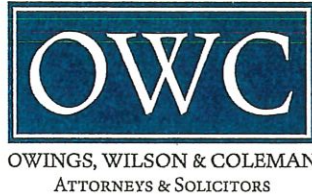


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March 19, 2025

Via electronic mail to: kcrutchfield@bsmlaw.com
(Also Sent via First Class Mail)

Ms. Karen G. Crutchfield, Esq.
BERNSTEIN, STAIR & MCADAMS, LLP
116 Agnes Road
Knoxville, Tennessee 37919

RE: Cocks County, Tennessee / Incredible Properties, LLC / Incredible Tiny Homes, Inc.
Tiny Homes Development at 953 Industrial Road, Newport, Tennessee 37821

Dear Karen:

Thank you for reaching out and for your patience while we took some time to familiarize ourselves with this important matter and get up to speed. Having now reviewed applicable law, the past correspondence between the parties, the documents previously provided and the minutes from past Cocks County Planning Commission meetings, and having also met with our client to review and discuss this matter, we have been tasked with making this response on behalf of our client, Cocks County, Tennessee (the "County").

First, we agree that the former County attorney previously determined that Incredible Tiny Homes, Inc.'s (the "Company") proposed development located at 953 Industrial Road, Newport, Tennessee 37821 (the "Property") was "grandfathered" under Tenn. Code Ann. § 13-7-208 with respect to the County's Zoning Resolution No. 1107, adopted September 23, 2023. That determination having been made and communicated, we have no intention of now reversing that determination, and we have further confirmed with appropriate County officials that the County continues to believe the proposed development is in fact grandfathered with respect to County zoning. Accordingly, we agree the zoning resolution's tiny home park development regulations do not apply to the proposed development—although our client would certainly appreciate the Company's efforts to nevertheless comply with those regulations.

The foregoing notwithstanding, the County continues to believe the proposed development is subject to the County's Subdivision Regulations, which were originally adopted on July 12, 1978, and last amended in March 2020. [See County Subdivision Regulations enclosed herewith.] We understand based on your e-mail to me of February 20, 2025, your client does not believe the proposed development is subject to the County's Subdivision Regulations since "the owner of the [P]roperty is not selling or subdividing the [P]roperty." However, we are advised County personnel have notified the Company's representatives numerous times that the development is subject to those regulations, including at a County Planning Commission meeting on June 25, 2024

[*see* enclosed minutes], and at an in-person meeting between the parties on October 15, 2024. We are unaware of any “prior representations” from County officials to the contrary.

Even so, our review of the County’s Subdivision Regulations and applicable state law¹ has led us to conclude the proposed development is in fact a “subdivision” as that term is defined in state law and in the County’s Subdivision Regulations. Specifically, “subdivision” is defined as:

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.

Tenn. Code Ann. § 13-3-401(4)(B)(i); [*see also* County Subdivision Regulations Art. I, § C at 2²]. While we understand the Property will remain a 160-acre tract and that portions of the Property will be leased for use and occupation in connection with the sale of a tiny home, we believe such an arrangement nevertheless qualifies as a “subdivision” under applicable law for several reasons.

First, the Preliminary Planned Unit Development (“PUD”) Concept Plan and Survey (collectively, the “Trueline Survey”) of the Property prepared by Trueline Land Surveying and previously provided to the County, [enclosed herewith], clearly divides the Property into “lots” using “boundary/property line[s].” [*See* Trueline Survey and Legend at C-3 to C-7.] Indeed, the Company’s own documents and prior correspondence clearly refer to each as a “lot” or “homesite.” [*See, e.g.*, Mr. Watson’s letter dated Feb. 16, 2024, at pgs. 2–4; *see also* Incredible Properties, LLC Lease for Tiny Home Property Lot at pg. 1 (defining the land leased as a “Lot”).]

Second, as Mr. Watson explained in his letter dated February 16, 2024, each “homesite” or “lot” has (or will have) a separate 911 address, tax map number, and a separate and distinct parcel ID number in the County Register’s Office. Further, according to Incredible Properties, LLC’s Lease for Tiny Home Property Lot, the tenant—not the Company—is responsible for paying the utilities and property taxes assessed on the tenant’s respective lot. [*See* Incredible Properties, LLC’s Lease for Tiny Home Property Lot at § 3.] And Incredible Properties, LLC, has little to no maintenance or repair obligations with respect to a leased lot, which would be typical in a standard residential lease. [*Id.* at § 21]; *see also* Tenn. Code Ann. § 66-28-304(a)(1)–(4) (obligating landlords to, *inter alia*, “[m]ake all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition”).

Third, the proposed development at the Property has clearly required “new street [and] utility construction” other than the “mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains.” Tenn. Code Ann. § 401(4)(B)(ii). As Mr. Watson documented in his letter, the Company has undergone

¹ The County’s Planning Commission is a “regional” planning commission. [*See* County Subdivision Regulations at Cover Page.] Accordingly, we believe Tenn. Code Ann. §§ 13-3-101 to -503 apply and, in particular, §§ 401 to -413.

² The statute further provides that “‘utility construction’ does not include the mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains.” *Id.* at § 401(4)(B)(ii).

a massive effort to install new “sanitary sewer lines,” “plumbing/water lines,” and “electrical utilities” throughout the “building development” at the Property.

The Company cannot subdivide the Property and then claim an exemption from the County’s Subdivision Regulations by leasing the lots instead of selling them. A sale is *not* required under Tenn. Code Ann. § 13-3-401(4)(B)(i), and, even if it were, such a requirement in this case would improperly elevate form over substance, long disfavored in Tennessee law. *See, e.g., King v. Pope*, 91 S.W.3d 314, 325 (Tenn. 2002). To the contrary, “statutes applicable to regional planning were enacted to ‘promote the health, safety, morals, order, convenience, prosperity and welfare of the inhabitants . . .,’ *i.e.* for the public good,” and “[s]tatutes which introduce regulations conducive to the public good are remedial statutes” which “are to be construed liberally in furtherance of the statute’s purpose.” *Loflin v. Langsdon*, 813 S.W.2d 475, 479 (Tenn. Ct. App. 1991) (internal citations omitted).

The County’s Subdivision Regulations were enacted “in the interest of the public,” and the County undoubtedly has a compelling governmental interest in seeing to it that the proposed development is constructed and operated “in accordance with sound rules and proper minimum standards” for the safety and prosperity of the County’s citizens. [*See* County Subdivision Regulations Art. I, § A.] Construing Tenn. Code Ann. § 13-3-401(4)(B)(i) and the Subdivision Regulations accordingly, we believe the proposed development at the Property is a “subdivision” in every sense of the word. Consequently, the proposed development at the Property must comply with the County’s Subdivision Regulations.

In that respect, the Company should take immediate and appropriate action to comply with the County’s Subdivision Regulations, including but not limited to preparing a preliminary and final plat for consideration and approval by appropriate officials and the County Planning Commission. In preparing the preliminary and final plats, and in constructing the development generally, the County fully expects the Company to comply with the Subdivision Regulations’ General Requirements and Minimum Standards of Design, the Prerequisites to Final Approval, as well as the specific requirements for PUDs set forth in Article III, § G. [*See generally* County Subdivision Regulations Arts. III and IV; *see also* County Subdivision Regulations Art. III, § G at pgs. 18–20.]

We understand the Company has already taken initial steps to prepare a preliminary plat which it discussed with the County Planning Commission and staff at its meeting on January 28, 2025, but that the Company has not formally submitted a preliminary plat for consideration or approval by the County Planning Commission. In that regard, we would encourage the Company to continue to “early and informally consult with the planning commission and its technical staff for advice and assistance before the preparation of the preliminary plat and its formal application for approval.” [*See* County Subdivision Regulations Art. II, § A.1].

In the meantime, “no building shall be erected on any lot within the [Property],” since none of the four (4) criteria set forth in Tenn. Code Ann. § 13-3-411(a)(1)–(4) are met. As that statute provides, any building so erected “is an unlawful structure, and the state building commission or the county attorney or other official designated by the county legislative body may institute a civil action to enjoin such erection or cause it to be vacated or removed.” *See id.* at § 411(c).

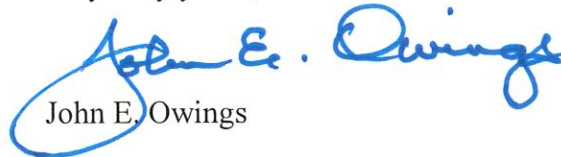
Karen G. Crutchfield, Esq.
March 19, 2025
Page # 4

The County's Subdivision Regulations are bare minimum regulations to ensure "harmonious development" by requiring "adequate, efficient, and economic supply of utilities" and "standards for road development to prevent traffic hazards and to insure safe and convenient traffic circulation throughout the County." [See County Subdivision Regulations, Art. I, § A.] The County and the County Planning Commission desire this to be a collaborative process with the Company to ensure the development moves forward in accordance with law and appropriate safety regulations.

The Cocke County Regional Planning Commission meets the fourth Tuesday of each month at 5:15 P.M. EST in the General Sessions Court Room at the Cocke County Courthouse, 111 Court Avenue in Newport, Tennessee 37821. Submissions for the Cocke County Regional Planning Commission must be submitted to the Building Commissioner, Ms. Ashley Shelton-Lane, at least ten (10) working days prior to the meeting at which the submission is to be reviewed.

On behalf of the County, we hope this addresses and resolves finally any confusion over what regulations apply to the proposed development and provides you with a good guide as to what steps are necessary. In that regard, we look forward to hearing from you and working closely with you over the course of the planning process in the next several months.

Very truly yours,


John E. Owings

enc.

cc(via e-mail w/enc.): Hon. Rob Mathis, Cocke County Mayor
Ms. Ashley Shelton-Lane, Cocke County Building Commissioner
Mr. Joe Watson, Esq.

Subdivision Regulations

Cocke County, Tennessee



Cocke County Regional Planning Commission

Original Adoption: July 12, 1978
Amended as of March 2020

Prepared for:

COCKE COUNTY REGIONAL PLANNING COMMISSION

**Phil Morgan, Chairman
Mike Johnson, Vice Chairman
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Prepared by:

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SUBDIVISION STANDARDS
OF THE
COCKE COUNTY, TENNESSEE PLANNING COMMISSION
(Hereafter referred to as the Planning Commission)

ARTICLE I

PURPOSE, AUTHORITY AND JURISDICTION

A. Purpose

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

The Cocke County Major Road Plan certified copy of which is on file in the office of the Cocke County, Tennessee, Registrar of Deeds, and the following standards guiding the Cocke county Regional Planning Commission are designed to provide for the harmonious development of the area:

1. Establish standards of subdivision design for harmonious development;
2. Prescribe the necessary standards for improvements which should be provided by the developer and should not be a charge on the citizens and taxpayers of existing communities;
3. Promote the adequate, efficient, and economic supply of utilities to new land development;
4. Specify standards for road development to prevent traffic hazards and to insure safe and convenient traffic circulation throughout the County; and
5. Identify those lands not suitable for development and to insure that such lands are protected from haphazard use.

B. Authority

These subdivision standards are adopted under the authority granted by sections 13-3-401 through 13-3-4-311 of the Tennessee Code Annotated. The planning commission has fulfilled the requirements as set forth in these statutes as prerequisite to the adoption of such standards, having filed a certified copy of the Major Street and Roads Plans in the office of the Register of Cocke County, Tennessee on _____, 1977.

C. Jurisdiction

The subdivision regulations shall govern all subdivision of land within the boundary of the Cocke County Planning region. These regulations will not apply to areas within the planning regional jurisdiction of the Newport Regional Planning Commission.

Within these regulations, the term "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 re-subdivision and, when appropriate to the context, relates to the process of re-subdividing or to the land or area subdivided.

Any owner of land within this area wishing to subdivide land shall submit to the Planning Commission a Plat of the Subdivision according to the procedures outlined in Article II, which Plat shall conform to the minimum requirements set forth in Article III. Improvements shall be installed as required by Article IV of these Standards.

ARTICLE II

PROCEDURE FOR PLAT APPROVAL

A. General

1. All developers must follow the guidelines to subdivide property established by the Cocke County Regional Planning Commission in the Cocke County Subdivision Regulations. Upon the request of the developer, the subdivision may be a private-gated community.

The procedure for review and approval of a subdivision consists of two (2) separate steps.

1. The initial step is the preparation and submission to the planning commission of a preliminary plat of the proposed subdivision.
2. The second step is the preparation and submission to the planning commission of a final plat together with the required certificates.
3. This final plat becomes the instrument to be recorded in the office of the Cocke County Registrar of Deeds when duly signed by the Secretary of the planning commission.

The developer shall early and informally consult with the planning commission and its technical staff for advice and assistance before the preparation of the preliminary plat and its formal application for approval. Such informal review should prevent unnecessary and costly revisions.

Any owner of land lying within the area of jurisdiction of the planning commission who wishes to divide 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 re-subdivision and, when appropriate to the context, relates to the process of re-subdividing or to the land or area subdivided shall submit a plan of such proposed subdivision to the planning commission for approval and shall obtain such approval prior to the filing of his/her subdivision plat for record. Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in Article III of these regulations and shall be presented in the manner specified in the following sections of this article. No plat of a subdivision of land within the Cocke County Planning Region shall be filed or recorded by the Cocke County Registrar of Deeds without the approval of the Cocke County Regional Planning Commission as specified herein.

2. In order to secure review and approval by the planning commission of a proposed subdivision, the prospective developer shall, prior to the making of any street improvements or installations of utilities, submit to the planning commission a preliminary sketch plat as provided in Section B of this article. On approval of said preliminary sketch plat he may proceed with the preparation of the final plat and other documents required in connection therewith as specified in Section C of this article and the improvements set forth in Article IV.

B. Preliminary Plat

1. At least ten (10) days prior to the meeting at which it is to be considered, the developer shall submit to the planning commission five (5) copies of a preliminary plat of the proposed subdivision drawn to a scale of not less than one (1) inch equals 100 feet. A preliminary plat shall not be acceptable for submission unless it meets all the required standards of design and unless it contains all the required information or a written request for a variance from each specific deviation from the requirements with reasons therefore.
2. The preliminary plat which shall meet the minimum standards of design as set forth in Article III and the general requirements for the construction of public improvements as set forth in Article IV shall give the following information insofar as possible:
 - a. The proposed subdivisions name and location, the name(s) and address(es) of the owner or owners, and the name of the designer of the plat, who shall be an engineer or registered surveyor licensed by the State of Tennessee
 - b. Date, approximate north point, and graphic scale.
 - c. The location of existing and proposed property lines, existing streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements or lines, the present zoning classification, if any, on the land to be subdivided and on the adjoining land, and the names of adjoining property owners or subdivisions.
 - d. Plans of proposed utility layouts (sewers, water, gas, and electricity) showing feasible connections to the existing or any proposed utility systems. When such connections are not practicable, any proposed individual water supply and/or sewage disposal system must be approved by the Tennessee Department of Environment and Conservation.
 - e. The proposed street names, and the locations and dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building setback lines, and utilities.

- f. Contours at vertical intervals of not more than five (5) feet except when specifically not required by the planning commission and such request must be made prior to the submission of the preliminary plat. (*Tennessee Valley Authority 20' contours can be used when approved by the Commlsston*).
 - g. The acreage of the land to be subdivided.
 - h. Location sketch map showing relationship of the subdivision site to the area.
 - i. If any portion of the land being subdivided is subject to flood, the area subject to flood shall be shown.
- 3. Within sixty (60) days after the review of a preliminary plat appearing on the agenda of a regularly scheduled planning commission meeting, the planning commission will review it and indicate approval, disapproval, or approval subject to modification. If a plat is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to modifications, the nature of the required modifications shall be indicated.
 - 4. One (1) copy of the preliminary plat will be retained in the planning commission's files; one (1) copy shall be returned to the developer with any notations at the time of approval or disapproval and the specific changes, if any, required.
 - 5. The approval of the preliminary plat by the planning commissions will not constitute acceptance of the final plat and will not be indicated on the preliminary plat.
 - 6. The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within thirty-six (36) months from the date of such approval as required by TCA §13-3-411 unless an extension of time is applied for and granted by the planning commission.
 - 7. A developer may omit the submission of a preliminary plat, submitting only a final plat if all the following conditions are met:
 - a. All public improvements as set forth in Article IV are already installed or because of the nature of the development deemed not necessary by the planning commission. Any construction, installation, or improvement of any public improvements shall require submission of a preliminary plat as prescribed by Section B of Article II.
 - c. The developer has consulted informally with the planning commission or its staff or consultant for advice and assistance before preparation of the final plat and its formal application for approval.

C. Final Plat

1. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the developer, it may constitute only that portion of the approved preliminary plat which he proposed to record and develop at the time, provided, however, that such portion conforms to all requirements of these standards. A final plat shall not be acceptable for submission unless it contains all the required information or a written request for a variance from each specific deviation from the requirements with reasons therefor. (See Appendix I for the variance form)
2. At least ten (10) days prior to the meeting at which it is to be considered, the developer shall submit seven (7) copies (black and white prints or blue line prints), together with any street profiles or other plans that may be required by the planning commission.

The plat shall be drawn to a scale of one (1) inch equals 100 feet on sheets not larger than 18 by 24 inches. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the same streets lettered in alphabetical order as a key.

When the plat has been approved by the planning commission, one (1) copy will be returned to the developer with the approval of the planning commission certified thereon for filing with the Cocke County Registrar of Deeds as the official plat of record. One copy will be retained in the records of the planning commission, and two copies will be provided to the appropriate utility suppliers.

3. The planning commission shall approve or disapprove this final plat within sixty (60) days after the plat has appeared on the agenda of a regularly scheduled meeting and reviewed by the planning commission. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the planning commission.
4. Approval of the final plat by the planning commission shall not constitute the acceptance by the Cocke County Legislative Body of the dedication of any street or other public way or ground.
5. The final plat shall show:
 - a. The lines of all streets and roads, alley lines, building setback lines, lots numbered in numerical order, house numbers, *provided by 911*, reservations for easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.

- b. Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary lines, block line, and building line, whether straight or curved, and including true north point. This shall include the radius, central angle, and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets.
 - c. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute.
 - d. Location and description of monuments.
 - e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining property.
 - f. Date, title, name, and location of subdivision, graphic scale, and true north point, or magnetic north.
 - g. Location sketch map showing site in relation to area.
 - h. If any portion of the land being subdivided is subject to flood, the area subject to flood and Base Flood Elevations where available shall be shown.
6. The following certificates shall be presented with the final plat: (Certificates are shown in Appendix III)
- a. Certification showing that applicant is the landowner and dedicates streets, rights-of-way, and any sites for public use. (Form 1)
 - b. Certification by registered surveyor or engineer to accuracy of survey, plat, and placement of monuments and iron pins. (Form 2)
 - c. Certification by sewer director of the applicable sewer provider (if a public sanitary sewer system has been approved, that the developer has constructed sewer a sewer system in accordance with the local providers standards, and has legally connected to the public sewer system; or has presented a letter of credit (or other acceptable surety instrument) in an amount approved by the local sewer provider as specified in Article IV (Form 3).
 - d. Certification by the county road superintendent that the developer has constructed the streets and storm water drainage in accordance with the required standards found in Article IV; or has presented a letter of credit in

an amount approved by the county road superintendent as specified in Article IV (Form 4).

- e. Certification by the appropriate public utility water provider that water lines have been installed in accordance with required standard of the utility water provider; or has presented a letter of credit (or other acceptable surety instrument) in an amount approved by the local water provider as specified in Article IV (Form 5).
- f. Certification of approval for recording to be signed by the secretary of the planning commission only after all other required certificates are executed by the appropriate authority (Form 6).
- g. Certification of approval of 911-address assignment to be signed by the Director of 911 (Form 7).
- h. Certificate of Newport Utilities for the extension of electric service (Form 8).
- i. Blank 3 inch by 3 inch box for use by the Cocke County Register of Deeds (Form 9).
- j. Blank 6 inch by 6 inch box for use by the Division of Groundwater Protection/ Water Resources Division for approval of subsurface septic system by the State Environmentalist assigned to Cocke County.
- k. Certification of County Road Status by the County Road Department for subdivisions with existing street frontage with no new streets proposed (Form 11).
- l. Certification of existing public water and/or sewer lines available to new subdivisions not requiring utility improvements (Form 12).
- m. Certification by the local United States Postal Service Postmaster that the required mail delivery center for the subdivision has been approved (Form 13).

ARTICLE III

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

Land which the planning commission has found to be unsuited for subdivision development due to flooding, poor drainage, steep slopes, rock formations, or other features likely to be harmful to the safety, health, and general public welfare of the future residents shall not be subdivided unless adequate methods approved by the planning commission are formulated and implemented by the developer for meeting the problems created by the subdivision of such land.

A. Streets

1. Conformity to the Major Road Plan
The location and width of all streets and roads shall conform to the official Coker County Major Road Plan.
2. Relation to Adjoining Street System
The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than the required minimum width as set forth in this article.
3. Street Right-of-Way Widths
The minimum width of the right-of-way, measure from lot line to lot line, shall be shown on the major road plan, or if not shown on such plan shall not be less than as follows:
 - a. *Arterial Streets and Federal/State Highways* .80 feet
Arterial streets and highways are those to be used primarily for fast or heavy traffic and are identified on the Coker County Major Road Plan.
 - b. *Major Collector Streets*.....50 feet
Major collector streets are streets other than arterial streets or highways that provide service to small communities and link the locally important traffic generators with the local surrounding road system.
 - c. *Minor Collector Streets*.....50 feet
Minor 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 large residential developments and streets for major circulation within such development.
 - d. *Minor Residential Streets*.....50 feet

Minor residential streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.

- e. *Cul-de-sac Streets*50 feet
Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.
- f. *Dead-End Streets*50 feet
Dead ends will be allowed when the developer can show that cul-de-sacs are unreasonable. Dead-end streets are similar to cul-de-sacs except that they provide no turnaround circle at their closed end. Stub streets planned for future continuation are not considered to be dead-end streets.
- g. *Marginal Access Streets*50 feet
Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from unnecessary through traffic.

4. Additional right-of-way Width on Existing Streets

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

5. Restriction of Access

Where a subdivision abuts or contains an existing or proposed arterial street or highway the planning commission may require marginal access streets reverse frontage with screen planting contained in a non access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties to afford separation of through and local traffic.

6. Street Grades

- a. *Arterial Streets and Federal/State Highways*
Maximum street grades are determined by the Tennessee Department of Transportation.
- b. *Collectors*
The maximum grade on major collector streets shall not exceed ten (10) percent.

- c. *Minor Residential Streets*
The maximum grade on minor collector streets shall not exceed twelve (12) percent.
- d. *Cul-de-sac streets*
The maximum grade on cul-de-sac streets shall not exceed twelve (12) percent.
- e. *Marginal Access Streets*
The maximum grade on marginal access streets shall not exceed twelve (12) percent.

7. Horizontal Curves

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

8. Vertical Curves

All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in rates of grade for major streets and one-half (1/2) this minimum length for other streets. The Planning Commission may require profiles of all streets showing natural and finished grades to be drawn to a scale of not less than one (1) inch equals ten (10) feet vertical.

9. Intersections

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

Property line radii at street intersections shall not be less than twenty (20) feet, and where the angle of street intersection is less than seventy-five (75) degrees; the planning commissions may require a greater curve 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 set back sufficiently to permit such construction.

At grade intersections shall be located to provide adequate sight distances as follows:

- a. *Major Streets (Federal/State Highways, Arterial Streets, and Major Collectors)* shall have a minimum sight distance of six hundred

(600) feet, measured between points five (5) feet above the center line of the roadway.

- b. *Minor Collector Streets* shall have a minimum sight distance of four hundred (400) feet measured between points five (5) feet above the centerline of the roadway.
- c. *Minor Residential Streets, Cul-de-sacs, Marginal Access Streets and rural streets* shall have a minimum sight distance of one hundred and fifty (150) feet measured between points five (5) feet above the center of the roadway.

The planning commission may, when it deems it necessary to do so in the best interest of the public safety, increase sight distance requirements.

- 10. Tangents
Reverse curves shall have tangents of not less than one hundred (100) feet in length for highways, arterials, major and minor collectors, and seventy-five (75) feet for minor residential streets, cul-de-sacs, dead end streets and marginal access and rural streets.
- 11. Street Jogs
Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall not be allowed.
- 12. Cul-de-sac Streets
Cul-de-sacs shall have a right-of-way of not less than fifty (50) feet and a transition curve radius of not less than seventy-five (75) feet for connecting the turn around with the end of the street. The outside radius of the turnaround shall be not less than forty (40) feet. When unusual topographic conditions exist, the length of the cul-de-sac and the planning commission may vary the design of the turnaround.
- 13. Private Streets (Joint Permanent Access and Utility Easements) and Reserve Strips
 - a. The planning commission may approve private streets as platted joint permanent access and utility easements assigning use and maintenance to each property owner fronting on the private street. All private streets shall be platted and constructed under the provisions for minor residential public streets. A street maintenance agreement shall be presented to the planning commission for consideration establishing ownership, access and maintenance by the property owners of the development before preliminary approval will be granted.

- b. There shall be no reserve strips controlling access to streets except where the control of such strips is placed with the county under conditions approved by the planning commission.

14. Street Names

Proposed streets which are in alignment with existing streets shall bear the name(s) of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, or court. The planning commission can assist the developer in avoiding duplication. (The final plat shall be signed by a 911 *official certifying the proposed street names for the subdivision*).

15. Alleys

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

16. Surface Drainage

The appropriate State of Tennessee Department of Environment permits and approvals shall be required before the planning commission shall grant preliminary approval. Proof of the required NPDES Storm Water Construction permit must be obtained for any land disturbing activity of one (1) acre or greater in area.

All new public and private streets and roads must include a storm management water plan designed by a certified civil engineer with experience in street design, storm water system design and construction. The storm water plan shall provide for the discharge of surface water from the right-of-way of all streets and roads by grading and drainage that is designed and meets the approval of the county road superintendent. In no case will stormwater discharge directly onto an existing public street be permitted.

Construction at any given time shall be confined to the smallest practical area, and for the shortest practical period of time. Temporary vegetation and mulching shall be required to protect areas from erosion and basins will be installed to retain sediment from land undergoing development. Channels shall be provided or installed to accommodate sharp changes in runoff.

Permanent vegetation shall be planted as soon as possible. Development plans shall be suitably fitted to the particular requirements of the soils and the topography found at each subdivision site. Wherever feasible, natural vegetation shall be retained and protected as cover for land undergoing construction. The Natural Resources Conservation Service should be consulted for technical assistance in establishing the aforementioned sedimentation control measures.

B. Blocks

1. Length

Blocks shall not be less than four hundred (400) feet nor more than twelve hundred (1,200) feet in length, except as the planning commission considers necessary to secure efficient use of land or desired features of street pattern.

2. Width

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

C. Lots

1. Arrangement

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for a minimum of one hundred (100) feet upon a street or road that has been accepted by the Cocke County Legislative Body or has been given legal status by previous approval of the Cocke County Regional Planning Commission. In special instances such as flag lot arrangements or lots located adjacent to cul-de-sacs must have at least fifty (50) feet of street frontage. Lots with existing sewer; must have frontage of at least seventy-five (75) feet.

a. Flag Lots: In the case of flag lot arrangement, the minimum road frontage access standard as herein required shall be a continuous strip of land leading to the buildable portion of the lot. Such continuous strip of land shall not be narrower than fifty (50) feet at any point between the existing public and/or private road and the buildable portion of the lot. At no point shall the proposed lot be narrower at the building setback line than that is required. There shall be no more than two contiguous flag lots adjacent to the road and flag lots shall be of a single layer. ?????

b. Lot Access. All lots shall have accessible frontage on a public or private street in the required widths set forth by Article III, Section C.1 Arrangement. Such access shall provide readily apparent physical means of pedestrian and vehicular access (traversable access to private and public vehicles such as emergencies services) from the lot(s) onto the public street

2. Minimum Size

The size, shape, and orientation of lots shall be such as the planning commission deems appropriate for the type of development and use contemplated. Where public water and sanitary sewer systems are reasonably accessible, the developer

shall connect with such systems and provide a connection or connections to each lot. Where a public sewer is not accessible, an alternate method of sewage disposal may be used, if it meets all applicable public health regulations. Where a public water supply is not accessible, a water well or other source may be used upon approval by the planning commission subject to the lot size requirements where water is not available.

- a. Residential lots served by public water and sanitary sewer systems shall not be less than seventy-five (75) feet wide at the building setback line not and less than fifteen thousand (15,000) square feet in area.
- b. Residential lots not served by sanitary sewer systems, but served by public water, shall not be less than one hundred (100) feet in width at the building setback line, and, if the percolation rate or soil analysis is less than seventy-five (75) minutes per inch, shall not be less than the minimum size as required by the State Department of Environment and Conservation regulations. But in no case shall a lot be less than three fourths (3/4) acre.
- c. Residential lots not served by sanitary sewer systems, but served by public water, shall not be less than one hundred (100) feet in width at the building setback line or contain less than (3/4) acre of area, if the percolation rate of the soils or the soil analysis is seventy-six (76) minutes per inch or above.
- d. Residential lots not served by sanitary sewer or public water systems shall be no less than one hundred fifty (150) feet in width at the building setback line and shall not contain less than one (1) acre of area.

3. Building Setback Lines

The minimum depth of building setback lines from the street right-of-way shall not be less than:

- a. Thirty (30) feet from minor collector streets and minor residential streets, cul-de-sac streets, dead end streets, marginal access streets and private streets.
- b. Forty (40) feet for major collector streets.
- c. Fifty (50) feet for arterial streets and Highways.

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

Voltage of Line

Minimum Building Setback

46 KV	37 1/2 feet
69 KV	50 feet
161 KV and over	75 feet

4. Corner Lots
Corner lot shall require a side yard building setback line of twenty (20) feet from the intersecting street right-of-way.

D. Public Use and Service Areas

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

1. Public Open Spaces
Where a school, neighborhood park, or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the planning commission, is located in part in the applicant's subdivision the planning commission may require the reservation of such open space up to a total of ten (10) percent of the gross area of the lot, for park, school, or recreation purposes.
2. Easements for Utilities
Utility easements of ten (10) feet in width situated along boundary or lot lines shall be required to be dedicated for each lot in a subdivision to the public and/or to appropriate utilities agencies. Such dedication shall be required to be noted on the final plat of a subdivision.
3. Easements for Drainage
Where a subdivision or lot is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way for the purpose of widening, deepening, relocating, improving, or protecting such drainage easement.
4. Community Assets
In all subdivisions, due regard shall be shown for natural features, such as large trees and watercourses, and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

E. Suitability of the Land

Land which the planning commission has found to be unsuitable for subdivision due to sinkholes, flooding, bad drainage, steep slopes, rock formations, poor percolation tests or ratings, or other features likely to be harmful to the safety, health, and general welfare of the future residents shall not be subdivided unless adequate methods approved by the

planning commission are formulated by the developer for meeting the problems created by the subdivision of such land.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy or for any other uses that may increase flood hazard, landslides, endanger health, life, or property, or aggravate erosion. Such land within the platted area shall be set aside for such uses as shall not be endangered by periodic inundation or shall not produce unsatisfactory living conditions.

Fill may not be used to raise lands in areas subject to flood unless a permit to fill has been issued by the Cooke County (Assessors Office) Floodplain Management Administrator and the proposed does not restrict the flow of water and unduly increase flood heights based on Federal standards.

F. Large Tracts or Parcels

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical further resubdivision, the lot width to length ratio shall not exceed one to five.

G. Planned Unit Development

1. The Cooke County Planning Commission may approve certain planned residential development complexes which include design features that vary from the requirements as outlined in Article III. It is the intent of this section to encourage or provide for residential development that is compatible with the nature of the land, yet offers a design environment not typical of subdivisions constructed under these regulations. The following restrictions shall apply to planned unit developments;
 - a. No parcel of land containing less than ten (10) acres shall be considered for use under this category.
 - b. No parcel of land without an adequate public water supply shall be approved.
 - c. The exterior yards of the complex must meet the minimum setback and yard requirements of these regulations.
 - d. Although the developer may be allowed to deviate from the lot size requirements of these regulations, the commission may require adequate total land area to achieve a desired minimum density level. This may be achieved through the provision of open spaces within the complex.

- e. A parking area of two hundred (200) square feet shall be provided for each dwelling unit in the complex. In addition, guest parking spaces of two hundred (200) square feet shall be provided at a ratio of one (1) space for each three (3) dwelling units.
 - f. The planning commission shall approve only usable land areas to be considered as open spaces or recreational areas within the complex. It may also require the dedication of land not exceeding ten (10) percent of the total area for public recreation areas or schools.
 - g. All roads within the complex shall be constructed to the standards set forth in the Cocke County Subdivision Regulations.
 - h. Any planned residential development will not be approved unless an adequate public sanitary sewer system is included and approved by the Tennessee Department of Conservation and Environment, the Cocke County Health Department, and the Cocke County Planning Commission.
 - i. All specifications or regulations not superseded or waived by this section shall prevail.
2. The following additional data shall be submitted to the Cocke County Planning Commission:
- a. The location and legal description of the proposed development.
 - b. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the complex.
 - c. Topographic information at five (5) foot contour intervals.
 - d. A site plan of the complex including the location of all buildings, lot lines, yard size setbacks, recreation and open space areas, utilities parking and certain common use facilities.
 - e. The location and dimensions of all points of entry and exit for motor vehicles and the complete interior traffic circulation pattern, including right-of-way, roadbed and street surface dimensions.
 - f. An engineering design showing how the developer intends to alleviate drainage problems within the complex and how the developer will alter present drainage patterns.
 - g. Such other architectural, engineering and geographic data, as may be required to permit the Cocke County Planning Commission to determine if

the development is feasible and desirable for the public, shall be submitted.

- h. A time schedule for development.

H. Variances

These land subdivision regulations are adopted only as minimum requirements, and all developers should consider developing their subdivisions at higher standards. Thus, the developer is encouraged to go beyond the standards of these regulations and the Planning Commission may require standards above the minimum contained herein upon finding that the public health, safety, and welfare justify such standards.

The Planning Commission also may reduce or otherwise vary the requirements of these regulations whenever it encounters the situation described below. In granting such variances, the Planning Commission may attach and require whatever conditions it feels are necessary to secure the basic objectives of the varied regulations. Any variance granted by the Planning Commission shall be noted in its official minutes along with the reasons which justified the granting of the variance.

1. Hardships. The Planning Commission may reduce or otherwise vary the requirements of these regulations when a definite hardship would occur as a result of strict enforcement of these regulations.
 1. Conditions Required. Where the Planning Commission finds that extraordinary hardships or particular difficulties may result from the strict compliance with these regulations, they may, after written application by the developer, grant variations to the regulations, subject to specified conditions, so that substantial justice may be done and the public interest secured, provided that such variations shall not have the effect of nullifying the intent and purpose of these regulations or the comprehensive plan.
 2. Evidence of Hardship Required. The Planning Commission shall not grant variations to these regulations unless they make findings based upon the evidence presented to them in each specific case that:
 - a. Because of the particular surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were adhered to.
 - b. The conditions upon which the request for a variation is based is unique to the property for which the variation is sought and is not applicable, generally, to other property, and has not been created by any person having an interest in the property.
 - c. The purpose of the variation is not based exclusively upon a desire for financial gain.

d. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

J. Zoning and Other Regulations

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

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

K. Flood Designations and Other Hazards

1. A developer and/or builder must follow flood guidelines if building in a flood zone and that a development permit is required if building in a flood zone. The one (1) percent flood boundary and regulatory floodway indicated on the applicable Flood Insurance Rate Map published by the Federal Emergency Management Agency (FEMA) shall be accurately drawn on the final subdivision plat along with Base Flood Elevations where available.

ARTICLE IV

DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

A. Purpose

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

B. Required Improvements

Every subdivision developer shall be required to grade and improve streets and alleys, install monuments, and may be required to provide sewer, storm water inlets and water mains in accordance with these regulations and any specifications established by Cocke County and the planning commission. In no case will the planning commission approve a new public or private street unless it meets or exceeds the standards set forth by the Cocke County Legislative Body for public street acceptance.

1. Monuments

Iron pins three-fourths (3/4) inch in diameter and at least thirty (30) inches long shall be placed at all lot corners, at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street, and at all other points on the subdivision boundary lines where there is a change of direction and at all lot corners.

In all subdivisions, reference monuments of stone or concrete not less than thirty-six (36) inches in length and six (6) inches square with an iron pin set flush in the center, (unless another type of monument is approved by the planning commission) shall be set flush with the finished grade on at least two (2) corners of the boundary of the record plat area and at such intermediate points as shall be required by the planning commission.

2. Street and Road Improvements

- a. The developer shall schedule a meeting with the Cocke County Road Superintendent to discuss and coordinate construction of the proposed road(s) prior to any excavation in the development.
- b. The developer shall provide the Cocke County Road Superintendent a copy of the following:

1. All plans for construction.
 2. Name, address and contact information for both contractor and engineer.
 3. Projected dates for construction.
 4. Written notice to begin construction provided at least ten (10) days prior to the date construction is scheduled to begin.
- c. The developer shall provide a certified engineer to inspect and approve, in writing, the clearing, compaction, ditching, tile installation and utility installation.
- d. All roads shall be constructed within the center of the required fifty (50) foot right of way, twenty-five (25) foot center for all adjacent property owners.
- e. *Grading.* The developer shall grade all streets, roads, and alleys so that pavement can be constructed to the required cross section. Deviation from the above due to special topographical conditions will be allowed only with special approval of the planning commission.
1. Preparation: Before grading is started, the entire right-of-way area shall be first cleared of all debris, stumps, roots, brush, topsoil and other objectionable materials and all trees not intended for preservation.
 2. Cuts: All tree stumps, boulders, and other obstructions shall be removed to a depth of two (2) feet below the subgrade. When encountering rock, it shall be removed to a depth of twelve (12) inches below the subgrade.
 3. Fill: All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials such as soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted by a sheep's foot roller. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction, the water content shall not exceed the optimum of moisture.
 4. Compaction Inspection: The developer is responsible for providing a certified engineer to perform compaction tests during road construction. Test results shall be provided to the Cooke County Road Superintendent.

5. Road Grade. The acceptable grade for all roads must be at twelve (12) percent or less. Any variances of this grade must be approved in advance by the Cooke County Regional Planning Commission, Cooke County Highway Commission and the Cooke County Road Superintendent.
6. Banks. All banks shall be sloped on a 1:1.5 or less.
7. Ditches. All ditches must be clear and usable to properly drain the roadway. All tiles must be of adequate size or larger to accommodate any future development. The tile may be either corrugated metal (14 gauge or better) or double wall plastic, and will require at least ten (10) feet of rip-rap on the inlet side and the outlet side.
8. Utility Lines. All utility lines must be located out of the road bed and on the right-of-way, and must be buried a minimum of twenty-four (24) inches below the ditch line.

n. Base and Paving Standard

1. All road beds must have a minimum of five (5) inches of compacted stone.
2. Base stone must be extended a minimum of twenty-four (24) inches of (twelve (12) inches on each side of the road wearing surface) wider than the asphalt top surface.
3. All roads must have a minimum of two (2) inches of binder and two (2) inches of Asphalt C-Mix.
4. After construction of the road(s):
 - a. The certified engineer must provide to the Cooke County Road Superintendent documentation certifying that the road(s) fully meet all of the established requirements.
 - b. The Cooke County Road Superintendent shall inspect the road(s), and upon a favorable inspection, shall then sign the final subdivision plat.

3. Minimum Pavement Width

Minimum pavement widths shall be as follows according to the provisions under Article IV and when and if the planning commission chooses to vary specific pavement width requirements due to unusual topographical conditions. In no case will the planning commission vary any needed requirements for improvements in order to allow or encourage subdivision development.

- a. Arterial Streets and Highways Not paved by developer
- b. Collector Streets
 - (1) Major Collector Streets.....24 feet
 - (2) Minor Collector Streets.....24 feet
- c. Minor Residential Streets20 feet
- d. Cul-de-sacs, Dead End & Marginal Access20 feet

4. Curbs

Curbs are not required, but if constructed, the developer shall provide a permanent concrete curb as provided for in the Appendix II of these regulations.

5. Storm Drainage

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than fifteen (15) inches. Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide right joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed.

If curbs are not provided, ditches shall be constructed so that the valley line of the ditch shall be at least six (6) feet from the edge of the roadway surface and at least fourteen (14) inches below the elevation of the edge of the road surface. The slopes of the ditch shall normally be in a ratio of at least 3:1 (horizontally to vertically) but in no case shall they exceed a ratio of 2:1.

6. Sidewalks

For the safety of pedestrians and of children at play, installation of sidewalks on both sides of streets may be required of the developer. Sidewalks, if required, shall be located not less than one (1) foot from the property line to prevent interference of encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date. In single family residential areas, concrete sidewalks shall be four (4) feet wide and four (4) inches thick. In

multi-family or group housing developments, sidewalks shall be five (5) feet wide and four (4) inches thick.

7. Installation of Utilities
All utility lines and structures shall meet the location criteria stated in Article IV, section B.2.e.8, Utility Lines. Utility design must be approved and supervised by the local utility provider.

8. Water Supply System
Water mains properly connected with the community water supply system or with an alternate supply approved by the county health office, shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection.

The size of the water mains, the location and type of valves and hydrants, the amount of soil cover over the lines and other features of the installation shall be approved by the planning commission and shall conform with the standards of utility providing water.

9. Sanitary Sewers
When the subdivision is located within the service area of a public sewerage system, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system.

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

10. Street Names and Signs

- a. All street names must be approved by the Cocke County 911 office.
- b. Street name signs shall appear at all intersections. The Cocke County Superintendent of Roads will instruct the developer in obtaining standard street name signs and will approve their placing.

C. Installation of the United States Postal Service Approved Mail Delivery Center as prescribed by the local Postmaster.

1. Adequate vehicle stacking for USPS delivery and residential pickup shall be required so not to block travel lanes.
2. The planning commission may require additional Right-of-Way widths at the clustered box unit.

D. 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 the required improvements listed or agreed upon are constructed in a satisfactory manner and approved by the planning commission.

1. In lieu of completed improvements, the Cocke County Regional Planning Commission on behalf of the Cocke County may accept either of the following methods of bonding:
 - a. An appropriately prepared and worded irrevocable letter of credit from a federally insured lending institution submitted to the Cocke County Regional Planning Commission in the full amount of the estimated cost of required improvements with a minimum of a 15 percent inflationary amount added to the total cost.
 - b. An appropriately prepared and worded escrow deposit agreement from a federally insured lending institution for the benefit of the Cocke County Regional Planning Commission in the full amount of the estimated cost of all required improvements with a minimum of a 15 percent inflationary cost added to the total cost.
2. Such bonding ensures that the improvements may be made and utilities installed without cost to Cocke County in the event of default by the subdivider or developer.
 - a. The method of bonding will be determined by the county attorney and the developer, with final approval by the planning commission.
 - b. The bond amount shall be set by the submission of three independent estimates and may not be accepted without approval of the appropriate agency responsible for the bonded improvement.
 - c. The conditions of each bond shall provide for a default thereof if the improvements covered by such bond have not been approved and accepted by the Cocke County Regional Planning Commission within a period not to exceed one year.
 - i. The applicant may petition the county attorney to extend the completion bond for a period not to exceed one year. If the planning commission and county attorney find that the public interest will not be adversely affected by such extension, the one-year extension may be granted by the planning commission.
 - ii. If all improvements have not been completed prior to the end of the second one-year period, the county attorney shall cash the completion bond.

- iii. The applicant may appeal the cashing of the completion bond to the planning commission and request to extend the completion bond for a period not to exceed one year. If the planning commission finds that the public interest will not be adversely affected by such extension, the one-year extension may be granted. If all improvements have not been completed by the end of the one-year extension granted by the planning commission, the county attorney shall cash the completion bond.
- d. As improvements are completed, the planning commission may reduce the face value of such bond until all improvements are completed.
- e. If the planning commission determines at any time during the bond period that the character and the extent of such development requires additional improvements or that additional funds are needed to ensure the completion of improvements, then the face value of such bond shall thereupon be increased by the determined amount so the new face value of the bond will reflect the cost of improvements to the developer or sub divider.

ARTICLE V

ENFORCEMENT AND PENALTIES FOR VIOLATIONS

A. General

The enforcement of these regulations and penalties for the unapproved recordation or transfer of land is provided by state law in the authority granted by Public Acts of the State of Tennessee.

B. Enforcement

1. No plat or plan of a subdivision of land into two or more lots located within the Cocke County Planning Region shall be admitted to the land records of Cocke County or recorded by the County Registrar of Deeds until said plat or plan has received final approval in writing by the planning commission as provided in Section 13-3-402 of the Tennessee Code Annotated.
2. No board, public officer, or authority shall light any street, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the Cocke County Planning region unless such street shall have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the planning commission, or on a street plan made and adopted by the commission as provided in Section 13-3-406, Tennessee Code Annotated.

C. Penalties

1. No county register shall receive, file, or record a plat of a subdivision within the planning region without the approval of the planning commission as required in Section 13-3-402, Tennessee Code Annotated.
2. The owner or agent of an owner who transfers, sells, agrees to sell, or negotiates to sell the land by reference to, exhibition of, or by other use of a subdivision plat without first submitting a final subdivision plat to the regional planning commission and receiving the commission's approval and before the final plat is recorded in the appropriate register's office is in violation of section 13-3-410 of the Tennessee Code Annotated and subject to the penalties prescribed by that section of State law.

ARTICLE VI

ADOPTION AND EFFECTIVE DATE

- A. Before adoption of these subdivision regulations, a public hearing as required by Section 13-3-403, Tennessee Code Annotated, was afforded any interested person or persons and was held on _____ . Notice of such hearing was announced in the _____, being of general circulation within the area of planning jurisdiction, on _____ and stating the time and place for the hearing.
- B. These rules and regulations shall be in full force and effect from and after their adoption and effective date.

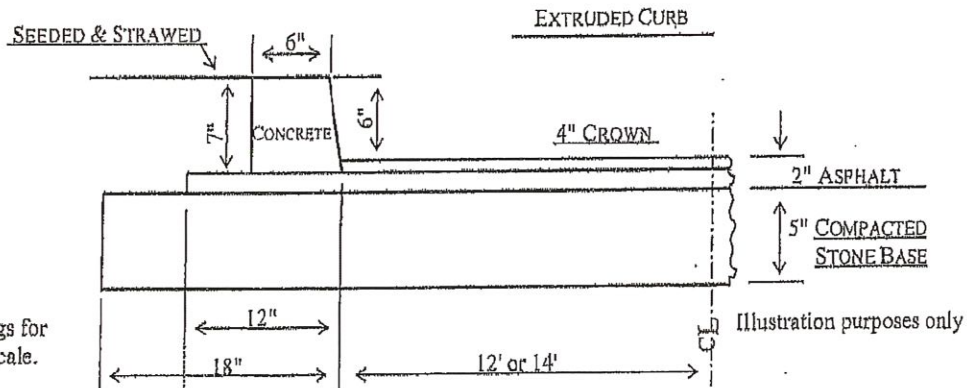
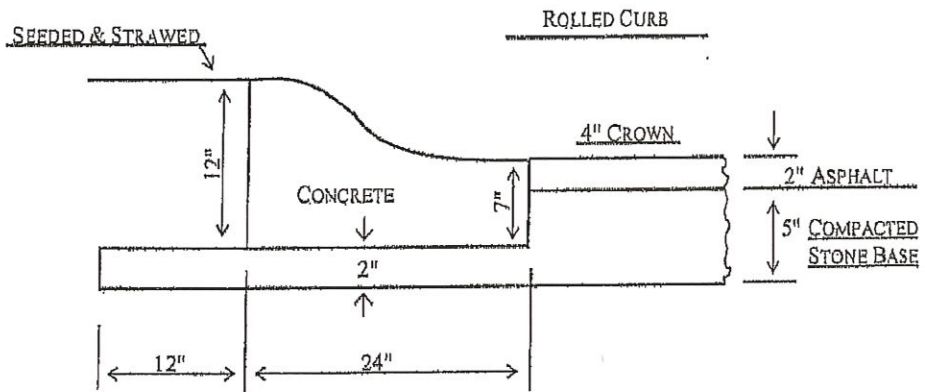
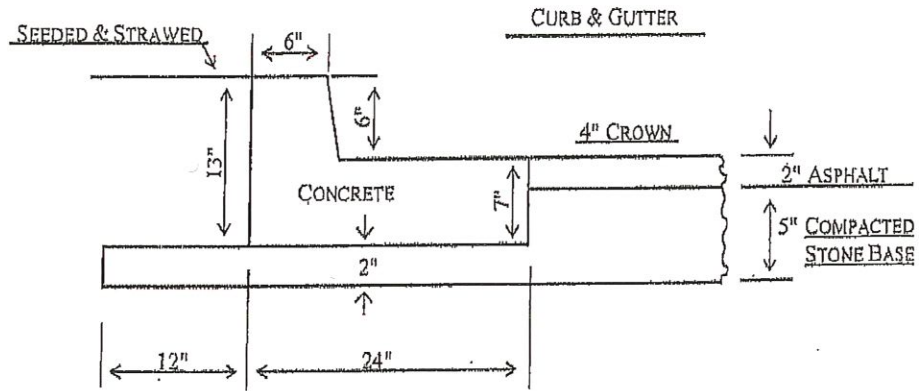
Adoption: _____

Effective: _____

Chairman

Secretary

APPENDIX II



*Drawings for
not to scale.

APPENDIX III

Forms for Final Plat Certifications

Form #1

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

_____, 20____
Date

Owner

Owner

Form #2

CERTIFICATE OF ACCURACY

I hereby certify that the survey shown and described hereon is an accurate and precise survey to the accuracy required by the Cocke County Regional Planning Commission and that the monuments have been placed as shown hereon.

_____, 20____
Date

Tennessee Registered Land Surveyor

Form #3

CERTIFICATION OF THE APPROVAL OF SEWERAGE SYSTEMS

I hereby certify that the public sewage disposal system or systems installed, or proposed for installation, fully meet the requirements of the local municipal sewer department, and are hereby approved as shown.

_____, 20____
Date

Sewer Director

Form #4

CERTIFICATION OF THE APPROVAL OF STREETS

I hereby certify:

- (1) That streets have been installed in any acceptable manner and according to the specifications or,
- (2) Adequate rights-of-way dedication upon an existing public road shall serve these lots as proposed.

_____, 20____
Date

Engineer or County Road Commissioner

Form #5

CERTIFICATION OF THE APPROVAL OF WATER SYSTEMS

I hereby certify that the private or public water utility system or systems installed, or proposed for installation, fully meet the requirements of the Tennessee Department of Environment and Conservation, Division of Groundwater Protection or the local utility district, and are hereby approved as shown.

_____, 20____
Date

State Environmental Specialist or Local Utility District

Form #6

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown here has been found to comply with the *Subdivision Regulations* for Cocke County, Tennessee, with the exception of such variances, if any, as are noted in the minutes of the Cocke County Regional Planning Commission and that it has been approved for recording in the Office of the County Registrar.

_____, 20____
Date

Secretary of the Cocke County Regional Planning Commission

Form #7

CERTIFICATION OF THE APPROVAL FOR 911-ADDRESSING ASSIGNMENT

I hereby certify that the addresses, as noted on the final plat, are approved as assigned.

_____, 20____
Date

Cocke County Director of 911-Addressing or Authorized Representative

Form #8

CERTIFICATE OF NEWPORT UTILITIES

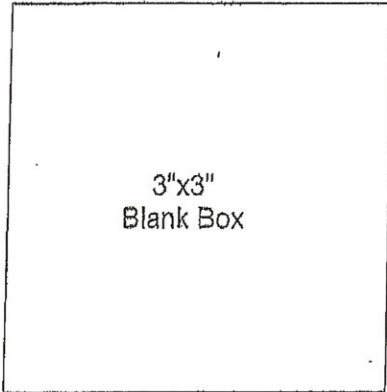
The signature below certifies that, subject to existing Newport Utility line extension policies, electric service can be provided to the development described on this plat. Note that Newport Utilities line extension policies may require that payments be made to Newport Utilities before electric service will be extended to this site.

_____, 20____

Newport Utilities

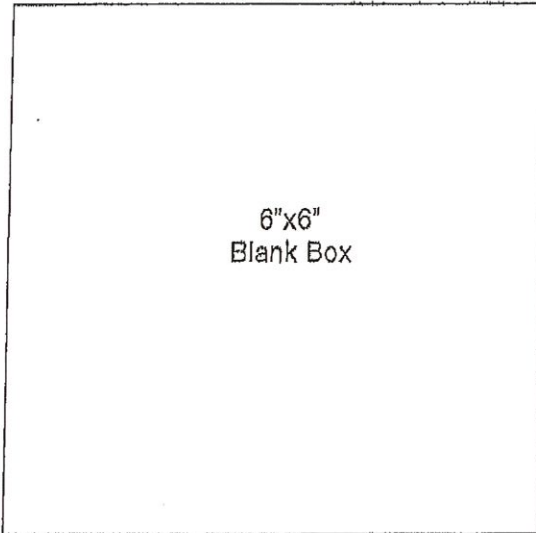
Form #9

REGISTER OF DEEDS



Form #10

WATER RESOURCES/
DIVISION OF GROUNDWATER PROTECTION



Form #11

CERTIFICATE OF COUNTY ROAD STATUS

I hereby certify that the road shown and described hereon has been accepted for ownership and maintenance by the Cocke County Legislative Body.

_____, 20____
Date

Cocke County Road Department

Form #12

CERTIFICATE OF EXISTING PUBLIC WATER AND/OR SEWER

I hereby certify that the survey shown and described depicts the accurate location of existing public water and/or sewer lines available to the proposed new lot(s) as required by the Cocke County Regional Planning Commission.

_____, 20____
Date

Local Public Utility Provider

Form #13

CERTIFICATE OF UNITED STATES POSTAL SERVICE DELIVERY CENTER

I hereby certify that the required US Postal Service mail delivery center has been approved in both location and construction meeting or exceeding federal standards.

_____, 20____
Date

Local USPS Postmaster

Form #14

“Certificate for Verification of Existing Septic System”

I (we) hereby certify that lot(s) _____ each contain a separate working septic system, and that all field lines and duplicate area(s) associated with each system are contained entirely within each lot(s) as described as part of the plat represented in this subdivision of property.

OWNER

DATE

MINUTES
COCKE COUNTY REGIONAL PLANNING COMMISSION
JUNE 25, 2024

The regular meeting of the Cocke County Regional Planning Commissions was held on Tuesday, June 25 2024 at the Courthouse Annex.

Members Present

Phil Morgan, Jr., Chairman
Linda Hampton-Parke
Lee Willis, Secretary
Kenneth Ford
Jeff Greene
Mike Johnson
K.C. Barker

Members Absent

Others Present

Ashley Shelton, Building Official
Melissa Gossman, County Attorney
Annette Mercia
Todd Quatro
Freddy Suggs

ETDD Staff Representative: Harold Edwards

CALL TO ORDER

The meeting was called to order at 545 p.m. with Chairman Phil Morgan, Jr presiding.

APPROVAL OF MINUTES

The minutes of the May 28, 2024 meeting were approved on a motion by Commissioner Ford and seconded by Commissioner Willis. Mr. Willis noted that Commissioner Ford was listed as being absent, however, he was present and asked that the minutes be amended to list commissioner Ford as being present. All members voted aye.

REPORT FROM BUILDING OFFICIAL/CODES ENFORCEMENT

Building Official Ashley Shelton provided a written report for the planning commissioners.

PUBLIC COMMENTS

A spokesperson for the Incredible Properties expressed the neighborhood's disappointment in the development of the tiny home community. Concerns that were addressed included the lack of utilities and inadequate roads.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Consideration of Rezoning 3 Lots on Hartford Road From R-1 to C-1 Requested by Freddy Suggs

Mr. Suggs appeared before the planning commission and requested that the three lots that he owned on Hartford Road be rezoned from R-1, Residential to C-1 Commercial. He said that it was his intent to construct a diesel and machine repair shop. Planning commissioners noted that the location was off the interstate exchange at Wilton Springs Road, an area conducive for

commercial development and that adjacent property was currently zoned C-1. A motion to approve the rezoning request from R-1 to C-1 was made by Commissioner Ford. The motion was seconded by Commissioner Green. All members voted aye.

B. Consideration of Plat Approval for a 3 Lot Subdivision of the Al Hannon Farm on Mountain Ranch Road

The planning commission reviewed the proposed 3 lot subdivision. Staff noted that the proposed subdivision met the minimum lot size and public road frontage requirements. Staff recommended for plat approval subject to the required signatures on the plat. A motion to grant approval to the plat subject to receiving the required signatures was made by Commissioner Johnson and seconded by Commissioner Ford. All members voted aye.

C. Consideration of Plat Approval for a 3 Lot Subdivision of the Tony Duckworth Property on Pappy's Road

The planning commission reviewed the proposed 3 lot subdivision. Staff noted that the proposed subdivision met the minimum lot size and public road frontage requirements. Staff recommended for plat approval subject to the required signatures on the plat. Commissioner Willis voiced his displeasure with the small size of the plat, making it difficult to read. A motion to grant approval to the plat subject to receiving the required signatures was made by Commissioner Willis and seconded by Commissioner Johnson. All members voted aye.

D. Consideration of Preliminary Approval for Innovation Industrial Park Subdivision Plan
Jeff Greene recused himself from his role as a planning commission member and presented a proposed subdivision plat for the Innovation Industrial Park located on U.S. 25E/State Route 32. The plan consisted of 8 lots. The planning commission expressed concern over the access to Lot 8, noting that the only access was from Shag Road, which is inadequate to accommodate the type of traffic that would be generated by industrial development of that property. Staff recommended that all access of the lots be from within the industrial park and that Lot 8 should be accessed by a road through Lot 5 or Lot 6. Based upon the review by the planning commission, Mr. Green withdrew the request for preliminary approval and would report the planning commission's comments and suggestions to the owner for a revision of the plan.

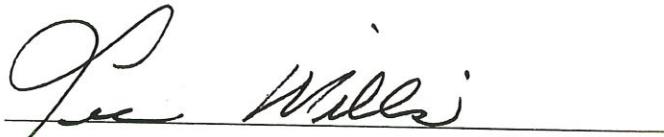
E. Discussion of the Incredible Tiny Homes Development

Todd Quatro, representing the developer of the project appeared before the planning commission and asked what could be done to get resolution to issues that have arisen with the development. He stated that the development was initiated prior to the county enacting zoning in September and that the developer considered the ongoing development to be "grandfathered" from the current zoning requirements. Planning commissioner expressed their concern that construction of the housing development had occurred without receiving site plan approval by the planning commission. Staff noted that while the development may in fact be grandfathered from the zoning requirements, which is not determined by the Planning Commission, the development was required to comply with the subdivision regulation requirements for Planned Unit Developments and that the county had adopted subdivision regulations prior to the construction of the subject housing development. Mr. Quatro stated that the developer had received the blessing from the Partnership for the

project and that he was under the impression that everything had been approved by the county. Planning commissioners expressed concern over the process of approval by the Partnership and bypassing planning commission approval. No action was taken by the planning commission.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:37 p.m. upon a motion by Commissioner Barker and a second by Commissioner Hampton-Parker.

A handwritten signature in cursive script, appearing to read "Joe Miller", is written over a horizontal line.

Secretary, Coker County Regional Planning Commission

Date

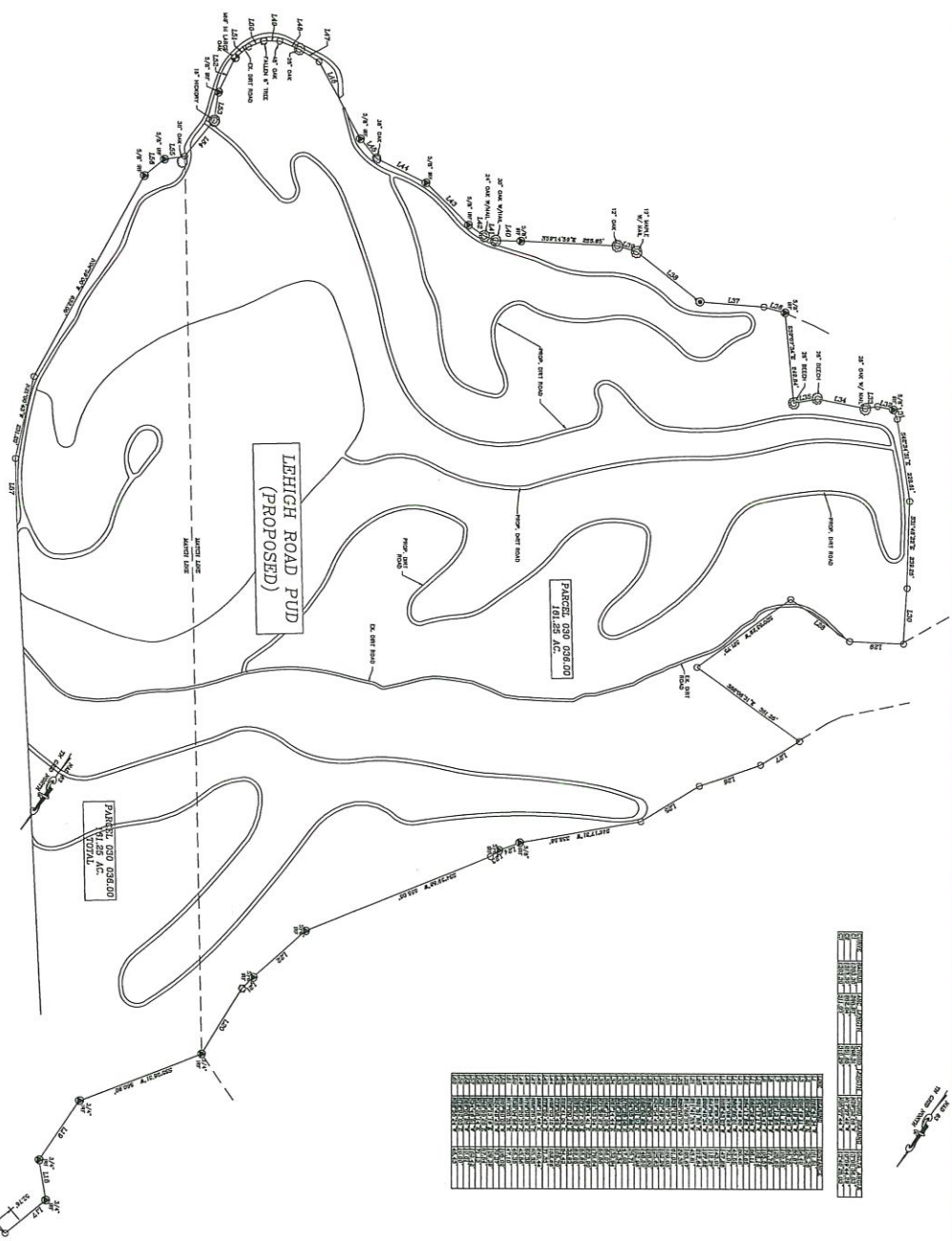


REFERENCE TO 1530 PG 180
 PARCEL: BK 030 036.00
 DATE: 03/20/2014
 SURVEYOR: S. L. CLAYTON
 DATE: 03/20/2014
 SCALE: 1" = 100'

PRELIMINARY PUD CONCEPT PLAN FOR:

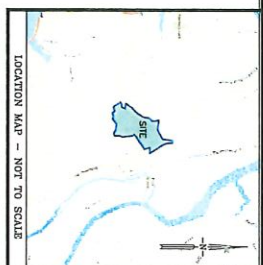
MAP BK 030 PARCEL 036.00
 DEED BK 1530 PG 180

SHOWING A SURVEY REQUESTED BY INDETERMINATE HOMELES
 CIVIL SERVICE #4, COUNTY OF COCKER, STATE OF TEXAS



NO.	DESCRIPTION	DATE
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LOCATION MAP - NOT TO SCALE

- SURVEYOR'S NOTES**
1. SOURCE OF INFORMATION USED TO FORMULATE THIS SURVEY WERE THE PLAT OF RECORD, PREVIOUS SURVEYS BY THIS SURVEYOR, VISUAL SURVEY AND FIELD NOTES. THE POSITION OF ALL POINTS WAS VERIFIED BY THIS SURVEYOR.
 2. THE SUBJECT PROPERTY MAY BE SUBJECT TO EASES OF RECORD, UNRECORDED EASES, EASEMENTS, RIGHTS OF WAY, EASES, ETC. THE SURVEYOR HAS CONDUCTED A VISUAL SURVEY OF THE PROPERTY AND HAS NOT FOUND ANY SUCH EASES, EASEMENTS, RIGHTS OF WAY, EASES, ETC. THE SURVEYOR HAS CONDUCTED A VISUAL SURVEY OF THE PROPERTY AND HAS NOT FOUND ANY SUCH EASES, EASEMENTS, RIGHTS OF WAY, EASES, ETC.
 3. THE SURVEY PROPERTY IS LOCATED IN RANGELAND ZONE "C" AND IS SUBJECT TO THE RANGELAND ZONING ORDINANCES OF THE COUNTY OF COCKER, TEXAS, WHICH REQUIRE THE PROPERTY TO BE USED FOR RANGELAND PURPOSES.
 4. SOURCE OF ELEVATION DATA FOR THIS SURVEY IS DERIVED FROM THE GPS SURVEY CONDUCTED BY THE SURVEYOR.

*TOTAL HOME SITES: 870

LEGEND

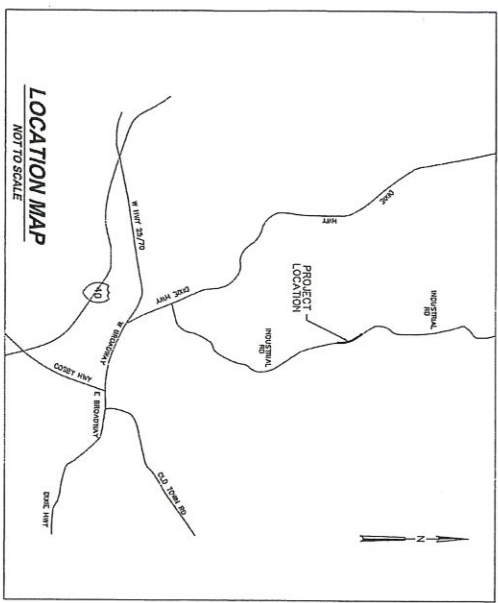
- = "X" ROAD ROAD
- = "X" ROAD ROAD & C&P SET
- = CONCRETE POINT
- = CONCRETE POINT
- = TELEPHONE RESISTANT
- = UTILITY POLE
- = WATER METER
- = ELECTRIC METER
- = ELECTRIC METER
- = BOUNDARY/PROPERTY LINE
- = ADJOINING PROPERTY LINE, LINE NOT OF THIS SURVEY
- = RIGHT OF WAY LINE, LINE NOT OF THIS SURVEY
- = UTILITY POLE OR C&P SET UNLESS NOTED OTHERWISE
- = OVERHEAD ELECTRIC
- = 20' WIDE "THIN HOME" PUD SITE (TH)
- = 30' WIDE "THIN HOME" PUD SITE (TH)



C-8

NEWPORT UTILITIES COCKE COUNTY, TENNESSEE 2023 PUMP STATION & FORCE MAIN IMPROVEMENTS FOR INDUSTRIAL ROAD

INCREDIBLE TINY HOMES



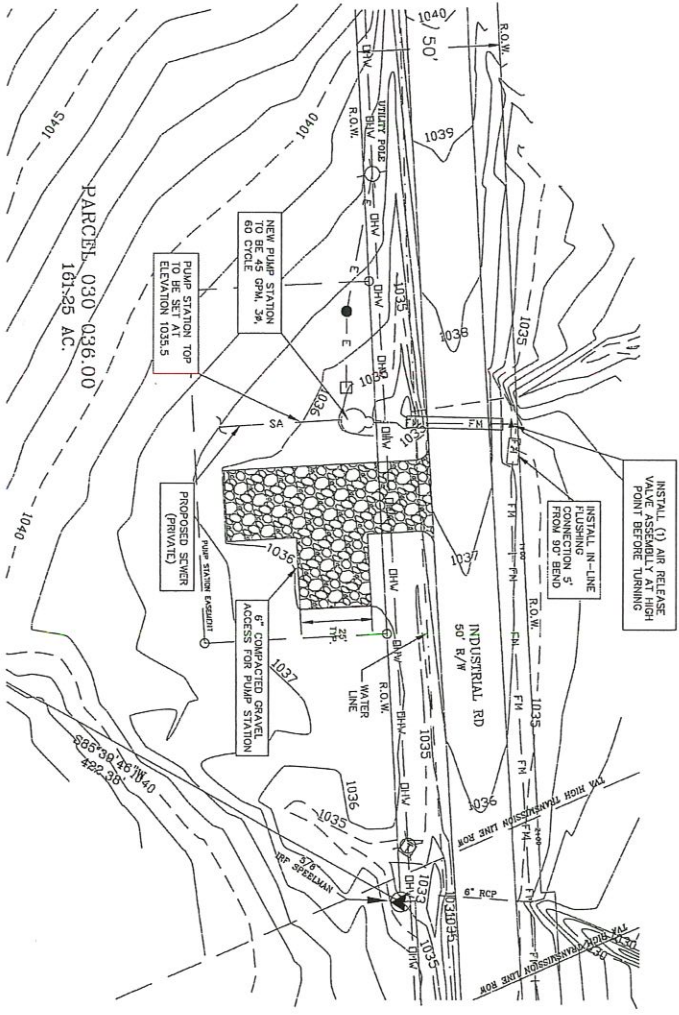
**ROBERT J. COLVIN, P.E.
293 DOGWOOD LANE
JACKSBORO, TENNESSEE**

SYSTEM APPROVAL:
[Signature] 2/28/2023
NEWPORT UTILITIES



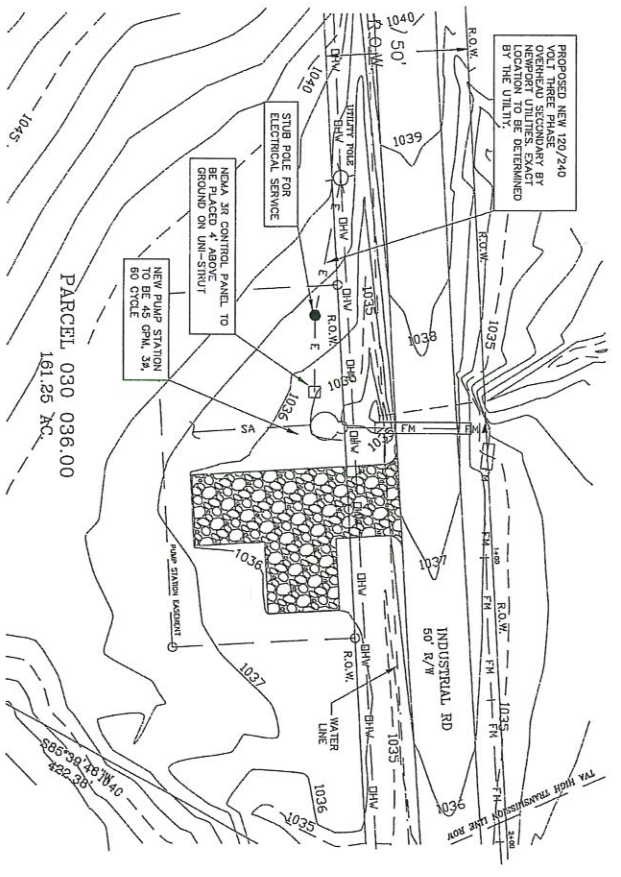
1. ALL CONSTRUCTION SHALL ADHERE TO THE MOST CURRENT TDEC APPROVED SPECIFICATIONS FOR SEWER SYSTEM CONSTRUCTION FOR THE NEWPORT UTILITIES.

ROBERT J COLVIN, P.E.	COVER SHEET	NEWPORT UTILITIES COCKE COUNTY	INCREDIBLE TINY HOMES PUMP STATION & FORCE MAIN	DESIGNED BY RJC DRAWN BY KOR	DATE FEBRUARY 2023 SCALE AS NOTED	SHEET 1 OF 6
-----------------------	-------------	-----------------------------------	--	---------------------------------------	--	--------------



1. SCADA SHALL BE PURCHASED FROM NEWPORT UTILITIES AND INSTALLED BY NEWPORT UTILITIES.
2. THE PUMP STATION COMPONENTS SHALL BE TURNED OVER TO NEWPORT UTILITIES AFTER A ONE YEAR WARRANTY PERIOD.

PUMP STATION SITE PLAN



ELECTRICAL SITE PLAN



ROBERT J COLVIN, P.E.

PUMP STATION SITE PLAN & ELECTRICAL PLAN

NEWPORT UTILITIES COCKE COUNTY

INCREDIBLE TINY HOMES PUMP STATION & FORCE MAIN

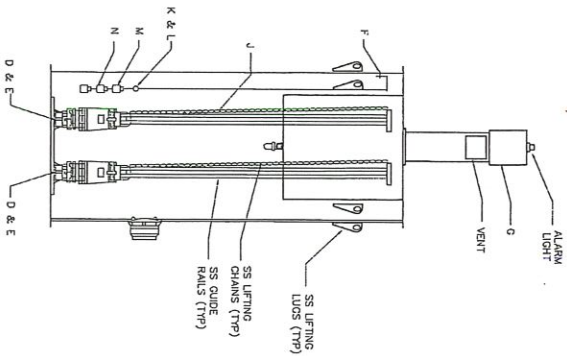
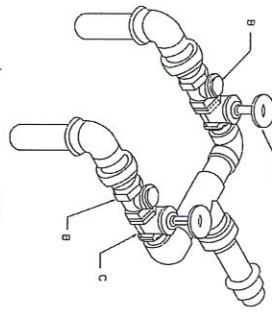
DESIGNED BY
RJC
DRAWN BY
MOR

DATE
FEBRUARY 2023
SCALE
1"=20'

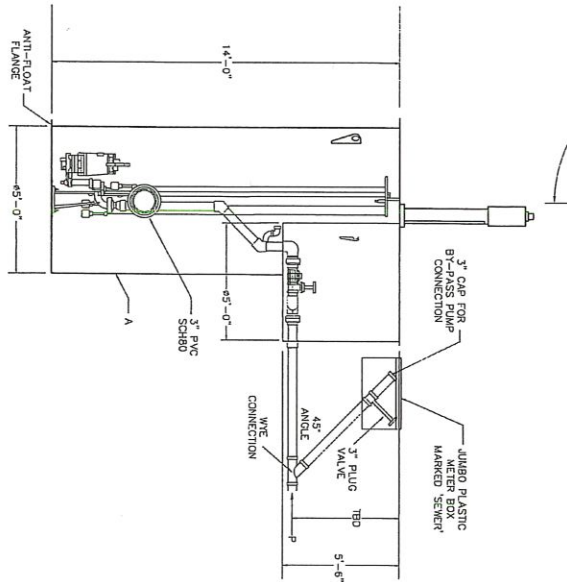
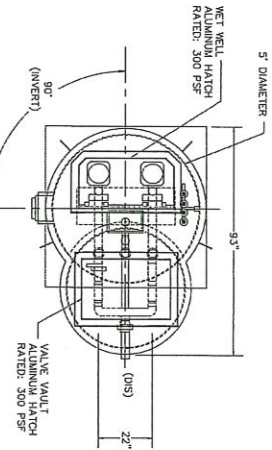
SHEET 2 OF 6



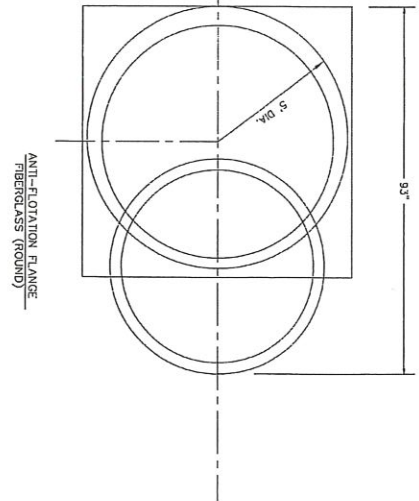
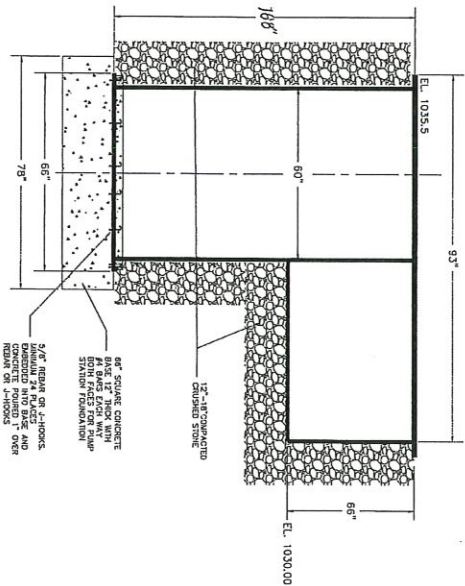
NOTE:
1) INVERT HUB TO BE FIELD INSTALLED, BY OTHERS



PUMP STATION DETAIL
NOT TO SCALE



FIBERGLASS BASIN SPEC SHEET
NOT TO SCALE



ITEM	DESCRIPTION	QTY.
A	FIBERGLASS BASIN, 168" DIA	1
B	3" BRASS VALVE	2
C	3" BRASS VALVE	2
D	BRASS CONNECTOR	2
E	1200 VOLT ELBOW	2
F	4" DIA. BRASS VALVE	1
G	CONTROL BOX W/ALARM SOUND	1

ITEM	DESCRIPTION	ELEVATION
I	TOP OF STATION	1033.5
J	INVERT	1027.5
K	HIGH WATER ALARM FLOAT	1028.0
L	1200 VOLT CONNECTION	1028.0
M	1200 VOLT CONNECTION	1028.0
N	FLOOR OF BASIN	1027.2
P	DISCHARGE 6" P.I.C.	1030.0

The resin used shall be a commercial grade polyester and shall be evaluated by test or determined by previous service to be acceptable for the intended environment. The reinforcing material shall be a commercial grade of glass fiber (continuous strand, chopped-strand, continuous mat and/or monofilament mat) having a coupling agent which will provide a suitable bond between the glass reinforcement (mat and mesh).

The fiber laminate wall thickness shall vary with the wet wall height to provide the appropriate strength necessary to meet the tensile and flexural physical properties requirements. The fiber laminate shall be a minimum of 200 lbs. per sq. ft. and the fiber thickness shall be specified in ASTM D2723. The wet wall fiber laminate shall be constructed to withstand or exceed the design wind speed and exterior services.

The finished fiber laminate wall shall have a Brinell hardness of at least 50% of the resin manufacturer's specified hardness for the fully cured resin. The Brinell hardness shall be the same as the resin manufacturer's specified hardness for the fully cured resin. A flow or slip pattern shall accommodate the maintenance of the basin and shall be specified in the project manual. The resin manufacturer's specified hardness for the fully cured resin shall be the same as the resin manufacturer's specified hardness for the fully cured resin. The Brinell hardness shall be the same as the resin manufacturer's specified hardness for the fully cured resin.

ROBERT J COLVIN, P.E.

DETAILS

NEWPORT UTILITIES
COCKE COUNTY

INCREDIBLE TINY HOMES
PUMP STATION & FORCE MAIN

DESIGNED BY
DRAWN BY

DATE
SCALE
SHEET 4 OF 6



