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Regional Subdivision Regulation

Watertown, Tennessee

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TABLE OF CONTENTS

	PAGE
REGIONAL SUBDIVISION REGULATIONS	1
ARTICLE I. PURPOSE, AUTHORITY AND JURISDICTON	3
A. Purpose	3
B. Authority	3
C. Jurisdiction	3
ARTICLE II. PROCEDURE FOR PLAT APPROVAL	4
A. General	4
B. Preliminary Sketch Plat	5
C. Final Plat	6
ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN	8
A. Streets	8
B. Blocks	11
C. Lots	12
D. Public Use and Service Areas	13
E. Suitability of the Land	14
F. Large Tracts or Parcels	14
G. Group Housing Developments	14
H. Variances	14
I. Zoning or Other Regulations	14
ARTICLE IV. DEVELOPMENT PREREQUISITE TO FINAL APPROVAL	15
A. Required Improvements	15
B. Guarantee in Lieu of Completed Improvements	19
ARTICLE V. ENFORCEMENT AND PENALTIES FOR VIOLATIONS	19
A. Enforcement	19
B. Penalties	19
ARTICLE VI. ADOPTION AND EFFECTIVE DATE	20
APPENDIX	21

**SUBDIVISION REGULATIONS
OF
WATERTOWN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION
(Hereafter referred to as the Planning Commission)**

ARTICLE I-PURPOSE, AUTHORITY AND JURISDICTION

A. PURPOSE

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

The following subdivision regulations guiding the planning commission are designed to provide for the harmonious development of the municipal 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.

B. Authority

These subdivision regulations are adopted under the authority granted by Sections 13-301 through 13-311 and 13-601 through 13-609, 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 Register of Wilson County, Tennessee on December 13, 1960.

C. Jurisdiction

These regulations shall govern all subdivision of land within the corporate limits of Watertown, Tennessee, as now or hereafter established and within the Watertown Planning Region as established by Resolution of the Tennessee State Planning Commission. Within these regulations the term "subdivision" shall mean the division of a tract or parcel of land into two (2) or more lots, sites, or divisions for the purpose, whether immediate or future, of sale or building development, or includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided. 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 II, which plat shall conform to the minimum requirements set forth in Article III. Improvements shall be installed as required by Article IV of these regulations.

ARTICLE II - PROCEDURE FOR PLAT APPROVAL

The procedure for review and approval of a subdivision plat consists of two (2) separate steps. The initial step is the preparation and submission to the planning commission of a preliminary sketch plat of the proposed subdivision. The second step is the preparation and submission to the planning commission of a final plat together with required certificates. This final plat becomes the instrument to be recorded in the office of the county register when duly signed by the secretary of the planning commission.

The subdivider shall consult early and informally with the planning commission and its technical staff for advice and assistance before the preparation of the preliminary sketch plat and its formal application for approval. This will enable him to become thoroughly familiar with these regulations, the Major Street and Road Plan and other official plans or public improvements which might affect the area. Such informal review should prevent unnecessary and costly revisions.

A. General

1. Any owner of land lying within the area of jurisdiction of the planning commission who wishes to divide such land into two (2) or more lots, sites, or divisions for the purpose, whether immediate or future, of sale or building development, or who wishes to resubdivide for this purpose, shall submit a plan of such proposed subdivision to the planning commission for approval and shall obtain such approval prior to the filing of his subdivision plat for record. Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in Article III of these regulations and shall be presented in the manner specified in the following sections of this Article. No plat of a subdivision of land within the area of planning jurisdiction shall be filed or recorded by the county register without the approval of the planning commission as specified herein.
2. In order to secure review and approval by the planning commission of a proposed subdivision, the prospective subdivider shall, prior to the making of any street improvements or installations of utilities, submit to the planning commission a preliminary of utilities, submit to the planning commission a preliminary sketch plat as provided in Section B of this Article. On approval of said preliminary sketch plat he may proceed with the preparation of the final plat and other documents required in connection therewith as specified in Section C of this Article and the improvements set forth in Article IV.

B. Preliminary Sketch Plat

1. At least fifteen (15) days prior to the meeting at which it is to be considered, the subdivider shall submit to the planning commission five (5) copies of a preliminary sketch plat of the proposed subdivision drawn to a scale of not less than one inch equals one hundred (100) feet.
2. The sketch plat which shall meet the minimum standards of design as set forth in Article III and the general requirements for the construction of public improvements as set forth in Article IV shall give the following information insofar as possible.
 - a. The proposed subdivision's name and location, 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 approved by the planning commission.
 - b. Date, approximate north point, and graphic scale.
 - c. The location of existing and platted property lines, existing streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements or lines, the present zoning classifications, if any, on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.
 - d. 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.
 - e. 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.
 - f. Contours at vertical intervals of not more than five (5) feet except when specifically not required by the planning commission.
 - g. The acreage of the land to be subdivided.
 - h. Location sketch map showing relationship of subdivision site to area.
 - i. Plans setting out the grades or profiles of the streets, the proposed type and character of all improvements, and the subdividers proposal to the city for accomplishing the installation of required improvements in accordance with Article III hereof.

3. Within thirty (30) days after submission of the preliminary sketch plat, the planning commission will review it and indicate approval, disapproval, or approval subject to modification. If a plat is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to modifications, the nature of the required modifications shall be indicated.
4. One copy of the preliminary sketch plat will be retained in the planning commission files; one copy shall be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.
5. Failure of the planning commission to act on the preliminary sketch plat within thirty (30) days will be deemed approval of this plat.
6. The approval of the preliminary sketch plat by the planning commission will not constitute acceptance of the final plat and will not be indicated on the preliminary sketch plat.
7. The approval of the preliminary sketch plat shall lapse unless a final plat based thereon is submitted within twelve (12) month from the date of such approval unless an extension of time is applied for and granted by the planning commission.

C. Final Plat

1. The final plat shall conform substantially to the preliminary sketch plat as approved; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary sketch plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.
2. At least fifteen (15) days prior to the meeting at which it is to be considered the subdivider shall submit the original drawing in black drawing ink and five (5) 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.

The plat shall be drawn to a scale of one inch equals one hundred (100) feet on sheets no larger than twenty-two (22) by thirty-four (34) inches. 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.

When the plat has been approved by the planning commission one copy will be returned to the subdivider, with the approval of the planning commission certified thereon, for filing with the county register as the official plat of record. The original

tracing containing all required certifications will be returned to the subdivider for his records and the other copy will be retained in the records of the planning commission.

3. 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.
4. 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.
5. The final plat shall show:
 - a. 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, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and limitations.
 - b. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including 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.
 - c. All dimensions to the nearest one-hundredth (100th) of a foot and angles to the nearest minute.
 - d. Location and description of monuments.
 - e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property.
 - f. Date, title, name and location of subdivision, graphic scale, and true north point.
 - g. Location sketch map showing site in relation to area.
6. The following certificates shall be presented with the final plat:
 - a. Certification showing that applicant is the land owner and dedicates streets, rights-of-way and any sites for public use.

- b. Certification by surveyor or engineer to accuracy of survey and plat and placement of monuments.
- c. Certification by the city or county health officer or his authorized representative that utility systems, private or otherwise, have been installed in accordance with government requirements.
- d. Certification by the city's consulting engineer or his authorized representative that the subdivider has complied with one of the following alternatives:
 - 1. Installation of all improvements in accordance with the requirements of the standards, or
 - 2. Posting of a security bond in sufficient amount to assure such completion of all required improvements.
- e. Certification of approval to be signed by the secretary of the planning commission.

ARTICLE III – GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

A. Streets

1. Conformity to the Major Street Plan

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

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.

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
Arterial streets and highways are those to be used primarily for fast or heavy traffic.
- 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; and which provide access to abutting properties and protection from through traffic.
- e. Dead-End Streets (cul-de-sac).....50 feet
Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.
- f. Alleys.....20 feet
Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

In cases where topography or other physical conditions make a street of the required minimum width impracticable, the planning commission may modify the above requirements. Through proposed neighborhood or local business areas, the street widths 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.

4. Additional Width on Existing Streets

Subdivisions that adjoin existing streets shall dedicated 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.

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 a marginal access street.

6. Street Grades

Grades of major streets and roads shall not exceed seven percent (7%). Grades on other streets may exceed seven percent (7%) but not ten percent (10%). A special variance must be granted by the planning commission in order to exceed a ten percent (10%) grade.

7. Horizontal Curves

Where a deflection angle of more than ten degrees (10°) 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 center line radius of curvature shall be not less than three hundred (300) feet; on other streets, not less than one hundred (100) feet.

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 ($4\frac{1}{2}$) 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 inch equals one hundred (100) feet horizontal, and one inch equals twenty (20) feet vertical, may be required by the planning commission.

9. Intersections

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

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°), 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 set back sufficiently to permit such construction.

10. Tangents

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

11. Street Jogs

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

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. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) 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.

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.

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.

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.

B. Blocks

1. Length

Blocks shall not be less than four hundred (400) 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 or more public crosswalks of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary.

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.

C. Lots

1. Adequate Building Sites

Each lot shall contain a building site not subject to flood as defined in Section E of this Article and outside the limits of any existing easement of building setback lines required in Subsection 4 of this Section.

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 which is not less than fifty (50) feet in width.

3. Minimum Size

The size, shape and orientation of lots 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 seventy-five hundred (7,500) square feet in area.
- b. Residential lots not served by public water and sanitary sewer systems shall not be less than seventy-five (75) feet wide at the building setback line nor less than fifteen thousand (15,000) 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.
- c. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type and 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.

4. Building Setback Lines

- a. The minimum depth of building setback lines from the street shall not be less than thirty (30) feet, and in the case of corner lots, fifteen (15) feet from the side street.

- 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 ½ feet
69 KV	50 feet
161 KV and over	75 feet

5. 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.

D. Public Use and Service Areas

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

1. Public Open Space

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

2. Easements for Utilities

Except where alleys are permitted for the purpose, the planning commission may require easements, not exceeding fifteen (15) feet in width, for poles, wire, 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.

3. 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.

E. Suitability of the Land

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

Land 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. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

Fill may not be used to raise land in areas subject to flood unless the fill proposed does not restrict the flow of water and unduly increase flood heights.

F. Large Tracts or Parcels

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

G. Group Housing Development

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 foregoing standards can be made without destroying their intent.

H. Variances

Variances may be granted under the following conditions:

1. Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardship, or
2. Where the planning commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variance thus authorized shall be stated in writing in the minutes of the planning commission with the reasoning on which the departure is justified set forth.

I. 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 IV – DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

A perfectly prepared and recorded subdivision or plat means little to a prospective lot buyer until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community 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.

A. Required Improvements

Every subdivision developer shall be required to grade and improve streets and alleys, and to install curbs, sidewalks, monuments, sewers, storm water inlets and water mains, in accordance with specifications established by the City of Watertown. If other specifications have not been adopted by local authorities the planning commission will accept specifications equal to those of the FHA Land Planning Bulletin No. 3, Neighborhood Standards for Tennessee. The adopted requirements, whether in local regulations or in the following standards, shall govern.

1. Monuments

- a. Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top, shall be set 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 flush with the finished grade.
- b. All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade

2. Grading

All streets, roads and alleys shall be graded by the subdividers so that pavements and sidewalks 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, boulders and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below 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. 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.

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.

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 foot below the roadbed.

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, 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 (2½) 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.

5. Prime Coat

The base, prepared as outlined above, shall be sprinkled lightly with water to settle any loose dirt. A bituminous prime coat shall then be applied uniformly over the surface of the base by the use of an approved bituminous distributor. The prime coat shall then be applied at the rate of three-tenths (3/10) gallons per square yard, using cutback asphalt RC-2 or refined tar TC-2 of fifty percent (50%) priming asphalt emulsion and shall be immediately covered with crushed stone at the rate of ten (10) pounds per square yard. The chips shall be applied with suitable spreading devices to prevent the tires of the trucks from running over the fresh bituminous material.

6. Wearing Surface

Upon completion of the prime coat and before the base has been turned over to traffic, a double bituminous surface treatment shall be applied. The first course shall be applied at the rate of five-tenths (5/10) gallon per square yard using Asphaltic Cement (Pen. 150-200 or 85-100) or five tenths (5/10) gallon of sixty percent (60%) emulsion and shall be immediately covered with crushed limestone, Tennessee specifications size sixteen (16) (thru a one-half (½) inch screen and on a #8) at the uniform rate of fifty (50) pounds per square yard. After the first course has been thoroughly rolled and any inequalities in the cross-section have been corrected, the second course shall be applied at the rate of three-tenths (3/10) gallon per square yard using Asphaltic Cement (Pen. 150-200 or 85-100) or six-tenths (6/10) gallon of sixty percent (60%) emulsion and shall be immediately covered with crushed stone chips or crushed gravel through a one-half (½) inch screen and on a #8 at the uniform rate of twenty-five (25) pounds per square yard. The entire roadway shall then be broomed and rolled thoroughly. An approved bituminous distributor and adequate spreading devices shall be used in the above construction, and application shall be made in such weather as is recommended by the State Highway Department.

7. Minimum Pavement Widths

Minimum pavement widths between curbs shall be as follows:

- a. Minor Residential Streets.....18 feet
- b. Marginal Access Streets.....18 feet
- c. Dead-end Streets (cul-de-sac).....18 feet
- d. Collector Streets.....24 feet
- e. Arterial Streets and Highways.....as may be required: not usually paved by developer.

For definitions and functions of the various types of streets listed above, refer to Article III, Section A, Subsection 4.

8. Installation of Utilities and Driveways

After grading is completed and approved and before any base is applied, all of the underground work--water mains, gas mains, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses to be built by the developer shall be cut and drained.

9. 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.

The sizes of water mains shall not be less than six (6) inches in diameter. The location and types of valves and hydrants, the amount of soil cover over the pipes and other features of the installation shall be approved by the planning commission and shall conform to accepted standards of good practice and municipal water systems.

10. 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.

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

B. Guarantee in Lieu of Completed Improvements

No final subdivision plat shall be approved by the planning commission or accepted for record by the county register of deeds until one of the following conditions has been met:

1. All required improvements have been constructed in a satisfactory manner and approved by an agent designated by the City of Watertown, or
2. The Planning Commission has accepted a security bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the town in the event of default of the subdivider.

ARTICLE V – ENFORCEMENT AND PENALTIES FOR VIAOLATIONS

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.

A. Enforcement

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 registrar of deeds until said plat or plan has received final approval in writing by the planning commission as provided in Sections 13-302 and 13-602, Tennessee Code Annotated.
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 13-306 and 13-307, Tennessee Code Annotated.

B. Penalties

1. No county registrar shall receive, file, or record a plat of a subdivision within the planning region without the approval of the planning commission as required in Sections 13-302 and 13-602, Tennessee Code Annotated, and any county registrar so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

2. Sections 13-310 and 13-606, Tennessee Code Annotated provide 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 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 solicitor or other official designated by its chief legislative body and the county through its county attorney or other official designated by the quarterly county court, may enjoin such transfer or sale or agreement by action or injunction.

3. Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the building commissioner or the solicitor of the municipality or other official designated by the chief legislative body and/or the county attorney or other official designated by the quarterly county court may bring action to enjoin such erection or cause it to be vacated or removed as provided in Sections 13-311 and 13-608, Tennessee Code Annotated.

ARTICLE VI – ADOPTION AND EFFECTIVE DATE

- A. Before adoption of the subdivision regulations a public hearing as required by Section 13-603, Tennessee Code Annotated, was afforded any interested person or persons and was held on _____.

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

Adopted Herbert L. Corley

Effective 7-23-73

APPENDIX

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 as required prior to meeting.

Drawn to required scale.

Name, location, owner and surveyor

Date, north point, and graphic scale.

Location of all existing physical features on land and nearby properties

Names of adjoining property owners and/or subdivisions.

Plans of proposed utility layouts.

Names, locations and dimensions of proposed streets, alleys, easements, parks and reservations, lot lines, etc.

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: _____ Submittal for FINAL Approval _____
Date Date

CHECK LIST

- Submitted within specified time from preliminary approval.
- Copies submitted as required prior to meeting.
- Drawn to a scale of _____ equals _____ on sheets not larger than _____ x _____
(inches) (feet) (inches) (inches)
- Date, true north point, graphic scale, name and location of subdivision.
- Reservations, easements or other non-residential areas.
- Bearings of property lines and sufficient engineering data to locate all lines including radii, angles and tangent distances.
- Dimensions to the nearest 100th of a foot and angles to the nearest minute.
- Lot lines, alleys, building setback lines
- Lines and names of all streets and roads.
- Lots numbered in numerical order.
- Location and description of monuments.
- Names, locations of adjoining properties.
- Certificate of ownership and dedication.
- Certificate of approval of water and sewerage systems.

- Certificate of approval of streets and utilities.
- Certificate of approval for recording
- Certificate of Accuracy.
- Proposed deed restrictions if not a zoned area.
- Conforms to General Requirements and Minimum Standards of Design.
- Required physical improvements have been made or bond posted in the amount of \$_____.

Approved for recording _____ . Variances granted: _____
Date

Disapproved: _____ for the following reasons: _____
Date

Signed: _____
Secretary of Planning Commission

FORMS FOR FINAL PLAT CERTIFICATIONS

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

_____, 20____
Date

Owner

Owner

CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described hereon is true and correct survey to the accuracy required by the _____, Tennessee Planning Commission and that the monuments have been placed as shown hereon, to the specifications of the _____.

_____, 20____
Date

Registered Engineer or Surveyor

CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS

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

_____, 20____
Date

City or County Health Officer or his Authorized Representative

CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

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

_____, 20_____
Date

City Engineer or His Authorized Representative

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for _____, Tennessee, with the exception of such variances, if any, as are noted in the minutes of the planning commission and that it has been approved for recording in the office of the county register.

_____, 20_____
Date

Secretary, Planning Commission

ENABLING LEGISLATION

TENNESSEE CODE ANNOTATED

13-202. Municipal commission designated as regional planning commission.-

In the event that, acting under the power granted to it in this chapter, the state planning commission creates and establishes any planning region composed of the territory of a single municipality together with territory adjoining but outside of such municipality no part of which is more than five (5) miles beyond the limits of such municipality, and in the further event that such municipality, have a municipal planning commission, then in such events the state commission, in lieu of creating, designating and appointing a new regional planning commission for such region, may designate said municipal commission as the regional planning commission of such region, and when so designated, said commission, when acting as a regional commission for such region, shall have all the powers and be governed by the provisions set forth in this chapter or in any other statutory provision relating to regional planning commissions, provided the state planning commission shall not have power of appointment or removal of any member of such municipal planning commission serving regional areas. The acceptance of any such designation shall not, however, be obligatory upon but shall be subject to the consent of the designated municipal planning commission.

13-301. Definitions.-For the purposes of this chapter, “road” or “roads” means, relates to and includes roads, streets, highways, avenues, boulevards, parkways, lanes or other ways or any part hereof: “subdivision” means the division of a tract or parcel of land into two (2) or more lots, sites or other divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided; “plat” includes plat, plan, plot or replot; “regional planning commission” means any regional planning commission established by the state planning commission as provided by law, and includes any municipal planning commission designated by the state planning commission as the regional planning commission of a planning region composed of the territory of a single municipality together with the territory adjoining but outside of such municipality no part of which is more than five (5) miles beyond the limits of such municipality.

13-302-Regional planning commission platting authority-Recording plat by county register.-From and after the time when the regional planning commission of any region, as defined and created by the state planning commission, shall have adopted a regional plan which includes at least a major road plan or shall have progressed in its planning to the state of the making and adopting of a major road plan, and shall have filed a certified copy of such major road plan in the office or offices of the county register or registers of the county or counties lying in whole or part in such region, then no plat of a subdivision of land within such region, other than land located within the boundaries of any municipal corporation, shall be filed for record or recorded until it shall have been approved by such regional planning commission and such approval be endorsed in writing on the plat by the secretary of the commission.

No county register shall receive, file or record a plat of a subdivision without the approval of the regional planning commission when and as required by this chapter, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

13-303. Platting regulations—Road and utility main regulations—Completion bond—Hearing on regulations.--In exercising the powers granted to it by 13-302, the regional planning commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the harmonious development of the region and its environs; for coordination of roads within the subdivided land with other existing or planned roads or with the state or regional plan or with the plans of municipalities in or near the region; for adequate open spaces for traffic, light, air and recreation; for the conservation of or production of adequate transportation, water, drainage and sanitary facilities; for the avoidance of population congestion; and for the avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services.

Such regulations may include requirements as to the extent to which and the manner in which roads shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for the tentative approval of the plat previous to such improvements and installation, but any such tentative approval shall not be entered on the plat. Such regulations may provide that, in lieu of the completion of such work and installations previous to the final approval of a subdivision plat, the commission may accept a bond, in form and amount and with conditions and surety satisfactory to it, providing for and securing to the public the actual construction and installations of such improvements and utilities within a period specified by the commission and expressed in the bond. The district attorney for the judicial circuit in which the subdivision is located is hereby granted the power and duty to enforce any such bond by all appropriate legal and equitable remedies, and moneys collected on such bond shall be paid into the state treasury and, upon the order of the regional planning commission, shall be applied to the construction and installation of the said improvements and utilities.

Before adoption of its subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the regional planning commission, thirty (30) days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in each county lying wholly or partly in the region.

13-304. Procedure upon submission of plat. --The regional planning commission shall approve or disapprove a plat within sixty (60) days after the submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the commission on demand; provided, however that the applicant for the

commission's approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom the notice of hearing may be sent; and no plat shall be acted upon by the commission without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five (5) days before the date fixed therefore.

13-305 Plat approval not acceptance of road. --The approval of a plat by the regional planning commission shall not be deemed to constitute or effect an acceptance by any county or by the public of the dedication of any road or other ground shown upon the plat.

13.306. Acceptance of and improvements of unapproved roads. --From and after the time when the platting jurisdiction of any regional planning commission of any region shall have attached by virtue of the making and adoption of a major road plan as provided in 13-302, no county or court or board or officer thereof or any other public officer or authority shall accept, layout, open, improve, grade, pave or light any road or lay or authorize water mains or sewers or connection or other facilities or utilities to be laid in any road located within such region and outside of the boundaries of municipal corporations, unless such road shall have been accepted or opened or shall have otherwise received the legal status of a public road prior to said attachment of the planning commission's jurisdiction or unless such road corresponds in its location and lines with a road shown on a subdivision plat approved by said planning commission or on a road plat made and adopted by said planning commission; provided, however, that the county court of such county may accept or layout any road or for such acceptance, laying out or adoption shall be first submitted to the said planning commission for its approval and, if disapproved by the commission shall receive the favorable vote of not less than a **majority** of the entire membership of said county court; and a road approved by the planning commission upon such submission, or accepted, laid out, or adopted by said commission, shall have the status of an approved road location as fully as though it had been originally shown on a subdivision plat approved by the planning commission or on a plat made and adopted by the planning commission. In the case, however, of any state highway construction or to be constructed in said region by the State of Tennessee with state funds as a part of the state highway system; the submission to the planning commission shall be by the State Commission of Highways and Public Works, who shall have the power to overrule the disapproval of the planning commission.

13-307. Application of chapter. --The provisions of this chapter shall not apply to any subdivision, the plat of which has been registered prior to February 14, 1935.

13-308. Divisions and plats partitioned by owners excepted.—This chapter shall not apply to division and plats of land partitioned by the owners among themselves either in court or by deeds.

13-309. Private acts relating to subdivision of lands-Effect.—This chapter shall not be constructed as repealing or impairing any provision of any private act relating to the approval or regulation by the municipal authorities of the cities therein specified of the subdivision of land or the filing of plans, plots or replots of land lying within the distance therein specified beyond the corporate limits of such cities, or of any private act relating to the jurisdiction of any county planning commission of the county therein specified.

13-310. Penalties for transferring lots in unrecorded subdivisions.—Whoever, being the owner or agent of the owner of any land, transfers or sell 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 regional planning commission and obtained its approval as required by this chapter and before such plat be recorded in the office of the appropriate county register or who falsely represents to a prospective purchaser of real estate that roads or streets will be built or constructed by a county or other political subdivision, 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. Provided, however, said owner or agent of any land may sell, transfer or agree to sell any lot or lots shown on a plan having been given tentative approval by said regional planning commission; and provided, further, said owner or agent post bond in form and amount and with conditions and surety satisfactory to said regional planning commission, providing for and securing to the public the actual construction and installation of such improvements and utilities with a period specified by the commission and expressed in the bond. The county, through its county attorney, or other official designated by the quarterly county court, may enjoin such transfer or sale or agreement by action or injunction.

13-311. Erection of buildings or structures permitted only on lots adjoining approved streets.—From and after the time when the platting jurisdiction of any regional planning commission shall have attached as provided in 13-302, no building permit or certificate of compliance shall be issued for or no building or structure shall be erected on any lot within the area of jurisdiction of the regional planning commission, unless the street giving access to the lot upon which said building or structure is proposed to be placed shall have been accepted or opened as or shall have otherwise received the legal status of a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat tentatively approved by said planning commission as prescribed in 13-310, or on a street plat made and adopted by said commission, or with a street located or accepted by the quarterly county court of the county after submission to said planning commission, and in case of said commission's disapproval, by the favorable vote

required in 13-306. Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building commissioner or the county attorney or other official designated by the quarterly county court may bring action to enjoin such erection or cause it to be vacated or removed.

13-601 Definitions. - - For the purpose of this chapter, “street” or “streets” means and includes street, avenues, boulevards, roads, lanes, alleys and other ways; “subdivision” means the division of a tract or parcel of land into two (2) or more lots, sites or other division 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 subdividing or to the land or area subdivided; “chief legislative body: means the chief legislative body of the municipality, whether designated board of aldermen, board of commissioners or by other title; and “plat” includes plat, plan, plot or replot.

13-602 Submission of subdivision plats to commission for approval—Filing and recording. - - From and after the time when the planning commission of any municipality shall have adopted a master plan which includes at least a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street plan, and shall have filed a certified copy of such major street plan in the office of the county register of the county in which the municipality is located no plat of a subdivision of land lying within the municipality shall be filed or recorded until it shall have been submitted to and approved by the said planning commission and such approval entered in writing on the plat by the secretary of the commission.

No county register shall file or record a plat of a subdivision of land within the municipality without the approval of the planning commission as required by this chapter and any county recorder so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

13-603 Subdivision regulations-Adoption. - - In exercising the powers granted to it by this chapter, the planning commission shall adopt regulations governing the subdivision of land within the municipality. Such regulations may provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

Such regulations may include requirements of the extent to which and the manner in which streets shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for the tentative approval of the plat previous to such improvements and installation,

but any such tentative approval shall not be entered on the plat. Such regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the commission may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the commission and expressed in the bonds, and the municipality is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. Such regulations may provide, in lieu of the completion of such work previous to the final approval of a plat, for an assessment or other method whereby the municipality is put in assured position to do said work and make said installations at the cost of the owners of the property within the subdivision.

Before adoption of its subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the commission.

13-604. Procedure on submission of plats. - - The commission shall approve or disapprove a plat within thirty (30) days after the submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom notice of hearing can be sent; and no plat shall be acted upon by the commission without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five (5) days before the date fixed thereof.

13-605 Dedications—Effect of plat approval on status. - - The approval of a plat shall not be deemed to constitute or effect an acceptance by the municipality, county or public of the dedication of any street or other ground shown upon the plat.

13-606 Penalties for transferring lots in unapproved subdivisions. - - 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 municipal planning commission and obtained its approval as required by this chapter and 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 solicitor or other official designated by its chief legislative body may enjoin such transfer or sale or agreement by action for injunction.

13-607 Acceptance of and improvements of unapproved streets.-From and after the time when the platting jurisdiction of any municipal planning commission shall have attached as provided in 13-602, the municipality shall not nor shall any public authority accept, lay out, open, improve, grade, pave, or light any street or lay or authorize water mains or sewers or connection to be laid in any street within the municipality, unless such street shall have been accepted or opened as or shall have otherwise received the legal status of a public street prior to the said attachment of the commission's subdivision jurisdiction, or unless such street correspond in its location and lines with a street shown on a subdivision plat approved by said planning commission or with a street plat made and adopted by said commission; provided, however, that the chief legislative body of the municipality may locate and construct or may accept any other street, provided the ordinance or other measure for such location and construction or for such acceptance be first submitted to said planning commission for its approval, and, if disapproved by the commission, be passed by a majority of the entire membership of said legislative body; and a street, approved by the planning commission upon such submission or constructed or accepted by said majority vote after disapproval by the commission, shall have the status of an approved street fully as though it had been originally shown on a subdivision plat approved by the commission or on a plat made and adopted by the commission.

13-608 Erection of buildings.-From and after the time when the platting jurisdiction of any municipal planning commission shall have attached as provided in 13-602, no building permit shall be issued and no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as or shall have otherwise received the legal status of a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by said planning commission or on a street plat made and adopted by said commission, or with a street located or accepted by the chief legislative body of the municipality after submission to said planning commission and, in case of said commission's disapproval, by the favorable vote required in 13-607. Any building erected or to be erected in violation of this section shall be deemed an unlawful structure and the building commissioner or solicitor of the municipality or other official designated by the chief legislative body may bring action to enjoin such erection or cause it to be vacated or removed.