

ARTICLE 1

GENERAL PROVISIONS

101 TITLE

Regulations establishing the minimum requirements for the design standards of Subdivisions; for the surveying and platting requirements thereof; providing for certain preliminary and Final Plat requirements, and for the submission, review, and approval of same; for the recording of the Final Plat; defining certain terms used herein; providing for the administration and enforcement and the penalties for violation thereof; providing for the means of adoption and amendment; repealing all regulations, resolutions, Ordinances and/or codes in conflict herewith.

1. Short Title

These regulations shall be known as the:

Subdivision Regulations of the TOWN OF SIGNAL MOUNTAIN, Tennessee.

102 INTENT OF REGULATIONS

1. It is hereby declared to be the policy of the Town of Signal Mountain to consider the Subdivision of land and the subsequent development of the subdivided Plat as subject to the control of the Town of Signal Mountain pursuant to the orderly, planned, efficient, and economical development of the Town of Signal Mountain.
2. Land to be subdivided should be of such character that it can be used safely for building or other purposes without danger to health or peril from fire, flood, or other menace.
3. The existing and proposed public Improvements shall conform to and be properly related to the proposals shown in the General Plan, and the capital budget and program of the Town of Signal Mountain and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, Zoning Ordinances, General Plan, and capital budget and program of the Town of Signal Mountain.

103 PURPOSES

The regulations are adopted to provide for the harmonious development of the Town of Signal Mountain; for the coordination of roads within the subdivided land with other existing or planned roads or with the state or regional plan or with the plans of municipalities in or near the region; for adequate open spaces for traffic, light, air and recreation; for the conservation of or production of adequate transportation, water, drainage and sanitary facilities; for the avoidance of population congestion; and for the avoidance of such scattered or premature Subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services.

104 AUTHORITY

The authority for these regulations has been established by virtue of the powers vested by the State of Tennessee in TCA Sections 13-4-101 through 13-4-105 and TCA Sections 13-4-301 through 13-4-309.

1. Approving Agency

In accordance with the provisions of T.C.A. Section 13-4-302 (Public Acts of Tennessee, 1935, as amended) the provisions of these regulations shall be administered by the TOWN OF SIGNAL MOUNTAIN MUNICIPAL PLANNING COMMISSION.

The Planning Commission does hereby exercise the power and authority to review, approve, and disapprove Plats for the Subdivision of land within the limits of the Town of Signal Mountain which show Lots, blocks, or sites with or without new Streets or highways.

2. 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 in TCA 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.

105. JURISDICTION

1. These Subdivision regulations shall apply to all Subdivisions of land, as defined herein, located within the limits of the Town of Signal Mountain.
2. "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 resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or area subdivided." (T.C.A. 13-4-301)
3. The regulations shall not apply to the Subdivision of land which will produce tracts of land, all of which are greater than five (5) acres in size with Frontage on a public Street.  
(T.C.A. 13-4-301)

106. INTERPRETATION, CONFLICT AND SEPARABILITY

1. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
2. Conflict with Public and Private Provisions
  - a. Public Provisions

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

These regulations are not intended to abrogate any Easement, covenant or any other private agreement or restriction.
3. Separability

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 all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

107 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, by lawful action of any Local Government, except as shall be expressly provided for in these regulations.

108 ENFORCEMENT, VIOLATIONS, AND PENALTIES

1. No Plat of a Subdivision of land lying within the limits of the Town of Signal Mountain shall be filed for recording, or recorded, until it shall have been approved by the Planning Commission, and such approval be endorsed in writing on the plat by the chairman of the Commission or his duly appointed representative. (T.C.A. 13-4-302)
2. The County Register shall not receive, file, nor record a Plat of a Subdivision without the approval of the Planning Commission, and the County Register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. (T.C.A. 13-4-302)
3. Any Plat of a Subdivision recorded by the County Register without the approval of the Planning Commission shall be void.
4. No changes, erasures, modifications, or revisions shall be made on a Plat of a Subdivision after the Plat has been endorsed by the chairman of the Planning Commission unless said Plat is first resubmitted to the Planning Commission.
5. Whoever, being the Owner or agent of the Owner of any land, transfers or sells or agrees to sell or negotiates to sell land by reference to or exhibition of or by other use of a Plat of Subdivision of such land without having submitted a Plat of such Subdivision to the Planning Commission and obtained its approval as required by these regulations and before such Plat be recorded in the office of the 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 or transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Local Government, through its attorney, may enjoin such transfer or Sale or agreement by action for injunction. (T.C.A. 13-4-306)

109 AMENDMENTS

These regulations may be amended by the Signal Mountain Planning Commission at a regular or called meeting. Before the adoption of any amendment, a public hearing shall be held by the Planning Commission, fifteen (15) days notice of the time and place of which shall be given by one (1) publication in a newspaper of general circulation in Hamilton County. (T.C.A. 13-4-303)

110. FEES FOR PROCESSING PLATS

1. The Town of Signal Mountain has a Subdivision Processing Fee.
2. The Planning Commission may require an additional fee for each Subdivision Plat submitted for review or each separate submittal of the same Plat.

111. APPLICATION FOR VARIANCES

The Developer who wishes to request a Variance from the requirements of these Subdivision regulations shall submit a letter to the staff of the Signal Mountain Planning Commission with his Plat. The letter shall: (1) State precisely the item(s) for which a Variance is being requested; and (2) State the practical difficulty or unnecessary hardship that would be caused by adhering to these regulations; and (3) State the design alternative(s) that was considered to eliminate the need for the Variance(s), and the reason(s) that the design alternative(s) is not practical; and (4) State the detrimental effect to the subdivision or the community if the Variance is not granted. (1)

1. Planning Commission Action on Variance Requests

In the Planning Commission's actions on Subdivision Plats, the Planning Commission shall approve, approve with modifications, defer, or disapprove the request for Variances before acting on the individual Plat. The Planning Commission may grant Variances from these regulations in cases where the Planning Commission determines:

- a. That unusual physical or other conditions exist which would cause practical difficulty or unnecessary hardship if these regulations are adhered to; and
- b. That the granting of a Variance will not be detrimental to the public interest; and

(1)

The Planning Commission realizes that it cannot write regulations that would cover every conceivable circumstance that could arise in the development of a Subdivision. The Variances will not be granted just because the Developer wants to do something contrary to the design standards established in these regulations. The procedures listed under Section 111 will help the Planning Commission to determine why a Variance is necessary, what choices were considered to alleviate the need for the Variance, and why the granting of the Variance would not have a detrimental effect on the Subdivision or the community.

- c. That the Variance will not be in conflict with the intent and purpose of these regulations.
2. Any Variance that is granted, and the justification for granting the Variance, shall be in writing in the minutes of the Planning Commission.
3. In the event that a Variance is denied, the reason(s) for denial shall be stated in writing in the minutes of the Planning Commission.

112 APPEAL

Any person, firm, or corporation who believes that he has been 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. (2)

1. 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 in TCA 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.

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(2) No action by any governmental agency should be final without some method of appeal being granted to anyone who feels that he has been aggrieved by a decision of that agency. Therefore, the method of appeal is spelled out here.