

**SUBDIVISION
REGULATIONS FOR
HANCOCK COUNTY,
TENNESSEE**

**Adopted December 13, 2021
Amended through July 14, 2022**

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SUBDIVISION REGULATIONS OF THE HANCOCK COUNTY,
TENNESSEE REGIONAL PLANNING COMMISSION
(Hereafter referred to as the Planning Commission)

ARTICLE I.
PURPOSE, AUTHORITY AND JURISDICTION

A. Purpose

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

The following subdivision regulations guiding the planning commission are designed to provide for the harmonious development of the planning region; to secure a coordinated layout and adequate provision for light, air, recreation, transportation, water, drainage, sewer, and other sanitary facilities.

B. Authority

These subdivision regulations are adopted under the authority granted by sections 13-3-401 through 13-3-412 of the Tennessee Code Annotated. The planning commission has fulfilled the requirements set forth in these acts as prerequisite to the adoption of such regulations.

C. Jurisdiction

These regulations shall govern all subdivision of land within the planning region of Hancock County as now or hereafter established and within the Hancock County Planning Region as established by resolution of the Local Government Planning Advisory Committee. Within these regulations the term "subdivision" shall mean the division of a tract or parcel of land into two or more lots, sites, or divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, related to the process of subdividing or to the land or area subdivided.

Any owner of land within this area wishing to subdivide land shall submit to the Hancock County Regional Planning Commission a plat of the subdivision according to the procedures outlined in Article II, this plat shall conform to the minimum requirements set forth in Article III. Improvements shall be installed as required by Article IV of these regulations.

ARTICLE II. PROCEDURE FOR PLAT APPROVAL

The procedure for review and approval for a subdivision plat consists of three steps. The initial step is the early informal consultation with the planning commission technical staff for advice and assistance. The second step is the preparation and submission to the planning commission of a design (preliminary) plat of the proposed subdivision. The third step is the preparation and submission to the planning commission of a final plat together with required certificates. This final plat becomes the instrument to be recorded in the office of the County Registrar when duly signed by the secretary of the planning commission.

A. General

Any owner of land lying within the Hancock County Planning Region wishing to divide such land into two or more lots, sites, or divisions, for the purpose, either immediate or future for sale or building development, or wishing to resubdivide for this purpose shall submit a plan of such proposed subdivision to the Hancock County Regional Planning Commission for approval and shall obtain such approval prior to the filing of his subdivision plat for record. Any such subdivision plat shall conform to any and all of the requirements of the subdivision regulations. No plat of a subdivision of land within the Hancock County Planning Region shall be filed or recorded by the Registrar of Hancock County without the approval of the planning commission.

1. Any person wishing to subdivide property off of an existing easement (that has not been approved by the planning commission or is not a county road) will have to meet all of the requirements of the subdivision regulations from the existing county road through their property. After the existing easement has had a private or public road developed to standard, the right of way will have to be dedicated to the county for a public road or to a homeowners association for a private road. The majority of property owners fronting the private road must be included in the road maintenance agreement with all later lots being added to the maintenance agreement.
2. Subdivisions with streets developed to public standards may choose to have a private street if a road maintenance agreement (condominium agreement) is drafted by a lawyer, licensed to practice law in Tennessee, to provide for road maintenance. The road maintenance agreement shall be put on record with the Registrar of Deeds when the plat is filed.
3. In order to secure review and approval of the planning commission of a proposed subdivision, the prospective subdivider shall, prior to the making of any street improvements or installations of utilities, submit to the planning commission a design (preliminary) plat as provided in Section C below. On approval of said plat, he may proceed with the preparation of the final plat and other documents required in connection therewith as specified in Section D and the improvements set forth in Article IV.
4. A subdivider may omit the submission of a design (preliminary) plat, and submit only a final plat if the following condition is met:
 - a. All public improvements as set forth in Article VI are already installed. Any construction, installation or improvement of any public improvements shall require the submission of a design (preliminary) plat as prescribed by Section C.

B. Informal Consultation

The subdivider shall consult early and informally with the planning commission technical staff for advice and assistance before the preparation of the preliminary sketch plan and its formal application for approval. This will enable him to become thoroughly familiar with these regulations, the Major Thoroughfare Plan and other official plans or public improvements which might affect the area. Such informal review should prevent unnecessary and costly revisions.

C. Preliminary Plat

At least fifteen (15) days prior to the meeting at which it is to be considered, the subdivider shall submit to the planning commission four (4) copies of a design (preliminary) plat of the proposed subdivision in order to allow the planning commission technical staff and utilities heads time to review and prepare recommendations to the planning commission. The subdivision plat shall be drawn to a scale of not less than one inch equals one hundred (100) feet. All plats will be submitted to the office of county mayor who shall keep a log of all plats submitted.

1. The preliminary plat shall be presented to the planning commission at its next meeting for consideration of approval, disapproval, or approval subject to modification.
2. The preliminary plat which shall meet the minimum standards of design as set forth in Article III and the general requirements for the construction of public improvements as set forth in Article IV, and shall give the following information insofar as possible:
 - a. The proposed subdivision name and location, the name and address of the owner or owners, and the name of the designer of the plat who shall be a surveyor licensed by the State of Tennessee.
 - b. Date, approximate north point, and graphic scale.
 - c. The location of existing and platted property lines, streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements, the present zoning classification, if any, both on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.
 - d. A construction plan which shall include: (1) a complete drainage plan showing all improvements including all proposed streets, easements, storm sewers, swales, ditches, reserved areas and lot drainage; (2) a plan and profile of all streets showing typical cross sections of proposed roadways, swales and ditches as well as both existing and proposed finished grades of paved right-of-way and special ditches, and details of all structures which are part of the physical improvements in the subdivision. Also proposed drainage structures including manholes, catch basins, junction boxes, pipe storm drains, ditches and other drainage facilities including headwalls shall be shown on the plan and profile.
 - e. The distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing streets or roads and to an original corner of the original survey of which it is a part -- or a key map showing relation of subdivision to well-known streets, railroads, and water courses in all directions to a distance of at least one-half mile. Suggested scale: one inch equals 2,000 feet.
 - f. Plans of proposed utility layouts (sanitary and storm sewers, and water) showing feasible connections to the existing or any proposed utility systems. When such connections are not practicable, any proposed individual sewage disposal system must be approved by the Tennessee Department of Environment and Conservation.
 - g. The names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building lines and utilities.
 - h. The acreage of the land to be subdivided.
 - i. Actual closure computations for the boundary traverses. Such boundary traverses shall close to an accuracy of at least one (1) part in five thousand (5,000)

3. Within ninety (90) days after submission of the design (preliminary) plat, the planning commission will review it and indicate its approval, disapproval, or approval subject to modifications, the nature of the required modifications will be indicated.
4. The approval of the design (preliminary) plat by the planning commission will not constitute acceptance of the final plat and will not be indicated on the design (preliminary) plat.
5. Failure of the planning commission to act on the design (preliminary) plat within sixty (60) days after being presented at a planning commission meeting in accordance with subsections C.1 and C.2 of this Article will be deemed approval of this plat, and a certificate to that effect shall be issued by the commission on demand, provided, however, that the applicant may waive this requirement and consent to the extension of such period.
6. One copy of the design (preliminary) plat will be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.
7. The approval of the design (preliminary) plat shall lapse unless a final plat is approved by the planning commission within three years from the date the design (preliminary) plat was approved unless an extension of time is applied for and granted by the planning commission. For large projects done in phases, the time limit shall be 10 years from approval of the first concept or design (preliminary) plans to the approval of the final plat of the last of phase unless an extension of time is applied for and granted by the planning commission.
8. If the subdivision is going to be developed and submitted as final plats in portions of the design (preliminary) plat, the portions must be designated and titled in alphabetical characters.
9. No subdivision shall use the name of an existing subdivision except as noted in Article II, Subsection C.9.

D. Final Plat

1. The final plat shall conform substantially to the design (preliminary) plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved design (preliminary) plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations. If a proposed subdivision fronts upon an existing public road, the planning commission may waive the requirements for preliminary approval, and permit the developer to submit only a final plat.
2. In order to allow the planning commission technical staff and utilities heads time to review and prepare recommendations to the planning commission, the final plat shall be submitted to the planning commission at least ten (10) days prior to the meeting at which it is to be considered. The subdivider shall submit the original drawings in black drawing ink and six (6) copies (black and white prints or blue line prints). All plats will be submitted to the office of county mayor who shall keep a log of all plats submitted.
3. The final plat shall be submitted to the power company (Powell Valley) early enough to allow them time to work with the developer to locate the power poles and any needed power line easements. Any power line easements must be shown on the final plat submitted to the planning commission. A letter must be submitted from the power company stating that the required power line easements are shown on the final plat or that no power line easements are needed.

4. The final plat shall be presented to the planning commission at its next meeting for approval or disapproval.
5. The plat shall be drawn to a scale of one inch equals one hundred (100) feet on sheets eighteen (18) by twenty-four inches or of an approved size to correspond to local plat book dimensions. Plats with lots over five (5) acres may be drawn to an appropriate scale. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.
6. When the final plat has been approved by the planning commission one copy will be returned to the subdivider, with the approval of the planning commission certified thereon, for filing with the County Registrar as the official plat of record.
7. The planning commission shall approve or disapprove this final plat within sixty (60) days after its submission. Failure of the planning commission to act on this final plat within these sixty (60) days shall be deemed approval of it. If the plat is disapproved the grounds for disapproval shall be stated upon the records of the planning commission.
8. Approval of the final plat by the planning commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground.
9. The final plat shall show:
 - a. The lines of all streets and roads, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations, easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
 - b. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary lines, block line and building line whether curved or straight, and including north point. This shall include the radius, central angle and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
 - c. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute.
 - d. Location and description of monuments.
 - e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.
 - f. Date, title, name and location of subdivision, graphic scale, and north point.
 - g. Location sketch map showing site in relation to area.
 - h. All boundary traverses including lot and block traverses shall close to an accuracy of at least one (1) part in five thousand (5,000).
10. The following certificates shall be presented with the final plat:
 - a. Certification showing that applicant is the land owner and dedicates streets, rights-of-way and any sites for public use (See Appendix A).
 - b. Certification by surveyor licensed by the State of Tennessee to accuracy of survey and plat and placement of monuments (see Appendix A).

- c. Certification by the Tennessee Department of Environment and Conservation when individual sewage disposal systems are to be installed (see appendix A).
- d. Certification by the road superintendent or other county designated person that the subdivider has installed all improvements in accordance with the requirements of the subdivision regulations
- e. Certification of approval to be signed by the secretary of the planning commission (See Appendix A)
- f. Certification of approval to be signed by the Director of the E-911 Center or his/her authorized representative.

ARTICLE III.
GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF
DESIGN

A. Streets

1. Relation to Adjoining Street System

The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than the required minimum width as set forth in this Article or the width of the existing Street, whichever is greater.

2. Access Streets to Subdivision Boundaries

Sufficient access streets to adjoining property shall be provided in subdivisions to permit harmonious development to the area. Where, in the opinion of the planning commission, it is desirable to provide for said street access, the proposed streets shall be extended to the boundary of such property.

3. Street Widths (Public Roads)

The minimum width of right-of-way, measured from lot line to lot line, shall not be less than as follows;

Marginal Access Streets: 40 feet

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

Minor Residential Streets: 50 feet

Minor residential streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.

Dead-end Streets (cul-de-sac): 40 feet

Cul-de-sacs are permanent dead-end streets or courts not to exceed six hundred (600) feet designed so that they can not be extended in the future.

Loop Streets: 40 feet

Loop streets are streets open at both ends and connected to only one residential street with a maximum length twelve hundred (1200) feet.

In cases where topography or other physical conditions make a street of the required minimum width impracticable, the planning commission may modify the above requirements.

4. Additional Width on Existing Streets

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

The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the center line of the existing roadway, shall be provided. In no case shall the resulting right-of-way width be less than fifty (50) feet.

5. Restriction of Access

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

7. Street Grades

Grades on major streets shall not exceed seven (7) percent, grades on other streets may exceed seven (7) percent but shall not exceed fifteen (15) percent.

8. Horizontal Curves

On streets sixty (60) feet or more in width, the centerline radius of curvature shall not be less than three hundred (300) feet, on other streets, not less than one hundred (100) feet.

9. Vertical Curves

All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in rates of grade for major streets and one half this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equal one hundred (100) feet horizontal, and one inch equals ten (10) feet vertical, may be required by the planning commission.

10. Intersection

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.

To permit the construction of a curb having a desirable radius, property line radii at all street intersections shall not be less than twenty (20) feet. Where the angle of the street intersection is less than ninety (90) degrees, the planning commission may require a greater radius.

11. Tangents

A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

12. Street Jogs

Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed.

13. Dead End Streets

Minor terminal streets or court designed to have one end permanently closed shall be no more than twelve hundred (1200) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least seventy (75) feet (outside right of way diameter of at least ninety feet).

Where a dead-end street is planned to be extended for future development, or in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed

streets shall be extended to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around having a roadway diameter of at least fifty (50) feet, and the roadway would have to meet all development standards except for paving.

14. Reserve Strips

There shall be no reserve strips controlling access to streets except under conditions approved by the planning commission.

15. Drainage

All streets and roads must be so designed as to provide for the discharge of surface water from the right-of-way of all streets and roads by grading and drainage as shall be approved by the planning commission. Where it is the opinion of the planning commission that water cannot be adequately discharged by surface drainage, the planning commission may require the installation of a storm sewer system.

16. Street Name

Proposed streets which are obviously in alignment with others already existing and named, shall bear the name of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of suffix, street, avenue, boulevard, driveway, place or court. All street names shall be approved by the Hancock County Emergency 911 District before final plat approval. Through its index list of street names on file, the planning commission can assist the subdivider in avoiding duplication.

17. Alleys

Alleys shall be provided to the rear of all lots used for business purposes, and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the planning commission of the need for alleys.

B. Lots

1. Arrangement

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for a minimum of forty (40) feet upon a public street or road or an approved private street. The planning commission may approve a smaller lot width if the subdivider can show that a smaller lot width does not destroy the intent of these regulations.

2. Minimum Size

The size, shape and orientation of lots shall be such as the planning commission deems appropriate for the type of development and use contemplated. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer and provide a connection to each lot. Where a public sewer is not accessible, an alternate method of sewage disposal may be used when approved by the Tennessee Department of Environment and Conservation.

a. Residential lots, served by a public sewerage system, shall not be less than sixty (60) feet wide at the building setback line nor less than seventy-five hundred (7500) square feet in area.

b. Residential lots, served by individual septic systems, shall not be less than eighty (80) feet wide at the building setback line nor less than fifteen thousand (15,000) square feet in area.

Greater area may be required by the Tennessee Department of Environment and Conservation for individual septic systems.

c. The minimum size of residential lots to be served by a private source of water supply shall be determined by the Tennessee Department of Environment and Conservation.

d. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Planning of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

e. The size and widths of lots shall in no case be less than the minimum requirements of any zoning ordinance in effect.

3. Building Setback Lines

The minimum depth of building setback lines from the street right-of-way line shall not be less than thirty (30) feet from minor residential and collector streets and forty (40) feet from all others. Corner lots shall be twenty (20) feet from the side street right-of-way line unless a lower standard is allowed by an existing zoning ordinance. A minimum side yard setback of ten (10) feet is required, and a rear setback of twenty feet is required unless a lower standard is allowed by an existing zoning ordinance.

C. Public Use and Service Areas

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

1. Public Open Spaces

Where a school, neighborhood park or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the planning commission, is located in part in the applicant's subdivision, the planning commission may require the dedication or reservation of such open space within the subdivision up to a total of ten (10) percent of the gross area of water frontage of the plat, school or recreation purposes.

2. Easements for Utilities

a. Drainage and utility easements shall be provided on each side and rear lot line of at least 7 ½ feet. The easement shall be designed to adequately provide utilities and drainage for all lots in the proposed subdivision.

b. Where drainage is proposed to cross any lot at any point other than the size or corner of the lot, the plat shall indicate the size of the pipe necessary to carry the proposed runoff. Each Cul-De-Sac shall have the provision for fifteen (15) feet utility easement extending therefrom to prevent dead-end water mains. Easements of the same or greater width may be required along the lines of or across lots where necessary for the extension of existing or planned

3. Storm Sewers

Where in the opinion of the planning commission the flow of water cannot be accommodated with surface drainage, storm sewers may be required. The

planning commission shall determine, on the basis of the watershed and the probable runoff, the size of storm sewers. In ascertaining the size of the storm sewers, the planning commission may call upon its technical staff or any public or private agency to assist it in its determinations.

4. Water Supply and Sewerage Connections

Where a public water supply or public sewerage system is reasonably accessible, the subdivider shall indicate a connection with such water supply or sewerage system and a water or sewerage connection for each lot with such material and to such size and length as shall be approved by the planning commission. Where a public water supply or public sewerage system is not reasonably accessible or not planned for in the future, an alternate method of water supply or sewage disposal may be indicated and shall be approved in writing by the county health officer.

5. Community Assets

In all subdivisions due regard shall be shown for all natural features such as large trees, water courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the property.

6. Suitability of the Land

The planning commission shall not approve the subdivision of land 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 subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, fire or property or aggravate erosion or flood hazard. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

Fill may not be used to raise land in areas subject to flood unless the fill proposed does not restrict the flow of water and unduly increase flood heights.

7. Large Tracts or Parcels

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.

D. Group Housing Developments

A comprehensive group housing development, including the large scale construction of housing units together with necessary drives and ways of access may be approved by the planning commission although the design of the project does not include standard streets, lots and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.

1. Planned Unit Developments

a. Planned Unit Developments (PUD) are an alternative to the single lot development standards of the Hancock County Subdivision Resolution. PUDs allow different housing types (condominiums, townhouses, etc) that are not provided for in any other section of the subdivision regulations. PUDs are intended to provide opportunities for

the more efficient utilization of land by setting up permanent open spaces that provide a high standard of protection and preservation of environmentally sensitive lands as well as planned living, working, and shopping environments that include the provision of essential utilities and streets. Most PUDs incorporate community facilities such as meeting rooms, recreation areas, walking trails, open spaces, etc into their facilities that are not provided within the standard single lot subdivision. Where actions, designs, or solutions proposed by the applicant are not literally in accordance with the subdivision resolution, the planning commission may make a finding, in the particular case, that public purposes are satisfied to an equivalent or greater degree. If such a finding has been made, the planning commission may make specific modifications of the regulations.

- b. All PUD improvements must be completed or have appropriate financial guarantees approved by the planning commission per Article IV Development Prerequisite to Final Approval, Subsection B Guarantee in Lieu of Completed Improvements. Large community facilities shown on concept plans, that may be included in future development phases, will not subject to financial guarantees.
- c. The planning commission may permit the staging of these developments, but each stage must be designed so that failure to proceed with subsequent stages will not have an adverse impact on the development or its surroundings. Each stage must be assured of adequate public services. A master development plan shall be approved for the entire development. The planning commission may approve changes to future phases as long as the project still meets the basic criteria of this section. Each final plat shall provide all the required information for subdivisions plus any addition information required by the planning commission.
- d. For townhouses and condominiums, all drives and parking spaces should have a four-inch gravel base and two inches of asphaltic concrete (hot mix) per Article IV, Section A Required Improvements, Subsection 4, Roadway Improvements. The drives shall be at least sixteen feet wide with two parking spaces provided for each housing unit with the spaces being at least nine feet wide and eighteen feet long. Roads shall be constructed to the public or private road standards of Article IV. The planning commission may grant a variance to the development standards if the development is determined to be of equivalent or greater than development standards in this paragraph. The reasons for the variance shall be set out in the minutes of the planning commission.

E. Variances

Variances may be granted under the following conditions:

1. Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, or
2. Where the planning commission decides that there are topographical or other conditions peculiar to the site, and a departure may be made without destroying the intent of such provisions. Any variance thus authorized is to be stated in writing in the minutes of the planning commission with the reasoning on which the departure was justified set forth.

F. Other Regulations

No final plat of land within the force and effect of an existing ordinance will be approved unless it conforms to such ordinance. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations, the highest standard shall apply.

ARTICLE IV
DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

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

There are specific required improvements for all subdivisions as detailed in Section A, Required Improvements. The County has public and private road standards that are based on lot size and the number of lots served by each road. Public road standards are detailed in Section B, and private road standards are detailed in Section C.

A. **REQUIRED IMPROVEMENTS**

Every subdivision developer shall be required to grade and improve streets, and to install monuments, to install utilities, and a storm water management system in accordance with specifications established by the Hancock County Regional Planning Commission. Where specifications adopted by local authorities conflict with standards as set forth in these subdivision regulations, the higher set of standards, as determined by the planning commission, shall govern.

1. Monuments

a. Concrete monuments four (4) inches in diameter or square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monuments shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

b. All other corners and points shall be marked with iron pipe or solid steel rod not less than one-half (1/2) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

2. Grading

a. Preparation. Before grading is started, the entire right-of-way area shall be cleared of all trees, stumps, roots, brush and other objectionable materials.

b. Cuts. All tree stumps, boulders and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below subgrade.

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 six (6) inches loose and compacted by a sheepsfoot roller. Unless another method of preparation of the subgrade is approved by planning commission, the subgrade shall be constructed as specified in Section 23, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works, January 1, 1968, and latest revision thereto. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, and where water is used to assist compaction, the water content shall not exceed the optimum of moisture, or the trenches may be filled with a fine gravel such as "Pug Mill".

3. Storm Drainage

An adequate drainage system, including storm sewers with the necessary open ditches, pipes, culverts, drop inlets and bridges, shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to provide for the shoulders of the 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 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 road-bed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the road bed. Grassed swales shall be used in conjunction with the necessary culverts to assist in the removal of excess water.

4. Required Roadway Improvements

a. Base. A compacted base course six (6) inches deep and one and one-half (1-1/2) feet wider than the width of the pavement or curbs on each side of the street shall be installed on all streets, including cul-de-sacs, temporary turnarounds and access streets to adjoining properties, according to the method specified in Section 303 Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works, January 1, 1986) and latest revision thereto. Wetting of the stone before compaction may be done at a point of origin or on the job site at the option of the contractor. In all cases the center line of a roadway shall coincide with the center line of the right-of-way dedicated for such road or street. The Hancock County Highway Superintendent shall determine the size of the gravel based on the soil conditions on the project site.

b. Prime Coat. After a thoroughly compacted and groomed base has been established, a prime coat shall be applied as specified in Section 402, Standard Specifications for Road and Bridge Construction, (Tennessee Department of Highways and Public Works, January 1, 1960) and latest revision thereto.

c. Bituminous Pavement
After a thoroughly compacted base has been established, a two (2) inch bituminous base shall be applied. Bituminous plant mix base (hot mix) shall consist of asphalt cement AC-20 and aggregate conforming to Grading B Subsection 903.06 Tennessee Department of Highway Specifications.

d. Wearing Surface: The surface course shall consist of a course constructed with asphaltic concrete, prepared with mineral aggregate laid hot as specified under Section 411, Asphaltic Concrete Surface (hot mix) Grade E, mixed with sand. Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways, January 1, 1968) and latest revisions thereto. It shall be constructed in one layer not less than one (1) inch thickness.

Inspections:

Prior to the installation of the following: the base, prime coat, curbs, binder and surface coat, a twenty-four (24) hour notice shall be given to the County Road Superintendent for inspection and approval by his/her department

5. Installation of Utilities

After grading is completed and approved and before any base is applied, all of the underground work - water mains, gas mains, etc., and all service connections shall be installed completely and approved throughout the length of the road.

6. Water Supply System

Water mains properly connected with the community water supply system shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. The size of water mains and location of hydrants shall be approved by the planning commission upon the recommendation of the applicable inspection agencies, and shall conform to accepted standards of good practice for public water systems.

7. Individual Septic Systems

Where lots cannot be economically connected with a sewerage system, they must contain adequate area for the installation of approved subsurface drainage systems that must be approved in writing by the Tennessee Department of Environment and Conservation.

8. Street Name Signs

Appropriate street signs also add sales value to subdivisions and enable emergency services and delivery services, and even potential lot buyers to find their way around. Street names should appear at all intersections. Street signs must be installed by the developer, or money deposited with the road superintendent for the installation of the required signs.

C. PRIVATE ROAD STANDARDS

1. General Standards for private road subdivisions are as follows:

a. A road maintenance agreement (condominium agreement) must be drafted by a lawyer, licensed to practice law in Tennessee, to provide for road maintenance. The road maintenance agreement shall be put on record with the Registrar of Deeds. A minimum of twenty five percent of the lots must be conveyed before all privileges, powers, rights and authority in the restrictive covenants is transferred from the original party or parties to the homeowners association.

b. It must be noted on the plat that "It is the intent that these roads will always remain private and be maintained by the homeowners through their association, and that they will not become public county maintained roads."

c. Ditches must be stabilized, and drain tiles placed under the road per generally accepted standards. The drain tiles may extend five feet beyond the shoulder of the road and the banks must be stabilized with rip-rap or its equivalent.

2. Roadway Improvements For Small Lot Subdivisions: (Subdivisions with a minimum lot size of 20,000 square feet with 100 feet of road frontage per lot except for 50 feet on a cul-de-sac.)

a. Must meet all the requirements in these subdivision regulations for road improvements except that the maximum required road width is 16 feet, the maximum road grade is 20 percent, and the required road right of way is 50 feet.

3. Roadway Improvements For Medium Lot Subdivisions: (Subdivisions with a minimum lot size of one acre with 100 feet of road frontage per lot except for 50 feet on a cul-de-sac.)

a. Must meet all the requirements in these subdivision regulations for road improvements except that the wearing surface shall consist of a tar and chip bituminous mat of between 50 and 65 pounds per square yard of mineral aggregate bonded with bituminous material. It shall be constructed on a designated surface in accordance with Section 505, Standard Specifications for Road and Bridge Construction, (Tennessee Department of Highways and Public Works, January 1, 1968) and the latest revisions thereto.

b. Must meet all the other requirements of the subdivision regulations except that the maximum required road width is 16 feet, the maximum road grade is 20 percent, and the required road right of way is 50 feet.

c. The following statement must be added to the plat approved by the Planning Commission: "No further subdivision of lots without planning commission approval except for a minor change, correction, or clarification."

4. Roadway Improvements for Large Lot Subdivisions: (Subdivisions with a minimum lot size of one acre with an average lot size of two acres with 100 feet of road frontage per lot except for 50 feet on a cul-de-sac.)

a. Must meet all the requirements in these subdivision regulations for road improvements except that no paving is required, but the six inch compacted gravel base is required.

b. Must meet all the other requirements of the subdivision regulations except that the maximum required road width is 16 feet, the maximum road grade is 20 percent, and the required road right of way is 50 feet.

c. The following statement must be added to the plat approved by the Planning Commission: "No further subdivision of lots without planning commission approval except for a minor change, correction, or clarification."

5. Roadway Improvements For Subdivisions With Only Five Lots: (Subdivisions with only five lots with a minimum lot size of one acre with 100 feet of road frontage per lot except for 50 feet on a cul-de-sac.)

a. Must meet all the requirements of the subdivision regulations for plats and lots only. There are no road improvements required. The required road right of way is forty (40) feet.

b. The following statement must be added to the plat approved by the Planning Commission: "No further subdivision of lots without planning commission approval except for a minor change, correction, or clarification."

D. GUARANTEE IN LIEU OF COMPLETED IMPROVEMENTS

No subdivision plat shall be approved by the Hancock County Planning Commission until all required improvements have been constructed in a satisfactory manner and approved by the Planning Commission with such approval endorsed in writing on the plat by the secretary of the Planning Commission. The county register shall not receive, file or record a plat of a subdivision without the prior approval of the Planning Commission with such approval endorsed on the plat. In lieu of requiring the construction and completion of all improvements prior to final plat approval, the Planning Commission may, at its sole discretion, enter into a contract (see Appendix B for the required contract forms) with the subdivider to complete all required improvements. The required improvements, as set forth in the contract, shall be the construction plans approved by the Planning Commission, the requirements of the subdivision resolution, and any other improvements required by the Planning Commission. The contract shall also contain a time period within which all improvements shall be completed. The Planning Commission may accept in form and amount and with conditions, surety and security for the actual construction and installation of improvements by approving the use of one of the following forms of performance guarantees in a manner satisfactory to the Planning Commission.

1. Performance Bond Guarantee

The subdivider shall obtain and deposit with the Planning Commission a surety bond from a surety bonding company authorized to do business in the State of Tennessee. The executed Performance Bond Agreement (see Appendix B) shall be attached to the surety bond. These documents shall be

keep by the County Clerk of Hancock County. The bond shall be payable to the Planning Commission and shall be in an amount set at the sole discretion of the Planning Commission sufficient to cover the entire cost of the improvements. The bond shall have no termination date and may be terminated or released only by the Planning Commission upon full and satisfactory completion of all required improvements. The bond shall secure to the Planning Commission the actual construction and installation of all required improvements by subdivider within the period specified by the Planning Commission. Upon failure of the subdivider to complete the required improvements within the required time period, the surety bonding company shall pay over the bond proceeds to the Planning Commission for use in completing said improvements.

2. Cash on Deposit in Escrow Account

The subdivider shall deposit cash in escrow with the Hancock County Trustee or with a federally insured financial institution with an office in Hancock County. If the deposit is made with the Hancock County Trustee, no interest will be paid by Hancock County on the deposit. The deposit shall be in an amount set at the sole discretion of the Planning Commission sufficient to cover the entire cost of the improvements. The deposit shall have no termination date and may be terminated or released only by the Planning Commission upon full and satisfactory completion of all required improvements. The subdivider or, in the case of a deposit in escrow with a local financial institution, the subdivider and the financial institution shall sign and deliver to the Planning Commission the appropriate executed contract agreement Cash on Deposit in Escrow Account With The Hancock County Trustee or Cash on Deposit in Escrow Account With Financial Institution (see Appendix B). These contract agreements shall be keep by the County Clerk of Hancock County.

3. Irrevocable Letter of Credit

The subdivider shall provide from a federally insured financial institution licensed to do business in Tennessee with an office in Tennessee (Creditor), an irrevocable letter of credit pledging the availability of funds which may be drawn upon by the Planning Commission only. The subdivider and the financial institution shall execute the Irrevocable Letter Of Credit contract agreement (see Appendix B). This contract agreement form and attached letter of credit shall be deposited with the County Clerk of Hancock County and shall be in an amount set at the sole discretion of the Planning Commission sufficient to cover the entire cost of the improvements.

4. Time Limits

Prior to granting final plat approval, the subdivider and the Planning Commission shall agree upon a deadline for completion of all required improvements. Such deadline shall not exceed two years from the date of final plat approval. The deadline shall be set forth in the appropriate contract agreement form (see Appendix B). The deadline may be extended at the sole discretion of the Planning Commission for good cause shown. Any extension so granted shall be evidenced in writing and certified by the Secretary of the Planning Commission.

5. Forfeiture of Guarantee

If any portion of the required improvements shall fail to be accepted by the Planning Commission for dedication within the allocated time period, for reasons of incompleteness, substandard construction, or for any other reason, the Planning Commission shall draw funds from the performance guarantee provided by the subdivider for completion of the subdivision and the improvements thereto.

6. Reduction of Guarantee

In cases where required improvements have been partially completed, the amount of the performance guarantee may be reduced at the discretion of the County Highway Commissioner and the Planning Commission. The amount of the reduction is at the sole discretion of the Planning Commission. In no case, however, shall the Planning Commission reduce the performance guaranteed to less than fifteen-percent (15%) of the original amount until all work is complete.

7. Release of Guarantee

The Planning commission shall formally release the performance guarantee once all required improvements are installed, all signature blocks on the subdivision plat have been signed off on, and

all improvements have been approved by the County Highway commissioner and the Planning Commission.

ARTICLE V.
ENFORCEMENT AND PENALTIES FOR VIOLATIONS

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

A. Enforcement

1. No plat or plan of a subdivision of land into two or more lots located within the Hancock County Planning Region shall be recorded by the County Registrar of Deeds until said plat or plan has received final approval in writing by the planning commission or staff as provided in Section 13-3-402, Tennessee Code Annotated except for exemptions from the regulations verified by the planning commission. The exemptions are detailed in Article II, Section A, General, Number 1.
2. No board, public officer or authority shall light any road, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any road located within the planning region unless such road shall have been accepted, opened or otherwise received the legal status of a public road prior to the adoption of these regulations and lines to a road shown on a road plan made and adopted by the commission as provided in Section 13-306, Tennessee Code Annotated.

B. Penalties

1. No county registrar shall receive, file, or record a plat of a subdivision within the planning region without the approval of the planning commission or staff as required in Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, and any county registrar so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.
2. Sections 13-3-410 and 13-3-406, Tennessee Code Annotated provides that "Whoever being the owner or agent or 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 by this Act and before such plat be recorded in the office of the county registrar, 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 documents used in the process of selling or transferring shall not exempt the transaction from such penalties." In the case of the regional planning commission, section 13-3-410 provides that the county through its county attorney, or other official designated by the county commission may enjoin such transfer or sale or agreement by action or injunction.
3. Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the building commissioner or the solicitor of the municipality or another official designated by the chief legislative body and/or the county attorney or other official designated by the county commission may bring action to enjoin such erection or cause it to be vacated or removed as provided in section 13-3-411, Tennessee Code Annotated.

ARTICLE VI.
ADOPTION AND EFFECTIVE DATE

A. Before adoption of these subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the planning commission; thirty (30) days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in each county lying wholly or partly in the planning region.

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

Date adopted _____

Date effective _____

Signed: _____
Secretary, Hancock County Regional Planning Commission

APPENDIX A

FORMS FOR FINAL PLAT CERTIFICATIONS

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown here has been found to comply with the subdivision regulations for Hancock County, Tennessee, with the exception of such variances, if any, as are noted in the minutes of the planning commission and that it has been approved for recording in the office of the County Registrar.

_____, 20____

Secretary, Planning Commission

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks and other open space to public or private use as noted.

_____, 20____

Date

Owner

CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Hancock County Regional Planning Commission and that the monuments have been placed as shown hereon, to the specifications of the subdivision regulations.

_____, 20____

Date

Surveyor licensed by the State of Tennessee

CERTIFICATION OF THE APPROVAL OF STREETS

I hereby certify that streets have been installed in an acceptable manner and according to specifications.

_____, 20____

Date

Road superintendent or other designated person

CERTIFICATION OF THE APPROVAL FOR 911-ADDRESSING ASSIGNMENT

I hereby certify that the addresses, as noted on the final plat, are approved as assigned.

_____, 20____

Date

Hancock County E-911 Director or Authorized Representative

APPENDIX B

FORMS REQUIRED TO FINANCIALLY GUARANTEE SUBDIVISION IMPROVEMENTS

CASH ON DEPOSIT IN ESCROW ACCOUNT WITH FINANCIAL INSTITUTION

WHEREAS, _____, Principal herein, is the owner and developer of the _____, Subdivision located in Hancock County, Tennessee, and _____, is a local federally insured financial institution authorized to do business in Tennessee with an office in Hancock County, Tennessee (hereinafter "Financial Institution"), and

WHEREAS, the plans and specifications of said subdivision showing the location, construction and installation of streets, roads, sidewalks, curbs, utilities, and/or other improvements therein have been filed with the Hancock County Regional Planning Commission for final approval and are referred to and made a part of this instrument as if fully copied and set forth herein, and

WHEREAS, the Principal herein does hereby obligate itself and does agree to complete the construction and installation of all streets, roads, sidewalks, curbs, utilities, and all other improvements in the said subdivision in accordance with such plans and specifications and as required by Hancock County Planning Commission regulations.

NOW, THEREFORE, _____, as Principal, does hereby firmly bind itself, its heirs, executors, administrators and successors unto the Hancock County Regional Planning Commission and the State of Tennessee for and on behalf of Hancock County, Tennessee in the sum of _____ Dollars, (\$ _____) to secure the performance by the Principal of its undertaking herein and the completion of said _____ Subdivision and the construction of all streets, sidewalks, roads, curbs, utilities, and all other improvements therein called for by such plans, specifications and regulations, the same to be completed on or before the ____ day of _____, _____, and upon the timely completion thereof this obligation shall be null and void, otherwise to remain in full force and effect.

In order to secure this obligation, Principal has currently on deposit at Financial Institution in a separate and identifiable fund the above amount which Principal hereby pledges, in lieu of performance bond or other security, to secure its obligations hereunder. Financial Institution agrees to maintain said deposit as a separate account naming the Hancock County Regional Planning Commission and the State of Tennessee for and on behalf of Hancock County, Tennessee as sole beneficiaries and agrees that such deposit shall not be subject to removal, encumbrance or pledge by Principal or anyone, and that said funds shall be subject to removal solely and exclusively upon demand by the Hancock County Regional Planning Commission. Principal and Financial Institution unconditionally agree that in any event of Principal's failure or refusal to complete the construction of said subdivision and all improvements thereto in accordance with such plans, specifications and regulations, within the time herein specified, considering any approved extensions of time, the obligation of the Principal in the sum set forth above shall be immediately due and payable, and the Hancock County Regional Planning Commission by and through its duly elected Chairman may, without pursuing Principal, withdraw upon demand and Financial Institution shall pay, without defense, said funds from said account for use in completing said construction and improvements at no cost to itself, Hancock County or the State of Tennessee.

The Hancock County Regional Planning Commission may at its sole discretion for good cause shown extend the time period set forth above; however, said extension shall be evidenced in writing and certified by the Secretary of the Hancock County Regional Planning Commission. The parties do further agree that in no event shall this agreement expire nor shall it be revoked except by the written consent of the Hancock County Regional Planning Commission, by and through its duly elected Chairman.

WITNESS our hands this the _____, day of _____, 20____.

PRINCIPAL

FINANCIAL INSTITUTION

BY: _____

BY: _____

Title: _____

Title: _____

WITNESS: _____

WITNESS _____

I, _____, do hereby certify that _____
(Agent of the Financial Institution) (Name of Financial Institution)

is a local federally insured financial institution authorized to do business in the State of Tennessee, with an office in Hancock County, Tennessee, as of the date hereinabove.

(Agent of the Financial Institution)

APPENDIX B

FORMS REQUIRED TO FINANCIALLY GUARANTEE SUBDIVISION IMPROVEMENTS

CASH ON DEPOSIT IN ESCROW ACCOUNT WITH HANCOCK COUNTY

WHEREAS, _____, Principal herein, is the owner and developer of the _____
_____, Subdivision, located in Hancock County, Tennessee, and

WHEREAS, the plans and specifications of said subdivision showing the location, construction and installation of streets, roads, sidewalks, curbs, utilities, and/or other improvements therein have been filed with the Hancock County Regional Planning Commission for final approval and are referred to and made a part of this instrument as if fully copied and set forth herein, and

WHEREAS, the Principal herein does hereby obligate itself and does agree to complete the construction and installation of all streets, roads, sidewalks, curbs, utilities, and all other improvements in the said subdivision in accordance with such plans and specifications and as required by Hancock County Planning Commission regulations.

NOW, THEREFORE, _____, as Principal, does hereby firmly bind itself, its heirs, executors, administrators, and successors unto the Hancock County Regional Planning Commission and the State of Tennessee for and on behalf of Hancock County, Tennessee in the sum of _____, Dollars, (\$ _____) to secure the performance by the Principal of its undertaking herein and the completion of said _____ Subdivision and the construction of all streets, sidewalks, roads, curbs, utilities, and all other improvements therein called for by such plans, specifications and regulations, the same to be completed on or before the _____ day of _____ and upon the timely completion thereof this obligation shall be null and void, otherwise to remain in full force and effect.

In order to secure this obligation, Principal has currently on deposit with Hancock County Trustee, in a separate and identifiable fund, the above amount which Principal hereby pledges, in lieu of performance bond or other security, to secure its obligations hereunder. Hancock County Trustee agrees to maintain said deposit as a separate account naming the Hancock County Regional Planning Commission and the State of Tennessee for and on behalf of Hancock County, Tennessee as sole beneficiaries and agrees that such deposit shall not be subject to removal, encumbrance or pledge by Principal or anyone, and that said funds shall be subject to removal solely and exclusively upon demand by the Hancock County Regional Planning Commission. No interest shall be paid on such deposit. Principal unconditionally agrees that in any event of Principal's failure or refusal to complete the construction of said subdivision and all improvements thereto in accordance with such plans, specifications and regulations, within the time herein specified, considering any approved extensions of time, the obligation of the Principal in the sum set forth above shall be immediately due and payable, and the Hancock County Regional Planning Commission by and through its duly elected Chairman may without pursuing Principal withdraw upon demand said funds from said deposit for use in completing said construction and improvements at no cost to itself, Hancock County or the State of Tennessee.

The Hancock County Regional Planning Commission may at its sole discretion for good cause shown extend the time period set forth above; however, said extension shall be evidenced in writing and certified by the Secretary of the Hancock County Regional Planning Commission. The parties do further agree that in no event shall this agreement expire nor shall it be revoked except by the written consent of the Hancock County Regional Planning Commission, by and through its duly elected Chairman.

WITNESS our hands this the _____, day of _____, 20____.

PRINCIPAL

HANCOCK COUNTY TRUSTEE

BY: _____

BY: _____

Title: _____

Title: _____

WITNESS: _____

WITNESS _____

APPENDIX B

FORMS REQUIRED TO FINANCIALLY GUARANTEE SUBDIVISION IMPROVEMENTS

IRREVOCABLE LETTER OF CREDIT

WHEREAS, _____, Principal herein, is the owner and developer of the _____ Subdivision located in Hancock County, Tennessee, and _____ is a local federally insured financial institution authorized to do business in the State of Tennessee with an office in Tennessee (hereinafter “Financial Institution”), and

WHEREAS, the plans and specifications of said subdivision showing the location, construction and installation of streets, roads, sidewalks, curbs, utilities, and/or other improvements therein have been filed with the Hancock County Regional Planning Commission for final approval and are referred to and made a part of this instrument as if fully copied and set forth herein, and

WHEREAS, the Principal herein does hereby obligate itself and does agree to complete the construction and installation of all streets, roads, sidewalks, curbs, utilities, and all other improvements in the said subdivision in accordance with such plans and specifications and as required by Hancock County Planning Commission regulations.

NOW, THEREFORE, _____, as Principal, does hereby firmly bind itself, its heirs, executors, administrators and successors unto the Hancock County Regional Planning Commission and the State of Tennessee for and on behalf of Hancock County, Tennessee in the sum of _____ Dollars, (\$ _____) to secure the performance by the Principal of its undertaking herein and the completion of said _____ Subdivision and the construction of all streets, sidewalks, roads, curbs, utilities, and all other improvements therein called for by such plans, specifications and regulations, the same to be completed on or before the _____ day of _____, _____, and upon the timely completion thereof of this obligation shall be null and void, otherwise to remain in full force and effect.

In order to secure this obligation, Principal has obtained an Irrevocable Letter of Credit, attached hereto, issued by Financial Institution obligating Financial Institution to upon demand by the Hancock County Regional Planning Commission honor and pay funds in the amount set forth above to the Hancock County Regional Planning Commission and the State of Tennessee for and on behalf of Hancock County, Tennessee as sole beneficiaries. Principal and Financial Institution unconditionally agree that in any event of Principal’s failure or refusal to complete the construction of said subdivision and all improvements thereto in accordance with such plans, specifications and regulations, within the time herein specified, considering any approved extensions of time, the obligation of the Principal in the sum set forth above shall be immediately due and payable, and the Hancock County Regional Planning Commission by and through its duly elected Chairman may without pursuing Principal withdraw upon demand and Financial Institution shall honor such demand and pay without defense said funds for use in completing said construction and improvements at no cost or obligation to itself, Hancock County or the State of Tennessee. Wherein this agreement shall differ with the attached Letter of Credit, this agreement shall control.

The Hancock County Regional Planning Commission may at its sole discretion for good cause shown, extend the time period set forth above; however, said extension shall be evidenced in writing and certified by the Secretary of the Hancock County Regional Planning Commission. The parties do further agree that in no event shall this agreement or Letter of Credit expire nor shall it be revoked except by the written consent of the Hancock County Regional Planning Commission, by and through its duly elected Chairman.

WITNESS our hands this the _____, day of _____, 20_____.

PRINCIPAL

FINANCIAL INSTITUTION

BY: _____

BY: _____

Title: _____

Title: _____

WITNESS: _____

WITNESS _____

I, _____, do hereby certify that _____
(Agent of the Financial Institution) (Name of Financial Institution)

is a local federally insured financial institution authorized to do business in the State of Tennessee, with an office in Tennessee, as of the date hereinabove.

(Agent of the Financial Institution)

APPENDIX B

FORMS REQUIRED TO FINANCIALLY GUARANTEE SUBDIVISION IMPROVEMENTS

PERFORMANCE BOND AGREEMENT

WHEREAS, _____, Principal herein, is the owner and developer of the _____
_____ Subdivision located in Hancock County, Tennessee, and _____
_____ a surety company authorized to do business in the State of Tennessee (hereinafter "Surety"), and

WHEREAS, the plans and specifications of said subdivision showing the location, construction and installation of streets, roads, sidewalks, curbs, utilities, and/or other improvements therein have been filed with the Hancock County Regional Planning Commission for final approval and are referred to and made a part of this instrument as if fully copied and set forth herein, and

WHEREAS, the Principal herein does hereby obligate itself and does agree to complete the construction and installation of all streets, roads, sidewalks, curbs, utilities, and all other improvements in the said subdivision in accordance with such plans and specifications and as required by Hancock County Planning Commission regulations.

NOW, THEREFORE, _____, as Principal, and _____
_____, as Surety, do hereby firmly bind ourselves, our heirs, executors, administrators and successors unto the Hancock County Regional Planning Commission and the State of Tennessee for and on behalf of Hancock County, Tennessee in the sum of _____, Dollars,
(\$ _____) to secure the performance by the Principal of its undertaking herein and the completion of said _____
_____ Subdivision and the construction of all streets, sidewalks, roads, curbs, utilities, and all other improvements therein called for by such plans, specifications and regulations, the same to be completed on or before the _____ day of _____, _____, and upon the timely completion thereof of this obligation shall be null and void, otherwise to remain in full force and effect.

In order to secure this obligation, Principal has obtained a surety bond, attached hereto, issued by Surety in the amount set forth above made payable to the Hancock County Regional Planning Commission and the State of Tennessee for and on behalf of Hancock County, Tennessee as sole beneficiaries. Principal and Surety unconditionally agree that in any event of Principal's failure or refusal to complete the construction of said subdivision and all improvements thereto in accordance with such plans, specifications and regulations, within the time herein specified, considering any approved extensions of time, the obligation of the Principal and Surety in the sum set forth above shall be immediately due and payable, and Surety, hereby waiving any requirement that Principal first be pursued, shall upon demand by the Hancock County Regional Planning Commission pay over without defense the bond proceeds to the Hancock County Regional Planning Commission for use in completing said construction and improvements at no cost to the Hancock County Regional Planning Commission, Hancock County, Tennessee or the State of Tennessee. Wherein this agreement shall differ with the attached surety bond, this agreement shall control.

The Hancock County Regional Planning Commission may at its sole discretion for good cause shown, extend the time period set forth above; however, said extension shall be evidenced in writing and certified by the Hancock County Regional Planning Commission. The parties do further agree that in no event shall this Bond or Agreement expire nor shall it be revoked except by the written consent of the Hancock County Regional Planning Commission, by and through its duly elected Chairman.

WITNESS our hands this the _____, day of _____, 20____.

PRINCIPAL

SURETY

BY: _____

BY: _____

Title: _____

Title: _____

WITNESS: _____

WITNESS _____

I, _____, do hereby certify that _____
(Agent of the Surety Company) (Name of Surety Company)

is authorized to do business in the State of Tennessee, as of the date hereinabove.

(Agent of the Surety Company)

