

ARTICLE 2

SUBDIVISION PROCEDURE

201 GENERAL PRINCIPLES

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 within the Town of Signal Mountain, shall comply with the procedures established in these regulations; except for those cases exempted in Art. 1, Section 105.3.

1. The Developer or Surveyor or Surveyor/Engineer is urged to consult the Planning Commission staff in the earliest concept stages of development to get advice concerning zoning regulations, flood regulations, the General Plan, etc. affecting the site and Subdivision procedures. A rough sketch showing the topography, general alignment of proposed streets, drainage ways, utilities, etc., may enable the staff to point out potential problems that can be resolved before extensive work is begun.

2. Soil Survey

The Health Department may require a soil study for any Subdivision that is not proposed to be connected to a sanitary sewer system. The Developer or Surveyor or Surveyor/Engineer should consult with the Health Department to determine if a soil survey is needed.

3. GIS Department

The developer or surveyor or surveyor/engineer is urged to consult with the Hamilton County GIS Department regarding proposed street names, plat drafting guidelines, electronic filing requirements, and other aspects of plat production. The GIS Department cannot and will not provide guidance of the nature provided by the Planning Commission or Health Department staffs. (Added 7-6-2000)

202 MAJOR SUBDIVISIONS

1. Standard Procedure

The developer or surveyor or surveyor/engineer shall submit the required number of preliminary and final plats to the Hamilton County GIS Department staff along with the computer-aided drafting (CAD) file used to produce the plat. The deadline for the submittal of both the preliminary and the final plat is the 10<sup>th</sup> calendar day of the month for the plat to be acted upon by the Planning Commission at the next month's Planning Commission meeting. If the 10<sup>th</sup> day of the month falls on a weekend or a holiday, the deadline is the next working day. The CAD file will be used only for the purpose of creating document images and updating official maps. The electronic file will be treated as a trade secret for the purposes of protecting it from disclosure to competitors. It shall be delivered on a single 3.5-inch floppy disc formatted for use in computers utilizing the Microsoft Windows operating system. Acceptable CAD file formats are AutoCAD version 12 or later, MicroStation 95, and ArcView shapefile format. Failure to supply the required plat copies and electronic file will result in rejection of the filing. If the filing is rejected by the Hamilton County GIS Department staff as being incomplete, that agency, at its discretion, may either return the filing to the applicant without further review or forward it to the Planning Commission staff along with a note describing the deficiency. Only complete applications should normally be presented to the Planning Commission for approval or rejection; however, when it serves the public interest to present an incomplete application to the Planning Commission, this restriction may be waived at the discretion of the Hamilton County GIS Department staff. If the filing is rejected by the Hamilton County GIS Department staff and returned to the applicant without further review, then there is no submittal of the plat under TCA 13-40-304. Since the plat is not considered to be submitted, the "30-day" deadline in TCA 13-4-304 does not apply. (Amended 7-6-2000)

2. Special Procedure

In special situations the Developer or Surveyor or Surveyor/Engineer may elect to submit the Preliminary Plat and the Final Plat simultaneously. The two plats may be approved by the Planning Commission simultaneously if the Health Department, the Town Manager, the Planning Commission staff and all other affected agencies and/or utilities have no objections. Generally, this procedure will apply only if:

- (a) The soil survey (if required) has been submitted with the Plat, and
- (b) The Streets (if any) have been rough graded. Any Developer proposing to use this Special Procedure should consult or have his Surveyor or Surveyor/Engineer consult with the Planning Commission staff at an early stage.

3. Planning Commission Action

The Planning Commission will act to approve, deny, defer or conditionally approve the preliminary and final plats within 30 days. The Developer and the Subdivision Surveyor or Surveyor/Engineer will be notified of the Planning Commission's action.

The Planning Commission cannot defer action on a Subdivision unless the Developer has agreed to such a deferral.

4. Effect of Approval of the Preliminary Plat

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

After the approval of the preliminary plat, and after consultation with the Town Manager, the Developer may start construction of the streets and other improvements.

5. Reasons for Denial of a Plat

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

- (a) Failure of the plat to conform to the standards set out in these regulations,
- (b) Approval of the plat would be detrimental to the public safety, health or general welfare,
- (c) Approval of the plat would not be in the best interest of the Town of Signal Mountain.

203 SPECIAL REQUIREMENTS

1. Streets Graded and Staked

The streets in the subdivision shall be rough graded and staked before the final plat is submitted. The streets will have center line, off-set or lot corner stakes.

2. Deed Restrictions, Protective Covenants and Home Owners Association

If applicable, the Planning Commission may require that one copy of Deed Restrictions, protective covenants, and/or the document setting up a home owners association that the Developer proposes to impose on the Subdivision be filed with the final plat.

3. 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 the Planning Commission proceeds with the review process.

204 CORRECTIVE PLATS AND REVISED PLATS

1. Purpose

To facilitate the re-recording of existing plats with minor corrections or amendments.

2. Qualifications for Corrective Plats and Revised Plats

- a. Minor Shifting of Lot lines.
- b. The addition or changing of easements
- c. Changes in notations on the original recorded plat.
- d. Any other changes which will not increase the number of lots or their suitability for development.
- e. All lots must have public sanitary sewers available. (Added 11-6-97)

3. Corrective Plat and Revised Plat Procedure (Amended 7-6-2000)

- a. The plat is drawn to meet the Corrective Plat and Revised Plat Requirements below.
- b. Submit the plats and any CAD files to the Hamilton County GIS Department.
- c. The applicant can submit a filing in several ways. Submit two (2) paper copies if the plat was not prepared using CAD and is otherwise not available in electronic form. If the plat was prepared using CAD or is otherwise available in electronic form, submit either the CAD file on an acceptable computer medium or as an attachment to an electronic mail note. The applicant may choose to submit two (2) paper copies of any plat, but these are not required with CAD submittals. A CAD file submittal will be used only for purposes of creating document images and updating official maps. The electronic file will be treated as a trade secret for purposes of protecting it from disclosure to competitors. It shall be delivered for use in computers utilizing the Microsoft Windows operating system on a single 3.5-inch floppy disc formatted or as an electronic mail attachment. Acceptable CAD file formats are AutoCAD version 12, or later, MicroStation 95, and ArcView shapefile format. Failure to supply the required CAD file, delivery of fewer than two (2) paper copies if an electronic filing is not made, or delivery of Unacceptable materials will result in rejection of the filing if rejected by the Hamilton County GIS Department staff. If the filing is rejected by the Hamilton County GIS Department staff, then there is no submittal of the plat under TCA 13-4-304. Since the plat is not considered to be submitted, the "30-day" deadline in TCA 13-4-304 does not apply.
- d. The Hamilton County GIS Department staff reviews the paper copies, CAD file, or electronic file, as appropriate, to ensure that all required elements are present and legible, that the plat and electronic files, if submitted jointly, are consistent, and that the location data are correct. Any deficiencies or concerns will be noted on a paper or electronic copy of the plat and will be forwarded to the Planning Agency staff. The Planning Agency staff reviews the submittal. If

paper copies are submitted, one paper copy is returned to the developer, surveyor, or other appropriate person by the Planning Agency staff. Planning Agency staff response to plats submitted only by electronic means shall be electronically submitted.

4. Corrective Plat and Revised Plat Requirements

The following are the minimum requirements for Corrective Plats and Revised Plats:

- a. Subdivision Name that reflects the change (e.g., Resubdivision of Lots 25 through 29 and Lots 43 and 44, Highland Estates).
- b. Purpose statement that tells exact purpose of the Plat and/or change, (e.g., Purpose of Plat: To abandon and show new property lines between lots 25 through 29, and to abandon the drainage easement and relocate it as shown in lots 43 and 44. See ROHC book , Page for previous recording and for other notes and restrictions).
- c. Vicinity Map.
- d. Certification of Ownership, address(es) and signature(s) of all property owners involved.
- e. Certification of accuracy of survey, seal, address and signature of plat surveyor or surveyor/engineer.
- f. Plat labeled Corrective Plat or Revised Plat. (Revised 7-6-2000)
- g. The property lines of all adjoining property shall be shown with dashed lines. For adjoining Subdivisions, show the full name of the Subdivision, ROHC book and page numbers, and the lot numbers (dashed). For other adjoining property, show the owner(s) name(s); and the ROHC deed book and page number in which the property is recorded.
- h. Dimensions, bearings, error of boundary closure, curve functions, source of water supply, utility easements, drainage easements, lot numbers, etc., if applicable.
- i. Additional information - (e.g., power, telephone, gas, water, environmental health service, etc.) may be required and/or approved prior to submittal of the "Cronaflex" and/or recording.
- j. Deed book and page number of the property subdivided.
- k. Graphic scale, North point, date.
- l. Square footage of all lots.
- m. The plat must be drawn to one of the size and format requirements in Appendix A-1.

- n. Show the parcel number, including map sheet number and group identifier, for all parcels which are being subdivided or joined in the platted area. This is generally referred to as the "Tax Map Number". (Added 7-6-2000)
- o. Show the location of existing sanitary sewer lines on or adjacent to the site. If sanitary sewers are available to all lots, note "Sewers Available". (Added 7-6-2000)
- p. Show a measured distance to recognizable point, such as a street intersection, landmark, survey monument, global positioning system reference, etc. (Added 7-6-2000)
- q. Show any road intersection within 100' of site. (Added 7-6-2000)
- r. The corrective or revised plat shall be drafted so that good, clear, legible prints, copies, or negatives can be made. Special attention should be given to the selection of patterned films that may interact with some reproduction methods. Dot patterns or dot shading should not be used on plats. The Hamilton County GIS Department staff may refuse to accept any plat that it deems illegible or likely to generate inadequate reproductions. (Added 7-6-2000)

205 TRANSPARENT COPY OF THE FINAL PLAT OR CORRECTIVE PLAT OR REVISED PLAT AND OTHER COPIES TO BE RECORDED

1. Requirements of Submittal (Revised 7-6-2000)

- a. All plats shall have a minimum 0.004" thick transparent film copy made by xerographic methods and printed in reverse on the back side of the material submitted to the Hamilton County GIS Department staff. Plats cannot be stamped unless this type of material is submitted.
- b. IN addition to the minimum 0.004" thick transparent plastic film copy made in the way specified in Section 207.1.1, above, the Register requires that there be at least three other copies with original signatures. One of these other copies can be on any transparent material and two can be black line paper or xerographic copies, or all three copies can be black line paper or xerographic copies.
- c. In addition to the transparent plastic film copy and other copies to be recorded, all major subdivisions and any other plats developed using CAD are to submit a copy of the CAD file to the Hamilton County GIS Department. The CAD file will be used only for purposes of creating document images and updating official maps. The electronic file will be treated as a trade secret for purposes of protecting it from disclosure to competitors. It shall be delivered for use in computers utilizing the Microsoft Windows operating system on a single 3.5-inch floppy disc formatted or as an electronic mail attachment. Acceptable CAD file formats are AutoCAD version 12 or later, MicroStation 95, and ArcView shapefile format.

2. Time of Submittal (Revised 7-6-2000)

- a. The transparent plastic film copy and other copies to be recorded for all plats except Corrective Plats and Revised Plats are submitted after the Planning Commission has approved the final plat.
- b. The transparent plastic film copy and other copies to be recorded for Corrective Plats and Revised Plats are submitted at any time after the approvals and changes required by the Planning Commission staff, the Town, and others have been done.
- c. The transparent plastic film copy and other copies to be recorded of Corrective Plats and Revised Plats can be signed and recorded before a Planning Commission meeting but this action shall be reported at the next Planning Commission meeting.

3. Procedure

- a. The Hamilton County GIS Department staff reviews the minimum .004" thick transparent plastic film copy made by xerographic methods and printed in reverse on the back side and other copies to be recorded and stamps them. The GIS Department staff review consists of checking the plat and electronic file to ensure that all required elements are present and legible, the plat and file are consistent, and location data are correct. Any deficiencies will be noted on a copy of the plat, which will be returned to the applicant for correction. If acceptable, the plat will be signed by Director of the GIS Department or his designated representative.
- b. The transparent plastic film copy and other copies to be recorded are reviewed and initialed by a staff member of the Planning Agency.
- c. The transparent plastic film copy and other copies to be recorded are circulated for signature by the Health Department, if necessary.
- d. If all of the lots are served by existing, functioning public sanitary sewers or public sanitary sewers to be installed or bonded by the developer before the plat is recorded, the Health Department does not sign the copies to be recorded. If the above does not apply, the Health Department must sign the transparent plastic film copy and other copies to be recorded before they can be recorded. If the Health Department must sign the transparent plastic film copy and other copies to be recorded, then, before the Health Department can sign the transparent plastic film copy and other copies to be recorded, the Health Department Officer shall determine that all conditions necessary to protect the public health have been complied with, including, but not limited to, State Health Department Regulations and the Regulations of Signal Mountain in relation to sanitary sewage disposal.
- e. The transparent plastic film copy and other copies to be recorded are circulated for signature by the Town Manager or his designated representative.

- f. Before the Town Manager or his designated representative can sign the transparent plastic film copy and other copies to be recorded, he shall determine that the improvements have been installed and accepted in accordance with the Final Plat and with the standards of the Town of Signal Mountain; or that Bonds have been posted with the Town of Signal Mountain in accordance with Section 206 below and that the Subdivision Development Contract, if any, is signed by all parties.
- g. The transparent plastic film copy and other copies to be recorded are circulated for signature by the Secretary of the Signal Mountain Planning Commission or his designated representative.
- h. Before the Secretary of the Signal Mountain Planning Commission or his designated representative can sign the transparent plastic film copy and other copies to be recorded, the Secretary or his designated representative shall determine that the transparent plastic film copy and other copies to be recorded have been duly signed by the director of the Hamilton County GIS Department or his designated representative, initialed by a staff member of the Planning Agency, duly signed by the Health Officer, if necessary, duly signed by the Town Manager or his representative and that the transparent plastic film copy and other copies to be recorded are in substantial conformance with the approved corrective, revised or final plat.
- i. The transparent plastic film copy and other copies to be recorded are taken to the Registrar's Office and recorded. The Registrar keeps the transparent plastic film copy and two paper copies and returns the other copy or copies.
- j. The required number of additional paper copies (Presently this is five (5) copies, although this is subject to change) are made from the copy returned by the Registrar or other source and taken to the Planning Agency staff.
- k. The Town shall be furnished at least two copies of the recorded Plat and additional copies as needed.

206 PERFORMANCE BONDS

1. Construction Bonds

- a. The Developer may provide a Construction Performance Bond in a form satisfactory to the Council at 100% of the estimated value to construct the required improvements.
- b. The estimated value shall be an amount offered by the Developer, who shall have input from a professional Engineer, to the Town Manager, who may modify the estimated value subject to the bond. The Town Manager's value is appealable to the Council. The bond shall have an inflation matching feature to maintain a constant value.
- c. The bond shall be in effect until the construction is completed.
- d. The bond may be released in whole or in part with a request by the Developer, completion of the work, a satisfactory inspection by Town staff, a favorable recommendation by the Town Manager, and approval by the Council.
- e. The Town may call the bond and use the funds to construct the improvements, if circumstances lead the Town to believe the developer does not intend to proceed with calling the bond, the Town Manager shall send a registered /return receipt letter to the developer giving him ten (10) days for a written response regarding his plans to proceed with construction. If the developer fails to respond or his response is inadequate, the Town Manager shall recommend to the Council that a motion be approved to call the bond. If the Council believes that facts support calling the bond, it will so order calling the bond.

2. Maintenance Bonds

- a. All improvements, whether constructed by the Developer or by the Town using the Developer's bond, shall have a maintenance bond to pay for any repairs, during the first year or two after construction per the following list:
  - (1) Roads - Two years
  - (2) Water - One year
  - (3) Sewer - One year
  - (4) Drainage - One year
  - (5) Other - One year
- b. The Town agrees to attempt to contact the developer prior to making any repairs, unless these repairs are deemed by the Town to be of an emergency nature, to give the developer an opportunity to make the repairs prior to calling the bond. The maintenance bond may be called using the same procedure set up in construction bonds, Section 206.1e above.
- c. The maintenance bond shall cover 40% of all road and drainage improvements, and 10% of all water and sewer system improvements. The estimated value shall be determined using the same process as in construction bonds, Section 206.1b above.

- d. The form of the bond shall be the same as in construction bonds, Section 206.1a above.
- e. The bond shall be released upon expiration of the required time, with a final Town Staff inspection, a favorable recommendation by the Town Manager and approval by the Council.

207 ACCEPTANCE OF PUBLIC IMPROVEMENTS BY COUNCIL

The required public improvements shall be accepted by the Town when the following steps are met:

1. Construction is completed.
2. Town Staff conducts a final inspection and determines the construction is satisfactory.
3. The maintenance bond period (as provided pursuant to Section 206.2a above) has expired.
4. The Town Manager makes a recommendation to the Council.
5. The Council approved a resolution accepting the public improvements.

208 SUBDIVISION DEVELOPMENT CONTRACT

The Town Manager may require the execution of a Subdivision Development Contract between the Town and the Developer prior to signing the "Cronaflex" copy of the final plat.

209 INSPECTION

1. The Town Manager, or his designated representative, shall be responsible for inspecting roads, drainage structures, drainage ways or easements, etc., to assure proper completion and construction of all improvements in accordance with the plat, these regulations, Town standards and Town specifications.
2. The Town Manager, may appoint such inspectors as he may desire. Inspection will be extended to all parts of the work and to the preparation and manufacture of the materials to be used. An inspector is placed on the work to keep the Town Manager informed as to the progress of construction and the manner in which it is being done; also to call to the attention of the contractor any infringement upon the plans and specifications.
3. The inspectors will have authority to reject defective material and to suspend any construction that is being improperly done. The inspectors will not be authorized or revise, alter, enlarge or relax the provisions of these regulations, nor will they be authorized to approve or accept any portion of the completed work not in accordance with plans and specifications.

4. The contractor may request written instructions from the Town Manager upon any important items which lie within the inspector's jurisdiction.
5. Where, in the opinion of the Town Manager or inspector, or called for the specifications, tests of material shall be made by and at the expense of the developer. Tests, unless otherwise specified, are to be made in accordance with the latest standard methods of the American Society for Testing Materials. The contractor shall provide such facilities as the Town Manager or inspector may require for collecting and forwarding samples and shall not use the materials represented by the samples until tests have been made. The contractor or developer, in all cases, shall furnish the required samples without charge.
6. The contractor shall furnish the Town Manager with every reasonable facility for ascertaining whether or not the work as performed is in accordance with requirements and intent of the approved Subdivision plans. If required by the Town Manager or inspector, the contractor shall at any time before acceptance of the work, remove or uncover such portions of the finished work as may be directed for inspection. After inspection, the contractor shall restore said portions of the work to the conditions required by the specifications. Any work done or materials used without suitable supervision or instruction by the Town Manager (inspection) may be ordered removed and replaced at the contractor's expense. The Town Manager or inspector shall inspect the work of the contractor as soon as practical after notice (written notice preferred) to the Town Manager.
7. Work done without lines and grades having been given; work done beyond the lines or not in conformity with the grades shown on the plans or as given; work done without proper inspection will be done at the contractors risk and, at the Town Manager's option, may be rejected. Upon failure by the contractor to satisfactorily repair or to remove and replace, of so directed, rejected or condemned work or materials immediately after receiving notice from the Town Manager or inspector, the Town Manager shall, after giving written notice to the contractor, have the authority to reject the work.
8. The Town Manager or inspector shall make or cause to have made final inspection of all work in the contract or any portion thereof as soon as practicable after the work is completed and ready for acceptance. If the work is not acceptable to the Town Manager at the time of final inspection, he shall inform the contractor as to the particular defects to be remedied before final acceptance can be made.

210 EFFECT OF APPROVAL AND RECORDING OF FINAL PLATS

Final approval, signing of the "Cronaflex", and recording of the plat in the Registrar's Office shall not be deemed to constitute or effect an acceptance by the Town of Signal Mountain to the public of the dedication of any street or other ground shown upon the plat. (T.C.A. 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 for referred to on the plat and subject to existing zoning, and subdivision regulations.