

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 113-4-301 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, 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 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. Subdivision is approved by planning staff.

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 Section 13-4-304, Tennessee Code Annotated, 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 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.

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 Office. 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 and to the Hamilton County GIS Office at least fifteen (15) days prior to a regular 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 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 certification to that effect shall be issued by the Commission 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 above, 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 III) 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.

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 (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. 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.
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.

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 proposed Final Plat with the Hamilton County GIS Office. .
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 location adjustments for field conditions.
5. Be presented to the Town Manager and 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 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 Staff Review

After submittal to the Hamilton County GIS Office, the Final Plat will be forwarded to the planning staff who shall initiate a review of the Final Plat and any exhibits submitted in conformance with these regulations. Following the administrative review of the Preliminary Plat, the applicant shall be advised of any recommendations for changes.

2-107.4 Hearing and Decision on Final Plat

The Planning Commission shall hold a hearing as required by Section 13-4-304, Tennessee Code as outlined in Section 2-105.6.

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

The Final Plat shall be endorsed by appropriate officials and other persons prior to its approval as required by Subsection 5-105.303 (Plat Notations).

2-107.6 Signing of Final Subdivision Plats 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. (T.C.A. 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 REQUIREMENT 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 in those improvements that are required to be completed prior to signing of the Final Plat per Section 2-107.601.

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:

1. Construction is completed.
2. Town staff conducts a final inspection and determines the construction is satisfactory.
3. Maintenance bond period has expired.
4. Town Manager makes a recommendation to the Town Council.
5. 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.

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.

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.