



CURRENT SUBDIVISION REGULATIONS

**UPDATED THROUGH
AUGUST 5, 2021**

BY PLANNING COMMISSION

**RESOLUTION PASSED 11/3/16-Section 5-105.301 item c adding #4
RESOLUTION PASSED 08/05/21 - Amending Sections 2-105 & 2-107**

ARTICLE 1
GENERAL PROVISIONS

Sections:

- 1-101 Title
- 1-102 Authority
- 1-103 Jurisdiction
- 1-104 Policy
- 1-105 Purpose
- 1-106 Interpretation, Conflict, and Severability
- 1-107 Saving Provision
- 1-108 Amendments
- 1-109 Re-subdivision of Land
- 1-110 Conditions for Approval
- 1-111 Vacation of Plans and Abandonment of Right-of-Way Dedications
- 1-112 Variances
- 1-113 Enforcement, Violation, and Penalties
- 1-114 Repeal of Previous Regulations
- 1-115 Fees for Plan Review
- 1-116 Appeals

1-101 TITLE

These regulations shall hereinafter be known and cited as the “Subdivision Regulations of Signal Mountain, Tennessee.”

1-102 AUTHORITY

The Planning Commission of Signal Mountain, Tennessee, (hereinafter referred to as “Planning Commission”) have adopted these Subdivision Regulations pursuant to the authority and powers granted by the State of Tennessee in Tennessee Code Annotated (TCA) Sections 13-4-301 through 13-4-310 (Public Acts of Tennessee, 1935, as amended). The Planning Commission has fulfilled the requirements set forth in state law as prerequisites to adopt these regulations by designating a major street plan for the jurisdictional area; filing a certified copy of said plan with the Hamilton County Register of Deeds (hereinafter referred to as "County Register"), as required by TCA Sections 13-3-402 and 13-4-302, and holding a public hearing as indicated in Subsection 1-108.1 of these regulations. .

1-103 JURISDICTION

These Subdivision regulations shall apply to all Subdivisions of land, as defined herein, located within the limits of the Town of Signal Mountain.

"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 to the process of subdividing or to the land or area subdivided.” (See TCA Section 13-4-301).

The regulations shall not apply to the Subdivision of land that will produce tracts of land, all of which are greater than five (5) acres in size with frontage, on a public street. (See TCA Section 13-4-301.)

1-104 POLICY

The policy of the Town of Signal Mountain is that the subdivision of land and development of a subdivision plan shall conform to the principles of the adopted Land Use Plan for the Town of Signal Mountain 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 fire, flood, or other menace. Land shall not be subdivided until proper provisions have been made for drainage, water, sewerage, other public utilities, and for other required public services.

The regulations herein shall supplement and facilitate enforcement of the provisions and standards contained in the Zoning Ordinance of Signal Mountain, Tennessee.

1-105 PURPOSE

1-105.1 Conformance

In conformance with the Town Land Use Plan and with state enabling legislation, the purpose of these regulations shall:

1. Provide for the harmonious development of the Town of Signal Mountain and to retain its small town character.
2. Promote the public health, safety, and general welfare of the jurisdictional area.
3. Guide development of the jurisdictional area in accordance with the Land Use Plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.
4. Provide for conservation and maintenance of open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands by setting them aside from development.
5. Provide greater design flexibility and efficiency in the siting of infrastructure, including the opportunity to reduce length of roads, utility runs, site grading, and the amount of paving required for residential development thus minimizing costs to developers, landowners and citizens.
wetlands, floodplains and steep slopes) and disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife

habitats, historic buildings, and fieldstone walls.

7. Provide opportunities to enhance or restore existing resources that have been diminished or degraded through past land management practices.
8. 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 and roads.
9. Establish reasonable standards of design and procedures for subdivisions and re-subdivisions, to further the orderly layout and use of land; and to ensure proper legal descriptions and proper monumentation of land.
10. Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, as well as residential preferences to maintain the community's population diversity.
11. Enhance the character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.
12. Ensure that public facilities are available and will have sufficient capacity to serve all proposed subdivisions.
13. Prevent pollution of air, streams, and ponds; to assure adequacy of drainage facilities; to safeguard the water table; and to preserve the integrity, stability, beauty, and value of land within the jurisdictional area.
14. Preserve the natural beauty and topography of the jurisdictional area including establishing substantial buffers with scenic roadways, existing protected lands and actively worked farmland and to ensure appropriate development with regard to these natural features.
15. Promote the infiltration of storm water on-site to recharge groundwater supplies.
16. Conserve scenic views and elements of the Town's rural character by minimizing views of new development from existing roads.
17. Provide for environmental protection and interconnected networks of open spaces, to sustain a diversity of native vegetation and wildlife through efficient design and layout of the land, including use of a Maximum Number of Lots Calculation to provide for reductions in minimum width and area of lots.
18. Coordinate roads within the subdivided land with other existing or planned roads or with state or regional plans or with the plans of municipalities in or near the Town.
19. Encourage landowners to provide positive environmental outcomes through such processes including, but not limited to, natural hydrology, retaining and sites.

1-106 INTERPRETATION, CONFLICT, AND SEVERABILITY

1-106.1 Interpretation

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

1-106.2 Conflict with Public and Private Provisions

1-106.201 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 adopted by the Signal Mountain Town Council or the state or federal government and regulatory agencies. 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 govern.

1-106.202 Private Provisions

These regulations are not intended to abrogate any easement, covenant, or 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.

1-106.3 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 judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy where 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.

1-107 SAVING PROVISION

These regulations shall not be construed as abating any action now 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.

1-107.1 Previously Approved Subdivisions

1-107.101 Unexpired Preliminary Plans

The approval granted on any Preliminary 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.

1-107.102 Expired Preliminary Plans

In any instance where the period of preliminary approval shall have passed with some portion of the subdivision not having received approval of the Final Plat, and the applicant wishes an extension of the preliminary approval, the Planning Commission shall either:

- a. Permit the remaining portion of the subdivision to be constructed and to receive approval under provisions set forth in the regulations whereby preliminary approval was originally granted, or
- b. Stipulate that the plan is null and void and that a new plan be presented subject to all laws and provisions of these regulations that are in effect at the time such action is considered.

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.

1-107.2 Filing of Approved Plats

All previously approved plats shall be filed with the County Register's office within one (1) year following adoption of these subdivision regulations. In the event the owner fails to file a plat within the one (1) year time period stipulated herein the approval shall become void and no building permit may be issued for any lot located therein until action is taken to reinstate the plat. All Final Plats approved following adoption of these regulations shall be filed with the county register's office as provided in Subsection 2-107.602 (Recording of Plat) of these regulations.

1-108 AMENDMENTS

1-108.1 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 adoption of any amendment to these regulations, the Planning Commission shall hold a public hearing as required by TCA Article 4, Title 13.

1-108.2 Codification and Distribution

Subsequent to adoption of any amendment to these regulations, such 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 so as to indicate the date of last revision of the page.
2. Each adopted amendment shall be numbered consecutively and printed on pages separate from any other amendment and in a manner that fully states any language deleted from these regulations and any language added and the place in the text of each such change.

1-109 RE-SUBDIVISION OF LAND

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 adoption of any subdivision regulations, such amendment shall be approved by the same procedure, rules, and regulations as for a subdivision.

1-110 CONDITIONS FOR APPROVAL

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 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.

1-111 VACATION OF PLATS AND ABANDONMENT OF RIGHT-OF-WAY DEDICATIONS

1-111.1 Vacation of Plats

Any plat or any part of any plat may be vacated by the owner at any time before 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. In approving the vacation of plats the Planning Commission shall follow the same procedure for approval of plats. The Town Council may reject any such instrument that 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 described in such plat. When any lot or lots shown on a plat have been sold, such plat may be vacated in the manner

indicated herein, provided however, all owners of lots located in such platted area must join in the execution of such writing.

1-111.2 Abandonment of Right-of-Way Dedications

Any dedicated right-of-way shown on a recorded subdivision plat can be abandoned only through the re-subdivision of such plat, or through the re-subdivision of the affected section of such plat, according to the procedures stated in Subsection 1-111.1, (Vacation of Plats) of these regulations. Thereby, the Planning Commission must approve the re-subdivision of the initially recorded plat that depicts the dedicated right-of-way or future public way access area, in such a manner wherein such dedicated right-of-way is deleted from said plat. Once this revised plat is officially recorded, it acts to supersede the originally recorded plat, and accordingly abandons the respective dedicated right-of-way or future public way access area. No official action shall be made by the Planning Commission in relation to the abandonment of any dedicated right-of-way, pending public notification of adjacent property owners by registered mail as to the time and place of the Planning Commission meeting to officially address such action. Any public way access area or dedicated right-of-way that is abandoned as per the procedures cited herein, shall require action by the Town Council to permanently abandon such dedicated right of way which shall be filed and recorded in the County Register's Office.

1-112 VARIANCES

1-112.1 General

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 grant variances unless it finds, based upon written evidence presented in each specific case, that all of the requirements below are met:

1. 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 where the property is located.
2. 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.
3. A particular hardship (not self-imposed) would result because of the particular physical surroundings, shape, or topographical condition of the specific property involved, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
4. The variance shall not in any manner violate the spirit of the Land Use Plan or conflict with the zoning ordinance.

1-112.2 Procedures

The applicant for a variance shall identify in writing the numerical section(s) of

the subdivision regulations for which a variance is sought. A separate form provided by the Town Manager shall be used to list any and all variance(s) being requested. This form shall accompany the Development Plan. Any condition shown on the plan that would require a variance shall constitute grounds for disapproval of the plan unless application for a variance is made. In approving any variance the Planning Commission shall state fully in its minutes the grounds on which the variance was granted. The minutes of the meeting that occurs when the action approving the variance(s) is taken shall reflect the specific nature and content of such variance(s). If a variance is denied, reason shall be clearly stated in the minutes.

1-112.3 Conditions

In approving variations or variances, the Planning Commission may impose conditions that it deems will secure substantially the objectives, standards, and requirements of the regulations.

1-113 ENFORCEMENT, VIOLATION AND PENALTIES

1-113.1 General

1-113.101 Authority

The enforcement of these regulations and the penalties for violations are provided pursuant to TCA Section 13-4-306.

1-113.102 Enforcing Officer

It shall be the duty of the Town Manager to enforce these regulations and to bring to the attention of legal counsel any violations or lack of compliance herewith.

1-113.103 Recording of Plats

Pursuant to TCA Section 13-4-302, no Final Plat of subdivision within the jurisdictional area shall be received or recorded by the County Register until such plan has received approval of the Planning Commission in accordance with these regulations, and such approval has been endorsed in writing on the plan by the Planning Commission secretary in the manner prescribed by these regulations.

1-113.104 Use of Unapproved Plats

Pursuant to TCA Section 13-4-306, no owner, or agent of the owner, of any land shall convey such land contrary to the provisions stated herein and the Town Attorney may enjoin any such transfer or sale or agreement by action for injunction.

1-113.105 Public Ways and Utilities

Pursuant to TCA Sections 13-4-307, 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 way shall have been accepted, opened, or otherwise received the legal status of a public way prior to the attachment of the Planning Commission's jurisdiction, or unless such way corresponds in its location and lines to a way shown on a subdivision plan approved by the Planning Commission or on a public way plan made by the Planning Commission. The governing body may, however, accept or lay out any other street or adopt any other street location, provided the resolution, ordinance, or other measure for such acceptance, laying out or adoption first shall be submitted to the Planning Commission for its approval and, if disapproved by the Planning Commission, shall receive the favorable vote of a majority of the entire membership of the governing body. A street approved by the Planning Commission upon such submission or accepted, laid out, or adopted by the Planning Commission shall have the status of an approved street location as fully as though it originally had been shown on a subdivision plat approved by the Planning Commission or on a plat made and adopted by the Planning Commission.

1-113.106 Building Permits

No building permit shall be issued for construction of any building or structure located on a lot or plat that is subdivided or sold in violation of any provision of these regulations. Any individual requesting a building permit for a lot located within an established subdivision shall provide evidence that the plat of subdivision where the lot is located has been approved and appropriately recorded.

1-113.107 Access to Lots by Public Way or Private Easement

Pursuant to TCA Section 13-4-308, 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 that lot shall have been accepted or opened or shall have otherwise received the legal status of a public way prior to that time or unless such way corresponds in its location and lines with a way shown on a subdivision plan approved by the Planning Commission or unless such lot fronts upon a permanent easement that conforms to all rules, regulations and specifications set forth, herein.

1-113.2 Penalties for Violations

1-113.201 Use of Unapproved Plats

Pursuant to TCA Section 13-4-306, if the owner or agent of the owner of any land transfers, sells or agrees to sell or negotiates to sell such land by reference to, exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; 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 Town through its attorney may enjoin such transfer or sale or agreement by action of injunction.

1-113.202 Illegal Buildings

Any building or structure erected or to be erected in violation of these subdivision regulations shall be deemed an unlawful building or structure. The Town Attorney or other official designated by the Town Council may bring action or enjoin such erection or cause it to be vacated or removed as provided in TCA Section 13-4-308.

1-113.3 Civil Enforcement

1-113.301 General

Appropriate actions and proceedings may be taken in any court of competent jurisdiction 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 premise. These remedies shall be in addition to the penalties described in Subsection 1-113.2 (Penalties for Violations) of these regulations.

1-113.302 Specific Statutory Remedies

- a. Use of Unapproved Plats – The Town, through its attorney or other official designated by the Town, may enjoin by action for injunction any transfer of, sale of, or agreement to sell any land in violation of Subsection 1-113.104 (Use of Unapproved Plats) of these regulations.
- b. Erection of Unlawful Buildings – Where any building or structure is erected or being erected on any lot in violation of the street or easement frontage requirements of Subsection 1-113.107, (Access to Lots by Public Way or Private Easement), of these regulations, the building official or the Town attorney or other official designated by the Town Council may bring action to enjoin such erection or cause the building or structure to be vacated.

1-114 REPEAL OF PREVIOUS REGULATIONS

Upon the adoption and effective date of these regulations, the Subdivision Regulations, of Signal Mountain, Tennessee, adopted June 6, 1991 as amended, are hereby repealed.

1-115 FEES FOR PLAN REVIEW

Any individual who is seeking to subdivide property within the jurisdictional area where these regulations are applicable shall pay such filing and review fees as are required. These fees shall be paid prior to the item being placed on an agenda for the Planning Commission's consideration.

1-116 APPEALS

Any person, firm, or corporation that feels aggrieved by a decision of the Planning Commission in approving, denying, deferring, or granting a conditional approval of a plat may present their petition to a court of competent jurisdiction.

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the Signal Mountain Planning Commission (TCA Section 13-4-302). The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economic development of the Town of Signal Mountain and to the safety and general welfare of the future lot owners in the subdivision and the community at large.

ARTICLE 2
PROCEDURE FOR SUBDIVISION
APPROVAL

Sections:

- 2-101 General Procedure
- 2-102 Review Procedure
- 2-103 General Conditions
- 2-104 Conceptual Plan Procedures
- 2-105 Development Plan
- 2-106 Construction Plans
- 2-107 Final Subdivision Plan
- 2-108 Requirements for Improvements
- 2-109 Miscellaneous Platting Situations

2-101 GENERAL PROCEDURE

2-101.1 Plat Approval Requirements

Pursuant to TCA 113-4-301, before any contract is executed for the sale of any parcel of land that is proposed to be subdivided and before any permit for the erection of any structure shall be granted, the owner or his authorized agent shall apply for and secure the Planning Commission's approval of the proposed subdivision in accordance with the procedures of this article.

Pursuant to TCA 113-4-30, any person desiring to subdivide any lot, tract or parcel of land or to change or rearrange any line dividing two or more lots, tracts or parcels of land shall apply for and secure the Planning Commission's approval of the proposed subdivision in accordance with the procedures of this article.

2-101.2 Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plans shall comply with all applicable laws, ordinances, resolutions, rules or regulations, including, but not limited to:

1. Applicable provisions of Tennessee Law, regulations or policy.
2. Applicable provisions of the Signal Mountain Zoning Ordinance, building and housing codes, and other applicable laws or policies of the Town.
3. Current Town Land Use Plan.
4. Rules of the Hamilton County Groundwater Protection and the Tennessee Department of Environment and Conservation.
5. Rules, as applicable, of the Federal Highway Administration

or Tennessee Department of Transportation, if the subdivision or any lot contained therein abuts a non-local highway.

6. Standards and regulations adopted by all other boards, commissions, and agencies of the Town, where applicable.

Plat approval may be withheld if a subdivision is not in conformity with the above rules or with provisions set forth in Section 1-104 and 1-105 (Policy and Purpose).

2-101.3 Classification of Subdivisions

The planning staff shall determine by definition whether the application is a major or minor subdivision.

2-101.301 Major Subdivision

A division of land into two (2) or more lots that include any of the following:

- a. A new or extended street or street right-of-way, but not including future street alignments illustrated in the plat of re-subdivision required by Subsection 1-109 (Subdivision Procedures Where Future Re-subdivision is Foreseen).
- b. Improvements within an existing street right-of-way, other than repair or construction of sidewalks or other pedestrian connections required by these regulations, fire hydrants and other minor improvements to the lots being created.
- c. A future public school site, park site or open space.
- d. The dedication of a right-of-way or easement for construction of a public water distribution or sewerage collection lines.
- e. Dedications, reservation, improvements or environmental conditions that, in the opinion of the Town Manager or his/her appointed agent, require construction documents to be reviewed prior to Final Plat approval in order to ensure the public health, safety and welfare.

2-101.302 Minor Subdivision

A minor subdivision is a division of land into five or fewer lots where the conditions for major subdivision review, as set out in Subsection 2-101.301 (Major Subdivision), are not present.

2-102 REVIEW PROCEDURE

2-102.1 Overview of Procedures for Minor Subdivisions

A Minor Subdivision may be accomplished in accordance with the following procedure:

1. Pre-Application Meeting in accordance with Section 2-102.5 (Pre- Application Meeting).
2. Submission of Final Plat showing proposal in detail in accordance with Section 5-105 (Final Subdivision Plan).
3. Public Hearing on Final Plat.
4. Planning Commission action on Final Plat.
5. Planning Commission Secretary signs Final Plat.
6. Final Plat is filed in County Register's Office.

2-102.2 Special Exception to Approval Procedure for Minor Subdivisions

A Minor Subdivision, including miscellaneous platting situations described in Section 2-109.1, 2-109.2, and 2-109.4, may be approved by the Town Manager in the instance where all of the following conditions are met:

1. Lot being subdivided is divided into no more than two lots.
2. Both lots so created meet the minimum restrictions set forth in Article VI of the Zoning Ordinance.
3. Both lots so created have either sewer access or Hamilton County Health Department approval for installation of a septic system.
4. Planning staff approves subdivision.

2-102.3 Overview of Procedures for Major Subdivision

A Major Subdivision may be accomplished in accordance with the following procedure:

1. Pre-Application Meeting in accordance with Section 2-102.5 (Pre-Application Meeting).
2. Conceptual Plan prepared in accordance with Section 5-102 (Conceptual Plan) submission to and Review by the Planning Commission.
3. Site Visit in accordance with Section 2-102.6 (Site Visit).
4. Public Hearing of Conceptual Plan before Planning Commission.
5. Development Plan, prepared in accordance with Section 5-103 (Development Plan) for submission and review.
6. Public Hearing before Planning Commission on Preliminary Plat.
7. Planning Commission action on Preliminary Plat.

8. Construction of improvements, posting of bond or other suitable alternative surety.
9. Public Hearing of Final Plat before Planning Commission.
10. Planning Commission action on Final Plat.
11. Planning Commission Secretary signs Final Plat.
12. Final Plat is filed in County Clerk's Office.

**2-102.4 Official Submission
Date**

The date of the regular Planning Commission meeting where the public hearing is conducted and concluded for the Final plat of either minor or major subdivisions, including any adjourned date thereof, shall constitute the official submittal date of the plat at which the statutory period required in TCA Section 13-4-304 for formal approval or disapproval of the plat shall commence.

**2-102.5 Pre-Application
Meeting**

Applicants for minor and major subdivision shall schedule a Pre-Application meeting with Town planning staff. This meeting introduces the applicant to the Town's zoning and subdivision regulations and procedures; is used to discuss the applicant's objectives; and to schedule the site visit, meetings and plan submissions as described below. Applicants for major subdivision are encouraged to present the Existing Resources and Site Analysis Plan (ERSA Plan), at this meeting.

**2-102.6 Site
Visit**

Applicants for major subdivision shall arrange a site visit of the property by the Planning Commission, a tree board member and other officials, and shall distribute copies of the ERSA plan at said on-site meeting that shall be publicized in the same manner as all other Planning Commission meetings and workshops. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize Town officials with the property's existing conditions and special features and to identify potential site design issues including the general layout of designated conservation lands and potential locations of house sites and street alignments. No formal recommendations can be offered, and no official decisions can be made during the Site Visit, which is an outdoor workshop session.

**2-103 GENERAL
CONDITIONS**

**2-103.1 Site
Alterations**

Before the preliminary plat is approved no site disturbance shall take place, such as road construction or grading, except that directly related to obtaining any required

approvals (e.g., surveying, test pits and the location of stakes), that would alter, remove or relocate any existing features including, but not limited to, stone walls, steep slopes, rock outcroppings, trees, general vegetation, streams or water courses.

2-103.2 Geologic Survey

If applicable, the Planning Commission may require that a Geologic Survey be made of the subdivision and that the Geologic Survey is submitted to the Planning Commission staff before Planning Commission proceeds with the review process.

2-103.3 Concurrent Review by Other Agencies

Required approvals by other government agencies that can be achieved concurrently with the review processes required by these regulations shall be submitted to the Town Manager.

2-104 CONCEPTUAL PLAN PROCEDURES

2-104.1 Purpose of Conceptual Plan

The Conceptual Plan presents the applicant with an opportunity to ask questions about such topics as interpretation of ordinance language and conceptual design issues. This plan also provides the Town with an opportunity to become acquainted with the project and to express concerns that may surface about such issues as ordinance compliance and community impact, prior to County review of the development. The chief value of this plan is that important design issues can be considered and clarified at a conceptual design stage before significant drafting, design, engineering and agency review funds are expended.

2-104.2 Application Procedure and Requirements

A request to subdivide land shall be made by the owner of the land or an authorized representative by filing an application for review of the Conceptual Plan with the Signal Mountain Town Manager and paying the required fee. The application shall:

1. Include all information described in Section 5-102 (Conceptual Plan) of these regulations.
2. Present information to the Signal Mountain Town Manager's Office at least fifteen (15) days prior to a regular meeting of the Planning Commission.
3. Post visible notification on property to be subdivided at least fifteen (15) days before the Conceptual Plan Review.
4. Miscellaneous platting situations described in Section 2-109 (Miscellaneous Platting Situations) may be presented to the Town Manager at any time.

2-104.3 Conceptual Preparation and Plan Content

2-104.301 Plan Preparation and Content

A Conceptual Plan consists of a Site Context Map, an Existing Resources and Site Analysis (ERSA) Plan and a Sketch Plan. The Conceptual Plan shall contain the information contained in Section 5-102 (Conceptual Plans) of these regulations.

2-104.302 Site Context Map

Applicants shall submit the information required by Subsection 5-102.201 (Site Context Map). The purpose of this map is to illuminate discussion as to the most appropriate places to design linkages to adjacent properties and conservation lands for contiguous wildlife habitat, trails, etc.

2-104.303 Existing Resources and Site Analysis Map

Applicants shall submit an ERSA Plan, containing the information required by Subsection 5-102.202 (Existing Resources and Site Analysis). The purpose of this submission is to familiarize officials with existing conditions on the applicant's tract and to provide a complete and factual reference for making a site visit. This map shall be provided prior to or at the site visit and shall form the basis for the development design as shown on the diagrammatic Sketch Plan.

2-104.304 Sketch Plan

Copies of a Sketch Plan that meet the requirements set forth of Subsection 5-102.203 (Conceptual Plan Requirements) shall be submitted to the Town Manager for distribution to the Planning Commission and any other appropriate governmental representative(s) including planning staff at least fifteen (15) days prior to the Planning Commission meeting where the Sketch Plan is to be discussed. The Sketch Plan diagrammatically illustrates initial ideas about a conceptual layout for greenway lands, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis Map. The Sketch Plan shall also be designed in accordance with the four-step design process set forth in Sections 4-113.4 (Design Process).

2-104.4 Administrative Review

The planning staff shall initiate an administrative review of the Conceptual Plan. Staff review comments shall be presented at the Planning Commission meeting at which the plan is discussed.

2-104.5 Planning Commission Review and Action

Following the administrative review of the Conceptual Plan, the Planning Commission shall review the Conceptual Plan in accordance with the criteria contained in these

regulations and with other applicable laws of the Town. The Planning Commission shall informally advise the applicant of the extent to which the proposed subdivision conforms to the relevant standards of these regulations, and may suggest possible plan modifications that would increase its degree of conformance.

The Commission shall submit its written comments to the applicant within sixty (60) days of the first public meeting at which a complete Sketch Plan is first submitted to advise the applicant of modifications, which may be recommended prior to submission of a Preliminary Plat. After approval by motion, the regularly published minutes of the next scheduled Planning Commission meeting may constitute the written comments. The review shall include but is not limited to:

1. Location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's ERSA Plan.
2. Potential for street connections with existing streets, other proposed streets or potential developments on adjoining parcels.
3. Location of proposed access points along the existing road network.
4. Proposed building density and impervious coverage.
5. Compatibility of the proposal with respect to the objectives and policy recommendations of the Land Use Plan.
6. Consistency with the Signal Mountain Zoning Ordinance.

2-104.6 Immunity from Changes to Ordinance

Every Sketch Plan shall conform to all existing zoning provisions and subdivision regulations applicable at the time of submittal. Further subdivision procedure that conforms to the review comments shall be exempt from any subsequent amendments to such zoning provisions or these regulations that may render the plan non-conforming as to bulk, use or development standards, provided that approval of the preliminary plat is obtained within twelve (12) months.

2-105 DEVELOPMENT PLAN

The Development Plan consists of the Preliminary Plat and supporting documents as outlined in 5-103 (Development Plan).

2-105.1 Purpose of Preliminary Plat

The Preliminary Plat presents detailed engineering information concerning the design and ultimate operation of the proposed development. Such plat will reflect results of decisions that have been made in the process of adapting the general concepts contained within the Sketch Plan to actual physical conditions of the site.

Prior to approval of construction drawings and approval of a Preliminary Plat,

no clearing of trees (with the exception of those required to facilitate surveying activities) or site grading in any form shall be undertaken.

2-105.2 Application Procedure and Requirements

Following review of a Sketch Plan, an applicant may file a Preliminary Plat with the Hamilton County GIS Department. Failure of the applicant to provide full and correct information shall be cause for disapproval of such plat. The Preliminary Plat and supporting documentation as listed in Section 5-103 (the Development Plan) shall be presented concurrently to the Town Manager, Hamilton County GIS Department, Electric Power Board, and the Staff Planner by the appropriate deadline date. The deadline for submittal is the first Thursday of the month for the following month's scheduled meeting. If the first Thursday falls on a Holiday, the deadline is the next working day. Items not submitted by twelve noon on this day will not be placed on the agenda and will not receive action until the next regularly scheduled meeting. All items set to appear on the agenda and that were submitted by this deadline shall also be submitted to the Town Manager and Staff Planner in final form (including all corrections) by twelve noon, three days prior to the next scheduled meeting. No application shall be deemed filed unless all requirements have been met and all fees paid in full. **(Amended 8/05/2021)**

2-105.3 Plat Preparation and Content

Individuals who are licensed to perform the necessary design services shall prepare the Preliminary Plat. As a minimum such plat shall contain the information contained in Section 5-103 (the Development Plan) of these regulations.

2-105.4 Design Certification

A "Preliminary Plat Certification" shall accompany any Preliminary Plat submitted under authority of these regulations. Such certification shall indicate that the plat either fully complies with the provisions of the Zoning Ordinance and Subdivision Regulations or that the plat complies with such provisions with specifically noted exceptions. Any variance(s) requested from these regulations shall conform to the provisions of Section 1-112 (Variances). This certification requirement is meant to provide assurance that the proposed plat can be accomplished within the current regulations of the community.

2-105.5 Administrative Review

The planning staff shall initiate an administrative review of the Preliminary Plat and any exhibits submitted in conformance with these regulations after submittal to the Hamilton County GIS Office. This review shall include any other appropriate official, administrative body or utility. The findings of the review shall be presented to the applicant and the Planning Commission.

2-105.6 Planning Commission Review and Action

Following the administrative review of the Preliminary Plat, the applicant shall be advised of any recommendations for changes. The Planning Commission shall approve, conditionally approve, deny, or defer the Preliminary Plat within sixty (60) days after the initial consideration of the plat in a regularly scheduled meeting as required by TCA 13-4-304. In the event of a holiday or an unexpected interceding event that would close municipal or county offices and affect the normal computation of the sixty-day period, the

plat shall be approved or disapproved at the next regularly scheduled Planning Commission meeting. Otherwise, the plat shall be deemed approved, and the Commission shall issue a certification to that effect on demand. The applicant for the Commission's approval may waive the time requirement in writing and consent to an extension or extensions of the applicable time period. When a plat has been filed with the appropriate officials of the Planning Commission, the plat shall be placed on its agenda within thirty (30) days of the filing or the next regularly scheduled meeting after the thirty-day period. The applicant may waive the time frame requirement for the appearance of the plat on the agenda.

The Planning Commission cannot defer action on a subdivision plat submitted pursuant to TCA 13-4-304 unless the applicant has agreed to such a deferral. The Planning Commission shall review the plat and any recommendations made by members of the reviewing staff to determine conformance of the plat to these regulations, the Zoning Ordinance, and any other relevant regulations of the Town. The Planning Commission may specify conditions, changes, modifications or additions that it deems necessary or appropriate and may make its decision to grant approval subject to such conditions, changes, modifications or additions.

2-105.601 Reasons for Denial of a Plat

The Planning Commission may deny a plat for any of the following reasons:

1. Failure of the plat to conform to the standards set out in these regulations.
2. Approval of the plat is detrimental to the public safety, health or general welfare.
3. Approval of the plat is not in the best interest of the Town of Signal Mountain.

If the Plat is not approved, the Planning Commission's decision shall specify the defects found in the plat, shall describe the requirements that have not been met, and shall cite the provisions of these regulations relied upon.

2-105.7 Effect of Approval

Approval of the preliminary plat does not constitute approval of the Subdivision nor does it guarantee approval of the final plat. Approval of the preliminary plat indicates general approval of the arrangement of streets, lots and drainage as a guide to the preparation of the Construction Plans and the Final Plat.

Following approval of the Preliminary Plat and after consultation with the Town Manager, the applicant may secure permits for the construction of streets and other improvements.

2-105.8 Public Improvements

Prior to initiating any constructed improvements within any major subdivision (or portion thereof) a favorable action by the Planning Commission, either Approved or Approved with Conditions as required by Subsection 2-105.6 (Planning Commission Review and Action) shall have been obtained for that portion of the development. The Planning

Commission may require that all public improvements be installed and dedicated before the Secretary of the Planning Commission signs the final subdivision plat. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat an adequate performance bond (see Article 3) shall be approved.

2-105.9 Effective Period of Approval

1. Construction shall commence within two years after the date of approval of the Preliminary Plat as indicated by the signature of the Secretary of the Planning Commission, or such plat is void.
2. A major subdivision shall not be subject to Preliminary Plat expiration when the following conditions are met:
 - a. The subdivision has been divided into two or more phases for final approval purposes, in compliance with Subsection 2-107.605 (Phasing of Major Subdivisions).
 - b. At least one of those phases has a Final Plat recorded with the Register of Deeds and all public improvements have been constructed and dedicated or bonded.
3. If construction of a development does not commence within two (2) years after the Approval of the Preliminary Plat, the developer may request an extension of the approved Preliminary Plat. The extension request shall be submitted to the planning staff for review in the same manner as the initial review of the Preliminary Plat. The Planning Commission upon hearing the request for extension may extend the expiration for a total of three (3) years.
 - a. In no case may an extension be granted for more than one (1) year nor can more than one (1) extension be granted.
 - b. If after a period of three (3) years, construction has not begun on the proposed development then the Preliminary Plat is null and void.

2-105.10 Application of Changes Within Land Use Regulations to Approved Preliminary Plat

A Preliminary Plat shall conform to all existing zoning provisions and subdivision regulations applicable at the time of approval, except that any plat which has received approval shall be exempt from any subsequent amendments to such zoning provisions or these regulations that may render the plan non-conforming as to bulk, use, or development standards, provided, that final approval of the development or affected portion thereof is obtained before the preliminary plat expires under Subsection 2-105.9, (Effective Period of Approval). Should approval of the Preliminary Plat expire for any reason, all development shall be required to comply with any changes in zoning provisions and subdivision regulations at the time of construction.

2-105.11 Revisions to Approved Preliminary Plat

The applicant shall submit proposed revisions to the approved Preliminary Plat to the Town Manager. The Town Manager shall initiate a review of the proposed revisions by planning staff. For all revisions determined to be major revisions, Planning Commission approval shall be required.

2-105.1101 Minor Revisions

Minor revisions are insignificant shifts in street and conservation land locations and minor changes to lot size. If the planning staff deems the revision(s) to be minor, it is authorized to approve the revisions to the Preliminary Plat.

2-105.1102 Major Revisions

All other revisions, including revisions that are determined by the planning staff to constitute a public interest, shall be deemed to be major revisions. At the request of the applicant, any revised Preliminary Plat shall be forwarded to the Planning Commission for decision, including reversal of the decision of the planning staff. The planning staff may, at its discretion, direct any revised Preliminary Plat to the Planning Commission.

2-106 CONSTRUCTION PLANS

2-106.1 Application Procedure and Requirements

Construction Plans may be prepared and presented with the Preliminary Plat or at any point in time following approval of a Preliminary Plat by the Planning Commission. Construction Plans shall:

1. Be presented at the office of the Town Manager.
2. Preliminary Plat, the entire section that shall correspond to the territory incorporated within the Preliminary Plat.
3. Be accompanied by a minimum of five (5) copies of the Construction Plans as described herein.

2-106-2 Construction Plan Preparations and Content

A Tennessee Licensed Engineer engaged in the practice of civil engineering shall prepare the Construction Plans. As a minimum, such plans shall contain the information required in Section 5-104 (Construction Plans) of these regulations.

2-106.3 Plan Review and Approval

A plan review meeting shall be conducted for the purpose of assuring a coordinated review of Construction Plans. This meeting shall include the Town Manager and any other appropriate governmental representative(s). The purpose of this meeting is to assure that the Construction Plans are in compliance with the provisions of these regulations, other appropriate laws and sound engineering practice. The Town

Manager shall approve or disapprove the Construction Plans. The Town Manager shall notify the Planning Commission in writing of all actions on plans submitted. In any case where revisions may be required for unconditional approval, such revisions shall be made prior to such notice being forwarded to the Planning Commission. In the event of plan disapproval, the Town Manager shall provide notice thereof to the applicant in writing. Such notice shall include specific provisions of these regulations and/or other provisions with which such plans do not comply.

2-106.4 Preparation of Development Agreement

The Town Manager shall require the execution of a Development Agreement between the Town and the Developer after approval of Construction Plans and prior to approval of final plat when a performance bond is to be posted for construction of infrastructure within a proposed subdivision or any proposed subdivision phase.

2-107 FINAL SUBDIVISION PLAN

The Final Subdivision Plan consists of the Final Plat and supporting documents as outlined in 5-105 (Final Subdivision Plan).

2-107.1 Purpose of Final Plat

A subdivision plat serves the following purposes:

1. Upon approval provides the legal instrument whereby ownership of lots may be transferred.
2. Constitutes a means whereby the person subdividing property may offer streets and other infrastructure for acceptance and maintenance by the Town.
3. Accompanying Covenants, Conditions and Restrictions as well as other legally binding commitments associated with a plat become a matter of public record.

2-107.2 Application Procedure and Requirements

The applicant shall file the Final Plat with the Hamilton County Register of Deeds. The Final Plat shall:

1. Contain such information as described in Section 5-105 (Final Subdivision Plat).
2. Include the entire subdivision or section thereof for which final approval is sought.
3. Be a reproducible record plat the size, material, and inking of which shall be as specified by the County Register's Office. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets numbered in sequence. Any shading placed on the plat face to add clarity shall not cover any words or figures.

4. Comply with the approved Preliminary Plat in street locations, drainage design and the number of lots except for minor location adjustments for field conditions.
5. Present five (5) physical copies to the Town Manager, one copy to the Hamilton County GIS Department, one copy to the Electric Power Board, and one digital copy to the Staff Planner prior to the regular meeting of the Commission at which the Final Plat is to be considered. The deadline for submittal is the first Thursday of the month for the following month's scheduled meeting. If the first Thursday falls on a Holiday, the deadline is the next working day. Items not submitted by twelve noon on this day will not be placed on the agenda and will not receive action until the next regularly scheduled meeting. All items set to appear on the agenda and that were submitted by this deadline shall also be submitted to the Town Manager and Staff Planner in final form (including all corrections) by twelve noon, three days prior to the next scheduled meeting. No application shall be deemed filed unless all requirements have been met and all fees paid in full. **(Amended 08/05/2021)**
6. Be accompanied by formal irrevocable offers of dedication to the Town of all public ways and uses, utilities, parks, and easements, in a form approved by legal counsel, as applicable. (The Final Plat shall be marked with a notation indicating the formal offers of dedication as required by Subsection 5-105.6 (Formal Irrevocable Offers of Dedication) of these regulations.
7. Be accompanied by final drafts of Covenants, Conditions and Restrictions proposed by the applicant. If the owner places restrictions on any of the land contained in the subdivision greater than those required by any zoning ordinance or these regulations, such restrictions or reference thereto shall be required to be recorded along with the final subdivision plat.
8. When applicable, final Community Association Documents in accordance with Subsection 5-105.5 (Final Community Association Documents) shall accompany the Final Plat.

2-107.3 (Removed 8/05/2021)

2-107.4 Hearing and Decision on Final Plat

The Planning Commission shall hold a hearing as required by TCA Section 13-4-304 and as outlined in Section 2-105.6 (Planning Commission Review and Action).

Failure of the Planning Commission to act upon a Final Plat within the prescribed time shall be deemed approval of the plat, and in such event, the Secretary of the Planning Commission shall issue a certificate of approval upon demand, entitling the applicant to proceed. The applicant, however, may agree to an extension of the time for Planning Commission review. One (1) copy of the Final Plat shall be returned to the applicant with the date of approval, conditional approval or denial noted thereon.

2-107.5 Notations and Certifications

Appropriate officials and other persons shall endorse the Final Plat prior to its approval as required by Subsection 5-105.305 (Final Plat Notations).

2-107.6 Signing and Recording of Final Subdivision Plats

2-107.601 Signing of Plat

- a. When a performance bond is required, the Secretary of the Planning Commission shall endorse approval of the Final Plat after the Planning Commission has approved the development agreement and accompanying bond.
- b. When installation of improvements is required prior to signing of the Final Plat, the Secretary of the Planning Commission shall endorse approval on the Final Plat after all conditions of the resolution of approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that required public facilities have been installed in a manner satisfactory as shown on certifications by the appropriate governmental representative(s) and that necessary land dedication and improvements have been accomplished.
- c. When the conditions of this section are satisfied, the Secretary may sign the permanent reproducible original of the Final Plat.

2-107.602 Recording of Plat

It shall be the responsibility of the developer or developer's agent to obtain the required signatures and to file the Final Plat in the County Register's office within two (2) years of the date of final approval by the Planning Commission. When the Final Plat is filed, the developer or agent shall simultaneously record the agreement of dedication together with such legal documents, as the Town Attorney shall require to be recorded. Any plat not filed within the time period set forth herein shall be considered null and void. In the event such Final Plat becomes null and void, the applicant shall be required to submit new plats for - subdivision and obtain approval of such plats subject to any new zoning restrictions and/or subdivision regulations.

2-107.603 Effect of Approval and Recording of Final Plat

Final approval, signing of the permanent reproducible original of the Final Plat, and recording of the plat in the County Register's Office shall not be deemed to constitute or affect an acceptance by the Town of Signal Mountain of the dedication of any street or other ground shown upon the plat (TCA 13-4-305).

The effect of recording of the plat is for recording purposes only. Recording enables the developer to sell lots subject to any conditions specified or referred to on the plat and subject to existing zoning and subdivision regulations.

2-107.604 Plat Void if Revised Following Approval

Unless the Final Plat is first resubmitted to the Planning Commission and the Commission approves any modifications, no changes, erasures, modifications, or revisions shall be made to any Final Plat after approval has been given by the Planning Commission and endorsed in writing on the plat. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Commission shall institute proceedings to have the plat stricken from the records of the County Register.

2-107.605 Phasing of Major Subdivisions

When phasing is approved within a Preliminary Plat, a Final Plat may be approved in two (2) or more sections. The Planning Commission may impose such conditions upon the filing of each section, as it may deem necessary to assure the orderly development of the subdivision. The Planning Commission may require that appropriate development agreements and surety instruments guaranteeing such agreements, be commensurate with the section or sections of the Final Plat to be filed and may defer the remaining required principal amount of such surety until the remaining sections of the plat are offered for filing. If, in the opinion of the Planning Commission certain improvements are necessary to facilitate traffic movement, water distribution, sewer collection, stormwater drainage, detention and conveyance and any other infrastructure within future sections of a development the Commission may require that such systems be constructed as part of any section of a subdivision.

2-108 REQUIREMENTS FOR IMPROVEMENTS.

2-108.1 Basic Requirement

The Planning Commission may require that all public improvements be installed and dedicated before the Secretary of the Planning Commission signs the Final Plat. If the Planning Commission does not require such improvements be installed and dedicated prior to signing of Final Plat, adequate performance bonds must be approved. The amount of any bond shall be established by the Town Manager. The applicant shall be required to indicate on the final plat all streets and public improvements to be dedicated or reserved as well as any other special requirements deemed necessary by the Town Manager in order for the subdivision plat to conform to the current Town Land Use Plan.

2-108.2 Authorization to Construct Improvements

Construction may proceed following approval of a Preliminary Plat by the Planning Commission and approval of Construction Plans and, if applicable, the accompanying Development Agreement and performance bonds as required by Subsection 2-106.4 (Preparation of Development Agreement).

2-108.3 Construction of Improvements.

Construction shall be completed to the approved Construction Plans, construction

specifications, and construction inspection requirements of the applicable departments and agencies. Inspections during the construction process shall meet the requirements of Subsection 2-108.4 (Construction Inspection Procedures). If construction has not started for a subdivision phase within two (2) years of the date of approval of Construction Plans, such plans shall be resubmitted to the applicable departments or agencies for re-approval.

2-108.4 Construction Inspection Procedures

2-108.401 Authority to Inspect and to Appoint Inspectors

- a. The Town Manager or a designated representative shall be responsible for inspecting roads, drainage structures, drainage ways or easements, etc, to assure proper completion and construction of all improvements in accordance with the plat and Construction Plans, these regulations, Town standards and Town specifications.
- b. The Town Manager may appoint such inspectors as may be desired. Inspection will be extended to all parts of the work and to the preparation and manufacture of the materials to be used. An inspector is assigned to the building site to keep the Town Manager informed as to the progress of construction and the manner in which it is being done as well as to call to the attention of the contractor any infringement upon the plans and specifications.

2-108.402 Pre-Construction Conference Required

A pre-construction conference will be held with the delegated representative of the Town manager prior to the start of construction on each project. At the pre-construction conference, the contractor and owner shall sign documentation acknowledging construction and inspection requirements.

2-108.403 Inspections During Construction

All infrastructure construction is to be completed as described in the approved Construction Plans, construction specifications, and Preliminary Plat during which period:

- a. Inspectors have authority to reject defective material and to suspend any construction that is being improperly done.
- b. Contractors may request written instructions from the Town Manager regarding directions for correcting the deficiencies that the inspector has identified.
- c. Where, in the opinion of the Town Manager or building inspector or as called for in the specifications, tests of materials shall be completed by and at the expense of the developer.
- d. The Town Manager or inspector shall make or cause to have made the final inspection of all work in the contract or any portion thereof as soon as practicable after the work is completed and ready for acceptance. If the work is not acceptable to the Town Manager at the time of final inspection, the contractor shall be informed as to the

particular defects to be remedied before final acceptance can be made.

2-108.404 Inspection Schedule

The contractor shall give twenty-four (24) hours notification to the applicable departments or agencies prior to beginning work on each phase of construction. All completed work shall be inspected and approved. Failure of the contractor to obtain the required inspections and approvals may cause the Town Manager to require work to be removed or tested by a licensed geo-technical engineering firm; or, may jeopardize any future acceptance by the applicable department or agency. The contractor shall furnish the Town Manager with every reasonable opportunity for ascertaining whether or not the work as performed is in accordance with requirements and intent of the approved Subdivision Plats. The Town Manager or inspector shall inspect the work of the contractor as soon as practical after notice.

2-108.5 Modification of Construction Plans

If at any time before or during construction of the required improvements, it is demonstrated to the satisfaction of the Town Manager that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Manager may authorize modifications, provided these modifications are within the spirit and intent of the Planning Commission's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Commission. The Town Manager shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Commission at the next regular meeting.

2-108.6 Proper Installation of Improvements

If the Town Manager shall find, upon inspection of improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the owner or developer, the Town Manager shall report to the Planning Commission. The Commission shall then notify the owner or developer and, if necessary, the bonding company, and take all steps necessary to preserve the Town's rights under the bond. The Planning Commission shall not approve any other plat as long as the owner or developer is in default on a previously approved plat.

2-108.601 Debris and Waste

No cut trees, timber, debris, earth, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot at the time of the issuance of a certificate of occupancy for that lot. Nor shall any such waste be left nor deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

2-108.602 Fencing

Each developer shall be required to furnish and install fences where the Town

Manager determines that a hazardous condition or storm water run-off or drainage issue may exist. Such fences shall be constructed according to standards established by the Town Manager and building inspector, as appropriate and shall be noted as to height and material on the final plat. Such fences shall also be included upon completion in improvements prior to signing of the Final Plat per Section 2-107.601 (Signing of Plat).

2-108.7 "As-Built" Drawings Required

Required improvements shall not be considered to be completed until installation of the improvements have been approved by the Town Manager and a map satisfactory to the Planning Commission has been submitted that indicates the actual location of all required improvements and monuments marking all underground utilities as actually installed. When all required improvements are completed, the developer shall submit the map to the Secretary of the Planning Commission for endorsement of the Final Plat. However, if the developer elects to provide a bond or other surety satisfactory to the Planning Commission for all required improvements as specified, such surety shall not be released until such map is submitted.

2-108.8 Completion and Maintenance of Improvements

2-108.801 Streets Designated as Construction Routes

Permanent streets designated as construction routes within a subdivision shall be maintained for a time period specified in the Dedication Agreement submitted in accordance with the offer for street dedication.

2-108.802 Other Streets

Streets other than those designated as construction routes shall be maintained as provided herein.

2-108.9 Acceptance of Public Improvements by Town Council

The Town shall accept the required public improvements when the following conditions have been met:

- a. Construction is completed.
- b. Town staff conducts a final inspection and determines the construction is complete.
- c. Town staff conducts a final inspection and determines the construction is complete.
- d. Maintenance bond period has expired.
- e. Town Manager makes a recommendation to the Town Council.
- f. Town Council approves a resolution accepting public improvements.

2-109 MISCELLANEOUS PLATTING SITUATIONS

2-109.1 Combination of Two (2) or More Lots

Any number of lots may be combined into an equal or lesser number of lots by submitting a Final Plat, as described in Section 2-107 (Final Subdivision Plat). The Final Plat shall show the original lot lines as dash lines and proposed lot lines as solid lines. Combining lots shall require an approval process as set forth herein based on the initial number of lots and manner of conveyance. Any lots resulting

from such recombination shall meet all applicable regulations.

2-109.2 Shifting Lot Lines

Shifting of lot lines is subject to the same procedures as described in Subsection 2-109.1 (Combination of Two (2) or More Lots).

2-109.3 Dedication of Right-of-way, Public Use Lands, or Easements

The dedication of land or use of land for public purposes may be accomplished by one of the following methods, both of which require Planning Commission approval:

2-109.301 Dedication by Plat

A reproducible plat shall be prepared depicting the area to be dedicated by lines and survey description. The location of surrounding property lines, streets and public utilities shall be shown for reference. The placing of monuments and the location of such shall be shown on the plat. Signatory data shall also be included in the same manner as for a final plat. If the dedication is for a street right-of-way that, by the location of the dedication area, would divide a tract into two parcels, the plat shall be created as a Final Subdivision Plat in conformance with Section 2-108 (Requirements for Improvements)

2-109.302 Dedication by Written Document (Deed or Instrument)

A written document in the form acceptable to the Town Attorney may be used for dedications in lieu of a plat. The document shall contain the following minimum information:

- a. Statement of purpose for the dedication.
- b. A narrative survey description of the area to be dedicated.
- c. Conditions, if any, imposed by Grantor.
- d. The document shall contain the same signatory data as required for a Final Subdivision Plat.

2-109.4 Corrective Plats and Revised Plats

Corrective and revised plats include the minor shifting of lot lines, the addition or changing of easements, changes in notations on the original recorded plat or any other changes that will not increase the number of lots or their suitability for development. Where public sanitary sewer is not available all resulting lots must have approval from the Health Department for the installation of a septic system. The submittal process for corrective and revised plats is the same as described in 2-109.1 (Combination of Two (2) or More Lots).

**ARTICLE 3
ASSURANCE FOR COMPLETION AND
MAINTENANCE OF IMPROVEMENTS**

Sections:

- 3-101 Development Agreement
- 3-102 Bonding and Recording of Final Plats
- 3-103 Bond Standards and Requirements
- 3-104 Completion of Improvements
- 3-105 Release or Reduction of Reclamation or Performance Bond
- 3-106 Acceptance of Dedication Offers
- 3-107 Deferral or Waiver of Required Improvements
- 3-108 Issuance of Building Permits and Certificates of Occupancy

3-101 THE DEVELOPMENT AGREEMENT

A completed Development Agreement shall be prepared and executed before initiation of any land disturbance within any Major Subdivision to which these regulations are applicable and a performance or maintenance bond is to be posted. A draft Development Agreement shall be prepared following approval of the Construction Plans. The draft agreement shall reference the design incorporated within the approved Construction Plans and shall be sufficient in form to assure that proposed construction methods and materials meet or exceed minimum established standards. The draft agreement and an estimate of the amount of bond (as prepared by the Town Manager) shall be sent to the applicant for approval. Development activity may begin upon acceptance of the Development Agreement by the applicant and acceptance of the required bond by the Planning Commission.

3-102 BONDING AND RECORDING OF FINAL PLATS

3-102.1 Construction Prior to Recording Final Plat

When the developer desires to proceed with construction of a portion or all of the required improvements prior to recording the Final Plat, a reclamation bond shall be provided in an amount determined by the Town Manager to be sufficient to reclaim the property should the developer not complete the required improvements. Such reclamation is to include filling trenches, closing off streets, performing drainage work, re-seeding and other actions necessary to make the property safe and to remedy any nuisance, such as stagnating water or soil erosion the property may be causing to surrounding property owners or the public in general.

3-102.2 Recording of Final Plat Prior to Construction

When the applicant wishes to record a Final Plat prior to completion of required improvements, the applicant shall provide a performance bond conforming to Section 3-103 (Bond Standards and Requirements) guaranteeing installation of such designations improvements. The amount and form of such bond shall in all regards be sufficient to guarantee to the town council or other agency ultimately responsible for acceptance of the facilities satisfactory construction, installation, and dedication, free and clear of any encumbrances, of the incomplete portion of required improvements.

3-103.1 General

In order to ensure that the work will be completed in accordance with approved plans and specifications, all improvements proposed in conjunction with any subdivision must be covered by adequate bond unless such work is to be totally completed prior to filing of any Final Plat for any portion of the development site. When the work is to be completed prior to filing of a Final Plat, a reclamation bond sufficient to insure that the building site may be stabilized in the event of the failure of the applicant to complete the work shall be provided.

3-103.2 Amount of Bond

The applicant shall post good and sufficient bond with the Town Manager in the amount of one hundred twenty-five percent (125) of the Town Manager's estimated cost to assure completion of the work. The Town Manager may consider input from a professional engineer, contractor, or the building official in developing an estimate of cost to assure completion of the work. Good and sufficient surety shall include the types of bond specified in Subsection 3-103.3 (Types of Bond).

3-103.3 Types of Bond

Subject to the standards and requirements of this Article and acceptance by the Town Manager, the following types of bond may be accepted for purposes of guaranteeing completion of improvements required by these Regulations:

1. Irrevocable Standby Letter of Credit.
2. Cash Escrow or bank assignment of certificates of deposit with a federally-insured bank having assets of at least \$100 million.
3. Surety or performance bond by an insurance company recognized and regulated by the Insurance Commissioner in the State of Tennessee.

3-103.301 Irrevocable Standby Letters of Credit

An irrevocable standby letter of credit may be utilized as the means of providing bond for improvements required under the various provisions of these Regulations. Any letter of credit shall be drafted so as to represent an obligation of the financial institution to the Town and not an obligation to the permittee. All Letters of Credit, and each provision thereof, shall be governed and construed in accordance with the Uniform Customs and Practice for Documentary Credits (1983 Revision and subsequent revisions), International Chamber of Commerce, Publication 400 and TCA Sections 47-5-101 through 47-5-118. Such letters shall be for one (1) year and shall be automatically renewable for successive one (1) year periods without any effort on the part of the Town. They shall be renewed until released by the Town. However, said letters may be revoked after giving the Town written notice with ninety (90) days opportunity to cash the letter. Such notice shall be by certified mail, return receipt requested.

3-103.302 Escrow Deposits for Improvements

a. **Acceptance of Escrow Funds**

The term “Cash Escrow” as used in these regulations refers to two types of performance guarantees, cash escrows and bank assignment of funds. In the case of either cash or other near cash (i.e., certificates of deposit) guarantees, all funds shall be maintained in accounts that are beyond the reach of the developer and subject to an escrow agreement.

b. **Procedures on Escrow Fund**

The Town shall hold all escrows totally under its control and kept in its bank accounts. A detailed “Escrow Agreement” shall be prepared and appropriately endorsed by all parties to such agreement at the time of creation of any escrow account. The developer’s tax identification shall be used for the escrow and the developer shall be responsible for paying tax on any interest credited to the escrow account.

3-103.303 Surety or Performance Bonds

A performance bond may be used as the means of providing bond for improvements required under the various provisions of these Regulations. All performance bonds shall provide a location within Hamilton County or a county adjoining Hamilton County where such bond(s) may be drawn upon. All performance bonds shall be drafted so that the only requirement for the Town to draw upon such bond is to notify the financial institution (grantor) that:

“We have incurred liability by reason of the failure of the applicant/developer/owner to complete the construction of their project [insert name of subdivision and plans] in accordance with the Development Plan and the rules and regulations governing the subdivision of land within Signal Mountain, Tennessee.” The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is otherwise let and the work paid for. Any excess over the cost of completing the work will be returned to the grantor.”

3-104 COMPLETION OF IMPROVEMENTS

Generally, the final paving course shall not be applied until seventy-five percent (75%) of the houses in the subdivision, or phase thereof, fronting along a street are completed. Where maintenance, safety or an unforeseen problem is created by the absence of the final paving course, paving of a street may be allowed prior to construction of seventy-five percent (75%), but not less than fifty percent (50%), of the houses fronting along a street. The Town may permit final paving to occur and the Town Manager may allow subsequent reduction of the performance bond to an amount sufficient to guarantee maintenance of the streets as specified below. The Town Manager may permit the maintenance bond to be renewed if additional time is needed to complete further build-out of the subdivision. The Town Manager may require that the final paving course be applied one (1) year or longer after the date of the issuance of the first Certificate of Occupancy in said subdivision or phase thereof regardless of the number of houses built. Under no circumstances shall final paving occur until all utility installations, including service lines to individual lots, are complete.

3-104.1 Failure to Complete Improvements and Default

In those cases where surety instruments have been posted and required improvements have not been installed according to the approved plans and specifications, the Town Manager may then recommend to the Planning Commission that the surety instruments be declared in default. If the Planning Commission declares the surety instruments to be in default, the Town Manager may require that all the improvements be installed regardless of the extent of the building development at the time default is declared. If the improvements are not completed within the time period specified, including any extension thereof, no additional building permits shall be issued for any lot or portion of such property until such facilities are completed to the satisfaction of the Planning Commission upon recommendation by the Town Manager. The applicant and the financial institution issuing the bond shall be jointly and severally responsible for completing said improvements according to specifications.

3-104.2 Notification of Failure to Complete Improvements and Default

If circumstances led the Town Manager to believe that the Developer does not intend to complete the improvements, the Town Manager shall notify the Developer of his or her intent to proceed with calling of the Bond by certified mail return receipt requested. The Developer shall have 10 days to present a written response regarding his or her plans to complete the improvements. If the Developer fails to respond or his response is inadequate the Town Manager shall recommend to the Town Council that the Developer's surety instruments be declared to be in default.

3-104.3 Maintenance of Improvements

The applicant shall be required to maintain all improvements for the period of time as directed in Section 3-104.301. Additionally, the applicant shall be required to file a maintenance/warranty bond with the Town Manager prior to dedication. This bond is established for purposes of assuring the quality of the materials and construction of such facilities. Such bond shall be in an amount considered adequate by the Town Manager to assure satisfactory condition of the required improvements.

3-104.301 Amount and Duration of Maintenance/Warranty Bonds

The maintenance bond shall, at a minimum, cover forty percent (40%) of the construction cost of all road and drainage improvements and ten percent (10%) of water system improvements. The duration of Maintenance/Warranty bonds shall be two (2) years for roadways and one (1) year for all other improvements. The bond shall be released upon expiration of the required time, with a Final Inspection by the Town, a favorable recommendation by the Town Manager, and approval by the Town Council.

3-104.302 Notification of Necessity to Perform Maintenance

The Town agrees to contact the Developer prior to making any repairs, unless these repairs are deemed to be of an emergency nature, to give the Developer the opportunity to make repairs prior to calling of the Bond. The Maintenance Bond may be called using the same procedure set forth for Performance Bonds in Section 3-104.2 (Notification of Failure to Complete Improvements and Default).

3-104.4 Inspection of Improvements

The Town may inspect required improvements during construction. If the appropriate

governmental representative finds upon inspection that any of the required improvements have not been constructed in accordance with the applicable construction standards and specifications, the developer shall be responsible for completing such improvements to the required standards. The fact that the Town inspects the facilities in no way relieves the developer from designing or installing such facilities in accordance with the provisions of these regulations.

Work done without proper inspection will be done at the developer's risk and may be rejected by the Town Manager. Upon failure by the developer to satisfactorily repair or to remove and replace, if so directed, rejected or condemned work or materials immediately after receiving notice from the Town Manager or inspector, the Town Manager shall, after giving written notice to the developer, have the authority to reject the work.

The developer shall furnish the Town Manager with every reasonable facility for ascertaining whether or not the work as performed is in accordance with the requirements and intent of the Development Agreement. If required by the Town Manager or inspector, the developer shall at any time, before acceptance of the work, remove or uncover such portions of the work as may be directed for inspection.

The Town Manager or inspector shall make or cause to be made final inspection of all work in the Development Agreement or any portion thereof as soon as practicable after the work is completed and ready for acceptance. If the work is not acceptable to the Town Manager at the time of final inspection, he or she shall inform the developer of the particular defects to be remedied before final acceptance can be made.

3-105 RELEASE OR REDUCTION OF RECLAMATION OR PERFORMANCE BOND

3-105.1 Certificate of Satisfactory Completion

Prior to release of any performance surety the engineer in charge of construction of such improvements shall be required to certify that such improvements have been installed in accordance with provisions of these regulations, and the approved Construction Plans and specifications. Upon receipt of such certification and "as-built drawings" required by Section 2-108.7 (As-Built Drawings Required) the governing body may accept the dedicated improvements in accordance with the procedures set forth in Section 3-106 (Acceptance of Dedication Offers) of these regulations.

3-105.2 Reduction of Performance Bonds

The surety instruments guaranteeing installation of improvements may be reduced upon completion of the base asphalt and again upon completion, dedication and acceptance of such improvements and then only to the ratio that the cost of the public improvements dedicated bears to the total cost of public improvements included in said plan. In no event shall a performance bond be reduced below fifteen percent (15%) of the principal amount prior to final acceptance of all items covered under such instrument.

3-106 ACCEPTANCE OF DEDICATION OFFERS

Acceptance of offers of dedication of improvements for public maintenance shall only occur by action of the governing body. Such action shall be in the form of a resolution recommended by

the Planning Commission to the Town Council. Approval by the Planning Commission of a subdivision plan shall not be deemed to constitute or imply an acceptance by the Town Council or other agency ultimately responsible for acceptance of the facilities of any street, easement or other ground shown on the plan. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect.

3-107 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

The Planning Commission may defer or waive at the time of Final Plat approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not required in the interest of the public health, safety, and general welfare or which are unfeasible because of inadequacy or lack of connecting facilities. Whenever it is deemed necessary by the Planning Commission to defer construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities or other reasons, the developer shall either pay his share of the costs of the future improvements to the Town prior to signing of the Final Subdivision Plat or post a bond ensuring completion and/or maintenance of said improvements.

3-108 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

Where a Development Agreement and/or surety instruments have been required for a subdivision, or any section of a subdivision, and such are determined to be in default, no building permit or Certificate of Occupancy shall be issued for any building in the subdivision or any affected section thereof prior to completion and dedication of the improvements to the appropriate governmental unit, as required in the Planning Commission resolution of approval. The extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment prior to the issuance of a building permit.

| No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) is less than two (2) lots, for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission's resolution of final plat approval have been fully completed, dedicated, and accepted by the governing body.

ARTICLE 4

GENERAL REQUIREMENTS AND DESIGN STANDARDS

Sections:

- 4-101 General Lot Requirements
- 4-102 Requirements for Pedestrian Ways
- 4-103 Streets
- 4-104 Street Design Standards
- 4-105 Subdivision Entrance Features and Signage
- 4-106 Private Streets
- 4-107 Lot Requirements
- 4-108 Reservations and Easements and Access
- 4-109 Ownership and Maintenance of Common Lands and Facilities
- 4-110 Drainage and Storm Sewers
- 4-111 Water Facilities
- 4-112 Sewage Facilities
- 4-113 Conservation Subdivision Provisions

4-101 GENERAL LOT REQUIREMENTS

4-101 Development Options

Developers have two design options for Major Subdivisions in the Town: Conservation Subdivision and Conventional Subdivision (see Zoning Ordinance for density provisions for each).

4-101.1 Suitability of the Land

Technical evaluation, plans, and analysis of a proposed subdivision by a professional engineer specializing in geo-technical evaluations, soils, hydrology, and/or structures may be required when the Planning Commission determines in a public hearing that the land is unsuitable for subdivision or development.

4-101.101 Critical Lots

When a proposed lot contains natural or manmade features that affect the feasibility of construction, it shall be designated a critical lot during the conceptual plan or partition review process and subsequent subdivision submittals.

4-101.2 Conformity to Land Use Plan

All subdivisions shall conform to the adopted Town Land Use and Transportation Plan.

4-101.3 Preservation of Natural Cover

Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography in order to minimize grading, and cut-and-fill and to retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover and soil. No topsoil shall be removed from any lots shown on any subdivision plat, except for the purpose of improving such lots and for the layout of streets shown thereon unless authorized in the Land Disturbance Permit issued by the building official. Topsoil so removed shall be restored on areas of such lots not occupied by buildings or structures.

4-101.4 General Standards to Minimize Adverse Impacts

All subdivisions and land developments shall avoid or minimize adverse impacts on the Town's natural, cultural, and historic resources by adhering to the principles below.

4-101.401 Groundwater Resources

The proposed subdivision and development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table. This shall be achieved through careful planning of land disturbance activities and by locating streets, buildings, and other impervious surfaces in areas other than those having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater as identified on the Existing Resources and Site Analysis Map.

4-101.402 Stream Valleys, Swales, Springs, and Other Lowland Areas

- a. The Tennessee Department of Environment and Conservation (TDEC) must permit any disturbance to streams and drainage swales.
- b. TDEC must permit any disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.
- c. Because of their extreme limitations, stream valleys, swales, and other lowland areas warrant designation as Conservation Lands. The Planning Commission may also require adjoining buffer lands to be included in the conservation land as determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, seasonal high water table soils may be excluded from the conservation land where it can be demonstrated that they are suitable for low-density residential uses and conventional on-site sewage systems.
- d. Because of their resource values, all woodlands on any tract proposed for subdivision shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as either Conservation Lands or as land for development. Evaluation criteria shall include:
 - (1) Configuration and size.
 - (2) Present conditions (e.g., stand density, health, and species composition).

- (3) Ecological functions (e.g., protecting steep slopes and erodible soils, maintaining stream quality, and providing for wildlife habitats).
 - (4) Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
- e. In designing a subdivision and land development plan for any tract; the applicant shall be guided by the following standards:
- (1) Proposed site improvements shall be located, designed, and constructed to minimize the loss or degradation of woodland areas.
 - (2) Subdivisions shall be designed to preserve woodlands along roadways, property lines, and lines occurring within a site such as streams, swales and stone walls.
 - (3) No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before approval of the Land Disturbance Permit or Construction Plan and accompanying land development agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on site prior to Construction Plan approval.

4-101.403 Upland Rural-Agricultural Areas

Field, pastures, meadows and former agricultural areas can accommodate development, with preferred locations being the nonprime agricultural soils and lower topographic settings where development will be visually less obtrusive. Compact clustered residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where future development cannot be avoided (such as at the far edge of open fields).

4-101.404 Steep Slopes

Moderately sloping lands of fifteen (15) to twenty-five (25) percent and steeply sloping lands over twenty-five (25) percent are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds, and public roads are detrimental to water quality and aquatic life and a potential hazard to public safety. Areas of steep slope shall be preserved as required below.

- a. All grading and earthmoving on steeply and moderately sloping land shall be minimized.
- b. On moderately sloping lands, the only permitted grading beyond the terms described above shall be in conjunction with the siting of a single-family dwelling, its access driveway, and the septic system (which should typically be designed with a long, narrow drainage field following the land contours) as approved by Hamilton County Groundwater Protection.

- c. Grading or earth moving on all moderate or steeply sloping lands shall be in accordance with the standards established in Subsection 4-101.5 (Grade Changing).
- d. Roads and driveways should follow the line of existing topography to minimize the required cut and fill.
- e. Cuts and fills shall be minimized.

4-101.405 Significant Natural Areas and Features

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance, exist throughout the Town. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features by identifying them on the “Existing Resources and Site Analysis Map” and by incorporating these features into the proposed Conservation Lands or avoiding their disturbance in areas proposed for development.

4-101.406 Historic Structures and Sites

Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include conservation of the landscape immediately associated with and significant to preservation of the historic resource in its context. When the Planning Commission determines that a plan will have an impact on a historic resource, the developer shall mitigate that impact to the satisfaction of the Planning Commission by modifying the design, relocating proposed lot lines, providing landscape buffers or using other means, which conditions on the plat.

4-101.407 Rural Road Corridors and Scenic Viewsheds

The Town contains a number of rural roads in various locations. All applications for subdivision and land development shall preserve the scenic visual corridors along such roads by designating adjacent natural areas as Conservation Lands or otherwise providing site designs that protect the viewshed. In instances where such designs fail to protect the viewshed along these corridors, applicants are required to provide a natural landscape buffer of two hundred (200) feet to minimize adverse visual impacts. Should such buffer preclude applicants from achieving the Maximum Number of Lots determined by the calculation in Subsection 5.102.203 (Calculating the Adjusted Tract Area) and Article VI, Section 603 (Low Density Residential) or 614 (Residential Estate), the applicant shall work with the Planning Commission to achieve a solution.

4-101.408 Rural Siting Principles

The following guidelines shall apply to the siting of structures.

- a. Wherever feasible, retain and reuse any existing old mining and timbering roads rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the way old roads are often lined with trees and stonewalls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stonewalls.)

features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.

- c. Septic systems and leach fields should generally be located in open fields, when possible, where soil conditions are likely to be better.
- d. Use existing vegetation and topography to buffer and screen new buildings if possible. Site buildings in groups or tuck them behind tree lines or knolls rather than spreading them out across the landscape in a "sprawl" pattern. Place them either at the edges of fields or in the ecologically least significant parts of wooded areas.
- e. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Create curves in driveways to increase the screening of buildings.
- f. Site buildings so that they do not protrude above treetops and crest lines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.
- g. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems or parking areas.

4-101.5 Grade Changing

Where grade changing is required in any subdivision, contour-grading techniques shall be used to provide a natural-appearing transition between grades. The angle of any graded slope shall be gradually transitioned to the angle of the natural terrain. Slopes of thirty-three (33) percent or less may contain turf, but wherever practicable, vegetation other than turf that increases the natural appearance should be used. All vegetated embankments shall have a check swale at the top. No reinforced embankment shall exceed sixty-six (66) percent.

4-101.6 Grade Changing Devices

Where development of the land requires grade-changing, devices such as retaining walls shall be designated on the preliminary grading study and a description, including illustrations, of each device shall be included. For interlocking walls, non-invasive vines and groundcover are encouraged to provide a more natural finish to course walls. Grade changing devices shall:

of retaining walls that could result in safety hazard(s) to occupants of the development or to the general public.

2. Generally limit the height of retaining walls in or abutting residential development. Excessive grade changes shall be managed with terraces formed by a series of low retaining walls or by a combination of contoured slopes and low retaining wall(s).
3. Submit a detailed erosion/sedimentation control plan with the plat. The developer shall use appropriate control measures to ensure that erosion or adverse conditions caused by erosion or sedimentation is eliminated **or** held to a minimum.

4-101.7 Monuments

1. All lot corners shall be marked with iron pins not less than one-half (1/2) inch in diameter and a minimum of eighteen (18) inches long and driven so as to be flush with the finished grade. During preliminary review staff may require more concrete monuments if it determines they are necessary.
2. Before the final plat is signed a licensed land surveyor shall permanently install all iron pins prior to the signing. Boundary monuments shall be installed on the exterior of the entire subdivision for major subdivisions but need not be installed on the boundaries or each unit in phased subdivisions. If monuments and pins are not installed prior to the time that the plat is ready for signing, the developer may post a bond with the town in an amount sufficient to ensure that the monuments and pins can be installed.
3. For residential subdivisions with more than five (5) lots and any development over twenty-five (25) acres, at least two (2) of the concrete monuments shall be designated as control monuments and located with a ratio of precision of no less than 1:20,000 in Tennessee State Plane coordinates in the North American Datum of 1983 (NAD83). These concrete control monuments shall be placed on opposite sides of the exterior subdivision boundary. The intent of these location coordinates is to position the subdivision on the surface of the Earth and the final plat on the official Hamilton County GIS property maps. The monuments shall be separated by sufficient distance to allow them to locate the entire boundary property.

4-101.8 Driveways/Access to Lots

4.101.801 Minimum Separation Between Residential Driveways

For each permitted residential driveway there shall be a corresponding minimum road frontage of at least fifty (50) feet along routes designated as four (4) lane urban arterial highways and two (2) lane collector routes.

There shall be not more than one (1) driveway for residential lots except circular driveways shall be permitted.

4-101.802 Minimum Corner Clearance

of curvature.

4-101.803 Design Standards for Residential Driveways

Where permitted, residential driveways fronting collector and arterial routes shall be designed to avoid requiring vehicles to back onto these highways. Any driveway should be constructed in a manner such that the drive has a maximum slope of eight (8) percent for the first fifteen (15) feet (measured from the back of the approved sidewalk). Driveways greater than eight (8) percent slope shall be reviewed and approved by the Town Manager prior to a building permit being issued. In no case shall the driveway slope exceed ten (10) percent in the first fifteen (15) feet from the street. Where the potential exists for gravel or soil to be washed from a driveway onto the public right-of-way such driveways shall be paved or otherwise stabilized for a distance sufficient to prevent material from migrating onto public property.

4-102.1 Required Improvements or Dedications

The developer shall identify all on-site traffic improvements in a traffic impact study, prepared in accordance with the requirements of Section 4-103.2 (Grading and Improvement Plan) upon land the developer controls.

4-102 REQUIREMENTS FOR PEDESTRIAN WAYS

4-102.1 Sidewalks Along New Streets

Sidewalks shall be required on one (1) side of the street but allowed on both sides.

4-102.2 Sidewalks Along Existing Streets

Sidewalks shall be required along the entire frontage of the proposed subdivision on existing public streets.

4-102.3 Sidewalk Width

Sidewalks shall be five (5) feet wide, exclusive of encroachments such as utility poles, fire hydrants, parking meters, sign standards, street furniture, etc.

4-102.4 Design Criteria

1. Sidewalks shall be included within the dedicated non-traffic way portion of the right-of-way or public access easement. A grassed swale or strip at least six (6) feet wide shall separate all sidewalks from adjacent streets.
2. Where extraordinarily difficult topographic conditions exist, other design solutions, such as a wider separation, may be used.
3. Sidewalks shall be designed and constructed so as to comply with ADA Standards for Accessible Design as published by the U.S. Department of Justice and excepted from 28 CFR Part 36 (Revised July 1, 1994) and any subsequent amendments or supplements.

4-102.5 Waivers and Alternative Pedestrian Ways

the minimum street frontage for each lot is greater than three hundred (300) feet, the

Planning Commission may, at its discretion, waive the sidewalk requirements of this section. The Planning Commission shall consider the potential for future division into lots with street frontages that would be less than three hundred (300) feet, or potential for future division into lots below three (3) acres, before approving any final plat.

2. The Planning Commission may elect to waive these sidewalk requirements with respect to the portions of any new or existing street within a subdivision that has a grade greater than fifteen (15) percent. In such a case, an alternative pedestrian way may be required.
3. Notwithstanding the foregoing exceptions, in the case of a subdivision that contains more than two (2) lots that have different sizes and frontages, if more than fifty (50) percent of the subdivision lots would be required to have sidewalks hereunder then sidewalks must be constructed throughout the entire development.
4. Developers and the Town may reach alternative arrangements concerning sidewalks in a Development Plan when strict compliance with the provisions of this section would cause an undue hardship to the developer due to previously approved plats and/or Development Plans within a contiguous subdivision. Such alternative provisions may include: 1) payment to a Town fund or execution of a bond as set forth in Section 3-102 (Bonding and Recording of Final Plats) for the Town to construct sidewalks at this location within one (1) year; or 2) to construct sidewalks at another location. In the absence of mutual agreement in a Development Plan approved by the Town, the developer shall construct the sidewalks in the manner provided herein.
5. The Planning Commission may also approve an alternative to this standard pursuant to 4-102.4(2) (Design Criteria) including, but not limited to: a pedestrian access way around the subdivision or a series of trails within the subdivision. The Planning Commission shall consider any proposed alternative based on the following criteria, which the developer shall address point by point in a written proposal:
 - a. The reason for the deviation.
 - b. A description of any unique or physical constraints to meeting a sidewalk requirement.
 - c. A proposed alternative to the sidewalk requirement or show cause as to why no alternative was submitted.
 - d. Whether the alternative is in accordance with the Americans with Disabilities Act (ADA) accessibility standards for public sidewalks, and if not, why and/or how it is not in compliance with the act.
 - e. A demonstration that the alternative provides the same degree of accessibility to all residences as the sidewalk requirement.
 - f. The proposed alternative shall not be located over underground utilities or underground utility easements, except at intersections and/or crosswalks.
the final plat and recorded as a condition on the final plat as a perpetual unobstructed easement of twenty (20) feet.

4-102.6 Maintenance

The owner of any lot within a subdivision shall maintain grass and vegetation between the roadway and the property line.

4-103 STREETS

4.103.1 General Requirements

4-103.101 Street Names

All streets shall be named and such names shall be accepted and approved by Hamilton County GIS.

4-103.102 Grading and Improvement Plan

Streets shall be graded and improved to conform to the standards required by this section and shall be approved as to design and specification by the Town Manager in accordance with the specifications required herein.

4-103.103 Streets in Floodable Areas

The finished elevation of proposed streets subject to flood shall be no more than one (1) foot below the regulatory flood protection elevation. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring the finished elevation of any street to the required elevation, such fill shall be protected against erosion by riprap, vegetative cover or other methods deemed acceptable by the Town Manager.

4-103.104 Reserve Strips

Creation of reserve strips adjacent to a proposed street in such a manner as to deny access from adjacent property to such street shall not be permitted.

4-103.2 Traffic Impact Study

The purpose of a traffic impact study shall be to identify what improvements, if any, are necessitated to offset the additional traffic generated by a proposed level of development. Such improvements might include the provision of traffic signals, turning lanes or road widening.

4-103.201 Requirements for a Traffic Impact Study

The Planning Commission or the Town Manager may require a traffic impact study (TIS) before approval of a preliminary plat for any major subdivision when deemed necessary due to the nature of the proposed development, the traffic patterns of the area and/or the nature of nearby land uses. Provided that a TIS shall be required for any development that contains:

- a. More than one hundred (100) residential dwelling units.
- b. Combinations of residential and non-residential uses that would be expected to generate one thousand (1000) vehicle trips or more per day or one hundred (100) or more peak-hour trips or when the Town Manager deems it necessary.

4-103.202 Levels of Traffic Impact Study Required

Three levels of traffic impact studies have been identified based on the number of trips that a development is projected to generate in a twenty-four (24) hour period (see Table 4-1).

TABLE 4-1

LEVEL OF TRAFFIC IMPACT STUDY REQUIRED	
Twenty-Four Hour Trip Generation	Level of Study Required
1,000 to 3,000 average daily trips	Level 1
3,000 to 6,000 average daily trips	Level 2
6,000 and higher average daily trips	Level 3

Level 1 Studies require analysis of each access the development has to an existing roadway. Access points to be analyzed include public roads, joint permanent access easements, and private driveways.

Level 2 Studies require the analysis of each access the development has to an existing roadway and to the first control point beyond each access points. As control point is an intersection controlled by a traffic signal or stop sign on the existing roadway onto which the development has access. For cases where a traffic-control device does not exist, the Town Manager will determine the extent of the study.

Level 3 Studies require a complex traffic access and impact study, addressing each access point, the first control point beyond each access point, and the nearest collector/collector intersection or street of higher classification or as determined by the Town Manager. The exact area to be studied will be determined by the Town Manager with input from the firm or individual who is to prepare the study.

4-103.203 Approval of Traffic Impact Study

The traffic impact studies shall be reviewed by the Town Manager and Town Staff to identify any performance requirements that must be incorporated into any site and building plans.

4-103.204 Implementation of a Traffic Impact Study

The traffic impact study may take into account the capital improvements budget and may rely on improvements for which the Town has adopted in its current

when the study is performed.

The developer prior to approval of the final plat shall complete required traffic improvements that have not been funded or otherwise completed by the Town.

The Town Manager will certify that all traffic improvements to be provided by the developer or property owner have been properly bonded before a building permit is issued and completed before a final plat is approved.

4-103.3 Arrangement of Streets

1. All streets shall be arranged so as to allow as many building sites as possible at or above the grades of the streets. Street grades shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
2. Connections shall be provided to existing or proposed through-streets or collectors adjacent to the subdivision wherever practicable.
3. All streets shall be properly related to special traffic generators, such as business districts, schools, churches, and shopping centers as well as to population densities, and to the pattern of existing and proposed land uses.
4. Streets may take the form of a two-way street or a one-way loop street around a small neighborhood green.
5. Minor streets shall be laid out to conform as much as possible to the topography; to discourage use by through traffic; to permit efficient drainage and utility systems; and to require the minimum number of streets necessary to provide convenient and safe access to property.
6. The use of an interconnected street system shall be encouraged to broadly disperse internal traffic and provide maximum alternatives for access to property.
7. The use of curvilinear streets or "U"-shaped streets shall be encouraged where such use will result in a more desirable layout.
8. Cul-de-sacs are discouraged and shall be permitted only where all other street design alternatives, such as loop streets or closes shown in Figure 4-1, are not feasible and one of the following two conditions exists:
 - a. Where natural features such as wetlands or steep slopes exist or other primary or secondary conservation areas that are not desirable to remove.
 - b. Where an existing permanent structure or a protected conservation land area blocks connection to an existing or planned street.
9. Cul-de-sacs, if permitted, and turnarounds, if permitted, shall have a 50-foot-right-of-way and a pavement radius of forty-five (45) feet. Cul-de-sacs with planted islands are encouraged to improve water quality. When islands are used, the pavement width shall equal the required roadway width.

subdivided, unless prevented by topography or other physical conditions or unless the Planning Commission determines such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

4-103.4 Access to Arterial and Collector Routes

Where a subdivision abuts or contains an existing or proposed arterial or collector street, 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 and to afford separation of through and local traffic.

4-104 STREET DESIGN STANDARDS

4-104.1 Purpose

The street design standards set forth in this section are hereby required in order to provide streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, sanitation, and road-maintenance equipment, and to coordinate streets so as to compose a convenient and safe system and avoid undue hardships to adjoining properties. These provisions are intended to establish appropriate standards for the design of streets in residential subdivisions that will:

1. Encourage and support safe pedestrian use.
2. Promote the safety and convenience of vehicular traffic.
3. Protect the safety of neighborhood residents.
4. Minimize crime in residential areas.
5. Protect the residential qualities of neighborhoods by limiting traffic volume, traffic speed, noise and fumes.
6. Encourage the efficient use of land.
7. Promote construction methods and criteria that provide high quality and efficient design and provide for initial cost concerns, future maintenance cost and general liability cost for the community.
8. Minimize the construction of impervious surface thereby protecting the quantity and quality of the community's water resources.
9. Provide satisfactory access for emergency vehicles.

4-104.2 General Design

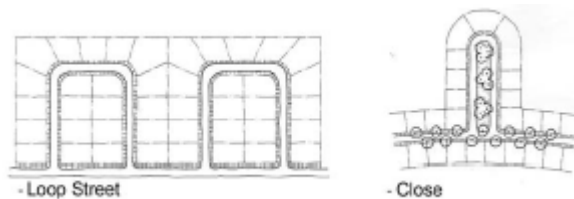
1. New streets shall be designed to preserve existing tree lines, watercourses and existing viewsheds and to minimize alteration of natural, cultural and

Conservation Subdivisions.

2. New streets of any development proposal shall be integrated closely with the town's existing streets.
3. Streets shall be interconnected as far as practicable (employing cul-de-sacs only where essential), and they may also be supplemented with back lanes or alleys. Where cul-de-sacs are deemed to be unavoidable, continuous pedestrian circulation shall be provided by connecting sidewalks that link the end of the cul-de-sac with the next street (or conservation land).
4. Public ways shall be laid out to promote pedestrian circulation and ease of access from all points in the residential areas to commercial or institutional facilities.
5. Easements shall be reserved to permit streets to be extended to allow adjoining properties to be connected in the future, if so desired.
6. The street width standards listed below take into account the need for on-street parking spaces, which generally increase as lot widths decrease.

Figure 4-1

ALTERNATIVES TO CUL-DE-SACS



4-104.6 Bridges

All bridges within a proposed major subdivision shall be constructed at the full expense of the developer without reimbursement from the Town.

4-105 ENTRANCE FEATURES AND SIGNAGE

4-105.1 Subdivision Entrance Features

Architectural structures, walls, fences, landscaping, lighting, and signage designed to identify a residential subdivision within the Town shall be designated on Preliminary and Final Plats. Plats shall contain sufficient measurements to locate such features on the property of developer before the Planning Commission will approve it for filing.

Such entrance features shall be located outside of all town rights-of-way and required setbacks from buildings within the subdivision and shall not obstruct sight triangles.

The Town Design Review Commission shall approve the design of Subdivision Architectural structures, walls, fences, landscaping, lighting and signage before any construction occurs within any new subdivision within the Town. Copies of plans for construction of entrance features shall be submitted to the Town Building Inspector with specific identification of property lines, distances from rights of ways, heights of any improvements, and the location and materials to be used in any walls, fences or structures at the entrance of a residential subdivision.

4-105.2 Subdivision Construction Development Signs

Active subdivision construction projects shall be allowed one (1) sign not to exceed twenty-five (25) square feet to identify themselves. Such signs shall be removed within three (3) years or after two-thirds of the project's units have been occupied, whichever comes first as required by Town Code, Title 14 (Sign Regulations), Chapter 5, Section 14-509, (Allowable Signage) Subsections (3) and (4).

4-105.3 Signs for Public Streets

4-105.301 Signage Requirements

The developer shall purchase and install appropriate regulatory signs that shall conform to the current edition of the Manual of Uniform Traffic Control Devices published by the United States Department of Transportation. Temporary signs may be installed and maintained in lieu of permanent signs until curbs are installed and backfilled. Such signs shall meet the same standards for mounting height, size, and legibility as permanent signs but may be mounted on temporary structures until approval of the final plat. The installation of temporary street name signs shall be verified by written developer/contractor certification to the Town Manager before authorization for building permits may be granted.

4-105.302 Street Name Signs

a. Street Names

All new street names shall be verified with local 911 officials prior to recording the Final Plan.

b. Installation Requirements

The developer shall purchase and install permanent signs and provide written confirmation to the Town Manager of this placement prior to recording a Final Plat.

4-105.303 Regulatory and Warning Signs

a. Installation Requirements

The developer shall purchase and install appropriate signs. Written confirmation of this placement shall be required from the Town Manager prior to recording a Final Plat.

b. Bond

Regulatory and warning signs may be included as a part of the original bond covering streets, drainage and other public improvements.

c. Notes

If a performance bond is posted in lieu of erecting signs before final plat submission, the following notation shall be added to the plat:

“No building permit shall be issued for any lot until street name, regulatory and warning signs are installed and verified on all streets on which such lot depends for access.”

4-106 PRIVATE STREETS

New private streets are not permitted in the Town of Signal Mountain.

4-107 LOT REQUIREMENTS

4-107.1 Lot Arrangements

Lot arrangement shall be such that there shall be no foreseeable difficulties for reasons of topography, flood hazards or other conditions in providing a building site and yard area.

4-107.2 Lot Dimensions

Lot area shall comply with the minimum standards of Article VI of the Zoning Ordinance. Hamilton County Groundwater Protection may require additional lot area for any residential lot that uses a septic tank and field lines for sewage disposal.

1. Lot Lines

Residential side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.

2. Residential Lot Frontage

Each lot shall have frontage on a street.

3. Flag Lots

Residential flag lots shall generally not be permitted. However, the Planning Commission may waive this limitation if it finds that, that all of the following conditions are met:

- a. The proposed lots fit into the character of the area and are consistent with the general plan.
- b. All minimum standards of the Zoning Ordinance have been met.
- c. The flag lot(s) driveway shall have a paved surface or permeable surface with a base that complies with Town standards at least ten feet wide for its entire length and must comply with Fire Department requirements for fire hydrants.
- d. Has a minimum frontage of twenty (20) feet.

4. Corner Lots

Dimensions of corner lots shall be large enough to allow for street intersection radii and sight visibility at intersections and for erection of buildings as required by the Zoning Ordinance and Subdivision Regulations.

5. Lot Width

Lot width, at the front property line stipulated in the Zoning Ordinance, shall be not less than twenty-five (25) percent of the average lot depth. This provision shall not apply to residential lots greater than two acres in size.

6. Usable Building Site Area

All lots shall have a usable building site area exclusive of the building setback (yard areas) as required by the Signal Mountain Zoning Ordinance and as shown and labeled on the lots on the plat.

7. Lots Divided by Municipal, County, or State Lines

The division of lots by municipal or county lines shall be avoided where possible.

8. Reserve Strips and Remnants Prohibited

- a. There shall be no reserve strips controlling access to streets or any parcel of land within any Major Subdivision.
requirements, that are not required for a private or public utility purpose or that are not accepted by the local government and/or any other public body or community association for an appropriate use.

9. Lot Frontage, Depth and Area for Community Lots

There shall be no minimum lot frontage, depth or area for community lots except as required by the Hamilton Country Groundwater Protection.

4-107.3 Double Frontage Lots

Creation of lots with double frontage (street abutment front and rear) shall be avoided. Exceptions may be made where necessary to provide access to residential development by a street from other than arterial or collector streets, or to overcome specific disadvantages of topography and orientation.

4-107.4 Access from Arterial or Collector Streets

When property is subdivided along an Arterial or Collector Street, dwelling units are encouraged to face the arterial or collector wherever practicable with vehicular access via a shared frontage road, driveway easement, or rear alley. There shall be a separation area between the arterial or collector and the edge of the frontage road.

4-107.5 Relationship to Watercourses

If a tract to be subdivided contains a water body, or portion thereof, such area shall be within jointly held conservation land. However, the Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is placed on all adjoining property owners so that it will not become a governmental responsibility. No portion of the minimum area of a lot required under any zoning ordinance may be satisfied by land that is underwater. Where a watercourse separates the buildable area of a lot from the street to which such lot has access, provisions shall be made for installation of a culvert of adequate overflow size or other structure approved by the Town Manager.

4-108 RESERVATIONS AND EASEMENTS AND ACCESS

4-108.1 Easements for Utilities and Drainage

4-108.101 Basic Requirement

Where topography or other conditions are such as to make inclusion of utilities or drainage facilities within street rights of way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be centered on rear or side lot lines.

4-108.102 Explanation of Drainage Easements

following notation shall appear:

"The drainage easements (or the drainage discharge points) shown hereon

establish the perpetual right of the holder of fee title to the highway, or an authorized representative, to discharge storm water runoff from the highway and from the surrounding area onto and over the affected premises by means of pipes, culverts or ditches, or a combination thereof, as well as the right to enter said premises for purposes of making such installations and doing such maintenance work as said holder of fee title may deem necessary to adequately drain the highway and surrounding area."

4-108.2 Easements for Pedestrian Access

In order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, the Planning Commission may require perpetual unobstructed easements at least twenty (20) feet in width. Where blocks exceed eight hundred (800) feet in length, the developer shall install such pedestrian facilities as mid-block connectors.

4-108.3 Dedication of Easements to the Town

The Town may, but shall not be required to, accept easements for public use of any portion of the common land or facilities voluntarily offered by the Applicant. In such cases, the facility remains in the ownership of the community association or private conservation organization while the Town holds the easements. In addition, the following regulations shall apply:

- a. There shall be no cost of acquisition or transfer to the Town in the event that any association or organization ceases to exist.
- b. Any easements for public use shall be accessible to all residents of the town.
- c. A satisfactory maintenance agreement shall be reached between the owner and the Town.

4-108.4 Easements for Maintenance of Slopes

4-108.401 Basic Requirement

Where steep slopes beyond the street right-of-way may require maintenance, an easement may be required for such purpose.

4-108.402 Explanation of Slope Easement

In any instance where slope easements are indicated upon a final plat the following notation shall appear:

"The slope easements shown hereon convey to the Town of Signal Mountain the right to enter said premises for the purpose of cutting and maintaining a stable earth slope."

4-108.5 Easements for Maintenance of Visibility Triangles

4-108.501 Basic Requirement

Where conditions beyond the street right of way may require protection of visibility triangles, an easement may be required for such purpose.

4-108.502 Explanation of Sight Easement

In any instance where sight easements are indicated upon a final plat the following notation shall appear:

"The sight easements shown hereon establish the perpetual right of the holder of fee title of the public road, or his/her/its authorized representatives, to clear, re-grade and maintain the area within these easements at such elevation that there is a clear line of sight anywhere across the area between an observer's eye at an elevation of three and one-half (3 1/2) feet above the surface at the nearest edge of the road and an object one (1) foot above the nearest edge of pavement on the intersecting road."

4-108.6 Responsibility for Ownership of Reservations

Title to all reservations, if vested in interests other than the developer, shall be clearly indicated on the plat. An explanation of such reservations reading as follows shall appear upon the final plat: "Reserved for highway purposes (or recreation purposes or other approved purpose)."

4-109 OWNERSHIP AND MAINTENANCE OF COMMON LANDS OR FACILITIES

4-109.1 Community Association Required

For any development containing conservation lands or lands and facilities held in common, including subdivision entrances and features, a community association shall be established. Homeowners and their successors shall be required to be members of the community association. The by-laws of such community association shall be incorporated by reference.

4-109.2 Maintenance of Conservation and Common Lands and Facilities

The Community Association shall maintain designated lands and facilities held in common. Land shall be maintained in accordance with the adopted, applicable property maintenance standards of the Town of Signal Mountain.

4-110 DRAINAGE AND STORM SEWERS

4-110.1 General Design Concept

It is the intention of these regulations that both the rate and the total amount of storm water run-off from development sites be minimized. In general, the primary design concept for storm water management within new developments is to be premised on the use of conservation land for detention, retention and aquifer recharge. This approach is intended to maximize on-site infiltration of storm water directly into the community's aquifer recharge system and thereby reduce the need for costly, large-scale storm water

and bio-retention areas (see Town Stormwater Ordinance).

4-110.2 Nature of Stormwater Facilities

4-110.201 Location

The developer may be required by the Town Manager to carry away by pipe or open ditch any spring or surface water that may exist either prior to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with approved Construction Plans.

4-110.202 Accessibility to Public Storm Sewers

- a. Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or, if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Town.
- b. If a connection to a public storm sewer will eventually be provided, the developer shall make arrangements for future stormwater disposal by a public utility system at the time the plan receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the Final Plan.

4-110.203 Lot Drainage

Lots shall be arranged in a manner to permit coordination of lot drainage with the general storm drainage system for the area, including subsurface drainage.

- a. Drainage systems shall be designed to avoid concentration of flow from each lot onto adjacent lots.
- b. The applicant shall ensure that all artesian ground waters of a permanent or temporary nature discovered during the subdivision planning, development and construction process shall be intercepted and carried away to primary drainage conduits by swale ditches or in underground pipes on property line easements. Regardless of the location of property lines, intercept shall be allowed at the point of artesian surfacing. The applicant shall be obligated to perform this work upon evidence of any artesian water discovered during the planning, development, and construction phase of the subdivision.
- c. Any sinkhole or any natural channel serving as a means of moving ground water into the subterranean system shall be identified on the final plat and shall be protected as approved by the TDEC Division of Water Pollution Control. All sinkholes in Conservation Subdivisions shall be platted as Conservation Land.
- d. An erosion and sediment control plan shall be presented with the Construction Plans submitted in conformance with Section 2-106

site of land disturbance shall be protected from sediment disposition. The developer shall submit copies of any required permits issued by other government agencies such as, but not limited to Notices of Intent and Aquatic Resource Alteration Permits. Copies of supplemental information such as Stormwater Pollution Prevention Plans that are used to obtain these permits shall also be submitted.

4-110.204 Accommodation of Upstream Drainage Areas

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The engineer designing the subdivision shall determine the necessary size of the facility, based on provisions of the Town's construction specifications and assuming conditions of maximum potential watershed development permitted by applicable Zoning Regulations.

4-110.205 Effect on Downstream Drainage Areas

The Town shall consider the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Town may require additions/improvements to drainage facilities.

4-110.3 Dedication of Drainage Easements

4-110.301 General Requirements

Where a subdivision is traversed by a watercourse, drainage-way channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate for the purpose. Where open drainage-ways are utilized, they shall be designed for the twenty-five (25) year design flood.

4-110.302 Drainage Easements

- a. Where topography or other conditions are impractical for including drainage facilities within a street right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the street lines with satisfactory access to streets. Easements shall be indicated on the Development Plans and Final Plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
- b. Appropriate drainage rights must be secured and indicated on the Final Plat when a new drainage system is to be constructed that will carry water across private land outside the subdivision.
- c. The applicant shall dedicate, when required by the Town Manager, either in fee or by drainage easement or conservation easement, the land on both sides of existing watercourses to a distance to be determined by the Town Manager.

by the Town Manager pursuant to these regulations, shall be preserved and retained in their natural state as drainage ways whether or not such low-lying lands are included in areas for dedication.

4-110.303 Ditching

Drainage ditches shall be constructed adjacent to roadway shoulders and shall feed to and from culverts under or adjacent to the roadway. Such ditches shall be graded in their entirety during the time that roadways are being graded. Such grading is to be completed prior to final inspection of the roadways.

4-110.304 Concrete Ditch Paving

Proposed concrete ditches are permitted only upon approval of the Town Manager.

4-111 WATER FACILITIES

4.111.1 General Requirements

Necessary action shall be taken by the developer to extend a water supply system capable of providing domestic water use and fire protection before recording the final plat.

4.111.2 Construction Criteria

Fire hydrants and water facilities shall be subject to the Town's established construction standards and material specifications. All plans and materials are subject to approval by the Town Manager and TDEC. Where required for fire protection, water mains shall be of such size as to provide required fire flows. In no event shall any water mains utilized for fire protection be less than six (6) inches in diameter. The Fire Chief may approve smaller lines, as necessary, to meet potable water demand.

Dependent on the size and future development of the subdivision, the following sized water mains will be used to supply the development and fire hydrants:

1. 180 - 360 dwelling units shall have an 8" water main.
2. 361 – 480 dwelling units shall have a 10" water main.
3. 481 – 700 dwelling units shall have a 12" water main.
4. 700 – 1120 dwelling units shall have a 16" water main.

The diameter of the water main to be installed shall connect to a water main supply of equal or larger diameter to feed the system. When connecting a new development to a current water main system, the current water main system must meet the required fire flow and fire codes. The proposed water supply shall meet minimum fire flow requirements. Systems shall be looped where possible. Prior to the onset of construction, the Signal Mountain Fire Department and the Water Utility purveyor shall approve the construction plans.

4.111.3 Special Criteria for Flood Prone Areas

Water systems, whether public or private, located in a flood prone area shall be flood-proofed to the regulatory flood protection elevation. Water supply facilities located below the regulatory flood protection elevation shall be designed to prevent the infiltration of floodwaters into the water supply system and discharges from the system into floodwaters.

4.111.4 Fire Hydrants

4.111.401 Fire Hydrant Spacing and Location

Fire hydrants shall be located no more than five hundred (500) feet apart (measured along the street) and within two hundred-fifty (250) feet (measured along the street) of any structure in all areas of the Town. Fire hydrants and water supply shall meet the current International Fire Code (IFC) that has been adopted by the Town. The Signal Mountain Fire Chief shall approve the location of all fire hydrants.

4.111.402 Fire Hydrant Type

All fire hydrants shall be three-way hydrants with one (1) steamer connection outlet and two (2) 2 ½" outlets. All threads are to be National Standard Thread (NST). Fire hydrants must be in conformance with other hydrants in the water system and approved by the Water Utility before purchase.

4-112 SEWAGE FACILITIES

4-112.1 General Requirements

The applicant shall install sanitary sewer facilities in a manner prescribed by TDEC and any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit thereof.

4-112.2 Mandatory Connection to Public Sewer System

1. When public sanitary sewers are accessible to the subdivision, as determined by the Town Manager, the developer shall provide such sanitary sewer facilities to each lot therein and shall connect the facilities to the public system. The developer shall provide sanitary sewer facilities that meet standards set forth in TDEC regulations.
2. Sanitary sewer facilities located in a flood hazard area shall be flood-proofed to the regulatory flood protection elevation. Sanitary sewer facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.
3. Sanitary sewer facilities shall be constructed using materials approved by the Hamilton County Water and Wastewater Treatment Authority.

4-112.3 Individual Disposal System Requirements

If public sanitary sewers are not available and individual disposal systems are proposed, the individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device, shall be approved by Hamilton County Groundwater Protection. The entire subsurface sewage disposal system (septic tank), including all drainage fields associated therewith, shall be located on the lot the principal structure of such system is to serve.

Hamilton County Groundwater Protection may prohibit installation of sewage disposal facilities utilizing soil absorption systems where such systems will not function due to high groundwater, flooding or unsuitable soil characteristics. The Planning Commission may require that the developer note on the face of the final plat and any deed of conveyance that soil absorption fields are prohibited in designated areas.

State-approved, on-site alternative sewage disposal systems must be owned and maintained by a certified wastewater utility.

4-113 CONSERVATION SUBDIVISION PROVISIONS

This section is not applicable to conventional subdivisions.

4-113.1 SUBDIVISION DESIGN PROCESS

Conservation Lands are the areas of the tract to be set aside and are made up of Primary and Secondary Conservation Areas. Those lands identified as Primary Conservation Areas shall be designated as Conservation Lands on all plans and plats. In addition, twenty-five percent of Secondary Conservation areas from buildable portions of the tract shall be designated as Conservation Lands.

All Sketch Plans shall include documentation of a four-step design process in determining the layout of proposed Conservation Lands, house sites, streets and lot lines as described below and illustrated in Figure 4-2.

Step 1: Delineation of Conservation Lands

1. Using the ERSA Plan as a base map, Primary and Secondary Conservation Areas shall be delineated. The percentage and acreage of required Conservation Lands shall be calculated by the applicant and submitted as part of the Sketch Plan. Street rights-of-way shall not be counted towards the required minimum Conservation Lands.
2. Conservation Lands shall include all Primary Conservation Areas plus twenty-five (25) percent of the remaining tract, which preferably will be made up of Secondary Conservation Areas. The Conservation Lands shall be determined in the following manner:
 - a. All Primary Conservation Areas shall be delineated as Conservation Lands.
 - b. Secondary Conservation Areas shall be chosen for inclusion based on the priorities determined in Subsection 4-111.2 (Sewage Facilities), the

configuration of the tract, the tract's context to adjacent resource areas, and the applicant's subdivision objectives.

- c. Conservation Lands situated outside of individual development lots shall be delineated in a manner clearly indicating their boundaries as well as types of resources included within them.
- d. Preferred locations for stormwater and wastewater management facilities shall be located using the ERSA Plan as a base map and shall meet the following requirements:
 - 1. The design of these facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the proposal.
 - 2. Opportunities to use these facilities as a buffer between the proposed Conservation Lands and development areas are encouraged.
 - 3. Stormwater management facilities should be located in areas identified as groundwater recharge areas, when such areas exist on the development tract.

Step 2: Location of Building Areas

Potential building areas shall be tentatively located using the ERSA plan and relevant data required for Conceptual Plan approval. Buildings should generally be located no closer than one-hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences. Locating building areas on ridges, hilltops, along peripheral public streets or in other visually prominent areas should be minimized.

Step 3: Alignment of Streets and Trails

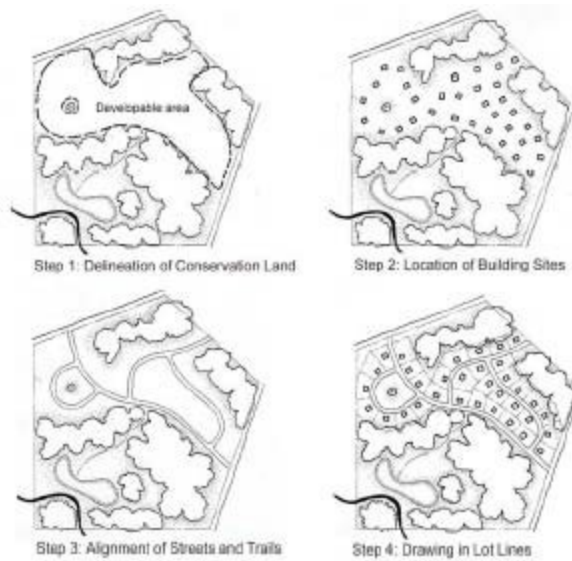
After designating the building areas, a street plan shall be designed to provide vehicular access to each building area, complying with the standards in these Subdivision Regulations and bearing a logical relationship to the topography of the property. Impacts of the street plan on proposed Conservation Lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands, streams, and slopes exceeding fifteen (15) percent. Street connections shall minimize the number of cul-de-sacs and facilitate access to and from building areas in different parts of the property and adjoining properties.

Step 4: Design of Lot Lines

Upon completion of the preceding three steps, lot lines shall be drawn as required to delineate the boundaries of individual residential lots.

FIGURE 4-2

FOUR STEP DESIGN PROCESS FOR CONSERVATION SUBDIVISIONS



4-113.2 Design Review Standards for Conservation Land

The location of proposed Conservation Lands shall comply with the standards in Section 4-101 (General Requirements) and shall follow the design process in Section 4-113.1 (Subdivision Design Process). In addition, the applicant shall demonstrate to the satisfaction of the Town that the following items are incorporated into the Conservation Land:

4-113.201 Basic Criteria.

Conservation Land shall be configured to:

1. Be free of all structures except historic buildings, stonewalls, and structures related to the utilities and Conservation Land uses as permitted in Section 603 (Low Density Residential) or Section 614 (Residential Estate District) of the Zoning Ordinance, whichever applies.
2. Provide pedestrian and maintenance access to Conservation Land such that no more than fifteen (15) lots shall be contiguous without a centrally located access point. The minimum width of the access strip shall ideally equal the minimum width of a lot, and in no case shall be less than twenty (20) feet.

3. Be interconnected wherever possible to provide a continuous network within and adjoining the subdivision.
4. Be undivided by public streets, except where necessary for proper traffic circulation
5. Be suitably landscaped by retaining existing natural cover and wooded areas and/or by landscaping with native trees, shrubs, and wildflowers.
6. Ensure the portion of Conservation Lands designed to provide plant and animal habitat be kept as intact as possible.
7. Be consistent with the Town's Land Use Plan.

4-113.202 Primary Conservation Areas

The following shall be considered Primary Conservation Areas and shall be included as Conservation Lands, unless the applicant demonstrates that this provision would be counter to the purposes of a Conservation Subdivision:

1. Land within the hundred (100) year floodplain.
2. Perennial and intermittent streams and associated floodways with a thirty-five (35) foot buffer measured from the outer edge of each bank.
3. Slopes of twenty-five (25) percent or greater which cover five-thousand (5,000) or more contiguous feet, unless the applicant cannot achieve the Maximum Number of Dwelling Units determined by the calculation in Subsection 5.102.203 (Calculating the Maximum Number of Dwelling Units) and Article VI, Section 603 (Low Density Residential) or Section 614 (Residential Estate District) of the Zoning Ordinance.
4. Land containing wetlands.

4-113.203 Secondary Conservation Areas

Secondary Conservation Areas shall consist of undeveloped or unconstrained, buildable land. The following Secondary Conservation Areas shall receive priority and shall be included in Conservation Land to the fullest extent practicable:

1. Land known to contain rare, threatened or endangered species as defined by the U.S. Fish and Wildlife Service (www.fws.gov).
2. Archaeological sites, cemeteries, burial grounds or land containing other significant natural features and scenic viewsheds.
3. Land containing any significant tree specimens as identified by Tree Board members during the site visit.
4. Land containing existing and planned trails that connect the tract to neighboring areas.

5. Land containing contiguous slopes between fifteen (15) and twenty-five (25) percent.
6. Land containing significant historical and cultural sites.
7. Land containing existing healthy, native forests of a least one (1) across contiguous area.

4-113.3 Lot Requirements

4-113.301 Maximum Number of Dwelling Units

Conservation subdivision regulations allow developers lot size flexibility and to protect sensitive natural features while preserving lot yields as determined by the base zoning. The Maximum Number of Dwelling Units shall be derived from the Adjusted Tract Area Calculation and Base Number of Dwelling Units. This calculation is detailed in Article 5.102.203 (Calculating the Maximum Number of Dwelling Units).

4-113.302 Lot Arrangement

Lot arrangement shall be such that there shall be no foreseeable difficulties for reasons of topography, flood hazards or other conditions in providing a building site and yard area.

4-113.303 Lot Dimensions

Lot area shall comply with the minimum standards of the Zoning Ordinance.

4-113.304 Lot Lines

Residential side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.

4-113.305 Residential Lot Frontage

Each lot shall have frontage on a street. The street frontage on the Conservation Lands shall be of sufficient width to allow direct pedestrian access from each lot to the street.

4-113.306 Location of Utility Systems

Since the most suitable conditions for wells and sewage disposal systems are generally not well distributed throughout a site, conservation design allows smaller lots to be concentrated where the best conditions exist. Provided the entire subsurface sewage disposal system (septic tank), including all drainage fields associated therewith, shall be located on the lot the principal structure of such system is to serve.

State-approved, on-site alternative sewage disposal systems may

be allowed. Such a system serving the dwelling units in a conservation subdivision may, upon approval of the Hamilton County Groundwater Protection and the Planning Commission, have absorption fields or similar facilities located in conservation lands provided that adequate spacing is available between adjacent properties and no disturbance of the conservation lands occurs.

The applicant shall be responsible for securing and recording all maintenance and access easements necessitated as a result of this design alternative and shall be noted as a condition on the plat.

4-113.4 Permanent Protection of Conservation Lands

Conservation Lands shall be restricted from future subdivision building and development. No development shall be permitted within any area designated on a plat as Conservation Land.

Permanent protection shall be achieved by:

1. Final Plat notation stating that the Conservation Land shall not be further divided or developed.
2. Deed Restriction.
3. Conservation Easement (an agreement between the landowner and a land trust that would relinquish the owner's right to develop the Conservation Land in the future).

4-113.5 Ownership of Conservation and Lands and Facilities Held in Common

Conservation Lands and Lands and Facilities Held in Common may be owned by:

1. A Community Association with recorded by-laws.
2. An individual or group of individuals.
3. A non-profit conservation group or land trust.
4. The Town.
5. A combination of any of the above.

These ownership options may be combined so that different parts of the Conservation Lands may be owned by different entities provided that such options are listed as binding conditions on the final recorded plat.

Any land dedicated to a sewage disposal system or a conventional stormwater management device that requires a disturbance to the land shall be owned by the community association and shall be considered lands held in common.

4-113.6 Maintenance of Conservation and Common Lands

The respective owner(s) shall maintain Conservation Lands and lands and facilities held in common. Land shall be maintained in accordance with any adopted, applicable property maintenance standards of the Town of Signal Mountain.

4-113.601 Failure to Maintain

In the event that the property owner(s) fail(s) to maintain all or any portion thereof in reasonable order and condition, the Town may provide necessary maintenance and charge the owner(s) for all repairs performed on Conservation Lands.

4-113.602 Corrective Action in Event of Failure to Maintain

The Town may enter the premises and take corrective action including extended maintenance. The costs of such corrective action may be charged to the property owner(s) and may include administrative costs and penalties. Such costs shall become a municipal lien on said properties pursuant to Town Code, Title 13 (Property Maintenance Regulations).

ARTICLE 5

PLAN CONTENT REQUIREMENTS

Sections:

- 5-101 Purposes and Applicability
- 5-102 Conceptual Plan
- 5-103 Development Plan
- 5-104 Construction Plan
- 5-105 Final Subdivision Plan

5.101 PURPOSES AND APPLICABILITY

The provisions of this Article apply to applications for both “Major” and “Minor” subdivisions submitted under authority of these regulations. For the convenience of applicants, the Town provides a complimentary “Plan Requirements Checklist” listing all the documents required for submittal at each step of the review process. Copies of this checklist are available at the office of the Town Manager. The checklist also facilitates review by staff and officials, who review each application for completeness and conformance with relevant provisions of these regulations.

5-102 CONCEPTUAL PLAN

5.102.1 General

A Conceptual Plan shall be required for all “Major Subdivisions” as defined in these regulations. The application for a Conceptual Plan shall provide the name and address of the legal owner or equitable owner of the subject property as well as the name and address of the applicant, if not the same party.

5.102.101 Conceptual Plan Contents

The submission requirements for a Conceptual Plan shall consist of the following elements:

- a. Site Context Map.
- b. Existing Resources and Site Analysis (ERSA).
- c. Constrained Land, Adjusted Tract Area, Base and Maximum Number of Dwelling Units Calculations.
- d. Sketch Plan.

5-102.102 Drafting Standards

The following minimum standards shall be observed when preparing the Conceptual Plan:

- a. The maps and plans that make up the Conceptual Plan shall be drawn at a scale of not less than 1" = 100'. Exception: The scale of the Site Context Map is noted below in Section 5-102.2.

- b. Dimensions shall be set in feet.
- c. Each drawing shall be no greater than 30" x 42" in size. Drawings may cover a portion of the subject property and be related by match lines to show the entire site.
- d. Each sheet shall bear a unique number, title, and date and include a legend indicating clearly which features exist and which are proposed.

5.102.2 Conceptual Plan Requirements

The following information is to be provided on the plans and maps as indicated:

5.102.201 Site Context Map

A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For sites under one hundred (100) acres in area, such maps shall be at a scale not less than 1"= 200', and shall show the relationship of the subject property to natural and man-made features existing within one thousand (1,000) feet of the site. For sites of one hundred (100) acres or more, the scale shall be 1" = 400', and shall show the above relationships within two thousand (2,000) feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. and Hamilton County GIS maps), stream valleys, wetland complexes (from maps published by the U.S.D.A. Natural Resources Conservation Service), woodlands (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

5.102.202 Existing Resources and Site Analysis (ERSA)

For all major subdivisions, (except those in which all proposed lots are to be five (5) acres or greater in area) an Existing Resources and Site Analysis shall be prepared to provide the developer and the community with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs. Unless, otherwise specified by the Planning Commission, the graphic portion of such analysis shall generally be prepared at the scale of 1" = 100'. The following information shall be included in this document:

- a. An aerial photograph enlarged to a scale not less detailed than 1" = 400', with the site boundaries clearly marked.
- b. A contour base map, the contour lines of which shall generally be at two (2) foot intervals. The source of the topographic information shall be noted on the plan. Where in the opinion of the planning staff the topographic information for a site is of critical significance due to exceptionally steep or flat conditions the Commission may require that such information be prepared by a professional land surveyor or engineer from an actual field survey of the site or from stereoscopic aerial photography. In addition to general topographic information,

slopes shall be grouped into three classifications and graphically identified:

- (1) Slopes of less than fifteen (< 15) percent.
 - (2) Slopes between fifteen and twenty-five (15-25) percent.
 - (3) Slopes exceeding twenty-five (25 >) percent.
- c. The location of significant features such as woodlands, tree lines, open fields or meadows, watershed divides and drainage ways, fences and stone walls, rock outcrops, and existing structures.
- d. The location and delineation of ponds, streams, ditches, drains, and natural drainage swales. The following shall be specifically indicated:
- (1) Naturally occurring watercourses that normally contain flowing water during all times of the year, including streams that may dry up during periods of extended drought. These shall include, but not be limited to, perennial streams identified in the most recent Soil Survey of the County. (Note: Shown as solid lines on Soil Survey Maps.)
 - (2) Perennial streams identified on United States Geological Survey Maps (U.S.G.S.). (Note: Shown as solid blue lines on USGS Maps.)
 - (3) Intermittent watercourses otherwise identified in the most recent Soil Survey of the County or identified on plans submitted by applicants.
 - (4) Streams having an established floodplain shall be indicated as well as the location and extent of the 100-year floodplains along such streams.
 - (5) Depressions or vernal pools.
- e. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grassland, meadow, pasture, old-field, hedgerow, woodland and wetland.
- f. Any significant tree specimens as identified by Tree Board members during site visit.
- g. Ridge lines and watershed boundaries shall be identified.
- h. Existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- i. Geologic formations based on available published information or more detailed data obtained by the applicant on the proposed

and fault lines.

- j. Locations of all historically significant sites or structures on the tract, including but not limited to stone walls, earthworks, and graves.
- k. Easements and other encumbrances of property that are or have been filed of record with the County Recorder of Deeds shall be shown.

5.102.203 Calculating the Maximum Number of Lots

The Maximum Number of lots shall be determined by multiplying the Base Number of lots (as determined by the calculations below) by a density factor as detailed in Article 6 of the Zoning Ordinance.

a. Calculate Constrained Land:

	Resource	Areas of Resource (Acres)	Protection Factor	Constrained Land (Acres)
A.	Existing Utility Rights-of-Way		X 1.0	
B.	That portion of lands under conservation easement that are restricted from further development		X 1.0	
C.	100-year Floodplain		X 1.0	
D.	*Wetlands		X .95	
E.	**Prohibitive Steep Slopes (over 25%)		X .65	
F.	**Precautionary Steep Slopes (15-25%)		X .25	
H.	Constrained Land = SUM of A through F =			

*As determined by TDEC

**As determined by a GIS tract slope analysis.

Riparian buffers are not netted out, because they are essentially a building setback, implemented through site design, not a density reduction. They often include buildable land for which density should be granted.

In this calculation proposed street R.O.W.'s are not included in constrained land.

- b. Calculate Adjusted Tract Area (ATA):
Adjusted Tract Area equals the Gross Tract Area minus the Constrained Land. If the Gross Tract Area is 10.40 acres and the follows:

A.	Gross Tract Area	10.40 acres
B.	Minus Constrained Land	2.26 acres
C.	Equals Adjusted Tract Area (ATA)	= 8.14 acres

Base Number of Lots: The Base Number of Lots equals the Adjusted Tract Area (ATA) divided by the constant lot factor (.50).

A.	Adjusted Tract Area	8.14 acres
B.	Divided by lot factor	.50
C.	Equals Base Number of Lots	=16.28 acres

Where calculations result in fractional numbers, the fraction shall be rounded down to the closest whole number.

5.102.204 The Sketch Plan

A Sketch Plan shall be prepared in the form of an overlay sheet. The purpose of presenting the information in this format is to enable the applicant to demonstrate how well the proposed development avoids affecting the underlying resources and what opportunities have been taken to improve existing site conditions. The Sketch Plan Overlay Sheet shall include the following information:

- a. Existing and approximate proposed lot lines and areas of proposed lots.
- b. Approximate location, alignment and width of all proposed streets and street rights-of-way, including all street extensions or spurs that are necessary to provide adequate street connections and facilities to adjoining development or undeveloped area.
- c. Approximate location of proposed swales, storm sewers, inlets and culverts, and any proposed connections with existing facilities, drainage easements, or other storm water management facilities.
- d. The approximate layout of proposed sanitary sewage systems, whether on-site or distributed, including, but not limited to, the tentative locations of sewer mains and any pumping facilities and including any proposed connections with existing facilities.
- e. The approximate layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
- f. The approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land that are proposed to be dedicated or reserved for public use.
- g. The exact locations of existing utilities and easements as found on

publicly available documents and the approximate locations of proposed utilities and easements.

5-103 DEVELOPMENT PLAN

5-103.1 General

Development Plans are required for all “Major Subdivisions” as defined in these regulations.

5-103.101 Purpose of Development Plan

The Development Plan is intended to contain sufficiently detailed information to divulge the ultimate operation and appearance of the proposed development.

5-103.102 Plan preparation

The Development Plan shall be prepared by individuals licensed to perform the necessary services.

5-103.103 Development Plan Contents

The submission requirements for a Preliminary Plat shall consist of the following elements as described herein:

- a. The Preliminary Plat.
- b. Traffic Impact Study if required (See 4-103.2).
- c. Design Certification.
- d. Conservation Management Plan.
- e. Proposed Community Association Documents if required (See 5-103.306).

5-103.2 Project Phasing

When the applicant proposes to install improvements in phases, a drawing of the entire property with the proposed sections or phases delineated thereon shall be submitted with the Development Plan.

5-103.3 Development Plan Requirements

The following information is to be provided on the plans, maps, and other documents as indicated:

5-103.301 General Information

At the time of review by the Signal Mountain Town Planning Commission, all information presented in the Conceptual Plan as described in Section 5-102 is to be made available for comparison to the submitted Development Plan.

5-103.302 The Preliminary Plat

Specifications and requirements for Preliminary Plats shall be the same as those adopted by Hamilton County and found in Article 4 of the Hamilton County Subdivision Regulations, include also that information required in Part 403– Information Required In Addition to the Preliminary Plat. The developer or surveyor or survey/engineer is urged to consult with the Hamilton County GIS Department regarding proposed street names, plat drafting guidelines, electronic filing requirements, and other aspects of plat production. The GIS Department cannot and will not provide guidance of the nature provided by the Planning Commission or Health Department staff. The developer or surveyor or surveyor/engineer shall submit the required number of Preliminary Plats to the Hamilton County GIS.

Additional or different information from that required by Hamilton County includes the following:

- a. Show the boundaries, acreage and proposed ownership of all Conservation Land areas and Common Lands and Facilities. For each contiguous parcel of Conservation Land or Common Land note the following: “No building permit is to be issued for a residential, commercial, or industrial building on the _____ that shall exist for recreational purposes only. Maintenance shall be assumed by the developer until lot is deeded to home owners in the subdivision, or to a homeowners association.”
- b. The form for endorsement for Planning Commission approval of the Preliminary Plat shall read as follows:

The Town of Signal Mountain approved this Preliminary Plat, with exceptions or conditions, as indicated in the minutes of the commission on _____(Date).

No grading or construction shall take place until Construction Plans and a Development Agreement, as required by the Subdivision Regulations, is approved.

Planning Commission Secretary

5-103.304 Design Certification

As a part of the Development Plan, the applicant shall submit to the Planning Commission a Design Certification stating that the approximate layout of proposed streets, lots, and Conservation Land complies with the zoning and subdivision regulations in force at the time of submittal of the Conceptual Plan. The certification shall also note any variances needed to implement the plan as presented.

5-103.305 Conservation Management Plan

Submit a Proposed Conservation and Common Land and Facilities Ownership and Management Plan detailing the entities responsible for maintaining various

commonly held elements of the property. Where a Community Association is to be responsible for the care and maintenance of any common land or facilities, draft documents required by Subsection 5-103.306 (Proposed Community Association Documents) shall be presented as part of the plan.

5-103.306 Proposed Community Association Documents

The Community Association Bylaws shall be provided for all proposed subdivision lands or facilities to be held in common. The elements of the Community Association Documents shall include, but shall not necessarily be limited to, the following:

1. Description of all lands and facilities to be owned by the Community Association. This description shall reference the Preliminary Plat and a copy of the Preliminary Plat shall be attached.
2. Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided.
3. Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document that also provides for automatic Association membership for all owners in the subdivision or land development and shall describe the mechanism whereby owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.
4. Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act.
5. Statements requiring each owner within the subdivision to become a member of the Community Association and a mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums.
6. Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
7. Process of collection and enforcement to obtain funds from owners who fail to pay required assessments.
8. Process for transition of control of the Community Association from the developer to the unit owners.
9. Statements describing how the lands and facilities of the Community Association will be insured, including limit of liability.
10. Provisions for the dissolution of the Community Association, in the event the Association should become unviable and appropriate language for transfer to a private non-profit conservation organization or the Town for the benefit of its citizens in the event that the Community Association ceases to exist at any time.

5-104 CONSTRUCTION PLAN

5-104.1 General

A Construction Plan drawn at a scale of no more than fifty (50) feet to one (1) inch shall be prepared for all improvements required by these regulations. **Approval of a Construction Plan must precede any clearing, grading, or site construction.** The territory included within a Construction Plan shall correspond to that included within the Development Plan or appropriate phase of the Development Plan.

5-104.2 Plan Preparation

A Construction Plan shall be prepared and stamped by a Tennessee Licensed Engineer engaged in the practice of civil engineering.

5-104.3 Stormwater Report

A comprehensive storm water report shall accompany the Construction Plan. Such plan shall be accompanied by a N.O.I. from the Tennessee Department of Environment and Conservation. In any instance where either Aquatic Resource Alteration Permits (ARAP) or 404 Permits are required such shall be obtained and submitted with the Storm Water Report.

5-104.4 Stormwater Pollution Prevention Plan

A draft Stormwater Pollution Prevention Plan meeting the specifications established by the Tennessee Department of Environment and Conservation shall be presented with the Construction Plan. No grading shall be conducted until such plan is approved.

5-104.5 Development Agreements to Accompany Construction Plans

When applicable, drafts of proposed development agreements prepared on forms provided by the Town shall accompany all submittals of Construction Plans. The development agreements shall reference the design incorporated within the approved Construction Plans and shall be sufficient in form to assure that the methods and materials meet or exceed minimum standards established by the Town. The development agreement shall be sufficient to assure construction of the following:

1. All off-site improvements required to serve the development.
2. All on-site improvements located within the section of the project contained within the Construction Plans, including improvements that are required to serve future portions of the development not contained within the plans.
3. All improvements required to serve the lots shown on the plan.

5-105 FINAL SUBDIVISION PLAN

5-105.1 General

Final Plans are required for both "Major and Minor Subdivisions", as defined in these regulations.

5.105.101 Plat Preparation

Licensed surveyors shall prepare final Plats.

5-105.102 Final Subdivision Plan Contents

The submission requirements for a Final Plat shall consist of the following elements, and shall be prepared in accordance with the drafting standards and plan requirements described herein:

- a. The Final Plat.
- b. Final Conservation Land Ownership and Management Plan.
- c. Final Recorded Community Association Bylaws.
- d. Formal Irrevocable Offers of Dedication.
- e. Final Drafts of Covenants, Conditions and Restrictions.

5-105.2 Project Phasing

When the Final Plan is to be approved in segments or phases such phasing shall correspond to that approved in the Development Plan.

5-105.3 Final Subdivision Plan Requirements

The following information is to be provided on the plans, maps, and other documents as indicated:

5-105.301 The Final Plat

Specifications and requirements for Final Plats shall be the same as those adopted by Hamilton County and found in Article 5 of the Hamilton County Subdivision Regulations, include also that information required in Part 503– Information Required In Addition to the Final Plat for Major Subdivisions. The developer or surveyor or survey/engineer is urged to consult with the Hamilton County GIS Department regarding proposed street names, plat drafting guidelines, electronic filing requirements, and other aspects of plat production. The GIS Department cannot and will not provide guidance of the nature provided by the Planning Commission or Health Department staffs. The developer or surveyor or surveyor/engineer shall submit the required number of Final Plats to the Hamilton County GIS.

Additional or different information from that required by Hamilton County includes the following:

- a. Show the boundaries, acreage and ownership of all Conservation Land areas and Common Lands and Facilities. For each contiguous parcel of Conservation Land or Common Land note the following: “No building permit is to be issued for a residential, commercial, or industrial building on the _____ that shall exist for recreational purposes only. Maintenance shall be assumed by the developer until lot is deeded to home owners in the subdivision, or to a homeowners association.”

- b. For lots where public sewer or water systems are not available, the following shall be shown:
 - (1) Areas to be used for sewage disposal including acceptable data to show that the site can be served effectively by a septic system.
 - (2) Water wells (existing and proposed).
- c. The following notations shall appear on the Final Plat:
 - (1) Explanation of all easements for drainage access etc. See Section 4-108 (Reservations and Easements and Access.)
 - (2) Explanation of reservations. See Subsection 4-108.6 (Responsibility for Ownership of Reservations).
 - (3) For subdivisions that will include Conservation Lands include the following: "All contiguous parcels shown as Conservation Land on this plat shall not be further subdivided or developed."
 - (4) For conservation subdivisions include the following: "This is a conservation subdivision. All setbacks, minimum lot sizes, street frontage, and maximum lot coverage are governed by the Town of Signal Mountain Zoning Ordinance regulations for Conservation Subdivisions."
- d. Form for endorsement for Planning Commission approval of the Final Plat that shall read as follows:

The Town of Signal Mountain approved this Preliminary Plat, with exceptions or conditions, as indicated in the minutes of the commission on _____(Date).

No grading or construction shall take place until Construction Plans, and a Development Agreement, as required by the Subdivision Regulations, is approved.

Planning Commission Secretary

5-105.302 Final Conservation Land Ownership and Management Plan

Within any development where Conservation Land, common or jointly held land or facilities are created, a Final Conservation Land and Management Plan shall be submitted as part of the Final Subdivision Plan. If the Final Plan contains jointly held Conservation Land or recreational facilities, or any portion of the site is held in joint ownership, it shall be accompanied by the following documentation for approval by the Planning Commission:

- a. A survey indicating the precise boundaries, exact acreage, and proposed ownership of all Conservation Land or commonly held facilities.

- b. A narrative report indicating how and by whom such Conservation Land will be managed.
- c. Articles of incorporation and by-laws of the community association or other legal entity such as a land trust (where Conservation Land or facilities are to be deeded to a community association or similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the Conservation Land or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision.
- d. Declaration of covenants, conditions and restrictions pertaining to Conservation Land and facilities which assure the continued use and maintenance of said facilities for the purpose intended, where Conservation Land or facilities are to be retained by the developer.

5-105.303 Final Recorded Community Association By-Laws

In any instance where a community association is to be created final drafts of community association documents shall accompany the Final Plat.

5-105.304 Formal Irrevocable Offers of Dedication

Where improvements are to be dedicated the Final Plat shall be accompanied by formal irrevocable offers of dedication to the public of all public ways and uses, utilities, parks, and easements, in a form approved by the town attorney, as applicable. (The subdivision plan shall be marked with a notation indicating the formal offers of dedication).

5-105.305 Final Plat Notations

Required signatures for final plats shall be placed in a signature block which conforms to the specifications of Article 5 of the Hamilton County Subdivision Regulations. In addition, the following signatures are required for all plats:

- Planning Commission Secretary
- Hamilton County GIS
- Planning Commission Staff Review
- Town Manager

Other signatures may be required based on the nature of the subdivision.

APPENDIX 1
DEFINITIONS

SECTIONS

- 101 Usage
- 102 Words and Terms Defined

101 USAGE

1. For the purpose of these regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this article.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".
3. A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

102 WORDS AND TERMS DEFINED

Abutting: Lots that are touching or sharing a common point or line not including lots that are across a public way from each other.

Access: The place, means, or way by which pedestrians, bicyclists, and/or vehicles have safe, adequate, and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication, or easement.

Adjacent: Lots that are touching or sharing a common point or line including lots that are across a public way from each other.

Alley: A low volume lane intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

Applicant: The owner or optionee of land that is proposed to be subdivided or his/her authorized representative also referred to as subdivider or subdivider agent. See "Subdivider and Subdivider Agent".

Arterial Street: See "Street, Arterial."

Block: A tract of land bounded by streets or by a combination of streets and public lands, cemeteries, railroad rights-of-way, shorelines of waterways or any other barrier to the continuity of development.

Block Face: A single boundary of a block described in the definition of a block. A block face is opposing when it is across a public street.

Bond Performance: An agreement and security to assure construction of roads, water and sewer systems or other public facilities in a form specified by Article 3 of these regulations. (See Public Improvements.)

Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind. The term includes any permanent structure including mobile homes.

Building Site: Land occupied or intended to be occupied by a building and interrelated buildings, together with all open space required to meet the provisions of any applicable zoning ordinance, which is located on a lot that has been lawfully created and meets all criteria of the local government for the intended use.

Capital Improvements Program: A schedule of all future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

Collector Street: See “Street, Collector.”

Conceptual Plan: A set of plans drawn to scale that show street, lot, and open space layouts, public dedications, and reservations, if any, and proposed environmental changes to the tract. It includes topographical information, existing site conditions, analysis, and contextual information.

Conservation Easement: A legal agreement between a property owner and a conservation organization that allows the owner to limit future development on the property.

Conservation Land: The portion of undeveloped land within a conservation subdivision that has been designated, dedicated, reserved or restricted in perpetuity from further development by final plat notations and deed restrictions or conservation easement.

Conservation Subdivision: A residential development where at least thirty-five (35) percent or more of the land area is designated as undivided, permanent open space or farmland, thereby permanently protecting agriculturally, environmentally, culturally or historically significant areas within the tract. Compact lots, common open space, and the preservation maintenance of natural, historical, and cultural resources characterize the subdivision. Conservation Subdivisions are an alternative approach to the conventional lot-by-lot division of land in rural areas that spreads development evenly throughout a parcel with little regard to impacts on the natural and cultural features of the area.

Construction Plan: The maps or drawings indicating the specific location and design of improvements to be installed in a subdivision or development.

Conventional Subdivision: A lot-by-lot division of land that spreads development evenly throughout a parcel, minimum lot size determined by underlying zoning.

Critical Lots: Lots designated as critical during the concept plan review process based on soil conditions, degree of slope, flooding, or other lot features that could affect the feasibility of construction.

Cul-de-sac Street: See Street, Cul-de-Sac.

Deed Restriction: A restriction on the use of a property set forth in the deed.

Developer: The owner of land that is proposed to be subdivided or his authorized representative.

Development Plan: The second phase of the submittal process. Required contents are listed in Section 5-103.103.

Driveway: A way or place in private ownership and used for vehicular access by the owner and those having express or implied permission from the owner, but not by other persons that is not designed nor eligible to become a public right-of-way in the future.

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

Engineer: See "Registered Engineer".

ERSA Map: A map showing conditions existing on the parcel before development including natural features and slopes.

Escrow: A deposit of cash with the county in lieu of posting a performance or maintenance bond.

External Subdivision Boundary: All points along the periphery of a subdivision.

Final Subdivision Plan: Final phase of submittal requirements. See Section 5-105.102 for plan content.

Final Subdivision Plat: A component of the Final Subdivision Plan. The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission and which, if approved, may be submitted to the Register of Deeds for recording.

Flood Hazard or Flood Prone Area: The maximum area of the floodplain that, on the average, is likely to be flooded once every one hundred (100) years (i.e., that has a one (1) percent chance of being flooded in any year).

Floodplain: A land area adjoining a river, stream, watercourse, bay, or lake that is likely to be flooded. It is composed of a floodway and floodway fringe.

Floodway: The stream channel and adjacent overbank areas required to carry and safely discharge the 100-year flood without increasing flood levels more than one (1) foot above natural flood levels.

Floodway Fringe: The area adjoining a watercourse that, although not lying within a floodway, has been or may hereafter be covered by a 100-year flood.

Frontage: That side of a lot abutting on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Frontage Street: See "Street, Frontage."

Grade: The slope of a road, other public facility, or terrain generally specified in percentage terms.

Greenway: An open space conservation area approved by the local government that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or protection of sensitive natural features, farmland, scenic views, and other unique features

Homeowners' Association: An incorporated community association responsible for the maintenance and management of commonly owned properties or facilities.

Improvements: See "Lot Improvement" or "Public Improvement".

Jurisdictional Area: Planning boundary(s) established in keeping with TCA Sections 13-3-102, 13-3-201, and 13-3-301.

Lands Held in Common: Lands held in common are all lands held by a Homeowners' Association or equivalent and includes: lands designated as Common Open Space (see "Common Open Space" and "Common Open Space–Conservation Subdivision"); park or recreation facilities; land used for the provision of infrastructure common to all subdivisions such as planting strips, stormwater facilities, planted portion of cul-de-sacs and closes; and land used for drainage fields for individual sewage disposal systems.

Land Surveyor: See "Registered Land Surveyor".

Land Use Plan: The official statement of the Planning Commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in TCA Sections 13-3-301, 13-3-302, and 13-4-102.

Landscape Buffer: A required yard located at the perimeter of the lot containing landscaping, berms, walls, or fences that shield use of adjacent properties from those uses occurring on the subject property.

Local Street: See "Street, Local".

Loop Street: See "Street, Loop".

Lot: A tract, plot, or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for creation of a building site.

Lot, Corner: A lot situated at the intersection of two streets the longest dimension of which is to be considered the side.

Lot, Double Frontage: A lot other than a corner lot that has frontage on two or more streets that do not intersect at a point abutting the property.

Lot, Flag: A lot, which has a minimum frontage on a public or private street that is reached via a private drive or lane and otherwise meets the dimension standards of the Zoning Ordinance.

Lot Improvement: Any building, structure, work of art, or other object or improvement constituting a physical betterment of real property, or any part of such betterment.

Major Street: A street that is classified as a collector or arterial street according to these regulations or by the Major Street Plan. See "Street, Arterial," "Street, Collector," and "Major Street Plan".

Major Street Plan: The plan adopted by the Planning Commission, pursuant to TCA Sections 13-3-402 and 13-4-302, showing, among other things, "the general location, character, and

extent of public ways...(and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..."

Major Subdivision: See "Subdivision, Major".

Minor Subdivision: See "Subdivision, Minor".

Open Space: Open space includes, but is not limited to, parks, courtyards, playing fields, trails, and greenways. Open space may be public or privately held and may be used for active or passive recreation.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the real property, including contracts to purchase.

Parcel: A single piece of land separately owned, either publicly or privately, and may be converted into a building site.

Pedestrian Access: Pedestrian accesses are access ways that provide direct and continuous pedestrian passage through blocks. They are designed to provide continuous pedestrian routes by connecting a public street to another public street or a residential area, neighborhood activity center, an industrial or commercial center, a transit facility, a park, a school, open space, or a trail facility.

Performance Bond: See "Bond".

Planning Commission: A public planning body established pursuant to TCA Title 13, Chapters 2 or 5, to execute a partial or full planning program within authorized area limits.

Planning Staff: Those persons including, but not limited to, town staff and planning consultants who review and comment on the technical aspects of development plans.

Preliminary Plat: A component of the Development Plan. A map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission for approval.

Private Street: See "Street, Private".

Public Improvement: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local governing body may ultimately assume responsibility for maintenance and operation.

Public Way: Any publicly owned street, alley, sidewalk, or right-of-way that provides for movement of pedestrians or vehicles.

Register of Deeds: The Hamilton County Register of Deeds.

Registered Engineer: An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to TCA Section 62-202 to practice in Tennessee.

Registered Land Surveyor: A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to TCA Section 62-1803 to practice in Tennessee.

Regulatory Flood: The one-hundred (100) year flood.

Regulatory Flood Protection Elevation: The elevation of the regulatory flood plus one (1) foot of freeboard to provide a safety factor.

Re-subdivision: A change of any approved or recorded subdivision plat if such change affects any street layout on such map, or any area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way: A strip of land occupied or intended to be occupied by public facilities such as streets, crosswalks, railroads, electric transmission lines, oil or gas pipelines, water mains, sanitary or storm sewer lines, or for another special use. The usage of the term "right-of-way," for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.

Sanitary Sewer: A system of subterranean conduits that carries liquids or other waste matter to a plant where the sewage is treated, as contrasted with storm drainage systems (that carry surface water) and septic tanks or leech fields (that hold refuse liquid and waste matter on site).

Setback, Front: That distance between a building wall and the nearest public way right-of-way.

Sidewalk: That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for use by pedestrians.

Sketch Plan: An overlay showing approximate locations of lots, utilities, public facilities and other proposed improvements.

Start of Construction: The first use of permanent construction materials on a site, such as the pouring of slabs or footings or any work beyond the state of excavation.

Street, Arterial: Any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by government within their respective jurisdictions as part of a major arterial system of streets or highways.

Street, Collector: A street whose principal functions include providing access to abutting properties and collection and distribution of traffic between local streets and the Arterial Street System.

Street, Close: A "U" shaped loop street having two open ends, each end generally connecting with the same street. A property fronts on the outside of the "U" but the interior of the "U" is a natural or landscaped open space. The close street is used as an alternative to cul-de-sacs in areas where it is difficult to provide a through street.

Street, Cul-De-Sac: A street or a portion of a street with only one vehicular-traffic outlet.

Street Design (Standard Specifications and Details): The standards for engineering design and construction of roads, highways, streets, alleys, and related structures within a public street right-of-way or in an easement created to grant public use of a street.

Street, Frontage: A minor street giving access to lots usually running parallel to an arterial street.

Street. Local: A street whose principal function is providing access to individual properties.

Street. Loop: A local service street that originates from and returns to the same street.

Street. Private: A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. The local government does not maintain a private street.

Street Right-of-Way Width: The distance between property lines measured at right angles to the centerline of the road.

Street. Temporary Dead-End: A local or collector, closed-end street that is only acceptable as a temporary street condition. Temporary dead-end streets are similar to cul-de-sacs except that they provide a temporary turnaround circle at their closed end. Temporary dead-end streets are designed to provide for future connections.

Street Trees: Species and varieties of trees identified and acceptable to the local government and utility providers for installation in a planting strip or sidewalk tree well within a street right-of-way. Street trees are a street architecture element and are provided to enhance the pedestrian experience and to enclose the space of the street.

Structure: Anything constructed above or below ground.

Subdivider: Any person who having an interest in land, causes it, directly or indirectly, to be divided, also referred to as applicant. See "Applicant".

Subdivider Agent: Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal service.

Subdivision: "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. See TCA Sections 13-3-401 and 13-4-301.

Subdivision. Major: Any subdivision in which:

- (a) A new or extended street or street right-of-way, but not including future street alignments illustrated in the plan of re-subdivision required by Subsection 1-109.2 (Subdivision Procedures Where Future Re-subdivision is Foreseen);
- (b) Improvements within an existing street right-of-way, other than repair or construction of sidewalks or other pedestrian connections required by these regulations, fire hydrants and other minor improvements to the lots being created;
- (c) A future public school site, park site, or open space;
- (d) The dedication of a right-of-way or easement for construction of a public water distribution or sewerage collection lines;
- (e) Dedications, reservation, improvements or environmental conditions that, in the opinion of the Town Manager or his appointed agent require construction documents to be reviewed prior to Final Plan approval in order to insure the public health, safety and welfare.

Subdivision. Minor: A division of land into two to five lots where the conditions for major subdivision review as set out for a “Major Subdivision” are not present.

Substandard Street: Substandard meaning of less pavement, right-of-way width, construction technique, or otherwise non-conforming with current Standard Specifications and Details as is required by these regulations for the applicable class of street.

TCA: Tennessee Code Annotated.

TDEC: Tennessee Department of Environmental Conservation.

Temporary Improvement: Any improvement built and maintained by a subdivider during construction not intended to be a permanent structure or facility.

Tract: A specified stretch of land to be subdivided.

Viewshed: The natural environment that is visible from one or more viewing points including but not limited to native vegetation, rock outcroppings and streams.

Water Body: A standing pool of water such as a lake or pond either natural or manmade with or without a defined inlet or outlet.

Water Course: A natural or manmade channel for the movement of water.

Yard: The area of any lot where the Zoning Code restricts building, including front and side yards which shall remain unobstructed by buildings, and rear yard which shall remain unobstructed by the principal building.

Yield Plan: The Yield Plan shall show the maximum number of lots (or dwelling units) that could be placed upon a site under a conventional subdivision. This number shall equal the maximum number of lots (or dwelling units) that can be incorporated into the conservation subdivision.

Zoning Ordinance: The Zoning Ordinance adopted by the local government.