

**ARTICLE II****PROCEDURE FOR SUBDIVISION APPROVAL****SECTIONS**

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**2-101 GENERAL PROCEDURE****2-101.1 Plan Approval Requirements**

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 in a proposed subdivision shall be granted the subdividing 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.

Also, 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. All applicable provisions of Tennessee Law, regulations, or policy;
2. All applicable provisions of the zoning ordinance, any building and housing codes, and all other applicable laws or policies of the governing body;
3. The adopted City Comprehensive Plan and Major Street (thoroughfare) Plan;
4. The rules of the County Health Department and the Tennessee Department of Environment and Conservation;
5. The 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; and
6. The standards and regulations adopted by all other boards, commissions, and agencies of the governing body, where applicable.

***Plan approval may be withheld if a subdivision is not in conformity with the above rules or with provisions set forth in Section 1-105, (POLICY AND PURPOSE), of these regulations.***

### **2-101.3 Classification of Subdivisions**

The designated staff member of the Regional Planning Agency shall determine utilizing the following definitions 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 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 site shown on the adopted Land Use Plan.
- 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.

#### **2-101.302 Minor Subdivision**

A division of land where the conditions for major subdivision review, as set out in Subsection 2-101.201, are not present.

## **2-102 REVIEW PROCEDURE**

### **2-102.1 Coordinated Review of Planned Unit Developments**

The purpose of this segment is to eliminate unneeded duplication of plans within Planned Unit Developments. The Final Planned Unit Development Plan required in accordance with applicable provisions of the Zoning Ordinance may meet the requirements for Sketch Plan review. No separate submission of a Sketch Plan shall be required provided all information required for Sketch Plans is included upon the PUD Final Development Plans.

### **2-102.2 Approval Procedure for Minor Subdivisions**

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

1. Submission of Final Plat showing proposal in detail.
2. Public Hearing on Final Plat.
3. Planning Commission action on Final Plat.
4. Planning Commission Secretary signs Final Plat.
5. Final Plat is filed in County Register's Office.

#### **2-102.3 Special Exception to Approval Procedure for Minor Subdivisions**

A Minor Subdivision may be approved by the designated staff member of the Regional Planning Agency in the instance where all of the following conditions are met:

1. The lot being subdivided is divided into no more than two lots.
2. Both lots so created meet the minimum restrictions set forth in Section XXXXX.
3. Both lots so created have either sewer access or County Health Department approval for installation of a septic system.

#### **2-102.4 Approval Procedure for Major Subdivision**

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

1. Sketch Plan Submission and Review
2. Site Inspection.
3. Public Hearing before Planning Commission on Sketch Plan.
4. Preliminary Plat Submission and Review.
5. Public Hearing before Planning Commission on Preliminary Plat.
6. Planning Commission action on Preliminary Plat.
7. Construction of improvements or posting of bond, or suitable alternative surety.
8. Final Plat submission and review.
9. Planning Commission action on Final Plat.
10. Planning Commission Secretary signs final plat.
11. Final Plan is filed in County Clerk's Office.

#### **2-102.5 Waiver of Requirement for Site Visit**

Where it deems appropriate the Planning Commission, may, at it's sole discretion, waive the Site Visit.

### **2-102.6 Official Submission Date**

For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the Planning Commission where the public hearing on the Final Plan, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plan at which the statutory period required in Section 13-4-304, Tennessee Code, for formal approval or disapproval of the plan shall commence

## **2-103 GENERAL CONDITIONS**

### **2-103.1 Site Alterations**

During the subdivision review process 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**

When approvals by other agencies of government are required such may be achieved concurrently with the review processes required by these regulations.

## **2.104 SKETCH PLAN PROCEDURES**

### **2-104.1 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 a Sketch Plan with the Signal Mountain Town Manager. The application shall:

1. Include all information described in Section 5-102, (SKETCH PLANS), of these regulations.
2. Be presented to the Signal Mountain Town manager's Office at least fifteen (15) days prior to a regular meeting of the Planning Commission.
3. For miscellaneous platting situations described in Section 2-110, (MISCELLANEOUS PLATTING SITUATIONS), be presented to the Signal Mountain Town Manager at any time.

When an application for a major subdivision includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a layout shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current regulations and with appropriate access.

## **2-104.2 Sketch Plan Content and Pre-submission Procedures**

### **2-104.201 Plan Preparation and Content**

As a minimum the Sketch Plan shall contain the information contained in Section 5-102, (SKETCH PLANS), of these regulations.

### **2-104.202 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 open space resource lands for contiguous wildlife habitat, trails, etc.

### **2-104.203 Existing Resources and Site Analysis Map**

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

### **2-104.204 Site Inspection**

After preparing the Existing Resources and Site Analysis Map, applicants shall arrange for a site inspection of the property by the Planning Commission and other officials, and shall distribute copies of the site analysis plan at an on-site meeting, which 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. Abutting landowners shall also be notified in writing and invited to attend. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design including the general layout of designated conservation lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by City officials or staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made at the Site Inspection, which is essentially an outdoor workshop session.

## **2-104.3 Review of Sketch Plan**

Copies of a Sketch Plan meeting the requirements set forth of Subsection 5-102.2, (Sketch Plan Requirements), shall be submitted to the Signal Mountain Town Manager for distribution to the Planning Commission and any other appropriate governmental representative(s), 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 thoughts 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. Where the provisions of Article VI, (CONSERVATION SUBDIVISIONS), are to be utilized, the Conceptual Plan shall also be designed in accordance with the four-step design process and the Greenway Standards set

forth in Sections 6-104, (DESIGN PROCESS FOR CONSERVATION SUBDIVISIONS), and in accordance with Section 6-108, (GREENWAY STANDARDS), respectively.

The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in these regulations and with other applicable laws of the City. The Planning Commission shall informally advise him/her of the extent to which the proposed subdivision or land development conforms to the relevant standards of these regulations, and may suggest possible plan modifications that would increase its degree of conformance. The review shall include but is not limited to:

1. the 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 Existing Resources and Site Analysis Map and on the City's Map of Potential Conservation Lands;
2. the potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
3. the location of proposed access points along the existing road network;
4. the proposed building density and impervious coverage;
5. the compatibility of the proposal with respect to the objectives and policy recommendations of the Land Use Ordinance; and
6. consistency with the local zoning law.

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 was first submitted, advising him/her of modifications that are highly recommended prior to submitting a Preliminary Plat. The regularly published minutes of the Planning Commission Hearing after approval by motion at the next regularly scheduled meeting of the Commission may constitute the written comments.

#### **2-104.4 Effective Period of Sketch Plan Review and Application of Changes Within Land Use Regulations to Reviewed Sketch Plans**

Every Sketch Plan shall conform to all existing zoning provisions and subdivision regulations applicable at the time of submittal, except that any Sketch Plan which has been reviewed 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 the effective period set forth in Subsection 2-104.4.1, (Effective Period of Review). Should the period of review expire for any reason, any submittal for Planning Commission re-approval may be, at the discretion of the Planning Commission, subject to current Zoning Ordinance and Subdivision Regulations in effect at the time re-approval is sought.

#### **2-104.5 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 the effective period set forth in

Subsection 2-104.4.1, (Effective Period of Review). Should the period of review expire for any reason, any submittal for Planning Commission re-approval may be, at the discretion of the Planning Commission, subject to current Zoning Ordinance and Subdivision Regulations in effect at the time re-approval is sought.

## **2-105 THE PRELIMINARY PLAT**

### **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 plan 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 with the Hamilton County GIS Office a Preliminary Plat. Failure of the applicant to provide full and correct information shall be cause for disapproval of such plat. The Preliminary Plat shall contain the information presented in Section 5-103, (PRELIMINARY PLATS) and be presented at the office of the Hamilton County GIS Office at least fifteen (15) days prior to a regular (officially opened) meeting of the Planning Commission.

### **2-105.3 Plat Preparation and Content**

The Preliminary plat shall be prepared by individuals who are licensed to perform the necessary design services. As a minimum such plan shall contain the information contained in Section 5-103, (PRELIMINARY PLATS), 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 plan either fully complies with all provisions the zoning ordinance and subdivision regulations or that the plan 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 plan can be accomplished within the current regulations of the community.

### **2-105.5 Administrative Review**

The designated staff member of the Regional Planning Agency 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 recommendation for changes. The Planning Commission shall approve, conditionally approve, deny, or defer the Preliminary Plat within thirty-five (35) days following the date of the regular

meeting of the Planning Commission at which the hearing on approval, including adjourned date thereof, is closed. The Planning Commission cannot defer action on a Subdivision unless the Developer has agreed to such a deferral. The Planning Commission shall review the plan and any recommendations made by members of the reviewing staff, to determine conformance of the plan to these regulations, the Zoning Ordinance, and any other relevant regulations of the City. The 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. Whenever the approval of a Preliminary Plat is subject to conditions, the written action of the Commission shall (1) specify each condition of approval; and (2) request the applicant's written agreement to the conditions within thirty (30) days of receipt of the Commission's written decision.

#### **2-105.6.1 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 would be detrimental to the public safety, health or general welfare,
3. Approval of the plat would not be in the best interest of the Town of Signal Mountain.

If the Plat is not approved, the Commission's decision shall specify the defects found in the plan, 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 final plat.

Following approval of the Preliminary Plat and after consultation with the Town Manager, the Developer 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 2-106.6, above, shall have been obtained for that portion of the development. The Planning Commission may require that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the Secretary of the Planning Commission. 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 III) shall be approved.

#### **2-105.9 Effective Period of Approval**

1. Construction shall commence within two years after approval of the Preliminary Plat is granted, or such plan 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 2-108.604, (Sectionalizing of Major Subdivisions), and.
- (b) At least one of those phases has a Final Plat recorded with the Register of Deeds and has all public improvements constructed and dedicated or bonded.

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

Every 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 within the effective period of preliminary approval set forth in Subsection 2-106.9, (Effective Period of Approval). Should approval of the Preliminary Plat expire for any reason, any submittal for Planning Commission re-approval may be, at the discretion of the Planning Commission, subject to current Zoning Ordinance and Subdivision Regulations in effect at the time reapproval is sought.

**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. The review is to be performed by the Development Review Committee. For all revisions determined to be major revisions, Planning Commission approval shall be required.

**2-105.1101 Minor Revisions**

If the Town Manager, on the advice of the Development Review Committee deems the revision(s) to be minor, he or she is authorized to approve the revisions to the Preliminary Plat. Minor revisions are insignificant shifts in street and open space locations, minor changes to lot size, minor changes to unit size and distribution of intensity not inconsistent with a final PUD approval and its associated plan.

**2-105.1102 Major Revisions**

All other revisions, including revisions that are determined by the Town Manager, on the advice of the Development Review Committee, 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 Town Manager. The Town Manager may, at his or her discretion or on the advice of the Development Review Committee, 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. Include the entire subdivision, or, when phasing has been approved in the Preliminary Plat, the entire section which shall correspond to the territory incorporated within the Preliminary Plat; and
3. Be accompanied by a minimum of five (5) copies of the Construction Plans as described, herein.

#### **2-106.2 Construction Plan Preparation and Content**

Construction Plans shall be prepared by a Tennessee Licensed Engineer engaged in the practice of civil engineering. 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 committee shall approve or disapprove the Construction Plans. The Plan Review Committee 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 committee shall provide notice thereof to the submitter 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 may require the execution of a Subdivision Development Contract between the Town and the Developer prior to signing the permanent reproducible original of the Final Plat.

#### **2-106.5 Dispute Resolution**

In the event a dispute should arise concerning interpretation or application of these regulations to the information contained within Construction Plans, the Planning Commission shall act to resolve such dispute. The Town Manager shall present written recommendations and the applicant shall be afforded an opportunity to present supporting data and information with regard to the specific disputed issue. The Planning Commission shall act to decide the issue and its action shall be final, subject to legal review.

### **2-107 FINAL SUBDIVISION PLATS**

#### **2-107.1 Purpose of Final Plat**

The purpose of a Final Plat is threefold. First, such plat provides the legal instrument whereby ownership of lots may be transferred. Secondly, Final Plats constitute a means whereby the person subdividing property may offer streets and other infrastructure for acceptance and maintenance by the public. Thirdly, the accompanying Covenants, Conditions and Restrictions and other legally binding commitments associated with such plat become a matter of public record upon filing of the plat.

## **2-107.2 Application Procedure and Requirements**

The applicant shall file with the Hamilton County GIS Office the proposed Final Plat. The Final Plat shall:

1. Contain such information as described in Section 5-105.
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 locational adjustments for field conditions,.
5. Be presented to the Hamilton County GIS Office at least fifteen (15) days prior to the regular meeting of the Commission at which the Final Plat is to be considered. No application shall be deemed filed unless all requirements have been met and all fees paid in full.
6. 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 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. Be accompanied, if the Final Plat contains jointly held open space, recreational facilities, or any portion of the site that is held in common ownership, by the following documentation for approval by the Planning Commission.
  - (a) Final Open Space and Management Plan containing the information required by Subsection 5-105.4, (Final Open Space Ownership and Management Plan); and
  - (b) Final Community Association Documents in accordance with Subsection 5-105.5, (Final Community Association Documents).

## **2-107.3 Staff Review**

After submittal to the Hamilton County GIS Office the Final Plan will be forwarded to the designated staff member of the Regional Planning Agency who shall initiate a review of the Final Plan and any exhibits submitted in conformance with these regulations. Following the

administrative review of the Preliminary Plat, the applicant shall be advised of any recommendation for changes.

#### **2-107.4 Hearing and Decision on Final Plat**

The Planning Commission shall hold a hearing as required by Section 13-3-404, Tennessee Code, on each Final Plat brought before it. The Planning Commission within thirty-five (35) days after the date of the first regular meeting following submission of the plat shall approve, approve with conditions, deny, or defer the Final Plat. The Planning Commission cannot defer action on a Subdivision unless the Developer has agreed to such a deferral. In any instance where special conditions are attached to any plat approval, the Commission shall set forth in detail such conditions. If a Final Plat is denied, specific reasons for such action shall be noted in the minutes of the meeting where such action is taken.

Failure of the Planning Commission to act upon a Final Plan within the prescribed time shall be deemed approval of the plat, and in such event, a certificate of approval, entitling the applicant to proceed shall be issued, upon demand, by the Secretary of the Planning Commission. 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**

The notations and certifications required by Subsection 5-105.303, (Plat Notations), of these regulations, to appear upon the Final Plat shall be endorsed by appropriate officials and other persons prior to Final Plat approval.

#### **2-107.6 Signing of Final Subdivision Plats and Recording of Final Subdivision Plans**

##### **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.
2. 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 the required public facilities have been installed in a manner satisfactory to the accepting body as shown on certifications by the appropriate governmental representative(s) and that necessary land dedications and improvements have been accomplished.
3. 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 property owner 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 property owner shall simultaneously record the agreement of dedication together with such legal

documents as the City 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 is not filed in a timely manner and becomes null and void the applicant shall be required to submit new plans of subdivision and obtain approval of such plans 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 effect an acceptance by the Town of Signal Mountain to the public of the dedication of any street or other ground shown upon the plat. (T.C.A. 134305)

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 Sectionalizing of Major Subdivisions**

When sectioning 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 ~~shall~~ may require that appropriate development agreements and surety instruments guaranteeing performance of such agreements, be in such amount as is 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 plan are offered for filing. Where certain improvements are in the opinion of the Planning Commission 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 REQUIREMENT FOR IMPROVEMENTS.**

#### **2-108.1 Basic Requirement**

The Planning Commission may require that all improvements be installed and dedicated prior to the signing of the final plat by the Secretary of the Planning Commission. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of such plat, adequate performance bonds must be approved. The amount of any bond

shall be established by the Town Manager based upon recommendations of the Development Review Committee. The applicant shall be required to indicate on the final plat all streets and public improvements to be dedicated or reserved; and any other special requirements deemed necessary by the Town Manager in order for the subdivision plat to conform to the Major Street Plan, the City Development Plan and the most recent, detailed plan(s) adopted by the Planning Commission.

**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 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 2-109.4, (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 his 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 he may desire. 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 placed on the work to keep the Town Manager informed as to the progress of construction and the manner in which it is being done; also 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.

- a. The inspectors will have authority to reject defective material and to suspend any construction that is being improperly done.

- b. The contractor may request written instructions from the Town Manager upon any important items which lie within the inspector's jurisdiction.
- c. Where, in the opinion of the Town Manager or inspector, or called for in the specifications, tests of material shall be made by and at the expense of the developer.
- e. The Town Manager or inspector shall make or cause to have made 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, he shall inform the contractor as to the particular defects to be remedied before final acceptance can be made.

### **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 geotechnical engineering firm; or, may jeopardize any future acceptance by the applicable department or agency. The contractor shall furnish the Town Manager with every reasonable facility for ascertaining whether or not the work as performed is in accordance with requirements and intent of the approved Subdivision plans. The Town Manager or inspector shall inspect the work of the contractor as soon as practical after notice (~~written notice preferred~~) to the Town Manager.

### **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 subdivider, he shall so report to the Planning Commission. The Commission shall then notify the subdivider and, if necessary, the bonding company, and take all steps necessary to preserve the City's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previously approved plat.

#### **2-108.601 Debris and Waste**

No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy for any 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 subdivider or developer shall be required to furnish and install fences where the Planning Commission determines that a hazardous condition may exist. Such fences shall be constructed according to standards established by the Planning Commission, as appropriate, and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until such fence improvements have been installed.

**2-108.7 "As Built" Drawings Required**

Required improvements shall not be considered to be completed until installation of the improvements has been approved by the Town Manager and a map satisfactory to the Planning Commission has been submitted, indicating the actual location of all required improvements and monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements then said map shall be submitted prior to endorsement of the Final Plat by the Secretary of the Planning Commission. However, if the subdivider 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**

**2-109.801 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 Council**

The required public improvements shall be accepted by the Town when the following conditions have been met:

- 1 Construction is completed.
- 2 Town Staff conducts a final inspection and determines the construction is satisfactory.
- 3 The maintenance bond period (as provided pursuant to **Section 206.2a** above) has expired.
- 4 The Town Manager makes a recommendation to the Council.
- 5 The Council approved a resolution accepting the 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 submittal of a Final Plat, as described in Section 2-108, (FINAL SUBDIVISION PLATS). 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 2-110.1. Shifting of lot lines within a Planned Unit Development shall require submittal of a document showing approval by the homeowners' association.

### **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 plan shall be created as a Final Subdivision Plan in conformance with Section 2-108.

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

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

- Statement of purpose for the dedication
- A narrative survey description of the area to be dedicated
- Conditions, if any imposed by Grantor
- The document shall contain the same signatory data as required for a final subdivision plat.

### **2-110.4 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 which 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.