

HAYWOOD COUNTY, TENNESSEE SUBDIVISION REGULATIONS

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ARTICLE I. PURPOSE, AUTHORITY, JURISDICTION AND DEFINITIONS

A. Purpose

Land subdivision is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility 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 any important respects. It is, therefore, to the interest of the public, the developer, and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.

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

B. Authority

These subdivision regulations are adopted under authority granted by Sections 13-3-401 through 13-3-411 Tennessee Code Annotated. The planning commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such regulations. A certified copy of the Haywood County Major Road Plan is filed in the office of the Registrar of Haywood County, Tennessee.

C. Jurisdiction

These regulations shall govern all subdivision of land within the Haywood County Planning Region as established by resolution of the Local Government Planning Advisory Committee and the Tennessee State Planning Office.

D. Definitions

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 number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

Blocks: A tract of land bounded by streets-roads, or by a combination of streets-roads.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Planning Commission.

Flood Hazard Boundary Map (FHBM): An official map of the county, prepared by the Federal Insurance Administration, which delineates the areas subject to

inundation by the 100-year flood. These areas of special flood hazards are designated as Zone A on the FHBM.

Flood Plain: A relatively flat or low area adjoining a river, stream, or watercourse which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation or runoff of surface water from any source. For the purposes of these regulations, the land subject to inundation by the 100-year flood, i.e., the 100-year flood plain.

Floodway: The stream channel and the portion of the adjacent flood plain which must be reserved solely for the passage of floodwaters to prevent an increase in flood heights of more than one (1) foot above natural or predevelopment flood levels.

Floodway Fringe Area: Lands lying outside the floodway but within the areas subject to inundation by the 100-year flood.

Health Authority: The director of the county 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.

One-hundred (100) Year Flood: A flood which has, on the average, a one (1) percent chance of being equaled or exceeded in any given year.

Plat, Plan, Plot or Replat: A map, drawing or chart upon which the subdivider's plan of the subdivision is presented and which he submits for approval and intends to record in final form.

Regional Planning Commission: Any regional planning commission established under authority granted by Section 13-1-106, Tennessee Code Annotated, and includes any municipal planning commission designated by the State Planning Commission as the regional planning commission of a planning region composed of the territory of a single municipality together with the territory adjoining but outside of such municipality, no part of which is more than five (5) miles beyond the limits of such municipality.

Road: 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 "roads" are divided into the following categories:

a. Major Thoroughfare: the roads designated as such on the Haywood County Major Road Plan.

b. Secondary Thoroughfare: a collector road which carries traffic from local roads to major thoroughfares.

c. Cul-de-sac: a local road with only one outlet, sometimes called a "dead-end" road. A permanent cul-de-sac is a "dead-end" road for which there are no plans for extending and no need for extending.

Subdivider: The owner of land proposed to be subdivided or his representative.

Subdivision: Within these regulations the term "subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites or other divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision, and when appropriate to the context, related to the process of subdividing or to the land or area subdivided, provided, however, "subdivision" does not include the following:

- a. Within the region the term "subdivision" does not include a division of any tract or parcel of land into two (2) or more tracts or parcels when such parts or parcels are five (5) acres or larger in size.
- b. The division and plats of land partitioned by the owners among themselves either in court or by deeds are accepted from the definition of a "subdivision" and do not require review by the Planning Commission.

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ARTICLE II. PROCEDURE FOR PLAT APPROVAL

The procedure for review and approval of a subdivision plat consists of two separate steps. The initial step is the preparation and submission of a preliminary plat of the proposed subdivision to the Planning Commission. The second step is the preparation and submission to the Planning Commission of a final plat together with required certificates. The final plat becomes the instrument to be recorded in the office of the county registrar when duly signed by the secretary of the Planning Commission.

A. General

1. Any owner of land lying within the area of jurisdiction of the Planning Commission wishing to divide such land into two or more lots, sites, or divisions, for the purpose either immediate or future, of sale or building development, or wishing to resubdivide for this purpose, shall submit a plan of such proposed subdivision to the Planning Commission for approval and shall obtain such approval prior to the filing of his subdivision plat for record. Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in Article III of these regulations and shall be presented in the manner specified in the following section of this Article. No plat of a subdivision of land within these areas of jurisdiction shall be filed by the county registrar without the approval of the Planning Commission.
2. The subdivider should consult early and informally with the Planning Commission and its technical staff for advice and assistance before the preparation of the preliminary plat and its formal application for approval. This will enable him to become thoroughly familiar with these regulations, the Major Road Plan and other official plans or public improvements which might affect the area. Such informal review should prevent unnecessary and costly revisions.
3. A subdivider may omit the submission of a preliminary plat, submitting only a final plat if the following conditions are met:
 - a. All public improvements as set forth in Article IV are already installed. Any construction, installations, or improvements or any public improvements shall require the submission of a preliminary plat as prescribed by Section B of Article II.

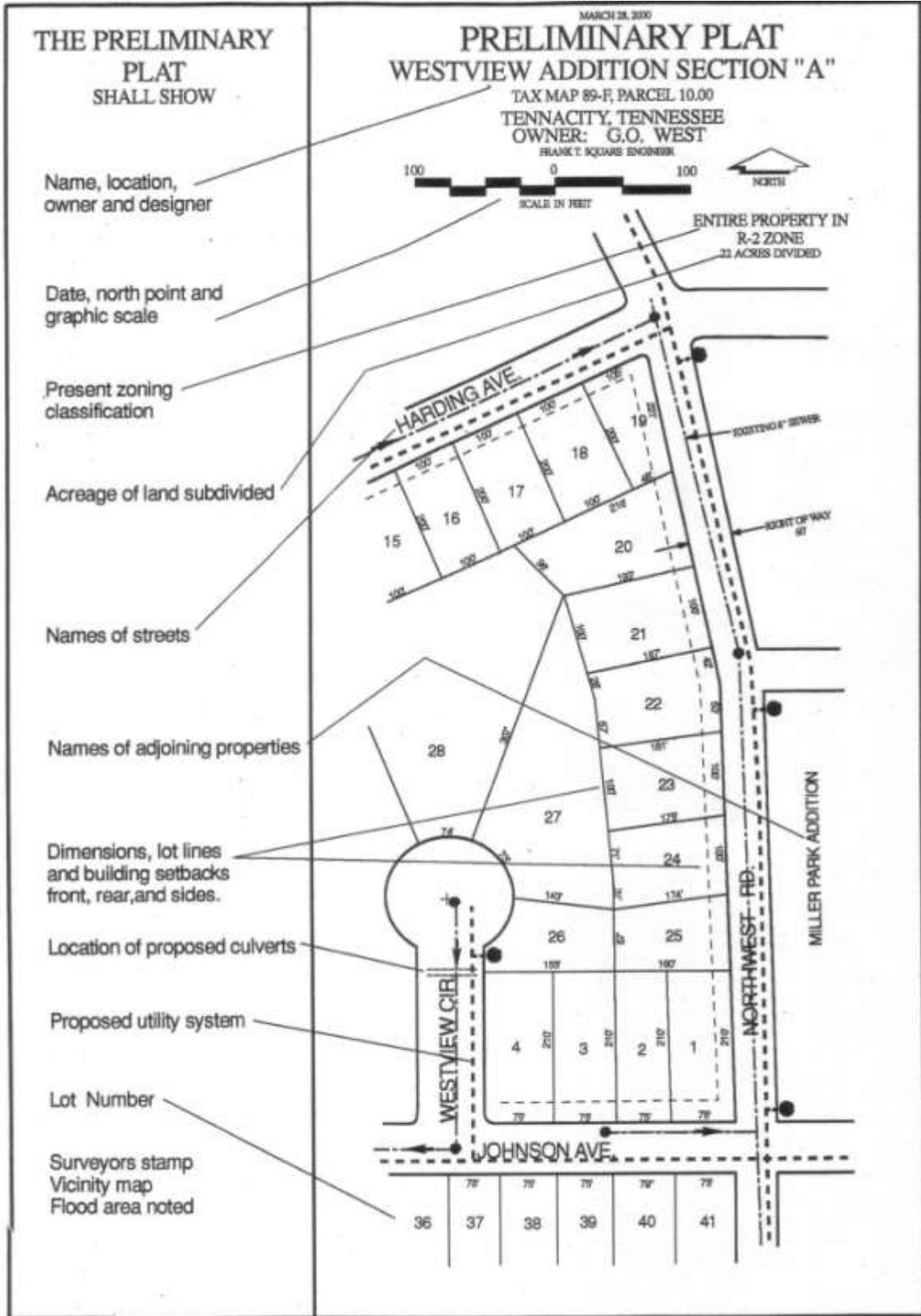
B. Preliminary Plat

1. At least fifteen (15) days prior to the meeting at which it is to be considered, the subdivider shall submit to the secretary of the Planning Commission four (4) copies of a preliminary plat of the proposed subdivision in order to allow the Planning Commission technical staff and utility personnel time to review and prepare recommendations to the Planning Commission technical staff and utility personnel time to review and prepare recommendations to the Planning Commission. The subdivision plan shall be drawn to a scale of not less than one inch equals one hundred (100) feet. At the time of such submission the secretary of the Planning Commission shall issue a receipt acknowledging said submission. Neither the submission of the preliminary sketch plat to the secretary of the Planning Commission or the receipt issued by the secretary of the Planning

Commission shall constitute submission of the preliminary sketch plat for consideration by the Planning Commission.

2. The Preliminary Plat which shall meet the minimum standards of design as set forth in Article III and the general requirements for the construction of public improvements as set forth in Article IV shall give the following information insofar as possible.
 - a. The proposed subdivision name and location, the name and address of the owner or owners, and the name of the designer of the plat who shall be a licensed or certified engineer or surveyor approved by the planning commission.
 - b. Date, approximate north point, and graphic scale.
 - c. The location of existing and platted property line, streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements, the present zoning classification both on the land to be subdivided and on the adjoining land, and the names of adjoining property owners or subdivisions.
 - d. A construction plan which shall include, if needed: (1) a complete drainage plan showing all improvements including all proposed streets, easements, storm sewers, swales, ditches, reserved areas and lot drainage; (2) a plan and profile of all roads showing typical cross sections of proposed roadways, swales and ditches as well as both existing and proposed finished grades of paved right-of-way and special ditches, and details of all structures which are part of the physical improvements in the subdivision. All proposed drainage structures including manholes, catch basins, junction boxes, pipe storm drains, ditches, and other drainage facilities including headwalls shall be shown on the plan and profile.
 - e. The distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing streets or roads and to an original corner of the original survey of which it is a part--or a key map showing relation of subdivision to well-known streets, railroads, and water courses in all directions to a distance of at least one-half mile. Suggested scale: one inch equals 2,000 feet.
 - f. Plans of proposed utility layouts (sanitary and storm sewers, water, and electricity) showing feasible connections to the existing or any proposed utility systems.
 - g. Where septic tanks are to be used, and prior to preliminary approval, the local health authority shall certify on the preliminary plat that lot areas and soil conditions are adequate to accommodate individual septic tank systems.
 - h. The names, locations, widths, and other dimensions of proposed roads, streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building lines and utilities.
 - i. Contours at vertical intervals of not more than five (5) feet, except when specifically not required by the Planning Commission.

- j. The acreage of the land to be subdivided.
 - k. Boundary traverses shall close to an accuracy of at least one part in five thousand.
 - l. If any portion of the land being subdivided is subject to flood as defined in Article III, Section E, the limit of such flood shall be shown.
 - m. If the proposed subdivision is equal to or greater than five (5) acres and is to be located partially or completely in areas subject to flood, the developer shall submit detailed hydrologic and hydraulic plans prepared by a registered professional engineer which shall define the expected 100-year flood elevations throughout the site of the proposed development. Furthermore, the plans shall show existing and proposed land contours at intervals of two (2) feet except when specifically not required by the Planning Commission.
- 3. Within sixty (60) days after submission of the preliminary sketch plat, the Planning Commission will review it and indicate its approval, disapproval, or approval subject to modifications as a basis for the preparation of the final plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications will be indicated.
 - 4. The approval of the preliminary plat by the Planning Commission will not constitute acceptance of the final plat.



5. Failure of the Planning Commission to act on the preliminary plat within sixty (60) days after being presented at a Planning Commission meeting in accordance with subsections B.1 and B.2 of this Article will be deemed approval of this plat, and a certificate to that effect shall be issued by the Commission on demand, provided, however, that the applicant may waive this requirement and consent to the extension of such period.
6. One copy of the plat will be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.
7. The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval unless an extension of time is applied for and granted by the Planning Commission.
8. If the subdivision is going to be developed and submitted as final plats in portions of the preliminary plat, the portions must be designated and titled in alphabetical characters.
9. No subdivision shall use the name of an existing subdivision except as noted in Article II, subsection B.8.

C. Final Plat

1. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements for preliminary approval and permit the developer to submit only a final plat.
2. In order to allow the Planning Commission technical staff and utilities personnel time to review and prepare recommendations to the Planning Commission, the final plat shall be submitted to the Planning Commission at least fifteen (15) days prior to the meeting at which it is to be considered. The subdivider shall submit six (6) copies (black and white prints or blue line prints), together with street profiles or other plans that may be required by the Planning Commission. In addition, the developer shall also submit copies of all Federal and state permits required for construction of the development as shown on the approved preliminary plat, including Section 404 permits of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. The final plat shall be presented to the Planning Commission at its next meeting by the secretary or acting secretary of the Planning Commission for consideration for approval or disapproval.
4. The Plat shall be drawn to a scale of one inch equals one hundred (100) feet on sheets eighteen (18) by twenty-four (24) inches or of an approved size to correspond to local plat book dimensions. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.

5. When the final plat has been approved by the Planning Commission, one copy will be returned to the subdivider, with the approval of the Planning Commission certified thereon, for filing with the County Register as the official plat of record.
6. The Planning Commission shall approve or disapprove the final plat within sixty (60) days after its submission. Failure of the Planning Commission to act on this final plat within these sixty (60) days shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission.
7. Approval of the final plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground.
8. The final plat shall show:
 - a. The lines of all streets and roads, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations, easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
 - b. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building line whether curved or straight, and including north point. This shall include the radius, central angle and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
 - c. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute.
 - d. Location and description of monuments.
 - e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.
 - f. Date, title, name and location of subdivision, graphic scale, and north point.
 - g. Location sketch map showing the site in relation to area.
 - h. All boundary traverses including lot and block traverses shall close to an accuracy of at least one (1) part in five thousand (5,000).
 - i. The most recent recorded deed book number and page number for each deed constituting part of the property being platted.
 - j. If any portion of the land being subdivided is subject to flood as defined in Article III, Section E, the limit of such flood shall be shown.
9. The following certification shall be presented with the final plat:
 - a. Certification showing that applicant is the land owner and dedicates streets, rights-of-way and any sites for public use (See Appendix).
 - b. Certification by surveyor or engineer to accuracy of survey and plat and placement of monuments (See Appendix).

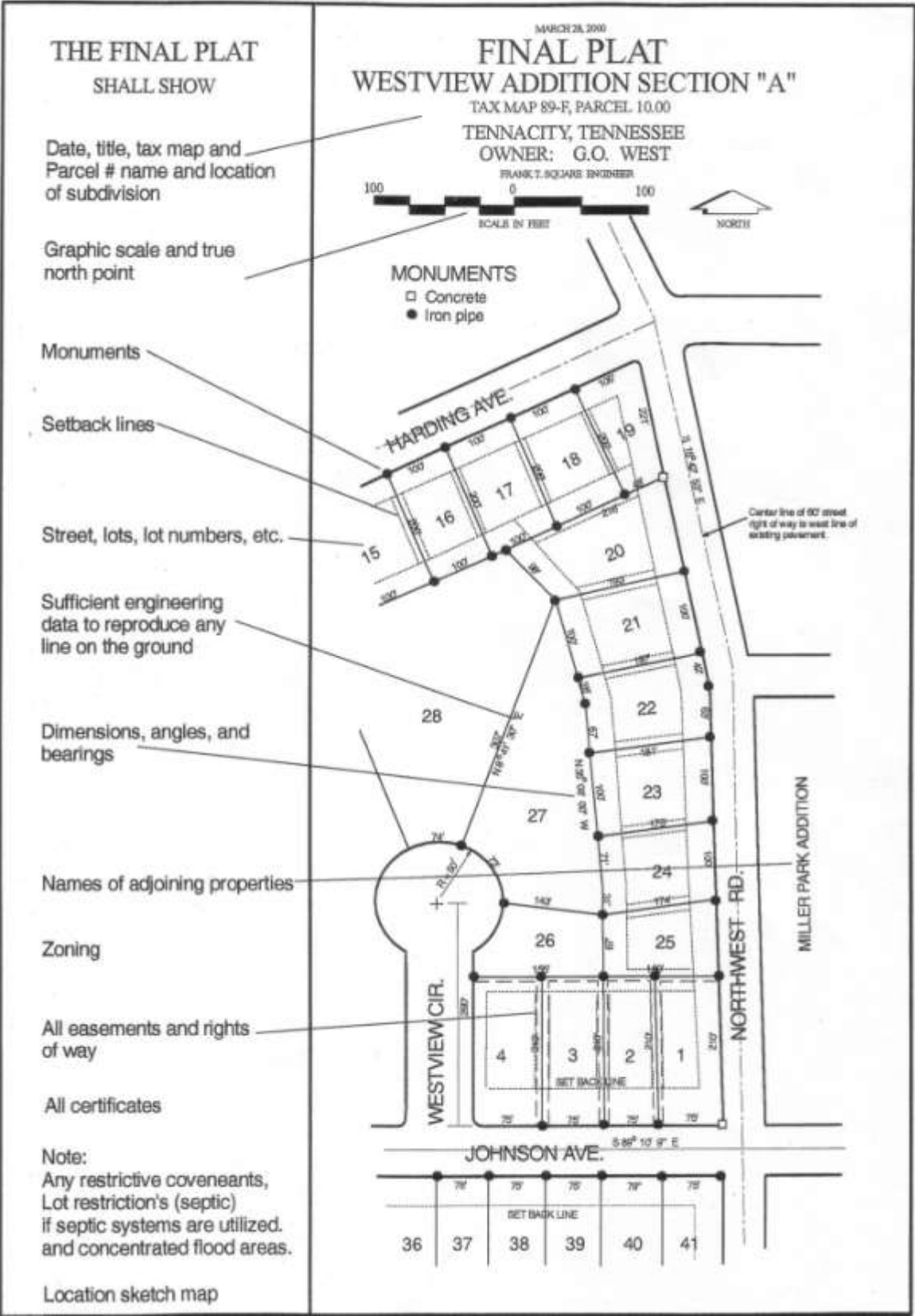
- c. Certification by the county health officers when individual sewage disposal or water systems are to be installed (See Appendix).
- d. Certification by the Haywood County Engineer or other designated person that the subdivider has complied with one of the following alternatives.
 - 1. Installation of all improvements in accordance with the requirements of the subdivision regulations; or
 - 2. Posting of a bond in sufficient amount to assure such completion of all required improvements.
- e. Certification of approval to be signed by the secretary of the Planning Commission (See Appendix).
- f. Pursuant to Public Act 2004 Chapter 494, any new subdivision that is located in whole or in part within one thousand (1,000) feet of any portion of the outside boundary of any land on which is contained a sport shooting range (defined as an area designated and operated for the use of rifles, pistols, silhouettes, skeet, trap, black powder, or other similar sport shooting), the owner shall provide the following certificate is required.¹

D. Resubdivision of Land

For any change in a map of an approved or recorded subdivision plat, if such changes affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such resubdivision shall be approved by the Planning Commission by the same procedure, rules, and regulations as for a subdivision. The Planning Commission may require the written consent of any and all lot owners in a subdivision before approving any change in a recorded final plat.

E. Vacation of Plats

- 1. Any plat or part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- 2. Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivisions.
- 3. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in a like manner as plats of subdivision; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- 4. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.



F. Approval of Minor Subdivisions by Building Inspector

If the minor plat of a subdivision contains no more than two (2) lots, including any larger remaining tract greater than five acres, the approval may be endorsed in writing on the plat by the Secretary of the Planning Commission without the approval of the full Planning Commission, upon certification by the Building Inspector that the subdivision complies fully with these regulations, and provided that no variance from these regulation has been requested, as allowed by Tennessee Code Annotated 13-3-402 (a)(1). The Building Inspector or the Secretary of the Planning Commission shall have the discretion to refer any such plat to the full Planning Commission and Planning Staff for consideration, and shall refer any such plat to the full Planning Commission if any variance is requested.

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ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

A. Roads

1. Conformity to the Major Road Plan

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

2. Relation to Adjoining Road System

The proposed road system shall extend existing roads or projects at the same or greater width, but in no case less than the required minimum width. Access to the subdivision shall be directly from a public maintained road with a minimum of two travel lanes, each at least nine (9) feet wide.

3. Access Roads to Subdivision Boundaries

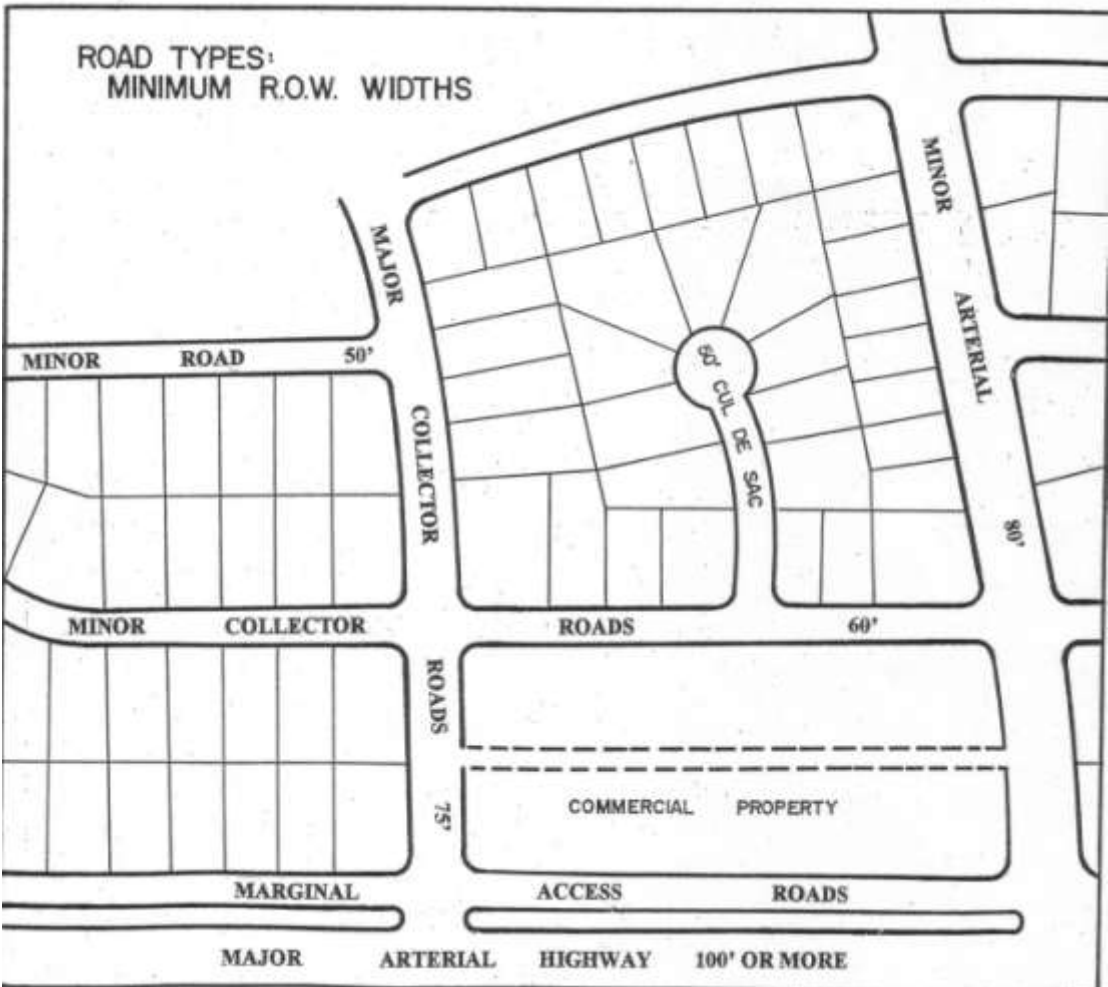
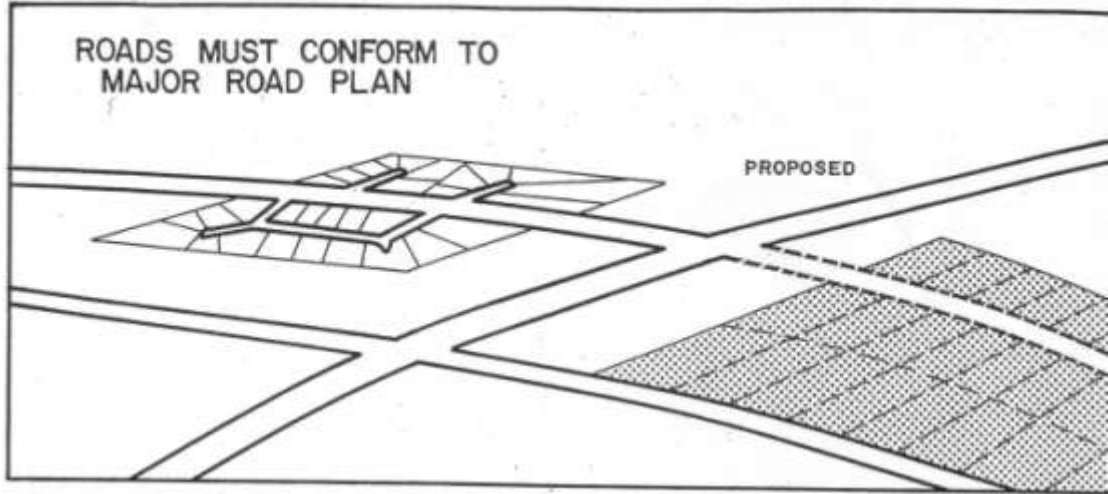
Sufficient access roads to adjoining properties shall be provided in subdivisions to permit harmonious development of the area.

4. Road Widths

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

- a. Arterial Roads and Highways80-150 feet or as may be required
Arterial roads and highways are those to be used primarily for fast or heavy traffic and will be located on the Major Road Plan,
- b. Collector Roads.....60 feet
Collector roads are those which carry traffic from minor roads to the major system for arterial roads and highways and include the principal entrance roads of a residential development and roads for major circulation within such a development.
- c. Minor Residential Roads.....50 feet
Minor residential roads are those which are used primarily for access to the abutting residential properties and designed to discourage use by through traffic.
- d. Dead-end Roads (cul-de-sac)50 feet
Cul-de-sacs are permanent dead-end roads or courts not to exceed one thousand (1,000) feet or fifteen (15) dwelling units, designed so that they cannot be extended in the future.
- e. Alleys20 feet
Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a road.

In cases where topography or other physical conditions make a road of the required minimum width impracticable, the Planning Commission may modify the above requirements.



5. Additional Width on Existing Roads

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

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing road.
- b. When the subdivision is located on only one side of an existing road, one-half of the required right-of-way, measured from the center line of the existing roadway, shall be provided. In no case shall the resulting right-of-way width be less than fifty (50) feet.

6. Restriction of Access

Where a subdivision abuts or contains an existing or proposed major roads, the Planning Commission may require marginal access roads, reverse frontage with a screen planting contained in a non-access reservation along rear property lines, or such other treatment as may be necessary for adequate protection or residential properties to afford separation of through and local traffic.

7. Road Grades

Grades on major roads shall not exceed seven (7) percent. Grades on other roads may exceed seven (7) percent but shall not exceed twelve (12) percent.

8. Road Elevation

The Planning Commission may require, where necessary, profiles and elevations of streets for areas subject to flood. No road shall be approved for construction within an area subject to flood that is proposed to be constructed more than two (2) feet below the 100-year flood elevation as defined in Article III, Section E. Fill may be used for roads provided such fill does not increase upstream flood heights. Drainage openings shall be so designed as to not restrict the flow of floodwaters or increase upstream flood heights.

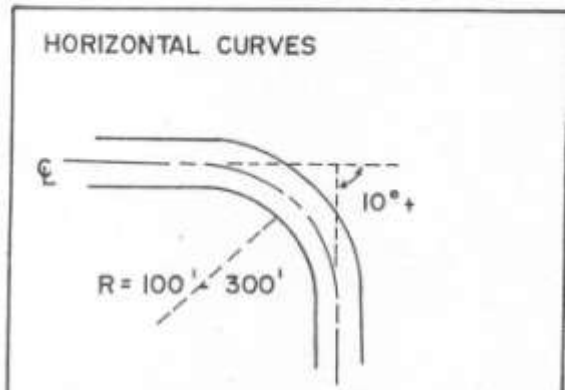
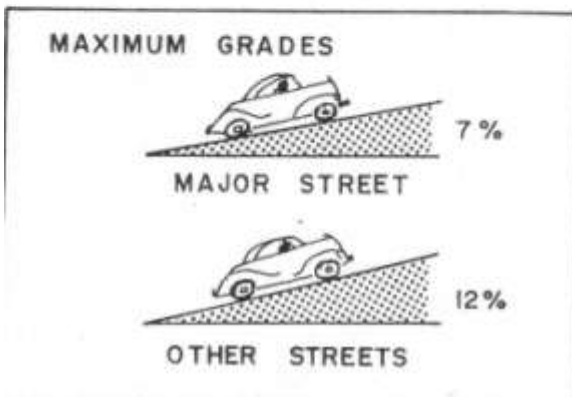
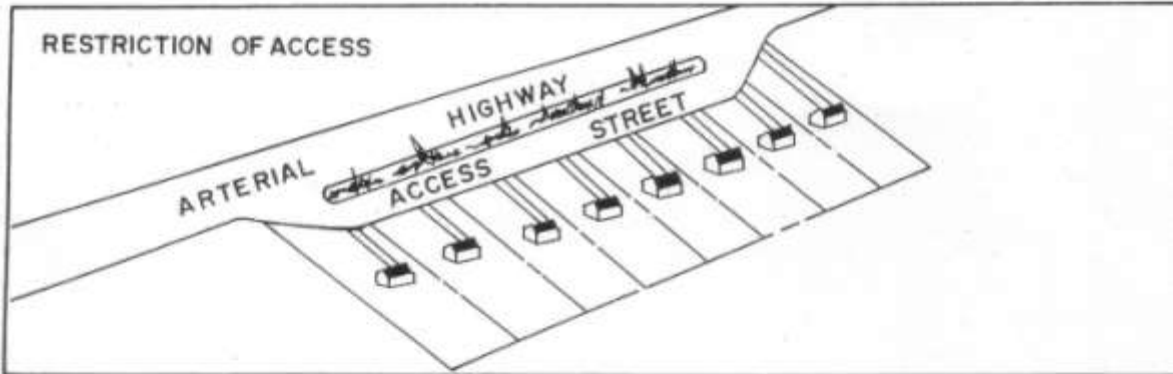
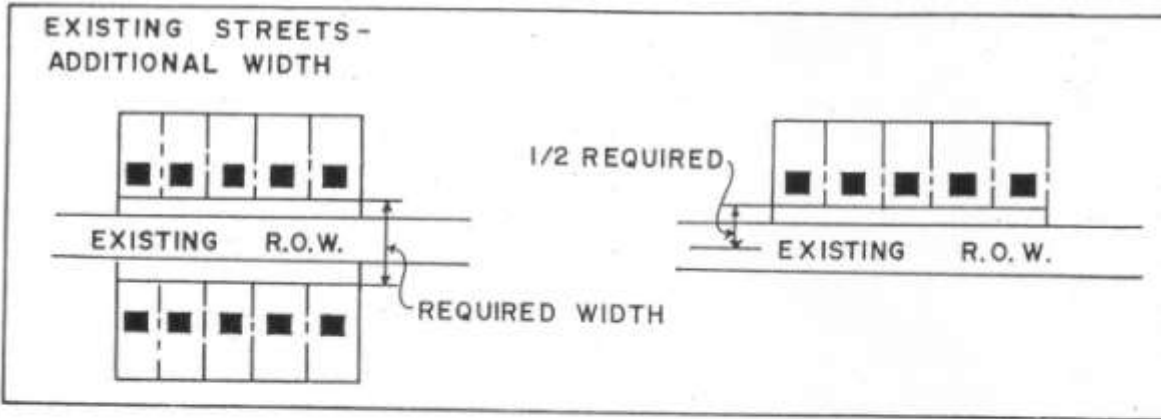
9. Horizontal Curves and Vertical Curves

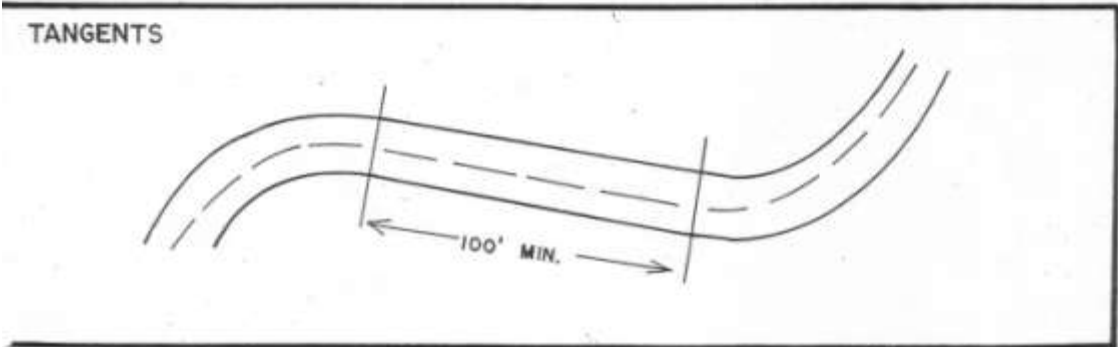
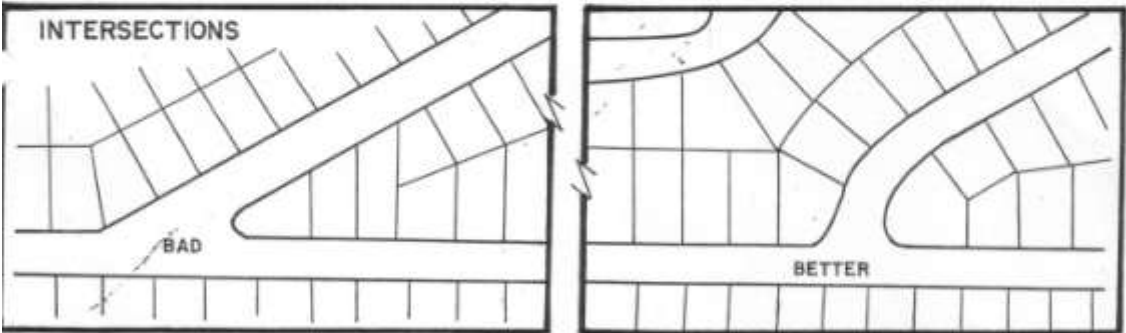
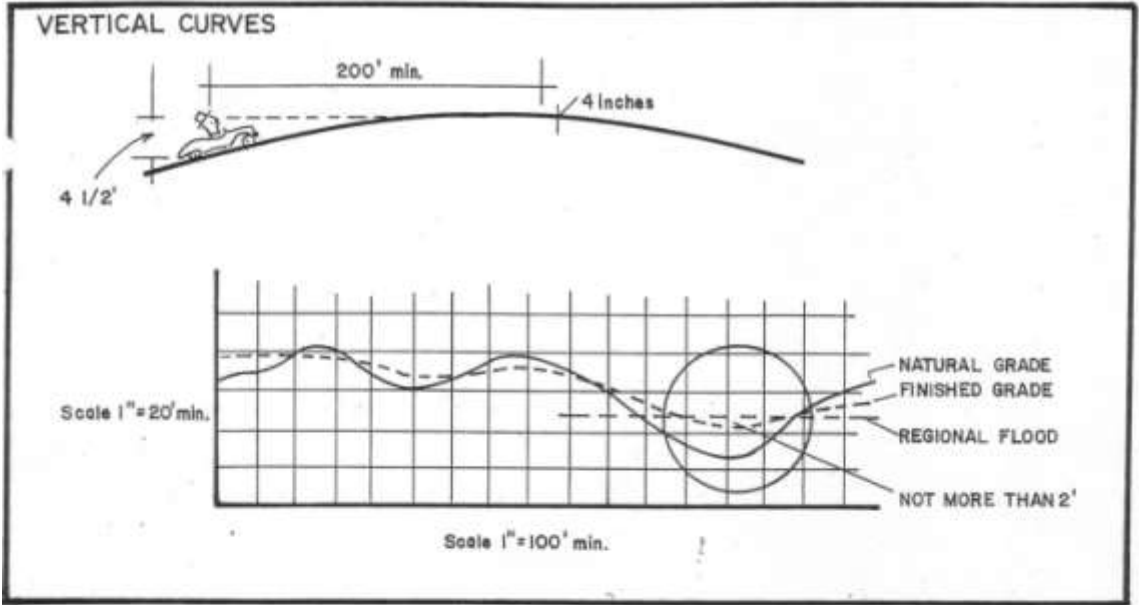
Where a deflection angle of ten (10) degrees or more in the alignment of a road occurs, a curve of reasonably long radius shall be introduced. On roads sixty (60) feet or more in width, the center line radius of curvature shall not be less than three hundred (300) feet, on other roads not less than one hundred (100) feet.

Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum height 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 (4 1/2) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all roads showing natural and finished grades 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, may be required by the Planning Commission.

10. Intersections

Road 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.





To permit the construction of a curb having a desirable radius, property line radii at all road intersections shall not be less than twenty (20) feet. Where the angle of the road intersection is less than ninety (90) degrees, the Planning Commission may require a greater radius.

11. Tangents

A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector roads.

12. Road Jogs

Road jogs with center line offsets of less than one hundred twenty-five (125) feet shall not be allowed.

13. Dead-end Roads

a. Minor terminal roads or courts designed to have one end permanently closed shall be no more than one thousand (1,000) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-a-round having an outside roadway diameter of at least eight (80-) feet and a road right-of-way diameter of at least one hundred (100) feet, or the Planning Commission may approve an alternate design such as the T or Y back-around.

b. Where, in the opinion of the Planning Commission, it is desirable to provide for road access to adjoining property, proposed roads shall be extended to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-a-round having a roadway diameter of at least eighty (80) feet.

14. Private Roads and Reserve Strips

There shall be no private roads platted in any subdivision. Every subdivided property shall be served from a publicly dedicated road. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the community under conditions approved by the Planning Commission.

15. Drainage

All roads must be so designed as to provide for the discharge of surface water from the right-of-way of all roads by grading and drainage as shall be approved by the Planning Commission (See Article IV, A., 3). Where it is the opinion of the Planning Commission that water cannot be adequately discharged by surface drainage, the Planning Commission may require the installation of a storm sewer system.

16. Road Name

Proposed roads which are in alignment with other existing and named roads shall bear the names of the existing road. In no case shall the name for a proposed road duplicate existing road names, irrespective of the use of the suffix road, avenue, boulevard, driveway, place or court. Through its index list of road names on file, the Planning Commission can assist the subdivider in avoiding duplication

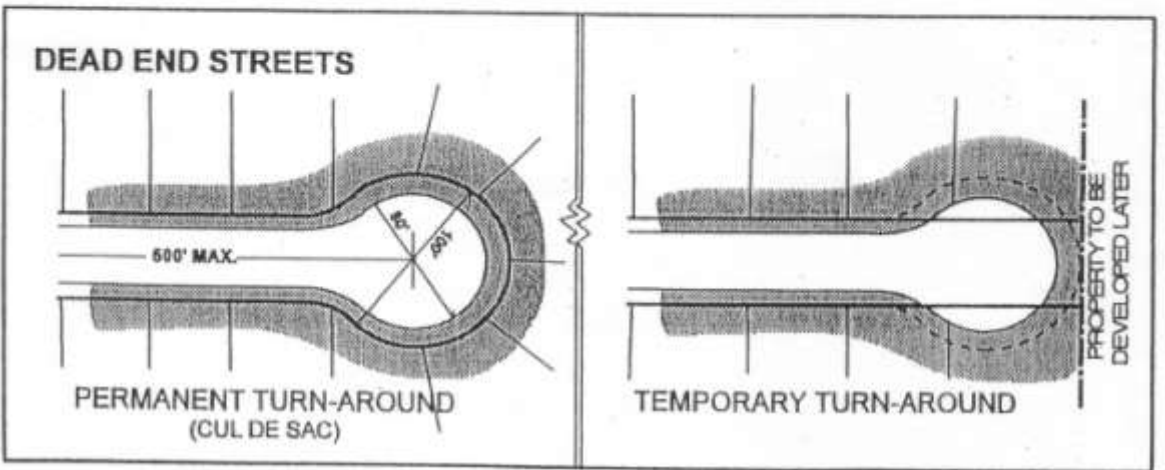
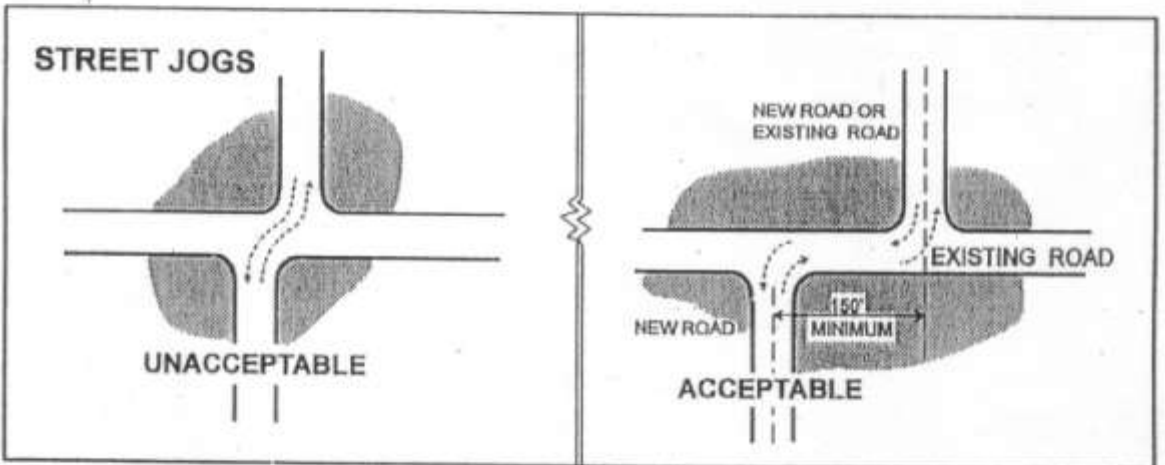
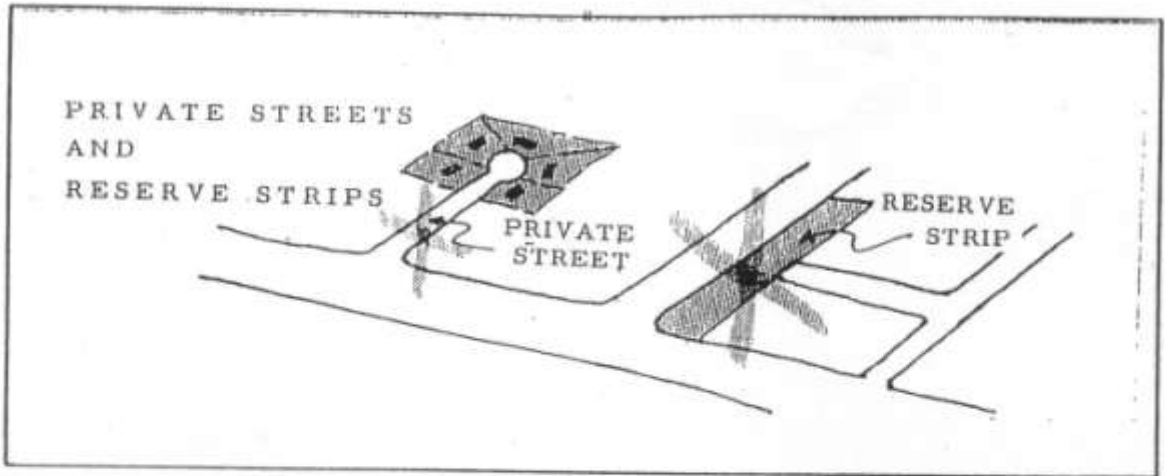
17. Alleys

Alleys shall be provided to the rear of all lots used for business purposes, and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Planning Commission of the need for alleys.

18. Permanent Easements, Vehicular

A permanent easement may be permitted under certain conditions. These easements shall meet the following minimum requirements and any special conditions attached by the Planning Commission, and the requirements and special conditions for the easement shall be placed on the final plat for recording.

- a. A permanent easement shall be of a required width of no less than fifty (50) feet. However, the Planning Commission may require greater widths if necessary to meet special conditions present on a plat.
- b. A permanent easement providing legal access to more than one lot shall be improved to meet the road construction standards established in Articles III and IV of these regulations. No portion of a permanent easement may be included in a required lot area or used as part of setback requirements in the Haywood County Zoning Resolution.
- c. Permanent easement improvements shall be maintained by the developer/owner or by a legally established home owners association or other similar group approved by the Planning Commission. The legal document establishing the easement shall be submitted with the final plat for review and approval and shall be recorded with the final plat.
- d. If, at any future date, a permanent easement is submitted for acceptance as a public street or road, it shall be submitted to the Planning Commission for approval. In considering the easement for approval as a public street or road, the Planning Commission shall require the improvements to the easements to meet the minimum street construction standards in effect at the time the request for public acceptance is made. Approval by the Planning Commission of such a street or road shall not constitute acceptance by the Haywood County Highway Commission.
- e. A building permit may be issued for a building to be located on a recorded lot of record as of August 13, 1998, if the lot fronts on a permanent easement with access to an existing public street or road; provided, however, that any future subdivision of said lot shall be subject to these provisions.



B. Blocks

1. Length

Block lengths in residential subdivision shall not exceed two thousand (2,000) feet, nor be less than four hundred (400) feet in length. However, where practicable, blocks along major arterials and collector roads shall not be less than one thousand (1,000) feet in length. Blocks designed for commercial and industrial subdivisions shall be of such length as may be determined suitable by the Planning Commission.

Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than one thousand (1,000) feet long where deemed necessary to provide circulation or access to schools, playgrounds or other community facilities.

2. Width

Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major roads or prevented by topographical conditions or size of the property, in which case the Planning Commission will approve a single tier of lots of minimum depth.

C. Lots

1. Arrangement

Insofar as practical, side lot lines shall be at right angles to straight road lines or radial to curved road lines. Each lot must front for a minimum of fifty (50) feet upon a public road which is not less than fifty (50) feet in width.

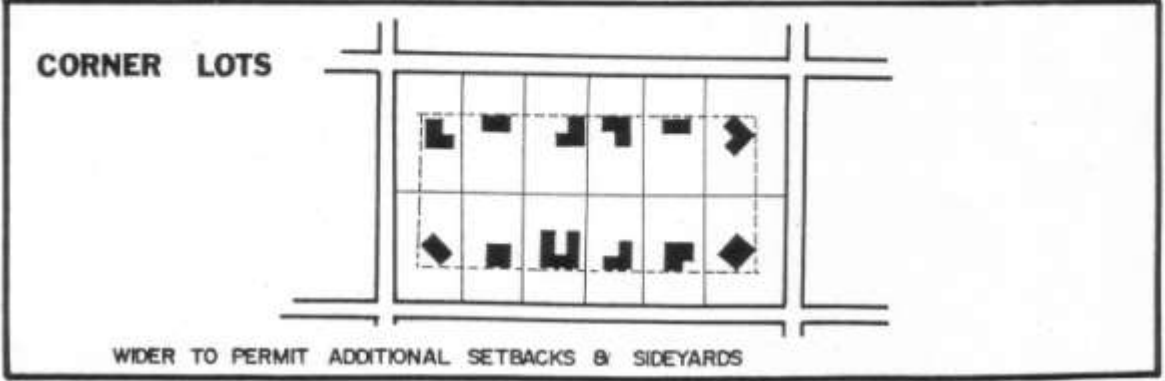
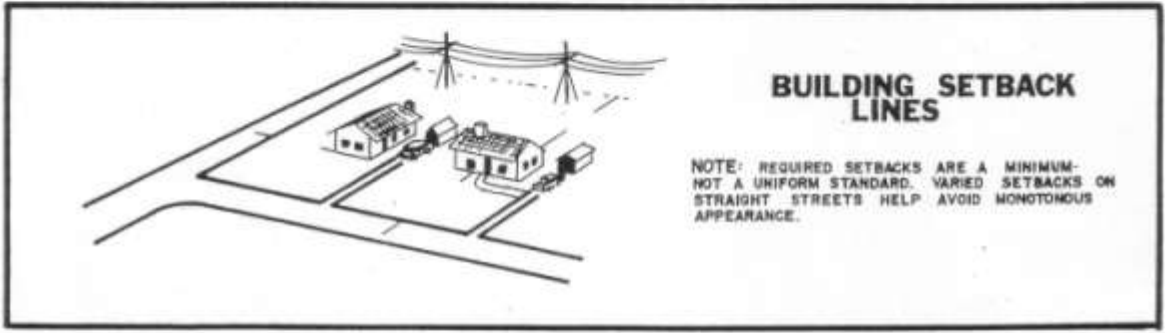
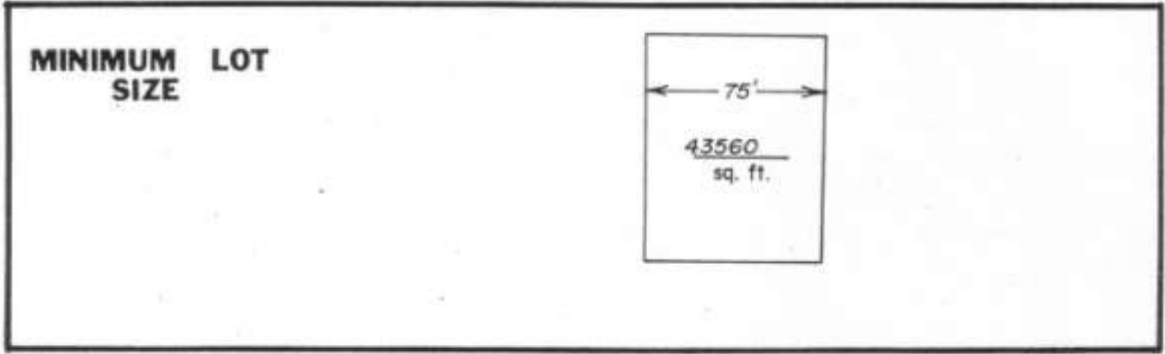
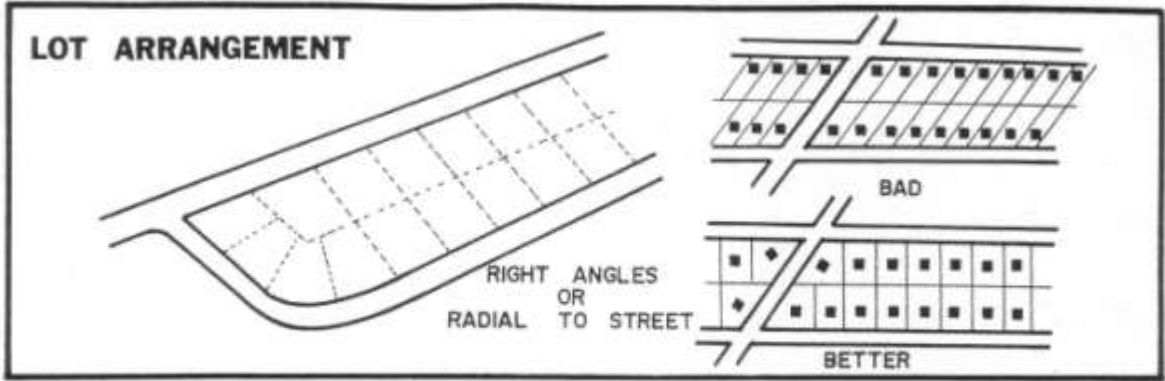
2. Minimum Size, Shape and Orientation

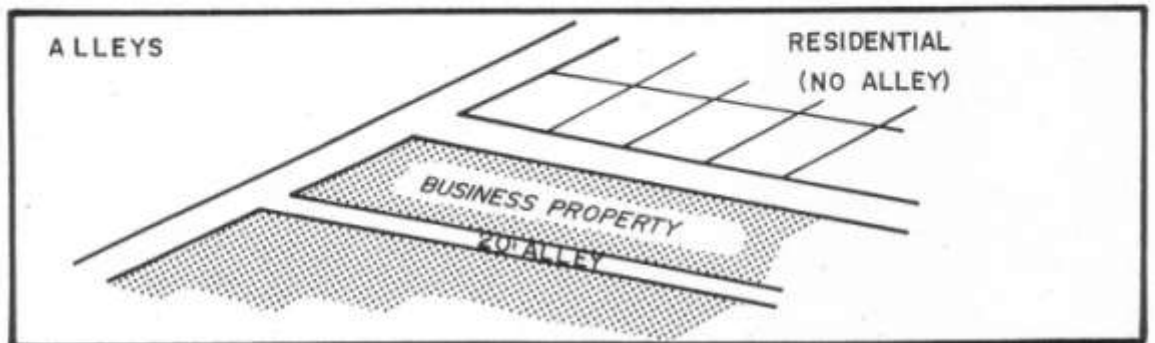
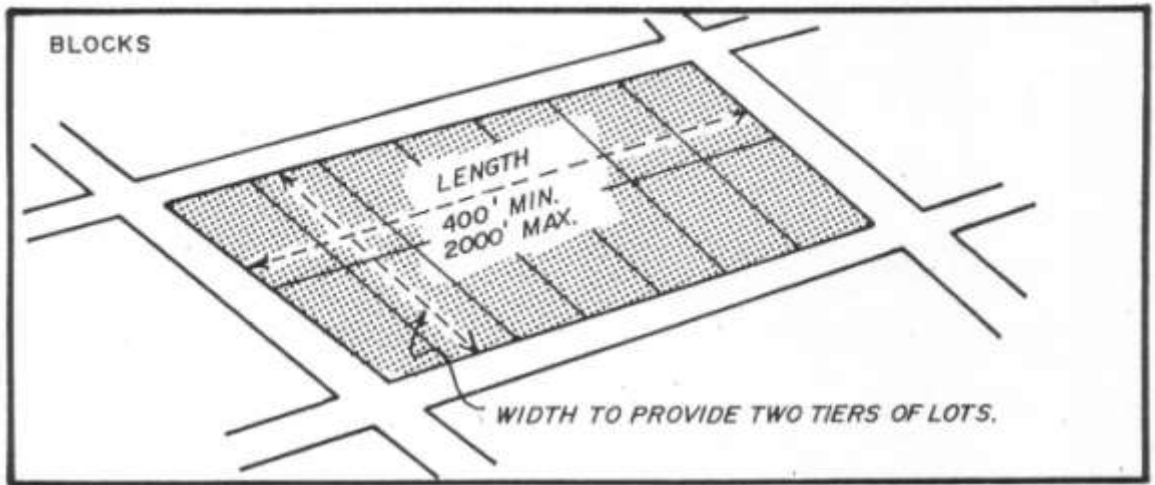
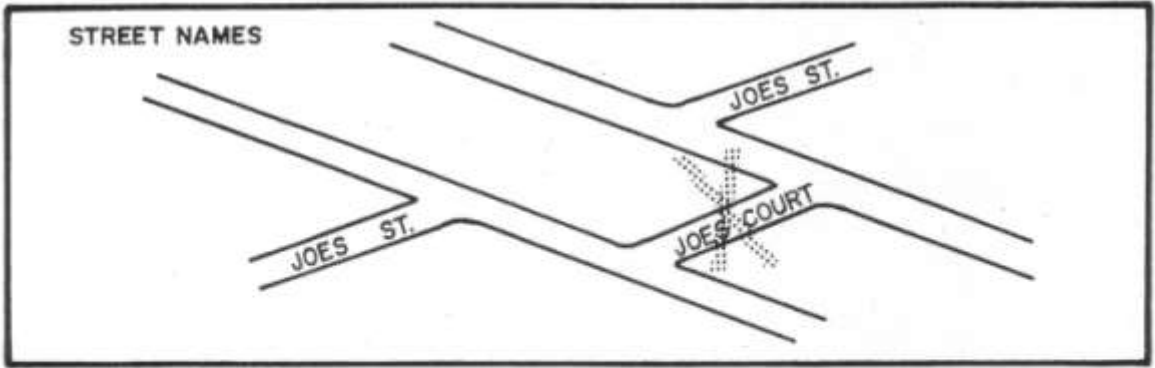
In the absence of a County Zoning Resolution, the size, shape, and orientation of lots shall be as follows:

- a. Residential lots shall be at least 43,560 square feet (1 acre) in area or a larger size as specified by the county health authority to accommodate both a fresh-water well and septic tank on the same lot.
- b. Residential lots shall not be less than seventy-five (75) feet wide at the setback (building) line.
- c. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-road service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

3. Building Setback Lines and Yard Requirements

- a. In the absence of a County Zoning Resolution, the minimum depth of building setback lines from the minimum proposed road right-of-way shall not be less than thirty-five (35) feet, and, in the case of corner lots, thirty-five (35) feet from the side road.





- b. 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 1/2 feet
69 KV	50 feet
161 KV & Over	75 feet

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

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<u>Voltage of Line</u>	<u>Minimum Building Setback</u>
46 KV	37 1/2 feet
69 KV	50 feet
161 KV & Over	75 feet

4. Corner Lots

Corner lots shall be sufficiently wider and larger to permit additional side yard requirements.

5. 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 two hundred (200) feet. A planted evergreen screen easement at least ten (10) feet wide, across which there shall be no right of access, may be required long the line of lots abutting a traffic artery or other incompatible land use.

6. Flood-Free Building Lots

Each lot in a subdivision shall contain a flood-free building site above the elevation of the 100-year flood as defined in these regulations, and outside the limits of any existing easement or the building setback lines as required by these regulations.

D. 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 or neighborhood use as well as public service areas.

1. Public Open Space

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

2. Easements for Utilities

Drainage and utility easements shall be provided on each side and rear lot line where deemed necessary by the Planning Commission. The easements shall be designed to adequately provide utilities and drainage for all lots in the proposed subdivisions. Where drainage is proposed to cross any lot at any point other than the side or corner of the lot, the plat shall indicate the size of the pipe necessary to carry the proposed runoff. Each cul-de-sac shall have provisions for a fifteen (15) foot utility easement extending there from to prevent dead-end water mains. Easements of the same or a greater width may be required along the lines of or across lots where necessary for the extension of existing or planned utilities.

3. Community Assets

In all subdivisions due regard shall be shown for all natural features such as large trees, water courses, historical sites, and similar community assets which, if preserved, will add attractiveness and value to the property.

E. 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.

Land which is subject to flooding shall not be platted for residential occupancy or building sites unless such land is shown (by the developer) 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 III, Section A., Paragraph 8., and Article III, Section C., Paragraph 6, are satisfied and further provided that any fill shall extend twenty-five (25) feet beyond the limits of any structure erected thereon.

For the purposes of these regulations, land subject to flood shall be defined as follows: The land designated as Zone A subject to inundation by the 100-year flood as shown on "Flood Hazard Boundary Maps (FHBM), "Panel Numbers 47075C25 -

47075C400, dated April 16, 2008¹, and all subsequent revisions thereto, which are made a part of these regulations.

F. Large Tracts or Parcels

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future roads and logical further resubdivision.

G. Variances

Variances may be granted under the following conditions:

1. Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardship, or,
2. Where the Planning Commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variance thus authorized and the reasons therefore shall be stated in writing in the minutes of the Planning Commission.

H. Zoning or Other Regulations

No final plat of land within the force and effect of an existing zoning resolution will be approved unless it conforms to such resolution.

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

¹ Haywood County FIRM includes the following panels: 47075C25, 47075C50, 47075C75, 47075C100, 47075C105, 47075C110, 47075C115, 47075C120, 47075C130, 47075C135, 47075C140, 47075C145, 47075C175, 47075C200, 47075C205, 47075C210, 47075C215, 47075C220, 47075C230, 47075C231, 47075C232, 47075C233, 47075C234, 47075C240, 47075C245, 47075C251, 47075C253, 47075C265, 47075C270, 47075C300, 47075C305, 47075C310, 47075C320, 47075C330, 47075C335, 47075C340, 47075C375, 47075C400. **Resolution 11074 - Replaced Chapter IX with New Resolution - Passed 11/19/2007.**

ARTICLE IV. DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

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

A. Required Improvements

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

1. Monuments

- a. Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top, shall be set all road corners, at all points where the road lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each road. The top of the monuments shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
- b. All other corners and points shall be marked with iron pipe or solid steel rod not less than one-half (1/2) inch in diameter and twenty-four (24) inches long and driven so as to be flush with finished grade.

2. Grading

All roads and alleys shall be graded horizontally to the full width of their rights-of-way by the subdivider or developer. Due to special topographical conditions, deviation from the above will be allowed only with special approval of the Planning Commission.

- a. Preparation. Before grading is started, the entire right-of-way area shall be cleared of all trees, stumps, roots, brush and other objectionable materials.
- b. Cuts. All tree stumps, boulders and other obstructions 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 subgrade.
- c. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed 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 tamped, and where water is used to assist compaction, the water content shall not exceed the optimum of moisture.

- d. Slopes. Cut and fill slopes adjacent to the roadway shall not be steeper than as follows unless stabilized. (See diagram entitled Haywood County, Typical Roadway Diagram).

0' - 4' Slope of 3-1
4' - 6' Slope of 2 1/2 - 1
6' - 10' Slope of 2-1
Over 10' Slope of 1 1/2 - 1

3. Storm Drainage

- a. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, headwalls, etc., shall be provided for the proper drainage of all surface water.
- b. Storm drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in the following manner:

(1) The developer shall provide open drainage ditches on each side of the road-bed. The open drainage ditches shall have a minimum depth of 18 inches below the road-bed with sides sloped to a 3 to 1 minimum ratio. (See diagram entitled Haywood County, Typical Roadway Diagram).

(2) Unless otherwise determined by the County Engineer, all intersections of roads shall have a minimum of 18" metal culvert. Culverts at all intersecting roads shall contain concrete headwalls with a width and height at least three times the diameter of the pipe. The head walls shall be at least 6 inches thick for pipes 15" to 24" in diameter and 12 inches thick for pipes over 24" in diameter.

Before any culvert is installed, the county engineer must first inspect the intersection to determine the size of culvert, over 18" if necessary, to prevent future drainage problems. The developer will be responsible for the provision of the specified culvert and installation of the culvert in the manner as so indicated by the county engineer.

(3) At locations other than road intersections and where cross drains are required to accommodate the natural flow, the drainage pipe or culvert shall also be metal and at least 18" in diameter or larger as determined by the county engineer.

(4) In all subdivisions, the cross drains shall be of sufficient length to permit full width of roadway and the required slopes. Cross drains shall also be built on straight line and grade and shall be laid on a firm base but not rock. In addition, pipes shall be laid with the 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 road bed 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.

- c. The size of the waterway opening required per drainage structure shall be determined by use of the Talbot formula but in no case shall a pipe less than

18" in diameter be used. The following drainage table is based on Talbot's formula for determining pipe size for the area to be drained.

<u>Diameter of Pipe</u>	<u>Acres (Rolling County)</u>	<u>Acres (Level County)</u>
1"	0-6	0-11
18"	9	18
24"	20	39
30"	36	71
36"	59	115
42"	89	175
48"	125	250
54"	175	345
60"	230	455
66"	295	585
72"	375	735

- d. Multiple pipe installation may be used provided the small pipes are equivalent in water carrying capacity to the larger pipe. The following table shows the number of smaller diameter pipes equal in water carrying capacity to the pipe of larger size.

Number of Smaller Pipes and Sizes

<u>Pipe Size</u>	<u>15"</u>	<u>18"</u>	<u>21"</u>	<u>24"</u>	<u>30"</u>	<u>36"</u>	<u>42"</u>	<u>48"</u>	<u>54"</u>
15"	1								
18"	2	1							
21"	3	2	1						
24"	3	2	2	1					
30"	5	3	3	2	1				
36"	8	5	4	3	2	1			
42"	11	7	5	4	3	2	1		
48"	15	10	7	5	3	2	2	1	
54"	19	13	9	7	4	3	2	2	1
60"	25	16	11	8	5	4	3	2	2
66"	29	20	14	10	6	4	3	2	2
72"	37	25	17	12	3	5	4	3	2

- e. If necessary to determine proper drainage facilities, the Planning Commission or county engineer may require the developer to outline the entire drainage area of the proposed construction along with a map showing the various roads and parcels and indicating the general flow of the surface water, either by contours or by means of arrows running with the flow. Any existing storm drainage with the size, grade and elevations of the pipes and elevations of the inlets, as nearly as can be shown. Also, the area tributary to the various proposed inlets shall be outlined and the number of areas contained in each indicated by figures adjacent to the inlet to which they are applicable.

4. Installation of Utilities

After grading is completed and approved and before any base is applied, all of the underground work - water mains, gas mains, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section.

All new or replacement electrical distribution systems, together with attendant facilities, proposed to be located within an area subject to flood shall be designed and constructed so as to minimize or eliminate flood damage.

5. Roadway Improvements

Base: A compacted base course of crushed stone, (303-02 Type B base grade C or D) camden chert, of equal six (6) inches deep and three feet wider than the width of the pavement requirement, (30 feet total), on each side of the road shall be installed on all roads including cul-de-sacs, temporary turn-arounds, and access roads to adjoining properties. However, the roadway through proposed commercial and industrial subdivisions shall be increased (8) feet on each side to provide for turning movements of vehicles into and out of necessary off-street parking areas without interference to traffic. In all cases the center line of a roadway shall coincide with the centerline of the right-of-way dedicated for such road or roads. Wetting of the stones before compaction may be done at the point of origin or on the job site at the option of the contractor.

After completion of the base course, the county engineer shall be contacted to inspect the smoothness and depth of the base course. Also, an equivalent or higher standard of base course approved by the county engineer may also be accepted by the Planning Commission.

Asphalt Wearing Surface: After preparation of the base course the developer shall be required to apply a prime wearing surface. This shall consist of hot asphalt and be applied directly to the base course. The thickness of the asphalt on all roads shall not be less than two (2) inches.

6. Minimum Pavements Widths (when provided) and Road Cross Sections

Roads constructed within the Haywood County Planning Region, with pavement provided, shall have a minimum pavement width with three (3) foot gravel shoulders, as follows:

- a. Minor Roads.....24 feet
..... (three (3) feet gravel shoulders on each side)
- b. Collector Roads.....30 feet
.....(three (3) foot gravel shoulders on each side)
- c. Arterial Roads and Highways Not paved by developer
- d. Commercial and Industrial Subdivision Roads.....40 feet
.....(three (3) foot gravel shoulders on each side)

Other details, such as maximum slopes and required cross sections shall conform to the diagram entitled, Haywood County Planning Region, Typical Roadway Diagram.

7. Water Supply*

In subdivisions where an adequate public water supply is available, water facilities shall be installed in the following manner (unless otherwise approved by the Planning Commission, Tennessee Department of Public Health or, as applicable, affected utility districts)

- a. Where a public water main, of at least four (4) inches in diameter is available to the proposed subdivision, the subdivider shall install adequate water facilities (including fire hydrants) to all lots. All water construction plans and specifications shall be approved by the area office of the Tennessee Department of Public Health - Environmental Health Services - prior to any construction (Tennessee Code Annotated, Section 53-2002).
- b. All water mains, except service mains, shall not be less than six (6) inches in diameter and of a material approved by the Department of Public Health. Fire hydrants shall be installed in all subdivisions and shall be located at the end of each line and no lot shall be more than five hundred (500) feet from the fire hydrant.
- c. Unless otherwise permitted, all subdivisions shall include a service line from the main water line which terminates at the property line in order that each proposed lot, at the time of construction, may be served by water without the installation of additional lines. The end of each service line shall be properly marked. All service lines shall have a minimum cover of twenty-four (24) inches.
- d. All new or replacement water supply systems, together with attendant facilities, proposed to be located within an area subject to flood shall be designed and constructed so as to minimize or eliminate flood damage.

8. Sanitary Sewerage Facilities

No subdivision shall be approved until provisions are made for the adequate disposal of waste water from the site.

- a. In subdivisions where lots cannot be economically connected with a public sewerage system, they must contain adequate area for the installation of approved septic tank and disposal fields and must be approved in writing by the county health officer.
- b. In subdivisions where adequate public sewer facilities are accessible, the installation of sewers within the subdivision and connection to the public system shall be required. Sewer facilities shall be installed in the following manner (unless otherwise approved by the Planning Commission, Department of Public Health, or, as applicable, affected utility districts).
 - (1) Construction plans and specifications shall be approved by the area office of the Tennessee Department of Public Health - Environmental Health Services - prior to any construction (Tennessee Code Annotated, Section 53-2002).
 - (2) All sewer lines, except house service lines, shall be no less than eight (8) inches in diameter and a material approved by the Department of Public Health. Manholes shall be constructed to standard city specifications and

located not more than four-hundred (400) feet apart and at each change in direction and/or grade. Force mains shall be no less than four (4) inches in diameter. Lift stations shall be prefabricated steel ejector type or duplex pump type.

(3) All subdivisions shall include a service line from the main sewer line which terminates at the property line in order that each proposed lot, at the time of construction, may be served by sewer without the installation of additional lines. The end of each service line shall be properly marked. Lay service lines with minimum uniform slope and with 18 inches minimum cover over top of pipe. In case where service pipe must cross a side ditch exposed, install cast iron pipe across ditch, extending at least twelve (12) inches into ditch banks in each side.

(4) All new or replacement water supply systems, together with attendant facilities, proposed to be located within an area subject to flood shall be designed and constructed so as to minimize or eliminate flood damage.

9. Erosion Control

a. Erosion Control Plan. Prior to approval of the preliminary plat, the Planning Commission shall determine whether there is a need for an erosion control plan to minimize erosion during construction of the subdivision. When an erosion control plan is required, such plan shall be approved by both the Planning Commission and the Soil Conservation Service representative.

b. Improvements for Permanent Erosion Control. The Planning Commission may require, as necessary, structural or other improvements designed to prevent or minimize long term erosion and siltation from within the subdivision. All required improvements shall be included in the performance bond, if required. In determining appropriate improvements for controlling erosion and siltation, the Soil Conservation Service shall be consulted extensively.

B. 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 (1) of the following conditions has been met.

1. All required improvements have been constructed in a satisfactory manner and approved by the Planning Commission; or
2. The Planning Commission has accepted a bond, certified check or other approved escrow arrangement in an amount equal to the estimated cost of installation of the required improvements, where by improvements may be made and utilities installed without cost to the city, county or other responsible utility system in the event of the default by the subdivider.

NOTE: The Planning Commission shall set the amount of the bond based upon the cost of improvements estimated by the County Engineer or other responsible utility district or official designated by the Planning Commission.

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ARTICLE V. LEGAL STATUS PROVISIONS

A. 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.

B. Conflict with Other Regulations

No final plat or land within the force and effect of an existing Zoning Resolution shall be approved unless it conforms to such resolution.

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

C. Adoption and Effective Date

These regulations shall take effect and be in force from and after their adoption and effective date, the public welfare demanding it.

Adopted by the Planning Commission on the 15th day of December, 1980

Signature on file

Chairman, Haywood County Regional Planning Commission

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APPENDICES

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APPENDIX A
FORMS FOR FINAL PLAT CERTIFICATIONS

CERTIFICATE OF OWNERSHIP & 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, walks, parks, and other open space to public or private use as noted. (Roads shall be dedicated to the County by Deed).

_____, 20_____
Date

Owner

Owner

-
CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Haywood County Regional Planning Commission and that the monuments have been placed as shown hereon, to the specifications of the Subdivision Regulations.

_____, 20_____
Date

Registered Engineer or Surveyor

-
CERTIFICATE OF APPROVAL OF WATER

I hereby certify that the water system installed or proposed to be installed fully meets the requirements of the _____ Water District.

_____, 20_____
Date

District Chairman

CERTIFICATION OF THE APPROVAL OF WATER & SEWERAGE SYSTEM

I hereby certify that the private water supply and/or sewage disposal utility system or systems installed, or proposed or installation, fully meet the requirements of the Tennessee Health Department, and are hereby approved as shown.

_____, 20_____

Date

County Health Officer or Authorized

Representative

-

CERTIFICATION OF THE APPROVAL OF ROADS & UTILITIES

I hereby certify: (1) that roads, utilities and _____ have been installed in an acceptable manner and according to specifications; or (2) that a surety bond in the amount of \$_____ has been posted with the Planning Commission to assure completion of all required improvements in case of default.

_____, 20_____

Date

County Engineer

-

CERTIFICATE OF APPROVAL FOR RECORDING

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

_____, 20_____

Date

Secretary, Planning Commission

SPORT SHOOTING RANGE AREAⁱⁱ

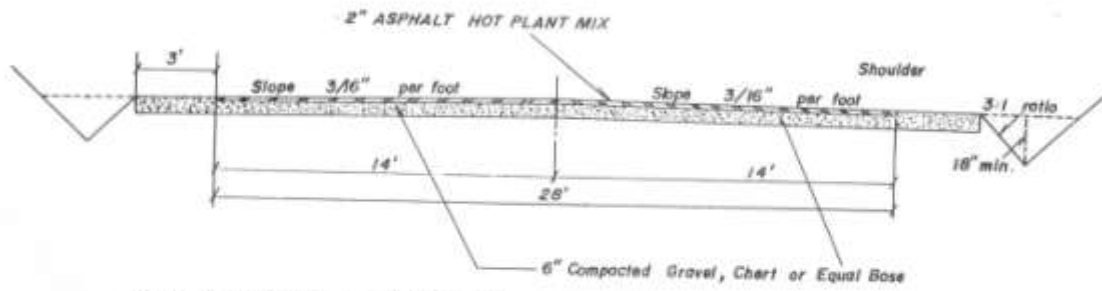
I, _____ certify that this property is located in the vicinity of an established sport shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience, which may result from these uses.

_____, 20____
Date

Owner Signature Date

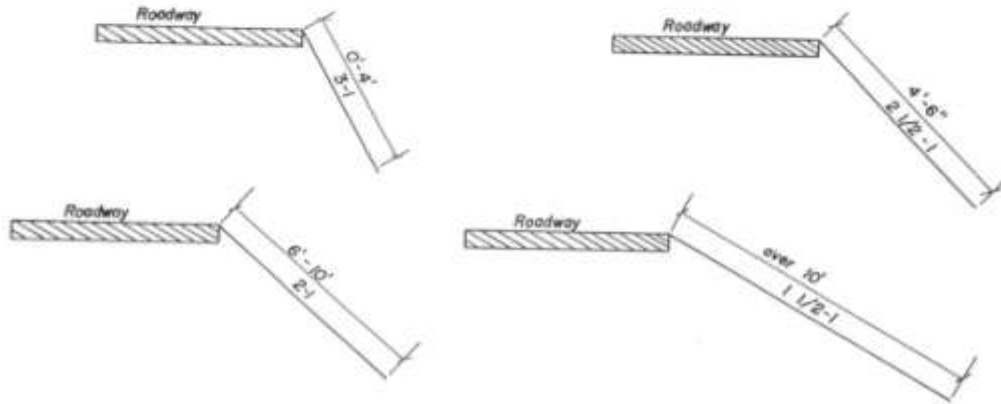
TYPICAL ROADWAY DIAGRAM

HAYWOOD COUNTY



NOTE: 36' of pavement for collector streets

Cut and fill slopes adjacent to roadway



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SUGGESTED STEPS FOR A DEVELOPER OF A SUBDIVISION

- Confer with the planning commission and its staff representative to become thoroughly familiar with the subdivision requirements, the major road plan and other public improvements which might affect the areas to be subdivided.
- Have preliminary plat prepared by a reputable engineer or surveyor.
- Discuss preliminary plat with staff representative. This pre-application review by a trained land planner may save the subdivider time and costly revisions as well as possible savings through better design.
- Submit required copies of the sketch plat to the planning commission for preliminary approval in advance of its regular monthly meeting.

WHEN PRELIMINARY APPROVAL HAS BEEN GRANTED:

- See county engineer or designated approving agent(s) for road and utility specifications; contact Haywood County health officials for septic tanks specifications if public sewers are not available.
- Develop subdivision according to preliminary plat and required modifications, if any. Install improvements.
- Obtain certificates from county and health officials certifying that improvements have been made or that a performance bond has been posted.
- Prepare final plat.
- Submit final plat to the planning commission for approval. When approved, the planning commission will sign the certificate of approval for recording.
- The subdivider now records the plat with the county register's office. He is now ready to sell his lots.

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End Notes:

ⁱ Passed September 2, 2004

ⁱⁱ Passed September 2, 2004