

SUBDIVISION ORDINANCE

City of Bartlett, Tennessee

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SUBDIVISION ORDINANCE

ARTICLE I.

PURPOSE, AUTHORITY, JURISDICTION AND POLICY

Section 1 - Purpose

The purpose of these subdivision regulations is to provide for the harmonious development of the City of Bartlett and its environs; to secure a coordinated layout with adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewers, and other sanitary facilities and services; to promote a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity. Accordingly, these subdivision regulations set forth the procedures and minimum standards adhered to by developers of lands for residential, commercial, and industrial uses, and to provide a guide for the planning commission and other city officials in exercising their duties pertaining to the review, approval and administration of land subdivision development within the jurisdiction of the City of Bartlett.

Section 2 - Authority

These subdivision regulations and the procedures and standards set forth herein are adopted by the planning commission under the authority granted by Tennessee Code Annotated, §§ 13-4-301 through 13-4-309. The planning commission has fulfilled the requirements set forth in those statutes as a prerequisite to the adoption of such regulations, having filed a certified copy of the Major Street Plan in the Office of the Register of Shelby County, Tennessee.

Section 3 - Jurisdiction

These regulations shall govern all subdivision of land lying within the corporate limits of the City of Bartlett, Tennessee as now or hereafter established.

Within these regulations, the term "subdivision" means a tract of land divided into two (2) or more lots, sites or other parcels, requiring new street or utility construction and/or any division of less than four (4) acres, for the purpose, whether immediate or future, for sale or building development, and includes a resubdivision of all or part of an existing "subdivision" by decreasing or enlarging the size of the lots, sites, or other parcels.

When appropriate to the context, the term "subdivision" does not include a division of any tract of land into two (2) or more parcels when each parcel meets the following requirements and requires neither new street construction to

provide minimum lot frontage nor extension of publicly-owned water or sanitary sewer lines:

1. Parcel has four (4) or more acres in area, exclusive of existing street right-of-way or right-of-way to be reserved.
2. If created prior to the effective date of annexation (See "A" below), parcel has a minimum of fifty (50) feet of frontage on a public street; and if created on or after the effective date of annexation, parcel has a minimum width in accordance with these regulations and the zoning ordinance.
3. Parcel has reserved major street right-of-way in accordance with the MPO Major Road Plan.
4. Parcel has drainage flows exiting the parcel produced by watersheds of less than two hundred fifty (250) acres. Any lot of four (4) acres or more that does not conform to the standard for drainage in exempt lots herein shall not be granted such exemption unless approved by the city engineer. The city engineer may require minor drainage improvements including rip-rapping, dredging, sloping, seeding, sodding and other efforts to ensure the proper flow of storm water and to minimize erosion. Upon satisfactory completion of the improvements and inspection by the city engineer, a building permit may be issued.

The owner of any parcel claiming to be exempt from these regulations shall, at the time a building permit is applied for, provide to the building official a sealed survey certified by a professional land surveyor certifying the parcel and all other parcels created by subdivision of the original parcel of record to be in conformance with the criteria for said exemption above.

- A. For an exemption for a division of land where that land to be divided was within the Bartlett city limits on or prior to March 6, 1956, and therefore not subject to Shelby County subdivision regulations, the "original parcel of record" is that tract of land existing by recorded deed or plat immediately prior to June 8, 1967. For an exemption for a division of land where that land to be divided was effectively annexed into Bartlett after March 6, 1956 and therefore subject to Shelby County subdivision regulations, the "original parcel of record" is that tract of land existing by recorded deed or plat prior to March 6, 1956 or as legally created thereafter under Shelby County subdivision regulations. (Ord. #02-18, Dec. 2002, modified)

Section 4 - Policy

It shall be the policy of the planning commission to encourage subdivision development which enhances the health, safety and welfare of the community and which optimizes the use of land while providing a prudent balance between the economic considerations of the developer and the public interest. Conversely, it shall be the policy of the planning commission to disapprove proposed subdivision development which is deemed to be inefficient use of the land, inconsistent with the needs and character of the community, economically untimely, or otherwise not in the public interest. Further, it shall be the policy of the planning commission to consider each proposed subdivision development on its merits in context with existing or planned land use, population and traffic distribution, and the needs and best interest of the community; consequently, the mere compliance with the minimum standards set forth in these regulations does not grant to the developer an implicit or explicit right to subdivision approval; accordingly, the planning commission may require that a proposed subdivision development exceed the minimum standards to satisfy site peculiar conditions or to conform to the existing neighborhood. In furtherance of this policy, the planning commission will consider, at least, the following objectives in the review of proposed subdivisions:

- A. Minimization of hazards to life, health and property resulting from fire, flood, pollution of surface and ground water, traffic, unsafe excavations or earthworks erosion, and other potential hazards.
- B. Improvement in safety of roads, driveways and parking areas.
- C. Avoidance of wasteful and untimely spending for city services and costs to the city resulting from defective subdivision development.
- D. Protection of fragile and valuable parts of the natural environment.
- E. Protection and preservation of historic landmarks.
- F. Efficient use of the land in a manner which enhances and preserves the beauty and character of the community.
- G. Promotion of energy conservation.
- H. Preservation of open space for public uses such as parks, playgrounds, schools and other similar activities.
- I. Protection and enhancement of property values and the quality of life for all residents and property owners in the City of Bartlett.

ARTICLE II.

PROCEDURES FOR SUBDIVISION APPROVAL

Section 1 - General

The procedures for review and approval of a subdivision and its documentation by recorded plat consists of three (3) separate steps. The initial formal step is the preparation of a master plan of a proposed subdivision for submission to the planning commission. The second step is the preparation of a construction plan of the proposed subdivision or sections thereof for review by the city engineer and other agencies as required followed by submission to the planning commission for approval. The third and final step is the preparation of a final subdivision plat with all required certificates for submission to and approval by the planning commission. This final plat becomes the instrument to be recorded in the office of the Shelby County Register when final approval has been attested to by signature of the secretary of the planning commission.

Section 2 - Application, Administration and Fees

Any owner or developer of land lying within the area of jurisdiction of the planning commission who wishes to subdivide such land shall make application to the planning commission by submitting the required plans and plats of the proposed subdivision along with the application fees. Such plans and plats set forth in Articles III and IV of these regulations and such additional site peculiar criteria as may be deemed necessary by the planning commission. Upon receipt of a subdivision application, the planning commission shall take appropriate action within the time hereinafter specified.

A. Required Submissions

Prior to the making of any street improvements, installation of utilities or any horizontal construction, the developer shall submit plans to and obtain the approval of the indicated agencies as follows:

1. Master plan to the planning commission in accordance with Section 3 of this article.
2. Construction plans to the following applicable agencies in accordance with Section 4 of this article:
 - a. City engineer;
 - b. Flood administrator;

- c. Shelby County Health Department (if septic tanks utilized);
 - d. Tennessee Department of Environment and Conservation;
 - e. United States Environmental Protection Agency where applicable.
 - f. Corp of Engineers if applicable.
3. Subsequent to approval of said plans by the agencies noted above, the developer shall submit the construction plans to the planning commission for review and approval. Following such approval by the planning commission, and upon execution of a subdivision contract with the City of Bartlett, the developer may proceed with the development and installation of improvements. Upon satisfactory completion of all required improvements, or upon posting a construction performance bond, and payment of all required fees and deposits, the developer shall submit the final plat for approval by the planning commission. No plat of a subdivision of land lying within the area of jurisdiction of the planning commission will be filed or recorded by the Register of Shelby County, Tennessee, without the express approval of the planning commission as specified herein.

B. Application Fees

The schedule for fees required to accompany each application for plan or plat review will be as established by the board of mayor and aldermen.

Section 3 - Master Plan

The master plan is the initial formal plan for a proposed subdivision which may be of such extent that development and installation of improvements must be accomplished incrementally over an extended period. Regardless of the extent of a proposed subdivision, large or small, the developer should consult informally with the planning commission and staff for advice and assistance before the preparation of the master plan. Such consultation will assist the developer in gaining familiarity with these regulations, the major street plan and other official plans or public improvements which might affect the area, and should preclude unnecessary and costly revisions.

A. Submission and Content of the Master Plan

1. After consultation with the planning commission and staff, and not less than twenty-one (21) days prior to the meeting of the planning commission at which the master plan is to be considered, the developer

shall submit to the city planner or his designated representative at city hall, fifteen (15) copies of the plan drawn to scale of not less than one inch equals one hundred feet (1" = 100') together with the applicable fee. The city planner shall make prompt distribution of the copies as follows: One (1) copy each to members of the planning commission, the city engineer, the flood administrator, and one (1) copy to be retained in the planning commission files.

2. The master plan shall include the design of the entire subdivision on a topographic base map with contours plotted at vertical intervals of not more than two (2) feet and shall give the following information:
 - a. The proposed subdivision's name and location, the name(s) and address(es) of the owner(s) or optioner(s), and the name, address and registry number of the designer who shall be a professional civil engineer or land surveyor, registered in the State of Tennessee.
 - b. Date, true or grid north point, graphic scale, reference scale and contour interval.
 - c. An adjusted or balanced boundary survey of the land to be subdivided, showing the location of the point of beginning, the true or grid bearing and length of each side, and the area in acres.
 - d. A sketch map inset showing the location and relationship of the proposed subdivision to the surrounding area.
 - e. Names and addresses of the surrounding property owners and the names of surrounding subdivision.
 - f. The location, area, and zoning classification of the proposed land uses within the subdivision.
 - g. The location and extent of all land within the proposed subdivision subject to flooding.
 - h. The location and size of existing sewer, gas, and water lines and other public utilities within or adjacent to the proposed subdivision.
 - i. The location and description of all existing structures, streets, easements, rights-of-way, watercourses, bridges, culverts, and

perennial or intermittent springs on or adjacent to the land to be divided.

- j. The locations and dimensions of proposed street right-of-ways, easements for drainage, floodways, and utilities, and building setback lines.
 - k. A lot or parcel layout plan showing the dimensions, area, and number identification for each lot or parcel.
 - l. A drainage study in sufficient detail to determine all surface drainage and evidence of subsurface drainage which may affect or be affected by the proposed subdivision.
 - m. Any other information that may be necessary for the full and proper consideration of the proposed subdivision.
 - n. Tree survey as outlined in the tree ordinance.
3. If the developer plans to develop the subdivision in phases, the tentative plan for such phasing shall be shown on the master plan.
 4. Requests for variances from the subdivision regulations, along with justification of proposed variances shall be submitted in writing with the application for master plan approval. Justification for variances shall be in accordance with Section 1, Article V, of these regulations.

B. Planning Commission Hearing

Normally, within thirty (30) days after submission of the master plan, the planning commission will review it in open public meeting and indicate approval, disapproval, or approval subject to modification. If the plan is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to modification, the nature of the required modification shall be indicated. Failure of the planning commission to act on the master plan within thirty (30) days shall be deemed approval of the plan unless the applicant for the commission's approval shall have waived this requirement and consented to the extension of such period as provided in Tennessee Code Annotated, § 13-4-304.

C. Submission of Approved Master Plan

Upon approval of the master plan by the planning commission, the developer shall submit to the city planner five (5) copies of the master plan, as approved by the planning commission. A signature block shall be provided on the master

plan that indicates the date of approval of the master plan and provides a signature block for the secretary to the planning commission to certify this is the approved master plan. The plan shall be distributed as follows: One (1) copy to be retained in the planning commission files, one (1) copy shall be returned to the developer with a notation by the city planner indicating the date of planning commission approval, the expiration date of such approval, and whether or not required modification, if any, has been satisfactorily made; one (1) copy shall be forwarded to the water and sewer department; one (1) copy shall be forwarded to the city engineer; and one (1) copy retained by the city planner.

D. Effect of Approval on Subsequent Plan or Plat Submissions

Approval of the master plan by the planning commission shall not constitute acceptance of the construction plan or the final plat and shall not be so indicated on the master plan.

E. Expiration of Approval and Renewal

Approval of the master plan shall lapse unless a construction plan for all or part of the proposed subdivision is submitted within twelve (12) months from the date of the master plan approval, or unless an extension of time is applied for and granted by the planning commission. Failure of the developer to act within the specified time or denial of a time extension shall require a new application for master plan approval including the applicable fee.

Section 4 - Construction Plan

The construction plan is a fully engineered design of all or part of the proposed subdivision in sufficient detail for the review agencies to determine that the improvements to be installed or constructed for said subdivision meet the required standards, provide adequate protection of the public's health and safety, and do not create or aggravate potential hazards to life or property.

A. Submission and Content of the Construction Plan

1. After master plan approval and upon obtaining the required certifications from the appropriate review agencies, and prior to final plat approval, the developer shall submit five (5) copies of the construction plan, together with applicable fee, to the city planner or his designated representative. The planner shall retain one (1) copy for the planning commission files and forward three (3) copies to the city engineer for presentation to the planning commission in an open public meeting, and one (1) copy shall be retained by the city planner. The developer shall make application for construction plan approval not later than twenty-one (21) days prior to

the planning commission meeting at which time the plan is to be considered.

2. The construction plan shall meet, at least, the minimum design of Article III, meet the prerequisites and standards for construction of improvements set forth in Article IV, and conform substantially to the approved mater plan. If the construction plan is at variance with the approved master plan, the following procedure shall apply:
 - a. If the variance is minor, the planning commission may at its discretion, authorize the change with a notation in the minutes of a regular or special meeting.
 - b. If the variance is major, the developer shall be required to submit a revised master plan for planning commission approval prior to approval of the construction plan.
3. The construction plan shall include all of the information required for the master plan and shall meet the following additional requirements:
 - a. The plan shall carry the signature and seal of the designer who shall be a professional civil engineer, registered in the State of Tennessee.
 - b. A grading plan showing the existing contours in dashed lines and the finished contours in solid lines plotted at vertical intervals of not more than two (2) feet. Contours shall be extended fifty (50) feet beyond property boundary.
 - c. If any portion of the land to be subdivided is below the one-hundred (100) year flood elevation, the limits and the actual elevation of said flood shall be shown.
 - d. Detailed plans of proposed utility layouts (sewers and water) showing feasible connections to adequate existing or proposed utility systems. Where such connections are not feasible, the plans shall include the designs for any proposed individual water supply and/or sewage disposal systems which shall have been approved by the Tennessee Department of Environment and Conservation and the Shelby County Health Department.
 - e. Plan and profile sheets showing all engineering data necessary for construction of proposed streets, storm drainage, controls for surface and ground water, and utility layouts (sewer and water)

and showing all connections to existing and/or proposed streets, storm drainage, and utility systems. The street profiles shall be plotted along the centerline showing the existing and finished grades, and sewer locations, drawn to a scale of not less than one inch equals one-hundred feet (1" = 100') vertical. Typical street cross section shall be shown.

- f. Where required, a landscaping plan and planting schedule including use of existing suitable trees; temporary and permanent erosion control for drainage channels, runoff ponding areas, common use open space, or other areas subject to erosion; and planting screens and fences between differing land uses and along the rear of double frontage lots.
 - g. A comprehensive drainage plan which shall include, but not be limited to, an analysis of the drainage area, a storm water runoff routing plan showing maximum quantities of flow and maximum rates of after development plans for drainage structure and channels with the hydraulic data used in designing and sizing such structures and channels, the water surface profiles in open channels at peak flow and peak back water conditions, and measures for control of ground water flow and relief of excess hydrostatic pressures on structures, buildings and paved surfaces. The limits of the drainage design parameters shall be as determined by the city engineer.
 - h. A clearing plan and tree protection plan.
 - i. An erosion control plan.
4. Certificates required to be included on the construction plan are shown in Appendix 1 to Article II. The authorized signatures for these certificates shall be obtained by the developer prior to submitting the construction plan to the planning commission.
 5. Concurrent with the presentation of the construction plan, the city engineer will recommend to the planning commission the amount and terms of a construction performance bond in accordance with Article IV, Section 1 and 13, of these subdivision regulations.
- B. Planning Commission Hearing

Normally, within thirty (30) days after submission of the construction plan, the planning commission will review it in open public meeting and indicate

approval, disapproval, or approval subject to modification. If the plan is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to modification, the nature of the required modification shall be indicated. Failure of the planning commission to act on the construction plan within thirty (30) days shall be deemed approval of the plan unless the applicant for the commission's approval shall have waived this requirement and consented to the extension of such period as provided in Tennessee Code Annotated, § 13-4-304, but such failure to act shall not constitute waiver of any requirement of these regulations nor of the technical specifications of the City of Bartlett.

C. Submission of Approved Construction Plan

Upon approval of the construction plan by the planning commission the developer shall submit three (3) copies of the construction plan, and one (1) set of reproducible mylars, to the city engineer for distribution to the review agencies and the affected city departments.

D. Effect of Approval on Final Plat Submissions

Approval of the construction plan by the planning commission shall not constitute acceptance of the final plat and shall not be so indicated on the construction plan.

E. Expiration of Approval and Renewal

Approval of the construction plan shall lapse unless a final plat based thereon is submitted within twelve (12) months from the date of construction plan approval, or unless an extension of time is applied for and granted by the planning commission. Failure of the developer to act within the specified time or denial of a time extension shall require a new application for construction plan approval including the applicable fee.

F. Phasing of Subdivision Development

In the review of the construction plan, the planning commission shall consider the orderly phasing of subdivision development. In particular, the planning commission shall consider the following:

1. Proper access to the requested area of development.
2. The feasibility of developing any severed tracts of land.

3. The implication of proposed drainage improvements, diversions or retentions on existing and future, upstream and down stream development.
 4. The adherence of each phase to the design standards in Article III of these regulations.
- G. Waiver of Construction Plan Requirement

Where proposed subdivision fronts on an existing public street, all or part of the construction plan requirement may be waived by the planning commission upon request of the developer provided the following conditions are met:

1. No street, drainage or other improvements are involved;
2. No conflict exists between the proposed subdivision and the recorded major street plan;
3. It can be clearly ascertained that the proposed subdivision is not to be used for phasing development of large parcels of land, thereby circumventing the normal subdivision approval procedures.

Section 5 - Final Plat

The final plat is the culmination of the land subdivision process. When approved and duly recorded as provided by law, the final plat becomes a permanent public record of the survey of lots or parcels, right-of-ways, easements and public lands, and the restrictive covenants as may be applicable to the lots or parcels within the boundary of the subdivision. As such it serves as a vital instrument in the sale and transfer of real estate, in the dedication of right-of-way, easements and public lands, and in future land survey of the properties contained in or adjoining the subdivision.

A. Submission and Content of the Final Plat

1. After the construction plan has been approved or waived and upon obtaining the required certifications, the developer shall submit fifteen (15) copies of the final plat, together with applicable fee, to the city planner or his designated representative. The planner shall retain one (1) copy for the planning commission files and forward one (1) copy to each member of the planning commission. The developer shall make application for final plat approval not later than twenty-one (21) days prior to the regular meeting of the planning commission at which it is to be considered.

2. The final plat shall conform substantially to the approved master plan and the approved construction plan. If desired by the developer, the final plat may be submitted incrementally and may include the area of development shown on one (1) or more approved construction plans provided that the final plat increment shall conform to all requirements of these regulations.
3. The original of the final plat shall be in black permanent ink on a sheet of moisture resistant drawing cloth or drafting film, twenty inches by twenty-four inches (20" x 24"), to a scale of one inch equals one-hundred feet (1" = 100'). If more than one sheet is required, an index sheet of the same size shall be filed and shall show a key map of the entire area being platted. The separate sheets of the final plat be keyed alphabetically and show match lines with the adjoining sheets.
4. The final plat shall show the following information:
 - a. The lines of all streets and roads, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations for easements, permanent landscaped buffer strips, and any areas to be dedicated or reserved for public use or designated for other than residential use with notes stating their purpose and limitations.
 - b. Sufficient data to determine readily and to reproduce on the ground location, true or grid bearing and length of every street line, lot line, boundary line, block line, easement line, buffer line, and building line whether curved or straight. This shall include the location of the point of curvature (PC) and point of tangency (PT), the central angle, the radius, tangent distance, and chord distance for the centerline of curved streets and for curved property lines which are not bordering on a curved street. For property lines bordering on a curved street, the recorded distance shall be measured along the property line either from corner to corner, PC to corner, PC to PT, or corner to PT. Where the computed arc distance along any curved property line exceeds the measured chord by more than five-hundredths of a foot (0.05') both the arc and the distance shall be recorded.
 - c. The location and description of a clearly identified, competent, and verifiable point of beginning for the survey of the subdivision.
 - d. The location and description of all permanently monumented survey points established or recovered within or on the boundary of the subdivision.

- e. Distances to the nearest one-hundredth of a foot (0.01') and angles or true or grid bearings to the nearest twenty seconds of arc (20").
 - f. The names of all streets within the subdivision, the names and locations of adjoining subdivisions and public streets, and the location and ownership of adjoining unsubdivided property.
 - g. Date, title, name and location of the subdivision in relation to the surrounding area.
 - h. Sketch map inset showing the location of the subdivision in relation to the surrounding area. Any restrictive covenants which are to apply to lots or other parcels within the subdivision.
 - i. The most recent recorded deed book and page number for each deed constituting part of the property being subdivided and platted.
5. Certificates required to be included on the final plat are shown in Appendix 2 to Article II. The authorized signatures for these certificates shall be obtained by the developer prior to submitting the final plat to the planning commission.

B. Subdivision Development Contract

Before the final plat is recorded, the developer must enter into a contract with and satisfactory to the City of Bartlett Board of Mayor and Aldermen relative to all required improvements including, but not limited to, streets, sewer and water lines, surface and subsurface drainage, and the payment of fees and the required deposit of funds, bonds, warranties and/or other collateral with the City of Bartlett equal to one hundred (100) percent of the projected costs of the public improvements and private conditions required by planning commission, design review or the mayor and board. If no plat is recorded and/or no permit(s) issued, a minimum bond can be set out as outlined in the subdivision contract. (as amended by Ord. #20-02, July 2020 *Ch7_12-08-20*)

C. Planning Commission Hearing

Normally, within thirty (30) days after submission of the final plat, the planning commission will review it in open public meeting and indicate approval, disapproval, or approval subject to modification. If the plat is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to modification, the nature of the required modification shall be indicated. Failure of the planning commission to act on the final plat within thirty (30) days shall

be deemed approval of the plat unless the applicant for the commission's approval shall have waived this requirement and consented to the extension of such period as provided in Tennessee Code Annotated, § 13-4-304, but such failure of the planning commission to act shall not constitute waiver of any requirement of these regulations nor of the Technical specifications of the City of Bartlett.

D. Recording and Distribution of the Approved Final Plat

Upon approval of the final plat by the planning commission, the developer shall submit to the city planner the original and one (1) copy of the final plat. The city planner shall verify that the plat is acceptable for recording and that required modifications, if any, have been properly made. Upon such verification, the secretary of the planning commission shall attest to approval by signing the appropriate certificate on the original and the copy of the plat. The secretary of the planning commission shall deliver the original to the Mayor of Bartlett or his authorized representative, who shall record the approved plat in the Office of the Register of Shelby County, Tennessee, and shall note the date, plat book and page number of recording on the file copy of the plat. The city shall have made a reproducible copy of the recorded plat to be delivered to the city engineer and ten (10) copies, one each to be delivered to the following:

1. Water and sewer department;
2. Police department;
3. Building department;
4. Fire department;
5. Post office;
6. Telephone company;
7. County assessor;
8. Office of planning and development;
9. Bartlett Planning Department;
10. Cable provider.

The recorded original plat shall be returned to the City of Bartlett's Engineer.

E. Effect of Final Plot Approval

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 ways or grounds.

ARTICLE III.

GENERAL REQUIREMENTS AND STANDARDS OF DESIGN

Section 1 - General Design Concepts

Land subdivision design is a compromise among competing and often conflicting objectives. Users of these regulations should recognize that land subdivision is far more than a means of marketing land; it is primarily the first step in the process of building a community. Once land has been divided into lots, streets established, utilities installed, and building constructed, correction of defects is costly and difficult. Moreover, the development pattern is permanently ingrained upon the community and unlikely to be changed. Ultimately, subdivision land becomes public responsibility requiring the maintenance of improvements and the provision of public services. Additionally, for the sake of future owners and the community, subdivided lands should not only be presently marketable, but should remain competitive with future developments, thereby presenting a stable and liquid investment. Therefore, the interests of the public, the developer and future owners are served by adherence to sound concepts and standards of design. To achieve the desired objectives, all subdivisions within the City of Bartlett must conform to the following four (4) basic design concepts:

A. External Factors

Subdivision design must provide for external factors of community-wide concern including the proper extension of major streets, extension of utilities, preservation of major drainage channels and related floodlands, and the reservation of needed school and park sites. Additional external factors to be considered include proximity to local, community, and regional shopping centers; to places of employment; to educational and recreational facilities; and to public transportation.

B. Land Use

Subdivision design must be related to proposed and existing land uses. Layout of a subdivision is inseparable from the use to which the land is to be put. Moreover, adjacent land use patterns must be considered. Some uses, such as parks, certain institutional uses, and bodies of surface water, may be used in the design to create value. Others, such as railroads, power lines and associated easements, poorly subdivided lands, and unsightly strip commercial developments, may require special design techniques to minimize their deprecatory effect on property values.

C. Natural Environment

Subdivision design must give due consideration to the natural environment. Areas of natural beauty, such as fine stands of trees and prominent terrain, should be conserved by the design. Low areas subject to flooding or areas of unsuitable soil or ground water conditions should not be put to residential use.

D. Internal Details

Subdivision design must give attention to internal design details including the proper layout of streets, utilities, needed open space, and lots and adjustment of the design to the topography and soil capabilities of the land. A major aspect of internal detailing is careful attention to drainage.

Section 2 - Storm Water Drainage

Storm water drainage is a major aspect of land subdivision design; however, it should not dominate over other important design considerations. Nevertheless, considerable attention must be given to drainage design because of the potential disastrous effects on life and property resulting from defective design. Accordingly, no land subdivision shall be approved within the City of Bartlett unless a detailed drainage plan for such subdivision has been submitted to and approved by the city engineer and the city planning commission. The following principles are to be applied to all drainage designs for land subdivision within the City of Bartlett.

A. Internal Regulation of Drainage

The amount and rate of water from all sources leaving a subdivision or other developed areas shall not be significantly different after than before development unless approved by the city engineer. This will be effective for a series of storms (2, 5, 10, 25, 100) and will consist of peak flow.

B. Drainage System Design

The storm water drainage system shall consist of a major and a minor element. The major element, which will operate infrequently, shall be designed to prevent the loss of life and significant property damage from any reasonably foreseeable rainfall event. The minor element, operating frequently, shall provide for an acceptable degree of convenient access to property during and after frequent normal rainfall events. Both elements of the drainage system shall incorporate storage (retention and detention), where necessary, to provide an effective solution to the problem of controlling the amount and rate of runoff.

C. Integrated Drainage Planning

The storm water drainage solution for each subdivision shall be consistent with limits as determined by the city engineer and/or in conformance with a comprehensive watershed plan. The overall storm water management system for the City of Bartlett, of which each subdivision becomes an intricate part, is predicated on accommodating water from upstream while mitigating the impact of outflow on downstream areas.

Section 3 - Street Layout

The layout or arrangement of streets is the singularly most important aspect of subdivision design. To a large extent it determines the effectiveness of the drainage system. Additionally, the street layout determines the shape, size, and orientation of building sizes and, to a major extent, the character and beauty of residential neighborhoods and the attractiveness of non-residential developments.

A. Conformity to the Major Street Plan

The location and width of all streets and roads shall conform to the official major street plan and any other plans of the City of Bartlett.

B. Relation to Adjoining Street System

The arrangement of streets in a subdivision shall provide for the continuation of existing streets in adjoining subdivisions (or their proper projection when adjoining property is not subdivided). The width shall be the same or greater than the existing street, but in no case less than the minimum width required. The arrangement of streets shall be such as to provide for future extension of utilities and storm water drainage, to prevent creation of severed parcels of land, and to cause no undue hardship on owners of adjoining properties.

C. Relation to Existing Topography

The arrangement of streets in a subdivision shall make optimum use of the existing natural topography by designing the layout around the natural drainage routings and by carefully adjusting the streets to the topography so as to minimize grading and drainage problems. Collector streets should generally follow valley lines and land access streets should cross contours at right angles. Side hill street locations are to be avoided where possible. Flag lots are strongly discouraged.

D. Relation to Land Use Density

The arrangement of streets shall, insofar as is practical, optimize the total length of streets such that the cost per lot or building site for the construction and maintenance of streets, underground utilities, and other improvements are minimal. The use of cul-de-sacs in a subdivision may be an effective means of optimizing land use density relative to other improvements.

E. Relation of Street Elevation to Drainage

Surface street elevation, at all points, shall be set to preclude periodic inundation due to the overflow of constructed or natural open channels, or due to local storm water runoff which has a flow depth exceeding the curb height. Where curb and gutter is not required, no appreciable amount of runoff water shall be permitted on streets. Street elevation may be raised by fill embankment provided such embankment does not result in flooding of lots or building sites within the subdivision, nor in increased flood heights upstream and downstream except as may be provided for in a comprehensive watershed plan for the City of Bartlett. Drainage openings through roadbed embankment shall not impede the flow of water except where such embankment is an integral part of a planned detention basin requiring regulated outflow. In no case shall flooding of residential lots or building sites be permitted by design.

F. Street Right-of-Way Widths

The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the major street plan, or if not shown on such plan, shall be not less than listed below (in cases where topography or other physical conditions make a street of the minimum required width impracticable, the planning commission may modify the above requirements by no more than ten (10) percent of the specified width. In no case shall the street widths be modified solely for the purpose of increasing the area of marketable land, nor to accommodate a land use which might otherwise be inappropriate):

1. Major thoroughfare, 106 feet and 114 feet (see major road plan);
2. Minor thoroughfare, 80 feet and 84 feet;
3. Major collector street, 68 feet;
4. Minor collector street, 60 feet;
5. Commercial access street, 60 feet.

Commercial access streets are land access streets which are primarily intended to provide access to commercial and industrial properties, to office parks, and to any non-residential land uses which may generate a significant volume of traffic.

6. Single Family Residential Street, 50 feet;

Single family residential streets are land access streets which are primarily for access to abutting residential properties and which are designed to discourage through traffic.

7. Dead-end Street (Cul-de-sac), 50 feet;

Cul-de-sacs are permanent dead-end streets which may provide access to commercial, industrial, or residential properties.

8. Limited Access Residential Development Street, 40 feet;

Limited access residential development streets are land access streets which provide access to properties within a planned residential development, or other similar developments as approved by the planning commission and are designed to be an integral part of the developments' landscaping and open space and to avoid through traffic and on-street parking.

G. Additional Width on Existing Street

Subdivisions abutting on existing streets shall dedicate additional right-of-way to meet the minimum width requirements of Article III, Section 2 F.

1. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
2. Where the subdivision is located on only one side of an existing street, one-half (½) of the required right-of-way, measured from the center line of the existing right-of-way, shall be provided.
3. A non-residential subdivision abutting and having access on a residential street shall provide the total additional right-of-way required for a commercial access street.
4. If the realignment of streets is required for safety reasons, the developer will dedicate and improve the street to the width necessary to create a safe situation.

H. Restriction of Access

1. Where a subdivision fronts on an arterial street or highway, or where a non-residential use abuts on a street opposite a residential use area, the planning commission may require that frontage be provided on a marginal access street. Double frontage shall not be permitted between any residential or major street and a marginal access street.
2. For residential subdivisions bordering on an arterial street or highway, the planning commission may require, in lieu of a marginal access street, that "through" and "corner" lots be provided with double frontage on both the arterial street or highway and a single family residential street. In this case, the right of vehicular access to the arterial street or highway shall be permanently dissolved and such dissolution shall be noted on the final plat of the subdivision.

I. Street Alignment and Grades

All design of street geometry will meet or exceed AASHTO requirements. In setting the alignment and grades for streets, due consideration shall be given to storm drainage. In general the depth of flow in gutters and the allowable spread of water shall be consistent with the functional classification of the street. Arterial streets shall be designed to remain virtually free of water. Deeper flows and wider spreads may be tolerated on collector and land access streets. Streets alignment and grades shall be designed so that, during severe rainfall events, the collector and land access street can serve as open channels supplementary to the minor, normally piped, storm drainage system without flooding adjoining lots or building sites; therefore, midblock sags in street grades are to be avoided and grades are to be set so as to generally parallel storm sewer gradients. During frequent normal rain fall events, appreciable runoff shall not be permitted to flow across intersections. The rate of flow for runoff contained on streets shall not normally exceed ten (10) feet per second.

J. Maximum Street Grades

Grades on arterial and major collector streets shall not exceed seven (7) percent. Grades on all other streets shall not exceed ten (10) percent.

K. Horizontal Curves

Where a deflection angle of more than ten (10) degrees of arc in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. The minimum is presented below:

Arterials, 1,400'
 68' Collectors, 825'
 60' Collectors, 400'
 50' Locals, 150'

L. Vertical Curves

Every change in street grade shall be connected by a vertical curve designed to afford a minimum sight distance of two hundred (200) feet as measured from a driver's eyes, which are assumed to be three and one-half (3 ½) feet above the pavement surface, to an object six (6) inches high on the pavement. Vertical curves shall be of standard parabolic design. The minimum K values are shown below:

Designed Speeds	Sag	Recommended
		Crest
50 m.p.h. Major Road	100	145
40 m.p.h. Major Collector	60	65
30 m.p.h. Minor Collector and Local	40	30

Or as required by ASHTO Green book design requirements.

M. Intersections

1. The angle of intersections between two (2) major streets or between a major street and a land access street shall, generally, be a right angle, but in no case shall such intersections be less than eighty-five (85) degrees of arc. The angle of intersection between a major and a collector or a collector and a collector shall in no case be less than eighty (80) degrees of arc. All other street intersections shall be as near a right angle as possible, but in no case less than seventy-five (75) degrees of arc.
2. Property line radii at street intersections involving arterial or collector streets shall be not less than thirty-five (35) feet. All other intersections shall have property line radii of not less than twenty-five (25) feet.

N. Tangents

A tangent street segment shall be introduced between reverse or compound curves, where necessary, to provide a minimum sight distance of two hundred (200) feet between any two (2) points within the paved street surface. Between

reverse curves on arterial and collector streets, a tangent of not less than one hundred (100) feet in length shall be provided.

O. Street Jogs or Offsets

Local street jogs with center-line offsets of less than one hundred fifty (150) feet, and major road offsets of less than three hundred (300) feet, shall not be allowed.

P. Dead-End Streets

1. Cul-de-sacs designed to have one end permanently closed shall be no more than eight hundred (800) feet long. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet. The planning commission may approve an alternate design for longer cul-de-sacs to meet unusual site conditions.
2. Where the planning commission determines a need for future access to adjacent properties, proposed subdivision streets shall be extended or additional street segments provided to the boundary of the subdivision at locations specified by the planning commission. Such extensions or additions shall be designed as temporary dead-end streets with temporary turn-arounds having a paved area with a diameter equal to the width of the required street right-of-way.

Q. Private Streets and Reserve Strips

1. There shall be no private streets platted in any subdivision. Every lot or parcel in subdivided property shall have street frontage.
2. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the City of Bartlett under conditions approved by the planning commission.

R. Street Names

Proposed streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets. In no case shall the name for a proposed street duplicate an existing street name, irrespective of the suffix used; i.e., street, avenue, boulevard, drive, parkway, cove, court or place.

S. Alleys

Alleys may be provided to serve the rear of lots or building sites used for commercial or industrial purposes. Alleys shall not be provided in any solely residential block. Resubdivision of land for residential use in areas where alleys exist shall provide for vacation of such alleys.

Section 4 - Blocks

Block configuration within a subdivision is essentially determined by the street layout; hence, it must be considered concurrently with the alignment of streets.

A. Block Length

Blocks shall be not less than three hundred (300) feet nor more than fifteen hundred (1500) feet in length measured centerline to centerline of street, except as the planning commission may deem necessary to secure efficient use of the land or desired features of street pattern. The planning commission may require one or more public cross walks of not less than ten (10) feet in width extending entirely across the block at locations deemed necessary.

B. Block Width

Blocks shall be wide enough to allow two (2) rows of lots, except where double frontage or open space is provided or required, or where prevented by topography or other physical conditions of the site. In such cases, the planning commission may permit a single row of lots.

Section 5 - Lot Layout

In general, all lots within a subdivision shall have about the same area. Minimum lot areas and frontages are specified in the Bartlett Code of Zoning Ordinances; however, a subdivision plan should not be predicted solely on producing a maximum density of minimum sized lots. In addition to lot density, the lot layout plan should give balanced consideration to the natural topography of the tract being subdivided, to the conservation and preservation of the natural environment, to the provision of adequate open space, to the enhancement of the character and beauty of the community, to the optimization of lot density to improvement ratio, and to the protection of life and property.

A. Adequate Building Sites

Each lot shall contain a building site not subject to flooding or other hazards as defined in Section 7 of this article, and such site shall be outside the limits of

any easements, right-of-way, building lines, side yards, rear yards, buffers, screens or landscaped areas which are existing or are required by the Bartlett Code of Zoning Ordinances.

B. Arrangements of Lots

Where practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Each lot shall front on a public street or road which has a right-of-way width of not less than forty (40) feet. Where lots abut on an arterial street, double frontage, marginal access or other acceptable arrangements shall be made to control ingress and egress onto such streets from the individual lots.

C. Minimum Size of Lots

The size, shape and orientation of lots or building sites shall be as the planning commission deems appropriate for the intended use and topography of the site, for adjoining land uses, and for the protection of life and property.

1. The minimum area and dimensions of residential lots shall be as specified by the Bartlett Code of Zoning Ordinances.
2. The minimum area and dimensions of office, commercial and industrial tracts shall be as specified by the Bartlett Code of Zoning Ordinances and such tracts shall also provide adequate space for the off-street service and parking facilities, landscaping and screening required by the type of use and proposed development.

D. Building Setback and Yard Requirements

All lots or tracts shall have at least the minimum front, side, or rear yard that is required by the Bartlett Code of Zoning Ordinances. To accommodate site peculiar conditions, such as side yards drainage, the planning commission may require increasing the yard requirements for a given lot or tract.

E. Large Tracts or Parcels

Where land is subdivided into larger parcels than ordinary building sites, such parcels shall be arranged to allow for future opening of streets and for logical resubdivision. In no case shall this be construed to allow the creation of severed parcels.

F. Lot Drainage and Grading

Where possible, lots shall drain toward the street or toward both the street and the rear lot lines. In case of drainage to the rear lot line, lateral drainage along rear lot lines shall be required, necessitating careful attention to grading. Where required by the topography, side yard drainage may be required, in which case it may be necessary to increase minimum side yard requirements. Terracing of lots, particularly in residential subdivision, shall be avoided unless essential for erosion control or to reduce the velocity of runoff.

Section 6 - Open Space and Easements

No single aspect of subdivision design contributes more to the attractiveness and value of a subdivision development than the effective use of open space. The provision of open space and easements, preferably designed for multiple uses, is an essential consideration in the planning and design of both residential and non-residential subdivisions.

A. Compliance with Parkland Development Fee and Dedication Ordinance

In all residential developments the Bartlett Planning Commission is designated by the Bartlett Board of Mayor and Aldermen and by Tennessee Code Annotated, § 13-4-303 to provide for adequate open space, recreation, and conditions favorable to health, safety, convenience, and prosperity. The Bartlett Planning Commission, with assistance for the Bartlett Planning Department, Bartlett Public Works Department, and the Bartlett Parks Department, shall act on behalf of the board of mayor and aldermen in the enforcement and administration of the Parkland Development Fee and Dedication Ordinance. The duties of each of these departments is further defined below:

1. Payment of Parkland Development Fee

In all residential developments in the City of Bartlett a parkland development fee shall be assessed against the development based upon a rate to be established by the board of mayor and aldermen per lot or dwelling unit. This fee shall be collected as a part of the subdivision contract between the board of mayor and aldermen and the developer of the proposed residential development, and may be used exclusively to acquire or improve land for parks.

2. Dedication in Lieu of Development Fees

In all residential developments the developer may choose, in lieu of a fee, to dedicate to the city, free and clear of all liens and encumbrances, land

to be used exclusively for city owned parkland in an amount equal to five percent (5%) of the total land area of the residential development, provided, however, that no parcel less than five (5) acres shall be accepted unless such land adjoins other dedicated parkland. When a master plan for a residential subdivision is submitted, the planning, public works and parks departments shall review the master plan to determine if a park is needed in the area and make a recommendation to the planning commission on the location and size of a proposed park. The dedicated land shall be of good quality as determined by the city and shall not contain an excessive amount of low land or ditches. If the park site is approved by the planning commission, said park site shall be incorporated into the master, construction, and final plans of the development. If the developer chooses to dedicate land in lieu of a fee, the land is dedicated to the city at the time the subdivision plat is recorded. If the developer choose to pay the fee, the city may purchase the proposed park site.

3. Combination of Development Fee and Dedication

A combination of a development fee and dedication may be allowed, subject to the approval of the city and developer.

B. Open Space for Control of Storm Water Runoff

Where necessary, design of permanent and temporary ponding shall be an integral part of subdivision design. Such design shall consider opportunities to create open space and landscaped areas for ponding while at the same time considering dual uses, such as public neighborhood parks and playgrounds or private use recreational areas. Buffers of greenbelt area along aquatic resource streams are required under stormwater ordinance with dedication of buffers to the city.

C. Easements for Open Channel Drainage

Each open channel, including retention and detention ponds, natural or constructed, shall be provided an easement of width sufficient to accommodate major runoff events. Such an easement shall also provide for operation of construction and maintenance equipment, erosion control, insect vector control, landscaping, and operation of any water level flow control structures.

D. Easements for Utilities

Except where alleys are permitted for the purpose, utility easements with a minimum width of five (5) feet shall be provided along all side and rear lot lines.

The planning commission may require utility easements for sanitary sewer, storm water drainage, and water lines to have a width to a maximum recommended by the city engineer. Where a sanitary sewer, storm water drainage, or water easement runs from front to back through a residential building lot, such easement shall be centered on a side lot line between two (2) lots.

Unless approved by the planning commission, no landscape plantings except for lawn grasses and other appropriate ground cover vegetation shall be permitted within a required utility easement. No driveway pavement shall be placed in a sanitary sewer, storm water drainage, or water easement running along the side of a residential building lot. On non-residential lots, driveway and parking area pavement shall not encroach on such easements except to the minimum extent necessary for continuity of traffic circulation. Planting and driveway restrictions within utility easements shall be noted on the final plat. Exceptions for encroachments can be allowed only with prior approval, encroachment letter signed by the mayor, code enforcement and engineering.

The driveway restrictions shall be effective on all residential lots for which a final plan is approved by the planning commission after September 10, 2002. For residential lots for which final plans were approved by the planning commission on or before this date, a driveway may be placed on a sanitary sewer, storm water drainage, or water easement only upon execution of an agreement with the city governing conditions of encroachment on the easement. The driveway and pavement restrictions shall be effective on all non-residential lots for which a final plan or site plan is approved by the planning commission after September 10, 2002. Exceptions for encroachments can be allowed only with prior approval, encroachment letter signed by the mayor, code enforcement and engineering. (Ord. #02-11, Sept. 2002, modified)

E. Landscaped Buffers and Screens

Open space shall be reserved for fences and vegetative screening and other landscaped areas as required by the Bartlett Code of Zoning Ordinances and by these subdivision regulations. The design of landscaped buffers and screens shall be in accordance with the technical specifications of the City of Bartlett, and shall be subject to review and approval of the design and review commission. Where residential lots have double frontage on public streets, there shall be a continuous screening of acceptable design along the rear of such lots.

F. Conservation and Preservation of Community Assets

For all types of land uses, due consideration shall be given to providing open space needed to conserve notable features of the natural environment such as

large trees, watercourses, and prominent scenic terrain. Adequate provision shall be made to protect and preserve historical sites or similar community assets which add to the attractiveness and value of property.

G. Private Use Open Space

Open space may be reserved for private use contingent upon residency or employment, or as required by the City of Bartlett for on-site drainage retention or detention; however, such open space shall not become the responsibility of the City of Bartlett, rather, the owners or members of an owner's association shall have full responsibility for all care, preservation, and maintenance of the grounds and facilities contained within the reserved open space. An appropriate provision, declaring the responsibilities to the owner or owner's association and absolving the City of Bartlett of any responsibility for private use open space, shall be included in the covenants and restrictions of the subdivision.

H. Preservation of Open Space

Once an area has been designated as a greenbelt, landscaped area, buffer, screen or other permanent open space, whether for public or private use, it shall not be encroached upon by any building, structure, or parking area, and shall be so noted on the final plat of the subdivision.

Section 7 - Suitability of Land

The planning commission shall not approve the subdivision of any land where it has been found that, in the public interest, the land is not suitable for subdivision development of the type and use proposed. Any land use which may result in increased upstream or downstream flooding, endanger health, life or property, or aggravate downstream erosion, sedimentation or pollution shall not be approved for subdivision. Any land within a proposed subdivision which is unsuitable for the intended use shall be reserved for open space or other compatible uses which will not be endangered by any inherent hazard of the site.

A. Residential Land Use

Land which is subject to flooding or which has unsuitable soil or ground water conditions shall not be subdivided for any type of residential use.

B. Building Site Suitability

No lot or tract intended for use as a building site shall be permitted where any natural or man-made condition, on or adjacent to such lot or tract, may endanger the integrity of any building or structure erected on the site.

Section 8 - Planned Unit Developments

The concepts of planned unit developments may be applied to residential, office, commercial, and industrial developments. The purpose of planned unit development is to provide for comprehensive large scale site planning which may be carried out concurrently with land subdivision planning and design, and to permit maximum innovation and design variation while protecting existing and future development. Applicable requirements of the Bartlett Code of Ordinances shall be complied with, and unless specifically waived or modified by the planning commission, all requirements of these subdivision regulations shall be adhered to.

ARTICLE IV.

PREREQUISITES TO FINAL SUBDIVISION APPROVAL

Section 1 - General Requirements

As a condition precedent to the final approval of any plat of subdivision, subdivision addition or resubdivision, every subdivision developer shall be required to grade and improve streets and other public ways, to install survey monuments, utilities, curbs, sidewalks, sewers, water mains, storm water inlets, surface and ground water drainage channels and structures, and buffer screens, and to prepare and plant landscaping in accordance with these regulations and the technical specifications of the City of Bartlett. In lieu of the completion of such improvements prior to final subdivision plat approval, the planning commission may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the City of Bartlett the actual construction and installation of such improvements within a period specified by the planning commission and expressed in the bond. This bonding period is a minimum of 1 year with the bond remaining in place while the work is under way (100%) and remaining in place at 50% level for 1 year after release of lots for building of houses. The bond will then be periodically reviewed and reduced to the amount of remaining improvements to install until all improvements are complete. Once all bonded improvements are complete, only then can the bond be released and reduced to \$0. Until the bond is released and reduced to \$0, it can be continually renewed at the appropriate bond level required by engineering. If minimum bonds are used, the reductions apply only as allowed by the City Engineer to cover outstanding liabilities. (as amended by Ord. #20-02, July 2020 *Ch7_12-08-20*)

Section 2 - Subdivision Development Contract

At the discretion of the Board of Mayor and Aldermen, the City of Bartlett may enter into a development contract with a subdivision developer. Other provisions of these regulations notwithstanding, prior to final subdivision plat approval, a subdivision development contract between the developer and the City of Bartlett must have been approved and signed and sealed by the Mayor of the City of Bartlett, and all required deposits of funds shall have been made by the developer by competent negotiable instruments.

Section 3 -Planned Unit Residential Developments

No final subdivision plat shall be approved by the planning commission for a planned unit residential development until the applicable requirements of the Supplementary District Regulations of the Bartlett Code of Zoning Ordinances

have been complied with by the developer and necessary variances have been favorably acted on by the board of zoning appeals.

Section 4 - Survey Monuments

Permanent and semipermanent survey monumentation is an essential by-product of the land subdivision process. Such monumentation facilitates resurvey of the lands contained within the subdivision and provides survey control points for future cadastral and cartographic surveys and mapping. Each subdivision developer shall provide, at his expense, all survey monumentation and documentation specified herein.

A. Permanent Monuments

1. A permanent survey monument shall be set behind the curb on the north and east side of every street and at least one monument shall be provided near each street intersection and located to provide inter-visibility with one or more monuments located on each of the intersecting streets. At least one monument shall be located at a point in the exterior boundary of the subdivision or subdivision addition. There shall be a minimum of two (2) such permanent monuments within every subdivision. In the event that concrete curbs are not installed the monuments shall be located to prevent interference with or disturbance by future installation of curbs or other subsequent improvements.
2. Permanent survey monuments shall be constructed of dense portland cement concrete, four (4) inches square, three (3) feet long, with a flat top. The top of each monument shall have an indented cross to identify the precise location of the survey point, and the top shall be set flush with the finished grade of the surrounding surface or, in asphalt paved areas, flush with the finished grade of the pavement base.
3. Where deemed necessary by the city engineer, to ensure recovery of a survey point, a subsurface mark set in concrete poured at the base of the concrete monument and plumbed to the surface mark shall be required.

B. Semi-permanent Monuments

1. All lot corners in the subdivision not set with a permanent monument shall be marked with an iron rod not less than five-eighths inch (5/8") in diameter and twenty-four inches (24") long, set flush with the finished grade of the surrounding surface.

2. Upon completion of subdivision development these metal rods shall be protected by one (1) or more flagged guard stakes.

C. Unauthorized Survey Marks

Survey reference marks, benchmarks, witness marks or auxiliary corners which are unsightly or damaging to curbs, gutters, sidewalks, driveways, and street pavements shall not be permitted. Any such unauthorized marks and corners shall be removed or repaired by the developer, at his expense, prior to final subdivision plat approval.

D. Survey Documentation

The developer shall provide to the city engineer, prior to final plat approval, a detailed description of all new and recovered permanent survey monuments lying within or on the boundary of the subdivision. Each description shall include:

1. A physical description of the monuments;
2. Instructions for locating the monuments with respect to a fixed prominent landmark;
3. Survey data in addition to that shown on the final plat which shall, when available, consist of adjusted plane coordinates and elevation, survey precision and accuracy, and datum to which coordinates and elevation refer.

Section 5 - Storm Water Drainage

The developer shall construct and install, at his expense within the subdivision all channels, ditches, structures, and storage basins with sufficient hydraulic capacity to control storm water runoff and emergent ground water originating within and upstream of the subdivision. Drainage improvements also include proper building site and lot grading, and erosion and insect control. This design will meet or exceed the design requirements as set forth by the city engineer. The developer shall be responsible for any and all grounds maintenance in and around any stormwater detention or retention basins. The city will maintain any permanent structure, (i.e. concrete headwalls, pipe, or box structures) within the storm water facility.

A. Drainage Channels and Structures

1. The size and quantity of drainage channels and structures shall conform to the drainage plan approved for the subdivision. The required drainage facilities include all underground pipe, inlets, catch basins, manholes, retention and detention ponds, open-channel ditches, and porous pipe and french drains.
2. All storm drainage pipe shall be reinforced concrete pipe. The maximum size of underground storm sewers shall be sixty inches (60") diameter unless approved by the city engineer and the minimum size shall be fifteen inches (15") diameter, except when driveways or areas with no curb and gutter shall be a minimum of eighteen inches (18") in diameter.
3. All open channel drainage requiring a cross-sectional area of one-hundred (100) square feet or less shall be contained in paved ditches. Where cross sections in excess of one-hundred (100) square feet are required, the developer shall pave the ditch to the required cross section and provide an easement wide enough to contain the paved ditch in those instances where the ditch joins an existing downstream paved ditch. Where the downstream ditch is not paved, the developer may either (1) pave the ditch to the required cross section and provide the appropriate easement or, (2) improve the ditch as approved by the city engineer and provide sufficient easement and capacity for drainage, bank stabilization and for access of maintenance equipment.
4. If the stream is defined as an ARAP (Aquatic Resource Alteration Permit) stream by Tennessee Department of Environment, buffers as outlined by the stormwater ordinance are required; or the developer may provide a design acceptable to the city to alter the stream in which case TDEC must approve the design through the ARAP process and the buffer width may be varied from the widths described in the storm ordinance. Acceptable buffer widths will be determined by the city engineer when alteration is allowed. All streams, which are deemed wet weather conveyance streams by TDEC, will be improved with (pipe, concrete channels, etc.) or if approved by the city engineer, other permanent armored stabilization products may be specified providing appropriate channel stabilization. If no improvements are done to the channels of wet weather conveyance ditches, the developer will set aside greenbelt wide enough to provide for the capacity of drainage, bank stabilization and access for maintenance equipment. City engineers must review and approve these special requests.

B. Major Streets with Restricted Access

1. Where a major street is dedicated in a residential subdivision adjoining "through" or "corner" lots and the right of vehicular access to the major street from lots is dissolved, the developer shall retain responsibility for the installation of all storm drainage improvements, including curbs and gutters, required within the major street right-of-way.

C. Insect Vector Control

All drainage channels and structures shall be constructed to eliminate breeding areas for mosquitoes and other insect pests. Other improvements such as widening, deepening, relocating, clearing, protecting or otherwise improving stream beds and other water courses within the subdivision, such water courses as may be constructed by the developer outside of the subdivision, for the control of mosquitoes and other public health nuisances shall be provided by the developer in accordance with the standards and requirements of the city engineer and the Shelby County Health Department.

D. Lot and Building Site Drainage

1. The developer shall provide to each builder within the subdivision a detailed, coordinated grading plan designed to insure proper drainage of all lots and building sites. Lots and site grading by individual builders shall conform to the coordinated grading plan furnished by the subdivision developer.
2. All lots and building sites within the subdivision shall be graded to provide positive drainage away from all principal use buildings, and all accessory use buildings covering two-hundred (200) square feet or more of the lot or site. A minimum of 2.0 percent slope shall be required to provide positive drainage of front yards to adjacent streets, or to an adequate drainage system. Deviations from this requirement may be allowed for unusual topographic conditions only with prior approval of the city engineer.

E. Non-residential Development Drainage Requirements

1. There shall be no off-site surface drainage from commercial and industrial developments. Within such subdivision developments all storm water drainage shall be collected on site and conveyed by drainage structures to the public storm sewer system in accordance with an approved drainage plan.

2. Commercial and industrial developments having more than one-hundred and fifty thousand (150,000) square feet of improved area (building and parking) shall have all drainage structures designed by the retention and slow release method. The design calculations for such structures shall be submitted to the city engineer for approval prior to construction. Pre and post design is required with detention for the 2, 5, 10, 25, 100 year peak storms.

Section 6 - Street Improvements

The developer shall construct all streets, roads, and alleys at his expense to the approved alignments, grades and cross sections, including any new streets required by Article III, Section 3A that will abut or cross the proposed subdivision and any existing streets abutting the proposed subdivision. Deviations due to site peculiar conditions may be allowed only with prior approval of both the planning commission and the city engineer. This section shall not apply to certain existing streets indicated by a map adopted by the City of Bartlett allowing rural cross sections. These roadways will be allowed to remain rural in nature (no curb and gutter or sidewalk and open roadside swales), however road pavement widening improvements may be required if the existing pavement width and shoulder widths do not meet minimum width of travel way and shoulder requirements as outlined in American Association of State Highway and Transportation officials green book geometric design handbook. (Ord. #02-18, Dec. 2002)

A. Special Precautions

Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure. All street grading shall be done in a manner which will not disturb the structure nor result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the pavement surface to the nearest conductor shall meet the requirements of the National Electrical Safety Code.

B. Minimum Pavement Widths

Pavement widths will be a minimum of 10 foot lanes with actual widths being a function of projected volumes on the street. Widths will be based on ASHTO Green book requirements.

C. Roadway Subgrade Preparation

1. Clearing and Grubbing

Before roadway grading is started the entire right-of-way area shall be cleared of all stumps, brush, roots, all trees not intended for preservation, and all other objectionable materials. The cleared and grubbed material shall be disposed of in a legal manner, generally away from the construction site.

2. Excavation

During construction, roadbed excavations should be maintained in a smooth condition with sufficient slope to insure adequate drainage under all weather conditions. All obstructions, such as roots, stumps, boulders and other similar material, shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade. All loose material in the roadway shall be compacted in the manner prescribed by the city engineer.

3. Embankment

All suitable material from roadway excavations may be used in the construction of roadway embankments. Excess or unusable materials shall be legally disposed of away from the construction site. The fill material used in the construction of embankment shall be spread in layers not to exceed six (6) inches loose and shall be compacted at optimum moisture content by a sheeps foot roller or other compaction equipment approved by the city engineer. During construction, embankments shall be maintained in a smooth condition with sufficient slope to insure adequate drainage under all weather conditions.

- D. Clay Gravel Base Course

After preparation of the subgrade, the roadbed shall be surfaced with an approved material conforming to the technical specifications of the City of Bartlett. Construction of the seal coat, base course and road surface will follow these guidelines:

1. Local and Minor Collector Roads Clay Gravel Base

Clay gravel base material shall be hard, durable road type clay/gravel. (See Technical Specifications.) After compaction, the clay/gravel base shall be at least six (6) inches thick on streets with rights-of-way of fifty

(50) feet or sixty (60) feet. Asphalt pavement is to be three (3) inches thick on the road sections.

2. Collector Roads Clay/Gravel Base (68', 80', 84' and 106' R.O.W.)

The clay/gravel base shall be comprised of the same materials listed above, and after compaction the clay/gravel base shall be at least eight (8) (68' and 80' ROW) and ten (10) (84-114 ROW) inches thick. Six (6) to eight (8) percent cement by weight is to be incorporated in the clay/gravel base and three (3) inches of asphalt placed on the cement treated clay/gravel base.

3. Soil Cement Base

Soil cement base shall consist of soil and portland cement uniformly mixed, moistened, compacted, finished, and cured in accordance with approved methods. After compaction, the soil cement base shall be at least six (6) inches thick on streets with rights-of-way less than sixty (60) feet, and eight (8) inches on streets with rights-of-way of sixty (60) feet or more.

E. Double Surface Seal Coat

After acceptance of the base course the roadbed shall be sealed with a double coating of asphaltic tar and pea gravel to act as a wearing surface during the construction adjoining the roadway.

F. Asphaltic Pavement

When the development surrounding the new roadway is fifty percent (50%) complete, two (2) inches of roadway surface shall be paved with asphaltic laid hot in a single course on the prepared base course. When the development is one hundred percent (100%) complete the balance of the pavement shall be installed. The asphaltic pavement shall be three (3) inches thick. The pavement surface shall conform to the approved lines, grades and cross sections.

Section 7 - Environmental Protection and Preservation

Protection and preservation of the environment particularly its natural features such as ground cover, trees, soils and watersheds are an essential element of subdivision design. The developer shall provide, at his expense, all erosion control, revegetation planting, and protection for existing vegetation.

A. Erosion Control

1. The subdivider shall submit a plan and schedule for soil erosion and sedimentation control at the time the construction plans are submitted. The subdivider shall provide necessary erosion control such as seeding for gentle slopes (0-1.5%), grass and sod for steeper slopes, with special grading and terracing in accordance with the plans approved by the city engineer. All freshly excavated and embankment areas not covered with satisfactory vegetation shall be fertilized, mulched and seeded and/or sodded as required to prevent erosion. Storm sewer inlets shall have debris guards as approved by the city engineer to trap sediment and avoid possible damage by blockage. Provisions shall be made to accommodate increased runoff caused by changed soil and surface conditions during development. Runoff shall be intercepted and safely conveyed to storm drains or natural outlets where it will not erode or flood land. Sediment basins shall be installed and maintained to collect sediment from runoff waters. Developer to provide the city with erosion plan and copy of the State of Tennessee permit for the storm water pollution prevention plan.

If its determined by the city engineer that the necessary erosion control is not being provided by the subdivider, the city engineer shall officially notify the subdivider of the problem. If the subdivider has not begun to provide satisfactory erosion control within fifteen (15) days after the notice, the city public works department shall make the necessary improvements to eliminate the erosion problem documenting all expenses incurred. Prior to release of the bond or recording of a final plat, all expenses incurred by the public works department shall be paid in full by the subdivider.

2. Erosion control measures to be accomplished by the developer shall consist of appropriate landscaping, grading, mulching, seeding, sprigging, sodding, tree planting, and construction of erosion check dams. Specific measures required shall be as approved or directed by the planning commission.

B. Preservation of Trees and Revegetation

The specific requirements of the Tree Ordinance, Article VI, Section 23 of the Zoning Ordinance shall apply to all subdivisions. However, no trees of caliper ten (10) inches or larger measured five (5) feet above the surrounding ground surface shall be removed if at all possible, and special attention shall be given to preserving larger trees. For removal of trees greater than twelve (12) inches in diameter, the planning commission may require a plan for revegetation, in

order to recover soil stabilization, percolation or buffering lost by removal of such tree.

The developer will comply with all provisions of the Bartlett Tree Ordinance.

Section 8 - Sidewalks, Curbs, Gutters and Handicap Ramps

Unless waived by the planning commission, the developer shall install, at his expense, all sidewalks, curbs, and gutters, curb cuts and driveway aprons and handicap ramps within the subdivision and within the right-of-way of all existing streets bordering the subdivision, under conditions specified herein, such installation may be deferred for installations by others at a later time.

A. Sidewalk Location

For the safety of pedestrians and of children at play en route to school, sidewalks shall normally be required on both sides of streets. Sidewalks shall be located in the street right-of-way immediately adjacent to the right-of-way line.

B. Minimum Sidewalk Widths and Cross Section

All sidewalks shall have a thickened edge cross section with the main slab not less than four (4) inches thick. For proper drainage, all sidewalks shall have one-fourth inch ($\frac{1}{4}$ ") per foot slope toward the adjacent street. Sidewalks shall conform to the following minimum widths:

1. Single Family Residential Sidewalks, 5 feet;
2. Multi-Family, 5 feet;
3. Commercial/Non-residential Sidewalk, 5 feet.

C. Curbs and Gutters

Curbs and gutters shall be either permanent integral type six inch (6") concrete curbs with twenty-four inch (24") concrete gutters; standard rolled type detail concrete curbs and gutters; or other construction approved by the planning commission. Only the standard six inch (6") and twenty-four inch (24") curbs and gutters shall be permitted on major streets. For major streets, waiver of the requirement to install curbs and gutters shall not be granted.

D. Handicap Ramps

In all subdivisions where sidewalks, curbs or gutters are required, handicap ramps shall be installed at all crosswalks so as to make the transition from street to sidewalk easily negotiable for physically handicapped persons in wheelchairs and for others who may have difficulty in making the step up or down from curb level to street level. This requirement is not subject to waiver.

E. Curb Cuts and Driveway Aprons

All curb cuts and the installation of driveway aprons shall be approved by the city engineer and shall be in a manner which insures positive drainage to the street. An expansion joint with filler shall be provided at each edge of the driveway apron where it abuts to curb and gutter. If roll type curbs and gutters are used, curb cuts may be waived by the planning commission.

F. Quality of Concrete

All sidewalks, curbs, gutters, handicap ramps and driveway aprons shall be constructed of high quality, durable portland cement concrete. The concrete shall be ready-mixed four thousand (4,000) pound limestone aggregate and five percent (5%) air entrained concrete. At the time of placement, the slump of the concrete as measured by standard cone shall not exceed four inches (4") if consolidation is by vibration, or not less than five inches (5") if consolidation is by other means. During placement and finishing operations the concrete shall be protected from rains, flowing water, direct sun and drying winds. All concrete shall be cured for at least seven (7) days. The twenty-eight (28) days compression strength of all concrete shall be not less than four thousand (4,000) psi.

G. Waivers for Installation of Sidewalks, Curbs and Gutters

The planning commission may upon application of the subdivision developer waive the requirements for sidewalks and/or curbs and gutters. Such waivers shall be granted only under the following conditions provided that the safety of pedestrians and children is not a factor in the case of sidewalks, or that roadway or drainage hazards are not a factor in the case of curbs and gutters. In all cases involving major streets, curbs and gutters shall not be waived.

1. Where a park, railroad or other use on one side of a street makes a sidewalk non-essential.

2. Where ninety percent (90%) of the lots in a residential subdivision exceed an area of one (1) acre, the requirement for both sidewalks and curbs and gutters may be waived.
3. Where a planned unit residential development provides for internally oriented open areas and green ways for common or public use recreational facilities and walkways, sidewalks may be waived.

H. Deferment or Waiver of Installation

At the request of the developer, the planning commission may defer or waive the installation of additional pavement width, sidewalks, curbs and gutters, curb cuts and driveway aprons, and handicap ramps under the following conditions and procedures:

1. Where individual builders assume responsibility for installation of sidewalks, curb cuts and driveway aprons, the developer shall be relieved of responsibility for such installations. The responsibility assumed by individual builders shall become a condition of the building permit and shall comply with technical specifications of the City of Bartlett and the standards pertaining to sidewalks, curb cuts and driveway aprons contained in these regulations.
2. Where a subdivision borders on short segments of existing streets, which may lack some or all of the improvements required by this section, all or a part of the required improvements may be deferred indefinitely. The qualification for such deferral shall be lack of information needed to establish final grade elevations or alignments which would conform with future upgrading of the existing streets. For those improvements deferred under this provision, the developer shall deposit funds with the City of Bartlett in an amount equal to one-hundred percent (100%) of current cost as determined by the city engineer. In consideration for such deposit of funds, the City of Bartlett will assume responsibility for the installation of such improvements concurrent with future projects for upgrading the existing streets.
3. Where
 - (a) The proposed subdivision borders on an existing street on which street improvements are required; and
 - (b) The tract of land to be subdivided, when it was created in its present legal form, was smaller than the minimum acreage under the exemption of Article I, Section 3; and

- (c) The area within any lot created is not less than twenty thousand (20,000) square feet; and
- (d) The frontage on any lot would be not less than one hundred feet (100'); and
- (e) The tract of land being subdivided is more than four hundred feet (400') from the nearest installed curb and gutter existing along the frontage of any street on which the property being subdivided fronts,

all of the improvements required on the existing street by this section may be waived. Right-of-way dedication shall be required to the standard width for the class of street, as provided in these regulations.

- 4. Parcels of land, less than four acres in size, created by deed between March 6, 1956 and January 1, 2008 may file an application for a minor (2 lot) subdivision to be eligible for the issuance of no more than two residential building permits.

Further:

- a. The property must be in a zoning district permitting residential use.
- b. The resultant lots are in conformance to all requirements of the zoning ordinance and any other applicable regulations. Determination of minimum lot size is exclusive of any dedication requirement.
- c. The lots shall have direct access to an existing public street, with no new streets proposed.
- d. The Planning Commission may waive street improvements if all required dedication and easements are granted as well as any improvements necessary for safety considerations.
- e. Any extension of utilities to the property are the responsibility of the applicant.
- f. Standard subdivision drawings are required.
- g. Standard subdivision contract is required.

The minor (2 lot) subdivision may be submitted as a final plat application provided that the plat complies with all the requirements for final plat submission. (As amended by Ord. #02-18, Dec. 2002, and Ord. #08-13, Jan. 2009)

Section 9 - Installation of Utilities and Sanitary Sewers

After roadway grading is completed and approved and before any base course is applied, all of the underground work, water mains, sewers, etc., and all service connections shall be installed completely and approved throughout the length of the roadway and across the flat section.

A. Water Supply System

1. Water mains properly connected with the city water supply system or with an alternate supply approved by the City of Bartlett shall be constructed to serve adequately for both domestic use and fire protection to all lots and building sites shown on the subdivision plat.
2. The sizes of water mains, the location and types of valves and hydrants, the amount of soil cover over the pipes and other features of the installation shall be as designed by the city engineer and shall conform to accepted standards of good practice for municipal water system.
3. All water supply system construction plans and specifications shall be approved by the area office of the Tennessee Department of Environment and Conservation, Environmental Health Services, prior to any construction in accordance with Tennessee Code Annotated, § 53-2002, IV-13. Copies of comments and certificates of approval from the above agency shall be forwarded to the city engineer.

B. Electrical Service

Underground electrical service shall be provided in all subdivisions with curb and gutter and sidewalks (urban subdivision), however, overhead primary service with underground building service may be allowed in subdivisions with no curb and gutter or sidewalk (rural subdivisions). Variances to this policy should only be allowed when they are submitted in accordance with Article V of the Subdivision Regulations.

C. Telephone and Cable Television Service

Underground telephone and cable television service shall be provided in all subdivisions, however, overhead primary telephone and cable television service may be allowed only in conjunction with overhead electrical service. In all cases the building service shall be underground. All installation of phone and cable pedestal to be in rear yards per Resolution 6-96.

Section 10 - Screening and Landscaping

Where required by the planning commission and these regulations, fences and vegetative screening and landscaping shall be provided along the perimeter of certain developments to protect residential districts from undesirable views, lighting, noise, and other adverse influences. Other landscaping may be required for open space reserved as a part of the storm drainage system, for recreational areas, and for erosion control and preservation of the environment and of historical landmarks.

A. Residential Development

Where residential development has lots which have double frontage on public streets (alleys excepted), there shall be continuous screening along the rear line of these lots. Visibility areas required for traffic safety as designated by the city engineer shall not be screened. All reverse lot fencing to meet the Fence Ordinance 05-08.

B. Non-residential Development

The screening and landscaping for non-residential development shall comply with the provisions of the City of Bartlett Code of Zoning Ordinances.

C. Other Landscaping

The planning commission may specify to the developer those areas within the subdivision which require landscaping. The developer shall present for planning commission approval a detailed landscaping plan and planting schedule.

Section 11 - Technical Specifications Included by Reference

The Technical Specifications of the City of Bartlett are included in all of the foregoing requirements of this article and these regulations by reference. Unless these regulations state otherwise, deviations to the technical specifications may be allowed only with the prior approval of the city engineer. In all other cases prior approval of the planning commission shall be required.

Section 12 - Performance Bond in Lieu of Completed Improvements

The subdivision developer may, subject to planning commission approval, furnish to the City of Bartlett a construction performance bond. The amount and terms of the bond shall be as determined by the city engineer and approved by the planning commission in accordance with Tennessee Code Annotated, § 13-4-303. Normally the amount and terms of the bond will be approved

concurrently with approval of the construction plan in accordance with Article II, Section 4 of these regulations.

A. Reduction of Bond upon Partial Completion

Upon completion of the major improvements, and upon final inspection and acceptance by the city engineer, the developer may reduce the amount of the performance bond or he may substitute a new bond to secure the obligation with respect to incompleting or unaccepted improvements. The residual improvement shall normally be limited to such items as erosion control, revegetation, landscaping and plantings, and to those improvements such as sidewalks, handicap ramps, curb cuts, driveway aprons, asphalt, and HOA set-up fees, etc. which are deferred pending completion of building construction in those instances where the developer is also the builder. If a minimum bond is allowed for a development, no bond adjustments will be allowed until all work is complete, all fees are paid, and the final plat is recorded. Only then can the bond be adjusted to reflect the remaining outstanding items in the subdivision ie. paving, sidewalks, streetlights, HOA completion etc. (as amended by Ord. #20-02, July 2020 *Ch7_12-08-20*)

B. Enforcement of Bonds

Failure of the developer to comply with any or all parts of these regulations subsequent to final subdivision plat approval shall be grounds for issuance of a stop work order by the city engineer and enforcement of the performance bond by the City of Bartlett.

ARTICLE V.

VARIANCE, APPEALS AND AMENDMENTS

Section 1 - Variances

Variances to the general requirements, design standards, and extent of improvements required by these regulations may be granted or imposed by the planning commission. All requests for variances shall be submitted in writing. The planning commission may grant or impose variances under the following conditions:

A. Hardship

Where it can be shown that strict adherence to the provisions of these regulations would cause unnecessary hardship, a variance may be granted, except that, in no case shall this be construed to permit subdivision of land which is unsuitable or otherwise inadequate for the intended use, nor to permit waiver of any requirements which are necessary to the protection of life or property.

B. Site Peculiar Conditions

Where the planning commission determines that the topography or other site peculiar conditions warrant, and departure from these regulations would not destroy their intent, a variance may be granted or required. In this regard, the planning commission may impose additional requirements and higher standards to cope with site peculiar conditions. Any variance thus authorized shall be stated in writing in the minutes of the planning commission with the reasons justifying the variance.

Section 2 - Appeals

For matters falling within the scope of the regulating powers granted to the planning commission by Tennessee Code Annotated, §§ 13-4-302 and 13-4-303, any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision, finding or interpretation of the planning commission may seek review by a court of record of such decision, finding or interpretation, in the manner provided by the laws of the State of Tennessee. Decisions, findings and interpretations of the planning commission with regard to the standards and extent of improvements required for subdivision approval shall in all instances be final administrative decisions. Other appeals shall be as follows:

A. Board of Mayor and Aldermen

Matters submitted to the planning commission pertaining to the widening, narrowing, relocation, vacation, change in use, acceptance, acquisition, sale or lease of any street or public way, place or property may upon disapproval by the planning commission be appealed to the board of mayor and aldermen. In accordance with Tennessee Code Annotated, § 13-4-104, the planning commission's disapproval in such matters may be overruled by the board of mayor and aldermen by a majority vote of its membership.

B. Board of Zoning Appeals

Matters pertaining to the planning commission's interpretation of the City of Bartlett Code of Zoning Ordinance may be appealed to the board of zoning appeals in accordance with the provisions of the zoning ordinances.

Section 3 - Amendments

The procedures, policies, design standards, requirements and restrictions set forth in these regulations may from time to time be amended, supplemented, changed, or rescinded by the planning commission. Before adoption of any amendment a public hearing thereon shall be held by the planning commission in accordance with Tennessee Code Annotated, § 13-4-303. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city.

ARTICLE VI.

LEGAL STATUS PROVISIONS

Section 1 - Powers of the Planning Commission

These regulations are in accordance with the provisions of Tennessee Code Annotated, chapter 4, title 13, which grants to the planning commission the power to regulate the subdivision of land within the City of Bartlett. In accordance with Tennessee Code Annotated, § 13-4-103, the planning commission, its members and employees, in the performance of its work, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. The code further provides that, in general, the planning commission shall have powers as may be necessary to enable it to perform its purposes and to promote municipal planning.

Section 2 - Enforcement of Subdivision Regulations

The enforcement of these regulations is provided for by state law in the authority granted by public acts of the State of Tennessee.

A. Submission of Subdivision Plat for Approval

No plat of a subdivision of land into two (2) or more lots or tracts located within the City of Bartlett shall be admitted to the land records of Shelby County or received or recorded by the county register of deeds until such plat shall have been submitted to and approved by the planning commission and such approval entered in writing on the plat by the secretary of the commission as provided in Tennessee Code Annotated, § 13-4-302.

B. Acceptance of and Improvements of Unapproved Streets

No board, public official, or authority shall accept, lay out, open, improve, grade, pave or light any street or lay or authorize water mains or sewers or connection to be laid in any street within the City of Bartlett, unless such shall have 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 to a street shown on a subdivision plat approved by the planning commission as provided in Tennessee Code Annotated, § 13-4-307; however, the board of mayor and aldermen may locate and construct or may accept any other street, provided that the ordinance or other measure for such location and construction or for such acceptance be first submitted to the planning commission for its approval, and if disapproved by the commission, be passed by a majority of the entire

membership of the board of mayor and aldermen; and a street approved by the planning commission or constructed or accepted by said majority vote after disapproval by the commission, shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the commission or on a plat made and adopted by the commission.

C. Issuance of Building Permits

No building permit shall be issued and no building shall be erected on any lot within the City of Bartlett, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as or shall have 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 on a street plat made and adopted by the commission, or with a street located or accepted by the board of mayor and aldermen as provided in Tennessee Code Annotated, § 13-4-308. A building permit may be issued on a lot shown on a subdivision plat, approved by the planning commission, provided that the roadbed base has been applied and the subdivision development is substantially complete.

Section 3 - Complaints Regarding Violations

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint stating fully the causes and basis thereof. Such complaint shall be filed with the city engineer. He shall record properly such complaint, investigate, take necessary action within his authority or refer the complaint to the city attorney or other official designated by the board of mayor and aldermen. A report of all violations of these regulations and action taken shall be included in the minutes of a regular meeting of the planning commission.

Section 4 - Penalties for Violations

The penalties for the filing or recording of a plat, transfer of sale of land, and erection of a building, in violation of these regulations, are provided for by state law in the authority granted by Public Acts of the State of Tennessee.

A. Recording of Unapproved Subdivision Plats

No county register shall receive, file, or record a plat of a subdivision within the City of Bartlett without the approval of the planning commission as required in Tennessee Code Annotated, § 13-4-302, and any county register so doing shall

be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

B. Transfer or Sale of Land Without Prior Subdivision

Approval section Tennessee Code Annotated, § 13-4-306, provides that 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 such subdivision or such land without having submitted a plat of such subdivision to the planning commission and obtained its approval as required before such plat be recorded in the office of the Shelby County Register, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; and the description by Metes and Bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The City of Bartlett, through its city attorney or other official designated by the board of mayor and aldermen may enjoin such transfer or sale or agreement by action or injunction.

C. Unlawful Structures

Any building erected or to be erected in violation of these regulations shall be deemed an unlawful structure, and the building inspector or the city attorney of the City of Bartlett or other official designated by the board of mayor and aldermen may bring action to enjoin such erection or cause it to be vacated or removed as provided in Tennessee Code Annotated, § 13-4-308.

Section 5 - Provisions of Regulations Declared to be Minimum Requirements

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the public interest and orderly development of the City of Bartlett. Wherever the requirements of these regulations are at variance with the requirements of any other restrictions, the most restrictive, or that imposing the higher standards, shall govern.

ARTICLE VII.

SEVERABILITY

Should any section or provision of these subdivision regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE VIII.

ADOPTION AND EFFECTIVE DATE

Section 1 - Public Hearing

Before adoption, amendments, revision or rescission of all or part of these subdivision regulations a public hearing as required by Tennessee Code Annotated, § 13-4-303, was afforded any interested person or persons.

Section 2 - Effective Date

The attachment of the planning commission's subdivision jurisdiction and these subdivision regulations shall be in full force and effect from and after their adoption and effective date. The effective date of any amendment, revision or rescission of these subdivision regulations shall be the date such amendment, revision or rescission shall have been adopted by the planning commission.

Adopted June 8, 1967
Effective June 8, 1967
Amended September 13, 1976
Amended July 11, 1977
Amended June 5, 1978
Amended June 1, 1981
Amended September 5, 1989
Amended December 3, 1990
Amended June 3, 1991
Amended May 4, 1992
Amended September 10, 2002
Amended October 10, 2002

APPENDIX 1 TO ARTICLE II

CONSTRUCTION PLAN CERTIFICATES

Certificate of Approval of Suitability of Soils for Septic Tanks

I, (printed name of signer), do hereby certify that the soils on and below the surface of the land shown on this Construction Plan are suitable for the use of septic tanks. This certification is not to be construed as a septic tank installation permit. Septic tank installation shall require a site plan and a permit approved by the Shelby County Health Department. After the suitability of any area to be used for subsurface sewerage disposal has been approved, no change shall be made to this area unless the Shelby County Health Department is notified and a re-evaluation of the area's suitability is made prior to the initiation of construction.

Date

Shelby County Health Department

Certificate of Approval of Water and Sewerage Systems

I, (printed name of signer), do hereby certify that the plans shown on this Construction Plan regarding water supply and/or sanitary sewers meet the requirements of the Tennessee Department of Environment and Conservation and are hereby approved as shown.

Date

Department of Environment
and Conservation
State of Tennessee

Certificate of Accuracy of Engineering and Design

I, (printed name of signer), a professional Civil Engineer, do hereby certify that the plans shown and described on this construction plan regarding engineering and designs governing the construction of this subdivision are true and correct, and conform to the requirements set forth in the Subdivision Regulations and Technical Specifications of the City of Bartlett.

Date

Professional Civil Engineer
State of Tennessee Certificate
No. _____

Certificate of Approval of Water and Sewer Lines

I, _____ (printed name of signer) _____, do hereby certify that the plans shown on this Construction Plan regarding water and sewer layout meet the requirements of the City of Bartlett and the Planning Commission.

Date

Owner and Developer

Certificate of Approval of Street and Drainage Improvements

I, _____ (printed name of signer) _____, do hereby certify that the plans shown on this Construction Plan regarding street and drainage improvements fully conform to the requirements of the Subdivision Regulations and Technical Specifications of the City of Bartlett, and are hereby approved. This approval shall not constitute waiver of any requirement which the designer has failed to show on the Construction Plan nor negate completion of such requirement in accordance with the Subdivision Regulations and the Technical Specifications of the City of Bartlett.

Date

City Engineer, City of Bartlett

Certificate of Quality of Construction

I, _____, do hereby certify that I will construct or have constructed the improvements shown on the Construction Plan and guarantee that they meet or will meet all requirements set forth in the Subdivision Regulations and Technical Specifications of the City of Bartlett subject to the approval of the City Engineer, the State of Tennessee Department of Environment and Conservation, the Shelby County Health Department, the Planning Commission, and any other government agency as may be required by statute or regulations.

Date

Owner or Developer

Certificate of Compliance with Requirements of the Environmental Protection Agency

(If required by Federal statute and/or regulations to file an Environmental Impact Statement for the proposed subdivision, the developer shall include the certificate on the Construction Plan.)

I, _____, do hereby certify that in accordance with Federal statute and/or regulations an Environmental Impact Statement pertaining to this subdivision and Construction Plan has been filed with and approved by the United States Environmental Protection Agency, and a copy of the approved statement has been furnished to the City Engineer and to the Planning Commission.

Date

Owner or Developer

Certificate of Approval by Flood Administrator

I, _____, do hereby certify that the plans shown on this Construction Plan conform to the requirements of the Flood Plain Ordinance of the City of Bartlett, and are hereby approved.

Date

Flood Administrator, City of Bartlett

APPENDIX 2 TO ARTICLE II

FINAL PLAT CERTIFICATES

Certificate of Survey

I, _____, do hereby certify that I am a registered (Professional Civil Engineer) (Land Surveyor), and that I have surveyed the lands, embraced within the plat or map designated as _____, a subdivision all lying within the corporate limits of the City of Bartlett, Tennessee; said plat or map is a true and correct plat or map of the lands embraced therein, showing the subdivision thereof in accordance with the Subdivision Regulations of the City of Bartlett, Tennessee; I further certify that the survey of the lands embraced within said plat of map has been correctly monumented in accordance with the subdivision regulation of the City of Bartlett, Tennessee.

In witness whereof, I, the said _____, (Professional Civil Engineer) (Land Surveyor), hereunto set out hand and affix my seal this _____ Day of _____.

(Professional Civil Engineer)
(Land Survey) State of Tennessee
Certificate No. _____

(SEAL)

Certificate of Adequacy of Storm Drainage

I, _____ (printed name of signer) _____, do hereby certify that I am a registered Professional Civil Engineer, and that I have designed all storm water drainage for the _____ (printed name of subdivision) _____ Subdivision to assure that neither said subdivision nor adjoining property will be damaged or the character of land adjoining property will be damaged or the character of land use affected by the velocity and volume of water entering or leaving same.

In witness whereof, I, the said _____ Professional Civil Engineer, hereunto set out hand and affix my seal this ____ day of _____.

Professional Civil Engineer
State of Tennessee Certificate No. _____

(SEAL)

Board of Mayor and Aldermen Certificate

I, _____ (Mayor) _____, do hereby certify that all required improvements have been installed or that a performance bond or other collateral in sufficient amount to assure completion of all required improvements has been posted for the subdivision shown on this plat and are hereby approved by the City of Bartlett, Tennessee.

Date

Mayor, City of Bartlett

Planning Commission Certificate

I, _____ (printed name of signer) _____, do hereby certify that the City of Bartlett Planning Commission has approved this plat of subdivision for recording.

Date

Secretary, Bartlett Planning Commission
(Director of Planning)

Owner's Certificate

I, _____ (printed name of signer) _____, the undersigned owner of the property shown hereon, hereby adopt this as my plan of subdivision and dedicate the streets as shown to the public use forever, and hereby certify that I am the owner in fee simple, duly authorized so to act, and that said property is unencumbered by any taxes that have become due and payable.

(printed name), Owner

Notary Certificate

State of Tennessee
County of Shelby

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, duly commissioned and qualified, personally appeared (printed name of owner) be (title) of (bank) and he as such (title) executed the foregoing instrument for the purpose therein contained by signing his name as representative of the mortgagee.

In witness whereof, I have hereunto set my hand and affixed my seal this ____ day of _____.

Notary Public _____

My Commission expires: _____

Mortgagee's Certificate

We the undersigned, (printed name of mortgagee), Mortgagee of the property shown hereon, hereby adopt this plat as our plan of subdivision and dedicate the streets, rights-of-way, easements, and rights of access as shown to the public use forever, and hereby certify that we are the mortgagee duly authorized so to act and that said property is unencumbered by any taxes which have become due and payable.

(printed name of mortgagee)