Subdivision Regulations

Town of Arlington

July 18, 2011

Amended August 15, 2016 – PC Resolution 2016-01
Amended February 20, 2018 – PC Resolution 2018-01
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Article 1  General Provisions

A.  Purpose and Policy

The purpose of these regulations is to:

1. promote the public health, safety, and general welfare of the Town of Arlington;

2. guide development of the Town of Arlington in accordance with the Land Development Plan;

3. provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population;

4. enhance the character and economic stability and encourage the coordinated and orderly beneficial development of the Town of Arlington;

5. conserve the value of land, buildings, and improvements throughout the Town of Arlington and to minimize detrimental conflicts among the uses of land and structures;

6. guide public and private policy and action providing for transportation, water, sewer, schools, recreational areas, and other public requirements and facilities;

7. provide for the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town of Arlington, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets;

8. establish reasonable standards of design and procedures for subdivisions and re-subdivisions, to further the orderly layout and use of land, and to insure proper legal descriptions and proper monumenting of subdivided land;

9. ensure that public facilities are available and will have sufficient capacity to serve the proposed subdivision;

10. prevent pollution of air, streams, and ponds; to assure adequacy of drainage facilities; to safeguard the water table; and to preserve the integrity, stability, beauty, and value of land within the Town of Arlington;

11. preserve the natural beauty and topography of the Town of Arlington and to ensure appropriate development with regard to these natural features;

12. protect and preserve historic and cultural resources;

13. provide for open spaces through efficient design and layout of the land, while preserving the density of land as established in the Zoning Ordinance; and

14. encourage subdivision design that would maximize conservation of all forms of energy.
The following regulations set forth the minimum standards to be adhered to by developers of lands for residential, commercial and industrial uses, and to provide a guide for the Planning Commission and other Town officials exercising their duties pertaining to the review, approval and administration of land subdivision development within the jurisdiction of the Town of Arlington.

It shall be the policy of the Planning Commission to encourage subdivision development which enhances the health, safety and welfare of the community and that optimizes the use of land while providing a prudent balance between the economic considerations of the developer and the public interest. Conversely, it shall be the policy of the Planning Commission to disapprove proposed subdivision development which is deemed to be inefficient use of land, inconsistent with the needs and character of the community, economically untimely, or otherwise not in the public interest.

Further, it shall be the policy of the Planning Commission to consider each proposed subdivision development on its merits in context with existing or future anticipated land use, population and traffic distribution, and the needs and best interest of the community; consequently, the mere compliance with the minimum standards set forth in these regulations does not grant to the developer an implicit or explicit right to subdivision approval; accordingly, the Planning Commission may require that a proposed subdivision development exceed the minimum standards to satisfy site peculiar conditions or to conform to the existing neighborhood.

B. **Authority**

These subdivision regulations and the procedures and standards set forth herein are adopted by the Planning Commission under the authority granted by Tennessee Code Annotated, Section 13-4-301 through 13-4-309. The Planning Commission has fulfilled the requirements set forth in these statutes as prerequisites to the adoption of such standards.

C. **Jurisdiction**

These regulations shall govern all subdivision of land within the corporate limits of Arlington, Tennessee. Within these regulations the term “subdivision” shall mean 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 five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of re-subdividing or to the land or area subdivided.

Any owner of land within this area wishing to subdivide land shall submit to the Arlington Planning Commission a plat of the subdivision according to the procedures outlined in Article 2, which plat shall conform to the minimum requirements as set forth in these regulations. A copy of the recorded deed shall be presented with the application for subdivision. In instances where the subdivider is not the owner, a letter from the owner authorizing the subdivider to act on the owner’s behalf shall be presented. Improvements shall be installed as required by Article 4 of these regulations.

D. **Interpretation, Conflict and Severability**

1. **Interpretation:** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for promotion of the public health, safety,
and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

2. **Conflict with Public and Private Provisions:**
   a) Public Provisions: These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
   b) Private Provisions: These regulations are not intended to abrogate any easement, covenant, or other private agreement or restriction; provided, that where these regulations are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where any private provision exceeds the standards set forth herein, such shall be considered a private contract between the parties of interest, and, as such, is beyond the jurisdiction of the Town of Arlington.

3. **Severability:** If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy where such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations without any such part, provision, or application.

E. **Saving Provision**

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

F. **Previously Approved Subdivisions**

1. **Unexpired Approval:** The approval granted to any design, engineering or final plat granted by the Town of Arlington Planning Commission prior to the effective date of these regulations shall remain in force and effect for the time period stipulated by the regulations under which such approval was first granted and as amended prior to adoption of these Regulations.

2. **Expired Approval:** In any instance where the period of design or engineering plat approval shall have passed, development and construction of the subdivision may proceed only under one (1) of the three (3) options listed as follows:
3. **Filing of Previously Approved Plats:** All previously approved final plats shall be filed with the Shelby County Register’s Office within one (1) year following adoption of these subdivision regulations. In the event the owner fails to file a plat within the time period stipulated herein, the approval shall become void and no building permit may be issued for any lot located therein until action is taken to reinstate the plat.

**G. Technical Specifications and Standard Details Included as Part of the Regulations**

The “Local Government Public Works Standards and Specifications” by the Municipal Technical Advisory Service of the University of Tennessee is hereby adopted by reference as the Technical Specifications of the Town of Arlington. These specifications may be amended from time to time and adopted by the Planning Commission.

The Town has adopted a set of standard construction details which are incorporated herein by reference. These details may be revised and amended from time to time and adopted by the Planning Commission.

**H. Conditions**

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

**I. Amendments to Subdivision Regulations**

The procedures, policies, design standards, requirements and restrictions set forth in these regulations may from time to time be amended, supplemented, changed, or rescinded by the Planning Commission. Before adoption of any amendment, a public hearing thereon shall be held by the Planning Commission in accordance with Section 13-4-303, Tennessee Code Annotated. At least thirty (30) days notice of the time and place of such hearing shall be published in a newspaper of general circulation.

**J. Deviations from Regulations**
1. **General:** If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a deviation may be granted; provided, such deviation shall not have the effect of nullifying the general intent and purpose of these regulations and provided, further, that the Planning Commission shall not approve deviations unless it shall make findings based upon written evidence presented to it in each specific case that:

   a) granting of the deviation will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the development where the property is located;

   b) conditions upon which the request for deviation is based are unique to the property for which the deviation is sought and are not applicable generally to other property;

   c) because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and

   d) the deviation will not in any manner alter provisions of the land development plan, the major street or road plan, provisions of the Zoning Ordinance, or other requirements of the Subdivision Regulations.

Where the Planning Commission concludes that the purpose of these regulations may be specifically served to an equal or greater extent by an alternative proposal, condition, or circumstance, it may approve other deviations of these regulations.

2. **Deviation Procedures:** Each and every deviation or modification of provisions of these regulations sought by a subdivider shall be specifically applied for in writing by the subdivider at the time a preliminary plat application is submitted. Any condition shown on the plat, which is a deviation or modification, shall constitute grounds for disapproval of the plat unless such written request for deviation is made.

3. **Conditions:** In approving deviations, the Planning Commission may impose such conditions as in its judgment will secure substantially the objectives, standards, and requirements of these regulations.

**K. Enforcement, Violation, and Penalties**

1. **General:**

   a) Authority: The enforcement of these regulations and the penalties for violations are provided pursuant to Title 13, Tennessee Code Annotated.

   b) Town Planner: It shall be the duty of the Town Planner to enforce these regulations and to bring to the attention of legal counsel any violations or lack of compliance herewith.
c) Recording of Plats: Pursuant to Sections 13-4-302, Tennessee Code Annotated, no plat of a subdivision of land within the Town limits shall be received or recorded by the Shelby County Register of Deeds until the plat has received final approval of the Planning Commission in accordance with these regulations, and such approval has been endorsed in writing on the plat by the Planning Commission Secretary in the manner prescribed by Article 2, Section I, of these regulations.

d) Use of Unapproved Plats: Pursuant of Section 13-4-306 Tennessee Code Annotated, no owner or agent of the owner of any land shall convey such land contrary to the provisions stated herein.

e) Public Ways and Utilities: Pursuant to Section 13-4-307, Tennessee Code Annotated, the governing body shall not nor shall any public authority accept, lay out, open, improve, grade, pave, or light any public way, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any public way located within the Town limits unless such way shall have been accepted, opened, or otherwise received the legal status of a public way prior to annexation by the Town, or unless such way corresponds in its location and lines to a way shown on a subdivision plat approved by the Planning Commission or on a public way plat made by the Planning Commission provided that the board of Mayor and Aldermen may locate and construct or may accept any other street, provided the location and construction of the public way for such acceptance is first submitted to the Planning Commission for its approval, and, if disapproved by the Commission, be passed by a majority of the entire membership of the Board of Mayor and Aldermen, and a public way approved by the Planning Commission upon such submission or constructed or accepted by such majority vote after disapproval by the Commission, shall have the status of an approved public way as fully as though it has been originally shown on a subdivision plat approved by the Commission or on a plat made and adopted by the Commission.

f) Building Permits: No building permit shall be issued for construction of any building or structure located on a lot or plat subdivided or sold in violation of any provision of these Regulations. Any individual requesting a building permit for a lot located within an established subdivision shall provide evidence that the plat of subdivision wherein such lot is located has been approved and appropriately recorded.

g) Illegal Buildings: Any building or structure erected or to be erected in violation of these Regulations shall be deemed an unlawful building or structure; and the Town Planner or other official designated by the Mayor may bring action or enjoin such erection or cause it to be vacated or removed as provided in Section 13-4-308, Tennessee Code Annotated.

h) Access to Lots by Public Way or Private Easement: Pursuant to Section 13-4-308, Tennessee Code Annotated, no building permit shall be issued and no building or structure shall be erected on any lot within the Town limits, unless the public way giving access to the lot upon which the building or structure is proposed to be placed shall have been accepted or opened or shall have otherwise received the legal status of a public way prior to that time or unless such way corresponds in its
location and lines with a way shown on a subdivision plat approved by the Planning Commission, or on a street plat made and adopted by the commission, or unless such lot fronts upon a permanent easement which conforms to all rules, regulations and specifications set forth herein.

In any instance where a permanent easement is used to provide access to a lot or tract of land having been or being separated by deed or plat from other property, such easement shall be at least fifty (50’) feet in width, except where access is provided to a lot or tract of land which is landlocked, a permanent access easement forty (40’) feet in width shall be provided. Where a permanent easement is proposed to provide access to more than one (1) lot or tract of land, an access way shall be constructed within the easement which will meet or exceed the standards for design and construction of public ways set forth in the Local Government Public Works Standards and Specifications and the Planning Commission shall act to insure that the responsibility for future maintenance of any such access way lying within a permanent easement remains solely with the benefited parties and that in no event shall the maintenance of such access way become a public responsibility.

2. **Complaints Regarding Violations:** Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint stating fully the causes and basis thereof. Such complaint shall be filed with the Codes Inspector. He shall record properly such complaint, investigate, take necessary action within his authority or refer the complaint to the Town Attorney or other official designated by the Board of Mayor and Aldermen. A report of all violations of these regulations shall be included in the minutes of a regular meeting of the Planning Commission.

3. **Civil Enforcement:** Appropriate actions and proceedings may be taken in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages; to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise; these remedies shall be in addition to the penalties described in Section K, 1., above.

L. **Appeals**

For matters falling within the scope of the regulating powers granted to the Planning Commission by Sections 13-4-302 and 13-4-303, Tennessee Code Annotated, any person or persons, or any board, taxpayer, department, bureau of the Town aggrieved by any decision, finding or interpretation of the Planning Commission may seek review by a court of record of such decision, finding or interpretation in the manner provided by the laws of the State of Tennessee. Decisions, findings and interpretations of the Planning Commission with regard to the standards and extent of improvements required for subdivision approval shall in all instances be final administrative decisions. Other appeals shall be as follows:

Board of Mayor and Aldermen: Matters submitted to the Planning Commission pertaining to the widening, narrowing, relocation, vacation, change in use, acceptance, acquisition, sale or lease of any street or public way, place of property may upon disapproval by the Planning Commission be overruled by the Board of Mayor and Aldermen by a majority vote of its membership.
M. **Provisions or Regulations Declared to be Minimum Requirements**

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the public interest and orderly development of the Town of Arlington. Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or deed restrictions, the most restrictive, or that imposing the higher standards shall govern.
Article 2  General Procedures

A.  General Procedure

1.  Plat Approval Requirements: Before any lot is sold and before any permit for erection of any structure in a proposed subdivision shall be granted, the owner or his authorized agent shall apply for and secure the Planning Commission’s approval of the proposed subdivision in accordance with the procedures of these regulations.

2.  Classification of Subdivisions: The Planning Commission shall classify each subdivision proposal as either major or minor as defined in Article 6.

   a)  Review Procedure: The subdivider shall follow the procedure described below in order to secure plat approval.

      (1)  Minor Subdivision

          (i)  Pre-application conference with the Town Planner and Town Engineer including submittal of a scale drawing or survey of the proposed subdivision for preliminary discussion and review.

          (ii) Submittal of a final plat, prepared in accordance with the specifications in Article 3, Section D, and the design standards contained in Article 4, for approval by the Planning Commission.

          (iii) When a subdivision plat is presented that involves a minor lot line adjustment to a property line, combining lots or divides a single tract into no more than two lots, or which involves adjusting building lines, easements, or other similar changes and does not involve any street or public utility construction or extension to serve such lot(s), the approval may be endorsed in writing on the plat by the secretary of the Planning Commission upon certification by the Town Planner and Town Engineer that the subdivision complies in all respects with these Regulations and all other adopted ordinances and policies of the governing body. No plat may be approved under this provision if such plat involves a request for a deviation from these regulations or if such plat is not in total compliance with all ordinances or policies of the Town.

          (iv) Any person authorized to endorse approval in writing on the final plat, as provided in Subpart (iii) above, may refuse to endorse approval of the plat and request consideration of the plat by the Planning Commission at the next regularly scheduled meeting of the body.

(2)  Major Subdivision

      (i)  Pre-application conference on the subdivision with the Town Planner and Town Engineer, including submittal of a scale drawing
or survey of the proposed subdivision for preliminary discussion and review.

(ii) At the option of the applicant or developer, submittal of a Sketch Plat prepared in accordance with Article 3, Section A, and Article 4 herein, for Planning Commission review and comment.

(iii) Submittal of a Preliminary Plat prepared in accordance with Article 3, Section B, and Article 4 herein, for Planning Commission consideration.

(iv) Submittal of construction plans, prepared in accordance with Town of Local Government Public Works Standards and Specifications, Article 3, Section C, and Article 4 herein, for Town Engineer review and Planning Commission consideration. Construction plans may be submitted in conjunction with a preliminary plat.

(v) Submittal of the final subdivision plat, prepared in accordance with Article 3, Section D, and Article 4 herein, for Planning Commission consideration.

3. **Fees for Plat Review:** Any individual who is seeking to subdivide property shall pay such filing and review fees as are required by the Town. These fees shall be paid at the time of submittal of the application for plat review and approval.

4. **Special Provisions Governing Unit Ownership (Condominium) Subdivisions:** For properties subject to the Horizontal Property Act as specified in Tennessee Code Annotated, the owner shall submit to the Town of Arlington Planning Department a completed master deed with covenants for review prior to the recording of said deed. The master deed must comply with all regulations as specified in the Horizontal Property Act.

5. **Amendments to Approved Plats:**

   a) **Procedures for Re-subdivision:** If any change in an approved or recorded subdivision plat would affect the layout of any public street, alley, or road (hereinafter referred to as public way) shown on such plat, or area reserved thereon for public use, or any lot line, or if it would affect any map, plan, or plat legally recorded before adoption of any subdivision regulations, such amendment shall be approved by the same procedure, rules, and regulations as for a subdivision.

   b) **Subdivision Procedures Where Future Re-subdivision is Foreseen:** Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than double the minimum required area for any zoning district in which the lot is located, and the Planning Commission has reason to believe that any such lot(s) will be re-subdivided into smaller building sites, the Planning Commission may require that the subdivision and development of such parcel of land allow for the future opening of public ways and the ultimate extension of adjacent public ways or that such lots be restricted from further extension of adjacent public ways or that such lots be restricted from further subdivision through
a permanent conservation easement. The Planning Commission may also require that dedications providing for future opening and extension of such public ways be indicated on the plat.

B. Sketch Plat (Major Subdivisions Only, Optional)

1. **Purpose of Sketch Plat:** At the discretion of the applicant or developer, a sketch plat may be submitted to the Planning Commission for comments and consideration. The sketch plat is to be a concept plan for design purposes and should be used to discover all factors which may have an impact on the proposed development and to advise the subdivider of various possibilities before substantial amounts of time and money have been invested in a very detail proposal which may contain elements contrary to these regulations.

   The Planning Commission shall review the sketch plat and submit its comments and concerns to the applicant verbally and in writing. The sketch plat shall not be formally approved or denied. The comments by the Planning Commission concerning the sketch plat shall be non-binding on any party and serve only to provide information and feedback. The sketch plat is not binding on consideration of the preliminary or final plat application and shall not create any rights for the applicant. For the purposes of Section 13-4-304, Tennessee Code Annotated, the sketch plat review and comments shall not be the initial consideration of the application for approval or disapproval by the Planning Commission.

2. **Sketch Plat Application and Requirements:** The sketch plat shall include the information set forth in Article 3, Section A. When a sketch plat is submitted for Planning Commission consideration, the number of copies required and timing of the submission shall be as for a preliminary plat.

C. Preliminary Plat (Major Subdivisions Only)

1. **Application Procedure and Requirements:** The applicant shall file with the Planning Commission a preliminary plat. Failure of the applicant to satisfy the requirements of this section with full and correct information shall be cause for disapproval of such plat. The preliminary plat shall be prepared by individuals licensed to perform the necessary design services and shall be prepared in accordance with Article 3, Section B, and Article 4, and shall:

   a) Be presented at the office of the Town Planner on or before the scheduled deadline as established by the Town for consideration at a regular meeting of the Planning Commission.

   b) Be accompanied by the number of copies required by the Planning Commission for review and required application fee.

2. **Preliminary Design Certification:** A “Preliminary Design Certification” shall accompany any preliminary conceptual plan submitted under authority of these regulations. Such certification shall indicate that such plat either fully complies with all provisions of the Town of Arlington Subdivision Regulations and Zoning Ordinance, or that the plat complies with such provisions with specifically noted exceptions. Any deviation(s) requested from these regulations shall conform to the provisions of Article 1, Section J,
(Deviations). This certification requirement is meant to provide the Town with assurance that the proposed plat can be accomplished within the current ordinances and regulations of the Town.

3. **Approval of Preliminary Plat:** The Town Planner shall submit the application to the Planning Commission for consideration. The Planning Commission shall act upon the application within sixty (60) days of submittal to the Commission, or the application shall be considered approved. Approval of the preliminary plat shall constitute authorization to prepare and present detailed construction drawings, plans and specifications for the proposed development. In no event shall the tentative approval of a preliminary plat become final until the construction plans required by Article 2, Section D, are approved.

4. **Effective Period of Approval:** Any subdivision, or the first phase thereof, not receiving final plat approval by the Planning Commission within one (1) year from the date of preliminary plat approval and any subdivision, the final phase of which has not received final subdivision plat approval by the Planning Commission within three (3) years may proceed only in accordance with one of the three following options:

   a) The Planning Commission may grant up to two (2), one (1) year extensions to allow the subdivision to be developed under the terms of this Article in effect at the time of the preliminary approval, or

   b) The Planning Commission may grant up to two (2), one (1) year extensions under the condition the subdivision be developed and constructed according to any new ordinances or standards enacted since preliminary approval, or

   c) The Planning Commission may declare the preliminary approval null and void and require that a new plat be presented subject to all laws and provisions of the ordinances or standards that are in effect at the time such actions are considered.

   For subdivisions in excess of three hundred (300) lots, the applicant may request that the Planning Commission approve a period of approval in excess of five (5) years to obtain final plat approval on the final phase.

5. **Application of Changes of Ordinance Regulations to Approved Preliminary Plats:** Every preliminary plat shall conform to all applicable existing ordinance provisions in effect at the time of approval, except that any final plat for land contained within the bounds of a preliminary plat, the approval of which remains in effect, shall be exempt from any subsequent amendments to such ordinance that may render such plan non-conforming as to bulk or development standards. No final plat shall be approved unless the preliminary plat of the development or affected portion thereof is in effect at the time of such approval.

6. **Changes to Approved Preliminary Plats:** As a result of unforeseen conditions associated with a particular site, changes may be required in approved preliminary plats. No change shall be implemented and no construction associated therewith shall be initiated until a revised preliminary plat and construction plans have been submitted to the office of the Town Planner. The Town Planner, upon written recommendation of the Town Engineer, may approve changes that involve minor revisions including, but not limited to:
a) minor shifts in the location of lot lines, streets, or open space; or
b) minor reductions in lot or unit count, or redistribution of less than ten (10%) percent of the total number of dwelling units among unit types; or
c) other changes which do not significantly alter the overall layout of the plan and its basic development concept.

Major revisions, including those listed below, shall require the approval of the Planning Commission:

a) an increase in the total lot or unit count; or
b) modification(s) to the pattern of streets or street connections, internal and external to the project area, that decrease connectivity or significantly alter traffic patterns, excepting changes that result directly from discovery of topographical or environmental obstacles that could not reasonably have been known at the time of initial subdivision approval; or
c) changes affecting ten (10%) percent or more of the open space, including but not limited to its area, location, accessibility, or degree of contiguity; or
d) reduction in dedications to the public; or
e) changes to subdivision boundaries that exceed five (5%) percent of the area of initial approval; or
f) changes which will increase the area of disturbance of slopes of twenty-five (25%) percent or greater or increase the area of manipulation of the floodplain; or
g) any change that significantly alters the overall layout of the plan and its basic development concept.

D. Construction Plans (Major Subdivisions Only)

1. **Submittal Procedure and Requirements:** Construction plans may be prepared and presented at any point in time concurrent with or following approval of a preliminary plat. Construction plans shall contain the information required by and be prepared in accordance with the Local Government Public Works Standards and Specifications, Article 3, Section C, and Article 4, and shall:

   a) be presented at the office of the Town Planner;
   b) include the entire subdivision, or, (when phasing has been approved in the preliminary plat), the entire phase or phases for which final approval will be sought;
   c) be accompanied by such copies of the construction plans as the Town may require.
2. **Construction Plan Preparation and Content:** Construction plans shall be prepared and submitted by a Tennessee Licensed Engineer engaged in the practice of civil engineering. As a minimum such plans shall conform to the Town of Arlington Local Government Public Works Standards and Specifications.

3. **Plan Review and Approval:** It shall be the responsibility of the Town Engineer to ensure that the construction plans are in compliance with the provisions of these Regulations, and other appropriate Town ordinances or standards. The Town Engineer shall recommend approval or denial of the construction plans to the Planning Commission. In any case where revisions may be required for plans to receive unconditional approval such revisions shall be accomplished prior to final approval of the preliminary plat. In the event of plan disapproval, the Town Engineer shall provide notice, thereof, to the submitter in writing. Such notice shall include specific provisions of these regulations and/or other ordinances or standards with which such plans do not comply.

E. **Final Subdivision Plat (Minor and Major Subdivision)**

1. **Application Procedure and Requirements:** Following Planning Commission approval of a preliminary plat and construction plans, a subdivider shall file with the Planning Commission a final plat. The plat shall be prepared in accordance with Article 3, Section D, and Article 4, and shall:

   a) include the entire subdivision, or phase thereof, for which final approval is sought, (Note: In any instance where a final plat involves only a portion of the land contained within an approved preliminary plat such phasing shall have been approved with the preliminary plat and shall have received construction plan approval.);

   b) be accompanied by the number of copies required by the Planning Commission for review and the required application fee;

   c) in the case of major subdivisions, conform to the approved preliminary plat;

   d) be presented to the Town Planner on or before the scheduled deadline as established by the Town for consideration at a regular meeting of the Planning Commission;

   e) include all relevant plat certificates as per Article 3, Section D, 3., including an owner’s certificate which includes the owner’s dedication of all easements and all right-of-way, streets, alleys, walks, parks and other open space as noted on the plat.

   f) be accompanied, if the final plat contains jointly held open space, recreational facilities, or any portion of the site that is held in common ownership, by plans for improvement of the open space or facilities located thereon, as approved by the Design Review Committee;

   g) construction plans shall be substantially complete, as determined by the Town Engineer prior to the granting of final plat approval by the Planning Commission.
2. **Endorsement of Notations:** The notations and certifications required by Article 3, Section D, 3., of these regulations, to appear upon the final plat shall be endorsed by appropriate officials and other persons prior to application for final subdivision plat approval, except that the Certificate of Planning Commission Approval shall be signed at the time specified in Article 2, Section I, of these regulations.

3. **Hearing and Decision on Final Plat:** The Planning Commission shall hold a hearing on each final plat brought before it. The Planning Commission shall, within sixty (60) days after submission approve, approve with conditions, or disapprove the final subdivision plat. In any instance where special conditions are attached to any plat approval, the Commission shall set forth in detail such conditions. If a final plat is disapproved, specific reasons for such action shall be noted in the minutes of the meeting where such action is taken.

Failure of the Planning Commission to act upon a plat within the prescribed time shall be deemed approval of the plat. The applicant, however, may agree to an extension of the time for Planning Commission review.

4. **Effective Period of Approval:** Final approval is effective for two (2) years from the date of approval by the Planning Commission. If the plat has not been recorded within this time period, the applicant may request of the Planning Commission two (2), one (1) year extensions; otherwise, the applicant must re-apply for final approval, or preliminary approval, if preliminary approval has expired.

5. **Changes to Final Plat:** As a result of unforeseen conditions associated with a particular site, changes may be required in approved final plats. No change shall be implemented and no construction associated therewith shall be initiated until a revised final plat and construction plans have been submitted to the Town Planner. The Town Planner, upon written recommendation of the Town Engineer, may approve changes that involve minor shifts in the location of lot lines, easements, building lines, streets, open space, notes or similar matters. Otherwise, Planning Commission approval of said revised plat shall be required.

**F. Development Agreement Required Prior to Construction**

Following final plat and construction plans approval, a completed Development Agreement shall be prepared and executed prior to construction of any infrastructure within any development to which this regulation is applicable. A draft development agreement shall be prepared by the Town Planner. The draft agreement shall reference the design incorporated within the approved construction plans and shall be sufficient in form to assure that proposed construction methods and materials meet or exceed minimum standards established by the Town. The draft development agreement shall be sent to the applicant for approval. Upon acceptance of the agreement by the applicant, the proposed development agreement shall be forwarded to the Board of Mayor and Aldermen to authorize the Mayor to enter into an agreement with the developer. Infrastructure construction may begin upon execution of the agreement, payment of all fees, receipt of security and proof of insurance, and following a pre-construction conference.

**G. Security Required**

Prior to recording of the final plat, the developer shall furnish to the Town of Arlington, security in order to ensure that the work will be completed in accordance with approved construction drawings...
and applicable specifications, all public and private improvement proposed in conjunction with any subdivision must be covered by adequate security. The developer shall post approved security with the Town of Arlington. The approved security shall include the types of security specified in Article 2, Section H. Approved security shall be accompanied by a development agreement whereby the applicant agrees to make and install the improvements in accordance with the approved construction drawings and applicable specifications.

H. Security Standards and Requirements

1. **Amount of Security:** The developer shall post good and sufficient security with the Town in the amount of one hundred ten (110%) percent of the Town Engineer’s estimate of cost to assure completion of the work, plus one (1) year’s inflation, plus engineering costs.

   An alternative security amount may be posted in the event the developer intends to install certain improvements prior to the recording of the plat. As such, the construction of sanitary sewer, storm drainage system, curb and gutters, road base and base driving surface shall be in place, as well as any required private improvements, and accepted by the Town of Arlington prior to the recording of the plat. The developer shall post good and sufficient security with the Town in the amount of one hundred fifty (150%) percent of the Town Engineer’s estimate of cost of the remaining public and private improvements after installation and acceptance of the above, plus one (1) year’s inflation, plus engineering costs.

2. **Types of Security:** Subject to the standards and requirements of this Article, and acceptance by the Town of Arlington, the following types of security may be accepted for purposes of guaranteeing completion of improvements required by all applicable ordinances, regulations and standards, and any and all plans as approved by the appropriate body:

   a) Bond

   b) Irrevocable Standby Letter of Credit

   c) Certified Check

3. **Standards:**

   a) The Town reserves the right in its sole discretion to refuse to accept any bond or letter of credit from any institution, surety or bank. The Town reserves the right in its sole discretion to limit the amount any single institution, surety or bank may guarantee to the Town, whether under a single development agreement or as a total amount guaranteeing several development agreements from multiple developers.

   b) The Town, in its sole discretion, may accept an irrevocable letter of credit exclusively in the favor of the Town, from an institution approved by the Town. The letter of credit shall be upon terms acceptable to the Town, and the Town shall have the right to demand payment of the letter of credit, or so much thereof as may be necessary in the event that the construction and installation are not completed or approved by the Town.
c) Any bond or letter of credit shall have an expiration date of one (1) year from issuance, but shall automatically renew for successive one (1) year periods.

d) The Town requires that, regardless of any other requirement or language to the contrary, that a provision be added in every bond or letter of credit that prior to the final expiration date of the bond or letter of credit, the institution, surety or bank shall provide the Town of Arlington a written statement no earlier than one hundred fifty (150) days and no later than one hundred twenty (120) days prior to the final expiration date, that the bond or letter of credit shall expire and will not be renewed as of that final expiration date.

e) The bond or letter of credit, regardless of any language to the contrary, shall specifically state in plain language that should any litigation arise in relation to the bond or letter of credit, the proper jurisdiction and venue of such litigation shall be in the appropriate court in Shelby County, Tennessee.

f) No bond or letter of credit will be accepted by the Town unless the institution, surety or bank issuing same is authorized and registered to do business within the State of Tennessee and has a local branch (meaning within one hundred (100) miles of Arlington, TN) for which presentment of a draw is required.

g) The Town, in its sole discretion, may accept a certified check made payable to the Town. If the developer submits a certified check, he must execute an “Escrow Agreement” with the Town in form and substance acceptable to the Town and its attorneys, which shall become part of the development agreement. In the event that the required improvements are built and installed in accordance with the standards and requirements as approved by the Town Engineer, the deposit made in accordance with the Escrow Agreement will be returned to the developer one (1) year after the date of final acceptance. In the event that the construction and installation are not completed by the developer or approved by the Town, the deposit, or so much thereof as may be necessary, shall be expended as provided in the Escrow Agreement.

I. Signing and Recording of Subdivision Plat

1. Signing of Plat: Upon posting of a security as per Article 2, Section G, or upon completion and acceptance of all required improvements, the Secretary of the Planning Commission shall endorse approval on the final plat, in addition to all other required certifications.

2. Recording of Plat: It shall be the responsibility of the Town Planner to file all approved final plats with the Shelby County Register’s Office within ten (10) working days following the date of submission of the final plats conforming to all requirements for recording. The owner of the property or his authorized agent shall pay the appropriate filing fee. Upon recording the plat in the Office of the Shelby County Register, lots may be sold.

J. Public Improvements

Upon completion of the major improvements, specifically including but not limited to, all temporary surface courses, utility service, water service, sewer service, street lighting, and drainage
systems, and upon final inspection and acceptance by the Town Engineer, the Developer may request, and the Town shall approve upon submission of appropriate documentation as to the cost of completion of the remaining public and private improvements, a reduction in the amount of the subdivision bond, cashier’s check, or letter of credit, to an amount equal to one hundred fifty (150%) percent of the cost of completion of the remaining public and private improvements. Provided, however, in no event shall the amount of the subdivision bond, cashier’s check, or letter of credit be reduced to an amount which would be less than the amount recommended by the Town Engineer and approved by the Planning Commission to secure the developer’s obligations and with respect to developer’s warranty period. The subdivision bond, cashier’s check, or letter of credit, and the amount required by the preceding sentence, shall remain in full force and effect until the expiration of said warranty period.

K. Completion of Improvements

All required improvements shall be completed in accordance with these regulations, the Development Agreement and the approved construction plans.

Wearing surfaces shall not be completed earlier than one (1) calendar year after initial acceptance of the subdivision, except as allowed as per the paragraph below. Wearing surfaces shall not be installed until the later of: (a) two (2) calendar years after the recording of the final plat, or (b) fifty (50%) percent of the homes in the subdivision are complete and occupied. This provision can only be altered by formal written request to the Board of Mayor and Aldermen for the Town.

The developer may request administrative approval to install the wearing surface earlier than one (1) calendar year after initial acceptance, if seventy-five (75%) percent of the homes in the subdivision are complete and occupied. Each such request must be specifically approved in writing by all of the following: Town Engineer, Town Planner, Town Recorder and Town Inspector.

L. Failure to Complete Improvements

In those cases where required improvements have not been installed or maintained within the terms of the Development Agreement, the Town Engineer thereupon may declare the developer to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default. If the improvements are not completed within the time period specified, (including any extension thereof approved), no additional building permits shall be issued for any lot or portion of such property until such facilities are completed. The Town reserves the right upon the default of the Developer to proceed against the collection of any and all security provided by the Developer for the benefit of the Town, its agents or assigns.

M. Deferral or Waiver of Required Improvements

The Planning Commission may defer or waive at the time of final plat approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate, because of inadequacy or lack of connecting facilities.

Whenever it is deemed necessary by the Planning Commission to defer construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of
connecting facilities, or other reasons, the developer shall either pay his share of the costs of the future improvements to the governing body prior to signing of the final subdivision plat or post a bond ensuring completion of said improvements, as determined by the Town.

N. Inspection of Improvements

The Town may provide for inspection of required improvements during construction. If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the approved construction plans, construction standards and specifications, the applicant shall be responsible for completing such improvements to the required standards. The fact that the Town inspects the facilities in no way relieves the developer from designing or installing such facilities in accordance with the provisions of these regulations and the established development agreement.

O. Certificate of Satisfactory Completion

Prior to initial acceptance of required improvements and recording of the plat, the developer’s engineer shall be required to certify that such improvements have been installed in accordance with provisions of these Regulations, the completed development agreement and the approved plans and specifications.

P. Acceptance and Maintenance of Streets and Other Improvements

The Town, upon initial acceptance, shall take full and complete title to the public improvements, provided however, the developer shall be responsible for maintenance, construction failures and defects in all public and private improvements of the subdivision through the warranty period. The developer shall, at his sole expense, correct and cure such defects and failures in the manner prescribed by and to the satisfaction of the Town or the Town Engineer.

A warranty period for each subdivision shall run for one (1) year from the final subdivision acceptance by the Town. During this warranty period, the developer is responsible for the maintenance and repair of any and all defects and failures of those public and private improvements constructed by the developer or his agent. Prior to the expiration of the warranty period and before the security will be released by the Town, a punch list of items to be repaired or replaced will be given to the developer by the Town and those items shall be completed to the satisfaction of the Town Engineer, Town Planner, Town Recorder, and the Town Inspector.

Q. Release of Security

Upon completion of the one (1) year warranty period and upon correction of any and all defects in the required improvements, the remaining bond or security shall be released by the Town.

R. Vacation of Plats

Any plat or any part of any plat may be vacated by the owner of the premises, at any time before sale of any lot described therein, by a written instrument, to which a copy of such plat shall be attached, declaring the plat or part of the plat to be vacated. In approving the vacation of plats the Planning Commission shall follow the same procedure for approval of plats. The Board of Mayor and Aldermen may reject any such instrument that abridges or destroys any public rights in any of
its public uses, improvements, or public ways. Such an instrument shall be executed, acknowledged, or approved, and duly recorded or filed; the instrument shall operate to void the recorded plat and divest all public rights in the public ways and public grounds and all dedications described in such plat. When any lot or lots have been sold, the plat may be vacated in the manner herein provided only if all of the owners of all lots in such platted area join in the execution of such writing.
# Article 3  SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

## A. Sketch Plat

1. **General:** Sketch plats submitted to the Planning Commission, prepared in pen or pencil, shall be drawn to a convenient scale no smaller than two hundred (200’) feet to an inch.

2. **Features:** The sketch plat shall show the following:
   
a) a scale drawing of the property and the names of the owners of adjoining property;

b) size of the original tract(s) being subdivided;

c) notation of any existing legal rights-of-way or easements, or other encumbrances affecting the property;

d) approximate topography of the site, at no more than five (5’) foot intervals, extended into adjacent properties;

e) any areas which may be affected by flooding;

f) areas of existing wooded lands;

g) general public way and lot patterns;

h) general lot sizes and setbacks;

i) proposed phasing, if any;

j) Identification of possible common open space and/or drainage facilities;

k) vicinity map of property;

l) date and approximate north point;

m) name of owner;

n) name of plat designer;

o) zoning classification; and

p) location of all streets, intersections and driveway openings within two hundred fifty (250’) feet of each of the boundaries of the proposed subdivision.

## B. Preliminary Plat

1. **Site Analysis:** Preliminary plans submitted to the Planning Commission are intended to provide an analysis of each site’s special features and the designer’s response to those features. Such plans are required for all major subdivisions as these plans form the basis of the design process for greenway lands, house locations, street alignments, and lots lines.
A site analysis shall accompany each preliminary plan. As a minimum, the site analysis shall include:

a) A contour base map at least upon topographical maps published by the U.S. Geological Survey;

b) The location of severely constraining elements such as steep slopes (over fifteen [15%] percent) wetlands, watercourses, intermittent streams and one hundred (100) year floodplains, and all existing rights-of-way and easements;

c) The location of significant features such as woodlands, tree lines, open fields or meadows, drainage ways, fences, and existing structures, roads, tracks and trails.

2. Features of Preliminary Plats: The preliminary plat shall be prepared on sheets twenty (20”) inches x twenty-four (24”) inches in size, at a convenient scale no smaller than one hundred (100’) feet to an inch. The scale shall be no smaller than fifty (50’) feet to in inch for developments with lots fifteen thousand (15,000) square feet or smaller. The plat shall be prepared by electronic means and submitted as printed copies. The sheets shall be numbered in sequence if more than one sheet is used, and the first sheet shall be an index sheet showing how all other sheets fit together. The plat shall be prepared and certified by a licensed land surveyor licensed to practice land surveying in the State of Tennessee. The preliminary plat shall include:

a) The location of the property to be subdivided with respect to surrounding property(s) and public way(s). Include the entire subdivision, or when phasing is being requested, section thereof, for which the preliminary approval is sought and all land immediately adjacent, extending two hundred (200’) feet therefrom, or of that directly opposite thereto, extending two hundred (200’) feet from the public way frontage of such opposite land. The lot pattern of surrounding development shall be shown within that area located within two hundred (200’) feet of the proposed development.

b) Topographic contours with an interval of not more than two (2’) feet apart.

c) The names of all adjoining property owners of record, with the deed or record book and page reference or the names of adjoining developments.

d) The names of adjoining public ways.

e) The bearing, shown to the nearest second and length of all tangent boundary lines of the property, figured to the nearest hundredth of a foot; and complete curve data for all curved boundary lines.

f) Bearings shall be referenced to true north or add adequate notes as to the reference.

g) The location of existing public ways, easements, water bodies, streams, and other prominent features, such as wetlands, railroads, buildings, parks, cemeteries, drainage ditches, bridges and other features as determined by the Planning Commission.
h) The width of all existing easements, alleys, and other public ways, and building setback lines.

i) The location, dimension, and area (to the nearest square foot) of all proposed or existing lots.

j) Within proposed condominium developments, the position of all existing or proposed buildings.

k) Preliminary storm drainage design noting approximate volumes, direction of flows and location of proposed detention or retention area.

l) Proposed extension(s) of water and/or sanitary sewer service to the property along with the proposed routing of such within the subdivision including fire hydrants.

m) Culverts and associated drainage structures located and sized along with necessary drainage easements; all other required utility easements.

n) The location of all “Land Unsuitable for Development” as specified in Article 4, Section A, 3. a).

o) The location and dimension of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

p) The location and boundary of all open space with the proposed owner and designating the entity responsible for care, operation and maintenance.

q) The limits of floodway and floodway fringe areas and the associated regulatory flood elevation and regulatory flood protection elevation, as determined according to flood maps or flood studies as required.

r) The minimum finished floor elevation of houses to be constructed on lots within the floodway fringe areas.

s) The date of the plat, approximate true north arrow, scale, title, flood elevation and regulatory flood protection elevation, as determined according to flood maps or flood studies as required.

t) Sufficient data to determine readily the general location, bearing, and length of all lines necessary to reproduce such lines upon the ground.

u) Name of subdivision and all new public ways, as approved by the Planning Commission.

v) The zoning classification of all zoned lots, as well as an indication of all uses other than residential, proposed by the subdivider.
w) The distance and bearing of one of the corners of the boundary of the subdivision, to the boundary of the existing public ways and to the original corner of the original survey of parcel of which it is a part.

x) Key map showing relation of the subdivision to all public ways, railroads and water courses in all directions to a distance of at least one-half (1/2) mile (suggested scale: one [1] inch to one thousand [1,000'] feet).

y) Property tax map parcel numbers as recorded on the land tax maps of Shelby County.

z) The following notations:
   (1) classification of all easements: (public use, access, drainage, utility, etc.);
   (2) explanation of site easements;
   (3) explanation of reservations;
   (4) for any lot where public sewer is not available, areas designated for use as septic fields by the Shelby County Department of Health and Environment;

aa) The name and address of the owner(s) of land to be subdivided, the subdivider if other than the owner, and the land surveyor or other person preparing the plat.

C. **Construction Plans**

Construction plans shall be prepared on sheets no larger than twenty-four (24”) inches x thirty-six (36”) inches in size and should be at a convenient scale. The plans shall be prepared by electronic means and submitted as printed copies. The sheets shall be numbered in sequence, and the first sheet shall be an index sheet. The plans shall be prepared by a Licensed Professional Engineer licensed to practice engineering in the State of Tennessee, or a Licensed Land Surveyor licensed to practice land surveying in the State of Tennessee, whichever is applicable.

The construction shall include:

a) Preliminary plat as approved by the Planning Commission;

b) Plans and profiles of proposed utility layouts showing feasible connections to the existing or any proposed utility systems. This shall include proposed fire hydrants.

c) A grading plan showing the existing contours in dashed lines and the finished contours in solid lines plotted at vertical intervals of not more than one (1’) foot. Contours shall be extended fifty (50’) feet beyond property boundary.

d) Development plans for drainage structures and channels with the hydraulic data used in designing and sizing such structures and channels, the water surface profiles in open channels at peak flow and peak backwater conditions. Development plans for drainage shall also include construction details for
stormwater detention facilities along with the hydraulic data used in design. The limits of the drainage design parameters shall be determined by the Town Engineer and the Department of Public Works.

e) Plan and profile sheets showing all engineering data necessary for construction of proposed streets, storm drainage controls for surface and ground water, and sewer utility layout and showing all connections to existing and/or proposed streets, storm drainage, and utility systems. The street profiles shall be plotted along the centerline showing the existing and finished grades, and sewer locations, drawn to a scale of not less than one (1") inch equals fifty (50') feet horizontal (1” = 50’), and one (1") inch equals five (5’) feet vertical (1” =5’). Typical street cross sections shall be shown. Sewer and drainage structures shall be numbered with schedules reflecting elevation and structure numbers.

f) Erosion Control Plan which shall include adequate plans showing all erosion and sediment control measures or other protective devices to be constructed in connection with or as a part of the proposed work, such as, retaining walls, cribbing and vegetative practices. The erosion and sediment control plans shall contain all elements and conform to all requirements as stated in Erosion and Sediment Control section of the Zoning Ordinance. TDEC Storm Water Pollution Prevention Plan (SWPPP) shall be provided when required.

g) Tree preservation plan noting all trees eight (8”) inches in diameter and greater at a point four and one half (4-1/2”) feet above ground level.

h) Signed certification of accuracy of engineering and design shall be on each plan.

i) Any additional information requested by the Town Engineer to adequately review the plans.

j) Plans submitted to the Design Review Committee necessary to review open space, landscaping, signage, amenities or other private improvements.

D. Final Subdivision Plat

1. **General:** The final subdivision plat shall be prepared on transparent drafting material at a scale no smaller than one hundred (100’) feet to the inch on sheets twenty (20”) inches x twenty-four (24”) inches in size. The use of an appropriate smaller scale may be permitted for lots larger than two (2) acres. The scale shall be no smaller than fifty (50’) feet to the inch for developments with lots of fifteen thousand (15,000) square feet or smaller. When more than one (1) sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets numbered in sequence.

2. **Features:** The final plat shall include the following:

   a) The location of the property to be subdivided with respect to surrounding property(s) and public ways;
b) The names of all adjoining property owners of record or the names of adjoining developments;

c) The names of adjoining public ways;

d) The exact boundary lines of the tract, determined by a field survey, showing angles to the nearest second and distance to the nearest one hundredth of a foot. The adjusted accuracy of the survey shall meet or exceed the standards set forth in Title 62, Chapter 18, of the Tennessee Code Annotated, for the category of survey required by these regulations. The category of survey shall be determined according to the average size of lots (see Table below) within the proposed subdivision. The survey shall be tied into the Tennessee Grid Coordinate System.

e) The location of all public ways, easements, water bodies, streams or rivers, railroads, parks, and cemeteries.

f) The limits of floodway and floodway fringe areas and the regulatory flood elevation and regulatory flood protection elevation; as determined by the Planning Commission.

g) The location and width of all easements and rights-of-way for public ways, as well as the building setback lines on all lots.

h) The location, dimensions, and area of all lots. All dimensions shall be field run to the nearest one hundredth of a foot and angles to the nearest second. Lot areas shall be shown to the nearest square foot. Provide three (3) monuments within the subdivision.

i) The location, area, and dimensions, to the accuracy set forth in Paragraph h), above, of all property to be set aside for park or playground use or other public or private reservation, with a designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

j) The name and address of the owner(s) of the land being subdivided.

k) The name and address of the subdivider if other than the owner.

l) The name and stamp of the land surveyor or other person preparing the plat.

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### Accuracy of Surveys

<table>
<thead>
<tr>
<th>Average Lot Size</th>
<th>Unadjusted Accuracy</th>
</tr>
</thead>
<tbody>
<tr>
<td>One (1) Acre or Less</td>
<td>Category 1 Urban &amp; Subdivision</td>
</tr>
<tr>
<td>Greater than One (1) Acre but Less than Ten (10) Acres</td>
<td>Category 2 Suburban &amp; Subdivision</td>
</tr>
<tr>
<td>Ten (10) Acres or More</td>
<td>Category 3 All other Land Surveys</td>
</tr>
</tbody>
</table>
m) The date of the plat, approximate true north point, scale, and title of the subdivision.

n) Sufficient data to determine readily the location, bearing, and length of all lines necessary to reproduce such lines upon the ground. This shall include the radius, central angle, and tangent distance for the centerline of the curved public ways and curved property lines that are not the boundary of curved public ways. The location of all monuments and pins shall be indicated on the plat.

o) The names of all public ways.

p) The zoning classification of all lots as well as an indication of uses other than residential proposed by the subdivider.

q) The total acreage within the subdivision.

r) Lot numbers and street numbers.

s) The diameter and width of all driveway culverts.

t) For any lot where public sewer is not available, areas to be used for sewage disposal; as approved by the Shelby County Health Department.

u) Applicable certifications in the form reproduced in the following section shall appear upon the final plat. All required certificates shall bear the signature of the approving or authorizing agent at the time of application for final plat approval, except that the form for endorsement of the Planning Commission’s approval and any other town department for recording shall appear unsigned at the time of application for approval.

v) Commitment notes may be printed or stamped on the final plat reflecting location and dimension of easements, or extent of other agreements or factual data, in lieu of drafted illustration, when applicable, and as approved by the Planning Commission.

w) For stormwater detention facilities, a permanent drainage easement shall be shown.

3. Plat Certificates

a) Certification showing that the applicant is the landowner; that he offers for dedication public ways, rights-of-way, and any site for public use; and that he consents to the subdivision plan.
CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owners of the property shown and described hereon as evidenced in Book Number ____, Page ________, Shelby County Register’s Office and that I (we) adopt this plan of subdivision with my (our) free consent, establish the minimum building setback lines, and dedicate all easements and right-of-way, streets, alleys, walks, parks and other open spaces to public and private use as noted.

Date ___________________________ Owner ____________________________________________________________________________________________

Title (if acting for partnership or corporation)

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned a notary public in and for the State and County aforesaid, duly commissioned and qualified personally appeared ____________________________________________________________________________________________, with whom I am personally acquainted and who, upon oath (Printed Name) acknowledged himself to be the owner of ___________________________________________________________________________________________,

(Printed Name of Subdivision)

and he as such representative executed the foregoing instrument for the purpose therein contained.

In witness whereof, I hereunto set out by hand and affix my seal this _______ day of ____________, 20 _______.

(NOTARY PUBLIC)

MY COMMISSION EXPIRES: __________________________________________________________________________________________

b) Certification by a registered land surveyor as to the accuracy of the land survey.

CERTIFICATE OF ACCURACY OF SURVEY

I (we) hereby to the best of my (our) knowledge and belief that this is a true and accurate survey of the property shown hereon; that this is a Class _______ land survey as defined in Title 62, Chapter 18, Tennessee Code Annotated, and that the ratio of precision is greater than or equal to 1:_________. I (we) further certify that the survey of the lands embraced within said plat have been correctly monumented in accordance with the Subdivision Regulations of the Town of Arlington, Tennessee.

Date ___________________________ Registered Surveyor __________________________________________________________________________________________

(Seal)
c) Certification by appropriate governmental official(s) that public improvements have been installed or a surety bond posted.

CERTIFICATE OF APPROVAL OF STREETS AND UTILITIES

I hereby certify: (1) that the streets, utilities and drainage treatments outlined or indicated on the Final Plat entitled (Name of Subdivision) has (have) been installed in accordance with local and/or state government requirements; or (2) that a surety bond has been posted with the Town of Arlington to assure completion of the following improvements in case of default.

Date

Town Engineer

CERTIFICATE OF APPROVAL OF SUITABILITY OF SOILS FOR SEPTIC TANKS

I, ______________________ hereby certify that the soils on and below the surface of the land shown on this plat are suitable for the use of septic tanks. This certification is not to be construed as a septic tank installation permit. Septic tank installation shall require a site plan and a permit approved by the Memphis and Shelby County Health Department. After the suitability of any area to be used for subsurface sewerage disposal has been approved, no change shall be made to this area unless the Memphis and Shelby County Health Department is notified and a re-evaluation of the area’s suitability is made prior to the initiation of construction.

Date

Shelby County Health Department

CERTIFICATE OF APPROVAL OF SEWAGE SYSTEMS

I, ______________________ do hereby certify that a set of construction plans regarding the sanitary sewers bearing the seal of the Tennessee Department of Environment and Conservation, which indicates said plans meet the Department’s requirements, have been received.

Date

Superintendent of Sewer
d) Certification on the final plat of Planning Commission approval for recording of the plat.

PLANNING COMMISSION

CERTIFICATE FOR APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Ordinances and Regulations of the Town of Arlington, Tennessee, except for variances, if any, as noted in the minutes of the Planning Commission and that it has been approved for recording with the Shelby County Register.

Date

Secretary, Planning Commission

e) Certification on the final plat of Mortgagee approval for recording of the plat.

CERTIFICATE OF MORTGAGEE

We, the undersigned, ___________________________, Mortgagee of the property shown hereon, hereby adopt this plat as our plan of subdivision and dedicate the streets, rights-of-way utilities, easements and rights of access as shown to the Town of Arlington forever and hereby certify that we are the mortgagee duly authorized so to act and that said property is unencumbered by any taxes which have become due and payable.

Date

Signature of Mortgagee

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned a notary public in and for the State and County aforesaid, duly commissioned and qualified personally appeared ___________________________, with whom I am personally acquainted and who, upon oath, acknowledged himself to be owner of ___________________________.

(Printed Name)

(Printed Name of Subdivision)

Subdivision, and he as such representative executed the foregoing instrument for the purpose therein contained by signing his name as representative of the mortgagee.

In witness whereof, I hereunto set out by hand and affix my seal this _______ day of ______________, 20 _______.

(Notary Public)

MY COMMISSION EXPIRES: ___________________________
f) Certification on the final plat of adequacy of storm drainage approval for recording of the plat.

CERTIFICATE FOR ADEQUACY OF STORM DRAINAGE

I __________________________, do hereby certify that I am a registered Professional Civil Engineer, and that I have designed all stormwater drainage for the __________________________ subdivision to assure that neither said subdivision nor adjoining property will be damaged or the character of land use affected by the velocity and volume of water entering or leaving same.

In witness whereof, I, the said __________________________ (printed name of signer), Professional Civil Engineer, hereunto set out by hand and affix my seal this _____ day of ________, 20__.

Professional Civil Engineer
State of Tennessee
Certificate No. __________________________

g) Notation of Possible Flooding: If any portion of the land being subdivided is subject to flooding as defined in the Zoning Ordinance, a notation shall be made on the plat that development or modification of the land within any one-hundred (100) year floodplain boundary delineated within the plat is prohibited. Development within known flood areas delineated on the plat shall be done in such a manner that any structure shall be protected against flood damage to at least one (1’) foot above the known flood elevation, which elevation shall be stated in the notation. Any additional restrictions imposed by the Planning Commission upon development within flood-prone areas also shall be indicated on the plat.

h) Notation of Health Restrictions: Any modifications or limitations that may be imposed by the state or county health department shall be clearly indicated on the plat.

i) Notation of Private Restrictions: Private restrictions and trusteeships and their periods of existence shall be indicated on the plat. Should these restrictions or trusteeships be of such length as to make their lettering impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat or, if the restrictions and trusteeships are of record, the plat shall note where they are recorded.

j) Notion of Stormwater Detention: If any portion of the land is used for stormwater detention, add a notation that states “The area denoted as ‘Reserved for Stormwater Detention’ shall not be used as a building site or filled without first obtaining written permission from the Town Engineer, as applicable. The stormwater detention systems located in these areas, except for those parts located in public drainage easements, shall be owned and maintained by the property owner or a Homeowner’s Association. Such maintenance shall be performed to ensure the system operates in accordance with the approved plans located at Town Hall. Such maintenance shall include, but not be limited to, the removal of sedimentation, fallen objects, debris and trash, and mowing.”
E. Development Agreement

The Development Agreement required by Article 2, Section F, shall be sufficient to assure construction of the following:

1. All off-site improvements required to serve the development.

2. All on-site improvements located within the section of the project contained within the construction plans, including improvements that are required to serve future portions of the development not contained within such plans.

3. All improvements required to serve the lots shown on the plat that are not constructed and offered for public acceptance prior to or concurrently with submittal of final plats covering such lots.
Article 4 SUBDIVISION DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS

A. General Requirements

1. Conformance to Applicable Rules and Regulations

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

a) all applicable provisions of Tennessee Law, regulations or policy;

b) any building and housing codes, and all other applicable laws or policies of the governing body;

c) the adopted Land Development Plan and major road or street plan;

d) the rules of the County Health Department and the Tennessee Department of Environment and Conservation;

e) the rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, if the subdivision or any lot contained therein abuts a non-local highway;

f) the standards and regulations adopted by all other boards, commissions, and agencies of the governing body, where applicable; and

g) Local Government Public Works Standards and Specifications.

Plat approval may be withheld if a subdivision is not in conformity with the above rules or with provisions set forth in Article 1, Section A. The Town Engineer reserves the right to require changes and/or additions to these design standards when the public health or safety would so require.

2. Subdivision Name: The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision within Shelby County. The Planning Commission shall have authority to designate the name of the subdivision, which shall be determined at preliminary plat approval.

3. Character of the Land

a) Land Unsuitable for Development: Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, adverse topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall be designated as conservation lands and may be utilized as provided in Article 4, Section A, 3. b). Land included within this category shall be as specified below or by the Tennessee Department of Environment and
Conservation (TDEC), the U.S. Environmental Protection Agency (EPA) or the Town Engineer:

(1)  wetlands and land that is generally inundated (land under ponds, lakes, creeks, etc.);

(2)  all of the floodway as shown on official FEMA maps;

(3)  land with slopes exceeding twenty-five (25%) percent, or soils subject to slumping;

(4)  land situated within other karst areas; and

(5)  land under permanent easement prohibiting future development (including easements for drainage, access, and utilities).

b) Use of Conservation Land: It is intended that, within residential subdivisions, the areas indicated as “Land Unsuitable for Development,” shall generally be designated as open space, to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards. However, it is recognized that in certain instances it may be desirable to include such lands in portions of lots beyond the designated building site. Where, in the opinion of the Planning Commission, the inclusion of such lands in building lots, or even building sites, is desirable, these areas may be included.

All undivided open space shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the Town and duly recorded in the Office of the Shelby County Register. Any lot capable of further subdivision that contains land unsuitable for development may be restricted so as to prohibit such action.

Stormwater management ponds or basins may be located within these areas. If a homeowners/property owners association is to be established, stormwater management ponds may be included within the areas preserved as conservation land.

B. Lot Requirements

1. Lot Arrangement

a) General: Each lot shall contain a sufficient building site such that there will be no foreseeable difficulties, for reasons of topography, slope/foundation stability, flood hazards, or other conditions in locating the structures and driveway access to the structures upon such lot. All lots shall have dimensions and area sufficient to ensure that the building setbacks and yards are in compliance with any ordinance. No building site may include any land defined as land unsuitable for development by the provisions of Article 4, Section A, 3. a).
b) Evaluation Criteria: In evaluating the layout of lots and open space the following criteria will be considered by the Planning Commission as indicating design appropriate to the site’s natural features, and meeting the purposes of these regulations. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Planning Commission shall evaluate proposals to determine whether the proposed plan:

1. Protects and preserves all floodplains, wetlands, and steep or unstable slopes from clearing, grading, filling, or construction except as may be approved by the Town for essential infrastructure or active or passive recreation amenities.

2. Designs around existing hedgerows and tree lines between fields or meadows, and minimizes impacts on large woodlands (greater than five (5) acres), especially those containing many mature trees of significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than twenty-five (25%) percent should be avoided. When any woodland is developed, great care shall be taken to the fullest extent that is practicable to design all disturbed areas (for building, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas.

3. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency or the Tennessee Department of Environment and Conservation.

4. Protects roadside character by avoiding fence rows and double-frontage lots along public roads.

5. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.

6. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels.

7. Provides open space that is reasonably contiguous. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or leased to private land conservation organizations). Such subdivision open space shall be designed as part of large contiguous and integrated pedestrian, bikeway and greenway systems.
c) Lots Subject to Flood

(1) Policy on Flood Prone Areas: In determining the appropriateness of land subdivision on any site containing a flood prone area, the Planning Commission shall consider the policy and purpose set forth in Article 1, Section A, and additionally:

(i) the danger to life and property due to increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses;

(ii) the danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others;

(iii) the adequacy of the proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions;

(iv) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner;

(v) the importance of the services provided by the proposed facility to the community at large;

(vi) the availability of alternative locations not subject to flooding for the proposed subdivision and land uses;

(vii) the compatibility of the proposed uses with existing development or development anticipated in the foreseeable future;

(viii) the relationship of the proposed subdivision to the land development plan;

(ix) the safety of access to the property for emergency vehicles in times of flood;

(x) the expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site;

(xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public ways, and bridges; and

(xii) the effect of the proposed subdivision upon the Town’s participation in the National Flood Insurance Program.

All applicable requirements of the Municipal Floodplain Regulations found in the Arlington Zoning Ordinance and Stormwater Management and
Pollution Control Regulations of the Arlington Municipal Code apply to the subdivision of property.

No subdivision or part thereof shall be approved by the Planning Commission if proposed levees, fills, structures, or other features within the subdivision will individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (the one hundred [100] year flood level) shall be determined from the latest approved flood study for the Town, and any subsequent revisions thereto. If deemed necessary by the Planning Commission, specific engineering studies shall be formulated by the developer in those areas where flood data are not currently available.

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

In approving plans for subdivision of land containing flood prone areas, the Planning Commission shall ensure that development will proceed in such a way that property lying within any floodway, as defined by these regulations, will be maintained in a manner as prescribed by the Zoning Ordinance. The Commission shall also ensure that development within any floodway fringe area of the floodplain (within the one hundred [100] year flood level) will be protected adequately against potential flood hazards by the methods prescribed in the regulations and those of the Arlington Zoning Ordinance.

The Planning Commission shall disapprove the subdivision of any land containing a flood prone area when the Commission determines that subdivision plans are not consistent with the policy stated in this section or that proper safeguards and improvements to these areas have not been proposed.

(2) No lot shall be approved which does not have a buildable site outside of the floodway. If the buildable site of any lot is within the one hundred (100) year flood zone, a plan acceptable to the Town Engineer and Planning Commission shall be submitted documenting that said buildable site may be filled to the extent the finished floor elevation may be at a minimum of one (1’) foot above the one hundred (100) year flood elevation. In any instance where the lot is served by subsurface sewage disposal, the area of the disposal fields shall not lie within the one hundred (100) year floodway or flood fringe. Adding fill material within the one hundred (100) year flood boundary area will not be permitted unless approved by the Planning Commission and all necessary permits are on file with the Town Engineer. In the event that filling within the flood boundary is approved, the fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable to the Town Engineer.
Lots with Building Sites on Steep Slopes: Due to the potential threat to health and safety posed by development located on lands with steep slopes, the following regulations shall apply:

(1) Building Sites on Slopes over twenty-five (25%) percent: As per Article 4, Section A, 3. a), land with slopes in excess of twenty-five (25%) percent shall be considered land unsuitable for development and shall not be subdivided into lots except as per Article 4, Section A, 3. b).

(2) Building Sites with Slopes of fifteen (15%) to twenty-five (25%) percent: The preliminary and final plats shall identify each lot with a slope of fifteen (15%) to twenty-five (25%) percent by placing a star on the lot. The legend of the plat shall specify that no building permit will be issued on said lots until and unless the Town Engineer has received and approved a site plan conforming to the following requirements:

(i) the exact size, shape, and location of the lot;

(ii) the proposed location of all buildings, driveways, drainage ways, and utilities;

(iii) proposed contours at vertical intervals of no more than two (2’) feet;

(iv) the extent of natural tree cover and vegetation;

(v) the location of any on-site sewage disposal systems;

(vi) a building foundation;

(vii) the type and location of erosion control facilities; and

(viii) the stamp of the Tennessee registered engineer who prepared the plan, or if approved by the Town Engineer, a Tennessee-registered land surveyor.

(3) Site Development Standards: The following standards shall be used as a guide in determining the suitability of the construction proposed for the particular site in question. The engineer’s certification required in the section above, shall address these standards:

(i) Natural vegetation shall be preserved to the maximum extent possible.

(ii) Natural drainage ways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques.

(iii) Operations that increase load, reduce slope support, and cause instability of the slope shall be prohibited to the maximum extent
possible. These methods include filling, irrigation systems, accessory buildings, and on-site soil absorption sewage disposal systems.

(iv) Where sanitary sewers are not available, all on-site sewage disposal systems (including both primary and secondary drainage fields) shall be shown on the site plan and located to avoid slide-prone areas.

(v) Erosion control measures specified in the Tennessee Erosion and Sediment Control Handbook shall be employed and maintained to prevent soil from leaving the site. Additionally, soil from excavation on the site shall not be deposited as fill on a potential slide area.

(vi) No construction that would cut the toe of the slope beyond the soil’s natural angle of repose shall be permitted unless approved by the Town Engineer. This shall apply as well to subdivision roads constructed in compliance with these regulations.

2. **Lot Dimensions:** Minimum dimensions of lots shall comply with the applicable provisions of the Arlington Zoning Ordinance or as permitted by a planned development. All building setbacks and the building envelope shall be indicated for each lot shown on the plat.

Where lots are more than double the minimum area required by the Zoning Ordinance, the Planning Commission may require that such lots be restricted to prevent further re-subdivision or be arranged so as to allow further subdivision and the opening of future public ways where such routes would be necessary to serve such potential lots.

Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback requirements from both public way rights-of-way. Access shall be from the minor street unless approved by the Town Engineer.

The minimum lot frontage on a public way shall be fifty (50’) feet, except for the radius of a cul-de-sac that shall be thirty-five (35’) feet and except as otherwise permitted by the Zoning Ordinance or as permitted by an approved planned development.

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

3. **Building Setbacks from High Voltage Electric Lines:** In the case of electric transmission lines where easement widths are not definitely established, a minimum building setback line from the center of the transmission line shall be established as follows:
4. **Lot Re-Subdivision Compatibility**

a) **Review of Approved Plat(s):** The land area and building setbacks of lots located upon any proposed plat involving re-subdivision shall be generally governed by that noted on the original plat of subdivision or previously approved plans of development of which such subdivision is part. In any instance where such information was not incorporated in such instruments or is otherwise unavailable, the Town Planner shall review lots as provided in the section below.

b) **Determining Compatibility:** Within areas previously subdivided and predominately developed, lot sizes (area and width) and building setbacks resulting from a proposed re-subdivision shall be generally in keeping with the frontage and area of the surrounding lots. This rule shall apply to subdivisions located in a residential zone district. This rule shall not apply to agricultural areas where lot sizes are greater than two (2) acres, nor shall it apply to corner lots resulting from the creation of a subdivision incorporating new streets where the resulting corner lots are also adjacent to an existing street. However, the plat creating such corner lots shall include a line establishing a building setback equal to the typical setback of surrounding lots along the existing street.

The term “surrounding lots” shall mean all lots located within the same section of the original subdivision plat which meets the following criteria:

1. are located on the same and opposing block face that are within three hundred (300’) feet of the boundary of the property proposed for re-subdivision;

2. abut each quadrant of a street intersection, when the proposal involves a corner lot; and

3. abut or are directly across a public way from proposed re-subdivision.

To determine if a proposed re-subdivision meets the requirements of this section, the average lot frontage and area of surrounding lots shall be calculated as follows:

1. Determine the average lot frontage of the applicable surrounding lots and multiply the result by ninety (90%) percent. This result is the minimum lot frontage required for compatibility.

<table>
<thead>
<tr>
<th>Voltage of Line</th>
<th>Building Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.2 KV</td>
<td>15 feet</td>
</tr>
<tr>
<td>13 KV</td>
<td>25 feet</td>
</tr>
<tr>
<td>46 KV</td>
<td>37 1/2 feet</td>
</tr>
<tr>
<td>69 KV</td>
<td>50 feet</td>
</tr>
<tr>
<td>161 KV</td>
<td>75 feet</td>
</tr>
</tbody>
</table>
(2) Determine the average area of the applicable surrounding lots and multiply the result by seventy-five (75%) percent. This is the minimum lot area required for compatibility.

(3) Any lot varying more than fifty (50%) percent from the median of surrounding lots shall not be included in the above calculations.

(4) Regardless of the calculated area and frontage, no lot may be created with less than fifty (50’) feet of frontage (thirty-five [35’] feet on a cul-de-sac) or less area than the minimum required for zone district where such lot is located.

5. **Double Frontage Lots**: Double frontage and reversed frontage lots shall be avoided, except where necessary to overcome specific disadvantages of topography and orientation.

6. **Driveways/Access to Lots**

a) Access from Arterial or Collector Public Ways: The Planning Commission may require that lots shall not derive access from arterial or collector public ways. Where driveway access from such public ways may be necessary for several adjoining lots, the Commission may require that the lots be served by a combined access drive in order to limit possible traffic hazards. Driveways shall be designed and arranged so as to avoid requiring vehicles to back onto arterial or collector streets.

   b) Minimum Separation between Residential Driveways: For each permitted residential driveway there shall be a corresponding minimum road frontage of:

   (1) at least two hundred (200’) feet along routes designated in the Major Road Plan as rural arterial highways and six (6) lane urban arterial highways; and

   (2) at least one hundred fifty (150’) feet along routes designated in the Major Road Plan as five (5) lane and three (3) lane urban arterial highways; and

   (3) at least one hundred (100’) feet along routes designated in the Major Road Plan as four (4) lane urban arterial highways; and two (2) lane collector routes.

   There shall be not more than one (1) driveway for all other residential lots except circular driveways shall be permitted.

   c) Minimum Corner Clearance: The minimum corner clearance between proposed new nonresidential driveways shall be two hundred eighty (280’) feet for streets designated as “Collectors” and three hundred thirty-five (335’) feet for streets designated as “Arterials” or “Highways”. This distance will be measured from the centerline of the proposed drive to the centerline of the intersecting roadways. “Arterial” and “Collector” roads shall be as defined by the Memphis MPO, or the Town’s adopted Major Road Plan, whichever is more stringent.
The minimum corner clearance for all residential driveways shall be a minimum of fifty (50') feet when intersecting an “Arterial,” “Highway,” or “Collector” street. The minimum corner clearance when intersecting another “local” street shall be a minimum of twenty (20') feet. This distance shall be measured from the intersecting streets end-of-radius to the nearest edge of the proposed driveway.

d) Design Standards for Nonresidential Driveways: For access to thoroughfares where the posted speed limit is thirty-five (35) mph or less, all nonresidential driveways shall be constructed with a minimum horizontal width of twenty-five (25') feet. All drives serving nonresidential property shall be paved with concrete or an asphalt surface. Lanes shall be clearly designated and lane uses shall be clearly and permanently marked. The minimum separation between drives shall be two hundred (200') feet along “Collectors” and three hundred thirty-five (335’) feet along “Arterials” and “Highways.” Driveway separation will be measured from centerline of driveway to centerline of driveway.

Where the posted speed limit is forty-five (45) mph or greater, nonresidential driveways shall be constructed with a right turn deceleration lane.

The Town Engineer will review proposed driveway designs for access to other thoroughfares on a case-by-case basis.

The centerline of every nonresidential two (2) way driveway shall intersect the centerline of the public way at an angle between seventy-five (75°) and ninety (90°) degrees.

For other nonresidential driveways, the intersection angle shall be subject to the approval of the Planning Commission.

e) Design Standards for Residential Driveways: Where permitted, residential driveways fronting collector and arterial routes designated in the Major Road Plan shall be designed so as to avoid requiring vehicles to back onto these highways. Any driveway should be constructed in a manner such that the drive has a maximum slope of eight (8%) percent for the first fifteen (15’) feet (measured from the back of the town-approved sidewalk). Driveways greater than eight (8%) percent slope shall be reviewed and approved by the Town Engineer prior to a building permit being issued. In no case shall the driveway slope exceed ten (10%) percent in the first fifteen (15’) feet from the street. In addition, the portion of the driveway that falls within the sidewalk shall not exceed a slope of two (2%) percent in any direction in accordance with ADA requirements.

f) Relationship to State Standards: Where the driveway design and location standards listed above are not in conformance with the standards of the Tennessee Department of Transportation, the Town Engineer may require conformance with whichever standard is more restrictive.

7. Soil Preservation, Grading, Erosion Control, and Seeding

a) Soil Preservation and Final Grading: No Certificate of Satisfactory Completion as set forth in Article 2, Section O, shall be issued until final grading operations have
been completed in accordance with the approved site grading permit and drainage plan, approved site erosion control plan, and the approved site construction plan.

Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide cover on the lots.

Permanent or temporary soil stabilization shall be applied to denuded areas within fifteen (15) days after final grade is reached on any portion of the site. Soil stabilization shall also be applied within fifteen (15) days to denuded areas that may not be at final grade.

b) Lot Drainage: Lots shall be laid out so as to provide positive drainage away from all buildings but not across public sidewalks or other pedestrian ways. Drainage of individual lots shall be coordinated with the existing or proposed general storm drainage pattern for the area.

Drainage shall be designed so as to avoid concentration of stormwater from each lot to adjacent lots, except within drainage easements or street rights-of-way.

Surface water drainage patterns for each and every lot shall be shown on the topographic grading and drainage plan. Driveways shall be either paved or graded in such manner as to avoid any collection of soil or gravel within any public right-of-way.

It shall be the responsibility of the builder of any building or other structure to design and construct a suitable drainage scheme that will convey surface water, without ponding on the lot or under the building, to the drainage system constructed within the subdivision.

The Town Engineer reserves the right to require that the developer set minimum elevations on all floors, patios, building equipment, or other amenities that serve the overall development. This prerogative to establish elevation exists in addition to any ordinances or provision of these regulations that refer to floodplain elevation requirements. This provision is intended to give the Planning Commission summary review powers over any calculated or historical evidence of stormwater presence in overland or channel conditions.

The subdivision developer will ensure that all artesian ground waters of a permanent or temporary nature encountered within the right-of-way will be intercepted and carried away to primary drainage conduits along swaled ditches or in underground pipes located on property line easements. Regardless of the location of property lines, intercept will be allowed at the point of artesian surfacing.

Any natural channel which serves or has served as a means of moving or storing ground water, including all designated floodways, shall be designated conservation and drainage easements and shall have a dedicated twenty-five (25”) foot wide buffer area around the perimeter of such sinkhole or natural drainage channel. No structures, fill or development activity shall be permitted thereon.
c) Erosion and Sediment Control: There shall be a minimization of changes in the rate of natural erosion and sedimentation that result from the development process. An erosion and sediment control plan shall be presented with the construction plans submitted in conformance with the Local Government Public Works Standards and Specifications.

8. Debris and Waste: No cut trees, timber, construction debris, junk, rubbish, or other waste materials of any kind shall be buried in any land, left on any lot, or deposited in any natural drainage way (such as sinkholes, underground streams or channels, or wet weather stream beds or floodways) or public way at the time of the issuance of a certificate of occupancy for the lot, and removal of such waste shall be required prior to issuance of any certificate of occupancy. Neither shall any such waste be left or deposited in any area of the subdivision at any time. Debris dumpsters shall be required for construction debris disposal. Such dumpsters shall be of adequate size and shall be removed in a timely manner. If used, the developer shall obtain a burn permit for and provide for an acceptable method of on-site disposal of cut trees and timber.

9. Fencing: Each subdivider or developer shall be required to furnish and install all fences wherever the Planning Commission determines that a hazardous condition exists. Such fences shall be constructed according to standards established by the Planning Commission, as appropriate, and shall be noted on the final plat as to height and required materials.

10. Water Bodies and Watercourses: If a tract being subdivided contains a water body, or portion thereof, such area shall generally be placed within jointly held open space. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a governmental responsibility. All common open space areas shall be held and maintained by a homeowners or property owners association.

No portion of the minimum area of a lot required under any ordinance may be satisfied by land that is underwater. Where a watercourse separates a buildable area of a lot from the public way to which such lot has access, provisions shall be made for installation of a culvert of adequate overflow size or other structure approved by the Planning Commission. No certificate of occupancy shall be issued for a structure on such a lot until the installation is completed and approved.

11. Blocks: Block configuration within a subdivision is essentially determined by the street layout; hence, it must provide safe and sufficient vehicular and pedestrian circulation.

a) Maximum Block Perimeter and Block Face Length: The maximum perimeter of all blocks and the maximum length of any block in residential or mixed-use districts or developments, as measured from the centerline of the public or private street system, excluding alleys, surrounding a block or along a block face, shall be consistent with the dimensions set forth below (Tables III-1 and III-2) except in cases where environmental or topographic constraints exist or the property has an irregular shape.

b) Block Width: Blocks shall be wide enough to allow two (2) rows of lots, except where double frontage or open space is provided or required, or where prevented
by topography or other physical conditions of the side. In such cases, the Planning Commission may permit a single row of lots.

### TABLE III-1: MAXIMUM BLOCK PERIMETER AND BLOCK FACE LENGTH IN CONVENTIONAL RESIDENTIAL DISTRICTS AND DEVELOPMENTS

<table>
<thead>
<tr>
<th>Average lot size on block</th>
<th>Maximum Block Perimeter (ft.)</th>
<th>Maximum Block Face (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt; 1 ac.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1 ac - 25,001 sq. ft.</td>
<td>10,000</td>
<td>1,500</td>
</tr>
<tr>
<td>25,000 - 12,600 sq. ft.</td>
<td>3,300</td>
<td>1,200</td>
</tr>
<tr>
<td>&lt; 12,600 sq. ft.</td>
<td>2,700</td>
<td>800</td>
</tr>
</tbody>
</table>

### TABLE III-2: MAXIMUM BLOCK PERIMETER AND BLOCK FACE LENGTH IN MIXED-USE DISTRICTS AND DEVELOPMENTS

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum Block Perimeter (ft.)</th>
<th>Maximum Block Face (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixed-Use District or Development</td>
<td>2,000</td>
<td>600</td>
</tr>
</tbody>
</table>

c) Internal Mid-Block Pedestrian Access: Where a block face exceeds six hundred (600’) feet in a residential or mixed-use district or development with an average lot size of less than one (1) acre, a minimum eight (8’) foot pedestrian access easement may be required through the block at or near the mid-point of the block. The easement shall be held in common ownership and a Homeowners’/Property Owners’ Association or similar mechanism shall be established for maintenance of the area.

d) Pedestrian Access: A pedestrian access easement a minimum of eight (8’) feet in width may be required to traverse blocks where deemed essential to provide access to institutional and community service uses or to retail and personal service uses. The easement shall be held in common ownership and a Homeowners’/Property Owners’ Association or similar mechanism shall be established for maintenance of the area.

12. Connectivity

a) Developments shall provide roadways permanently open to the public that provide community-wide access as part of an overall connectivity network whose spacing generally occurs at ¼ mile intervals. The intent is that the connectivity network provide roadways no larger than two lanes (excluding intersection configurations) operating at a level of service of “B” or better. Such connections shall not be required to abut adjacent development lacking existing or planned street connections, floodplains, wetlands, riparian buffers, required tree protection areas,
slopes exceeding fifteen (15%) percent, or other unique site conditions preventing a street connection as determined by the Planning Commission.

b) Existing streets in adjacent or adjoining areas shall be continued in a new subdivision. Whenever connections to anticipated or proposed surrounding streets are required by these regulations, the right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. Temporary turnarounds may be required to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency or service vehicles. No temporary dead-end street shall be permitted in excess of eight hundred (800’) feet unless no other practical alternative is available.

c) Subdivisions shall require sufficient external access points to the existing or future roadway network and shall be provided as follows; however, in the case of any conflict between the provisions of this section and Section 11 above, the provisions of Section 11 above shall control.

(1) Any residential subdivision of greater than fifty (50) lots or dwelling units shall include at least two (2) access points. The second access may consist of a stub street intended for future connectivity to an adjacent property, provided the stub street is not greater than eight hundred (800’) feet in length as measured from the end of radius of the feeder street to the terminus of the stub street.

(2) Any residential subdivision of greater than one hundred (100) lots or dwelling units shall include at least two (2) access points. Stub streets shall not be considered part of the two (2) access points.

(3) Residential subdivisions of two hundred (200) or more lots or dwelling units shall provide three (3) separate access points. Where three (3) or more access points are required, the Planning Commission may waive the requirement for immediate construction of more than two (2) access points, provided that subdivision phasing and design illustrates the additional required connections. For those subdivisions large enough to require a third access, a stub-out street may be credited as a required access if the two (2) functioning access roads are both connected to a collector or arterial road and the stub street is not greater than eight hundred (800’) feet in length as measured from the end of radius of the feeder street to the terminus of the stub street.

(4) A waiver of these standards may be allowed by the Planning Commission during approval of the preliminary subdivision plat only in extreme cases where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery. An alternate public emergency access roadway may be provided to satisfy the requirements above with approval of the Planning Commission.
A divided entrance shall count as one (1) point of access. Exceptions may be considered based on the width of the division and the connection to the surrounding road network of the entire subdivision. The Arlington Fire Department and Town Engineer shall provide a recommendation to the Planning Commission for consideration.

d) Nonresidential and mixed-use districts and developments shall provide sufficient public road access to accommodate the ultimate traffic volume anticipated, and to enable safe and convenient servicing by police, fire and other emergency vehicles.

e) At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed by the subdivider at the location with the words “STREET TO BE EXTENDED BY THE AUTHORITY OF THE TOWN OF ARLINGTON” to inform property owners.

f) All stub streets shall be identified on the final subdivision plat, which shall include a note that all street stubs are intended for connection with future streets on adjoining undeveloped property.

g) Cross Access between Adjacent Uses: To encourage shared parking and shared access points on public streets, plats prepared for all new attached residential, nonresidential, and mixed-use districts and developments shall comply with the following standards:

(1) Except on lots within the Industrial District, internal vehicular circulation areas shall be designed to allow for cross-access to adjacent lots with attached residential, nonresidential, or mixed-uses.

Figure III-1: Cross-access ways between surface parking lots serving different developments promote better access management and facilitate pedestrian activity.

(2) A stub for future cross-access shall be provided from the vehicular use area to all adjacent vacant land designated for attached residential, nonresidential, or mixed-uses.
A cross-access way shall be setback a minimum distance of thirty (30’) feet from the edge of pavement of a public street. A longer setback requirement may be required if it is determined by the Town Engineer that anticipated traffic volumes and commonly accepted and applied traffic engineering principles justify the need for a longer setback.

Cross-access ways shall allow for two (2)-way traffic between parcels through the use of a single drive or through two (2), one (1)-way aisles at a width in accordance with the requirements of the Town of Arlington Zoning Ordinance for drive aisle widths. The maximum median separation width shall be fifteen (15’) feet with a left-turn pocket or four (4’) feet without a left-turn pocket.

When cross-access is deemed impractical by the Town Engineer on the basis of topography, the presence of existing features, or vehicular safety factors, the requirement for cross-access may be waived if appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses. If an applicant disagrees with the decision of the Town Engineer, the applicant may appeal the decision to the Planning Commission.

If approved, any cross-access easement must be noted on the final plat prior to recording.

13. Monuments: Permanent reference monuments of non-degradable material shall be placed in all subdivisions where new streets are to be constructed. All monumentation shall be placed on property corners or referenced to property lines or road alignments. Certification by a licensed surveyor of placement of monuments shall be required. Monuments will generally not be required within minor subdivisions (as defined by these regulations) when the subdivision occurs along existing streets. The Planning Commission retains the right, however, to require monuments within the minor subdivisions where flooding or other extraordinary conditions are found to exist. Monuments shall be located and set as follows:

a) Control Monuments: At the discretion of the Town Engineer, a minimum of three (3) permanent control monuments, containing both vertical and horizontal data, shall be located within each subdivision where new roads are to be constructed. Such monuments shall be constructed of concrete not less than thirty (30”) inches in length; or less than four (4”) inches square or five (5”) inches in diameter; and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded. Iron bar monuments may be used and shall be no less than five-eights (5/8”) inch in diameter and not less than twenty-four (24”) inches in length. Both shall have a permanent metal cap with a minimum diameter of two and one-half (2 ½”) inches with the land surveyor’s name and license number. Monuments shall have horizontal coordinates and vertical elevations shown on the final plat. Reference notes (field ties) defining magnetic bearings and distances to the nearest established street line or official benchmark shall be accurately described on the plat. All control monuments shall be located within dedicated right-of-way along curve points or lot lines and within line of sight of one another. All horizontal and vertical data shall be referenced to TN NAVD83 4100 State Plan Coordinates and North American Vertical Datum 1988 (NAVD88) or current acceptable equivalent.
These monuments are to be placed near the entrance to the subdivision and, if possible within a non-fill area or be affixed to natural rock outcrops. The location of all control monuments shall be described on the final plat with words and symbols that facilitate locating them at the site.

b) Internal Monuments and Lot Pins: One (1) internal monument, for each four (4) lots located within the subdivision, shall be placed within line of sight of one another. Such monuments shall be placed within dedicated right-of-way, when possible, and shall be located within non-fill areas or affixed to rock natural outcrops. An internal monument shall be constructed to the same standards as a control monument minus the elevation data. In all subdivisions, lot corners and all lot line breaks shall be staked by iron rods, pipe, or pins at least eighteen (18”) inches long and five-eighth (5/8”) inch in diameter. Placement of iron pins under sidewalks should be avoided.

c) Along Rivers and Streams: The lines of lots that extend to rivers or streams shall be monumented in the field by iron pins at least eighteen (18”) inches long and five-eighth (5/8”) inch in diameter or by round or square iron bars at least eighteen (18”) inches long. Such pins shall be placed at the point of intersection of the river or stream and lot line, with a meander line established not more than forty (40’) feet back from the bank of the river or stream. At the discretion of the Planning Commission, a control monument meeting the specifications of “Control Monuments” above, may be required upon any lot affected by the one hundred (100)-year floodplain of any stream.

C. Streets and Pedestrian Ways

1. Pedestrian Ways

a) Sidewalks along New Streets: Sidewalks shall be required along both sides of all streets and completely around all cul-de-sacs.

b) Sidewalks along Existing Streets: Sidewalks shall be required along the proposed subdivision’s frontage on existing public streets.

c) Sidewalk Width: The width of sidewalks shall be a minimum of five (5’) feet in width. Width shall be exclusive of encroachments such as utility poles, fire hydrants, parking meters, sign standards, street furniture, etc.

d) Design Criteria: The following criteria shall apply to the design of all sidewalks:

   (1) Sidewalks shall be included within the dedicated non-traffic way portion of the right-of-way or public access easement. Concrete curbs and gutters are required for all public ways where sidewalks are to be constructed. A median strip of grassed or landscaped area at least four and one-half (4 ½’) feet wide shall separate all sidewalks from adjacent streets.

   (2) Where extraordinary difficult topographic conditions exist, other design solutions, such as a wider separation, may be used.
(3) Where necessary, the Planning Commission may require pedestrian access ways from a public way to schools, parks, playgrounds, or other nearby public ways. To accomplish this purpose, the Planning Commission may require perpetual unobstructed easements at least twenty (20’) feet in width.

(4) Sidewalks shall be designed and constructed so as to comply with ADA Standards and any subsequent amendments or supplements.

(5) Construction details of handicapped ramps and similar features shall be as shown in Local Government Public Works Standards and Specifications.

e) Waivers and Alternative Pedestrian Ways: Developers and the Planning Commission may reach alternative arrangements concerning sidewalks where strict compliance with the provisions of this section would be unfair or cause an undue hardship due to previously approved plats and/or development plans.

f) Maintenance: The lot owner shall maintain grass and vegetation between the roadway and the property line.

2. Street Standards: The following standards shall apply to all streets, both public and private.

a) Frontage on Improved Public Ways: No subdivision shall be approved, unless the area to be subdivided shall meet the access requirements set forth in Article 1, Section K, 1. h), of these regulations. If any new street construction is proposed, all construction shall be in accordance with the provisions of these regulations and accompanying appendices.

b) Grading and Improvement Plan: No clearing, grading or construction of streets shall begin until construction plans, prepared in accordance with the specifications required herein, are approved, surety posted, and a grading permit issued by the Town Engineer. Following approval of such plans and accompanying development agreement, public ways shall be graded and improved to conform to the approved construction plans.

c) Improvements in Floodable Areas: The finished elevation of proposed public ways subject to flood shall be no less than one (1’) foot above the one hundred (100)-year flood plain elevation. To determine compliance with this requirement, the Town Engineer shall require profiles and elevations of public ways subject to flood. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is approved by the Town Engineer to bring the finished elevation of any public way to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the Planning Commission.

d) Topography and Arrangement

(1) All public ways shall be arranged so as to obtain as many building sites as possible at or above the grades of the public ways. Grades of public ways
shall conform as closely as possible to the original topography. A combination of steep grades and curves shall not be permitted.

(2) All public ways shall be properly integrated with the existing and proposed system of public ways and dedicated rights-of-way as established on the major road plan or the land development plan.

(3) All public ways shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; of population density; and to the pattern of existing and proposed land use.

(4) In commercial and industrial developments, public ways and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, pedestrian walks and parking areas, so as to minimize conflict of movement among the various types of traffic, including pedestrian traffic.

e) Access to Arterial and Collector Routes: Where a development borders on or contains an existing or proposed arterial or collector route, the Planning Commission may require that access to such public way be limited by:

(1) the configuration of a lot or development so that vehicular access is derived from streets other than the arterial or collector route;

(2) a series of cul-de-sacs, “U” shaped public ways, or short loops entered from and designed generally at right angles to such a parallel public way; or

(3) a marginal access or service public way, separated from the arterial or collector route by a planting or grass strip and having access thereto at suitable points.

f) Traffic Impact Study: Any subdivision containing lots for one hundred (100) or more dwelling units shall be required to prepare, at the expense of the developer or individual proposing the subdivision, a traffic impact study. At the discretion of the Town Engineer and/or Planning Commission, any subdivision may be required to prepare a traffic impact study at the expense of the applicant. A Tennessee-licensed engineer shall prepare such study in accordance with standard practices and procedures. The traffic study is intended to provide information as to current and proposed or projected traffic levels along all streets touching, immediately abutting, or directly impacted by the subdivision. Prior to development of the study, the applicant and/or the individual selected by the developer to prepare the study shall meet with the Town Engineer for purposes of establishing scope and design parameters to be used in preparing such study. The study should differentiate between improvements made necessary by current conditions versus improvements which will be needed because of the proposed subdivision. Any improvements determined by the approved traffic study as being required to offset the traffic impact of the subdivision shall be so indicated. The Town Engineer shall prepare a master plan for any streets to be improved so that the developer’s
improvements will align vertically and horizontally and in all other ways with future improvements to adjoining sections of said roads(s).

g) Reserve Strips: Creation of reserve strips adjacent to a proposed public way in such a manner as to deny access from adjacent property to such public way shall generally not be permitted. However, where in the opinion of the Planning Commission the use of a reserve strip would protect the public safety by providing a safer roadway configuration or other element of design that is clearly in the public interest, this prohibition may be waived. In any instance where a waiver to this provision is granted, the grounds for extent of such waiver shall be noted in the minutes of the Planning Commission meeting where such waiver is approved.

h) Street Name, Regulatory and Warning Signs

(1) Public and Private Streets: Within all developments, the developer shall purchase and install town-approved street name and traffic control signs. All signage shall conform to the current edition of the Manual of Uniform Traffic Control Devices, published by the United States Department of Transportation. The Town Engineer or Public Works Superintendent shall verify the installation of temporary street name signs prior to issuance of any building permit. All signs shall meet the Town of Arlington design standards for decorative sign posts as identified and approved by the Board of Mayor and Aldermen.

(2) Street Names: Proposed streets that are in alignment with existing streets shall bear the names of the existing street. In no case shall the name for a proposed street duplicate an existing street name irrespective of the suffix used, i.e., street, avenue, boulevard, drive, parkway, cove, court, or place. Street names shall be approved by Memphis Light, Gas and Water and the Town of Arlington.

(3) Note to Appear on Plat: All subdivision plats that require street name signs shall have a note located thereon stating:

“No building permit shall be issued for any lot shown on this plat until street names, regulatory signs and warning signs are installed and verified by the Town Engineer or Public Works Superintendent."

i) Designation of Construction Routes: Streets to be utilized as construction routes shall be designated within all “major subdivisions,” as the term is defined in these regulations. Where possible, these construction routes shall coincide with the network of collector and arterial routes designated upon the road and street plan or as a completely separate constructive drive and within the plan of development for the particular subdivision. Where this is not possible, efforts shall be made to minimize direct contact between streets designated as construction routes and streets classified as “Local.”
3. **Private Streets:** Private streets are those not dedicated to and maintained by a government entity. Where the ownership, control and maintenance of any street is proposed to remain in private ownership, such street shall be constructed to the standards for public streets contained in the Local Government Public Works Standards and Specifications. A permanent access easement over such streets shall be provided to each and every parcel or lot that is to gain access there from. All such private improvements shall be maintained by the developer/owner or by a legally-established homeowner’s association or other similar group approved by the Planning Commission. The legal documents establishing ownership and maintenance of the easement shall be submitted with the final plat for review and approval and shall be recorded with the final plat. A plan also is to be provided for emergency access.

4. **Dedication of Right-of-Way and Improvements to Existing Streets:** Whenever a proposed development borders or encompasses an existing street, the developer shall be required to dedicate right-of-way and/or to widen such street and to otherwise improve such street as per the standards contained in these Regulations for a new street. If the development borders said existing street only on one (1) side, the developer shall be required to improve only that side of said existing street upon which it borders.

5. **Conformance to Major Road Plan:** Whenever a proposed subdivision borders or encompasses the route of any street in the Major Road Plan, the developer of said subdivision shall be required to dedicate right-of-way and to construct said street to the standards specified by the Major Road Plan and these regulations. If the route borders the proposed subdivision only on one (1) side, the developer shall be required to dedicate and construct only that side of said existing street upon which it borders.

6. **Dedications and Improvements Warranted by Traffic Study:** All new street construction, improvements to existing streets and other traffic improvements identified as being required in a traffic study prepared in accordance with the requirements of Article 4, Section C, 2. f), including off-site improvements, shall be made by the developer, to the extent specified by the Planning Commission, with input from the Town Engineer.

**D. Functional Design Criteria**

1. **Purpose:** The public way design standards set forth in this section are hereby required in order to provide public ways of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, sanitation, and road-maintenance equipment, and to coordinate public ways so as to compose a convenient and safe system and avoid undue hardships to adjoining properties. These provisions are intended to establish appropriate standards for the design of streets in residential subdivisions that will:

   a) promote the safety and convenience of vehicular;
   b) protect the safety of neighborhood residents;
   c) minimize crime in residential areas;
   d) protect the residential qualities of neighborhoods by limiting traffic volume, traffic speed, noise and fumes;
e) encourage the efficient use of land;

f) promote construction methods and criteria that provide high quality and efficient design; to provide for initial cost concerns, future maintenance cost and general liability cost for the Town;

g) minimize the construction of impervious surface thereby protecting the quantity and quality of the Town’s water resources; and

h) provide satisfactory access for emergency vehicles.

2. Design Hierarchy: There is hereby established a design hierarchy according to street function. The purpose of the hierarchy is to establish clear functional guidelines and limitations to be utilized in the design of streets.

a) New Streets: Each proposed street shall be classified and designed for its entire length to meet or exceed the minimum standards for one of the following street types:

<table>
<thead>
<tr>
<th>STREET CLASSIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
</tr>
<tr>
<td>Minor Collector</td>
</tr>
<tr>
<td>Major Collector</td>
</tr>
<tr>
<td>Minor Arterial</td>
</tr>
<tr>
<td>Arterial</td>
</tr>
</tbody>
</table>

b) Existing Streets: During the plan review process each street abutting or affecting the design of a subdivision or land development that is not already classified on the Major Road Plan shall be classified according to its function, design and use by the Planning Commission at the request of the applicant. The classification of existing streets shall include the hierarchy of Article 2, Section D, 2. a) above, and may also include classifications of higher order as determined by the adopted Major Road Plan.

c) Traffic Volume Calculations

(1) Trip Generation Rates: The following chart shall be used to determine the anticipated average daily traffic level of proposed residential development:

<table>
<thead>
<tr>
<th>HOUSING TYPE</th>
<th>AVERAGE WEEKDAY TRIP GENERATION RATES (ADT) PER DWELLING UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Detached Dwellings</td>
<td>10 trips</td>
</tr>
<tr>
<td>Cluster or Town Houses</td>
<td>7 trips</td>
</tr>
<tr>
<td>Garden Apartments (1-4 Story)</td>
<td>6 trips</td>
</tr>
<tr>
<td>Retirement Complex</td>
<td>3.5 trips</td>
</tr>
</tbody>
</table>
Volume Calculations: Calculation of traffic volumes shall be accomplished by using the following formula:

\[(\text{Regeneration Rate per Dwelling}) \times (\text{Number of Units Receiving Access from Street}) = \text{Design ADT}\]

3. **Residential Street Design Criteria:** The material contained within this segment is intended to provide information as to the intended function and design capacity of the various street types presented in Article 4, Section D, 2. The order of presentation proceeds from smallest capacity street to the greatest.

a) **Local**

Local streets are designed to provide access to individual properties as well as access to the higher classification street network. The local street provides for neighborhood circulation and may carry neighborhood traffic and through movements. Local streets differ in design depending upon the location of such streets.

b) **Minor Collector Street**

The minor collector street provides access to individual properties and collects and distributes neighborhood traffic from local streets to collector and arterial streets.

c) **Major Collector Street**

Major collector streets collect and distribute traffic from minor collector and local streets to the arterial transportation systems.

4. **General Design:** The general design of all public ways shall conform to the standards in Tables 1 and 2 that follow hereafter.

a) **Rights-of-Way and Pavement Width:** Minimum rights-of-way and pavement width shall be provided as required to meet the design standards for the various classifications of streets set out in Tables 1 and 2.

(1) **Reduction in Right-of-Way Width:** The Town may reduce the required right-of-way width for residential streets under the following conditions:

(i) The site is located within a Planned Unit Development or a Variable Lot Size Residential Development under applicable provisions of the Zoning Ordinance absolute minimum right-of-way width being forty (40') feet.

(ii) The potential for future development will alter neither the street classification nor the design standards proposed. As a condition for varying the right-of-way requirements, the Town may require binding agreements to ensure no additional access to or use of the street.
In no instance shall a right-of-way be less than forty (40’) feet. In granting the reduced right-of-way width, it shall be determined that sufficient width will be available to provide for all the following (unless separate right-of-way for them is being provided elsewhere to the satisfaction of the Town):

- Pavement
- Curbs
- Shoulders
- Utility easements
- Drainage swales
- Pedestrian and/or bicycle paths
- Street trees or other planting strips
- Turning lanes
- Cut or fill slopes at the discretion of the Town Engineer (the right-of-way shall extend five (5’) feet beyond the crest or toe of these slopes).

(2) Increase in Right-of-Way Width: The Town may increase the required right-of-way width for residential streets under the following conditions:

(i) If proposed lots are large enough for further subdivision that may change the street classification in the future to a higher order street, the Town may require that the right-of-way width for the higher order street be provided.

<table>
<thead>
<tr>
<th>Street Type**</th>
<th>Right-of-Way</th>
<th>Pavement Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>50</td>
<td>26</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>60</td>
<td>30 – 36*</td>
</tr>
<tr>
<td>Major Collector</td>
<td>60 – 72*</td>
<td>36 – 48*</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>88</td>
<td>64</td>
</tr>
<tr>
<td>Arterial</td>
<td>108</td>
<td>84</td>
</tr>
</tbody>
</table>

Notes:
* = As approved by the Town Engineer and Town Planner
** = As designated by the Major Road Plan or Advanced Planning Report
<table>
<thead>
<tr>
<th>TABLE 2</th>
<th>GENERAL DESIGN STANDARDS FOR STREETS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RESIDENTIAL STREET</td>
</tr>
<tr>
<td><strong>Design Speed (MPH)</strong></td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td>25</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>30</td>
</tr>
<tr>
<td>Major Collector</td>
<td>35</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>40</td>
</tr>
<tr>
<td>Arterial</td>
<td>*</td>
</tr>
<tr>
<td><strong>Maximum Percentage Grade</strong></td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td>12%</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>10%</td>
</tr>
<tr>
<td>Major Collector</td>
<td>10%</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>7%</td>
</tr>
<tr>
<td>Arterial</td>
<td>6%</td>
</tr>
<tr>
<td><strong>Minimum Percentage Grade</strong></td>
<td></td>
</tr>
<tr>
<td>All Streets</td>
<td>1%</td>
</tr>
<tr>
<td><strong>Maximum Super-Elevation (foot/foot)</strong></td>
<td>0.08</td>
</tr>
<tr>
<td><strong>Minimum Stopping Sight Distances (in feet)</strong></td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td>150</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>200</td>
</tr>
<tr>
<td>Major Collector</td>
<td>250</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>300</td>
</tr>
<tr>
<td><strong>Minimum Radius of Return at Intersections</strong></td>
<td></td>
</tr>
<tr>
<td>At Right-of-Way</td>
<td>25 ft.</td>
</tr>
<tr>
<td>At Pavement</td>
<td>30 ft.</td>
</tr>
<tr>
<td><strong>Maximum Grade at Intersections</strong></td>
<td></td>
</tr>
<tr>
<td>Local (within 50 ft. from E.O.P.)</td>
<td>6%</td>
</tr>
<tr>
<td>Minor Collector (within 50 ft. from E.O.P.)</td>
<td>6%</td>
</tr>
<tr>
<td>Major Collector</td>
<td>3%</td>
</tr>
<tr>
<td>Minor Arterial (within 100 ft. from E.O.P.)</td>
<td>3%</td>
</tr>
<tr>
<td>* = As determined by the Major Road Plan</td>
<td></td>
</tr>
</tbody>
</table>

**Pavement Crown:** The paved surface shall slope downward from the centerline of the street outward to the edge of the paved surface on each side at a rate of two (2%) percent or as defined in the Local Government Public Works Standards and Specifications.

**Turnaround Standard (No Outlet Streets):** As specified in the Local Government Public Works Standards and Specifications.

**Stopping Sight Distance:** Measured from a driver's eye (3.5 feet above pavement) to a point six (6) inches above the pavement at a required distance based on miles per hour.
(3) A slope easement in excess of the right-of-way designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be steeper than three to one (3:1). Where solid rock is encountered, slopes shall be no steeper than one-half to one (1/2:1).

(4) The pavement and right-of-way sections appearing herein are not designed to permit on-street parking, except in emergency situations. Where on-street parking is to be permitted, eight (8’) feet of additional width shall be added for each parallel parking lane.

b) Intersections

(1) Pavement shall intersect as nearly as possible to a ninety (90°) degree angle for a minimum of one hundred (100’) feet from the stop bar. A proposed intersection of two (2) new public ways at an angle of less than seventy-five (75°) degrees shall not be permitted. Not more than two (2) public ways shall intersect at any one point, unless specifically approved by the Planning Commission.

(2) Centerline off-sets of less than three hundred fifty (350’) feet between T-type intersections within public ways shall not be permitted, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where public ways intersect arterial or collector routes, the alignment of such streets shall be continuous. Intersections of arterial or community collector streets shall be at least eight hundred (800’) feet apart.

(3) Minimum curb or edge of pavement radius shall be determined according to the specifications for the street of higher classification in the street system hierarchy, as specified below.

(4) Whenever a proposed street intersects an existing or proposed street of higher order in the street hierarchy, the street of lower order shall be made a stop street.

(5) All applicable provisions of the Zoning Ordinance regarding the clear sight triangle shall apply.

(6) Intersections shall be designed as shown in Table 2 with a grade of one (1%) to six (6%) percent.

(7) The cross-slope on all public ways, including intersections, shall be two (2%) percent or as specified by the Local Government Public Works Standards and Specifications or otherwise specified in this document.
c) Acceleration and Deceleration Lanes

(1) Deceleration or turning lanes may be required by the Town Engineer along existing and proposed streets as determined by a traffic impact study.

(2) Deceleration lanes shall be designed to the following standards:

(i) on a state route, the lane shall be designed in conformance with the requirements of the Tennessee Department of Transportation or as approved by the Town Engineer, whichever is greater;

(ii) the lane width shall be the same as the required width of the roadway moving lanes for its full stacking length;

(iii) a taper shall begin at the end of the deceleration lane and shall be eight to one (8:1) up to thirty (30) mph and fifteen to one (15:1) up to fifty (50) mph; and

(iv) the minimum lane length shall be as follows:

<table>
<thead>
<tr>
<th>Design Speed of Road Length</th>
<th>Minimum Deceleration Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 mph</td>
<td>235 feet</td>
</tr>
<tr>
<td>40 mph</td>
<td>315 feet</td>
</tr>
<tr>
<td>50 mph</td>
<td>435 feet</td>
</tr>
</tbody>
</table>

(3) Acceleration lanes are also required when indicated as needed by a traffic impact study. The design shall be as per the recommendation of the Town Engineer. As necessary, a paved taper shall be provided for right turns.

d) Frontage Streets and One-Way Streets

(1) Classification and Design of Marginal Access Streets: Frontage or marginal access streets may be utilized as an alternative to creating a row of lots along existing or proposed collector or higher order streets. Marginal access streets shall be classified and designed to conform to the design standards and service restrictions of either “local streets” as anticipated daily traffic may dictate.

(i) Intersection Spacing: The minimum distance between intersections of the marginal access street with minor or residential collectors shall be three hundred thirty-five (335’) feet. Minimum distances with higher order streets shall be determined by the Town Engineer based upon the traffic characteristics of the higher order street.

(ii) Distance between Travelways: A minimum green space of thirty (30”) feet shall be provided between the right-of-way of the
marginal access street and the right-of-way of the higher order street. This area shall be used to provide a visual screen between the roadways by landscaping and/or use of a berm.

(2) Utilization and Design of One-Way Streets: One-way streets may be permitted as loop streets or marginal access streets where there is need to separate the directional lanes to preserve natural features to avoid excessive grading for street construction on steep slopes. One-way streets shall have a minimum of a twenty (20’) foot paved surface and a forty (40’) foot right-of-way. Pavement and curb transitions shall be designed and constructed in accordance with standards provided by the Town Engineer.

e) Arrangement of Dead-End Streets

(1) Temporary Stub Streets

(i) Residential Stub Streets: Residential stub streets may be required, or, such may be permitted but only within subsections of phased development for which the proposed street extension in its entirety has been approved as part of a conceptual preliminary plan.

(ii) Collector and Lane Stub Streets: Collector and lane stub streets may be permitted or required by the Town on collector streets provided that the future extension of the street is deemed desirable by the Town and conforms to the adopted Major Road Plan.

(iii) Temporary Turnarounds: All stub streets shall be provided with a turnaround paved to an outside radius of fifty (50’) feet. No turnaround is required if the stub street provides access to two (2) or less lots or housing units. In the later case, a sign indicating a dead-end street shall be posted unless otherwise required by emergency services or the Town Engineer.

(2) Permanent Dead-End Public Ways

(i) General Design Standards: Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than one hundred fifty (150’) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout shall be provided at the end of a dead-end public way in accordance with the design standards of these regulations.

For greater convenience to traffic and more effective police and fire protection, permanent dead-end public ways shall, in general,
be limited in length in accordance with the design standards of these regulations.

(ii) Design of Turnarounds: The type of turnaround required shall be determined by the Planning Commission based upon recommendation of the Town Engineer. Turnarounds shall be designed to accommodate emergency and service vehicles as well as passenger cars. The maximum length of a street leading to turnarounds shall be eight hundred (800’) feet, unless otherwise approved by the Town Engineer. The Planning Commission will consider alternative shapes for terminations when the street is located upon steep slopes and excessive cut or fill will be required to meet the design standards of the typical sections.

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

(1) In residential areas, a buffer strip at least twenty-five (25’) feet in depth in addition to the normally required depth of the lot shall be required adjacent to the railroad right-of-way or limited-access highway. This strip may be part of the platted lots or protected as open space and shall be designated with the following notation: “This strip is reserved for screening; the placement of structures hereon is prohibited.” Where this screening strip is held in common ownership it shall be maintained by a homeowners association.

(2) In commercial or industrial areas, the nearest public way extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial usage.

(3) Public ways parallel to a railroad, when intersecting a public way which crosses the railroad at grade, shall to the extent practicable, be at a distance of at least one hundred fifty (150’) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

g) Bridges: Bridges of primary benefit to the developer, as determined by the Planning Commission, shall be constructed at the full expense of the developer without reimbursement from the governing body. Bridge design shall be in accordance with appropriate T.D.O.T. specifications and stamped by a Tennessee licensed engineer.

h) Temporary Construction Routes: In any instance where temporary construction routes are proposed within a development and such routes are designed and intended to serve as accesses only during the period of construction of such development, the removal of such routes shall be guaranteed.
E. Road Construction Specifications

The road construction specifications are included in the Local Government Public Works Standards and Specifications, and are adopted as a part hereof. These specifications shall be the minimum standards for construction of public or private improvements located within any subdivision within the Town limits.

F. Drainage and Storm Sewers

1. General Requirements: All plats shall make adequate provisions for stormwater or floodwater runoff basins or channels. The stormwater drainage system shall be separate and independent from any sanitary sewer system. Each lot shall have necessary drainage easement on each lot line. Easements at least twenty (20’) feet in width (ten (10’) feet on each abutting lot) shall be required for pipes with diameters of sixty (60”) inches or less. Easements at least twenty-four (24’) feet in width or as required by the Town Engineer shall be required for pipes over sixty (60”) inches in diameter. The following notation regarding the use of these easements shall be made upon all plats:

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“Public utility easements where shown hereon are intended to indicate an easement for construction, operation and maintenance of public utilities including, but not limited to, sanitary sewers, water lines, telephone signal conduits, electric conductions, and natural gas lines. Drainage easements are intended to indicate an easement for construction and maintenance of drainage facilities.”
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2. Nature of Stormwater Facilities

a) Stormwater Design and Construction Specifications: The stormwater design and construction specifications included in these regulations shall be the minimum standards for any subdivision within the town limits.

b) Location: The subdivider shall be required to transport by concrete pipe or open concrete ditch any spring or stormwater that may exist prior to or as a result of any subdivision. Such drainage facilities shall be located in the public right-of-way, wherever feasible, or in perpetual unobstructed easements of appropriate width. These facilities shall be constructed in accordance with the construction specifications contained in the Local Government Public Works Standards and Specifications.

c) Accessibility of Public Storm Sewers: Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no facilities are within one thousand (1,000’) feet, adequate provision shall be made for the disposal of stormwater, subject to the specifications contained herein.

d) Accommodation of Upstream Drainage Areas: A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Necessary
facilities shall be sized assuming conditions of maximum potential development within the watershed.

e) Effect on Downstream Drainage Areas: The subdivider shall prepare and submit to the Town Engineer a study of the effect of each subdivision on existing downstream properties and drainage facilities outside the area of the subdivision.

Pre-development and post-development runoff rates, volumes and velocities for the two (2), ten (10), twenty-five (25) and one hundred (100) year occurrences as determined using the SCS TR-55 method or approved equal along with associated calculations and maps shall be submitted with a stormwater drainage report prepared by a Tennessee registered engineer. If increased runoff rate or total volume impacts downstream drainage structures then these structures shall be improved with the permission of the appropriate property owners. It shall be the responsibility of the developer to obtain permission from the property owners to make these improvements. If existing drainage easements do not exist, the Planning Commission may require that they be obtained by the developer.

Where it is anticipated that drainage and/or runoff from a development will overload an existing downstream drainage facility, the Planning Commission shall withhold approval of the subdivision until provision has been made for adequate improvement of such drainage facilities. The subdivider shall be required to construct adequate downstream facilities or contribute his pro-rata share toward the construction of adequate downstream facilities and install on-site stormwater detention to mitigate the downstream impacts.

On-site stormwater detention proposed to reduce the peak rate of discharge to off-site drainage systems downstream shall not cause increased peak flows or velocities detrimental to downstream properties or facilities. When detention facilities are utilized, the peak rate of discharge after development shall not exceed the pre-development peak rate.

Controlled releases of discharge from a detention basin shall include “v-notch,” rectangular or other weir configurations which prevent increased discharge (above pre-development conditions) for storm events of two (2), ten (10) and twenty-five (25) year occurrences. The developer shall ensure that the one hundred (100) year design storm can be managed safely by the detention facility, incorporating spillways as necessary.

Detention facilities shall be platted as perpetual drainage easements and shall be maintained by the property owner or the owners’ association, as applicable. **The Town will in no way be responsible for maintenance of detention/retention facilities on private property.** In the case of an emergency or safety, the Town may perform work to relieve the situation. Estimated increases in discharge velocity shall be mitigated by energy dissipation devices where required to prevent erosion.

Within subdivisions where homeowners’ associations exist, the association shall maintain all detention/retention facilities. If no homeowner’s association exists, the
lot owner shall maintain such facilities. The developer shall file copies of the covenants and/or homeowner’s association charter and bylaws with the Town.

The drainage system shall be designed to honor natural drainage divides, where practical. Surface waters shall not be concentrated and discharged onto adjoining property at rates and/or velocities exceeding pre-development conditions, unless an easement expressly authorizing such discharge has been granted by the owner of the affected land or unless the discharge is into an adequate natural watercourse or drainage system.

f) Areas of Poor Drainage: In general, areas of poor drainage shall be classified as “land unsuitable for development” as described in Article 4, Section A, 3. a), and shall not be included in streets and lots. In any instance where it may be necessary to locate a roadway in an area subject to flooding that is not located within the one hundred (100) year regulatory flood boundary, the Planning Commission may approve such subdivision; provided, the applicant fills the affected flood area of said subdivision to place public way elevations no lower than one (1’) foot above the known flood elevation.

For drainage ways, creeks, streams, etc. not included within any existing flood study area as shown on the most current FEMA Flood Maps for the project area, the boundaries of the one hundred (100) year floodway and floodway fringe area, and the regulatory flood elevation, shall be determined by the Town Engineer upon receipt of appropriate flood study data supplied by the applicant. Said flood study shall be conducted using procedures and methodology recognized by and acceptable to FEMA.

As general policy, sinkholes shall be classified as “land unsuitable for development” as described in Article 4, Section A, 3. a), and shall not be included in streets and lots. When sinkholes are encountered, the limits of standing water shall be determined by the developer based upon competent engineering. Any alteration of a sinkhole or the drainage pattern shall receive prior approval by the Planning Commission.

g) Floodway Areas: In all instances the regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any subdivision that contains flood-prone land shall be subject to the special provisions set forth in Article 4, Section B, 1. c) of these regulations.

h) Stormwater Detention and Discharge Control: The general policy of the Town is to provide detention for the increased volume of water generated by a development. The major factors in evaluating drainage designs will be the effect of increased runoff rates on downstream water levels and the proximity of any structures.

3. Dedication of Drainage Easements

a) General Requirements: Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or
drainage right-of-way conforming substantially to the lines of the one hundred (100) year flood elevation of such watercourse. Where new open drainage ways are utilized, they shall be designed for the twenty-five (25) year frequency flood.

b) Drainage Easements

(1) Where topography or other conditions are such as to make impracticable inclusion of drainage facilities within the right-of-way of a public way, perpetual unobstructed easements at least twenty (20’) feet in width for such facilities shall be provided across property outside the public way lines and with satisfactory access to public ways. Easements shall be indicated on the conceptual and final plats. Drainage easements shall be carried from the public way to a natural watercourse or to other drainage facilities.

(2) When downstream drainage improvements are proposed that will require additional easements across private land outside the subdivision, appropriate drainage easements must be secured by the developer and indicated on a plat amendment for that property.

(3) The applicant shall dedicate, when required by the Planning Commission, either in fee, or by drainage or conservation easement, the land on both sides of an existing watercourse for a distance to be determined by the Town Engineer.

c) Ditching, Culverts and Storm Drains: The design and construction details of drainage facilities shall be in accordance with the provisions of these regulations. The Town Engineer shall approve the design and construction details of all such facilities.

G. Water Facilities

The public water system within the Town of Arlington is owned and operated by Memphis Light Gas and Water (MLGW). The developer shall be responsible for obtaining the required level of service for his development under the policies of MLGW, and for paying all costs associated with this work. The water distribution system (fire mains and hydrants) shall be sized for the ultimate tributary population and shall meet the fire flow requirements as established by MLGW and the Arlington Fire Department.

H. Sewage Facilities

1. General Requirements: The applicant shall install sanitary sewer facilities in a manner prescribed by the regulations of the Tennessee Department of Environment and Conservation and by any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit thereof.
2. **Mandatory Connection to Public Sewer System**

   a) When public sanitary sewers are accessible to the subdivision, as determined by the Planning Commission, the subdivider shall provide such facilities to each lot therein and shall connect the facilities to the public system. The subdivider shall provide sewers that meet standards set forth in the regulations of the Tennessee Department of Environment and Conservation.

   b) All sanitary sewer facilities located in a flood hazard area shall be flood-proofed to the regulatory flood protection elevation. All sewer facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.

   c) All public sanitary sewer systems shall be constructed utilizing materials that are A.S.T.M. and/or A.W.W.A. approved.

3. **Individual Disposal System Requirements**: If public sewer facilities are not available and individual disposal systems are proposed, the individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device, shall be approved by the Shelby County Environmental Office, Division of Groundwater Protection. The entire individual disposal system, including all drainage fields associated therewith, shall be located within the area of fee simple ownership with the principal structure such system is to serve.

4. **Design Criteria for Sanitary Sewers**: Sanitary sewer systems shall be designed for the ultimate tributary population and shall be gravity-flow systems where possible. Due consideration shall be given to any current zoning regulations and approved planning reports, where applicable. Sewer capacities shall be adequate to accommodate the anticipated maximum hourly quality of sewage and industrial wastes, together with an adequate allowance for infiltration and other extraneous flow. Sewer connections to dwellings shall not be less than six (6”) inches in diameter, short laterals and all other lines shall be eight (8”) inches or larger in diameter, depending on anticipated flow.

I. **Utility Easements**

1. **Permanent Easements**: Easements shall be provided for proposed utilities (private or public). Such easements shall generally be at least twenty (20’) feet wide. Additionally, public utility and drainage easements a minimum of five (5’) feet in width shall be provided along all other side and rear lot lines. Utility easements a minimum of ten (10’) feet in width shall be provided along all street frontage. The subdivider shall take such actions as necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within his development. All easements shall be indicated on the plat.

2. **Temporary Construction Easements**: Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project.
J. Electrical, Telephone and Television Service Lines

1. Underground Utilities: Following adoption of these regulations all electrical, telephone and television service lines located within any subdivision approved under authority of these regulations shall be placed underground unless the facilities qualify for exceptions listed herein, or a specific exception is approved by the Arlington Public Works Department.

2. Above Ground Utilities: Except as provided in Article 4, Section J, 3. below, it shall be unlawful to erect or construct permanent above-ground utility equipment within any subdivision approved under authority of these regulations.

3. Exceptions: The following exceptions shall apply to the application of this section:

   a) Above-ground utility equipment may be installed, maintained and utilized by utility companies for a period not to exceed ninety (90) days in order to provide emergency utility services. This time limit may be extended, if warranted, by the Planning Commission.

   b) Utility equipment utilized for vehicular or pedestrian traffic control purposes.

   c) Utility equipment appurtenant to underground facilities, such as service-mounted, pedestal-mounted, or pad-mounted transformers, terminal boxes, meters and meter cabinets.

   d) Temporary utility equipment utilized exclusively in conjunction with construction projects. Upon installation of permanent utility equipment the temporary equipment shall be removed.

   e) Fire hydrants, fire plugs and other utility equipment utilized exclusively for fire-fighting purposes.

   f) Telephone and television transmission towers.

   g) Equipment installed by an electric utility which should not be installed underground for engineering or safety reasons.

   h) Electrical transmission lines and switch gear.

4. Street Lights:

   a) The developer is required to pay for the installation of street lights in all developments abutting and including right-of-way of any development. Electrical service to these street lights shall be underground. The spacing between lights, setback from the street, type of luminary, installation specifications and other specifications shall be in accordance with the requirements of Memphis Light Gas and Water. It shall be the developer’s responsibility to coordinate the installation of the street lights with the utility company.
b) Standard street lights along public roadways improved as part of a project shall be concrete poles with cobrahead fixtures, as identified by Memphis Light Gas and Water. The Planning Commission may consider deviations to allow decorative street lights for subdivisions or new developments when the proposed lights are the appropriate type and pole height, in accordance with Memphis Light Gas and Water standards based on the roadway type and width. The same style poles and lighting fixtures shall be used in all phases of a subdivision when the same units are available, unless otherwise approved in writing by the Town of Arlington.

K. Public Uses

1. **Plat to Provide for Public Uses:** Whenever a tract to be subdivided includes a school, recreation use, or other public use other than streets, as indicated on the land development plan, such tract shall be suitably incorporated by the developer into his plat when first presented for review by the Planning Commission.

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

2. **Referral to the Governmental Agency Concerned:** the Planning Commission shall refer any plat presented in accordance with Article 4, Section K. 1. above, to the governmental agency concerned with acquisition of the land. The Planning Commission may propose alternate areas for such acquisition and shall allow the appropriate governmental agency thirty (30) days for reply.

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

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

3. **Notice to Property Owner:** Upon receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on all plats any areas proposed to be acquired by any governmental agency.

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

1. **General**: If a proposed subdivision includes land that is zoned for a commercial or industrial purpose, the layout of the subdivision with respect to such land shall make such provisions as the Planning Commission may require. A nonresidential subdivision shall be subject to all the requirements of these regulations; as well as such additional standards as set forth by the Planning Commission.

2. **Standards**: In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the public way, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

   a) proposed industrial parcels shall be suitable in area and dimensions to the types of nonresidential development anticipated;

   b) special requirements may be imposed by the governing body with respect to any public way, curb, gutter, and sidewalk design and construction specifications;

   c) every effort shall be made to protect adjacent residential areas from potential nuisances from the proposed nonresidential subdivision, including provision of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary; and

   d) public ways carrying nonresidential traffic, especially trucks, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.
Article 5  Definitions

A.  Usage:

1. For the purpose of these regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Article.

2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".

3. A "person" includes a corporation, a partnership, any other form of legal entity, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

B.  Definitions

Above Ground: Visible from the surface of the earth.

Applicant: The owner of land proposed to be developed or his authorized representative.

Arterial: A high-capacity road which serves to move traffic from collector streets to highways or interstates, as defined by the Memphis MPO and/or the Town’s adopted Major Road Plan, whichever is more stringent. An example of an Arterial is Airline Road.

Block: A tract of land bounded by public ways or by public parks, cemeteries, railroad rights-of-way, or waterways or a combination of such.

Building: Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property.

Collector: A low to moderate capacity road which serves to move traffic from local streets to arterial roads, as defined by the Memphis MPO and/or the Town’s adopted Major Road Plan, whichever is more stringent. An example of a Collector is Milton Wilson Boulevard.

Conservation Land: Any parcel or area of undeveloped land conserved in its natural state of perpetuity through deeds or other legal means.

Construction Plan: The maps and/or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with requirements of the Planning Commission.

Cross-Access, Cross-Access Ways: Non-street vehicle access between areas such as parking lots serving to reduce traffic in regional shopping areas by allowing vehicles to move between retail or community facility developments without re-entering the public street, and creates a safer
pedestrian and vehicular environment by providing direct vehicular connections between abutting commercial developments.

**Cross Access Easement:** An easement or other development right offered to one party by another party that allows ingress and egress across private lands. Cross access easements are typically granted over or across surface parking lots.

**Cul-de-sac:** A street with a single common ingress and egress and with a turnaround at the end. The definition includes dead-end or turnaround.

**Dedication:** The intentional appropriation or conveyance of land or an interest in land by the owner to the Town for public use.

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

**Deviation:** A proposed variation from the standards, specification or other provisions of the Subdivision Regulations.

**Driveway:** A private road drive providing vehicular access between a street or access drive and a parking area for a single residential unit of occupancy or commercial area.

**Double Frontage Lot:** A lot which is not a corner lot and abuts two or more streets, with possible vehicular access to both streets.

**Dwelling Unit:** One (1) or more rooms designed as a unit for occupancy by one (1) family for cooking, living and sleeping purposes.

**Easement:** Authorization by a property owner for the use by another, for a specific purpose, of any designated part of his property.

**Electrical and Communication Service Lines:** Electrical and communication systems serving limited geographic areas of residential neighborhoods and providing service directly to a resident or group of residences and not designated to provide service more than one-half mile or transmit for street lighting.

**Electric Transmission Lines:** Transmission lines are electrical power lines or networks designed to transmit electrical power for regional use.

**Engineer:** An engineer certified and registered by the State Board of Architectural and Engineer Examiners, pursuant to Title 62, Chapter 2 Tennessee Code Annotated, to practice in Tennessee.

**Escrow Agreement:** A fiduciary agreement with the Town in lieu of actual performance and intended to assure performance. An escrow account may be provided as a bond or surety subject to agreement of the Board of Mayor and Aldermen.

**Final Subdivision Plat:** The final map or drawing and accompanying materials, described in the Regulations, on which the subdivider’s plan of the subdivision is presented to the Planning
Commission for approval and which, if approved by the Commission, is recorded with the Shelby County Register of Deeds.

Flood: A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Hazard or Flood Prone Area: The maximum areas of the floodplain that, on the average, is likely to be flooded once every one hundred years, or has a one (1) percent chance of being flooded in any year.

Flood, Regulatory: See One Hundred-Year Flood

Floodplain: A land area adjoining a river, stream, watercourse or lake which is likely to be flooded. It is composed of a floodway and floodway fringe.

Floodway: The stream channel and adjacent overbank areas required to carry and safely discharge the 100-year flood without increasing flood levels more than one (1) foot above natural flood levels.

Floodway Fringe: The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a 100-year flood.

Frontage: That side of a lot abutting a public way ordinarily regarded as the front of the lot.

Governmental Official or Representative: An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Grade: The slope of a public way specified in percentage terms.

Hardship: Exceptional narrowness, shallowness or shape of a particular piece of property or topographic conditions or other exceptional and extraordinary conditions of such property which renders such property practically useless if required to fully comply with certain provisions of these Regulations.

Horizontal Property Act: The Tennessee Horizontal Property Act, as codified in Title 66, Chapter 27 of Tennessee Code Annotated.

Improvement(s), Off-site: Improvements required to be made off-site as a result of an application for development including but not limited to streets, traffic control, water, drainage, or sewer line improvements.

Improvement(s), Public: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.
Improvement(s), Private: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, recreational facility, or other facility for which private owners assume the responsibility for maintenance and operation.

Individual Disposal System: A septic tank, seepage tile sewage disposal system or any other sewage treatment device other than a public treatment system approved by the Board of Mayor and Aldermen.

Infrastructure: Facilities and services needed to sustain development and land-use activities including, but not limited to, roads, water, sewer, electric, gas, communications, storm water drainage and flood management systems.

Irrevocable Letter of Credit: An irrevocable letter of credit is a commitment from a financial institution to pay an agreed sum of money to a third party in compliance with the terms of the letter.

Land Development Plan: The official statement of the Planning Commission which sets forth major policies concerning future development of the Town.

Land Surveyor: A land surveyor certified and registered by the State Board of Land Survey Examiners, pursuant to Title 62, Chapter 18, Tennessee Code Annotated, to practice in Tennessee.

Local Street: A low-volume roadway that is not classified as either an Arterial, Collector, Highway, or Interstate. An example of a Local Street is Campbell Street.

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

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

Major Street or Road Plan: The plan adopted by the Arlington Municipal Planning Commission showing, among other things, the general location, character and extent of public ways, and the removal, relocation, extension, widening, narrowing, vacating abandonment or change of use of existing public ways.

Major Subdivision: All subdivisions not classified as minor subdivision, including but not limited to subdivisions of three (3) or more lots, or subdivisions of any size requiring any new or improved road, the extension of governmental facilities, or the creation of any public improvements, or containing any flood prone area.

Minor Subdivision: Any subdivision of land containing less than three (3) lots fronting on an existing public way, not requiring by these Regulations any new or improved public way, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adopted land development plan, major road plan, or other provision of these Regulations.
**Mixed-Use District or Mixed-Use Development:** A tract of land or structure developed for both residential and non-residential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single story building or on a lot or development site.

**National Flood Insurance Program:** A program established by the U.S. Government in the Nation Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide flood insurance at rates made affordance through a federal subsidy in location political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the Nation Flood insurance Program Regulations. The program regulations are found at 24 Code of Federal Regulations, Chapter X, Subchapter B.

**Off-Site:** Outside the limits of the area encompassed by the tract area or the parcel of record which is to be subdivided or developed, whether or not in the same ownership as that of the area to be subdivided or developed.

**One-Hundred Year Flood:** A flood having an average frequency of occurrence of once in 100 years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

**On-Site:** Outside the limits of the area encompassed by the tract area or the parcel of record which is to be subdivided or developed.

**Open Space:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use. Open space may be set aside for purposes including, but not limited to, recreation, preservation and protection of natural resources, streams and rivers, conservation and enhancement of natural resources.

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

**Performance Bond:** See Bond, Performance.

**Preliminary Plat:** The preliminary drawing or map of a subdivision, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

**Private Street:** Streets not dedicated to and maintained by the Town of Arlington or other government entity.

**Public Way:** Any publicly owned street, alley, sidewalk, or right-of-way which provides for movement of pedestrians or vehicles.

**Regulatory Flood:** The one hundred-year flood.

**Regulatory Flood Protection Elevation:** The elevation not less than one (1) foot above the water surface profile associated with the Regulatory Flood.
Reserve Strip: A portion of land set aside to prevent and prohibit access to adjoining property or public way.

Re-Subdivision: A change of any approved or recorded subdivision plat altering the lots incorporated within the confines of the original plat.

Right-of-Way: A strip of land occupied or intended to by occupied by a public way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another similar use. The usage of the term right-of-way, for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

Sale or Lease: Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a development or part thereof, whether by metes and bound, deed contract, plat, map or other written instrument.

Security: A Bond or Letter of Credit issued by a bank or bonding company qualified to do business in the State of Tennessee, to the Developer, naming the Town of Arlington as beneficiary, and securing the completion of all Public Improvements and Private Improvements. Said bond or letter of credit shall have an expiration date of one (1) year from issuance but shall automatically renew for successive one (1) year periods and is callable upon a local branch (as per Article 2, Section H., 3. f) of the issuing bank or bonding company. In accordance with Article 2, Section H., cash or certified check are adequate security acceptable to the Town.

Sketch Plat: A conceptual sketch of a subdivision presented to the Planning Commission to be used by a subdivider to discover factors that may have an impact on a potential development.

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

Structure: Anything constructed above or below ground, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground. This includes, but is not limited to, buildings, towers, smokestacks and overhead transmission lines.

Subdivider: Any person who:

a) having an interest in land causes it, directly or indirectly, to be divided into a subdivision, or
b) directly or indirectly sells, leases or develops or offers to sell, lease or develop, or advertise for sale, lease or development any interest, lot, parcel, site, unit or plot in a subdivision, or
c) engages, directly, indirectly or through an agent, in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, suite, unit or plot in a subdivision, or
d) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.
**Subdivision:** The division of a tract or parcel of land into two (2) or more lots, sites or other division requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of re-subdividing or to the land or area subdivided.

**Town/Town of Arlington:** The Town of Arlington or the area within the territorial limits of the Town of Arlington. The duly elected, appointed and employed government, administration, agents, ordinances, resolution, laws and responsibilities of the Town of Arlington.

**Underground:** Not visible from the surface of the earth.

**Use:** The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

**Utility Company:** Any person, governmental body, organization, entity of any type, or their agents, representatives and employees, supplying electricity, natural gas, water, communications or similar and associated services to residential areas within the Town.

**Utility Equipment:** Includes poles, support towers, wires, conductors, circuits, guys, stubs, platforms, cross arms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances used or useful in supplying electricity, natural gas, water, communication or similar associated services to parcels in the Town.

**Watercourse:** Open (non-pipe) intermittent or continuously flowing, conveyances of surface or storm water, i.e. streams, ditches, swales, etc.

**Zoning Ordinance:** The duly adopted Zoning Ordinance of Arlington, Tennessee.
Article 6  Adoption and Effective Date

A. Public Hearing

Before adoption, amendment, revisions, or rescission of all or part of these Subdivision Regulations, a public hearing as required by Section 13-4-303, Tennessee Code Annotated, was afforded any interested person or persons.

B. Effective Date

The attachment of the Planning Commission’s subdivision jurisdiction and these Subdivision Regulations shall be in full force and effect from and after their adoption and effective date. The effective date of any amendment, revision or rescission of these Subdivision Regulations shall be the date such amendment, revision or recession shall have been adopted by the Planning Commission.

Adopted by the Planning Commission 18th day of July, 2011.

CHAIRMAN
ARLINGTON PLANNING COMMISSION

ATTEST:  SECRETARY