

SUBDIVISION REGULATIONS
WINCHESTER, TENNESSEE

ADOPTED
JANUARY 18, 1971

AMENDED THROUGH
JULY 31, 2016

**THE SUBDIVISION REGULATIONS
OF
WINCHESTER, TENNESSEE,
AND
ITS PLANNING REGION**

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CITY COUNCIL

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ORIGINALLY PREPARED FOR THE
WINCHESTER PLANNING REGION
BY THE
WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION
AND THE
SOUTHEAST REGIONAL OFFICE
OF THE
TENNESSEE STATE PLANNING COMMISSION

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CITY OF WINCHESTER, TENNESSEE

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AMENDMENTS		
EFFECTIVE DATE	RESOLUTION NO.	REVISIONS
June 18, 2012	2012-1	Section 136 – Created the Certificate of Approval for Street Names

**SUBDIVISION REGULATIONS
FOR
WINCHESTER, TENNESSEE**

TITLE

REGULATIONS CONTROLLING THE SUBDIVISION OF LAND IN
WINCHESTER, TENNESSEE, AND ITS PLANNING REGION: REQUIRING AND
REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND
FINAL DESIGN STANDARDS: REQUIRING MINIMUM IMPROVEMENTS TO BE MADE
OR GUARANTEED TO BE MADE BY THE SUBDIVIDER: SETTING FORTH THE
PROCEDURE TO BE FOLLOWED BY THE PLANNING COMMISSION IN APPLYING
THESE RULES, REGULATIONS AND STANDARDS: AND PRESCRIBING PENALTIES
FOR THE VIOLATION OF ITS PROVISIONS.

PURPOSE

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

**ARTICLE I
PREAMBLE AND ENACTMENT CLAUSE**

In pursuance of authority set forth in Sections 13-601 through 13-609, Tennessee Code Annotated, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the municipality; to encourage economically sound and stable land development; to assure the provision of required streets, utilities and other facilities and services to land developments; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land development; to assure the provision of needed public open spaces and building sites in land developments through the dedication or reservation of land for recreational, educational and other public purposes; and to assure that land is developed in conformity with the Comprehensive Plan of Winchester, the Planning Commission of Winchester, Tennessee, does ordain and enact the following articles and sections:

**ARTICLE II
SHORT TITLE**

This document shall be known and may be cited as the, "Subdivision Regulations of Winchester, Tennessee, and its Planning Region".

ARTICLE III DEFINITION OF CERTAIN TERMS USED HEREIN

Except as specifically defined herein, all words used in these regulations have their customary dictionary definitions where not inconsistent with the context. For the purpose of these regulations certain words or terms are defined as follows:

The term “shall” is mandatory. When not inconsistent with the context, words used in the singular include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

Floodway: areas along the Boiling Fork River and other streams in the planning region which must be left unobstructed in order to preserve the flood carrying capacity of the stream and its flood plain without appreciably increasing the height of the floodwaters.

Health Authority: the director of the city, county or district health department having jurisdiction over the community health, or his duly authorized representative.

Lot: a portion or parcel of land separated from other portions or parcels by description as on a subdivision plat or record of survey map or as described by metes and bounds, and intended for transfer of ownership or for building development. For the purpose of these regulations, the term does not include any portion of a dedicated right-of-way.

Major Subdivision: all divisions of a tract or parcel of land into five (5) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development; and includes all division of land into two (2) or more lots involving a new street, or a change in existing streets; or divisions of land involving the extension of water, sewer or gas lines and includes re-subdivisions and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The following are not included within this definition:

- a. testamentary division of property;
- b. partnership division of property between two (2) or more owners of an undivided interest by court order; and
- c. the division of land into parcels of three (3) acres or more not involving any new streets or easements of access.

The creation of a tract or parcel of less than five (5) acres shall be deemed a subdivision and subject to the provisions of this chapter whether or not it fronts on an existing street or road, except where land is partitioned among the owners by the court.

Minor Subdivision: all divisions of a tract into four (4) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The following are not included within this definition:

- a. all divisions of land involving a new street; a change in an existing street; or the extension of water, sewer or gas lines; and
- b. the division of land into parcels of three (3) acres or more not involving any new streets or easements of access.

Planning Commission: the Winchester Planning Commission.

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

- a. Arterials and Collectors – the street designated as such in the Winchester, Tennessee, Thoroughfare Plan.
- b. Secondary Collector – a collector street which carries traffic from local streets to major thoroughfares.
- c. Local Street – a neighborhood street used primarily for access to the abutting properties.
- d. Marginal Access Street – a minor street parallel and adjacent to major thoroughfares which offers access to abutting properties.
- e. Alley – a minor way used for service access to the back or side of properties otherwise abutting on a street.
- f. Cul-de-sac – a local street with only one outlet, sometimes called a “dead-end” street.

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

ARTICLE IV
PLATTING JURISDICTION, ENFORCEMENT
AND PENALTIES FOR VIOLATION

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.

Section 41. Platting Authority. From and after the passage of these regulations, the Planning Commission shall be the official platting authority, and no plat of a land subdivision shall be entitled to record in the office of the Franklin County Register unless it shall have the approval of the Planning Commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the Planning Commission, as required by these regulations, is declared to be a misdemeanor, punishable by law.

Section 42. Use of Plat. The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a subdivision plat that has not been given final approval by the Planning Commission and recorded in the office of the Franklin County Register is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties.

Section 43. Enforcement. No plat or plan of a subdivision located within the area of planning jurisdiction shall be filed or recorded by the County Register of Deeds until said plat or plan has received final approval in writing by the Planning Commission as provided in Section 13-602, Tennessee Code Annotated.

Section 44. Opening and Improving Public Streets (Roads). No public officer, authority or county governing body shall accept, layout, open, improve, grade, pave or light any street, lay or authorize the laying of water mains or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the area of planning jurisdiction unless such street shall have been accepted, opened or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the Planning Commission, or on a street plan made and adopted by the Commission as provided in Section 13-607, Tennessee Code Annotated.

Section 45. Erection of Buildings. No building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the Planning Commission unless the street giving access thereto has been accepted as a public street in accordance with these regulations, or unless such street has been accepted as a public street prior to the effective date of these regulations.

Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building inspector or the city attorney or other official designated by the Winchester City Board may bring action to enjoin such erection or cause it to be vacated or removed.

Section 46. Penalties. 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 13-602, Tennessee Code Annotated, and any county recorder so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

Section 13-606, Tennessee Code Annotated, provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality, through its attorney or other official designated by its chief legislative body, may enjoin such transfer of sale or agreement by action or injunction.

ARTICLE V

GENERAL DESIGN REQUIREMENTS

Section 51. Suitability of the Land. 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.

If a subdivision is proposed within one hundred (100) feet of a stream for which detailed flood data has not been published, the Planning Commission shall require detailed flood information for the particular area before deciding whether or not such subdivision development can occur.

Land which is subject to flooding shall not be platted for residential occupancy or building sites unless such land is shown to be outside the floodway of the river or stream causing the flooding. Fill may not be used to raise land within the floodway. However, fill may be used outside the floodway providing that the requirements of Article VI, Section 64, are satisfied and further provided that any fill shall extend twenty-five (25) feet beyond the limits of any structure erected thereon.

Section 52. Name of Subdivision. The name of the subdivision must have the approval of the Planning Commission. The name shall not duplicate or closely approximate the name of an existing subdivision.

Section 53. Access. Access to every subdivision shall be provided over a public street.

Section 54. Public Use Areas. When features of other plans adopted by the Planning Commission (such as schools or other public building sites, parks or other land for public use) are located in whole or in part in a land subdivision, land for such features shall be either dedicated or reserved by the subdivider for acquisition within one (1) year by the appropriate public agency.

Whenever a plat proposes the dedication of land to public uses that the Planning Commission finds not required or suitable for such use, the Planning Commission shall refuse to approve the plat, and shall notify the governing body of the reasons for such action.

NOTE: One of the primary purposes and advantages of planning for the dedication and reservation of property for public use is to indicate areas which may be presently acquired at acreage prices rather than at greatly increased prices in the future where future improvements would increase the expense to the taxpayer and create inconvenience for the individual property owner and for the neighborhood.

Where public use is to be made of the property and where the residents of the subdivision will receive primary benefit, the dedication of the property should be encouraged. Where the public

use is for the public as a whole, the community should pay proportionately for the acquisition of reserved areas within a reasonable time. A reasonable time is to be determined according to the circumstances, because the subdivider should not be required to hold his land idle for a lengthy indefinite period.

Section 55. Large-Scale Development. The requirements of these regulations may be modified in the case of large-scale community or neighborhood units, such as a housing project, trailer court or shopping center which is not subdivided into customary lots, blocks and streets, if the development is approved by the Planning Commission and if it is in conformity with the purpose and intent of these regulations.

The requirements and regulations of the Tennessee Trailer Court Act, Tennessee Code Annotated, Sections 53-3201 through 53-3220, must be satisfied and the approval of the Local Health Authority must be secured prior to approval by the Planning Commission.

ARTICLE VI
GENERAL REQUIREMENTS FOR STREETS
AND OTHER RIGHTS-OF-WAY

Section 61. Conformance to Adopted Major Thoroughfare Plan. All streets and other features of the Major Thoroughfare Plan of Winchester, Tennessee, shall be platted by the subdivider in the location and to the dimensions indicated on the Major Thoroughfare Plan adopted by the Planning Commission.

Section 62. Continuation of Existing Streets. Existing streets shall be continued at the same or greater width, but in no case less than the required width.

Section 63. Street Connections. Where proposed streets are to adjoin existing streets, the developer must make the connection at his expense and meet all street design requirements set forth in these regulations.

Section 64. Street Elevations. The Planning Commission may require, where necessary, profiles and elevations of streets in areas subject to flood, as defined in these regulations. Fill may be used for streets provided such fill does not unduly increase flood heights. Drainage openings shall be so designed as to not restrict the flow of water and unduly increase flood heights.

Section 65. Street Names. The street names shall require the approval of the Planning Commission. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street.

Section 66. Restriction of Access. When a tract fronts on an arterial or highway, the Planning Commission may require such lots to be provided with frontage on a marginal access street or may require reverse frontage lots.

Section 67. Alleys. Alleys may be required at the rear of all lots used for multi-family, commercial or industrial developments but shall not be provided in one- and two-family residential developments unless the subdivider provides evidence satisfactory to the Planning Commission of the need for alleys.

Section 68. Private Streets and Reserve Strips. There shall be no private streets platted in any subdivision. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the city under conditions approved by the Planning Commission.

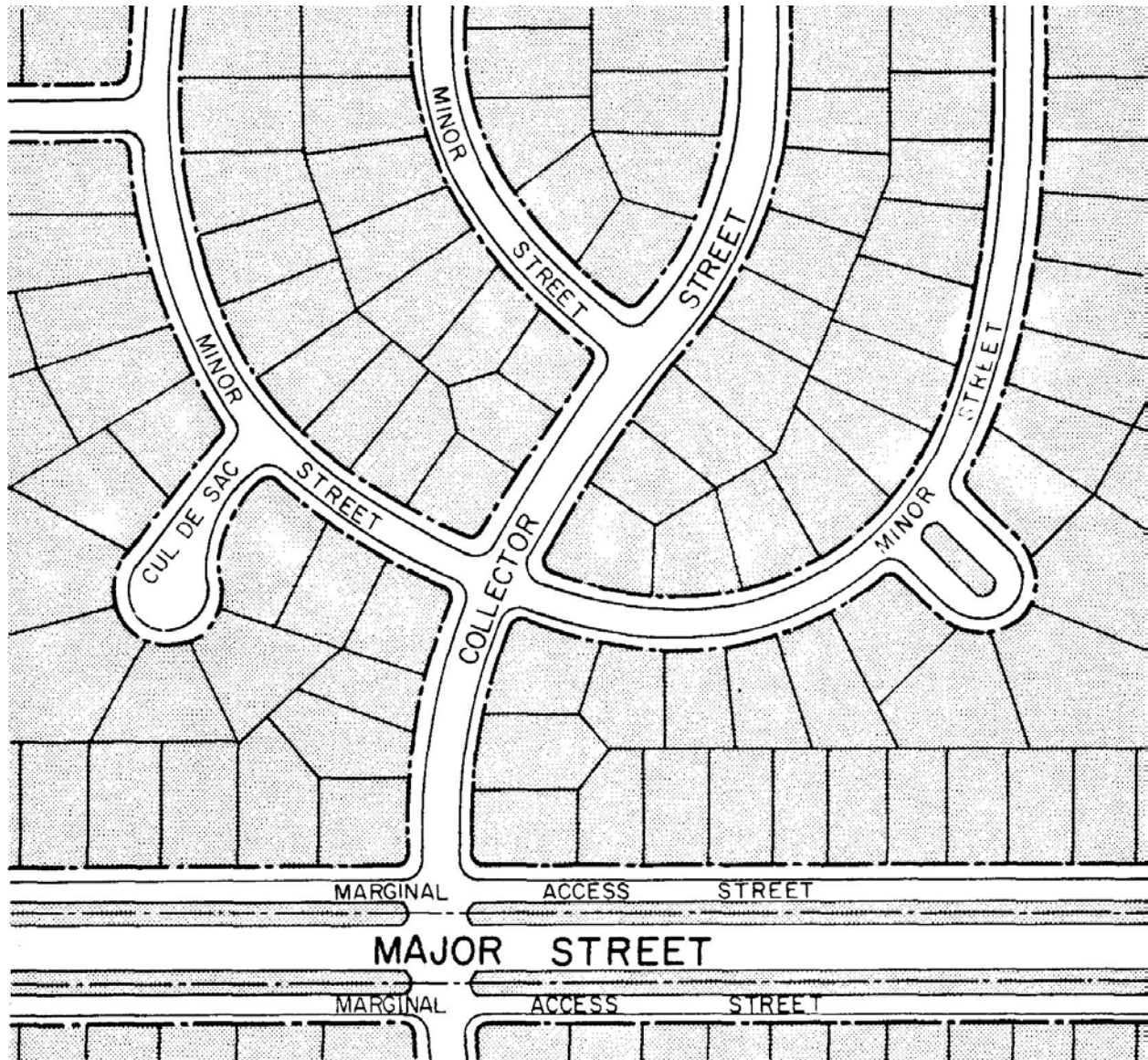
Section 69. Easements. Easements having a minimum width of ten (10) feet shall be provided where deemed necessary along each side or rear lot line for utility lines and underground mains and cables. Easements of the same or necessary greater width shall be required along the lines of or across lots, where necessary, for the extension of existing or planned utilities.

Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm-water or drainage right-of-way of adequate width. Parallel streets may be required by the Planning Commission in connection herewith.

ARTICLE VII
STREET DESIGN REQUIREMENTS

Section 71. Street Right-of-way Widths. The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

- a. Major Arterials
See Thoroughfare Plan, Winchester, Tennessee 100 feet,
or as may be required
- b. Minor Arterials
See Thoroughfare Plan..... 80 feet
- c. Primary Collectors
See Thoroughfare Plan..... 80 feet
- d. Secondary Collectors..... 60 feet
Secondary or collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets of a residential development and streets for major circulation within such a development.
- e. Local Streets (Neighborhood) 50 feet
- f. Marginal Access Streets 50 feet
Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.
- g. Alleys... 20 feet
Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.
- h. Cul-de-sacs..... 50 feet
Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.
Except where topographic or other conditions make a greater length Unavoidable, cul-de-sacs, or dead-end streets, shall not be greater in length than seven hundred (700) feet. They shall be provided at the closed end with a turn-around having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet.



- i. Temporary Cul-de-sacs 40 feet

Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around having a property line radius of at least forty (40) feet with an outside pavement radius of at least thirty (30) feet.

Where deemed necessary by the Planning Commission, adequate rights-of-way shall be dedicated to connect with any temporary dead-end streets adjoining the subdivision.

Section 72. Additional Width on Existing Streets. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements.

- a. The entire right-of-way shall be dedicated where any part of the subdivision is on both sides of the existing street; and
- b. Where the subdivision is located on only one (1) side of an existing street, the amount of right-of-way to be dedicated is as follows:
- 1) If the land across the roadway from the proposed subdivision has not been developed, the subdivider is only required to dedicate one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway.
 - 2) If the land across the roadway has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the roadway to bring the total right-of-way to the required width (in no case less than fifty (50) feet).

Section 73. Street Pavement Widths. Street pavement widths shall be as follows:

- a. Major Arterials 30 feet or greater,
or as may be required
- b. Minor Arterials 30 feet or greater,
or as may be required
- c. Primary Collectors 30 feet or greater,
or as may be required
- d. Secondary Collectors 30 feet
- e. Minor Streets 22 feet, with four (4) foot
(neighborhood or local streets) gravel shoulders on each side

- f. Alleys... 16 feet
- g. Cul-de-sacs.....26 feet with forty (40)
foot radius for turn-around
- h. Through proposed neighborhood or local business areas, the street widths shall be increased ten (10) feet on each side to provide for turning movements of vehicles into and out of necessary off-street parking areas without interference to traffic.

NOTE: The pavement widths are measured from curb to curb. These widths are considered the minimum necessary to accommodate modern traffic. Street parking must, of course, be considered in the pavement widths. Where no street parking is permitted or none is anticipated, allowances may be made. A parallel parking lane normally requires eight (8) feet. On secondary streets a moving traffic lane should have a minimum of ten (10) feet. On neighborhood streets where the abutting property has adequate off-street parking and traffic moves slower, provision for one (1) lane of parking and two (2) nine (9) foot traffic lanes may be adequate. (Pavement widths for major streets are normally a responsibility of the governing body).

Section 74. Street Grades. Maximum and minimum street grades shall be fourteen (14) percent and five-tenths of one percent (0.5) respectively.

NOTE: These street grade limits are considered to be the optimum requirements to provide adequate safety. Different topographical situations may necessitate adjustment. The minimum grade requirement is necessary for drainage purposes. In this regard, it should be considered that in addition to accommodating traffic, streets are the heart of the surface drainage system.

Section 75. Horizontal Curves. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, the street shall have a centerline radius of not less than the following:

- a. Arterials.....300 feet
- b. Collectors200 feet
- c. Minor Streets.....100 feet

Section 76. Vertical Curves. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one-half (4½) feet above the pavement, to an object four (4) inches high on the pavement. Where, in the opinion of the Planning Commission, topography warrants it, profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one

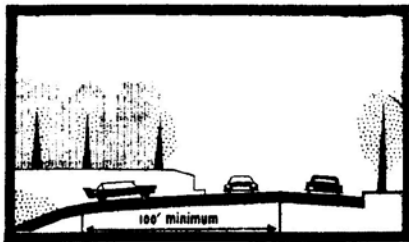
excessive grades on any street create traffic and drainage problems



steep grades at intersections reduce sight distances and hinder vehicle control



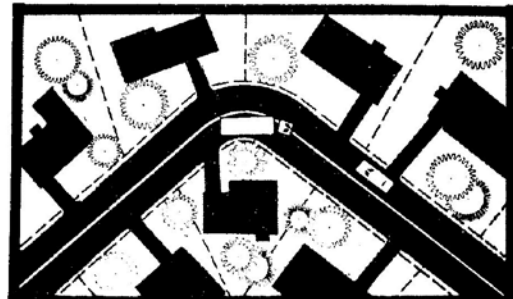
street grades should be flattened out within 100 feet of intersections



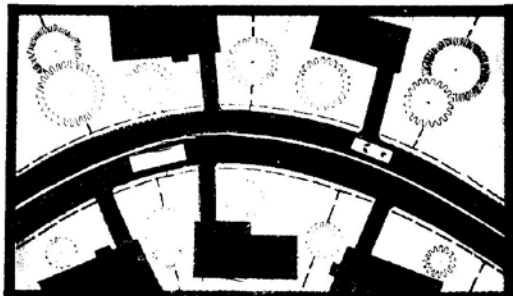
G R A D E S

C U R V E S

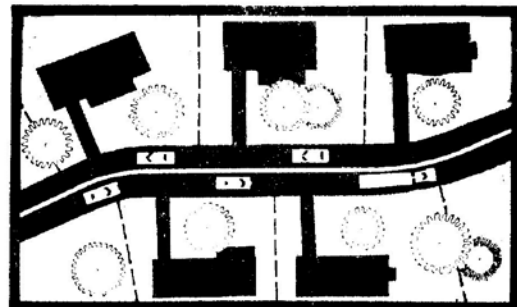
sharp curves reduce sight distances and difficult shaped lots result



proper curvature results in ample sight distances and good lotting



a tangent between reverse curves produces longer sight distances



hundred (100) feet horizontally and one (1) inch equals twenty (20) feet vertically may be required.

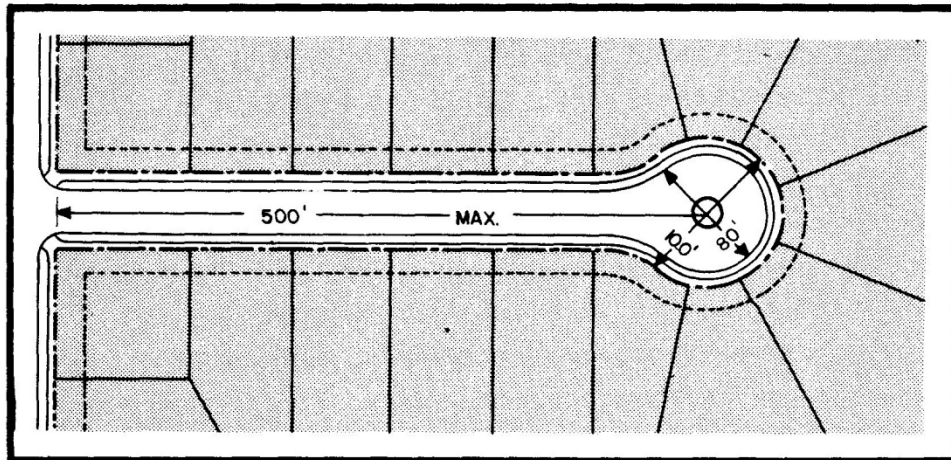
Section 77. Intersections. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees.

Curb radii at street intersections shall not be less than twenty (20) feet, and where the angle of a street intersection is less than seventy-five (75) degrees, the Planning Commission may require a greater curb radius. Whenever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise setback sufficiently to permit construction.

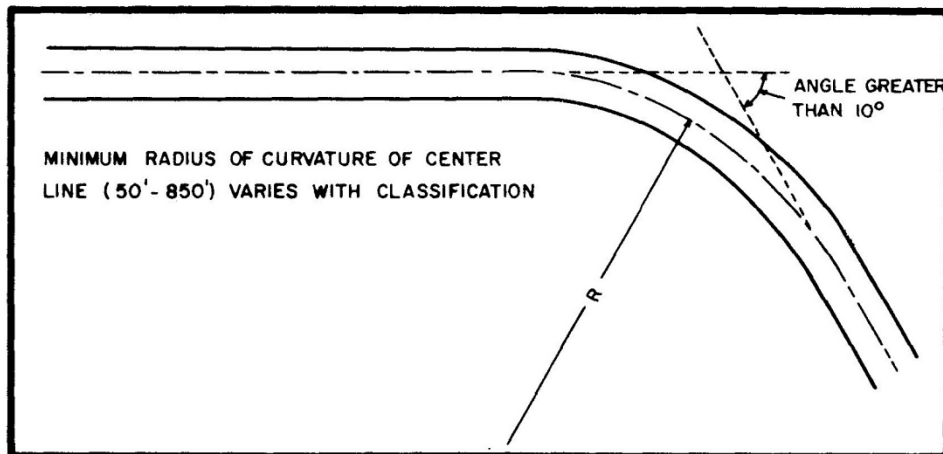
Section 78. Tangents. Between reverse curves there shall be a tangent having a length of not less than one hundred (100) feet.

Section 79. Street Jogs. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.

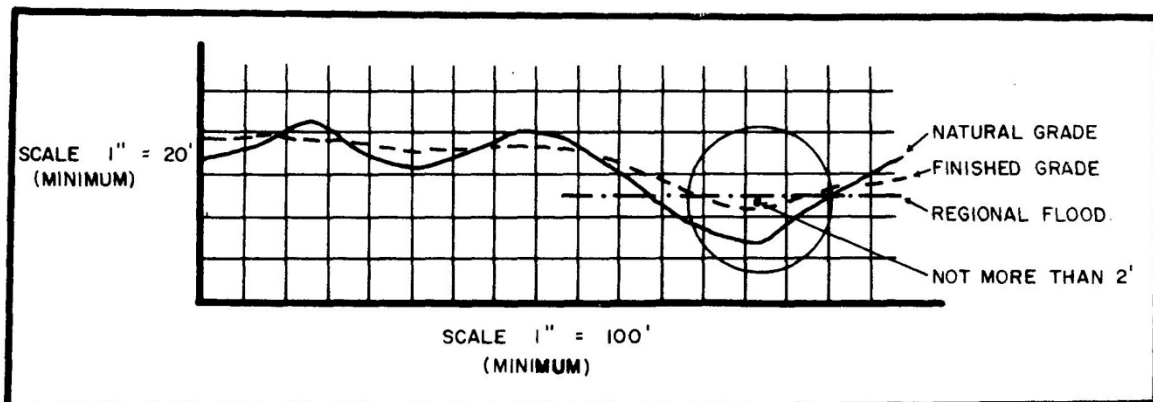
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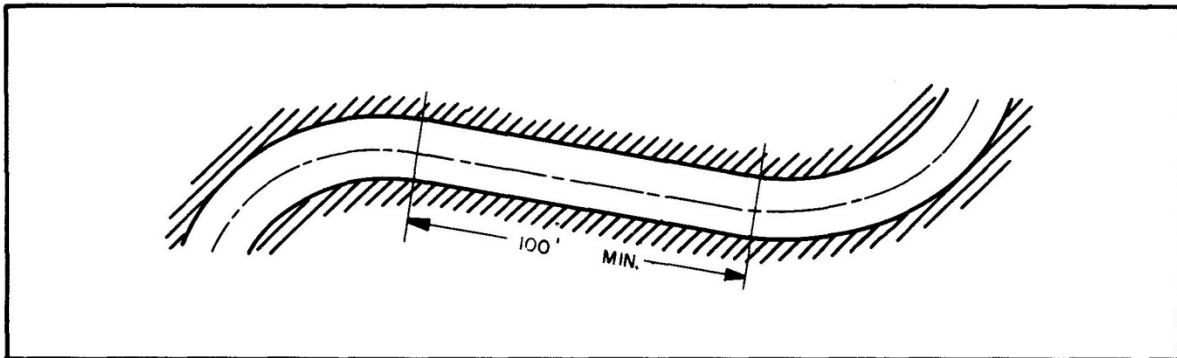


DEFLECTION ANGLE

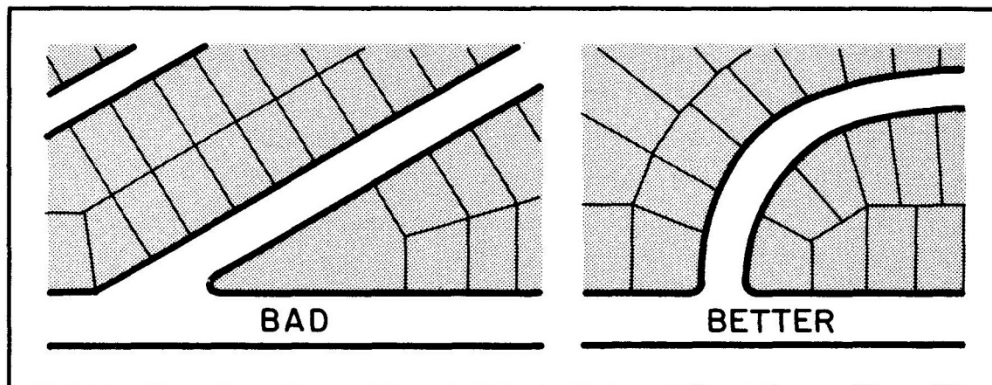


STREET PROFILE

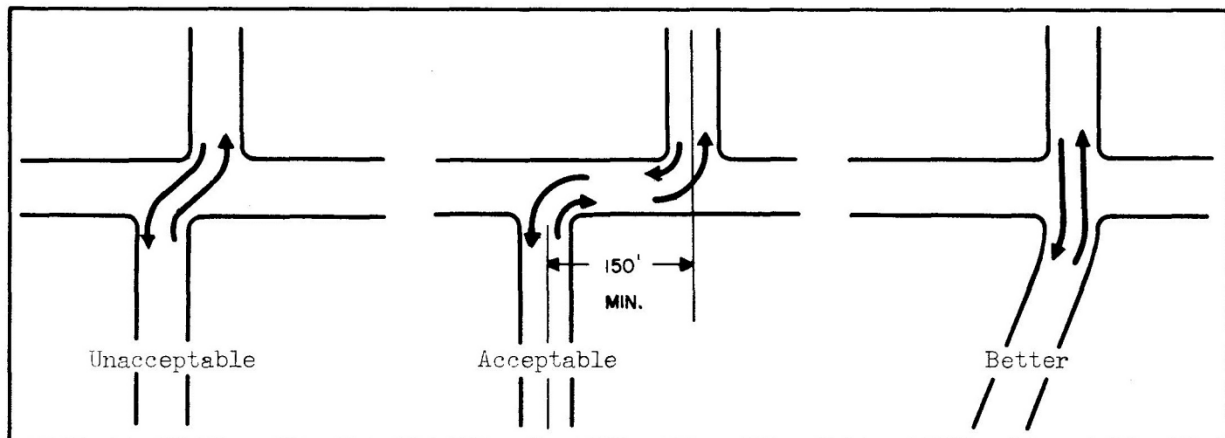




TANGENTS



INTERSECTIONS



STREET JOGS

ARTICLE VIII

DESIGN STANDARDS FOR BLOCKS AND LOTS

Section 81. Block Lengths and Widths. Block lengths and widths shall be as follows:

- a. blocks shall be no greater than one thousand two hundred (1200) feet nor less than three hundred (300) feet in length, except in unusual circumstances; and
- b. blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets or where other situations make this requirement impractical.

Section 82. Flood-Free Building Site. Each lot in a subdivision shall contain a flood-free building site outside of the limits of any existing easement or the building setback lines as required by these regulations.

Section 83. Lot Sizes. Residential lots shall meet the lot width and lot area requirements of the Zoning Ordinance. In the absence of a Zoning Ordinance, residential lots shall not be less than seventy-five (75) feet wide at the setback (building) line. Other lot size requirements follow:

- a. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than three (3) times the width of the lot at the building line, unless unusual circumstances make these limitations impractical.
- b. Lots not served by public water and sanitary sewer systems shall be at least twenty thousand (20,000) square feet in area or of a size specified by the county health authority to adequately accommodate both a fresh-water well and septic tank on the same lot. The minimum distance between the septic tank and fresh-water well shall be one hundred (100) feet. Where individual septic tanks are used on lots served by a public water and sewer system, minimum lot size shall be seven thousand five hundred (7500) square feet. The health officer shall also prescribe minimum lot sizes to conform to health standards, which may be greater than the standards contained herein.
- c. Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets.
- d. Commercial and industrial lots shall be adequate in size to provide service areas and off-street parking suitable for the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.
- e. Land shall not be platted for commercial or industrial purposes unless the subdivider can demonstrate to the Planning Commission that each lot provides the following:
 - 1) A site that does not unduly interfere with through traffic. (Each industrial subdivision or area shall utilize a single collector for all heavy traffic between

the area and the general system of streets and roads. Minor industrial streets and individual industrial parcels shall be oriented at right angles with the collector and with adjacent railroads).

- 2) An integrated parking area.
- 3) An insulation against any adverse effort on any present or future adjacent residences.
- 4) A parcel size sufficient in area to allow future expansion.

Section 84. Lot Lines. All lot lines shall be perpendicular or radial to street lines, unless impractical because of topographic or other features.

Section 85. Building Setback Lines. A building line (setback line) meeting the front yard setback requirements of the Zoning Ordinance shall be established on all lots. In the absence of a Zoning Ordinance, the front yard setback shall be a minimum of thirty-five (35) feet from the street right-of-way lines. Other minimum setback lines shall be as follows:

- a. from the side property line.....10 feet
- b. from the rear property line.....15 feet
- c. from the side property line which
abuts a minor street (corner lot)..... 35 feet,
or as may be required

Section 86. Double and Reverse Frontage Lots. Double frontage lots should be avoided, except where essential to provide separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Reverse frontage lots shall have a depth of not less than one hundred and fifty (150) feet. A planted evergreen screen easement at least ten (10) feet wide, across which there shall be no right of access, shall be provided along the line of lots abutting a traffic artery or other incompatible land use.

ARTICLE IX

PRE-APPLICATION PROCEDURE FOR MAJOR SUBDIVISIONS

Whenever a major subdivision of a tract of land within the Winchester Planning Region is proposed, the subdivider is urged to consult early and informally with the Secretary or a designated member of the Planning Commission. (See Article XV for Review Procedure of Minor Subdivision Plats). The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the pre-application review and no formal application shall be required.

NOTE: (1) The purpose of the pre-application review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the Planning Commission in order to facilitate the subsequent preparation and approval of plans.

At this stage, the subdivider should also consult with any lending institution that will be participating in the financing of his proposed development and with the Federal Housing Administration of the Department of Housing and Urban Development that may be insuring mortgages on houses that may be build in this land subdivision.

(2) The various plat reviews required by these regulations may properly be made by the Secretary or a designated member of the Planning Commission. It would be a waste of time for the entire Planning Commission membership to review a proposed land subdivision, except in cases of conflict or unusual and difficult problems. Approval or disapproval in every case must be by action of the Commission. This note applies only to reviews.

ARTICLE X
PRELIMINARY PLAT SPECIFICATIONS FOR MAJOR SUBDIVISIONS
(SEE ARTICLE XV FOR MINOR SUBDIVISION)

Section 101. Scale. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch.

Section 102. Sheet Size. Sheet size shall be seventeen (17) by twenty-two (22) inches, or shall be the sheet size required by the County Register for recording purposes. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

Section 103. Ground Elevations. Contours shall be shown at vertical intervals of not more than five (5) feet, except when specifically not required by the Planning Commission.

Section 104. Information to be Provided on Preliminary Plat. The preliminary plat shall contain the following information:

- a. name of subdivision;
- b. name and address of owner of record, subdivider, and registered land surveyor;
- c. north point, graphic scale and date;
- d. vicinity map showing location and acreage of subdivision;
- e. exact boundary lines of the tract by bearing and distances;
- f. names of adjoining property owners and/or subdivisions;
- g. existing streets, buildings, water courses, railroads, culverts, utilities and easements on adjacent to the tract;
- h. proposed design including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses and any land to be used for purposes other than single-family dwellings;
- i. block numbers and lot numbers;
- j. plans of proposed utility layouts (sewer, water, gas, and electricity) showing feasible connections to the existing or any proposed utility systems and drainage. When connections to certain public utilities are not practical, any proposed individual water supply and/or sewage disposal system must be approved by the county health department;
- k. minimum building front yard setback lines;

- l. the present zoning classification, if any, on the land to be subdivided and on the adjoining land;
- m. contour lines at least for every five (5) foot change in elevation;
- n. such street cross-section and centerline profiles as may be required by the Street Superintendent and/or Planning Commission; and
- o. if any portion of the land being subdivided is subject to flood, as defined in these regulations, the limit of such flood shall be shown.

NOTE: Where public sewerage and/or water are not available percolation test shall be conducted in accordance with procedures outlined in the Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields, Tennessee Department of Public Health, 1967, and shall be conducted by a qualified person recognized by the Health Authority as being proficient in the field of surveying in accordance with Tennessee Code Annotated, Chapter 20, Section 53-2011.

THE
PRELIMINARY PLAT

SHALL SHOW:

Name, location, owner and designer.

Date, north point and graphic scale

Location of property lines, roads, existing utilities, etc.

Present zoning classification

Names of adjoining properties

Proposed utility system

Names of new streets

Dimensions, lot lines and building setbacks

Location of proposed culverts

Contours at 5' intervals

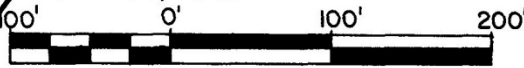
Acreage of land subdivided

Location sketch map.

PRELIMINARY SKETCH
WESTVIEW ADDITION SECTION "A"

TENNACITY, TENN.

G.O. WEST OWNER



SCALE

FRANK T. SQUARE
ENGINEER



MAR. 29, 1958

HARDING AVE.

EXISTING
8" SEWER

RIGHT-OF-WAY
INCREASED
TO 60'

ADDITION

ROAD

NORTHWEST

MILLER PARK

JOHNSON M.H. AVENUE

ENTIRE PROPERTY IN R-2 ZONE
22 ACRES SUBDIVIDED

ARTICLE XI
PROCEDURE FOR PRELIMINARY PLAT APPROVAL
OF MAJOR SUBDIVISION

Section 111. Application for Preliminary Plat Approval. Following the pre-application review of a proposed major subdivision, the subdivider shall submit to the Chairman of the Planning Commission, at least fifteen (15) days prior to the next regular meeting of the Planning Commission, the following:

- a. a letter requesting review and approval of a preliminary plat and giving the name and address of the person to whom the notice of the hearing by the Planning Commission on the preliminary plat shall be sent, and
- b. five (5) copies of the preliminary plat and other documents, as specified in Article X.

NOTE: Five (5) copies of the preliminary plat and other documents are suggested to provide a review and record copy for: 1. Planning Commission; 2. Subdivider; 3. Public Utility Department or Company (for record); and 4. County Health Office; and 5. Street Superintendent.

Section 112. Review of Preliminary Plat. The Planning Commission shall check the plat for conformance to these regulations and shall afford a hearing on the preliminary plat, notice of the time and place of which shall be sent by the Secretary of the Planning Commission by registered or certified mail to the person designated in the letter requesting preliminary plat review and approval, not less than five (5) days prior to the date of the hearing.

Thereafter, the Planning Commission shall give tentative approval or disapproval of the preliminary plat. A notation of the action shall be made in the minutes of the meeting. Two (2) copies of a list containing the reasons for disapproval, if the preliminary plat is disapproved, shall be issued. One (1) copy shall be returned to the subdivider or his agent and one (1) copy added to the records of the Planning Commission.

Tentative approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval shall expire and be null and void after a period of one (1) year unless an extension of time is applied for by the subdivider or his representative and approved by the Planning Commission.

If action on a preliminary plat is not taken by the Planning Commission within thirty (30) days of the date of submittal, the preliminary plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

Section 113. Certificate of Tentative Approval. Two (2) Certificates of Tentative Approval of the Preliminary Plat by the Planning Commission shall be issued. One (1) copy for the subdivider or his agent and one (1) for the Planning Commission records. The certificate shall contain the following:

“Pursuant to the Subdivision Regulations of Winchester, Tennessee, all the requirements of tentative approval have been fulfilled.

Therefore, the “Preliminary Plat” of _____ subdivision has been approved by the Winchester Planning Commission _____19____, subject to the following modifications. This approval does not constitute approval of a Final Plat. This Certificate of Tentative Approval shall expire and be null and void on _____”. (one year later)

Secretary, Winchester Planning
Commission

ARTICLE XII REQUIRED IMPROVEMENTS FOR FINAL PLAT APPROVAL OF MAJOR SUBDIVISION

Prior to the approval of a final plat, an agreement shall be reached between the subdivider or his agent and the city or county government with regard to the installation of any street improvements or utility construction called for in the subdivision plat. The subdivider shall be required to have installed at his expense the following improvements:

NOTE: The subdivider at his expense, may contract with the city, county or a private firm to install the necessary improvements.

Section 121. Monuments.

- a. Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top, shall be set at all road corners, at all points where the road lines intersect the exterior boundaries of the subdivision, and at angle points of curve in each road. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
- b. All other lot corners shall be marked with iron pipe not less than three-fourths ($\frac{3}{4}$) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

Section 122. Grading. All streets, roads and alleys shall be graded by the subdivider to the required cross section. Due to special topographic conditions, deviation from the above will be allowed only with special approval of the Planning Commission. Where roads are constructed under or adjacent to existing electric transmission lines, the nearest edge of the roadway surface shall be a minimum of fifteen (15) feet from any transmission line structure and all grading for the road shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the road to the nearest conductor shall meet the requirements of the National Electric Safety Code.

- a. **Preparation.** Before grading is started the entire right-of-way area shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.
- b. **Cuts.** All tree stumps, boulders and other obstruction shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade. This provision applies to the roadway and not necessarily to the entire right-of-way width.
- c. **Fill.** All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted by a

sheep's foot roller. The filling of utility trenches and other places not accessible to a roller shall be mechanically taped.

Section 123. Installation of Utilities. After grading is completed and approved and before any base is applied, all of the required underground work—water mains, sewer lines, gas mains, etc., and all service connections shall be installed completely and approved throughout the subdivision.

Section 124. Street or Road Base. The base shall consist of crushed stone, size 25 (Grade D) compacted to six (6) inches, and constructed as specified in Section 303, Tennessee Department of Highways', Standard Specifications for Road and Bridge Construction, 1968.

Section 125. Double Bituminous Surface Treatment. The double bituminous surface treatment shall be constructed with emulsified asphalt (RS-2) as specified in Section 404, Tennessee Department of Highways', Standard Specifications for Road and Bridge Construction.

The first application (prime coat) of bituminous material shall be applied at a uniform rate of between 0.30 and 0.40 gallon per square yard. Immediately after the application of bituminous material, it shall be covered uniformly with size number 6 (size specified in Standard Specifications for Road and Bridge Construction) mineral aggregate. The aggregate shall be spread at a rate of between thirty (30) and forty (40) pounds per square yard.

The second application of bituminous material shall be applied at a uniform rate between 0.30 and 0.35 gallon per square yard. Mineral aggregate, size number 7, shall then be spread at a rate of twenty (20) to twenty-five (25) pounds per square yard.

*See Section 1210.

Construction techniques shall conform to those specified in the 1968 edition of the Tennessee Department of Highways', Standard Specifications for Road and Bridge Construction.

NOTE: Standards and specifications as indicated in the Tennessee Department of Highways', Standard Specifications for Road and Bridge Construction are subject to periodic revision. Revisions should be incorporated in new road construction.

Section 126. Storm Drainage. An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

NOTE: Cross drains should be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than twelve (12) inches. Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock.

Pipes shall be laid with spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed.

Section 127. Water Supply System. Water mains properly connected with the community water supply system or with an alternate supply approved by the Health Authority shall be constructed in such a manner as to serve adequately for both domestic use and fire protection, all lots shown on the subdivision plat.

*See below for extract of Article II, Winchester, Zoning Ordinance.

Where public water systems are to be used, six (6) inch cast iron water mains (or other material approved by the Utility Board) shall be required, except along cross streets of one thousand (1,000) feet or less and in permanent cul-de-sacs. The location and types of valves and hydrants, the amount of soil cover over the pipes and other features of the installation shall be approved by the Planning Commission, after conference with the Public Utility Board or Utility District, and shall conform to accepted standards of good practice for water systems.

(EXTRACT FROM WINCHESTER ZONING ORDINANCE)

“Article II. Installation of Services in Subdivision.

Section 17-13. Required action by developer.

Any person within the vicinity of the city desiring to have water and/or sewerage service made available, if feasible, to a particular area or subdivision and to be served by the water and/or sewerage system of the utilities department, shall:

- (1) At own expense prepare detailed plans and specifications of the distribution system in conformance with the regulations of the utilities department.
- (2) Secure the approval of the plans and specifications in writing from the Winchester Regional Planning Commission.
- (3) Secure the bids from competent and reliable contractors for the furnishing of materials, labor and services necessary for the construction of the distribution system.
- (4) At own expense, construct the distribution system in accordance with the specifications in a good and workman like manner and furnish all materials, labor and service therefore. (Utilities department will inspect at various phases of construction to see that specifications are adhered to.)

- (5) Furnish to the utilities department evidence that all bills and charges for labor and materials and other services used in the construction have been paid.
- (6) Transfer and convey, by a written instrument, the distribution system, when completed, to the utilities department, City of Winchester, free from all liens of every kind. The consideration for the transfer shall be an agreement to be signed by an authorized representative of the utilities department, to reimburse the installers on the basis hereafter provided. (Ordinance. No. 313, 10-8-63)

Section 17-14. Action of utilities department.

If the entire cost of construction and installation of such system is approved by the utilities department, and if it is conveyed and transferred to the utilities department free from all liens and encumbrances and if applicant keeps and performs his agreements and undertakings as set forth above,

- (1) The utilities department will permit the system to be connected on to its distribution system and will furnish water and/or sewerage service to each customer within the area or subdivision, after the customer has paid the necessary water and/or sewerage tapping fee.
- (2) The utilities department will charge for water and/or sewerage service at the rates in effect at that time, inside the corporate limits, subject to all rate changes, and double said rates outside the corporate limits.
- (3) Beginning one (1) year after the system has been connected to the utilities departments' lines, the utilities department will pay to the installer of the line or lines, on a semi-annual basis, for a period of five (5) years fifty percent (50%) of gross revenue received from customers connected to this line or lines; however, in no case shall payments be made which exceed fifty percent (50%) of the total cost. In computing the total cost of the system no service line to the customer's premises or interest cost are to be allowed

No payments shall be made for service line connections not made directly to the water and/or sewerage lines in question, even though such service line connections are made to a main extended from, or receiving water through, the main extension in question. The gross revenues above do not include tapping fee charges. (Ordinance. No. 313, 10-8-63)

Section 17-15. Size of lines.

The above reimbursements are based on six inch (6") water lines and eight inch (8") sewer lines only. At such locations as the utilities department may direct a water line larger than six inches (6") or a sewer line larger than eight inches (8") be

installed, the utilities department will pay the applicant, when the installation is complete, the difference between the cost of a six inch (6") water line or an eight inch (8") sewer line and lines of larger sizes. In such instances the utilities department will pay the applicant on the basis of a six inch (6") water line and eight inch (8") sewer line for a period of five (5) years as noted above. (Ordinance. 313, 10-8-63)

Section 17-16. When a transmission main is necessary.

Where a transmission main is necessary to connect a proposed distribution system to an existing main, the following regulations shall apply:

- (1) If the utilities department, after thorough review feels that there are enough building lots within the subdivision to retire the cost of the transmission main over a ten-year period, the utilities department will bear the cost of the connecting link. The utilities department will use the figure of \$200.00 per lot to compute this return.

If, however, the utilities department feels that not enough lots exist to cover the cost of construction, the developer must contribute the balance of the cost above the \$200.00 per lot allowance.

- (2) If the master plan of the city indicates the need for a main larger than that required to serve the proposed distribution system's requirements, the utility board will pay for the differential cost of the installation of the mains. (Ord. 313, 10-8-63)

Section 17-17 – 17-26. Reserved."

Section 128. Sewage Disposal. When the subdivision is located within the service area of a public sewerage system, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system.

Where lots cannot be economically connected with a sewerage system, each lot shall be required to pass percolation test, contain adequate area for the installation of approved septic tank and disposal fields, and be approved in writing by the county health officer.

NOTE: Upon receipt of a preliminary plat the Health Authority reviews the data and a field investigation of each lot is made. If percolation rates are acceptable, other topographic features including lot sizes are considered. In addition to unsatisfactory percolation test results, lots may be deemed unacceptable because of rock outcropping, gullies, natural storm drains, excessive slope and the like. In view of topographic features and percolation test results, the maximum amount of available unusable area for subsurface disposal is determined for each lot. By using the Recommended Guide for the Location, Design and Construction of Septic Tanks and Disposal Fields, 1967, Tennessee Department of Public Health, calculations

are made to determine the maximum number of bedrooms for a home and/or the maximum daily flow of sewage from establishments or institutions allowable for each lot. These data limitations and restrictions will be entered in the preliminary plat by the Health Authority and shall be shown on the final plat. This does not preclude the developer from enlarging lot sizes, combining unsuitable lots with acceptable ones, or designating certain lots for uses not requiring sewage disposal facilities as long as other requirements of the Planning Commission and other agencies are satisfied and provided that the above named alternatives are reviewed and approved prior to the preparation of the final plat.

Section 129. Sidewalks. For the safety of pedestrians and of children at play or on approaches to community facilities (school, parks, etc.) installation of sidewalks on both sides of the streets shall be required of the developer (when considered to be necessary by the Planning Commission).

When sidewalks are required, the following specifications shall be met: sidewalks shall be located not less than on (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on the property line at a later date. In single-family residential areas concrete sidewalks shall be four (4) feet wide and four (4) inches thick. In multi-family or group housing development sidewalks shall be five (5) feet wide and four (4) inches thick. In commercial areas, sidewalks shall be ten (10) feet wide and four (4) inches thick.

Section 1210. Guarantee in Lieu of Completed Improvements. No final subdivision plat shall be approved by the Planning Commission or accepted for record by the county register of deeds, until one of the following conditions have been met:

- a. All required improvements have been constructed in a satisfactory manner and approved by the Planning Commission, or
- b. The Planning Commission has accepted a surety bond or certified check in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the city or county in the event of default by the subdivider.

NOTE: The Planning Commission should contact the appropriate official to determine cost of the necessary improvements.

ARTICLE XIII FINAL PLAT SPECIFICATIONS

Section 131. Final Plat Specifications. The final plat shall conform to and meet the specifications of the preliminary plat (Article X) with the following additions:

- a. bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three (3) shall be accurately described on the plat);
- b. municipal, county and land-lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision;
- c. exact boundary lines of the tract, determined by an engineering field survey, giving distances to the nearest minute, which shall be balanced and closed with an error closure not to exceed one (1) to five thousand (5000);
- d. name of subdivision, exact location, widths and names of all streets and alleys within the immediately adjoining tract;
- e. street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents;
- f. lot lines with dimensions to the nearest one-tenth (1/10) of a foot and bearings;
- g. lots numbered in numerical order and clocks lettered alphabetically;
- h. location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use;
- i. accurate location, material and description of existing and proposed monuments and markers;
- j. a statement, either directly on the plat or in an identified attached document, of any private covenants;
- k. if any portion of the land being subdivided is subject to flood, as defined in these regulations, the limit of such flood shall be shown; and
- l. modifications, limitations and approval by Health Authority.

Section 132. Engineer's or Surveyor's Certification. A Registered Engineer's or approved Land Surveyor's Certification shall be placed directly on the final plat as follows:

“It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property be my or under my supervision; and that all monuments shown hereon actually exist or are marked as “future”, and their location, size, type and material are

correctly shown; and that all engineering requirements of the Subdivision Regulations of Winchester, Tennessee, have been fully complied with.”

By:_____

Section 133. Owner’s Certification. An owner’s certification shall be placed on the final plat, as follows:

“Owner’s Certification: State of Tennessee, County of Franklin”

“The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey and that all state, city and county taxes or other assessments now due on this land have been paid.”

Agent _____ Owner _____
Date _____ Date _____

Section 134. Certification of the City Engineer, County Health Authority or City Attorney.

The City Engineer, or other responsible officials designated by the Planning Commission, shall certify that the streets, drainage, utilities, sewage disposal system and other improvements indicated on the plat have been completed to proper specifications and per design standards. Where the required improvements have not been completed, the city attorney shall certify that approved bond, or security, have been posted to insure their completion.

Where septic tanks are to be used in lieu of public sewerage, the local health authority shall certify that lot areas shown on the plat are adequate to accommodate individual septic tank systems as restricted.

Section 135. Certificate of Dedication. A certification by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he is dedicating shall be placed on the final plat. This certificate should be approved as to form by the City Attorney.

Section 136. Certificate of Approval for Street Names.
(Created by Resolution 2012-1, June 18, 2012)

A certificate approving street names shall be placed on the final plat, as follows:

CERTIFICATE OF APPROVAL FOR STREET NAMES

I hereby certify that (1) the names of any existing streets shown on this subdivision plat are correct, (2) the names of any new streets do not duplicate any existing names, and (3) said names are in compliance with the adopted Franklin County Road Naming Standards.

_____, 20__

Date

Franklin County 911 Emergency
Communications District Representative

THE FINAL PLAT

SHALL SHOW:

Streets, lots, setback lines,
lot numbers, etc.

Sufficient engineering data to
reproduce any line on the
ground.

Dimensions, angles, and
bearings.

Monuments

Names of adjoining properties

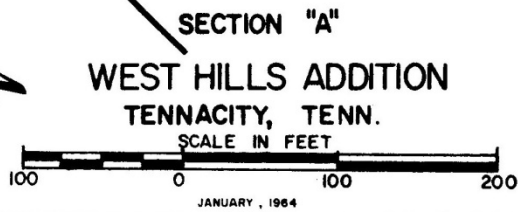
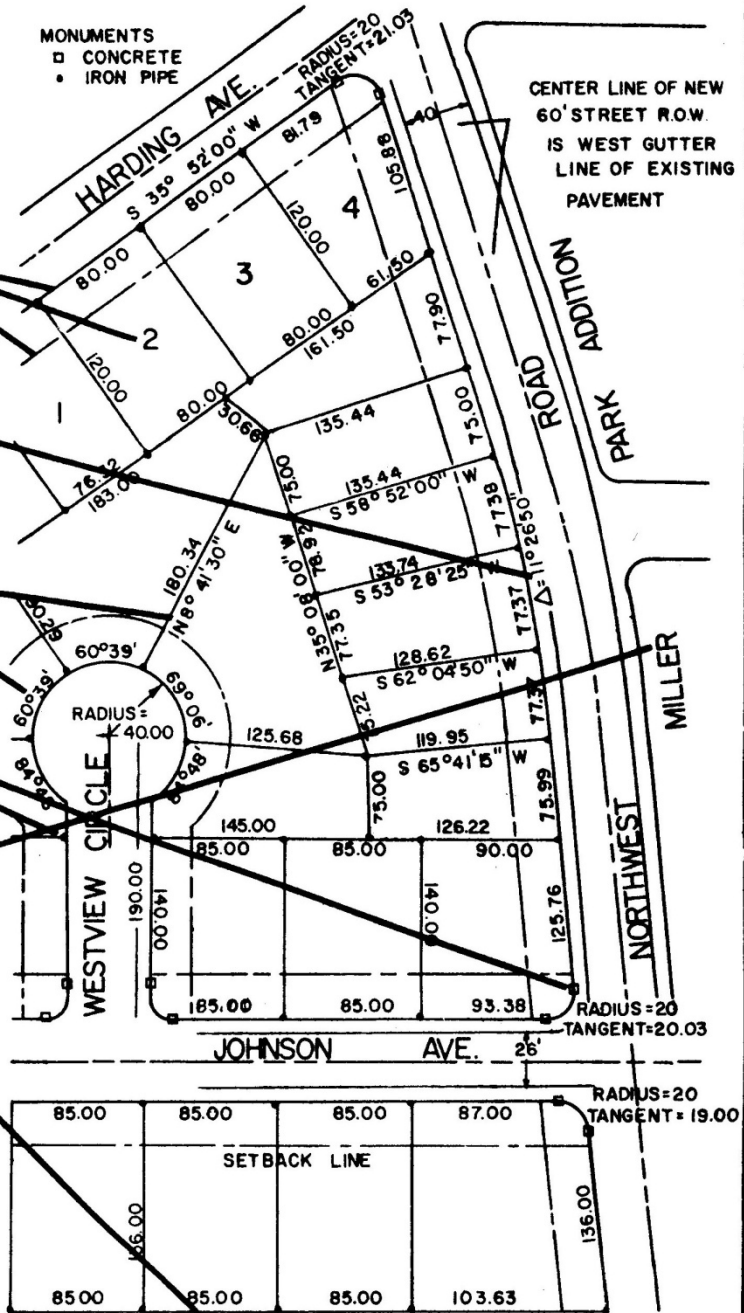
Date, title, name and location
of subdivision

Graphic scale and true north
point

Location sketch map and
certificates as required

MONUMENTS
□ CONCRETE
• IRON PIPE

CENTER LINE OF NEW
60' STREET R.O.W.
IS WEST GUTTER
LINE OF EXISTING
PAVEMENT



ARTICLE XIV
PROCEDURE FOR FINAL PLAT APPROVAL
(SEE ARTICLE XV FOR MINOR SUBDIVISION)

Section 141. Application for Final Plat Approval. After the preliminary plat of a proposed major land subdivision has been given tentative approval by the Planning Commission, the subdivider may, within one (1) year from tentative approval, submit to the Planning Commission at least fifteen (15) days prior to the next regular meeting of the Planning Commission, the following:

- a. a letter requesting review and approval of a final plat, giving the name and address of the person to whom the notice of the hearing by the Planning Commission on the final plat shall be sent; and
- b. six (6) copies of the final plat and other documents, as specified in Article XIII, plus the original which shall be drawn in permanent ink on permanent reproducible material, equal to the standards required by the County Register. Signatures and the required certifications shall not be placed on the reproducible copy but on all six (6) prints of the plat.

NOTE: The six (6) copies required here would provide:

1. one (1) original plat to be recorded in the files of the County Register;
2. one (1) copy for the records of the Planning Commission;
3. one (1) for the governing body;
4. one (1) copy for the City Engineer;
5. one (1) copy for return to the subdivider with inscriptions of the Planning Commission; and
6. one (1) copy for the Health Authority.

Section 142. Reviews of Final Plat. The Planning Commission shall check the final plat for conformance with the tentatively approved preliminary plat, and with the rules and regulations of this document, and shall afford a hearing on the final plat, notice of the time and place of which shall be sent by the Secretary of the Planning Commission by registered or certified mail to the person designated in the letter requesting final review and approval, not less than five (5) days prior to the date of the hearing.

Thereafter, the Planning Commission shall approve or disapprove the final plat. A notation of the action of the Planning Commission shall be made on the six (6) copies of the final plat, including a statement of the reasons for disapproval if the plat is disapproved. If action on a final plat is not taken by the Planning Commission within thirty (30) days of the date of submittal, the final plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

Section 143. A Certificate of Approval of the Final Plat by the Planning Commission. If the subdivision is approved, the Secretary of the Planning Commission shall include a certificate of approval of the final plat directly on the copies of the plat, as follows:

“All the requirements of approval having been fulfilled pursuant to the Subdivision Regulations of Winchester, Tennessee, this plat was given approval by the Winchester Planning Commission effective _____ 19____”.

Date_____

Secretary, Winchester Planning
Commission

NOTE: All certifications with appropriate signatures shall be placed on all six (6) copies of the plat and any others that may be deemed necessary. Certifications could possibly be placed on the plats by means of rubber stamps, leaving a blank for the appropriate signature. No certifications or signatures should be placed on the reproducible copy.

Section 144. Recording of Final Plat. Upon approval of a final plat, the Chairman of the Planning Commission shall have the final plat recorded in the office of the Franklin County Register.

ARTICLE XV
REVIEW PROCEDURE FOR MINOR SUBDIVISION PLATS

Section 151. Whenever a minor subdivision is proposed, the requirements of Articles IX, X and XIV shall not apply except as herein provided. The following procedures for application review and approval shall govern.

NOTE: A subdivision is considered minor when it contains four (4) or less lots and no streets, utilities or other improvements are to be made; see Article III for definition.

Section 152. The subdivider shall submit to the Secretary of the Planning Commission four (4) copies of a survey (hereafter called the “plat”) of the proposed minor subdivision prepared by an approved land surveyor or registered engineer,

Section 153. If any portion of the land being subdivided is subject to flood, as defined in Section 51 of these regulations, the limit of such flood shall be shown.

Section 154. The plat shall be clearly and legibly drawn at a suitable scale and shall contain all information normally required in an official survey with an engineer’s or surveyor’s certification plus:

- a. the name and address of owner of record;
- b. a vicinity map showing the location and acreage of the subdivision;
- c. the existing streets, buildings, water courses, utilities and easements; and
- d. the present zoning classification, if any, on the land to be subdivided and on the adjoining land.

Certificates that shall be required are: (1) owner’s certification; (2) certificate of dedication; and (3) certification of approval directly on the plat as prescribed for the subdivision plats in Article XIII and any other certificates deemed necessary by the Planning Commission.

NOTE: Where septic tanks are to be used in a minor subdivision, the Planning Commission shall require certificates of approval by the Health Authority in which instance all requirements regarding submission of data review and approval procedures as applicable to major subdivisions shall apply.

Section 155. The Planning Commission shall check the plat for conformance to the rules and regulations and shall afford a hearing on the plat, notice of the time and place of which shall be sent by the Secretary of the Planning Commission by registered or certified mail to the person submitting the plat at least five (5) days prior to the date of the hearing. Thereafter, the Planning Commission shall approve or disapprove the plat. A notation of action shall be made on all copies of the plat, including a statement of the reasons for disapproval, if the

plat is disapproved. One (1) copy shall be returned to the subdivider or his agent, and one (1) copy added to the records of the Planning Commission, one (1) copy sent to the City Engineer, one (1) copy shall be recorded in the office of the Franklin County Register by the Secretary of the Planning Commission and one (1) copy shall be sent to the health authority, if required.

If action is not taken by the Planning Commission within thirty (30) days from the date of submittal, the plan shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

ARTICLE XVI VARIANCES AND AMENDMENTS

Section 161. Variances. Variances may be granted where the Planning Commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variances thus authorized shall be stated in writing in the minutes of the Planning Commission with the reasoning on which the departure is justified set forth.

Section 162. Amendments. These regulations may be amended from time to time by the Planning Commission. However, before enacting an amendment, the Planning Commission shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the city.

ARTICLE XVII LEGAL STATUS PROVISIONS

Section 171. Separability. Should any section or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the regulations as a whole or part thereof which is not specifically declared to be invalid or unconstitutional.

Section 172. Conflict with Other Regulations. No final plat of land within the force and effect of an existing Zoning Ordinance shall be approved unless it conforms to such ordinance.

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

Section 173. Adoption and Effective Date. These regulations shall take effect and be in force from and after the first day of its adoption, the public welfare demanding it.

Adopted by the Planning Commission on the 18th day of January, 1971.

Don Hall
Don Hall, Chairman
Winchester Planning Commission

APPENDIX