ARTICLE I
GENERAL PROVISIONS
Amended by Resolution No. 2025-06

1-101 Title

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

1-102 Authority

These subdivision regulations are adopted by the Robertson County Planning Commission (hereinafter referred to as the "Planning Commission"), under the authority and powers granted by Sections 13-3-401 through 13-3-411 of the Tennessee Code. After adopting a major street or road plan for the jurisdictional area and filing a certified copy of the plan with the County Register of Deeds (hereinafter referred to as "county register"), as required by Sections 13-3-402 of the Tennessee Code, and after holding a public hearing as outlined in Section 7-101 of these regulations and as required by Sections 13-3-403 of the Tennessee Code, the planning commission has met the legal requirements necessary to adopt these regulations.

1-103 Jurisdiction

These subdivision regulations shall apply to all subdivisions, as defined herein, located within Robertson County, 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.

1-104 Policy and Purpose

It is hereby declared as the policy of the planning commission to consider the subdivision of land and the development of a subdivision plat as subject to the control of the adopted land use or community development plan (hereinafter referred to as "land development plan") of the jurisdictional area for orderly, planned, and efficient physical and economic development.

Land to be subdivided shall be of such character that it can be used for building purposes without risk of health issues, fire, flood, or other hazards.

Land shall not be subdivided until adequate arrangements are made for drainage, water, sewerage, other public utilities, and necessary public services. The existing and planned public improvements should generally align with and be properly associated with the proposals outlined in the land development plan.

The regulations outlined here shall support and assist in enforcing the provisions and standards set forth in the Zoning Resolution of Robertson County, Tennessee (hereinafter referred to as the "Zoning Resolution").

These regulations are adopted for the following purposes.

A. To promote the public health, safety, and general welfare of the jurisdictional area.
B. To guide the development of the jurisdictional area in accordance with the land development plan, considering the suitability of non-residential and public areas and taking into account the most advantageous land use in such areas.
C. 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.
D. To enhance the character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.
E. 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.
F. To guide public and private policy and action providing for transportation, water, sewerage, schools, recreational areas, and other public requirements and facilities.
G. To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.
H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; and to ensure proper legal descriptions and proper monumenting of land.
I. To ensure that public facilities are available and will have sufficient capacity to serve the proposed subdivision.
J. 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.
K. To preserve the natural beauty and topography of the jurisdictional area, and to ensure appropriate development concerning these natural features.
L. 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.
M. To encourage subdivision design that maximizes the conservation of all forms of energy.

1-105 Interpretation, Conflict, and Severability

1-105.1 Interpretation. These regulations shall be considered the minimum requirements for promoting health, safety, and general welfare.

1-105.2 Conflict with Public and Private Provisions

1-105.201 Public Provisions These regulations are not intended to interfere with, override, or invalidate any other ordinance, rule, regulation, statute, or law. If any part of these regulations sets stricter or higher standards than another ordinance, rule, regulation, or law, the more restrictive or higher standards shall take precedence.

1-105.202 Private Provisions

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

Where any private provision 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.

1-105.203 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 judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment 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.

1-106 Saving Provision

These regulations shall not be interpreted as canceling any ongoing actions under previous subdivision rules; nor as stopping, reducing, changing, or modifying any penalties that are due or about to be due; nor as affecting the responsibilities of any individual; nor as waiving any rights of the planning commission under any current section or provision at the time these regulations are adopted; nor as invalidating any rights acquired lawfully by any individual through the planning commission, except where explicitly stated otherwise in these regulations.

1-106.1 Previously Approved Subdivisions

1-106.101 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.

1-106.102 Expired Preliminary Approval

In any case where the preliminary approval period has expired, and part of the subdivision has not received final approval. The applicant requests an extension of the preliminary approval; the planning commission may:

a. permit the remaining portion of the subdivision to be constructed and to receive approval under provisions outlined in the regulations whereby preliminary approval was originally granted, or

b. stipulate that the plat is null and void and that a new plat be submitted in accordance with these regulations.

In making this determination, the planning commission shall consider all relevant facts available to it. The current status and active pursuit of construction and development activities within the subdivision shall be given due consideration during the planning commission's deliberation on this matter.

1-107 Amendments

1-107.1 Enactment

For the purpose of promoting public health, safety, and general welfare, the planning commission may periodically amend these regulations. Before adopting any amendments, the planning commission shall hold a public hearing as required by Chapter 3, Title 13, Tennessee Code, with at least thirty (30) days' notice of the time and place published in a newspaper of general circulation.

1-107.2 Codification and Distribution

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

1. Replacement pages shall be prepared incorporating the new or changed language. Each such new or replacement page shall have the amendment number and shall be dated to indicate the date of the last revision of the page.
2. In Article VII of these regulations, each adopted amendment shall be numbered sequentially and printed on separate pages from any other amendments. It must fully specify any language deleted from these regulations and any language added, including the location of each change in the text.

1-108 Resubdivisions of Land

1-108.1 Procedures for Resubdivision

If any change to an approved or recorded subdivision plat affects the layout of any public street, alley, or road (hereinafter referred to as a public way) shown on the plat, or the area reserved for public use, or any lot line, or if it impacts any map, plan, or plat legally recorded before the adoption of any subdivision regulations, such an amendment must be approved by the planning commission using the same procedure, rules, and regulations as for a subdivision.

1-108.2 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 or twice the minimum required area for any zoning district where the lot is located, and the planning commission believes that these lots might be resubdivided into smaller building sites, the commission may require that the subdivision and development of such land accommodate future public way openings and the extension of nearby public ways. The planning commission may also require that dedications for future public way openings and extensions be shown on the plat.

1-109 Conditions

Regulating land subdivision and attaching reasonable conditions to it are exercises of valid police power delegated by the state to the planning commission. The developer is responsible for complying with reasonable conditions set by the planning commission regarding design, dedication, improvement, and restrictive land use to promote the physical and economic development of the jurisdiction and to ensure the safety and welfare of future plot owners and the community at large.

1-110 Vacation of Plats

Any plat or part of a plat may be vacated by the owner of the premises at any time before the sale of any lot described in it, through a written instrument attached to a copy of the plat, declaring the plat or part of the plat to be vacated. The planning commission shall follow the same approval process for plats. The commission may reject any such instrument if it abridges or destroys public rights in public uses, improvements, or public ways. This instrument must be executed, acknowledged, or approved, and properly recorded or filed; it shall operate to void the recorded plat and revoke all public rights in the ways, grounds, and dedications specified in the plat. When any lot or lots have been sold, the plat may only be vacated in the manner provided herein if all owners of lots in such platted area sign the relevant document.

1-111 Variances

1-111.1 General

If the planning commission determines that strict adherence to these regulations would cause extraordinary hardships or practical difficulties, a variance may be granted; provided, however, that such a variance does not undermine the overall intent and purpose of these regulations and further, that the planning commission shall not recommend variations unless it makes findings based on written evidence presented to it in each specific case that:

1. The granting of the variance will not harm public safety, health, or welfare, or cause damage to other property or improvements in the neighborhood where the property is located.

2. The conditions on which the request for a variance is based are unique to the property for which the variance is sought and do not generally apply to other properties.

3. Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a specific hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict application of these regulations were enforced; and

4. The variance will not in any way 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 can be served equally or better by an alternative proposal, condition, or circumstance, it may approve other variations to these regulations.

1-111.2 Procedures

Every variance or modification of these subdivision regulations requested by a subdivider must be specifically applied for in the order of the regulations, in writing by the subdivider in letter form. Any condition on the plat that would require a variance or modification shall be grounds for disapproval of the plat unless a special application for the modification or variance is made. When approving any variation from these regulations, the planning commission shall fully state in the minutes the reasons for the variation and all the facts upon which the decision is based.

1-111.3 Conditions

In approving variations, the planning commission may impose such conditions as it deems will significantly ensure the objectives, standards, and requirements of the regulations.

1-112 Enforcement, Violation, and Penalties

1-112.1 General

1-112.101 Authority. The enforcement of these regulations and the penalties for violations are provided pursuant to ***Title 13,*** *Tennessee Code*.

1-112.102 Enforcing Officer. It shall be the duty of the Building Commissioner (hereinafter referred to as "the enforcing officer)" to enforce these regulations and to bring to the attention of legal counsel any violations or lack of compliance herewith.

1-112.103 Recording of Plats. Under Sections 13-3-402 and 13-4-302 of the Tennessee Code, no subdivision plat within the jurisdictional area shall be accepted or recorded by the county recorder until the planning commission has approved it per these regulations and such approval has been signed in writing by the planning commission secretary as specified in Section 2-105 of these regulations.

The description by metes and bounds in the instrument of transfer or other document used in the sale or transfer shall not exempt any owner or agent who violates the provisions of the previous paragraph from the penalties or remedies provided in Subsections 1-*112.2* and *1-112.3,* of these regulations.

1-112.104 Use of Unapproved Plats

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

The description by metes and bounds in the instrument of transfer or other documents used in the selling or transfer process shall not exempt any owner or agent who violates the provisions of the previous paragraph from the penalties or remedies outlined in Subsections 1-112.2 and 1-112.3 of these regulations.

1-112.105 Metes and Bounds Subdivisions

The subdivision of any lot or parcel of land by using a metes and bounds description without complying with the plat provisions of these regulations shall not be permitted. All such subdivisions described shall be subject to all of the requirements of these regulations.

1-112.106 False Statements About Roads

Under Sections 13-3-410 and 13-4-306 of the Tennessee Code, no owner or owner's agent shall falsely claim to a prospective real estate buyer that roads or streets will be built or constructed by any city, county, or other political subdivision.

1-112.107 Public Ways and Utilities

Pursuant to Sections 13-3-410 and 13-4-306 of the Tennessee Code, the planning commission shall not, nor shall any public authority, accept, lay out, open, improve, grade, pave, or light any public way, nor shall they 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 within the jurisdictional area unless such way has been accepted, opened, or otherwise received the legal status of a public way before the planning commission's jurisdiction attaches, or unless such way aligns with a way shown on a subdivision plat approved by the planning commission or on a public way plat made by the planning commission.

However, the county commission may override the planning commission as stated in Title 13 of the Tennessee Code.

If any state highway is built or will be built within the jurisdiction with state funds as part of the state highway system, the Tennessee Commissioner of Transportation shall submit it to the planning commission. The commissioner also has the authority to override the planning commission's disapproval.

1-112.108 Building Permits

No building permit shall be issued for the construction of any building or structure on a lot or plat that has been subdivided or sold in violation of any of these regulations.

1-112.109 Access to Lots by Public Way or Private Easement

Pursuant to Sections 13-3-411 and 13-4-308 of the Tennessee Code, 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 providing access to the lot on which the building or structure is proposed to be placed has been accepted, opened, or has otherwise received the legal status of a public way provided by law, or unless such lot fronts upon a permanent easement which conforms to the provisions outlined in these regulations.

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

The above section should not be interpreted to prevent the development of buildings on lots or tracts that have permanent access via private ways when such development involves condominium ownership of private improvements that have been approved by the planning commission and will remain in private ownership and control indefinitely.

1-112.2 Penalties for Violations

1-112.201 Recording of Unapproved Plats

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 Sections 13-3-402 and 13-4-302, Tennessee Code. Anyone doing so shall be deemed guilty of a misdemeanor, punishable as other misdemeanors are by law. Any county register who receives, files, or records a plat of a subdivision in violation of Subsection 1-112.103 of these regulations shall be considered guilty of a violation of the cited Tennessee Code provision.

1-112.202 Use of Unapproved Plats

Section 13-3-410 and 13-4-306 of the Tennessee Code state that any owner or agent of land who transfers, sells, agrees to sell, or negotiates to sell land by referencing, exhibiting, or otherwise using a plat of subdivision without first submitting the plat to the planning commission and obtaining its approval before recording it in the county register's office shall be considered guilty of a misdemeanor punishable as other misdemeanors by law. The description by metes and bounds in the transfer document or other sale-related instrument does not exempt the transaction from these penalties. The county, through its attorney, may also enjoin such transfer, sale, or agreement through legal action.

1-112.203 Illegal Buildings Any building or structure built or to be built in violation of subdivision regulations shall be considered an unlawful building or structure, and the building inspector or other official designated by the chief legislative body may bring action or enjoin such erection or cause it to be vacated or removed as provided in Section ***13-3-411*** and ***13-4-308,*** *Tennessee Code*.

1-112.3 Civil Enforcement

1-112.301 General

Appropriate actions and legal proceedings may be taken in equity to prevent any violation of these regulations, to stop unlawful construction, to recover damages, to restrain, correct, or eliminate a violation, or to prevent illegal occupancy of a building, structure, or premises; these remedies shall be in addition to the penalties described in Subsection 1-112.2 of these regulations.

1-112.302 Specific Statutory Remedies

a. **Use of Unapproved Plats** -- The county, through its attorney or another official designated by the county council, may seek an injunction to prevent any transfer,

sale, or agreement to sell any land that violates Subsection 1-112.104 of these regulations.

b. **Erection of Unlawful Buildings** - If any building or structure is constructed or being constructed on any lot in violation of the road or easement frontage requirements of Subsection 1- 112.109, of these regulations, the county building official, the county attorney, or another official designated by the county council may take legal action to stop the construction or have the building or structure vacated or removed.

C. **Enforcement of Bonds** -- Where a bond is accepted in place of completion of subdivision improvements and utilities as provided in Article III of these regulations.

1-113 Repeal of Previous Regulations

Upon the adoption and effective date of these regulations, the Subdivision Regulations of Robertson County, Tennessee, adopted **November 1, 1979,** as amended, are hereby repealed.