



SUBDIVISION REGULATIONS

CITY OF HENDERSONVILLE

Resolution 2025-03 | September 2, 2025

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CHAPTER 1 | GENERAL PROVISIONS

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- 1.15 | FEES FOR PLAT REVIEW
- 1.16 | PUBLICATION NOTIFICATION

1.1 TITLE

These regulations shall, hereinafter, be known and cited as the Subdivision Regulations of Hendersonville, Tennessee.

1.2 AUTHORITY

These Subdivision Regulations are adopted by the Hendersonville Planning Commission (hereinafter, referred to as Planning Commission), pursuant to the authority and powers granted by Sections 13-3-401 through 13-3-411 and 13-4-301 through 13-4-309, Tennessee Code. Having adopted a Major Thoroughfare Plan for the jurisdictional area, and recorded a certified copy of the plan with the Sumner County Register of Deeds (henceforth, referred to as County Register), as required by Sections 13-3-402 and 13-4-302, Tennessee Code, and having held a public hearing as indicated in Subchapter 1.8.1 (Enactment), of these regulations, the Planning Commission has fulfilled the requirements set forth in State law as prerequisites to adoption of these regulations.

1.3 JURISDICTION

These Subdivision Regulations shall apply to all subdivisions, as herein defined, located within Hendersonville, Tennessee, as established by resolution of the Local Government Planning Advisory Committee. No land shall be subdivided within the jurisdictional area until

the sub-divider submits all necessary plans and plats as required by these regulations, obtains Planning Commission approval of such documents, records the approved Final Subdivision Plat with the County Register, and otherwise complies with all conditions of approval and requirements herein.

1.4 POLICY AND PURPOSE

It is hereby declared to be the policy of the Planning Commission to consider subdivision of land and development of a subdivision as subject to control of the adopted Future Land Use and Transportation Plan of the jurisdictional area for orderly, planned, and efficient physical and economical development.

Land shall not be subdivided until proper provisions have been made for drainage, water, sewerage, other public utilities, and for other required public services. The existing and proposed public improvements shall generally conform to and be properly related to proposals shown in the Future Land Use and Transportation Plan.

The regulations herein shall supplement and facilitate enforcement of the provisions and standards contained in the Combined [Zoning Ordinance](#) of the City of Hendersonville (hereinafter, referred to as [Zoning Ordinance](#)).

These regulations are adopted for the following purposes:

1. To promote the public health, safety, and general welfare of the jurisdictional area.
2. To guide development of the jurisdictional area in accordance with the Future Land Use and Transportation Plan, considering the suitability of private and public areas and having regard for the most beneficial land use in such areas.
3. To provide for adequate light, air, and privacy and promote safety from fire, flood, and other dangers;
4. To prevent overcrowding of the land and unnecessary over-congestion of population.
5. To enhance the character and economic stability of the jurisdictional area and to encourage its orderly and beneficial development.
6. To preserve the compatibility and, buildings, and improvements within City limits and to minimize detrimental conflicts between different uses of land and structures.
7. To guide new development to provide transportation, water, sewerage, schools, recreational areas, and other necessary public services and facilities.

8. To maximize the beneficial relationship between the uses of land, and buildings, and the efficient movement of traffic throughout the jurisdictional area.
9. To establish standards of design and procedures for subdivisions further the orderly layout and use of land; and ensure the legal descriptions and monumenting of land are properly completed.
10. To ensure that public facilities are available and will have sufficient capacity to serve the proposed subdivision.
11. To minimize pollution of air, streams, and ponds; and promote adequate drainage facilities; in order to safeguard the water table; and to preserve the integrity, stability, beauty, and value of land within the jurisdictional area.
12. To preserve the natural beauty and topography of the jurisdictional area, and to promote appropriate development with regard to these natural features.
13. To provide for open spaces through efficient design and layout of the land, including use of average density to provide reductions in minimum width and area of lots, while preserving the density of land as established in the [Zoning Ordinance](#).
14. To encourage subdivision design that maximizes energy conservation.

1.5 INTERPRETATION, CONFLICT, AND SEVERABILITY

1.5.1 | INTERPRETATION

These regulations shall be held to be the minimum requirements for promotion of health, safety, and general welfare as determined by the Planning Commission.

1.5.2 | CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

1.5.2.1 | PUBLIC PROVISIONS

These regulations are not intended to interfere with, repeal, any other Ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other Ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control to the extent permissible by law.

1.5.2.2 | PRIVATE PROVISIONS

These regulations are not intended to repeal any easement, covenant, or other private agreement or restriction; provided, that where these regulations are more restrictive or

impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

Where any private provision (Homeowners Association, Property Owners Association) exceeds the standards set forth herein, such shall be considered a private contract between the parties of interest, and is the jurisdiction of the Planning Commission.

1.5.3 | SEVERABILITY

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

1.6 SAVING PROVISION

These regulations shall not be construed as having any of the following effects:

1. Abating any action now pending under, or by virtue of, prior Subdivision Regulations.
2. Discontinuing, abating, modifying, or altering any penalty accruing or about to accrue.
3. Affecting the liability of any person.
4. Waiving any right of the governing body under any section or provision existing at the time of adoption of these regulations.
5. Vacating or annulling any rights obtained by any person by lawful action of the governing body, except as expressly provided otherwise in these regulations.

1.7 PREVIOUSLY APPROVED SUBDIVISION

1.7.1 | UNEXPIRED APPROVAL

The approval of any Sketch Subdivision Plat, Preliminary Subdivision Plat, or Final Subdivision Plat granted by the Hendersonville Planning Commission, which occurred prior to the effective date of these regulations shall remain in force and effect for the time period stipulated by the regulations under which such approval was granted.

1.7.2 | EXPIRED APPROVAL OF PREVIOUSLY APPROVED SKETCH OR PRELIMINARY SUBDIVISION PLAT

In an instance where a Sketch Subdivision Plat or Preliminary Subdivision Plat approved prior to the adoption of these regulations has expired after the adoption of these regulations, development and construction of the subdivision may proceed only under one of the options listed as follows:

1. The Planning Commission may grant one-time two-year extensions to allow the subdivision to be developed under the terms of the Subdivision Regulations in effect at the time of the Sketch Subdivision Plat or Preliminary Plat approval, or
2. The Planning Commission may grant one-time two-year extensions under the condition the subdivision be developed and constructed according to any new regulations or standards enacted since Sketch Subdivision Plat or Preliminary Subdivision Plat approval at the Planning Commission's discretion based on approved safety, health, and public welfare of the new regulations, or
3. The Planning Commission may declare the Sketch Subdivision Plat or Preliminary Subdivision Plat approval null and void and require that a new plat be developed and presented for consideration. The new plat shall be subject to all laws and provisions of the regulations that are in effect at the time such request is considered.

1.7.3 | RECORDING OF PREVIOUS APPROVED PLATS

All Final Subdivision Plats approved prior to the adoption of these regulations shall be recorded with the Sumner County Register's office within one year following adoption of these subdivision regulations. In the event the owner fails to record a plat within the time period stipulated the approval shall become null and void and no associated building permit may be issued for the lot located therein until action is taken to reapprove the plat.

All Final Subdivision Plats approved under these regulations must be recorded with the Sumner County Register's office within one year following Final Subdivision Plat approval or said approval will expire and become null and void.

1.8 AMENDMENTS

1.8.1 | ENACTMENT

For the purpose of providing for public health, safety, and general welfare, the Planning Commission may from time to time amend these regulations. Before the adoption of any amendment to these regulations, a public hearing thereon shall be held by the Planning Commission, as required by Chapters 3 and 4, Title 13, Tennessee Code.

1.8.2 | CODIFICATION AND DISTRIBUTION

Subsequent to the adoption of any amendment to these regulations, such amendment shall be incorporated into the text of these regulations in the following manner.

1. Replacement pages shall be prepared incorporating the new or changed language. Each such new or replacement page shall have the amendment number and shall be dated so as to indicate the date of last revision of the page.

Each adopted amendment shall be numbered consecutively and listed on a page at the beginning of these regulations.

1.9 RE-SUBDIVISION OF LAND

1.9.1 | CHANGES TO PREVIOUSLY APPROVED OR RECORDED PLATS

Any changes to a previously approved or recorded Final Subdivision Plat shall be reviewed pursuant to these Subdivision Regulations. The request to change the previously approved or recorded plat may be denied, approved, or conditionally approved.

1.9.2 | SUBDIVISION PROCEDURES WHERE FUTURE RE-SUBDIVISION IS FORESEEN

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than double the minimum required lot area for any zoning district in which the lot is located, and the Planning Commission has reason to believe that any such lot(s) will be re-subdivided into smaller building sites, the Planning Commission may require the following:

1. The subdivision and development of such parcel of land allow for the future opening of public ways and the ultimate extension of adjacent public ways.
2. Such lots be restricted from further subdivision through a permanent conservation easement for future right-of-way dedication.
3. Dedication of right-of-way providing for future opening and extension of public roadways be indicated on the plat.

1.10 CONDITIONS

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision are exercises of valid police power delegated by the State to the Planning Commission. The developer has the duty of compliance with reasonable conditions imposed

by the Planning Commission for the design, dedication, improvement, and restrictive use of the land to provide for physical and economical development of the jurisdictional area and for the safety and general welfare of future plot owners in the subdivision and of the community at large.

1.10.1 | NOLAN DOLAN NEXUS

The Planning Commission shall not require an owner of private property to dedicate real property to the public or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest (See Nolan v. California Coastal Commission) and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property (see Dolan v. City of Tigard). An owner of private property required to make dedication or pay money in violation of this subdivision may seek relief through a common law writ of certiorari in Chancery Court.

Important points to consider:

- A. Note that the burden of proof in a challenge to the dedication/payment requirement is on the local government.
- B. Be sure the applicable Major Thoroughfare Plan is based in defensible traffic/pedestrian use and projection data.
- C. If using a payment in lieu of dedication or impact fee, be sure the estimate of costs are updated regularly and improvements limited to the affected site (see Koontz v. St. Johns River Water Management District).
- D. It is recommended that this amendment be listed under the “powers and authorities” or similar section of the subdivision regulations.

Consider naming the applicable Major Thoroughfare Plan and effective date within the Subdivision Regulations.

1.11 VACATION OF PLATS

Subject to the approval of Planning Commission, any plat or any part of any plat may be vacated by the owner of the entire premises at any time prior to the first sale of any lot described. A request to vacate may be submitted by a written instrument, to which a copy of such plat shall be attached, declaring the plat or part of the plat to be vacated. In reviewing the vacation of plats, the Planning Commission shall follow the same procedure for approval of plats.

The Planning Commission may reject any such instrument that abridges or destroys any public rights in any of its public uses, improvements, or public ways. Such an instrument shall be executed, acknowledged, or approved; and duly recorded. The instrument shall operate to void the recorded plat and divest all public rights in the public ways and public grounds and all dedications described in such plat.

If any lot or lots have already been sold to separate parties, the plat may only be vacated in the manner provided herein if the owners of all lots in such platted area join in the execution of such written instrument.

1.12 DEVIATIONS

1.12.1 | GENERAL

If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a deviation from these regulations may be granted. Such deviation shall not have the effect of nullifying the general intent and purpose of these regulations and provided. The Planning Commission shall not approve deviations unless the following findings of fact are made based upon written evidence presented to it in each specific case that:

1. Granting of the deviation will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood where the property is located.
2. Site Conditions upon which the request for deviation is based are unique to the property for which the deviation is sought and are not generally applicable to other property within the same zone district.
3. Because of the site-specific physical surroundings (e.g. size, shape, topophysical condition, etc.) of the property involved, a particular undue hardship to the owner would result if these regulations were carried out.
4. The deviation will not alter any provisions of the Future Land Use and Transportation Plan, the Major Thoroughfare Plan, or the [Zoning Ordinance](#).

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

Example: If you have a recorded 75-foot front setback and want to reduce it to 65 feet, you would request a setback modification from the Planning Commission rather than a variance from the Board of Zoning Appeals, since the proposed setback still meets the bulk front setback requirement.

1.12.2 | DEVIATION PROCEDURES

In limited cases, deviations from certain provisions of these Subdivision Regulations may be permissible as described below.

1. Each deviation or modification of these Subdivision Regulations sought by a sub-divider shall be specifically applied for in the numerical order of the Subdivision Regulations, in writing by the sub-divider.
2. A separate form provided by the Planning Director or designee shall be used to list any deviation(s) being requested. This form shall accompany the Preliminary Plat.
3. Any condition shown on the plat, which is a deviation or modification, shall constitute grounds for disapproval of the plat unless such special application for deviation is made.
4. In approving any deviation from these regulations, the Planning Commission shall state fully in the minutes the grounds for the deviation and all the facts upon which the decision is made.
5. The minutes of the Planning Commission meeting, where the action approving the deviation is taken, shall reflect the specific nature and extent of such deviations.

1.12.3 | CONDITIONS

In approving deviations, the Planning Commission may impose such conditions that will substantially secure the objectives, standards, and requirements of these Subdivision Regulations.

1.12.4 | MAILED NOTICE

The courtesy notice should be mailed to all affected property owners within 250 feet. Such notice should be mailed no less than 15 days, nor more than 30 days, in advance of the scheduled meeting date.

1.13 ENFORCEMENT, VIOLATION, AND PENALTIES

1.13.1 | GENERAL

1.13.1.1 | AUTHORITY

The enforcement of these Subdivision Regulations and the penalties for violations thereof are provided pursuant to Title 13, Tennessee Code.

1.13.1.2 | ENFORCEMENT

It shall be the duty of the Planning Director or the designee(s) of such official, to enforce these regulations and to bring to the attention of City's legal counsel any violations or lack of compliance to any provision herein.

1.13.1.3 | RECORDING OF PLATS

Pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code, no plat of a subdivision of land within the jurisdictional area shall be received or recorded by the County Register until the plat has received final approval from the Planning Commission in accordance with these regulations and such approval has been endorsed in writing on the plat by Planning Commission Secretary in the manner prescribed by Subchapter 2.9.1 (Signing of Plat), of these regulations.

1.13.1.4 | USE OF UNAPPROVED PLATS AND IMPROPERLY CREATED LOTS

A | USE OF UNAPPROVED PLATS

Pursuant to Section 13-3-410 and 13-4-306, Tennessee Code, no owner or agent of the owner of any land shall convey such land contrary to the provisions stated herein.

B | IMPROPERLY CREATED LOTS

Any lots improperly created since the 2004 adoption of the Subdivision Regulations must be platted in compliance with existing, applicable standards.

1.13.1.5 | PUBLIC WAYS AND UTILITIES

Pursuant to Sections 13-3-406 and 13-4-307, Tennessee Code, neither the Board of Mayor and Aldermen nor any public authority may accept, layout, open, improve, grade, pave, or light any public way, lay, or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities within any public way located within the jurisdictional area, unless:

- A. Such way has been accepted, opened, or otherwise received the legal status of a public way prior to the attachment of the Planning Commission's jurisdiction, or
- B. Such way corresponds in its location and lines to a way shown on a subdivision plat approved by the Planning Commission or on a public way plat made by the Planning Commission.

1.13.1.6 | ZONING AND BUILDING PERMITS

No zoning or building permit shall be issued for construction of any building or structure located on a lot or Final Subdivision Plat subdivided or sold in violation of any provision of these regulations. Any individual requesting a zoning or building permit on a lot located within an established subdivision shall provide evidence that the Final Subdivision Plat of subdivision wherein such lot is located has been approved and appropriately recorded or that the lot is a legal lot of record.

1.13.1.7 | ILLEGAL BUILDINGS

Any building or structure erected in violation either of these Subdivision Regulations or the City of Hendersonville [Zoning Ordinance](#) shall be deemed an unlawful building or structure. The Planning Director or other official designated by the Board of Mayor and Aldermen may bring action or prohibit such erection or cause it to be vacated or removed as provided in Sections 13-3-411 and 13-4-308, Tennessee Code.

1.13.1.8 | ACCESS TO LOTS BY PUBLIC WAY OR PRIVATE EASEMENT

Pursuant to Sections 13-3-411 and 13-4-308, Tennessee Code, no zoning or building permit shall be issued and no building or structure shall be erected on any lot within the jurisdictional area, unless one of the following apply:

1. The public way giving access to the lot upon which the building or structure is proposed to be placed has been accepted and opened.
2. The public way has had otherwise received the legal status of a public way prior to that time or unless such way corresponds in its location and lines with a way shown on a Final Subdivision Plat approved by the Planning Commission.
3. The subject lot fronts upon a permanent easement, which conforms to all rules, regulations, and specifications set forth herein.

In any instance where a permanent easement is used to provide the required access to a site, the following shall apply:

- A. Access to a single lot or tract of land having been or being separated by deed or plat from other property, such easement shall be at least 50 feet in width.
- B. Access to more than one lot or tract of land, a private road shall be constructed within the easement which will meet or exceed the standards for design and construction of public ways set forth in Section [4.3 \(Construction Plans\)](#) of these regulations.
- C. The Planning Commission shall act to ensure via private covenants and restrictions that the responsibility for future maintenance of any such private road lying within a

permanent easement remains solely with the benefited party or parties and that in no event shall the maintenance of such private road become a public responsibility.

1.13.2 | CIVIL ENFORCEMENT

Appropriate legal actions and proceedings may be taken to prevent any violation of these Subdivision Regulations, to prevent unlawful construction, or to recover damages. Additionally, legal action may be taken to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise. These legal remedies shall be in addition to the penalties described in Subchapter [1.13.1 \(General\)](#) of these regulations.

1.14 REPEAL OF PREVIOUS REGULATIONS

Upon the adoption and effective date of these regulations, the Subdivision Regulations of Hendersonville, Tennessee, adopted March 7, 2023, as amended, are hereby repealed.

1.15 FEES FOR PLAT REVIEW

Any individual seeking to subdivide real property within the jurisdictional area where these Subdivision Regulations apply shall pay such review and recording and fees as required by the City. These fees shall be paid at the time of submittal of the application for plat review by staff and prior to any public hearing before the Planning Commission.

1.16 PUBLICATION NOTIFICATION

1.16.1 | TYPE(S) OF NOTICE REQUIRED

Adoption or Amendment:

Published Notice of Planning Commission Public Hearing. Reference TCA § 13-4-303c (Subdivision Regulation – Adoption).

1.16.2 | PUBLISHED NOTICE

The notice shall be published in a newspaper of general circulation within the City of Hendersonville. The notice shall include the date, time, place, and purpose of such hearing. Such notice shall be published no less than 15 days, nor more than 30 days, in advance of the scheduled hearing date. A copy of the Published Notice shall be provided to the clerk of the Planning Commission.

1.17 AUTHORITY OF THE PLANNING DIRECTOR TO CORRECT MINOR ERRORS

1.17.1 | PURPOSE

To ensure the accuracy and clarity of the Subdivision Regulations, the Planning Director is authorized to correct minor errors that do not alter the substantive meaning or intent of the regulations.

1.17.2 | SCOPE OF CORRECTIONS

The Planning Director may correct the following types of errors:

- A. Typographical errors (e.g., misspellings, punctuation)
- B. Grammatical mistakes that affect readability
- C. Formatting inconsistencies (e.g., numbering, indentation)
- D. Cross-reference inaccuracies within the ordinance
- E. Clerical omissions that do not affect policy or regulation

1.17.3 | DOCUMENTATION OF CHANGES

Each correction shall be accompanied by a parenthetical note indicating the date of the change. Example: "(Corrected 07/03/2025)"

1.17.4 | LIMITATIONS

Corrections must not:

- A. Change permitted uses or development standards
- B. Alter procedural requirements or enforcement provisions

Any change beyond the scope defined above must follow the formal amendment process.

1.17.5 | RECORDKEEPING

All corrections shall be logged in a publicly accessible amendment register maintained by the Planning Department.

CHAPTER 2 | PROCEDURES FOR PLAT APPROVAL, SURETY, AND CONTRUCTION

- 2.1 | GENERAL PROCEDURE
- 2.2 | VESTING
- 2.3 | MAJOR SUBDIVISION SKETCH PLAT ONLY (OPTIONAL)
- 2.4 | PRELIMINARY SUBDIVISION PLAT (MAJOR SUBDIVISIONS ONLY)
- 2.5 | CONSTRUCTION PLANS (MAJOR SUBDIVISIONS ONLY)
- 2.6 | FINAL SUBDIVISION PLAT (MINOR AND MAJOR SUBDIVISION)
- 2.7 | DEVELOPMENT AGREEMENT REQUIRED PRIOR TO CONSTRUCTION
- 2.8 | SURETY REQUIRED
- 2.9 | SURETY STANDARDS AND REQUIREMENTS
- 2.10 | SIGNING AND RECORDING OF SUBDIVISION PLAT
- 2.11 | ISSUANCES OF BUILDING PERMITS AND USE AND OCCUPANCY PERMITS
- 2.12 | REDUCTION OF SURETY
- 2.13 | COMPLETION OF IMPROVEMENTS
- 2.14 | FAILURE TO COMPLETE IMPROVEMENTS
- 2.15 | DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS
- 2.16 | INSPECTION OF IMPROVEMENTS
- 2.17 | CERTIFICATE OF SATISFACTORY COMPLETION
- 2.18 | ACCEPTANCE OF STREETS AND OTHER IMPROVEMENTS
- 2.19 | MAINTENANCE OF IMPROVEMENTS
- 2.20 | RELEASE OF SURETY

2.1 GENERAL PROCEDURE

2.1.1 | PLAT APPROVAL REQUIREMENTS

Before any lot is sold and before any permit to erect any structure in a proposed subdivision may be granted, the owner or an authorized agent shall apply for and secure the Planning Commission's approval of the proposed subdivision in accordance with the procedures of this Chapter.

2.1.2 | CLASSIFICATION OF SUBDIVISIONS

The Planning Commission shall classify each subdivision proposal as either Minor or Major as defined herein. See [Chapter 5](#) for definitions.

1. A Minor Subdivision - A subdivision containing less than five lots fronting on an existing public way and not requiring by these regulations any new or improved public way, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adopted City General Plan, Major Thoroughfare Plan, [Zoning Ordinance](#), or these Subdivision Regulations.

2. Major Subdivision - Any subdivision that does not qualify as minor subdivision, including, but not limited to, subdivisions of five or more lots, subdivisions of any size requires a new or improved road, or that requires the extensions of government facilities, creation of any public improvement, or containing any flood prone area.

TABLE 1: CLASSIFICATION OF SUBDIVISIONS

TABLE 1 MINOR & MAJOR SUBDIVISION DETERMINATION			
ITEMS OF INTEREST	MINOR SUBDIVISION (Staff-Level) ^{1,2}	MINOR SUBDIVISION (HRPC-Level) ³	MAJOR SUBDIVISION
Number of Lots Created	2 or less	more than 2	more than 2
Total Number of Lots	less than 5	less than 5	5 or more
Minor Lot Line Adjustment	X	X	
Lot Consolidation	X	X	
Tract Division	X	X	
Building Line Adjustment	X	X	
Easement Adjustment	X	X	
Requires Preliminary Plat			X
Requires Final Plat	X ³	X	X
Requires Planning Commission Review		X	X

Notes:

1. Does not involve a request for a deviation from the Subdivision Regulations and is in total compliance with all ordinances and/or policies of the City.
2. Does not involve any street or public utility construction to serve lots.
3. Any person authorized to endorse approval in writing on the Final Plat may request consideration of the plat by the Planning Commission. See [2.1.2.1.A.4](#).

2.1.2.1 | REVIEW PROCEDURE

The sub-divider shall follow the procedure described below in order to secure subdivision plat approval.

A. MINOR SUBDIVISION PLAT

1. A preapplication conferences is encouraged with the Planning Director, which includes submittal of a scaled drawing or survey of the proposed subdivision for preliminary discussion and review.
2. Submit a Final Subdivision Plat for the Minor Subdivision prepared in accordance with the specifications in Section [4.5 \(Final Subdivision Plat\)](#) and the design standards contained in [Chapter 3 \(Design Standards and Improvement Requirements\)](#) for approval by the Planning Commission.
3. In the following circumstances, the approval of a Minor Subdivision Plat may be endorsed in writing on the plat by the Secretary of the Planning Commission upon certification by the Planning Director that the subdivision complies in all respects with these regulations and all other adopted ordinances and policies of the Planning Commission:

- A. The Plat involves a minor lot line adjustment to a property line, combining lots, divides a single tract into no more than two lots, or
- B. Involves adjusting building lines, easements, or other similar changes and does not involve any street or public utility construction to serve such lot(s),

No plat may be approved under this provision if such plat involves a request for a deviation from these regulations or if such plat is not in full compliance with all applicable ordinances or policies of the City.

- 4. Any person authorized to provide written approval of the Final Subdivision Plat for a Minor Subdivision, as provided in [2.1.2.1.A.3](#) above, may defer approval of the plat and request that it instead be considered of the plat by the Planning Commission at the next regularly scheduled public hearing.

B. MAJOR SUBDIVISION PLAT

- 1. A request of a preapplication conference is encouraged on the subdivision with the Planning Director, which includes submittal of a scaled drawing or survey of the proposed subdivision for preliminary discussion and review.
- 2. The developer may consider submitting a Sketch Subdivision Plat, prepared in accordance with [Section 4.1 \(Sketch Subdivision Plat\)](#) and [Chapter 3 \(Design Standards and Improvement Requirements\)](#) herein for Planning Commission approval.
- 3. Submit a Preliminary Subdivision Plat, prepared in accordance [with Section 4.2 \(Preliminary Subdivision Plat\)](#) and [Chapter 3 \(Design Standards and Improvement Requirements\)](#) herein, for Planning Commission review and approval.
- 4. Submit construction plans, prepared in accordance with City of Hendersonville Public Works Department Construction Standards and Specifications and [Chapter 3 \(Design Standards and Improvement Requirements\)](#) herein, for City Engineer review and approval.
- 5. Submit the Final Subdivision Plat, prepared in accordance with [Section 4.5 \(Final Subdivision Plat\)](#) and [Chapter 3 \(Design Standards and Improvement Requirements\)](#) herein, for Planning Commission review and approval.

2.1.3 | OFFICIAL SUBMISSION DATE

For the purpose of these regulations for both Major and Minor Subdivision Plats, the date of the regular meeting of the Planning Commission at which the public hearing on the Final Subdivision Plat, including any adjourned date thereof, is closed, shall constitute the official

submittal date of the plat at which the statutory period required in Section 13-4-304 Tennessee Code for formal approval or disapproval of the plat shall commence.

Minor Subdivision Plats eligible for approval by the Director or their designee may be submitted per the submittal schedule.

2.1.4 | SPECIAL PROVISIONS GOVERNING UNIT OWNERSHIP (CONDOMINIUM/ HORIZONTAL PROPERTY REGIME) SUBDIVISIONS

For properties subject to the Horizontal Property Act as specified in Tennessee Code Annotated, the owner shall submit to the City of Hendersonville Planning Department a completed Master Deed with Covenants for review prior to the recording of said deed. The Master Deed must comply with all regulations as specified in the Horizontal Property Act.

2.2 VESTING

2.2.1 | INITIATION OF VESTING

1. In accordance with T.C.A. § 13-4-310, and subject to the exceptions set forth in said statute, vesting shall be initiated on the date on which an applicant submits a complete application for approval of a plan listed below on or after May 9, 2025, by the applicable review body:
 - A. Development Plan,
 - B. Preliminary Plat,
 - C. Site Plan that is not associated with an approved development plan or preliminary plat,
 - D. A revision to a preliminary plat that was originally approved prior to May 9, 2025, and receives approval by the original review body.
2. For the remainder of this Section, these approved applications shall be referred to as “vested plans”.

2.2.2 | VESTING PERIOD

1. The approval of a plan in accordance with subsection 2.2.1 (Initiation of Vesting), will initiate a vesting period, during which the development standards adopted by the City and in effect on the date of approval shall remain the applicable standards to the vesting plan during its vesting period.

2. The vesting period applicable to a vested plan shall be a period of three years and begins on the date on which an applicant submits a complete application for approval by the applicable review body.
3. To keep a vested plan vested, an applicant must:
 - A. Obtain necessary permits to start site preparation, and
 - B. Begin site preparation work, which includes any of the following activities:
 - excavating,
 - grading,
 - demolition,
 - removing excess debris to allow for proper grading, or
 - providing a surface for proper foundations, drainage, and
 - settling for a development project, and
 - physical improvements such as water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.
4. Should the applicant meet the three requirements in 2.2.2.3, the vesting period shall be extended an additional two years from the date of the expiration date of the three-year period. During this additional time granted, the applicant shall commence construction and maintain any necessary permits in order to remain vested. Construction, for purposes of this section, means that any foundations for a building are installed and the building has begun to be erected vertically.
5. If construction commences, the vesting period shall be extended for a total of ten years from the date on which an applicant submits a complete application for approval of the vested plan, provided that the applicant maintains any necessary permits during the ten-year period.
6. If the vested plan is identified with two or more phases/sections, then the vesting period shall be extended for a total of 15 years from the date on which an applicant submits a complete application for approval of the vested plan, provided the applicant maintains any necessary permits during the 15-year period.
7. For developments proceeding in two or more phases or sections as outlined in the vested plan, each phase or section shall have a separate vesting period. The development standards in effect at the date on which an applicant submits a complete application for approval of the vested plan for the first phase or section shall apply to all

subsequent phases or sections. However, the total vesting period for the entire development shall not exceed 15 years from the date on which an applicant submits a complete application for approval of the vested plan for the first phase or section, provided the applicant maintains all necessary permits throughout the 15-year period.

2.2.3 | EXPIRATION DATES

1. Preliminary Plats = 3 years

At three years, an applicant may request an extension of the vesting period. Otherwise, the project must re-submit from the beginning to re-establish any entitlement.

2. Final Plats = 3 years

If a final plat is not recorded within three years of its approval date, the plat is invalid and must be resubmitted to the City.

TABLE 2: VESTING

TABLE 2 VESTING					
When is your plan vested?					
	1	Submission of a Complete Application for Approval	10 years Single Phase or 15 years Multi Phase	This occurs when the applicable review body receives a completed application for a development plan, a preliminary plat, or a site plan that is not associated with a development plan or preliminary plat.	10 years Single Phase or 15 years Multi Phase
	3 Years				
	2	1. Site Plan Approval 2. Obtain Permits 3. Site Prep		Site Plan approval is only applicable when a development plan or preliminary plat is the vested plan.	
	2 Years				
	3	Commence Construction		In most cases, a final plat will be required before a building permit is issued to commence construction.	
	5 yrs Single Phase or 10 yrs Multi Phase				
	4	Project Complete			

2.2.4 | EXTENSION OF VESTED RIGHTS

1. An applicant may request an extension of their vesting period, which is subject to review and approval by the original review body; however, if the Planning Staff was the original review body, the Planning Commission shall serve as the review body for the requested extension.
2. The extension request shall be made prior to the end of the vesting period.

3. The extension request shall be provided in writing to the Planning Department. The request shall provide rationale as to why the extension shall be granted, and how the extension of the vesting period is in the best interest of the community to allow the development to proceed under the existing plan while extending the vested property right.
4. The extension request shall specify a new expiration date of the vesting period.
5. If the extension is not granted, the vested rights will terminate at the end of the original vesting period.

2.2.5 | REVISION OF VESTING PLANS AND RETENTION OF VESTED RIGHTS

1. Recommendations and final action on a revision to a vested plan shall be based on the consideration of the following criteria:
 - A. Whether the proposed revision is consistent with all standards of the [Zoning Ordinance](#) and other applicable development standards in effect on the original approval date of the vested plan, and
 - B. Whether the proposed development meets all the requirements or conditions of any other applicable development approvals, such as a development plan or associated modification of standards.
2. If a governing review body approves a revision to a vested plan, the vesting right is retained.
3. A revision to a vested plan may be denied based on the following as it is deemed to affect vesting:
 - A. Alters the proposed use,
 - B. Increases the overall area of development,
 - C. Alters the size of any non-residential structures included in the development plan,
 - D. Increases the density of the development so as to affect traffic, noise, or other environmental impacts, or
 - E. Increases any local government expenditure necessary to implement or sustain the proposed use.
4. If a revision to a vested plan is denied based on written finding of any of the items listed in section 3.5.5.3.A-E above, the applicant has the following two options:

- A. Proceed under the prior approved plan with the associated vested rights, or
- B. Allow the vested property rights to terminate and submit a new application under this chapter.

Notwithstanding this subsection, a vested property right shall not terminate if BOMA determines, in writing, that it is in the best interest of the community to allow the development to proceed under the plan without terminating the vested property right.

2.2.6 | VIOLATIONS OF CONDITIONS OF APPROVAL

The approval of a vested plan is subject to any conditions established at the time of approval. Pursuant to T.C.A. § 13-4-310, if those conditions are not met, the applicant shall have 90 days to cure the violation. The governing review body may grant additional time to cure the violation if it issues a written determination that such an extension is in the best interest of the community.

If the violation is not cured within the allowed period, the vested rights associated with the plan shall terminate. However, the governing review body may allow those rights to remain vested despite the violation, provided it issues a written determination that such continuation is in the community's best interest.

2.2.7 | WHEN VESTING DOES NOT APPLY

1. A vested development standard shall not preclude local government enforcement of any development standard when:
 - A. The City obtains written consent by the owner/applicant,
 - B. The City determines in writing that compelling evidence exists that the development plan seriously threatens the public health, safety, or welfare of the community and the threat cannot be mitigated within a reasonable period of time by the applicant using the vested property rights,
 - C. The City determines in writing the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified on the development plan, and which if uncorrected would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable time period by the applicant using the vested rights; or
 - D. A development standard is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by local governments, such as stormwater or FEMA requirements; or
 - E. A local government is undertaking an action initiated or measure instituted in

order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, order or other type of governance.

2. A vested property right does not preclude, alter, or impair the authority of a local government to exercise its eminent domain powers provided by law.

2.3 MAJOR SUBDIVISION SKETCH PLAT ONLY (OPTIONAL)

2.3.1 | PURPOSE OF MAJOR SUBDIVISION SKETCH PLAT

At the discretion of the applicant, the applicant may submit a Sketch Subdivision Plat to the Planning Commission for review and approval. The Sketch Subdivision Plat for the Major Subdivision is a concept plan for design purposes and should be used to discover all factors that may have an impact on the proposed development. The purpose of this plan is to receive feedback from the Planning Commission and to advise the sub-divider of various possibilities or issues before substantial amounts of time and money have been invested in a detailed proposal that could otherwise contain elements contrary to these Subdivision Regulations.

2.3.2 | MAJOR SUBDIVISION SKETCH PLAT REQUIREMENTS

The Major Subdivision Sketch Subdivision Plat must include the information set forth in [Section 4.1 \(Sketch Subdivision Plat\)](#).

2.3.3 | APPROVAL OF MAJOR SUBDIVISION SKETCH PLAT

When a Major Subdivision Sketch Subdivision Plat is submitted for the Planning Commission approval, the number of copies required, and timing of the submission shall be as for a Preliminary Subdivision Plat.

2.3.4 | LAND DISTURBANCE SURETY REQUIRED FOR CLEARING AND GRADING FOR SKETCH SUBDIVISION PLAT

After receiving Major Subdivision Sketch Subdivision Plat approval from the Planning Commission and after obtaining a land disturbance permit from the Public Works Department, the developer may proceed with clearing and grading.

Erosion protection, as specified by City regulations, shall be provided during such clearing and grading operations. Any land disturbance surety submitted to comply with the City's Land Disturbance Regulations must satisfy the land disturbance surety requirements specified in Hendersonville Municipal Code (H.M.C.) Title 18 (hereinafter referred to as "Stormwater Ordinance").

No infrastructure may be constructed or installed at this time. Should the developer abandon the project, or otherwise fail to perform according to the terms of these regulations, the land disturbance surety shall be called by the City Engineer and used for the purpose of filling trenches, closing off streets, performing drainage work, re-seeding, and other actions necessary to make the property safe and to remedy any nuisance to surrounding property owners or to the public in general.

2.4 PRELIMINARY SUBDIVISION PLAT (REQUIRED FOR MAJOR SUBDIVISIONS ONLY)

2.4.1 | APPLICATION PROCEDURE AND REQUIREMENTS

The applicant shall record a Preliminary Subdivision Plat with the Planning Commission. Failure of the applicant to satisfy the requirements of this section with full and correct information shall be cause for disapproval of such plat. The Preliminary Subdivision Plat shall be prepared by individuals licensed to perform the necessary design services and shall be prepared in accordance with [Chapter 4.2 \(Preliminary Subdivision Plat\)](#) and [Chapter 3 \(Design Standards and Improvement Requirements\)](#), and shall:

1. Be submitted to the office of the Planning Department on or before the schedule deadline as established by the City for consideration at a regular (officially opened) meeting of the Planning Commission.
2. Be accompanied by the appropriate number of printed or digital copies, the official application and checklist required by the Planning Commission for review and all required application fee(s).

2.4.2 | APPROVAL OF PRELIMINARY SUBDIVISION PLAT

The Planning Director shall submit the application to the Planning Commission for review, approval, with conditions, or denial. Said action shall occur within sixty (60) days of submittal to the Planning Commission ([Chapter 2.1.3](#)), or the application shall be considered approved. Approval of the Preliminary Subdivision Plat shall constitute authorization to prepare and present detailed construction drawings, plans, and specifications for the proposed development.

2.4.3 | SUBDIVISION PLAT APPROVAL TIME LIMITS

The following applies to subdivisions that have received Preliminary Subdivision Plat approval:

- **Initial Phase:** If the first phase of a subdivision does not receive Final Subdivision Plat approval from the Planning Commission within **three years** of Preliminary Plat approval,

And/or

- **Final Phase:** If the final phase does not receive Final Subdivision Plat approval within **five years** of Preliminary Plat approval,

the Planning Commission may declare the Preliminary Subdivision Plat approval **null and void**, requiring a new plat to be submitted that complies with all current laws and regulations.

If the Planning Commission takes no action before the deadline, the Preliminary Plat approval will automatically be considered **null and void** upon expiration.

Note: *It is the applicant’s responsibility to request an extension **before** the Preliminary Subdivision Plat approval expires.*

TABLE 3: PLAT APPROVAL TIMELINE & EXTENSION PROCESS

TABLE 3 PLAT APPROVAL TIMELINE & EXTENSION PROCESS		
	PRELIMINARY PLAT	FINAL PLAT ³
APPROVAL EFFECTIVE	3 years ¹	3 years

Notes:

1. Subdivision must receive Final Plat approval within two years of the first phase or five years of the final phase. See [Chapter 2.3.5 \(Changes to Approved Preliminary Subdivision Plats\)](#).
2. Planning Commission approval required.
3. See [Chapter 2.6.5 \(Final Subdivision Plats – Minor and Major Subdivision Plat\)](#).

2.4.4 | APPLICATION OF CHANGES OF ZONING REGULATIONS TO APPROVED PRELIMINARY SUBDIVISION PLATS

Every Preliminary Subdivision Plat shall conform to all applicable existing zoning provisions and subdivision regulations in effect at the time of approval. Any Final Subdivision Plat for land contained within the bounds of a Preliminary Development Plan - the approval of which remains in effect - shall be exempt from any subsequent amendments to the [Zoning Ordinance](#) or these regulations that may render such plan nonconforming as to bulk, use, or development standards.

No Final Subdivision Plat shall be approved unless the Preliminary Subdivision Plat of the development or affected portion thereof is in effect at the time of such approval. (See subchapter [2.3.3 \(Effective Period of Approval\)](#)).

2.4.5 | CHANGES TO APPROVED PRELIMINARY SUBDIVISION PLATS

As a result of unforeseen conditions associated with a particular site, changes may be required in approved Preliminary Subdivision Plats. No change shall be implemented, and no construction associated therewith shall be initiated until a revised Preliminary Subdivision Plat and construction plans have been submitted to the office of the Planning Director.

1. The Planning Director, upon written recommendation of the City Engineer, may approve changes that involve minor revisions including, but not limited to:
 - A. Minor shifts in the location of lot lines, streets, or open space.
 - B. Minor changes in lot or unit count, resulting in an increase of less than five percent of the total number of dwelling units among unit types.
 - C. Any decrease in the total number of dwelling units.
 - D. Other changes that do not significantly alter the overall layout of the plan and its basic development concept.
 - E. Any change that alters the identified or delineated water quality riparian buffer.
2. Major revisions, including those listed below, require approval by the Planning Commission:
 - A. Change in the number of lots or units resulting in an increase of five percent or more in total lot or unit count.
 - B. Modification(s) to the patterns of streets or street connections, internal and external to the project area, that decrease connectivity or significantly alter traffic patterns, except for changes that result directly from discovery of topographical or environmental obstacles that could not reasonably have been known at the time of initial subdivision approval.
 - C. Changes affecting 10% or more of the open space, including but not limited to its area, location, accessibility, or degree of contiguity.
 - D. Reduction in dedications to the public.
 - E. Changes to subdivision boundaries that exceed five percent of the area of initial approval.
 - F. Changes that will increase the area of disturbance of slopes of 25% or greater or increase the area of manipulation of the floodplain.

- G. Any change that significantly alters the overall layout of the plan and its basic development concept.

2.4.6 | LAND DISTURBANCE SURETY REQUIRED FOR CLEARING AND GRADING

Subsequent to approval of the Preliminary Subdivision Plat, the developer may obtain a land disturbance permit and proceed with clearing and grading.

NOTE: Refer to Tree Removal Permit in [Zoning Ordinance](#) (Chapter 4.12).

2.5 CONSTRUCTION PLANS (MAJOR SUBDIVISIONS ONLY)

2.5.1 | SUBMITTAL PROCEDURE AND REQUIREMENTS

Construction plans may be prepared and presented any time following approval of a preliminary plan. Construction plans must contain all required information and be prepared in accordance with the City of Hendersonville Public Works Department Construction Standards and Specifications and [Chapter 3 \(Design Standards and Improvement Requirements\)](#) and shall:

1. Be presented digitally at the office of the Planning Director and
2. Include the entire subdivision, or (when phasing has been approved in the Preliminary Subdivision Plat) the entire phase or phases for which final approval will be sought.

2.5.2 | CONSTRUCTION PLAN PREPARATION AND CONTENT

Construction Plans must be prepared and submitted by an engineer licensed by the State of Tennessee to practice civil engineering. As a minimum, such plans shall conform to the City of Hendersonville Public Works Department Construction Plans Checklist ([Appendix E](#)) and the Stormwater Ordinance. Plans shall include all information needed for the construction of required street infrastructure and subdivisions amenities.

2.5.3 | CONSTRUCTION PLAN REVIEW AND APPROVAL

It shall be the responsibility of the City Engineer, or their designee, and the Planning Department staff to review the Construction Plans for compliance with the provisions of these regulations and other appropriate city ordinances and regulations. The Construction Plans must be approved prior to submittal of the Final Subdivision Plat.

The City Engineer and the Planning Director shall approve or disapprove the Construction Plans.

2.5.4 | DISPUTE RESOLUTION

If a dispute should arise concerning interpretation or application of these regulations to the information contained within Construction Plans, the Public Works Director shall act to resolve such dispute.

If a dispute should arise concerning amenities and landscaping regulations, the Planning Director shall act to resolve such dispute.

2.5.5 | CONSTRUCTION PLAN APPROVAL TIME LIMITS

Approval of the Construction Plans shall expire concurrently with the Preliminary Subdivision Plat, unless the Final Subdivision Plat has received approval from the Planning Commission. In such case, the Construction Plans shall remain valid until the expiration of the Final Subdivision Plat.

2.6 FINAL SUBDIVISION PLAT (MINOR AND MAJOR SUBDIVISION)

2.6.1 | PURPOSE OF FINAL SUBDIVISION PLAT

The purpose of a Final Subdivision Plat is as follows:

1. Provide the legal instrument whereby transfer of the ownership of lots may be accomplished, and
2. Constitute a means whereby the person subdividing property may offer streets and other infrastructure for acceptance and ongoing maintenance by the City.

2.6.2 | APPLICATION PROCEDURE AND REQUIREMENTS

A sub-divider shall submit a Final Subdivision Plat with the Planning Commission. The plat shall be prepared in accordance with [Section 4.5 \(Final Subdivision Plat\)](#) and [Chapter 3 \(Design Standards and Improvement Requirements\)](#) and shall incorporate all of the following:

1. Include the entire subdivision, or phase thereof, for which final approval is sought.

NOTE: In any instance where a Final Subdivision Plat involves only a portion of the land contained within an approved Preliminary Subdivision Plat, such phasing shall have been approved with the Preliminary Plan and shall have received Construction Plan approval.

Without exception, phase lines must be consistent with the approved Preliminary Subdivision Plat.

2. Be accompanied by the appropriate number of application/checklist copies required by the Planning Commission for review and the required application fee.
3. In the case of Major Subdivisions, substantially conform to the approved Preliminary Subdivision Plat.
4. Be presented at the office of the Planning Department on or before the scheduled deadline as established by the City for consideration at a regular (officially opened) meeting of the Planning Commission.
5. Include all relevant plat certificates as per 4.5.3 (Plat Certificates) including an owner's certificate which includes the owner's dedication of all easements and all right-of-way, streets, alleys, walks, parks, and other open space as noted on the plat.

NOTE: Improvements within the right-of-way and easements shall not be accepted by the City until completion in accordance with [Section 2.17 \(Acceptance of Streets and Other Improvements\)](#).

6. If the Final Subdivision Plat contains jointly held open space, water quality riparian buffers, stormwater management facilities, permanent stormwater control measures, recreational facilities, or any portion of the site that is held in common ownership, be accompanied by the following documentation for review by the Planning Commission:
 - A. Plans for improvement, maintenance, and preservation of the open space or facilities located thereon;
 - B. Articles of incorporation and by-laws of the homeowner's association or other legal entity (where open space or facilities are to be deeded to a homeowners association or similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space or facilities, and declaration of covenants, codes, and restrictions, pertaining to each and every property within the subdivision; and
 - C. Where open space or facilities are to be retained by the developer, declaration of covenants, codes, and restrictions pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended.
7. Construction plans must be approved, as determined by the City Engineer, prior to the granting of Final Subdivision Plat approval by the Planning Commission.

2.6.3 | ENDORSEMENT OF NOTATIONS ON FINAL SUBDIVISION PLAT

The notations and certifications required by Subchapter [4.5.3 \(Plat Certificates\)](#) of these regulations, to appear upon the Final Subdivision Plat must be endorsed by appropriate officials and other persons prior to recordation of the approved Final Subdivision Plat, except that the certificate of Planning Commission approval must be signed at the time specified in [Section 2.9 \(Signing and Recording of Subdivision Plat\)](#) of these regulations.

2.6.4 | HEARING AND DECISION ON FINAL SUBDIVISION PLAT

The Planning Commission shall hold a hearing, as required by TCA §13-4-304 , on each Final Subdivision Plat brought before it. The Planning Commission shall, within 60 days after submission either approve, approved with conditions, or disapprove the Final Subdivision Plat (See [Chapter 2.1.3 - Official Submission Date](#)). In any instance, where special conditions are attached to any plat approval, the Planning Commission shall set forth in detail such conditions. Upon approval with conditions, a revised Final Subdivision Plat addressing the stated conditions shall be submitted for review and consideration. If a Final Subdivision Plat is disapproved, specific reasons for such action shall be noted in the minutes of the Planning Commission meeting where such action was taken.

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

2.6.5 | FINAL SUBDIVISION PLAT APPROVAL TIME LIMITS

Final Subdivision Plat approval is effective for three years from the date of approval by the Planning Commission. If the plat has not been recorded within this time period, the applicant must re-apply for final approval or preliminary approval if the approval of the Preliminary Plat has expired.

2.6.6 | CHANGES TO FINAL SUBDIVISION PLAT

As a result of unforeseen conditions associated with a particular site, changes may be required in approved Final Subdivision Plats. No change shall be implemented, and no construction associated therewith shall be initiated, until a revised Final Subdivision Plat and Construction Plans have been submitted to the office of the Planning Department. The Planning Director, upon written recommendation of the City Engineer, may approve changes that involve minor shifts in the location of lot lines, easements, building lines, streets, open space, notes, or similar matters, subject to the limitations prescribed in [Subchapter 2.3.5.1](#) of these regulations. Otherwise, Planning Commission review and approval of the revised Final Subdivision Plat shall be required.

2.7 DEVELOPMENT AGREEMENT REQUIRED PRIOR TO CONSTRUCTION

Following Final Subdivision Plat and construction plan approval, a completed Development Agreement shall be prepared and executed prior to recording of the Final Subdivision Plat within any development to which these regulations are applicable. A Draft Development Agreement is contained in [Appendix A \(Subdivision Development Agreement\)](#). The Draft Development Agreement shall reference the design incorporated within the approved Construction Plans and shall be sufficient in form to assure that proposed construction methods and materials meet or exceed the minimum standards established by the City.

The Development Agreement shall be sent to the applicant for approval. Upon acceptance of the Development Agreement by the applicant, the proposed Development Agreement shall be forwarded to the Mayor for execution. Said execution shall be completed within 10 business days from date Development Agreement has been received by the City. In the event the Mayor does not execute or reject the agreement in writing within said period, it shall be deemed approved *de facto*.

2.8 SURETY REQUIRED

Prior to recording the Final Subdivision Plat, the applicant shall provide a surety conforming to [Chapter 2.8 \(Surety Standards and Requirements\)](#) guaranteeing construction of the remaining required improvements. The amount and form of such surety shall be sufficient in all regards to guarantee the governing body or other agency ultimately responsible for acceptance of the facilities, satisfactory construction, installation, or required dedication, (free and clear of any encumbrances), of any incomplete portion of required improvements. If a Development Agreement has not already been provided as specified in [Chapter 2.6 \(Development Agreement Required Prior to Construction\)](#) above, such a Development Agreement shall be provided at this time.

2.9 SURETY STANDARDS AND REQUIREMENTS

2.9.1 | GENERAL

In order to ensure that the work will be complete in accordance with approved plans and specifications, all improvements proposed in conjunction with any subdivision must be covered by adequate surety prior to recording of any Final Subdivision Plat for any portion of the development site.

2.9.2 | AMOUNT OF SURETY

The sub-divider shall post good and sufficient surety with the Planning Commission in the amount of 110% of the City Engineer's estimate of cost to assure completion of the work. Good and sufficient surety shall include the types specified in Subsection [2.8.3 \(Types of Surety\)](#). Each surety shall be accompanied by a Development Agreement, as per Section [2.6 \(Development Agreement Required Prior to Construction\)](#) and [Appendix A](#) (Subdivision Development Agreement) whereby the sub-divider agrees to make and install the improvements in accordance with the approved plans and specifications.

2.9.3 | TYPES OF SURETY

Subject to the standards and requirements of this Chapter and acceptance by the Planning Commission, the following types of surety may be accepted for purposes of guaranteeing completion of improvements required by the regulations. Each surety must remain effective for at least one year unless the Planning Director approves a lesser period.

- **Irrevocable Standby Letter of Credit (Link to [Appendix B](#)).**
- **Cash Escrow or bank assignment of certificates of deposit with a federally insured bank having assets of at least \$50 million.**

2.9.3.1 | IRREVOCABLE STANDBY LETTER OF CREDIT

An Irrevocable Standby Letter of Credit may be used as the means of providing surety for improvements required under the various provisions of these Subdivision Regulations. A letter of credit shall be drafted to represent the obligation of the financial institution to the City and not an obligation to the permittee. All letters of credit, and each provision thereof, shall be governed and construed in accordance with International Standby Practices/ISP 98, International Chamber of Commerce Publication No. 590 or ICC Publication No. 600 and Sections 47-5-101 through 47-5-118 Tennessee Code Annotated. Such letters shall be for one year and shall be automatically renewable for successive one-year periods without any effort on the part of the City and must be automatically renewed until released in writing by the City.

However, said letters of credit may be revoked after giving the City written notice with 90 days opportunity to cash the letter. Such notice shall be by Certified Mail, return receipt requested. All such letters of credit shall be substantially in the form as shown in [Appendix B](#). An office of the financial institution issuing the letter of credit must be physically located no more than 75 miles driving distance from Hendersonville City Hall, such that the City may present the surety for collection at said location.

2.9.3.2 | ESCROW DEPOSITS FOR IMPROVEMENTS

A | ACCEPTANCE OF ESCROW FUNDS

As used in these regulations, the term “Cash Escrow” refers to two types of performance guarantees, cash escrows and bank assignment of funds. In the case of either cash or other near cash (i.g., certificates of deposit) guarantees, all funds shall be maintained in accounts that are beyond the reach of the developer and subject to an escrow agreement.

B | PROCEDURES ON ESCROW FUND

All escrows shall be held by the City, kept in its bank accounts, and be totally under control of the City. A detailed “Escrow Agreement” shall be prepared and appropriately endorsed by all parties at the time of creation of the escrow account. The developer’s tax identification shall be used for the escrow and the developer shall be responsible for paying tax on any interest credited to the escrow account.

2.10 SIGNING AND RECORDING OF SUBDIVISION PLAT

2.10.1 | SIGNING OF PLAT

The Secretary of the Planning Commission and the Planning Director shall endorse approval on the Final Subdivision Plat for recording:

- The appropriate number of signed copies of the approved Final Plat
- Recording Fees
- Surety (if applicable)
- Development Agreement (if applicable)
- In-lieu fees (if applicable)
- Any other applicable fees or payments due

2.10.2 | RECORDING OF PLAT

It shall be the responsibility of the Planning Department to record all approved Final Subdivision Plats with the Sumner County Register of Deeds within 10 business days of a Final Subdivision Plat submission that conforms to all requirements for recordation. The owner of the property or the authorized agent shall pay the appropriate recordation fee. Upon recording the Final Subdivision Plat with the Sumner County Register of Deeds, lots may be sold.

2.11 ISSUANCES OF BUILDING PERMITS AND USE AND OCCUPANCY PERMITS

Only after recording of the Final Subdivision Plat and obtaining a land disturbance permit (where applicable), may Zoning and Building permits for new buildings and structures be issued on the new lots.

All public way improvements shall be adequate for vehicular access by the prospective occupant and by Police, Fire, and Emergency equipment prior to the issuance of a Zoning, Building, or Use and Occupancy Permit. An approved apparatus access road with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of apparatus weighing up to 75,000 pounds or 34,050 kilograms shall be constructed prior to issuance of the first Zoning or Building Permit for any new buildings or structures on the subject lots.

Before a Zoning, Building, or Use and Occupancy Permit is granted, installation of any/all required public facilities and services must be completed, including but not limited to water, sewer, street signs, traffic signs, and streetlights. Where water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction, except when approved alternative methods of protection are provided.

2.12 REDUCTION OF SURETY

The surety instruments guaranteeing installation of improvements may be proportionally reduced upon completion of the base asphalt and again upon completion, dedication, and acceptance of such improvements. Any reduction would only be at the ratio that the cost of public improvements dedicated bears to the total cost of public improvements included in said plat. Generally, a surety will not be reduced below 25% of the total estimated cost of the required improvements until acceptance of streets and/or other required improvements by the City.

2.13 COMPLETION OF IMPROVEMENTS

All required improvements shall be completed in accordance with these regulations, the Development Agreement, and the approved Construction Plans. Generally, final installation of asphalt shall be completed after 75% of the houses are completed and prior to 90% completion within the associated phase or section of the development area. The City Engineer may specify that the final asphalt be completed before 75% of the houses are complete if housing construction has been slow and the lack of final asphalt is presenting maintenance or safety problems. Likewise, the City Engineer may specify that the final asphalt be completed after 90% of the houses are complete if said street(s) are used as a

construction entrance. Likewise, all other remaining required improvements, except sidewalks shall be completed prior to 90% completion. The streets should be in like-new condition upon City acceptance of the street right-of-way. If the final course of asphalt is faded or damaged, the City Engineer, or their designee, may specify a treatment to repair or rejuvenate the pavement at cost to the developer.

Zoning or Building Permits may be withheld on the final 10% of the houses if improvements are not complete.

2.13.1 | SIDEWALKS

Sidewalks must be completed prior to acceptance of the public ways of the phase or section they are shown on the approved plans. Zoning or Building Permits may be withheld on houses within other phases or sections of the subdivision until said improvements are completed. The City may accept separate surety to cover minor unconstructed improvements at discretion of the Public Works Director.

2.13.2 | STREET TREES

Street trees must be installed after 75% of the houses within a phase or section are completed, and prior to acceptance of public ways. Generally, all trees within a phase or section should be planted at one time, and only during the months of October through April to avoid the dry summer months. Zoning or Building Permits may be withheld on the final 10% of the houses in the subdivision if said improvements are not completed within the time frame specified under this section.

Notwithstanding the above, at Planning staff's discretion, the public way(s) within a phase or section may be accepted without the required street trees as long as a planting plan schedule for the overall subdivision has been approved by Planning staff and a surety has been specifically provided to guarantee planting of the trees at an agreed upon later date.

2.13.3 | POOLS, CABANAS, AND OTHER COMMUNITY FACILITIES

Pools, cabanas, open space, and other community facilities shall be completed prior to acceptance of public ways for the phase or section within which it is located, and prior to 90% of the homes within that phase or section being constructed. Zoning or Building Permits may be withheld on buildings or structures within other phases or sections if said improvements are not completed within the specified time frame.

Pools and community facilities shall be designed so that back washing and other maintenance activities generating wastewater are discharged to the sanitary sewer.

2.13.4 | OTHER REQUIRED IMPROVEMENTS

All other remaining required improvements shall be completed prior to 90% completion of the phase or section within which the improvements are shown. Zoning or Building Permits may be withheld on the final 10% of the buildings or structures within the phase or section if said improvements are not complete.

2.14 FAILURE TO COMPLETE IMPROVEMENTS

In those cases where required improvements have not been fully or adequately installed within the terms of the Development Agreement, the City Engineer thereupon may declare the surety to be in default and require that all the improvements be installed regardless of the extent of the building development at that time. If the improvements are not completed within the time period specified, (including any approved time extension), no additional Zoning or Building Permits will be issued for any lot or portion of property within the phase or section until such facilities are completed.

2.15 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

At the time of Final Subdivision Plat or Final Site Plan approval, the Planning Commission may determine that alternatives to the required improvements are necessary in areas where strict compliance with the provision would cause undue hardship to previously approved plans, limit number of developable lots in the subdivision, create incompatible grades, inhibit future planning, cause inadequacy of connecting to public facilities, or other site-specific reasons.

Such alternative provisions may include, but are not limited to the following:

- A. Payment to the City in lieu of construction.
- B. Immediate construction of the required improvement at a different location.
- C. Waiver of the specific requirement(s) for subdivisions with less than four cumulative lots approved after January 4, 2006.

2.16 INSPECTION OF IMPROVEMENTS

The City may conduct site inspections of required improvements at any time during construction. If the appropriate governmental representative determines that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant will be responsible for completing

such improvements to the required standards. The fact that the City inspect the site and facilities does not relieve the developer from designing and/or installing such facilities in accordance with the provisions of these Subdivision Regulations, the established Development Agreement, or any other applicable State or federal requirement.

2.17 ENGINEERING AND LANDSCAPE ARCHITECT CERTIFICATE OF COMPLIANCE

Prior to approval or acceptance of required improvements, the developer’s engineer in charge of construction of such improvements along with the developer’s Landscape Architect shall be required to certify that such improvements have been installed in accordance with provisions of these regulations, the completed Development Agreement, the approved plans and specifications, and are functioning as intended. Upon receipt of such certification and recommendations from the Public Works Committee, the City may accept the street and other improvements in accordance with the procedures set forth below in [Section 2.18 \(Acceptance of Streets and Other Improvements\)](#) of these regulations.

2.18 ACCEPTANCE OF STREETS AND OTHER IMPROVEMENTS

Acceptance of public streets and other public improvements for public maintenance (except private utilities), or acknowledgement of completion of private streets, shall be by action of the Board of Mayor and Aldermen. Such action shall be in the form of a resolution recommended from Public Works Committee to Board of Mayor and Aldermen recommending an action.

Approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply an acceptance by the local government or other agency ultimately responsible for acceptance of the facilities, of any public way, easement, or other ground shown on the plat. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect.

As-builts conforming to the requirements in [Appendix D \(As-Builts\)](#) shall be provided prior to acceptance of public ways or any other required public improvements.

FIGURE 1: STREET ACCEPTANCE FLOW CHART

STREET ACCEPTANCE PROCESS			
1 Year & 8 Weeks	1	City Engineer Recommends Acceptance	
	↓		
	2	Prepare Resolution	
	↓		
	3	BOMA Public Works Committee Meeting	The BOMA Public Works Committee meets on the 4th Tuesday of every month at 5:30 p.m. They can vote to recommend approval, denial, defer, or send on without a recommendation.
	↓		
	4	HPC Meeting	Planning Commission meets on the 1st Tuesday of every month at 6:30 p.m.
↓			
5	BOMA Meeting	The BOMA Meeting is on the 2nd Tuesday of every month at 7:00 p.m. BOMA can approve, deny, or defer.	
↓			
6	Acceptance - Maintenance Period	Surety in the amount of 10% of the estimated cost of required improvements is held during maintenance period.	
↓			
7	Full Acceptance	Remainder of Surety is released.	

Note: If any discrepancy between this Flow Chart and the Subdivision Regulations, the Subdivision Regulations shall rule. Estimated time frames are based on an optimal flow and assuming approvals – actual timetables may be longer, depending on Project.

2.19 MAINTENANCE OF IMPROVEMENTS

For public improvements, the applicant shall be required to bear the costs to maintain all improvements for one year as a warranty period after acceptance by the Board of Mayor and Aldermen. In order to guarantee maintenance, the developer shall provide surety in the amount of ten percent of the estimated value of required improvements or as determined by the City Engineer.

2.20 RELEASE OF SURETY

Upon completion of one year of maintenance during the warranty period and upon correction of any and all defects in the required improvements, the remaining surety must be released by the City Engineer.

CHAPTER 3 | DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS

- 3.1 | GENERAL REQUIREMENTS
- 3.2 | LOT ARRANGEMENT
- 3.3 | STREETS AND PEDESTRIAN WAYS
- 3.4 | FUNCTIONAL DESIGN CRITERIA
- 3.5 | ROAD CONSTRUCTION SPECIFICATIONS
- 3.6 | DRAINAGE AND STORM SEWERS
- 3.7 | WATER FACILITIES
- 3.8 | SEWAGE FACILITIES
- 3.9 | UTILITY EASEMENTS
- 3.10 | ELECTRICAL, TELEPHONE, AND TELEVISION SERVICE LINES
- 3.11 | PUBLIC USES
- 3.12 | NONRESIDENTIAL SUBDIVISIONS

3.1 GENERAL REQUIREMENTS

3.1.1 | CONFORMANCE TO APPLICABLE RULES AND REGULATIONS

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

1. All applicable provisions of Tennessee Law, regulations, or policy;
2. Any [Zoning Ordinance](#), any building or housing codes, and all other applicable laws or policies of the Board of Mayor and Aldermen;
3. The City's adopted Land Use and Transportation Plan, including the Major Thoroughfare Plan and General Land Use Framework;
4. The rules of the Sumner County Health Department and the Tennessee Department of Environment and Conservation;
5. The rules of the Americans with Disabilities Act and Public Right of Way Accessibility Guidelines;
6. The rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, if the subdivision or any lot contained therein abuts a non-local highway;

7. The standards and regulations adopted by all other boards, commissions, and agencies of the Board of Mayor and Aldermen, where applicable; and
8. City of Hendersonville Public Works Department Construction Standards and Specifications and Land Disturbance Regulations
9. The Municipal Fire Code as approved by the Board of Mayor and Aldermen.

Plat approval may be withheld if a subdivision is not found to comply with and be in conformity to the above rules or with provisions set forth in [Section 1.4 \(Policy & Purpose\)](#) of these regulations. Additionally, the City Engineer reserves the right to require changes and/or additions to Subdivision Regulations design specifications when the public health, safety, or general welfare would so require.

3.1.2 | SUBDIVISION NAME

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision within City limits or the City's Urban Growth Boundary. The Planning Commission shall have authority to designate and/or approve the name of the subdivision, which shall be determined and formalized at Preliminary Subdivision Plat approval.

3.1.3 | CHARACTER OF THE LAND

3.1.3.1 | LAND UNSUITABLE FOR DEVELOPMENT

Land that the Planning Commission finds to be unsuitable for subdivision or future development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, required water quality riparian buffer, utility easements, or other features that would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas, shall be designated as *conservation lands* and may only be used as provided in [Subchapter 3.1.3.2 \(Use of Conservation Lands\)](#).

Land included within this category shall be as specified below or by the Tennessee Department of Environmental Conservation, the federal Environmental Protection Agency, or the City Engineer:

- Wetlands and land that is generally inundated (e.g., land under ponds, lakes, creeks, etc.).
- Minimum required water quality riparian buffer.
- All floodways, as shown on official Federal Emergency Management Agency (FEMA) maps.

- Land with slopes exceeding 25% or soils subject to slumping.
- Land situated within sink holes and other karst topography.
- Land under permanent easement prohibiting future development, including easements for drainage, access, and utilities.

3.1.3.2 | USE OF CONSERVATION LANDS

It is intended that, within residential subdivisions, the areas indicated in [Subchapter 3.1.3.1 \(Use of Conservation Lands\)](#), Land Unsuitable for Development, shall generally be designated as open space, to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards. However, it is recognized that in certain instances it may be desirable to include such lands in portions of lots beyond the designated *building site* (see definition). Where, in the opinion of the Planning Commission, the inclusion of such lands in building lots, or even building sites, is desirable, these areas may be included. No building lots shall be contained within the water quality riparian buffer.

All designated open space shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the Planning Director and duly recorded in the office of the Sumner County Register of Deeds. Any lot capable of further subdivision that contains *Land Unsuitable for Development* may be restricted to prohibit such action.

Only if a homeowner’s association is to be established may stormwater management facilities or permanent stormwater control measures be included within the areas preserved as *conservation lands*.

3.2 LOT REQUIREMENTS

3.2.1 | LOT ARRANGEMENT

3.2.1.1 | GENERAL

Each lot shall contain a sufficient *building site* such that there will be no foreseeable difficulties, for reasons of topography, slope/foundation stability, flood hazards, or other conditions in locating the structures and driveway access to the structures upon such lot. All lots shall have dimensions and area sufficient to ensure that the building setbacks and yards comply with any zoning ordinance requirement for the zoning district located within. No building site may include any land defined as *unsuitable for development* by the provisions of [Subchapter 3.1.3.1](#) (Land Unsuitable for Development).

3.2.1.2 | EVALUATION CRITERIA

In evaluating the layout of lots and open space the following criteria will be considered by the Planning Commission as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of these regulations. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Planning Commission shall evaluate proposals to determine whether the proposed plan:

- A. Protects and preserves all floodplains, wetlands, water quality riparian buffers, and steep or unstable slopes from clearing, grading, filling, or construction (except as may be approved by the City for essential infrastructure or active or passive recreation amenities).
- B. Designs around existing hedgerows and tree lines between fields or meadows, and minimizes impacts on large woodlands, (greater than five acres), especially those containing many mature trees or significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than 25% should be avoided. When any woodland is developed, to the fullest extent practicable great care shall be taken to design all disturbed areas (e.g., for building, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas.
- C. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency or the Tennessee Department of Environment and Conservation.
- D. Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature including stone walls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds.
- E. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc.
- F. Landscapes common areas (such as community greens), and both sides of new streets with shade trees and flowering shrubs with high wildlife conservation value. These trees shall generally be located between the sidewalk or footpath and the edge of the street, within a planting strip no less than five feet in width.
- G. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- H. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within

the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels.

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

3.2.1.3 | LOTS SUBJECT TO FLOOD

A | POLICY ON FLOOD PRONE AREAS

In determining the appropriateness of land subdivision on any site containing a flood prone area, the Planning Commission shall consider the policy and purpose set forth in [Subchapter 1.4 \(Policy and Purpose\)](#) of these regulations. Additionally, each of the following site and project-specific factors shall be considered:

1. The danger of life and property due to increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses.
2. The danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others.
3. The adequacy of the proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner.
5. The importance of the services provided by the proposed facility to the community at large.
6. The requirements of the subdivision for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.
8. The compatibility of the proposed uses with existing development or development anticipated in the foreseeable future.

9. The relationship of the proposed subdivision to the Future Land Use and Transportation Plan and the floodplain management program for the area.
10. The safety of access to the property for emergency vehicles in times of flood.
11. The expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site.
12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public ways, and bridges; and
13. The effect of the proposed subdivision upon the governing body's participation in the National Flood Insurance Program, if such governing body is, or elects to be, in the program.
14. Compliance with Hendersonville Municipal Code Title 18, Chapter 3- [National Flood Insurance Program Regulations](#).

No subdivision, nor part thereof, shall be approved by the Planning Commission if proposed levees, areas of fill, structures, or other features within the subdivision will individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (the 100-year flood level) shall be determined from the latest approved flood study for the jurisdictional area and any subsequent revisions thereto. If deemed necessary by the Planning Commission or City Engineer, specific engineering studies shall be formulated by the developer in those areas where flood data are not currently available.

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

In approving plans for subdivision of land containing flood prone areas, the Planning Commission or City Engineer shall ensure that development will proceed in such a way that property lying within any floodway, as defined by these regulations, will be maintained in a manner as prescribed by the National Flood Insurance Program Regulations Ordinance. The Planning Commission shall also ensure that the development within any floodway fringe area of the floodplain (within the 100-year flood level) will be protected adequately against potential flood hazards by the methods prescribed in [Chapter 3 \(Design Standards and Improvement Requirements\)](#) of these regulations.

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

B | LOTS WITH BUILDING SITES WITH FLOOD PRONE AREAS

No new lot(s) may be created that do not have a buildable site located completely outside of the floodway. If the buildable site of any lot is within the 100-year flood zone and in compliance with the [National Flood Insurance Program Regulations Ordinance](#), a plan acceptable to the City Engineer and Planning Commission shall be submitted documenting that said buildable site may be filled to the extent the finished floor elevation may be at a minimum of two feet above the 100-year flood elevation.

In any instance where the lot is served by subsurface sewage disposal, the area of the disposal fields shall not lie within the one hundred (100) year floodway or flood fringe. Adding fill material within the 100-year flood boundary area will not be permitted unless approved by the Planning Commission, Floodplain Administrator, and all necessary permits (e.g., Army Corps of Engineers, FEMA, etc.) are on record with the City Engineer. In the event that filling within the flood boundary is approved, the fill shall be protected against erosion by vegetative cover or other methods deemed acceptable to the City Engineer. Reference City of Hendersonville National Flood Insurance Program Regulations Ordinance and see [Appendix H](#) for Floodplain Development Permit.

3.2.1.4 | LOTS WITH BUILDING SITES ON STEEP SLOPES

Due to the potential threat to health and safety posed by development located on lands with steep slopes, the following regulations shall apply:

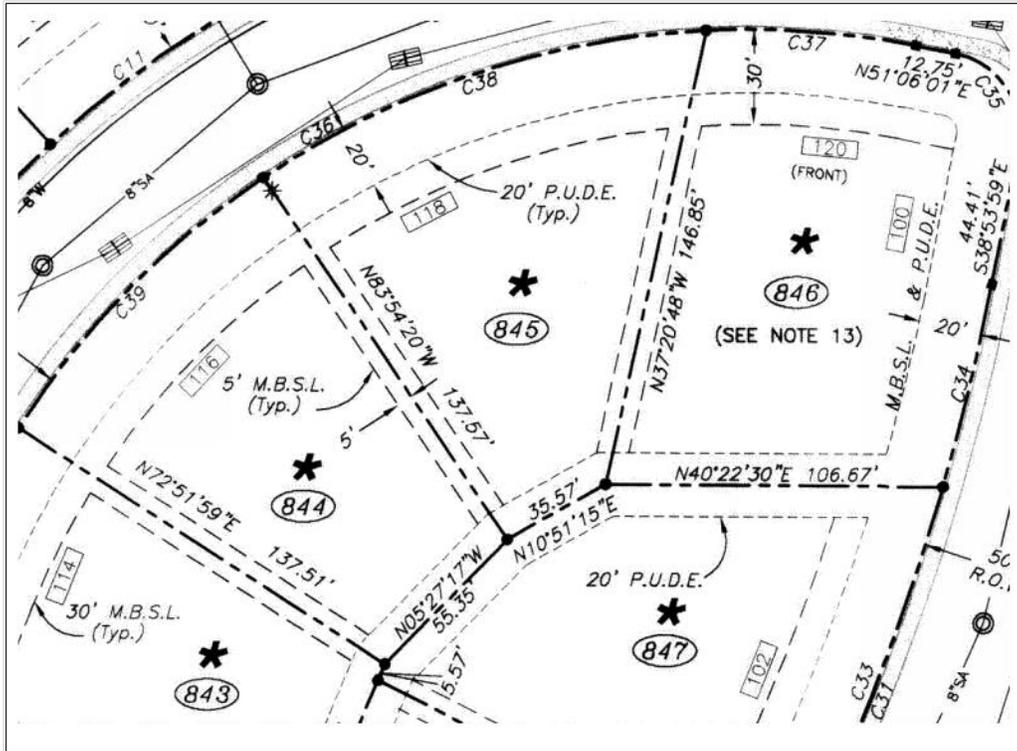
A | BUILDING SITES ON SLOPES OVER 25%

As per [3.1.3.1 \(Land Unsuitable For Development\)](#), land with slopes in excess of 25% shall be considered land unsuitable for development and shall not be subdivided into lots except as per [3.1.3.2 \(Use Of Conservation Lands\)](#).

B | BUILDING SITES WITH SLOPES OF 15 TO 25%

The Preliminary and Final Subdivision Plats must identify each lot with an existing or proposed slope of 15 to 25% by placing a star on the lot (see Figure 2). The legend of the plat shall specify that no Zoning or Building Permit will be issued on said lots unless the City Engineer has received and approved a Site Plan conforming to the following requirements:

FIGURE 2: BUILDING SITES WITH SLOPES OF FIFTEEN TO TWENTY-FIVE PERCENT



1. The exact size, shape, and location of the lot to include showing public utility and drainage easements and minimum building setback lines.
2. The proposed location of all buildings, driveways, drainage ways, HVAC pad, and utilities.
3. Existing and proposed contours at vertical intervals of no more than two feet.
4. The extent of natural tree cover and vegetation.
5. The location of any on-site sewage disposal systems.
6. A building foundation plan along with finished floor elevation.
7. The type and location of erosion prevention and sediment control measures and permanent stormwater control measures.
8. The stamp of the Tennessee registered engineer who prepared the plan, or, a Tennessee registered land surveyor, if approved by the City Engineer, a Tennessee Register Land Surveyor.
9. Indicate and clarify proposed drainage patterns by proposed contours, flow arrows, and spot elevations to ensure the lot will not discharge any additional stormwater onto adjacent properties in all areas .

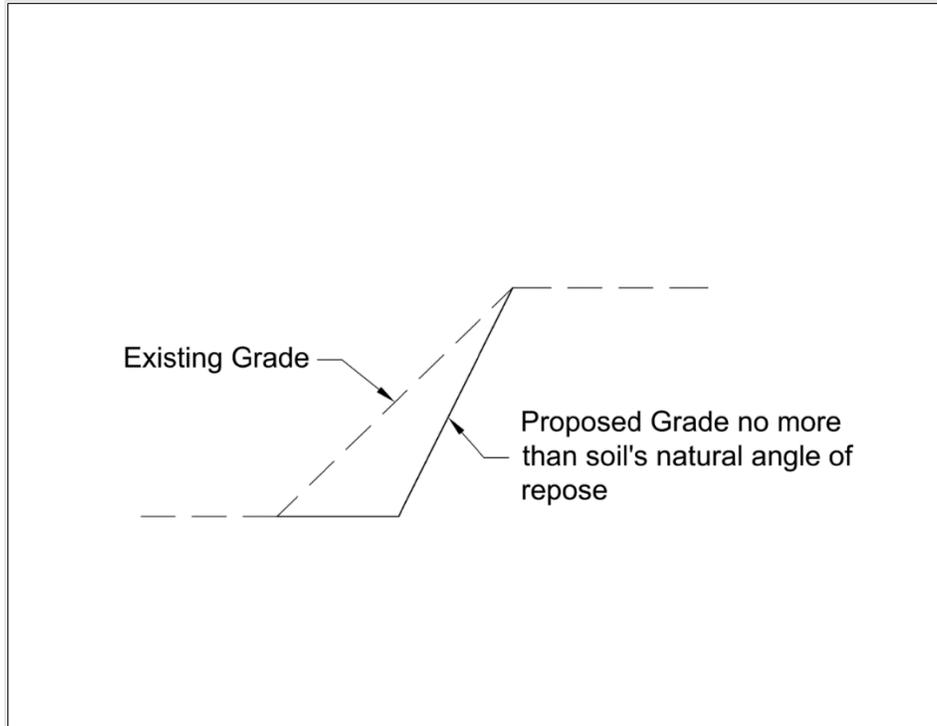
- 10. Finished floor elevations of the structure, including the garage.
- 11. Indicate driveway and parking area slopes; See [3.2.6.5](#) (Design Standards for Residential Driveways).
- 12. Edge of street pavement, curb and gutter, and sidewalk.

C | SITE DEVELOPMENT STANDARDS

The following standards shall be used as a guide in determining the suitability of the construction proposed for the subject site. The engineer’s certification required in Subchapter 3.2.1.4.B.8 above, shall address these standards:

- 1. Natural vegetation shall be preserved to the maximum extent practicable.
- 2. Natural drainage ways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques.
- 3. Operations that increase loads, reduce slope support, and cause instability of the slope shall be prohibited to the maximum extent practicable. These methods include filling, irrigation systems, accessory buildings, and on-site soil absorption sewage disposal systems,
- 4. Where sanitary sewers are not available all on-site sewage disposal systems (including both primary and secondary drainage fields) shall be shown on the site plan and located to avoid slide-prone areas.
- 5. Erosion control measures specified in the Tennessee Erosion and Sediment Control Handbook shall be employed and maintained to prevent soil from leaving the site. Additionally, soil from excavation on the site shall not be deposited as fill on a potential slide area.
- 6. No construction that would cut the toe of the slope beyond the soil’s natural angle of repose shall be permitted unless approved by the City Engineer. This shall apply as well to subdivision roads constructed in compliance with these regulations.
- 7. No proposed lot shall contain any portion of the water quality riparian buffer.

FIGURE 3: TOE OF SLOPE



3.2.2 | LOT DIMENSIONS

Minimum dimensions of lots shall comply with the standards of the [Zoning Ordinance](#). All building setbacks and building envelopes shall be indicated for each lot shown on the plat.

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

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

The minimum lot frontage on a public way shall be 50 feet, except for the radius of a cul-de-sac that should be 35 feet and except as otherwise permitted by the [Zoning Ordinance](#) for high density subdivisions.

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

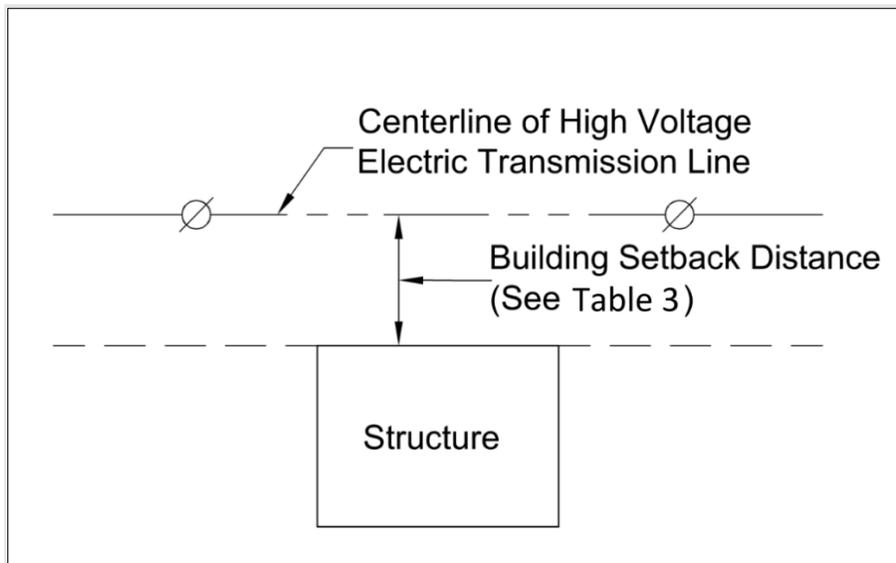
3.2.3 | BUILDING SETBACK FROM HIGH VOLTAGE ELECTRIC LINES

In any case of electric transmission lines where easement widths are not definitely established, a minimum building setback line from the center of the transmission line shall be established as follows:

TABLE 4: BUILDING SETBACKS FOR HIGH VOLTAGE ELECTRIC LINES

TABLE 4 BUILDING SETBACKS FOR HIGH VOLTAGE ELECTRIC LINES	
VOLTAGE OF LINE	BUILDING SETBACK
7.2 KV	15 Feet
13 KV	25 Feet
46 KV	37 1/2 Feet
69 KV	50 Feet
161 KV	75 Feet

FIGURE 4: HIGH VOLTAGE TOWER



3.2.4 | RESIDENTIAL LOT RE-SUBDIVISION COMPATIBILITY

3.2.4.1 | DETERMINING COMPATIBILITY

Within residential areas previously subdivided and predominantly developed, lot sizes (area and width), and building setbacks resulting from a proposed re-subdivision shall be generally in keeping with the frontage and area of the surrounding lots. This rule shall apply to subdivisions zoned in a residential classification defined by the [Zoning Ordinance](#).

A. This rule shall not apply to the following:

1. On parcels zoned Rural Residential (RR) that are greater than three acres in size.
2. Corner lots resulting from the creation of a subdivision incorporating new streets where the resulting corner lots are also adjacent to an existing street.
3. Subdivisions consisting of a total of less than five (5) lots for all phases of the development.

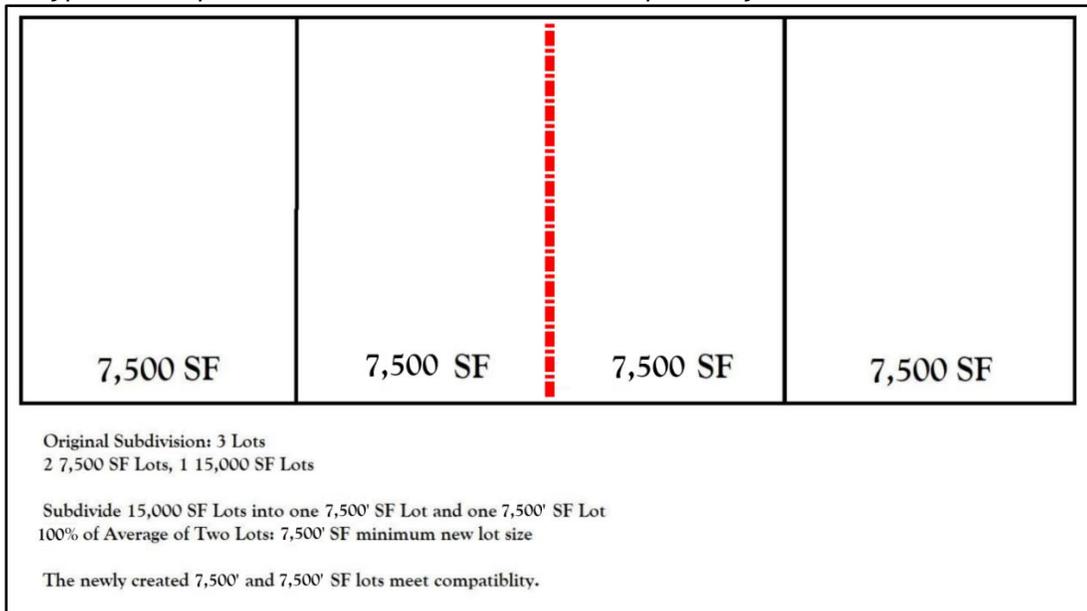
NOTE: However, the plat creating such corner lots shall include a line establishing a building setback equal to the typical setback of surrounding lots along the existing street.

B. The term *surrounding lots* shall mean all lots located within the same phase/section of the original subdivision plat that meets the following criteria:

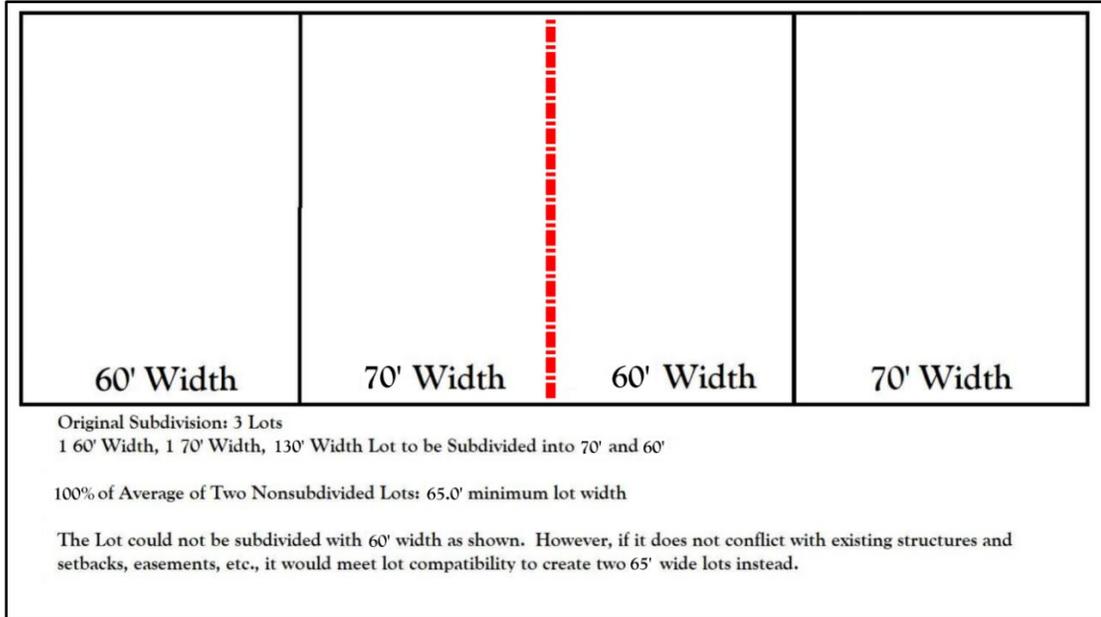
1. Are located on the same and opposing block face that are within 300 feet of the boundary of the property proposed for re-subdivision;
2. Abut each quadrant of a street intersection when the proposal involves a corner lot; and
3. Abut or are directly across a public way from the proposed re-subdivision.

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

1. Determine the average lot frontage of the applicable surrounding lots within the same phase/section and multiply the result by 100%. This result is the minimum lot frontage required for compatibility. *Note: When calculating lot frontage, use similar lot type. Example: cul-de-sac for cul-de-sac compatibility.*



- Determine the average area of the applicable surrounding lots within the same phase/section and multiply the result by 100%. This result is the minimum lot area required for compatibility.



- Any lot varying more than 50% from the median of surrounding lots shall not be included in the above calculations.
- Regardless of the calculated area and frontage, no lot may be created with less than 50 feet of frontage (35 feet on a cul-de-sac) or less area than the minimum required for the zone district where the subject lot is located.

3.2.5 | DOUBLE FRONTAGE LOTS

Double frontage lots and reversed frontage lots shall be avoided, except where necessary to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation.

3.2.6 | DRIVEWAYS/ACCESS TO LOTS

3.2.6.1 | ACCESS FROM ARTERIAL OR COLLECTOR PUBLIC WAYS

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

3.2.6.2 | MINIMUM SEPARATION BETWEEN RESIDENTIAL DRIVEWAYS

For each permitted residential driveway, there shall be a corresponding minimum road frontage of:

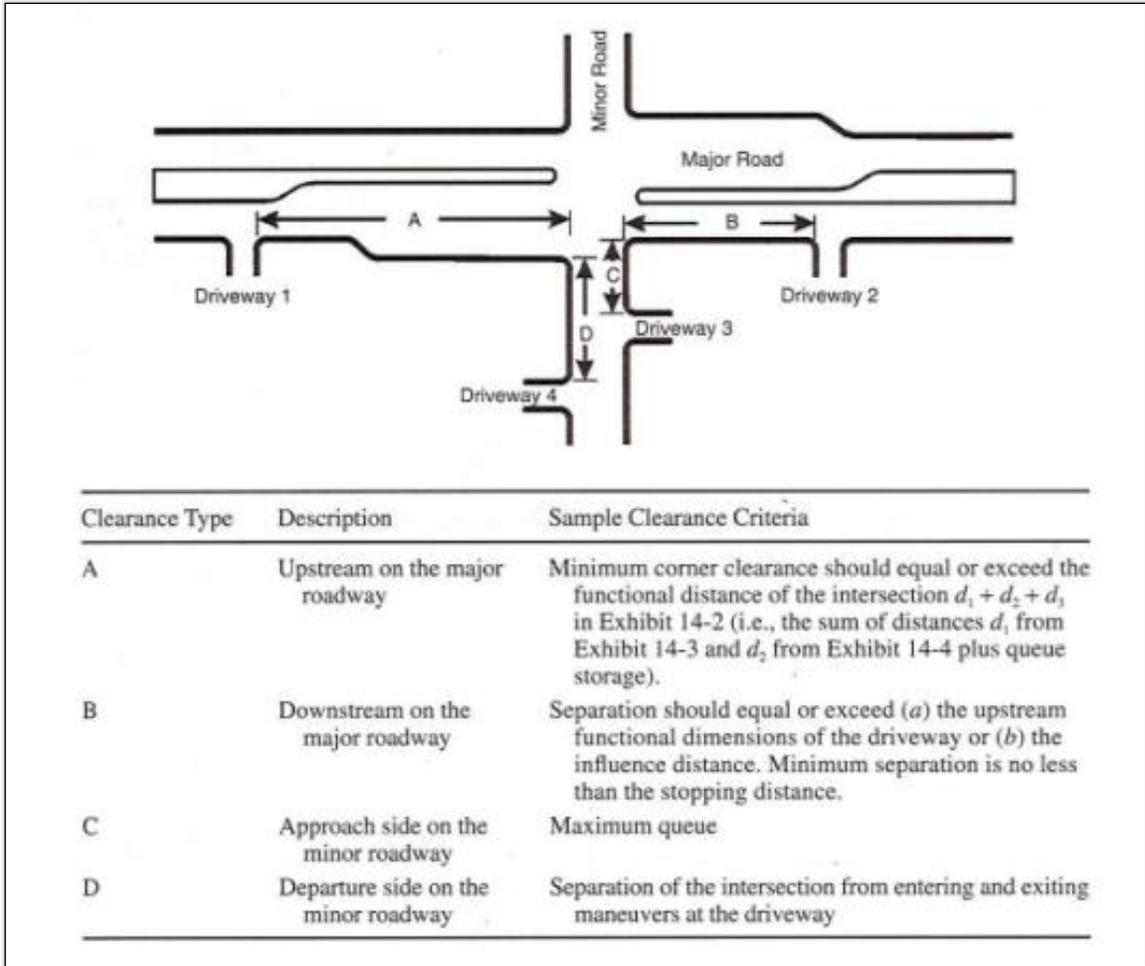
- A. At least 200 feet along routes designated in the Major Thoroughfare Plan as rural arterial highways and six lane urban arterial highways; and
- B. At least 150 feet along routes designated in the Major Thoroughfare Plan as five lane and three lane urban arterial highways; and
- C. At least 100 feet along routes designated in the Major Thoroughfare Plan as four lane urban arterial highways; and two-lane collector routes.

If approved by the City Engineer, the minimum separation distance may be reduced in situations where the use of shared access is not possible, exceptional topographic constraints or unusual site conditions exist, where application of this subchapter conflict with other City requirements and where the reduction would not constitute a threat or danger to the safe and efficient flow of traffic. Justification for be provided by the design engineer and must be based on commonly accepted and applied traffic engineering principles.

3.2.6.3 | MINIMUM CORNER CLEARANCE

Corner clearance is measured from the closest edge of the driveway connection to the closest edge of the parallel roadway. Unless an exception is granted, the minimum corner clearance for driveways on all four legs of an intersection will be established by an intersection queuing analysis or 200 feet, whichever is larger and applicable. Exceptions may be approved by the Planning Commission, and, if an exception is granted, the access may be restricted near major intersections if the minimum corner clearance is not satisfied.

FIGURE 5: CORNER CLEARANCE CRITERIA (TRB ACCESS MANAGEMENT MANUAL, 2014)

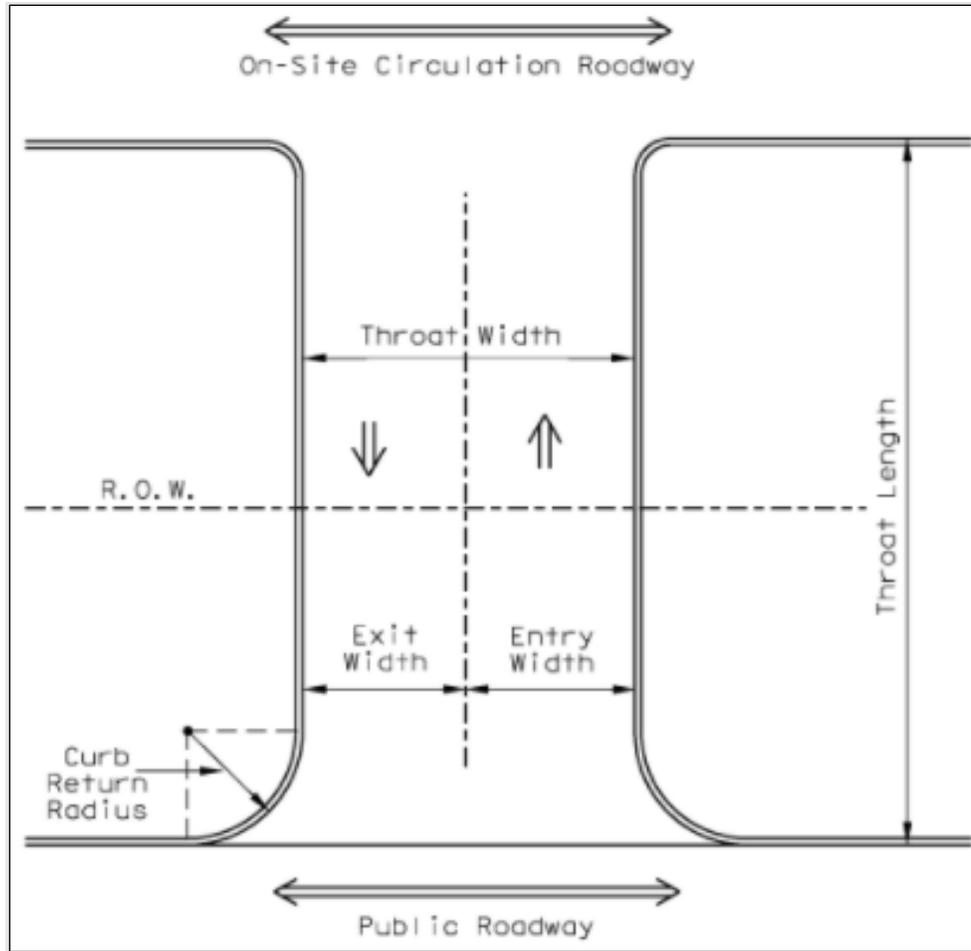


All residential driveways shall be a minimum of 50 feet from the nearest point of curvature.

3.2.6.4 | DESIGN STANDARDS FOR NON-RESIDENTIAL DRIVEWAYS

All non-residential driveways must be constructed with a minimum horizontal throat width of 24 feet. All driveways serving non-residential property must be paved with concrete or an asphalt surface. Lanes shall be clearly designated, and lane uses shall be clearly and permanently marked. The minimum separation from an intersection and between driveways shall be 200 feet along Places and 335 feet along all other streets.

FIGURE 6: MINIMUM CURB RADIUS



The minimum radius of return at pavement shall be 30 feet. Should the expected right-turning truck volume exceed 10 vehicles per hour in the design hour, then the designer shall use larger radius to provide for the turning movement of the larger vehicles.

The driveway throat needs to be of sufficient length so the vehicles may enter, exit, or circulate throughout the site without interfering with each other or with through traffic on the abutting roadway. The appropriate throat length shall be based on the exit conditions for large traffic generators or the entry conditions for small traffic generators.

Where the posted speed limit is 45 mph or greater, non-residential driveways shall be constructed with a right-turn deceleration lane.

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

The centerline of every non-residential way driveway shall intersect the centerline of the public way at an angle between 75 and 90 degrees.

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

3.2.6.5 | DESIGN STANDARDS FOR RESIDENTIAL DRIVEWAYS

Residential driveways that front upon streets designated in the Major Thoroughfare Plan as collector and arterial routes shall be designed to prevent vehicles backing onto these streets. Any new driveway must be constructed with a maximum slope of 8% for the first 15 feet measured from the back of the City approved curb, or to the edge of public right-of-way, whichever is less. In the absence of curb, measurement shall be taken from the edge of roadway. Where a sidewalk is intended to cross the driveway, a maximum slope of 8% shall be maintained for the first 10 feet measured from the back of the City approved sidewalk. Sidewalks shall maintain a 2% maximum cross slope and ADA compliant path. Refer to the National Cooperative Highway Research Program's Guide for Geometric Design of Driveways, Exhibit 5-68 "Driveway Vertical Profile Guidelines" for additional guidance. Driveways with proposed slopes greater than eight percent in the public right of way shall be reviewed by the City Engineer and must be approved prior to a building permit being issued. Outside of the limits identified above, driveway slopes are recommended to be designed and constructed with slopes less than or equal to 15% and changes in grade no greater than 10%. Driveways with lengths of more than 100 feet may require a reduced slope, subject to approval from the Fire Department. Developers and builders shall notify buyers/owners when driveways exceed recommended slopes or grade changes.

3.2.6.6 | RELATIONSHIPS TO STATE STANDARDS

Where the driveway design and location standards listed above do not conform to the standards of the Tennessee Department of Transportation, the City Engineer shall require conformance with the more restrictive.

3.2.6.7 | DRIVEWAYS/ACCESS ACROSS WATER BODIES AND WATERCOURSES

Developers and builders shall obtain all applicable State and Federal permits prior to construction of driveways/accesses across water bodies and watercourses. Developers and builders shall adhere to the regulations set forth by the National Flood Insurance Program and the Stormwater Ordinance.

3.2.7 | SOIL PRESERVATION, GRADING, EROSION CONTROL, AND SEEDING

3.2.7.1 | SOIL PRESERVATION AND FINAL GRADING

No Engineering Certificate of Compliance as set forth in [Subchapter 2.16 \(Engineering Certificate of Compliance\)](#) shall be issued until final grading operations have been completed in accordance with the approved site construction plan.

Topsoil shall not be removed from residential lots as spoils but must be redistributed on site to provide cover on the lots. Developers and builders shall ensure that topsoil is redistributed on site in accordance with the approved site construction plan.

Permanent or temporary soil stabilization must be applied to denuded areas within 14 days after final grade is established on any portion of the site. Soil stabilization must also be applied within 14 days to denuded areas that may not be at final grade. Denuded areas over steep slopes must be stabilized within 7 days of any stoppage of work. If these requirements are not in full agreement with the current, approved Construction General Permit, the more restrictive will apply.

Permanent stabilization shall be installed in accordance with the approved site landscape plan and in compliance with the Stormwater Ordinance.

3.2.7.2 | LOT DRAINAGE

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

Drainage shall be designed to avoid concentration and diversion of stormwater from one lot to one or more adjacent lots, except within drainage easements or to the street right-of-way. Surface water drainage patterns for each lot shall be shown on the road and drainage plans. Drainage flow and conveyance arrows shall be indicated on the topographic grading and drainage plan. All developments must construct barriers and measures to prevent erosion, transport, and collection of soil or gravel within any public right-of-way.

Note: Stormwater shall be prevented from draining directly onto downstream lots.

It shall be the responsibility of the builder of any building or other structure to design and construct suitable site drainage that will adequately convey surface water, without ponding on the lot or under the building, to the drainage system constructed within the subdivision. In addition to any ordinances or provision of these regulations that refer to the floodplain elevation requirements, the City Engineer reserves the right to require that the developer set minimum elevations on all floors, patios, building equipment, or other amenities that serve the overall development. This provision is intended to give the Planning Commission summary review powers over any calculated or historical evidence of stormwater presence in overland and channel conditions.

The subdivision developer must ensure that all artesian ground waters of a permanent or temporary nature encountered within any right-of-way will be intercepted and diverted to primary drainage conduits along swales, ditches, or in underground pipes located along property line easements. Regardless of the location of property lines, an intercept is permissible at the point of artesian surfacing.

Any sinkhole, natural channel, or wetland that has historically conveyed or stored ground water or surface runoff, including all designated floodways, shall be designated as a conservation and drainage easement and must be protected by water quality riparian buffers applied in accordance with the Stormwater Ordinance. No building, fill, or other development activity may occur within the water quality riparian buffer without permitting and coordination with the City of Hendersonville Public Works Department, Tennessee Department of Environment and Conservation, and the Army Corps of Engineers. No portion of any lot within development or redevelopment may exist in the water quality riparian buffer. If these requirements are not in compliance with the current Stormwater Ordinance, the more restrictive shall apply.

3.2.7.3 | EROSION AND SEDIMENT CONTROL

Any change in the rate of natural erosion and sedimentation resulting from new development must be minimized. An erosion and sediment control plan shall be presented with the construction plans submitted in conformance with the City of Hendersonville Public Works Department Construction Standards and Specifications, Stormwater Ordinance, Construction Plans Checklist, Site Plan and Design Review Checklist, and Land Disturbance Permit Checklist.

3.2.8 | DEBRIS AND WASTE

No cut trees, timber, construction debris, junk, rubbish, or other waste materials of any kind shall be buried in any land, left on any lot, or deposited in any natural drainageway (e.g., streams, wetlands, water quality riparian buffers, sinkholes, underground streams or channels, wet weather conveyances, or floodways, etc.) or on any public way at the time of the issuance of a Certificate of Occupancy for the lot. Furthermore, removal of all such debris and waste from this site shall be required prior to issuance of the first Certificate of Occupancy.

Construction-related debris and waste shall not be left to accumulate, nor may it be deposited in any area of the subdivision at any time during development. Debris dumpsters shall be required for construction debris disposal. Such dumpsters shall be of adequate size to accommodate the size of the project and must be emptied on a regular schedule during construction and removed from the premises after construction in a timely manner. No timber or construction-related debris or waste shall be burned on any construction site.. The developer must provide an acceptable method of disposal for cut trees and timber.

3.2.9 | CONSTRUCTION AND OTHER FENCING

Each sub-divider or developer shall be required to furnish and install all permanent and temporary construction fences wherever the Planning Commission determines that a hazardous condition or an area in need of protection from construction-related activities (e.g., tree root zone, creeks, riparian areas, etc.). Any required fencing shall be constructed according to standards established by the Planning Commission, and permanent fences

must be noted on the Final Subdivision Plat as to the required height and materials. No fence shall be constructed or installed within the water quality riparian buffer or regulated floodway.

3.2.10 | WATER BODIES AND WATERCOURSES

If a tract being subdivided contains a water body, or portion thereof, such area should be placed within jointly held open space. The Planning Commission may approve an alternative plan whereby the ownership of the water body and the responsibility for its ongoing maintenance is specifically designed and recorded in order that it does not become governmental responsibility.

No portion of the minimum area of a lot required under any zoning ordinance may be satisfied by land that is underwater. Additionally, no portion of any individual residential lot may contain the water quality riparian buffer or floodway. Where a watercourse separates a buildable area of lot from the public way to which such lot has access, provisions shall be made for installation of a culvert or other structure of adequate overflow size approved by the Planning Commission and City Engineer, to provide the required, unobstructed access to the lot. No Certificate of Occupancy may be issued for a new structure on such a lot until the installation is approved and installed.

Wherever practicable, the developer shall minimize impacts to water bodies and watercourses to satisfy the requirements set forth by the Stormwater Ordinance.

3.2.11 | BLOCKS

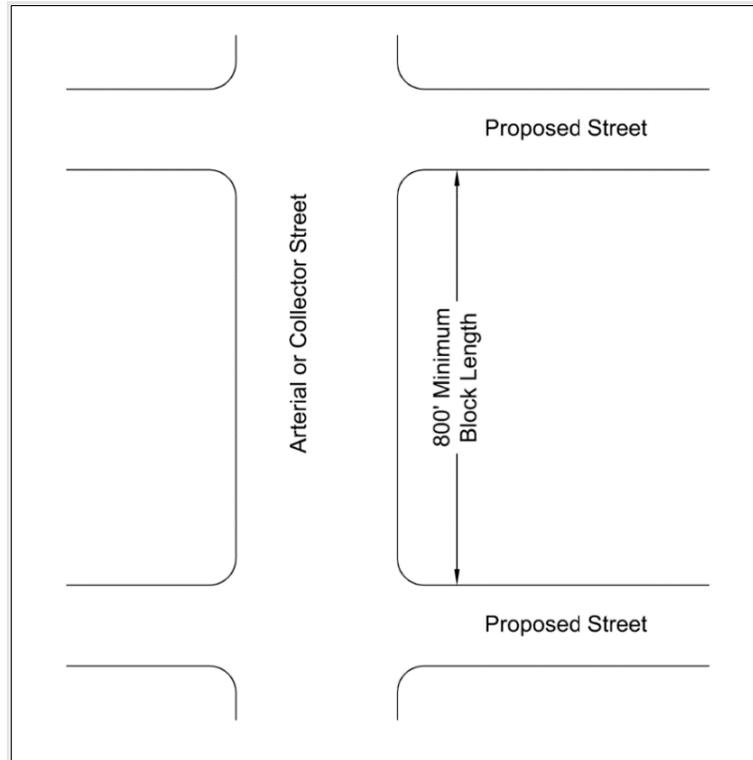
The following provisions apply to new subdivisions that group several lots into one or more areas that are surrounded by streets. These areas are known as blocks and are subject to the following provisions:

1. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth. Exceptions to this prescribed block width may be permitted in blocks adjacent to major public ways, alleys, railroads, or waterways.
2. The lengths, widths, and shapes of blocks shall be determined with regard to each of the following:
 - A. Providing adequate building sites suitable for of the type of use proposed.
 - B. Applicable zoning requirements and development standards (e.g., lot size, lot width, density, height limits, etc.).
 - C. Health and safety requirements for adequate site access, circulation, control of vehicular and pedestrian traffic.

D. Site features and topographical constraints, including both opportunities and limitations for development.

3. Block lengths in residential areas shall not exceed 1,200 feet, except as the Planning Commission deems necessary to secure efficient use of land or desired features of the public way pattern. Wherever practicable, blocks along arterial or collector routes shall not be less than 800 feet in length.

FIGURE 7: BLOCKS ALONG ARTERIAL OR COLLECTOR ROUTES



4. Blocks designed for industrial or commercial uses shall be of such length and width as determined necessary by the Planning Commission.

3.2.12 | MONUMENTS

Permanent reference monuments of non-degradable material shall be placed in all subdivisions where new streets are to be constructed. All monumentation must be placed on property corners or referenced to property lines or road alignments. Certification by a licensed surveyor of placement of monuments is required. Monuments will generally not be required within Minor Subdivisions, pursuant to these regulations when the subdivision occurs along existing streets. However, the Planning Commission retains authority to require monuments within Minor Subdivisions where flooding or other extraordinary conditions that could harm the health, safety, and general welfare of the public are found to exist. The following provisions shall apply specifically to the following: control monuments, internal monuments and lot pins, and monuments along rivers and streams.

3.2.12.1 | CONTROL MONUMENTS

A minimum of three permanent control monuments, containing both vertical and horizontal data, shall be located within each subdivision where new roads are to be constructed.

Such monuments shall be constructed of concrete not less than thirty (30) inches in length; less than four inches square or five inches in diameter; and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded. Iron Bar Monuments may be used and shall be no less than 5/8 inch in diameter and not less than 24 inches in length. Both shall have a permanent metal cap with the exact point marked with a minimum diameter of 2 ½ inches and with the Land Surveyor's name and license number noted.

Monuments shall have horizontal coordinates and vertical elevations shown on the Final Subdivision Plat. Reference notes (field ties) defining magnetic bearings and distances to the nearest established street line or official benchmark shall be accurately described on the plat. All control monuments shall be located within dedicated right-of-way along curve points or lot lines and within line of sight of one another. All horizontal and vertical data shall be referenced to TN NAVD83 4100 State Plan Coordinates and North American Vertical Datum 1988 (NAVD88) or current acceptable equivalent.

These monuments are to be placed near the entrance to the subdivision and, if possible, within a non-fill area or be affixed to natural rock outcrops. The location of all control monuments shall be described on the Final Subdivision Plat with words and symbols that facilitate locating them at the site.

3.2.12.2 | INTERNAL MONUMENTS AND LOT PINS

An internal monument shall be located within the subdivision at all major corners of the exterior boundary of the subdivision and at all points of curvature and points of tangent of right-of-way curves. An internal monument shall be constructed to the same standards as a control monument minus the elevation data. In all subdivisions, lot corners and all lot lines breaks shall be staked by iron rods, pipe, or pins at least 24 inches long and 5/8 inch in diameter. Placement of iron pins under sidewalks should be avoided.

3.2.12.3 | MONUMENTS ALONG CONSERVATION LANDS

The lines of lots that extend to conservation lands shall be monumented in the field by iron pins at least 18 inches long and 5/8 inch in diameter or by round or square iron bars at least eighteen (18) inches long. Such pins shall be placed at the point of intersection of the conservation land and lot line. At the discretion of the Planning Commission, a control monument meeting the specifications of [Subchapter 3.2.12.1 \(Control Monuments\)](#) above may be required upon any lot affected by the 100-year floodplain of any water body or watercourse.

3.3 STREETS AND SIDEWALKS

3.3.1 | SIDEWALKS

3.3.1.1 | SIDEWALKS ALONG NEW STREETS

Sidewalks shall be required along both sides of all streets and completely around all cul-de-sacs.

3.3.1.2 | SIDEWALKS ALONG EXISTING STREETS

Sidewalks shall be required along the proposed subdivision’s frontage on existing streets.

3.3.1.3 | SIDEWALK WIDTH

The widths of sidewalks shall be as follows:

TABLE 5: SIDEWALK WIDTH

TABLE 5 SIDEWALK WIDTH			
STREET CLASSIFICATION	LAND USE CLASSIFICATION		
	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Place	5 Feet	5 Feet	5 Feet
Lane	5 Feet	5 Feet	5 Feet
Sub-Collector	5 Feet	5 Feet	5 Feet
Collector	5 Feet	6 Feet	6 Feet
Arterial Public Way	5 Feet	6 Feet	6 Feet

NOTE: Width shall be exclusive of encroachments such as utility poles, fire hydrants, parking meters, sign standards, street furniture, etc.

3.3.1.4 | SIDEWALK DESIGN CRITERIA

The following criteria shall apply to the design of all sidewalks.

- A. Sidewalks shall be concrete, have a broom finish, and be constructed in accordance with City of Hendersonville Construction Standards and Specifications
- B. Sidewalks shall be included within the dedicated non-traffic way portion of the right-of-way or public access easement. Concrete curbs and gutters are required for all public ways where sidewalks are to be constructed. A median strip of grassed or landscaped area at least five feet wide shall separate all sidewalks from adjacent streets.

- C. Sidewalks shall be designed and constructed in compliance with the ADA and/or PROWAG standards, and any subsequent amendments or supplements.
- D. Where extraordinary difficult topography conditions exist, other design solutions, such as a wider separation, may be used.
- E. Where necessary, the Planning Commission may require pedestrian access ways from a public way to schools, parks, playgrounds, or other nearby public ways. To accomplish this purpose, the Planning Commission may require perpetual unobstructed easements at least twenty (20) feet in width.
- F. Construction details of accessible ramps and similar features shall be as shown in the Tennessee Department of Transportation Standard Drawings.

3.3.1.5 | WAIVERS AND ALTERNATIVES FOR SIDEWALKS

In the following circumstances, the Planning Commission (or for Minor Subdivisions, Planning staff) may reach alternative arrangements with developers concerning sidewalk where strict compliance with the provisions of this section would be unfair or cause an undue hardship due to previously approved plats and/or development plans, or due to the limited number of lots in the subdivision:

For residential subdivisions of four lots or fewer cumulative on existing streets, the following shall apply:

1. For subdivisions of three to four lots, sidewalk shall be constructed if it exists elsewhere on the same side of the street. If sidewalk is not existing on the same side of the street, payment shall be made to a City fund for construction of the sidewalk at this or another location at a later date.
2. For subdivisions of one to two lots cumulative, sidewalks may be waived or, at the discretion of the City Engineer, payment may be made in lieu of construction if the City Engineer determines.

Example: A two-lot subdivision on an existing street may have the sidewalk waived. If the subdivision later for approval of an additional third lot, sidewalk shall be constructed along the frontage of the third lot or payment-in-lieu made.

3.3.1.6 | MAINTENANCE FOR SIDEWALKS

The lot owner shall maintain grass, trees, and vegetation between the roadway (i.e., the back of the street curb or the edge of the street pavement if no curb is present) and the property line.

3.3.2 | CURB AND GUTTER

3.3.2.1 | CURB AND GUTTER ALONG NEW STREETS

Curb and gutter shall be required along both sides of all streets and completely around all cul-de-sacs.

3.3.2.2 | CURB AND GUTTER ALONG EXISTING STREETS

Curb and gutter shall be required along the proposed subdivision's frontage on existing streets and should be designed and constructed to conform to the existing curb and gutter configurations.

3.3.2.3 | CURB AND GUTTER DESIGN CRITERIA

The following criteria shall apply to the design of all curb and gutter.

1. Curb and gutter along State right-of-way shall be designed and constructed in conformance to TDOT design standards and details.
2. Curb and gutter along other arterials shall be design and constructed in conformance to TDOT design standards and details, or to match existing at the discretion of the Planning Commission and City Engineer.
3. Curb and gutter along local Collectors, Sub-Collectors, Lanes, and Places shall be designed and constructed with City of Hendersonville standard details, or to match existing at the discretion of the Planning Commission and City Engineer.

Rollover curb shall only be designed and constructed along Lanes and Places as part of local residential subdivisions and at the discretion of the Planning Commission and City Engineer.

3.3.2.4 | WAIVERS AND ALTERNATIVES FOR CURB AND GUTTER

In the following circumstances, the Planning Commission (or for Minor Subdivisions, Planning staff) may reach alternative arrangements with developers concerning curb and gutter where strict compliance with the provisions of this section would be unfair or cause an undue hardship due to previously approved plats and/or development plans, or due to the limited number of lots in the subdivision:

For residential subdivisions of four lots or fewer cumulative on existing streets, the following shall apply:

1. For subdivisions of three to four lots, curb and gutter shall be constructed if they exist elsewhere on the same side of the street. If curb and gutter are not existing on the same

side of the street, payment shall be made to a City fund for construction of the curb and gutter at this or another location at a later date.

2. For subdivisions of one to two lots cumulative, curb and gutter may be waived or at the discretion of the City Engineer, payment may be made in lieu of construction if the City Engineer determines.

Example: A two lot subdivision on an existing street may have the curb and gutter waived. If the subdivision later is submitted for approval of an additional third lot, curb and gutter shall be constructed along the frontage of the third lot or payment-in-lieu made.

3.3.3 | STREET WIDENING

3.3.3.1 | STREET WIDENING ALONG EXISTING STREETS

Street widening shall be required along the proposed subdivision's frontage on existing streets in accordance with the Major Thoroughfare Plan and these Subdivision Regulations.

3.3.3.2 | WAIVERS AND ALTERNATIVES FOR STREET WIDENING

In the following circumstances, the Planning Commission (or for Minor Subdivisions, Planning staff) may reach alternative arrangements with developers concerning street widening where strict compliance with the provisions of this section would be unfair or cause an undue hardship due to previously approved plats and/or development plans, or due to the limited number of lots in the subdivision:

For residential subdivisions of four lots or fewer on existing streets, the following shall apply:

1. For subdivisions of three to four lots, street widening shall be constructed if the existing street is widened elsewhere on the same side of the street. If street widening is not existing on the same side of the street, payment shall be made to a City fund for construction of the street widening at this or another location at a later date.
2. For subdivisions of one to two lots cumulative, street widening may be waived or, at the discretion of the City Engineer, payment may be made in lieu of construction if the City Engineer determines.

Example: A two lot subdivision on an existing street may have street widening waived. If the subdivision later is submitted for approval of an additional third lot, street widening shall be constructed along the frontage of the third lot or payment-in-lieu made.

3.3.4 | RIGHT-OF-WAY DEDICATION

3.3.4.1 | RIGHT-OF-WAY DEDICATION ALONG EXISTING STREETS

Where an existing street does not meet the required right-of-way width as specified by these regulations or the Land Use and Transportation Plan, sufficient right-of-way shall be dedicated to bring the street into compliance.

3.3.5 | STREET STANDARDS

The following standards shall apply to all streets, both public and private.

3.3.5.1 | FRONTAGE ON IMPROVED PUBLIC WAYS

No subdivision shall be approved, unless the area to be subdivided shall meet the access requirements set forth in [Subchapter 1.13.1.8 \(Access to Lots by Public Way or Private Easement\)](#) of these regulations. If any new street construction is proposed, all construction shall be in accordance with the provisions of these regulations and accompanying appendices.

3.3.5.2 | GRADING AND IMPROVEMENT PLAN

No clearing, grading, or construction of streets shall begin until construction plans, prepared in accordance with the specifications required herein, are approved, reclamation surety posted and a land disturbance permit issued by the City Engineer, or their designee. Following approval of such plans and accompanying development agreement, public ways shall be graded and improved to conform to the approved construction plans.

3.3.5.3 | IMPROVEMENTS IN AREAS PRONE TO FLOODING

The finished elevation of proposed public ways subject to flood shall be no less than one foot above the 100-year flood plain elevation. To determine compliance with this requirement, the City Engineer shall require profiles and elevations of public ways subject to flood. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is approved by the City Engineer to bring the finished elevation of any public way to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by engineered vegetative cover or other methods deemed acceptable by the City Engineer.

3.3.5.4 | TOPOGRAPHY AND ARRANGEMENT

- A. All public ways shall be arranged to obtain as many building sites as possible at or above the grades of the public ways. Grades of public ways shall conform as closely as

possible to the original topography. A combination of steep grades and curves shall not be permitted.

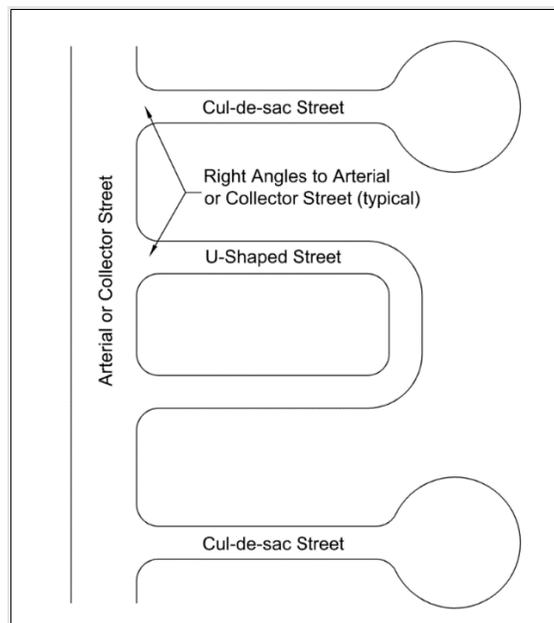
- B. All public ways shall be properly integrated with the existing and proposed system of public ways and dedicated rights-of-way as established on the Major Thoroughfare Plan or the Future Land Use and Transportation Plan.
- C. All public ways shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; of population density; and to the pattern of existing and proposed land use.
- D. In commercial and industrial developments, public ways and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, pedestrian walks and parking areas, to minimize conflict of movement among the various types of traffic, including pedestrian traffic.

3.3.5.5 | ACCESS TO ARTERIAL AND COLLECTOR ROUTES

Where a subdivision borders on or contains an existing or proposed arterial or collector route, the Planning Commission may require that access to such public way be limited by:

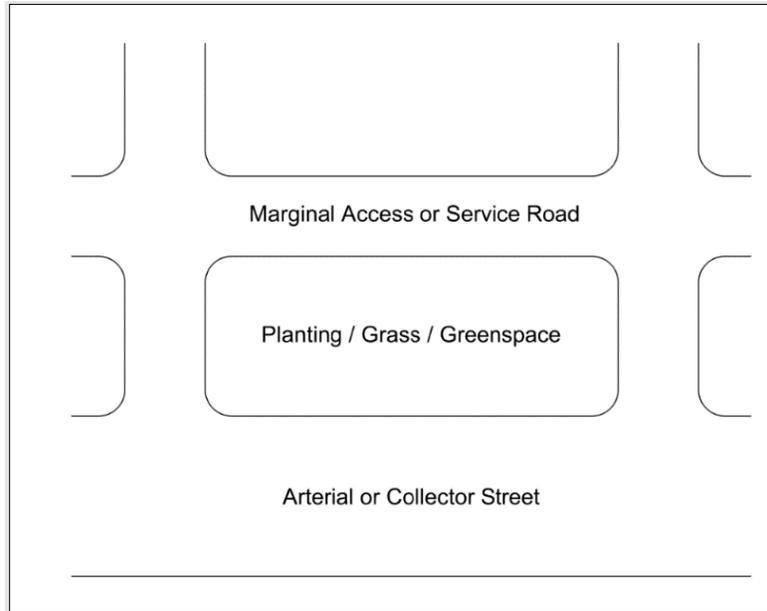
- A. The configuration of subdivision lots so that such lots derive vehicular access from streets other than the arterial or collector route.
- B. A series of cul-de-sac, “U” shaped public ways, or short loops entered from and designed generally at right angles to such a parallel public way; or

FIGURE 8: SERIES OF CUL-DE-SAC



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

FIGURE 9: MARGINAL ACCESS



3.3.5.6 | TRAFFIC IMPACT STUDY

The requirements for preparing a Traffic Impact Study are outlined in the City of Hendersonville, Tennessee [Traffic Impact Study Requirements](#).

3.3.5.7 | RESERVE STRIPS

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

3.3.5.8 | STREET NAME, REGULATORY, AND WARNING SIGNS

A. PUBLIC STREETS

Within all subdivisions, the developer shall purchase and install City approved street name and traffic control signs. All signage shall conform to the current edition of the Manual of Uniform Traffic Control Devices, published by the United States Department of

Transportation. The City Engineer shall verify the installation of temporary street name signs prior to issuance of any building permit. All signs shall meet the Manual of Uniform Traffic Control Devices and the City of Hendersonville design standards as identified in the Hendersonville Construction Standards and Specifications.

B. PRIVATE STREETS

The developer shall purchase and install appropriate street name and traffic control signs. Written confirmation of this action shall be required prior to issuance of any building permit or recording of a Final Subdivision Plat. All signs shall meet the Manual of Uniform Traffic Control Devices and the City of Hendersonville design standards as identified in the Hendersonville Construction Standards and Specifications.

C. NOTE TO APPEAR ON PLAT

All subdivision plats that require street name signs shall have a note located thereon stating:

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

3.3.6 | CONFORMANCE TO MAJOR THOROUGHFARE PLAN

Whenever a proposed subdivision borders or encompasses the route of any street in the Major Thoroughfare Plan, the developer of said subdivision shall be required to dedicate right-of-way and to construct said street to the standards specified by the Major Thoroughfare Plan and these regulations. If the route borders, the proposed subdivision only on one side, the developer shall be required to dedicate and construct only that side of said existing street upon which it borders. Residential subdivisions of 4 or fewer lots cumulative since adoption of these regulations (January 4, 2006) shall be required to dedicate right-of-way only. All additional lots beyond 4 created from a parcel of land as it existed January 6, 2004, are subject to the requirements to widen and improve. For regulations pertaining to Pedestrian Way requirements for subdivisions of 4 or fewer lots, see [Section 3.3.1.5 \(Waivers and Alternative for Sidewalks\)](#).

NOTE: Improvements to streets other than as shown on the Major Thoroughfare Plan shall be made in conformance with Chapter 11.7 (Street and Other Required Improvements) in [City of Hendersonville Zoning Ordinance](#).

3.3.7 | DEDICATIONS AND IMPROVEMENTS WARRANTED BY TRAFFIC STUDY

All new street construction, improvements to existing streets, and other traffic improvements identified as being required in a traffic study prepared in accordance with the requirements of Subsection [3.3.5.6 \(Traffic Impact Study\)](#), including off-site improvements, shall be made

by the developer, to the extent specified by the Planning Commission, with input from the City Engineer.

3.3.7.1 | DESIGNATION OF CONSTRUCTION ROUTES

Streets to be used as construction routes shall be designated within all “major subdivisions”, as the term is defined in these regulations. Where possible, construction routes shall coincide with the network of collector and arterial routes designated upon the road and street plan or as a completely separate constructive drive and within the plan of development for the particular subdivision. Where this is not possible, efforts shall be made to minimize direct contact between streets designated as construction routes and streets classified as “Places or Lanes”.

3.3.8 | PRIVATE STREETS

Private streets are those not dedicated to and maintained by a government entity. Where the ownership, control, and maintenance of any street is proposed to remain in private ownership, such street shall be constructed to Hendersonville’s design and construction standards for public streets. A permanent access easement over such streets shall be provided to each parcel or lot that is to gain access there from.

All such private improvements shall be maintained by the developer/owner or by a legally established homeowner’s association or other similar group approved by the Planning Commission. The legal documents establishing ownership and maintenance of the easement shall be submitted with the Final Subdivision Plat for review and approval and shall be recorded with the Final Subdivision Plat. A plan also is to be provided for emergency access.

3.3.9 | DEDICATION OF RIGHT-OF-WAY AND IMPROVEMENTS TO EXISTING STREETS

Whenever a proposed subdivision borders or encompasses an existing street, the developer shall be required to dedicate right-of-way and to widen such street and to otherwise improve such street as per the standards contained herein for a new street. If the subdivision borders said existing street only on one side, the developer shall be required to improve only that side of said existing street upon which it borders.

Residential subdivisions of four (4) or fewer lots cumulative since adoption of these regulations (January 4, 2006) shall be required to dedicate right-of-way only. All additional lots beyond four (4) created from a parcel of land as it existed January 6, 2004, are subject to the requirements to widen and improve. For regulations pertaining to Pedestrian Way requirements for subdivisions of four (4) or fewer lots, see [Section 3.3.1.5 \(Waivers and Alternative for Sidewalks\)](#).

3.4 FUNCTIONAL DESIGN CRITERIA

3.4.1 | PURPOSE

The public way design standards set forth in this section are hereby required in order to provide public ways of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and road-maintenance equipment, and to coordinate public ways to compose a convenient and safe system and avoid undue hardships to adjoining properties. The current edition of the [AASHTO *A Policy on the Geometric Design of Streets and Highways*](#) shall be used as the design standards and guidance for criteria not specifically established herein. These provisions are intended to establish appropriate standards for the design of streets in residential subdivisions that will:

1. Promote the safety and convenience of vehicular traffic.
2. Protect the safety of neighborhood residents.
3. Minimize crime in residential areas.
4. Protect the residential qualities of neighborhoods by limiting traffic volume, traffic speed, noise, and fumes.
5. Encourage the efficient use of land,
6. Promote construction methods and criteria that provide high quality and efficient design; to provide for future maintenance cost and general liability cost for the community.
7. Minimize the construction of impervious surface thereby protecting the quantity and quality of the community's water resources.
8. Provide satisfactory access for emergency vehicles.

3.4.2 | DESIGN HIERARCHY

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

3.4.2.1 | NEW STREETS

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

TABLE 6: STREET CLASSIFICATION MINIMUM STANDARDS

TABLE 6 STREET CLASSIFICATION MINIMUM STANDARDS	
STREET CLASSIFICATION	DESIGN CAPACITY (ADT)
Place (local)	0-150
Lane (local)	151-500
Sub-Collector Street	501-2000
Collector Street	2001-6000
Arterial Street	As designated

3.4.2.2 | EXISTING STREETS

During the development plan or plat review process, each street abutting or affecting the design of a subdivision or land development that is not already classified on the Major Thoroughfare Plan shall be classified according to its function, design, and use by the Planning Commission. The classification of existing streets shall include the hierarchy of [Subchapter 3.4.2.1 \(New Streets\)](#) above and may also include classifications of higher order as determined by the adopted Major Thoroughfare Plan.

3.4.2.3 | TRAFFIC VOLUME CALCULATIONS

A | RESIDENTIAL TRIP GENERATION RATES

The following chart shall be used to determine the anticipated daily traffic level of proposed residential development, unless the most recent edition of ITE Trip Generation Manual is in conflict and then the most restrictive shall apply:

TABLE 7: RESIDENTIAL TRIP GENERATION RATES

TABLE 7 RESIDENTIAL TRIP GENERATION RATES	
HOUSING TYPE	AVERAGE WEEKDAY TRIP GENERATION RATES (ADT) PER DWELLING UNIT
Single-Family Detached Dwellings	8 Trips
Villas or Town Homes	7 Trips
Garden Apartments (1-4 Story)	6 Trips
Retirement Complex	3.5 Trips

B | VOLUME CALCULATIONS

Calculation of traffic volumes shall be accomplished by using the following formula:

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

3.4.3 | RESIDENTIAL STREET DESIGN CRITERIA AND SERVICE RESTRICTIONS

The material contained within this segment is intended to provide information as the intended function, design capacity, and service limitations of the various street types presented in [Subchapter 3.4.2 \(Design Hierarchy\)](#). The order of presentation proceeds from smallest capacity street to the greatest. For each street identified within the hierarchy, the following design elements are presented:

- Street Function
- Design Capacity and Service Restrictions
- Street Access Criteria

3.4.3.1 | RESIDENTIAL ACCESS PLACE (LOCAL)

A | STREET FUNCTION

A residential access Place is a frontage street that provides access to abutting properties; it shall be designed to carry no more traffic than that generated by those properties that gain direct access from the street.

B | DESIGN CAPACITY AND SERVICE RESTRICTION

Each residential access Place shall be designed so that no section of the street conveys an ADT volume greater than 150 trips. Each half a loop street may be regarded as a single local access street and the total traffic volume generated on a loop street shall not exceed 200 ADT or serve more than 30 single-family dwellings.

C | STREET ACCESS

Residential access Places may intersect or take access from any street type. Both ends of a loop street, however, must intersect the same collecting street and be laid out to discourage through traffic.

3.4.3.2 | RESIDENTIAL LANE (LOCAL)

A | STREET FUNCTION

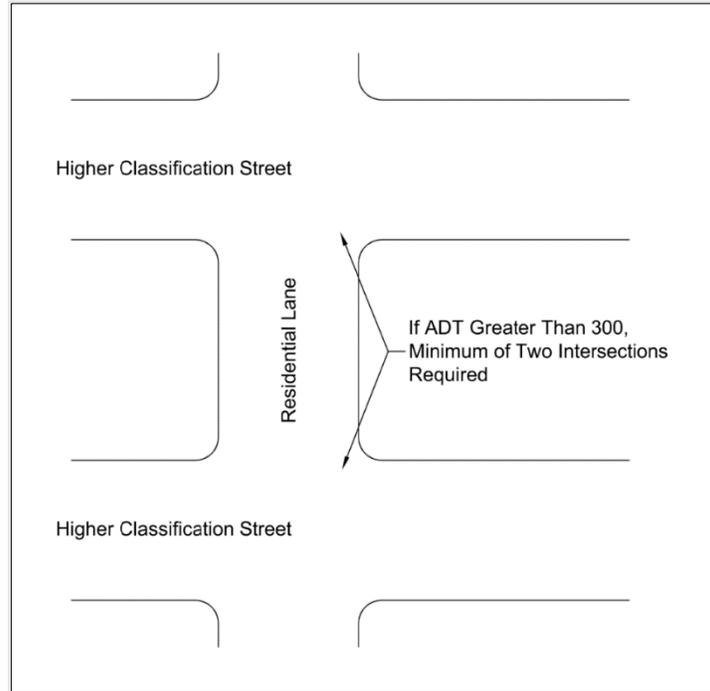
Residential Lanes are designed to provide access to individual properties as well as access to the higher classification street network. The residential Lane provides for neighborhood circulation and may carry neighborhood traffic and through movements. Residential Lanes differ in design depending upon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

B | DESIGN CAPACITY AND SERVICE RESTRICTION

The residential Lane is designed to convey an ADT volume in the range of 150 to 500 trips.

C | STREET CONNECTIONS

FIGURE 10: STREET CONNECTIONS FOR RESIDENTIAL LANE



If the total design traffic exceeds 300 ADT volume, a residential Lane shall be provided with no fewer than two access intersections to streets of higher classification in the street hierarchy.

3.4.3.3 | RESIDENTIAL SUB-COLLECTOR STREET

A | STREET FUNCTION

The residential Sub-collector street provides access to individual properties and collects and distributes neighborhood traffic from residential streets to Collector and Arterial streets.

B | DESIGN CAPACITY AND SERVICE RESTRICTION

The residential Sub-collector street is intended to serve anticipated traffic volumes ranging from 500 to 2,000 trips per day.

Whenever possible, residential Sub-collector streets shall be designed to have no residential lots fronting directly on them. When this is not possible, the amount of residential frontage shall not exceed the limits set forth in the accompanying chart.

In addition, only lots having frontages of 100 feet or more may front on Collector streets and space shall be provided on these lots for turnaround so that vehicles will not have to back onto Collector streets.

TABLE 8: PERCENT OF THE TOTAL LENGTH OF RESIDENTIAL SUB-COLLECTOR STREETS WHICH MAY HAVE RESIDENTIAL LOTS FRONTING ON AND TAKING ACCESS FROM THE COLLECTOR STREET

TABLE 8 PERCENT OF THE TOTAL LENGTH OF SUB-COLLECTOR STREETS WHICH MAY HAVE RESIDENTIAL LOTS FRONTING ON AND TAKING ACCESS FROM THE COLLECTOR STREET				
ADT LEVEL	500-1000	1000-1500	1500-2000	2000+
% OF ALLOWABLE ACCESS FRONTAGE	50%	20%	5%	0%

3.4.3.4 | RESIDENTIAL COLLECTOR STREET

A | STREET FUNCTION

Residential Collector streets collect and distribute traffic from residential Collector and other residential streets to the Arterial transportation systems.

B | DESIGN CAPACITY AND SERVICE RESTRICTION

The residential Collector street is designed for anticipated traffic volumes ranging from 2,000 to 6,000 trips per day.

Residential Collector streets shall be designed to have no residential lots fronting directly on them.

3.4.4 | GENERAL DESIGN

The general design of all public ways shall conform to the standards in Tables 8 and 9, that follow, hereafter.

3.4.4.1 | RIGHTS-OF-WAY AND PAVEMENT WIDTH

Minimum rights-of-way and pavement width shall be provided as required to meet the design standards for the various classifications of streets set out in Tables 8 and 9.

A | REDUCTION IN RIGHT-OF-WAY WIDTH

The City may reduce the required rights-of-way width for residential streets under the following conditions”.

1. The site is located within a Planned Development under applicable provisions of the [Zoning Ordinance](#), absolute minimum right-of-way width being 50 feet.
2. The potential for future development will alter neither the street classification nor the design standards proposed. As a condition for varying the right-of-way requirements, the City may require binding agreements to ensure no additional access to or use of the street.
3. In no instance shall a right-of-way be less than 50 feet. In granting the reduced right-of-way width, it shall be determined that sufficient width will be available to provide for all the following (unless separate right-of-way for them is being provided elsewhere to the satisfaction of the City):
 - Pavement
 - Pedestrian and/or bicycle paths
 - Curbs
 - Street Trees or other planting strips
 - Shoulders
 - Turning lanes
 - Utility Easements
 - Cut or fill slopes at the discretion of the City Engineer (the right-of-way shall extend five feet beyond the crest or toe of these slopes)
 - Drainage Swales

B | INCREASE IN RIGHT-OF-WAY WIDTH

The City may increase the required right-of-way width for residential streets under the following conditions:

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

TABLE 9: MINIMUM RIGHT-OF-WAY OR EASEMENT AND PAVEMENT WIDTH (IN FEET) BY STREET TYPE AND INTENSITY OF DEVELOPMENT

TABLE 9 MINIMUM RIGHT-OF-WAY AND PAVEMENT WIDTH				
	RESIDENTIAL		NON-RESIDENTIAL	
	RIGHT-OF-WAY	PAVEMENT	RIGHT-OF-WAY	PAVEMENT
ALLEY	25	20	N/A	N/A
PLACE	50	24	N/A	N/A
LANE	50	24	50	24
SUB-COLLECTOR ADT = 500 - 2000	60	24	62	36
COLLECTOR ADT = 2000 - 6000	62	38	62 - 74*	36 - 48*
ARTERIAL	**	**	**	**

NOTES:

* = As approved by the City Engineer.

** = As designated by the Major Thoroughfare Plan.

TABLE 10: GENERAL DESIGN STANDARDS FOR STREETS

TABLE 10 GENERAL DESIGN STANDARDS FOR STREETS		
	RESIDENTIAL	NONRESIDENTIAL
DESIGN SPEED (MPH)		
ALLEY	25	N/A
PLACE	25	N/A
LANE	30	30
SUB-COLLECTOR STREET	35	35
COLLECTOR STREET	40	40
ARTERIAL	*	*
MAXIMUM PERCENTAGE GRADE		
CUL-DE- SAC (Circular Area Only)	6%	6%
ALLEY	10%	10%
PLACE	12%	N/A
LANE	10%	10%
SUB-COLLECTOR STREET	10%	7%
COLLECTOR STREET	7%	7%
ARTERIAL	6%	6%
MINIMUM PERCENTAGE GRADE		
ALL STREETS	1%	1%
MAXIMUM SUPER-ELEVATION (foot/foot)		
	0.08	0.08
MINIMUM STOPPING SIGHT DISTANCES (in feet)		
ALLEY	115	N/A
PLACE	150	N/A
LANE	200	200
SUB-COLLECTOR STREET	250	250
COLLECTOR STREET	305	305
MINIMUM RADIUS OF RETURN AT INTERSECTIONS		
AT RIGHT-OF-WAY	25 Feet	40 Feet
AT PAVEMENT	30 Feet	45 Feet
MAXIMUM GRADE AT INTERSECTIONS		
ALLEY (50 FT. FROM E.O.P.)	6%	N/A
PLACE (50 FT. FROM E.O.P.)	3%	N/A
LANE (50 FT. FROM E.O.P.)	3%	3%
SUB-COLLECTOR STREET (100 FT. FROM E.O.P.)	3%	3%
COLLECTOR STREET (100 FT. FROM E.O.P.)	3%	3%
PAVEMENT CROWN		
The paved surface shall slope downward from the centerline of the street outward to the edge of the paved surface on each side at a rate of 2% or as defined in the Hendersonville Construction Standards and Specifications		
TURNAROUND STANDARD (NO OUTLET STREETS)		
As specified in the Hendersonville Construction Standards and Specifications		
STOPPING SIGHT DISTANCE**		
Measured from a driver's eye (3.5 feet above pavement) to a point 6 inches above the pavement at a required distance based on miles per hour.		

NOTE:

* = As determined by the Major Thoroughfare Plan

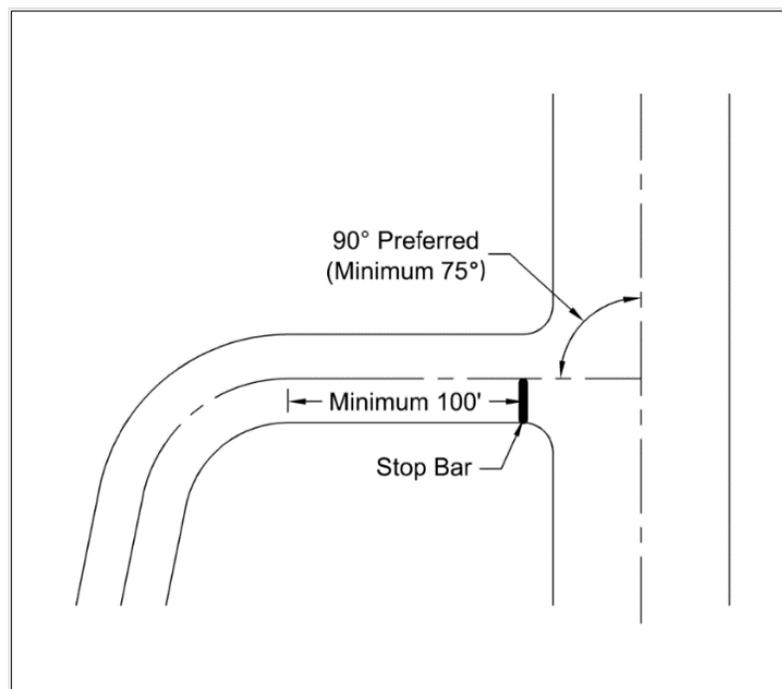
**=In accordance with AASHTO: A Policy on Geometric Design of Highways and Streets (most recent edition) Chapter 9.

2. A slope easement in excess of the right-of-way designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be steeper than three to one (3:1). Where solid rock is encountered, slopes shall be no steeper than one-half to one (1/2:1).
3. The pavement and right-of-way sections appearing herein are not designed to permit on-street parking, except in emergency situations. Where on-street parking is to be permitted, eight feet of additional width shall be added for each parallel parking lane.

3.4.4.2 | INTERSECTIONS

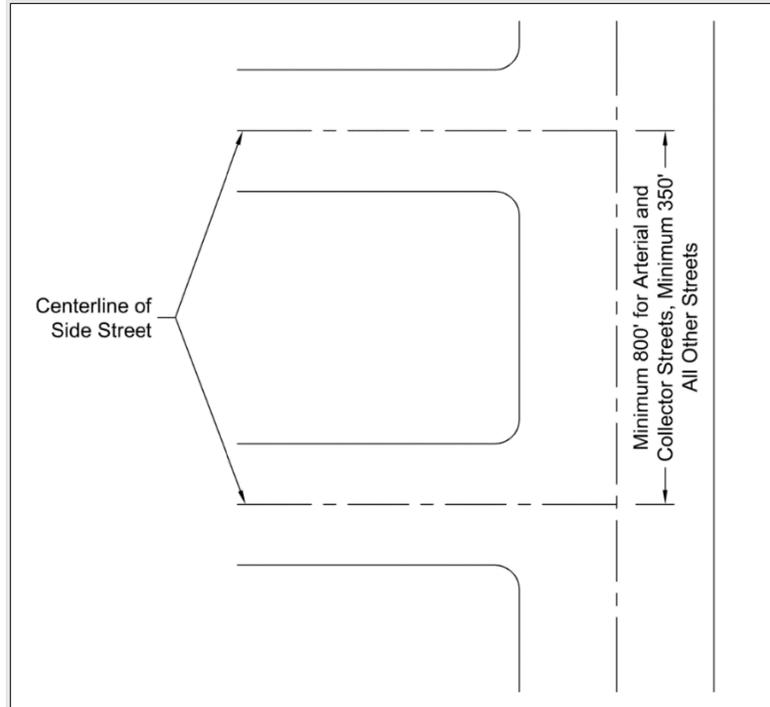
- A. Pavement shall intersect as nearly as possible to a 90-degree angle for a minimum of 100 feet from the stop bar. A proposed intersection of two new public ways at an angle of less than 75 degrees shall not be permitted. Not more than two public ways shall intersect at any one point, unless specifically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

FIGURE 11: INTERSECTION ANGLE



- B. Centerline off-sets of less than 350 feet between T-type intersections within public ways shall not be permitted, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where public ways intersect Arterial or Collector routes, the alignment of such streets shall be continuous. Intersections of Arterial or community Collector streets shall be at least 800 feet apart.

FIGURE 12: CENTERLINE OFF-SETS



- C. Whenever a proposed street intersects an existing or proposed street of higher order in the street hierarchy, the street of lower order shall be made a stop street. The street of lower order shall also be designed to provide a minimum clear intersection sight distance as specified in Table 10, or in accordance with AASTHO: A Policy on Geometric Design of Highways and Streets (most recent addition), whichever is most restrictive shall apply. The City Engineer reserves the right to revise sign placement.
- D. Where a public way intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the sub-divider shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate clear sight distance. The developer shall provide assurance of continuing maintenance for clear sight triangle concerns.

TABLE 11: MINIMUM INTERSECTION SIGHT DISTANCE "Y"

TABLE 11 MINIMUM INTERSECTION SIGHT DISTANCE		
MAJOR ROAD TYPE	DESIGN SPEED	Y (in feet)
HIGHER ORDER STREET	55 MPH	610
HIGHER ORDER STREET	50 MPH	555
HIGHER ORDER STREET	45 MPH	500
COLLECTOR	40 MPH	445
SUB-COLLECTOR	35 MPH	390
RESIDENTIAL ACCESS LANE	30 MPH	335
RESIDENTIAL ACCESS PLACE	25 MPH	280

NOTE: The entire area of the clear sight triangle shall be designed to provide an unobstructed view across it from three and one-half feet to all points three and one-half feet above the roadway along the centerline of each travel lane.

- E. Intersections shall be designed as shown in Table 8 with a grade of one to three percent.
- F. The cross-slope on all public ways, including intersections, shall be two percent or as specified by the Hendersonville Construction Standards and Specifications or otherwise specified in this document or by the City Engineer.

3.4.4.3 | ACCELERATION AND DECELERATION LANES

- A. Deceleration or turning lanes may be required by the City Engineer along existing and proposed streets as determined by a traffic impact study (TIS).
- B. Deceleration Lanes shall be designed to the following standards:
 1. On a State Route, the lane shall be designed in conformance with the requirements of the Tennessee Department of Transportation or as approved by the City Engineer, whichever is greater.
 2. The lane width shall be the same as the required width of the roadway moving lanes for its full stacking length.
 3. A taper shall begin at the end of the deceleration lane and shall be eight to one (8:1) up to 30 mph and fifteen to one (15:1) up to 50 mph.
 4. The minimum lane length shall be as follows:

TABLE 12: MINIMUM LANE LENGTH

TABLE 12 MINIMUM LANE LENGTH	
DESIGN SPEED OF ROAD LENGTH	MINIMUM DECELERATION LANE
30 MPH	235 Feet
40 MPH	315 Feet
50 MPH	435 Feet

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

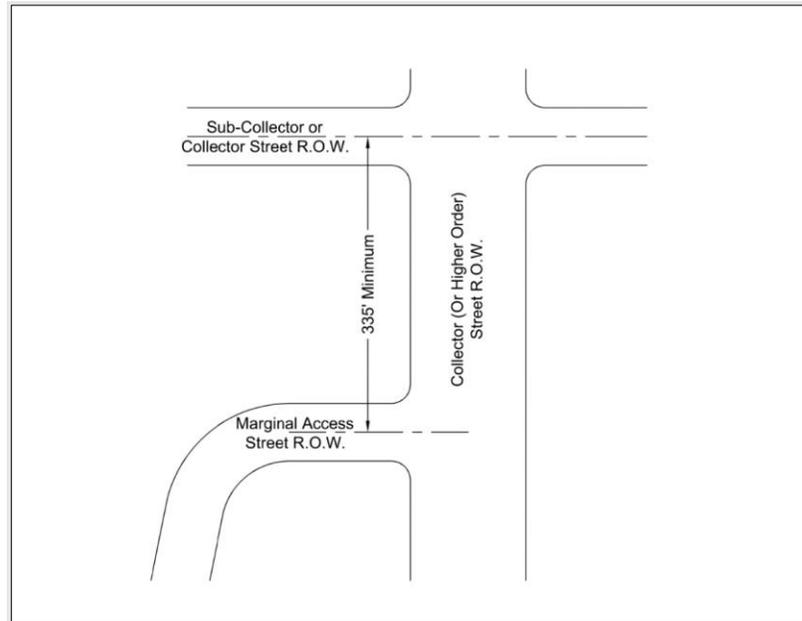
3.4.4.4 | FRONTAGE STREETS AND ONE-WAY STREETS

A | CLASSIFICATION AND DESIGN OF MARGINAL ACCESS STREETS

Frontage or marginal access streets may be used as an alternative to creating a row of lots along existing or proposed Collector or higher order streets. Marginal access streets shall be classified and designed to conform to the design standards and service restrictions of either Places or Lanes, as anticipated daily traffic may dictate.

1. INTERSECTION SPACING

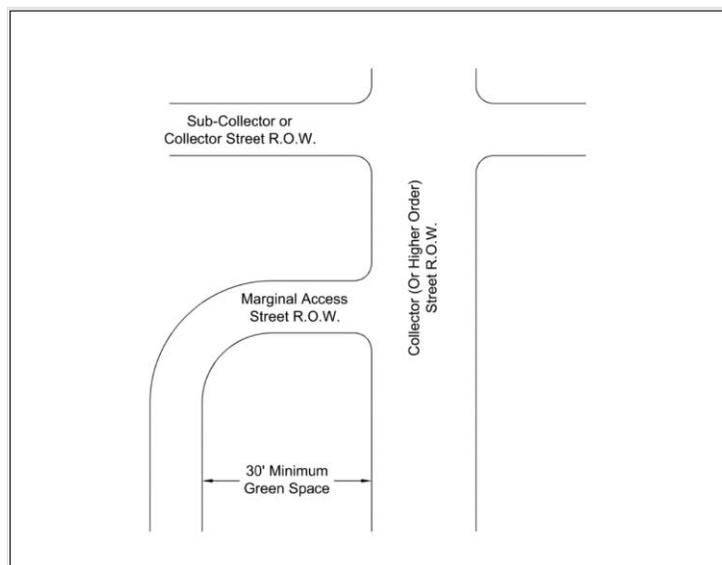
FIGURE 13: INTERSECTION SPACING



The minimum distance between intersections of the marginal access street with minor or residential Collectors shall be 335 feet. Minimum distances with higher order streets shall be determined by the City Engineer based upon the traffic characteristics of the higher order street.

2. DISTANCE BETWEEN TRAVELWAYS

FIGURE 14: DISTANCE BETWEEN TRAVELWAYS



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

B | UTILIZATION AND DESIGN OF ONE-WAY STREETS

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

3.4.4.5 | ARRANGEMENT OF DEAD-END STREETS

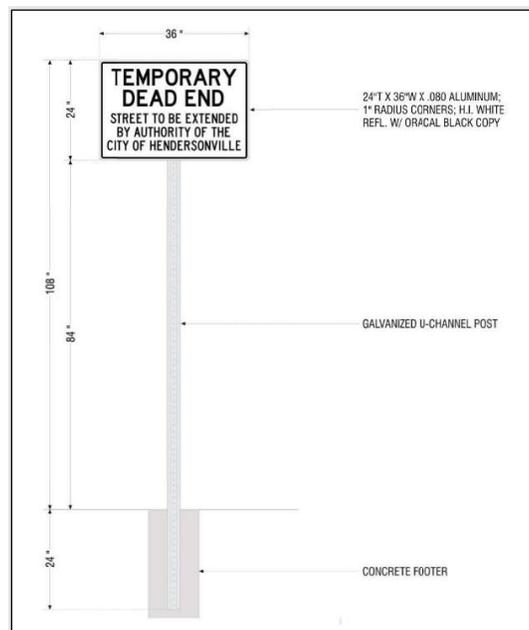
A | TEMPORARY STUB STREETS

1. RESIDENTIAL PLACE STUB STREETS

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

All temporary stub streets shall have a temporary dead-end sign per the spec in Figure 15 (Temporary Dead-End Sign).

FIGURE 15: TEMPORARY DEAD-END SIGN

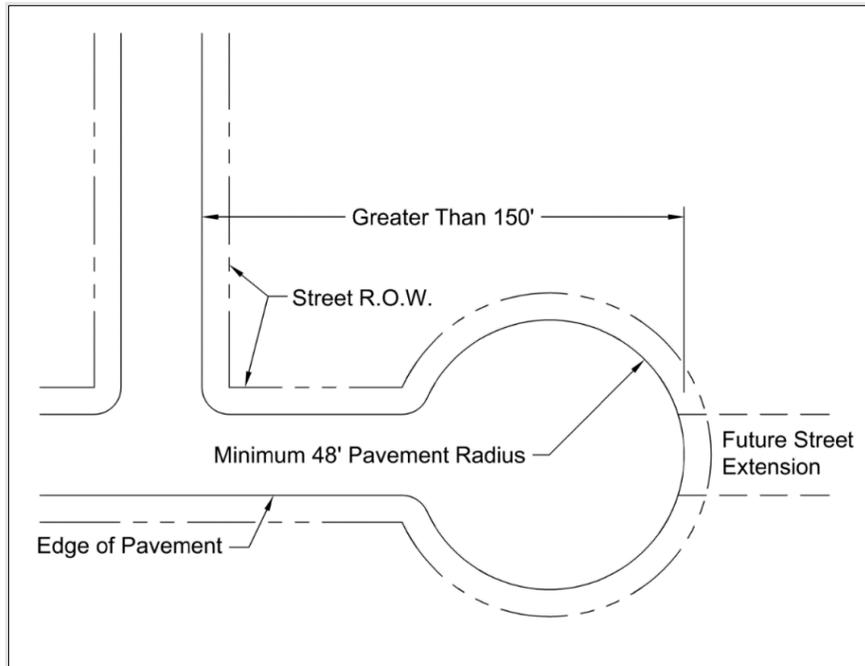


2. COLLECTOR AND LANE STUB STREETS

Collector and Lane stub streets may be permitted or required by the City on Collector streets provided that the future extension of the street is deemed desirable by the City and conforms to the adopted Major Thoroughfare Plan, if applicable.

3. TEMPORARY TURNAROUNDS

FIGURE 16: TEMPORARY TURNAROUNDS

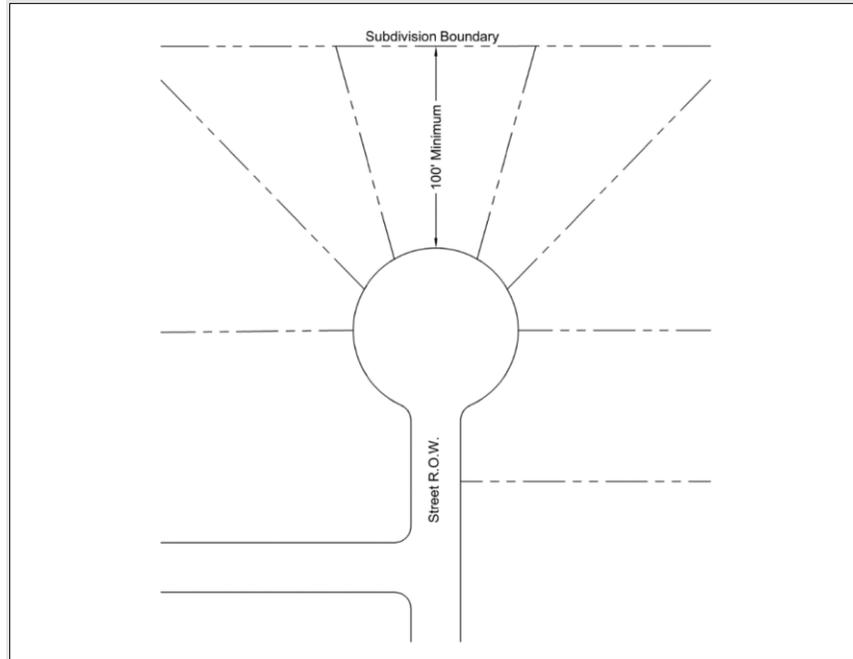


All stub streets shall be provided with an approved turnaround to an outside radius of 48 feet and all stub streets greater than 150 feet long require an approved turnaround. No turnaround is required if the stub street provides access to two or less lots or housing units. In the latter case, a sign indicating a dead-end street shall be posted, unless otherwise required by emergency services or the City Engineer.

B | PERMANENT DEAD-END PUBLIC WAYS

1. GENERAL DESIGN STANDARDS

FIGURE 17: PERMANENT DEAD-END PUBLIC WAYS



Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall not be nearer to such boundary than 100 feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a dead-end public way in accordance with the design standards of these regulations.

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

2. DESIGN OF TURNAROUNDS

The type of turnaround required shall be determined by the Planning Commission based upon recommendation of the City Engineer. Turnarounds shall be designed to accommodate emergency and service vehicles, as well as passenger cars, and shall not exceed six percent grade. The maximum length of a street leading to turnarounds shall be 800 feet, unless otherwise approved by the City Engineer. The Planning Commission will consider alternative shapes for terminations when the street is located upon steep slopes and excessive cut or fill will be required to meet the design standards of the typical sections.

3.4.4.6 | RAILROADS AND LIMITED ACCESS HIGHWAYS

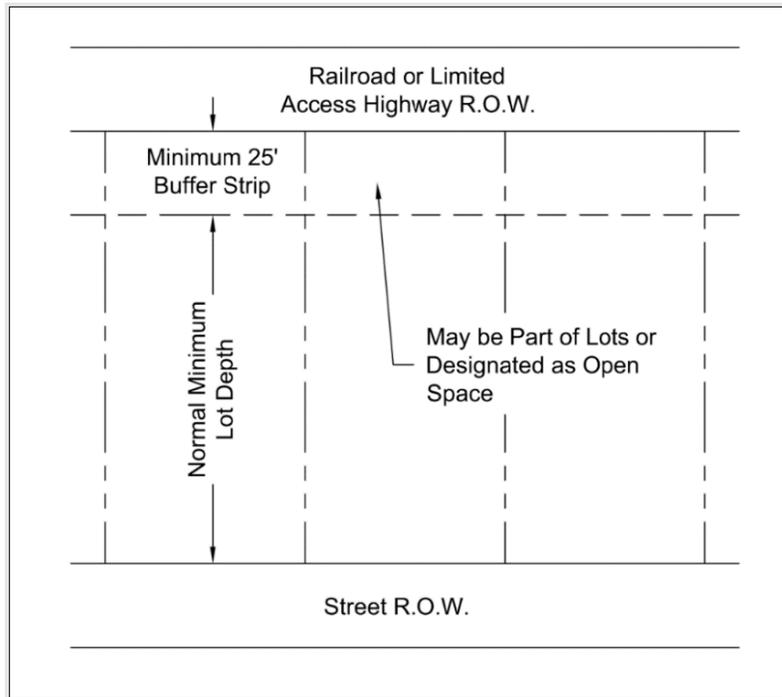
Railroad right-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

- A. In residential areas, a buffer strip of at least 25 feet in depth in addition to the normally required depth of the lot shall be required adjacent to the railroad right-of-way or limited access highway. This strip may be part of the platted lots or protected as open space and shall be designated with the following notation:

“This strip is reserved for screening; the placement of structures herein is prohibited.”

Where this screening strip is held in common ownership it shall be maintained by a homeowners’ association.

FIGURE 18:BUFFER STRIP



- B. In commercial or industrial areas, the nearest public way extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial usage.
- C. Public ways parallel to a railroad, when intersecting a public way which crosses the railroad at grade, shall to the extent practicable, be a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

3.4.4.7 | BRIDGES

Bridges of primary benefit to the sub-divider, as determined by the Planning Commission, shall be constructed at the full expense of the sub-divider without reimbursement from the

governing body. Bridge design shall be in accordance with appropriate Tennessee Department of Transportation (TDOT) specifications and stamped by a Tennessee licensed engineer.

3.4.4.8 | TEMPORARY CONSTRUCTION ROUTES

In any instance where temporary construction routes are proposed within a subdivision and such routes are designed and intended to serve as accesses only during the period of construction of such development, the removal of such routes shall be guaranteed by the surety.

3.5 ROAD CONSTRUCTION SPECIFICATIONS

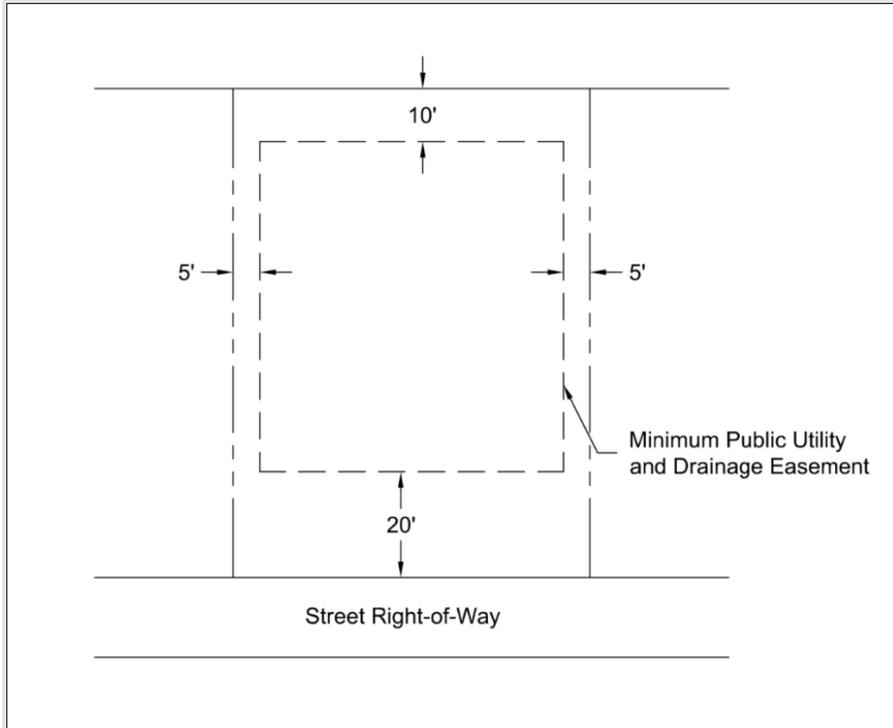
Road construction specifications shall be in accordance with Tennessee Department of Transportation (T.D.O.T.) standards or as determined by the City Engineer. These specifications shall be the minimum standards for construction of public or private improvements located within any subdivision within the jurisdictional area.

3.6 DRAINAGE AND STORM SEWERS

3.6.1 | GENERAL REQUIREMENTS

All plats shall make adequate provisions for stormwater management facilities, flood control facilities, and/or permanent stormwater control measures. The stormwater drainage system shall be separate and independent from any sanitary sewer system. Each lot shall have necessary drainage easement on each lot line. Public utility and Drainage Easements of at least 20 feet wide in the front and five feet on the sides and 10 feet on rear along each lot line shall be required for ditches or for pipes with diameters of sixty 60 inches or less. Easements at least 24 feet in width, or as required by the City Engineer, shall be required for pipes over 60 inches in diameter. The following notation regarding the use of these easements shall be made upon all plats:

FIGURE 19: TYPICAL LOT WITH EASEMENTS



“Public utility easements where shown hereon are intended to indicate an easement for construction, operation, and maintenance of public utilities including, but not limited to, sanitary sewers, water lines, telephone signal conduits, electric conductors, and natural gas lines. Drainage easements are intended to indicate an easement for construction and maintenance of drainage facilities. The maintenance of drainage facilities is the responsibility of the owner of the property whereon such facilities are located.”

3.6.2 | NATURE OF STORMWATER FACILITIES

3.6.2.1 | STORMWATER DESIGN AND CONSTRUCTION SPECIFICATIONS

The stormwater design and construction specifications included in these regulations, or within the Hendersonville Stormwater Ordinance, shall be the minimum standards for any subdivision within the jurisdictional area; whichever is most restrictive shall apply.

3.6.2.2 | LOCATION

The sub-divider shall be required to transport by engineered conveyance any spring or stormwater that may exist prior to or as a result of any subdivision. Such drainage facilities shall be located in the public right-of-way, wherever feasible, or in perpetual unobstructed easements of appropriate width. These facilities shall be constructed in accordance with the construction specifications contained in the Hendersonville Construction Standards and Specifications and Hendersonville Municipal Code

3.6.2.3 | ACCESSIBILITY TO PUBLIC STORM SEWERS

Where a public storm sewer is accessible, the developer shall install stormwater management facilities, or if no facilities are within 1,000 feet, adequate provision shall be made for the disposal of stormwater, subject to the specifications contained herein.

3.6.2.4 | ACCOMMODATION OF UPSTREAM DRAINAGE AREAS

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

3.6.2.5 | EFFECT ON DOWNSTREAM DRAINAGE AREAS

The sub-divider shall prepare and submit to the City Engineer a study of the effect of each subdivision on existing downstream properties and drainage facilities outside the area of the subdivision.

Pre-development and post-development runoff rates, volumes, and velocities for the two-, five-, 10-, 25-, 50-, and 100-year occurrences, as determined using the SCS TR-55 method, or approved equal, along with associated calculations and maps shall be submitted with a stormwater drainage report prepared by a Tennessee Registered Engineer. If increased runoff rate or total volume impacts downstream drainage, then these structures shall be improved with the permission of the appropriate property owners, at the developer's expense. It shall be the responsibility of the developer to obtain permission from the property owners to make these improvements. If existing drainage easements do not exist, the Planning Commission may require that they be obtained by the developer.

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

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

Controlled releases of discharge from a detention basin shall include "v-notch", rectangular or other weir configurations which prevent increased discharge (above pre-development conditions) for storm events of two-, five-, 10-, and 25-year occurrences. The developer shall

ensure that one hundred (100) year design storm can be managed safely by the detention facility, incorporating spillways as necessary.

Stormwater management facilities and permanent stormwater control measures shall be platted as perpetual drainage easements and shall be maintained by the property owner or the owner's association, as applicable. The City will in no way be responsible for maintenance of detention/retention facilities on private property. In the case of an emergency or in consideration of safety, the City may perform work to relieve the situation at the owner's expense. Estimated increases in discharge velocity shall be mitigated by energy dissipation devices where required to prevent erosion.

Within subdivisions where homeowners' associations exist, the association shall maintain all stormwater management facilities, permanent stormwater control measures, and water quality riparian buffers as open space and with a perpetual easement. If no homeowners' association exists, the lot owner shall maintain such facilities. The developer shall record copies of the covenants, codes, restrictions, and/or homeowners' association charter and bylaws with the City and shall comply with all requirements of the Hendersonville Stormwater Ordinance, to include providing Sumner County recording information (book and page number) for inspection and maintenance agreements.

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

3.6.2.6 | AREAS OF POOR DRAINAGE

In general, areas of poor drainage shall be classified as "land unsuitable for development" (see Subchapter [3.1.3.1 \(Land Unsuitable for Development\)](#)) and shall not be included in streets and lots. In any instance where it may be necessary to locate a roadway in an area subject to flooding that is not located within the 100-year regulatory flood boundary, the Planning Commission may approve such subdivision; provided, the applicant fills the affected flood area of said subdivision to place public way elevations no lower than one foot above the known flood elevation.

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

As general policy, sinkholes shall be classified as "land unsuitable for development" (see [Subchapter 3.1.3.1 \(Land Unsuitable for Development\)](#)) and shall not be included in streets and lots. When sinkholes are encountered, the limits of standing water shall be determined

by a Tennessee Licensed and Professional Engineer. Any alteration of a sinkhole or the drainage pattern of the area shall receive prior approval by the Planning Commission.

3.6.2.7 | FLOODWAY AREAS

In all instances, the regulatory floodway shall be preserved from all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any subdivision that contains flood prone land shall be subject to the special provisions set forth in [Subchapter 3.2.1.3 \(Lots Subject to Flood\)](#) of these regulations.

3.6.2.8 | STORMWATER DETENTION AND DISCHARGE CONTROL

The general policy of the City is to provide detention for any increased volume or velocity of water run off generated by a development. The major factors in evaluating drainage designs will be the effect of increased runoff rates on downstream water levels and the proximity of any structures.

3.6.2.9 | WATER QUALITY RIPARIAN BUFFER

A water quality riparian buffer shall be established, protected, and maintained along all streams for developments or redevelopments that meet the requirements specified in H.M.C. 18-203. The goal of the water quality riparian buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. The water quality riparian buffer zone is required to protect Waters of the State located within or immediately adjacent to the boundaries of the project, as identified using methodology from standard operating procedures for hydrologic determinations. Vegetated, preferably native, water quality riparian buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration, and evapotranspiration. Refer to the Stormwater Ordinance for water quality riparian buffer zone requirements.

3.6.3 | DEDICATION OF DRAINAGE EASEMENTS

3.6.3.1 | GENERAL REQUIREMENTS

Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way substantially conforming to the lines of the 100-year flood elevation of such watercourse, or the minimum required water quality riparian buffer as measured from top of bank; the most restrictive will apply. Where new open drainageways are used, they shall be designed for the 25-year frequency flood.

3.6.3.2 | DRAINAGE EASEMENTS

- A. Where topography or other conditions are such as to make impracticable inclusion of drainage facilities within the public right-of-way, perpetual unobstructed easements at least 20 feet in width for such facilities shall be provided across property outside the public way lines and with satisfactory access to public ways. Easements shall be indicated on the Preliminary and Final Subdivision Plats. Drainage easements shall be carried from the public way to a natural watercourse or to other drainage facilities.
- B. When downstream drainage improvements are proposed that will require additional easements across private land outside the subdivision, appropriate drainage easements must be secured by the developer and indicated on a plat amendment for that property.
- C. The applicant shall dedicate, when required by the Planning Commission, either in fee, or by drainage or conservation easement, the land on both sides of an existing watercourse for a distance to be determined by the City Engineer.

3.7 WATER FACILITIES

3.7.1 | GENERAL REQUIREMENTS

The water distribution system (fire mains and hydrants) shall be sized for the ultimate tributary population and shall meet the fire flow requirements of the Hendersonville Fire Department through the provisions of the latest edition of N.F.P.A. 1141 Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas). In cases where a water supply system consisting of mains and fire hydrants does not exist, the provisions of the latest edition of N.F.P.A. 1142 (Standard on Water Supplies for Suburban and Rural Firefighting) shall apply. For the purpose of this section, the fire department recognizes the required fire flows as established by the version if the International Fire Codes (IFC) currently adopted by the City of Hendersonville.

Water supply systems not publicly owned and installed shall meet the minimum requirements of N.F.P.A. 24 (Standard for the Installation of Private Fire Service Mains and Their Appurtenances). Water supplies shall be capable of supplying the required fire flow for at least one hour for fire flows of 1,500 gallons per minute (GPM) or less at 20 psi. or for two hours for fire flow greater than 1,500 GPM at 20 psi. The contractor or installer of water supply systems shall demonstrate by actual test that the capacity of the water supply systems will meet fire protection requirements.

NOTE: The above requirement is based on the required fire flow established by the version of the International Fire Code (IFC) currently adopted by the City of Hendersonville.

3.7.2 | FIRE HYDRANTS

3.7.2.1 | SPACING AND LOCATIONS

For commercial districts or commercial subdivisions, there shall be one or more hydrants at each street intersection depending on the required fire flow, with intermediate hydrants so that they are not over 300 feet apart. Distance between installed fire hydrants shall not exceed 300 feet, unless fire department operations or technology would otherwise dictate increased spacing.

For buildings exceeding 20,000 square feet in ground flood area, a fire hydrant shall be installed within 300 feet of any portion of the building. Actual location of fire hydrants shall be as required by the Fire Department prior to installation.

For residential districts or residential subdivisions, there shall be a hydrant at each street intersection with intermediate hydrants so that they shall be spaced not over 500 feet apart.

Fire hydrants shall be installed in accordance with the Standards of the American Waters Works Association. Hydrants shall have not less than a six-inch connection with the mains. A valve shall be installed in the hydrant connection.

Fire hydrants shall be supplied by not less than a six-inch diameter main installed on a looped system, or not less than an eight inch diameter main if the system is not looped, or the fire hydrant is installed on a dead-end main exceeded 300 feet in length.

NOTE: Commercial districts include business, industrial, warehouse, institutional, educational, hotel, places of worship, and multi-family residential occupancies.

Fire hydrants are needed in sufficient numbers to permit delivery of the needed fire flow utilizing typically available quantities of fire hose and pumper capacities. The ISO has developed a reasonable and easily applied method for fire hydrant distribution evaluation for consideration in the case of each protected property. The ISO method takes into account the design of the fire hydrant, distance from the property and size of hydrant branch and riser. The recommended ISO hydrant credit system is illustrated below in Table 13:

TABLE 13: HYDRANT DISTANCE

TABLE 13 HYDRANT DISTANCE			
HYDRANT TYPE	0 - 300 Feet	301 - 600 Feet	601 - 1,000 Feet
1 - 4 - 1/2" Outlet	1,000 GPM	670 GPM	250 GPM
1 - 2 - 1/2" Outlet	1,000 GPM	670 GPM	250 GPM
2 - 2 - 1/2" Outlet	750 GPM	670 GPM	250 GPM
1 - 2 - 1/2" Outlet	500 GPM	500 GPM	250 GPM
RISER OR BRANCH			
Less than 6"	250 GPM	250 GPM	250 GPM

3.7.2.2 | HYDRANT TYPES

When new fire hydrants are required, single pumper hydrant types shall be used for all new development. The type and location of each fire hydrant shall be designated by the Hendersonville Fire Department and approved by the governing utility district.

All fire hydrants shall be iron bodied, fully bronze mounted, hydrants manufactured to equal or exceed AWWA Specification C503-18. Hydrants shall be suitable for 150 PSI working pressure and shall be subjected to a test pressure of 300 PSI. Inlet connection shall be six inches mechanical joint unless noted otherwise on project drawings. The main hydrant valve shall be compression type, closing with the pressure, with 5 ¼ inch opening.

Hydrants shall be of the “dry head” type with an oil reservoir and provision for automatic lubrication of stem threads and bearing surfaces each time the hydrant is operated. Double O-ring seals shall be provided to keep water out of the hydrant top. The operating nut shall be 1 ½ inch pentagon, opening to left, and shall be equipped with a weather cap.

Hydrants shall be provided with automatic multiport drain ports arranged to momentarily flush under pressure each time the hydrant is operated. A positive stop shall be provided on the operating stem to prevent over travel when operating the valve.

Fire hydrants shall be supplied with a bituminous coating along the buried portion of the hydrant and a “chrome yellow” enamel finish for above ground portions of the hydrant.

A | SINGLE PUMPER HYDRANT

The single pumper fire hydrant shall be Mueller A-423 or equal.

Single pumper fire hydrants shall be equipped with two 2 ½ inch hose nozzles, one 4 ½ inch pumper nozzle, a breakable safety flange, and safety stem coupling.

3.7.2.3 | VALVES

Fire service main system shall have sectional controlling valves at appropriate points, in order to permit sectionalizing the system in the event of a break or for the making of repairs or extensions. A sufficient number of valves should be provided so that a break or other failure will not affect more than 1/4 mile of arterial mains.

There shall be a valve at each street intersection with intermediate valves so that they are not over 500 to 1,000 feet apart in commercial districts and 800 to 1,500 feet apart in residential districts. The type and location of each valve shall be designated and approved by the governing utility district.

The regulations and specifications of the governing utility district shall otherwise apply to all design and construction of the water system where it has not been covered by these regulations.

To eliminate future road cuts on newly paved surfaces, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of a public way shown on the final subdivision plat, unless otherwise approved by the appropriate governmental official.

3.8 SEWAGE FACILITIES

3.8.1 | GENERAL REQUIREMENTS

The applicant shall install sanitary sewer facilities in a manner prescribed by the regulations of the Tennessee Department of Environment and Conservation and by any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit thereof.

3.8.2 | MANDATORY CONNECTION TO PUBLIC SEWER SYSTEM

1. When public sanitary sewers are accessible to the subdivision, as determined by the Planning Commission, the sub-divider shall provide such facilities to each lot therein and shall connect the facilities to public system. The sub-divider shall provide sewers that meet standards set forth in the regulations of the Tennessee Department of Environment and Conservation.
2. All sanitary sewer facilities located in a flood hazard area shall be floodproofed to the regulatory flood protection elevation. All sewer facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.
3. All public sanitary sewers shall be constructed utilizing materials that are A.S.T.M. and /or A.W.W.A. approved.

3.8.3 | INDIVIDUAL DISPOSAL SYSTEM REQUIREMENTS

If public sewer facilities are not available and individual disposal systems are proposed, the individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device shall be approved by the Tennessee Department of Environmental Conservation (TDEC). The entire individual disposal system, including all drainage fields associated therewith, shall be located within the area of fee simple ownership with the principal structure such system is to serve.

3.8.4 | DESIGN CRITERIA FOR SANITARY SEWERS

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

Note: All these items will be reviewed and approved by the appropriate authority.

3.9 UTILITY EASEMENTS

3.9.1 | PERMANENT EASEMENTS

Easements shall be provided for proposed utilities (private or public). Such public utility and drainage easements of at least 20 feet wide along the front and five feet along the sides and 10 feet along rear along each lot line. The sub-divider shall take such actions as necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within his development. All easements shall be indicated on the plat.

3.9.2 | TEMPORARY CONSTRUCTION EASEMENTS

Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project.

3.9.3 | STORMWATER MANAGEMENT FACILITIES AND PERMANENT STORMWATER CONTROL MEASURES INSPECTION AND MAINTENANCE EASEMENTS

Easements shall be provided for the inspection and maintenance of stormwater management facilities and permanent stormwater control measures. Such easements shall include adequate space for access and maintenance.

3.10 ELECTRICAL, TELEPHONE, AND TELEVISION SERVICE LINES

3.10.1 | UNDERGROUND UTILITIES

Following adoption of these regulations all electrical, telephone, and television service lines located within any subdivision approved under authority of these regulations shall be placed underground.

3.10.2 | ABOVE GROUND UTILITIES

Except as provided in [Subchapter 3.10.3 \(Exceptions\)](#), it shall be unlawful to erect or construct permanent above ground utility equipment (see definition) within any subdivision approved under authority of these regulations.

3.10.3 | EXCEPTIONS

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

1. Above ground utility equipment may be installed, maintained, and used by utility companies for a period not to exceed 90 days in order to provide emergency utility services. This time limit may be extended, if warranted, by the Planning Commission.
2. Utility equipment used for vehicular or pedestrian traffic control purposes.
3. Utility equipment appurtenant to underground facilities, such as service-mounted, pedestal-mounted, or pad-mounted transformers, terminal boxes, meters, and meter cabinets.
4. Temporary utility equipment used exclusively in conjunction with construction projects. Upon installation of permanent utility equipment, the temporary equipment shall be removed.
5. Fire hydrants, fire plugs, and other utility equipment used exclusively for fire-fighting purposes.
6. Telephone and television transmission towers.
7. Equipment installed by an electric utility which should not be installed underground for engineering or safety reasons.
8. Electrical transmission lines (see definition) and switch gear.

3.10.4 | STREETLIGHTS

The developer is required to install streetlights in all major subdivisions. Electrical service to these streetlights shall be underground. The spacing between lights, setback from the street, type of luminary, type and height of pole, installation specifications and other specifications shall be in accordance with utility provider requirements (NES/CEMC) and the Public Works Department Construction Standards and Specifications. Street lighting shall be shown on the subdivision's Final Subdivision Plat and shall include all electrical easements. The general location of street lighting should be shown on the subdivision's construction plans for informational purposes. It shall be the developer's responsibility to coordinate the installation of the streetlights with the utility company.

3.10.5 | INSTALLATION OF UNDERGROUND AND ABOVE GROUND UTILITIES

Installation of all underground and above ground utilities shall comply with the Hendersonville Construction Standards and Specifications and the Stormwater Ordinance.

3.11 PUBLIC USES

3.11.1 | PLAT TO PROVIDE FOR PUBLIC USES

Whenever a tract to be subdivided includes a school, recreational use, or other public use other than streets, as indicated on the Future Land Use and Transportation Plan, such tract shall be suitably incorporated by the developer into his plat when first presented for review by the Planning Commission.

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

3.11.2 | REFERRAL TO THE GOVERNMENTAL AGENCY CONCERNED

The Planning Commission shall refer any plat presented in accordance with [Subchapter 3.11.1 \(Plat to Provide for Public Uses\)](#), to the governmental agency concerned with acquisition of the land. The Planning Commission may propose alternate areas for such acquisition and shall allow the appropriate governmental agency 30 days for reply.

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

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

3.11.3 | NOTICE TO PROPERTY OWNER

Upon receipt of an affirmative report from the acquiring agency, the Planning Commission shall notify the property owner and shall designate on all plats any areas proposed to be acquired by any governmental agency.

3.11.4 | DURATION OF LAND RESERVATION

The acquisition of land reserved by a governmental agency plat shall be initiated with 24 months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a plat of proposed development and a tentative schedule of construction. Failure on the part of the governmental agency to initiate acquisition of the property within the prescribed 24 months shall result in the removal of the "reserved" designation from the property involved and freeing of the property for development in accordance with these regulations.

3.12 NON-RESIDENTIAL SUBDIVISIONS

3.12.1 | GENERAL

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

3.12.2 | NON-RESIDENTIAL STANDARDS

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

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of non-residential development anticipated.
2. Special requirements may be imposed by the governing body with respect to any public way, curb, gutter, sidewalk design, and construction specifications.

3. Every effort shall be made to protect adjacent residential areas from potential nuisances from the proposed non-residential subdivision, including provision of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, and when necessary; and
4. Public ways carrying non-residential traffic, especially trucks, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.

CHAPTER 4 | SPECIFICATION FOR DOCUMENTS TO BE SUBMITTED

- 4.1 | SKETCH SUBDIVISION PLAT
- 4.2 | PRELIMINARY SUBDIVISION PLAT
- 4.3 | CONSTRUCTION PLANS
- 4.4 | DEVELOPMENT AGREEMENT
- 4.5 | FINAL SUBDIVISION PLAT

4.1 SKETCH SUBDIVISION PLAT (NOT MANDATORY, OPTIONAL)

4.1.1 | GENERAL

Sketch Subdivision Plats submitted to the Planning Commission, shall be drawn to a scale no smaller than 200 feet to an inch.

4.1.2 | FEATURES

The sketch subdivision plat shall show:

1. A scale drawing of the property and the names of the owners of adjoining property.
2. Size of the original tract(s) being subdivided.
3. Notation of any existing legal rights-of-way or easements, or other encumbrances affecting the properties.
4. Approximate topography of the site, at no more than five (5) foot intervals, extended into adjacent properties.
5. Any areas which may be affected by flooding.
6. General public way and lot patterns.
7. Proposed phasing, if any.
8. Vicinity map of property.
9. Date and approximate north point.
10. Name of owner.
11. Name of plat designer.

- 12. Zoning classification; and
- 13. Location of all streets, intersections, and driveway openings within 250 feet of each of the boundaries of the proposed subdivision.
- 14. All waterbodies and watercourses and all required water quality riparian buffers.

4.2 PRELIMINARY SUBDIVISION PLAT (MAJOR SUBDIVISIONS ONLY)

4.2.1 | SITE ANALYSIS

Preliminary Subdivision Plats submitted to the Planning Commission are intended to provide an analysis of each site’s special features and the designer’s response to those features. Such plans are required for all major subdivisions as these plans form the basis of the design process of greenway lands, house locations, street alignments, and lot lines.

A site analysis shall accompany each Preliminary Subdivision Plat. As a minimum, the site analysis shall include:

- 1. The location of severely constraining elements such as steep slopes (over 15%) wetlands, watercourses, intermittent streams and 100-year floodplains, and all existing rights-of-ways and easements.
- 2. The location of significant features such as woodlands, tree lines, open fields or meadows, streams, wetlands, water quality riparian buffers, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, cemeteries, and existing structures, roads, tracks, and trails.

4.2.2 | FEATURES OF PRELIMINARY SUBDIVISION PLATS

The Preliminary Subdivision Plat shall be prepared at a convenient scale no smaller than 100 feet to an inch on sheets of county register plat book size. The scale shall be no smaller than 50 feet to an inch for developments with lots 15,000 square feet or smaller. The use of an appropriate smaller scale may be permitted for lots larger than two acres. The plat shall be prepared by electronic means and submitted as printed and digital copies. The plats shall be prepared using Tennessee State Plane Coordinate System. When more than one sheet is required, an index sheet of the same size shall be recorded showing the entire subdivision with the sheets numbered in sequence and how all other sheets fit together. The plat shall be prepared and certified by a Registered Land Surveyor licensed to practice land surveying in the State of Tennessee. The Preliminary Subdivision Plat shall include:

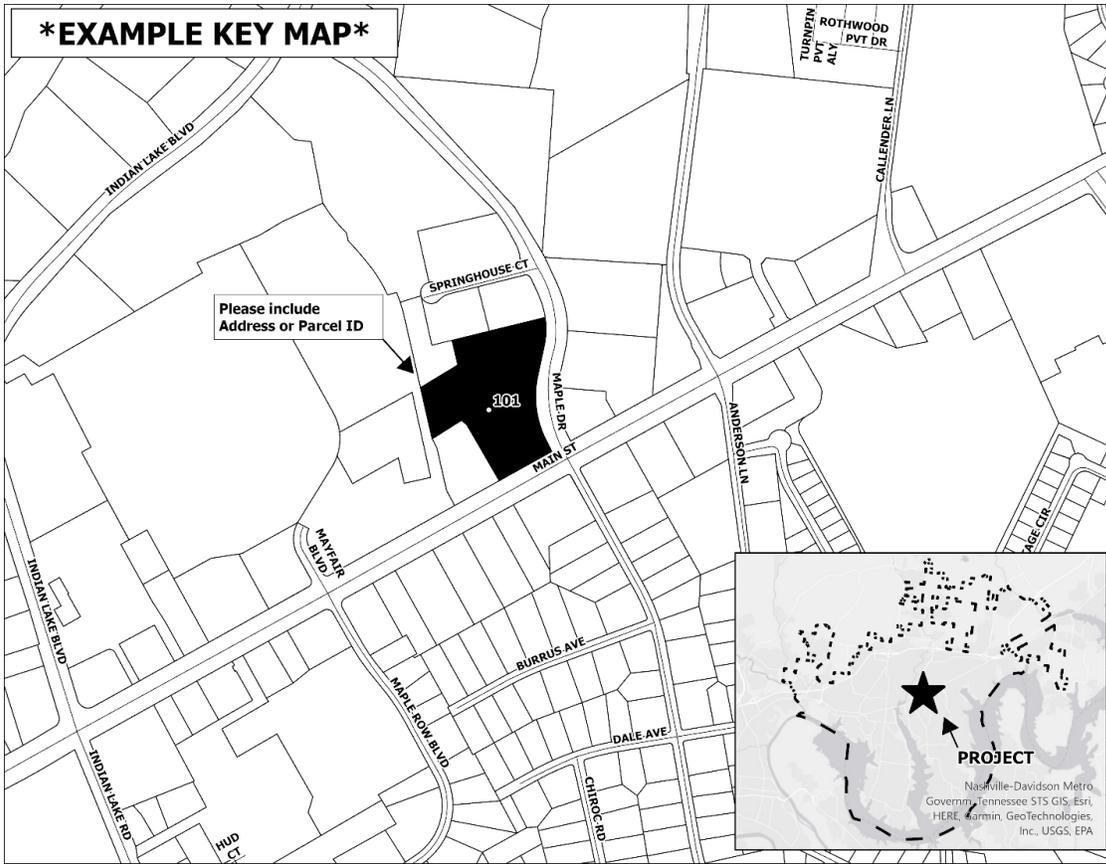
- 1. The location of the property to be subdivided with respect to surrounding properties and public way(s). Include the entire subdivision, or, when phasing is being requested,

section thereof, for which the preliminary approval is sought and all land immediately adjacent, extending 200 feet therefrom, or of that directly opposite thereto, extending 200 feet from the public way frontage of such opposite land. The lot pattern of surrounding development shall be shown within that area located within two hundred 200 feet of the proposed development.

2. The plat shall show the topographic contours with an interval of not more than two feet apart.
3. The names of all adjoining property owners of record, with the deed or record book and page reference or the names of adjoining developments.
4. The names of adjoining public ways.
5. Bearings shall be referenced to Tennessee State Plane or add adequate notes as to the reference.
6. The location of existing public ways, easements, water bodies, streams, water quality riparian buffers, and other prominent features, such as wetlands, swamps, railroads, buildings, parks, cemeteries, drainage ditches, sink holes, bridges, and other features as determined by the Planning Commission or the City Engineer.
7. The location and width of all existing easements, alleys, and other public ways, and building setback lines.
8. The location, dimensions, and area (to the nearest square foot) of all proposed or existing lots. All dimensions shall be field run to the nearest one hundredth (1/100) of a foot and angles to the nearest second. Provide three monuments within the subdivision.
9. Within proposed condominium and Horizontal Property Regime (HPR) developments, the position of all existing or proposed buildings.
10. Preliminary storm drainage design noting approximate volumes, direction of flows, the location of proposed stormwater management facilities and permanent stormwater control measures.
11. Proposed extension(s) of water and/or sanitary sewer service to the property along the proposed routing of such within the subdivision including fire hydrants.
12. Culverts and associated drainage structures located and sized along with necessary drainage easements, all other required utility easements.
13. The location of all "Land Unsuitable for Development" as specified [Subchapter-3.1.3.1](#) (Land Unsuitable for Development), of these regulations.

14. The location and dimension of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
15. The location and boundary of all open space with the proposed owner and designating the entity responsible for care, operation, and maintenance.
16. The limits of floodway and floodway fringe areas and the associated regulatory flood elevation and regulatory flood protection elevation, as determined according to flood maps or flood studies, as required.
17. The minimum finished floor elevation (FFE) of houses, or other enclosed structures, to be constructed on lots within the floodway fringe areas or other stormwater features which would warrant an FFE.
18. The date of the plat, approximate true north arrow, scale, and title flood elevation and regulatory flood protection elevation, as determined according to flood maps or flood studies as required.
19. Sufficient data to determine readily the general location, bearing, and length of all lines necessary to reproduce such lines upon the ground. The bearing, shown to the nearest second and length of all tangent lines of the property, figured to the nearest 100th of a foot. This shall include the radius, length, central angle, and tangent distance for the centerline of the curved public ways and curved property lines that are not the boundary of the curved public ways. The location of all monuments and pins shall be indicated on the plat.
20. Name of subdivision and all new public ways, as approved by the Planning Commission. All public ways need to be approved by Sumner County E911.
21. The zoning classification of all zoned lots, as well as an indication of all uses other than residential, proposed by the sub-divider.
22. The distance and bearing of one of the corners of the boundary of the subdivision, to the boundary of the existing public ways and to the original corner of the original survey of parcel of which it is a part.
23. Key map showing relation of the subdivision to all public ways, railroads, and water courses in all directions to a distance of at least one-half (1/2) mile (suggested scale: 1" inch 1,000 feet).

FIGURE 20: EXAMPLE OF KEY MAP



24. Property tax map parcel numbers as recorded on the land tax maps of the County.

25. The total acreage within the subdivision.

26. Lot numbers.

27. A table showing all lot numbers with respective sizes in square feet.

28. The following notations:

- A. Classification of easement: (e.g., public use, access, drainage, stormwater inspection and maintenance, utility, clear sight distance, etc.).
- B. Explanation of site easements.
- C. Explanation of reservations.
- D. For any lot where public sewer or water systems are not available, all of the following:
 1. Areas designated for use as septic fields by the Sumner County Department of Health and environment.

2. Water wells (existing and proposed), and
3. Rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features.

29. The name and address of the owner(s) of land to be subdivided, the sub-divider if other than the owner, and the stamp of the Land Surveyor preparing the plat.

30. For water quality riparian buffers, include a note on plans to reference protective covenants governing all water quality riparian buffer areas, labeled as: "Any water quality riparian buffer is subject to protective covenants recorded in the Register of Deeds (Sumner County). Disturbance and use of these areas is restricted; severe penalties apply;"

4.3 CONSTRUCTION PLANS

Construction plans shall conform to the City of Hendersonville Public Works' Department Construction Standards and Specifications and Stormwater Ordinance. Construction plans must contain all required information per the Construction Plans Checklist.

4.4 DEVELOPMENT AGREEMENT

The development agreement required by [Subchapter 2.6 \(Development Agreement Required Prior to Construction\)](#), shall be substantially as shown in [Appendix A](#) and shall be sufficient to assure construction of the following:

1. All off-site improvements required to serve the development.
2. All on-site improvements located within the section of the project contained within the construction plans, including improvements that are required to serve future portions of the development not contained within such plans.
3. All improvements required to serve the lots shown on the plan that are not constructed and offered for public acceptance prior to or concurrently with submittal of Final Subdivision Plats covering such lots.

4.5 FINAL SUBDIVISION PLAT

4.5.1 | GENERAL

The Final Subdivision Plat shall be prepared at a convenient scale no smaller than 100 feet to the inch on sheets of county register plat book size. The use of an appropriate smaller scale may be permitted for lots larger than two acres. The scale shall be no smaller than 50 feet to the inch for developments with lots of 15,000 square feet or smaller. When more than one sheet is required, an index sheet of the same size shall be recorded showing the entire subdivision with the sheets numbered in sequence. The plat shall be prepared and certified by a Registered Land Surveyor licensed to practice land surveying in the State of Tennessee. Provide to the City, after approval by the Planning Commission, an electronic copy of the Final Subdivision Plat.

4.5.2 | FEATURES OF FINAL SUBDIVISION PLATS

The Final Subdivision Plat shall include:

1. The location of the property to be subdivided with respect to surrounding properties and public ways. Include the entire subdivision, or, when phasing is being requested, section thereof, for which the final approval is sought and all land immediately adjacent, extending 200 feet from the public way frontage of such opposite land. The lot pattern of surrounding development shall be shown within the area located within 200 feet of the proposed development.
2. The names of all adjoining property owners of record, with the deed or record book and page reference, or the names of adjoining developments.
3. The names of adjoining public ways.
4. The exact boundary lines of the tract, determined by a field survey, showing angles to the nearest second and distance to the nearest one hundredth (1/100) of a foot. The adjusted accuracy of the survey shall meet or exceed the standards set forth in Title 62, Chapter 18, of the Tennessee Code, for the category of survey required by these regulations. The category of survey shall be determined according to the average size of lots (see Table below) within the proposed subdivision. The survey shall be tied into the Tennessee Grid Coordinate System.

TABLE 14: ACCURACY OF SURVEYS

TABLE 14 ACCURACY OF SURVEYS	
AVERAGE LOT SIZE	UNADJUSTED ACCURACY
One (1) Acre or Less	Category I: Urban & Subdivision
Greater than One (1) Acre but Less than Ten (10) Acres	Category II: Suburban & Subdivision
Ten (10) Acres or More	Category III: All other Land Surveys

A distance and bearing shall be provided which will link a point on the boundary of the subdivision to a reference point in the right-of-way of the nearest prominent public way intersection.

5. The location of all existing public ways, easements, water bodies, streams or rivers, water quality riparian buffers, and other prominent features, such as wetlands, swamps, railroads, buildings, parks, cemeteries, drainage ditches, sink holes, bridges, and other features as determined by the Planning Commission or the City Engineer.
6. The limits of floodway, floodway fringe areas, the associated regulatory flood elevation, and regulatory flood protection elevation, as determined according to flood maps or flood studies as required.
7. The minimum finished floor elevation (FFE) of houses, and/or other enclosed structures, to be constructed on lots within the floodway fringe areas or other stormwater features which would warrant an FFE.
8. The location and width of all existing easements, alleys, and rights-of-way for public ways, as well as the building setback lines on all lots.
9. The location, dimensions, and area (to the nearest square foot) of all lots. All dimensions shall be field run to the nearest one hundredth (1/100) of a foot and angles to the nearest second. Provide three monuments within the subdivision.
10. The location, area, and dimensions above, of all property to be set aside for park or playground use or other public or private reservation, with a designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
11. The name and address of the owner(s) of the land being subdivided, the sub-divider if other than the owner and the stamp of the Land Surveyor preparing the plat.
12. The date of the plat, approximate true north arrow, scale, title, flood elevation, and regulatory flood protection elevation, as determined according to flood maps or flood studies as required.
13. Sufficient data to determine readily the location, bearing, and length of all lines necessary to reproduce such lines upon the ground. This shall include the radius, length, central angle, and tangent distance for the centerline of the curved public ways and curved property lines that are not the boundary of curved public ways. The location of all monuments and pins shall be indicated on the plat.
14. The name of subdivision and all new public ways.
15. The zoning classification of all lots as well as an indication of uses other than residential proposed by the sub-divider.

16. The location and boundary of all open space with the proposed owner and designating the entity responsible for care, operation, and maintenance.
17. The total acreage within the subdivision.
18. Lot numbers and street numbers.
19. The line size and location of water and sewer facilities and fire hydrants.
20. The diameter and width of all driveway culverts.
21. Culverts and associated drainage structures located and sized along with necessary drainage easements, all other required utility easements.
22. Within proposed condominium and Horizontal Property Regime (HPR) developments, the position of all existing or proposed buildings.
23. The location of all “Land Unsuitable for Development” as specified in [Subchapter 3.1.3.1](#) (Land Unsuitable for Development) of these regulations.
24. The following notations:
 - A. Classification of easement (public use, access, drainage, utility, clear sight distance, etc.).
 - B. Explanation of site easements.
 - C. Explanation of reservations.
 - D. For any lot where public sewer or water system is not available, the following shall be shown:
 1. Areas to be used for sewage disposal, by the Sumner County Health Department; as approved.
 2. Water wells, existing and proposed.
 3. Rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features.
25. Applicable certifications in the form reproduced in this section shall appear upon the Final Subdivision Plat. All required certificates shall bear the signature of the approving or authorizing agent at the time of application of the Planning Commission’s approval for recording shall appear unsigned at the time of application for approval.

26. Commitment notes may be printed or stamped on the Final Subdivision Plat reflecting location and dimension of easements, or extent of other agreements or factual data, in lieu of drafted illustration, when applicable, and as approved by the Planning Commission.
27. A table showing all lot numbers with respective sizes in square feet.
28. Key map showing relation of the subdivision to all public ways, railroads, and water courses in all directions to a distance of at least one-half mile (suggested scale: 1" to 1,000'). See [Figure 1](#).
29. Property tax map parcel numbers as recorded on the land tax maps of the County.
30. For stormwater management facilities and permanent stormwater control measures:
 - A. Show as a permanent drainage easement, and
 - B. Provide a note of reference to the deed book and page reference in which the Stormwater Detention Maintenance Agreement is recorded.
31. For water quality riparian buffers, include a note on plans to reference protective covenants governing all water quality riparian buffer areas, labeled as: "Any water quality riparian buffer is subject to protective covenants recorded in the Register of Deeds (Sumner County). Disturbance and use of these areas is restricted; severe penalties apply;"

4.5.3 | PLATS CERTIFICATES

1. Certification showing that the applicant is the landowner, that he offers for dedication public ways, rights-of-way, and any site for public use; and that he consents to the subdivision plan.

<u>CERTIFICATE OF OWNERSHIP AND DEDICATION</u>	
<p>I (we) hereby certify that I am (we are the owners of the property shown and described hereon as evidenced in Book Number _____, Page _____, Sumner County Register's Office and that I (we) adopt this plan of subdivision with my (our) free consent, establish the minimum building setback lines, and dedicate all easements and right-of-way, streets, alleys, walks, parks, and other open spaces to public and private use as noted.</p>	
<p>_____</p> <p>Date</p>	<p>_____</p> <p>Owner</p>
<p>_____</p> <p>Title (if acting for partnership or corporation)</p>	

2. Certification by a Tennessee Registered Land Surveyor as to the accuracy of the land survey.

<u>CERTIFICATE OF ACCURACY</u>	
<p>I (we) certify to the best of my (our) knowledge and belief that this is a true and accurate survey of the property shown hereon; that this is a Class _____ land survey as defined in Title 62, Chapter 18, Tennessee Code Annotated, and that the ratio of precision is greater than or equal to 1: _____.</p>	
_____ Date	_____ Tennessee Registered Land Surveyor

3. Certification by appropriate governmental or quasi-governmental official(s) that sewage disposal and/or water system(s) has/have been installed.

<u>CERTIFICATE OF APPROVAL OF UTILITY SYSTEMS</u>	
<p>I hereby certify: (1) that the following utility system(s) outlined or indicated on the Final Subdivision Plat entitled (insert plat name) has (have) been installed in accordance with local and/or state government requirements; or (2) that a surety bond has been posted with the applicable utility district to assure completion of the following improvements in case of default.</p>	
<u>Water System</u>	
_____ Date	_____ Authorized Signature
<u>Sewer System (if applicable)</u>	
_____ Date	_____ Authorized Signature

4. Certification on the Final Subdivision Plat by the appropriate governmental representative that the sub-divider has complied with one of the following:
 - A. Installation of all public way improvements in accordance with the requirements of these regulations; or

- B. In lieu of compliance with subdivision improvement requirement, certification that surety has been posted by the sub-divider in an amount approved by the appropriate governmental representative to guarantee completion of all improvements.

CERTIFICATE OF APPROVAL OF PUBLIC WAYS FOR SURETY POSTING

I hereby certify: (1) that all designated public ways on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the Hendersonville Subdivision Regulations; or (2) that a surety has been posted with the Planning Commission to guarantee completion of all required improvements in case of default.

Date _____
Appropriate Governmental Representative

CERTIFICATE OF GENERAL APPROVAL FOR INSTALLATION OF SUBSURFACE SEWAGE DISPOSAL WITH RESTRICTIONS

General approval is hereby granted for the proposed subdivision hereon as being suitable for subsurface sewage disposal with the listed and/or attached restrictions. Before the initiation of construction, the local health authority shall approve the location of the house or other structure and plans for the subsurface sewage disposal system.

Date _____
Local Health Authority

Lot(s) # _____, shall not have a residence with more than _____ bedrooms, unless otherwise approved by the local health authority.

- 5. For the subdivision containing common open space or facilities, certification of the Final Subdivision Plat of dedication of common areas in accordance with procedures established in these regulations.

CERTIFICATION OF COMMON AREAS DEDICATION

_____ in recording this plat has designated certain areas of land shown hereon as common areas intended for use by the homeowners within _____ (Name of Subdivision), for recreation and related activities. The above-described areas are not dedicated for use by the general public but are dedicated to the common use of the homeowners within the named subdivision.

“Declaration of Covenants, Codes, and Restrictions:, applicable to the above-named subdivision, is hereby incorporated and made a part of this plat.

Date

Owner

6. Certification on the Final Subdivision Plat of Planning Commission approval for recording of the plat.

CERTIFICATE FOR APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Hendersonville, Tennessee, except for applicable deviations, if any, as noted in the minutes of the Planning Commission and that it has been approved for recording in the Office of County Register.

Date

Secretary, Planning Commission

Date

Planning Director

7. NOTATION OF POSSIBLE FLOODING

Development within known flood areas delineated on the plat shall be done in such a manner that any structure shall be protected against flood damage to at least two feet above the known flood elevation, which elevation shall be stated in the notation. Any additional restrictions imposed by the Planning Commission upon development within flood prone areas also shall be indicated on the plat.

8. NOTATION OF HEALTH RESTRICTIONS

Any modifications or limitations that may be imposed by the state or county health department shall be clearly indicated on the plat.

9. NOTATION OF PRIVATE RESTRICTIONS

Private restrictions (Homeowner's Association requirements) and trusteeships and their periods of existence shall be indicated on the Final Subdivision Plat. Should these restrictions or trusteeships be of such length as to make their lettering impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat or, if the restrictions and trusteeships are of record, the plat shall note where they are recorded.

Revisions shall be dated and identified by a cloud, highlight, or other clearly identifiable means of distinguishing revised from original plan elements.

CHAPTER 5 | DEFINITIONS

5.1 | USAGE

5.2 | WORDS AND TERMS DEFINED

5.1 USAGE

1. For the purpose of these regulations' certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this chapter.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these Subdivision Regulations."
3. A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied."

5.2 WORDS AND TERMS DEFINED

A

ABOVEGROUND

Visible from the surface of the earth.

ALLEY

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

APPLICANT

The owner(s) of land proposed to be subdivided or his authorized representative. Consent shall be required from the legal owner(s) of the premises).

B

BLOCK

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

BUILDING

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind; the term includes a manufactured home.

BUILDING ENVELOPE

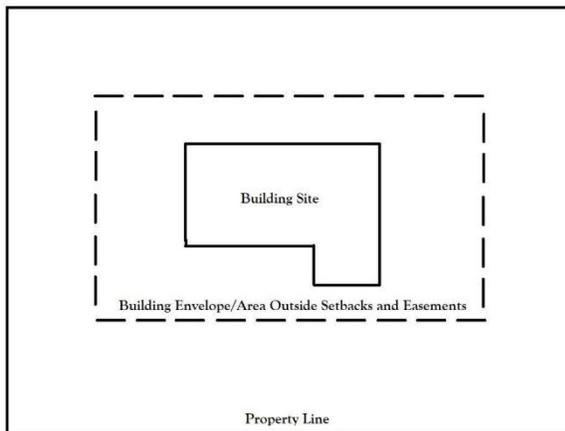
Land occupied or intended to be occupied by a building and interrelated buildings, together with all open space required to

meet the provisions of any applicable [Zoning Ordinance](#), which is located on a lot that has been lawfully created and meets all criteria of the local government for the intended use.

BUILDING SITE

A portion of the building envelope where a house or building may be constructed, including five feet beyond the outer extremities of the building footprint. This area is sometimes referred to as the building pad.

FIGURE 21: BUILDING SITE



C

CASH ESCROW

As used in these regulations, the term “cash escrow” can refer to two types of performance guarantees. A true cash escrow is cash that is beyond the reach of the persons who are guaranteeing performance of specific work subject to an escrow agreement. A second form is an irrevocable standby letter of credit as defined herein below.

CAPITAL IMPROVEMENTS PROGRAM

A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

CITY ENGINEER OR DESIGNEE

Such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

CONSERVATION LAND

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

CONSTRUCTION PLAN

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

CONTRACTOR

An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

COUNTY ENVIRONMENTALIST

An agent designated to administer local and/or state health regulations.

CUL-DE-SAC

A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic

movement; definition includes: dead-end, turn-around, or turn-about.

D

DESIGN SPECIFICATIONS

Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

DEVELOPER

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

DEVIATION

A proposed variation from the standards, specifications, or other provisions of these Regulations.

DWELLING UNIT

A room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental, or lease on daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units, which may be in the same structure; and containing independent cooking and sleeping facilities.

E

EASEMENT

Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

ELECTRICAL AND COMMUNICATION SERVICE LINES

Electrical and communication systems serving limited geographic areas of residential neighborhoods and providing service directly to a residence or group of residences and not designed to provide service more than one-half or transmit service for street lighting.

ELECTRICAL TRANSMISSION LINES

Transmission lines are electrical power lines or networks designed to transmit electrical power for regional use.

ENGINEER

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

EQUAL DEGREE OF ENCROACHMENT

The delineation of floodway limits so that floodplain lands on both sides of a stream can convey a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for significant reach.

ESCROW

A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance.

EXTERNAL SUBDIVISION BOUNDARY

All points along the periphery of a subdivision.

F

FINAL SUBDIVISION PLAT

The final map or drawing and accompanying materials, described in these regulations, on which the subdivider’s plan of the subdivision is presented to the Planning Commission for approval and which, if approved by the commission, is recorded with the county Sumner County Register of Deeds.

FLOOD

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

FLOOD FREQUENCY

The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

FLOOD HAZARD BOUNDARY MAP

An official map on which the boundaries of the floodplain areas having special flood hazards have been delineated.

FLOOD HAZARD OR FLOOD PRONE AREA

The maximum area of the floodplain that, on the average, is likely to be flooded once every 100 years (i.e., that has a one percent chance of being flooded in any year).

FLOOD, 100 - YEAR

A flood having an average frequency of occurrence of once in one hundred (100) years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

FLOOD, REGULATORY

The one hundred (100) year flood.

FLOOD, TWENTY-FIVE (25)- YEAR

A flood having an average frequency of occurrence of once in 25 years.

FLOODPLAIN

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

FLOODPLAIN MANAGEMENT PROGRAM

The overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, building code regulations, health regulations [Zoning Ordinance](#) regulations, National Flood Insurance Program Ordinance regulations, and these subdivision regulations.

FLOOD PROFILE

A graph showing the water surface elevation or height or a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined using standard open-channel hydraulic calculations.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate potential flood damage to lands; water facilities, sanitary facilities, and other utilities; structures; and contents of buildings; and which prevent pollution of floodwaters from such natural or man-made sources.

FLOODWAY

The stream channel and adjacent overbank areas required to carry and

safely discharge the 100-year flood without increasing flood levels more than one foot above natural flood levels.

FLOODWAY ENCROACHMENT LIMITS

The lines marking the limits of floodways on official federal, state, and local floodplain maps.

FLOODWAY FRINGE

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

FUTURE LAND USE AND TRANSPORTATION PLAN

The official statement of the Planning Commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Section 13-3-301 - 13-3-304, Tennessee Code.

G

GOVERNMENTAL AGENCY

Any public body other than the governing body.

GOVERNING BODY

The chief legislative body of any government. (BOMA)

GOVERNMENTAL REPRESENTATIVE

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

GRADE

The slope specified in percentage terms.

H

HARDSHIP

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

HIGHWAY, LIMITED ACCESS

A freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property(s) or lands and other persons have no legal right of access to or from the trafficway, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway. Example: Hwy 386.

HORIZONTAL PROPERTY ACT

Whenever a Developer, the sole owners, or the co-owners of a building (or property) expressly declare, through the recordation of a master deed or lease, or by plat which shall set forth the particulars enumerated by § TCA Section 66-27-1-1 thru 123, their desire to submit their property to the regime established by this chapter, there shall be thereby established a horizontal property regime. (Horizontal Property Regime must adhere to all lot and bulk standards that would otherwise be required with subdividing property).

I

INDIVIDUAL SEWAGE DISPOSAL SYSTEM

A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

IRREVOCABLE STANDBY LETTER OF CREDIT

An irrevocable standby letter of credit is a commitment from a financial institution to pay an agreed sum of money to a third party in compliance with the terms of the letter. (See Appendix B)

INTERNAL SUBDIVISION BOUNDARY

All points within a subdivision which do not constitute external boundaries.

J

JOINT OWNERSHIP

Joint ownership among persons shall be construed as the same owner for the purpose of imposing subdivision regulations.

JURISDICTIONAL AREA

Planning boundary(s) established in keeping with Sections 13-3-102, 13-3-201, and 13-3-301, Tennessee Code.

L

LAND DEVELOPMENT ACTIVITY

The physical extension and/or construction of improvements required for

a subdivision including construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit with refuse, debris, or other fill materials; and clearing of natural vegetative cover except for agricultural activities).

LAND SURVEYOR

A land surveyor certified and registered by the Tennessee Board of Examiners for Land Surveyors pursuant to Title 62, Chapter 18, Tennessee Code, to practice in Tennessee.

LANDSCAPE ARCHITECT

A landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code, to practice in Tennessee.

LEGAL COUNSEL

The person designated by the governing body to provide legal assistance for the administration of these and other regulations.

LOT

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

LOT, CORNER

A lot situated at the intersection of two public ways.

LOT, FRONTAGE

That side of a lot abutting a roadway ordinarily regarded as the front of the lot.

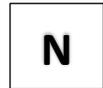
LOT IMPROVEMENT

Any building, structure, place, or other object or improvement of the land on which such items are situated constituting a physical betterment of real property, or any party of such betterment.



MAJOR THOROUGHFARE PLAN

The plan adopted by the Planning Commission, pursuant to Section 13-3-402 and 13-4-302, Tennessee Code, showing, among other things, “the general location, character, and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment, or change of use of existing public ways...”.



NATIONAL FLOOD INSURANCE PROGRAM

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



OFF SITE

Any premise not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

OWNER

Any person(s), firm(s), corporation(s), or any other legal entity having legal title to or sufficient proprietary interest in the real property.



PERMANENT STORMWATER CONTROL MEASURE

“Permanent Stormwater Control Measure (SCM)” means permanent practices and measures designed to reduce the discharge of pollutants from new development projects or redevelopment projects.

PHASE

A sub-area of a subdivision.

PLANNING COMMISSION

A public planning body established pursuant to Title 13, Chapters 2 or 5, Tennessee Code, to execute a partial or full planning program within authorized area limits.

PLANNING DIRECTOR OR DESIGNEE

Such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

PLAT, FINAL SUBDIVISION

The final map or drawing and accompanying materials, described in these regulations, on which the subdivider’s plan of the subdivision is presented to the Planning Commission for approval and which, if approved by the Commission, is recorded with the Sumner County Register of Deeds.

PLAT, PRELIMINARY SUBDIVISION

The preliminary written and graphic documents described in these regulations, that indicate in a conceptual form the proposed pattern of open spaces, streets, and building lots within a subdivision.

PREMISE(S)

A tract of land together with any buildings or structures which may be located thereon.

PUBLIC IMPROVEMENT

Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which government responsibility is established.

PUBLIC WAY

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

PLANNING WORKS DIRECTOR OR DESIGNEE

Such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.



REACH

A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made area or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings typically would constitute a reach.

REGULATORY FLOOD PROTECTION ELEVATION

The elevation not less than two foot above the water surface profile associated with the Regulatory Flood.

RE-SUBDIVISION

A change in a map of any approved or recorded subdivision plat altering the lots incorporated within the confines of the original plat.

RIGHT-OF-WAY

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



SALE OR LEASE

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

SAME OWNERSHIP

Ownership by the same person, corporation, firm entity, partnership, or unincorporated associated or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

SECTION

A sub-area of a phase.

SETBACK

The distance between a building wall and the nearest public way right-of-way.

SPECIAL FLOOD HAZARD MAP

The official map designated by the Federal Insurance Administrator to identify floodplain areas having special flood hazards.

START OF CONSTRUCTION

For purposes of subdivision control, any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

STORMWATER MANAGEMENT FACILITIES

"Stormwater management facilities" means the drainage structures, conduits,

ditches, combined sewers, and all appurtenances by means of which stormwater is collected, transported, pumped, treated, or disposed of.

STREET OR ROAD, ARTERIAL

A major public way intended to move traffic to and from major industrial areas or a route for traffic between communities or large areas and which has an average daily traffic count in excess of 3,000 vehicles.

STREET OR ROAD, COLLECTOR

A major public way intended to move traffic from local streets to arterial routes. Collector routes serve a neighborhood or large subdivision(s), and normally have an average daily traffic count ranging from 1,001 to 3,000 vehicles.

STREET OR ROAD, MAJOR

A public way that is classified as a collector or arterial public way according to these regulations or by the major street or road plan for the jurisdictional area.

STREET OR ROAD, MINOR

A public way that is not classified as an arterial or collector.

STREET, PERIMETER

Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

STREET, PRIVATE

Streets not dedicated to and maintained by a government entity.

STRUCTURE

Anything constructed above or below ground.

SUB-DIVIDER

Any person who:

1. having an interest in land, causes it, directly or indirectly, to be divided into a subdivision.
2. directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plot in a subdivision.
3. engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plot in a subdivision.
4. is directly or indirectly controlled by or under direct or indirect common control with any of foregoing.

SUBDIVISION

“Subdivision” means the division of a tract or parcel of land into two or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five acres for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of re-subdividing or to the land or area subdivided. (See Sections 31-3-401 and 13-4-301, Tennessee Code.)

SUBDIVISION AGENT

Any person who represents or acts for or on behalf of a sub-divider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision,

except in an instance where only legal counsel is provided.

SUBDIVISION, MAJOR

All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of five or more lots, or subdivisions of any size requiring any new or improved road, the extension of government facilities, or the creation of any public improvement, or containing any flood prone area. See Table 1.

SUBDIVISION, MINOR

Any subdivision containing less than five lots fronting on an existing public way; not requiring by these regulations any new or improved public way, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adopted general plan, major street or road plan, zoning ordinance, or these regulations. See Table 1.

SURETY

An instrument or sum of money fixed as a penalty, binding the party(s) to pay the same: conditioned, however, that the payment of the penalty may be avoided by the performance by one or more of the parties of certain acts. As used in these regulations, the term surety may include a variety of financial instruments including letters of credit, escrow accounts, and similar types. Such surety instruments shall comply with all statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations.

SURETY, MAINTENANCE-WARRANTY

A surety established to assure a “continuing warranty” during a specified time period following completion and

dedication of required improvements. The purpose of such bond surety being assurance of the “implied warranty” associated with such improvements.

SURETY, LAND DISTURBANCE

A bond surety established for purposes of assuring the ability of the City to secure and stabilize a development site in the event of default by the Developer and/or contractor. A Reclamation Surety is intended to prevent soil erosion, uncontrolled drainage, or other conditions associated with an abandoned development site from harming either public streets and other facilities or nearby private property.

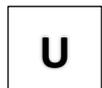
SWITCH GEAR

A high voltage electrical device used to switch main feeder circuits and to provide fuse protection for distribution of electrical current to customers.



TEMPORARY IMPROVEMENT

Any improvement built and maintained by a sub-divider during construction of the subdivision and prior to the release of the surety for completion of required improvements.



UNDERGROUND

Not visible from the surface of the earth.

UTILITY COMPANIES

Any person, governmental body, organization or entity of any type, or their agents, representatives and employees,

supplying electricity, natural gas, water, communications or similar and associated services to residential areas within the planning jurisdiction.

UTILITY EQUIPMENT

Includes poles, support towers, wires, conductors, circuits, guys, stubs, platforms, cross arms, braces, transformers, insulators, cut-outs, switches, communication circuits, appliances, attachments, and appurtenances used or useful in supplying, natural gas, water, communication or similar associated services to residential areas within the planning region of the City.



WATER QUALITY RIPARIAN BUFFER

"Water quality riparian buffer" means a permanent strip of natural perennial vegetation adjacent to a stream, river, wetland, pond, or lake that contains dense vegetation made up of grass, shrubs, and/or trees. The purpose of a water quality riparian buffer is to maintain existing water quality by minimizing the risk of any potential sediments, nutrients, or other pollutants reaching adjacent surface waters and to further prevent negative water quality impact by providing canopy over adjacent waters.

WATER SURFACE ELEVATION

The heights in relation to mean-sea-level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain. Also, the level of natural flows or collectors or water which may be expected to be found above or below surface.

CHAPTER 6 | ADOPTION OF REGULATIONS AND AMENDMENTS

6.1 | ORIGINAL ENACTMENT

6.1 ORIGINAL ENACTMENT

In order that land shall be subdivided in accordance with the objectives and standards set forth in these regulations, these subdivisions are hereby adopted this 2nd day of September 2025 and shall be in full force and effect on September 2, 2025. Pursuant to Section 13-3-403 and 13-4-303, Tennessee Code, a public hearing was held on these regulations September 2, 2025, at 6:30 p.m. at Hendersonville City Hall, in Hendersonville, Tennessee, notice of which was given by publication in the Hendersonville Standard on August 7, 2025.

Chairman

Date

ATTEST:

Secretary

Date

APPENDICES

- APPENDIX A | SUBDIVISION DEVELOPMENT AGREEMENT
- APPENDIX B | SUBDIVISION LETTER OF CREDIT TEMPLATE
- APPENDIX C | SUBDIVISION FLOW CHART
- APPENDIX D | AS-BUILTS PLANS
- APPENDIX E | CONSTRUCTION PLANS CHECKLIST
- APPENDIX F | LOT COMPATIBILITY TEMPLATE
- APPENDIX G | RETAINING WALL REQUIREMENTS
- APPENDIX H | FLOODPLAIN DEVELOPMENT PERMIT

APPENDIX A | SUBDIVISION DEVELOPMENT AGREEMENT

SUBDIVISION DEVELOPMENT AGREEMENT

This Development Agreement is entered into on this _____ day of _____, 20____, between the City of Hendersonville, Tennessee (the “City”), and _____ (the “Developer”).

WITNESSETH

WHEREAS the Developer desires to develop a subdivision to be known as _____; and

WHEREAS the plat of said subdivision received final approval (Case# _____) from the Hendersonville Planning Commission (the “Planning Commission”) on the _____ day of _____, 20____, pursuant to the laws of the State of Tennessee and the Subdivision Regulations of the City:

NOW, THEREFORE, in consideration of the premises and mutual covenants of the parties herein contained, it is agreed and understood as follows:

SECTION 1. CONSTRUCTION OF SUBDIVISION

The Developer shall construct all required improvements and complete its subdivision in accordance with the City’s Subdivision Regulations, the approved construction plans, and the Final Subdivision Plat approved by the Planning Commission on the ___ day of _____, 20____. Required improvements include all labor and materials necessary to install and complete all public infrastructure including grading, streets, storm drainage systems, stormwater detention and retention structures, water systems, fire hydrants, sanitary sewer, streetlights, all other utilities, curb and gutter, sidewalks, lot and subdivision corner monuments, street name signs, traffic control signs and devices, fences, amenities, street trees, and any required off-site improvements.

In consideration of the promise by the City to accept for maintenance the roads shown on the Final Subdivision Plat the Developer agrees to be contractually bound to complete, within five years, all improvements shown on the plat, construction plans, and all items required by this Development Agreement. The Developer agrees to abide by all health, safety, worker’s compensation and other applicable federal, state, and local statutes or governmental regulations in performing its obligation under this Development Agreement. The City shall have a continuous right to inspect the work on the facilities to assure that the facilities are constructed in accordance with the Subdivision Regulations and the Final Subdivision Plat. If the Developer fails to install the facilities in accordance with the terms of this Development Agreement, the amounts paid to the City shall not be refundable to the Developer. All currently existing City ordinances, rules and regulations and the Subdivision

Regulations adopted by the Planning Commission are made a part of this Development Agreement. In the event of a conflict between the terms of this Development Agreement and a City ordinance, the ordinance shall prevail. In the event of a conflict between the terms of this Development Agreement and the Subdivision Regulations, the Subdivision Regulations shall prevail.

At the time of execution of this Development Agreement, the Developer shall pay or shall have paid to the City an inspection fee as determined by the Municipal fee schedule.

SECTION 2. BONDING

Prior to the recording of the Final Subdivision Plat, the Developer shall post a Letter of Credit in the amount specified by the City Engineer, being 10% greater than the estimated amount necessary to complete required improvements, including roads, sidewalks, drainage, and other improvements specified by the plans and plats of the development approved by the City and the Planning Commission. The Letter of Credit may be called for failure to comply with the provisions of this Development Agreement in whole or in part according to the terms of the Letter of Credit. The Letter of Credit will not be released until there has been full compliance with this Development Agreement and certification by a Tennessee Licensed Engineer that the development has been completed in full compliance with the approved plat and construction plans.

SECTION 3. INTERPRETATION, VENUE, ATTORNEY'S FEES

This Development Agreement shall bind the Developer upon execution by the Developer and may not be revoked without permission of the City even if the Development Agreement has not been executed by the City or does not bind the City for other reasons. This Development Agreement shall be interpreted in accordance with Tennessee law and may only be enforced in the Circuit Court for Sumner County, Tennessee, and Tennessee appellate courts. In the event this Development Agreement is breached by the Developer and litigation is commenced, the Developer shall be responsible for the reasonable attorney's fees and expenses incurred by the City as a result of the Developer's breach.

This Development Agreement may not be orally amended and supersedes all prior negotiations, commitments, or understandings. Any written modification must be approved by the Hendersonville Planning Commission. If any portion of this agreement is held to be unenforceable, the City shall have the right to determine whether the remainder of the agreement shall remain in effect or whether the agreement shall be void and all rights of the Developer pursuant to this agreement terminated.

SECTION 4. TRANSFERABILITY

Except for the sale of individual lots after recording the final plat, the Developer shall not transfer the subdivision property without first giving notice to the City as to the name, address, and telephone number of the transferee. The transferees shall develop this subdivision in accordance with the Development Agreement. In addition, the Developer agrees to provide the City an Assumption Development Agreement in which the transferee agrees to perform the improvements required under this Development Agreement and to provide the security needed to assure such performance. Said Development Agreement will be subject to the approval of the City Attorney. The Developer shall remain liable under the terms of this Development Agreement unless an Assumption Agreement is entered into between the new owners and the City. No third party shall obtain any benefits or rights under this Development Agreement, nor shall the rights or duties be assigned by either party.

SECTION 5. ACCEPTANCE OF IMPROVEMENTS

Formal acceptance of improvements shall follow the procedure established in the Subdivision Regulations. Subsequent to acceptance by the City, the Developer shall have no claim, direct or implied, in the title or ownership of the improvements. The City, upon final approval and acceptance, will take full title to the improvements and will provide maintenance thereafter, except that the Developer is responsible for construction failures and defects in the subdivision improvements for a period of one year after the date of final acceptance of the subdivision improvements. During this period, it shall remain the responsibility of the Developer to correct and cure these defects and failures.

Upon the City's acceptance of all or part of the facilities then those facilities specified in the acceptance, except for those amenities maintained by the Homeowners Association shall become the property of the City free from all claims from any person or entity without the necessity of any further writing, contract, or deed. The parties intend that this Agreement shall operate as a conveyance of the facilities when the facilities are accepted. The Developer further agrees that any facilities placed within a public or platted right-of-way or dedicated public easements are irrevocably dedicated to the public use without any right to reimbursement or compensation of any kind. In the event the Developer fails to install the facilities in accordance with the terms of this Development Agreement, the City may, in its sole discretion, elect not to accept all or a portion of the facilities installed.

SECTION 6. WARRANTY

The Developer warrants that all improvements to be accepted by the City will be free from defects in design, materials, or workmanship for a period of one year from the date of acceptance by the City. The Developer shall immediately repair, at its own costs, all defects of any type whatsoever which occur within said one year period. If repairs required herein are not completed in a timely manner, the City shall have the right, at its option, to make said repairs at the expense of the Developer. In such event, the City may call the

Developer’s Letter of Credit to pay for said repairs. Additionally, the Developer shall execute a maintenance Letter of Credit as required by the Subdivision Regulations.

SECTION 7. INSURANCE

The Developer shall purchase an owners and contractor's liability policy and public liability insurance policy in the amount of 1,000,000.00 and name the City as an additional insured party. Developer further agrees to hold and name the City harmless from the claim of any person and further agrees to defend any action brought in any court against the City and to pay any judgments rendered against the City or against the facilities.

SECTION 8. SPECIAL PROVISIONS

The City shall notify the Developer of any construction failures or defects requiring repair under Section 6 of this Agreement before calling the Developer’s surety to pay for said repairs in the event the City determines the Developer has failed to make repairs. The Developer and the City further agree to the following:

SECTION 9. NOTICES

All notices permitted or required under this Agreement shall be deemed given if hand-delivered, or mailed by United States registered or certified mail, postage prepaid, return receipt requested, to the following addresses:

CITY: Office of the Mayor
City of Hendersonville
101 Maple Drive North
Hendersonville, Tennessee 37075

DEVELOPER: _____

IN WITNESS WHEREOF, the parties have executed this Development Agreement for the purpose herein expressed.

DEVELOPER

CITY OF HENDERSONVILLE, TENNESSEE

BY: _____
MAYOR

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

APPENDIX B | SUBDIVISION LETTER OF CREDIT TEMPLATE

LETTER OF CREDIT INSTRUCTIONS

- A. The Letter of Credit format must follow the template found on the City of Hendersonville website www.hvilletn.org – Departments – Planning – Letter of Credit. Use either the LOC of Site Plan or Subdivision, based on which is needed.
- B. The Planning Commission Approval date and the exact Phase/Section (for subdivisions) will need to be incorporated on the first page.
- C. On the first page, this exact verbiage must be included:

This Letter of Credit is valid for an initial period of one year and shall be automatically renewed for successive periods of one year without any effort on the part of the City. We reserve the right to revoke this Letter of Credit, but only after providing the Beneficiary with 90-days' notice by certified mail, return receipt requested.

- D. The second page of the Letter of Credit is where the City often finds discrepancies. The intention of the verbiage is to either 1) have the Letter of Credit taken to a local bank, or 2) in the event of a larger corporation, provide the option for the City to take the originals to a local bank to call the Letter of Credit, and have the corporate office accept it via fax or email from the local branch. Therefore, the Letter of Credit will either need to state:
 - A. We hereby engage with you that all drafts drawn under and in compliance with the Terms of this Credit will be duly honored if drawn and presented for payment on or before the expiration date of this Credit at [FILL IN THE NAME AND ADDRESS OF THE LOCAL BRANCH WITHIN 75 MILES OF CITY HALL, HENDERSONVILLE, TN. The bank shall wire the funds to the City's account within two business days.
 - OR**
 - B. (To be used when the corporate office is not local and alternate method is necessary). The local branch bank shall simultaneously submit the Certificate of Default and Draft by facsimile or email to EMAIL OR FAX NUMBER OF THE RESPONSIBLE PARTY AT THE CORPORATE OFFICE. The City may elect to submit the Certificate of Default and Draft directly to the Bank at the above stated facsimile number or email address. The bank shall wire the funds to the City's account within two business days.

(MUST BE ON ORIGINAL BANK LETTER HEAD)
IRREVOCABLE STANDBY **SUBDIVISION** LETTER OF CREDIT NO. #

DATE:

IN FAVOR OF (BENEFICIARY):

City of Hendersonville
Attn: Planning Department
101 Maple Drive North
Hendersonville, TN 37075

FOR ACCOUNT OF (APPLICANT):

AMOUNT:

NAME OF DEVELOPMENT:

We hereby establish our Irrevocable Standby Letter of Credit (hereinafter "Credit") in your favor available by your draft(s) drawn at SIGHT on (Name of Bank) and accompanied by the documents specified below:

1. Certificate of default, signed by the Chairman of the Hendersonville ~~Regional~~ Planning Commission or the Mayor of the City of Hendersonville, certifying that: The applicant has not completed, in accordance with the Hendersonville Subdivision Regulations and the attached Development Agreement, the streets, amenities, street lights, street trees, and/or other improvements required by said subdivision regulations for (name of subdivision including phase and/or section) approved by Hendersonville ~~Regional~~ Planning Commission on (date approved), which approval was conditioned upon the completion of the said improvements. The certificate shall also state the approximate dollar amount of damage to the City which amount shall be identical to the face amount of the accompanying draft.
2. Original Letter of Credit and Amendments if any.

This Letter of Credit is valid for an initial period of one year and shall be automatically renewed for successive periods of one year without any effort on the part of the City. We reserve the right to revoke this Letter of Credit, but only after providing the Beneficiary with 90-days notice by Certified Mail, return receipt requested.

PAGE ONE OF TWO (CONT. ON PAGE TWO)

PAGE TWO OF TWO OF IRREVOCABLE STANDBY LETTER OF CREDIT
NO.# _____

All drafts must be marked: "Drawn under (Name and Address of Bank). Credit
No.# _____."

Except so far as otherwise expressly stated this Credit is subject to the International Standby Practices/ISP98, International Chamber of Commerce Publication No. 590 or ICC Publication No. 600.

We hereby engage with you that all drafts drawn under and in compliance with the terms of this Credit will be duly honored if drawn and presented for payment on or before the expiration date of this Credit at **(name and address of local branch bank – must be within 75 miles of City Hall, Hendersonville, TN)**. The bank shall wire the funds to the City's account within two business days.

{OR: Include the following language if the alternative method of payment described therein is chosen by the Bank}.

The local branch bank shall simultaneously submit the Certificate of Default and Draft by facsimile or e-mail to **(Bank's Letter of Credit Department facsimile number or e-mail address)**. The City may elect to submit the Certificate of Default and Draft directly to the Bank at the above stated facsimile number or e-mail address. The bank shall wire the funds to the City's account within two business days.

Signed by Officer of Bank

Print Name and Title

APPENDIX C | SUBDIVISION FLOW CHART

SUBDIVISION REVIEW PROCESS				
	1	Submit Sketch Plat for HRPC Approval (Optional)	Developer may submit Reclamation Bond and start clearing/grading only. No infrastructure work.	Review/Approval
	2	Submit Preliminary Plat for HPC Approval	Developer has 2 years to obtain Final Plat approval on 1st Phase and 5 years for Last Phase from this point (may apply for extensions). If Developer has not already submitted a Reclamation Surety, he may do so now. Again, no infrastructure work is permitted at this time.	
	3	Submit Construction Plans (Including Landscape & Irrigation Plans) to Obtain Approvals from City Engineer, Planning & Fire	*Once the plans are stamped, the Land Disturbance Permit Process can begin.	
	4	Submit Final Plat for HPC Approval	City Engineer may withhold application from Agenda if Construction Plans are not sufficiently completed.	
	5	Construction of Infrastructure Begins	Infrastructure work includes water, sewer, storm sewer, detention pond, street base, and (most of the time) curb, gutter, and base asphalt.	Construction
	6	Submit Development Agreement		
	7	Submit Surety for Remaining Improvements		
	8	Record Plat		
	9	Sell Lots		
	10	Issue Zoning & Building Permits	Continue with construction of improvements. Surety may, at the discretion of the City Engineer, be reduced after base asphalt is laid. As a general rule, final asphalt shall be completed after 75% of the houses are complete and prior to 90% completion. Likewise, all remaining improvements, except sidewalks, shall be completed prior to 90% completion. Building Permits may be withheld if not completed. Codes Department requires that all water, sewer, street signs, and traffic signs be completed before the first Building Permit can be issued.	
	11	Public Works Committee Recommendation to Accept Offers of Dedication of Streets and Other Improvements	Surety shall be reduced to an amount sufficient to guarantee maintenance of all City improvements for 1 year. Developer maintains street and other required public improvements for 1 year after the date of acceptance.	Acceptance
	12	BOMA acceptance of dedication of streets and other public improvements.		

Public Works As-Builts Requirements

Prior to release of the sureties for completion of the stormwater facilities and public infrastructure, an As-Built Plan is to be submitted for any stormwater and roadways facilities after final construction is completed. The plan must show the final constructed facilities will function as approved to meet the performance standards outlined in Title 18 of the Hendersonville Municipal Code. Plans shall be stamped by a Tennessee Licensed Professional Engineer and/or Land Surveyor as appropriate. Any discrepancy from the final constructed facilities and the approved design shall be noted on the As-Built Plan.

The licensed design professional shall certify that:

“The facilities have been constructed as shown on the “as-built” plan, and facilities meet the approved stormwater management plan and specifications, including verifying that the watershed draining to the permanent stormwater management features match the design, or achieve the function for which they were designed.”

Where required by the City Engineer, updated calculations stamped by a Tennessee licensed engineer shall be submitted and approved by the City Engineer, showing the as-constructed facilities will function adequately to meet the performance standards of the Stormwater Ordinance. In addition, occupation permits shall not be granted until certification of all storm sewer system features are made and accepted by the City.

Digital CAD files shall be provided in the Tennessee State Plane Coordinate System, NAD83, NAVD88. The following shall be shown in the plan:

1. Invert elevation, top of casting elevation, slope, location, and material of all pipes, drainage inlets/outlets, headwalls, junctions, etc.
2. Size and material of all permanent stabilization including outlet dissipation pads.
3. Ditch size, slope, and materials, including location of top of banks.
4. Top of berm and weir elevations on all drainage facilities.
5. Limits and volume of all detention/retention facilities, including side slopes.
6. Location and description of all stormwater management facilities (e.g., rain garden, pervious pavement, buffer, etc.)
7. Permanent stormwater control measures:
 - a. Location of SCM
 - b. Engineer’s certification letter certifying SCMs have been installed to meet the performance standards of Hendersonville Municipal Code Title 18, Chapter 2 and

provide full treatment capacity within 72 hours following the end of the preceding rain event.

- c. Description of any variations from the approved design plans and specifications
 - d. A brief description of the type of SCM and basic design characteristics
 - e. As-built design parameters including but not limited to invert elevations, outlet structure elevations, subbase layer depths, etc.
 - f. Responsible party contact information
 - g. Inspection schedule
 - h. A brief description of or reference to maintenance procedures and frequency
 - i. Photographs of the installed SCMs
8. Property corners marked with iron pins or other monuments.
9. Edges of pavement, curbs/gutters, sidewalks, curb ramps.
10. Streetlights.
11. Property lines, right-of-way lines, minimum building setbacks, public utility, and drainage easements.
12. Utilities and fire hydrants (on a separate sheet).
13. As-built contours for all ponds.
14. FFEs are required for buildings in or adjacent to FEMA Special Flood Hazard Zones, or near an aquatic feature such as a stream, wetland, pond, etc.

Hendersonville Stormwater Asset Management Workbook Requirements

In addition to the CAD files, the City of Hendersonville requires the submittal of the Hendersonville Stormwater Asset Management Workbook. The workbook includes two tabs to be populated with linear assets and point assets of the storm sewer system. Linear assets to be included are conveyances (pipes/box) and open channels. Point assets to be included are area drains, catch basins, combo inlets, outlet structures, manholes/cleanouts, headwall IN, headwall OUT, ponds, and any other stormwater system asset. Mapping of the storm sewer system is a requirement set forth by the Phase 2 Municipal Separate Storm Sewer System (MS4) Permit.

- ✓ Point assets
 - Area drains
 - Catch basins
 - Combo inlets
 - Outlet structures
 - Manholes/cleanouts
 - Headwall IN
 - Headwall OUT
 - Ponds
 - Any other stormwater system asset

- ✓ Linear assets
 - Conveyances (pipes/box)
 - Open channels

For residential development, the entire storm system must be included in the workbook. For commercial/non-residential development, all permanent stormwater control measures, connections to the MS4 (to include the receiving structure), outfalls to the MS4, and installation of storm infrastructure in the right-of-way must be included in the workbook.

APPENDIX E | CONSTRUCTION PLANS CHECKLIST

Refer to the Construction Standards and Specifications for detailed construction requirements.

The Construction Plan Checklist is available on the City of Hendersonville website.

APPENDIX F | LOT COMPATIBILITY TEMPLATE

Below is an example of the lot compatibility calculations.

Property Address:			
Existing Lot Area:	106,589	sqft	
Existing Lot Width:	191	ft	
Zone:	SR-1		
CAN THIS LOT BE RE-SUBDIVIDED AND MEET THE REQUIREMENTS?		NO	

	Lot Area Sqft	Meets Min Requirements?	SR-1 Zone Min	Compatibility Calculated Minimum
If Lot divided into 2 Lots would be:	53,295	NO	20,000	140,548
If Lot divided into 3 Lots would be:	35,530	NO	20,000	140,548
If Lot divided into 4 Lots would be:	26,647	NO	20,000	140,548

	Lot Frontage Width ft (measured along abutting street)	Meets Min Requirements?	SR-1 Zone Min 90' but Lot Width should never be less than 50' regular lot and 35' for cul-de-sac lot	Compatibility Calculated Minimum
If Lot divided into 2 Lots would be:	95.5	NO	90	203
If Lot divided into 3 Lots would be:	63.7	NO	90	203
If Lot divided into 4 Lots would be:	47.8	NO	90	203

AVG Lot Area Calculation		
Area of Lots within 300' and in the same Subdivision Section		
	189,083	sqft
	150,574	sqft
	112,874	sqft
	109,660	sqft
		sqft
		sqft
		sqft
<i>(!be sure to adjust this calculation in the formula!)</i>	131,724	sqft
50% of Median Area	65,862	sqft
Median Area	131,724	sqft
150% of Median Area	197,586	sqft
Adjusted for 50% / 150% of Median AVG Lot Area Calculation		
Area of Lots within 300' and in the same Subdivision Section		
	189,083	sqft
	150,574	sqft
	112,874	sqft
	109,660	sqft
		sqft
Average Lot Area <i>(!be sure to adjust this calculation in the formula!)</i>	140,548	sqft
75% of Avg Lot Area	140,548	sqft
New Lots can't be smaller than:	140,548	sqft

AVG Lot Frontage Calculation		
Width of Lots within 300' and in the same Subdivision Section (measured along abutting street)		
	205	ft
	199	ft
	200	ft
	201	ft
		ft
		ft
Median Lot Width <i>(!be sure to adjust this calculation in the formula!)</i>	201	ft
50% of Median Width	100	ft
Median Lot Width	201	ft
150% of Median Width	301	ft
Adjusted for 50% / 150% of Median AVG Lot Frontage Calculation		
Width of Lots within 300' and in the same Subdivision Section (measured along abutting street)		
	205	ft
	205	ft
	200	ft
	201	ft
		ft
Average Lot Width <i>(!be sure to adjust this calculation in the formula!)</i>	203	ft
90% of Avg Lot Area	203	ft
New Lots can't have a Lot Width smaller than:	203	ft

9/8/2025	Reference: Subdivision Regulations 3-102.402 Lot Compatibility (page III-31)	Note: New lots cant have a smaller width than 50' (35' for Cul-de-sacs).
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APPENDIX G | RETAINING WALL REQUIREMENTS

Retaining Wall Requirements

Retaining walls measuring four feet in height and greater from bottom of footing/leveling pad to top of wall, or supporting a surcharge shall require a building permit from the City of Hendersonville Codes Department and be designed by a licensed Professional Engineer. Plans and design calculations must be signed and stamped by a Professional Engineer registered in Tennessee. Submittal of the design information shall be made to the City of Hendersonville Codes Department. Prior to issuance of a building permit, the submittal must be reviewed and approved by the City Engineer.

The submittal packet must include the following information:

1. A general site plan that includes:

- Existing and proposed contours
- Property lines, public easements, and setback lines
- Locations of existing and proposed utilities (water, sanitary sewer, electrical, communication, etc.)
- Drainage features and stormwater runoff including direction of flow.
- Wall locations.
- Distances from wall to existing and proposed structures

2. Detailed retaining wall construction plans shall include:

- Site plan showing the walls with each wall numbered and stationed.
- Wall height by labeling top of wall elevation (T.W.) and bottom of wall elevation (B.W.) at key locations including low, high, and transition points.
- Spot elevations of finish grade at the top of wall and bottom of wall.
- Profiles for each wall with station numbers, elevations (existing and proposed), and any locations where utilities penetrate or go under a wall.
- A typical section showing wall, batter, footing or leveling pad dimensions, steel reinforcement details, subsurface drainage systems, weep hole locations, top of wall swale for stormwater drainage, front and back slopes.
- Details/specifications for wall blocks, including features that retain the blocks such as pins or lips, geogrid, grout, backfill material, etc.
- Identify limits of guard rails atop or immediately behind walls.

3. Set of design calculations for each wall sealed by a Professional Engineer registered in Tennessee. Calculations should include:

- Soil parameters (for footing/leveling pad, backfill behind walls or any other use),
- Safety factors with names, required value, and calculated value.
- Slope conditions for both sides of the walls.
- Design loads, etc.

4. If the retaining wall has the potential to affect right-of-way, a geotechnical report must be included in the submittal.

Wooden retaining walls are not allowed. The material to be used for the wall must be approved by the City Engineer and the Planning Department. The top of the retaining wall shall be at least three inches above the ground surface. Stormwater is not allowed to flow over the top of the wall.

Geogrids will not be acceptable within right of way limits or public utility and drainage easements.

A single retaining wall shall not exceed 10 feet in height, unless approved by the City Engineer. Terracing of retaining walls is permitted where justified by topographic conditions, but the combined height of all walls shall not exceed 20 feet. In a terrace of retaining walls, a minimum horizontal separation between the footings of the walls must be maintained of at least half the height of the tallest wall.

The use of standard designs from reputable manufacturers is allowable, but the Professional Engineer who stamps the drawings and computations is responsible for all aspects of the retaining wall design.

Retaining walls are to be built under the supervision of a Professional Engineer, preferably the engineer that sealed the design plans and calculations. The engineer shall provide the City of Hendersonville certification that the retaining wall was built according to the submitted design. Certification shall be accompanied by a report that details inspections of the wall and contains pertinent compaction testing.

Additionally, the City Engineer may require a proposed retaining wall to be inspected by an independent geotechnical engineer during the construction process. If required, the independent geotechnical engineer shall submit inspection reports at agreed-upon intervals based on the construction schedule, size, and type of retaining wall, and types of soil testing involved. Inspection reports must demonstrate that the retaining wall is constructed safely and will function as designed. In some cases, construction modifications may be required if the soil design parameters are insufficient.

All retaining walls must be maintained in a structurally safe and sound condition and in good repair.

APPENDIX H | FLOODPLAIN DEVELOPMENT PERMIT

Community Name

Floodplain Development Permit

(See Terms & Conditions)

Department Name

Contact Information

Issue Date:	Expiration Date:
Permit #	*Permit becomes void if there are changes to the effective Flood Insurance Rate Maps*

The **Floodplain Development Permit** is the mechanism by which our community evaluates any and all impacts of activities proposed within our regulated floodplains. All activities must be in compliance with the Floodplain Damage Prevention Ordinance of the presiding jurisdiction, whether local, regional or statewide. The National Flood Insurance Program provides flood insurance to individuals at much lower premiums than could otherwise be purchased through private insurers, and makes certain federal funds available to communities. In order for citizens to be eligible for the national flood insurance rates, or for communities to receive certain kinds of federal funds, the community must agree to meet minimum floodplain standards. This application packet is a tool to ensure that the activities in our community comply with the Floodplain Damage Prevention Ordinance

Any party undertaking development within a designated floodplain must obtain a floodplain development permit prior to the work commencing. FEMA defines development in Title 44 of the Code of Federal Regulations part 59.1 as: *Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.* Other human activities that are considered development include but are not limited to: alterations of a structure through additions, demolition and remodeling, fences, retaining wall, moving/placement of remanufactured or mobile homes, campgrounds, storage of equipment, vehicles or materials (storage yards, salvage yards).

1 General Provision of the Floodplain Development Permit Terms



1. No work may start until a permit has been issued.
2. The permit may be revoked if:
 - a. Any false statements are made herein;
 - b. The effective Flood Insurance Rate Map has been revised;
 - c. The work is not done in accordance with the Floodplain Damage Prevention Ordinance of the presiding jurisdiction or other local, state and federal regulatory requirements.
 - d. The work is different than what is described and submitted to the community as part of the Floodplain Development Permit application.
3. If revoked, all work must cease until permit is reissued.
 - a. If the permit cannot be reissued, applicant acknowledges that they will be responsible to correct the issue which may require removal of any development that may have occurred.
4. Development shall not be used or occupied until the project has received final inspection, a final elevation and approval by the community.
5. The permit will expire if no work has commenced within 3 months of issuance and by the expiration date noted on the permit.
6. Applicant is hereby informed that other permits may be required to fulfill local, state, and federal regulatory requirements and acknowledges that it is their responsibility to ensure that all necessary permits are obtained.
 - a. This includes but is not limited to documentation showing compliance with the endangered species act.
7. Applicant hereby gives consent to the local Floodplain Administrator and his/her representative (including state and federal agencies) to make reasonable inspections required to verify compliance.
8. Applicant acknowledges that the project will be designed to minimize any potential drainage onto surrounding properties and will be responsible for any drainage issues that may arise.
9. I, the applicant, certify that all statements herein and in attachments to this application are, to the best of my knowledge, true and accurate. Furthermore, I have read and understand the relevant Floodplain Damage Prevention Ordinance for my community and will adhere to the ordinance and will or have already obtained all necessary state, federal and local permits for the proposed development.



APPLICANT'S NAME:

[Redacted Name Field]

APPLICANT'S SIGNATURE:

[Redacted Signature Field]

DATE:

[Redacted Date Field]



Community Name

Floodplain Development Permit

(See Terms & Conditions)

Department Name

Contact Information

Issue Date:	Expiration Date:
Permit #	*Permit becomes void if there are changes to the effective Flood Insurance Rate Maps*

2



Owner Information

Please Fill Out
Aa!

OWNER:

ADDRESS:

CITY: STATE: ZIP CODE:

TELEPHONE #: FAX #:

CONTACT NAME:

EMERGENCY TELEPHONE #:

E-MAIL:



Contractor/Developer Information

CONTRACTOR/DEVELOPER:

ADDRESS:

CITY: STATE: ZIP CODE:

TELEPHONE #: FAX #:

CONTACT NAME:

EMERGENCY TELEPHONE #:

E-MAIL:

3



Project Overview

Please Fill Out
Aa!

PROJECT ADDRESS:

LEGAL DESCRIPTION: LATITUDE/LONGITUDE #:

DESCRIPTION OF PROJECT:

ESTIMATED COST OF PROJECT:

If work is on, within or connected to an existing structure:

VALUATION OF EXISTING STRUCTURE: SOURCE OF VALUATION: WHEN THE EXISTING STRUCTURE WAS BUILT:

*If the value of an addition, remodel or alteration to a structure equals or exceeds 50% of the value of the structure before the addition, remodel or alteration, the entire structure must be treated as a substantially improved structure and is required to comply with the relevant Floodplain Damage Prevention Ordinance. A relocated structure, including mobile homes, manufacture homes or cabins, must be treated as a new construction.

Please Check

CHANNEL IMPROVEMENTS <input type="checkbox"/> Bank Stabilization <input type="checkbox"/> Grade Control <input type="checkbox"/> Drop Structure <input type="checkbox"/> Outfall <input type="checkbox"/> Fill <input type="checkbox"/> Other	STRUCTURAL DEVELOPMENT <input type="checkbox"/> New Construction <input type="checkbox"/> Residential Building <input type="checkbox"/> Non-Residential <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Rehabilitation (< 50%) <input type="checkbox"/> Substantial Improvement (≥ 50%) <input type="checkbox"/> Other	MISCELLANEOUS <input type="checkbox"/> Bridge <input type="checkbox"/> Culvert <input type="checkbox"/> Demolition <input type="checkbox"/> Fence <input type="checkbox"/> Grading / Parking Lot <input type="checkbox"/> Other	TYPE <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Emergency Repair <input type="checkbox"/> Maintenance <input type="checkbox"/> Other
--	--	--	---

Flood Hazard Data (TO BE COMPLETED BY FLOODPLAIN ADMINISTRATOR)

WATERCOURSE NAME: EFFECTIVE FIRM PANEL NUMBER AND DATE:

IS THE DEVELOPMENT IN OR IMPACTS A FLOODPLAIN? No. Yes. IS THE DEVELOPMENT IN THE FLOODWAY? No. Yes. *If yes, a No-Rise Certification is required.*

SPECIAL FLOOD HAZARD ZONE: BASE FLOOD ELEVATION: METHOD USED TO DETERMINE BASE FLOOD ELEVATION:

VERTICAL DATUM: MUST BE EITHER NAVD OR NAVD 83 AND THE SAME VERTICAL DATUM OF THE EFFECTIVE FIRM: ELEVATION OF LOWEST FLOOR, INCLUDING BASEMENT OR CRAWLSPACE*: ELEVATION OF LOWEST, HABITABLE FLOOR*:

ELEVATION OF FLOODPROOFING (NON-RESIDENTIAL STRUCTURES ONLY)*: *SOURCE OF ELEVATION AND/OR FLOODPROOFING INFORMATION:

DOES THE PROJECT REQUIRE THAT A CLOMR BE PROCESSED? No. Yes. IS A LOMR REQUIRED? No. Yes.

Community Name

Floodplain Development Permit

(See Terms & Conditions)

Department Name

Contact Information

Issue Date:	Expiration Date:
Permit #	*Permit becomes void if there are changes to the effective Flood Insurance Rate Maps*

THIS PAGE TO BE COMPLETED BY FLOODPLAIN ADMINISTRATOR

4 Floodplain Development Permit Checklist



The following documents may be required at the discretion of the approving community official:

- Tax assessor map
- Maps and/or plans showing the location, scope and extent of development
- Floodproofing Certificate: Certificate and supporting documentation used to provide the certification
- Documentation showing compliance with the Endangered Species Act
- No-Rise Certificate: Certificate and supporting documentation used to provide the certification
- Elevation Certificate
 - Constructional Drawing
 - Building Under Construction
 - Finished Construction
- Grading plans
- Detailed hydraulic and hydrology model for development in a Zone A
- Conditional Letter of Map Revision (CLOMR)
- Structure valuation documentation
- Non-conversion agreement: Required for all structures that are constructed with an enclosure
- Wetland Permit from the U.S. Army Corps of Engineers
- Copies of all federal, local and state permits that may be required.
- Manufactured home anchoring certificate: Certificate and supporting documentation used to provide the certification
- Other documents deemed necessary by the Floodplain Administrator |

5 Permit Action



- PERMIT APPROVED:** The information submitted for the proposed project was reviewed and is in compliance with approved floodplain management standards.
- PERMIT APPROVED WITH CONDITIONS:** The information submitted for the proposed project was reviewed. In order for the proposed project to be approved, certain restrictions or conditions must be met. These restrictions or conditions are attached.
- PERMIT DENIED:** The proposed project does not meet approved floodplain management standards (explanation on file).
- VARIANCE GRANTED:** A variance was granted from the base (1%) flood elevations established by FEMA consistent with variance requirements of Title 44 of the Code of Federal Regulations part 60.6 (Variance action documentation is on file).



SIGNATURE OF COMMUNITY OFFICIAL:

PRINT NAME AND TITLE OF COMMUNITY OFFICIAL:

DATE:

State of Tennessee

**Checklist for Floodplain Management Permitting Guide
(FMPG 2K22)**

REQUIRED DOCUMENTS		MUST BE SUBMITTED AND APPROVED BEFORE ISSUANCE OF CERTIFICATE OF OCCUPANCY (CO)			
GENERAL FLOOD ZONE DESIGNATION		Items To Be Included Each Box Shall Be Checked as Applicable			
1.	FIRM Panel Number				
2.	FIRM Panel Date				
3.	Flood Zone				
4.	In Floodway?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
5.	Base Flood Elevation (BFE) <input type="text"/> NAVD 88 and NGVD 29				
6.	How BFE was determined?	FIS <input type="checkbox"/>	USACE <input type="checkbox"/>	FEMA <input type="checkbox"/>	
7.	Required freeboard <input type="text"/> feet				
8.	Required Finished Floor Elevation (Lot Grading) <input type="text"/> feet, NAVD 88				
9.	FEMA Letter of Map Change (attached). Approved or Denied?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
10.	Flood resistant materials shall be used below BFE + required freeboard (FEMA Technical Bulletin No. 2)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
AE-ZONE		Items To Be Included Each Box Shall Be Checked as Applicable			
1.	Finished Floor Elevation for all new and substantial improvements in the Special Flood Hazard Area (SFHA) is to the BFE + required freeboard.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
2.	Provide top of bottom floor elevation. FEMA Elevation Certification (EC) .	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
3.	For attached garage provide top of slab elevation.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
4.	Total area of all permanent openings (flood hydrostatic ventilation vents) identified and within one (1) foot above adjacent grade either interior or exterior are shown, and minimum of two openings on separate walls shown unless otherwise designed by design professional. If engineered flood openings are used, documentation must be provided. (FEMA Technical Bulletin No. 1)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
5.	Lowest elevation of machinery and/or equipment servicing the building be identified (e.g., Pad) at the required flood elevation + required freeboard – includes ductwork.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
A-ZONE		Items To Be Included Each Box Shall Be Checked as Applicable			
1.	Top of the bottom floor for all new and substantial improvements in the Special Flood Hazard Area (SFHA) is to 3' above the Highest Adjacent Grade.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
2.	For attached garage provide top of slab elevation is to 3' above the Highest Adjacent Grade.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
3.	Total area of all permanent openings (flood hydrostatic ventilation vents) identified and within one (1) foot above adjacent grade either interior or exterior are shown, and minimum of two openings on separate walls shown unless otherwise designed by design professional. If engineered flood openings are used, documentation must be provided. (FEMA Technical Bulletin No. 1)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
4.	Lowest elevation of machinery and/or equipment servicing the building be identified (e.g., Pad) is 3' above the Highest Adjacent Grade. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork must either be placed above the BFE or sealed from floodwaters. For further guidance on the placement of building utility systems in crawlspaces, see FEMA 348, Protecting Building Utilities From Flood Damage .	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	

Checklist Part 2 – FMPG 2K22

FLOODWAY ENCROACHMENT		Items To Be Included Each Box Shall Be Checked as Applicable		
1.	No-Rise/Impact Certification and supporting data must be provided for any development. Must show zero rise in the floodway.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2.	No fill shall be used within the Floodway unless a No-Rise Certification is provided showing No-Rise in elevation of the Floodway.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
3.	If any rises or changes in the base flood elevation, floodway widths or base flood discharge requires a FEMA CLOMR/LOMR.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
4.	Placement of manufactured homes is not permitted, unless in existing manufactured home park or subdivision or area zoned only for manufactured homes and No-Rise Certification is submitted.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
5.	Free of Obstructions below BFE. (FEMA Technical Bulletin No. 5)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
ZONE AE WITHOUT FLOODWAY, ZONE A, AND UNMAPPED STREAMS		Items To Be Included Each Box Shall Be Checked as Applicable		
1.	Engineering analysis and supporting data must be provided for any development. May show up to 1' rise. New technical data should be submitted as a CLOMR/LOMR .	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2.	No fill shall be used within a Zone AE without floodway or a Zone A or Unmapped stream buffer areas unless an engineering analysis is provided showing less than 1' rise. New technical data should be submitted as a CLOMR/LOMR.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
3.	Placement of manufactured homes is not permitted, unless in existing manufactured home park or subdivision or area zoned only for manufactured homes and an engineering analysis is submitted showing less than a 1' rise.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
4.	Free of Obstructions below BFE. (FEMA Technical Bulletin No. 5)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
NON-RESIDENTIAL FLOODPROOFED STRUCTURES A-ZONES		Items To Be Included Each Box Shall Be Checked as Applicable		
1.	Commercial structures with a finished floor below the BFE are to be engineered to be floodproofed one (1) foot or greater above the BFE or elevated to the required flood elevation. (FEMA Technical Bulletin No. 3)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2.	Floodproof certificate is required before permit is finalized.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
3.	Use of flood protection and flood barriers must be identified on plans.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
4.	Floodproofing operation procedures are required.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
ACCESSORY STRUCTURES FOR A-ZONES				
1.	Structure is for storage and not for any type of habitation and is not climate controlled.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2.	Flood resistant materials used. (FEMA Technical Bulletin No. 2)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
3.	Anchored to resist flotation and lateral movement.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
4.	Permanent openings (flood vents) as designed.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
5.	Accessory structure is of low value.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
6.	Service Facility (electric shall be elevated above the BFE or floodproofed)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
REMODEL				
1.	SUBSTANTIAL IMPROVEMENT. Any one or more or combination thereof of repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds, over a 1-year period, a cumulative total of 50 percent of the pre-market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. (A-zone)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2.	Substantial Improvement Package completed/Copy of signed construction contract	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
3.	Remodel of uninhabited space to habitable space below the BFE is prohibited. The remodeling project will be required to have the finished floor elevated to the BFE + freeboard (A-zone).	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
4.	No remodel or conversion of space below the BFE is allowed.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
5.	No new additions (vertical or lateral) for Pre- and Post-FIRM structures without being elevated on an elevated foundation designed to new construction specifications within the flood damage prevention regulations.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Note: Copies of the referenced FEMA Technical Bulletins are available at <https://www.fema.gov/emergency-managers/risk-management/building-science/national-flood-insurance-technical-bulletins>

References:

[State Model Ordinance](#)

NFIP Regulations: [44 CFR 60.3](#)

[TEMA](#)

B10	Source of the BFE: (Should only come from the FIS Profile or Other. Ex: USACE. FIS Profile should be included in EC attachments. If missing, request it!)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
B11	Elevation datum for BFE: (For older FIRMs, refer to "NOTES TO USERS." For newer FIRMs, refer to "Map Projection.")	Yes <input type="checkbox"/>	No <input type="checkbox"/>
B12	Coastal Barrier Resources System: (N/A)	N/A	
Section C: Building Elevation Information (Survey Required)		Each Box Shall Be Checked as Applicable	
C1	Building Elevations based on Finished Construction	Yes <input type="checkbox"/>	No <input type="checkbox"/>
C2	Benchmark Utilized: (Types of GPS field Procedures: GPS-Static, GPS-Kinematic, GPS Pseudo-Kinematic, GPS-Real-time Kinematic, GPS-Online Position User Service (OPUS) Solution, GPS-TDOT Network) <i>(Unacceptable Methods: Bolt on fire hydrant, nail in pavement, CB9, FIRM derivative)</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
C2	Vertical Datum: (Should be the same as the FIRM)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
C2	Indicate Elevation Datum used for the Elevations in items a) through h):	NGV <input type="checkbox"/> D29 <input type="checkbox"/>	NA <input type="checkbox"/> VD <input type="checkbox"/> 88 <input type="checkbox"/>
a	Top of Bottom Floor (including Basement, Crawlspace, or Enclosure Floor): (Should be to a tenth of a foot. Ex: 219.2 not 219.24)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b	Top of next Higher Floor: (Check Pictures next Higher Floor)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c	Bottom of the Lowest Horizontal Structural Member (V Zones Only)	N/A	
d	Attached Garage (top of slab): (Check A9 and building photographs to verify.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
e	Lowest Elevation of Machinery or Equipment servicing the Build (Confirm this is completed and that description of type of equipment and location are in the Comments Section. Machinery and equipment must be 1' above the BFE for compliance.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
f	Lowest Adjacent Finished Grade next to Building (LAG)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
g	Highest Adjacent Finished Grade next to Building (HAG)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
h	Lowest Adjacent Grade at Lowest Elevation of Deck or Stairs, including Structural Support	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Section D: Surveyor Certification Surveyors are the only professional entity that can certify elevations as authorized by Tennessee State law TCA §62-18-102 (3).		Each Box Shall Be Checked as Applicable	
	Were latitude and longitude in Section A provided by a licensed TN land surveyor?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Comments: (Surveyor needs to list the type of equipment and location for C2(e) and any other unique features regarding the structure.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Section E: Building Elevation Information for Zone AO and Zone A (Without BFE)		Each Box Shall Be Checked as Applicable	
E1a	Top of Bottom Floor (including basement, crawlspace, or enclosure): (Compliant structure should be 3' above the HAG based on natural grade)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
E1b	Top of Bottom Floor (including basement, crawlspace, or enclosure): (Enter height above or below the Lowest Adjacent Grade)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
E2	For Building Diagrams 6-9 with permanent flood openings, the next higher floor is above or below the HAG. (If not diagram 6-9, mark N/A.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
E3	Attached garage: (Top of slab should be 3' above the HAG to be compliant.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
E4	Top of Platform of Machinery and/or Equipment servicing the building: (Compliant machinery should be 3' above the HAG and anchored adequately.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
E5	Zone AO: If the flood depth number is available, is the top of the bottom floor elevated in accordance with your community's regulations? (Regulations: The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Additional Notes:

- Do not write on the document; it invalidates it.
- Elevation Certificates should be typed.
- Elevation Certificates should be kept on file forever by the local community.
- All 6 pages must be submitted and included for full floodplain compliance.
- A Certificate of Occupancy should be issued after deficiencies or omissions are corrected.
- If the FIS Profile is marked as the source of the BFE, there should be profile submitted with elevation datum indicated. If you don't receive the documentation, ask for it.
- The FIRM is **not** to be the sole source of elevation information. The FIRM is **only** used for Coastal V Zones.
- Color photographs need a caption of the view and the date. Each certificate needs at least 2 images.
- Pages 13 – 18 in the Elevation Certificate provides instructions on filling out the Elevation Certificate correctly.