entire platted area. The information required on the final plat should be positioned in one of four places: in the title block, in the certificate block, on the location sketch, or on the design scheme.
- 4.3.9.3 **North Point.** The Final Plat shall be so oriented that the north point will be directed as nearly as possible toward the top of the page with the binding edge on the left.
- 4.3.9.4 **Page Numbering.** When more than one sheet is used for any Final Plat, each sheet shall be numbered consecutively and shall contain a notation indicating the total number of sheets in the plat. In addition, an index sheet of the same dimensions shall be required showing the entire subdivision, the sheet numbers, and outlines for each separate sheet of the Final Plat.
- 4.3.9.5 **Survey Accuracy.** All subdivision plats shall comply with the standards of practice of the current edition of *Tennessee Land Surveyors Laws and Regulations*, and shall be Category I surveys as defined by those regulations.
- 4.3.9.6 **Mapping and Engineering Information.** The lines and the width along the property lines for all existing or recorded streets intersecting or paralleling the boundaries of the tract or intersecting roads adjacent to or paralleling the boundaries of the tract.
- 4.3.9.7 **Street Lines on Adjacent Land.** Show the exact location with dashed lines and the width along the property lines for all existing or recorded streets intersecting or paralleling the boundaries of the tract or intersecting roads adjacent to or paralleling the boundaries of the tract.
- 4.3.9.8 **Monument References.** Show the accurate location of all permanent reference monuments and show the bearings and distances to the nearest established street boundaries, established survey lines, or other official monuments.

- 4.3.9.9 **Survey Control System Requirements.** Coordinates of the approved control point shall be shown on the plat and all bearings shown on the plat shall be oriented to the survey control system. The tie line shall show the bearing and distance between the approved control point and the subdivision.
- 4.3.9.10 **Owners of Adjacent Land.** For adjacent land which is platted, show the boundaries with dashed lines and the recorded name of the subdivision. For adjacent land which is un-platted, show the boundaries with dashed lines and the name of the owners of record.
- 4.3.9.11 **Boundary Lines of Tract.** In a line style and weight which will distinguish the developer's property from all adjacent property show the tract boundary lines with lengths of courses to hundredths of a foot and bearings to the nearest minute, or better. These boundaries shall be determined by an accurate survey in the field. A boundary closure sheet, utilizing the bearings and distances shown on the plat, is required and shall be submitted when the Final Plat application or Administrative Plat is filed with the Planning Commission.
- 4.3.9.12 **Street, Easement, and Lot Lines on Tract.** For street rights-of-way, show the names, bearings, angles of intersection, and widths including the widths along the line of any obliquely intersecting street. For all arcs, show the arc lengths, radii, points of curvature and tangency, and their chord bearings and lengths. For all easements or other rights-of-way, show the location, width, and actual name and purpose (gas line easements, etc.). For all lot lines, show horizontal dimensions to hundredths of a foot and their bearings to the nearest one-half minute of horizontal arc unless they lie normal to street boundaries. The Final Plat shall designate and identify each proposed street and road as to whether it shall be a public roadway or joint permanent easement.
- 4.3.9.13 **Easements, Dedications and Reservations.**
- 4.3.9.13.1 Customary and Special Easements. The Final Plat shall show customary and special easements as required in these regulations.
- 4.3.9.13.2 Reservations and Dedications on Tract. Show the accurate outline of all property which is either offered for dedication to public use or which is reserved by covenant in the deeds for the common use of the property owners in the subdivision with the purpose also plainly printed thereon.
- 4.3.9.14 **Site Physical Features.** The Final Plat shall clearly indicate the location of lakes, streams, and floodway zones or such other physical features as may be required to be shown by the Planning Commission or other appropriate administrative agency.
- 4.3.9.15 **Location Map.** A sketch showing the general location of the subdivision in relation to the surrounding area shall be placed on the sheet, generally in the upper right or upper left corner. The location sketch shall be drawn to a scale large enough to show the proposed subdivision's relationship to existing community facilities, such as major traffic arteries, schools, and natural features, such as rivers and streams.

4.3.9.16 **Lot Numbers, Setback Lines, and Restrictions on Tract.** Show the lots numbered in numerical order and blocks lettered in alphabetical order; if use of blocks is not desired, number all lots in the entire subdivision in numerical order; show the front yard setback building lines.

4.3.9.17 **Title Block.** The title block for the Final Plat drawing shall contain the following information:

4.3.9.17.1 **Subdivision Name.** The name of the subdivision and, where the plat at hand is only part of a larger subdivision bearing the same name, the unit number shall be indicated. Such subdivision name shall not duplicate or closely approximate any other subdivision name in the county.

4.3.9.17.2 The name of the subdivision shall be preceded by the words “Record Plat of \_\_\_\_\_.”

4.3.9.17.3 **Property Identification.** The property being subdivided shall be identified by the Roane County Civil District and Property Assessor’s identification number, block, and lot number.

4.3.9.17.4 **Person Identification.** The name, mailing address and telephone number of the property owner, the developer, the engineer, and any other persons directly involved in the transaction shall be indicated.

4.3.9.17.5 **Legend Information.** The graphic scale, written scale, north point, date of preparation, acreage, number of lots and any other pertinent legend information should be indicated.

4.3.10 **Certifications.** The following appropriate certifications with required signatures shall be affixed to all plans and Final Plats:

4.3.10.1 **Ownership.** The certification of ownership and general dedication shall be as follows:

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (We) hereby certify that I am (We are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt this plan of subdivision with my (Our) free consent, establish the minimum building restriction lines, and dedicate all roads, alleys and walks to public or private use as noted.

_____	_____
Date	Owner
_____	_____

4.3.10.2 **Accuracy:** The certification of accuracy shall be as follows:

**CERTIFICATE OF ACCURACY**

I hereby certify that the plan shown and described hereon is true and correctly surveyed to the accuracy required by the Roane County Regional Planning Commission and the monuments have been placed as shown hereon, to the specifications of the State of Tennessee.

\_\_\_\_\_  
Date                      Registered surveyor

4.3.10.3 **Water:** The certification of water availability shall be as follows:

**CERTIFICATE OF AVAILABILITY OF  
PUBLIC WATER SUPPLY**

This is to certify that the public water supply lines have been properly installed and are available for service connections.

\_\_\_\_\_  
Date                      Authorized Agent  
\_\_\_\_\_  
Utility District

4.3.10.4 **Public Sewer:** The certification of public sewer availability shall be as follows:

**CERTIFICATE OF AVAILABILITY OF  
PUBLIC SEWER SUPPLY**

This is to certify that the public sewer lines have been properly installed and are available for service connections.

\_\_\_\_\_  
Date                      Authorized Agent  
\_\_\_\_\_  
Utility District

4.3.10.5 **Sanitary Sewer.** The certification for sanitary sewer shall be one of the following forms:

**Sanitary Sewer**

This is to certify that this subdivision is generally suitable for subsurface sewage disposal systems; and this is to notify that all lots are subject to Sections 68-13-401 thru 68-13-413 of the *Tennessee Code, Annotated*, and the regulations promulgated thereto.

Date \_\_\_\_\_

State of TN. Department of Environment and Conservation \_\_\_\_\_

4.3.10.6 **Roads.** The certification for roads shall be one of the following forms:

**(If applicable)  
ACCEPTANCE BY ROANE CO. HIGHWAY DEPT.**

This is to certify that the roadway improvements fronting the lots shown hereon has been completed and bond and/or surety posted to insure warranty as required by the Roane County Highway Department.

\_\_\_\_\_  
Date                      Roane County Highway Department

(If applicable certification by Roane County or State of TN.)

**CERTIFICATION BY ROANE CO./STATE OF TN. HIGHWAY DEPT.**

This is to certify that all lots shown on plat abut an existing county road by at least 30 foot.

\_\_\_\_\_  
Date      Roane County/Tennessee Highway Supervisor

(If applicable)

**CERTIFICATION BY ROANE CO./STATE OF TN. HIGHWAY DEPT.**

This is to certify that all lots shown on plat abut an existing county road by at least 50 foot.

\_\_\_\_\_  
Date      Roane County/Tennessee Highway Supervisor

(If applicable)

**CERTIFICATION BY ROANE CO./STATE OF TN. HIGHWAY DEPT.**

This is to certify that all lots shown on plat abut an existing county road by at least 75 foot.

\_\_\_\_\_  
Date      Roane County Highway Tennessee Supervisor

(If applicable)

**CERTIFICATION BY ROANE CO./STATE OF TN. HIGHWAY DEPT.**

This is to certify that all lots shown on plat abut an existing county road by at least 100 foot.

\_\_\_\_\_  
Date      Roane County Highway/Tennessee Supervisor

4.3.10.7 **Approval for Recording:** The certification for approval of recording shall be as follows:

**CERTIFICATE OF APPROVAL FOR RECORDING**

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision standards for Roane County, Tennessee, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the Register of Deeds.

\_\_\_\_\_  
Date      Secretary, Roane Co. Planning Commission

4.3.10.8 **E-911 and Road Names:** The certification of E-911 addresses and road names shall be as follows:

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

I hereby certify that the names of the existing streets/roads shown on this subdivision plat are correct, and the names of any new roads do not duplicate any existing names and the property numbers of the lots shown on this plat are in conformance with the E-911 system.

\_\_\_\_\_  
Date      E-911 Authorized Representative

4.3.10.9 **Surveyor's Stamp:**

4.3.10.10 **Engineer's Stamp:**

**4.4 MINOR PLAT (Minor Subdivision)**

4.4.1 **Purpose.** The purpose of this section is to establish special requirements for minor subdivision plats in order that they may be prepared and processed in much less time that is required for major

subdivision plats. Minor plats shall meet all location sketch and design scheme requirements as a Final Plat.

- 4.4.2 **Qualifications for Minor Subdivision.** The subdivision shall be classified as a minor plat when the plat divides the tract into no more than two (2) lots thereby creating only one (1) new lot.
- 4.4.3 **Minor Subdivision Procedures.** Minor subdivision procedures may vary depending on proposed design, topography, drainage or other factors which may be peculiar to the particular site or area involved. These procedures are as follows:
- 4.4.4 **Review and Certification by Staff.** The staff of the Planning Commission shall review the subdivision plat with in ten (10) working days and,
- a. Certify to the secretary of the commission that such plat complies with all requirements of these regulations, or
  - b. Advise the surveyor of the plat's deficiencies.
- 4.4.5 **Approval and Certifications for Recording.** Upon correction of all deficiencies, if any, and a determination by the Planning Commission staff that all requirements and certifications as required on a Final Plat have been met, approval and certification for recording may be endorsed on the plat by the Secretary of the Planning Commission. All certifications may not be required on a Minor Plat as determined by the Planning Commission staff.

#### 4.5 ADMINISTRATIVE PLAT REVIEWS

- 4.5.1 **Purpose.** The purpose of this section is to establish special procedures for administrative plat review with minimum delay in processing such subdivisions for recording.
- 4.5.2 **Qualifications for Administrative Plat Review.** The subdivision shall be classified as an administrative plat when the plat combines existing lots into no more than two lots, where an adjustment is made to the lot line(s) between two existing recorded lots, where a plat is required for recording an easement or new information and no subdivision of land is involved, or, where the plat meets the requirements for an exempt or corrected plat.
- 4.5.3 **Administrative Plat Review Procedures.** Administrative plat review procedures may vary depending on conditions involved. The procedures are as follows:
- 4.5.4 **Review and Certification by Staff.** The staff of the Planning Commission shall review the subdivision plat with in ten (10) working days and,
- a. Certify that such plat complies with all requirements of these regulations, or
  - b. Advise the surveyor of the plat's deficiencies.
- 4.5.5 **Approval and Certifications for Recording.** Upon correction of all deficiencies, if any, and a determination by the Planning Commission staff that all requirements and certifications as required on a Final Plat have been met, approval and certification for recording may be endorsed on the plat by the Planning Commission staff. All certifications may not be required on an Administrative Plat as determined by the Planning Commission staff.



4.5.6 **Exempt Plats.** A plat shall be considered as an exempt plat if the division of property meets all of the following criteria:

4.5.6.1 All lots being created by the division of property are five (5) acres or greater in area.

4.5.6.2 All lots shall have the required minimum road frontage on a public street or access to a public street by an exclusive permanent easement pursuant to the requirements of Section 5.2.2e.

4.5.6.3 No new road construction is required to serve the subdivision.

4.5.6.4 No new utility construction is required other than individual service lines to a lot.

4.5.6.5 The proposed lots are not a result of the combination of lots smaller than five acres.

4.5.7 While an exempt plat is not subject to all the requirements of these regulations, an administrative plat review is required to determine if the plat complies with the above referenced criteria, and if the plat meets a mathematical property boundary closure and computed area requirements.

4.5.8 An exempt plat shall include the surveyor's seal (signed and dated) and the following certification stamps: survey accuracy stamp, address and zoning classification stamps, and ownership certification stamp. In addition, the following surveyor's certification stamp for an exempt plat shall be included:

I certify that this plat qualifies under the provisions of Section 13-3-401 of the *Tennessee Code, Annotated* and is exempt from the requirements of the *Roane County Subdivision Regulations*, because (a) no new street or utility construction is required, and (b) all resultant tracts are five (5) acres or greater in size.

Surveyor: \_\_\_\_\_

Reg. No. \_\_\_\_\_ Date \_\_\_\_\_

#### 4.5.9 **Corrected Plats**

4.5.9.1 A plat shall be considered as a corrected plat if an error is discovered after recording, and the correction of the error does not result in a change affecting the size of any lot; the location of any property line or easement; add any new information that is not required for the correction; or eliminate any dedicated usage of the property (i.e. drainage or access easement)

4.5.9.2 A corrected plat shall identify the plat in the title block as a "Corrected Plat"; include a note stating what has been corrected on the plat; include the date of the corrected plat revision; and make reference to the instrument number of the previously recorded plat as recorded in the Register of Deeds Office.

## **4.6 AREA TO BE SURVEYED**

- 4.6.1 **Lot size determines the area that is to be surveyed.** When a tract of land or parcel is subdivided into two (2) or more lots, all resulting lots shall be surveyed and included on the plat except in the case where the remaining portion of the property is five (5) acres or greater in area. If the remaining portion of the property is five (5) acres or greater in area, the plat shall include property lines as they depart from both corners common with remainder of tract. The surveyor shall certify on the plat that the balance of the property is five (5) acres or greater in area and identify the remaining acreage.

## **4.7 PLAT REVIEW FEES**

- 4.7.1 Minor Subdivisions: of up to 5 lots total with no improvements.  
Base Fee: \$25.00 plus \$10.00 for each lot.  
Example: A one lot subdivision would include the base fee of \$25.00 plus a lot fee of \$10.00.  
Total fees would be \$35.00.
- 4.7.2 Major Subdivisions: of 6 lots or more.  
Base Fee: \$100.00 plus \$10.00 for each lot.  
Example: A six lot subdivision would include the base fee of \$100.00 plus a lot fee of \$10.00 for six lots (\$60.00). Total fees would be \$160.00.

## SECTION 5

### GENERAL DESIGN STANDARDS

All subdivisions shall conform to the following design standards:

#### 5.1 STREETS

##### 5.1.1 Street Right-of-Way Widths

The minimum width of right-of-way, measured from lot line to lot line, shall be as follows:

- a. Arterial Streets or Highways 80 feet or as may be required
- b. Collector Streets 60 feet
- c. Subcollector Streets 50 feet
- d. Minor Residential Streets 50 feet
- e. Cul-de-sacs 50 feet
- f. Dead-end Streets Not Allowed
- g. Subdivisions along existing streets of inadequate right-of-way shall dedicate additional right-of-way to meet the minimums specified in these regulations.
  - 1 The entire right-of-way shall be provided where any part of the subdivision is on both sides of an existing street.
  - 2 When the subdivision is located on only one side of existing street, one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.
- h. Subdivisions with unusual topographic conditions shall provide slope easements along street rights-of-way where necessary for the sloping of banks or fill.

##### 5.1.1 Alleys

- a. Alleys will not be permitted in residential districts except as a continuation of an existing dead-end alley or in a residential planned unit development as access to garages, parking areas or other accessory buildings.
- b. Alley right-of-way shall not be less than 20 feet in commercial and industrial developments and in residential planned unit developments.

### 5.1.2 Street Alignment

- a. All street alignments should provide for the continuation of existing streets abutting the subdivision where practical.
- b. Arrangement of Arterial and Collector streets in the subdivision shall conform as closely as possible with the Major Street and Road Plan.
- c. The arrangement of streets shall be such as will not cause hardship to owners of adjoining property in providing convenient access.
- d. Sub-Collector streets may be required where necessary to facilitate flow into the subdivision.

### 5.1.3 Street Grades

Allowable street grades shall not exceed fourteen (14) percent maximum grade or county road standard requirements. Road profiles are required.

### 5.1.4 Centerline Radius

Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, the following center line radius shall be established:

	Ordinary	Rolling	Hilly
(a) Minor Residential	250 ft.	175 ft.	110 ft.
(b) Sub-collector	350 ft.	230 ft.	150 ft.
(c) Collector	350 ft.	230 ft.	150 ft.
(d) Arterial	(State Design Standards)		

### 5.1.5 Minimum Sight Distance (Tangents)

The following tangents shall be established between midpoints of the curb lanes on reverse curves:

- (a) Minor Residential                      200
- (b) Sub-collector                            200
- (c) Collector                                 250
- (d) Arterials                                 (State Design Standards)

### 5.1.6 Tangents

A tangent of 100 feet will be a minimum on reverse curve.

### 5.1.7 Vertical Curves

Vertical profiles shall be provided. Profiles shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals twenty (20) feet vertical, showing natural and finished grades.

### 5.1.8 Street Intersection

Street intersections shall meet the design standards in Table I.

**TABLE 1**  
**INTERSECTION DESIGN**

1. Approach Speed	25 MPH
2. Clear Sight Distance (length along each approach leg)	90 ft.
3. Vertical Alignment Within Area	Flat/ Minimum 2%
4. Minimum Angle of Intersection	90° preferred/ 75° minimum
5. Minimum Curb Radius (ft.)	
a. local-local	20 ft.
b. local-collector	20 ft.
6. Minimum Centerline Offset of Adjacent Intersections (ft.) (Street Jogs)	
a. local-local	150 ft.
b. local-sub-collector	150 ft.
c. sub-collector-collector	150 ft.
d. collector-collector	200 ft.

### 5.1.9 Streets in Relation to Railroads

- a. No street intersection shall be closer than 150 feet from any railroad right-of-way.
- b. Streets generally parallel to railroad right-of-way shall not be closer than 150 feet to the railroad right-of-way.

### 5.1.10 Cul-de-sac Streets

Cul-de-sac lengths measured along the center line from the entrance street right-of-way to the center of the turn-around shall not exceed 2,000 feet. Except as permitted by the planning commission, an extension of the 2,000 linear feet cul-de-sac may be allowed only if there are paved to road standards turn-arounds that are eighty-five (85) feet in diameter and located every one thousand (1,000) feet for emergency services. If turn-arounds cannot be provided every one thousand feet, no extension of the cul-de-sac shall be permitted.

### 5.1.11 Street Names

Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, or court. The Roane County E-911 Office shall assist the developer in avoiding street name duplication and shall sign the final plat certifying non-duplication of street names

## 5.2 LOTS

### 5.2.1 Adequate Building Sites

- 5.2.1.1 Each lot shall contain a building site not subject to flood as defined in Section 5.4.4 and outside the limits of any existing easement or building setback lines required in Section 5.2.6. Land within a floodway, as defined in Section 5.4.4 shall not be platted for building purposes. Said land may be counted as part of the lot in computing lot sizes.
- 5.2.1.2 Lakes, ponds, creeks, and similar areas will be maintained only by the property owners and shall be shown on the plat as being maintained by a homeowner's group or particular lot(s) owner(s).
- 5.2.1.3 All drainage easements shall be shown on the plat. The responsibility for maintenance of the drainage easements, whether it be a homeowner's board or an individual property owner, shall be shown on the plat. The county shall not maintain drainage easements, retention ponds or similar drainage control devices. This shall not apply to culverts, ditches and similar drainage devices located in county-owned rights-of-way.

### 5.2.2 Access

- a. Private roads and gated communities are permitted provided the proposed private roads meet county road standards. Also, all proposed developments showing private roads shall provide the planning commission a copy of the homeowners boards declarations and covenants showing the means whereby the roads shall be

maintained, a declaration on the plat that the roads are private and shall not be maintained by the county under any circumstances, including emergencies; and, a plat notation stating that the roads shall not be accepted into the county road system until the roads are constructed to the current road standards and accepted by the county commission. A declaration that the roads are private and shall be maintained only by the property owner shall be required in all deeds as a condition of the planning commission approving a proposed development's roads as private.

- b. There shall be no reserve strips controlling access to public ways or adjoining properties except where the control of such strips is definitely under conditions approved by the Planning Commission.
- c. Where a proposed subdivision contains or is adjacent to a major arterial street, it shall be planned so as to avoid having lots fronting on the arterial. Marginal access roads may be required to provide access.
- d. Lots shall be designed, whereas, access and egress will not be denied during flood conditions.
- e. Easements are allowed to furnish lot access to up to three (3) lots per easement. Each easement must be (20) feet wide and clearly designated as access for each lot adjacent to the easement. No development shall be allowed more than two (2) easements for a total of six (6) lots. Easement shall not be closer than twenty (20) feet to another easement. Each easement must be entered onto by a road built to county standards or be owned by Roane County. The plat shall note the private easements, lots connected to each easement and include the following statement that the county is not responsible for maintaining the easement(s).

**NOTICE:**

**The easement shown is not a county road, and  
Will not be maintained by Roane County until  
the easement is constructed to meet Roane  
County road standards, and is accepted by the  
Roane County Road Committee and  
Roane County Commission.**

5.2.3 Arrangement

In the general layout of a subdivision, considerations shall be given to orientation of lots with respect to sun angles and prevailing winds. Consideration shall also be given to lot orientation with respect to separating incompatible land uses. Residential lots which face commercial or industrial areas or which face major streets shall be avoided whenever possible.

5.2.4 Lot Width and Area Requirements

Lots hereafter established within subdivisions shall conform to the lot area and lot width requirements set forth in the following schedule, provided however, that if a zoning resolution is in effect, then the lot area and lot width requirements for the zoning district in which the subdivision will be located shall apply when such requirements are more restrictive than as set forth below.

- 5.2.4.1 Residential lots served by public water and sanitary sewer systems (not an on-site system) shall not be less than seventy-five (75) feet wide at the building setback line nor less than seventy-five hundred (7,500) square feet in area.
- 5.2.4.2 Residential lots, not served by either public water or sanitary sewer, shall be at least one (1) acre minimum size or greater.
- 5.2.4.3 Lots served by public water and no public sewer shall be at least 20,000 square feet per lot.
- 5.2.4.4 Community and non-community wells (a well which serves more than one lot or structure) are not permitted regardless of whether the State of Tennessee allows the systems.
- 5.2.4.5 Community septic systems (a septic system which serves more than one lot or structure) and lots with shared septic systems are not permitted even if the State of Tennessee allows those systems.

5.2.5 Land Remnants

All portions of the tract being subdivided shall be placed in lots, streets and open spaces so that remnants and landlocked areas are not created. If remnants of land do exist after subdivision and have no apparent future use which can be properly controlled, they shall be incorporated into the lots of the proposed scheme.

5.2.6 Building Setback Lines

- 5.2.6.1 The minimum depth of building setback lines shall be in compliance for the zoning district in which the proposed development is located.
- 5.2.6.2 In the case of electric transmission lines where easement widths are not definitely established, there shall be a minimum building setback line from the center of the transmission line as follows:

<u>Voltage of Line</u>	<u>Minimum Building Setback</u>
46 KV	37 ½ feet
69 KV	50 feet
	161 & over
	75 feet

- 5.2.7.3 In areas subject to flood where no fill is proposed the building setback lines shall be located no closer to the stream than the edge of the area subject to flood as defined in Section 5.4.4 in areas subject to flood and where fill is proposed to raise the land for a building site, no fill shall be placed in the floodway and the building setback line shall be located not less than fifteen (15) feet landward from the center edge of the fill.

5.2.7 Corner Lots

Corner lots shall be any lot which fronts on two or more public or private roads or any lot fronts on a curved road. In all cases, the setbacks shall be in compliance with the zoning regulations of Roane County.



### **5.3 PUBLIC USE AND SERVICE AREAS**

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local neighborhood use as well as public service areas.

- 5.3.1 **Public Open Spaces.** Where a school, neighborhood park or recreation area or public access to water frontage shown on an official map or a plan made and adopted by the planning commission is located in whole or in part in the applicant's subdivision, the planning commission may require the dedication or reservation of such open space within the subdivision up to and including a total of ten (10) percent of the gross area or water frontage of the plat, for park, school, or recreation purposes.
- 5.3.2 **Easements for Utilities.** Except where alleys are permitted for the purpose, the planning commission shall require easements, not exceeding twelve (12) feet in width for poles, wires, conduits, storm and sanitary sewers, gas water and heat mains, or other utility lines, along rear lot lines or side lot lines if, in the opinion of the planning commission, such action is desirable. Easements of the same or greater width may be required along the lines of or across lots where necessary for the extension of existing or planned utilities.
- 5.3.3 **Community Assets.** In all subdivisions, due regard shall be shown for natural features, such as large trees and watercourses, and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

### **5.4 SUITABILITY OF THE LAND**

- 5.4.1 **Land Unsuitably Located.** The planning commission shall not approve what it considers to be scattered or premature subdivision of land because of lack of, or adverse effect on, water supply or sewerage disposal, schools, good transportation, other public services or because of excessive expenditures of public funds for the supply or maintenance of such services. A proposed development may also be denied if the county road bed giving access to the property is not at least twenty (20) feet in width, excluding the right-of-way.
- 5.4.2 **Public Agency Approvals.** The planning commission shall not approve the subdivision of land if, from adequate investigation by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.
- 5.4.3 **Land Physically Unsuitable.** Land which the planning commission has found to be unsuitable for subdividing because of flooding, bad drainage, steep slopes, soils, rock formations and other such features which may endanger health, life, or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditure of public funds for supply and maintenance of services shall not be approved for subdivision unless adequate methods are formulated by the developer for meeting the problems created by subdivision of such land.
- 5.4.4 **Land Subject to Flooding.** Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy or for any other uses that may increase flood hazard, endanger health, life, or property, or aggravate erosion. Such land within the platted area shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

Fill may not be used to raise land in areas identified as floodways unless the fill proposed does not restrict the flow of water and unduly increase flood heights.

Toward these purposes, the Roane County Regional Planning Commission shall assume as its responsibility the review of subdivision proposals and other proposed new development to determine whether the proposed development will be safe from flooding. If a proposed development is in a flood prone area, any such proposals shall be reviewed to assure that (i) the proposals are consistent with the need to minimize flood damage within the flood prone area, (ii) all public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards.

To assist in the proper use and regulations of land subject to flooding and to assist the Roane County Regional Planning Commission in carrying out its duties, Resolution #01-10-01Z, Roane County Flood Damage Prevention Resolution and related information are presented in Appendix I.

All building sites shall be shown on the plat and shall be at least one (1) foot above the base flood elevation.

## SECTION 6

### PHYSICAL IMPROVEMENT REQUIREMENTS

A final plat for subdividing shall be approved by the Planning Commission only after receipt of a stamp, signed by the road superintendent certifying that the plans and specifications for improvements have been prepared by an Engineer and/or Surveyor and that construction conforms with the requirements set forth in the Roane County Highway Department regulations and meets the minimum requirements of all applicable regulations or resolutions of the county.

#### 6.1 STREETS

6.1.1 FOR SPECIFIC ROAD CONSTRUCTION STANDARDS AND REQUIREMENTS FOR ALL PROPOSED DEVELOPMENTS IN ROANE COUNTY, THE ROANE COUNTY HIGHWAY DEPARTMENT ROAD CONSTRUCTION HANDBOOK IS TO BE FOLLOWED.

#### 6.1.2 Minimum Roadway Width

All streets shall be improved with roadway to an overall width in accordance with the following minimum dimensions:

<u>Street Type</u>	<u>Roadway Base</u>	<u>Pavement Width</u>
a. Minor Residential	24'	20'
b. Subcollector	28'	24'
c. Collector	30'	26'
d. Cul-de-sac	24'	20'

#### 6.1.3 Drainage Specifications

The drainage system shall be designed using accepted engineering principles for rainstorms of maximum intensity based on a two, five and ten-year storm event interval for the East Tennessee Area. The system shall provide for drainage of lots, streets, roads, and other public areas as well as handling any runoff from adjacent areas that naturally flow into the subject area. Runoff coefficients shall be based on completed projects.

6.1.4 Design Specifications - The Planning Commission shall require the developer's engineer to furnish a drainage map showing the entire area to be developed and all remaining area in the same watershed.

#### 6.1.5 Street Name Signs of Approved Material

Street signs are required to be installed at the expense of the developer. All street signs shall be the standards and requirements of the Roane County Highway Department.

#### 6.1.6 Pedestrian Ways

Where pedestrian ways are designed as part of a subdivision plan, they shall be surfaced with an approved material to prevent erosion of pathways.

#### 6.1.7 Monuments and Pins.

All lot corners shall be marked with ½ inch diameter rebar or pipe as a minimum with a surveyor's cap.

### **6.2 SEWER**

6.2.1 Each property or lot shall be connected to a public sanitary sewer system if such system adjoins the proposed subdivision or is run by a public authority (or district utility system) to the proposed subdivision. The developer shall supply to the Planning Commission a written statement from the applicable public authority stating that sanitary sewer is available adjacent to the property or that it will or will not run a sewer main to the property.

6.2.2 If sewer system is not required as above, the individual disposal system approved by the County Health Department shall be provided on each lot; or as an alternative, a disposal plant or plants may be provided as approved by the State Department of Water Quality Control and the County Health Department.

6.2.3 Sanitary sewers shall not be used to carry storm or surface water.

6.2.4 All principal sanitary sewer lines shall be located within the street right-of-way or a public easement.

6.2.5 If septic systems are allowed, each lot shall be approved for a minimum of a 3-bedroom system with required reserve area.

### **6.3 PUBLIC WATER**

6.3.1 Where public water supply is available, the subdivider shall construct a system of water mains including a water stub terminal outside curb lines for each lot which shall connect with such public water supply and serve adequately all lots and tracts within the subdivision.

6.3.2 All water mains constructed shall be a minimum of six (6) inches and shall meet the test requirements of the utility board supplying the water.

6.3.3 The minimum depth of water mains shall be thirty-six (36) inches.

- 6.3.4 No water mains shall be laid on rock unless the rock has been covered by a minimum of six (6) inches of natural or manufactured sand.
- 6.3.5 All water mains shall be located within street rights-of-way or utility easements, except as may be approved by the Planning Commission and the operator of the water system.
- 6.3.6 Where a public water supply is being installed by the developer, fire hydrants will be provided. No residential lot shall be further than five hundred (500) feet from such hydrant.

## SECTION 7

### RURAL LOW IMPACT DEVELOPMENT (RLID) STANDARDS

#### 7.1 General Provisions:

The requirements of Section 4 of the Roane County Subdivision Regulations shall apply to all Rural Low Impact Developments.

- 7.1.1 **Exception:** Section 4.1.1.4 and 4.1.1.5 shall not apply to Rural Low Impact Development. Re-subdividing of lots in an approved RLID shall not be allowed without the approval of the Roane Regional Planning Commission.

#### 7.2 Design Standards:

The requirements of Section 5 General Design Standards of Roane County Subdivision Regulations shall apply to all Rural Low Impact Developments.

- 7.2.1 **Exception 1:** Section 5.2.3 (a) shall apply. Private roads and gated communities are permitted provided the proposed private roads meet the requirements of Section 7.3.1 Streets.
- 7.2.2 **Exception 2:** Section 5.2.3 (e) shall not apply. No easements shall be allowed off of private roads in a RLID.

#### 7.3 Physical Improvement Requirements:

A final plat for subdividing shall be approved by the Planning Commission only after receipt of a stamped, signed plat certifying that the plans and specifications for improvements have been prepared by an Engineer and that construction conforms with the requirements set forth in this Section for Rural Low Impact Developments and meets the minimum requirements of all applicable resolutions or regulations of the county.

##### 7.3.1. STREETS

Prior to and during roadway construction, the Roane County Regional Planning Commission will be advised by the owner/developer of his selection of contractor(s) and timetable for various phases of roadway construction including grading, subgrade and roadway surface.

- a) No roadway will become a county road until all requirements defining the subject roadway(s) have been prepared and submitted for review and recommendation of approval made by the Roane County Road Supervisor and the Road Committee and voted approval by the Roane County Commission.
- b) Since these are minimal standards no variances shall be granted.
- c) The Roane County Regional Planning Commission is authorized to require that a contractor provide an inspector to monitor a project for reasons of guaranteeing that road specifications are being adhered to during the construction process.

d) Roadway Design

- 1.) A minimum width of 50 feet will be required between property or lot lines adjoining the roadway for new roadways. Where existing roadways are used in conjunction with subdivision or development of adjoining property, a distance of 25 feet from the center of the existing roadway will be used to determine right-of-way line for the subdivision of property along any existing county roadway.
  - 2.) The first 50 ft. of the main entrance road in a RLID shall be paved and permitted with the Roane County Highway Department.
  - 3.) The main road in a RLID shall have a turn-a-round provided at every 5280 ft. All turn-a-rounds will be provided with a property line defined by a radius of 50 feet from the center of the cul-de-sac (100-foot diameter).
  - 4.) A minimum distance of 100ft. shall be required between each entrance road into a RLID.
  - 5.) Crowns on straight road sections will be used to remove water from the road surface. The rate of crown shall be at least ½ inch per foot of lane width (~4%). The crown shall be A-shaped to maintain proper surface drainage.
  - 6.) Superelevation on curves helps keep vehicles on the road. This transition between the superelevation and the crown should be smooth.
    - i. The crown shall be gradually eliminated 150 ft. before starting into a curve.
    - ii. A constant bank shall be maintained throughout the curve.
    - iii. Proper shoulder slopes shall be maintained.
  - 7.) Crowns on main roads shall be maintained through intersections.
  - 8.) All dead-end roads will be provided with a cul-de-sac with a property line defined by a radius of 50 feet from the center of the cul-de-sac (100-foot diameter).
  - 9.) Roadways connecting or intersecting other roadways, either proposed or existing where other connecting roadways are existing or proposed, must provide center line offsets of 150 feet or more or otherwise be aligned as horizontally opposed. It is the intent of this provision to not allow street jogs where traffic entering other roadways would become a traffic hazard created by the offset in alignment of roadways.
- e) All intersections of adjoining roadways shall be as near right angle as possible. No intersection shall be permitted where survey centerlines of connecting streets are less than 75 degrees.
- f) Design of intersection shall provide for safe stopping and sight distance. Minimum sight distance of 200 feet for approaching the intersection will be required. Minimum sight distance of 200 feet from vehicle stopping point as measured along the roadway to be entered is required. Greater stopping and sight distance will be required if anticipated roadway speed is 30 mph or greater.
- g) All street and road right-of-way lines will be clearly shown on the plans and survey plats.
- h) Minimum width of roadway bed and minimum width of surfaced roadway will be based on the geometric guidelines in Item m).

- i) The standard variable for trip generation (Average Daily Traffic) is 10 ADT/dwelling unit. (i.e.: 50 ADT = 5 homes)
- j) Design of roadway banks and slopes will be provided with cut and fill slopes not exceeding 2 horizontal to 1 vertical. Steeper slope may be allowed if proper provision is made to insure stability of such slope and design is certified by a registered professional engineer and plan approved in advance by Roane County Regional Planning Commission.
- k) Roadway slopes will be grassed and/or sodded to provide erosion control.
- l) Roadway fill material will be placed in layers and provided with mechanical compaction that meets Tennessee Department of Transportation standards.
- m) Roadway base shall be a minimum of 4 inches compacted mineral aggregate base as per TDOT 903.05.
- n) The following geometric guidelines from the American Association of State Highway and Transportation Officials Green Handbook, 2001 shall be followed.

**GEOMETRIC GUIDLINES**

ADT (VPD)	Terrain	Minimum design speed (mph)	Minimum traveled way width (ft.)	Graded shoulder width (ft.)	Maximum Grade	Minimum curve radius (ft.)
<50	Level to rolling mountain	30 <sup>b</sup>	18	2	7	250
		20	18	2	11	105
		20	18	2	14	105
50-250	Level to rolling mountain	30 <sup>b</sup>	18	2	7	250
		30 <sup>b</sup>	18	2	10	250
		20	18	2	14	105
250-400	Level to rolling mountain	40 <sup>b</sup>	18	2	7	465
		30 <sup>b</sup>	18	2	10	250
		20	18	2	14	105
>400	Level to rolling mountain	50 <sup>b</sup>	22	5	6	760
		40 <sup>b</sup>	22	5	10	465
		30 <sup>b</sup>	18	2	14	250

Note:

- a. Minimum curve radius applies to a maximum sepelevation rate of 0.08 ft/ft.
- b. A minimum of a 10 ft. clear zone shall be required for speed limits over 20 mph.
- c. ADT Average Daily Traffic
- d. VPD Vehicles Per Day

**7.3.2. DRAINAGE SPECIFICATIONS**

The drainage system shall be designed using accepted engineering principles for rainstorms of maximum intensity based on a two, five and ten-year storm event interval for the East Tennessee Area. The system shall provide for drainage of lots, streets, roads, and other



public areas as well as handling any runoff from adjacent areas that naturally flow into the subject area. Runoff coefficients shall be based on completed projects.

- a. Design Specifications - The Planning Commission shall require the developer's engineer to furnish a drainage map showing the entire area to be developed and all remaining area in the same watershed.

### 7.3.3 DRAINAGE

7.3.3.1 Drainage culverts, ditches and other systems shall be adequately sized to properly drain the roadway. Drainage plans will be required and reviewed by the Roane County Regional Planning Commission. Plans are to be prepared and certified by a qualified professional who is licensed by the State of Tennessee.

7.3.3.2 Culverts crossing under a roadway are required to be a minimum of 18-inch diameter and 30 feet in length set at 12 inches or greater under the roadway surface. Greater pipe sizes will be required where drainage from areas other than roadway will enter the drainage system. Drainage pipe lengths are required to provide for depth of fill and proper slopes.

7.3.3.3 Roadways must provide for a ditch on both sides of roadway of a minimum of 18 inches depth below the edge of roadway and located an adequate distance from the edge of roadway. Ditches are to be provided with grass, sod, riprap or other lining to prevent erosion along the edge of roadway.

### 7.3.4. STREET NAMES AND SIGNS OF APPROVED MATERIAL

- a. Street signs are required to be installed at the expense of the developer. All street signs shall meet the standards and requirements of the Roane County Highway Department.
- b. Hidden or unexpected curves shall be signed.
- c. All intersections shall be provided with stop signs. A minimum sight distance for all stop signs shall be 100 ft. If minimum sight distance cannot be obtained a warning sign shall be provided at least 100 ft. before the stop sign.
- d. Speed limits shall be posted on all roads.

### 7.3.5. PEDESTRIAN WAYS

Where pedestrian ways are designed as part of a subdivision plan, they shall be surfaced with an approved material to prevent erosion of pathways.

### 7.3.6. MONUMENTS AND PINS

All lot corners shall be marked with ½ inch diameter rebar or pipe as a minimum with a surveyor's cap.

### 7.3.7. SEWER

Each property or lot shall be connected to a public sanitary sewer system if such system adjoins the proposed subdivision or is run by a public authority (or district utility system) to the proposed subdivision. The developer shall supply to the Planning Commission a written statement from the applicable public authority stating that sanitary sewer is available adjacent to the property or that it will or will not run a sewer main to the property.

- a) Pre-approval of individual disposal system are not required by the State of Tennessee Groundwater protection office on lots of 5 acres or greater.
- b) Sanitary sewers shall not be used to carry storm or surface water.
- c) All principal sanitary sewer lines shall be located within the street right-of-way or a public easement.

### 7.3.8 WATER

7.3.8.1 Individual water systems (wells) shall be allowed in RLIDs.

- a. No community wells shall be allowed.
- b. No non-community wells shall be allowed.

7.3.8.2 Where public water supply is available and to be utilized, the requirements of Article 6.C shall apply.

## 7.4 Preliminary Plans:

The requirements of Section 4.2 of the Roane County Subdivision Regulations shall apply to all Rural Low Impact Developments.

In order to receive a preliminary plans approval, all standards listed below shall have been met and listed on the preliminary plans.

7.4.1 All preliminary plats for RLID's shall bear the following notice(s):

- 7.4.1.1 The road(s) shown are not a county road(s), and will not be maintained by Roane County until the road(s) are constructed to meet Roane County road standards, and is accepted by the Roane County Road Committee and Roane County Commission.
- 7.4.1.2 Maintenance of the road(s) shown is the responsibility of the land owner(s). No maintenance of the road(s) shown shall be performed by Roane County.
- 7.4.1.3 A declaration that the roads are private and shall be maintained by only the property owner(s) shall be required in all deeds as a condition of the planning commission approving a proposed development's roads as private.
- 7.4.1.4 No easements are allowed off of any of the roads shown on this plat, unless roads have been built to Roane County road standards and accepted by the Roane County Road Committee and Roane County Commission.
- 7.4.1.5 All re-subdivisions of parcels shown shall require the approval of the Roane Regional Planning Commission.
- 7.4.1.6 Lots shown shall not be allowed to be subdivided into tracts smaller than 5 acres.

7.4.2 An annual maintenance plan should be submitted along with the preliminary plans detailing the estimated cost of maintenance per year for the RLID including roads, signs, mowing, and etc. Also, a reserve amount that shall be held in advance for any major maintenance event.

## **7.5 Final Plat:**

The requirements of Article VII of the Roane County Subdivision Regulations (May 2005) shall apply to all Rural Low Impact Developments.

In order to receive a final plans approval, all standards listed below shall have been met and listed on the final plat.

7.5.1 All final plats for RLID's shall bear the following notice(s):

7.5.1.1 The road(s) shown are not a county road(s), and will not be maintained by Roane County until the road(s) are constructed to meet Roane County road standards, and is accepted by the Roane County Road Committee and Roane County Commission.

7.5.1.2 Maintenance of the road(s) shown is the responsibility of the land owner(s). No maintenance of the road(s) shown shall be performed by Roane County.

7.5.1.3 A declaration that the roads are private and shall be maintained by only the property owner(s) shall be required in all deeds as a condition of the planning commission approving a proposed development's roads as private.

7.5.1.4 No easements are allowed off of any of the roads shown on this plat, unless roads have been built to Roane County road standards and accepted by the Roane County Road Committee and Roane County Commission.

7.5.1.5 All re-subdivisions of parcels shown shall require the approval of the Roane Regional Planning Commission.

7.5.1.6 Lots shown shall not be allowed to be subdivided into tracts smaller than 5 acres.

7.5.2 An annual maintenance plan should be submitted along with the final plat detailing the estimated cost of maintenance per year for the RLID including roads, signs, mowing, and etc. Also, a reserve amount that shall be held in advance for any major maintenance event.

## **SECTION 8**

### **VESTING OF PROJECTS**

#### **8.1 INITIAL VESTING**

The vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the planning commission's approval of the preliminary development plan; provided, that the applicant obtains planning commission's approval of a final plat, secures any necessary permits and commences site preparation within the vesting period. If the applicant obtains planning commission's approval of a final plat, secures any necessary permits, and commences site preparation within the vesting period, then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three-year period. During the two-year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

#### **8.2 ADDITIONAL VESTING**

If construction commences during the vesting period, the development standards applicable during the vesting period shall remain in effect until the planning commission has certified final completion of the development or project; provided, that the total vesting period for the project shall not exceed ten (10) years from the date of the approval of the preliminary development plan unless the planning commission's grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the ten-year period.

#### **8.3 PHASED VESTING**

In the case of developments which proceed in two (2) or more sections or phases as described in the development plan, there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect on the date of approval of the preliminary development plan for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases of the development; provided, that the total vesting period for all phases shall not exceed fifteen (15) years from the date of the approval of the preliminary development plan for the first section or phase unless the planning commission grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the fifteen-year period.

## SECTION 9

### BOND AND SURETY

#### 9.1 PROCEDURE

The Planning Commission is under no obligation to accept bonds in lieu of actual completion of physical improvements. The commission may require that all improvements shall be installed prior to granting final approval. It may permit the posting of bonds under circumstances it finds favorable to the general public welfare.

When bonds are permitted, the developer shall submit his/her cost estimates to the Roane County Regional Planning Commission in advance of the meeting and in conjunction with the final plat submission. No final plat approval shall be granted where the bonds are made out incorrectly, inadequate bond amounts are noted, or the bonds were not submitted in advance with the final plat at least twelve (12) days prior to the planning commission.

The commission shall require three (3) bids for each public improvement bonded - water, sewer, roads, drainage. Or, the commission may accept the written cost estimates of the appropriate utility department, highway department, and the certifying engineer for drainage improvements.

There shall be separate bonds submitted to and in the name of the Roane County Regional Planning Commission for water, sewer, drainage, and road construction. No bonds shall be accepted that are not in the name of the Roane County Regional Planning Commission.

All bonds shall be for at least two (2) years. The developer may extend the bond for an additional year with the commission's approval. The planning commission may order the cashing of any of the bonds at any time that the commission thinks the developer may default or the improvements may not be made. No notification of the developer is required prior to the commissions cashing in the bond.

No bond shall be reduced unless the improvement has been accepted into the water, sewer or road system. Or in the case of private roads, the highway department certifies that the road has been installed in accordance with its specifications and it is acceptable for the bond to be released.

No bond shall be released or reduced based on a contractor's statement that the improvements have been completed. Nor shall a bond be released or reduced for the reason that the contractor has been paid or is awaiting payment.

#### 9.2 ACCEPTABLE BONDS

##### 9.2.1 Developer's Surety Company Completion Bond

A surety bond from the subdivider to the Planning Commission for the county in the full amount of the estimated cost of installing improvements required under these regulations.

##### 9.2.2 Developer's Cash Completion Bond

A certified check in the full amount of the estimated cost of installing all required improvements.

9.2.3 Escrow Agreement

An escrow agreement in the full amount of the estimated cost of installing required improvements.

9.2.4 Letter of Credit

A letter of credit is acceptable provided that the banking lender certify that the bank or lending institution shall be liable for all improvements required on the final plat. The letter of credit must also state that the planning commission may cash the letter of credit upon submittal of the planning commission's minutes.

## **SECTION 10**

### **VARIANCES AND APPEALS**

#### **10.1 VARIANCES**

No variance shall be given to any standards or requirements contained in the subdivision regulations including but not limited to: road slope, lot size and setbacks, road construction standards, bonds, health department approval, etc.

No variances shall be granted to any lot in an approved subdivision by the Board of Zoning Appeals unless said lot and building construction meets the standards set forth for variances in Tennessee Code Annotated Section 13-7-109.

#### **10.2 APPEALS**

Any person, firm or corporation claiming to be injured aggrieved by any final action of the Planning Commission may commence litigation in the Chancery or Circuit Court of Roane County, Tennessee.

## SECTION 11

### ENFORCEMENT AND PENALTIES

#### 11.1 GENERAL

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

#### 11.2 ENFORCEMENT

- 11.2.1 No plat or plan of a subdivision of land into two or more lots located within the area of planning jurisdiction shall be admitted to the land records of Roane County or received or recorded by the County Register until said plat or plan has received final approval in writing by the Planning Commission as provided in Section 13-3-402, Tennessee Code Annotated.
- 11.2.2 No board, public officer, or authority shall lay or light any street, or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the area of planning jurisdiction, unless such street shall have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the Planning Commission, as provided in Section 13-3-406, Tennessee Code Annotated.

#### 11.3 PENALTIES

- 11.3.1 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 13-3-402, Tennessee Code Annotated, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.
- 11.3.2 Section 13-3-410, Tennessee Code Annotated, provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by references to or exhibition of or by other use of a plat or 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 is recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The county, through its county attorney or other official designated by the county legislature may enjoin such transfer or sale or agreement by action or injunction.
- 11.3.3 Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the building commissioner or the solicitor of the municipality or other official designated by the chief legislative body and/or the county attorney or other official designated by the Roane County Legislative Commission may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-411, Tennessee Code Annotated.



## **SECTION 12**

### **SEVERABILITY**

#### **12.1 SEVERABILITY**

Should any article, section or provision of these regulations be for any reason held to be void or invalid, it shall not affect the validity of any other article, section or provision hereof, which is not itself void or invalid.

**SECTION 13**

**EFFECTIVE DATE**

- 13.1.1 Before adoption of these subdivision regulations or any amendment thereof, a public hearing shall be held by the Planning Commission; at least thirty (30) days' notice of the time and place of which shall be given by one publication in each newspaper of general circulation in Roane County.
- 13.1.2 These rules and regulations shall be in full force and effect from and after their adoption and effective date.

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

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

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY

**RESOLUTION NO. 01-10-01Z**

**ROANE COUNTY, TENNESSEE FLOOD DAMAGE PREVENTION RESOLUTION**

**A RESOLUTION ADOPTED FOR THE PURPOSE OF AMENDING THE ROANE COUNTY, TENNESSEE REGIONAL ZONING RESOLUTION REGULATING DEVELOPMENT WITHIN THE JURISDICTION OF ROANE COUNTY, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.**

**ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

**Section A. Statutory Authorization**

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated delegated the responsibility to the county legislative body to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Roane County, Tennessee, Executive and Roane Board of County Commissioners, do resolve as follows:

**Section B. Findings of Fact**

1. The Roane County, Tennessee, Executive and its County Commission wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of Roane County, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

**Section C. Statement of Purpose**

It is the purpose of this Resolution to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Resolution is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### **Section D. Objectives**

The objectives of this Resolution are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a flood prone area;
8. To maintain eligibility for participation in the NFIP.

#### **ARTICLE II. DEFINITIONS**

Unless specifically defined below, words or phrases used in this Resolution shall be interpreted as to give them the meaning they have in common usage and to give this Resolution its most reasonable application given its stated purpose and objectives.

**"Accessory Structure"** means a subordinate structure to the principal structure on the same lot and, for the purpose of this Resolution, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter or height of a building.

**"Appeal"** means a request for a review of the local enforcement officer's interpretation of any provision of this Resolution or a request for a variance.

**"Area of Shallow Flooding"** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of Special Flood-related Erosion Hazard"** is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

**"Area of Special Flood Hazard" see "Special Flood Hazard Area".**

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

**"Basement"** means any portion of a building having its floor subgrade (below ground level) on all sides.

**"Building" see "Structure".**

**"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

**"Elevated Building"** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**"Emergency Flood Insurance Program" or "Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

**"Erosion"** means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

**"Exception"** means a waiver from the provisions of this Resolution which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Resolution.

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or resolution adopted by the community as a basis for that community's participation in the NFIP.

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of

streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or resolution adopted by the community as a basis for that community's participation in the NFIP.

**"Existing Structures"** see **"Existing Construction"**.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

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

**"Flood Elevation Determination"** means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

**"Flood Insurance Study"** is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

**"Floodplain" or "Flood Prone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**"Flood Protection System"** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

**"Flood-related Erosion"** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water,

accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

**"Flood-related Erosion Area"** or **"Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high-water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

**"Flood-related Erosion Area Management"** means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**"Historic Structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the Roane County, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By the approved Tennessee program as determined by the Secretary of the Interior or
  - b. Directly by the Secretary of the Interior.

**"Levee"** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**"Levee System"** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution.

**"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

**"Mean Sea Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Resolution, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**"National Geodetic Vertical Datum (NGVD)"** means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

**"New Construction"** means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Resolution and includes any subsequent improvements to such structure.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this resolution or the effective date of the initial floodplain management resolution and includes any subsequent improvements to such structure.

**"North American Vertical Datum (NAVD)"** means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

**"100-year Flood"** see **"Base Flood"**.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**"Reasonably Safe from Flooding"** means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.



**"Recreational Vehicle"** means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**"Special Flood Hazard Area"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

**"Special Hazard Area"** means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

**"Structure"** for purposes of this Resolution, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of

the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Substantially Improved Existing Manufactured Home Parks or Subdivisions"** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**"Variance"** is a grant of relief from the requirements of this Resolution.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

### **ARTICLE III. GENERAL PROVISIONS**

#### **Section A. Application**

This Resolution shall apply to all areas within the unincorporated area of Roane County, Tennessee.

#### **Section B. Basis for Establishing the Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified on the Roane County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated November 18<sup>th</sup>, 2009 revised and Flood Insurance Rate Map (FIRM), Map #47145C, Community Panel Numbers:

0080G,0083G,0084G,0085G,0086G,0087G,0088G,0089G,0091G,0093G,0094G,0113G,0115G,0120G,0206G,0207G,0210G,0226G,0230G,0235G,0039G,0110G,0120G,0130G,0135G,0140G,0145G,0260G,0020G,0036G,0037G,0038G,0039G,0064G,0068G,0069G,0070G,0092G,0105G,0110G,0130G,0140G,0160G,0170G,0177G,0180G,0181G,0182G,0185G,0190G,0195G,0205G,0215G,0220G,0240G,0245G,0255G,0280G,0285G,0295G,0305G,0310G,0315G,0320G,0330G,0335G,0064G,0068G,0069G,0088G,0177G,0181G,0182G

dated November 18, 2009, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

**Section C. Requirement for Development Permit**

A development permit shall be required in conformity with this Resolution prior to the commencement of any development activities.

**Section D. Compliance**

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Resolution and other applicable regulations.

**Section E. Abrogation and Greater Restrictions**

This Resolution is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Resolution conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

**Section F. Interpretation**

In the interpretation and application of this Resolution, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

**Section G. Warning and Disclaimer of Liability**

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Resolution does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Resolution shall not create liability on the part of Roane County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.

**Section H. Penalties for Violation**

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this resolution or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Roane County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

**ARTICLE IV. ADMINISTRATION**

**Section A. Designation of Resolution Administrator**

The Roane County Zoning Officer is hereby appointed as the Administrator to implement the provisions of this Resolution.

## **Section B. Permit Procedures**

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

### 1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### 2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

## **Section C. Duties and Responsibilities of the Administrator**

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Roane County, Tennessee FIRM meet the requirements of this Resolution.
11. Maintain all records pertaining to the provisions of this Resolution in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

## **ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **Section A. General Standards**

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

## **Section B. Specific Standards**

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

### **1. Residential Structures**

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

### **2. Non-Residential Structures**

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

### **3. Enclosures**

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

- 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
  - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
  - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
  - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
  - 1) Be on the site for fewer than 180 consecutive days;
  - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
  - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.



- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

**Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated**

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- 1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for Roane County, Tennessee and certification, thereof.
- 2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

**Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated**

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- 1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- 2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

**Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)**

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within Roane County, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

**Section F. Standards for Areas of Shallow Flooding (AO and AH Zones)**

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization

of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.

2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Resolution and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

#### **Section G. Standards for Areas Protected by Flood Protection System (A-99 Zones)**

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

#### **Section H. Standards for Unmapped Streams**

Located within Roane County, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

### **ARTICLE VI. VARIANCE PROCEDURES**

#### **Section A. Board of Zoning Appeals**

##### **1. Authority**

The Roane County, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2. Procedure

Meetings of the Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of twenty-five (25.00) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Resolution.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

1) The Roane County, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Resolution to preserve the historic character and design of the structure.

3) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:

- a) The danger that materials may be swept onto other property to the injury of others;
- b) The danger to life and property due to flooding or erosion;
- c) The susceptibility of the proposed facility and its contents to flood damage;
- d) The importance of the services provided by the proposed facility to the community;

- e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
  - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - j) 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, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Resolution, the Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Resolution.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**Section B. Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

**ARTICLE VII. LEGAL STATUS PROVISIONS**

**Section A. Conflict with Other Resolutions**

In case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future Resolution of Roane County, Tennessee, the most restrictive shall in all cases apply.

**Section B. Severability**

If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Resolution which is not of itself invalid or unconstitutional.

**Section C. Effective Date**

This Resolution shall become effective immediately after its passage, the public welfare demanding it.

Approved and adopted by the Roane County, Tennessee, Executive and Board of Commissioners.

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive Roane County, Tennessee

Attest: \_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Date of Public Hearing

\_\_\_\_\_  
Date of Publication of  
Caption and Summary

## APPENDIX II

### ROANE COUNTY ROAD SPECIFICATIONS FOR ACCEPTANCE OF NEW ROADS INTO THE ROANE COUNTY SYSTEM FOR COUNTY MAINTENANCE.

#### GENERAL

- 1.) a. Roads to be accepted into the Roane County System for maintenance after August 12, 2002 (enactment date of ordinance) shall meet these minimum specifications with exception of any approved variances.  
b. Roads that have been previously maintained by the County and inadvertently left off of the approved road list should follow attached procedure for adding or removing a road from the approved road list.
- 2.) Plans for new roads proposed for construction and acceptance for maintenance by the Roane County Road Department shall be submitted to the Roane County Road Supervisor for review and approved in writing prior to construction. Any road constructed prior to the approval of plans will be at the owner/developer's risk and will not relieve the owner/developer of the responsibility for plan submission and approval. Plans should be prepared and certified by a qualified professional engineer or registered land surveyor. Upon completion of roadway construction, the road supervisor may require "as-built" plans certified by a qualified professional engineer or registered land surveyor for the completed improvements to disclose that the approved plan was complied with in regard to roadway construction.
- 3.) If a road falls under the jurisdiction of a Regional Planning Commission, the road specifications for that Regional Planning Commission will apply to the extent the requirements are greater than the Roane County Road Specifications. No provision of any Regional Planning Commission Roadway Specifications will be interpreted to mean that Roane County Road Specifications do not apply. Any approval or inspection required in the Roane County Road Specifications must be obtained for a roadway to be considered as a candidate for acceptance by Roane County as public roadway for maintenance by the Roane County Road Department.
- 4.) Prior to and during roadway construction, the Roane County Road Supervisor will be advised by the owner/developer of his selection of contractor(s) and timetable for various phases of roadway construction including grading, drainage, subgrade, roadway base and paving materials. The road supervisor shall require inspection of any and all phases of roadway construction. The road supervisor shall require testing or certifications by the owner/developer and/or his contractor(s) to insure compliance with these requirements. These tests and certifications would include, but are not limited to soil testing and/or proof rolling on subgrades, copies of weight tickets and certification of materials used in roadways, and cores of roadway materials in place to verify thickness of in place materials. Tests and certification required will be the responsibility of and at the expense of the owner/developer. Inspection by or failure of the Roane County Road Supervisor or his designated agent to make detailed inspection of any phase of roadway construction will not relieve the owner/developer of compliance with standards required by any part these roadway specifications.
- 5.) No roadway will become a county road until all requirements defining the subject roadway(s) have been prepared and submitted for review and recommendation of approval made by the Roane County Road Supervisor and the Road Committee and voted approval by the Roane County Commission. Any bond(s) required will be agreed upon as to amount with the Roane County Road Supervisor.

6.) Any request for variances to these specifications must be submitted in writing to the Roane County Road Supervisor for review and recommendation to the Road Committee. The Road Supervisor will present to the Road Committee recommendations to either deny or approve variances. Variances will only be granted when documented evidence is presented that all reasonable efforts have been made to comply with the Roane County Road Specifications. Approval of variances does not constitute or infer approval or acceptance of the completed roadway.

7.) The Road Supervisor is authorized to demand that a contractor provide an inspector to monitor a project for reasons of guaranteeing that road specifications are being adhered to during the construction process. The Road Supervisor may at any phase of construction project have the contractor supply an inspector. The cost of the inspector will be the responsibility of the contractor.

### ROADWAY DESIGN

1.) A minimum width of 50 feet will be required between property or lot lines adjoining the roadway for new roadways. Where existing roadways are used in conjunction with subdivision or development of adjoining property, a distance of 25 feet from the center of the existing roadway will be used to determine right-of-way line for the subdivision of property along any existing county roadway.

2.) All dead-end roads developed to 300 feet or more as measured from the center of the connecting roadway will be provided with a cul-de-sac with a property line defined by a radius of 50 feet from the center of the cul-de-sac (100-foot diameter).

3.) Roadways connecting or intersecting other roadways, either proposed or existing where other connecting roadways are existing or proposed, must provide center line offsets of 150 feet or more or otherwise be aligned as horizontally opposed. It is the intent of this provision to not allow street jogs where traffic entering other roadways would become a traffic hazard created by the offset in alignment of roadways.

4.) All intersections of adjoining roadways shall be as near right angle as possible. No intersection shall be permitted where survey centerlines of connecting streets are less than 75 degrees. Design of intersection shall provide for safe stopping and sight distance. Minimum sight distance of 200 feet for approaching the intersection will be required. Minimum sight distance of 200 feet from vehicle stopping point as measured along the roadway to be entered is required. Greater stopping and sight distance will be required if anticipated roadway speed is 30 mph or greater.

5.) All street and road right-of-way lines will be clearly shown on the plans and survey plats.

6.) The minimum radius for paving of corners at intersecting roadways will be 15 feet.

7.) The maximum allowable centerline grade for roadways will be 15 percent. Centerline grade for intersecting streets will not exceed 5 percent within 50 feet of the center of the roadway being entered

8.) Roadway intersection design will provide for drainage not to interfere with traffic flow. No curb or ditch water flows will be allowed to cross the roadway surface or through a roadway intersection.

9.) Changes in grade on crest vertical curves shall provide a minimum sight distance of 200 feet as determined by a 3.5-foot eye height and a 0.5-foot object height.

10.) Changes in grade on sag vertical curves will be provided with a vertical curve of 90 feet minimum length or 3 times the design speeds (in mph) whichever is greater.



11.) Horizontal and vertical alignment of roadway will provide for a minimum sight distance of 200 feet as determined by a 3.5-foot eye height and a 0.5-foot object height. Greater sight distance may be required if it appears to the Roane County Road Superintendent that design of roadway, roadway alignment or continued development contributing to the subject roadway will probably create a roadway speed of 30 mph or greater.

12.) A roadway crown of 2 percent or a superelevation of 2 percent or more shall be built into the completed roadway to provide for proper drainage. No roadways constructed with curbs or where drainage will be along the edge of paved roadway surface will be allowed to have less than 1 percent centerline grade or will require other provision to eliminate ponding along roadway.

13.) Minimum width of roadway bed including shoulders will be 26 feet. Minimum width of paved roadway will be 20 feet. A 3-foot width stone shoulder will be required where no curbs are used. If curbs are used, a minimum roadway width of 24 feet as measured between curb faces will be required. Minimum paved roadway diameter for cul-de-sacs will be 80 feet with a minimum of 3-foot width stone shoulder all around.

14.) Minimum horizontal centerline radius for roadways will be 110 feet.

15.) Design of roadway banks and slopes will be provided with cut and fill slopes not exceeding 2 horizontal to 1 vertical. Steeper slope may be allowed if proper provision is made to insure stability of such slope and design is certified by a registered professional engineer and plan approved in advance by Roane County Road Supervisor.

16.) Roadway slopes will be grassed and/or sodded to provide erosion control and appearance prior to final acceptance.

17.) Roadway fill material will be placed in layers and provided with mechanical compaction that meets Tennessee Department of Transportation standards. The Roane County Road Supervisor or his designated agent may require proof of compaction in the form of testing by a qualified testing laboratory. No trees, stumps or organic matter will be allowed in any fill under roadway or roadway slopes.

18.) Roadway base shall be a minimum of 6 inches compacted mineral aggregate base. Compaction will meet or exceed the Tennessee Department of Transportation standards for the material being used. Subgrade will be "proof rolled" prior to placing base stone.

19.) A hot-mix asphaltic concrete binder conforming to Tennessee Department of Transportation specification (307-B, 307-BM) will be applied to a minimum compacted thickness of 2.5 inches.

20.) A final roadway surface of hot-mix asphaltic concrete conforming to Tennessee Department of Transportation specification (411-D, 411-E) will be applied over the binder to a minimum compacted thickness of 1.5 inches. If the top surface of the binder has been allowed to stand for some time or has become stained, a prime coat will be required prior to placing roadway surface to provide proper bonding.

21.) The developer and/or contractor will be required to furnish proof at his own expense that roadway and paving materials meet or exceed the density compaction requirements of the Tennessee Department

of Transportation. The developer and/or contractor will be required to furnish certification of paving materials used.

### DRAINAGE

1.) Drainage culverts, ditches and other systems shall be adequately sized to properly drain the roadway. Drainage plans will be required and reviewed by the Roane County Road Supervisor. Plans are to be prepared and certified by a qualified professional who is licensed by the State of Tennessee.

2.) Culverts crossing under a roadway are required to be a minimum of 18-inch diameter and 30 feet in length set at 12 inches or greater under the roadway surface. Greater pipe sizes will be required where drainage from areas other than roadway will enter the drainage system. Drainage pipe lengths are required to provide for depth of fill and proper slopes. Drainage structure headwalls will be provided where necessary to insure proper hydraulic flow of the structure or stability of slopes.

3.) Roadways where curbs are used must have proper catch basins and/or spillways to provide for drainage of the roadway. Catch basins and/or spillways are to be provided at interval of no more than 300 feet from the head of drainage along the roadway curb line and at no more than 300 feet spacing along roadway curb where drainage continues along roadway. Additionally, catch basins and/or spillways must be provided to insure a maximum of 4 acres of total land area drained onto and along the street where street is to provide drainage for adjoining land areas.

4.) Roadways where no curbs are provided must provide for a ditch on both sides of roadway of a minimum of 18 inches depth below the edge of roadway and located an adequate distance from the edge of roadway. Ditches are to be provided with grass, sod, riprap or other lining to prevent erosion along the edge of roadway.

5.) Culverts buried to less than 15 feet in depth may be of 14-gauge corrugated metal pipe conforming to AASHTO M36 or high-density polyethylene corrugated storm sewer pipe conforming to product specification ASTM F667 or reinforced concrete pipe Class 1 conforming to product specification ASTM C76 and bedded in conformance with manufacturer's recommendation. Culverts buried to greater than 12 feet in depth but less 24 feet in depth shall be reinforced concrete pipe Class 2 conforming to product specification ASTM C76 and bedded according to manufacturer's recommendation. Culverts buried to greater than 24 feet in depth shall be reinforced concrete pipe Class 4 conforming to product specification ASTM C76 and bedded according to manufacturer's recommendation. Cast in place or precast reinforced concrete box culverts may be used, but must be designed and certified by a qualified professional licensed by the State of Tennessee.

6.) Drainage system installation will be inspected by the Roane County Road Supervisor.

### BONDS

#### Performance/Construction Bond

1.) In lieu of completed construction, the owner/developer may option to post bond for an uncompleted part of roadway improvement. If acceptable roadway plans have been submitted and approved by the Roane County Road Supervisor as part of the normal plan's approval process, the owner/developer may request the right to make an acceptable surety deposit in lieu of the completed improvements. Insurance bond or irrevocable letter of credit may be considered for construction bonding. The Roane County Road Supervisor may approve plans in conjunction with the appropriate Planning Commission. The plat will bear the following statement:

I certify that the plans submitted with this plat for construction of streets purport to meet the specifications of the Roane County Highway Department and to insure completion of construction a bond or letter of credit in the amount of \$\_\_\_\_\_ is being held by the \_\_\_\_\_ Planning Commission.

\_\_\_\_\_  
Roane County Road Supervisor

\_\_\_\_\_  
Date

#### Maintenance Bond

2.) The owner/developer building the road shall be required to obligate an amount determined by the Road Supervisor and approved by the Road Committee in the form of a cash bond or other approved surety deposited with the Roane County Clerk for the purpose of making guarantee of the roadway improvements for a two year period commencing on the day of approval and acceptance of the roadway(s) by Roane County Commission. Should the Roane County Road Supervisor deem repairs are necessary, he will contact the owner/developer to allow the owner/developer the opportunity to make necessary repairs. Should the Roane County Road Supervisor deem repairs to be necessary on an emergency basis because of significant risk to the public, or should the owner/developer responsible for the road where repairs are deemed necessary fail to respond after notification, the Road supervisor may decide to cause the repairs to be made and charge same to the bond amount. At the end of two-year period, the owner/developer will request in writing to the Roane County Road Supervisor for release of the bond amount. The Roane County Road Supervisor or his designated agent will inspect the roadway(s) and make recommendation of approval or list repairs appearing to be necessary. These actions will be reported to the Road Committee. If repairs are required, release of the bond will be withheld. If the roadway improvements appear to be substantial and withstanding normal wear and tear, the Road Supervisor will recommend release of bond in writing to the contractor or developer.

## PROCEDURES FOR CONSIDERING NEW COUNTY ROADS

1. On Motion of Commissioner \_\_\_\_\_, and the unanimous agreement of the Road Committee Membership, the following procedure is hereby set forth for all future proposals for adding or removing county roads to the Roane county Road List. Future issues regarding adding or removing roads to the Roane County Road List shall be dealt with only upon the recommendation of the Roane County Road Supervisor. The Roane County Road Supervisor is hereby directed to announce his/her recommendations for each such proposal to the Committee and to recommend the said road be accepted, rejected or submit no recommendation along with all relevant facts concerning said road proposal and report the findings of his/her investigation.
2. All requests for adding or removing roads from the Roane County Road List shall be made directly to the road Supervisor in writing. Such requests adequately identify the road and the exact length of such road to be considered. The Road Supervisor shall conduct his/her investigation pursuant to the guidelines as set forth below and report directly to the Road Committee at the next regularly scheduled Road Committee meeting after the Road Supervisor has finished his/her investigation. The guidelines as set forth below for the Road Supervisor are not requirements but are simply a suggested guide for the Road Supervisor to follow. In addition to these guidelines the Road Supervisor shall rely upon his/her expertise and any and all other relevant factors in making his/her recommendations to the Road Committee.

### APPENDIX A:

#### Guidelines for the Consideration of Adding or Removing a Road from the County Road List

The Road Supervisor before making his/her recommendation to the Road Committee shall consider the following guidelines during the pendency of his investigation and said investigation shall include a diligent pursuit of all relevant information. The Road Supervisor shall use the following as guidelines for his/her investigation:

1. Affidavits from County Highway Department employees regarding whether or not the County or any other governmental entity has ever worked on the proposed road in any form or fashion.
2. Affidavits from members of the community in regard to whether they or the public ever used said roadway as a public way.
3. The feasibility of adding or removing said road from the county Road List in regard to Highway Department budget considerations.
4. Whether or not the road has ever been dedicated for public use, either expressed or implied.
5. Whether such proposed road would be acceptable and safe for purposed of school bus transportation, snow plows, ambulances etc.
6. Any relevant records on file with the Roane County Highway Department or the Tennessee Department of Transportation.