

**CHAPTER 1**  
**INTRODUCTION**

**Section**

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**Section 01.01. Preamble.**

**REGULATIONS CONTROLLING THE SUBDIVISION OF LAND IN DAYTON, TENNESSEE; REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL DESIGN STANDARDS; REQUIRING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING COMMISSION IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.**

**Section 01.02. Purpose.**

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

**Section 01.03. Enactment Clause.**

In pursuance of authority set forth in Section 13-3-401 through 13-3-411, **Tennessee Code Annotated**, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the municipality; to encourage economically sound and stable land development; to assure the provision of required streets, utilities and other facilities and services to land developments; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land development; to assure the provision of needed public open spaces and building sites in land developments through the dedication or reservation of land for recreational, educational and other public purposes; and to assure that land is developed in conformity with the Comprehensive Plan of Dayton, the Municipal Planning Commission of Dayton, Tennessee, does ordain and enact the following Chapters and Sections:

**Section 01.04. Title.**

This document shall be known and may be cited as the *Subdivision Regulations of the Dayton, Tennessee.*

## CHAPTER 2

### DEFINITIONS

#### Section

#### 02.01. Definitions and Explanation of Terms Used Herein

##### **02.01. Definitions and Explanation of Terms Used Herein.**

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

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

**Abutting:** Having a common border with, or being separated from such common border by, an alley or easement.

**Access:** The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave the property.

**Building Inspector:** The Zoning and Codes Officer or his authorized representative appointed by the Dayton City Council.

**Building, Main or Principal:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building of the lot on which it is located.

**Building Setback Line:** A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

**Channel:** A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. The top of the banks form the dividing line between channel and the floodplain.

**Coverage:** The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

**Dedication:** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

**Developer:** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

**Development:** The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing; grading, or other movement of land, for which permission may be required pursuant to this ordinance.

**Drainage:** The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

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

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

**Erosion:** The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

**Filling:** The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

**Flag Lot:** A “flag lot” is a lot which is shaped somewhat like a flag on a pole. These lots are used to provide a building site in the interior tract of land behind the lots which front a public street.

**Floodway:** Areas along the Richland and Little Richland Creeks and other streams as defined by the Flood Insurance Rate Map (FIRM) of Dayton, Tennessee (Community Number 47012, dated July 4, 1989) or the Flood Insurance Rate Map of Rhea County (Community Number 470151, dated September 4, 1991) and any subsequent revisions. These areas must be left unobstructed in order to preserve the flood carrying capacity of the stream and its flood plain without increasing the height of the floodwaters.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and the unusual and rapid accumulation or runoff of surface waters from any source.

**Floodplain:** The relatively flat area or lowlands adjoining a watercourse or other body of water which has been or may be covered by water.

**Floodway:** The channel of the watercourse and those positions of the adjoining floodplain which are reasonably required to provide for the passage of flow from a

regulatory flood. This area must be left unobstructed in order to preserve the flood-carrying capacity of the stream and its floodplain without increasing the height of the floodwaters. Agriculture, day time parking, recreation, and open uses are permitted in this area.

**Floodway Fringe:** That part of the floodplain located between the floodway and the designated outline of the regulatory flood which would be covered by floodwaters of the regulatory flood. Uses are permitted if they are protected by fill, flood-proofed, or otherwise protected.

**Floor Area:** The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

**Frontage:** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot.

**Grade, Finished:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**Health Department:** The Rhea County Office of the Tennessee Department of Health and Environment.

**Lot:** A piece, parcel, or plot of land in one ownership, occupied or to be occupied by one principal building and its accessory buildings, including open spaces.

**Lot Area:** The total surface area land included within lot lines.

**Lot, Corner:** A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

**Lot Depth:** The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

**Lot Frontage:** That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

**Lot, Interior:** A lot other than a corner lot.

**Lot Lines:** The boundary dividing a given lot from the street, an alley, or adjacent lots.

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the date of passage of the Dayton Subdivision Regulations.

**Lot Width:** The width of a lot at the building setback line measured at right angles to the centerline of its depth.

**Open Space:** An area on the same lot with a main building which is open, unoccupied, and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance. Open space lines shall coincide with or be parallel to the building setback lines on the same lot.

**Owner:** The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

**Parcel:** The area within the boundary lines of a development.

**Parking Space:** An off-street space available for parking one motor vehicle and having an area of not less than two-hundred (200) square feet (10'x20') exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

**Planning Commission:** The Dayton Municipal Planning Commission (DMPC).

**Plat:** A map, plan, or layout indicating the location and boundaries of individual lots.

**Principal Use:** The specific primary purpose for which land or a building is used.

**Public Improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

**Public Uses:** Public parks, schools, and administrative, cultural, and service buildings not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

**Right-of-Way:** The strip of land over which a public road is built.

**Roadway:** The actual road surface including necessary road shoulders and drainage facilities including ditches and curbing and guttering, which is utilized to transport motor vehicles.

**Sanitary Sewer:** A municipal or community sewerage collection, treatment, and disposal system of a type approved by the Health Department.

**Storm Sewers:** A municipal or community collection and disposal system for the control of storm drainage.

**Street:** A way for vehicular traffic, whether designated as an avenue, arterial, collector, boulevard, road, highway, expressway, land alley or other way, and for the purpose of these regulations “streets” are divided into the following categories:

- A. Major Thoroughfare – the streets designated as such in the Dayton, Tennessee Transportation Plan, (September 1968).
- B. Collector Street – a collector street which carries traffic from local streets to major thoroughfares.
- C. Local Street – a neighborhood street used primarily for access to the abutting properties.
- D. Marginal Access Street – a minor street parallel and adjacent to major thoroughfares which offer access to abutting properties.
- E. Alley – A minor way used for service access to the back or side of properties otherwise abutting on a street.
- F. Cul-de-sac – a local street with only one outlet, sometimes called a “dead-end” street. A permanent cul-de-sac is a “dead end” street for which there are no plans for extending and no need for extending.

**Structure:** Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

**Subdivision:** According to Tennessee Code Annotated Section 13-4-301(4)(B), the definition of a subdivision is as follows: (B) “Subdivision” means, the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. The term “subdivision” may be further defined as follows:

- 1. Major Subdivision: All divisions of land into five (5) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development; and including all division of land into two (2) or more lots involving a new street, or change in existing streets; or divisions of land involving the extension of water, sewer or gas lines and includes re-subdivisions and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.
- 2. Minor Subdivision A: All divisions of land into four (4) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or

building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. This definition shall not include any divisions of land involving a new street, a change in an existing street, or the extension of water, sewer or gas lines.

3. Minor Subdivision B (Simple Land Splits): Divisions of land into no more than two (2) lots, where approval may be endorsed in writing on the plat by the secretary of the Planning Commission without the approval of the Planning Commission, upon review and certification by the Building Inspector that the subdivision complies with the Subdivision Regulations. This definition shall not include any divisions of land involving a new street, a change in an existing street, or the extension of water, sewer or gas lines, and provided that no request for a variance from such regulations has been requested or is needed. See Minor Subdivision B (Simple Land Split) Certificate Section 10.03.

The following are **EXCLUDED** from the definition of a subdivision:

- A. Testamentary division of property;
- B. Partnership division of property between two or more owners of an undivided interest by court order;
- C. Division and plats of land partitioned by the owners among themselves in court; and
- D. Divisions where the resulting tracts are all over five acres, all have frontage on an existing publicly-maintained road, and where none require the extension of public water or sewer lines or other publicly owned utilities.

**Subdivider:** The person, firm, or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance or proceedings to subdivide person, firm, or corporation for the purpose of proceeding under these regulations.

**Variance:** Permission to depart from the literal requirements of these regulations.

**Yard, Front:** The required open space, unoccupied by buildings, between the road or street right-of-way line and the principal building.

**Yard, Rear:** The required open space, unoccupied except by a building of accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

**Yard, Side:** The required open space, unoccupied by a building, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

## CHAPTER 3

### PLATTING JURISDICTION, ENFORCEMENT AND PENALTIES FOR VIOLATION

#### Section

#### **03.01. Platting Authority**

#### **03.02. Use of Plat**

#### **03.03. Opening and Improving of Public Streets**

#### **03.04. Erection of Building**

#### **03.05. Penalties**

#### **03.01. Platting Authority.**

The Dayton Municipal Planning Commission (DMPC) shall be the official platting authority for property within the City of Dayton. No plat of a land subdivision shall be entitled to record in the office of the Rhea County Register unless it shall have the approval of the DMPC inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the DMPC commission, as required by these regulations, is declared to be a misdemeanor, punishable by law.

#### **03.02. Use of Plat.**

The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a subdivision plat that has not been given final approval by the planning commission and recorded in the office of the Rhea County Register is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties.

#### **03.03. Opening and Improving Public Streets or Roads.**

No public officer, authority or governing body shall accept, layout, open, improve, grade, pave or light any street, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the area of Dayton's Municipal planning jurisdiction unless such street shall have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the planning commission, or on a street plan made and adopted by the planning commission.

#### **03.04. Erection of Buildings.**

No building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the planning commission unless the street giving access thereto has been accepted as a public street in accordance with these

regulations, or unless such street has been accepted as a public street prior to the effective date of these regulations.

Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building inspector or the city attorney or other official designated by the Dayton City Council or other agreed parties may bring action to enjoin such erection or cause it to be vacated or removed.

**03.05. Penalties.**

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

Any owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the planning commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

## CHAPTER 4

### GENERAL DESIGN REQUIREMENTS

#### Section

#### 04.01. Suitability of Land

#### 04.02. Name of Subdivision

#### 04.03. Access

#### 04.04. Public Use Areas

#### 04.05. Large Scale Development

#### 04.06. Mobile Home Parks

#### 04.07. Two Lot Subdivisions

#### 04.01. Suitability of Land.

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

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for any uses that may increase flood hazard, endanger health, life or property, or aggravate erosion. Such land within the plat shall be set aside so as not to be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions. In applying this provision, land below the elevation of either the Regional flood or the TVA Structure Profile will be considered subject to flood. The elevation(s) will be determined from the Flood Insurance Rate Map (FIRM) of Dayton, Tennessee (Community Number 47012, dated July 4, 1989) or the Flood Insurance Rate Map of Rhea County (Community Number 470151, dated September 4, 1991) and any subsequent revisions. In the event the site is not in an area covered by the Federal Emergency Management Agency – Flood Insurance Rate Maps, a comprehensive study, using the best available data, will be required by a professional engineer licensed to practice in Tennessee.

Fill may not be used to raise land within the Floodway District. In other areas subject to flood, fill may be used provided the proposed fill does not restrict the flow of water and unduly increase flood heights. Areas included in the floodway are as shown on the Flood Insurance Rate Map (FIRM) of Dayton, Tennessee (Community Number 47012, dated July 4, 1989) or the Flood Insurance Rate Map of Rhea County (Community Number 470151, dated September 4, 1991) and any subsequent revisions, which are made a part of these regulations.

#### 04.02. Name of Subdivision.

The name of the subdivision shall not duplicate or closely approximate the name of an existing subdivision and shall have the approval of the planning commission.

**04.03. Access.**

Access to every subdivision shall be provided over a public street for a minimum of fifty (50) feet.

**04.04. Public Use Areas.**

When plans for public uses, adopted by the planning commission, are located in whole or in part in a land subdivision, land for such features shall be either dedicated or reserved by the subdivider for acquisition within one (1) year by the appropriate public agency. Whenever a plat proposes the dedication of land to public uses that the planning commission finds not required or suitable for such use the planning commission shall refuse to approve the plat, and shall notify the governing body of the reasons for such action.

*Where the public use is for the public as a whole, the community should pay proportionately for the acquisition of reserved areas within a reasonable time, determined according to the circumstances, since the subdivider should not be required to hold land idle for an indefinite period.*

**04.05. Large-Scale Development.**

The requirements of these regulations may be modified in the case of large-scale community or neighborhood units, such as housing project, trailer court or shopping center which is not subdivided into customary lots, blocks and streets, if the development is approved by the planning commission and if it is in conformity with the purpose and intent of these regulations.

**04.06. Mobile Home Parks.**

Before a Mobile Home Park can be developed, the requirements and regulations of the **Dayton Mobile Home Park Ordinance** must be satisfied and approval of the Local Health Authority must be secured, prior to approval by the planning commission.

## Illustration – Subdivision Designs

## CHAPTER 5

### GENERAL REQUIREMENTS FOR STREETS, RIGHTS-OF-WAY AND EASEMENTS

#### Section

#### **05.01. Conformance with Adopted Transportation Plan**

#### **05.02. Continuation of Existing Streets**

#### **05.03. Street Connections**

#### **05.04. Street Elevations**

#### **05.05. Street Names**

#### **05.06. Restriction of Access**

#### **05.07. Alleys**

#### **05.08. Private Streets and Reserve Strips**

#### **05.09. Easements**

#### **05.10. Drainage**

#### **05.01. Conformance with Adopted Transportation Plan.**

All streets and other features of the *Transportation Plan of Dayton, Tennessee, (September 1968 or subsequent revisions)* shall be platted by the subdivider in the location and to the dimensions indicated on the "Transportation Plan" adopted by the planning commission.

#### **05.02. Continuation of Existing Streets.**

Existing streets shall be continued at the same or greater width, but in no case less than the required width.

#### **05.03. Street Connections.**

Where proposed streets are to intersect existing streets, the developer must make the connection at his expense and meet all street design requirements set forth in these regulations.

#### **05.04. Street Elevations.**

The planning commission may require profiles and elevations of streets in areas subject to flooding as defined in these regulations. All new roads must be constructed one (1) foot above the 100-year flood elevation. Fill may be used for street provided such fill does not increase flood heights. Drainage openings shall be designed so as not to restrict the flow of water and increase flood heights.

**05.05. Street Names.**

The street names shall require the approval of the County E-911 Board and the Dayton City Council. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.

**05.06. Restriction of Access.**

When a tract fronts on an arterial or highway, the planning commission may require such lots to be provided with frontage on a marginal access street or may require reverse frontage lots.

**05.07. Alleys.**

Alleys may be required at the rear of all lots used for multi-family, commercial or industrial developments but shall not be provided in one-and two-family residential developments unless the subdivider provides evidence, satisfactory to the planning commission, of the need for alleys.

**05.08. Private Streets and Reserve Strips.**

There shall be no private streets platted in any subdivision. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the city under conditions approved by the planning commission.

**05.09. Easements.**

Easements having a minimum width of ten (10) feet shall be provided, where deemed necessary, along any lot line for utility lines and underground mains and cables. Easements of the same or necessary greater width shall be required along the lines of or across lots, where deemed necessary, for the extension of existing or planned utilities.

Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water or drainage easement of adequate width. Buildings shall be setback no less than ten (10) feet from a drainage easement, but in no case shall be less than the minimum required setback from a lot line. Parallel streets may be required by the planning commission in connection with a required drainage easement.

**05.10. Drainage.**

The design of the subdivision must accommodate the discharge of surface runoff from natural waterways and street right-of-ways. If the planning commission, in the preliminary review, observe problems that would cause excessive storm runoff; damaging soil erosion; increased deposition of water transported silt and debris onto surrounding properties and/or; disruption of the natural drainage of the area; the planning commission will require a drainage plan to be prepared by a professional engineer or

hydrologist, licensed to practice in Tennessee. Proper drainage plans, that will mitigate the site problems, shall be submitted for review before preliminary approval with the following information included:

- A. Drainage areas, both off-site and those which contribute to the flow entering drainage structures from the surface and from piped systems;
- B. Existing and proposed contours, with a minimum interval to be two feet and a maximum to be five feet in elevation;
- C. Scale no smaller than 100 feet per on inch;
- D. Magnetic or grid north indicator;
- E. A project location sketch map showing the surrounding properties, roads, and waterways;
- F. Direction of water flow;
- G. Proposed drainage control facilities (detention facilities, drainage easements, soil stabilization, culverts, etc.) with their elevations clearly marked;
- H. Structures and layout of storm and sanitary sewers, paving, utilities, building outlines, easements, right-of-ways, and evidence of recording property lines, etc., identified as existing or proposed;
- I. Directions of water flow; (same as letter F)
- J. Bearings and distances of the courses of the property boundaries;
- K. The limits of the 100-year flood plain clearly indicated by a heavy line; and

CHAPTER 6

STREET DESIGN REQUIREMENTS

Section

- 06.01. Street Right-of-Way Widths
- 06.02. Additional Width on Existing Streets
- 06.03. Street Pavement Widths
- 06.04. Shoulders
- 06.05. Street Grades
- 06.06. Horizontal Curves
- 06.07. Vertical Curves
- 06.08. Intersections
- 06.09. Tangents
- 06.10. Street Jogs

**06.01. Street Right-of-Way Widths.**

The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

- A. Major Thoroughfare .....80 feet, or as may be required
- B. Collector Streets.....60 feet

*Secondary or collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets of a residential development and streets for major circulation within such a development.*

- C. Local Streets (Neighborhood).....50 feet

*A street that primarily provides access to abutting property and carries neighborhood traffic to the collectors.*

- D. Marginal Access Streets.....40 feet

*A street parallel and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.*

- E. Alleys .....20 feet

*A minor public way used for service access to the back or side of properties otherwise abutting on a street.*

- F. Cul-de-sacs.....50 feet

*Cul-de-sacs are permanent dead-end streets designed not to be extended in the future. Cul-de-sacs shall be provided at the closed end with a turn-around property line radius of at least fifty (50) feet and an outside pavement radius of at least forty (40) feet.*

**06.02. Additional Width on Existing Streets.**

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

- A. The entire right-of-way shall be dedicated where any part of the subdivision is on both sides of the existing street; and
- B. Where the subdivision is located on only one (1) side of an existing street, the amount of right-of-way shall be dedicated as follows:
  - 1. If the land across the roadway from the proposed subdivision has not been subdivided or developed, the subdivider is only required to dedicate one-half (1/2) of the required right-of-way measured from the center line of the existing roadway.
  - 2. If the land across the roadway has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the roadway to bring the total right-of-way to the required width (in no case less than fifty (50) feet).

**06.03. Street Pavement Widths.**

Street pavement widths shall be as follows:

- A. Major thoroughfares..... 48 feet or greater,  
or as may be required
- B. Collector Streets.....30 feet
- C. Local Streets.....24 feet
- D. Marginal Access Streets.....22 feet
- E. Alleys .....16 feet
- F. Cul-de-sacs..... 24 feet, with a 40-foot  
radius for turn-around

**06.04. Shoulders.**

Shoulders three (3) feet wide shall be provided on each side of the pavement.

**06.05. Street Grades.**

Maximum street grade restrictions provide adequate traffic safety and minimum requirements are necessary for drainage purposes. The maximum street grade shall be fourteen percent (14%) and minimum street grades shall be five-tenths of one percent (0.5%).

**06.06. Horizontal Curves.**

Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, the street shall have a centerline radius of not less than the following:

- A. Major Thoroughfares .....300 feet
- B. Collector Streets.....200 feet
- C. Local Streets and lesser classifications .....100 feet

**06.07. Vertical Curves.**

Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver’s eyes, which are assumed to be four and one-half (4 ½) inches high on the pavement. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals twenty (20) feet vertically may be required.

**06.08. Intersections.**

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

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

**06.09. Tangents.**

Between reverse curves there shall be a tangent having a length of not less than one hundred (100) feet.

**06.10. Street Jogs.**

Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.

Illustration – Street Jogs/Intersections

Illustration – Horizontal Curve/Street Profile

## CHAPTER 7

### DESIGN STANDARDS FOR BLOCKS AND LOTS

#### Section

#### 07.01. Block Lengths and Widths

#### 07.02. Flood Free Building Site

#### 07.03. Lot Sizes

#### 07.04. Lot Lines

#### 07.05. Building Setback Lines

#### 07.06. Lots Abutting Public Streets

#### 07.07. Double Frontage Lots

#### 07.08. Reverse Frontage Lots

#### 07.09. Flag Lots

#### 07.01. Block Lengths and Widths.

Block lengths and widths shall be as follows:

- A. Blocks shall be no greater than one thousand two hundred (1,200) feet nor less than four hundred (400) feet in length, except in unusual circumstances;
- B. Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets or where other situations make this requirement impractical; and
- C. Where a subdivision enters a major thoroughfare, the first block may be one hundred fifty (150) feet to accommodate a single tier of reverse frontage lots, thereafter all remaining blocks in the subdivision must meet the minimum standards set forth in subsections A. and B. of this Section.

#### 07.02. Flood-Free Building Site.

Each lot in a subdivision shall contain a flood-free building site outside of the limits of any existing easement or the building setback lines as required by these regulations.

#### 07.03. Lot Sizes.

Residential lots shall meet the lot width and lot area requirements of the Zoning Ordinance. Other lot size requirements follow:

- A. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than three (3) times the width of the lot at the building line, unless unusual circumstances make these limitations impractical. If circumstances warrant a greater depth, the planning commission may approve a length of up to five (5) times the width of the lot.

- B. Lots not served by public water and sanitary sewer systems shall be at least twenty thousand (20,000) square feet in area or of a size specified by the county health authority to adequately accommodate both fresh-water well and septic tank on the same lot. The minimum distance between the septic tank and fresh-water well shall be one hundred (100) feet. Where individual septic tanks are used on lots served by a public water system, minimum lot size shall be seven thousand five hundred (7,500) square feet. The health officer shall also prescribe minimum lot sizes to conform to health standards, which may be greater than the standards contained herein.
- C. Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets.
- D. Commercial and industrial lots shall be adequate in size to provide service areas and off-street parking suitable for the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.
- E. Land shall not be platted for commercial or industrial purposes unless the subdivider can demonstrate to the planning commission that each lot provides the following:
  - 1. A site that does not unduly interfere with through traffic.
    - a. Each industrial subdivision or area shall utilize a single collector for all heavy traffic between the area and the general system of streets and roads.
    - b. Minor industrial streets and individual industrial parcels shall be oriented at right angles with the collector and with adjacent railroads.
  - 2. An integrated parking area.
  - 3. An insulation against any adverse effect on any present or future adjacent residences.
  - 4. A parcel size sufficient in area to allow future expansion.

**07.04. Lot Lines.**

All side lot lines shall be perpendicular or radial to street lines, unless impractical because of topographic or other features.

**07.05. Building Setback Lines.**

A building setback line meeting all setback requirements of the Zoning Ordinance, shall be established on all lots. The front yard setback lines shall be as follows:

- A. Major Thoroughfare.....30 feet
- B. Collectors .....30 feet
- C. Local Streets.....20 feet
- D. Marginal Access Streets.....20 feet
- E. Cul-de-sacs.....20 feet

Other minimum setback lines shall be as follows:

- A. from the side property lines .....10 feet
- B. from the rear property line .....15 feet
- C. from the side property lines which abut a major thoroughfare or collector road .....30 feet
- D. from the side property lines which abut a local street, alley or cul-de-sac.....20 feet

**07.06. Lots Abutting Public Streets.**

Each lot must abut upon an existing dedicated public street or a street which meets the design requirements of these regulations and which has obtained approval of the planning commission for a minimum of fifty (50) feet, excepting flag lots.

**07.07. Double Frontage Lots.**

Double frontage lots shall be prohibited, except where unusual topographic conditions or lot configuration exist, in which case a variance may be granted.

**07.08. Reverse Frontage Lots.**

Reverse frontage lots should be encouraged where it essential to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Reverse frontage lots shall have a depth of not less than one hundred and fifty (150) feet. A planted evergreen buffer strip, at least ten (10) feet wide, shall be provided along the lot lines which abut the traffic artery of highest classification. (*An earthen berm or wooden or opaque fence may be used in lieu of an evergreen buffer strip.*)

**07.09. Flag Lots.**

In the City of Dayton, flag lots shall be allowed only if they meet the following requirements:

- A. For flag lots of one (1) acre or less, the access strip shall be a maximum of 200 feet in length and a minimum of 20 feet in width;
- B. For flag lots of more than one (1) acre, the access strip shall be a maximum of 500 feet in length and a minimum of 50 feet in width. (This wider access strip will allow room for a public street when and if the flag lot is ever re-subdivided.
- C. For flag lots of more than five (5) acres, the access strip shall be a maximum of five hundred (500) feet in length and a minimum of sixty (60) feet in width.
- D. The overall subdivision shall be designed so that the point where the access strip of the flag lot abuts the public street shall be safe for vehicular ingress and egress as far as visibility and grade are concerned since, unlike the purchaser of a conventional lot, the owner of a flag lot will have no other choice as to driveway location. (The safety of this intersection is even more important if the flag lot is ever made into a subdivision housing a number of families.)
- E. Whenever a fifty- or sixty-foot wide access strip is required, the developer shall locate it on land which affords a grade which would meet the specifications of Section 06.05. so that if the flag lot is subdivided, the planning commission will be able to approve the grade of the new public road built on the right-of-way necessary to construct street to the specifications of Section 06.03. *(This requirement is needed so that the city does not, at a future date, have a dangerous road which is difficult to maintain and to serve with public vehicles such as school buses.)*
- F. Within the portion of the flag lot which doesn't include the access strip the various building setbacks for front, side, and rear shall still apply and be measured from the boundaries of the portion excluding the access strip.
- G. Minimum lot sizes shall be calculated, excluding the access strip.

## Illustration – Types of Lots

## CHAPTER 8

### PROCEDURE FOR PRELIMINARY PLAT APPROVAL AND PRELIMINARY PLAT SPECIFICATIONS

#### Section

#### **08.01. Application for Preliminary Plat**

#### **08.02. Use of a Preliminary Plat and Expiration**

#### **08.03. Timely Action and Automatic Approval**

#### **08.04. Preliminary Plat Specifications**

#### **08.05. Certificate of Preliminary Approval**

#### **08.01. Application for Preliminary Plat Approval.**

Subdivision plats are considered for preliminary approval on the third Monday of each month at the regular meeting of the Dayton Municipal Planning Commission. In order for a plat to be considered for preliminary approval at that time the following conditions must have been met:

- A. Three (3) copies of the plat must be submitted to the Dayton City Manager no later than the Friday before the second Monday of the month.
- B. The developer or his representative may be required to attend a subdivision review meeting with planning staff, if deemed necessary. (*Staff will contact the subdivider if a meeting is deemed necessary.*)
- C. The developer or his representative shall be present at the regular Dayton Planning Commission meeting when his plat is being reviewed.

#### **08.02. Use of a Preliminary Plat and Expiration.**

Preliminary plat approval only indicates approval of the layout as a guide to the preparation of the final plat. Preliminary plat approval shall expire after a period of one (1) year unless an extension of time is applied for by the subdivider or his representative and approved by the planning commission. (*Approval of a Preliminary Plat does not constitute approval of a Final Plat.*)

#### **08.03. Timely Action and Automatic Approval.**

The planning commission shall give preliminary plat approval within thirty (30) days of the plat's presentation at an official planning commission meeting. If the plat is not acted upon within the thirty (30) day period, it will be approved automatically.

**08.04. Preliminary Plat Specifications.**

The preliminary plat shall meet the requirements of Sections 08.04.01. through 08.04.04. of these regulations.

**08.04.01. Scale.** The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch.

**08.04.02. Sheet Size.** Sheet size shall be the sheet size required by the County Register for recording purposes. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

**08.04.03. Ground Elevations.** Contours shall be shown at vertical intervals of not more than five (5) feet, except when specifically not required by the planning commission.

**08.04.04. Information to be Provided on Preliminary Plat.** The preliminary plat shall contain the following information:

- A. Name of subdivision;
- B. Name and address of owner of record, subdivider, and surveyor;
- C. North point, graphic scale and date;
- D. Vicinity map showing location and acreage of subdivision;
- E. Exact boundary lines of the tract by bearing and distances;
- F. Names of adjoining property owners and/or subdivisions;
- G. Existing streets, buildings, water courses, railroads, culverts, utilities and easements on and adjacent to the tract;
- H. Proposed design including streets and alleys with proposed street names, lot lines with bearings and distances, easements, land to be reserved or dedicated for public uses and any land to be used for purposes other than single-family dwellings;
- I. Block numbers and lot numbers;

*(Road names and property numbers shall be approved and certified by the County E-911 Board, prior to final plat approval.)*

- J. Plans of proposed utility layouts and easements for sewers, water, gas, and electricity showing feasible connections to the existing or any proposed individual

water supply and/or sewage disposal system must be approved by the county health department.

- K. Where public sewerage and/or water are not available the following shall be shown:
  - 1. Areas to be used for sewage disposal on each lot;
  - 2. Water wells (existing and/or proposed);
  - 3. Rock outcroppings, marshes, springs, sinkholes, natural storm drains and other outstanding topographical features.
- L. Minimum building front yard setback lines;
- M. The present zoning classification, if any, on the land to be subdivided and on the adjoining land;
- N. Contour lines at least for every five-foot change in elevation, if required;
- O. Street cross-sections and centerline profiles; and
- P. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the limit of such flood shall be shown;
- Q. All new subdivision plats and other plats (including plats for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, must include base flood elevation data on such plats.

**08.05. Certificate of Preliminary Approval.**

Two (2) certificates of Preliminary Plat Approval by the planning commission shall be issued. One (1) copy for the subdivider or his agent and one for the planning commission records. The certificate shall contain the following:

“Pursuant to the Subdivision Regulations of Dayton, Tennessee, all the requirements of **preliminary approval** have been fulfilled.

Therefore, the “Preliminary Plat” of \_\_\_\_\_  
Subdivision has been approved by the Dayton Municipal Planning Commission  
\_\_\_\_\_ 20\_\_\_, subject to the following modifications. **This approval does not constitute approval of a Final Plat.** This Certificate of Preliminary Plat Approval shall expire and be null and void on \_\_\_\_\_” (one year later).

\_\_\_\_\_  
Secretary, Dayton Municipal  
Planning Commission

Illustration – Preliminary Plat

## CHAPTER 9

### REQUIRED IMPROVEMENTS FOR FINAL PLAT APPROVAL

#### Section

- 09.01. Introduction**
- 09.02. Monuments**
- 09.03. Grading**
- 09.04. Road Base**
- 09.05. Intermediate Road Course**
- 09.06. Road Surface**
- 09.07. Shoulders**
- 09.08. Storm Drainage**
- 09.09. Water Supply System**
- 09.10. Fire Hydrants**
- 09.11. Sewage Disposal**
- 09.12. Sidewalks**
- 09.13. Street Signs**
- 09.14. Guarantee in Lieu of Improvements**

#### **09.01. Introduction.**

Prior to the approval of a final plat, an agreement shall be reached between the subdivider or his agent and the city government with regard to the installation of any street improvements or utility construction called for in the subdivision plat. The subdivider, at his expense, may contract with a private firm to install the necessary improvements. The subdivider shall be required to have installed at his expense any and/or all of the required improvements listed in Section 09.02. through 09.13. of these regulations.

#### **09.02. Monuments.**

Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top, shall be set at all road corners, at all points where the road lines intersect the exterior boundaries of the subdivision at angle points and points of curve in each road and at each angle point in the external boundary of the subdivision. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade. All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

#### **09.03. Grading.**

Before grading is started, the areas between the proposed slopes shall be cleared of all trees, stumps, roots, weeds, logs, heavy vegetation, and other objectionable matter, and shall be grubbed or removed to a depth below the proposed grade in cuts and the natural ground in fills so as to expose a suitable sub-grade. The objectionable matter shall be

removed from within the right-of-way limits and disposed of in such a manner that it will not become incorporated within the fills, nor in any manner hinder proper operation of the drainage system.

All suitable material may be used in the construction of embankments or at any other place needed. If rock is encountered, it shall be removed to a depth of not less than 12" below the sub-grade of the roadbed. Where boulders are encountered, they shall be removed 6" below the proposed sub-grade.

Prior to road construction, all underground work that is to be within the roadway shall be completed. All utilities under paved areas are to be back-filled with stone.

**09.03.01. Sub-grade.** The sub-grade shall be prepared to the lines and grades as designed and staked by the subdivision engineer and to correspond to the cross-section of the bottom of the base as indicated on the typical cross-section approved by the planning commission.

After the sub-grade has been appropriately prepared and shaped, it shall be thoroughly rolled and then clipped with a grader until final lines and grades are obtained. Water shall be added to the sub-grade if the material is dry and will not readily compact under the roller. All soft yielding material that does not readily compact under the roller shall be removed. All holes or depressions, caused by the removal of this material shall be replaced with suitable material and rolled until compacted.

**09.03.02. Embankments.** Any area, upon which embankment is to be constructed, having more than a 3 to 1 slope, shall be plowed or scarified completely and rolled thoroughly with a sheep-foot roller. Each layer of embankment formation shall be compacted before the formation of the next layer is begun.

Each layer of embankment is to be constructed with a thickness not to exceed 8", and shall be compacted at optimum moisture content to 95% of maximum density of same material when tested in accordance with the Standard Specification for compaction and density of solid, S.S.S.H.O. Serial Designation T. 99.49.

If, in the event any section of embankment appears not to be satisfactory in respect to compaction, the developer or contractor will be required to have a compaction analysis performed by a recognized authority and the repair work carried out as directed by this analysis.

**09.04. Road Base.**

Before the base operation is begun, the city building inspector will make an inspection of the sub-grade. Approval in writing of the sub-grade is required prior to the placing of any base material. Base alternates are as follows:

A. **Crushed stone 33c (T.B.R.) or pug mill mix**

1. The crushed stone shall be applied at the rate of 110 pounds per square yard per inch of thickness. The minimum thickness shall be 5" compacted.
2. Where in the opinion of the city building inspector that a thicker base is necessary, he may require that a thicker base be applied.

Weight tickets shall be furnished to the city building inspector for the gravel used. The crushed stone shall be dumped and wind-rowed uniformly along the center of the roadway.

B. **Soil cement**

1. Soil cement stabilized base course may be permitted where natural soils lend themselves to the construction of soil cement base.
2. Roadway shall be prepared to lines and grade. Roadway soil shall be scarified to 6" depth and pulverized thoroughly. Roadway soil shall be wind-rowed in uniform shape.
3. Cement shall be spread to windrow and mix with grader until cement is thoroughly blended with soil, add water as directed, and spread uniformly. Compact the mixture with a sheep-roller until the roller walks out of the mix. Lightly scarify the compaction plane caused by the sheep-feet roller and roll with a steel roller to final shape. Water should be added during this final operation, as needed.
4. The finished base shall have a curing cover applied immediately after finishing the surface of soil cement base. An asphalt prime will be used as a curing cover. Choice of asphalt grade will depend on the season.
5. The amount of cement used will vary with the native soil condition. The cement ratio will vary from 8% to 12% by volume of native soil. Soils may be analyzed by an independent testing laboratory to determine cement ratio and developer will be notified by the city building inspector.

**09.05. Intermediate Road Course. (amended 6/19/06)**

After the base course has been thoroughly compacted and worked to the lines and grades as shown on the typical cross-section, it shall be broomed to remove any excess loose material and dampened if necessary. The following intermediate road course shall be installed:

## **Hot Mix Asphalt**

A hot mix asphalt binder material may be applied at a minimum of two inches or 220 pounds per square yard. Weight tickets shall be furnished to the city building inspector.

### **09.06. Road Surface.**

At such time when the road surface is ready to be applied, the intermediate binder course shall first be swept clear of all loose debris and patched where necessary.

A two-inch plant mix shall be added to the binder material. The asphalt and mineral aggregate for this item shall conform to the Tennessee Department of Highways Specifications. The temperature range of the plant mix shall be 250 degrees to 325 degrees F. The outside temperature for the binder and plant mix shall be 40 degrees and rising.

### **09.07. Shoulders.**

There shall be a three-foot gravel shoulder on each side of the pavement surface. The shoulders should be developed with “crusher run” gravel and compacted in place.

**09.07.01. Curbs.** An alternative to the gravel shoulders is a concrete or extruded asphalt curb. Where curbs are constructed, they shall be back-filled to the top of the curb. (*See the illustration at the end of this chapter for acceptable curb designs.*)

### **09.08. Storm Drainage.**

An adequate drainage system, including necessary open ditches, pipe culverts, catch-basins, and bridges shall be provided for the proper drainage of all surface water. Cross drains shall be of sufficient length to permit full roadway widths and the required slopes. The drainage structure sizes are to be determined by any acceptable engineering formula, but in no case shall a cross drain be less than 15” in diameter. The city street department shall be consulted before any drains are installed to insure they will conform to the formula as to proper size.

Cross drains shall be built on straight line and grade and shall be laid on a firm compacted base. In the event rock is encountered in the trench, the rock shall be removed 4” below the grade and replaced with suitable material. Pipe shall be laid with the spigot end pointing in the direction of flow and with ends fitted and matched to provide tight joints and a smooth uniform invert made by grouting tile of 24” diameter or larger half way up the pipe on the inside and half way down on the outside.

When necessary for proper flow, inlet and outlet ditches shall be provided at drainage structures and drainage easements shall be shown. Treatment of the inlet and outlet ditches and all drainage ways in the subdivision shall conform to the following table and in all cases be constructed on firm base.

<u>Size of Nearest Culvert</u>	<u>Treatment</u>	
	<u>Upstream</u>	<u>Seeded</u>
15"	Grades 3-10%	Grades exceeding 10.0%
18"-24"	Grades 1.5%-7.0%	Grades exceeding 7.0%
30"-36"	Grades 1.0%-4.0%	Grades exceeding 4.0%
42"-60"	Grades 2.5%-or less	Grades exceeding 2.5.0%

Swales or ditch lines paralleling the roadway shall be graded a minimum of 1% where possible, in no case will grades of less than 0.5% be allowed. Where at all possible, main drainage ways shall be cut to the rear lot lines and not carried down the roadway. This is to avoid having oversized side drains under driveways.

If a drainage pipe is under three feet in diameter, located in the ditch line and more than 50 feet long, concrete or solid masonry catch basins with a 6" minimum wall thickness shall be required at intervals of 50', except a greater run may be approved by the city building inspector. The design of these catch basins shall be approved by the city building inspector.

Where there are long grades, relief pipes shall be placed. The maximum interval of relief pipes shall be 500'.

Should a bridge or large drainage structure be required to provide proper drainage, it shall be designed by a licensed civil engineer and approved by the city building inspector.

**09.09. Water Supply System.**

Water mains properly connected with the community water supply system or with an alternate supply approved by the health authority shall be constructed in such a manner as to serve adequately for both domestic use and fire protection, for all lots shown on the subdivision plat. Where public water systems are to be used, six-inch mains of material approved by the health authority, shall be required.

**09.10. Fire Hydrants.**

No lot inside the city limits of Dayton shall be less than five hundred feet from a fire hydrant. The location and types of valves and fire hydrants, the amount of soil cover over the pipes and other features of the installation shall conform to accepted standards of

good practice for water systems and must meet the approval of the Dayton Municipal Water Department.

**09.11. Sewage Disposal.**

When any portion of a contiguous tract of land being subdivided in any part abuts a gravity sewer main or lift and force main of a public sewer line, sanitary sewers shall be required to be installed in such a manner as to serve adequately all lots within the entire tract.

Where lots cannot be connected with a sewerage system without undue hardship, each of these lots shall be required to pass acceptable soil evaluation ratios, contain adequate area for the installation of approved septic tank and disposal fields with at least 100% reserve, and be approved in writing by the county health officer.

*Upon receipt of a preliminary plat the health authority reviews the data and a field investigation of each lot is made. By using the guidelines recommended by the Tennessee Department of Public Health, calculations are made to determine the maximum number of bedrooms for a home and/or the maximum daily flow of sewage from establishments or institutions allowable for each lot.*

**09.12. Sidewalks.**

For the safety of pedestrians and children at play or on approaches to community facilities (schools, parks, etc.) installation of sidewalks on both sides of the streets shall be required of the developer when considered to be necessary by the planning commission.

**09.12.01. Sidewalk Specifications.** When sidewalks are required, the following specifications shall be met:

- A. Sidewalks shall be located not less than one-foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on the property line at a later date.
- B. In single-family residential areas concrete sidewalks shall be four feet wide and four inches thick.
- C. In multi-family or group housing development sidewalks shall be five feet wide and four inches thick.
- D. In commercial areas, sidewalks shall be ten feet wide and four inches thick.

**09.13. Street Signs.**

Street signs, with road names approved by the County E-911 board, of a type and design approved by the city shall be provided by the developer. *(The City of Dayton owns a street sign making machine and the developer may contract the city to make such signs which would meet city standards.)*

**09.14. Guarantee in Lieu of Completed Improvements.**

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

- A. All required improvements have been constructed in a satisfactory manner and approved by the authorities responsible for inspection of such improvements and by the planning commission; or
- B. The city attorney has approved and the planning commission has accepted a performance bond from a reputable bonding company, cashier's check or letter of credit in an amount of **ONE HUNDRED AND FIFTY (150) PERCENT** of the estimated cost of installation of the required improvements. Such performance bond, cashier's check or letter of credit shall be accompanied by a letter from the department head who must give approval to such improvements for which security is being posted, said letter shall include the estimated cost of the improvements and the time period in which the improvements are made.

**(Added 6/19/06)**

- C.
  - 1. The city agrees to attempt to contact the developer prior to making any repairs, unless these repairs are deemed by the City to be of an emergency nature, to give the developer an opportunity to make the repairs prior to calling the bond.
  - 2. The maintenance bond shall cover 40 percent of the value of all road and drainage improvements.

**The bond shall be released upon expiration of the required time, with a final inspection by the Highway Commissioner, a favorable recommendation by the city attorney, and approval by the city commission.**

Illustration – Curb Design Alternatives

**CHAPTER 10**  
**PROCEDURE FOR FINAL PLAT APPROVAL AND**  
**FINAL PLAT SPECIFICATIONS**

**Section**

**10.01. Application for Final Plat Approval**

**10.02. Final Plat Specifications**

**10.03. Certifications**

**10.04. Recording of Final Plat**

**10.05. Minor Subdivision- Plat Procedure**

**10.01. Application for Final Plat Approval.**

After the preliminary plat of a proposed subdivision has been approved by the planning commission, the subdivider may, within one year from preliminary approval, request the planning commission to grant final plat approval. The procedure for requesting final plat approval shall be as follows:

1. Submit five (5) copies of the final plat to the city manager no later than the Friday before the second Monday in the month in which final plat consideration is being requested.
2. The developer or his representative must attend the meeting of the subdivision review committee, if deemed necessary, to answer any questions which may arise concerning his plat.
3. The developer or his representative must attend the regular meeting of the Dayton Municipal Planning Commission to present his plat for final plat approval.

The planning commission shall give final plat approval within thirty (30) days of its submission to the regular planning commission. If the plat is not acted upon within the thirty (30) day period, it will automatically be approved.

**10.02. Final Plat Specifications.**

The final plat shall conform to and meet the specifications of the preliminary plat with the following additions:

- A. Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three shall be accurately described on the plat);

- B. Municipal, county and land-lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision;
- C. Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest one-tenth of a foot and angles to the nearest minute, which shall be balanced and closed with an error closure not to exceed one to five thousand;
- D. Name of subdivision, exact location, widths and names of all streets and alleys within or immediately adjoining the tract;
- E. Street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents;
- F. Lot lines with dimensions to the nearest one-tenth of a foot and bearings;
- G. Lots numbered in accordance with the county E-911 property numbering system and approved by the Rhea County E-911 Board;
- H. Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use;
- I. Accurate location, material and description of existing and proposed monuments and markers;
- J. Modifications, limitations, and approval by health authority;
- K. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the limit of such flood shall be shown;
- L. All new subdivision plats and other plats (including plats for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, must include base flood elevation data on such plats; and
- M. Road names, certified by the County E-911 Board.

**10.03. Certifications.**

The following certifications shall be on all final plats:

I hereby certify that all the requirements of approval have been fulfilled pursuant to the Subdivision Regulations of Dayton, Tennessee, that pertain to my department.

\_\_\_\_\_  
month, day, year

\_\_\_\_\_  
County Health Department

\_\_\_\_\_  
month, day, year

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
month, day, year

\_\_\_\_\_  
Electric Department

\_\_\_\_\_  
month, day, year

\_\_\_\_\_  
Water and Sewer Department

I hereby certify that I have reviewed the property numbers and road names indicated on this plat and find that they conform to the county's E-911 requirements.

\_\_\_\_\_  
month, day, year

\_\_\_\_\_  
E-911 Board Representative

The owner of the land shown on this plat hereto certifies that state and county and city taxes or other assessments on this land have been paid and hereby dedicates to the public use forever all the streets as shown on this plat.

\_\_\_\_\_  
month, day, year

\_\_\_\_\_  
Owner

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under the supervision, all monuments shown hereon actually exist or are marked as "future," and their location, size, type and material are correctly shown, all engineering requirements of the subdivision regulations of Dayton, Tennessee, have been fully complied with, and the boundary survey closes with an error of \_\_\_\_\_.

\_\_\_\_\_  
month, day, year

\_\_\_\_\_  
Surveyor

\_\_\_\_\_

Surveyor's Seal

All the requirements of approval having been fulfilled pursuant to the Subdivision Regulations of Dayton, Tennessee, this final plat was given final approval by the Dayton Municipal Planning Commission.

\_\_\_\_\_  
month, day, year

\_\_\_\_\_  
Secretary, Dayton Municipal  
Planning Commission

**Certificate of Issuance (added 6/19/06)  
of Drainage and Road Maintenance Bond**

“I hereby certify that a maintenance bond has been issued to the City of Dayton which covers 40% of the value of the drainage and road improvements shown on this plat. Said bond will remain in the possession of this office for twelve (12) months, unless called upon by the City of Dayton for any improvements to the drainage system and/or road(s) shown on this plat.”

\_\_\_\_\_  
Date

\_\_\_\_\_  
City of Dayton Highway Department

**Minor Subdivision B (Simple Land Split) Certificate**

I hereby certify that the subdivision plat shown hereon includes no more than two (2) lots and has been reviewed by the City of Dayton Building Inspector and has been found to comply with the Subdivision Regulations of Dayton, Tennessee, and no variances from the Subdivision Regulations or no improvements are required.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Building Inspector

**10.04. Recording of Final Plat.**

Upon approval of a final plat the developer shall have the final plat recorded in the office of the Rhea County Register of Deeds.

## **10.05 Minor Subdivision- Plat Procedure**

### **A. Minor Subdivision A- Plat Procedure**

Whenever a proposed subdivision contains four (4) or less lots and does not require the construction or installation of new streets, utilities or other improvements, the following procedures for review and approval of the subdivision shall apply. The subdivider may, if he desires, submit only a final plat in securing plat approval provided that the plat submitted complies with all the requirements of the final plat. However, if any corrections or modifications are needed, the Planning Commission shall disapprove the plat and require that it be resubmitted for approval. Submission of a preliminary plat is **optional** unless topographical or other features justify submission as determined by the Planning Commission. If required, the preliminary plat must meet all standards contained in Chapter 8 of the Dayton Subdivision Regulations.

### **B. Minor Subdivision B (Simple Land Split) – Plat Procedure**

For divisions of land into no more than two (2) lots and does not require the construction or installation of new streets, utilities or other improvements, approval may be endorsed in writing on the plat by the secretary of the Planning Commission, without the approval of the Planning Commission, provided that upon review and certification by the Building Inspector that the subdivision complies with the Subdivision Regulations. Plats should be submitted to City Hall for review. The Minor Subdivision B (Simple Land Split) Certificate will be endorsed by the Building Inspector to ensure that the plat has been reviewed.

#### **Preliminary Plat Specifications (OPTIONAL)**

See Section 08.04.04 of these regulations for the Information to be Provided on Preliminary Plat.

#### **Final Plat Specifications (REQUIRED)**

See Section 10.02 of these regulations for the Final Plat Specifications and Section 10.03 Minor Subdivision B (Simple Land Split) Certificate

## CHAPTER 11

### VARIANCES, AMENDMENTS AND LEGAL STATUS

#### Section

#### 11.01. Variances

#### 11.02. Amendments

#### 11.03. Separability

#### 11.04. Conflict with Other Regulations

#### 11.05. Adoption and Effective Date

#### 11.01. Variances.

Variances may be granted where the planning commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variance authorized shall be stated in writing in the minutes of the planning commission with the reasoning on which the departure is justified.

#### 11.02. Amendments.

These regulations may be amended from time to time by the planning commission. However, before enacting an amendment, the planning commission shall hold a public hearing thereon, notice of the time and place of which shall be published in a newspaper of general circulation in the city.

#### 11.03. Separability.

Should any section or provision of these regulations be declared unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the regulations as a whole or part thereof which is not specifically declared to be invalid or unconstitutional.

#### 11.04. Conflict with Other Regulations.

No final plat of land within the force and effect of an existing zoning ordinance shall be approved unless it conforms to such ordinance.

**11.05. Adoption and Effective Date.**

These regulations shall take effect and be in force from and after the day of its adoption, the public welfare demanding it.

Adopted by the Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

---

Chairman, Dayton Municipal  
Planning Commission

## **APPENDIX**

**APPENDIX A**

**CHECKLIST FOR PRELIMINARY PLAT CONSIDERATION**

NAME OF SUBDIVISION: \_\_\_\_\_

OWNER OF RECORD: \_\_\_\_\_

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

SURVEYOR: \_\_\_\_\_

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

DATE SUBMITTED FOR PRELIMINARY APPROVAL: \_\_\_\_\_

**CHECKLIST:**

- \_\_\_\_\_ Three (3) copies submitted to Plat Review Committee by the Friday before the second Monday of the month
- \_\_\_\_\_ Name of subdivision
- \_\_\_\_\_ Scale not less than 1"=100'
- \_\_\_\_\_ Name(s) and address of owner(s) of record
- \_\_\_\_\_ Name and address of surveyor
- \_\_\_\_\_ Seal and license number of surveyor
- \_\_\_\_\_ North point, graphic scale, and date of drawing
- \_\_\_\_\_ Vicinity map showing location of subdivision
- \_\_\_\_\_ Number of acres being subdivided
- \_\_\_\_\_ Boundary lines by bearing and distances
- \_\_\_\_\_ Names of adjoining property owners
- \_\_\_\_\_ Location of all existing physical features on land and nearby properties
- \_\_\_\_\_ Names, locations, and dimensions of proposed streets, lot lines, etc.
- \_\_\_\_\_ Lot numbers
- \_\_\_\_\_ Location of all easements
- \_\_\_\_\_ Plans of proposed utility layouts
- \_\_\_\_\_ Building setback lines
- \_\_\_\_\_ Present zoning, if any
- \_\_\_\_\_ Contour lines (5-foot change in elevation)
- \_\_\_\_\_ Street cross-section and centerline profiles as may be required by the planning commission
- \_\_\_\_\_ Show any portion of land subject to flooding
- \_\_\_\_\_ Soils map
- \_\_\_\_\_ Conforms to general requirements and minimum standards of design
- \_\_\_\_\_ Street design requirements
- \_\_\_\_\_ Lot sizes
- \_\_\_\_\_ Location and size of proposed culverts

**APPENDIX B**

**CERTIFICATE OF PRELIMINARY PLAT APPROVAL**

Pursuant to the Subdivision Regulations of Dayton, Tennessee, all of the requirements of tentative approval have been fulfilled. Therefore, the "Preliminary Plat of \_\_\_\_\_ Subdivision" has been approved by the Dayton Municipal Planning Commission on \_\_\_\_\_, 20\_\_\_\_, subject to the following modifications:

\_\_\_\_\_

\_\_\_\_\_.

This approval does not constitute approval of a final plat. This Certificate of Tentative Approval shall expire and be null and void on \_\_\_\_\_, 20\_\_\_\_. (One year from approval.)

Variances granted if any:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

Signed: \_\_\_\_\_  
Secretary,

\_\_\_\_\_  
Planning Commission

NOTE: After the subdivider has received preliminary plat approval, he may begin work on necessary improvements for final plat approval or may post a surety bond in the amount needed to install the required improvements.

The Following Modifications Must Be Made Before Final Plat Approval Can Be Granted:

A. \_\_\_\_\_

\_\_\_\_\_

B. \_\_\_\_\_

\_\_\_\_\_

C. \_\_\_\_\_

\_\_\_\_\_

**APPENDIX C**

**FINAL PLAT CHECKLIST**

NAME OF SUBDIVISION: \_\_\_\_\_

OWNER OF RECORD: \_\_\_\_\_

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

SURVEYOR: \_\_\_\_\_

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

DATE SUBMITTED FOR FINAL APPROVAL: \_\_\_\_\_

The final plat shall conform to and meet the specifications of the preliminary plat with the following additions:

- \_\_\_\_\_ Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments;
- \_\_\_\_\_ Exact boundary lines of the tract giving distances to the nearest one-tenth of a foot and angles to the nearest minute, which shall be balanced and closed with an error closure not to exceed one to five thousand;
- \_\_\_\_\_ Name of subdivision;
- \_\_\_\_\_ Location, widths and names of all streets and alleys within or immediately adjoining the tract;
- \_\_\_\_\_ Street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents;
- \_\_\_\_\_ Lot lines with dimensions to the nearest one-tenth of a foot and bearings;
- \_\_\_\_\_ Lots numbered in accordance with the county E-911 property numbering system and approved by the Rhea County E-911 Board;
- \_\_\_\_\_ Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use;
- \_\_\_\_\_ Modifications, limitations, and approval by health authority;
- \_\_\_\_\_ If any portion of the land being subdivided is subject to flood, as defined in these regulations, the limit of such flood shall be shown;
- \_\_\_\_\_ All new subdivision plats and other plats (including plats for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, must include base flood elevation data on such plats; and
- \_\_\_\_\_ Road names, certified by the County E-911 Board.

**Subdivision Regulations**  
**for the**  
**City of Dayton, Tennessee**

**Prepared**  
**for the**  
**Dayton Municipal Planning Commission**

**April, 1996**  
**(as amended through June, 2006)**

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