

SUBDIVISION REGULATIONS

HOHENWALD, TENNESSEE

JULY, 1987

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## SUBDIVISION STANDARDS

OF

### HOHENWALD, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION (Hereafter referred to as the Planning Commission)

#### ARTICLE ONE: PURPOSE, AUTHORITY AND JURISDICTION

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

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

102. Authority. These subdivision standards are adopted under the authority granted by Sections 13-3-401 through 13-3-411 and 13-4-301 through 13-4-309, Tennessee Code Annotated. The planning commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such standards, having filed a certified copy of the Major Street and Road Plan in the Office of the Register of Lewis County, Tennessee on June 2, 1987.

103. Jurisdiction. These regulations shall govern all subdivision of land within the corporate limits of Hohenwald, Tennessee, as now or hereafter established, and within the Hohenwald Planning Region as established by resolution of the Tennessee State Planning Commission. Within these regulations, the term "subdivision" shall be as defined in

Article One, 104. Any owner of land within this area wishing to subdivide land shall submit to the Planning Commission, a plat of the subdivision according to the procedures outlined in Article Two, which plat shall conform to the minimum requirements set forth in Article Five. Improvements shall be installed as required by Article Six of these standards.

The following are not defined as subdivisions:

Testamentary division of property; partnership division of property between two or more owners of an undivided interest by court order.

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

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

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Base Flood. The flood having a one (1) percent chance of being equalled or exceeded in any given year.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM). The official map issued by the Federal Emergency Management Agency where the Areas of Special Flood Hazard have been designated as Zone A.

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

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

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Subdivision. 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 resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. (See Sections 13-4-301 and 13-3-401, Tennessee Code Annotated).

Watercourse. Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is ten (10) acres or more in extent, provided that it shall, upon the rule or order of the Planning Commission also include other generally or specifically designated areas where flooding may occur. The flow of water needs not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

ARTICLE TWO: PROCEDURE FOR PLAT APPROVAL

201. Procedure. In seeking to subdivide land a property owner or his agent shall:

- 201.1 Consult early and informally with the Planning Commission and its technical staff to become familiar with these regulations, the Major Street and Road Plan, and other official plans or public improvements which might affect the area to be subdivided.
- 201.2 Prepare a preliminary plat and submit same to Planning Commission at least fourteen (14) days prior to meeting at which it is to be considered, said plat to be prepared in accordance with Articles Three and Five hereof.
- 201.3 Following approval of the preliminary plat by the Planning Commission, the subdivider shall install or guarantee the installation of improvements as required in Article Six.
- 201.4 Following the guarantee of, or installation of, improvements, the final plat shall be submitted to the Planning Commission in accordance with the requirements of Article Four hereof. The Planning Commission shall examine said plat and if: (a) it is in accordance with the approved preliminary plat or any approved revisions, thereof, and (b) the Planning Commission has at hand written approval of the installation of improvements or of the proffered guarantee of said installation by the commissioner of streets or the County Road Commissioner, then the Commission shall approve said plat within 30 days of submittal.

ARTICLE THREE: PRELIMINARY PLAT

301. Preliminary Plat, Where Filed. Any person proposing to subdivide land shall file five (5) prints of a preliminary plat of such proposed subdivision with the secretary of the Planning Commission. Review on the proposed plat shall be at the first regular meeting of the Planning Commission that is at least fourteen (14) days after the date of filing.
302. Preliminary Plat, Scale and Size. Preliminary plats shall be drawn to a scale of one (1) inch equals one hundred (100) feet on sheets sixteen (16) by twenty (20) inches. The use of an appropriate smaller scale is permitted for lots larger than one acre. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.
303. Preliminary Plat, General Requirements. The preliminary plat shall meet the standards of design set forth in Article Five and the general requirements for the construction of public improvements as set forth in Article Six.
304. Preliminary Plat Shall Show:
- 304.1 The proposed name of the subdivision which shall not duplicate or too closely approximate, phonetically or otherwise, the name of any other subdivision in the Hohenwald Planning Region, the name(s) and address(es) of the owner or owners, and the name of the designer of the plat who shall be an engineer or surveyor licensed by the State of Tennessee.
- 304.2 Date, graphic scale, and approximate north point, with north to be at top of sheet, if possible.
- 304.3 The location of existing and platted property lines, existing streets, buildings, water-courses including areas of special flood hazard, railroads, sewers, bridges, culverts, drain pipes, water mains, any public utility easements or lines, present zoning classification, if any, on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.

- 304.4 A key map showing relation of subdivision as to well-known streets, railroads, and watercourses including areas of special flood hazard, in all directions to a distance of at least one-half mile. Suggested scale: one (1) inch equals 1,000 feet.
- 304.5 Plans of proposed utility layouts (sewers, water, gas, and electricity) showing feasible connections to the existing or any proposed utility systems. When such connections are not practicable, any proposed individual water supply and/or sewage disposal system must be approved by the city or county health department. Utilities proposed in areas of special flood hazard shall be located and constructed to minimize flood damage.
- 304.6 The proposed street names, and the locations and dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building setback lines and utilities.
- 304.7 Contours at vertical intervals of not more than five (5) feet except when specifically not required by the Planning Commission.
- 304.8 The acreage of the land to be subdivided and square footage of each lot.
- 304.9 Plans setting out the grades or profiles of the streets, the proposed type and character of all improvements, and the subdivider's proposal to the city for accomplishing the installation of required improvements in accordance with Article Five hereof.
- 304.10 Plans of proposed drainage layout, when required by the Planning Commission.
305. Within thirty (30) days after submission of the preliminary plat the Planning Commission will review it and indicate approval or disapproval. Preliminary plans shall not be approved conditionally but shall



be revised to conform with the requirements of these regulations. If the Planning Commission finds that the preliminary plat is in accordance with these regulations, it shall approve same by resolution. If a plat is disapproved, reasons for such disapproval shall be stated in writing.

306. Copies of the preliminary plat shall be distributed as follows:
  - a. Planning Commission Secretary
  - b. Subdivider
  - c. Planning Commission Staff
  - d. Mayor
  - e. Meriwether Lewis Electric Cooperative
307. Failure of the Planning Commission to act on the preliminary plat within thirty (30) days will be deemed approval of this plat.
308. The approval of the preliminary plat by the Planning Commission will not constitute acceptance of the final plat and will not be indicated on the preliminary plat.
309. The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within twelve (12) months from the date of such approval unless an extension of time is applied for and granted by the Planning Commission.

ARTICLE FOUR: FINAL PLAT

401. The final plat shall conform substantially to the preliminary plat as approved; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time provided, however, that such portion conforms to all requirements of these standards and that water mains, storm sewers, trunk sewers, and any sewage treatment plants shall be designed and built to serve the entire area owned by the subdivider or designed and built in such a manner that they can easily be expanded or extended to serve the entire area.
402. At least fourteen (14) days prior to the meeting at which it is to be considered, the subdivider shall submit the original drawing in black drawing ink on tracing cloth or film and six (6) copies (black and white prints or blue line prints), together with any street profiles or other plans that may be required by the Planning Commission.
403. The final plat shall be drawn to a scale of one (1) inch equals one hundred (100) feet on sheets sixteen (16) by twenty (20) inches. The use of an appropriate smaller scale is permitted for lots larger than one acre. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.
404. When the plat has been approved by the Planning Commission the original shall be returned to the subdivider, with the approval of the Planning Commission certified thereon, for filing with the county register as the official plat of record. The other copies shall be distributed as follows:
- a. Subdivider
  - b. Planning Commission Secretary
  - c. Planning Commission Staff
  - d. Mayor
  - e. Meriwether Lewis Electric Cooperative
  - f. County Tax Assessor

405. The Planning Commission shall approve or disapprove this final plat within thirty (30) days after its submission. Failure of the Planning Commission to act on this final plat within these thirty (30) days shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission.
406. Approval of the final plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground.
407. The Final Plat shall show:
- 407.1 The lines of all streets and roads, the size and location of any water and sewer mains, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations for easements, lines of areas of special flood hazard and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
  - 407.2 Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including true north point. This shall include the radius, central angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
  - 407.3 All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute.
  - 407.4 Location and description of monuments.
  - 407.5 The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.
  - 407.6 Date, title, name and location of subdivision, graphic scale, and true north point.

- 407.7 Location sketch map showing site in relation to area.
- 407.8 Private restrictions and trusts and their periods of existence. Should these restrictions or trusts be of such length as to make their lettering on the plat 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 trusts are of record it should be shown where they are recorded.
- 408. The following certificates shall be presented with the final plat:
  - 408.1 Certifications showing that applicant is the land owner and dedicates streets, rights-of-way and any sites for public use.
  - 408.2 Certification by surveyor or engineer to accuracy of survey and plat and placement of monuments.
  - 408.3 Certification by the county health officer when individual sewage disposal or water systems are to be installed.
  - 408.4 Certification by the Mayor--and the County Road Commissioner when the subdivision is outside the city limits--that the subdivider has complied with one of the following alternatives:
    - a. Installation of all improvements in accordance with the requirements of the standards, or
    - b. Posting of a security bond in sufficient amount to assure such completion of all required improvements.
  - 408.5 Certification of approval to be signed by the secretary of the Planning Commission.

ARTICLE FIVE: GENERAL REQUIREMENTS AND MINIMUM STANDARDS  
OF DESIGN

501. General. Subdivisions shall be designed to create desirable neighborhoods with peace, quiet, safety, and beauty wherein high residential values may be maintained over a long period of time. Because the diversity of land ownership makes unlikely the creation of an entire neighborhood by one owner, the Planning Commission shall make preliminary neighborhood studies of existing and potential residential areas of Hohenwald and its environs. Preliminary subdivision plans shall conform to such studies in the event such are available and in the event such studies have been approved by resolution of the Commission.

502. Streets:

502.1 Conformity to the Major Street and Road Plan

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

502.2 Relation to Adjoining Street System

The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than the required minimum width.

502.3 Street Widths

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

- a. Arterial Streets and Highways...80-150 feet as may be required by State Highway Department.

Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the Major Street and Road Plan.

- b. Collector Streets.....60 feet  
Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets of a residential development and streets for major circulation within such a development.
  
- c. Minor Residential Streets....50 feet  
Minor streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.
  
- d. Marginal Access Streets.....50 feet  
Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; protection from through traffic.
  
- e. Dead-end Streets (cul-de-sac)..50 feet  
for single family  
  
for apartment and similar group housing....60 feet
  

Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.

  
- f. Alleys.....30 feet  
Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

In cases where topography or other physical conditions make a street of the required width impractical, the Planning Commission may modify the above requirements. Through proposed neighborhood or local business areas the streets width shall be increased ten (10) feet on each side to provide for movement of vehicles into and out of necessary off-street parking areas without interference to traffic.

502.4 Additional Width on Existing Streets

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

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- b. When the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

502.5 Restriction of Access

When a tract fronts on an arterial street or highway, the Planning Commission may require such lots to be provided with frontage on an arterial street.

502.6 Street Grades

The grades of streets shall be determined by the topographical and physical features of the terrain, but whenever possible the grades on major streets and roads shall not exceed seven (7) percent. Grades on other streets may exceed seven (7) percent but not ten (10) percent.

502.7 Horizontal Curves

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

#### 502.8 Vertical Curves

Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one-half (4 1/2) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals twenty (20) feet vertical, may be required by the Planning Commission.

#### 502.9 Intersections

Streets intersections shall be as nearby at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees.

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

#### 502.10 Tangents

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

#### 502.11 Street Jogs

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



502.12 Dead-End Streets

- a. Minor terminal streets or courts designed to have one end permanently closed shall be no more than five hundred (500) feet long unless necessitated by topography. For single-family homes they shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet; for apartments, or similar group housing, they shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a street right-of-way diameter of at least one hundred twenty (120) feet, or the Planning Commission may approve an alternate design.
- b. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around having a roadway diameter of at least eighty (80) feet.

502.13 Private Streets and Reserve Strips

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

502.14 Street Names

Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate

existing street names, irrespective of the use of the suffix street, avenue, boulevard, driveway, place or court. Through its index list of street names on file, the Planning Commission can assist the subdivider in avoiding duplication.

502.15 Alleys

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

503. Blocks

503.1 Length

Blocks shall not be less than six hundred (600) feet nor more than twelve hundred (1,200) feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over eight hundred (800) feet in length, the Planning Commission may require one (1) or more public cross walks of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary.

503.2 Width

Blocks shall be wide enough to allow two (2) rows of lots, except where reverse frontage on major streets and roads is provided or where prevented by topographical conditions or size of the property; in which case the Planning Commission will approve a single row of lots of minimum depth.

504. Lots

504.1 Adequate Building Sites

Each lot shall contain a building site outside the limits of any area of special flood hazard or any existing easement or building setback lines required in Subsection 504.4 of this Article.

504.2 Arrangement

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a public street or road for at least fifty (50) feet.

504.3 Minimum Size

The size, shape and orientation of a lot shall be such as the Planning Commission deems appropriate for the type of development and use contemplated. Where public water and sanitary sewer systems are reasonably accessible the subdivider shall connect with such systems and provide a connection or connections to each lot. Where a public sewer is not accessible an alternate method of sewage disposal may be used if it meets all applicable public health regulations. Where a public water supply is not accessible, a water well or other source may be used upon approval by the Planning Commission.

- a. Residential lots served by public water and sanitary sewer systems shall not be less than sixty (60) feet wide at the building setback line nor less than seven thousand, two hundred fifty (7,250) square feet in area. Provided, however, greater area may be required by the Planning Commission as indicated by data from percolation tests and investigations or as determined by the city or county health officer.
- b. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

504.4 Building Setback Lines

- a. The minimum depth of buildings setback lines from the street right-of-way shall not be less than thirty five (35) feet.
- b. In the case of electric transmission lines where easement widths are not definitely established, there shall be a minimum building setback line from the center of the transmission line as follows:

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

c. Corner Lots

Corner lots shall have extra width sufficient to permit the additional side-yard requirements of the zoning ordinance or building setback lines outlined above.

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

505.1 Easements

Except where alleys are permitted for the purpose, the Planning Commission may require easements, not exceeding fifteen (15) feet in width, for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines along all rear lot lines, along side lot lines if necessary, or if advisable, in the opinion of the Planning Commission. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or planned

utilities. Whenever any stream or important surface drainage course is located in any area which is being subdivided the subdivider shall provide an adequate easement as determined by the city building official along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream.

505.2 Community Assets

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

506. Suitability of the Land. The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the general public the site is not suitable for platting and development purposes of the kind proposed.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for any other uses that may increase flood hazard, endanger health, life or property, or aggravate erosion. All proposals for subdivisions in areas of special flood hazard shall be consistent with the need to minimize flood damage. Proposals for subdivisions and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres shall provide base flood elevation data if situated in areas of special flood hazard.

507. Large Tracts or Parcels. When land is subdivided into larger parcels than ordinary building lots such parcels shall be arranged so as to allow for the opening of streets in the future and for logical further resubdivision.

508. Group Housing Developments. A comprehensive group housing development, including the large scale construction of housing units together with necessary drives and ways of access, may be approved by the Planning Commission although the design of the project does not include standard streets, lot and subdivision arrangements, if departure from the forgoing standards can be made without destroying their intent.
509. Variances. Variances may be granted under the following conditions:
- a. Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardship, or
  - b. Where the Planning Commission decides that there are topographical or other conditions peculiar to the site and a departure from these regulations will not destroy their intent. Any variance thus authorized shall be stated in writing in the minutes of the Planning Commission with the reasoning on which the departure is justified set forth.
510. Zoning or Other Regulations. No final plat of land within the force and effect of an existing zoning ordinance shall be approved unless it conforms to such ordinance.

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

ARTICLE SIX: DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

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

601. Required Improvements. Every subdivision developer shall be required to grade and improve streets and alleys, and to install monuments, sewers, storm water inlets and water mains, in accordance with specifications established by the city. If other specifications have not been adopted by local authorities, the Planning Commission will accept specifications equal to the standards and regulations adopted by all other legally established boards, commissions, and agencies of the local or state or federal governing bodies.

601.1 Monuments

Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set forth with the finished grade.

All other lot corners shall be marked with iron pipe not less than three -fourths (3/4) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

601.2 Grading

All streets, roads and alleys shall be graded by the subdividers so that pavements can be constructed to the required cross section. Deviation from the above due to special

topographical conditions will be allowed only with special approval of the Planning Commission. Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure and all grading for the street shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines the clearance from the pavement to the nearest conductor shall meet the requirements of the National Electrical Safety Code.

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

The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted by a sheep's foot roller to no less than ninety-five (95) percent compaction. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction, the water content shall not exceed the optimum of moisture.



### 601.3 Storm Drainage

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Adequate drainage shall be provided to reduce any exposure to flood hazards in identified special flood hazard areas. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than twelve (12) inches. Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed.

### 601.4 Pavement Base

After preparation of the subgrade, the roadbed shall be surfaced with material required by local standards, but of no lower classification than crushed rock, chert, stone or gravel. The size of the crushed rock or stone shall be that generally known as "crusher run stone" from two and one-half (2 1/2) inches down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six (6) inches.

601.5 Minimum Pavement Widths

Street Construction Specifications Minimums

<u>Cross Section</u>	<u>Minor</u>	<u>Residential Collector</u>
Right-of-way	50'	60'
Width of base	24'	28'
Thickness of base	6"	6"

Marginal access streets and dead-end streets (cul-de-sac) shall conform to Minor streets specifications. Arterial streets and highways are not usually paved by the developer.

601.6 Water Supply System

Water mains properly connected with the community water supply system or with an alternate supply approved by the city or county health officer shall be constructed in such a manner as to serve adequately, for both domestic use and fire protection, all lots shown on the subdivision plat. All water supply systems proposed in areas of special flood hazard shall be designed and constructed to minimize or eliminate infiltration of flood waters into the system.

601.7 Sanitary Sewers

When the subdivision is located within the service area of a public sewerage system, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system. Sanitary sewerage systems proposed in areas of special flood hazard shall be design and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

Where lots cannot be economically connected with a sewerage system they must contain adequate area for installation of approved septic tank and disposal fields and must be approved in writing by the city or county

health officer. In areas of special flood hazard, onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

601.8 Installation of Utilities

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

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

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

ARTICLE SEVEN: ENFORCEMENT AND PENALTIES FOR VIOLATIONS

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

702. Enforcement

702.1 No plat or plan of a subdivision of land into two or more lots located within the area of planning jurisdiction shall be admitted to the land records of the county or received or recorded by the county register of deeds until said plat or plan has received final approval in writing by the Planning Commission as provided in Sections 13-3-402 and 13-3-302, Tennessee Code Annotated.

702.2 No board, public officer, or authority shall light any street, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the area of planning jurisdiction unless such street shall have been accepted, opened or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the Planning Commission, or on a street plan made and adopted by the Commission as provided in Sections 13-4-306 and 13-4-307, Tennessee Code Annotated.

703. Penalties

703.1 No county register shall receive, file, or record a plat of a subdivision within the planning region without the approval of the Planning Commission as required in Sections 13-3-402 and 13-3-302, Tennessee Code Annotated, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

703.2 Sections 13-3-410 and 13-4-306, Tennessee Code Annotated, provided that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality, through its attorney or other official designated by its chief legislative body, and the county through its county attorney or other official designated by the County Board of Commissioners, may enjoin such transfer or sale or agreement by action or injunction.

703.3 Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the building official or the attorney of the municipality or other official designated by the chief legislative body and/or the county attorney or other official designated by the County Board of Commissioners may bring action to enjoin such erection or cause it to be vacated or removed as provided in Sections 13-3-411 and 13-4-308, Tennessee Code Annotated.


ARTICLE EIGHT: ADOPTION AND EFFECTIVE DATE

801. Before the adoption of these subdivision standards, a public hearing as required by Sections 13-3-403 and 13-4-303, Tennessee Code Annotated, was afforded any interested person or persons and was held on December 8, 1986. Notice of such hearing was announced in the Lewis County Herald, being of general circulation within the area of planning jurisdiction, on November 6, 1986, and stating the time and place for the hearing.

These rules and regulations shall be in full force and effect from and after their adoption and effective date.

Adopted June 1, 1987

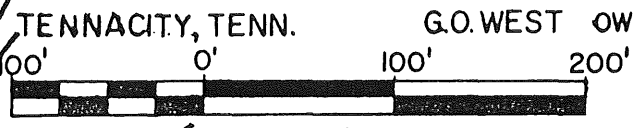
Effective July 1, 1987

  
Chairman, Hohenwald Municipal-  
Regional Planning Commission

APPENDIX

THE  
**PRELIMINARY PLAT**  
 SHALL SHOW:

PRELIMINARY SKETCH  
 WESTVIEW ADDITION SECTION "A"  
 TENNACITY, TENN. G.O. WEST OWNER



Name, location, owner and designer.

SCALE FRANK T. SQUARE  
 ENGINEER

Date, north point and graphic scale



MAR. 29, 1958

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

Present zoning classification

Names of adjoining properties

Proposed utility system

Names of new streets

Dimensions, lot lines and building setbacks

Location of proposed culverts

Contours at 5' intervals

Acreage of land subdivided

Location sketch map.

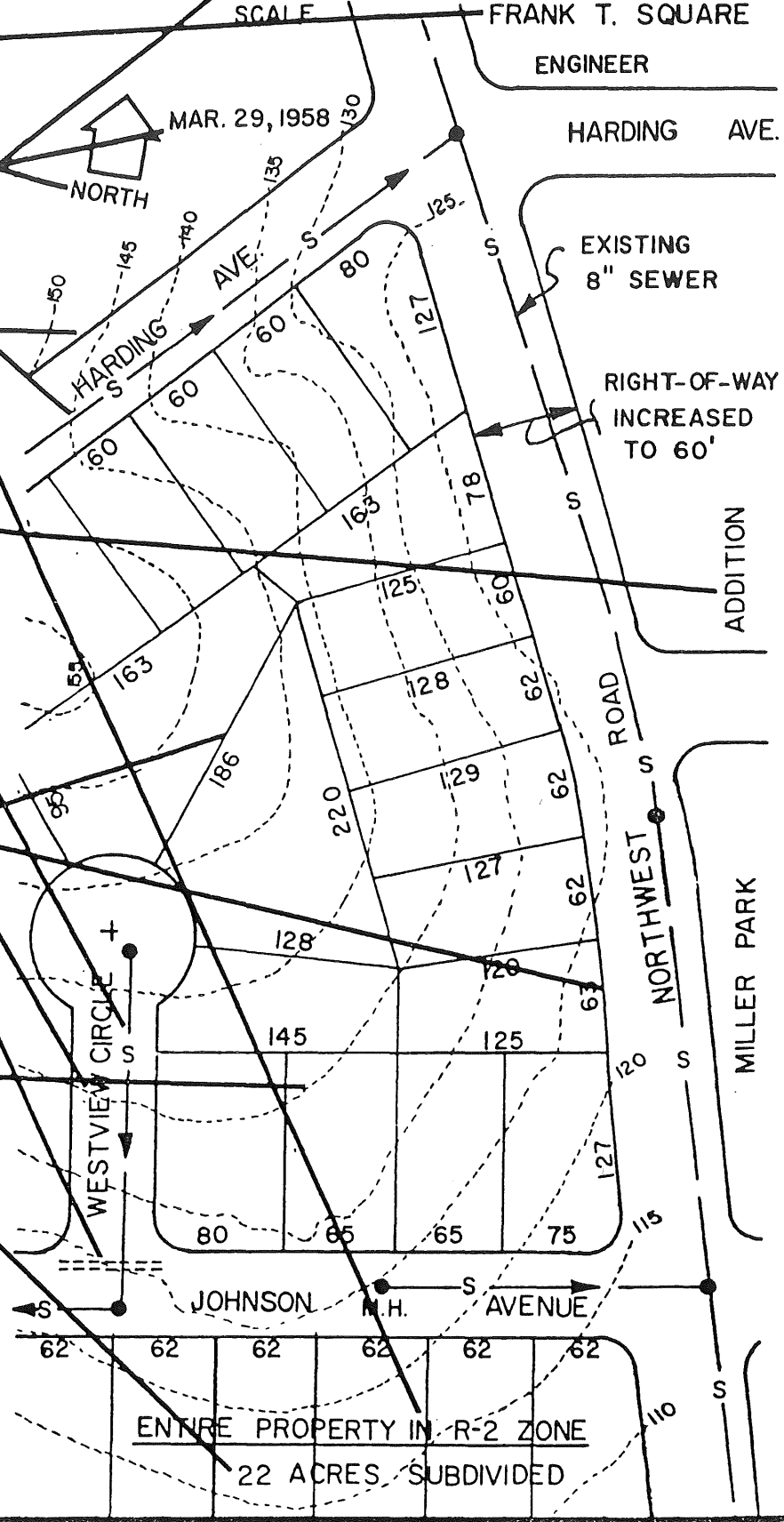


ILLUSTRATION 1



**THE  
FINAL PLAT**

**SHALL SHOW:**

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

Sufficient engineering data to  
reproduce any line on the  
ground.

Dimensions, angles, and  
bearings.

Monuments

Names of adjoining properties

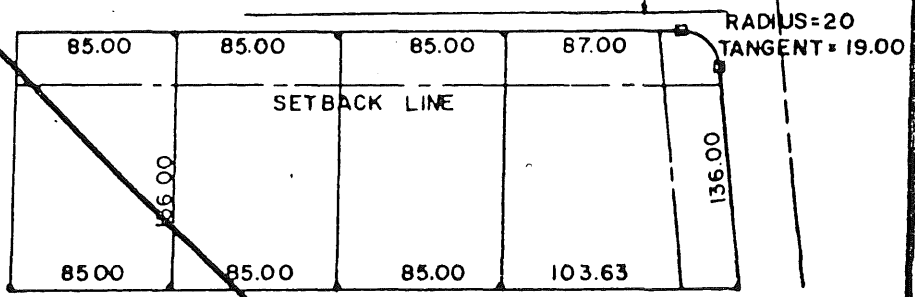
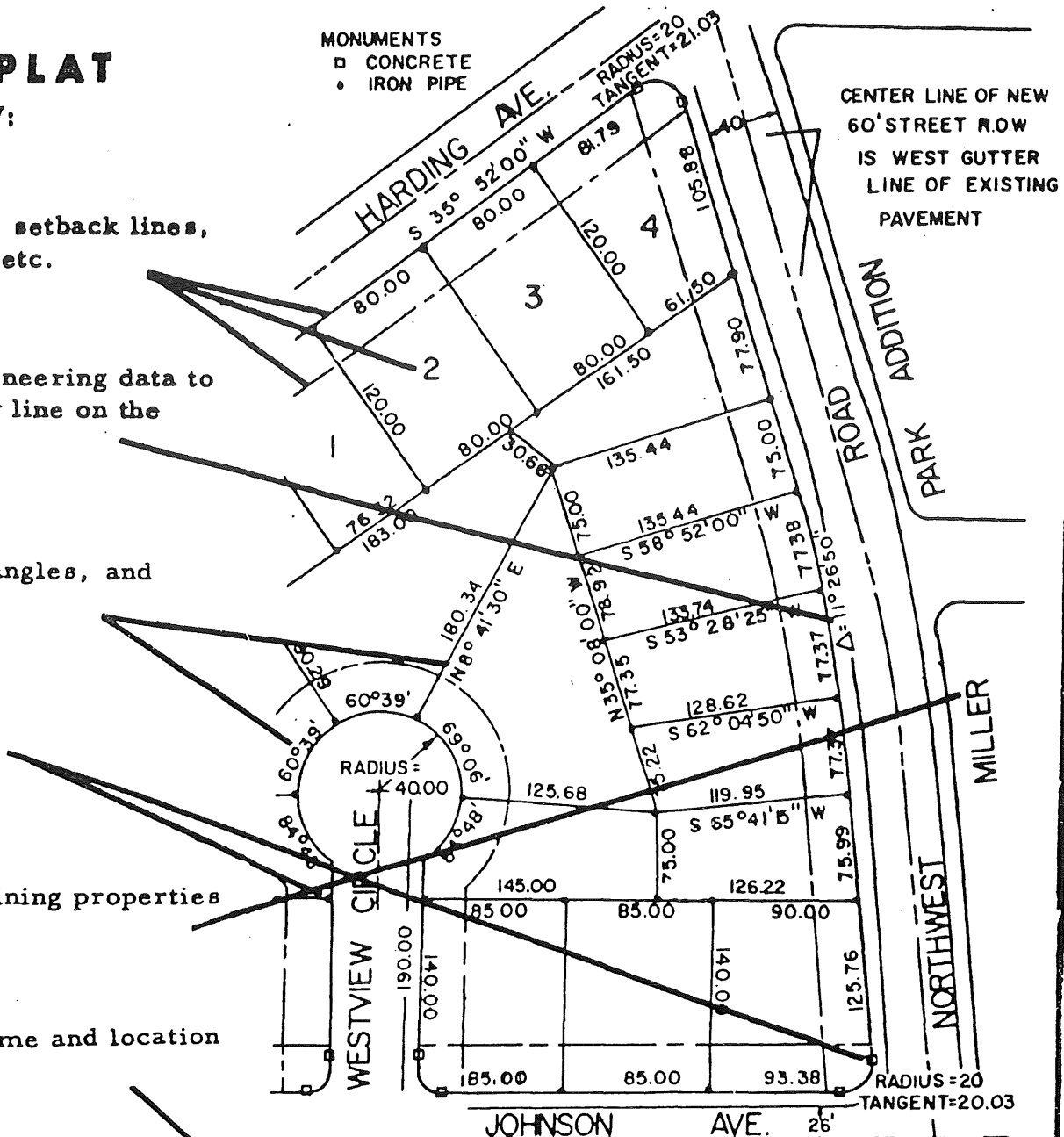
Date, title, name and location  
of subdivision

Graphic scale and true north  
point

Location sketch map and  
certificates as required

MONUMENTS  
□ CONCRETE  
• IRON PIPE

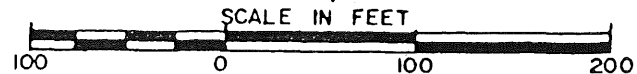
CENTER LINE OF NEW  
60' STREET R.O.W  
IS WEST GUTTER  
LINE OF EXISTING  
PAVEMENT



N



**WEST HILLS ADDITION  
TENNACITY, TENN.**



JANUARY, 1964

# MINIMUM STANDARDS OF DESIGN

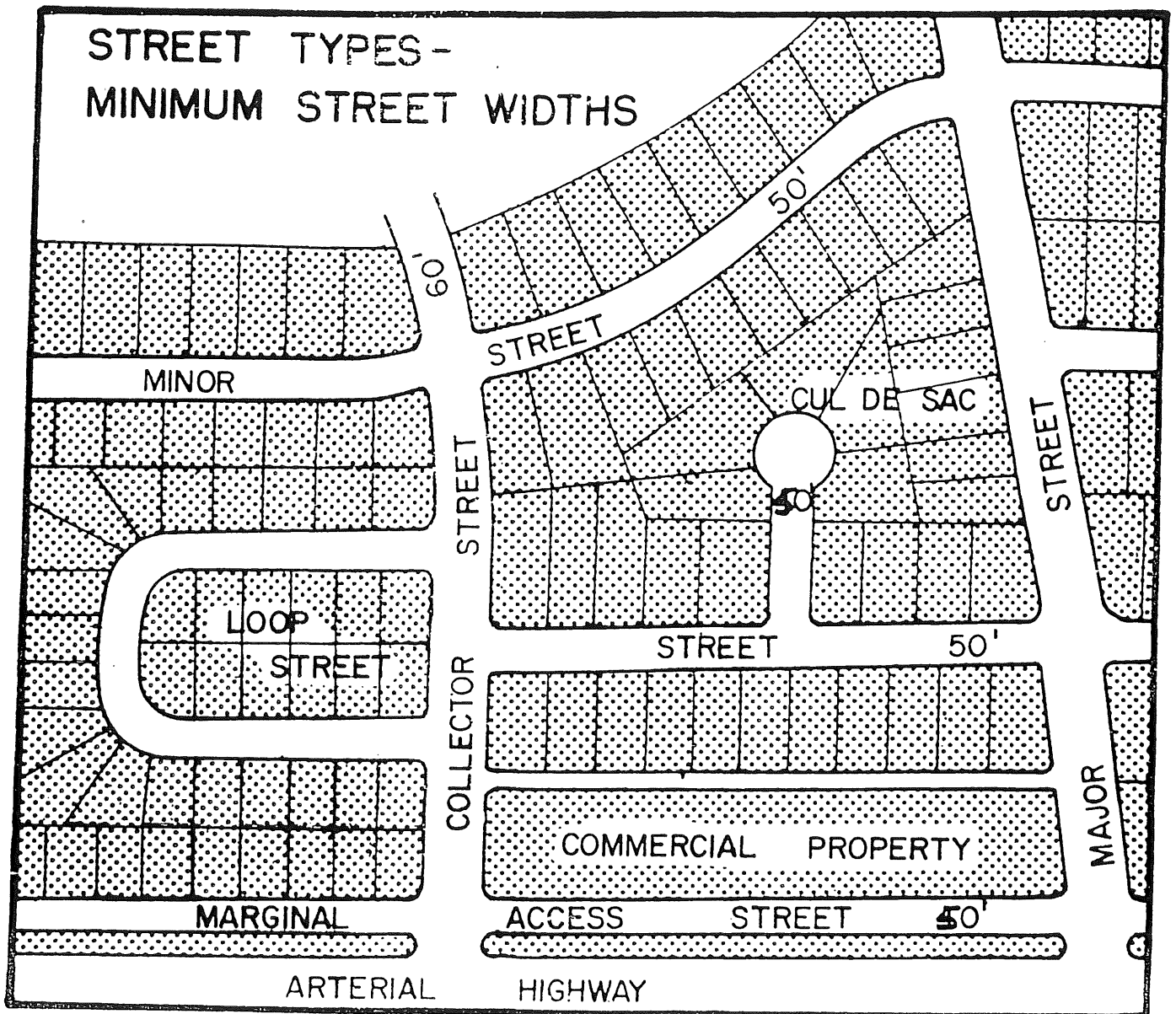
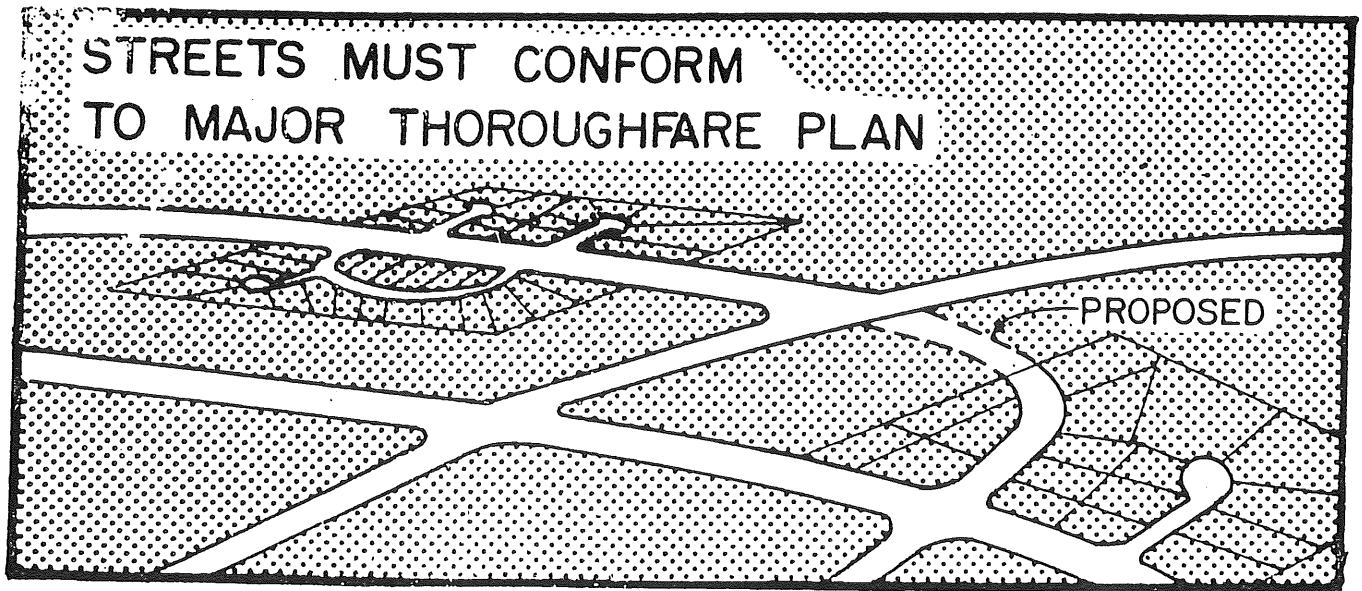
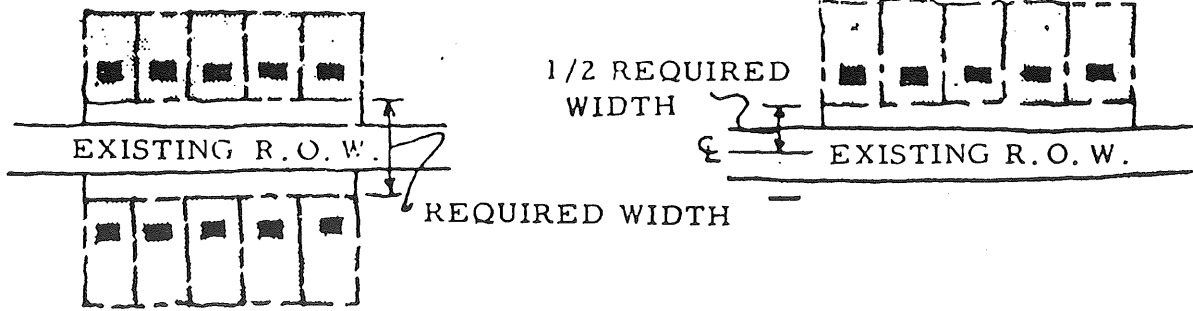
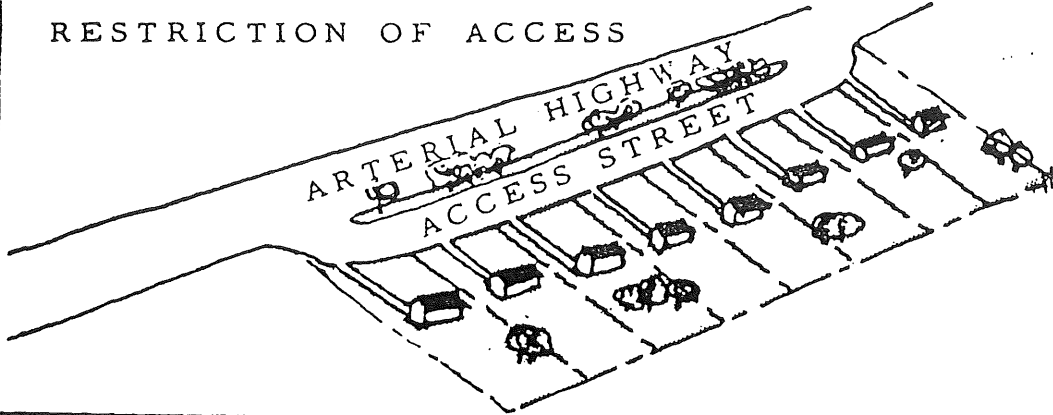


ILLUSTRATION 3

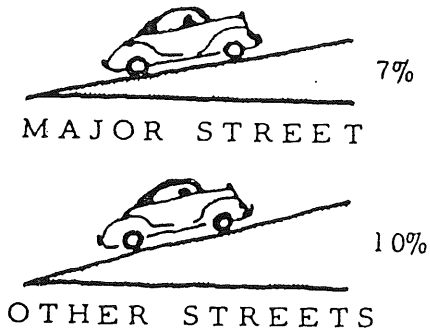
EXISTING STREETS -  
ADDITIONAL WIDTH



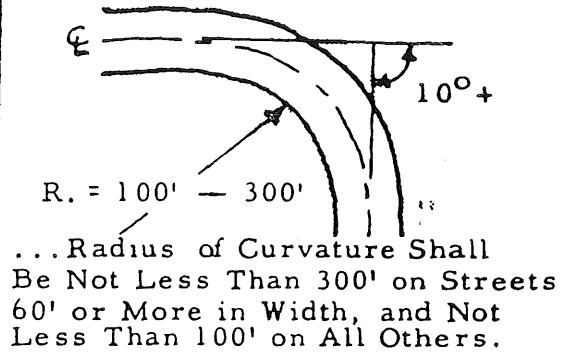
RESTRICTION OF ACCESS



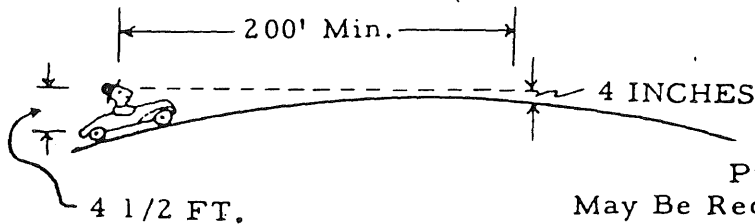
MAXIMUM GRADES



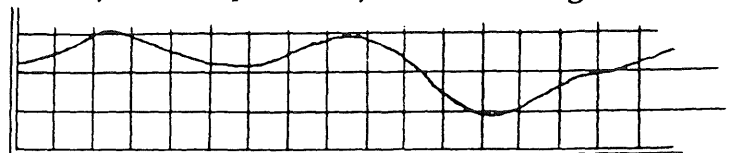
HORIZONTAL CURVES



VERTICAL CURVES



SCALE: 1" = 20'  
(MINIMUM)



SCALE: 1" = 100' (MINIMUM)

Profiles of All Streets  
May Be Required by the Planning Comm.

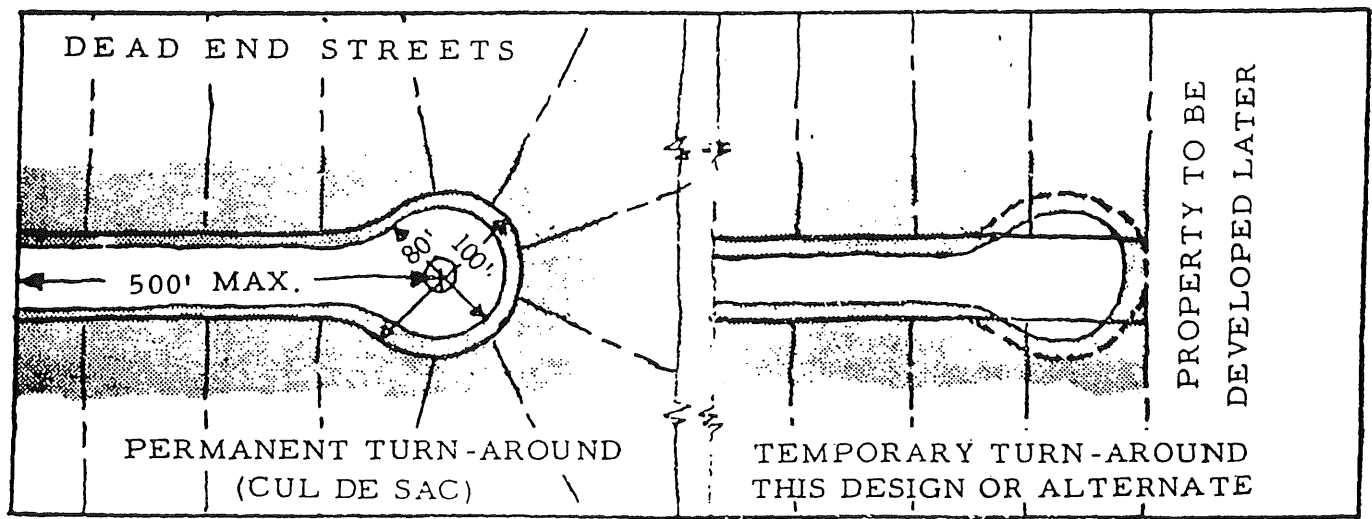
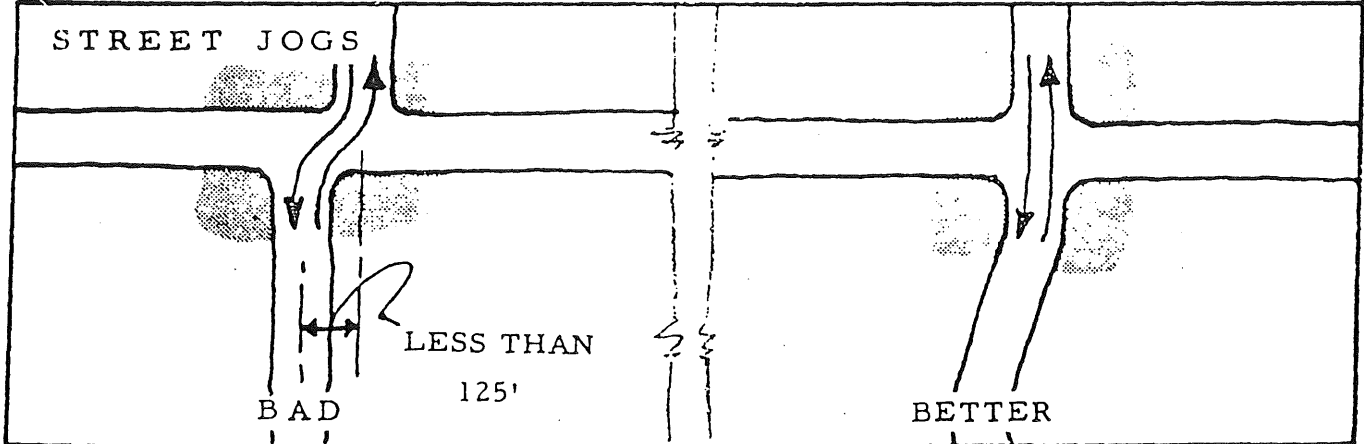
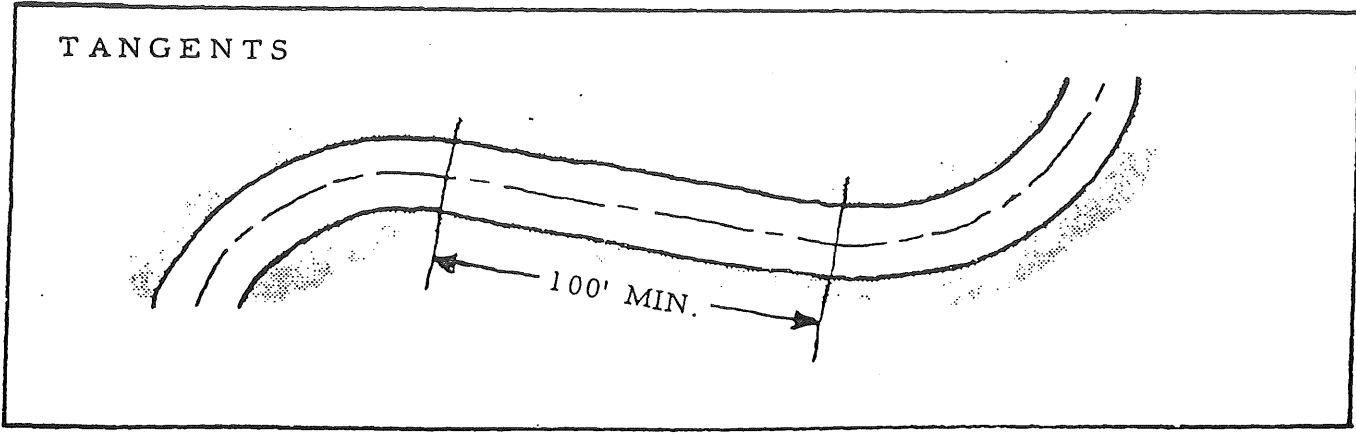
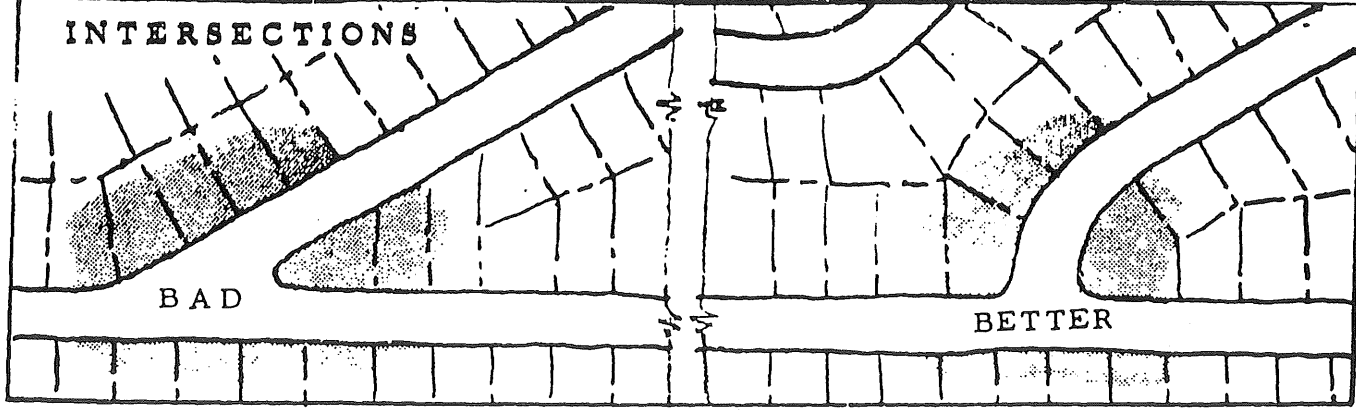


ILLUSTRATION 5

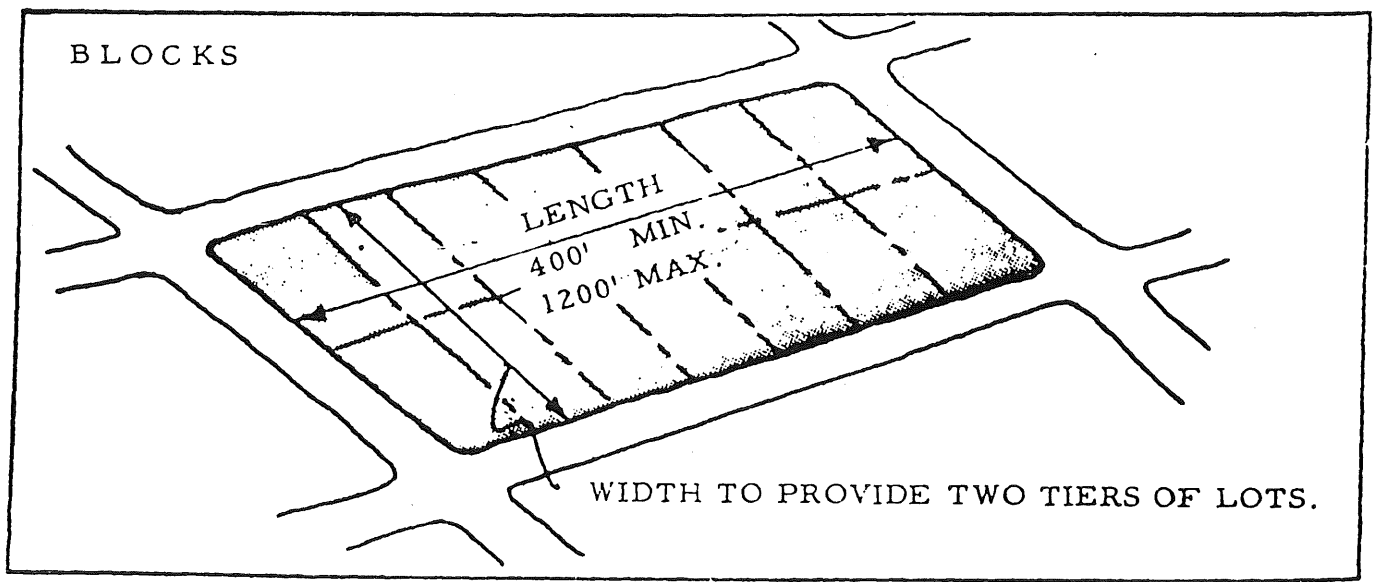
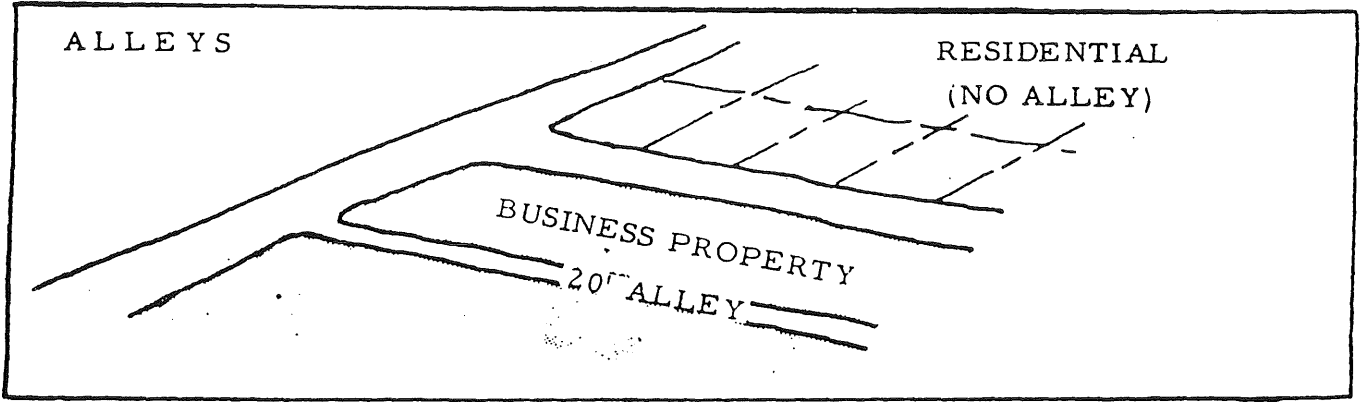
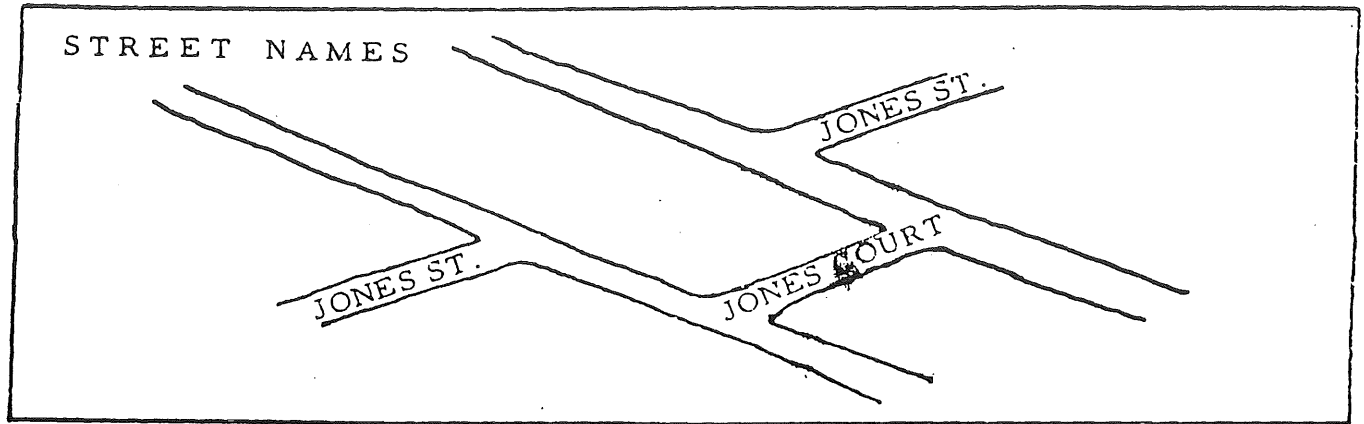
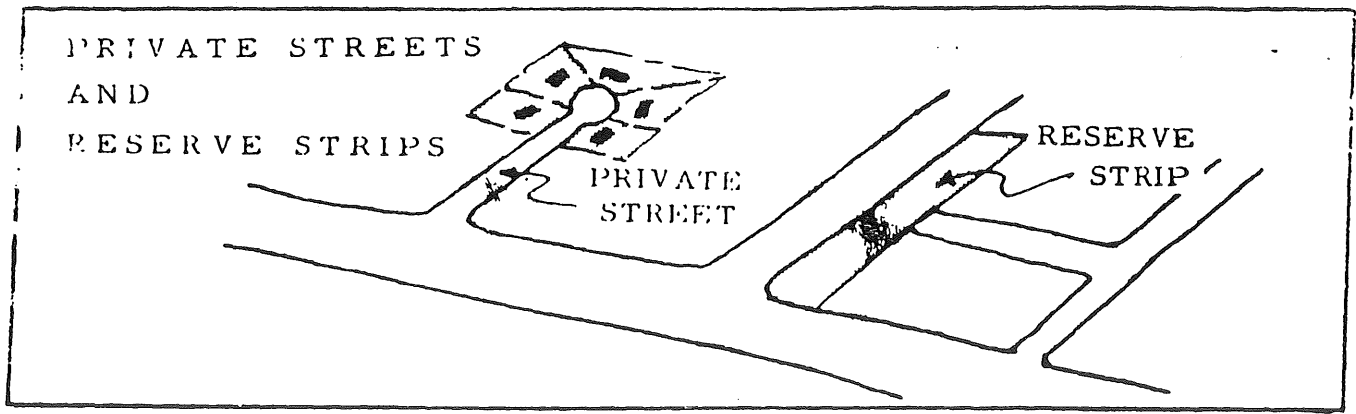
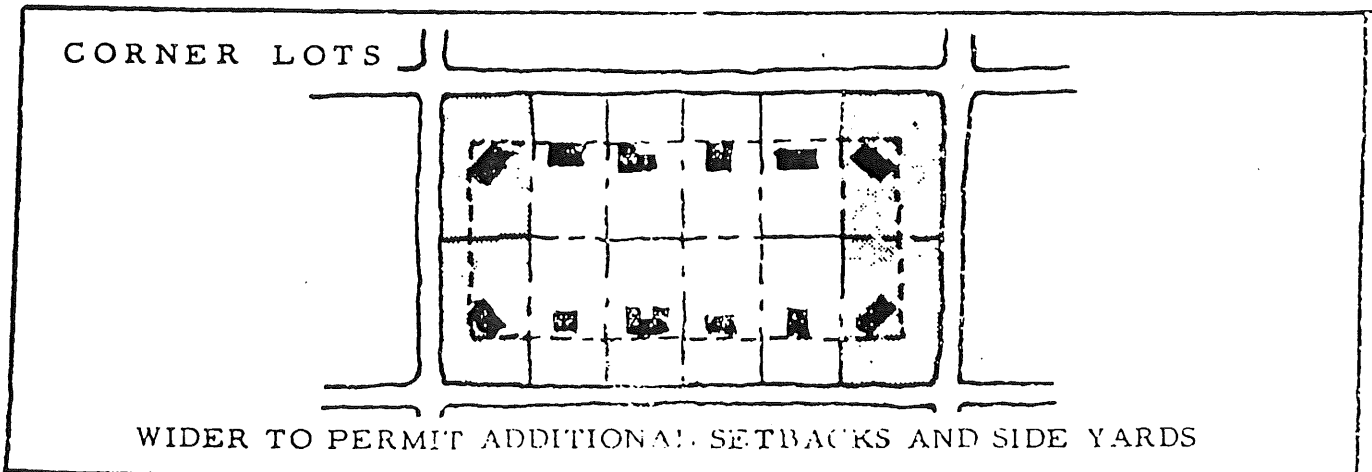
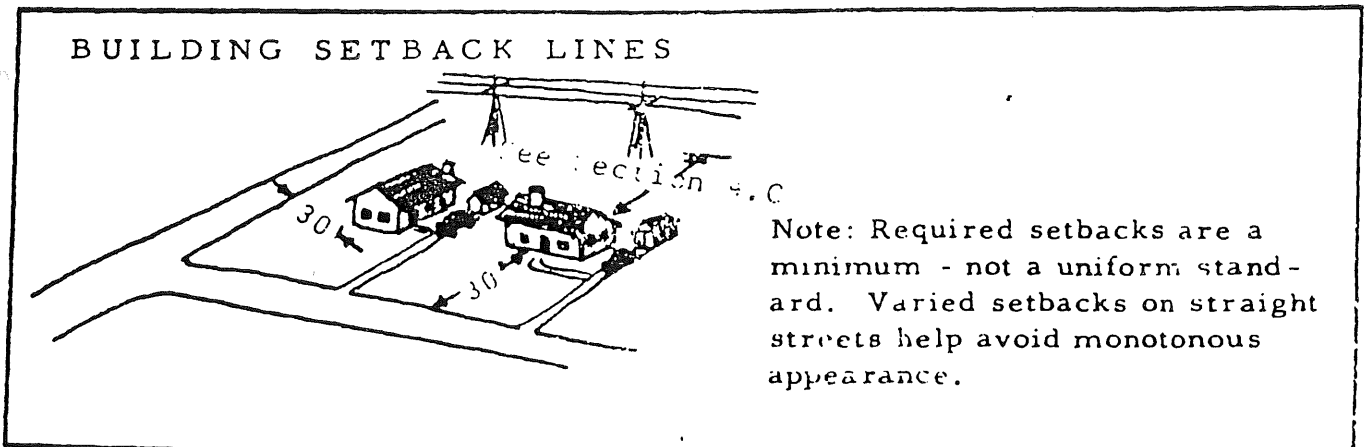
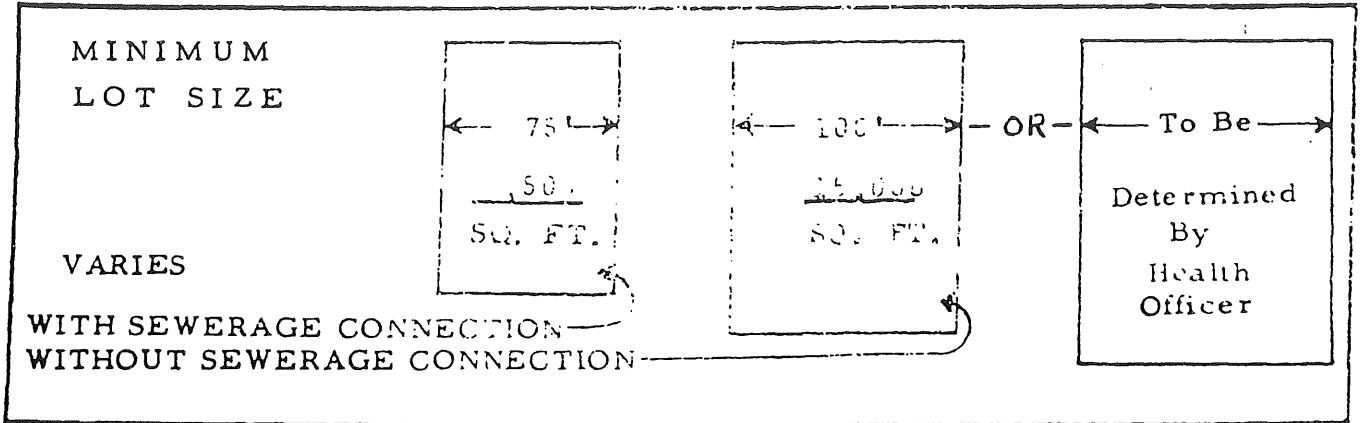
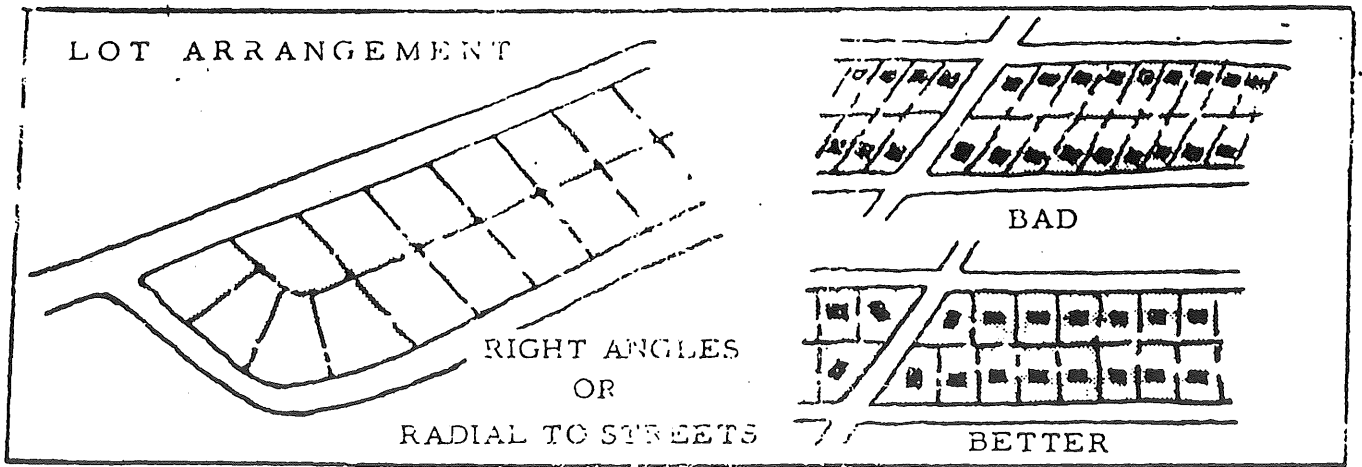
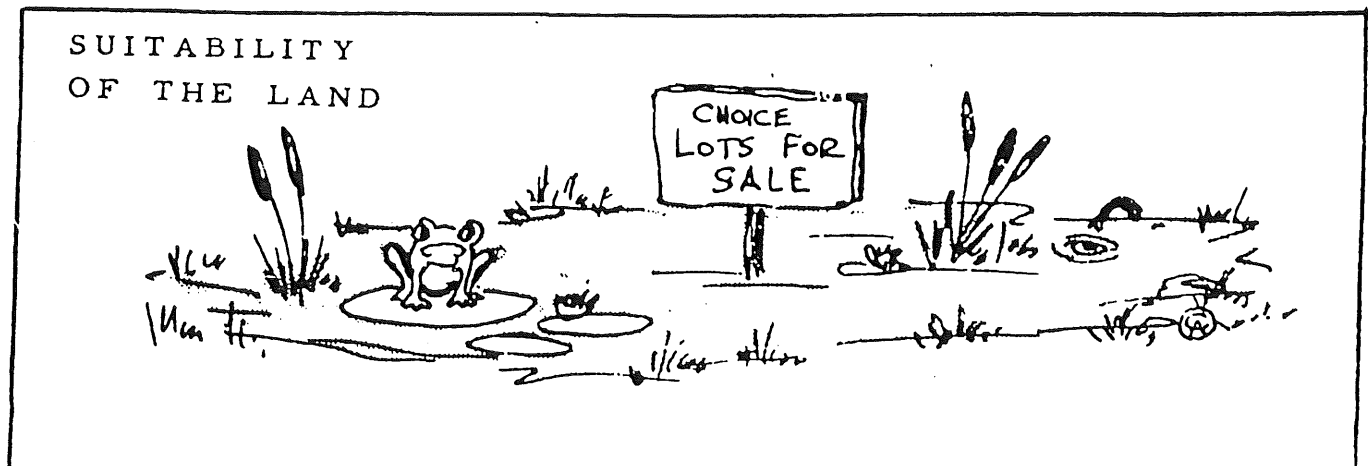
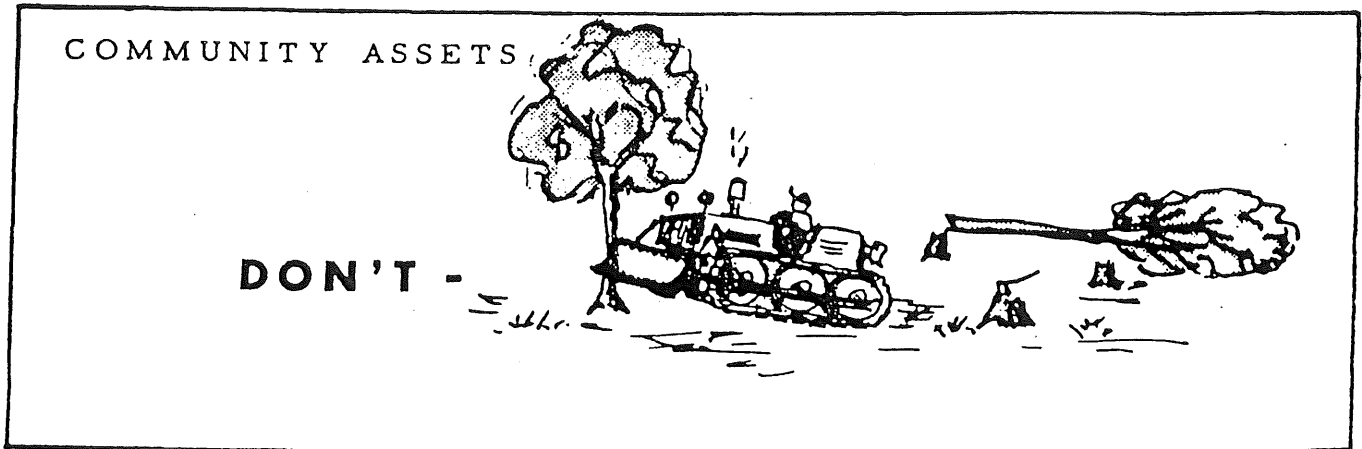
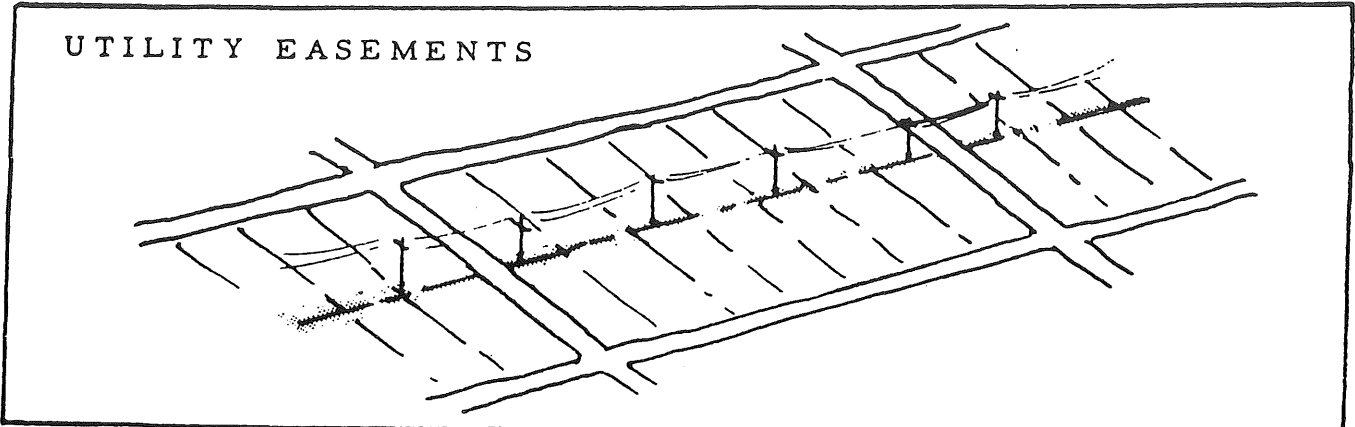
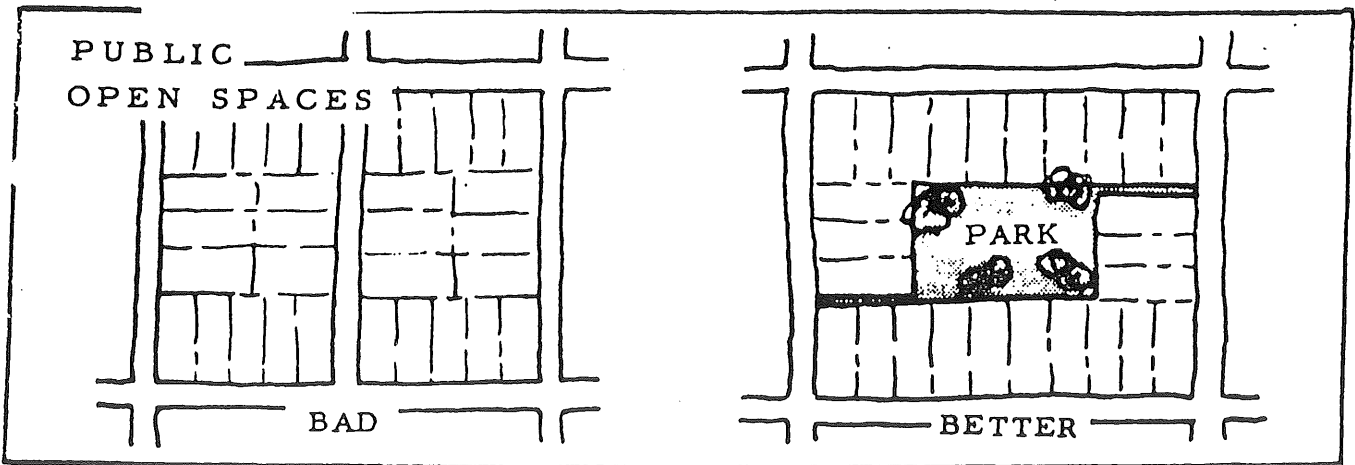


ILLUSTRATION 6





SUBDIVISION RECORD  
PRELIMINARY PLAT

Name of Subdivision \_\_\_\_\_

Location \_\_\_\_\_ Civil District \_\_\_\_\_ Zoning District \_\_\_\_\_

Owner \_\_\_\_\_ Address \_\_\_\_\_ Tel. \_\_\_\_\_

Agent \_\_\_\_\_ Address \_\_\_\_\_ Tel. \_\_\_\_\_

Surveyor \_\_\_\_\_ Address \_\_\_\_\_ Tel. \_\_\_\_\_

Date submitted for preliminary approval \_\_\_\_\_

CHECK LIST

- Copies submitted \_\_ days prior to meeting.
- Drawn to a scale of not less than \_\_ inch equals \_\_\_ feet.
- Name, location, owner, and surveyor.
- Date, north point, and graphic scale.
- Location of all existing physical features on land and nearby properties.
- Names of adjoining property owners and/or subdivisions.
- Plans of proposed utility layouts.
- Names, locations and dimensions of proposed streets, alleys, easements, parks and reservations, lot lines, etc.
- Flood problem checked, flooded areas outlined if applicable.
- Profiles of all streets at required scales.
- Contours at not more than 5' intervals.
- Acreage of land to be subdivided.
- Conforms to general requirements and minimum standards of design.

Approved \_\_\_\_\_ to proceed to final plat. Subject to following modifications:  
date

Variances granted: \_\_\_\_\_

Disapproved: \_\_\_\_\_ For following reasons: \_\_\_\_\_  
date

Signed: \_\_\_\_\_  
Secretary of Planning Commission



SUBDIVISION RECORD  
FINAL PLAT

Name of Subdivision \_\_\_\_\_

Location \_\_\_\_\_ Civil District \_\_\_\_\_ Zoning District \_\_\_\_\_

Owner \_\_\_\_\_ Address \_\_\_\_\_ Tel. \_\_\_\_\_

Preliminary approval granted: \_\_\_\_\_ Submitted for FINAL approval \_\_\_\_\_  
Date Date

CHECK LIST

- Submitted within 15 days of regular planning commission meeting.
- Drawn to a scale of 1" equals 100' on sheets not larger than 18" x 24".
- Location sketch map showing site in relation to area.
- Date, true north point, graphic scale.
- The size and location of any water and sewer mains.
- Any easements for rights of way provided for public services, utilities, and the disposal of surface water.
- Bearings of property lines and sufficient engineering data to locate all lines including radii, angles, and tangent distances.
- The limitation and/or dimensions of all easements.
- Notation of any areas to be dedicated to public use.
- Lot lines, alleys, building setback lines.  Lines and names of all streets and roads.
- Names, locations of adjoining properties or subdivisions.
- Dimensions to the nearest 100th of a foot and angles to the nearest minute.
- Certificate of Ownership and Dedication  Lots numbered in numeric order.
- Certificate of Accuracy.  Location and description of monuments.
- Certificate of Approval of Utility Systems: Water \_\_\_\_\_ Sewer \_\_\_\_\_.
- Certificate of Approval of Streets.
- Certificate (unsigned) of Approval for Recording.
- Required physical improvements installed or bond posted in the amount of \$ \_\_\_\_\_.

- 
- \_\_\_\_\_ Approved as presented.
  - \_\_\_\_\_ Approved subject to correction of deficiencies noted in the commission minute
  - \_\_\_\_\_ Variances granted as indicated in the minutes.
  - \_\_\_\_\_ Disapproved for reasons indicated in the minutes.

Approved for recording \_\_\_\_\_ . Variances granted: \_\_\_\_\_  
date

Disapproved: \_\_\_\_\_ for the following reasons: \_\_\_\_\_  
date

---

Signed: \_\_\_\_\_  
Secretary of Planning Commission

(DELETED CONTENTS BY RESOLUTION, MAY 6, 2002)

# ON RESERVE

(Page 29)

(DELETED CONTENTS BY RESOLUTION, MAY 6, 2002

# ON RESERVE

(Page 30)

FORM FOR PERFORMANCE BOND

HOHENWALD MUNICIPAL-REGIONAL PLANNING COMMISSION

KNOW ALL MEN BY THESE PRESENTS, That We, \_\_\_\_\_, as Principals, \_\_\_\_\_, State of \_\_\_\_\_, and the \_\_\_\_\_ INSURANCE COMPANY, a \_\_\_\_\_ Corporation authorized to do business in the State of Tennessee, having an office and place of business at \_\_\_\_\_, as Surety, are held and firmly bound unto the County of Lewis or Obligee, in the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) lawful money of the United States, for the payment whereof to the Obligee, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly to these presents:

WHEREAS, application was made to the Hohenwald Planning Commission for approval of a subdivision shown on plat entitled, " \_\_\_\_\_

\_\_\_\_\_ ", filed with the Planning Commission Chairman, of the City of Hohenwald on, \_\_\_\_\_, 20\_\_\_\_, said final plat being approved by the Hohenwald Municipal-Regional Planning Commission upon certain conditions, one of which is that a performance bond in the amount of \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_) is to be filed with the Planning Commission and accepted by the City of Hohenwald, upon the recommendation of the Planning Commission, to guarantee certain improvements as cited hereafter in the subdivision named above.

WHEREAS, there are approximately \_\_\_\_\_ feet in length and \_\_\_\_\_ feet in width in said streets and curbs, and \_\_\_\_\_ feet of inch water line, and \_\_\_\_\_ feet of \_\_\_\_\_ inch sewer line, and other improvements as follows \_\_\_\_\_, not yet completed, and that the total cost of providing these facilities would be as follows:

A.	Streets and Curbs	\$ _____
B.	Water lines	\$ _____
C.	Sewer lines	\$ _____
D.	Other (lot improvements, etc.)	\$ _____
	TOTAL	\$ _____

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the above named Principal shall within one (1) year from the date hereof (time may be extended for one (1) year only beyond this period by the local governing body upon the recommendation of the Planning Commission with the consent of the parties) will and truly make and perform the required subdivision in accordance with the county government specifications and the Resolution of \_\_\_\_\_, 20\_\_\_\_, then this obligation is to be void otherwise to remain in full force and effect.

Form for Performance Bond  
Hohenwald Municipal-Regional Planning Commission  
Page 2

It is hereby understood and agreed that in the event that any required improvements have not been installed as provided by said resolution, within the term of this Performance Bond, the governing body may thereupon declare this bond to be in default and collect the sum remaining payable thereunder, and upon receipt of the proceeds thereof, the county government shall install such improvements as are covered by this bond and commensurate with the extent of building development that has taken place in the subdivision but not exceeding the amount of such proceeds.

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Insurance Company

BY

\_\_\_\_\_  
Attorney-in-Fact

BOND NO. \_\_\_\_\_

**ACKNOWLEDGEMENT:**

**COPARTNERSHIP**

STATE OF TENNESSEE

(COUNTY OF \_\_\_\_\_) SS: \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known and known to me to be one of the firm of \_\_\_\_\_, described in and who executed the foregoing instrument, and he thereupon acknowledged to me that he executed such instrument as and for the act and deed of said firm.

\_\_\_\_\_  
INDIVIDUAL

STATE OF TENNESSEE

COUNTY OF \_\_\_\_\_) SS: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known and known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same.

\_\_\_\_\_  
CORPORATE

STATE OF TENNESSEE

(COUNTY OF \_\_\_\_\_) SS: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who, being by me first duly sworn, did depose and say that he resides in \_\_\_\_\_; that he is the \_\_\_\_\_ of \_\_\_\_\_, corporation described in and which executed the foregoing instrument; that he knows the corporate seal of said corporation; that the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation, and that he signed his name thereto by like order and authority.

\_\_\_\_\_

**IRREVOCABLE DOCUMENTARY LETTER OF CREDIT  
HOHENWALD MUNICIPAL-REGIONAL PLANNING COMMISSION**

1. DATE OF ISSUE \_\_\_\_\_
2. CREDIT NO. OF ISSUING BANK \_\_\_\_\_
3. CREDIT NO. OF ADVISING BANK \_\_\_\_\_
4. ADVISING BANK \_\_\_\_\_
5. ACCOUNTEE \_\_\_\_\_
6. BENEFICIARY, MAIL TO \_\_\_\_\_
7. LATEST PERFORMANCE DATE \_\_\_\_\_
8. LATEST DATE FOR NEGOTIATION \_\_\_\_\_
9. MAXIMUM AMOUNT \_\_\_\_\_
10. SPECIFIC IMPROVEMENTS INCLUDED IN MAXIMUM AMOUNT

There are approximately \_\_\_\_\_ feet in length and \_\_\_\_\_ feet in width in said streets and curbs, and \_\_\_\_\_ feet of inch water line, and \_\_\_\_\_ feet of \_\_\_\_\_ inch sewer line, and other improvements as follows \_\_\_\_\_

\_\_\_\_\_, not yet completed, and that the total cost of providing these facilities would be as follows:

A.	Streets and Curbs	\$ _____
B.	Water lines	\$ _____
C.	Sewer lines	\$ _____
D.	Other (lot improvements, etc.)	\$ _____
	<b>TOTAL</b>	\$ _____



11. We hereby issue this documentary letter of credit in your (the beneficiary's) favor which is available against your drafts at \_\_\_\_\_ drawn on \_\_\_\_\_ Bank, Credit No. \_\_\_\_\_ accompanied by the following document:

A Certificate of Default signed under oath by the Chairman of the Hohenwald Municipal-Regional Planning Commission and the Chief Executive of the government (being the City of Hohenwald) certifying that the accountee has not complied with the terms of the agreement between the Planning Commission and the Accountee and the amount of approximate damage to the local government, which amount shall be identical to the face amount of the accompanying draft.

12. **SPECIAL CONDITIONS**

We hereby engage with the bona-fide holders of all drafts or documents presented under and in compliance with the terms of this Letter of Credit that such drafts or documents will be duly honored upon presentation to us.

The amount of each drawing must be endorsed on the reverse of this Letter of Credit by the negotiating bank.

The advising bank is requested to advise this Letter of Credit without engagement of their part.

\_\_\_\_\_  
Bank

\_\_\_\_\_  
Authorized Signature, Issuing Bank

\_\_\_\_\_  
Authorized Signature, Issuing Bank

**APPENDIX B**  
**ILLUSTRATIONS**

Illustration 1	Preliminary Plat
Illustration 2	The Final Plat
Illustration 3	Minimum Standards of Design
Illustration 4	Existing Streets
Illustration 5	Intersections
Illustration 6	Private and Reserve Streets
Illustration 7	Lot Arrangement
Illustration 8	Public Open Spaces

Subdivision Record
Preliminary Plat
Final Plat

**THE PRELIMINARY PLAT**

**PRELIMINARY SKETCH  
WESTVIEW ADDITION SECTION "A"**

TENNACITY, TENN. G.O. WEST OWNER

SHALL SHOW:



SCALE

FRANK T. SQUARE

ENGINEER

Name, location, owner and designer.

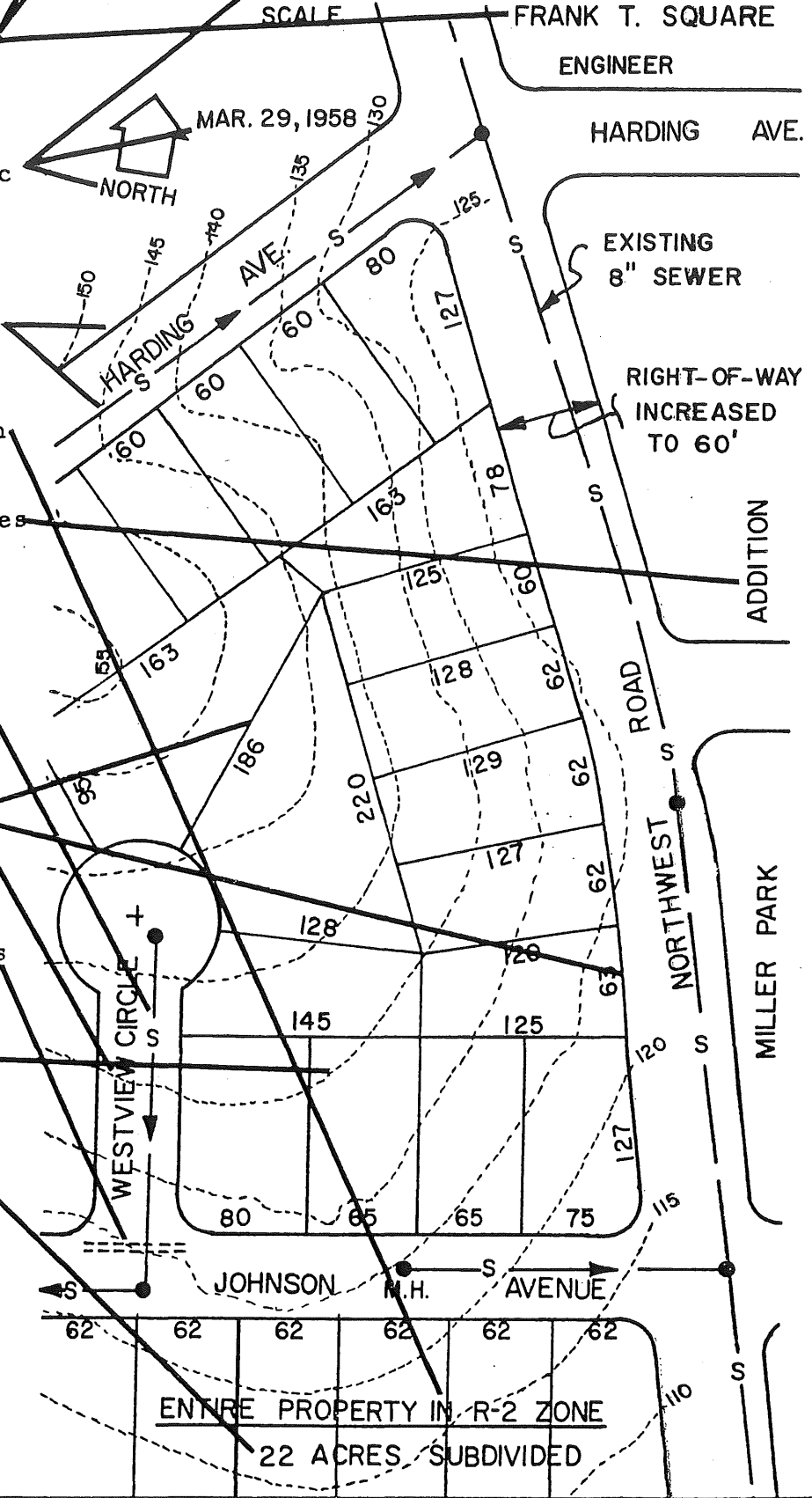
Date, north point and graphic scale



MAR. 29, 1958

HARDING AVE.

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



EXISTING 8" SEWER

RIGHT-OF-WAY INCREASED TO 60'

ADDITION

MILLER PARK

Present zoning classification

Names of adjoining properties

Proposed utility system

Names of new streets

Dimensions, lot lines and building setbacks

Location of proposed culverts

Contours at 5' intervals

Acreage of land subdivided

Location sketch map.

ENTIRE PROPERTY IN R-2 ZONE

22 ACRES SUBDIVIDED

ILLUSTRATION 1

**THE  
FINAL PLAT**

**SHALL SHOW:**

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

Sufficient engineering data to  
reproduce any line on the  
ground.

Dimensions, angles, and  
bearings.

Monuments

Names of adjoining properties

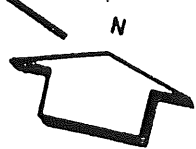
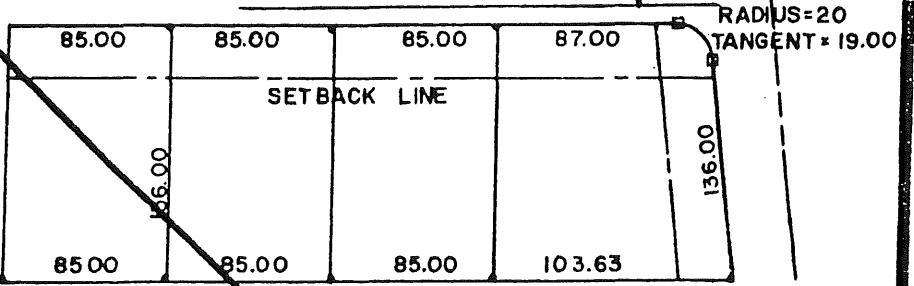
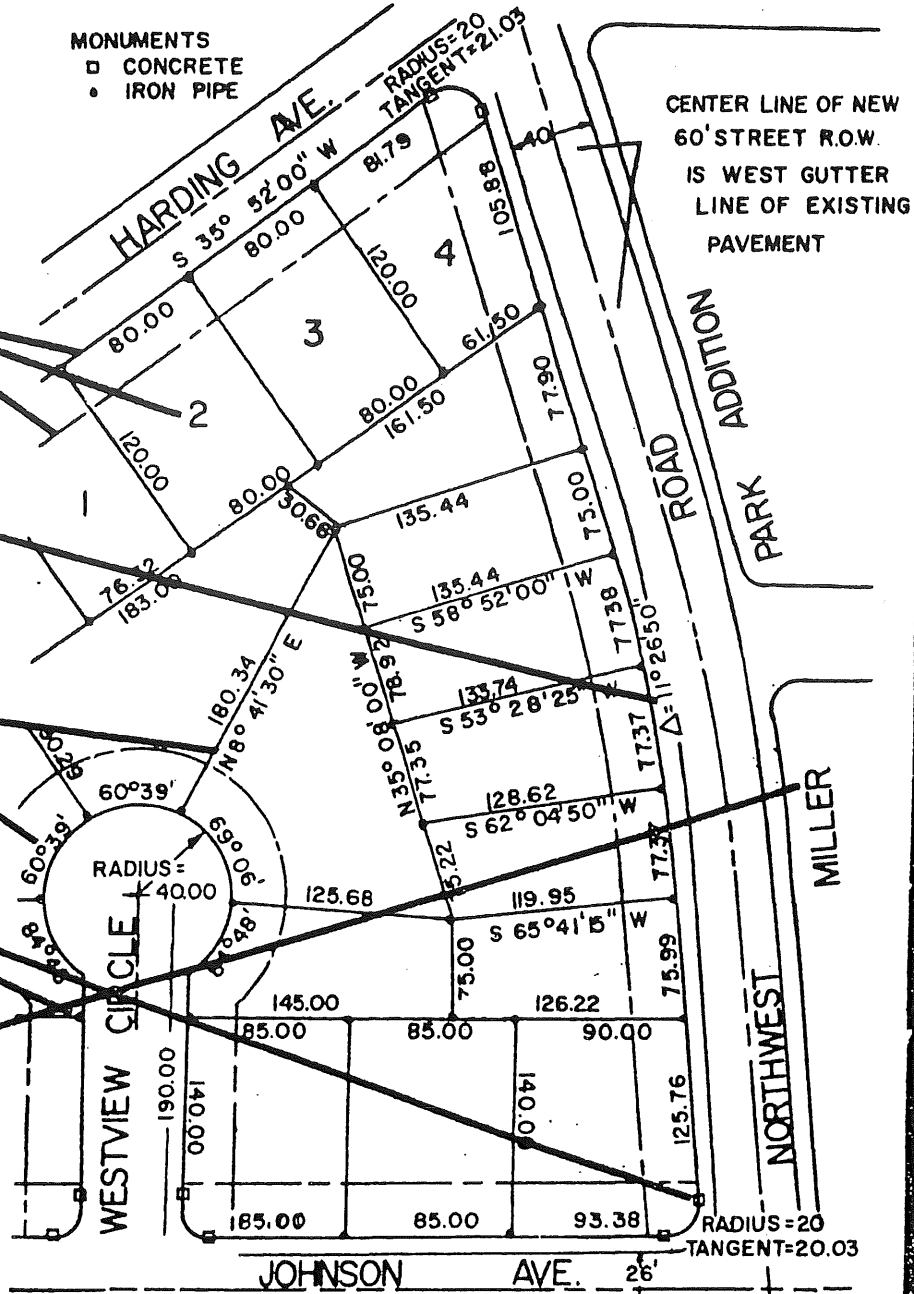
Date, title, name and location  
of subdivision

Graphic scale and true north  
point

Location sketch map and  
certificates as required

MONUMENTS  
□ CONCRETE  
● IRON PIPE

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



**SECTION "A"**  
**WEST HILLS ADDITION**  
**TENNACITY, TENN.**

JANUARY, 1964

ILLUSTRATION 2

# MINIMUM STANDARDS OF DESIGN

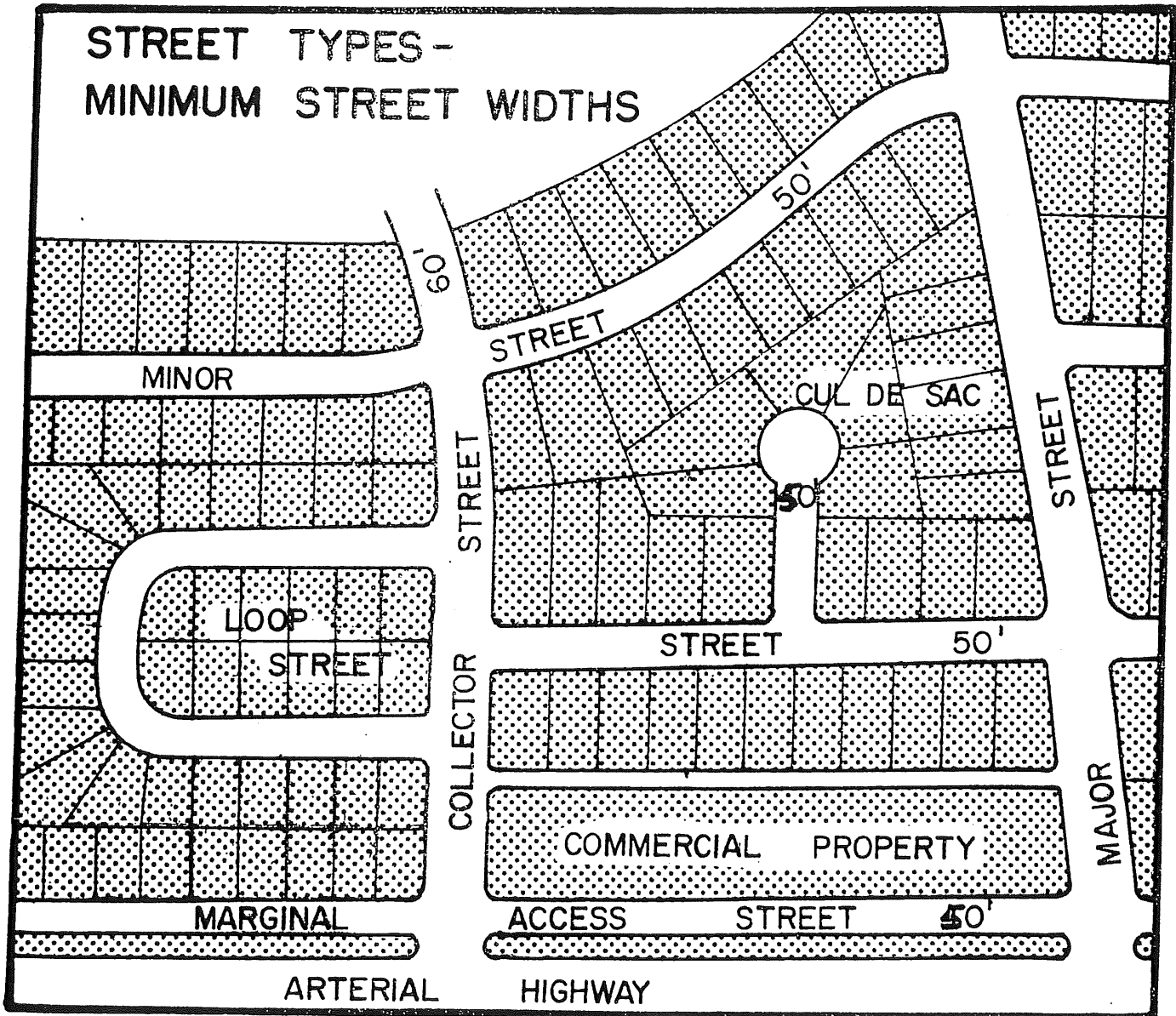
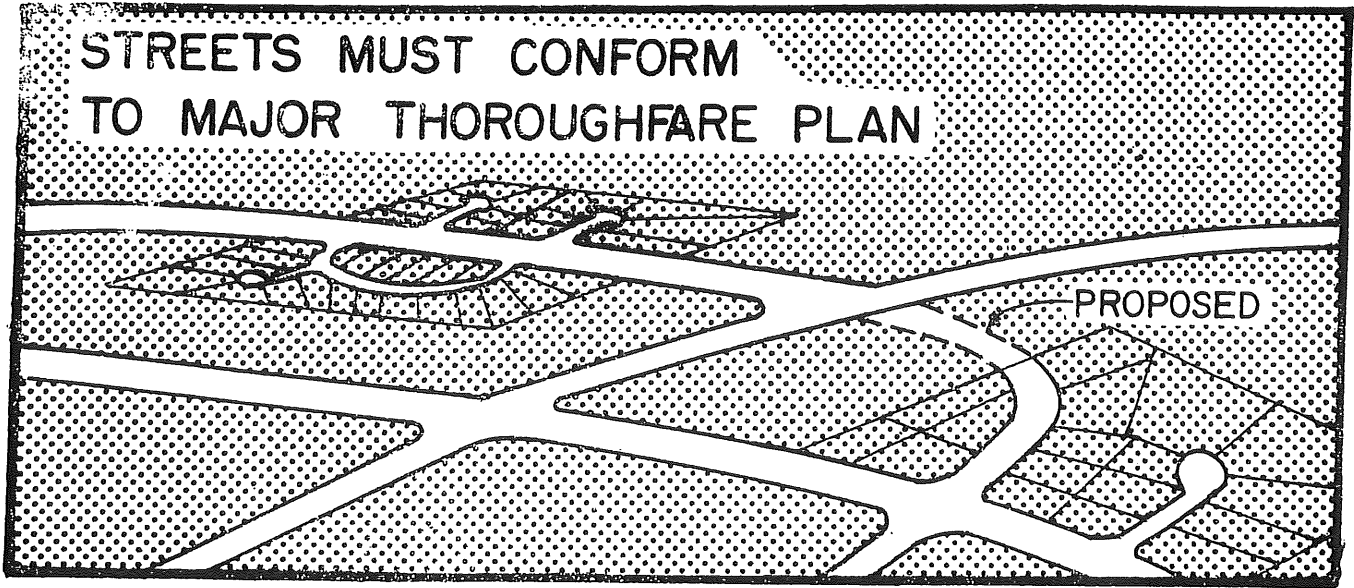
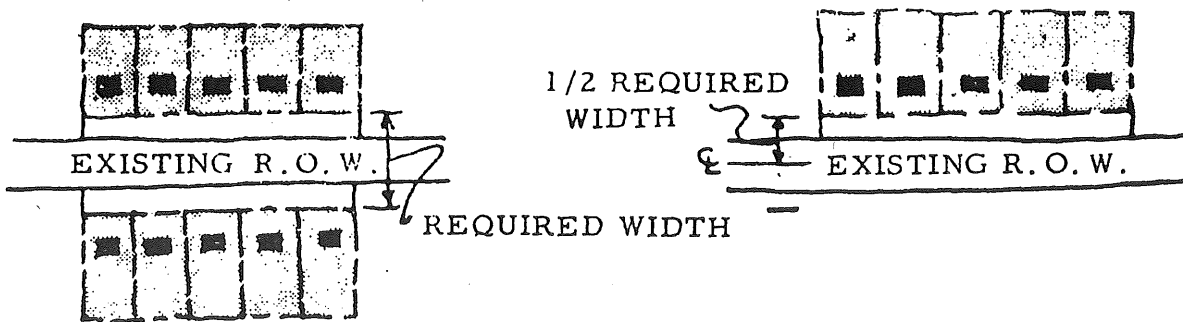
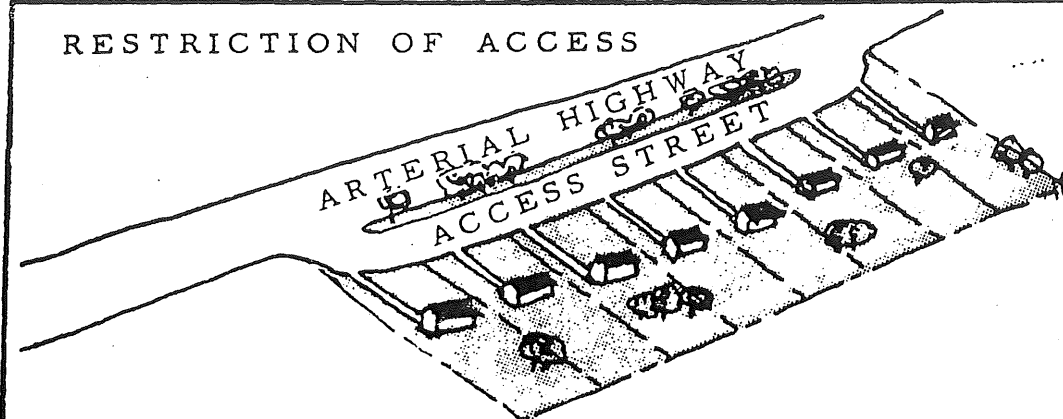


ILLUSTRATION 3

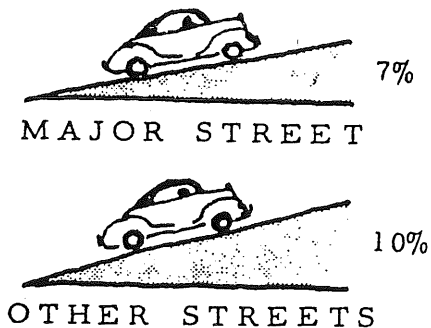
EXISTING STREETS -  
ADDITIONAL WIDTH



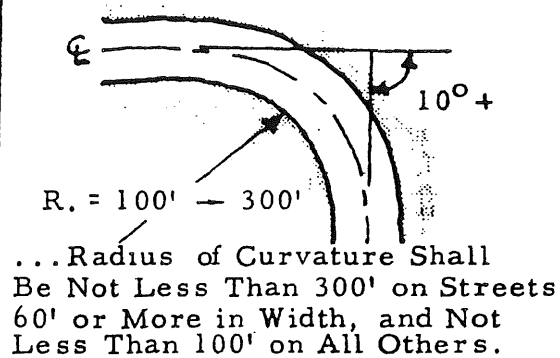
RESTRICTION OF ACCESS



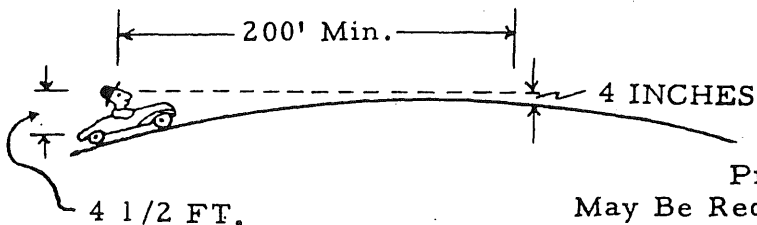
MAXIMUM GRADES



HORIZONTAL CURVES

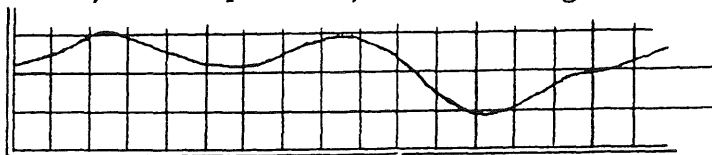


VERTICAL CURVES



Profiles of All Streets  
May Be Required by the Planning Comm.

SCALE: 1" = 20'  
(MINIMUM)



SCALE: 1" = 100' (MINIMUM)

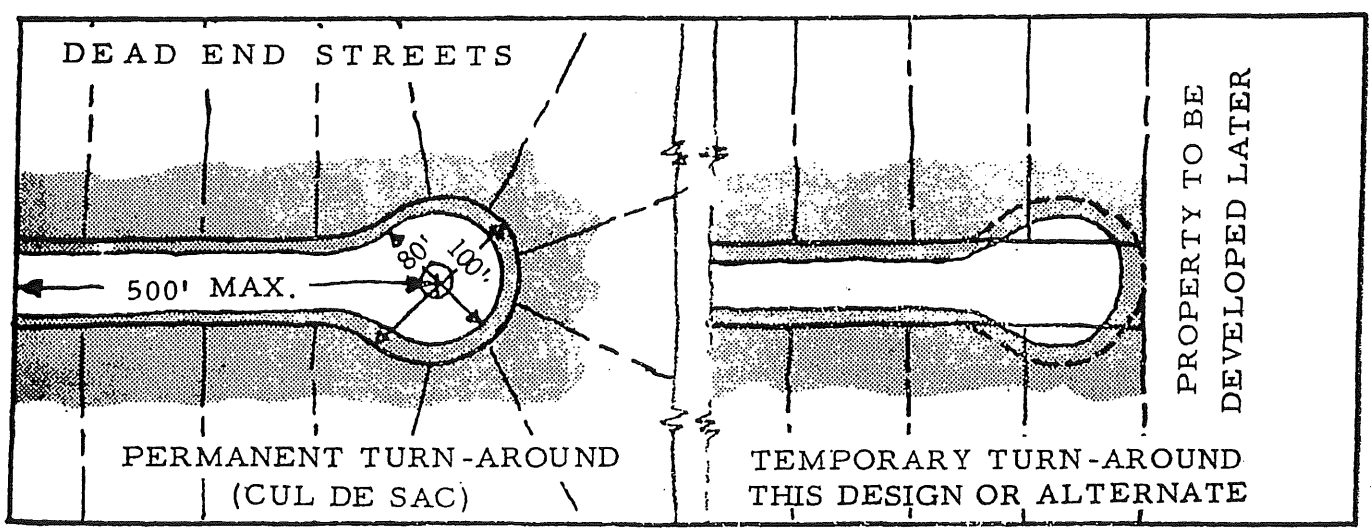
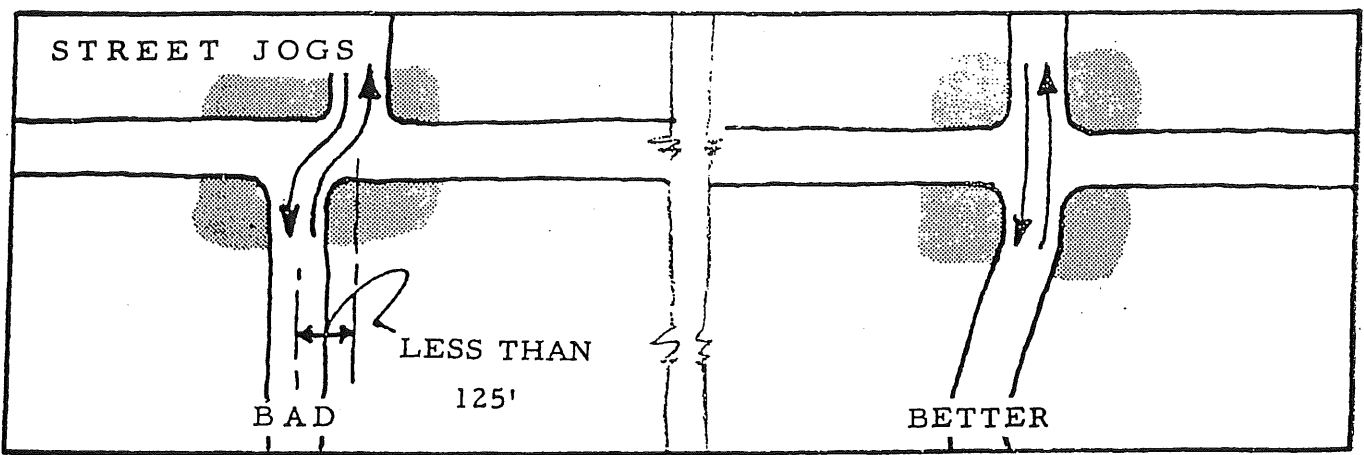
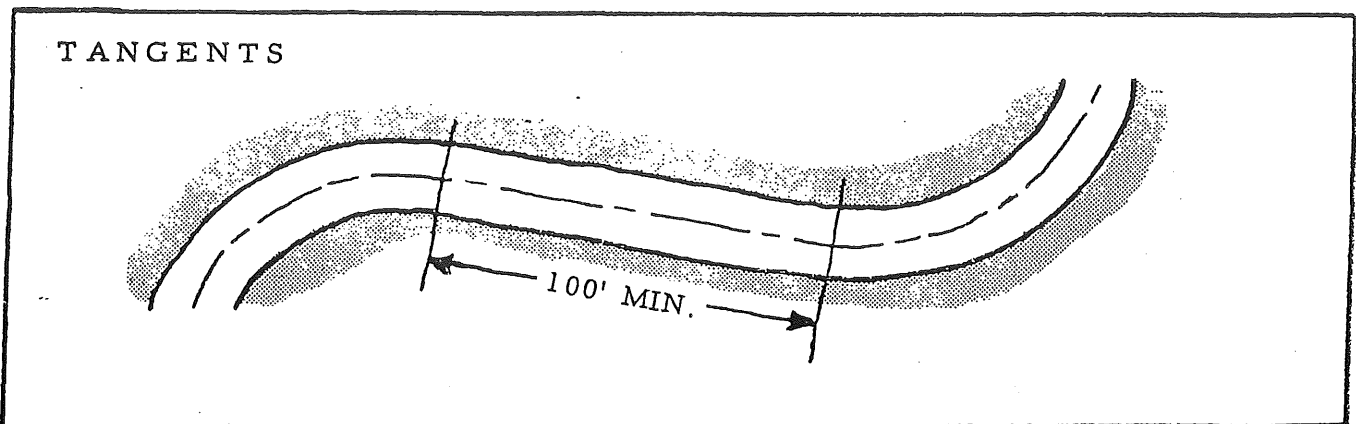
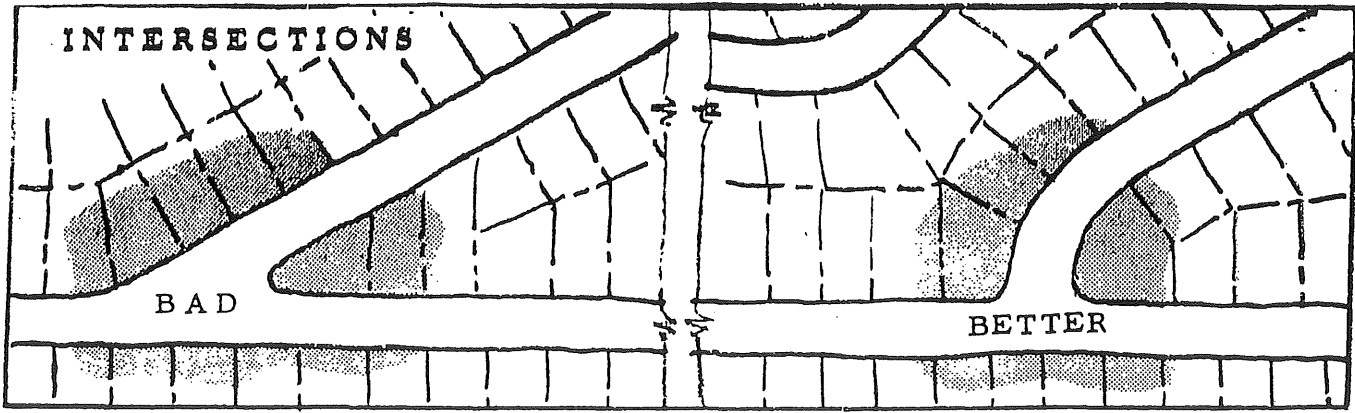


ILLUSTRATION 5

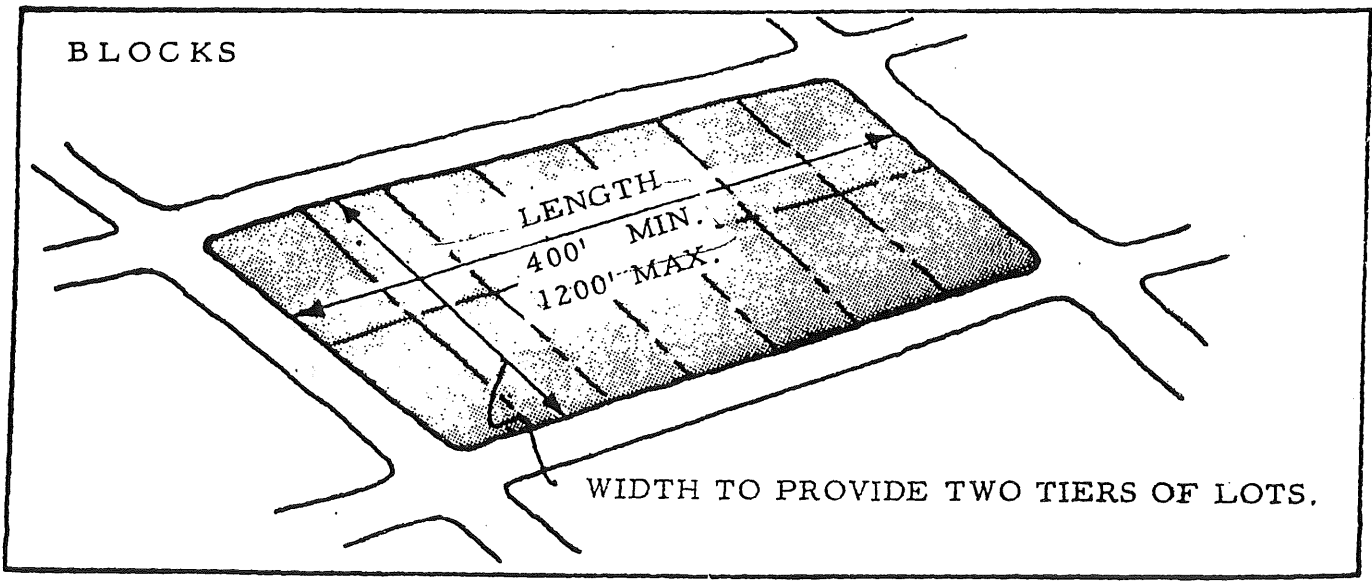
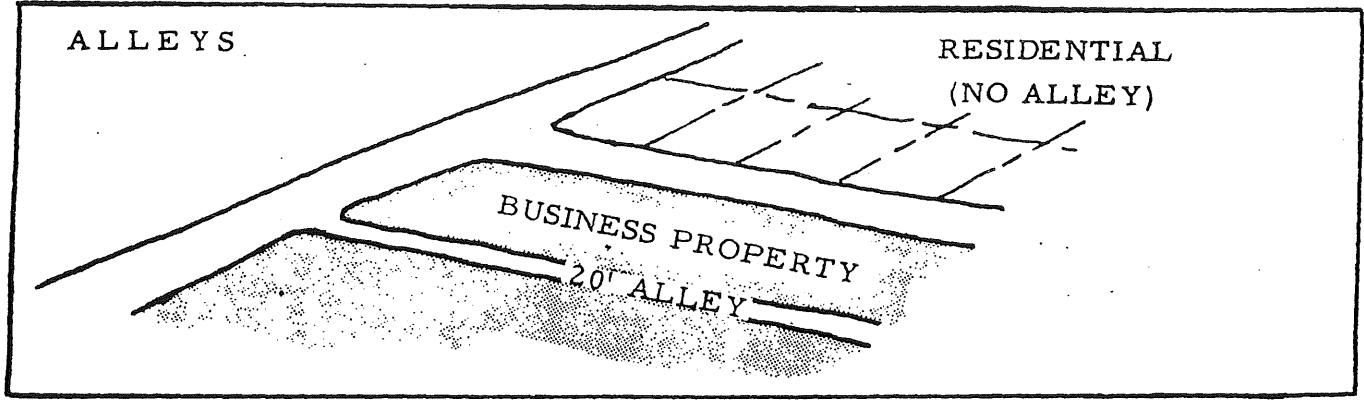
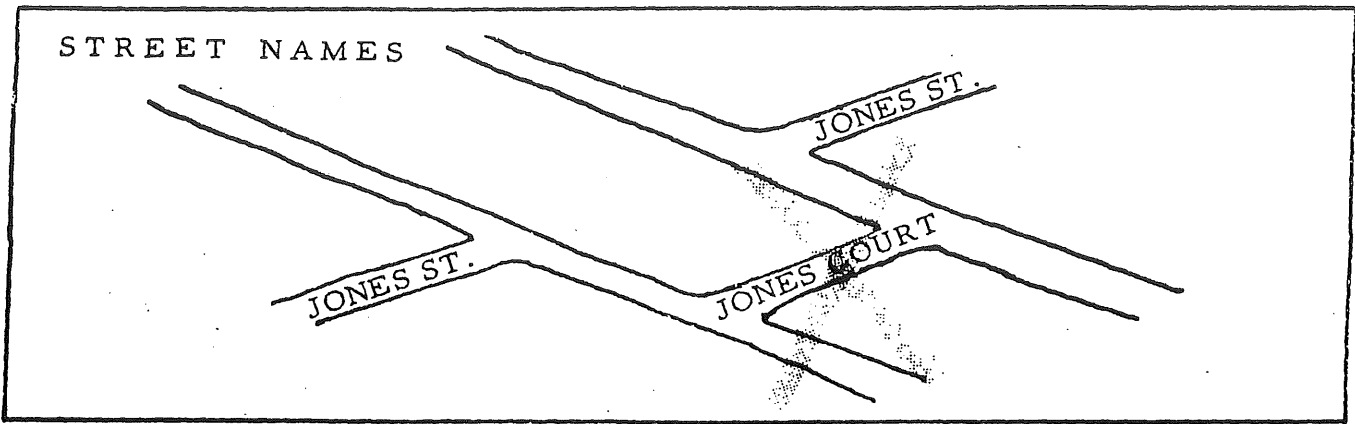
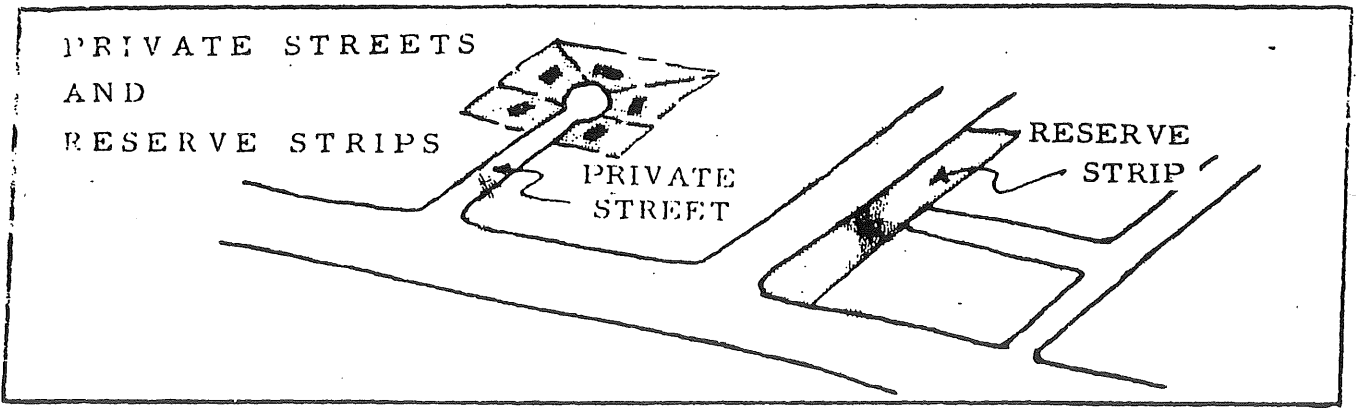


ILLUSTRATION 6



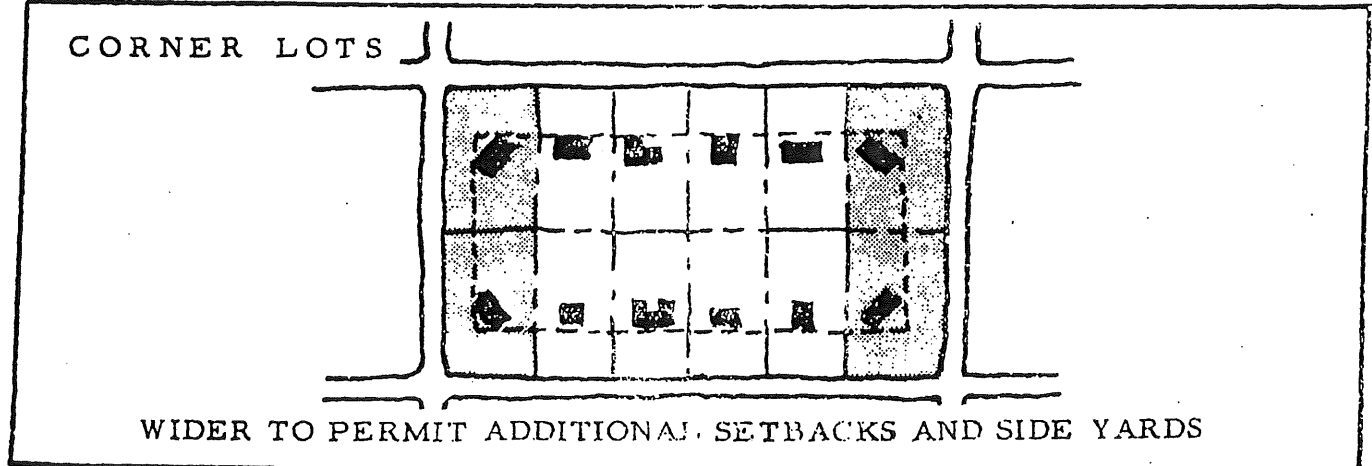
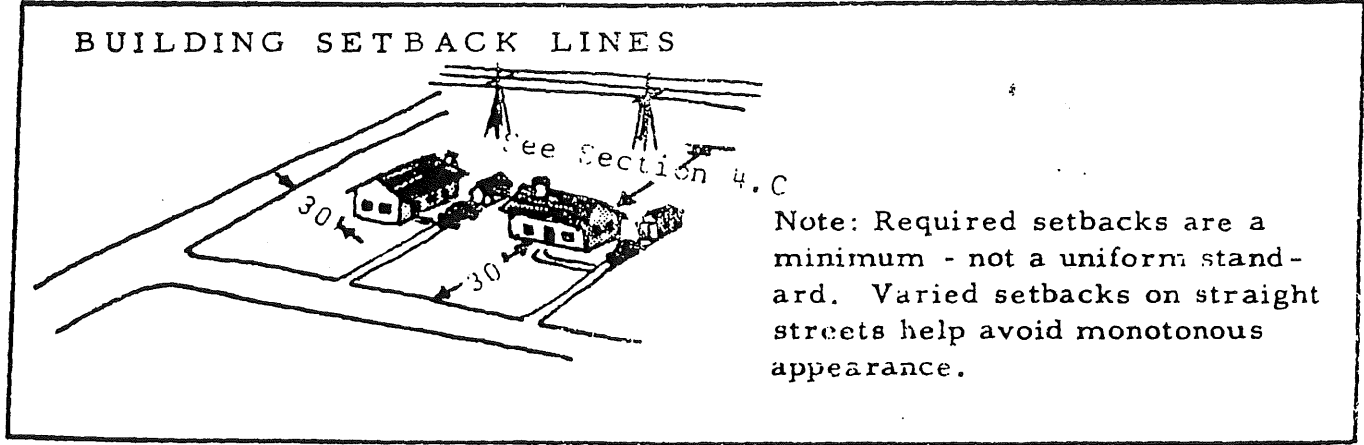
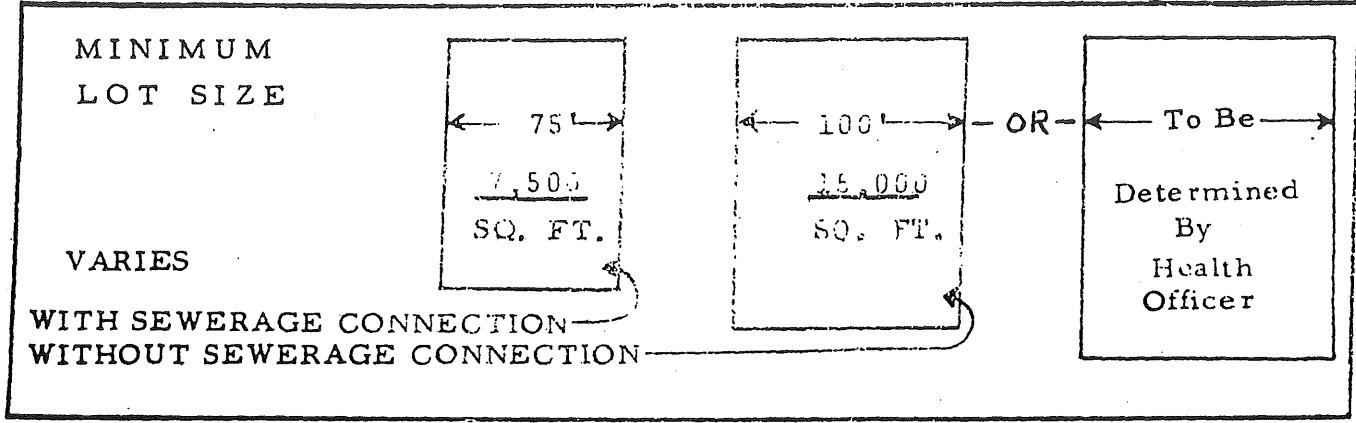
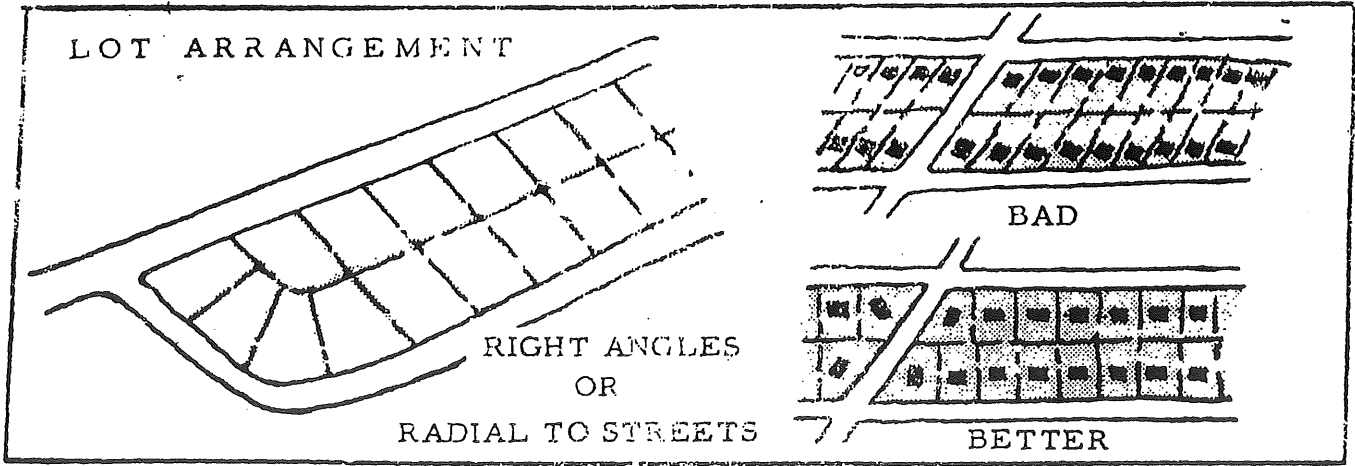
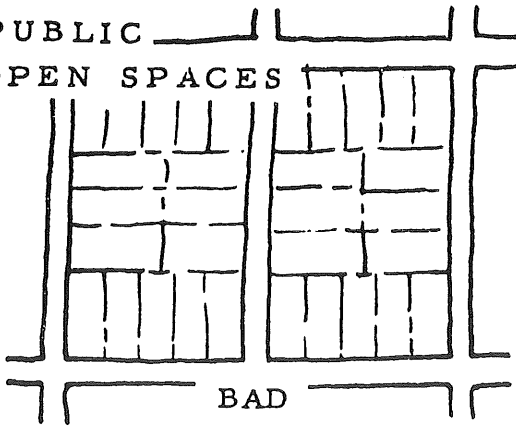
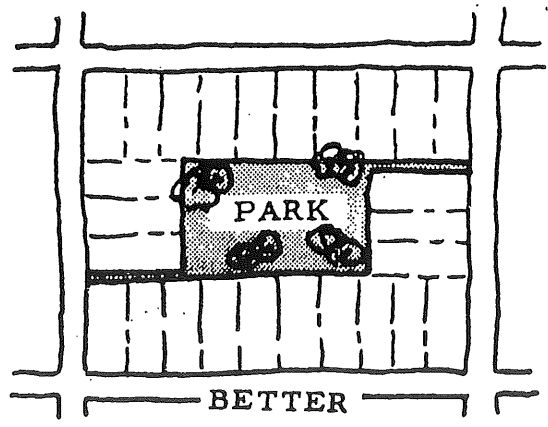


ILLUSTRATION 7

PUBLIC  
OPEN SPACES

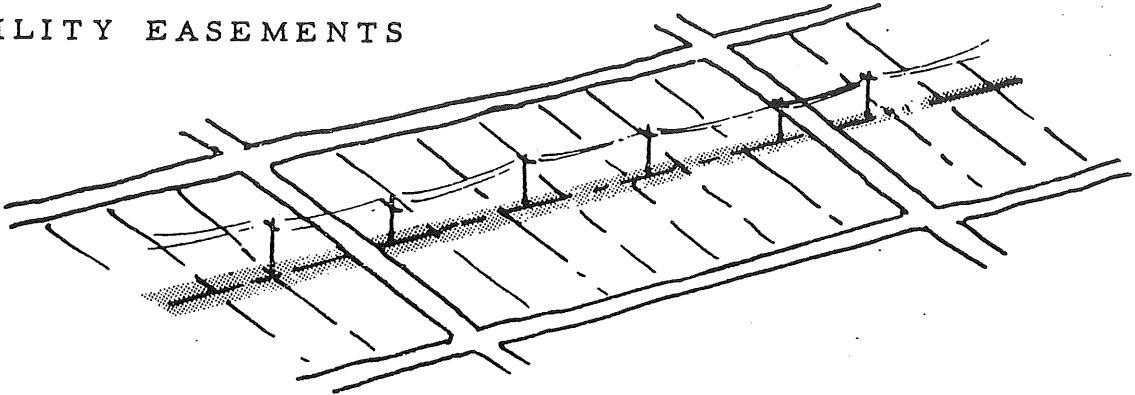


BAD



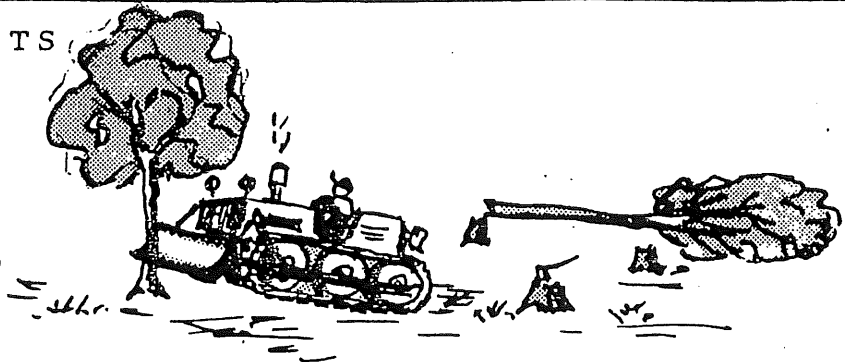
BETTER

UTILITY EASEMENTS

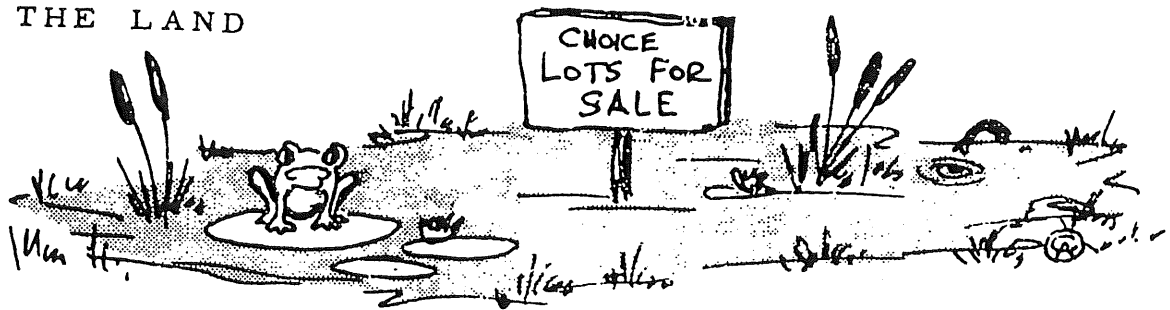


COMMUNITY ASSETS

DON'T -



SUITABILITY  
OF THE LAND



(AMENDED BY DELETING AND REPLACING BY RESOLUTION, MAY 6, 2002

**City of Hohenwald Municipal Planning Commission**

**Form Number 1**

**Sketch Plat Checklist**

**Name of Applicant** \_\_\_\_\_

**Name of Subdivision** \_\_\_\_\_

**Location of Subdivision** \_\_\_\_\_ **Zoning District** \_\_\_\_\_

**Date of Submission** \_\_\_\_\_ **Time** \_\_\_\_\_

**Signature of City Official** \_\_\_\_\_

**Purpose of Sketch Plat**

The sketch plat shall work as a concept plan for design purposes and should be used to discover the factors that may possess an impact on the proposed development and on the community. Generally, sketch plats are precautionary measures used to protect the developer from unseen problems or unknown facts before substantial commitments of time and capital are undertaken.

Sketch plats shall be mandatory in the process of the development for major subdivisions.

**Submit an 8.5 x 11 Mylar of the Subdivision**

The Sketch Plat for major subdivisions shall be accompanied by one (1), scaled Mylar edition of the entire subdivision reduced in size to 8.5 x 11. This Mylar shall, at a minimum include: the name of the Subdivision, name and phone number of the developer, all public improvements (including fire hydrants), demarcation lines of proposed development sections, a scale, North arrow, and all numbered lots.

**Form Number 1  
Sketch Plat Checklist  
Page 2**

**Applicant's Use Only**

**City's Use Only**

- | ↓                        |   | ↓                        |
|--------------------------|---|--------------------------|
| <input type="checkbox"/> | 1. One copy of this checklist   | <input type="checkbox"/> |
| <input type="checkbox"/> | 2. Application fee: received check for \$ _____ receipt # _____   |                          |
| <input type="checkbox"/> | 3. Seven (7) copies of the Sketch Plat  | <input type="checkbox"/> |
| <input type="checkbox"/> | 4. A scale drawing of the property and the names of the owners of adjoining property.                                   | <input type="checkbox"/> |
| <input type="checkbox"/> | 5. The size of the original tract(s) being subdivided   | <input type="checkbox"/> |
| <input type="checkbox"/> | 6. The notation of any existing legal rights-of-way or easements, or other encumbrances affecting the property.         | <input type="checkbox"/> |
| <input type="checkbox"/> | 7. The approximate topography of the site, at no more than five (5) foot intervals, extending into adjacent properties. | <input type="checkbox"/> |
| <input type="checkbox"/> | 8. Illustrate any areas which may be affected by flooding   | <input type="checkbox"/> |
| <input type="checkbox"/> | 9. General public way (including pedestrian traffic infrastructure) and lot patterns.                                   | <input type="checkbox"/> |
| <input type="checkbox"/> | 10. The proposed phasing, if any  | <input type="checkbox"/> |
| <input type="checkbox"/> | 11. The vicinity map of property  | <input type="checkbox"/> |
| <input type="checkbox"/> | 12. The date and approximate North point  | <input type="checkbox"/> |
| <input type="checkbox"/> | 13. Name of owner   | <input type="checkbox"/> |
| <input type="checkbox"/> | 14. Name of plat designer; and  | <input type="checkbox"/> |
| <input type="checkbox"/> | 15. The Zoning classification.  | <input type="checkbox"/> |

(AMENDED BY DELETING AND REPLACING BY RESOLUTION, MAY 6, 2002

City of Hohenwald Municipal Planning Commission

Form Number 2

Preliminary Plat Checklist

Name of Applicant \_\_\_\_\_

Name of Subdivision \_\_\_\_\_

Location of Subdivision \_\_\_\_\_ Zoning District \_\_\_\_\_

Date of Submission \_\_\_\_\_ Time \_\_\_\_\_

Signature of City Official \_\_\_\_\_

**Applicant's Use Only**

**City's Use Only**

- | ↓                        |  | ↓                        |
|--------------------------|--|--------------------------|
| <input type="checkbox"/> | 1. One copy of this checklist  | <input type="checkbox"/> |
| <input type="checkbox"/> | 2. Application fee: received check for \$ _____ receipt # _____  |                          |
| <input type="checkbox"/> | 3. Seven (7) copies of the preliminary plat drawn to a scale of not less than one (1) inch equals one hundred (100) feet to be completed only by a currently licensed surveyor in the State of Tennessee                     | <input type="checkbox"/> |
| <input type="checkbox"/> | 4. Location of property with respect to surrounding property and streets (sketch map)  | <input type="checkbox"/> |
| <input type="checkbox"/> | 5. Names of <u>all</u> adjoining property owners, or names of adjoining developments. You must include their current zoning, tax map parcel numbers, and deed book page numbers  | <input type="checkbox"/> |
| <input type="checkbox"/> | 6. The location of <u>all</u> public ways, easements, water bodies, large streams or rivers, swamps, railroads, parks, cemeteries, drainage ditches, bridges, buildings, proposed monuments and all other pertinent features | <input type="checkbox"/> |
| <input type="checkbox"/> | 7. Names of adjoining public ways  | <input type="checkbox"/> |
| <input type="checkbox"/> | 8. Location, bearing, and dimensions of all boundary lines of the property to the nearest hundredth (1/100) of a foot  | <input type="checkbox"/> |
| <input type="checkbox"/> | 9. Locations, dimensions, & areas of all proposed/existing lots  | <input type="checkbox"/> |

**Form Number 2**  
**Preliminary Plat Checklist**  
**Page 2**

- 10. The location, area, and dimensions of all property to be set aside for park or playground use or other public or private reservation. Including designation of the purpose thereof, and conditions, if any, Of the dedication or reservation.
- 11. Graphic limit of floodway and floodplain areas
- 12. Contours at vertical intervals of not more than five (5) feet
- 13. Draft of proposed restrictive covenants/deed restrictions
- 14. Data from which the location, bearing, and length of all lines can be determined and reproduced on the ground.
- 15. Names of all new/proposed streets, and numbering of lots
- 16. Explanation of drainage easements
- 17. Explanation of site easements
- 18. Indication of the use of any lot and all uses other than residential
- 19. Graphically depicted building envelopes/setbacks
- 20. Graphically depicted fire hydrant locations
- 21. Graphically depicted locations of all proposed and existing utilities
- 22. Date, Graphic Scale, and approximate North point, with North to be at the top of the sheet if possible
- 23. Note on the current Zoning classification
- 24. Note on the floodplain status, including the identification name and number of the FEMA Map used in reference
- 25. The proposed phasing, if any

(AMENDED BY DELETING AND REPLACING BY RESOLUTION, MAY 6, 2002

**City of Hohenwald Municipal Planning Commission**

**Form Number 3**

**Final Plat Checklist**

**Name of Applicant** \_\_\_\_\_

**Name of Subdivision** \_\_\_\_\_

**Location of Subdivision** \_\_\_\_\_ **Zoning District** \_\_\_\_\_

**Date of Submission** \_\_\_\_\_ **Time** \_\_\_\_\_

**Signature of City Official** \_\_\_\_\_

**Applicant's Use Only**

**City's Use Only**

- |                          |   |   |                          |
|--------------------------|---|---|--------------------------|
| ↓                        | 1. One copy of this checklist   | ↓ | <input type="checkbox"/> |
| <input type="checkbox"/> | 2. Application fee: received check for \$ _____ receipt # _____   |   |                          |
| <input type="checkbox"/> | 3. Seven (7) copies of the final plat drawn to a scale not less than one (1) inch equals one hundred (100) feet to be completed only by a currently licensed surveyor in the State of Tennessee   |   | <input type="checkbox"/> |
| <input type="checkbox"/> | 4. Location of property with respect to surrounding property and streets (sketch map)   |   | <input type="checkbox"/> |
| <input type="checkbox"/> | 5. Names of <u>all</u> adjoining property owners, or names of adjoining developments. You must include their current zoning, tax map parcel numbers, and deed book page numbers   |   | <input type="checkbox"/> |
| <input type="checkbox"/> | 6. The location of <u>all</u> public ways, easements, water bodies, large streams or rivers, swamps, railroads, parks, cemeteries, drainage ditches, bridges, buildings, proposed monuments and all other pertinent features  |   | <input type="checkbox"/> |
| <input type="checkbox"/> | 7. The exact boundary lines of the tract, determined by a field survey, showing angles to the nearest minute and distance to the nearest hundredth of a foot, balanced and closed with a closure error not to exceed one to five thousand feet (1' - 5,000'). This survey shall be tied into the Tennessee Grid Coordinate System. A distance and bearing shall be provided which will link a point on the boundary of the subdivision to a monument in the right-of-way of the nearest prominent public way intersection |   | <input type="checkbox"/> |

**Form Number 3  
Final Plat Checklist  
Page 2**

- 8. Location, bearing, and dimensions of all boundary lines of the property to the nearest hundredth (1/100) of a foot
- 9. Names of adjoining public ways
- 10. The limits of floodway and floodway fringe areas and the regulatory flood protection elevation, as determined by the planning commission
- 11. The locations and width of all easements and rights-of-way for public ways, as well as all building setback lines on all lots
- 12. The location, dimensions, and area of all lots. All dimensions shall be field run to the nearest one hundredth (1/100) of a foot and angles to the nearest minute. Lot areas shall be shown to the nearest tenth (1/10) of a square foot
- 13. The location, area, and dimensions (to the accuracy set forth in Item 11, above) of all property to be set aside for park or playground use or other public or private reservation. Including designation of the purpose thereof, and conditions, if any, of the dedication or reservation
- 14. All certificates and signatures secured as explained in Section 408, of the Subdivision Regulations, save the signature of the Planning Commission Secretary
- 15. Performance Bond/Irrevocable Letter of Credit on all Public Improvements from a bank in Lewis County, or any contiguous county
- 16. Date, Graphic Scale, and approximate North point, with North to be at the top of the sheet if possible
- 17. Note on the current Zoning classification
- 18. Note on the floodplain status, including the identification name and number of the FEMA Map used in reference
- 19. The proposed phasing, if any



ORDINANCE 576

AN ORDINANCE AMENDING GAS CODE

BE IT ENACTED BY THE CITY COUNCIL OF HOHENWALD, TENNESSEE, That Section 4-304 of the Gas Code be amended to require those persons desiring to work on the installation, extension, or alteration of consumer's gas piping or certain gas appliances until such shall have executed and delivered to the recorder liability insurance in the sum of \$500,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the gas code. All other terms of Section 4-304, shall remain as originally enacted.

BE IT FURTHER ENACTED That this ordinance shall take effect immediately upon its passage on third and final reading, the public welfare requiring it.

Motion to adopt the preceding ordinance having been made by Don Barber and seconded by Terry Keathley, the following voted:

AYE: Don Barber, Dustin Flowers, Terry Keathley and Bill Lawson

NAY: None

The preceding ordinance passed

First Reading: April 6, 2004

Second Reading: May 4, 2004

Third and Final Reading: May 20, 2004

ORDINANCE 578

AN ORDINANCE TO ADOPT HISTORIC ZONING, TO CREATE TWO HISTORIC DISTRICTS, TO ESTABLISH DESIGN REVIEW GUIDELINES FOR THE HISTORIC DISTRICTS, TO AMEND THE OFFICIAL ZONING MAP FOR THE CITY OF HOHENWALD, TENNESSEE, AND TO AMEND THE CITY OF HOHENWALD, TENNESSEE ZONING ORDINANCE NO. 526, BY CREATING AN APPENDIX "C" TO INCLUDE THIS PAGE AND ATTACHMENTS.

WHEREAS, the Hohenwald Historic Preservation Commission, following a public hearing, has requested that the City Council amend the existing City Zoning Ordinance; and

WHEREAS, the Hohenwald Planning Commission has endorsed the request made by the Hohenwald Historic Preservation Commission.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF HOHENWALD, That a Commercial Historic District to be known as the Town Center Historic District is hereby created, the boundaries of which are shown on the map attached as Attachment 1 and further described as follows.

First Avenue from Maple Street, north to Main Street, east to the lots facing Cedar Street, north along Cedar Street to Linden Avenue to Park Avenue, from the lots facing Park Avenue, north to Smith Street over to Court Street, and south back to First Street.

BE IT FURTHER ENACTED That the Official Zoning Map for the City of Hohenwald, Tennessee, shall be amended to delineate the Commercial Historic District as an overlay district to add additional guidelines for the district and not to otherwise amend existing zoning.

BE IT FURTHER ENACTED That the following guidelines shall apply to the Commercial Historic District:

The Hohenwald Historic Business District is designed to protect the historic character of the district by providing review of rehabilitation activities, new construction, and demolition. The district is characterized by one and two story commercial structures, constructed between 1897 and 1954. The structures are generally of brick construction with large display windows and entrances on both the front and rear facades. Many of these buildings were constructed with common walls and no set back from the sidewalk, which creates the "street wall" that provides downtown its intimate scale and walkability.

Buildings from the historic period have distinctive architectural details such as brick patterns, cast iron posts, and façade design that should be preserved. Buildings that were constructed after the historic period are of a modern and simplified design, however, these buildings should maintain their appearance as representative of the era in which they were constructed.

The design guidelines are utilized to preserve historic features of the buildings and to ensure rehabilitation, new construction and demolition of structures is carried out, as not to detract from or negatively impact the historic character of the Hohenwald Business District.

The Secretary of the Interior Guidelines shall apply to the Commercial District.

The Secretary of the Interior's Standards for Rehabilitation

The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finished, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

BE IT FURTHER ENACTED BY THE CITY COUNCIL OF HOHENWALD, That a Residential Historic District to be known as the Hohenwald Historic District is hereby created, the boundaries of which are shown on the map attached and further described as follows:

From Fourth Street to the lots facing Park Avenue, including the front half of the school property along old Court Street up to behind the gym, to the first house facing Park Avenue, north to First Street, east to the lots facing Maple Street, excluding the museum property.

BE IT FURTHER ENACTED That the Official Zoning Map for the City of Hohenwald, Tennessee, shall be amended to delineate the Residential Historic District as an overlay district to add additional guidelines for the district and not to otherwise amend existing zoning.

BE IT FURTHER ENACTED That the following guidelines shall apply to the Residential Historic District:

The Hohenwald Historic Residential District is designed to protect the historic character of the district by providing review of rehabilitation activities, new construction, and demolition. The district is characterized by one and two story residential structures and accessory structures, constructed between 1897 and 1954, with the greatest concentration of residences being constructed prior to 1925. The houses are generally of wood construction with wood clapboard, while a few are brick or stucco. They have varying roof types and roof pitches. Nearly all of the houses have front porches with a central entrance and are set back from the street \_\_\_\_\_ feet. Originally all yards were fenced.

Buildings from the historic period have distinctive architectural details such as fish scaling trim, brackets, heavy wooden exterior doors and steep roof lines that should be preserved. Buildings that were constructed after the historic period are of a modern and simplified design, however, these buildings should maintain their appearances as representative of the era in which they were constructed.

The design guidelines are utilized to preserve historic features of the buildings and to ensure rehabilitation, new construction and demolition of structures is carried out, as not to detract from or negatively impact the historic character of the Hohenwald Residential District.

The Secretary of the Interior Guidelines shall apply to the Residential District.

BE IT FURTHER ENACTED That this ordinance shall take effect from and after its passage on third and final reading, the welfare of the City requiring it.

Motion to adopt the foregoing ordinance having been made by Don Barber and seconded by Terry Keathley, the following voted:

AYE: Don Barber, Dustin Flowers, Terry Keathley and Bill Lawson

NAY: None

The preceding ordinance passed:

First Reading: April 6, 2004

Second Reading: May 4, 2004

Third and Final Reading: May 20, 2004

## ORDINANCE 573

### PRESERVATION ORDINANCE FOR THE CITY OF HOHENWALD

#### Section 1 – Statement of Purpose

Such preservation activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting.

More specifically, this historic preservation ordinance is designed to achieve the following goals:

- A. Protect, enhance and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity;
- B. Insure the harmonious, orderly, and efficient growth and development of the City;
- C. Strengthen civic pride and cultural stability through neighborhood conservation;
- D. Stabilize the economy of the City through the continued use, preservation, and revitalization of its resources.
- E. Promote the use of resources for the education, pleasure, and welfare of the people of the City of Hohenwald.
- F. Provide a review process for the preservation and development of the City's resources.

#### Section 11 – Preservation Commission: Composition and Terms

The City is authorized to establish a preservation commission to preserve, promote, and develop the City's historical resources and to advise the City on the designation of preservation districts, landmarks, and landmark sites and to perform such other functions as may be provided by law.

The Commission shall consist of (no less than five (5) and no more than nine (9)) members and which shall consist of a representative of a local patriotic or historical organization; and architect or engineer, if available; a person who is a member of the local Planning Commission at the time of his/her appointment; and the remainder shall be from the community in general.

All members of the Commission are appointed by the City and shall serve for designated terms and be re-appointed. All Commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation, to the extent available in the community.

#### Section III – Powers of the Commission

- A. The Commission shall conduct or cause to be conducted a continuing study and survey of resources within the City of Hohenwald.
- B. The Commission shall recommend to the City the adoption of ordinances designating preservation districts, landmarks, and landmark sites.
- C. The Commission may recommend that the City recognize sub-districts within any preservation district, in order that the Commission may adopt specific guidelines for the regulation of properties within such a sub-district.
- D. The Commission shall review applications proposing construction, alteration, demolition, or relocation of any resource within the preservation districts, landmarks, and landmark sites.
- E. The Commission shall grant or deny certificates of appropriateness, and may grant certificates of appropriateness contingent upon the acceptance by the applicant of specified conditions.
- F. The Commission does not have jurisdiction over interior arrangements of buildings and structures, except where such change will affect the exterior of the building and structures.
- G. The Commission, subject to the requirements of the City, is authorized to apply for, receive, hold, and spend funds from private and public sources, in addition to appropriations made by the City for the purpose of carrying out the provisions of this ordinance.
- H. The Commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment, supplies, and other materials necessary for its effective operation, subject to approval of City Council.
- I. The Commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land or water for the examination or survey thereof. No member, employee, or agent of the Commission shall enter any private dwelling or structure without the express consent of the owner of record or occupant thereof.

#### Section IV – Rules of Order (By-Laws)

To fulfill the purposes of this ordinance and carry out the provisions contained therein:

- A. The Commission annually shall elect from its membership a chairman and vice-chairman. It shall select a secretary from its membership or its staff. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.
- B. The Commission shall develop and adopt rules of order (by-laws) which shall govern the conduct of its business, subject to the approval of the City. Such rules of order (by-laws) shall be a matter of public record.
- C. The Commission shall develop design review guidelines for determining appropriateness as generally set forth in Section VII of this ordinance. Such criteria shall insofar as possible be consistent with local, state, and federal guidelines and regulations, including, but not limited to, building safety and fire codes and the Secretary of the Interior's Standards For Rehabilitation.
- D. The Commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.
- E. The Commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the adoption of this ordinance and regular meetings shall be scheduled at least once every three (3) months. The chairman or any two (2) members may call a special meeting to consider an urgent matter.

#### Section V – Designation of Landmarks, Landmark Sites, and Historic Districts

By ordinance, the City may establish landmarks, landmark sites, and preservation districts within the area of its jurisdiction. Such landmarks, landmark sites, or preservation districts shall be designated following the criteria as specified in Section I.

- A. The Commission shall initiate a continuing and through investigation of the archaeological, architectural, cultural, and historic significance of the City's resources. The findings shall be collected in a cohesive format, made a matter of public record, and made available for public inspection. The Commission shall work toward providing complete documentation for previously designated preservation districts which would include:
  1. A survey of all property within the boundary of the district, with photographs of each building.
  2. A survey which would be in a format consistent with the statewide inventory format of the Historic Preservation Division of the (SHPO).
- B. The commission shall advise the City on the designation of preservation districts, landmarks, or landmark sites and submit or cause to be prepared ordinances to make such designation.
- C. A resource or resources may be nominated for designation upon motion of the three members of the Commission or by an organization interested in historic preservation or by an owner of the property being nominated. A nomination shall contain information as specified by the Commission. The Commission must reach a decision on whether to recommend a proposed nomination to the City within six months in the case of a preservation district and two months in the case of either a landmark or landmark site. After six months for a district and two months for a landmark or landmark site if no action has been taken by the Commission, the nomination proceeds to the Planning Commission for their recommendation to the City Council.
- D. The Commission shall hold a public hearing on the proposed preservation district, landmark, or landmark site. If the Commission votes to recommend to the City the designation of a proposed resource, it shall promptly forward to the Planning Commission its recommendation, in writing, together with an accompanying file.
- E. The Commission's recommendations to the City for designation of a preservation district shall be accompanied by:
  1. A map of the preservation district that clearly delineates the boundaries.
  2. A verbal boundary description and justification.
  3. A written statement of significance for the proposed preservation district.
- F. The City Council shall conduct a public hearing, after notice, to discuss the proposed designation and boundaries thereof. A notice of the hearing shall be published in the newspaper published in the City. If a newspaper is not published in the City, then the notice shall be published in a paper published in the county.
- G. Within sixty (60) calendar days after the public hearing held in connection herewith, the City shall consider the ordinance with such modifications as may be necessary.

- H. Furthermore, the Commission shall notify, as soon as is reasonably possible, the appropriate state, county, and municipal agencies of the official designation of all landmarks, landmark sites, and preservation districts. An updated list and map shall be maintained by such agencies and made available to the public.

#### Section VI – Certificates of Appropriateness

No exterior feature of any resource shall be altered, added to, relocated, or demolished until after an application for a certificate of appropriateness of such work has been approved by the Commission. Likewise, no construction which affects a resource shall be undertaken without a certificate of appropriateness. Therefore,

- A. The Commission shall serve as a review body with the power to approve and deny applications for certificates of appropriateness.
- B. In approving and denying applications for certificates of appropriateness, the Commission shall accomplish the purposes of this ordinance.
- C. A certificate of appropriateness shall not be required for work deemed by the Commission to be ordinary maintenance or repair of any resource.
- D. All decisions of the Commission shall be in writing and shall state the findings of the Commission, its recommendations, and the reasons therefore.
- E. Expiration of a Certificate of Appropriateness: A certificate of appropriateness shall expire (*any increment of 6 months, i.e.: 12 or 18 months*) months after its issuance EXCEPT THAT a certificate shall expire if work has not begun within six (6) months of its issuance. When a certificate has expired, an applicant may seek a new certificate.
- F. Resubmitting of Applications: Twelve months after denial of an application for a certificate of appropriateness, the application may be resubmitted without change. A changed application may be resubmitted at any time.

#### Section VII – Criteria for Issuance of Certificates of Appropriateness

The Commission shall use the Secretary of the Interior's Standards for Rehabilitation as the basics for Design Guidelines created for each district or landmark and the following criteria in granting or denying certificates of appropriateness:

- A. General Factors:
  1. Architectural design of existing building, structure, or appurtenance and proposed alteration;
  2. Historical significance of the resource;
  3. Materials composing the resource;
  4. Size of the resource;
  5. The relationship of the above factors to, and their effect upon the immediate surroundings and, if within a preservation district, upon the district as a whole and its architectural and historical character and integrity.
- B. New Construction:
  1. The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including but not limited to: the height, the gross volume, the proportion between width and height of the façade(s), the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the façade, the materials, the textures, the patterns, the trims, and the design of the roof.
  2. Existing rhythm created by existing building masses and spaces between them shall be preserved.
  3. The landscape plan shall be compatible with the resource, and it shall be visually compatible with the environment with which it is visually related. Landscaping shall also not prove detrimental to the fabric of a resource, or adjacent public or private improvements like sidewalks and walls.
  4. No specific architectural style shall be required.
- C. Exterior Alteration:
  1. All exterior alterations to a building, structure, object, site, or landscape feature shall be compatible with the resource itself and other resources with which it is related, as is provided in Section VIII, A and B, and the design, over time, of a building, structure, object, or landscape feature shall be considered in applying these standards.
  2. Exterior alterations shall not adversely affect the architectural character or historic quality of a landmark and shall not destroy the significance of landmark sites.
- D. In considering an application for the demolition of a landmark or a resource within a preservation district, the following shall be considered.

1. The Commission shall consider the individual architectural, cultural, and/or historical significance of the resource.
2. The Commission shall consider the importance or contribution of the resource to the architectural character of the district.
3. The Commission shall consider the importance or contribution of the resource to neighboring property values.
4. The Commission shall consider the difficulty or impossibility of reproducing such a resource because of its texture design, material, or detail.
5. Following recommendation for approval of demolition, the applicant must seek approval of replacement plans, if any, as set forth in Section VIII, B, prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and site plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction.
6. Applicants that have received a recommendation for demolition shall be required to receive such demolition permit as well as certificate of appropriateness for the new construction. Permits for demolition and construction shall not be issued simultaneously.
7. When the Commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate City boards, commissions, departments, and agencies.

### **Section VIII – Procedures for Issuance of Certificates of Appropriateness**

Anyone desiring to take action requiring a certificate of appropriateness concerning a resource for which a permit, variance, or other authorization from the City building official is also required, shall make application therefore in the form and manner required by the applicable code section or ordinance. Any such application shall also be considered an application for a certificate of appropriateness and shall include such additional information as may be required by the commission. After receipt of any such application, the City building official shall be assured that the application is proper and complete. No building permit shall be issued by the City building official, which affects a resource without a certificate of appropriateness. In the event that a building permit need not be obtained for construction, alteration, demolition, or relocation of any resource, a certificate of appropriateness is still required before such work can be undertaken. Such application shall be reviewed in accordance with the following procedure:

- A. When any such application is filed, the City building official shall immediately notify the Commission chairman, vice-chairman, or staff of the application having been filed.
- B. The chairman or vice-chairman shall set the agenda for the regular meeting date or set a time and date, which shall be not later than thirty (30) days after the filing of the application for a hearing by the Commission, and the City building official shall be so informed.
- C. The applicant shall, upon request, have the right to a preliminary hearing by the Commission for the purpose of making any changes or adjustments which might be more consistent with the Commission's standards.
- D. Not later than (generally 8 eight day number is optional) days before the date set for the said hearing, the City official shall mail notice thereof to the applicant at the address in the application and to all members of the Commission.
- E. Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the City at least (number of days to correspond to the newspaper publishing deadlines) days before such hearing and by posting such notice on the bulletin board in the lobby of City Hall.
- F. At such hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.
- G. The Commission shall have the right to conditional approval.
- H. Either at the meeting or within not more than fifteen (15) days after the hearing on an application, the Commission shall act upon it, either approving, denying, or deferring action until the next meeting of the Commission, giving consideration to the factors set forth in Section VIII hereof. Evidence of approval of the application shall be by certificate of appropriateness issued by the Commission and, whatever its decision, notice in writing shall be given to the applicant and the City building official.
- I. The issuance of a certificate of appropriateness shall not relieve an applicant for a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the City concerning zoning, construction repair, or demolition.



### **Section IX – Economic Hardship**

No decision of the Commission shall cause undue economic hardship. If an applicant requests a hearing on economic hardship, such hearing shall be conducted after a certificate of appropriateness has been denied.

### **Section X – Appeals**

The applicant who desires to appeal a decision by the Commission shall file an appeal with the circuit court (after the determination of the issue by the Commission) in the manner provided by law.

### **Section XI – Minimum Maintenance Requirements**

In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the City's minimum housing code and the City's building code.

### **Section XII – Public Safety Exclusion**

None of the provisions of this ordinance shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the City building official or the Fire Department and where the proposed actions have been declared necessary by such authorities to correct the said condition; provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource designated as a landmark or located within a preservation district shall be damaged by fire or other calamity to such an extent that it cannot be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

- A. The City building official concurs with the property owner that the resource cannot be repaired and restored and so notifies the Commission in writing.
- B. The Preservation Commission, if in doubt after receiving such notification from the City building official, shall be allowed time to seek outside professional expertise from the State Historic Preservation Office and/or an independent structural engineer before issuing a certificate of appropriateness for the demolition. The Commission may indicate in writing by letter to the City building official that it will require a time period of up to thirty days for this purpose, and upon such notification to the City building official, this section shall be suspended until the expiration of such a delay period.

### **Section XIII – Enforcement and Penalties**

The Historic Preservation Commission shall be enforced by the City Building Inspector, who shall have the right to enter upon any premises necessary to carry out his duties in this enforcement.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

### **Section XIV – Appropriations**

The City is authorized to make appropriations to the Commission necessary for the expenses of the operation of the Commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation, and management of historic properties.

### **Section XV – Disqualification of Members by Conflict of Interest**

Because the City may possess few residents with experience in the individual fields of history, architecture, architectural history, archaeology, urban planning, law, or real estate, and in order not to impair such residents from practicing their trade for hire, members of the Commission are allowed to contract their services to an applicant for a certificate of appropriateness, and, when doing so, must expressly disqualify themselves from the Commission during all discussions and voting for that application. In such cases, the City shall, upon the request of the chairman of the Commission or the Vice-chairman in his stead, appoint a substitute member who is qualified in the same field as the disqualified member and who will serve for that particular case only. If no qualified resident of the City is able to substitute for the disqualified member, the City may appoint, in this case only, a qualified substitute who is a resident. If any member of the

Commission must be disqualified due to a conflict of interest on a regular and continuing basis, the chairman or the vice-chairman, in his stead, shall encourage the member to resign his Commission seat. Failing this resignation, and, if the Commission member continues to enter into conflict of interest situations with the Commission, the chairman or vice-chairman of the Commission shall encourage the City to replace the member. Likewise, any member of the Commission who has an interest in the property in question or in property within one hundred feet of such property, or who is employed with a firm that has been hired to aid the applicant in any matter whatsoever, or who has any proprietary, tenancy, or personal interest in a matter to be considered by the Commission shall be disqualified from participating in the consideration of any request for a certificate of appropriateness involving such a property. In such cases, a qualified substitute shall be appointed as provided above.

#### **Section XVI – Severability**

The requirements and provisions of this ordinance are separable. If any article, section, paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the court shall not affect the validity or applicability of the ordinance as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative.

#### **Section XVII – Effective Date**

This ordinance shall become effective one month after its passage.

Motion to adopt the preceding ordinance having been made by Don Barber and seconded by Bill Lawson, the following voted:

AYE: Don Barber, Dustin Flowers, Terry Keathley, Bill Lawson

NAY: None

The preceding ordinance passed

First Reading: December 2, 2003.

Second Reading: January 5, 2004

Third and Final Reading: January 6, 2004

