

# MINIMUM REGULATIONS FOR SUBDIVISION DEVELOPMENT WITHIN THE SPRINGFIELD, TENNESSEE PLANNING REGION

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## ARTICLE I

### GENERAL PROVISIONS

#### 1-1 Title

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

#### 1-2 Authority

These subdivision regulations are adopted by the Springfield Municipal – Regional Planning Commission (hereinafter referred to as “Planning Commission”), pursuant to the authority and powers granted by Section 13-3-101 through 13-3-102, Tennessee Code Annotated. Having adopted a major street or road plan for the jurisdictional area, and filed a certified copy of the plan with the Robertson County Register of Deeds (hereinafter referred to as “county register”), as required by Section 13-3-402, Tennessee Code Annotated, and having held a public hearing as indicated in Section 13-3-403 of these regulations, the Planning Commission has fulfilled the requirements set forth in state law as prerequisites to the adoption of these regulations.

#### 1-3 Jurisdiction

These subdivision regulations shall apply to all subdivisions, as herein defined, located within the planning region of Springfield, Tennessee. No land shall be subdivided within the jurisdictional area until the subdivider submits a plat as required by these regulations, obtains Planning Commission approval of the plat, and files the approved plat with the county register.

#### 1-4 Purpose and Intent

It is hereby declared to be the policy of the Planning Commission to consider the subdivision of land and development of a subdivision plat as subject to the control of the adopted land use, community development plan or growth plan (herein after referred to as “land development plan”) of the jurisdictional area for orderly, planned, and efficient physical and economical development.

Land to be subdivided shall be of such character that it can be used for building purposes without danger of health, fire, flood, or other menace. Land shall not be subdivided until proper provisions have been made for drainage, water, other public utilities, and for other required public services. The existing and proposed public improvements shall generally conform to and be properly related to the proposals shown in the land development plan.

The regulations herein shall supplement and facilitate the enforcement of the provisions and standards contained in the Springfield Municipal and Regional Zoning Ordinances (hereinafter referred to as “zoning ordinance,” as applicable).

These regulations are adopted for the following purposes:

- 1-4.1 To encourage the development of sound, healthy, and economically stable residential, commercial, industrial, and public areas.
- 1-4.2 To guide the development of the jurisdictional area in accordance with the land development plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.
- 1-4.3 To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.
- 1-4.4 To enhance the character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.
- 1-4.5 To conserve the value of land, buildings, and improvements throughout the jurisdictional area and to minimize detrimental conflicts among the uses of land and structures.
- 1-4.6 To guide public and private policy and action providing for transportation, water, sewerage, schools, recreational areas, and other public requirements and facilities.
- 1-4.7 To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.
- 1-4.8 To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; and to insure proper legal descriptions and proper monumenting of land.
- 1-4.9 To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- 1-4.10 To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to preserve the integrity, stability, beauty, and value of the jurisdictional area.
- 1-4.11 To preserve the natural beauty and topography of the jurisdictional area, and to insure

appropriate development with regard to these natural features.

- 1-4.12 To provide for open spaces through efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in any zoning ordinance.
- 1-4.13 To encourage subdivision design which would maximize the conservation of all forms of energy.
- 1-4.14 To coordinate land developments to ensure that future physical growth will be orderly, efficient, and conducive to a minimum outlay of private and public expense in providing services to new growth areas.
- 1-4.15 To minimize fire hazards, to provide for safe, convenient and efficient traffic circulation, and provide for light and air in habitable structures.
- 1-4.16 To provide for the overall harmonious development in conformance to the adopted comprehensive plan.
- 1-4.17 To provide building sites that are designed to minimize damage to life, structures and land from flooding.

#### 1-5 Interpretation, Conflict, and Severability

##### 1-5.1 Interpretation

These regulations shall be held to be the minimum requirements for the promotion of health, safety, and general welfare.

##### 1-5.2 Conflict with Public and Private Provisions

###### 1-5.2 A. Public Provisions

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

###### 1-5.2 B. Private Provisions

These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction; provided, that where these restrictions are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

Where any private provision exceeds the standards set forth herein, such shall be considered a private contract between the parties of interest, and as such is beyond the jurisdiction of the Planning Commission.

### 1-5.3 Severability

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

### 1-6 Saving Provision

These regulations shall not be construed as abating any action not pending under, or by virtue of prior subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person; or as waiving any right of the governing body under any section or provision existing at the time of adoption of these regulations; or as vacating or annulling any rights obtained by any person by lawful action of the governing body, except as expressly provided otherwise in these regulations.

### 1-7 Previously Approved Subdivisions

#### 1-7.1 Unexpired Preliminary Approval

The approval granted on any plat prior to the effective date of these regulations shall remain in force and effect for the time period stipulated by the regulations under which the approval was first granted.

#### 1-7.2 Expired Preliminary Approval

In any instance in which the period of preliminary approval shall have passed with some portion of the subdivision not having received final approval, and the applicant wishes an extension of the preliminary approval, the Planning Commission may:

- 1-7.2 A permit the remaining portion of the of the subdivision to be constructed and to receive approval under provisions set forth in the regulations whereby preliminary approval was originally granted, or
- 1-7.2 B stipulate that the plat is null and void and that a new plat be presented subject to the provisions of these regulations.

In making this determination, the Planning Commission shall consider all pertinent facts available to it. The current state and active pursuit of construction and development activities within the subdivision shall be given due consideration in the course of the Planning Commission's deliberation on this question.

## 1-8 Amendments

### 1-8.1 Enactment

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

### 1-8.2 Codification and Distribution

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

1-8.2 A Replacement pages shall be prepared incorporating the new or changed language. Each such new or replacement page shall have the amendment number and shall be dated so as to indicate the date of the last revision of the page.

1-8.2 B Each adopted amendment shall be numbered consecutively and printed on pages separate from any other amendment and in a manner, which fully states any language deleted from these regulations and any language added and the place in the text of each such change.

## 1-9 Resubdivision of Land

### 1-9.1 Procedures for Resubdivision

If any change in an approved or recorded subdivision plat would affect the layout of any public street, alley, or road (hereinafter referred to as public way) shown on such plat, or area reserved thereon for public use, or any lot line, or if it would affect any map, plan, or plat legally recorded before the adoption of any subdivision regulations, such amendment shall be approved by the Planning Commission by the same procedure, rules, and regulations as for a subdivision.

### 1-9.2 Procedures for Subdivision Where Future Resubdivision Is Foreseen

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land or double the minimum required area for any

zoning district in which the lot is located, and the Planning Commission has reason to believe that any such lot(s) will be resubdivided into smaller building sites, the Planning Commission may require that the subdivision and development of such parcel of land allow for the future opening of public ways and the ultimate extension of adjacent public ways. The Planning Commission may also require that dedications providing for the future opening and Planning Commission extension of such public ways be indicated on the plat.

### 1-9.3 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision are exercises of valid police power delegated by the state to the Planning Commission. The developer has the duty of compliance with reasonable conditions imposed by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to provide for the physical and economical development of the jurisdictional area and for the safety and general welfare of future plot owners in the subdivision and of the community at large.

### 1-10 Vacation of Plats

Any plat or any part of any plat may be vacated by the owner of the premise, at any time before the sale of any lot described therein, by a written instrument, to which a copy of such plat shall be attached, declaring the plat or part of the plat to be vacated. The Planning Commission shall follow the same procedure for approval of such instrument as required for approval of plats. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, or public ways. Such an instrument shall be executed, acknowledged, or approved, and duly recorded or filed; the instrument shall operate to void the recorded plat and divest all public rights in the public ways and public grounds and all dedications laid out or described in such plat. When any lot or lots have been sold the plat may be vacated in the manner herein provided only if all the owners of lots in such platted area join in the execution of such writing.

### 1-11 Variances

#### 1-11.1 General

If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted; provided, such variance shall not have the effect of nullifying the general intent and purpose of these regulations and provided, further, that the Planning Commission shall not recommend variations unless it shall make findings based upon written evidence presented to it in each specific case that:

- 1-11.1 A the granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located;
- 1-11.1 B the conditions upon which the request for a variance is based are unique to the property
- 1-11.1 C because of the particular physical characteristics for which the variance is sought and are not applicable generally to other property; surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and
- 1-11.1 D the variance will not in any manner alter the provisions of the land development plan, the major street or road plan, or any zoning ordinance.

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

#### 1-12 Procedures

In approving any variation from these regulations, the Planning Commission shall state fully in the minutes the grounds for the variation and all of the facts upon which the decision is made.

#### 1-13 Conditions

In approving variations, the Planning Commission may impose such conditions as in its judgement will secure substantially the objectives, standards and requirements of these regulations.

#### 1-14 Increased Standards

The Planning Commission may require standards above the minimum contained herein whenever it feels the public health, safety and welfare justifies such increases.

#### 1-15 Enforcement, Violation, and Penalties

##### 1-15.1 Authority

The enforcement of these regulations and the penalties for the unapproved recording or transfer of land are provided pursuant to Title 13, Tennessee Code Annotated.

##### 1-15.2 Enforcing Officer

It shall be the duty of the Community Development Director or his/her assigned employees (hereinafter referred to as "the enforcing officer or officers") to enforce these

regulations and to bring to the attention of legal counsel any violations or lack of compliance herewith. Furthermore, the Springfield Customer Service Department shall not provide utilities to subdivisions that are in violation of these regulations.

#### 1-15.3 Recording of Plats

Pursuant to Sections 13-3-402, and 13-4-302, Tennessee Code Annotated, no plat of a subdivision of land within the jurisdictional area shall be received or recorded by the county register until the plat has received final approval of the Planning Commission in accordance with these regulations, and such approval has been endorsed in writing on the plat by the Planning Commission secretary. Upon final approval the Director of Community Development of the City of Springfield or his representative shall record the plat in the Robertson County Office of the Register of Deeds upon the payment by the subdivider of any and all fees associated with the plat that are established in these regulations. Recording of the plat shall occur within ten (10) days of collecting all fees and the final certification of all required approving authorities.

#### 1-15.4 Use of Unapproved Plats

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

#### 1-15.5 Acceptance of Streets and Utilities

Pursuant to Sections 13-3-411 and 13-4-307, Tennessee Code Annotated, the governing body shall not nor shall any public authority accept, lay out, open, improve, grade, pave, or light any public way, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any public way located within the jurisdictional area unless such street corresponds in its location and lines to a way shown on a preliminary subdivision plat approved by the Planning Commission or on a street adopted by the Planning Commission as provided in Section 13-4-303 and Section 13-3-403, Tennessee Code Annotated.

#### 1-15.6 Override

However, the governing body may override the Planning Commission as provided in Title 13, Tennessee Code Annotated. In case of any state highway constructed or to be constructed within the jurisdictional area with state funds as a part of the state highway system, the submission to the Planning Commission shall be by the Tennessee Commissioner of Transportation, who shall have the power to overrule the disapproval of the Planning Commission.

#### 1-16 Access to Lots by Public Way or Private Easement

Pursuant to Sections 13-3-411 and 13-4-308, Tennessee Code Annotated, no building permit shall be issued and no building or structure shall be erected on any lot within the jurisdictional area, unless the public way giving access to the lot upon which the building or structure is proposed to be placed shall have been accepted or opened or shall have been otherwise received the legal status of a public way as provided by law; provided, that the provisions of this section relating to access shall not apply to subdivisions of property zoned commercial or industrial and that no building permit shall be withheld in such cases of noncompliance with this section.

Provided, further, that when a permanent easement to a public way is used as access to a lot or tract of land having been or being separated by deed or plat from other property, such easement shall be at least fifty (50) feet in width from and after the time of adoption of these regulations and shall not be used to provide access to more than one lot or tract of land.

The above section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements which have been approved by the Planning Commission and will be in private ownership and control in perpetuity.

#### 1-17 Penalties for Violations

##### 1-17.1 Recording of Unapproved Plats

Any county register receiving, filing, or recording a plat of a subdivision in violation of Section 1-15.3 of these regulations shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

##### 1-17.2 Use of Unapproved Plats

Any owner or agent of the owner of any land who transfers land by means of an unapproved plat shall be deemed guilty of a misdemeanor, punishable as provided by law.

##### 1-17.3 Transfer or Sale of Land

Section 13-3-410 and Section 13-4-306, Tennessee Code Annotated provides that whoever being the owner, or agent of the owner, of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval and the certification of the other approving authorities as required before such plat is recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor, punishable as

other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality, through its solicitor or their official designated by its chief legislative body and/or the county attorney or other officials designated by the County Commission, may enjoin such transfer or sale or agreement by action or injunction.

#### 1-17.4 Erection of Structures

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

#### 1-17.5 Civil Enforcement

Appropriate actions and proceedings may be taken in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages; to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises; these remedies shall be in addition to the penalties described in Section 1-17.3 of these regulations.

#### 1-17.6 Repeal of Previous Regulations

Upon the adoption and effective date of these regulations, the Subdivision Regulations of Springfield, Tennessee adopted February 16, 1984, as amended, are hereby repealed.

#### 1-18 Administration

It shall be the duty of the Community Development Director, designated by the City of Springfield Tennessee, to administer and establish the procedures for the proper implementation of these regulations.