

SUBDIVISION REGULATIONS

FOR THE

CITY OF DUCKTOWN
TENNESSEE

November 15, 2007

PREPARED

BY THE

DUCKTOWN MUNICIPAL PLANNING COMMISSION

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In the adoption and administration of subdivision regulations the City of Ducktown, the Ducktown Municipal Planning Commission has sought and will seek to do that which is for the greatest good of the greatest number of citizens. It does not propose to make elaborate plans just for the sake of planning, nor does it propose to burden the developer of new residential areas and the builder of new houses with unreasonably costly or unnecessary requirements. It does propose to carry out the instructions that the Legislature gave in 1935 by prescribing reasonable and proper minimum standards to be complied with in the opening and development of any new residential subdivision within the town.

Article I.

PREAMBLE AND ENACTMENT CLAUSE

PURSUANT TO THE AUTHORITY SET FORTH IN SECTION 13-4-301 THROUGH SECTION 13-4-309, **TENNESSEE CODE ANNOTATED**, AND FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, PROSPERITY, AND GENERAL WELFARE OF THE CITY; TO ENCOURAGE ECONOMICALLY SOUND AND STABLE LAND DEVELOPMENT; TO ASSURE THE PROVISION OF REQUIRED STREETS, UTILITIES, AND OTHER FACILITIES AND SERVICES TO LAND DEVELOPMENTS; TO ASSURE THE ADEQUATE PROVISION OF SAFE AND CONVENIENT TRAFFIC ACCESS AND CIRCULATION, BOTH VEHICULAR AND PEDESTRIAN, IN LAND DEVELOPMENT; TO ASSURE THE PROVISION OF NEEDED PUBLIC OPEN SPACES AND BUILDING SITES IN LAND DEVELOPMENT THROUGH THE DEDICATION OR RESERVATION OF LAND FOR RECREATIONAL, EDUCATIONAL, AND OTHER PUBLIC PURPOSES; AND TO ASSURE THAT LAND IS DEVELOPED IN CONFORMITY WITH THE COMPREHENSIVE PLAN OF DUCKTOWN, TENNESSEE, THE MUNICIPAL PLANNING COMMISSION OF THE CITY OF DUCKTOWN, TENNESSEE, DOES ADOPT AND ENACT THE FOLLOWING CHAPTERS AND SECTIONS.

Article II.

SHORT TITLE

This document shall be known and may be cited as the “Subdivision Regulations of the City of Ducktown, Tennessee.”

Article III.

DEFINITION OF CERTAIN TERMS USED HEREIN

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

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

Bio/Vegetated Swale: Broad, shallow channels that contain vegetation along the bottom and sides and are designed to convey and infiltrate storm water runoff.

Bond: Any form of security (including a cash bond, surety bond, undated letter-of-credit, cashiers check, or certified check) in an amount and form satisfactory to the planning commission for the amount of the estimated construction cost plus 50 percent guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement with the DMPC.

Buffering: A strip of land not less than ten (10) feet in width planted in grass, ground covers, shrubs and/or trees. This strip may be provided through the preservation of existing vegetation or the planting of evergreen shrubs or trees that will attain a minimum height of eight (8) feet at maturity. No structures (except for fences and approved signs) shall be permitted in the green strip.

Conservation Subdivision: A conservation subdivision is a coordinated development which preserves undivided, buildable areas of land for communal space by densely grouping development. To qualify for a conservation subdivision, at least 25% of the total tract considered for development must be preserved as conservation land. Conservation lands must be designated as such on all plans and plats and protected from future development.

Deed Restrictions: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the county register of deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

Developer: Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity effecting a subdivision of land hereunder for him/herself or for another. This includes the terms applicant, owner and subdivider.

Development: Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any activity that alters a shore, beach, river, stream, lake, pond, canal, marsh, dune area, woodlands, wetland, endangered species habitat, aquifer or other resource area, or other activity.

Easement: The right given by the owner of land to another party (either public or private) for specific limited use of that land.

1. **Easement, Drainage.** A perpetual, unobstructed easement across property reserved to carry surface water drainage along specified routes to natural water courses. Drainage easements shall not be filled or built upon in any way that will impede the flow of surface water.
2. **Easement, Utility.** The right granted by the owner of land to allow utilities to be constructed, maintained, or preserved. Utility Easement shall include, but is not limited to, easement for storm drainage, water lines, sewer lines, electric power lines, and pipe lines.
3. **Easement, Vehicular.** The right granted by the owner of land to another party by deed or prescription, to allow vehicular access across one parcel of land to another.

Flag Lot: Where the road frontage of the lot in question is greater than or equal to twenty-five (25) feet, but less than fifty (50) feet in width for lots equal to or less than one acre in size; where the road frontage of the lot in question is greater than or equal to fifty (50) feet, but less than seventy five (75) feet in width for lots greater than one acre in size, and where this entrance or stem (access strip) runs parallel for a maximum of 100 feet before connecting to the building site area of the designated lot. Said entrance shall be suitable for ingress, egress and utility service lines and shall not be included in the calculation of minimum lot area and yard setbacks.

Flood: A temporary rise or overflow of a body of water onto adjacent lands not normally covered by water.

1. **Channel:** A Natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. The top of the banks form the dividing lines between the channel and the floodplain.
2. **Floodplain:** The relatively flat area or low lands adjoining a watercourse or other body of water which has been or may be covered by water.
3. **Floodway:** One hundred (100) feet on each side, measured from the bank, of each river or stream--unless the developer demonstrates that a lesser distance, but not less than ten (10) feet, is adequate.
4. **Floodway Fringe:** That part of the flood plain located between the floodway and the designated outline of the 100-year flood which would be covered by flood waters of the 100-year flood. Uses are permitted if they are protected by fill, flood-proofed, or otherwise protected.

5. **Regulatory Flood:** A large flood selected for regulatory purposes and a basis for floodplain management. In Polk County, as in most places, the 100-year flood is the regulatory flood or base flood and there are no flood restrictions outside its limit. The 100-year flood statistically has a one-percent chance of occurring each year.

Frontage: The side of a lot abutting on a street. For a flag lot, frontage is measured at the narrowest width of the lot, excluding the stem of the lot extending to a street.

Grade (Slope): The slope of a road, or the ground, specified by the percentage that the vertical rise is to the horizontal distance in which the vertical rise takes place.

Health Authority: The environmentalist of the Polk County Health Department or his duly authorized representative, usually a sanitarian or environmentalist employed by the Tennessee Department of Environment and Conservation.

Improvements, Subdivision:

Lot: A portion or parcel of land separated from other portions or parcels by description as on a subdivision plat or record or survey map or as described by metes and bounds, and intended for transfer of ownership or for building development. For the purpose of these regulations, the term does not include any portion of a dedicated right-of-way.

A. Lot Dimensions:

1. **Lot Area.** The total area of a lot calculated from surveyed boundaries or other reliable means. The lot area of a flag lot shall not include its access strip.
2. **Lot Width.** The width of the lot measured along a straight line between side lot lines (generally parallel to the road) and measured at the building setback line as indicated on the plat.
3. **Lot Depth.** The average distance from the front lot line measured perpendicularly to the rear lot line.

Lot, Non-residential: A lot intended to be used for purposes other than residential structures and their accessory uses; such as for commercial or industrial development.

Lot of Record: A designated tract of land (lot) as shown on a plat or other document recorded in the county register's office or the county assessor of property's office at the time of adoption of these regulations.

NOI: Notice of Intent for Construction Activity.

NPDES: (Storm Water Construction Permit): (NPDES National Pollutant Discharge Elimination Program) Operators of construction sites involving clearing, grading or excavation that results in an area of disturbance of one or more acres. Permitted activities include housing subdivisions, commercial and industrial buildings, golf courses, utility lines, sewage treatment plants, and roads.

Monument: A permanent concrete or iron marker or natural object used to definitely establish all lines on the plat of subdivision including all lot corners and points of change in street alignment. Monuments shall meet or exceed the standards of section 0820-3-.07(1)(h) *Tennessee Land Surveyors Laws and Regulations, 2000* (as amended). See also section 9.01 of these regulations.

Offer of Dedication: The act of granting land or roads to an entity, such as the government, association, person, etc. The offer of dedication shall not constitute the acceptance of such land or roads by the local government, association or person.

Open Space: Land that is designated for non buildable area within a subdivision and stated on a plat as open space. This land can consist from untouched forests to landscaped parks.

- a. **Useable open space:** Land that will support a use by mammals and is not a protected water body or environmentally impacted area.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Pervious Paver: A range of materials and techniques for creating pavements with a base and sub-base that allows the movement of storm water through the pavement surface into the soil below.

Phase Development: The development of a subdivision or shopping center or other large scale land development project in two or more stages. (The developer may wish to use phase development in order to finance a later phase with the financial returns of the earlier phase. The planning commission will need to review preliminary plans of the entire development and will then grant final approval by stage.)

Planning Commission: The City of Ducktown Municipal Planning Commission.

Planning Staff: The Planner assigned to the City of Ducktown from the Tennessee Department of Economic and Community Development, Local Planning Assistance Office.

Plat: The scaled drawing or map of a subdivision, including plat, plan, plot or replot.

Rain Garden: A planted depression or a hole that allows rainwater runoff from impervious urban areas, like roofs, driveways, walkways, parking lots, and compacted lawn areas, the opportunity to be absorbed.

Road: Any right-of-way designed for vehicular movement. "Road" includes the full width of the right-of-way between property lines as well as the traveled portion thereof. "Road" includes "Street," "Highway,;" or any other designation of a right-of-way designed for vehicular movement.

Roadway: The actual road surface which is utilized to transport motor vehicles; including necessary road shoulders and drainage facilities including ditches, curbing, and guttering.

Road Paving Material Class: “Class” refers to the type and cleanliness of the paving material.

Road Paving Material Grade: “Grade” refers to the size of the aggregate in the paving material.

Street: A way for vehicular traffic, whether designated as an avenue, arterial, collector, boulevard, road, highway, expressway, lane, alley or other way, and for the purpose of these regulations “streets” are divided into the following categories:

- a. Arterials - principal traffic carriers connecting distant points. The streets designated as such as shown on the Ducktown, Tennessee Major Road Plan
- b. Collectors - A street that carries traffic from local streets to arterial streets. The streets designated as such in the Ducktown, Tennessee Major Road Plan;
- c. Local Streets - a neighborhood street used primarily for access to the abutting properties;
- d. Marginal Access Street - a minor street parallel and adjacent to major thoroughfares which offers access to abutting properties;
- e. Alley - a minor way used for service access to the back or side of properties otherwise abutting on a street, and
- f. Cul-de-sac - a local street with only one outlet, sometimes called a dead-end street.
- g. Private Road – a privately maintained road constructed on a recorded permanent easement and built to the standards set forth in these regulations.

Subdivider: The person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance or proceedings to subdivide such land under this ordinance, or the authorized agent, person, firm or corporation for the purpose or proceeding under these regulations.

Subdivision: The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided

a. All

1. Major Subdivision. A subdivision having five (5) or more lots, building sites, or other divisions, or a subdivision which involves a new road or public water or sewer extension regardless of the number of lots.
2. Minor Subdivision. A subdivision having four (4) or less lots, building sites, or other divisions and not involving a new road or public water or sewer extension.
3. Simple land Split. All Divisions of a tract into two (2) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. Provided that there are no new utility or street extensions and/or a request for a variance in the strict application of the Ducktown Subdivision Regulations.

Subdivision Regulations: The 2007 "City of Ducktown, Tennessee Subdivision Regulations" in its entirety and future amendments thereto.

TDEC: Tennessee Department of Environment Conservation

TDOT: Tennessee Department of Transportation

Variance: The modification of the strict terms of the relevant regulations where such modifications will not be contrary to the public interest and where, only to the conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vested Property Rights: As defined in TCA §13-4-310 to be all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, including, but not limited to, planning; local storm water requirements, layout, design; local construction standards for buildings, streets, alleys, curbs, sidewalks; zoning; lot size; lot configuration; yard dimensions; and off-site improvements, including public or private infrastructure, in which an applicant may acquire vested rights or vested property rights according to this section; does not include standards required by federal or state law; or building construction safety standards which are adopted pursuant to authority granted under TCA § 68-120-101. Vested property rights are subject to the requirements, limitations and provisions found in TCA §13-4-310.

Yard, Front: The open space unoccupied by any building between the street right-of-way line and the principal building.

Article IV.

PLATTING JURISDICTION, ENFORCEMENT AND PENALTIES FOR VIOLATION

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

Section 4.01. Platting Authority. From and after the passage of these regulations, the Planning Commission shall be the official platting authority, and no plat of a land subdivision as defined in these regulations shall be entitled to record in the office of the Polk County Register of Deeds unless it shall have the approval of the Planning Commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the Planning Commission as required by these regulations, are declared to be a misdemeanor, punishable by law.

Section 4.02. Use of Plat. The transfer of, sale, agreement to sell or negotiation to sell land by reference to or exhibition of, or other use of a subdivision plat that has not been given final approval by the Planning Commission and recorded in the office of the Polk County Register of Deeds is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties.

Section 4.03. Enforcement. No plat or plan of a subdivision located within the area of planning jurisdiction shall be filed or recorded by the County Register of Deeds until said plat or plan has received final approval in writing by the Planning Commission as provided in Sec. 13-4-302, *Tennessee Code Annotated*.

Section 4.04. Opening and Improving Public Streets (Roads). As provided in Sec. 13-4-307, *Tennessee Code Annotated*, no public officer, authority or chief legislative body of the municipality shall accept, layout, open, improve, grade, pave, or light any street, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the area of planning jurisdiction unless such street shall have been accepted, opened or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the Planning Commission or on a street plan made and adopted by the Commission. The Mayor and Commissioners may accept or lay out any other road provided the ordinance for such acceptance, laying out or adoption shall first be submitted to the Planning Commission, for its approval and, if disapproved by the Planning Commission, shall receive at least a majority vote of the entire membership of the Mayor and Commissioners.

Section 4.05. Erection of Buildings. As provided in Section 13-4-308, *Tennessee Code Annotated*, no building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the Planning Commission unless the street giving access thereto has been accepted as a public street in accordance with these regulations and Section 13-4-307, *Tennessee Code Annotated*.

Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building inspector or the town attorney or other official designated by the Ducktown Board of Mayor and Commissioners may bring action to enjoin such erection or cause it to be vacated or removed.

Section 4.06. Penalties. No county register shall receive, file or record a plat of a subdivision within the planning region without the approval of the Planning Commission as required in Section 13-4-302, *Tennessee Code Annotated*, and any county recorder so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

Section 13-4-306, *Tennessee Code Annotated*, 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 subdivision of 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 appropriate 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, through its attorney or other official designated by the Board of Mayor and Commissioners, may enjoin such transfer or sale or agreement by action or injunction.

Article V.

PRELIMINARY PLATTING REQUIREMENTS

Section 5.01. Preapplication Review. Whenever a subdivision of a tract of land within the City of Ducktown is proposed, the subdivider shall consult early and informally with the Planning Commission's professional staff at the Southeast Tennessee Local Planning Assistance Office and with the Polk County Health Department. The subdivider may submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the preapplication review and no formal application shall be required.

The purpose of the preapplication review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the Planning Commission and its staff in order to facilitate the subsequent preparation and approval of plats.

At this stage, the subdivider shall consult with

1. TDEC the division of ground water and division of water pollution control.
2. Any lending institution that will be participating in the financing of his proposed development. He should contact the Federal Housing Administration (FHA) of the Department of Housing and Urban Development or the Farmer's Home Administration (FmHA) if either agency is being asked to insure mortgages on houses that may be built in this subdivision.

Section 5.02. Preliminary Plat Approval

5.02.01. Application for Preliminary Plat Approval. Following the preapplication review of a proposed subdivision, the subdivider shall inform the planning commission's professional staff of his readiness to request preliminary plat approval. The subdivider shall submit two copies of a plat at least ten **(10)** business days prior to the next scheduled meeting of the Ducktown Municipal Planning Commission in order to be included on the next meeting's agenda. Plats should be submitted to the Ducktown Mayor's Office no later than twelve noon on plat review day **(10 business days prior to the regularly scheduled Planning Commission meeting)**. In no case will a plat be reviewed or receive action that is submitted on the day of the scheduled meeting or once the meeting has begun. This contact should be made prior to the next scheduled meeting of the Planning Commission that is the second Thursday of every month. The subdivider shall provide Seven (7) copies of the approved preliminary plat to the following agencies:

- 1) Planning commission (3);

- 2) Polk County Health Department;
- 3) Town building inspector
- 4) Polk County E-911 Office
- 5) Polk County register of deeds

5.02.02. Review of Preliminary Plat. During its scheduled meeting, the planning commission shall check the plat for conformance to these regulations.

If the submitted subdivision plat is a minor subdivision, the plat can receive preliminary approval prior to a scheduled meeting based upon planning staff's review and recommendation.

The Planning Commission shall give approval or disapproval of the preliminary plat. A notation of the action shall be made in the minutes of the meeting. The minutes shall contain the reasons for disapproval or the conditions and variances for approval. One (1) copy shall be returned to the subdivider or his agent and two (2) copies added to the records of the Planning Commission.

The Planning Commission shall act on the preliminary plat within thirty five (35) days after the plat is presented at a planning commission meeting.

5.02.03. Effect of Preliminary Plat Approval. Approval of Preliminary Plat as provided herein vests property rights as provided for a preliminary development plan as set forth in Tennessee Code Annotated §13-4-310. The vesting period shall become effective upon the date the Planning Commission votes to approve the Preliminary Plat.

Section 5.03. Preliminary Plat Specifications.

5.03.01. Scale. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch unless the unusually large size of the lots allows a smaller scale without an appreciable loss of legibility.

5.03.02. Sheet Size. Sheet size shall be no larger than eighteen (18) by twenty-four (24) inches from trim lines, with a two (2) inch binding edge on the long side. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

5.03.03. Ground Elevations. Contours shall be shown at vertical intervals of not more than five (5) feet, except when specifically waived by the Planning Commission.

5.03.04. Information to be provided on Preliminary Plat. The preliminary plat shall contain the following information:

- a. Name of subdivision (Note: do not duplicate or closely approximate the names of existing subdivisions in the county);
- b. Name and address of owner of record, subdivider, surveyor, date, title, name and location of subdivision, graphic scale, and true north point;
- c. North point, graphic or bar scale shown and stated and date plat was designed;
- d. Vicinity map showing location, north point, site table, and acreage of subdivision;
- e. Exact boundary lines of the tract by bearings and distances;
- f. Names of all adjoining property owners and/or subdivisions;
- g. Existing streets, buildings, railroads, culverts, utilities and easements on and adjacent to the tract, as well as natural features such as sink holes, water courses, and rock outcroppings
- h. Proposed design including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses and any land to be used for purposes other than single-family dwellings;
- i. Lot numbers, which shall be consecutive;
- j. Outlines of existing and proposed utility layouts and easements (sewers, water, gas and electricity) showing feasible connections to the existing or any proposed utility systems. When connections to certain public utilities are not practical, any proposed individual sewage disposal system must be approved by the county health department;
- k. Minimum building front yard, sideyard and rearyard setback lines;
- l. The present zoning classification, if any, on the land to be subdivided and on the adjoining land;
- m. Contour lines at least for every five (5) foot change in elevation;
- n. For land believed to have unusual topographic features, street centerline (vertical curve) profiles may be required by the Planning Commission to show that the proposed streets after grading and construction will not exceed the maximum street grades;

- o. Street cross-section profiles drawn by an engineer may be required by the Planning Commission to indicate proper crowning for drainage purposes, and
- p. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the limits of such flood shall be shown on plat.
- q. Certificate of preliminary plat is to be placed on preliminary plat before submittal to planning commission.

Certificate of Preliminary Plat

Pursuant to the Subdivision Regulations of the CITY OF DUCKTOWN, TENNESSEE, all of the requirements of preliminary approval have been fulfilled. Therefore, the "Preliminary Plat of _____ Subdivision: has been approved by the Ducktown Municipal Planning Commission on _____, _____, 20__ subject to the following modifications:

This approval does not constitute approval of a final plat. As per TCA Section 13-4-310, property rights for this development are vested for a period of three (3) years from the date of approval by the Ducktown Municipal Planning Commission, or _____, 20__.

Variances granted if any:

Note: After the subdivider has received preliminary plat approval, he may begin work on necessary improvements for final plat approval.

Article VI.

FINAL PLATTING REQUIREMENTS

Section 6.01. Final Plat Approval

- a. 6.01.01. Application for Final Plat Approval. After the preliminary plat of a proposed land subdivision has been given approval by the Planning Commission, the subdivider may, within one (1) year from preliminary approval, contact the planning commission chairman, secretary, or staff to request review and approval of a final plat. The subdivider shall submit two copies of a plat at least ten (10) business days prior to the next scheduled meeting of the Ducktown Municipal Planning Commission in order to be included on the next meeting's agenda. Plats should be submitted to the Ducktown Mayor's Office no later than twelve noon on plat review day (**10 business days prior to the regularly scheduled Planning Commission meeting**). In no case will a plat be reviewed or receive action that is submitted on the day of the scheduled meeting or once the meeting has begun.

This contact should be made at least ten business (10) days prior to the next scheduled meeting of the Planning Commission.

The seven (7) prints required here would provide:

- 1) One to be recorded in the files of the County Register;
- 2) Two copies for the records of the Planning Commission;
- 3) One copy for the Ducktown Road Commissioner;
- 4) One copy for return to the subdivider with inscriptions of the Planning Commission;
- 5) One copy for the Ducktown's Building Inspector; and
- 6) One copy for Polk County E-911

6.01.02. Review of Final Plat. The Planning Commission shall check the final plat for conformance with the approved preliminary plat, and with the rules and regulations of this document.

Thereafter, the Planning Commission shall approve or disapprove the final plat. A notation of the action of the Planning Commission shall be made on seven (7) copies of the final plat, including a statement of the reasons for disapproval if the plat is disapproved. The Planning Commission shall act on the final plat within thirty five (35) days after the plat is presented at a planning commission meeting. If the commission fails to take action within this time the final plat shall be considered approved and the secretary shall sign the certificate of approval. Provided however, the applicant for approval may waive this requirement and consent to an extension of time.

To expedite the review process, all divisions of land into two (2) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, can be reviewed by planning staff prior to the planning commission meeting. If the plat is in total compliance staff may recommend approval and the secretary of the commission sign the plat approval. The planning staff shall report to the Ducktown Planning Commission, at the commission's next regularly scheduled meeting, all simple land splits, which have received prior staff approval. All plats submitted under this section are required to have the Planning Commission Secretary's certification block and the staff certification block placed on the plat. (6.02.11 & 6.02.12).

Note: See Article III Definition of Certain Terms Used herein for a complete definition of what constitutes a simple land use split.

6.01.03. Certificate of Approval of the Final Plat by the Planning Commission. If the subdivision is approved, the Secretary of the Planning Commission shall sign the certificate of approval of the final plat directly on the copies of the plat, as outlined in 6.02.08.

Note: All certifications with appropriate signatures shall be placed on all seven (7) copies of the plat and any others that may be deemed necessary. No certification or signature shall be placed on the reproducible copy (i.e. mylar).

6.01.04. Recording of Final Plat. Upon approval of a final plat, the subdivider shall have the final plat recorded in the Office of the Polk County Register.

6.01.05. Effect of Final Plat Approval. Approval of Final Plat as provided herein constitutes a final development plan as set forth in Tennessee Code Annotated §13-4-310. On the date the Planning Commission votes to approve the Final Plat, two (2) years will be added to the original vesting period of three (3) years which began upon the date of approval of the Preliminary Plat for a total of five (5) years. Once construction begins an additional five (5) years will be added to the vesting period for a total of ten (10) years. For multi-phase developments, an additional five (5) years is added to the vesting period for each phase with a maximum total vesting period of fifteen (15) years, providing all conditions of TCA §13-4-310 are met.

Section 6.02. Final Plat Specifications. Whereas the preliminary plat is a working drawing showing how the streets and lots will be laid out upon the land, the final plat is intended to be primarily a legal instrument suitable for recording. It contains information needed to prepare deeds and also contains signed statements certifying that required improvements have been made. The final plat will contain the following information and certifications;

6.02.01. Final Plat Specifications. The final plat conforms to the preliminary plat that was previously approved. The final plat shall show:

- a. Date, title, name and location of subdivision, graphic scale, and true north point;
- b. Vicinity map showing location, north point, site label, and acreage of subdivision;
- c. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;
- d. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute;
- e. The lines of all streets and roads, alley lines, property lines, building setback lines, and lots numbered in numerical order;
- f. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including true north point. This shall include the radius, central angle, and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets.
- g. Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use;
- h. Accurate location, material and description of existing and proposed monuments and markers;
- i. The FEMA Flood Insurance Rate Map (FIRM) Community and Panel Numbers reflecting the land being subdivided and if any portion of the property being subdivided is subject to flood, as defined in these regulations, the limits of such flooding;
- j. Contour lines only if so specified by the Planning Commission;
- k. Deed book reference by volume and page number, i.e. "Deed Book Vol. __, page ____ as recorded in the Polk County Register of Deeds Office," and the tax map and parcel number of the tract(s) being subdivided as shown on the Polk County tax map(s).
- l. Drainage and existing natural drainage easement locations shall be shown on the final plat.

6.02.02. Certification of Owner

"The owner of the land shown on this plat and whose name is subscribed thereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state, city and county taxes or other assessments now due on this land have been paid."

_____ Owner: _____
Date Address: _____

6.02.03. Certification of Surveyor

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; and that all monuments shown hereon actually exist or are marked as "future", and their location, size, type and material are correctly shown; and that all engineering requirements of the Subdivision Regulations of Ducktown, have been fully complied with."

_____ By: _____
Date Seal:

6.02.04. Certification of Approval of Sewage Disposal System

*Or Certification as required by TDEC

"I hereby certify that each lot shown on this subdivision plat is adequate for individual septic tanks, or is adjacent to a properly installed extension of an approved public sewage system, or that an adequate bond has been posted for such sewer extensions."

_____ County Health Department
Date
_____ Public Sewer System Official
Date

Option 2

I hereby certify that each lot shown on this subdivision plat is adjacent to a properly installed extension of an approved public sewerage system.

_____ PUBLIC SEWERAGE SYSTEM OFFICIAL

or Option 3

I hereby certify that the plans for the construction of approved sewerage system extensions to all lots for the _____ subdivision have been designed in accordance with applicable local and state regulations AND a bond or adequate letter of credit in the amount of \$_____ has been posted to cover such sewerage system extensions. After the construction is completed the _____ Utility will be responsible for maintenance of all sewerage system lines and appurtenances.

Date

PUBLIC SEWERAGE SYSTEM OFFICIAL

Existing Septic System Certificate

The existing septic system is located as shown on the plat (**lot(s)**_____). The location included the septic tank and all field lines. To the best of my knowledge the septic system is in proper working order on this date and the septic system(s) is/are contained within the boundary of the individual lot.

Date

Owner

6.02.05. Certificate of Approval of Water System.

Option 1

I hereby certify that the _____ subdivision is served by public water system extensions designed and installed in accordance to applicable local and state regulations;

Date

LOCAL WATER UTILITY

Or *Option 2*

I hereby certify that the plans for the construction of a public water system for the _____ subdivision have been designed in accordance with applicable local and state regulations AND a bond or adequate letter of credit in the amount of \$_____ has been posted to cover such water system extensions.

Date

LOCAL WATER UTILITY

B. By public water system extensions designed and installed in accordance to applicable local and state regulations, and hydrants

have been/will be installed and color coded to indicate flow rate as indicated in the Ducktown Subdivision Regulations.

Date

LOCAL WATER UTILITY

**6.02.06. Certification of Approval of Streets and Drainage System
(for roads completed at time of final plat)**

"I hereby certify that the streets and drainage facilities shown on this plat have been installed (constructed) in an acceptable manner in accordance to required specifications and that an adequate performance bond has been posted. A performance bond in the amount of \$_____ (**40% of the total value of all road and drainage improvements installed**) has been figured to cover any necessary repairs for the next eighteen (18) months after construction.

Date

Ducktown Commissioner of Highways

Date

Ducktown Finance Director (for bond)

Date

Developer's Engineer (for design/construction)

**6.02.07. Certification of Approval of Streets and Drainage System
(for roads NOT completed at time of final plat)**

I hereby certify that the streets and drainage facilities for the _____ subdivision have been **designed** in an acceptable manner in accordance to required specifications AND a bond or adequate letter of credit in the amount of \$_____ has been posted to cover the construction of streets and drainage. (Bond Amount Shall be 150% of total Cost of improvements)

***The following signatures required if public road.**

Date

(for bond) Ducktown Director of Finance

Date

Ducktown Commissioner of Highways
(engineers plans received)

Date Developer's Engineer (for design / construction)

6.02.08. Certificate of Approval by Gas Utility (if applicable)

I hereby certify that this subdivision plat shows adequate easements for available natural gas lines.

Date Natural Gas Company

6.02.09. Certificate of Approval by Electric Power Utility.

I hereby certify that this subdivision plat shows adequate easements for needed electric power lines, (and electrical service is available to all lots shown. Or agreement has been made between the utility and the developer to provide electrical service to all lots shown.)

Date ELECTRIC POWER OFFICIAL

6.02.10. Certification of E-911 Approval

I hereby certify that I have reviewed this plat and find that it conforms to the county's E-911 Requirements, including appropriate road names/numbers.

Date Polk County E-911 Representative

6.02.11. Certification of Approval of Final Plat By Planning Commission

"All the requirements of approval having been fulfilled pursuant to the Subdivision Regulations of Ducktown, Tennessee, this final plat was given final approval by the Ducktown Municipal Planning Commission effective (date)_____".

Date Secretary, Ducktown Municipal Planning Commission

6.02.12. Minor subdivision B (Simple Land Split) Certificate

I hereby certify that the subdivision plat shown hereon includes no more than two (2) lots, and has been reviewed by the Staff Planner, and has been found to comply with the Subdivision Regulations of Ducktown, Tennessee, and no variances from the Subdivision Regulations or no improvements are required.

Date

City Recorder

Note: Both Certificates (6.02.11 and 6.02.12) must be placed on Simple Land Split Plats.

6.02.13. Sheet Size. Sheet size shall be no larger than eighteen (18) by twenty-four (24) inches from trim lines, with a two (2) inch binding edge on the long side. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

Section 6.03. Minor Plat

Section 6.03.01. Whenever a minor subdivision is proposed, the requirements of the applicable sections of Articles VI (Six), VII (Seven) and IX (Nine) must be met. The requirements of Articles V (Five) shall not apply except as herein provided. The following procedures for application review and approval shall govern.

Note: A subdivision is considered minor when it contains four (4) or less lots and no streets, utilities or other improvements are to be made; see Article III (Three) for definition.

Section 6.03.02. The subdivider shall submit to the City seven (7) copies of the survey (hereafter called the "plat") of the proposed minor subdivision prepared by an approved land surveyor or registered engineer. The plat shall be submitted to the Recorder, City of Ducktown or the Local Planning Office at least ten (10) business days prior to the next regular meeting of the Planning Commission in order to receive consideration at said meeting.

Section 6.03.03. If any portion of the land being subdivided is subject to flood, as defined in Article III (Three) of these regulations, the limit of such flood shall be shown.

Section 6.03.04. The plat shall be clearly and legibly drawn at a suitable scale and shall contain all information normally required in an official survey with an engineer's or surveyor's certification plus:

- a. The name and address of owner of record;
- b. Vicinity map showing location, north point, site label, and acreage of subdivision;
- c. The existing streets, buildings, water courses, utilities and easements; and,
- d. The present zoning classification, if any, on the land to be subdivided and on the adjoining land.

Certificates that shall be required are: (1) certificate of ownership and dedication; (2) certificate of registered surveyor; (3) certificate of approval of sewage disposal system; (4) certification of the Planning Commission's approval directly on the plat as prescribed for subdivision plats in Article VI (Six); and any other certificates deemed necessary by the Planning Commission.

NOTE: Where septic tanks are to be used in a minor subdivision, the Planning Commission shall require certificates of approval by the environmentalist/TDEC

in which instance all requirements regarding submission of data review and approval procedures as applicable to major subdivisions shall apply.

Section 6.03.05. The Planning Commission shall check the plat for conformance to the subdivision regulations. Thereafter, the Planning Commission shall approve or disapprove the plat. A notation of action shall be made on all copies of the plat, including a statement of the reasons for disapproval, if the plat is disapproved. One (1) copy shall be returned to the subdivider or his agent, and two (2) copies added to the records of the Planning Commission, one (1) copy to be recorded in the County Registers Office, one (1) copy for the Road Commissioner, one (1) copy for the Building Inspector and one (1) copy for the E-911 Office.

If action is not taken by the Planning Commission within thirty five (35) days from the date of submittal, the plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

Section 6.03.06. Effect of Minor Plat Approval. Approval of a Minor Plat as provided herein vests property rights as provided for a final development plan as set forth in Tennessee Code Annotated §13-4-310. The vesting period shall become effective upon the date the Planning Commission votes to approve the Preliminary Plat.

Article VII.

DESIGN REQUIREMENTS FOR SUBDIVISIONS

Section 7.01. Suitability of the Land. The Planning Commission shall not approve the subdivision of land if it is deemed to be topographically unsuitable or if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

Land within the floodways shall not be platted for residential occupancy or building sites but may be used in calculating overall lot size. Such land shall be set aside for uses as shall not be endangered by periodic or occasional inundation and high velocities. Land located in floodway fringe areas may be platted for residential occupancy or for such other uses which will not increase the flood hazard, endanger health, life or property, or aggravate erosion provided a notation of the flood hazard is shown on the plat and provided the lot has a flood-free building site. In applying this provision, land below the elevation of the 100-year flood shall be considered subject to periodic flooding.

Fill may not be used to raise land within the floodway area. In other areas subject to flood, fill may be used provided the proposed fill does not restrict the flow of water and unduly increase flood heights.

Note: It should be recognized that flooding within the floodway is dangerous to life and property. In floodway fringe areas, waters tend to eddy but do not materially help the flow of water.

Section 7.02. Name of Subdivision. The name of the subdivision must have the approval of the Planning Commission. The name shall not duplicate or closely approximate the name of an existing subdivision.

Section 7.03. Access. Access to every subdivision shall be provided over a public road.

Section 7.04. Public Use Areas. When features of other plans adopted by the Planning Commission (such as schools or other public building sites, parks or other land for public use) are located in whole or in part in a land subdivision, land for such features shall be either dedicated or reserved by the subdivider for acquisition within one (1) year by the appropriate public agency.

Whenever a plat proposes the dedication of land to public uses that the Planning Commission finds not required or suitable for such use, the Planning Commission shall refuse to approve the plat and shall notify the governing body of the reasons for such action.

Note: One of the primary purposes and advantages of planning for the dedication and reservation of property for public use is to indicate areas which may be acquired at present acreage prices rather than at greatly increased prices in the future. Wanting to acquire land for future improvements would increase the expense to the taxpayer and create inconvenience for the individual property owner and for the neighborhood.

Where public use is to be made of the property and where the residents of the subdivision will receive primary benefit, the dedication of the property should be encouraged. Where the public use is for the public as a whole, the community should pay proportionately for the acquisition of reserved areas within a reasonable time. A reasonable time is to be determined according to the circumstances--the subdivider should not be required to hold his land idle for a lengthy indefinite period.

Section 7.05. Large-Scale Development. The requirements of these regulations may be modified in the case of large-scale projects, such as apartment houses, or shopping centers. These complexes usually are not subdivided into customary lots, blocks and streets. Plans for all such developments shall be presented to the Planning Commission for review and approval prior to the commencement of construction.

Section 7.06. Conservation Subdivisions. A conservation subdivision may be pursued as a coordinated development plan rather than traditional lot by lot division of land which spreads development evenly through a tract. Advantages to a developer include less infrastructure costs while maintaining or increasing density within the development. The conservation subdivision is not a by-right approval process. Inadequate protections for conservation lands or other site criteria which may result in conservation subdivision negatively impacting the health, safety and welfare of the public will result in the Planning Commission denying a conservation subdivision as a development option.

Criteria for Conservation Lands

- a) Primary (Required) Conservation Areas: The following shall be considered Primary Conservation Areas and shall be included as Conservation Lands, unless the applicant demonstrates that this provision would be counter to the purposes of a Conservation Subdivision:
 1. Land within the 100 year floodplain (SFHA) as designated by the latest FEMA flood maps
 2. Perennial and intermittent streams and associated floodways with a 35 foot buffer measured from the outer edge of each bank.
 3. Slopes of 25% or greater which cover 5,000 contiguous feet.

- b) Secondary Conservation Areas: Secondary Conservation Areas shall consist of undeveloped or unconstrained, buildable land. The following Secondary Conservation Areas shall receive priority and shall be included in Conservation Land to the fullest extent practicable:
1. Land known to contain rare, threatened or endangered species as defined by USFWS
 2. Archaeological sites, cemeteries, burial grounds or land containing other significant natural features and scenic viewsheds.
 3. Land containing contiguous slopes between 15 and 25 percent.
 4. Land containing significant historical and cultural sites.
 5. Land containing mature trees.
- c) Other Criteria: Conservation Lands should be configured to:
1. Be free of all buildings except historic structures, those related to the provision of utilities for the conservation land.
 2. Be undivided by public streets.
 3. Be suitably landscaped by retaining existing natural cover and wooded areas and/or by landscaping with native trees, shrubs, and wildflowers.
 4. When possible, be connected to other conservation lands and open space to provide a continuous network within the adjoining land.
 5. When possible, contain green infrastructure as a means of storm water management.
 6. Individual septic systems are not permitted in conservation subdivisions. Lots must have access to public water and sewage.
- d) Ownership: Conservation Lands may be owned by:
1. A community association with recorded by-laws. These by-laws are to be created by the developer before any lots are sold. The developer will remain in control of the community association until the development is complete and over 50% of the lots are sold.
 2. An individual or group of individuals.

3. A non-profit conservation group or land trust.
 4. The city: Ownership of conservation lands by the city should generally be considered the last option. If a developer seeks acceptance of conservation lands by the city, it should be discussed and agreed upon in writing between the developer and the city prior to preliminary plat approval. City acceptance of ownership of conservation lands is not guaranteed.
- e) Maintenance and Protection
1. The owner of the Conservation Lands is required to maintain the land and facilities according to all applicable property maintenance standards in the city.
 2. Conservation Lands shall be restricted from further development or subdivision. Limited development on conservation lands for community use is permitted in some cases. Those exceptions can be found in the City of Ducktown Zoning Ordinance.
 3. Conservation Lands will be adequately protected by a conservation easement, deed restrictions or other suitable legal instrument determined adequate by the Planning Commission.

Section 7.07. Block Lengths and Widths. Block lengths and widths shall be as follows:

- a. Blocks shall be no shorter than four hundred (400) feet nor longer than twelve hundred (1200) feet in length, except in unusual circumstances, and
- b. Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets or where other situations make this requirement impractical.

Section 7.08. Flood Protection Elevation. Each lot in a subdivision shall contain a flood-free building site outside of the limits of any existing easement or the building setback lines as required by these regulations. The finished floor elevation for a concrete slab on grade type of structure or the bottom of the floor joist for a crawl space type of structure shall have a minimum elevation no lower than the elevation for a flood of 100 year frequency plus one foot.

Section 7.09. Lot Sizes. Residential lots shall not be less than seventy-five (75) feet wide at the setback (building) line. Other lot size requirements follow:

- a. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than three (3) times the width of the lot at the building line, unless unusual circumstances make these limitations impractical;
- b. Lots not served by either public water or sanitary sewer systems shall be at least thirty thousand (30,000) square feet in area or of a size specified by the county health authority. The minimum distance between the septic tank and well shall be one hundred (100) feet;
- c. Where individual septic tanks are used on lots served by a public water system, minimum lot size shall be twenty thousand (20,000) square feet. The health authority may require minimum lot sizes greater than the standard contained herein;
- d. Where lots served by a public water system and public sewer system, minimum lot size shall be (12,500) square feet. The health authority may require minimum lot sizes greater than the standard contained herein;
- e. Where lots are served by a public water system and public sewer system in a conservation subdivision with a minimum area of twenty-five percent (25%) set aside for conservation land, minimum lot size shall be (10,000) square feet.
- f. Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets;
- g. Commercial and industrial lots shall be adequate in size to provide service areas and off-street parking suitable for the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes, and
- h. Land shall not be platted for commercial or industrial purposes unless the subdivider can demonstrate to the Planning Commission that each lot provides the following:
 - 1) A site that does not unduly interfere with through traffic;
 - 2) An integrated parking area;
 - 3) Buffering against any adverse effect on any present or future adjacent residences, and
 - 4) A parcel size sufficient in area to allow future expansion.
- i. A "Flag Lot" is a lot which, except for a narrow private access lane, does not front on or abut a publicly-maintained street or road. These lots are to

provide a building site in the interior or a tract of land behind lots that have full frontage on a publicly maintained street or road.

1. Within the portion of the flag lot that excludes the access strip, the building setbacks for front, side and rear yards shall still apply and be measured from the boundaries of the parcel excluding the access strip.
2. There shall be no more than one (1) flag lot per subdivision
3. No more than two access strips shall be located side-by-side.
4. Flag stem length
 - a. Flag stems of 25 feet shall not exceed two hundred (200) feet in length.
 - b. Flag stems of 50 feet or greater shall not exceed three hundred (300) feet in length.
5. Width:
 - a) Flag lot access strip shall be a minimum of twenty-five (25) feet in width for lots of one (1) acre or less.
 - b) Flag lot access strip shall be a minimum of fifty (50) feet in width for lots greater than one (1) acre.

Section 7.10. Lot Lines. All lot lines shall be perpendicular or radial to street lines, unless impractical because of topographic or other features.

Section 7.11. Building Setback Lines. The following setback requirements apply to all lots:

- a. The front yard setback for all lots abutting arterial streets shall be 40 feet. See also Sec. 8.11 Additional Width on Existing Streets.
- b. Other minimum setback lines will be as follows:

Subdivision Type	Street Frontage	Front Setback	Side Setback	Rear Setback
Conventional	50'	30'	15'	20'
Conservation	40'	20'	10'	15'

Section 7.12. Lot Abutting Public Streets. Each lot shall abut for at least 50 feet upon a dedicated public street, except for flag lots under section 7.09i above and lots on the turnaround on a cul-de-sac.

Section 7.13. Water Supply System. Prior to construction of any water main, developers shall submit construction plans and consult with the City of Ducktown and possibly the State of Tennessee. Water mains properly connected with the community water supply system or with an alternate supply approved by the health authority shall be constructed in such a manner as to serve adequately for both domestic use and fire protection, all lots shown on the preliminary and final plats. Where public water systems are to be used, six-inch (6") cast iron or polyvinyl chloride water mains shall be required throughout the planning region, except along cross streets of one thousand (1,000) feet or less, a two-inch (2") water main may be installed providing that fire hydrants are located at each end of the cross street on six-inch (6") mains. In permanent cul-de-sacs, a six-inch (6") water main is required for a distance to within three hundred (300') feet of the dead-end. A fire hydrant shall be located at the end of the six-inch (6") section and a two-inch (2") water main is required in the last three hundred (300') feet. Hydrants shall be placed and color coded. Top of hydrant shall be color coded to show flow capabilities (Red-0 to 499 gpm, Orange-500 to 999 gpm, Yellow-1000 to 1499, and Blue-1500+). Hydrants with out fire flow capability shall also be tagged so that pumpers will not connect directly to the hydrants and collapse the water line, but water from the hydrant can still be used to fill reservoir(s).

When necessary, the developer shall have an agreement with the local utility for the installation and/or service of fire hydrants.

Hydrant Locations

1. Fire hydrants should be located at the corner of each intersecting road or street so that fire trucks can connect to the fire hydrant on their way to an emergency.
2. Fire Hydrants should be located every (1000') feet along a 6" waterline to insure that where the center of each lot intersects the right of way in with (500') feet of a fire hydrant.
3. Fire hydrants should be located within (300') feet of the end of a dead end / cul-de-sac street where there are three or less lots fronting on the dead end / cul-de-sac, and where there are greater than three lots fronting on the dead end / cul-de-sac there shall be a fire hydrant required at the dead end / cul-de-sac.
4. The DMPC can require additional fire hydrants in cases where topography and/or larger lots make it more difficult for appropriate fire protection. Prior to making a decision, the DMPC should consult with the Fire Chief and water department.

The location and types of valves and fire hydrants, the amount of soil cover over the pipes and other features of the installation shall conform to accepted standards of good practice for water systems and must meet the approval of the Ducktown Water Department, Fire Department, and DMPC.

Section 7.14 Double and Reverse Frontage Lots. Double frontage lots shall be avoided, except where essential to provide separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Reverse frontage lots shall have a depth of not less than one hundred and fifty (150) feet.

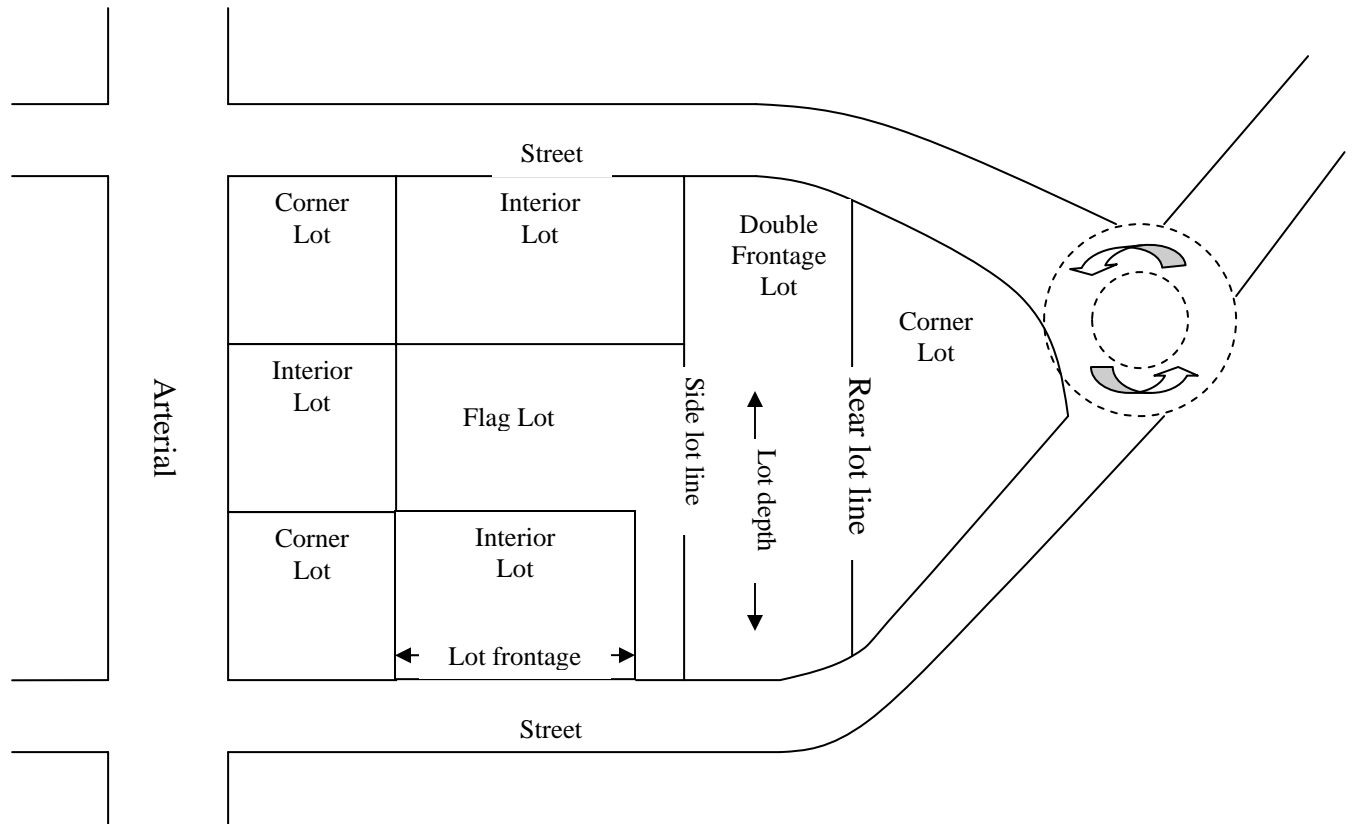
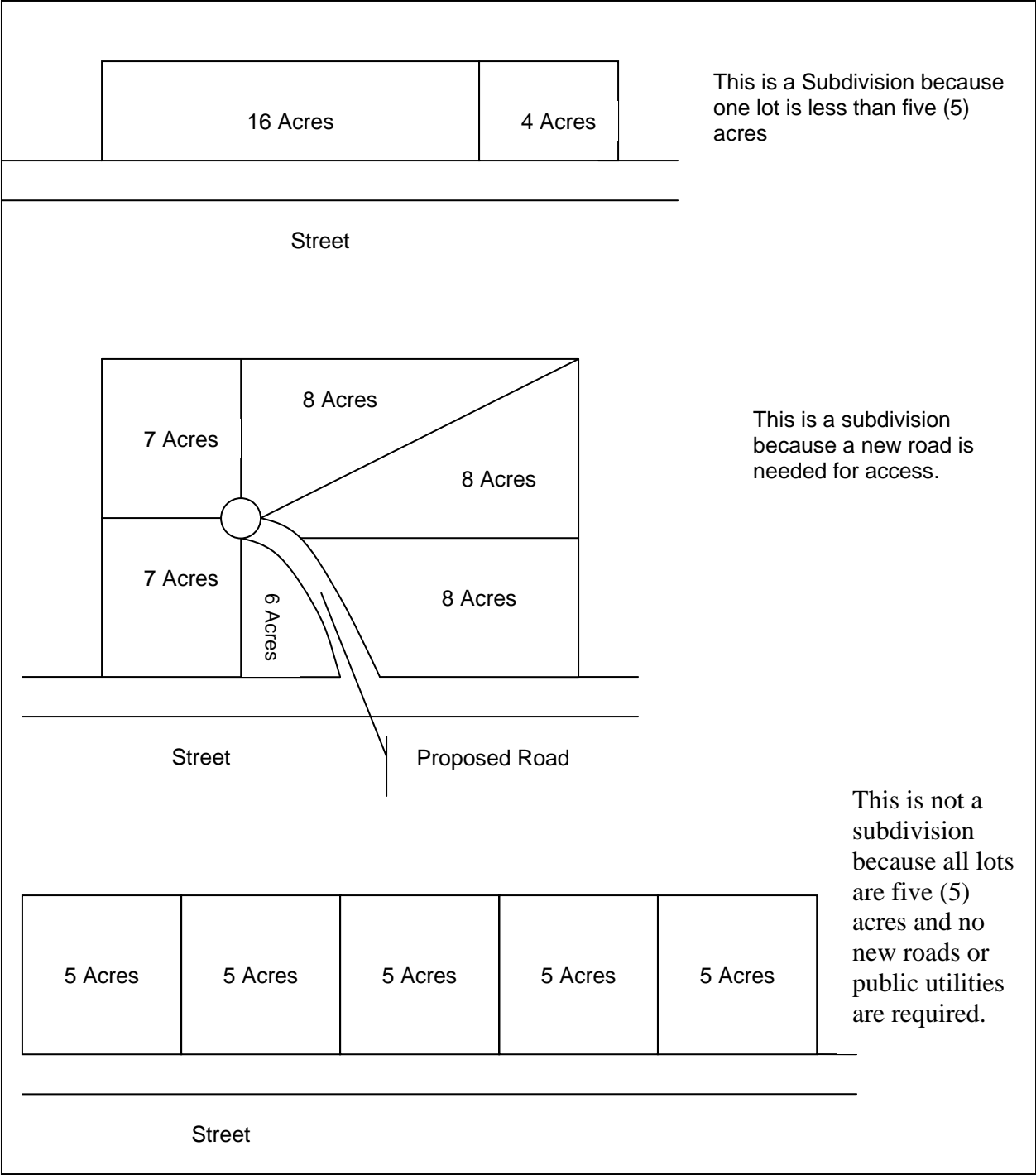


Table-1A *Types of Lots*



This is a Subdivision because one lot is less than five (5) acres

This is a subdivision because a new road is needed for access.

This is not a subdivision because all lots are five (5) acres and no new roads or public utilities are required.

Table-2A *Representation of a subdivision according to TCA*

Article VIII.

DESIGN REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY

Section 8.01. Conformance to Major Road Plan. All streets and other features of the Major Road Plan of Ducktown, Tennessee, shall be platted by the subdivider in the location and to the dimensions indicated on the Major Road Plan.

Section 8.02. Continuation of Existing Streets. Existing streets shall be continued at the same or greater width--unless they become cul-de-sacs but in no case less than the required width.

Section 8.03. Street Connections. Where proposed streets are to adjoin existing streets, the developer must make the connection at his expense and meet all street design requirements set forth in these regulations.

Section 8.04. Street Elevations. The Planning Commission may require, where necessary, profiles and elevations of streets in areas subject to flooding or of steep grades, as defined in these regulations. Fill may be used for streets provided such fill does not unduly increase flood heights. Drainage openings shall be so designed as to not restrict the flow of water and unduly increase flood heights. The minimum street elevation shall be no lower than the elevation for a flood of 100-year frequency or occurrence as shown on the Current FEMA Flood Insurance Rate Map (FIRM),

Section 8.05. Street Names. The street names shall require the approval of the Planning Commission and the E-911 Director. Streets that are obviously in alignment with the streets already existing and named shall be given the name of the existing street.

Section 8.06. Restriction of Access. When a tract fronts on an arterial or highway, the Planning Commission may require such lots to be provided with frontage on a marginal access street or may require reverse frontage lots.

Section 8.07. Alleys. Alleys may be required at the rear of all lots used for multi-family, commercial or industrial developments but shall not be provided in one and two-family residential developments unless the subdivider provides evidence satisfactory to the Planning Commission of the need for alleys.

Section 8.08. Reserve Strips. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the town under conditions approved by the Planning Commission.

Section 8.09. Easements. Easements shall be required along the lines of or across, lots where necessary for the extension of existing or planned utilities or for drainage.

Where a water course, drainage-way, channel or stream transverses a subdivision a drainage easement of adequate width shall be provided.

Section 8.10. Street Right-of-Way Widths. The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

- a. Arterials.....80 feet
or more as may be required

Arterials are major thoroughfares designed to move large volumes of vehicles

- b. Collector Streets50 feet

Secondary or Collector streets are those that carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets of a residential development and streets for major circulation within such a development.

- c. Local Streets40 feet

- d. Marginal Access Streets40 feet

Marginal Access Streets are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

- e. Alleys22 feet

Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

- f. Cul-de-sacs.....50 feet

Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.

Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs, or dead-end roads, shall not be greater in length than two thousand (2,000) feet.

They shall be provided at the closed end with a turnaround having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet (thirty (30) feet where shoulders are used).

- g. Temporary Cul-de-sacs50 feet

Where in the opinion of the Planning Commission it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedicating to the boundary of such property. Such dead-end streets shall be provided with a temporary turnaround approved by the Planning Commission

Where deemed necessary by the Planning Commission, adequate rights-of-way shall be dedicated to connect with any temporary dead-end street adjoining the subdivision.

Section 8.11. Additional Width on Existing Streets. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements.

- a. The entire right-of-way shall be dedicated where any part of the subdivision is on both sides of the existing street; and
- b. Where the subdivision is located on only one (1) side of an existing street, the amount of right-of-way to be dedicated is as follows:
 - 1) If the land across the roadway from the proposed subdivision has not been subdivided or developed, the subdivider is only required to dedicate one-half (1/2) of the required right-of-way, measured from the centerline of the existing roadway.
 - 2) If the land across the roadway has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the roadway to bring the total right-of-way to the required width. In no case shall the right-of-way be less than forty (40) feet
- c. In cases where rights-of-way in excess of forty (40) feet are required, additional widths shall be reserved, and when used, just compensation therefore shall be paid by the condemning authority.

Section 8.12. Minimum Pavement Widths; Curbs Required.

Minimum surface widths shall be as follows:

- a. Minor Residential Streets.....22 feet
- b. Marginal Access Streets22 feet
- c. Cul-de-sac Streets22 feet
- d. Collector Streets24 feet
- e. Arterial Streetsas may be required,
not usually paved by developer

Curbing is required unless specifically waived by the planning commission. Pavement width shall be measured from face of the curb to face of the curb.

Section 8.13. Street Grades. In general, streets shall be planned to conform to existing topographic conditions. Grades may exceed twelve (12) percent but not more than fourteen (14) percent for a distance of up to four hundred (400) feet. Grades at street intersections shall not exceed five (5) percent for a distance of not less than twenty-five (25) feet from the intersection. Engineering by a licensed engineer in the State of Tennessee shall be required for grades greater than 12 percent but equal to 14 percent.

Section 8.14. Horizontal Curves. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, the street shall have a centerline radius of not less than the following:

- a. Arterial streets.....300 feet
- b. Collector streets200 feet
- c. Local Streets100 feet

Section 8.15. Vertical Curves. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one half (4 1/2) feet above the pavement, to an object four (4) inches high on the pavement. Where, in the opinion of the Planning Commission, topography warrants it, profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals twenty (20) feet vertically may be required.

Section 8.16. Intersections. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees.

Curb radii at street intersections shall not be less than twenty (20) feet, and where the angle of a street intersection is less than seventy-five (75) degrees; the Planning Commission may require a greater curb radius. Whenever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a

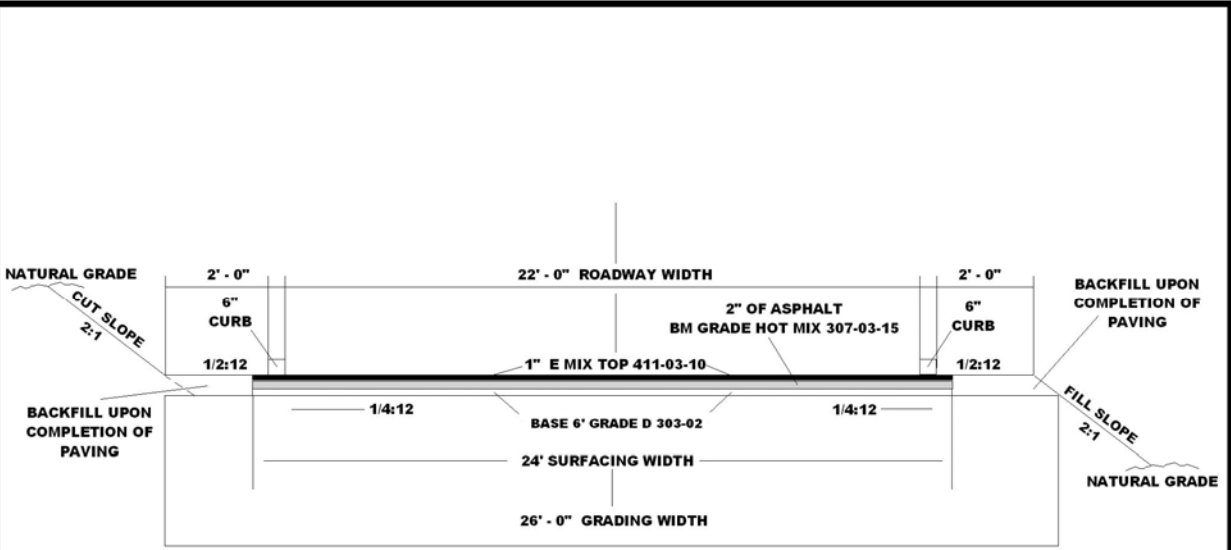
street corner to less than normal width, the property line at such street corner shall be rounded or otherwise setback sufficiently to permit such construction.

Section 8.17. Tangents. Between reverse curves there shall be a tangent having a length of not less than one hundred (100) feet.

Section 8.18. Street Jogs. Street jogs with centerline off sets of less than one hundred fifty (150) feet shall not be allowed.

Section 8.19. Permanent Easements and Private Streets.

Permanent easements and private streets are not permitted. For the purpose of these regulations, privately owned and maintained streets within apartment projects, mobile home parks, recreational vehicle parks, shopping malls, and industrial complexes connecting to public streets, but for the primary use for internal circulation by residents or customers are permitted. A statement indicating these are private streets and will not be maintained by the City of Ducktown shall be attached to the final plat or site plan



TYPICAL TANGENT SECTION

TYPE TWO

Article IX.

IMPROVEMENTS PREREQUISITE TO FINAL PLAT APPROVAL

Prior to the approval of a final plat, an agreement shall be reached between the subdivider or his agent and the city or county government with regard to the installation of any street improvements or utility construction called for in the subdivision plat. The subdivider shall be required to have installed at his expense the following improvements.

Section 9.01. Monuments.

- a. All corners shall be established, and shall be metal, concrete, or a natural object. The type of corner (old or new) shall be indicated on the plat. A notation shall be made stating whether the corners were found or set and in addition, the statement shall indicate the material and size of the corner found or set.
- b. Metal corners shall be no less than ½ inch in diameter; concrete corners shall be no less than 4-inches in diameter; and both shall be no less than 18 inches in length unless some impregnable material is encountered.
- c. All new corners place shall have a cap or tag of non-corrosive material with surveyor's registration number or company name stamped. In the case of placement of concrete marker, the marker shall have a permanent mark for the survey point in addition to said cap or tag.

(Ref. Section 0820-3-.07(1), (h) *Tennessee Land Surveyors Laws and Regulations 2000*, as amended)

Section 9.02. Grading. All streets, roads and alleys shall be graded by the subdivider to the required cross section. Due to special topographic conditions, deviation from the above will be allowed only with special approval of the Planning Commission. Where roads are constructed under or adjacent to existing electric transmission lines, the fifteen (15) feet from any transmission line structure and all grading for the road shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the road to the nearest conductor shall meet the requirements of the National Electric Safety Code.

- a. Preparation. Before grading is started, the entire right-of-way areas shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.

- b. Cuts. All tree stumps, boulders and other obstruction shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to depth of twelve (12) inches below the subgrade; all topsoil shall be removed except where deemed not applied to the roadway and not necessarily to the entire right-of-way width.
- c. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted by a sheep's foot roller accessible to a roller shall be mechanically tamped.
- d. Specifications. Cut and fill slopes shall be no steeper than one (1) foot vertical for every two (2) feet horizontal unless extra measures are taken to assure that the slope will be stabilized so as to prevent soil erosion.

Section 9.03. Installation of Utilities. After grading is completed and approved, and before any base is applied, all utilities shall be installed completely and approved throughout the subdivision.

Section 9.04. Street or Road Base. After preparation of the subgrade, the roadbed shall be surfaced with material of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be that generally known as "crusher run stone" from two and one half (2 1/2) inches down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six (6) inches.

Section 9.05. Pavement. All streets shall be paved using an asphalt concrete surface cover (hot mix). The asphaltic concrete surface shall be constructed with asphaltic concrete compacted to two (2) inches with not less than an average weight of two hundred (200) pounds per square yard and a one inch topping.

Pervious pavers, concrete and asphalt are allowed in certain low traffic or non-vehicular pathways. For all such proposals, a licensed engineer must certify that the proposed paving material and construction method meets or exceeds the requirements for surface.

- a. Pervious concrete or pervious pavers are permitted for sidewalks and pathways intended for non-vehicular mobility. The developer must provide documentation which shows the construction method meets industry standards for the type of paving material.

- b. Pervious asphalt and concrete are permitted for alleyways and cul-de-sacs. For use in cul-de-sacs, no more than five (5) lots are allowed to front on the cul-de-sac. The developer must provide documentation which shows the surface cover has an adequate underlying drainage system, the construction of which must be designed by a licensed engineer.

Section 9.06. Storm Drainage. An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. All storm drainage contained in pipes or culverts under roadway shall have endwalls, headwalls or rip-rap with concrete apron wall where necessary to prevent erosion. Where open trench or swales are used, the grades exceeding eight (8) percent up and two (2) percent down shall be paved with 3,000 psi Portland Cement Concrete.

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

As an alternative to a traditional curb and gutter street system or drainage ditches, developers are encouraged to install green infrastructure as a means to drain surface water generated from streets, roadways, and alleyways. Such a design may incorporate vegetated swales, rain gardens, and other forms of green infrastructure as a means of storm water infiltration and drainage. A drainage system of this kind must be designed by a licensed engineer and must include proper infiltration and drainage capacity to adequately drain storm water. In proposing an alternative drainage system, the developer should consult with the city's planning staff and public works director on the proposal as part of the preliminary plat process. Adequate documentation must be shown that the system will be designed and installed properly to achieve the necessary drainage of storm water.

Section 9.07. Water Service. Water mains and appurtenances--properly connected to the appropriate public water system and approved by that water system and the Tenn. Department of Environment and Conservation--shall be constructed in each subdivision. The water service provided must be adequate both for the domestic use and fire protection of all lots, to require all new subdivisions to have installed a minimum of six (6) inch water lines (i.e. defining "fire protection"). However, the planning commission can grant a variance to this section in accordance with Section 10.1 of these same regulations if need be. In addition, it will be mandatory to have placed on the final plat

(under the general notes) not only the name of the water provider, but the size water line installed.

Construction of water lines and appurtenances shall be subject at all times to the inspection and approval of said public water system. If there is a cost for inspections, this cost will be borne by the subdivider. The specifications of all materials and the manner in which all lines and appurtenances are laid shall meet the inspection and approval of the water system involved.

The entire cost of installing the required water supply system--including the connection to the existing water supply and including but not limited to the cost of pipe, valves, fittings, trenching, backfill, and services--shall be borne by the subdivider.

Section 9.08. Sewage Disposal. When a proposed subdivision is located within a reasonable distance of an existing public sanitary sewer line, sanitary sewers shall be installed to serve all the lots within the subdivision. The specifications of all materials and the manner in which all lines and appurtenances are laid shall meet the inspection and approval of the public sewer system involved. The entire cost of installing the entire sanitary sewerage system shall be borne by the subdivider.

Where a subdivision is located beyond the service limits as determined by the Planning Commission, the subdivider may elect to have the lots served by individual sewage disposal systems. Should individual sewage disposal systems be proposed, satisfactory evidence of acceptability from soil surveys shall be required. Subdivisions shall also have lot sizes that are adequate for the installation of the proposed individual systems. All such subdivisions must have the approval in writing of the Polk County Health Department/Tenn. Department of Environment and Conservation.

Section 9.09. Street Signs. Street signs of a type approved by the Planning Commission shall be installed at the intersection of all streets within the subdivision and at the point existing streets are intersected by the streets of the subdivision.

Section 9.10. Guarantee in Lieu of Completed Improvements. No final subdivision plat shall be approved by the Planning Commission or accepted for record by the county register of deeds until one of the following conditions has been met:

- a. All required improvements have been constructed in a satisfactory manner and approved by the various authorities for which certificates are required, or
- b. The Planning Commission has accepted a letter of credit or certified check in an amount equal to one hundred and fifty (150) percent of the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the county or other responsible utility system in the event of default by the subdivider. Where the required improvements have not been completed, the town attorney shall certify that approved bond or security has been posted to ensure their completion.

Note: The Planning Commission shall set the amount of the bond based upon the cost of improvements estimated by the County Road Commissioner or other authority designated by the planning commission.

Section 9.11. Road Inspection Procedure. It is the responsibility of the developer to advise the planning commission or its designated agent of progress in the construction of any road and to insure that no work advances until each of the following steps are completed and approved in writing by the commission:

1. A road profile is submitted, where deemed as necessary by the planning commission.
2. The clearing and preparation of the site, as described in Section 9.02 (a) of these regulations.
3. The cut and fill process, as described in Section 9.02 (b), (c) of these regulations.
4. The application of the sub-grade.
5. The application of the base, as described in Section 9.04 of these regulations.
6. The application of the double bituminous or asphalt treatment, as described in Section 9.05 of these regulations.
7. A final inspection and grant of approval.

<h2>Ducktown Subdivision/Road Inspection Checklist</h2>	
SUBDIVISION NAME: _____	
Location:	_____ _____
Developer:	_____
Road Name(s)	_____ _____
Private _____	Public _____
Bond Posted _____	Yes _____ No _____ Date of Expiration _____ Date Released _____

ITEM CHECKED	Date Inspection Requested	Date Checked
Road Profile (If Necessary) Date Submitted: _____		
Clearing/Site Preparation		
Cut and Fill		
SubGrade		
Base		
Dbst or Asphalt		
Final Inspection		
<p>At the time of inspection of each of the above steps, a visual inspection reflected that minimum requirements of the Polk County Subdivision Regulations were met. The undersigned does not guarantee that the road will in the future continue to meet said requirements.</p> <p>Signature of Town Inspector _____ Date _____</p>		

Article X.

VARIANCES, AMENDMENTS AND APPEALS

Section 10.1. Variances. Variances may be granted where the Planning Commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variance thus authorized shall be stated in writing in the minutes of the Planning Commission with the reasoning on which the departure is justified set forth.

Section 10.02. Amendment. These regulations may be amended from time to time by the Planning Commission, who shall hold an advertised public hearing thereon. Notice of the time and place of which shall be published in a newspaper of general circulation in the county in accordance with *Tennessee Code Annotated*, Section 13-4-303.

Section 10.03. Appeals. Appeal is granted from the final action of the Planning Commission to the Chancery Court but only for the wrongful withholding of approval by its arbitrary, capricious and/or discriminatory conduct or acts.

Article XI.

LEGAL STATUS PROVISIONS

Section 11.01. Separability. Should any section or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the regulations as a whole or part thereof which is not specifically declared to be invalid or unconstitutional.

Section 11.02. Conflict with Other Regulations. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building codes, or other official regulations, the highest or most restrictive standard, shall apply.

Section 11.03. Adoption and Effective Date. A public hearing was held on _____, 2007. Notice of such hearing was announced in the Polk County News, being of general circulation within the area of planning jurisdiction, on _____, 2007.

Those regulations shall be in full force and effect from and after their adoption and effective date.

Adopted: November 15, 2007

Effective _____

Secretary

Chairman

Appendix 1
CHECKLIST FOR PRELIMINARY PLAT CONSIDERATION

NAME OF SUBDIVISION: _____

LOCATION: _____

OWNER OF RECORD: _____

Address _____ **Tel.** _____

SUBDIVIDER: _____

Address _____ **Tel.** _____

SURVEYOR: _____

Address _____ **Tel.** _____

CIVIL DISTRICT: _____

ZONING

DISTRICT: _____

DATE SUBMITTED FOR PRELIMINARY APPROVAL: _____

CHECKLIST:

- _____ 2 copy submitted (**10 business**) days prior to meeting. One plat for staff and one plat for Mayors office.
- _____ 7 copies submitted by noon of the day the planning commission meeting.
- _____ Name of Subdivision and type of plat indicated on title.
- _____ Drawn to scale of not less than one inch equals one-hundred feet.
- _____ Name address and phone number of owner of record, subdivider, and surveyor.
- _____ North point, graphic scale, and date.
- _____ Vicinity map showing location, north point, and acreage of subdivision.
- _____ Boundary lines by bearing and distances.
- _____ Names of adjoining property owners and/or subdivision(s).
- _____ Location of all existing physical features on land and nearby properties.
- _____ Names, locations, and dimensions of proposed streets, alleys, easements, parks and reservations, lot lines, etc.
- _____ Lot numbers in consecutive order.
- _____ Area remaining/for future development
- _____ Plans of proposed utility layouts showing connections to existing or proposed utility systems.
- _____ Minimum building setback lines for front yard, sideyard and rear-yard.
- _____ Cross-section and centerline street profiles at suitable scales as may be required by the _____ planning commission.
- _____ Conforms to general requirements and minimum standards of design.
- _____ Drainage plans
- _____ Existing and proposed easements.
- _____ Contour lines at five foot (5') intervals
- _____ Limit of 100-year flood and boundary and elevation of designated floodway
- _____ Certificate of recording.

ADDITIONAL COMMENTS: _____

**APPENDIX 2
CHECKLIST FOR FINAL PLAT CONSIDERATION**

NAME OF SUBDIVISION: _____

LOCATION: _____

CIVIL DISTRICT: _____

OWNER OF RECORD/SUBDIVIDER: _____

Address _____ **Tel.** _____

DATE PRELIMINARY APPROVAL GRANTED: _____

DATE SUBMITTED FOR FINAL APPROVAL: _____

CHECKLIST:

- _____ Submitted within one year from date of preliminary approval.
- _____ 2 copies submitted (**10 business days**) prior to planning commission meeting. One plat for staff and one plat for Mayors office.
- _____ 7 copies submitted by noon of the day the planning commission meeting with all signatures.
- _____ Name of subdivision and type of plat indicated on title.
- _____ Drawn to a scale of not less than 1 inch equals 100 feet.
- _____ Name and address of owner of record, subdivider, and surveyor.
- _____ Show a vicinity map with north point and site indicated by a label. (Site)
- _____ North point, graphic scale, and date shall be shown and stated on plat.
- _____ Show acres being subdivided, and list in notes total acreage being subdivided.
- _____ Bearings of property lines, and sufficient engineering data to locate all lines including radii, angles, and tangent distances.
- _____ Reservations, easements, or other non-residential areas shall be shown on plat and listed in notes.
- _____ Dimensions to nearest 100th of a foot and angles to nearest minute.
- _____ Lot lines, alleys, and building setback lines shall be shown on plat and listed in notes.
- _____ Show location and description of monuments.
- _____ Show names and locations of adjacent properties.
- _____ Show lines, names, and widths of all streets and roads.
- _____ Lots numbered in consecutive numerical order and blocks lettered alphabetically.
- _____ Location sketch map shown on plat with flood plain areas outlined in notes.
- _____ Certificate of ownership and dedication.
- _____ Certificate of approval of water and sewerage systems and streets.
- _____ Certificate of engineer or surveyor.
- _____ Certificate of E-911 Approval
- _____ Certificate of Planning Commission approval
- _____ Certificate of recording.
- _____ All NOI and SWEP permits have been filled and a copy has been given to PC.
- _____ Conforms to general requirements and minimum standards of design.
- _____ Required physical improvements have been made or bond posted in the amount of \$_____.

ADDITIONAL COMMENTS: _____
