

ARTICLE 4

GENERAL REQUIREMENTS AND DESIGN STANDARDS

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4-101 GENERAL LOT REQUIREMENTS

4-101 Development Options

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

4-101.1 Suitability of the Land

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

4-101.101 Critical Lots

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

4-101.2 Conformity to Land Use Plan

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

4-101.3 Preservation of Natural Cover

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

4-101.4 General Standards to Minimize Adverse Impacts

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

4-101.401 Groundwater Resources

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

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

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

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

4-101.403 Upland Rural-Agricultural Areas

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

4-101.404 Steep Slopes

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

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

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

4-101.405 Significant Natural Areas and Features

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

4-101.406 Historic Structures and Sites

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

4-101.407 Rural Road Corridors and Scenic Viewsheds

The Town contains a number of rural roads in various locations. All applications for subdivision and land development shall attempt to preserve the scenic visual corridors along such roads by designating adjacent natural areas as Conservation Lands or otherwise providing site designs that protect the viewshed. In instances where such designs fail to protect the viewsheds along these corridors, applicants will be required to provide natural landscape buffers to minimize their adverse visual impacts.

4-101.408 Rural Siting Principles

The following guidelines shall apply to the siting of structures.

- a. Wherever feasible, retain and reuse any existing old mining and timbering roads rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the way old roads are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)
- b. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as

long as setback requirements do not result in constructing buildings in the middle of fields.

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

4-101.5 Grade Changing

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

4-101.6 Grade Changing Devices

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

1. Avoid creating precipitous grade changes, including those made through the use of retaining walls that could result in safety hazard(s) to occupants of the development or to the general public.

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

4-101.7 Monuments

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

4-101.8 Driveways/Access to Lots

4.101.801 Minimum Separation Between Residential Driveways

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

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

4-101.802 Minimum Corner Clearance

Residential driveways shall be a minimum of fifty (50) feet from the nearest point of curvature.

4-101.803 Design Standards for Residential Driveways

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

4-102.1 Required Improvements or Dedications

The developer shall identify all on-site traffic improvements in a traffic impact study, prepared in accordance with the requirements of Subsection 4-103.2 upon land the developer controls.

4-102 REQUIREMENTS FOR PEDESTRIAN WAYS

4-102.1 Sidewalks Along New Streets

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

4-102.2 Sidewalks Along Existing Streets

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

4-102.3 Sidewalk Width

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

4-102.4 Design Criteria

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

28 CFR Part 36 (Revised July 1, 1994) and any subsequent amendments or supplements.

4-102.5 Waivers and Alternative Pedestrian Ways

1. If each lot within a subdivision of more than five lots is three acres or larger, or if the minimum street frontage for each lot is greater than 300 feet, the Planning Commission may, at its discretion, waive the sidewalk requirements of this section. The Planning Commission shall consider the potential for future division into lots with street frontages that would be less than 300 feet, or potential for future division into lots below three acres, before approving any final plat.
2. The Planning Commission may elect to waive these sidewalk requirements with respect to the portions of any new or existing street within a subdivision that has a grade greater than fifteen (15) percent. In such a case, an alternative pedestrian way may be required.
3. Notwithstanding the foregoing exceptions, in the case of a subdivision that contains more than two lots that have different sizes and frontages, if more than 50% of the subdivision lots would be required to have sidewalks hereunder, then sidewalks must be constructed throughout the entire development.
4. Developers and the Town may reach alternative arrangements concerning sidewalks in a Development Plan when strict compliance with the provisions of this section would cause an undue hardship to the developer due to previously approved plats and/or Development Plans within a contiguous subdivision. Such alternative provisions may include: (1) payment to a Town fund or execution of a bond as set forth in Section 3-102 for the Town to construct sidewalks at this location within one year; or (2) to construct sidewalks at another location. In the absence of mutual agreement in a Development Plan approved by the Town, the developer shall construct the sidewalks in the manner provided herein.
5. The Planning Commission may also approve an alternative to this standard pursuant to 4-102.4(2) including, but not limited to: a pedestrian access way around the subdivision or a series of trails within the subdivision. The Planning Commission shall consider any proposed alternative based on the following criteria, which the developer shall address point by point in a written proposal:
 - a. The reason for the deviation.
 - b. A description of any unique or physical constraints to meeting a sidewalk requirement.
 - c. A proposed alternative to the sidewalk requirement or show cause as to why no alternative was submitted.
 - d. Whether the alternative is in accordance with the Americans with Disabilities Act (ADA) accessibility standards for public sidewalks, and if not, why and/or how it is not in compliance with the act.
 - e. A demonstration that the alternative provides the same degree of accessibility to all residences as the sidewalk requirement.

- f. The proposed alternative shall not be located over underground utilities or underground utility easements, except at intersections and/or crosswalks.
- g. Any approved pedestrian access way shall be constructed before approval of the final plat and recorded as a condition on the final plat as a perpetual unobstructed easement of twenty (20) feet.

4-102.6 Maintenance

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

4-103 STREETS

4.103.1 General Requirements

4-103.101 Street Names

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

4-103.102 Grading and Improvement Plan

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

4-103.103 Streets in Floodable Areas

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

4-103.104 Reserve Strips

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

4-103.2 Traffic Impact Study

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

4-104.201 Requirements for a Traffic Impact Study

The Planning Commission or the Town Manager may require a traffic impact study (TIS) before approval of a preliminary plat for any development that contains:

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

4-103.202 Levels of Traffic Impact Study Required

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

TABLE 4-1

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

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

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

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

4-103.203 Approval of Traffic Impact Study

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

4-103.204 Implementation of a Traffic Impact Study

The traffic impact study may take into account the capital improvements budget and may rely on improvements for which the Town has adopted in its current budget ordinance appropriating funds for capital improvements in the fiscal year when the study is performed. Any required traffic improvements that have not been funded or otherwise completed by the Town shall be completed by the developer prior to approval of the final plat. The Town Manager will certify that all traffic improvements to be provided by the developer or property owner have been properly bonded before a building permit is issued and completed before a final plat is approved.

4-103.3 Arrangement of Streets

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

planted islands are encouraged to improve water quality. When islands are used, the pavement width shall equal the required roadway width.

10. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless the Planning Commission determines such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

4-103.4 Access to Arterial and Collector Routes

Where a subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

4-104 STREET DESIGN STANDARDS

4-104.1 Purpose

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

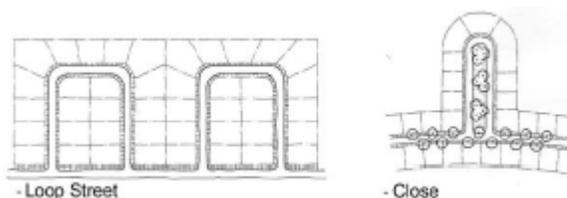
1. Encourage and support safe pedestrian use.
2. Promote the safety and convenience of vehicular traffic.
3. Protect the safety of neighborhood residents.
4. Minimize crime in residential areas.
5. Protect the residential qualities of neighborhoods by limiting traffic volume, traffic speed, noise and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

4-104.2 General Design

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

Figure 4-1

ALTERNATIVES TO CUL-DE-SACS



4-104.6 Bridges

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

4-105 STREET NAME, SUBDIVISION ENTRANCE REGULATORY AND WARNING SIGNS

4-105.1 Subdivision Entrance Features

Architectural structures, walls, fences, landscaping, statuary, lighting, or other features designed to identify a residential subdivision within the Town shall be designated on Preliminary and Final Plats. Such structures or features shall be located outside town rights-of-way, outside of required building setbacks within the subdivision, and shall be designed so as to not obstruct sight triangles. Plats shall contain sufficient measurements to locate entrance features on the developer's property before the Planning Commission approves the plat.

Copies of construction plans for subdivision entrance structures or features shall be submitted to the town Building Inspector with specific identification of proposed location, property lines, setbacks, distances from rights-of-way, measurements, and materials to be used prior to submittal to the town Design Review Commission. No construction of entrance structures or features shall begin prior to the review and approval of the Design Review Commission.

4-105.2 Signs for Public Streets

4-105.201 Signage Requirements

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

4-105.202 Street Name Signs

a. Street Names

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

b. Installation Requirements

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

4-105.203 Regulatory and Warning Signs

a. Installation Requirements

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

b. Bond

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

c. Notes

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

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

4-106 PRIVATE STREETS

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

4-107 LOT REQUIREMENTS

4-107.1 Lot Arrangements

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

4-107.2 Lot Dimensions

Lot area shall comply with the minimum standards of Article 603.02.02 of the Zoning Ordinance. Hamilton County Groundwater Protection may require additional lot area for any residential lot that uses a septic tank and field lines for sewage disposal.

1. Lot Lines

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

2. Residential Lot Frontage

Each lot shall have frontage on a street.

3. Flag Lots

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

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

4. Corner Lots

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

5. Lot Width

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

6. Usable Building Site Area

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

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

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

8. Reserve strips and remnants are prohibited

- a. There shall be no reserve strips controlling access to streets or any parcel of land within any Major Subdivision.
- b. No remnants of property shall be left that do not conform to lot requirements, that are not required for a private or public utility purpose

or that are not accepted by the local government and/or any other public body or community association for an appropriate use.

9. Lot Frontage, Depth and Area for Community Lots

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

4-107.3 Double Frontage Lots

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

4-107.4 Access from Arterial or Collector Streets

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

4-107.5 Relationship to Watercourses

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

4-108 RESERVATIONS AND EASEMENTS AND ACCESS

4-108.1 Easements for Utilities and Drainage

4-108.101 Basic Requirement

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

4-108.102 Explanation of Drainage Easements

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

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

4-108.2 Easements for Pedestrian Access

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

4-108.3 Dedication of Easements to the Town

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

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

4-108.4 Easements for Maintenance of Slopes

4-108.401 Basic Requirement

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

4-108.402 Explanation of Slope Easement

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

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

4-108.5 Easements for Maintenance of Visibility Triangles

4-108.501 Basic Requirement

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

4-108.502 Explanation of Sight Easement

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

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

4-108.6 Responsibility for Ownership of Reservations

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

4-109 OWNERSHIP AND MAINTENANCE OF COMMON LANDS OR FACILITIES

4-109.1 Community Association Required

For any development containing conservation lands or lands and facilities held in common, including subdivision entrance features, a community association shall be established and membership in th

and their successors. The by-laws of such community association shall be recorded in the Register's Office before approval of the final plat.

4-109.2 Maintenance of Conservation and Common Lands and Facilities

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

4-110 DRAINAGE AND STORM SEWERS

4-110.1 General Design Concept

It is the intention of these regulations that both the rate and the total amount of storm water run-off from development sites be minimized. In general, the primary design concept for storm water management within new developments is to be premised on the use of conservation land for detention, retention and aquifer recharge. This approach is intended to maximize on-site infiltration of storm water directly into the community's aquifer recharge system and thereby reduce the need for costly, large-scale storm water collection systems while simultaneously making dual use of open area as "rain gardens" and bio-retention areas. (See Town Stormwater Ordinance).

4-110.2 Nature of Stormwater Facilities

4-110.201 Location

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

4-110.202 Accessibility to Public Storm Sewers

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

4-110.203 Lot Drainage

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

- a. Drainage systems shall be designed to avoid concentration of flow from each lot onto adjacent lots.
- b. The applicant shall ensure that all artesian ground waters of a permanent or temporary nature discovered during the subdivision planning, development and construction process shall be intercepted and carried away to primary drainage conduits by swale ditches or in underground pipes on property line easements. Regardless of the location of property lines, intercept shall be allowed at the point of artesian surfacing. The applicant shall be obligated to perform this work upon evidence of any artesian water discovered during the planning, development, and construction phase of the subdivision.

- c. Any sinkhole or any natural channel serving as a means of moving ground water into the subterranean system shall be identified on the final plat and shall be protected as approved by the Division of Water Pollution Control of the Tennessee Department of Environment and Conservation. All sinkholes in Conservation Subdivisions shall be platted as Conservation Land.
- d. An erosion and sediment control plan shall be presented with the Construction Plans submitted in conformance with Section 2-106 (Construction Plans) of these regulations. All properties adjacent to the site of land disturbance shall be protected from sediment disposition. The developer shall submit copies of any required permits issued by other government agencies such as, but not limited to Notices of Intent and Aquatic Resource Alteration Permits. Copies of supplemental information such as Stormwater Pollution Prevention Plans that are used to obtain these permits shall also be submitted.

4-110.204 Accommodation of Upstream Drainage Areas

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

4-110.205 Effect on Downstream Drainage Areas

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

4-110.3 Dedication of Drainage Easements

4-110.301 General Requirements

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

4-110.302 Drainage Easements

- a. Where topography or other conditions are impractical for including drainage facilities within a street right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the street lines with satisfactory access to streets. Easements shall be indicated on the Development Plans and Final Plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.

- b. Appropriate drainage rights must be secured and indicated on the Final Plat when a new drainage system is to be constructed that will carry water across private land outside the subdivision.
- c. The applicant shall dedicate, when required by the Town Manager, either in fee or by drainage easement or conservation easement, the land on both sides of existing watercourses to a distance to be determined by the Town Manager.
- d. Along watercourses, low-lying lands within any floodway, as determined by the Town Manager pursuant to these regulations, shall be preserved and retained in their natural state as drainage ways whether or not such low-lying lands are included in areas for dedication.

4-110.303 Ditching

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

4-110.304 Concrete Ditch Paving

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

4-111 WATER FACILITIES

4.111.1 General Requirements

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

4.111.2 Construction Criteria

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

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

1. 180 - 360 dwelling units shall have an 8" water main.
2. 361 – 480 dwelling units shall have a 10" water main.

3. 481 – 700 dwelling units shall have a 12" water main.
4. 700 – 1120 dwelling units shall have a 16" water main.

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

4.111.3 Special Criteria for Flood Prone Areas

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

4.111.4 Fire Hydrants

4.111.401 Fire Hydrant Spacing and Location

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

4.111.402 Fire Hydrant Type

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

4-112 SEWAGE FACILITIES

4-112.1 General Requirements

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

4-112.2 Mandatory Connection to Public Sewer System

1. When public sanitary sewers are accessible to the subdivision, as determined by the Town Manager, the developer shall provide such

sanitary sewer facilities to each lot therein and shall connect the facilities to the public system. The developer shall provide sanitary sewer facilities that meet standards set forth in the regulations of the Tennessee Department of Environment and Conservation.

2. All sanitary sewer facilities located in a flood hazard area shall be flood-proofed to the regulatory flood protection elevation. All sanitary sewer facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.
3. All sanitary sewer facilities shall be constructed using materials that are approved by the Hamilton County Water and Wastewater Treatment Authority.

4-112.3 Individual Disposal System Requirements

If public sanitary sewers are not available and individual disposal systems are proposed, the individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device, shall be approved by Hamilton County Groundwater Protection. Unless located within a Conservation Land approved under Section 4-113 of these regulations, the entire individual disposal system, including all drainage fields associated therewith, shall be located on the lot which the principal structure of such system is to serve.

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

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

4-113 CONSERVATION SUBDIVISION PROVISIONS

This section is not applicable to conventional subdivisions.

4-113.1 SUBDIVISION DESIGN PROCESS

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

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

Step 1: Delineation of Conservation Lands

1. Using the ERSA Plan as a base map, Primary and Secondary Conservation Areas shall be delineated. The percentage and acreage of required Conservation Lands shall be calculated by the applicant and submitted as part of the Sketch Plan. Street rights-of-way shall not be counted towards the required minimum Conservation Lands.
2. Conservation Lands shall include all Primary Conservation Areas plus twenty-five percent of the remaining tract, which preferably will be made up of Secondary Conservation Areas. The Conservation Lands shall be determined in the following manner:
 - a. All Primary Conservation Areas shall be delineated as Conservation Land.
 - b. Secondary Conservation Areas shall be chosen for inclusion based on the priorities determined in Subsection 4-111.2, the configuration of the tract, the tract's context to adjacent resource areas, and the applicant's subdivision objectives.
 - c. Conservation Lands situated outside of individual development lots shall be delineated in a manner clearly indicating their boundaries as well as types of resources included within them.
 - d. Preferred locations for stormwater and wastewater management facilities shall be located using the ERSA Plan as a base map and shall meet the following requirements:
 - i. The design of these facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the proposal.
 - ii. Opportunities to use these facilities as a buffer between the proposed Conservation Land and development areas are encouraged.
 - iii. Stormwater management facilities should be located in areas identified as groundwater recharge areas, when such areas exist on the development tract.

Step 2: Location of Building Areas

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

Step 3: Alignment of Streets and Trails

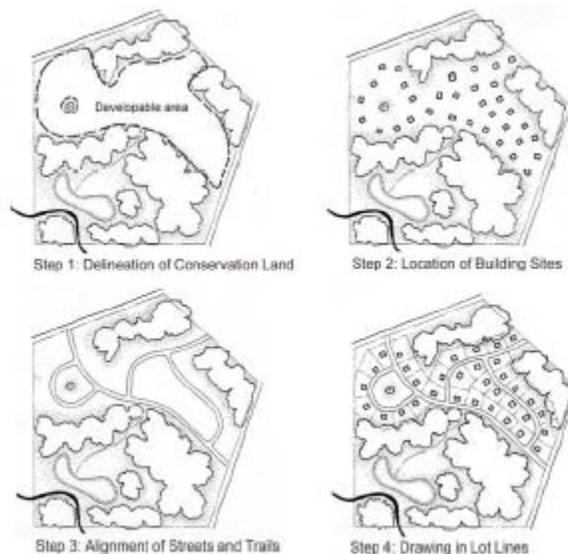
After designating the building areas, a street plan shall be designed to provide vehicular access to each building area, complying with the standards in these Subdivision Regulations and bearing a logical relationship to the topography of the property. Impacts of the street plan on proposed Conservation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

Step 4: Design of Lot Lines

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

FIGURE 4-2

FOUR STEP DESIGN PROCESS FOR CONSERVATION SUBDIVISIONS



4-113.2 Design Review Standards for Conservation Land

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

4-113.201 Basic Criteria.

Conservation Land shall be configured to:

1. Be free of all structures except historic buildings, stonewalls, and structures related to the utilities and Conservation Land uses as permitted in Section XX of the Zoning Ordinance.
2. Provide pedestrian and maintenance access to Conservation Land such that no more than 15 lots shall be contiguous without a centrally located access point. The minimum width of the access strip shall ideally equal the minimum width of a lot, and in no case shall be less than 20 feet.
3. Be interconnected wherever possible to provide a continuous network within and adjoining the subdivision.
4. Be undivided by public streets, except where necessary for proper traffic circulation
5. Be suitably landscaped by retaining existing natural cover and wooded areas and/or by landscaping with native trees, shrubs, and wildflowers.
6. Ensure the portion of Conservation Lands designed to provide plant and animal habitat be kept as intact as possible.
7. Be consistent with the Town's Land Use Plan.

4-113.202 Primary Conservation Areas

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

1. Land within the 100-year floodplain.
2. Perennial and intermittent streams and associated floodways with a thirty-five foot buffer measured from the outer edge of each bank.
3. Slopes of 25% or greater which cover 5,000 or more contiguous feet, unless the applicant cannot achieve the Maximum Number of Dwelling Units determined by the calculation in Article 5 and Article of the Zoning Ordinance.
4. Land containing wetlands.

4-113.203 Secondary Conservation Areas

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

1. Land known to contain rare, threatened or endangered species as defined by the U.S. Fish and Wildlife Service (www.fws.gov).
2. Archaeological sites, cemeteries and burial grounds. Land containing other significant natural features and scenic viewsheds.
3. Land containing any significant tree specimens as identified by Tree Board members during the site visit.
4. Land containing existing and planned trails that connect the tract to neighboring areas.
5. Land containing contiguous slopes between fifteen (15) and twenty-five (25) percent.
6. Land containing significant historical and cultural sites.
7. Land containing existing healthy, native forests of a least one (1) acre contiguous area.

4-113.3 Lot Requirements

4-113.301 Maximum Number of Dwelling Units

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

4-113.302 Lot Arrangement

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

4-113.303 Lot Dimensions

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

4-113.304 Lot Lines

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

4-113.305 Residential Lot Frontage

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

4-113.306 Location of Utility Systems

Since the most suitable conditions for wells and sewage disposal systems are generally not well distributed throughout a site, conservation design allows smaller lots to be concentrated where the best conditions exist. To facilitate the creation of smaller lots that can comply with Hamilton County Groundwater Protection standards for wells and sewage disposal systems, wells and sewage disposal systems may be located within the Conservation Lands. The wells and sewage disposal systems shall be owned and maintained by individual property owners.

Any individual sewage disposal system serving the dwelling units in a conservation subdivision may, upon approval of the Hamilton County Groundwater Protection and the Town Manager, be located within Conservation Lands, provided that:

1. The treatment tank shall be located on the developed residential lot.
2. The absorption field shall be located in the Conservation Land within a maximum distance of 150 feet from the lot line.
3. The distribution line leading from the tank to the absorption field shall not cross any element of another sewage disposal system.
4. The corners of the sewage system outside the lot shall be permanently marked on the ground by any means acceptable to the Town Manager.

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

4-113.4 Permanent Protection of Conservation Lands

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

Permanent protection shall be achieved by:

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

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

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

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

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

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

4-113.6 Maintenance of Conservation and Common Lands

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

4-113.601 Failure to Maintain

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

4-113.602 Corrective Action in Event of Failure to Maintain

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