

CHAPTER 1. GENERAL PROVISIONS

1-1 Title

1. *Title.* These provisions shall hereafter be known and cited as the "Subdivision Regulations of the Metropolitan Government of Nashville and Davidson County."

1-2 Authority

1. *Authority.* These rules and regulations are adopted pursuant to Chapters 35 and 45 of the Public Acts of 1935 and as subsequently amended and being Section 13-3-401 et seq. and Section 13-4-301 et seq., [Tennessee Code Annotated](#), and in accordance with Article 11, Chapter 5, of the Charter of the Metropolitan Government of Nashville and Davidson County (Metro).
2. *Planning Commission has Met State Law.* In the adoption of these Subdivision Regulations, the Planning Commission acts in pursuance to the authority and powers granted by Sections 13-3-401 through 13-4-309, as amended, [Tennessee Code Annotated](#). Having adopted a Major Street Plan for the jurisdiction, and filed a certified copy of the plan with the Register of Deeds, as required by Sections 13-3-402 and 13-4-302, [Tennessee Code Annotated](#), and having held a public hearing on these regulations, as indicated in Section 6-1 of these regulations, and as required by Sections 13-3-403 and 13-4-303, [Tennessee Code Annotated](#), the Planning Commission has fulfilled the requirements set forth in State law as prerequisites to the adoption of these regulations.
3. *Enforcing Officer.* It shall be the duty of the Executive Director of the Metropolitan Planning Commission (Planning Commission) or his/her designated appointee to enforce these regulations and to bring to the attention of the Metropolitan Attorney any violations or lack of compliance herewith.

1-3 Purpose

1. *Purpose.* These regulations are intended to "provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity." (Section 13-4-303, [Tennessee Code Annotated](#))
2. *Provision of Options.* The subdivision regulations provide options for development that reflect the diversity of the development throughout Davidson County. In recognizing that there are many development patterns across Metro, it is further recognized that regulations are needed to support and enable these varied development patterns to occur.
3. *How to Use these Regulations.* Within T2 Rural Neighborhood and/or T2 Conservation policies, the requirements of Chapter 4. Rural Character Subdivisions apply. Outside of T2 Rural Neighborhood and/or T2 Conservation policies, an applicant may continue to develop conventional suburban subdivisions using the requirements of Chapter 3. General Requirements for

Improvements, Reservations, and Design. Outside of T2 Rural Neighborhood and/or T2 Conservation policies, an applicant may choose to develop alternative subdivisions that are more rural or urban in nature. The regulations of Chapter 3 apply to these subdivisions as well. In addition, the requirements of Chapter 4. Rural Character Subdivisions must be met for a rural subdivision and the requirements of Chapter 5. Walkable Subdivisions must be met for a more urban pattern of development.

1-4 Declaration of Development Preference

1. *Declaration of Development Preference.* At the time a Concept Plan is filed with the Executive Director, as provided in Section 2-3, the applicant shall declare whether the plan shall be reviewed under the requirements of Chapter 3 of these regulations alone or in combination with Chapters 4 or 5 of these regulations. When opting to use Chapters 4 or 5, only the regulations and standards of Chapter 3 and the selected chapter shall be applied. The regulations and standards of the chapter not selected by the applicant shall not be applied. In case of conflict between Chapter 3 and the selected chapter, the regulation or standard of the selected chapter shall apply. A declaration of development preference is not required for a partition.

1-5 Jurisdiction

1. *Jurisdiction.* These rules and regulations governing the subdivision of land shall apply to the division of lands, declared under Section 1-4, within the area of jurisdiction of Metro outside the incorporated boundaries of Belle Meade, Berry Hill, Forest Hills, Goodlettsville, Oak Hill, and Ridgetop.

1-6 Interpretation

1. *Interpretation.* These regulations are intended to promote the health, safety, and welfare of the persons within this jurisdiction, and toward that purpose, these regulations may be liberally construed.

1-7 Severability

1. *Severability.* If any part or provision of these regulations or application thereof to any person or circumstance 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, and for such purpose, the provisions or any portion of the provisions in these regulations are considered severable. The Planning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

1-8 Saving Provision

1. *Saving Provision.* These regulations shall not be construed as abating any action now pending under or by virtue of previous 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 Metro 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 Metro, except as expressly shall be provided otherwise in these regulations.

1-9. Effective Date of the Regulations

1. *Effective Date of the Regulations.* The effective date of the Subdivision Regulations as amended shall be March 9, 2006. Any concept plan submitted after April 27, 2006, shall comply with these Subdivision Regulations.
2. *Subdivisions Submitted or Approved Prior to the Effective Date.* Any subdivision submitted as a complete application or approved in preliminary or final form, but not yet expired, prior to the effective date may, at the discretion of the applicant, continue under the subdivision regulations adopted March 21, 1991, as amended, but no extensions shall be granted for these subdivisions.

1-10. Amendments

1. *Enactment.* Before the adoption of any amendment to these regulations, a public hearing thereon shall be held by the Planning Commission. Notice of the time and place of the public hearing shall be given by publication in a newspaper of general circulation in the jurisdiction. (Section 13-3-403C, Tennessee Code Annotated)
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:
 - a. In Chapter 8 of these regulations, each adopted amendment shall be numbered consecutively and include a brief explanation of the amendment and the effective date.
 - b. The amendment number and effective date of the amendment shall be included at the end of the amended section as follows: Amendment # _____, month/day/year.
 - c. Any necessary corrections to the Table of Contents, cross references and/or numbering of sections of these regulations required as a result of an amendment to these regulations, but not specifically called out at the time of the adoption of the amendment, may be made at any time and shall not require formal action by the Planning Commission.

1-11 Variances

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 that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall make findings based upon the evidence presented to it in each specific case that:
 - a. The granting of the variance shall 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.
 - b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - c. Because of the particular physical 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 these regulations were carried out.

- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).
2. *Procedures.* A petition for any such variance shall be submitted in writing by the applicant along with the initial filing of the concept plan. The petition shall state fully the grounds for the application and all of the facts upon which the petitioner is relying.
3. *Conditions.* In approving variances, the Planning Commission may impose such conditions as in its judgment, shall secure substantially the objectives, standards, and requirements of these regulations.
4. *Additional Findings.* Certain Sections of the regulations may require additional findings to be made by the Planning Commission in order to permit variances.

1-12 Vacation of Streets, Easements, or Other Public Facilities

1. *Planning Commission Approval.* Prior to acceptance of any public facility by Metro, any plat or any part of any plat may be vacated by the owner of the premises at any time before the sale of any lot described therein, by a written instrument, submitted to the Planning Commission to which a copy of such plat shall be attached, or an revised plat 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. Such an instrument shall be approved by the Planning Commission, executed and duly recorded thereby voiding that portion of the recorded plat and divesting all public rights in the streets, alleys, and public grounds and all dedications laid out or described in such plat.
2. *Vacations After Sale of Lots.* When any lot, lots, or phase has been sold, the public facility(s) may be vacated in the manner herein provided only if all the owners of lots or phases in such plat join in the execution of such writing.

1-13 Fees, in-lieu contributions and other assessments, estimates, payments, or dedication of real property

1. Fees, in-lieu contributions and other assessments, estimates or payments. Fees, in-lieu contributions and other assessments, estimates or payments required by these regulations or by the Metropolitan Government in furtherance of these regulations for single or multi-phase developments shall be determined by the fee or rate at the time of assessment or payment, whichever is later. The Metropolitan Government of Nashville & Davidson County may update fees and rates over time to reflect current standards and/or changes in market rates.
2. In exercising the powers granted to it by T.C.A.13-3-402 and T.C.A 13-4-302, the planning commission shall not require an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local government interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. An

owner of private property required to make a dedication or pay money in violation of this subsection may seek relief through a common law writ of certiorari in chancery court.