

Proposed amendments to White Bluff Subdivision Regulations

New language as shaded; omitted language as strikethrough

ARTICLE I

GENERAL PROVISIONS

C. Jurisdiction

These subdivision regulations shall govern all subdivision of land within White Bluff, Tennessee, ~~as established by resolution of the Tennessee State Planning Commission.~~ Within these regulations, the term "subdivision" shall mean the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided.

ARTICLE III

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

A. Streets

4. Street Right-of-Way Widths

The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the Official Thoroughfare Plan, or if not shown on such plan, shall be not less than as follows, unless, otherwise, noted by the planning commission:

- a. Arterial Streets
as may be required by the planning commission.
Arterial streets are used primarily for fast or heavy traffic.

Major Arterial 100 feet
Minor Arterial 80 feet

ARTICLE IV

DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

A perfectly prepared and recorded subdivision or plat means little to a prospective lot buyer until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community of a potential tax liability. The following tangible improvements, or provision for their estimated cost, are required before final plat approval in order to assure the physical reality of a subdivision which approval and recordation will establish legally.

A. Required Improvements

Every subdivision developer shall be required to grade and improve streets and alleys, and to install monuments, sewers, storm water inlets, and water mains in accordance with specifications established by the White Bluff Planning Commission.

Before the final subdivision plat is signed by the Secretary of the Planning Commission as specified in Article II of these regulations, all applicants shall complete, in accordance with the Planning Commission's decision and to the satisfaction of the appropriate governmental representative, all public way, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations and approved by the Planning Commission, and shall dedicate such improvements to the governing body free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

10. Street Name Signs

A four-way metal street sign shall be installed at each street intersection. The letters shall be at least three and one-half (3 1/2) inches high. The post shall be two and one-half (2 1/2) inches outside diameter, of galvanized iron or equal, ten (10) feet long. It shall be installed at a height of not less than seven (7) feet, and shall be placed not less than two (2) feet nor more than ten (10) feet from the edge of the pavement. The post shall be set in concrete three (3) feet in the ground. The signs shall be installed by the developer and accepted by the building inspector or the highway superintendent as a portion of the street improvements, or the cost shall be included in the amount of ~~construction~~ the performance bond posted for insurance of street.

B. Construction-Performance Bond/Surety Instruments

In the event the subdivider elects to defer construction of the improvements required, a performance bond, cashier's check or irrevocable letter of credit shall be required of the subdivider, the amount and specifications of which shall be ~~approved~~ established by the building inspector and/or designated official, and approved by the Planning Commission as sufficient to guarantee to the governing body the satisfactory construction, installation, and dedication of the incomplete portion of required improvements, thus securing to the city actual construction and installation of such improvements within a period of two (2) years from the date of recording the plat and in accordance with standard specifications of these regulations. All such surety instruments shall be segregated into cost estimates

for each specific type of improvements, i.e. streets, drainage, lot improvements, utilities, etc. Such bond shall be in cash or be made by a surety company and shall be made payable to and enforceable by the City of White Bluff, Tennessee. Such bond shall not exceed one hundred-fifteen (115) percent of the estimated cost of the improvements. The surety shall not be released from said bond except by written release from the building inspector and/or designated official.

C. Failure to Complete Improvements

The period within which required improvements must be completed as assured through the use of a performance bond/surety instrument shall be specified by the Planning Commission at the time of approving the final subdivision plat and shall be incorporated in the agreement and letter of credit. This period shall be for one (1) year and shall not in any event exceed two (2) years from date of final approval. Moreover, whenever such agreement and letter of credit is extended according to these regulations, the price of completing all bondable improvements must be re-analyzed and approved by the Planning Commission in order that the surety instrument be adequate to cover the cost of all improvements. An additional twenty percent (20%) of the cost of securing all necessary improvements shall be added to this cost figure in order to insure that these improvements be properly installed in relation to the rate of inflation for the period of extension. Such agreement and letter of credit shall be established by the designated official as to amount, surety and conditions. The Planning Commission may, upon proof of difficulty, extension of the completion date set forth in such agreement and letter of credit (normally a one (1) year period) for a maximum period of one (1) additional year.

In subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Planning Commission in the resolution approving the plat, the approval shall be deemed to have expired. In those cases in which a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Planning Commission thereupon may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission, and shall maintain them to a reasonable satisfaction for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, the applicant shall file with the Planning Commission a separate suitable bond for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

D. Inspection of Improvements

1. General Procedure

The city may provide for inspection of required improvements during construction and ensure their satisfactory completion. If the appropriate

governmental representative finds upon inspection that any of the required improvements has not been constructed in accordance with the governing body's construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be liable severally and jointly for completing said improvements according to specifications.

2. Release or Reduction of Performance Bond

a. Certificate of Satisfactory Completion

The city shall not recommend dedication of required public improvements nor shall the city release nor reduce a performance bond until the appropriate governmental representative submits a certificate stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Planning Commission and/or the appropriate governmental representative (through submission of a detailed "as built" survey of the subdivision indicating location, dimensions, construction materials, and any other information required by the city) that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the subdivision. Upon such approval and recommendation, the governing body, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in these regulations.

b. Reduction of Performance Bond

A performance bond may be reduced upon actual dedication and acceptance of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five (25) percent of the principal amount prior to final acceptance of all items covered under the bond.

c. Costs of Improvements

All required improvements shall be made by the applicant at his expense. Any provisions for reimbursement by the governing body or any utility agency shall be stipulated clearly in the provisions of any bonds.

d. Governmental Units

Governmental units to which these bonds and contract provisions apply may file, in lieu of said contract or bond, a certified resolution or ordinance from officers or agencies authorized to act in their behalf agreeing to comply with the provisions of this article.

E. Maintenance Bond

1. The subdivider by agreement with the building inspector and/or designated official and utility district office shall warranty improvement for twelve (12) months in case of any and all failure due to improper workmanship and/or materials used for the installation of utilities, fills, drainage systems, etc.

2. After completion and acceptance of any improvements required herein, the building inspector and/or designated official and utility district office may require a maintenance bond. This bond shall be in the form of a cashier's check, irrevocable letter of credit or be made by a surety company.

F. Acceptance of Dedication Offers

Acceptance of formal offers of dedication of public ways, easements, and parks shall be by formal action of the city. Such action shall be in the form of a resolution recommended by the Planning Commission to the Board of Mayor and Aldermen. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply an acceptance by the local government of any public way, easement, or other ground shown on the plat. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect.

G. Escrow Deposits for Lot Improvements

1. Acceptance of Escrow Funds

Whenever, by reason of the season of the year, any lot improvements required by these regulations cannot be performed, the enforcing officer nevertheless may issue a certificate of occupancy upon accepting a cash escrow deposit in an amount to be determined by the appropriate governmental representative for the cost of such improvements; provided, there otherwise is no danger to the health, safety, or general welfare. The performance bond covering such lot improvements shall remain in full force and effect.

2. Procedures on Escrow Fund

All required improvements for which escrow moneys have been accepted by the enforcing officer at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been installed properly at the end of the time period, the enforcing officer shall provide written notice of two (2) weeks to the developer requiring him to install the improvements, and in the event they are not installed properly, in the judgment of the enforcing officer, he may request the Planning Commission to proceed to install or to contract for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit.

At the time of the issuance of the certificate of occupancy for which escrow moneys are being deposited, the applicant shall obtain and file with the enforcing officer, prior to obtaining the certificate of occupancy, a notarized statement from the purchaser(s) of the premise authorizing the enforcing officer to install the improvements at the end of the nine (9) month period in the event the improvements have not been installed properly by the developer.

H. Issuance of Building Permits and Certificates of Occupancy

1. Where a performance bond has been required for a subdivision, or any section of a subdivision, no certificate of occupancy for any building in the subdivision or section thereof shall be issued prior to the final completion and dedication of

the improvements to the appropriate governmental unit, as required in the Planning Commission's resolution of final approval of the subdivision plat.

Temporary certificates of occupancy may be issued if circumstances such as weather delays or such conditions preventing the finalization of street improvements, or otherwise an unforeseeable delay in installing the improvements that's deemed in the interest of safety as not critical, provided the developer completes the identified improvements within a time period established by the city.

2. The extent of public way improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment prior to the issuance of building permit. Such adequacy for public ways extending access to the new lots shall be improved to a minimum of having the base layer of pavement installed before building permits are issued.
3. No building permit shall be issued for the final ten (10) percent of lots in a subdivision, or the final two (2) lots if ten (10) percent is two (2) lots or less, until all public improvements required by the Planning Commission's resolution of final plat approval have been fully completed, dedicated, and accepted by the governmental body.
4. When it is evident that inclement weather inhibits a developer's ability to install the required base layer pavement to the street, the city may at its discretion issue building permits without the base layer being installed when the following conditions are met:
 - The base layer of stone for the streets, and all water, sewer, hydrants, and storm drainage facilities are installed, inspected, and approved as appropriate;
 - The sites/lots for which permits are requested are within 500 feet of a paved roadway; and
 - The date of the permit request is between December 1 and March 31. The number of building permits allowed to be issued in this manner will be no more than 5 per subdivision.

If at any time the city determines adequate vehicular access is not being maintained for police and fire equipment, building inspections and permits will be suspended in that subdivision until such deficiencies are remedied to the satisfaction of the city.

New ARTICLE VI

DEFINITIONS

A. Usage

For the purpose of these regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this article.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".

A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

B. Words and Terms Defined

Agent -- Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except in an instance where only legal counsel is provided.

Alley -- A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant -- The owner of land proposed to be subdivided or his authorized representative. Consent shall be required from the legal owner of the premise(s).

Architect -- An architect or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code, to practice in Tennessee.

Arterial Street or Road -- A major public way intended to move traffic to and from major industrial areas or a route for traffic between communities or large areas and which has an average daily traffic count in excess of three thousand (3,000). A *Major Arterial* links population centers, with generally 100-120 feet right-of-way widths, while a *Minor Arterial* links major arterials and distributes traffic onto collector and local roads, with generally 80 feet right-of-way widths.

Attorney -- The person designated by the governing body to provide legal assistance for the administration of these and other regulations.

Block -- A tract of land bounded by public ways or by a public parks, cemeteries, railroad rights-of-way, or shorelines or waterways or a combination of such.

Bond -- A type of surety instrument or collateral including cash escrow or a letter of credit from a bank in Dickson County, Tennessee posted with the City that guarantees specific performance.

Boundary -- All points within a subdivision which include internal and external property lot lines and other features encompassing a development.

Building -- Any structure built for the support shelter, or enclosure of persons, animals, chattels, or movable property of any kind; the term includes a mobile home.

Collector Street or Road -- A major public way intended to move traffic from local ways to arterial routes. Collector routes serve a neighborhood or large subdivision(s), and normally have an average daily traffic count ranging from one thousand and one (1,001) to three thousand (3,000) with generally 60 feet right-of-way widths.

Condominium -- A form of ownership of less than the whole of a building or system of buildings under the provisions of Title 66, Chapter 27, Tennessee Code, which provides the mechanics and facilities for formal filing and coordination of divided interests in real property, whether the division is vertical or horizontal.

Construction Plan -- The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission.

Contractor -- An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

County Health Department -- An agency designated to administer local and/or state health regulations as they pertain to individual sewer disposal systems and related issues.

Cul-de-sac -- A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement; definition includes: dead end, turn-around, or turn-about.

Design and Specification -- Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

Designated Official -- An outside person or governmental representative or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Developer -- The owner of land proposed to be subdivided or his authorized representative.

Development -- A tract of land(s) together with any buildings or structures which may be thereon changed from predeveloped or otherwise undeveloped land.

Dwelling Unit -- A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on

a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities. (see also the definition of 'Dwelling' in Article II of the White Bluff Zoning Ordinance)

Easement -- Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

Enforcing Officer -- The building inspector or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

Engineer -- An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code, to practice in Tennessee.

Escrow -- A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a bond subject to agreement of the Planning Commission. (see also 'Bond'.)

Final Subdivision Plat -- The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission for approval and which, if approved by the commission, is recorded with the county register of deeds.

Frontage -- That side of a lot abutting a public way ordinarily regarded as the front of the lot. It shall not be considered as the ordinary side of a corner lot.

General Plan -- The official statement of the Planning Commission which sets forth a vision, goals, and major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Title 13, Chapter 4, Section 2, Tennessee Code.

Governmental Agency -- Any public body other than the local governing body.

Governing Body -- The chief legislative body of any government; the Board of Mayor and Aldermen for White Bluff, Tennessee.

Grade -- The slope of a public way specified in percentage terms.

Horizontal Property Act -- "The Tennessee Horizontal Property Act" as codified in Title 66, Chapter 2, Tennessee Code.

Improvement -- Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment (see also 'Public Improvement'.)

Individual Sewage Disposal System -- A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Jurisdictional Area -- Planning boundary(s) established in keeping with Title 13, Chapter 4, Tennessee Code.

Land Development Plan – A concept plan which sets out a plan or scheme of future land use and development.

Letter of Credit -- A written guarantee from a financial institution guaranteeing the performance of the terms and conditions of a development approval.

Lot - A tract, plot, or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, or transfer of ownership, or for building development.

Lot Corner -- A location(s) of a lot's boundary situated at the intersection of two (2) public ways.

Major Street or Road -- A public way which is classified as a collector or arterial public way according to these regulations or by the major street or road plan for the jurisdictional area.

Major Subdivision -- All subdivisions not classified as minor subdivisions including but not limited to subdivisions of five (5) or more lots or subdivisions of any size requiring any new or improved road, the extension of government facilities, or the creation of any public improvements, or containing any flood prone area.

Minor Street or Road -- A public way which is not classified as an arterial or collector intended to move traffic from local ways to major routes, with normally an average daily traffic count of 1,000 or less, and with generally less than 60 feet right-of-way widths.

Minor Subdivision -- Any subdivision containing less than five (5) lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adopted general plan, major street or road plan, zoning ordinance, or these regulations.

National Flood Insurance Program -- A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide a flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the National Flood Insurance Program regulations. The program regulations are found at 24 Code of Federal Regulations, Chapter X, Subchapter B. (see also Article VII of the White Bluff Zoning Ordinance for provisions for governing development in special flood hazard areas.)

Off-Site -- Any premise not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Official Thoroughfare Plan -- The plan adopted by the Planning Commission, pursuant to Section 13-3-402 and 13-4-302, Tennessee Code, showing, among other things, "the general location, character, and extent of public ways (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..."

One Hundred-Year (100-yr) Flood -- A flood having an average frequency of occurrence of once in 100 years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

Owner -- Any person, group of persons, firm or firms corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the real property.

Performance Bond -- See "Bond".

Planning Commission -- A public planning body established pursuant to Title 13, Chapter 4, Tennessee Code, to execute a partial or full planning program within authorized area limits.

Preliminary Plat -- The preliminary drawing or drawings, described in these regulations, indicating the proposed manner of layout of the subdivision to be submitted to the Planning Commission for approval.

Public Improvement -- Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

Public Way -- Any publicly owned street, alley, sidewalk, or lane right-of-way which provides for movement of pedestrians or vehicles.

Resubdivision -- A change in a map of any approved or recorded subdivision plat altering the number of lots incorporated within the confines of the original plat.

Right-of-Way -- A strip of land occupied or intended to be occupied by a public way crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way", for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

Sale or Lease -- Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, or other written instrument.

Setback -- The distance between a building wall and the nearest public way right-of-way.

Sketch Plat/Map -- A sketch preparatory to the preliminary plat (or final subdivision plat, in the case of minor subdivisions).

Special Flood Hazard Map -- The official flood insurance rate maps (FIRM's) designated by the National Flood Insurance Program to identify special flood hazard areas.

Staff-- The person(s) employed by the local governing body to assist the Planning Commission in planning and land use regulation activities.

Start of Construction -- For purposes of subdivision control any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

Structure -- Anything constructed above or below ground.

Subdivider -- Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision -- "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. (See Section 13-4-301, Tennessee Code.)

Surveyor -- A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Title 62, Chapter 18, Tennessee Code, to practice in Tennessee.

Temporary Improvement -- Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements. (see also 'Public Improvement.')

Zoning Ordinance-- A statute, legally adopted pursuant to Title 13, Chapter 7, Tennessee Code, for the purpose of regulating by district, land development or use for a designated area.

The current Article VI (Adoption & Effective Date) will become the new Article VII