

RESOLUTION NO. 876

A RESOLUTION ADOPTING MUNICIPAL/REGIONAL SUBDIVISION REGULATIONS DATED, December 2011, FOR GATLINBURG, TENNESSEE MUNICIPAL/REGIONAL PLANNING COMMISSION AND REPEALING THE SUBDIVISION REGULATIONS OF APRIL 1988, IN THEIR ENTIRETY

WHEREAS, in accordance with the Tennessee Code Annotated, Section 13-4-303 and 13-3-403, the Gatlinburg Municipal/Regional Planning Commission has the authority to adopt regulations governing the subdivision of land and amend such regulations from time to time; and

WHEREAS, such regulations are necessary to ensure the public's health, safety, and prosperity through sound development practices in accordance with minimum standards of design; and

WHEREAS, a public hearing was held before this body in accordance with the provisions of TCA 13-3-403 (c) and 13-4-303 (c);

NOW, THEREFORE, BE IT RESOLVED, THAT:

Section 1. The Gatlinburg Municipal/Regional Planning Commission hereby repeals the Subdivision Regulations of April 1988, and

Section 2. The Gatlinburg Municipal/Regional Planning Commission hereby adopts the Subdivision Regulations of Gatlinburg, Tennessee Municipal/Regional Commission dated December 2011.

Public Hearing Held: March 15, 2012
Date

ADOPTED, this the 15 day of March, 2012

Jessica P. Cantel
Planning Commission Secretary

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SUBDIVISION REGULATIONS
FOR
CITY OF GATLINBURG, TENNESSEE
AND THE
GATLINBURG PLANNING REGION

Prepared for
THE GATLINBURG PLANNING COMMISSION

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Prepared by
THE GATLINBURG PLANNING OFFICE
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PLANNING ADVISORY SERVICE

Alcoa, Tennessee

December 2011

CONTENTS

<u>ARTICLE</u>		<u>PAGE</u>
I.	PURPOSE, AUTHORITY AND JURISDICTION	1
	A. Purpose	1
	B. Authority	1
	C. Jurisdiction	1
	D. Conflicts with Other Regulation	2
	E. Severability	2
II.	PROCEDURE FOR PLAT APPROVAL	3
	A. General	3
	B. Preliminary Sketch Plat	4
	C. Final Plat	9
III.	GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN	14
	A. Streets	14
	B. Lots	24
	C. Public Use and Service Areas	25
	D. Suitability of the Land	26
	E. Flood Control Measures	26
	F. Erosion Control	26
	G. Large Tracts or Parcels	30
	H. Planned Unit Developments	30
IV.	DEVELOPMENT PREREQUISITE TO FINAL APPROVAL	31
	A. Required Improvements	32
	B. Guarantee in Lieu of Completed Improvements	38
V.	REGULATIONS FOR THE REVIEW AND APPROVAL OF MINOR SUBDIVISIONS	40
	A. Definition	40
	B. General Requirements	40
VI.	ENFORCEMENT AND PENALTIES FOR VIOLATIONS	41
	A. Enforcement	41
	B. Penalties	41
VII.	ADOPTION AND EFFECTIVE DATE	44
	APPENDIX	45
	A. PERFORMANCE BOND FORM	46
	B. AGREEMENT	48

C. FORMS FOR FINAL PLAT CERTIFICATIONS	50
D. TALBOT'S FORMULA	52

SUBDIVISION REGULATIONS

OF THE

GATLINBURG, TENNESSEE, MUNICIPAL/REGIONAL PLANNING COMMISSION (Hereafter referred to as the Planning Commission)

ARTICLE I. PURPOSE, AUTHORITY AND JURISDICTION

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, 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 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 planned region; to secure a coordinated layout and adequate provision for traffic and also to secure adequate provisions for light, air, recreation, transportation, water, drainage, sewer and other sanitary facilities.

B. Authority

These subdivision regulations are adopted under authority granted by Sections 13-4-301 through 13-4-310 and Sections 13-3-401 through 13-3-413, Tennessee Code Annotated (TCA). 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 Gatlinburg, Tennessee, Major Street and Road Plan has been filed in the Office of the Registrar of Sevier County, Tennessee.

C. Jurisdiction

These regulations shall govern all subdivision of land within the corporate limits of Gatlinburg, Tennessee, as now or hereafter established and within the Gatlinburg, Tennessee, Planning Region as established by resolution of the Tennessee Local Government Planning Advisory Committee. Within these regulations the term "subdivision" shall be consistent with TCA Sections 13-4-301 and 13-3-401 and means "the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres, for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing

or to the land or area subdivided.” This shall include condominiums, planned unit developments, and similar multiple ownership developments that involve the subdivision of property as defined by TCA 13-4-301 and 13-3-401. In accordance with herein referenced TCA Sections, “utility construction” does not include the mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains.

Any prospective subdivider owning land located within the corporate limits or the Gatlinburg Planning Region shall submit his/her subdivision plat to the Gatlinburg Planning Commission. The plat is to be submitted according to the procedures outlined in Article II, and shall conform to the minimum requirements set forth in Articles III and IV. Improvements shall be installed as required by Article IV of these regulations.

D. Conflicts with Other Regulations.

These regulations are not intended to repeal, replace, or annul any other official rule or regulation. Whenever any part of these regulations conflict with another part, or with any other official rule or regulation, the more restrictive or highest standard shall be applied.

E. Severability.

Should any section, subsection, paragraph, or provision of these regulations be held invalid or unenforceable by a court of competent jurisdiction, such decision shall in no way affect the validity of any other provision of these regulations, if being the intent of the Gatlinburg Municipal and Regional Planning Commissions to adopt each and every provision of these regulations separately.

ARTICLE II. PROCEDURE FOR PLAT APPROVAL

As provided for in this article, the procedure for review and approval of a subdivision shall consist of a two step process. This includes a preliminary plat and a final plat. The first step consists of a submittal and review of a preliminary plat which provides for a detailed design of the subdivision and construction plans for all proposed improvements. The second step consisting of a submittal and review of a final plat which includes required certificates and, when duly signed by the Secretary of the Planning Commission, becomes the legal instrument to be recorded at the Sevier County Register of Deeds. The submittal and approval of a preliminary and final plat shall be required for all subdivision proposals with the exception of minor subdivision actions as defined and provided for within these regulations.

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 file a plan with the Planning Commission Staff of such proposed subdivision for submission to the Planning Commission for approval and shall obtain such approval prior to the filing of his/her 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 and IV of these regulations and other applicable ordinance and codes and shall be presented in the manner specified in the following section of this Article. No plat or subdivision of land within these areas of jurisdiction shall be filed by the county register without the approval of the Planning Commission.
2. The plan/plat preparer shall certify that the submitted plan/plat includes and addresses all items identified in the application checklist.
3. The subdivider should consult early and informally with the City's technical staff for advice and assistance before the preparation of a preliminary plat and its formal application for approval. This will enable him or her to become thoroughly familiar with these regulations, applicable zoning codes, plans and ordinances, other city and/or county codes, or public improvements needs which might affect the area. Other local public service and utility providers should also be contacted early in the planning process to assess and coordinate existing and/or planned infrastructure and services. Such informal review should help to limit unnecessary and costly revisions.
4. A subdivider may omit the filing of a preliminary plat if all public improvements as set forth in Article IV are already installed or because of the nature of the development, deemed not necessary by the Planning Commission.
5. Any construction, installation, or improvement of any public infrastructure shall require, at a minimum, the submission of a preliminary plat as prescribed by Section B, of Article II. For multiple-phase subdivisions where the subdivider does not desire to initially file a preliminary

plat for the entire property, a concept plan shall first be submitted for the entire property to the Gatlinburg Planning Staff. Said concept plan shall include but not limited to, site topography, natural features associated with the property, proposed preservation areas, development constraints, existing and planned infrastructure capacities and needs, general layout, proposed uses and densities. The concept plan will be kept as a record of the developer's intent but shall in no way bind the Planning Staff or Commission to any subsequent preliminary and/or final plat approvals.

B Preliminary Subdivision Plat

The preliminary plat is a design plan that is intended to document the proposed subdivision's layout and the construction of all related infrastructure improvements. The planning commission utilizes the preliminary plat to evaluate the proposed subdivision design and its conformance with these regulations. Once approved, the developer is free to begin construction and must proceed in conformance with the preliminary plat or submit revisions for approval before continuing with the project. The preliminary plat submittal shall be made in conformance with the following requirements:

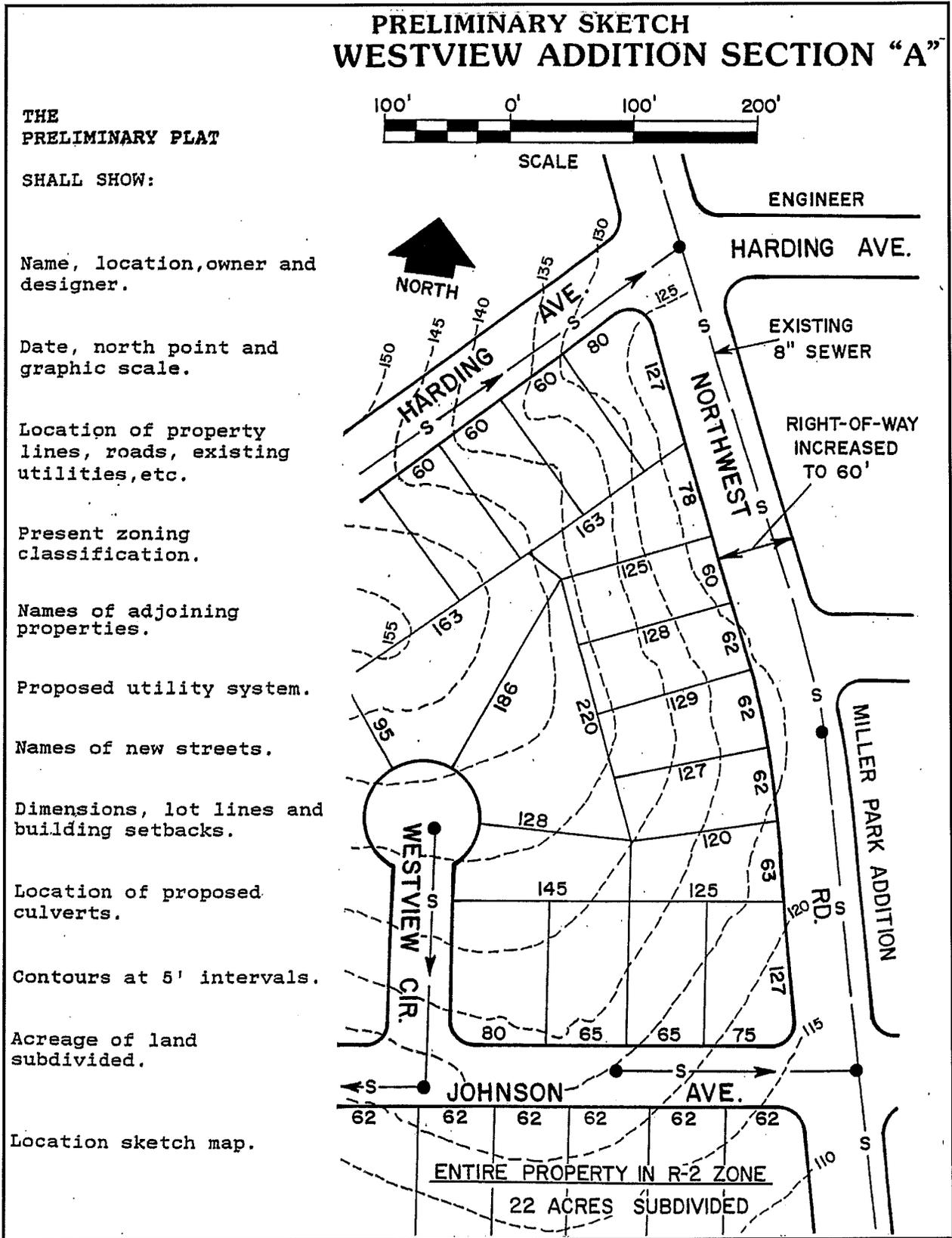
1. The subdivider should consult early and informally with the City's technical staff for advice and assistance before the preparation of a preliminary plat and its formal application and submittal for approval by the Planning Commission. The subdivider shall be prepared to discuss the project and provide information related to the existing and proposed physical development of the property including but not limited to site topography, natural features associated with the property, proposed preservation areas, development constraints, existing and planned infrastructure capacities and needs, general layout, proposed uses and densities.
2. At least fifteen (15) days prior to the meeting at which it is to be considered, the subdivider shall submit to the Planning Commission Thirteen (13) copies of a preliminary plat of the proposed subdivision. The preliminary plat shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet (see Figure 1) and consists of four (4) full size and nine (9) reduced copies.
3. 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 and shall give the following information insofar as possible.
 - a. The proposed subdivision name and location, tax map and parcel reference, the name and address of the owner or owners, and the name of the designer of the plat who shall be a registered land surveyor.
 - b. The name, address, and telephone number of all professionals involved and, at a minimum, the professional seal of the principal individual responsible for preparing the plan.

- c. Date, approximate north point, and graphic scale.
 - d. The location of existing and platted property lines, streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements, the present zoning classification, if any, both on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdividers.
 - e. A construction plan which shall include: (1) a complete drainage plan showing all improvements including all proposed streets, easements, storm sewers, swales, ditches, reserved areas and lot drainage; (2) a complete erosion control plan developed in accordance with Article III, F; (3) a plan and profile of all streets showing typical cross sections of proposed roadways, swales and ditches as well as both existing and proposed finished grades of paved rights-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.
 - f. A location map showing relation of subdivision to well-known highways, railroads, and water courses in all directions to a distance of at least one-half (1/2) mile. Suggested scale: one (1) inch equals two thousand (2,000) feet.
 - g. Plans of proposed utility layouts showing feasible connections to the existing or any proposed utility systems. When such connections are not practicable, any proposed individual water supply and/or sewage disposal system must be approved by the Sevier County Health Department.
 - h. The names, locations, widths, and other dimensions of proposed 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. Surveyor's seal and certification as to the class of survey and the ratio of precision of the unadjusted survey (up to 1:7,500).
4. In accordance with TCA 13-4-304 and 13-3-404, the commission shall approve or disapprove a plat within sixty (60) days after the initial consideration of the plat by the Commission meeting in a regularly scheduled session, unless at the end of the sixty-day period there is a holiday or an unexpected interceding event that would close municipal or county offices and thus affect the normal computation of the sixty-day period, in which case the plat shall be approved or disapproved after the

interrupted sixty-day period at the next regularly scheduled meeting of the commission; otherwise, the plat shall be deemed approved and a certificate to that effect shall be issued by the Commission on demand. The applicant for the commission's approval may waive the time requirement set in this subsection (a) and consent to an extension or extensions of the applicable time period. When a plat has been filed with the appropriate officials of the Planning Commission, the plat shall be placed on the agenda of the Planning Commission within thirty (30) days of the filing or the next regularly scheduled Planning Commission meeting after the thirty-day period. The applicant may waive the time frame requirement for the appearance of the plat on the agenda.

5. The approval of the preliminary plat by the Planning Commission will not constitute acceptance of the final plat.
6. One (1) copy of the preliminary 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 (1) year from the date of such approval unless an extension of time is applied for and granted by the Planning Commission.
8. If a subdivision is developed in phases and submitted as separate final plats that represent portions of the preliminary plat, the portions must be designated and titled in alphabetical characters.
9. No new subdivision shall use the name of an existing subdivision except one being developed in stages.
10. Per TCA 13-3-405 and 13-4-305, the approval of a plat shall not be deemed to constitute or affect an acceptance by the municipality, county or public of the dedication of any street or other ground shown upon the plat.

FIGURE 1



CITY OF GATLINBURG
SUBDIVISION RECORD
PRELIMINARY PLAT

NAME OF SUBDIVISION _____

LOCATION _____ CIVIL DIST _____ ZONING DIST _____

PROPERTY OWNER'S NAME _____

MAILING ADDRESS _____ PHONE _____

AGENT _____ ADDRESS _____ PHONE _____

SURVEYOR _____ PHONE _____

DATE SUBMITTED FOR PRELIMINARY APPROVAL _____

CHECKLIST:

- _____ Thirteen (13) copies submitted, as required, prior to meeting.
- _____ Drawn to required scale.
- _____ Name, location, owner, and surveyor.
- _____ Date, north point and graphic scale.
- _____ Location of all existing physical features on land and nearby properties.
- _____ Names of adjoining property owners and/or subdivisions.
- _____ Plans of proposed utility layouts.
- _____ Names, locations, dimensions of proposed streets, alleys, easements, parks, and reservations, lot lines, etc.
- _____ Profiles of all streets at required scale.
- _____ Contours at not more than 5 foot intervals.
- _____ Acreage of land to be subdivided.
- _____ Conforms to general requirements and minimum standards of design.

APPROVED _____ to proceed to final plat subject to the following modifications:
DATE _____

DISAPPROVED _____ for the following reasons: _____
DATE _____

SIGNED _____
SECRETARY OF PLANNING COMMISSION

C. Final Plat

1. The final plat shall conform substantially to the preliminary sketch plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary sketch plat which he proposed to record and develop at the time, provided, however, that such portions conforms to all requirements of these regulations.
2. 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 thirteen (13) copies of the drawings (blue line prints); together with street profiles or other plans that may be required (see Figure 2).
3. The final plat shall be presented to the Planning Commission at its next meeting by the developer or designated representative for consideration for approval or disapproval.
4. The plat shall be drawn to a scale of one (1) inch equals one hundred (100) feet on sheets no larger than twenty four (24) by thirty (30) inches or of an approved size to correspond to local plat book dimensions. When more than one (1) sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.
5. When the final plat has been approved by the Planning Commission one (1) copy will be returned to the subdivider, with the approval of the planning commission certified thereon, for filing with the county registrar as the official plat of record. Three (3) copies will be retained by the planning commission.
6. In accordance with TCA 13-4-304 and 13-3-404, the Commission shall approve or disapprove a plat within sixty (60) days after the initial consideration of the plat by the commission meeting in a regularly scheduled session, unless at the end of the sixty-day period there is a holiday or an unexpected interceding event that would close municipal or county offices and thus affect the normal computation of the sixty-day period, in which case the plat shall be approved or disapproved after the interrupted sixty-day period at the next regularly scheduled meeting of the commission; otherwise, the plat shall be deemed approved and a certificate to that effect shall be issued by the Commission on demand. The applicant for the Commission's approval may waive the time requirement set in this subsection (a) and consent to an extension or extensions of the applicable time period. When a plat has been filed with the appropriate officials of the planning commission, the plat shall be placed on the agenda of the Planning Commission within thirty (30) days of the filing or the next regularly scheduled planning commission meeting after the thirty-day period. The applicant may waive the time frame requirement for the appearance of the plat on the agenda.

7. Per TCA 13-3-405 and 13-4-305, the approval of a plat shall not be deemed to constitute or affect an acceptance by the municipality, county or public of the dedication of any street or other ground shown upon the plat.
8. The final plat shall show:
 - a. The lines of all streets and roads, alley lines, lot lines, building setbacks, 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 right-of-way of curved streets and curved property lines that are not the boundary of curved streets.
 - c. If any portion of the land being subdivided is subject to flooding, as defined by the most recent Federal Emergency Management Administration Firm Maps for Gatlinburg and Sevier County, the limits of such flood area shall be shown on the final plat as recorded.
 - d. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute.
 - e. Location and description of monuments.
 - f. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.
 - g. Date, title, name and location of subdivision, graphic scale, and north point.
 - h. Location sketch map showing site in relations to area.
 - i. All boundary traverses including lot and block traverses.
9. The following certificates shall be presented with the final plat.
 - a. Certifications showing that applicant is the land owner and dedicates streets, rights-of-way and any sites for public use (see Appendix C).
 - b. Certification by registered land surveyor to accuracy of survey and plat and placement of monuments (see Appendix C).

- c. Certification by the county health offices when individual sewage disposal or water systems are to be installed (see Appendix C).
- d. Certification by the city engineer or other designated person that the subdivider has complied with one of the following alternatives:
 - i. Installation of all improvements in accordance with the requirements of the subdivision regulations, and utility policies, or
 - ii. Posting of security bond or cash bond in sufficient amount to assure such completion of all required improvements (see Appendix A).
- e. Certification of approval to be signed by the secretary of the planning commission.
- f. Certification and signature of approval for street names by the Sevier County Emergency Communications District.
- g. Certification and signature of approval by the Fire Department having jurisdiction for fire protection methods where applicable.
- h. Certification and signature of approval for electric supply system by the Sevier County Electric System.

FIGURE 2

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.

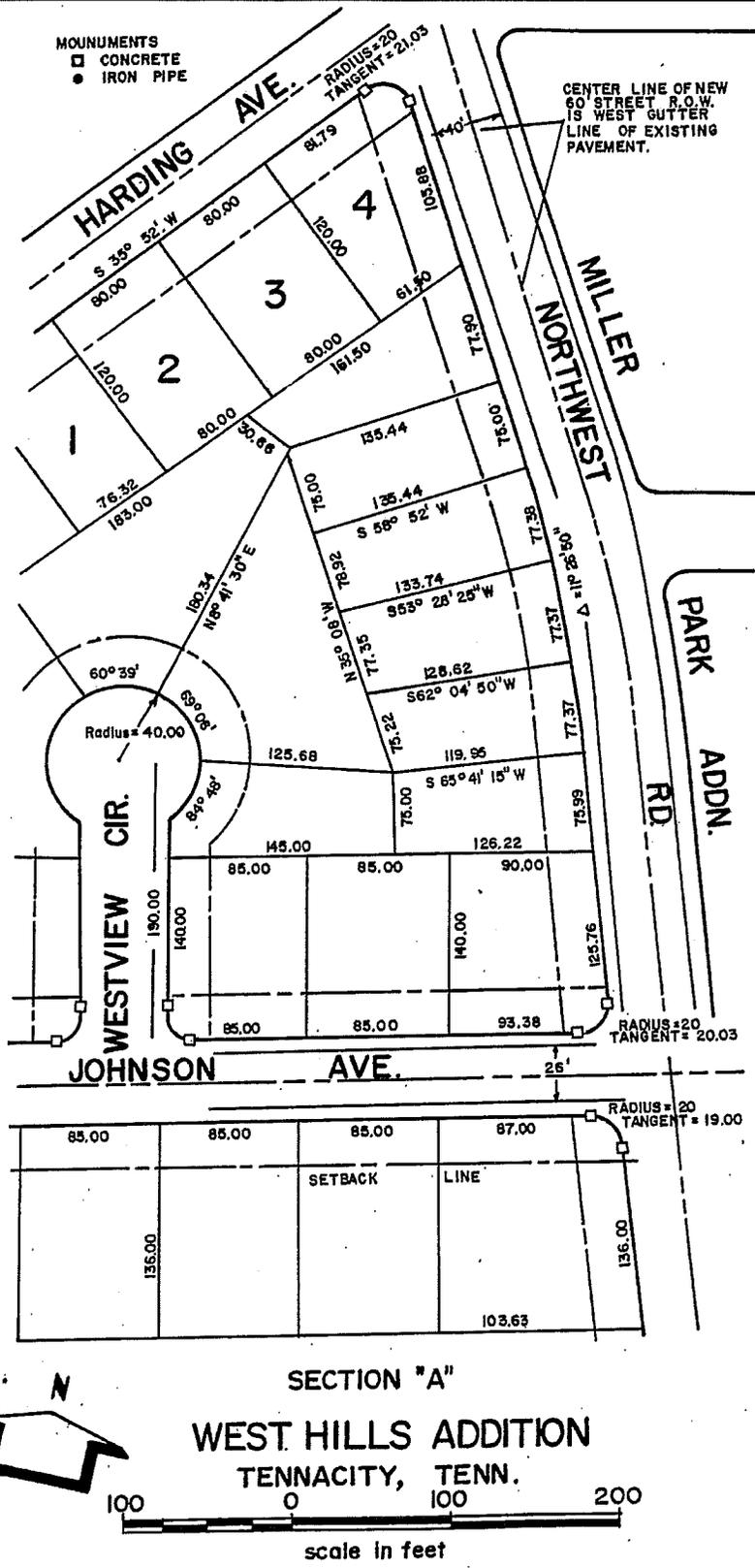
Monuments.

Names of adjoining
properties.

Date, title, name and
location of subdivision.

Graphic scale and true
north point.

Location sketch map and
certificates as required.



CITY OF GATLINBURG
SUBDIVISION RECORD
FINAL PLAT

NAME OF SUBDIVISION _____
LOCATION _____ CIVIL DIST _____ ZONING DIST _____
PROPERTY OWNER'S NAME _____
MAILING ADDRESS _____ PHONE _____
DATE PRELIMINARY APPROVAL GRANTED _____
DATE SUBMITTED FOR FINAL APPROVAL _____

CHECKLIST:

- _____ Zoning District.
- _____ Submitted within specified time from preliminary approval.
- _____ **Thirteen (13)** copies submitted as required prior to meeting.
- _____ Drawn to a scale of 1" = 100' on sheets no larger than 18" X 24".
- _____ Date, true north point, graphic scale, name and location of subdivision.
- _____ Reservations, easements, or other non-residential areas.
- _____ Bearings of property lines and sufficient engineering data to locate all lines including radii angles and tangent distances.
- _____ Dimensions to nearest 100th of a foot and angles to the nearest minute.
- _____ Existing and proposed lot lines.
- _____ Lines and names of all streets and roads.
- _____ Location and description of monuments.
- _____ Lots numbered in numerical order and building setback lines.
- _____ Names, locations of adjoining properties.
- _____ Certificate of Ownership and Dedication.
- _____ Certificate of Approval of water and sewerage systems.
- _____ Certificate of Approval of streets and utilities.
- _____ Certificate of Approval of street names by E-911 Coordinator.
- _____ Proposed deed restrictions if not a zoned area.
- _____ Certificate of Approval of fire protection system and methods.
- _____ Conforms to general requirements and minimum standards of design.
- _____ Required physical improvements have been made or bond posted in the amount of \$ _____.

APPROVED FOR RECORDING _____ VARIANCES GRANTED _____

DATE _____ DATE _____

DISAPPROVED _____ for the following reasons _____

DATE _____

SIGNED _____

SECRETARY OF PLANNING COMMISSION

ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

Land which the planning commission has found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formations and other features likely to be harmful to the safety, health and welfare of the future residents shall not be subdivided unless adequate methods approved by the City Engineer or a designated representative are formulated by the developer for meeting major problems created by the subdivision.

A. Streets

1. Conformity to the Major Thoroughfare Plan

The location and width of all streets and roads shall conform to the official Major Thoroughfare Plan.

2. Relation to adjoining street system

The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width.

3. Access streets to subdivision boundaries

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

4. Street right-of-way widths

The minimum width of right-of-way, measured from lot line to lot line shall be as indicated below except in cases where topography or other physical conditions make a street of the required minimum width impracticable, the planning commission may modify the following requirements to increase or decrease the minimums provided there is adequate space to accommodate the planned road section improvements. Within business areas, the widths may be increased ten (10) feet on each side to provide for parking. Minimum right-of-way widths are as follows:

- a. Collector Streets - fifty (50) feet 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 or a residential development and streets for major circulation within such a development.
- b. Minor Residential Streets - fifty (50) feet Minor residential streets are those which are used primarily for access to the abutting residential properties and designed to discourage use by through traffic.

- c. Marginal Access Streets - forty (40) 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.
- d. Dead-end Streets (cul-de-sac) - fifty (50) feet Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.
- e. Loop Streets - fifty (50) feet

Loop streets are streets open at both ends and connected to only one residential street.

- f. Alleys - twenty (20) feet

Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street. Alleys typically divide subdivided blocks, have two (2) open ends, and run between two separate streets. Alleys provide secondary means of access and are not intended as a substitute for accessible street frontage.

5. Additional width on existing streets and roadway location

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

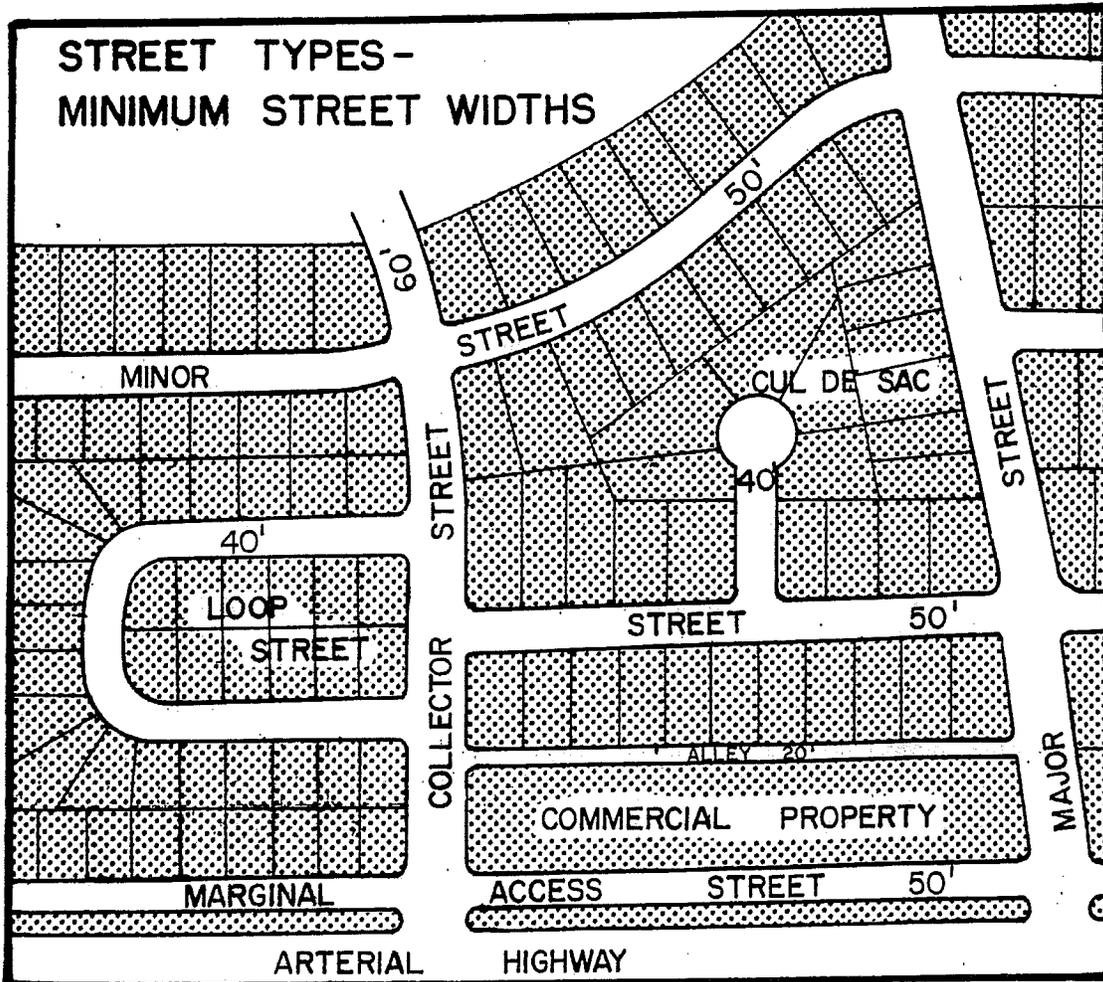
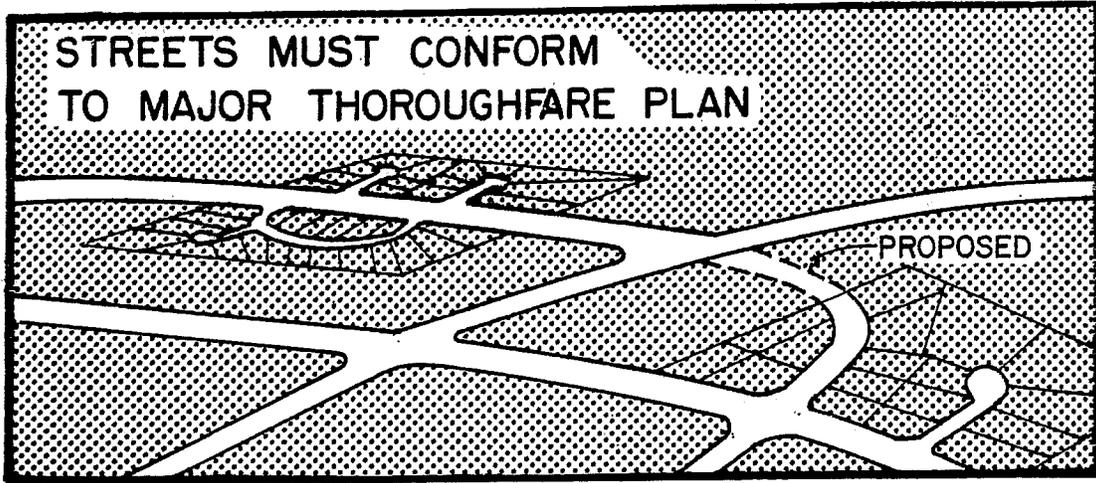
- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- b. When the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided. In no case shall the resulting right-of-way width be less than forty (40) feet.
- c. Roadways shall be located in the center of the right-of-way.

6. Additional right-of-way widths for recreational and multi-use purposes.

The Planning Commission may permit and/or require additional right-of-way widths and areas to accommodate non-motorized vehicles and pedestrians such as multi-use trails, pedestrian sidewalks, and bicycle lanes. Multi-use trails and bicycle lanes should be separated from motorized lanes and should be constructed of pervious materials and should be coordinated with existing plans.

Figure 3

MINIMUM STANDARDS OF DESIGN



7. Restriction of access

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

8. 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. A maximum grade of three (3) percent shall not be exceeded within twenty five (25) feet of any intersection. Said grade shall be measured along the centerline of the subdivision street.

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

9. Street jogs

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

10. Street grades and horizontal curves

- a. The maximum grade on any street shall be fifteen (15) percent. The maximum fifteen (15) percent shall be on the centerline of the roadway on tangents and on the inside roadway edge on curves.
- b. Appropriate curves shall be introduced wherever the centerline deflection exceeds ten (10) degrees.
- c. On curves of less than sixty (60) feet radius or where deflection angles of one hundred thirty (130) degrees or more are used, a "switchback" exists. "Switchbacks" shall conform to Figure 5 on page 19. Within the switchback area, the road shall not exceed a grade of three (3) percent.
- d. On switchbacks and/or curves where the tangent grade approaching exceeds ten (10) percent guardrails shall be installed which conforms to Section 705 of the State of Tennessee Standard Specifications for Road and Bridge Construction (see Figure 5).

Figure 4

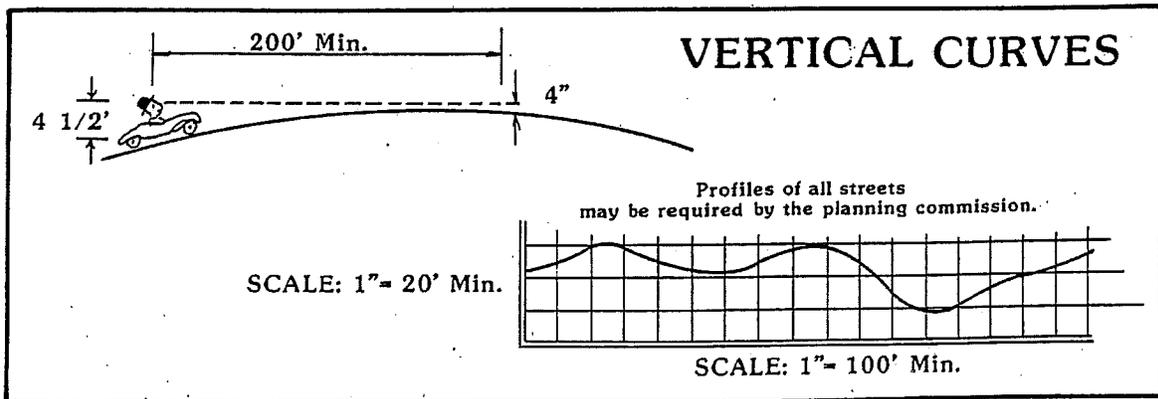
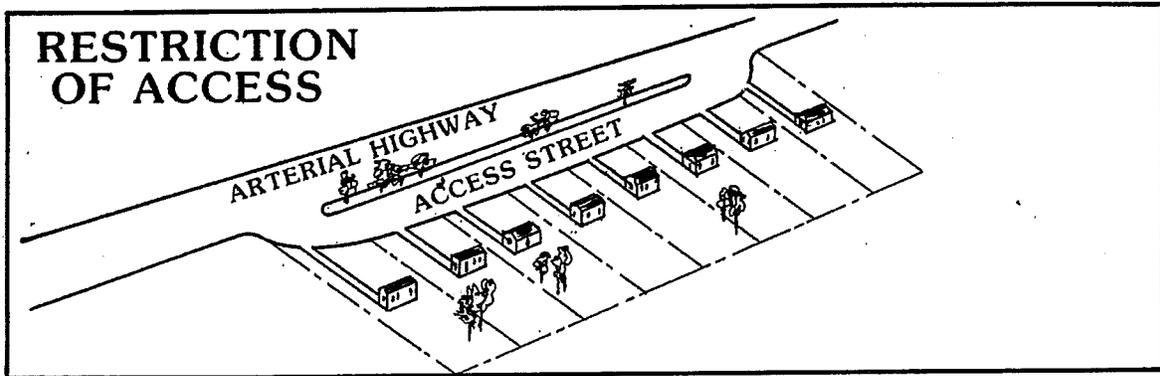
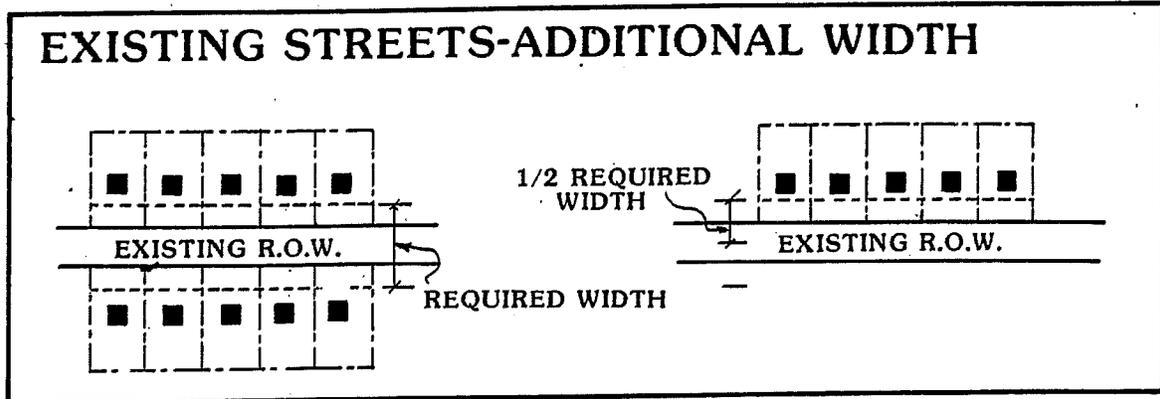
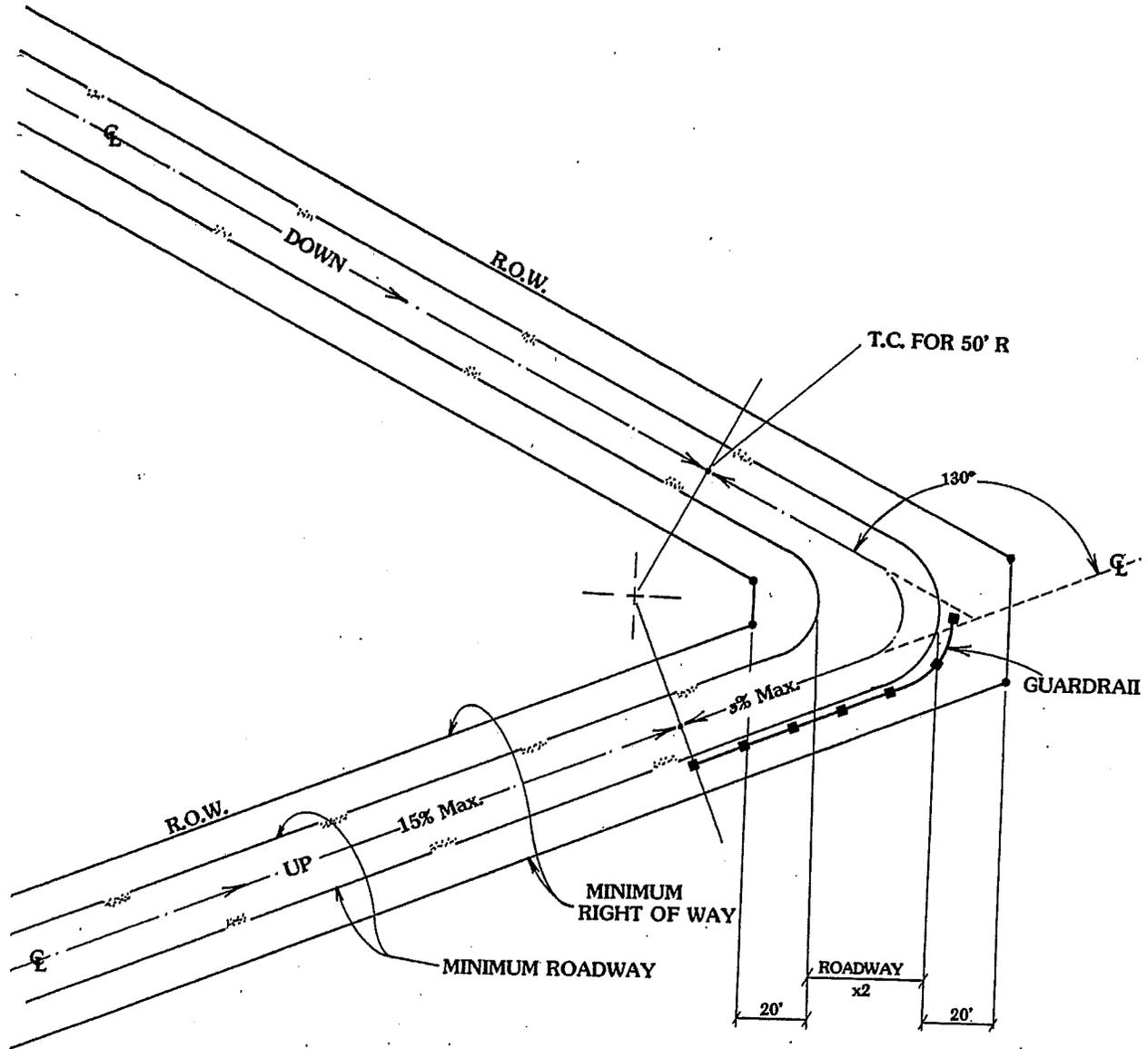


Figure 5



SWITCHBACK

Figure 6

T & Y BACKAROUND

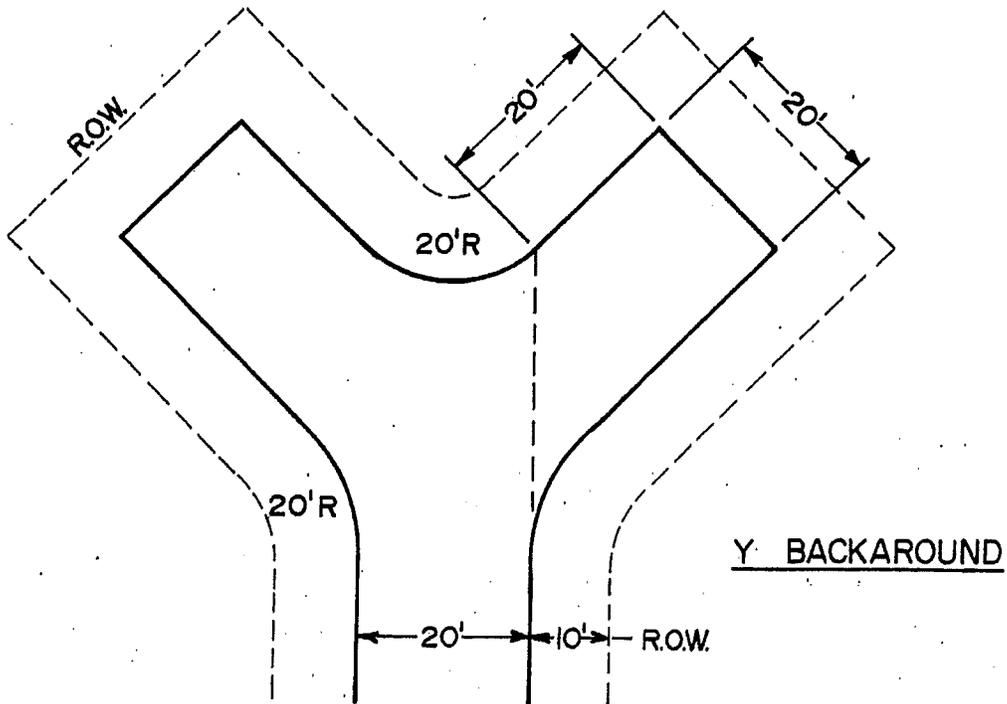
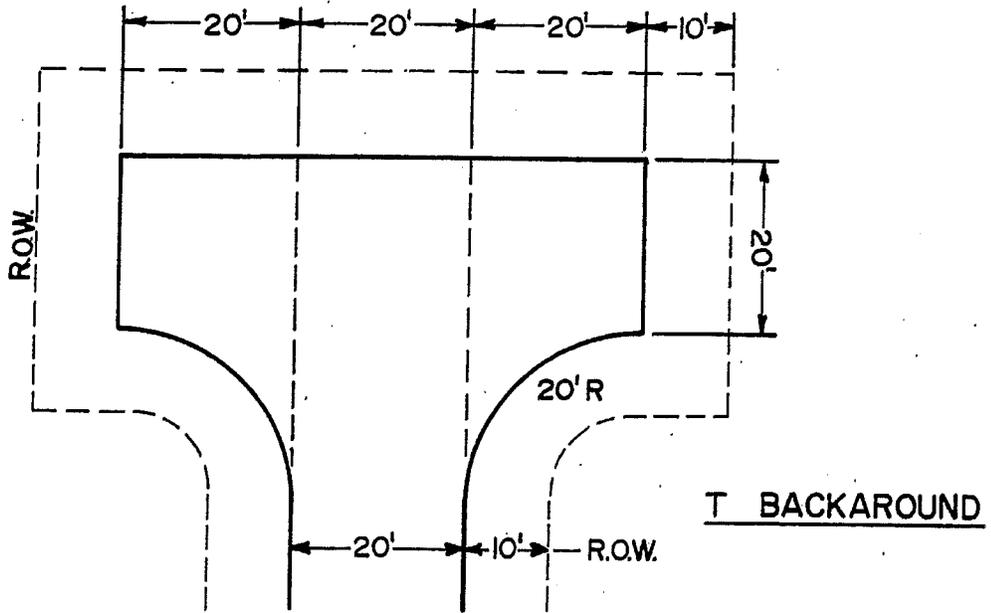
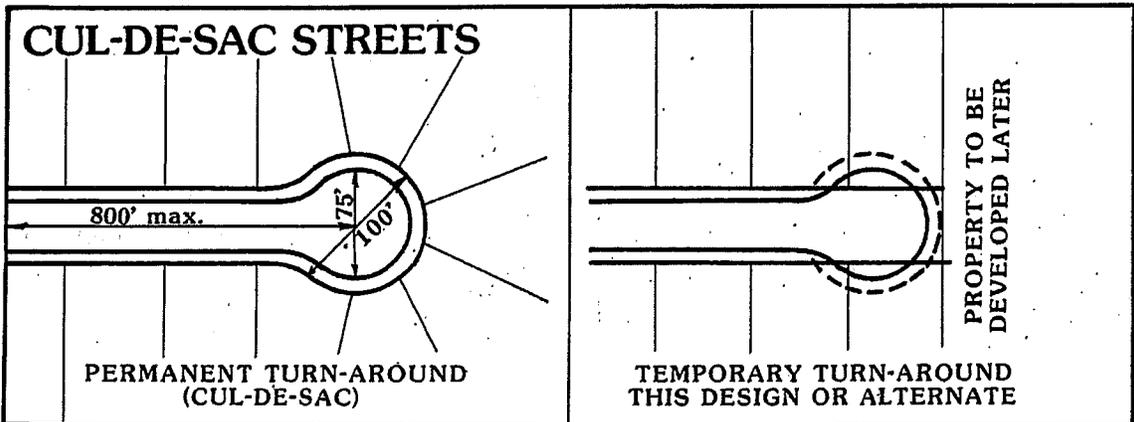
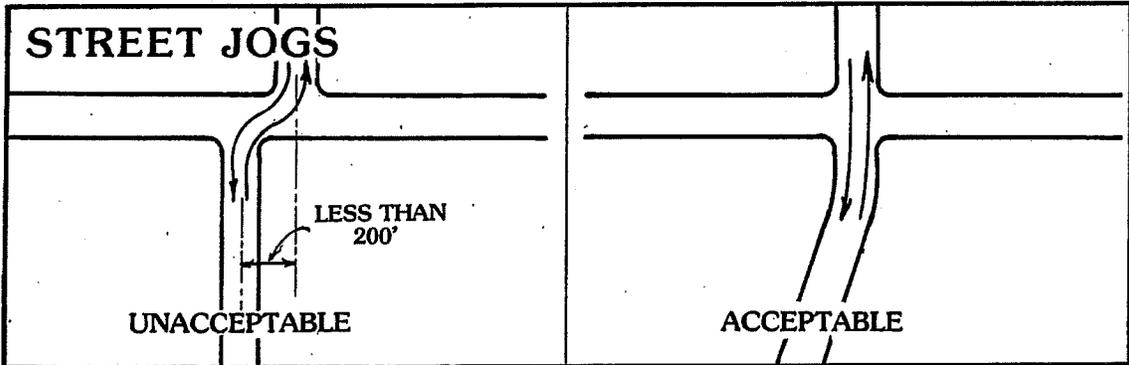
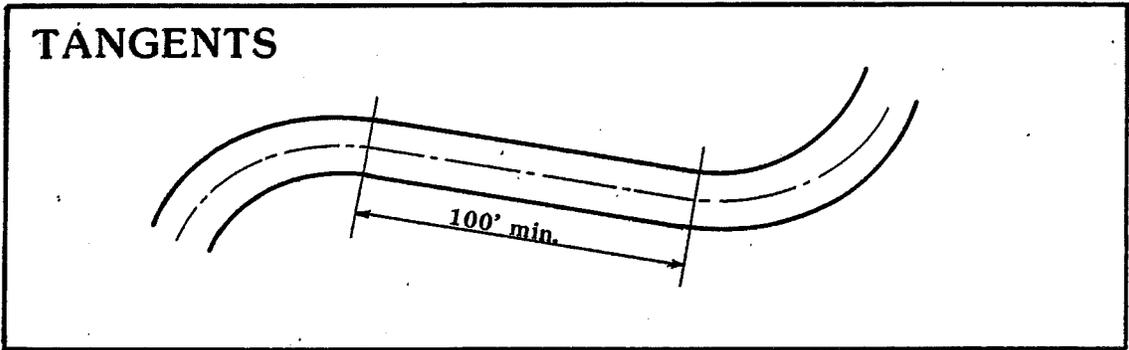
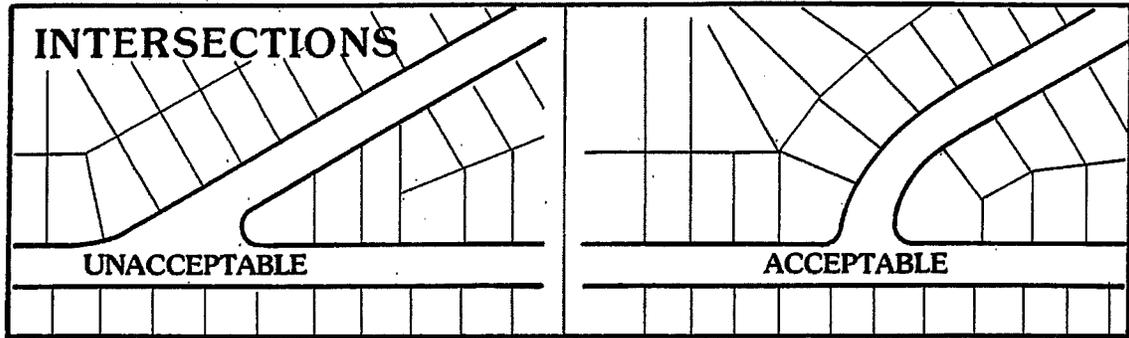


Figure 7



11. Cul-de-sac

- a. Cul-de-sacs shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet and shall be no more than twelve hundred (1200) twelve hundred feet long unless necessitated by topography. In no case shall cul-de-sacs be extended more than twenty four hundred (2400) feet in length. The planning commission may attach reasonable conditions and impose additional related requirements to secure the intent and purposes of these regulations when considering requests for cul-de-sac lengths beyond 1200 linear feet. This includes, but is not limited to, lot restrictions and roadway design enhancements such as spaced traffic pull-outs and/or intermediate turnaround areas. For all streets in excess of 600 feet, an intermittent turnaround must be provided for every six hundred (600) foot increment over the first six hundred (600) feet. "T" and "Y" back-around designs may be substituted in lieu of cul-de-sacs with the approval of the planning commission (see Figure 6). All designated turnaround areas shall be constructed at a grade not to exceed 3% at any point within the turnaround area. In no case shall any new street be platted or constructed without adequate turnaround area.
- b. To promote bio-retention, vegetated islands in the bulbs of the cul-de-sacs and/or in the undeveloped areas of the exterior and interior turning radius' of "T" and "Y" design turnaround areas, may be permitted provided turning radius' for emergency and service vehicles are adequately designed and said design is approved by Public Works Officials and adequate curb cuts provided to permit proper drainage. Further, the design must be incorporated into the overall engineered storm water design.
- c. Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property. Such dead-end streets shall be provided with a temporary turnaround.

12. Private streets and reserve strips

There shall be no new private streets platted in any subdivision, except for condominiums and planned unit developments with the approval of the planning commission. All private streets shall be subject to the design and construction standards for public streets as established in these Subdivision Regulations. There shall be no reserve strips controlling access to public streets, except where the control of such strips is definitely placed with the community under conditions approved by the planning commission.

13. Drainage

All street and road drainage systems shall be so designed as to comply with the adopted Storm Water Regulations of the City and/or County having jurisdiction. At a minimum, all streets and roads must be so designed as to provide for the discharge of surface water from the right-of-way. 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 or retention areas.

14. Street name

Proposed streets which are obviously in alignment with other streets already existing and named, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of suffix, street, avenue, boulevard, driveway, place, or court and must be approved by the Offices of E-911.

15. Alleys

Alleys shall be provided to the rear of all lots used for business purposes, and shall not be provided in residential blocks.

16. Street elevations

All new street and road construction within special flood hazard areas as identified by the adopted Flood Insurance Rate Maps, shall be elevated no less than one (1) foot above the 100 year flood elevation. Fill may be used for streets in the floodway fringe but not in the floodway except as provided for by locally adopted flood damage prevention ordinance and/or FEMA. Drainage openings shall be so designed as not to restrict the flow of water or increase flood heights.

17. Pedestrian Sidewalks, Multi-use Trails, and Bicycle Lanes

In developments where sidewalks, multi-use trails, and/or bicycle lanes are incorporated into the development plan, the use of minimum improvements widths and pervious surfacing materials are encouraged to improve water quality and reduce surface water run-off. Where practical, all sidewalks, multi-use trails, and bicycle lanes shall be designed to divert water run-off to vegetated yard areas rather than adjoining improved street areas.

B. Lots

1. Arrangement

- a. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for a minimum of forty (40) feet upon a street or road right-of-way which is not less than forty (40) feet in width.
- b. Where a significant elevation difference exists between the roadway and the right-of-way line, lot frontage shall be increased as necessary to guarantee accessibility to the building site by a driveway which does not exceed the fifteen (15) percent grade. Off-street parking requirements provided by the zoning code shall be taken into account (see B.3 following).

2. Minimum size

- a. No lot shall be created that does not conform to the minimum lot size requirements established under any applicable zoning ordinance. However, lots without a public water supply and/or public sewer system shall be designed to meet the minimum state and local environmental/health department requirements but in no case be less than the minimum applicable zoning code requirements.
- b. Greater area may be required for private sewage disposal if, in the opinion of officials from appropriate agencies, such as the Tennessee Department of Public Health, the Department of Agriculture, Soil Conservation Office, there are factors of drainage, soils, geology or other conditions that may pose potential health problems.
- c. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street 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. Adequate building sites

Each lot shall contain a building site not subject to flooding, and each lot shall contain a building site free from sinkholes and drainage ways and shall be located outside the limits of any existing easement or building setback line required in the applicable zoning regulations. On lots consisting of thirty (30) percent grade and greater, the Planning Commission may require that additional soils information from a licensed geotechnical engineer be submitted to verify that the lots depicted on the subdivision plat contain an adequate building site and said information be included on the plat submittal.

C. 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 area.

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 whole or in part in the applicant's subdivision, the Planning Commission may require the dedication or reservation of such open space within the subdivision up to a total of twenty (20) percent of the gross area or water frontage of the plat for park, school, or recreation purposes.

2. Easements for utilities

a. Except when alleys are permitted for this purpose, easements, not less than fifteen (15) feet in width, for poles, wire, conduits, storm and sanitary sewers, gas, water and heat mains, or other utility lines, along side and rear lot lines are required. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities. Each cul-de-sac shall have provisions for a utility easement there from to prevent dead-end water mains.

b. Storm sewers

Storm sewers shall be designed in accordance with all adopted storm water management ordinances as adopted by the authority having jurisdiction. Where in the opinion of the planning commission the flow of water cannot be accommodated with surface drainage, storm sewers or alternate system may be required. The planning commission shall determine, on the basis of the watershed and the probable runoff, the size of the storm sewers. In ascertaining the size of the storm sewers, the planning commission may call upon its technical staff or any public or private agency to assist in its determinations.

3. Community assets

In all subdivision due regard shall be shown for all natural features such as large trees, water courses, historical spots, and similar community assets which, if preserved, will retain the attractiveness and environmental quality of the property.

4. Water supply and sewerage connections

Where a public water supply or public sewerage system is reasonably accessible, the subdivider shall indicate a connection with such water supply or sewerage system and

a water and sewerage connection for each lot with such material and to such size and length as shall be approved by the Planning Commission to provide for both domestic use and fire protection. The size of water mains, the location and type of valves and hydrants, the amount of soil cover and depth of the pipes and other features of the installation shall comply with the water system regulations of the City of Gatlinburg.

Where a public water supply or public sewerage system is not reasonably accessible or not planned for in the future, an alternate method of water supply and sewage disposal may be indicated and shall be approved in writing by the County Health Officer. The developer shall also consult with the local Fire Department having jurisdiction to develop alternative methods for fire protection as needed and determined by the Fire Department.

D. 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 and site is not suitable for platting and development purpose of the kind proposed.

E. Flood Control Measure

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for such other uses as may increase danger to health, life or property, aggravate erosion of flood hazard. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

F. Erosion Control

When a subdivision is to be developed by making changes to the land contour by grading, filling, excavating, removal or destruction of topsoil, trees or vegetative covering thereon, the developer shall prepare a site plan for erosion and sedimentation control in accordance with State and locally adopted city or county storm water and erosion control regulations.

Figure 8

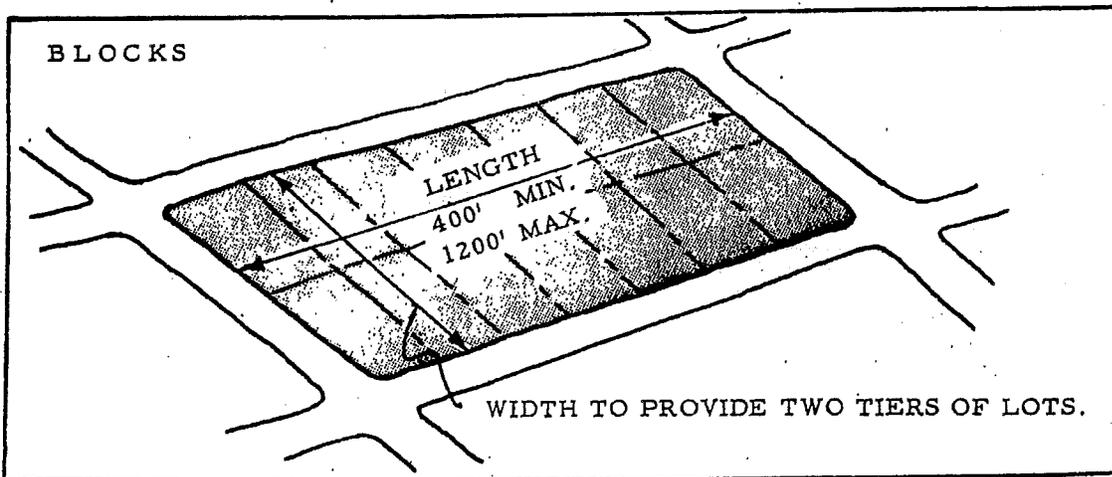
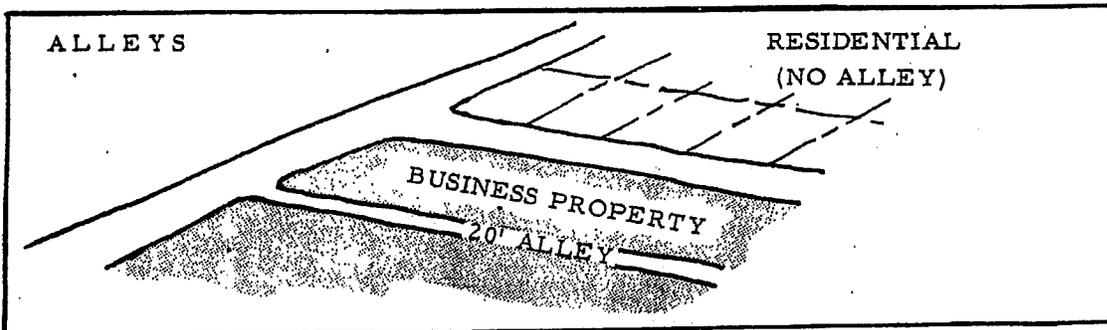
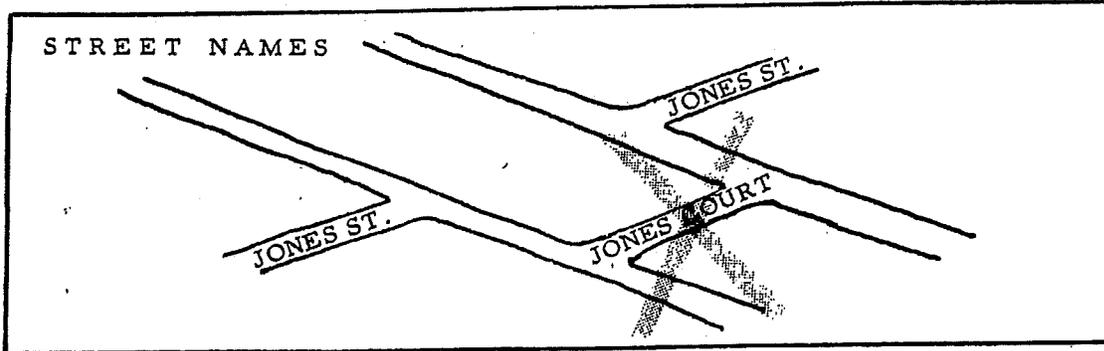
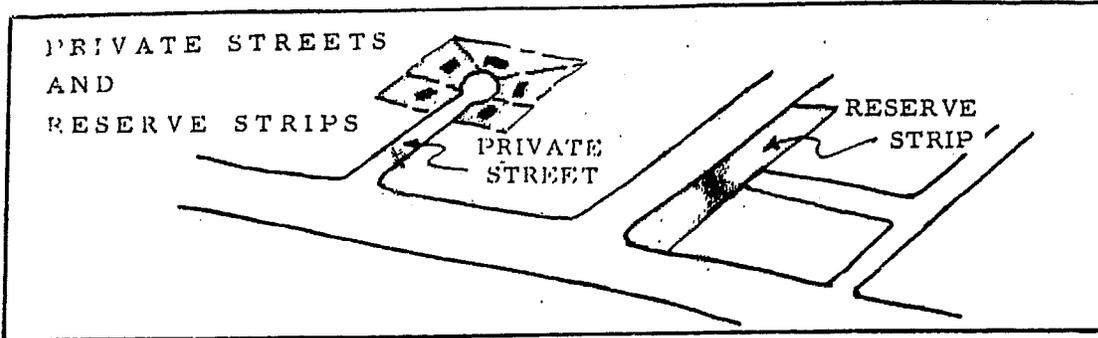


Figure 9

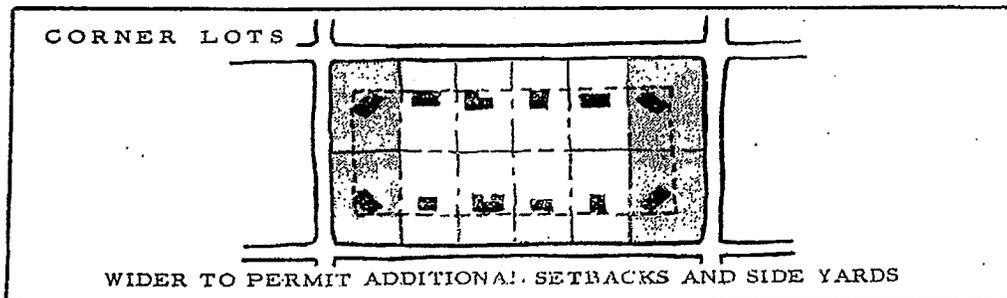
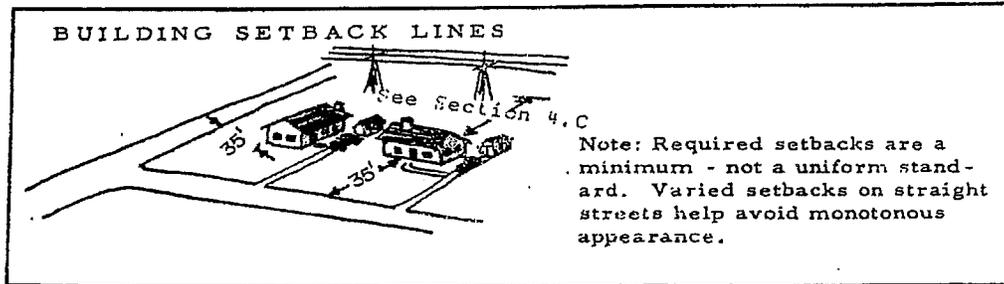
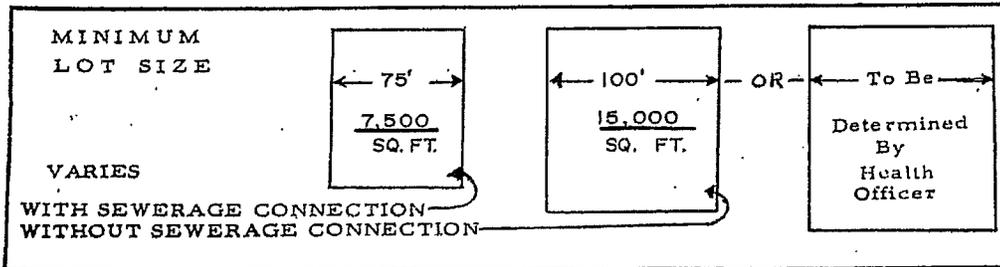
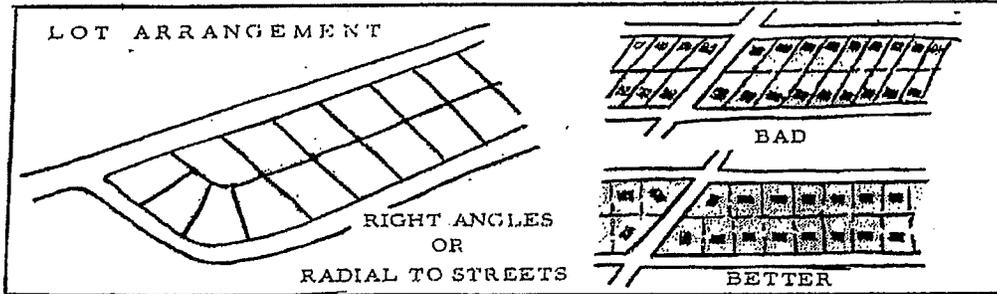
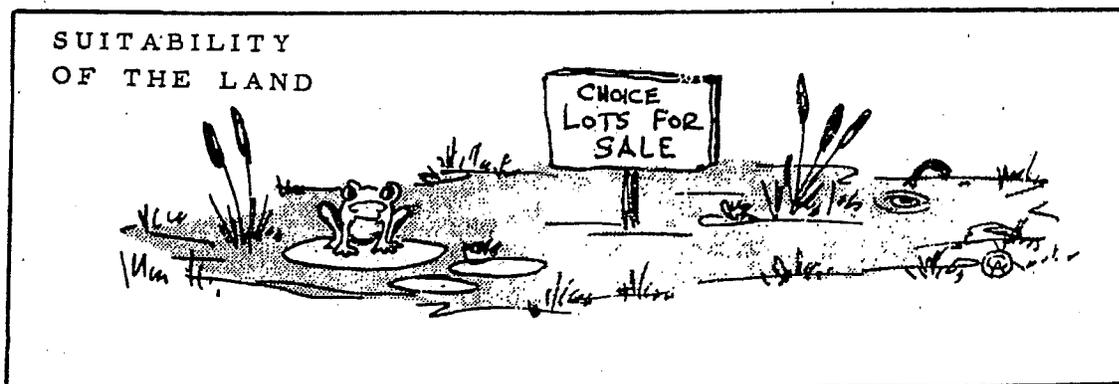
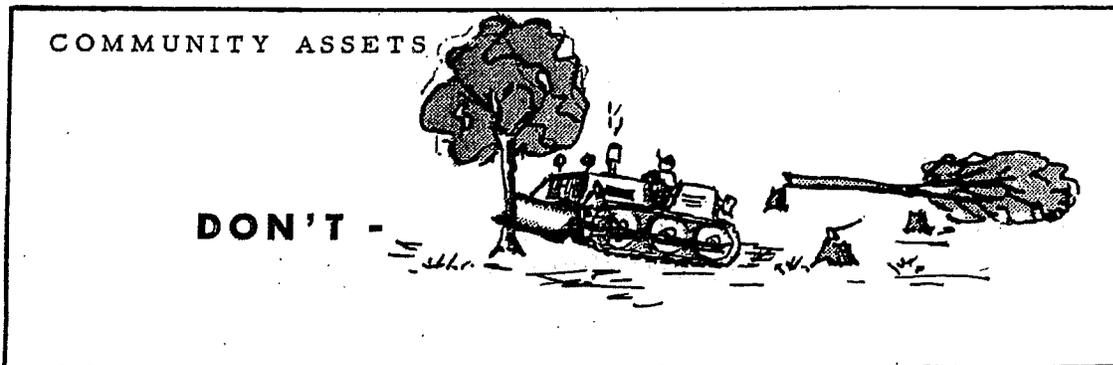
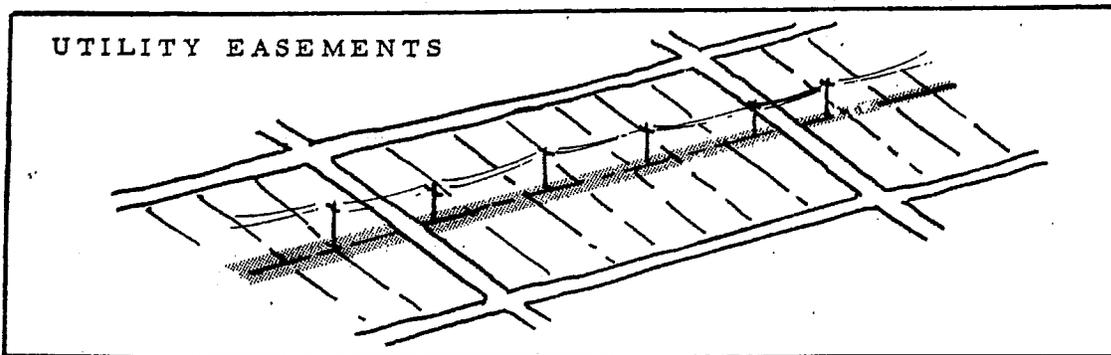
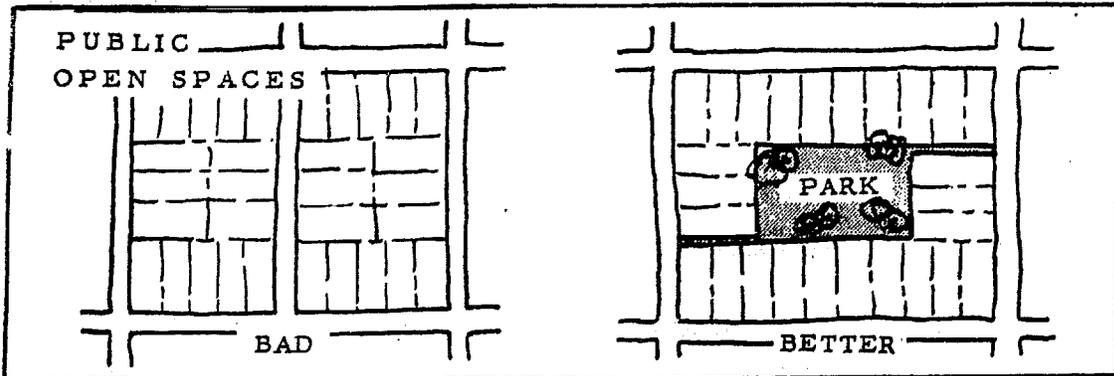


Figure 10



G. 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 streets and logical further resubdivision.

H. Planned Unit Developments Involving the Subdivision of Property

1. Planned Unit Development (PUD) Subdivisions

For the purpose of these regulations, a PUD subdivision shall be a residential, commercial, or mixed use development professionally designed as a unit that involves the subdivision of a parcel property. A PUD subdivision shall have ample open space provisions for the benefit and use of the residents. The open space shall be permanent and established in an appropriate legal manner. PUD subdivisions shall include single family and multi-family residential units (permanent and/or rental) condominiums, mobile home subdivision, and similar group building developments formally divided for development.

- a. Planned unit developments shall generally comply with the standards established in these regulations, however, the uniqueness of each proposed development may require special consideration of these standards and they may be modified, without destroying the intent, by the planning commission to achieve appropriate design arrangements.
- b. The final site plan shall contain the location of proposed structures, roads, drives, parking, utilities, drainage, open space areas and all other requirements established for final approval.
- c. A PUD subdivision plat shall be required with each PUD plan that depicts the subdivision. All final plats shall be prepared in accordance with Article II, Section C of these regulations.
- d. No freestanding building shall be located no closer than twenty (25) feet to any exterior property line and no freestanding building shall be closer than twenty (20) feet to any other freestanding building except in areas where no public water supply exists for fire protection where freestanding buildings shall not be permitted to be closer than fifty (50) feet to any other freestanding building.
- e. Each development shall have a pedestrian circulation system plan and the walkways shall be improved a minimum of four (4) feet in width.
- f. Any planned unit development shall meet all requirements of the municipal or regional zoning ordinance.

- g. All planned unit developments within the corporate limits shall be served by a sanitary sewer. An alternate system may be considered by the Planning Commission provided it shall be first approved by the Sevier County Health Department and reviewed by the Gatlinburg Water and Sewer Department. In the planning region, the planning commission shall receive a favorable report from the health department prior to granting a final approval.
- h. A final landscaping plan shall be required. Landscaping shall be designed to lessen noise, improve the visual appearance and create a pleasing environment.
- i. A final open space plan shall be required. The open space shall be permanent and established through appropriate legal documents which shall be submitted with the plan. The documents shall show the manner or way in which the open space is owned and how it will be maintained. The open space plan shall also show all open space improvements such as swimming pools, tennis courts, golf courses, and similar open space uses.
- j. Changes and modifications in the final planned unit development plan shall be submitted to the Planning Commission as a revision request of the approved planned unit development.

II. Mobile Home Subdivision

The planning commission may approve a subdivision with lots designed and established EXCLUSIVELY for mobile homes. These developments shall comply with the following standards in addition to those established herein.

1. The minimum land parcel to be considered for a proposed mobile home subdivision shall be two (2) acres.
2. The minimum lot size shall be in accordance with the designated zoning classification.
3. The minimum setbacks and yard requirements shall be the same as those established in these regulations.
4. Appropriate certificates shall be affixed to the final plat and appropriate legal documents shall be recorded to assure the planning commission that the proposed development shall be developed and utilized as mobile home lots exclusively.

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 needed curbs, monuments, sewers, storm water inlets and water mains in accordance with specifications established by the Gatlinburg Municipal/Regional Planning Commission. Where specifications adopted by local authorities conflict with standards as set forth in these subdivision regulations, the higher set of standards, as determined by the planning commission, shall govern.

1. Monuments

- a. All corners and points shall be marked with iron pins.

2. Grading

All streets, roads and alleys shall be cleared, graded and/or filled horizontally to the minimum width necessary to accommodate all proposed infrastructure improvements. 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, necessary parts of the 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 six (6) inches loose and compacted by a sheep's foot roller. Unless another method of preparation of the subgrade shall be constructed as specified in Section 203, Standard Specifications for Highways and Public Works January 1, 1968, and later revisions thereto. 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 .

3. Storm drainage

An adequate drainage system, including storm sewers, necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The site openings to be provided shall be determined by Talbot's formula (in Appendix D). The pipe shall be of corrugated metal and in no case shall the pipe be less than eighteen (18) 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.

4. Roadway improvements

a. Base

A compacted base course six (6) inches deep and two (2) feet wider than the width of the pavement on each side of the street shall be installed on all streets, including cul-de-sacs/temporary turnarounds and access streets to adjoining properties, according to the method specified in Section 33, Standard Specifications for Roads and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revisions thereto. Wetting of the stone before compaction may be done at a point of origin or on the job site at the option of the contractor.

b. Curbing

The subdivider shall provide curbing unless an acceptable alternative is approved by the planning commission. The installed curbs shall be of no lower classification than machine formed concrete extruded curb, nine (9) inches wide at the base and seven and one-half (7 1/2) inches high. The curb shall be installed after the prime coat is applied to the base. Back fill shall be towards the curb to insure drainage of surface water into the drainage system.

One-half (1/2) inch to three-fourth (3/4) inch expansion and contraction joints for the curbs and gutters shall be placed at intervals not exceeding forty (40) feet.

In lieu of curbs, the planning commission may accept one of two alternatives: (1) swales, either seeded or sodded, may be utilized; (2) streets with an inverted

crown may utilize stable ditching provided that the drainage area of the street does not exceed five (5) acres. All vegetated open channels along streets should be designed by a licensed engineer to ensure the drainage feature is adequate to accommodate the discharge and runoff associated with the subdivision and any adjacent properties being affected by the new development.

c. Binder

After a thoroughly compacted base has been established, a binder course shall be installed of a depth of no less than 2 inches and of materials approved by the local authority having jurisdiction.

d. Wearing Surface

The wearing surface shall consist of a surface course constructed with asphalt concrete, prepared with mineral aggregate, laid hot as specified under Section 411, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revision thereto. It shall be constructed in one layer not less than 1 1/2 thick to conform to the lines, grades and cross sections indicated on a plan approved by the inspecting engineer.

5. Minimum street improvement widths

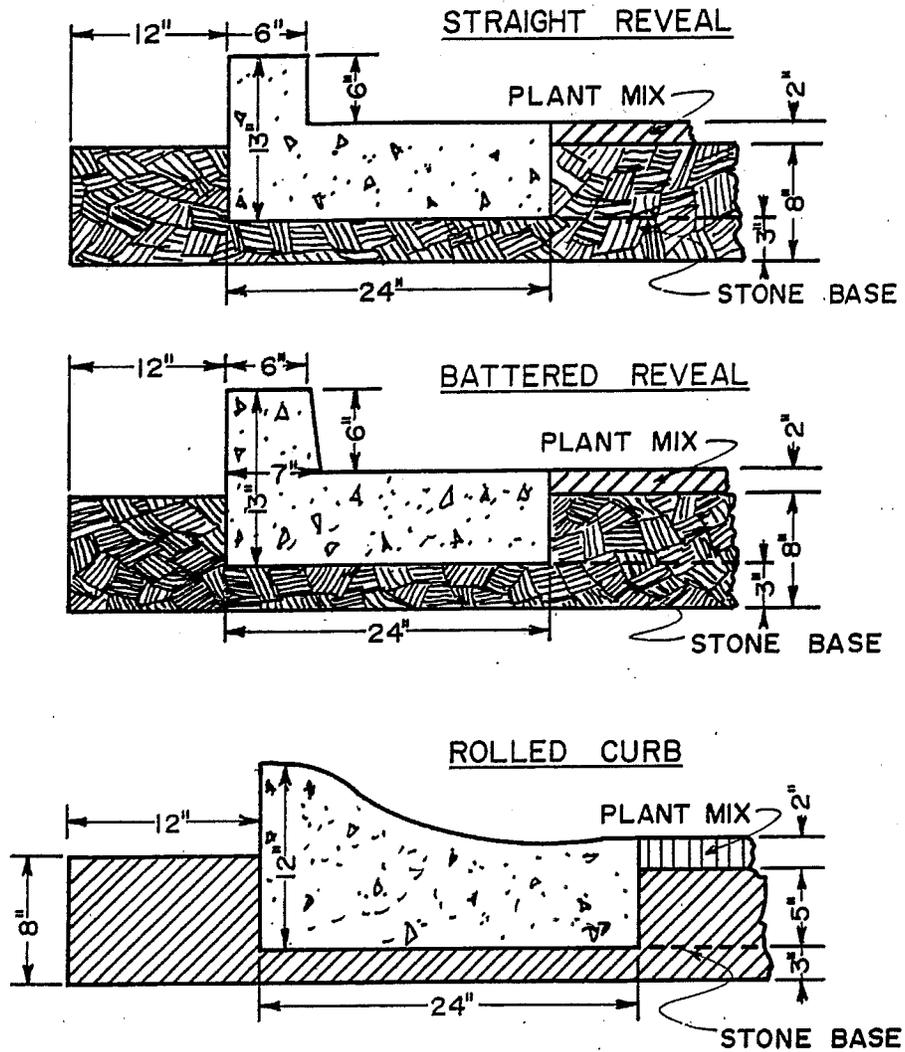
Due to the diversity of development in the City and the planning region ranging from sparsely populated agricultural areas to the densely populated urban areas, required street improvement widths will necessarily vary with the character of building development and the amount of traffic encountered. Minimum widths for surface treatment of roads and streets shall be those indicated below.

- a. arterial streets(not paved by developer).
- b. collector streets32 feet
- c. minor residential streets26 feet
Most minor streets in residential developments involve parking and/or considerable traffic.
- d. marginal access20 feet
Maximum length 1,200 feet or 25 dwelling units.
- e. loop streets20 feet
Maximum length 1,200 feet or 25 dwelling units.
- f. dead-end streets (cul-de-sacs)18 feet
Maximum length 1200 feet or 15 dwelling units.

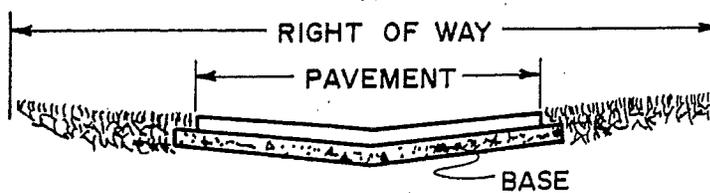
- g. minor dead-end streets (cul-de-sacs)16 feet
Maximum length 300 feet or five dwelling units.

- h. rural streets20 feet
Without curbs - minimum of one acre lots and 150 feet frontage. Pavement widths of 18 feet may be accepted on loop and dead-end (cul-de-sac) rural streets meeting the above standards of maximum length and dwelling units.

Figure 11



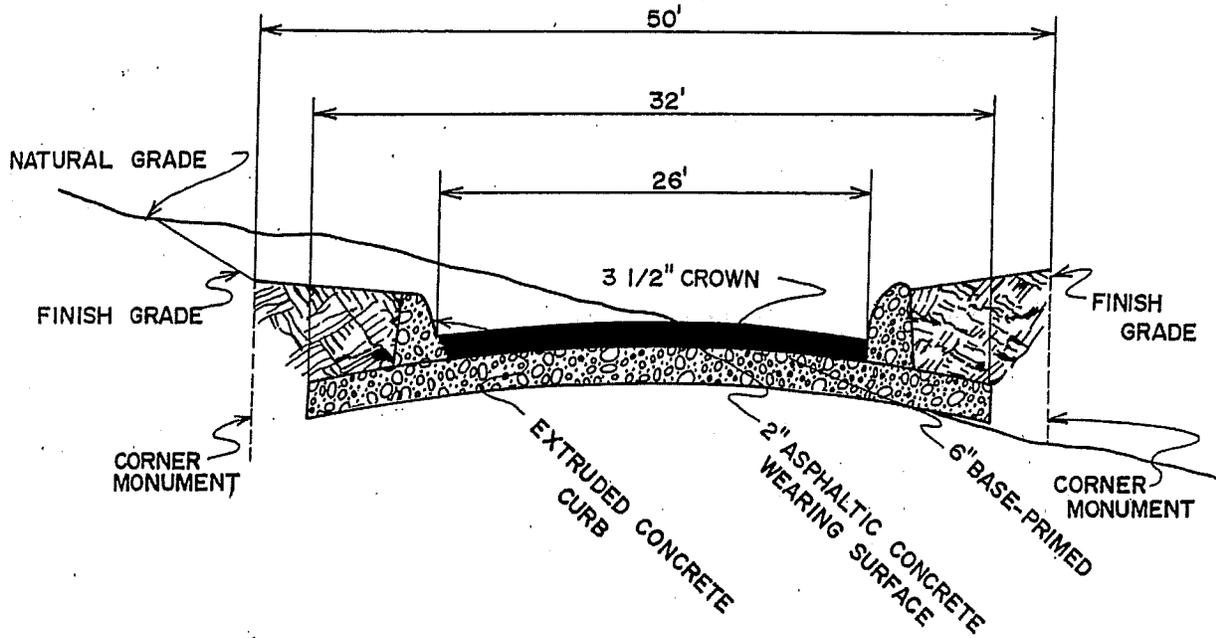
INVERTED CROWN
PAVEMENT TO SLOPE 6" in 10'



NOT TO SCALE

Figure 12

TYPICAL ROADWAY CROSS SECTION



6. Installation of utilities

After grading is completed and approved and before any base is applied, all of the underground works - 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 driveways for houses to be built by the developer shall be cut and drained.

7. Water supply system

Where a public water supply system is reasonably accessible, water mains properly connected with the public water supply system shall be constructed in such a manner to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. The size of water mains, the location and type of valves and hydrants, the amount of soil cover and depth of the pipes and other features of the installation shall comply with the water system regulations of the City of Gatlinburg.

Where a public water supply system is not reasonably accessible, the community water supply system or alternate supply system shall be approved by the county health officer and indicated on the final plat. The final plat shall also contain the signature of approval from the local Fire Department having jurisdiction for any alternative fire protection systems that may be deemed necessary by the Fire Department.

8. Sanitary sewers

Where lots cannot be economically connected with a 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 and comply with the sewer system regulations of the City of Gatlinburg.

9. Street name signs

Appropriate street signs also add sales value to land subdivisions and enable strangers, delivery concerns and even potential lot buyers to find their way around. Street names should appear at all intersections. Upon request the planning commission will aid the subdivider with specifications for the construction, placing and setting of such signs.

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 Registrar of Deeds until one of the following conditions has been met.

1. All required improvements have been constructed in a satisfactory manner and approved by the City of Gatlinburg, Tennessee.
2. The planning commission has accepted a letter of credit, security, or performance bond 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 in the event of default of the subdivider. The conditions of such letter of credit, security, or performance bond shall provide for the installation of the improvements covered by such bond within a period of not to exceed one (1) year; provided, however, that such period may be extended by the planning commission with the consent of the parties thereto if the planning commission finds that the public interest will not be adversely affected by such extension. If the Planning Commission shall decide at any time during the performance bond that the extent of the building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance bond, that required improvements have been installed as provided in this Section in sufficient amount to warrant reduction in the face amount of said bond, or that the character and the extent of such development require additional improvements for any or all such improvements, the face value of such performance bond shall thereupon be reduced or increased by an appropriate amount so that the new face amount will cover the cost in full of the amended list of improvements.

Performance bonds which are submitted in lieu of the installation of required improvements shall be in cash or made by a surety company authorized to do business in the State of Tennessee. In the case of a surety company, the performance bond shall be prepared according to the form as shown in Appendix A, said Appendix A is made a part of these subdivision regulations.

ARTICLE V. REGULATIONS FOR THE REVIEW AND APPROVAL OF MINOR SUBDIVISIONS

This article sets forth procedures designed to expedite the review and approval process for minor subdivisions. Due to the nature of minor subdivisions, no development other than the platting process is required. Therefore, Article IV of the Gatlinburg Subdivision Regulations does not apply to minor subdivisions.

A. Definition

In order to be considered a minor subdivision the tract or parcel of land to be subdivided shall be located on an existing open public road that has been accepted and is being maintained by the municipality, county or state highway departments and shall be situated in a manner that there are no changes in existing streets, no new streets or easements of access, and no excavation, grading or physical development needed and the property must be adequately provided with existing community facilities to the extent that no extensions of water, sewer or gas lines are required.

B. General Requirements

All requirements and design standards including requirements for the preparation of subdivision plats will be the same as set forth in Article I through VI of the Gatlinburg Subdivision Regulations.

Minor subdivisions will be considered for official approval at each regularly scheduled meeting of the Gatlinburg Planning Commission. In the event that it places an extreme and undue hardship on the developer or selling agent a special review committee may review the subdivision prior to the regular monthly meeting. The special review committee may grant tentative approval and permission to sell pending official approval by the Gatlinburg Planning Commission. The following procedures and policies shall govern the review and approval of minor subdivisions:

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 or the planning commission technical staff four (4) copies of the subdivision plat.
2. Requests for special review and approval due to hardship must be accompanied by a statement explaining the nature of the hardship and reasons why special review is necessary.
3. Preliminary approval may be granted prior to Health Department approval (includes layout design of the subdivision and development requirements).
4. Permission to sell cannot be granted unless the plat has received Health Department approval.

5. Subdivisions must be properly marked at all corners and survey points with iron pipe or solid steel rods not less than one half (1/2) inches in diameter and twenty-four (24) inches in length.
6. If permission to sell is granted, the sale is made subject to any changes or additional requirements requested by the planning commission for final approval and buyers of the property shall be properly informed of this condition by the person or persons selling the property.

ARTICLE VI. ENFORCEMENT AND PENALTIES FOR VIOLATIONS

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

A. Enforcement

1. No plat or plan of a subdivision of land into two (2) or more lots located within the Gatlinburg Municipal or Planning Region shall be admitted to the land records of the county or received or recorded by the County Registrar of Deeds until said plat or plan has received final approval in writing by the planning commission as provided in Section 13-3-402, Tennessee Code Annotated.
2. No board, public officer, or authority shall light any road, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any road located within the municipality or planning region unless such road shall have been accepted, opened or otherwise received the legal status of a public road prior to the adoption of these regulations, or unless such road corresponds in its location and lines to a road shown on a subdivision plat approved by the planning commission, or on a road plan made and adopted by the commission as provided in Section 13-3-406, Tennessee Code Annotated.

B. Penalties

1. No county registrar shall receive, file, or record a plat of a subdivision within the planning region without the approval of the planning commission as required in Sections 13-4-301 through 13-4-309 and Sections 13-3-401 through 13-3-411, and 13-3-402, Tennessee Code Annotated, and any county registrar so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.
2. Sections 13-3-410 and 13-4-306, Tennessee Code Annotated, provides that "Whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the planning commission and obtained its approval as required by this Act and before

such plat be recorded in the office of the county registrar, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by the law; and the description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties." In the case of the regional planning commission, Section 13-3-410 provides that the county through its county attorney, or other official designated by the quarterly county court may enjoin such transfer or sale or agreement by action or injunction.

3. Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the building commissioner or the solicitor of the municipality or other official designated by the chief legislative body and/or county attorney or other official designated by the quarterly county court may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-411, Tennessee Code Annotated.

ARTICLE VII. VARIANCES

Variations 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 determines 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.
3. Street grade variances may be granted by the planning commission provided the developer has satisfied Sections 1 and 2 of this Article and the following design criteria:
 - a) The maximum grade does not exceed 18% for a limited distance to avoid a proliferation of street switchbacks;
 - b) No road grade in excess of 15% grade shall be permitted to extend for an uninterrupted length for more than 200 linear feet and shall not be located within 50 feet of an intersection;
 - c) The overall road grade within any given 500 linear feet road segment, must maintain an average overall road grade not to exceed 15 percent. To determine the average grade, a road profile using a 25' horizontal scale for road lengths ≤ 299 linear feet in length and a 50' horizontal scale for road length ≥ 300 linear feet in length.
 - d) All road grades in excess of 15% shall be improved to a width of no less than 24 feet for the entire length of the road;
 - e) A rumble strip area shall be designated in the descending direction of traffic flow approximately 100 feet prior to entering grades in excess of 15 percent. Within this

area, rumble strips shall be placed at no more than 50 foot intervals for a total of three (3) strips. Also, a rumble strip will be required at a half-way point through the area where the grades exceed 15 percent for road lengths in excess of a 100 linear feet.

(f) A "steep grade - use caution" street sign shall be placed no more than 100 feet prior to entering a road grade in excess of 15 percent. The signage shall be required in both directions of traffic flow;

(g) Guardrails in accordance with Tennessee Department of Transportation (TDOT) standard shall be required on the fill slope of all grades in excess of 15 percent;

(h) "Type D" non-skid asphalt mix shall be used in all road grade sections in excess of 15 percent to create a more coarse road surface;

(i) There shall be no buildings or building sites designated or designed along any portion of road where the road grade exceeds 15 percent unless a supplemental emergency access and staging plan is submitted with the written approval of the Gatlinburg Fire Department and/or other entity having response jurisdiction over the fire and rescue related activities for the area. The emergency access plan shall contain the following information:

1. A staging area no greater than 3% in grade consisting of an area no less than 20' wide x 60' long.
2. Staging areas shall be spaced with no more than 250' of separation but in no instance shall there be less than one (1) staging area for any grade in excess of 15% for road sections greater than 150 linear feet.
3. Staging areas shall be designated as a fire lane with adequate signage and/or street markings indicating "no parking."
4. Where a public water supply exists, fire hydrants shall be required every 250 linear feet along the entire length of the street. Where no public water supply exists, an alternative water supply and/or fire suppression system shall be incorporated that has been approved by the local authority having fire and rescue jurisdiction.

ARTICLE VII. ADOPTION AND EFFECTIVE DATE

- A. Before adoption of these subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the planning commission; thirty (30) days' notice of the time and place of which shall be given by one (1) publication in a newspaper of general circulation in each county lying wholly or partly in the planning region.
- B. These rules and regulations shall be in full force and effect from and after their adoption and effective date.

Adopted _____

Effective _____

Signed _____
Secretary Gatlinburg Planning Commission

APPENDICES

APPENDIX A

PERFORMANCE BOND FORM

KNOW ALL MEN by these presents:

WHEREAS _____ Principal herein is the owner and developer of the County, Tennessee, and surety company authorized to do business in the State of Tennessee (hereafter called the "surety"), and

WHEREAS, the plans and specifications of aid subdivision showing the location, construction and installation of streets, roads, curbs and utilities and other improvements therein have been filed with the Gatlinburg Regional Planning Commission for final approval, and which are referred to and made a part of this instrument, as if fully copies and set forth therein, and

WHEREAS, the Principal herein does hereby obligate itself and does agree to complete the construction and installation of all streets, roads, sidewalks, curbs, and utilities, and all other improvements in the said subdivision in accordance with the said plans and specifications now on file, pending final approval by the said planning commission.

NOW, THEREFORE, the _____, as Principal and _____, as Surety, do hereby firmly bind the Gatlinburg Regional Planning Commission for and on behalf of Gatlinburg, Tennessee, in the sum of \$_____ conditioned upon the performance by the Principal of its undertaking herein, and its completion of said _____ Subdivision in the construction of all the streets, sidewalks, roads, curbs, and all other improvements therein called for by the plans thereon and same to be completed on or before the _____ day of _____, 20____, and upon the completion thereof this obligation to be null and void, otherwise to remain in full force and effect.

If the Principal fails to complete the construction, and the improvements of said subdivision as shown and provided for by said plans and specifications herein referred to within the time herein specified, the Commission may in its discretion extend the time for the completion of said work by order duly made and entered by the said Commission for a period of from thirty (30) days to ninety (90) days.

WITNESS our hands this the _____ day of _____, 20____.

WITNESS:

Principal

Surety

APPENDIX B

APPENDIX B

AGREEMENT

This Agreement entered into at _____, Tennessee, on this the ___ day of _____, 20___, by and between _____, hereinafter referred to as Bank, and _____ Planning Commission, hereinafter referred to as Commission.

RECITALS

1. Whereas, Developer desires to develop a subdivision known as _____ to be located within the jurisdiction of Commission;
2. Whereas, Bank desires to finance the development of said subdivision, and to provide credit which shall secure the completion of improvements to said subdivision required by Commission;
3. Whereas, Commission desires security for the completion of improvements to said subdivision in accordance with specification and time schedule authorized by Commission.

WITNESSETH:

1. Developer agrees that the itemized list of specifications for improvements to said _____ attached hereto and marked Exhibit "A" are those specified by the Commission and that the timetable for completion thereof attached hereto and marked Exhibit "B" have been established by the Commission, and hereby reaffirms its agreement to complete said improvements in accordance with the specifications of the Commission and within the time schedule established by the Commission.
2. The parties hereto agree to the amount of _____ as appropriate to establish as security for the completion of said improvements.
3. Bank hereby agrees that it has and is hereby reaffirming an irrevocable line of credit to Developer to secure the completion of the hereinabove described improvements in accordance with specifications and the time schedule established by the Commission, and does hereby agree to honor the assignment stated here-in below from the Developer to the Commission of any and all funds necessary to complete said improvements in accordance with Commission specifications and time schedule, up to the amount of _____. Bank agrees and warrants to Commission that said line of credit will be sufficient to complete said improvements by Commission up to the maximum amount stated.
4. By affixing their authorized signatures to this agreement, Bank and Developer do hereby agree that the line of credit extended by Bank to Developer for the amount described herein above is irrevocable by either Bank or Developer until a written release is received by Bank and Developer.
5. Developer does hereby make to Commission an irrevocable assignment of the proceeds of a line of credit from Bank to Developer described hereinabove for the completion of said improvements to the extent necessary to complete said improvements in accordance with the specifications of the Commission and in accordance with the time schedule established by Commission.

6. Developer agrees that it shall make no attempt to revoke said assignment at any time prior to the receipt of a written release from Commission.

7. It is agreed between the parties that the hereinabove described assignment is made by Developer by affixing his signature hereto, but that said assignment shall be exercised by Commission only in the event the hereinabove described improvements are not completed in accordance with Commission specifications and/or in compliance with the time schedule established by the Commission.

8. Bank hereby agrees that it will honor said assignment and provide to Commission any and all funds necessary to complete said improvements in accordance with Commission specification and time schedule up to the maximum amount of _____ upon written notification from Commission of the failure of Developer to comply with said specifications and/or said time schedule.

9. As between Bank and Commission, it is agreed that said notification is conclusive of noncompliance, and Bank shall take no action to delay or deny its agreement to honor said assignment from Developer to Commission.

10. Bank agrees that any and all funds paid to Commission in accordance with the assignment made between Developer and Commission herein shall be debited against the credit of Developer, and Bank will in no event attempt to hold the Regional Planning Commission liable under any legal or equitable principal for the repayment of said funds.

11. Commission agrees that it shall give Developer five (5) days written notice of its intent to exercise its assignment described hereinabove, and the specific reasons therefore. If Developer makes no written reply to commission within said five (5) days, developer hereby agrees it shall take no action, legal or otherwise, to interfere with said assignment, and by its failure to respond within said five (5) days, shall be deemed to acknowledge noncompliance with the specifications of Commission and/or the time schedule as specified in the notice received by Developer, and to the amount of the assignment.

12. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, administrators, and assigns, and shall not be modified or terminated without the written agreement of all parties hereto.

BY: _____
DEVELOPER

BY: _____
President

BY: _____
Planning Commission

APPENDIX C

FORMS FOR FINAL PLAT CERTIFICATIONS

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

_____, 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 Gatlinburg 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

CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS

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

_____, 20____
Date

County Health Officer or
His Authorized Representative

CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify: (1) that streets, 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

City 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 Gatlinburg, Tennessee, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the Office of the County Registrar.

_____, 20____
Date

Secretary, Planning Commission

APPENDIX D

TALBOT'S FORMULA

FULL CIRCLE DRAINAGE TABLE

This chart is based on Talbot's Formula for determining correct culvert sizes for the area to be drained.

Diameter of Culvert in Inches	Area of Waterway Opening In Sq. Ft.	Acres of Mountainous Country	Acres of Rolling Country	Acres of Level Country
12	.785	.75	3	6
15	1.227	1	6	11
18	1.767	2	9	18
24	3.142	5	20	39
30	4.909	8	36	71
36	7.068	14	59	115
42	9.621	20	89	175
48	12.566	29	125	250
54	16.000	40	175	345
60	19.635	55	230	455
66	23.760	70	295	585
72	28.274	85	375	735
78	33.183	105	460	910
84	38.484	130	560	1110

MULTIPLE CULVERT INSTALLATION

This table shows the number of smaller diameter culverts equal in water carrying capacity to that of one culvert of larger size. It is based on culverts laid on the same slope.

EXAMPLE: One 24" diameter culvert is equivalent to five 12" culverts or two 18" culverts in water carrying capacity.

Dia. in Inches	12"	15"	18"	21"	24"	30"	36"	42"	48"	54"
12"	1									
15"	1.7	1								
18"	2.5	1.5	1							
21"	3.6	2.2	1.4	1						
24"	5	3	2	1.4	1					
30"	8	5	3	2.3	1.7	1				
36"	12	8	5	3.5	3.6	1.5	1			
42"	18	11	7	5	3	2.2	1.4	1		
48"	24	15	10	7	5	3	1.9	1.4	1	
54"	32	19	13	9	6.5	4	2.6	1.8	1.3	1
60"	41	25	16	11	8	5	3.3	2.3	1.7	1.3
66"	51	29	20	14	10	6	4	2.8	2	1.6
72"	63	37	25	17	12	7.5	5	3.5	2.5	1.9
84"	90	53	35	25	18	11	7	5	3.6	2.8

