

Norris

Subdivision Amendments

Article II, A. 1. Delete in its entirety and replace with the following:

A. General: The owner of any property located within the jurisdiction of the City of Norris who wishes to subdivide shall seek approval by the Planning Commission, according to the following procedures.

1. Classification of Subdivisions: City staff shall identify each subdivision as either major or minor as defined herein.
2. Review Procedure: The applicant shall follow the procedure described below in order to secure plat approval.

B. Minor Subdivision:

1. Any subdivision that will divide land into five (5) or less lots and does not include the construction and dedication of a public street, public utilities or consist of phased development. In the event issues regarding drainage, grading, topographic or environmental considerations, access, or other such considerations are present the staff may require the major subdivision process be followed. Review and approval by the Planning Commission is required. Minor Subdivisions shall submit a final plat, prepared, in accordance with the specifications in Section II, C. for approval by the planning commission.

C. Major Subdivision:

1. Any subdivision of six (6) or more lots shall follow the following procedure.

Insert the following Section and renumber subsequent items:

B. A Concept Plat of the subdivision shall be presented to the Planning Commission for an informal consultation. The Plat should include the general layout of all proposed roads, lot configuration, capacity of utilities, existing encumbrances and natural, historic, or environmental site assets. This will provide Commission members an opportunity to express their concerns and recommendations and introduce the applicant to the Norris

Zoning Ordinance, Major Thoroughfare Plan and any other limitations that will affect the area or proposed subdivision of property.

Article II, B. 2. A. Delete in its entirety and replace with the following:

Required Features

A. Description

1. Proposed name of Subdivision
2. Name and address of owner and subdivider.
3. Name and address of designer of the plat.
4. Graphic scale, true and grid north points and date of preparation.
5. Locational sketch map showing relationship of the subdivision site to the surrounding property(s) and public way(s).
6. Proposed Phase lines.

B. Existing Site Conditions

1. Availability and capacity of water and sewer services
2. Names of all adjoining property owners of record, or the names of adjoining developments.
3. Names of adjoining public ways.
4. Location and dimensions of all boundary lines of the property, figured to the nearest hundredth (100th) of a foot.
5. Existing contours at vertical intervals of not more than two (2) feet where the proposed subdivision has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or LIDAR acceptable to the planning commission). Include contours 100 feet beyond the site boundary.
6. Location of existing public ways, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, and bridges, as determined by the planning commission.
7. Locate and label location and size of all existing utilities and associated easements

8. Existing or remediated sinkholes present on the property, the preliminary plat shall contain the following statement: "Part of the property identified in this plat contains a geologic feature known as a depressed area or sinkhole, evidenced by soil subsidence of a sufficient nature to create a depression. Construction activities may ameliorate or activate future subsidence."

C. Proposed Improvements

1. Layout of roads, alleys, and public crosswalks, with widths noted; detailed design of street intersections; road names or designation; grades, road profiles, road cross sections at intervals not greater than one hundred (100) feet measured along all road rights-of-way and finished contours or equivalent (cut and fill lines). Layout of roads shall be shown on Plan and Profile paper, at one (1) inch equals fifty (50) feet horizontal scale and one (1) inch equals ten (10) feet vertical scale, giving all horizontal and vertical road data required and verified by field layout if necessary.
2. Layout of all lots, including area of each lot and minimum front, minimum rear and side building setback lines, the building "envelope" size allowed by such setback lines, lot numbering, and lot divisions; scaled dimensions of all corner lots and lots on curvilinear sections of roads; utility easements with width and use on all lots; total number of lots.
3. Preliminary plan of sanitary sewers showing elevations, grades, points of discharge, distances, and pipe size and type.
4. Preliminary plan of storm sewer system with grade, pipe sizes, location of outlet, and designation of drainage areas.
5. Preliminary plan of erosion and sediment control structures to be provided during construction.
6. Preliminary plan of water supply system with pipe sizes and location of hydrants.
7. Designation of all land to be reserved or dedicated for public use.
8. Street name, street signage, and traffic signage plan.

9. the zoning classification of all zoned lots, as well as an indication of all uses other than residential proposed by the subdivider.

10. the distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing public ways and to the original corner of the original survey of which it is a part.

11. map parcel numbers as recorded on the land tax maps of the county.

12. The limits of floodway and floodway fringe areas and the associated regulatory flood elevation and regulatory flood protection elevation, as determined according to flood maps or flood studies as required.

13. For any areas abutting a flood prone area a report shall estimate the discharge of the regulatory flood; determine the specific flooding threat at the site of the proposed subdivision; and indicate whether the subdivision is located in a floodway or floodway fringe area by:

A. calculation of water surface elevations and regulatory flood protections based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

B. computation of the floodway required to convey the regulatory flood without increasing natural flood heights of the regulatory flood more than one foot at any point; and

C. unless otherwise established, computation of increase in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. No increase in flood storage attributable to encroachments on the floodplain of any river or stream shall be permitted in any one reach or for the cumulative effect of several reaches.

D. The following notations:

1. explanation of drainage easements.

2. explanation of site easements.
3. explanation of reservations; and
4. for any lot where public sewer or water systems are not available, the following:
 - a. areas to be used for sewage disposal or if the planning commission desires, any other acceptable data to show that the site can be served effectively by septic tanks.
 - b. water wells (existing and proposed); and
 - c. rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features.

Article II, B. 3.

Replace 30 days with 60 in entire paragraph.

Delete or replace “sketch plat” with “preliminary plat” where referenced.

Article II, C. 2. a. Insert and renumber subsequent items:

1. include the entire subdivision, or section thereof, for which final approval is sought. If desired by the subdivider, a final plat may include only that portion of the approved preliminary plat which is proposed to be developed and recorded at the time, provided that such portion meets the requirements of the regulations.
2. the Final Plat shall comply substantially with the approved preliminary plat, when such plat is required.
3. The Final Plat shall be accompanied by formal irrevocable offers of dedication to the public of all public ways and uses, utilities, parks, and easements, in a form approved by legal counsel, as applicable. (The subdivision plat shall be marked with a notation indicating the formal offers of dedication as shown in these regulations.).
4. Submission of an Opinion of Probable Cost (OPC) by the engineer of record for all on-site and off-site outstanding public infrastructure improvements. This OPC will be evaluated by the reviewing engineer and accepted by the Planning Commission. A performance bond in the form of a Letter of Credit (LOC) shall be posted to cover the OPC. The surety shall include provisions that the principal of the bond shall comply with all the

terms of the resolution of final subdivision plat approval, as determined by the planning commission, including, but without limitations, the performance of all required subdivision onsite and offsite improvements, and that all improvements and land included in the irrevocable offers of dedication shall be dedicated to the planning commission free and clear of all liens and encumbrances. The surety shall be presented and accepted by Legal Counsel prior to recording the Final Plat in the Register of Deeds Office; and

5. be accompanied by written assurance from any public utility companies serving the area of the subdivision that necessary utilities will be installed as required by the planning commission upon preliminary plat approval; and

6. if the final plat contains open space, or recreational facilities, or if any portion of the site is to be held in common ownership, the following documentation shall be submitted for approval by the planning commission:

A. The Home (Property) Owners Association (HOA) shall be Chartered by the State of Tennessee and adhere to the Tennessee Nonprofit Corporation Act or the Condominium Act of 2008. The Deed Book and Page Number for the Charter and related documents shall be included in the Note section.

B. Articles of incorporation and bylaws of the co-owner's association or other legal entity, where open space or facilities are to be deeded to co-owners' association by similar organization acting on behalf of the joint owners of said property. Such organizations are charged with improving or maintain the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision,

D. Declaration of covenants and restriction pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended.

Article II, C. 3 Certificates

Delete and update as necessary.

ARTICLE III, B. e. Service Drives

Insert the following paragraph and renumber subsequent items.

e. Service Drives provide access to private properties and are not considered “Streets or Public Rights of Way” as required in Article III. Service Drives shall not be used to provide required frontage for the purpose of Subdividing Property regardless of existing or future city maintenance.

Article III, C. Lots 1. & 2.

1. Delete the second sentence in paragraph.
2. Insert the following paragraph and renumber subsequent items.

Minimum Lot Frontage

Each lot shall have a minimum frontage of 40 feet in width on a public street or road unless zoned FAR which requires 100 feet of frontage on a public street or road. Lots fronting on the turnaround portion of a permanent cul-de-sac shall have a minimum road frontage of 30’.

Article III, C.

Insert the following paragraph and renumber subsequent items:

3. Flag lot arrangements shall have a minimum of forty (40) feet of street frontage and maintain a minimum of forty (40) feet in width back to the main body of the lot.

Article III, C. 5. a.

Delete last sentence.

Article IV, 3.

Delete in its entirety and replace with the following paragraphs

a. Sidewalks and Bicycle Paths

Sidewalks shall be a minimum width of five (5) feet and shall be located within the dedicated non-pavement area of right-of-way. An area at least two (2) feet wide shall separate the sidewalk from the back of curb within the right-of-way. Concrete curbs are required for all public ways where sidewalks are to be constructed. The location of the sidewalk shall be shown on the Concept Plat and shall create a pedestrian system within the subdivision. The sidewalk shall be included on the Road and Drainage plans and shall be submitted concurrently with the Preliminary Plat and approved by the Planning Commission.

b. Location of Sidewalks

Sidewalks shall be required on both sides of all streets in all non-residential zone districts, with the exception of, I-1, W-1, and S-1. Sidewalks shall be required on both sides of all streets in any attached housing development, with the exception of isolated units with less than four (4) attached dwelling units. Sidewalks shall be required on one side of all streets in all residential zone districts with the exception of FAR. Construction of sidewalks on cul-de-sacs with less than 400' in length are exempt from sidewalk requirements in all Residential Zone Districts.

The Planning Commission, at its discretion, may consider alternatives that are equal to or greater than the provision of sidewalks on one side of all publicly dedicated streets. This may take the form of an off-street pedestrian way that may or may not be paved but must be of a permanent material, which adequately addresses internal pedestrian circulation and provides connectivity within the subdivision. Pedestrian ways or bikeways outside of publicly dedicated rights-of-way shall be owned and maintained by a legally created property owners association.

Article IV, D. Completion or Guarantee of Improvements

Delete and replace in its entirety:

No final subdivision plat shall be approved by the planning commission or accepted for recordation by the county register of deeds until the required improvements listed or agreed upon are constructed in a satisfactory manner, are certified as complete by the controlling authority over each required improvement and granted final approval by the planning commission.

The planning commission generally requires that all physical infrastructure improvements be installed prior to granting final plat approval. At its discretion and under circumstances the Planning Commission finds favorable to the general public, the Commission may permit the posting of **Irrevocable** Letters of Credit or **Cash** Deposits in a local bank be made to the Norris Municipal Planning Commission in lieu of completed physical improvements.

The Planning Commission is under no obligation to accept guarantees in lieu of completion of physical infrastructure improvements and requires the following to be submitted:

1. An appropriately prepared and worded irrevocable letter of credit from a federally insured lending institution, located in Anderson County or a County contiguous to Anderson County, submitted to the Planning Commission in the amount of one hundred and thirty percent (130%) of the full amount of the estimated cost of required improvements.
2. An appropriately prepared and worded escrow deposit agreement from a federally insured lending institution for the benefit of the Planning Commission in the amount of one hundred and thirty percent (130%) of the full amount of the estimated cost of all required improvements.
3. Such security ensures that the required physical improvements may be made and installed without cost to Norris taxpayers in the event of default by the sub-divider or developer including potential inflation in installation costs.
4. The method of guarantee to be proposed to the planning commission shall be determined by an Opinion of Probable Cost prepared by the Engineer of Record, the Planning Commission and the developer.
5. Irrevocable letters of credit or cash deposits shall include but not be limited to streets and sidewalks, storm water, public water supply, public sewer supply, and other public improvements as determined by the Planning Commission.
6. The amount of the guarantee shall be established by the highest of three independent estimates submitted by the developer after approval of each appropriate agency responsible for the guaranteed improvement before being accepted by the Planning Commission.
7. The conditions of each guarantee shall provide for a default if the improvements covered by such guarantee have not been approved and

accepted by the Planning Commission within a period not to exceed one year.

8. The applicant may petition the Planning Commission to extend the completion guarantee for a period not to exceed one year. If the Planning Commission finds that the public interest will not be adversely affected by such extension, the one-year extension may be granted by the Planning Commission.
10. The applicant may appeal the “cashing” of the completion guarantee to the Planning Commission and request to extend for an additional period not to exceed one year. If the applicant requests a third extension, the planning commission shall require new estimates and the amount shall be set based on the new estimates.
11. If all improvements have not been completed by the end of the second or third year extension granted, the Planning Commission shall instruct the City Manager to collect the completion guarantee allowing the responsible street or utility provider to install the incomplete improvements.
12. As improvements are completed, the planning commission may reduce the face value of such guarantee on a quarterly basis until all improvements are completed.
13. If the planning commission determines at any time during the life of the guarantee that the character and the extent of such development requires additional improvements or that additional funds are needed to ensure the completion of improvements, then the face value of such guarantee shall thereupon be increased by the determined amount so the new face value of the guarantee will reflect the cost of improvements to the developer or sub-divider.