

SUBDIVISION REGULATIONS

FOR

SPARTA, TENNESSEE

SPARTA MUNICIPAL PLANNING COMMISSION

TECHNICAL ASSISTANCE FROM

**CHARLES BROWN, PRINCIPAL PLANNER
LOCAL PLANNING OFFICE, UPPER CUMBERLAND REGION
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**

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[With amendments through 2011]

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SUGGESTED STEPS FOR A DEVELOPER OF A SUBDIVISION

Throughout the following process, the owner/developer is strongly encouraged to participate personally in consultations and meetings regarding the development.

1. Confer with the Planning Commission's Staff Planner (Phone: 372-0070) to become thoroughly familiar with the subdivision requirements, the Major Street Plan and other public improvements which might affect the area to be subdivided.
2. Have Preliminary Plat prepared by a reputable state-licensed surveyor.
3. Discuss Preliminary Plat with Staff Planner. This preapplication review by a trained land planner may save the subdivider time and costly revisions as well as possible savings through better design.
4. If the proposed development can not be connected to the public sewer system and individual septic tanks will be used, discuss plans for subdivision with State Department of Environment and Conservation, which may place restrictions on number, size and use of lots. The Department of Environment and Conservation approval is based on a detailed mapping of all soils on the site by a licensed soils scientist. The timing of approval by the Sparta Planning Commission is dependent on the Department of Environment and Conservation results.
5. Submit required copies of the Preliminary Plat to the Planning Commission at least five (5) days before their regular monthly meeting.
6. See appropriate Sparta Street and Utility Supervisors, Sparta Water Department and/or other designated approving agent(s) for street and utility specifications.
7. Obtain Department of Environment and Conservation approval of plans for water and sewer line extension plans and submit signed plans to the Sparta Sewer Supervisor.
8. After Preliminary Plat approval has been granted, develop subdivision and install all improvements according to Preliminary Plat and any required modifications.
9. Prepare Final Plat.
10. Obtain signatures on Certifications from appropriate officials certifying that improvements have been completed and approved (or that a performance bond has been posted).
11. Submit Final Plat to the Planning Commission for approval. When approved, the Planning Commission Secretary will sign the Certificate of Approval for Recording.
12. The subdivider records the plat with the White County Register of Deeds office and is now ready to sell the lots.

SUBDIVISION REGULATIONS
OF

SPARTA, TENNESSEE, MUNICIPAL PLANNING COMMISSION (HEREAFTER
REFERRED TO AS THE PLANNING COMMISSION).

ARTICLE I GENERAL PROVISIONS

A. Purpose

Land subdivision is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility, in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is therefore to the interest of the public, the developer and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.

The following subdivision regulations guiding the Planning Commission are designed to provide for the harmonious development of the municipal area; to secure a coordinated layout and adequate provision for traffic and also to secure adequate provision for light, air, recreation, transportation, drainage, water, sewer, and other sanitary facilities.

B. Authority

These subdivision regulations are adopted under the authority granted by Sections 13-4-301 through 13-4-309, *Tennessee Code Annotated*. The Planning Commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such regulations, having filed a certified copy of the Major Street Plan in the office of the White County Register of Deeds in Plat Book 1, Slide 110, Page 219.

C. Jurisdiction

These regulations shall govern all subdivisions of land within the corporate limits of Sparta, Tennessee, as now or hereafter established. According to *Tennessee Code Annotated*, Section 13-4-301, the term "subdivision" means the "division of a tract or parcel of land into two (2) or more lots, sites, or other division 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." Any owner of land within this area wishing to subdivide land shall submit to the Planning Commission, a plat of the subdivision according to the procedures outlined in Article II, which plat shall conform to the minimum requirements set forth in Article III. Improvements shall be installed as required by Article III of these regulations.

D. Definitions

Except as specifically defined herein, all words used in these regulations have their customary dictionary definitions where not inconsistent with the context. For the purpose of these regulations, certain words or terms are defined as follows:

The term "shall" or "will" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

1. Building permit: A written permit issued by the Sparta Building Inspector authorizing construction, renovation, or repairs to a structure.
2. Building setback line: A line, as required by the Sparta Zoning Ordinance, beyond which a building cannot extend.
3. Easement: A right given by the owner of land to another party for specific limited use of that land.
4. Financial guarantee for improvements: A guarantee in the form of a bond, letter of credit, certified check, or other method approved by the Planning Commission to ensure completion of required subdivision improvements.
5. Lot: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
 - a. Lot area: The computed ground area inside the lot lines.
 - b. Lot frontage: The side of the lot nearest the public street. All sides of a lot adjacent to streets shall be considered frontage.
 - c. Lot lines: Boundaries of a lot; includes front, rear, and side lot lines.
 - d. Lot width: The distance between side lot lines measured at the building setback line.
6. Major street plan: The map on which the planned locations of present and future municipal arterial and collector streets are indicated.
7. Permanent vehicular easement: A right-of-way for vehicular traffic which is not intended to be dedicated to the local government. All permanent vehicular easements shall meet all construction requirements of a public street.
8. Planning commission: The Sparta Municipal Planning Commission, its commissioners, officers, and staff.

9. Plat: The map, drawing, or chart on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record; it includes plat, plan, plot and replot.
10. Right-of-way: A strip of land occupied or intended to be occupied by any or all of the following: a street, road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for landplating 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 not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the preparer of the plat on which such right-of-way is established and shall be covered by any necessary easements.
11. Street: A public way, provided for the accommodation of vehicular traffic, or as a means of access to property, and includes streets, avenues, boulevards, roads, lanes, alleys, or other public ways.
 - a. Arterial: Streets and highways used primarily for movement of fast or heavy traffic within and through the municipality; a secondary function is land access. These are usually shown on the Major Street Plan.
 - b. Collector: Streets which carry traffic from minor streets to the arterial streets and highways. This usually includes the principal entrance street(s) or streets of major circulation of a residential development. Collectors serve the internal traffic movement within a section of the municipality and connect this section with the arterial system.
 - c. Local: A street designated to accommodate local traffic, the major portion of which originates along the street itself. The major function of a local street is land access. May also be called minor residential or minor commercial streets.
 - d. Marginal access: Minor streets which are parallel and adjacent to arterial streets and highways, and which provide access to the abutting properties and protection from the through traffic.
 - e. Cul-de-sac: Permanent dead-end streets or courts with a paved turnaround designed so that they cannot be extended in the future.
12. Subdivision: The division of a tract or parcel of land into two (2) or more lots, sites, or other division 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. Section 13-4-301 *Tennessee Code Annotated*.

13. Surveyor: A registered, practicing surveyor licensed by the State of Tennessee.
14. Zoning ordinance: The zoning regulations adopted by the Town of Sparta, Tennessee.

E. Variances

1. General: Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
 - c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
 - d. The variances will not in any manner vary the provisions of the zoning ordinance.
2. Conditions: In approving variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
3. Procedures: A petition for any variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration by the Planning Commission. Said petition shall state fully the grounds for the application. Each request for a variance shall be specifically applied for in the numerical order of the Subdivision Regulations.

F. Relationship to Zoning Ordinance and other Regulations

1. No final plat of land within the force and effect of the Sparta Zoning Ordinance shall be approved unless it conforms to such ordinance.

2. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the zoning regulations, building code, or other official regulations, the highest standard shall apply.

G. Amendments

Before adoption of any amendments to this document, a public hearing shall be held by the Planning Commission. Notice of the time and place of the hearing shall be given as provided in Section 13-4-303 of *Tennessee Code Annotated*.

COPY

ARTICLE II PROCEDURE FOR PLAT APPROVAL

The procedure for review and approval of a subdivision plat consists of four (4) basic steps. (1) The initial step is the early, informal consultation with the Planning Commission technical staff for advice and assistance. (2) The second step is the preparation and submission to the Planning Commission of a Preliminary Plat of the proposed subdivision. (3) The third step is to construct or install improvements such as streets, fire hydrants and utility lines. (4) The fourth step is the preparation and submission to the Planning Commission of a Final Plat, together with required certificates. This Final Plat becomes the instrument to be recorded in the office of the County Register when duly signed by the Secretary of the Planning Commission.

A. General

1. Any owner of land lying within the area of jurisdiction of the Planning Commission who wishes to divide land into two (2) or more lots, sites, or other divisions requiring any 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, or who wishes to resubdivide an existing subdivision lot(s) for this purpose, shall submit a plan of such proposed subdivision to the Planning Commission for approval and shall obtain such approval prior to the filing of his subdivision plat for record and prior to selling or giving a deed for any lot. Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in Article III of these standards and shall be presented in the manner specified in the following sections of this Article. No plat of a subdivision of land within the area of planning jurisdiction shall be filed or recorded by the County Register without the approval of the Planning Commission as specified herein. No plat for a subdivision of land within the area of the planning jurisdiction shall be filed or recorded by the county register without the approval of the Municipal Planning Commission as specified herein, provided that if the plat of the subdivision divides the tract into no more than two (2) lots, the approval may be endorsed by the review of the planning commission's staff planner and the Codes Enforcement Officer. If all requirements have been met, the certificates may be signed and then certified by the planning commission secretary. The review process can take place between meetings without the approval of the Municipal Planning Commission provided that the subdivision plat complies with regulations governing a subdivision of land as have been adopted by the Municipal Planning Commission. If the plat is not approved, or if a variance is requested, the plat will be placed on the next Planning Commission agenda of which the owner must attend. [Amended 2011]
2. In order to secure review and approval by the Planning Commission of a proposed subdivision, the prospective subdivider shall, prior to the making of any street improvements or installations of utilities, submit to the Planning Commission a Preliminary Plat as provided in Section B of this Article. On approval of said Preliminary Plat he may proceed with the construction of improvements as set

forth in Article III, and preparation of the Final Plat and other documents required in connection therewith as specified in Section C of this Article. In no case shall a Preliminary Plat be presented in sections.

3. A subdivider may omit the submission of a Preliminary Plat and submit only a Final Plat, IF ALL OF THE FOLLOWING CONDITIONS ARE MET:
 - a. The proposed subdivision does not contain more than five (5) lots, sites, tracts, or divisions.
 - b. All public improvements as set forth in Article III are already installed. (Any construction, installation, or improvement of public improvements shall require the submission of a Preliminary Plat as prescribed by Section B of Article II.) The Health Department has approved the lots for septic systems, if applicable.
 - c. The subdivider has consulted informally with the Planning Commission technical staff for advice and assistance, and it is agreed upon by the Planning Commission that a Preliminary Plat is unnecessary prior to submission of the Final Plat and its formal application for approval.
4. The owner or his authorized representative must be present at Preliminary Plat review and approval and Final Plat review and approval. In his absence, the property owner may be represented by his agent or representative who shall present written authorization in the form of the Affidavit shown in Appendix H.
5. No final subdivision plat shall be approved by the Planning Commission or accepted for record by the White County Register of Deeds until the required improvements listed shall be constructed in a satisfactory manner and approved by the local approving agent. In lieu of such prior construction, the Planning Commission may accept certain forms of financial guarantees (see Section C-12 of this Article) in amounts equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the Town of Sparta in the event of default by the subdivider.

B. Preliminary Plat Requirements

1. The Preliminary Plat should be drawn to a scale of not less than one inch equals one-hundred feet (1" = 100') on sheets not larger than twenty-four (24) by thirty-six (36) inches or less than eleven (11) by seventeen (17) inches in size. [Amended 2011] The plat shall meet the minimum standards of design as set forth in Article III and the "Standards of Practice for Land Surveyors", and its subsequent amendments. In case of conflict between statutes, the stricter shall apply.

2. The Preliminary Plat shall meet the general requirements for the construction of public improvements as set forth in Article III and shall give the following information: (See sample Preliminary Plat, page 7).
 - a. Name of subdivision; present tax map and parcel designation according to official records in the office of the White County Property Assessor.
 - b. Name(s) and address(es) of the owner or owners of land to be subdivided; name of the designer of the plat who shall be a professional surveyor licensed by the State of Tennessee.
 - c. Date, approximate north point, and graphic scale.
 - d. Location sketch map showing relationship of subdivision site to area.
 - e. Acreage of the land to be subdivided.
 - f. Present zoning classification of property to be subdivided and of adjacent properties.
 - g. The names of all adjoining property owners of record, names of adjoining developments and subdivisions.
 - h. Any portion of the land proposed for subdivision lying within a floodable area, as determined by an official Flood Hazard Boundary Map or Flood Insurance Rate Map, shall be so indicated.
 - i. Topographical contours at vertical intervals of not more than five (5) feet, except when specifically not required by the Planning Commission.
 - j. Subsurface conditions on property to be subdivided, if required by the Planning Commission; location and results of tests made to ascertain subsurface soil, rock, and ground water conditions.
 - k. The location and dimensions of all boundary lines of the property to be expressed in feet.
 - l. The approximate location and sizes of existing and proposed sewer lines, water lines, drainage, or other underground structures within and immediately adjacent to the subject property.
 - m. Plans of proposed water and sewer systems, showing connections to the existing or any proposed utility systems, including line sizes, connections to existing systems and location of fire hydrants. Any land on which an individual sewage disposal system is proposed must be reviewed by the appropriate State Health Department official.
 - n. The location of existing or proposed streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, cemeteries, parks and other open spaces, drainage ditches, drain pipes, culverts, bridges, and easements for all utilities (water, sewer, gas, electricity, telephone). Existing features shall be distinguished from those which are proposed.
 - o. The approximate location, width and other dimensions of proposed streets and proposed street names.
 - p. The location and dimension of all proposed or existing lots and the building setback lines on all lots. All lots shall be numbered consecutively.

- q. The lack of information under any item specified herein, or improper information supplied by the developer, shall be grounds for disapproval of the Preliminary Plat.
3. At least ten (10) working days prior to the next Planning Commission meeting, the owner/developer shall submit two (2) copies to the Planning Commission's Staff Planner and three (3) copies to the City Administrator/Building Codes Inspector of the Preliminary Plat for review. If applicable, the owner/developer should provide copies to the State Environmentalist. [Amended 2005]
4. The official submission of the Preliminary Plat to the Planning Commission is considered to be the first Planning Commission meeting at which the plat is presented for consideration with the developer or his authorized representative present to answer questions and hear suggestions about the proposed development. The Planning Commission may review for a period not to exceed thirty (30) days.
5. Within thirty (30) days after the official submission of the Preliminary Plat, the Planning Commission shall approve, approve subject to modifications, or disapprove the Preliminary Plat. If a plat is disapproved, the reasons for such disapproval shall be stated in writing. If the plat is approved subject to modifications, the nature of the required modifications also shall be included.
6. If a plat has been disapproved, a new plat may be presented as though no previous plat had been submitted. If a plat has been approved, or approved subject to modifications, and the subdivider desires to make substantial modifications other than those already required by the Planning Commission, a new Preliminary Plat must be submitted, which is subject to the same regulations and procedures as though no previous plat had been submitted.
7. Two (2) copies of the Preliminary Plat will be retained in the Planning Commission files, copies shall be retained by the applicable utility departments, and one copy shall be returned to the subdivider with any notations at the time of approval, approval subject to modifications, or disapproval and the specific changes, if any, required.
8. The approval of the Preliminary Plat by the Planning Commission shall not constitute acceptance of any Final Plat.
9. The approval of a Preliminary Plat shall terminate after one (1) year, provided, however, that an extension of time can be applied for by the developer and granted by the Planning Commission. If after 12 months no work has begun to install the required improvements and the Sparta Municipal Subdivision Regulations have been amended, the subdivision must meet the new regulations.

C. Final Plat Requirements

1. The Final Plat shall conform substantially to the approved Preliminary Plat. Any alterations or deviation from the Preliminary Plat should be discussed with the staff planner to determine if the changes require new Preliminary Plat review. The Final Plat shall meet minimum standards of design as set forth in Article III and the Standards of Practice for Land Surveyors, and its subsequent amendments. (See Sample Final Plat, page 10).
2. The plat shall be drawn to a scale of one inch equals one-hundred (100) feet on sheets not larger than twenty-four (24) by thirty-six (36) inches or less than eleven (11) by seventeen (17) inches in size. [Amended 2011] When more than one sheet is required, an index sheet of the same size drawn at an easily read scale shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.
3. If the subdivision is to be developed in phases and the Final Plats submitted as portions or sections of the Preliminary Plat, the sections must be identified by alphabetical characters or roman numerals following the name of the subdivision.
4. A Final Plat will not be acceptable for submission unless it meets all required standards of design, and contains all required information, or contains a written request for a variance for each specific deviation from requirements.
5. Final Plats should be submitted at least ten (10) working days prior to the next Planning Commission meeting. Two (2) copies are to be provided for the staff planner and three (3) copies to be provided for the City Administrator/Building Codes Inspector. All street profiles and other plans that may have been required should be submitted. All signatures are required for the plat certifications. [Amended 2005]
6. The official submission of the Final Plat to the Planning Commission is considered to be the first Planning Commission meeting at which the plat is presented for consideration, with the developer or his authorized representative present to answer questions and provide information. The Planning Commission may review the plat for a thirty (30) day period.
7. The Planning Commission shall approve or disapprove the final plat within thirty (30) days following its official submission for consideration. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission. When the plat has been approved by the Planning Commission, the original will be returned to the subdivider with the approval of the Planning Commission certified thereon, for filing with the County Register as the official plat of record and two (2) copies will be retained in the records of the Sparta Municipal Planning Commission.

8. Approval of the Final Plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground. For acceptance of public streets, the developer should contact the Sparta Board of Mayor and Aldermen.
9. The Final Plat shall include at minimum the following information:
 - a. Name of subdivision.
 - b. Name(s) and address(es) of the owner or owners of property being subdivided; last conveyance of property; and tax map designation.
 - c. Name(s), seal(s), and address(es) of the registered land surveyor responsible for plat preparation.
 - d. Date, graph scale, and true north point.
 - e. Location sketch map showing relation to area.
 - f. Location of property with respect to surrounding property and streets; names of all adjoining property owners of record; names of adjoining developments; and names of adjoining streets.
 - g. Location and dimensions of all boundary lines of the property to be expressed in feet; all dimensions to the nearest one-hundredth (100th) of a foot and angles to the nearest twenty (20) seconds.
 - h. Location of existing streets, water bodies, streams, and other pertinent features such as swamps, sinkholes, railroads, buildings, parks, cemeteries, and bridges.
 - i. Right-of-way and pavement widths of all installed streets; names of all streets.
 - j. Location and size of all installed and/or pre-existing water mains and/or sewer mains; and all fire hydrant locations.
 - k. Location of easements for rights-of-way for public services, utilities and the disposal of surface water; the limitation and/or dimensions of all easements; any areas to be dedicated for public use; and any sites for other than residential use, with notes stating their purpose and limitations.
 - l. Locations and dimensions of all proposed or existing lots; building setback lines on all lots; all blocks shall be lettered in alphabetical order; and all lots in each block shall be numbered consecutively.
 - m. Sufficient data to determine readily and to reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building setback line whether curved or straight. This shall include the radius, central angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
 - n. Location and description of monuments.
 - o. Any portion of the property being subdivided lying within a floodable area, as determined by an official Flood Hazard Boundary Map or Flood Insurance Rate Map, shall be so indicated.

- p. If this is a resubdivision of a previously recorded subdivision, provide plat book and page of last subdivision plat being amended.
 - q. The lack of information under any item specified herein, or improper information supplied by the developer, shall be grounds for disapproval of the final plat.
10. The Planning Commission shall require that an accurate map ("as-built" drawings) of all water lines, valves, fire hydrants and sewer lines be supplied by the developer to the Town of Sparta as a condition for final approval of any plat. Plans and specifications of all water and wastewater facilities shall be prepared by a registered engineer and approved by the Tennessee Department of Health and Environment. A copy of such plans shall be forwarded by the developer to the Sparta Water and Sewer Department Supervisor.
11. Approval of the Final Plat cannot be given until completion and inspection of required improvements or bonding per Section 12, Inspections. These improvements are to be installed in accordance with Article III. The required improvements must be approved by a representative of the appropriate utility or street department, and then be reported to the Planning Commission. The required improvements include:
- a. Monuments
 - b. Storm drainage system
 - c. Street grading and paving
 - d. Sewer lines
 - e. Water supply system lines and laterals
 - f. Fire hydrants
 - g. Driveway cuts with culverts (homes to be built by developer)
 - h. Street name signs and traffic control signs
 - i. Any other improvements that may be required by the Planning Commission.
12. Guarantees in Lieu of Completed Improvements
- a. Conditions may exist whereby a developer may be unable to install all improvements before requesting Final Plat approval. In lieu of the installation of all improvements, the Planning Commission may accept one of the following forms of financial guarantees, whereby in the event of default by the developer, improvements and utilities can be made without cost to the municipality:
 - (1) The establishment of cash in a bank escrow account in the full amount of the estimated cost of required improvements plus 10% yearly inflation factor.

- (2) An Irrevocable Letter of Credit, issued by a bank or savings and loan, signed by two officers, to cover the full amount of the estimated cost of improvements plus 10% yearly inflation factor.
 - (3) A performance bond from a surety bonding company to cover the full amount of the estimated cost of required improvements, plus 10% yearly inflation factor.
 - (4) A certified check in the full amount of the estimated cost of required improvements, plus 10% yearly inflation factor.
- b. In determining the basic cost of improvements, the Planning Commission may use a formula using a base cost per linear foot for each required improvement, that being a cost standard in the construction industry that particular year. The Planning Commission may determine the base cost by receiving information and/or bids from recognized contractors. If the developer provides the bid or estimated cost of improvements, the Planning Commission must determine that the contractor will guarantee the cost for at least the term of the guarantee plus two (2) months.
 - c. At the time of acceptance of a guarantee, the Planning Commission shall specify the specific length of time for a bond or escrow account before the municipality would take legal steps to cash it, but this time cannot exceed two (2) years.
 - d. None of the financial guarantees may be partially withdrawn by the developer during the construction period to pay for development costs except in the case of a final payment made after final inspection and approval by the Planning Commission, or except in the case where a developer is postponing final paving on a road until after a winter settling period for the completed and approved base roadway.
 - e. Forms and Agreements to be used for financial guarantees in lieu of completed improvements are found in Appendix B, C, and D of this document.

13. Certifications (See Appendix A for Forms)

In all cases some or all of the following certificates shall be present and signed on the original Final Plat before the Planning Commission Secretary signs the plat for recording the plat at the Register's Office.

Form 1) Certificate of Ownership and Dedication. Certification showing that applicant is the land owner and dedicates streets, rights-of-way, and any sites for public use.

Form 2) Certificate of Accuracy and Precision. Certification by surveyor of accuracy of survey and plat and placement of monuments.

Form 3A) Certificate of General Approval for Installation of Subsurface Sewage Disposal Systems. This certification to be used if any lots will use septic tanks, and must be signed by the appropriate State Health Department Representative before presentation to Planning Commission for final approval.

Form 3B) Certificate of Approval of Sewage Collection Facilities. This certificate is to be used for any lots where new sewerage collection facilities have been (or will be) installed. Part (1) pertains to public sewage collection facilities installed whereas Part (2) pertains to acceptance of a financial guarantee to assure completion of all required improvements in the case of default. Signature by the Sparta Sewer Department Supervisor.

Form 4A) Certificate of Approval of Water Lines and/or Hydrants. This certification is to be used for any lots where new water lines or hydrants have been (or will be) installed. Part (1) pertains to water facilities installed whereas Part (2) pertains to acceptance of a financial guarantee in lieu of improvements. This would be signed by the Sparta Water Department Supervisor.

Form 4B) Certification of Existing Water Lines and/or Sewer Lines. This certification is to be used for any lots served by and connected to previously existing water and/or sewer lines. This would be signed by the Sparta Water and Sewer Department Supervisor.

Form 5A) Certificate of Streets and Drainage System. This certification is to be used for any lots served by new streets, drainage system, etc., recently installed or to be installed, in conformance to Planning Commission regulations. Signature by Sparta Street Department Supervisor.

Form 5B) Certificate of Existing Street(s). This certification is to be used for a subdivision which does not involve new street construction but which fronts on an existing street. That street may not meet Planning Commission requirements, but is a street accepted by the municipality. This would be signed by the Sparta Street Department Supervisor.

Form 6) Certificate of Approval for Recording. Certification by Planning Commission Secretary that plat has been approved by the Commission. In all cases this certification will be signed only after all other certificates have been signed and after final approval has been granted by the Planning Commission.

14. Inspections Procedures

The developer shall notify the Sparta Street or Utility Department Supervisors or water service Utility District Supervisor when work on streets and/or utilities is to begin and the anticipated schedule for the preparation of subgrade and road base,

installation of drainage and underground utilities, and final surfacing of the street. Since the inspections need to be made periodically during the entire process, communication with the Sparta Street or Utility Department Supervisors is essential to make the process move as smoothly as possible.

The developer shall notify the Sparta Street or Utility Department Supervisor at least 24 hours in advance of the needed inspection on:

- a. Street grading, preparation of subgrade, and installation of the drainage system.
- b. Installation and pressure testing of water mains, water stubs, hydrants, sewer mains and manholes and any other underground utility lines.
- c. Pavement base. Inspection includes checking thickness of gravel every 500 feet at random points across width.
- d. Final paving and drainage system.

Throughout the construction period, the Sparta Street or Utility Department Supervisors will keep a log of findings and periodically report the status to the Planning Commission staff planner. Problems should be brought to the attention of the Planning Commission immediately. Upon completion of construction and inspection, the inspector(s) will submit a written report to the Planning Commission. These inspection reports will become part of the official records of the Planning Commission. If a financial guarantee is posted by the developer in lieu of required improvements, funds shall not be released until all streets and utilities meet all required standards and the Planning Commission has received written reports to that effect.

ARTICLE III DESIGN AND SPECIFICATIONS

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 and taxpayers a potential tax liability.

A. Suitability of the Land

1. Land Physically Unsuitable for Subdivision

- a. Land where flooding, poor drainage, sinkholes, steep slopes, rock formations, or other such features which may endanger health, life or property, aggravate erosion, increase public funds for supply and maintenance of services; and
- b. Land which other public agencies have investigated and found in the best interest of the public not suitable for the type of platting and development proposed shall not be approved for subdivision unless adequate methods are formulated by the developer for meeting the problems created by subdivision of such land. Such land within any plat shall be set aside for such uses as shall not produce unsatisfactory living conditions.

2. Land Unsuitably Located for Subdivision

- a. The Planning Commission shall not approve what it considers to be scattered or premature subdivision of land which would endanger health, safety, or property because of lack of or adverse effect on water supply, schools, proper drainage, good transportation, or other public services or which would necessitate an excessive expenditure of public funds for the supply or maintenance of such services.
- b. Land unsuitable for subdividing is also that located in close proximity to potentially hazardous commercial or industrial operations which may endanger health, life or property of the residents of the proposed subdivision.
- c. Fill may not be used to eliminate a sinkhole or to raise land in areas designated as floodways. In areas subject to poor drainage, fill shall not restrict the flow of water and unduly increase flood heights.
- d. No building site can be located within a sinkhole or within 20 feet of the top of the bank of a stream.

B. Special Requirements for Floodable Areas

1. Definition of Land Subject to Flooding

For the purpose of these regulations, land subject to flooding shall be defined as the special flood hazard areas as shown on the Flood Boundary and Floodway Map and the Flood Insurance Rate Map (FIRM) for Sparta, or Floodplain Information Calfkiller River, Sparta, Tennessee, Nashville District, Corps of Engineers, 1971.

2. Regulations for Subdivisions Containing Land Subject to Flooding

The regulations of the Sparta Floodplain Zoning Ordinance, and any revisions thereto, shall apply to all subdivisions within the corporate limits of Sparta. In addition the following regulations shall apply to all subdivisions:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All small streams, creeks, lakes, ponds, sinkholes or other drainage areas shall be shown on the Preliminary and Final Subdivision Plat.
- c. Every lot platted shall have a flood-free building site.
- d. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- e. Base flood elevation data shall be provided for all subdivision proposals containing land subject to flooding.
- f. Utilities
 - (1) All subdivision proposals shall have public utilities and facilities, such as gas, electrical and water systems located and constructed so as to minimize or eliminate flood damage.
 - (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration.
 - (4) If on-site waste disposal septic systems are to be used, a flood-free site shall be provided on each lot in order to avoid impairment to them or contamination from them during flooding.

C. Monuments

1. Concrete monuments four (4) inches in diameter, square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street lines

intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

2. All other lot corners shall be marked with iron pipe not less than three-fourth (3/4) inches in diameter and twenty-four (24) inches long, and driven so as to be flush with the finished grade.

D. Streets

1. General Information

a. Arrangement

The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction of extension, presently or when later required, of needed utilities and public services, such as sewers, water and drainage facilities. Local streets shall be so laid out that their use by through traffic will be discouraged. Where, in the opinion of the Planning Commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified. The curvi-linear street layout will be encouraged by the Planning Commission.

b. Conformity to the Major Street Plan

The location and width of all streets and roads shall conform to the official Major Street Plan.

c. Relation to Adjoining Street System

The proposed street system shall extend any adjoining existing streets at the same or greater width, but in no case less than the required minimum width.

d. Relation to Topography

The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as practicable to the original topography.

e. Flood Prevention

Streets which will be subject to inundation or flooding shall not be approved. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. Where flood conditions are anticipated, profiles and elevations of streets will be required in order to determine the advisability of permitting the proposed street layout.

2. Street Right-of-Way Widths

The minimum width of the street right-of-way, measured from lot line to lot line, shall be as shown on the Major Street Plan, or if not shown on such a plan, shall be not less than as listed below:

- a. Arterial Streets and Highways80-150 ft.
(See definition on page 3.)
- b. Collector Streets.....60 ft.
(See definition on page 3.)
- c. Minor Residential Streets.....50 ft.
(See definition on page 3.)
- d. Marginal Access Streets50 ft.
(See definition on page 3.)
- e. Cul-de-sacs (Dead-end Streets).....100 ft.
(See definition on page 3.) diameter
- f. Alleys (if approved)30 ft.
(Used primarily for business or industrial areas to provide service access to the rear of lots.)

3. Minimum Surfacing Widths

- a. Minimum surfacing widths shall be as follows:
 - (1) Minor Residential and Rural Streets20 ft.
 - (2) Cul-de-sacs (Dead-end Streets).....80 ft.
diameter
 - (3) Collector Streets26 ft.
 - (4) Arterial Streets and Highways48 ft.
- b. Due to the diversity of the development, ranging from sparsely populated areas to densely populated urban areas, required surfacing widths may necessarily vary with the character of building development, the amount of traffic encountered, and the need to provide space for on-street parking.

- c. In general, streets through proposed business areas shall be considered either collector streets or arterial streets and the street widths of streets so located shall be increased six (6) feet on each side if needed to provide parking without interference to normal passing traffic.

4. Additional Width on Existing Streets

Subdivisions that abut existing public streets shall dedicate additional right-of-way to meet the minimum street width requirements.

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- b. When the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

5. Street Grades

- a. Grades on major streets shall not exceed seven (7) percent; grades on other streets shall not exceed ten (10) percent. No more than three (3) percent grade within 50 feet of any intersection with a collector or arterial street will be allowed.
- b. Upon Preliminary Plat approval, if the street grade appears questionable, a street grade profile map may be required for the questionable area before approval of Final Plat.
- c. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two-hundred (200 feet), said sight distance being measured from the driver's eyes, which are assumed to be four and one-half (4 1/2) feet above the pavement surface.
- d. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one-hundred (100) feet horizontal, and one (1) inch equals twenty (20) feet vertical, may be required by the Planning Commission.

6. Curves

a. Horizontal Curves

Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve or reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the center line radius of curvature shall be not less than three-hundred (300) feet; on other streets it shall be not less than one-hundred (100) feet.

b. Tangents

A tangent of at least one-hundred (100) feet in length shall be introduced between reverse curves on all streets.

- c. Curve radii at street intersections shall not be less than twenty (20) feet and where the angle of street intersection is less than seventy-five (75) degrees the Planning Commission may require a greater curb radius. To permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.

7. Intersections

- a. Street intersections shall be as nearly at right angles as is possible and no intersection shall be at the angle of less than sixty (60) degrees.

b. Street Jogs

Street jogs with center line offsets of less than one-hundred fifty (150) feet shall not be allowed if the proposed street is to connect with or is an arterial or collector street. Street jogs on minor residential streets with center line offsets of less than one-hundred twenty-five (125) feet shall not be allowed.

c. Visibility of Intersections; Steep Grades and Curves

A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) shall be leveled and cleared of brush (except isolated trees) and obstruction above the level three feet higher than the center line of the street. If directed, the ground shall be excavated to achieve visibility.

8. Cul-de-Sacs (Dead-End Streets)

a. Permanent

Minor terminal streets or courts designed to have one (1) end permanently closed shall be no more than one-thousand two-hundred (1,200) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an

outside pavement diameter of at least eighty (80) feet and a street right-of-way diameter of at least one-hundred (100) feet.

b. Temporary

Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary paved turn-around having a roadway surface diameter of at least eighty (80) feet.

9. Private Streets or Permanent Vehicular Easements

The Planning Commission discourages the platting of private streets or permanent vehicular easements as every subdivided property should be served from a publicly dedicated street. Private streets and permanent vehicular easements shall be developed to meet all standards required for municipal streets as provided in these regulations. These include, but are not limited to, all requirements for street right-of-way widths, minimum surfacing widths, street grades, curves, intersections, street names and street construction procedures and specifications.

10. Reserve Strips

There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the municipality under conditions approved by the Planning Commission.

11. Special Treatment along Major Arterial Streets

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

12. Sidewalks (Optional)

For the safety of pedestrians and of children going to school, installations of sidewalks on one side or both sides of the street may be required on certain collector and arterial streets, in the vicinity of schools, and in other locations where the Planning Commission considers sidewalks to be needed.

Sidewalks shall be located in the street right-of-way not less than one foot from the property line to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date.

In a single family residential area, concrete sidewalks shall be four (4) feet wide and four (4) inches thick. In multi-family or group housing developments, sidewalks shall be five (5) feet wide and four (4) inches thick. In commercial areas, sidewalks shall be six (6) feet wide and four (4) inches thick.

13. Streets in Commercial Subdivision Developments

a. Service Streets or Loading Space in Commercial Development

Paved rear service streets or alleys of not less than 20 feet wide, or adequate off-street loading space with a suitable paved surface shall be provided in connection with lots designed for commercial use.

b. Free Flow of Vehicular Traffic Abutting Commercial Developments

In front of areas designed for commercial use, the street's width shall be increased by such amount of each side as may be deemed necessary by the Planning Commission to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

14. Street Names/Property Numbering

- a. Proposed streets, which are obviously in alignment with others already existing and named, shall bear the name of existing streets.
- b. New street names shall be substantially different so as not to be confused in sound or spelling with present street names. The only exception to this policy is where a proposed street is an extension of (or is in alignment with) an existing street. Generally, no street should change direction by more than 90 degrees without a change in street name.
- c. The developer is required to erect standard (green and white) street name signs at all intersections in subdivisions in the city limits of Sparta. These add value to land subdivision and enable strangers, delivery concerns, emergency vehicles, and even potential buyers to find their way around. The subdivider should consult with the Sparta Street Department Supervisor.
- d. Street addresses (property numbers) shall be assigned each lot and affixed to the Final Plat. These numbers shall be assigned by the Building Official and approved by the Planning Commission.

15. Street Construction Procedures and Specifications

a. Street Construction Specifications

<u>Cross Section</u>	<u>Local</u>	<u>Collector</u>
Right-of-way	50 ft.	60 ft.
Roadbed width	28 ft.	34 ft.
Width of base	26 ft.	30 ft.
Thickness of base	6 in.	8 in.
Width of surfacing	20 ft.	26 ft.
Thickness of asphalt binder	---	2 in.
Thickness of surfacing	2 in.	2 in.

b. Subgrade Preparation

Before grading is started, the areas within the limits of construction shall be cleared of all objectionable matter, such as trees, stumps, roots, weeds, heavy vegetation, etc. Top soil shall be removed and stockpiled for later use as a topping-out material for seeding and sodding.

If rock is encountered, it shall be removed or scarified to provide adequate roadway drainage. The subgrade shall be constructed according to Section 207 of the Tennessee Department of Transportation's Standard Specifications for Road and Bridge Construction, 1981 edition (and all subsequent revisions) and approved by Sparta Street Department Supervisor.

After grading is completed, and before any base is applied, all of the underground work water mains, gas mains, telephone cable, and service connections from any of the above shall be installed completely throughout the length and width of the road.

Where the subgrade is cut for the installation of underground utilities, fill shall be stone, crusher run 1-1/2" and down with fines; utilities shall be properly bedded in suitable material, depending on subgrade, as required by the Sparta Street Department. The backfill shall be thoroughly compacted in layers not to exceed eight (8) inches in thickness, by hand, or by pneumatic tamping equipment. Backfills shall be compacted to a density not less than that of the original compacted fill. The finished subgrade shall provide for superelevation and crown of the roadway.

c. Street Drainage

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than eighteen (18) inches. (See Appendix I). Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the road surface.

d. Road Bank Seeding and Erosion Control

Areas disturbed by cut or fill along roadways shall be shaped and seeded with permanent vegetation. This work should be accomplished in conjunction with roadway construction in order to reduce erosion and prevent the siltation and clogging of culverts and drainage ways. In areas with slopes over 3% grade excluding rock conditions, sodding of drainage ways, concrete waterways and/or ditch checks may be required.

e. Pavement Base

After preparation of the subgrade, the roadbed shall be surfaced with material required by local standards, but of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be that generally known as "crusher run stone" from one and one-half (1 1/2) inches down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six (6) inches for local streets and eight (8) inches for collector streets.

Construction shall be as specified in Section 303 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction", 1981 edition (and all subsequent revisions).

After the thoroughly compacted base has been established, it should be allowed to settle for a period no less than six (6) months under normal traffic conditions prior to application of all-weather hard surfacing.

If the developer wants Final Plat approval before applying the final surfacing, he must have a financial guarantee to cover the cost of the surfacing approved by the Planning Commission.

Before final surfacing, and after the settling period, the developer shall ensure that a minimum pavement base of six (6) inches for local streets and eight (8) inches for collector streets is provided.

f. Prime Coat

The base, prepared as outlined above, shall be sprinkled lightly with water to settle any loose dirt. A bituminous prime coat shall then be applied uniformly over the surface to the base by the use of an approved bituminous distributor. This prime coat shall be applied at the rate of three-tenths (3/10) gallon per square yard, using the bituminous materials specified in Section 402 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" 1981 edition (and all subsequent revisions).

Maintenance and protection of the prime coat shall be as specified in Section 402 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" 1981 edition (and all subsequent revisions).

g. Wearing Surface

Upon completion of the prime coat, an asphaltic concrete surface (hot mix) shall be applied. Materials used shall be as specified in Section 411 of the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" 1981 edition (and all subsequent revisions).

Construction equipment and construction procedures shall be as specified in Section 411 of the Tennessee Department of Transportation's Standard Specifications for Road and Bridge Construction, 1981 edition (and all subsequent revisions).

The compacted thickness of the asphaltic concrete surface (hot mix) shall be no less than two (2) inches.

h. Inspections

The roadway shall be inspected at various stages of construction by the appropriate municipal street authority. Written approval must be made by the inspector at each stage prior to proceeding. (See Section 14 on page 17 for additional information on Inspections Procedures.)

E. Utilities

1. Easements

The Planning Commission may require easements, not less than twelve (12) feet and not more than twenty (20) feet in width for poles, wires, conduits, storm sewers, gas, water and sewer mains, or other utility lines, along all rear lot lines, along side lot lines if necessary. Easements of the same or greater width may be required along lot lines, where necessary, for the extension of existing or planned utilities.

2. Installation

After street grading is completed and approved and before any gravel or surfacing is applied, all of the underground work (water and sewer mains and other underground utilities, where applicable, and all service connections) shall be installed completely and approved throughout the length of the street and across the street to serve each lot.

3. Water Supply System

a. Accessibility

The provision of a public water supply is deemed by the Planning Commission to be essential to the public welfare in developments where homes will be in close proximity to each other. When a proposed subdivision is not directly adjacent to a public water supply line, the developer must arrange to extend a water line to his property.

Lands without accessibility to public water supply systems or developments not capable of the provision of an adequate supply of water through an approved system of production, storage, and distribution, capable of providing adequate flow for domestic use and fire protection, shall be deemed unsuitable for development as a subdivision until such time as this system can be provided.

- b. Water mains properly connected with the appropriate water supply system shall be constructed in such a manner as to serve all lots shown on the subdivision plat for both domestic use and fire protection.
- c. Materials and construction procedures for water mains and connections shall be in accordance with the requirements and specifications of the Sparta Water Department.
- d. Mains of six (6) inches in diameter shall be installed throughout the subdivision and shall connect to existing six (6) inch water mains; except along cross streets of one-thousand (1000) feet or permanent cul-de-sacs, where no less than two (2) inch mains may be installed. Every attempt shall be made to establish a gridiron layout, preferably "looped", with a minimum of dead-end lines. All lines shall meet the specifications of the applicable water utility district.
- e. Connections to the water system shall be installed for every lot in a subdivision so that future connections will not require digging up or tunneling under streets or interruption of service to other connections on the system.
- f. Fire Protection
 - (1) Fire hydrants shall be spaced approximately 1000 feet apart in residential areas and no less than 600 feet apart in commercial areas so that each residential lot is within 500 feet of a hydrant and each commercial/industrial lot is within 300 feet of a hydrant. They shall be so located that they will be accessible, will be protected from traffic hazards, and will not obstruct walks, roadways, or parking facilities.
 - (2) All fire hydrants shall have two (2) 2 1/2 inch outlets and one (1) outlet to fit large fire department suction hoses. Type to be approved by the Sparta Water Department in cooperation with the Sparta Fire Chief.
 - (3) There shall be a valve in the lateral between the street main and fire hydrant.

4. Sanitary Sewers and Septic Tanks

- a. Accessibility to the Existing Sewer System

When a proposed subdivision is not directly adjacent to an existing public sewer system, the Planning Commission shall determine the accessibility of the nearest system and determine whether the subdivider must make connections. The Planning Commission may seek the advice of other government officials, and/or qualified consultants prior to making this determination. In all cases where the subdivision is within 300 feet of an

existing sewer line, connection will be made by the subdivider and a sewer system installed within the subdivision.

- b. Where the Planning Commission determines that a subdivision does not have to connect to the existing sewerage system, lots must contain adequate area for the installation of approved septic tank(s) and disposal fields as determined by and approved in writing by the State Health Environmentalist prior to the plat receiving final approval.
- c. The sanitary sewer lines shall be at least 8" in size. Materials used and installation shall be in accordance with the instructions and specifications of the Sparta Sewer Department and the Tennessee Department of Health and Environment, and in such a manner as to serve adequately all lots with connection to the public system.

5. Other Utilities (gas, electric, telephone, cable TV, etc.)

a. Below Ground

The Planning Commission shall encourage the complete use of underground utilities wherever practical. These are to be installed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines. The following requirements shall apply: After grading is completed and approved, and before any pavement base is applied, all of the instreet underground work (water, sewer, gas and electric lines and all service connections) shall be completely installed and approved throughout the length of the street and across the flat section. The subdivider should install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

b. Above Ground

Where electric, telephone and/or cable TV utilities are to be installed above ground, they should be provided for in rear lot easements whenever practicable. These easements shall be perpetual, unobstructed, a minimum of twenty (20) feet in width and provided with satisfactory street access. Whenever possible, easements shall be cleared and graded where required.

F. Lots

1. Lots to be Buildable

The lot arrangement shall be such that in constructing a building there will be no foreseeable difficulties for reasons of topography, sinkholes, flooding or other

natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

2. Side Lines

All side lines of lots should be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.

3. Minimum Lot Size

The size, shape and orientation of lots shall be such as the Planning Commission deems appropriate for the type of development and use contemplated.

- a. Residential lots served by public water and public sanitary sewer systems:
- b. Lot size and width as required and specified by Sparta Zoning Ordinance.
- c. Residential lots served by public water and private sewage disposal systems (septic tanks):

Minimum area = 20,000 sq. ft.*

Minimum width at building setback line = 100 ft.*

*Or as determined by State Health Environmentalist.

Greater area may be required for private sewage disposal if there are factors of drainage, soil condition or other conditions to cause potential health problems. The Planning Commission requires that results from soils tests be submitted in order to approve subdivisions dependent upon septic tanks as a means of sewage disposal.

- d. Non-Residential Lots

The size of lots reserved or laid out for commercial or industrial properties shall conform with the provisions of the Sparta Zoning Ordinance and shall be adequate to provide for the off-street services and parking facilities required by the type of use and development contemplated. Platting of individual lots may be postponed by using larger tracts which may be redivided as time and circumstances dictate. An overall design of the land is desirable so as to provide insulation against adverse affect on present or future adjacent residential development.

4. Building Setback Lines

The minimum depth of building setback lines shall be in accordance with requirements in the Sparta Zoning Ordinance.

5. Minimum Street Frontage

All lots shall have a minimum of fifty (50) feet of frontage on a public street, except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be thirty (30) feet.

6. Off-Street Parking

All residential subdivision lots shall provide sufficient off-street parking space for at least two vehicles. Non-residential subdivisions shall provide sufficient off-street parking and loading space and shall comply with the provisions of the Sparta Zoning Ordinance.

G. Drainage

1. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. This will include adequate easements to remove surface water from the buildable portion of lots.

2. Removal of Spring and Surface Water

The subdivider may be required by the Planning Commission to carry away pipe or open ditch any spring or surface water that may exist either previous 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.

3. Other Watercourses

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Street Supervisor. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required, and it shall in no case be less than 20 feet in width.

4. Storm Drainage Under Roads

Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than eighteen (18) inches in diameter. Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and

with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact with the top of the pipe at least one (1) foot below road surface.

5. Driveway culverts shall be a minimum of fifteen (15) inches in diameter.
6. Drainage Structure to Accommodate Potential Development Upstream

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.

7. Responsibility from Drainage Downstream

The subdivider's engineer shall also study the effect of each subdivision on the 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, provision shall be made for the improvement of said condition.

8. Land Subject to Flooding See Section B (page 15) of this Article for Special Requirements for Floodable Areas.
9. Erosion Reduction

The Planning Commission may require the subdivider to utilize grading techniques, subdivision design, landscaping, sedimentation basins, special vegetation cover, and other measures to reduce erosion and sedimentation during and after development.

H. Parks, Open Spaces, and Natural Features

1. Recreation Areas Shown on City Plan

Where a proposed park, playground or open space shown on the city or county plan is located in whole or in part in a subdivision, the commission shall require that such area or areas be shown on the plat in accordance with the requirements specified in Section H.3. of this Article. Such area or areas may be dedicated to the municipality by the subdivider if the applicable governing body approves such dedication.

2. Parks and Playgrounds Not Shown on City Plan

- a. The Planning Commission may require that the plat show site(s) of a character, extent, and location suitable for the development of a park, playground, or other recreation purpose. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.
- b. The developer may want to set aside lot(s) or acreage for public open space or a public park. In such case the developer should discuss his ideas and/or plans with the Planning Commission and the applicable Parks and Recreation Board to determine if the appropriate governing body would consider accepting such dedications and if the municipality would require improvements by the developer.
- c. Within one year from the date the subdivision improvements (water, sewer, roads) are completed, the developer may submit to the appropriate local governing body, a proposal to dedicate land area to the public as a park, playground or other open space. In such case the developer should notify the Planning Commission by letter of his intention and plan. The Planning Commission will review the proposal and recommend for or against approval to the appropriate governing body. The Planning Commission encourages the governing body to act on such proposals within 90 days. The developer is reminded that the city has the right to accept or reject any dedication and may impose additional requirements.

3. Information to be Submitted

- a. For any area that is proposed to be used for open space, a park or playground, the subdivider shall submit, prior to final approval, to the commission, three prints drawn in ink showing, at a scale of not less than thirty (30) feet to the inch, such area and the following features thereof:
 - (1) The boundaries of the said area, giving lengths and bearings of all straight lines, radii, lengths, central angles and tangent distances of all curves.
 - (2) All existing or proposed features such as brooks, ponds, clusters of trees, rock outcrops, structures, water/sewer lines, easements, etc.
 - (3) Existing, and if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent.
 - (4) Certificate of Ownership and Dedication.
 - (5) Certificate of Accuracy.

4. Waiver of Plat Designation of Area for Park and Playground

In cases where the Planning Commission finds that due to the size, topography, or location of the subdivision land for park, playground or other recreational purposes cannot be properly located therein, or in the opinion of the commission it is not desirable, the Commission may waive the requirements that the plat show land for such purposes.

5. Preservation of Natural Features

The Planning Commission shall, wherever possible, attempt to preserve all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, historic spots, vistas and similar irreplaceable assets. Any natural features that are to be preserved either by request of the Planning Commission or by decision of the developer shall be deeded to the Town of Sparta. An easement not less than ten (10) feet in width shall be provided for access to and circulation around any common natural features.

COPY

ARTICLE IV SPECIAL DEVELOPMENTS

A. Open Space Subdivision Standards

In general, recently developed residential lands consist largely of traditional one-family private homes in residential subdivisions centered on individual lots. The Planning Commission encourages the innovation of new ideas and concepts in land development. Under certain circumstances the Planning Commission will approve new design techniques in subdivision developments, designs that will provide more open space preservation within the developed area.

Other common terms for open space development are "cluster development" and "planned unit development". These are ways of designing predominantly residential subdivisions so as to include built-in common space, in addition to individual building lots. Some houses may still have small separate lawns and yards, but all of them, including town houses and multi-family dwellings, have common access to expanses of open land.

1. In general, open space subdivision standards will only apply for tracts of five (5) acres or more, but the Planning Commission may waive this requirement at their discretion.
2. In general, all requirements and minimum standards of design required in Article III, Sections A through H will be required, except Section F (Lots).
3. Approval of the Final Plat will be subject to approval of:
 - a. Provision for maintenance of open space by one of the following:
 - (1) Dedication of all open space land to the city or county for maintenance, with the city or county having the option to refuse dedication.
 - (2) Establishment of a mandatory non-profit homeowner's association made up of the residents to maintain the common open spaces and facilities. Each owner will retain an undivided interest in the common land. This interest to be written in the deed of each individual homeowner in perpetuity.

Whenever a home association is proposed, the Planning Commission and the municipality's attorney shall retain the right to review and approve the articles of incorporation and charter of said home association, and to require whatever conditions deemed necessary to insure that the intent and purpose of these regulations are carried out.

- b. A landscape and architectural drawing of the final developed site.
 - c. Satisfactory provision for solid waste and sewerage disposal, and adequate water supply and pressure for domestic use and fire protection.
- 4. There shall be no more than a ten percent (10%) increase in population density over the density of regulated subdivision developments.
 - 5. Depending on the design of the development and/or types of residential units within, some or all of the development may be required to conform to *Tennessee Code Annotated* 66-27-101 through 123, entitled Horizontal Property Act.

B. Large Scale Development

The requirements of these regulations may be modified in the case of large scale community or neighborhood units, such as a housing project, trailer court or shopping center which is not subdivided into customary lots, blocks, and streets, if the development is approved by the Planning Commission and if it is in conformity with the purpose and intent of these regulations.

C. Condominium Developments

Proposed residential or commercial projects which will offer individual attached units for sale with or without any land, and with certain elements in common to all units may be required to conform with requirements of *Tennessee Code Annotated* 66-27-101 to 123, entitled the Horizontal Property Act.

ARTICLE V ENFORCEMENT AND PENALTIES FOR VIOLATIONS

The enforcement of these regulations and penalties for the unapproved recordation or transfer of land are provided by state law in the authority granted by public acts of the State of Tennessee.

- A. Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Sparta Municipal Planning Commission and obtained its approval and before such plat be recorded in the office of the County Register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law, as provided in Section 13-4-306, *Tennessee Code Annotated*.
- B. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring a lot in an unapproved subdivision shall not exempt the transaction from being a subdivision if two (2) or more lots are being created and does not exempt such transaction from misdemeanor penalties as provided in Section 13-4-306, *Tennessee Code Annotated*.
- C. No building permit shall be issued and no building or structure shall be erected on any lot within the area of jurisdiction of the Planning Commission unless the street giving access to the lot shall have been accepted or opened as a public street in accordance with these regulations, or otherwise had received the legal status of a public street, or unless such street corresponds to a street shown on an approved plat, etc., as provided in Section 13-4-308, *Tennessee Code Annotated*.
- D. Any building or structure erected or to be erected in violation of Section 13-4-308, *Tennessee Code Annotated*, shall be deemed an unlawful building or structure, and the Building Inspector or the City Attorney or other official designated by the Sparta Board of Mayor and Aldermen may bring action to enjoin such erection or cause it to be vacated or removed.
- E. No board, public officer, or authority shall light any street, lay or authorize the laying of water mains or sewers or the construction of other facilities or utilities in any street located within the area of planning jurisdiction, unless such street shall have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Planning Commission, or a thoroughfare plan made and adopted by the Commission as provided in Section 13-4-307, *Tennessee Code Annotated*.
- F. No County Register of Deeds shall file or record a plat of a subdivision of land within the Town of Sparta without the approval of the Sparta Planning Commission as required by Section 13-4-302, *Tennessee Code Annotated*, and any County Register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

ARTICLE VI ADOPTION, AMENDMENTS AND EFFECTIVE DATE

- A. Before adoption of these revised subdivision standards, a public hearing as required by Section 13-4-303, *Tennessee Code Annotated*, was afforded any interested person or persons and was held on October 7, 1992. Notice of such hearing was announced in the *Sparta Expositor* being a newspaper of general circulation within the area of planning jurisdiction, on September 8, 1992.

- B. These regulations shall be in full force and effect from and after their adoption and effective date.

Adopted: _____

Effective: _____

Secretary, Sparta Municipal Planning Commission

- C. Before amendments to the Sparta Subdivision Regulations are approved, a public hearing (as required by Section 13-4-303, *Tennessee Code Annotated*) was afforded any interested person or persons and was held on _____, with notice having been run in the *Sparta Expositor* on _____.

Amended By Planning Commission:

Date

Secretary, Sparta Municipal Planning Commission

APPENDIX A
FINAL PLAT CERTIFICATION FORMS

Form 1 CERTIFICATION OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, and parks as shown to the public or private use noted. I (we) further acknowledge that any change to this subdivision constitutes a resubdivision and requires the approval of the Planning Commission.

Date Signed

Owner(s) Signature(s)

Form 2 CERTIFICATE OF ACCURACY AND PRECISION

I hereby certify that the plan shown and described hereon is a true and correct Class ____ survey, and the ratio of precision is 1: ____, performed in accordance to current Tennessee Standards of Practice for Land Surveyors. I further certify that the monuments have been placed as shown hereon, to the specifications of the Sparta Planning Commission.

Date Signed

Surveyor's Signature

Form 3A CERTIFICATE OF GENERAL APPROVAL FOR INSTALLATION OF
SUBSURFACE SEWAGE DISPOSAL SYSTEMS WITH RESTRICTIONS

General approval is hereby granted for lots shown hereon as being suitable for subsurface sewage disposal with the listed and/or attached restrictions. Before the initiation of construction, the location of the house or other structure and the plans for the subsurface sewage disposal system shall be approved by the County Representative of Tennessee Department of Health and Environment.

Date Signed

Environmentalist for White County, TN

Form 3B* CERTIFICATE OF APPROVAL OF SEWAGE COLLECTION FACILITIES

I hereby certify that (1) public sewage collection facilities are installed in an acceptable manner according to Town of Sparta specifications; or (2) a Financial Guarantee acceptable to the Sparta Planning Commission in the amount of \$_____ has been posted to assure completion of all required improvements in the case of default.

Date Signed

Sparta Sewer Dept. Supervisor

*If no new sewer lines are to be installed because existing lines are used, put Certificate #4B on the final plat instead of 3A or 3B.

Form 4A CERTIFICATE OF APPROVAL OF WATER LINES AND/OR HYDRANTS

I hereby certify that (1) water lines and/or fire hydrants are installed in an acceptable manner and according to the specifications of the Sparta Planning Commission and the Town of Sparta or (2) a Financial Guarantee acceptable to the Sparta Planning Commission in the amount of \$ _____ has been posted to assure completion of all required improvements in the case of default.

Date Signed

Sparta Water Dept. Supervisor

Form 4B CERTIFICATION OF EXISTING WATER LINES AND/OR SEWER LINES

I hereby certify that the water lines and/or sewer lines shown hereon are in place.

Date Signed

Sparta Sewer Dept. Supervisor

Form 5A CERTIFICATE OF APPROVAL OF STREETS AND DRAINAGE SYSTEM

I hereby certify that (1) streets, street signs, drainage system (easements, culverts, etc.) and other improvements (curbs, sidewalks, etc.) as required by the Sparta Planning Commission are installed in an acceptable manner and according to required specifications; or (2) a Financial Guarantee acceptable to the Sparta Planning Commission in the amount of \$ _____ has been posted to assure completion of all required improvements in the case of default.

Date Signed

Sparta Street Dept. Supervisor

Form 5B CERTIFICATION OF EXISTING STREET(S)

I hereby certify that the street(s) shown on this plat has (have) the status of an accepted public street(s) regardless of current condition.

Date Signed

Sparta Street Dept. Supervisor

Form 6

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations of the Sparta Planning Commission with the exception of such variances, if any, as are noted in the Official Minutes of the Sparta Planning Commission, and that said plat has been approved for recording in the Office of the Register of White County, Tennessee.

Date Signed

Secretary, Sparta Municipal Planning Commission

COPY

APPENDIX B
IRREVOCABLE LETTER OF CREDIT AGREEMENT

This Irrevocable Letter of Credit Agreement made and entered into on this ___ day of _____, 20____, by and between _____, (hereinafter referred to as Developer) and the Sparta Municipal Planning Commission (hereinafter referred to as the Commission), and the _____ (hereinafter referred to as the Bank).

WITNESSETH:

WHEREAS, Developer is subdividing a tract of land located in the Town of Sparta, Tennessee, containing ____ acres more or less, into ____ residential lots, which subdivision is known as _____; and

WHEREAS, in accordance with the requirements of the Commission, Developer is required to insure the completion of certain improvements required by the Sparta Subdivision Regulations, specifically; and

WHEREAS, Section 13-4-303 of the *Tennessee Code Annotated* provides that in lieu of completion of such improvements, the Commission may accept a bond, in form and amount and with conditions and surety satisfactory to it and providing for and securing to the public the actual construction and installation of such improvements within a period specified by the Commission and expressed in said bond; and

WHEREAS, Section 13-4-303 of the *Tennessee Code Annotated* states that the construction and installation of such improvements and utilities shall take place within a period specified by the Commission and be expressed in the bonding agreement.

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants, agreements, and considerations thereafter set out, the parties hereto agree as follows:

- 1) In consideration of the Commission giving final approval to the final plat of _____ Subdivision, the Developer has obtained from the Bank, and the Bank covenants and warrants to the Commission an Irrevocable Letter of Credit in the amount of \$ _____, having been signed by two officers of said Bank. Said Irrevocable Letter of Credit is attached to this Agreement and to the Final Plat.
- 2) The Developer covenants with and warrants to the Commission that said amount shall cover the full amount of the estimated cost of improvement(s), plus an inflationary contingency of 10 percent per year, as determined by a bonded contractor's bid or by the Town of Sparta and approved by the Commission. A copy of said contractor's bid or the Town of Sparta's estimate shall be attached to this Agreement. Installation of the following improvements are required by the Planning Commission:
- 3) There can be no withdrawal or expenditure of funds from said Irrevocable Letter of Credit until the expiration of the period specified in this Agreement.
- 4) The specified period of this Agreement shall be ____ years and ____ months after the date of execution of this Agreement by all parties; the Irrevocable Letter of Credit will expire not less than sixty (60) days following the expiration of this Agreement.

5) At such time of expiration of this Agreement, the Commission shall undertake one of the following courses of action:

a) If all improvements required by said subdivision regulations are completed and approved within said period, the Commission shall approve termination of the Irrevocable Letter of Credit Agreement and notify the Bank that the Commission no longer has an interest in the Letter of Credit. Completion of improvements shall be determined by the appropriate Sparta Street or Utility Department Supervisors and such determination reported to the Commission in writing.

b) If upon the expiration of the specified period of this Agreement, it is determined (as above) that required improvements have not been made, the Commission shall direct the City Attorney to enforce this Irrevocable Letter of Credit Agreement, to withdraw the said funds from said Irrevocable Letter of Credit and forward said funds to appropriate jurisdiction for the construction of said improvements.

c) If said Developer can prove in writing within 30 days prior to the expiration of this Agreement that unusual circumstances have prevented the completion of required improvements, the Commission may review the case and, if the situation warrants, may grant an extension. All parties will execute an addendum to this agreement.

6) It is understood and agreed, however, that nothing herein contained shall relieve the Developer from completing the improvements required by the Commission, but said Irrevocable Letter of Credit shall be construed as being merely an assurance of creating a fund from which said improvements can be constructed and completed.

7) The Bank agrees that is shall not allow the withdrawal of funds or release of said Irrevocable Letter of Credit except upon the conditions hereinabove set out in the preceding paragraphs.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this day and date first above written.

Developer's Signature

Financial Institution (Name)

By:

(Officer's Signature)
Sparta Municipal Planning Commission

By:

(Secretary's Signature)

ACKNOWLEDGEMENTS

State of Tennessee)
White County)

Before me, the undersigned authority, a Notary Public, in and for said State and County, personally appeared _____, the within named Developer(s) with whom I am personally acquainted and who acknowledged that he/they executed the within and foregoing instrument as his/their free act and deed for the purposes therein expressed and contained.

Witness my hand and seal of office on this the ____ day of _____, 20____.

Notary Public

My Commission Expires:

State of Tennessee)
White County)

Before me, the undersigned authority, a Notary Public, in and for said State and County, personally appeared _____, with whom I am personally acquainted, and who, upon oath, acknowledged herself/himself to be the Secretary of the Sparta Municipal Planning Commission, and that as Secretary, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Planning Commission by herself/himself as Secretary.

Witness this my hand and seal of office this the ____ day of _____, 20____.

Notary Public

My Commission Expires:

State of Tennessee)
White County)

Before me, the undersigned authority, a Notary Public, in and for said State and County, personally appeared _____, with whom I am personally acquainted, and who, upon oath, acknowledged herself/himself to be (Officer) of the (bank) _____ located in _____, Tennessee, and that as such Officer, being authorized to so do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by herself/himself as (Officer)

Witness my hand and seal of office this the ____ day of _____, 20____.

Notary Public

My Commission Expires:

APPENDIX C
ESCROW AGREEMENT

This escrow agreement made and entered into on this ____ day of _____, by and between _____ (hereinafter referred to as Developer) and the Sparta Municipal Planning Commission (hereinafter referred to as the Commission), and the _____ of Tennessee (hereinafter referred to as Bank).

WITNESSETH:

WHEREAS, Developer is subdividing a tract of land in the Town of Sparta, Tennessee, containing ____ acres more or less, into ____ residential lots which subdivision is known as _____; and

WHEREAS, in accordance with the requirements of the Commission, Developer is required to insure the completion of certain improvements required by the Sparta Subdivision Regulations; specifically; and

WHEREAS, Section 13-4-303 of *Tennessee Code Annotated* provides that in lieu of completion of such improvements, Commission may accept a bond, in form and amount and with conditions and surety satisfactory to it and providing for and securing to the public the actual construction and installation of such improvements within a period specified by the Commission; and

WHEREAS, Section 13-4-303 of *Tennessee Code Annotated* states that the construction and installation of such improvements and utilities shall take place within a period specified by the Commission and be expressed in the bonding agreement; and

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants, agreements and considerations hereinafter set out, the parties hereto agree as follows:

- 1) In consideration of Commission giving final approval to the final plat of _____ Subdivision, Developer covenants and warrants to Commission that he has placed in an escrow account with Bank the amount of \$ _____. A letter from said Bank signed by an officer of the Bank, stating that said escrow account has been established with Bank, shall be attached to this Agreement.
- 2) The funds placed in said escrow account shall be used solely for labor, materials and other costs related directly to the installation of the following improvements required by the Commission:
- 3) Developer covenants with and warrants to Commission that said amount has been deposited with Bank consists of the full amount of the estimated cost of improvement, plus an inflationary contingency of ten (10) percent per year, as determined and approved by the Sparta Municipal Planning Commission. If this approval was based on a contractor's bid, that bid shall be attached to this document.
- 4) The specified period shall be for ____ years, ____ months, ending on _____, and counting from date of final approval by Commission of the final plat for this subdivision. (Final approval given on _____.)
- 5) The Developer and the Commission will mutually agree as to the type of savings account to be used for escrowed funds. Should the Developer prefer some type of C.D., the term of the C.D. can be no longer than that of the Escrow Agreement.

- 6) Interest accumulated on the Escrow Account will be managed as follows:
- a) There will be no withdrawal of accumulated interest during the escrow period, unless the escrow agreement and account are released by the Commission upon completion of and approval of improvements, at which time such funds belong to the Developer.
 - b) Prior to expiration of the Agreement and/or a declaration of default due to non-completion of improvements, accumulated interest belongs to the Developer.
 - c) Upon expiration of the Agreement and/or upon declaration of default due to non-completion of improvements, accumulated interest belongs to the Planning Commission.
- 7) Any withdrawal and/or reduction of funds from said escrow account shall require a majority vote of approval of the full Commission and the joint written approval of Developer and Commission, signed by two officers of the Commission, until the expiration of said period specified in this Agreement, at which time only the approval of Commission shall be required.
- 8) If said Developer can prove in writing that unusual circumstances have precluded the completion of required improvements by the expiration of the specified period, the Commission may review the case and, if the situation warrants, may grant an extension of the specified time period.
- 9) At such time of expiration of this Agreement, Commission shall undertake one of the two following courses of action:
- a) If all improvements required by said Subdivision Regulations are completed within said period, Commission shall approve termination of the escrow agreement. Completion of improvements shall be determined by person(s) charged with responsibility for inspection of required improvements and such determination reported to Commission in writing.
 - b) If upon the expiration of specified period, it is determined (as above) that required improvements have not been made, Commission shall direct the City Attorney to enforce this escrow agreement, to withdraw the said funds from the escrow account and forward funds to the appropriate jurisdiction for the construction of said improvements.
- 10) It is understood and agreed, however, that nothing herein contained shall relieve Developer from completing the improvements required by Commission, but said Agreement shall be construed as being merely an assurance of creating a fund from which said improvements can be constructed and completed.
- 11) Bank agrees that it shall not allow the withdrawal of funds from said account except upon the conditions hereinabove set out in the preceding paragraphs.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on this day and date first above written.

Developer

Name of Financial Institution

By:

(Officer's Signature)
Sparta Municipal Planning Commission

By:

(Secretary's Signature)

ACKNOWLEDGEMENTS

State of Tennessee)
White County)

Before me, the undersigned authority, a Notary Public, in and for said State and County, personally appeared _____, the within named Developer(s) with whom I am personally acquainted and who acknowledged that he/they executed the within and foregoing instrument as his/their free act and deed for the purposes therein expressed and contained.

Witness my hand and seal of office on this the _____ day of _____, 20 _____.

Notary Public

My Commission Expires:

State of Tennessee)
White County)

Before me, the undersigned authority, a Notary Public, in and for said State and County, personally appeared _____, with whom I am personally acquainted, and who, upon oath, acknowledged herself/himself to be the Secretary of the Sparta Municipal Planning Commission, and that as Secretary, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Planning Commission by herself/himself as Secretary.

Witness my hand and seal of office on this the _____ day of _____, 20 _____.

Notary Public

My Commission Expires:

APPENDIX D
AGREEMENT FOR CERTIFIED CHECK IN LIEU OF COMPLETED IMPROVEMENTS

In order to obtain final approval from the Sparta Municipal Planning Commission of a Subdivision Plat, known as _____, for the purpose of recording and sale of _____ lots before completion of the required improvements, _____ (Developer) has provided a Cashier's or Certified Check, drawn on _____ (lending institution) and made payable to the Town of Sparta in the amount of \$ _____ in order to guarantee construction of the following required improvements:

This has been done in accordance with terms approved by majority vote of the Sparta Municipal Planning Commission at their meeting of _____ (date). This check will be held in the Town's safe by the City Recorder of Sparta until one of the two following conditions are met:

1. If all improvements required by the Sparta Municipal Planning Commission are completed within the specified time period of _____, and have been inspected and approved during the construction period by the Town of Sparta, the check will be returned to the Developer. Completion of improvements will be determined by the appropriate Sparta Street or Utility Supervisor and reported in writing to the Sparta Planning Commission at their next meeting, at which time release of the check can be made. The Planning Commission shall then direct the City Recorder to return said Certified or Cashier's Check to the Developer.
2. If upon expiration of the specified period given in Item #1 above (_____), the required improvements listed above are not completed, the Planning Commission shall direct the City Attorney to negotiate said Certified or Cashier's Check for the purpose of construction (or completion of construction) of required improvements. If Developer can prove in writing that unusual circumstances have precluded completion of required improvements by the expiration of the specified period, the Sparta Municipal Planning Commission may review the case and, if the situation warrants, may grant an extension of the time period.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on this the _____ day of _____, 20 ____.

SIGNATURES:

Developer

Developer

Secretary
Sparta Municipal Planning Commission

State of Tennessee)
White County)

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared _____, the within named Developer, with whom I am personally acquainted and who acknowledges that he executed the within and foregoing instrument for the purposes therein expressed and contained.

Witness my hand and seal of office on this the ____ day of _____, 20 ____.

Notary Public

My Commission Expires:

State of Tennessee)
White County)

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared _____, with whom I am personally acquainted and who upon oath acknowledges himself to be the Secretary of the Sparta Municipal Planning Commission and being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Planning Commission by himself as Secretary.

Witness this my hand and seal of office this the ____ day of _____, 20 ____.

Notary Public

My Commission Expires:

THIS AGREEMENT RELEASED ON _____ UPON APPROVAL OF SPARTA MUNICIPAL PLANNING COMMISSION.

APPENDIX E
CHECKLIST FOR
PRELIMINARY PLAT CONSIDERATION

Name of Subdivision _____

Location _____ Civil District _____ Zoning District _____

Owner of Record _____
Address/Tel. _____

Subdivider _____
Address/Tel. _____

Surveyor _____
Address/Tel. _____

Date Submitted for Preliminary Approval _____

CHECKLIST

_____ Five (5) copies (3 to Planning Commission and 2 to Staff Planner) submitted five (5) days prior to meeting, plus one (1) copy to each appropriate utility.

_____ Name of subdivision.

_____ Drawn to a scale of not less than one inch equals 100 feet.

_____ Name and address of owner of record, subdivider and surveyor.

_____ North point, graphic scale and date.

_____ Vicinity map showing location and acreage of subdivision.

_____ Boundary lines by bearing and distances.

_____ Names of adjoining property owners and/or subdivision.

_____ Location of all existing physical features including any identified floodable areas on land and nearby properties.

_____ Contour lines, unless not specifically required.

_____ Names, locations and dimensions of proposed streets, alleys, easements, parks and reservations, lot lines, etc.

_____ Block numbers and lot numbers.

- _____ Plans (locations and sizes) of proposed utility layouts showing connections to existing or proposed utility systems.
- _____ Minimum building setback lines on all lots.
- _____ Present zoning classification, if any, on land in subdivision and adjacent land.
- _____ Cross-section and centerline street profiles at suitable scales as may be required by Street Superintendent and/or Planning Commission.
- _____ Conforms to general requirements and minimum standards of design.
- _____ Health Department has been notified of proposed subdivision.

Disapproved _____, 20____, because of incompleting items above or other reasons as stated:

 Secretary
 Sparta Municipal Planning Commission

Notes and Comments:

APPENDIX F
CHECKLIST FOR
FINAL PLAT CONSIDERATION

Name of Subdivision _____

Location _____ Civil District _____ Zoning District _____

Owner of Record _____

Address/Tel. _____

Preliminary Approval Granted: _____
(Date)

Submitted for FINAL Approval: _____
(Date)

CHECKLIST

- _____ Submitted within one (1) year from date of preliminary approval.
- _____ Five (5) copies submitted five (5) days prior to meeting plus one (1) copy to each appropriate utility.
- _____ Name of subdivision.
- _____ Drawn to a scale of 1":100' on sheets not larger than 24" x 30".
- _____ Name and address of owner of record, subdivider and surveyor.
- _____ North point, graphic scale, and date.
- _____ Bearings of property lines and sufficient engineering data to locate all lines including radii, angles and tangent distances.
- _____ Reservations, easements or other non-residential areas with notes stating their purpose and limitations.
- _____ Dimensions to the nearest 100th of a foot and angles to the nearest 20 seconds.
- _____ Lot lines, alleys, building setback lines.
- _____ Location and description of monuments.
- _____ Names of all adjoining property owners, names of adjoining developments, and names of adjoining streets.
- _____ Lines, names and widths (including right-of-way and pavement) of all streets.
- _____ Lots numbered in numerical order.

- _____ Location sketch map.
- _____ Location of identified floodable areas.
- _____ Certificate of ownership and dedication.
- _____ Certificate of approval of water and public sewer or septic tank systems and streets.
- _____ Certificate of surveyor and seal of surveyor.
- _____ Proposed deed restrictions if not a zoned area.
- _____ Conforms to general requirements and minimum standards of design.
- _____ Soil tests completed and approvals from County Health Officer.
- _____ Location and size of all installed or pre-existing water and sewer lines and all fire hydrants.
- _____ As-built drawings of water systems has been given to appropriate utility district.
- _____ Previous and last conveyance; tax map group and parcel number of property being subdivided.
- _____ If required physical improvements have not been made, bond posted in the amount of \$_____ for _____ days/months.
- _____ For bonding, developer has used escrow account/certified check/irrevocable letter of credit, and signed an agreement.

Date of Approval:

Notes and Comments:

APPENDIX G
INSPECTION FORM

Date: _____

ROADWAY STAGE:

(Subgrade, stone base, final paving)

Approved
(See Remarks)

Unapproved

WATER LINE:

Approved
(See Remarks)

Unapproved

SEWER LINE:

Approved
(See Remarks)

Unapproved

Remarks:

City Engineer or Sparta Street and Utilities Supervisor(s)
or Authorized Representative

APPENDIX H
AFFIDAVIT

I/we _____, being the owner(s) of record (Deed Book _____, Page _____) of property identified as Parcel _____ on White County Tax Map _____, hereby authorize _____ to represent my property, to act on my behalf and as my authorized agent in my name, place, and stead in matters presently before the Sparta Municipal Planning Commission. I will be responsible for all actions required by the Planning Commission and/or promised by my authorized agent in order to secure approval of subdivision of this property.

This _____ day of _____, 20_____.

Owner(s)

Address(es)

Phone(s)

ACKNOWLEDGEMENT

State of Tennessee)
White County)

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared _____, the within named person, with whom I am personally acquainted and who acknowledges that he executed the within and foregoing instrument for the purposes therein expressed and contained.

Witness my hand and seal of office on this the _____ day of _____, 20_____.

Notary Public

My Commission Expires:

As the authorized agent for the owner(s), I certify that I am retained and/or appointed to represent the owner(s) throughout the process of the matter currently before the Sparta Municipal Planning Commission concerning the above referenced real property. I further certify that I have familiarized myself with the property and the Sparta Subdivision Regulations, and can adequately and completely act in the owner(s) name, place and stead before said Commission.

This _____ day of _____, 20_____.

Agent

Address

Phone

ACKNOWLEDGEMENT

State of Tennessee)
White County)

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared _____, the within named person, with whom I am personally acquainted and who acknowledges that he executed the within and foregoing instrument for the purposes therein expressed and contained.

Witness my hand and seal of office on this the _____ day of _____, 20____.

Notary Public

My Commission Expires:

COPY

APPENDIX I
ADDRESSES OF PERTINENT AGENCIES

Sparta Planning Commission
Sparta City Hall
P.O. Box 30
Sparta, Tennessee 38583
836-3248

Sparta Staff Planner Jon Ward
67 S. Elm Avenue
Cookeville, TN 38501
Ph: 372-0070/Fax: 372-0071

COPY

COPY