

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE TEXT OF THE STANTON
MUNICIPAL ZONING ORDINANCE TO CHANGE SITE PLAN REVIEW
STANDARDS WITH REQUIRED PUBLIC AND PRIVATE
IMPROVEMENTS AND SURETY FOR THESE IMPROVEMENTS**

WHEREAS, pursuant to Tennessee Code Annotated, Sections 13-7-201 and 13-7-202, a Zoning Ordinance and Map have been adopted by the Town of Stanton, Tennessee; and,

WHEREAS, the Stanton Planning Commission has recommended that the following described amendments be made in the text of the adopted Zoning Ordinance; and,

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, prosperity, morals and general welfare of the Town to amend said Ordinance; and,

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Stanton, Tennessee that the text of the Stanton Municipal Zoning Ordinance be amended as follows:

SECTION 1. That CHAPTER 5. PROVISIONS GOVERNING BUSINESS DISTRICTS, 11-501 B-1 (CENTRAL BUSINESS DISTRICT), G. Site Plan Review; 11-502. B-2 (HIGHWAY BUSINESS) DISTRICT, F. Site Plan Review; 11-503; B-3 (Impact Business) Districts, O. Procedure and Requirements for a Site Plan; 11-504, B-4 (BUSINESS RESIDENTIAL) DISTRICT be amended to read as follows with the appropriate letter in sequence: “Site Plan Review in Accordance with CHAPTER 10, PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW”

SECTION 2. That CHAPTER 6. PROVISIONS GOVERNING INDUSTRIAL DISTRICTS be amended to add the following with the appropriate letter in sequence:

“Site Plan Review in Accordance with CHAPTER 10, PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW”

SECTION 3. That CHAPTER 10, PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW be amended as follows:

11-1001. PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW

Before a building permit is issued for any permitted use or Use Permitted on Appeal listed, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. Zoning certificates of occupancy when parking, handicapped parking, loading, or utilities improvements are required and shall be referred to the Planning Commission for site plan approval. The Planning

Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area, compatibility of the proposed use with existing nearby uses, as well as for the purposes of traffic circulation, emergency access, utility access maintenance, and repair, or refuse collection in relation to the proposed use or adjacent uses.

The provision of well-designed and properly constructed infrastructure within such development is vital to the health, safety and welfare of the public utilizing said development and the community as a whole. These types of developments typically contain infrastructure that may be dedicated to a governmental entity or may be controlled by other types of bodies or nongovernmental entities including, but not limited to, property owner associations. These infrastructure and internal development improvements such as, but not limited to, public and nonpublic roads, water and sewer lines, landscaping, green space, sustainable design features and other improvements as required by the Planning Commission, either through its subdivision regulation or through the local government's zoning ordinance, shall be subject to bonding or other methods of guaranteeing their installation. The Planning Commission may set and hold these guaranteeing instruments or may designate to another governmental body that duty and function as per Tennessee Code Annotated 13-4-310.

- A. Site Plan Submission and Review. Site plan review is required under three (3) instances by the Zoning Ordinance. These instances include:

Review and approval by the Building Inspector or Mayor's designee prior to the issuance of a building permit.

Review and approval by the Stanton Board of Zoning Appeals prior to the approval of a permitted Use Permitted on Appeal.

Review and approval by the Stanton Planning Commission

1. Building Inspector or Mayor's Designee Review

- (a) In instances of review by the Building Inspector or Mayor's designee prior to the issuance of a building permit the following procedure shall apply.

- (1) Prior to the issuance of a building permit, a site plan shall be submitted to the Building Inspector. The site plan for single-family dwellings shall be reviewed for compliance with the provisions of this section and approved or disapproved. In the instance of

disapproval, reasons for such disapproval shall be stated in writing.

2. Review Procedure

- (a) In instances of a review by the Stanton Planning Commission or Board of Zoning Appeals as specified by the Stanton Zoning Ordinance, the following procedure shall apply:
 - (1) The owner or developer shall submit four (4) copies of the proposed site plan to the Town Hall at least fifteen (15) days prior to the regular meeting date of the Planning Commission or Board of Zoning Appeals, whichever is applicable. The site plan shall be reviewed considering the provisions of this Ordinance and the appropriate district regulations and approved or disapproved. The plans then shall be returned to the owner or agent with the date of such approval or disapproval noted thereon over the signature of the Secretary of the Planning Commission or Chairman of the Board of Zoning Appeals, whichever is applicable. At least one copy of the submission shall be emailed to the Town Hall in a PDF (Portable Document Format) or other format as may be required by the Planning Commission.
 - (2) Prior to the regular Planning Commission or Board of Zoning Appeals meeting, whichever is applicable, copies of the proposed site plan will be distributed by the Building Inspector or Mayor's Designee to other affected Town departments and the planning staff to review and approve those areas under their responsibility. A coordinated staff position will be developed for submission to the Planning Commission or Board of Zoning Appeals, whichever is applicable. The owner, developer, or agent will be invited to attend the meeting.
 - (3) In the instance of disapproval, reasons for such disapproval shall be stated in writing.
 - (4) Expiration of Approval and Renewal - A site plan approved by the Planning Commission or the Board of Zoning Appeals shall lapse unless a building

permit, based thereon, is issued within three (3) years from the date of such approval unless an extension of time is applied for and granted by the appropriate approving body unless otherwise specified by law.

B. Contents of the Site Plan for a Single Family and a Two-Family Development

Construction of Single-Family and Two-Family Dwellings. In instances where the proposed construction is an individual Single-Family Dwelling or Two-Family Dwelling, the site plan shall include the following:

1. All property lines and their surveyed distances and courses, Tax Map and deed references.
2. All building restriction lines, setback lines, easements, covenants, reservations and rights-of-way.
3. Total land area.
4. Present zoning of site and abutting properties.
5. Name, address of owner of record and applicant.
6. Provisions for utilities, water, sewer, etc
7. Location and dimensions of the existing and proposed structures.

C. Contents of the Site Plan for Multifamily, Apartments, Townhouses, Commercial, Non-Residential, Industrial Development, and other Uses

1. The site plan shall show the following and be at a scale between 1" = 10' and 1" = 50'.):
 - (a) Name of development, address, and proposed use
 - (b) Name and address of owner of record and the applicant
 - (c) Present zoning of the site and abutting property along with references to deeds, recorded subdivisions of these adjoining properties
 - (d) Date, graphic scale, and north point with reference to source of meridian
 - (e) Courses and distances of center of all streets and all property lines
 - (f) All building restriction lines, setback lines, easements, covenants, reservations and rights-of-way as well as status whether public or private with source references.
 - (g) The total land area
 - (h) Certification as to the accuracy of the plan by a licensed surveyor, engineer, or architect.

2. The Site Plan shall show the location of the following when existing:
 - (a) Sidewalks, streets, alleys, easements and utilities
 - (b) Building and structures
 - (c) Public sewer systems
 - (d) Slopes, terraces and retaining walls
 - (e) Driveways, entrances, exits, parking areas and sidewalks
 - (f) Water mains and fire hydrants
 - (g) Trees and shrubs
 - (h) Recreational areas and swimming pools
 - (i) Natural and artificial water courses
 - (j) Limits of floodplains with references to current Flood Insurance Rate Map
 - (k) Distances from the closest corner of proposed sites to all existing wellheads, elevated water storage tanks, sewer lagoons, sewer facilities except septic, underground storage tanks, and wetlands on or within five hundred (500) feet on any adjacent properties
3. The Site Plan shall show the location, dimensions, width, and height of the following when proposed.
 - (a) Sidewalks, streets, alleys, easements, and utilities
 - (b) Buildings and structures including the front street elevation of proposed buildings if the buildings exceed one story in height
 - (c) Public sewer systems
 - (d) Slopes, terraces, and retaining walls
 - (e) Driveways, entrances, exits, parking areas, and sidewalks
 - (f) Water mains and fire hydrants
 - (g) Trees and shrubs
 - (h) Recreational areas
 - (i) Distances between buildings
 - (j) Estimates of the following when applicable:
 - (1) Number of dwelling units or other
 - (2) Number of parking spaces
 - (3) Number of loading spaces
 - (k) Plans for Collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any
 - (l) Existing ground elevations and proposed grading at one foot contour intervals), surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures

- (m) In instances where common parking, easements, entrance and egress, are proposed, or other features or requirements imposed by the Town of Stanton are shared in the development or use of any properties, such shared or common features shall be shown on the required site plan and shall be included in restrictive covenants and included with such site plan
- (n) Proposed dumpster pad
- (o) Show sufficient detail to indicate compliance with accessibility standards

4. Certificates on the site plan will include the following:

- (a) The following certificates are required on the Site Plan and Stamped by the appropriate professional (See Appendix);
 - (1) Certificate of ownership and dedication
 - (2) Mortgagee certificate, if applicable
 - (3) Certificate of survey
 - (4) Review of water, sewer and drainage systems plans (unless available)
 - (5) Review of availability of water and sewer
 - (6) Certificate of adequacy of storm drainage if applicable
 - (7) Certificate of accuracy of engineering and design, if applicable
 - (8) Certificate of receipt of approved water and sewage systems plans if applicable
 - (9) Review of the availability of access to a public street
 - (10) Certificate of review of availability of natural gas
 - (11) Certificate of review of availability of electricity
 - (12) Certificate of review by Stanton fire chief
 - (13) Planning commissions certificate of approval of the site plan

5. The certification required of the owner and trustee of the mortgage shall serve as the commitment by the owner that the site will be developed as shown on the approved Site Plan. Upon such certification by the owner, the approved Site Plan shall be (filed) by the Building Inspector or Mayor's Designee in the Town Hall and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector or Mayor's Designee notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct the variations to be corrected within a specified period. If, after proper notice by the Building inspector, the owner has not complied with

the provisions of approved Site Plan, the Building Inspector or Mayor's Designee shall have the authority to cite the owner to the appropriate Court of competent jurisdiction for violation of this Ordinance.

11-1002. Required Public and Private Improvements and Surety for these Improvements

- A. Necessary action shall be taken by the developer to extend a water supply system capable of providing water use and fire protection. The applicant shall install adequate water facilities, including fire hydrants, subject to construction and material specifications, approval of the Planning Commission, the Tennessee Department of Environment and Conservation and these regulations. Water mains shall not be less than six (6) inches in diameter. Fire hydrants shall be required to be located no more than five hundred (500) feet apart. However, the Planning Commission may require closer spacing where physical conditions or types of structures so warrant. All underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of parking areas.
- B. The minimum size of a public sewer line shall be eight (8) inches in diameter for gravity lines and six (6) inches in diameter for forced lines unless approved by the Town of Stanton in accordance with Town ordinances and/or policies. Existing utility needs and facilities may require additional upgrades
- C. Parking areas, loading areas, screening, buffering, and landscaping shall be designed in accordance with the provisions of this Zoning Ordinance or other municipal ordinances.
- D. Turn-lanes, Public Street, Private Street, Public/Private Access easement improvements shall be required along such adjacent facilities. The Planning Commission may require the dedication of such facilities to an appropriate governmental authority. Such dedication shall not be deemed acceptance. The Major Road Plan adopted by the Planning Commission, pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, the general location, character and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways. Turn lanes of ample width, length, and design shall be implemented along any designated Arterial and Collector Streets as guided by the appropriate Major Road Plan or other component of a Plan as described in Tennessee Code Annotated Title 13. Access control along any designated Arterials may be stipulated. Turn lanes may be required along other streets as warranted by site or other existing conditions. Drains, medians, and

street signage improvements or installation may be required in existing rights-of-way.

- E. Curbs and gutters will be required adjacent to public or private streets or along proposed driveways either permanent integral type six-inch (6") concrete curbs with twenty-four inch (24") gutters when there is an existing curb and gutter system in place; standard rolled type concrete curbs and gutters; or other construction approved by the Planning Commission.
- F. Sidewalks will be required as per the Stanton Master Plan and any accompanying plans. When constructed these shall be located in the street right-of-way with the outside edge coinciding with the right-of-way line or across a proposed parking lot. All sidewalks shall have a main slab of not less than four (4) inches in thickness. For proper drainage all sidewalks shall have one- and one-half percent (1-1.5%) slope towards the adjacent street. Sidewalks shall have a minimum width of five (5) feet. Alignment with existing public or private facilities may be required.
- G. Handicap ramps shall be installed at all crosswalks and street intersections so as to make the transition from street or parking area to sidewalk easily negotiable for physically handicapped persons in wheelchairs and for others who may have difficulty in making the step up or down from curb level to street level. All sidewalks, curbs, gutters, handicap ramps and driveway aprons shall be constructed of high-quality durable Portland cement concrete. The concrete shall be ready-mixed, air entrained, 4000 lb. concrete. All concrete shall be placed, cured, and tested in accordance with the Local Government Public Works Standards and Specifications, Americans with Disabilities Act compliant as described in Public Right-of-Way Accessibility Guidelines (PROWAG)
- H. Stormwater drainage for a proposed development, except in rare occurrences, has the effect of increasing net and peak run-offs. Adequate drainage should provide for these increases. All catch basin grates shall be installed at binder surface grade until surface mix to be installed. At the time of surface mix installation, all grates must be reset to avoid water flooding into downstream drainage systems. The developer shall be prepared to substantiate the basis for any method of drainage prepared by the appropriate licensed professional. The drainage network shall consist of a wide variety of drainage appurtenances ranging from inlets, manholes, street gutters, existing roadside ditches, and swales to small channels or pipes and stormwater detention/retention facilities, improvements. This system serves to collect the initial stormwater runoff and convey this runoff to properly and professionally designed facilities. Retention and detention ponds shall be designed to limit the rate of runoff from the site and temporarily store the excess volume. The maximum allowable rate of discharge from the developed site shall be no more than would have occurred from a storm of specified frequency prior to site development.

Runoff from the discharge design storm shall be computed for pre-development conditions at the site. The volume of any required or necessary stormwater detention facility shall be sufficient to safely store the difference between the allowable discharge rates produced by the actual runoff from the developed site. The actual runoff under post-development conditions shall be computed based on a design frequency for a 24-hour duration storm, which varies in accordance with the drainage area above the point of discharge. Detention facilities must be designed to safely detain and then discharge the runoff produced by the 10-year-24-hour storm under post-development conditions based on the Soil Conservation Service hydrologic method. A minimum of one foot of freeboard shall be maintained in the detention facility in the 10-year storm event.)

- I. No building permit or zoning certificate of occupancy shall be issued based on a site plan approved by the Planning Commission until one of the following conditions has been met in addition to the approval of a Site Plan Contract by the Board of Mayor and Alderman:
 - a. Installation of Required Improvements: All required improvements have been constructed in a satisfactory manner and approved by the appropriate governmental representative.
 - b. Security Bond or Other Approved Collateral: The Planning Commission has accepted a security bond, or other approved collateral, in an amount equal to the estimated cost of installation of the required improvements (with consideration given for such factors as inflation and the time of completion), whereby improvements may be made and utilities installed.
 - c. Release or Reduction of Surety Instrument or Performance Bond: The Planning Commission shall not recommend dedication of required public improvements nor shall the Planning Commission release nor reduce a Surety Instrument or Performance Bond until the appropriate governmental representative states or submits a letter stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Planning Commission and the appropriate governmental representative that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the site. Upon such approval and recommendation, the governing body or private entity responsible for maintenance, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in the Zoning Ordinance, municipal standards, or appropriate utility standards, state or federal codes, or after appropriate technical references such as Local Government Public Works Standards and Specifications.

SECTION 4. That the text of the Stanton Municipal Zoning Ordinance be amended by adding the following as the Appendix:

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We), _____, hereby certify that I am (we are) the owner(s) of the property shown and described hereon as recorded in Deed Book _____ Page _____ in the Office of the Register of Deeds, Haywood County, Tennessee and that I (we) adopt this site plan with my (our) free consent, establish the minimum building restriction lines, and dedicate the streets, easements, rights-of-way, rights of access and all areas of public and private use as noted and hereby certify that I am (we are) the owner(s) in fee simple, duly authorized so to act, and that said property is unencumbered by any taxes that have become due and payable.

_____, 20____
Date

Owner

Title (if a partnership or corporation)

CERTIFICATE OF SURVEY

I, _____, do hereby certify that I am a Registered Land Surveyor and that I have surveyed the lands, embraced within the plat or map designated as _____, a subdivision lying within the corporate limits of Stanton, Tennessee; said plat or map is a true and correct plat or map of the lands embraced therein, showing the property thereof in accordance with the Subdivision Regulations of Stanton, Tennessee. I further certify that the survey of the lands embraced within said plat or map have been correctly monumented in accordance with the Subdivision Regulations of the Town of Stanton, Tennessee.

In witness thereof, I, _____, the said Registered Land Surveyor, hereunto set out my hand and affix my seal this _____ day of _____, 20____.

Registered Land Surveyor
State of Tennessee
Certificate No. _____

CERTIFICATION OF COMMON AREAS DEDICATION

I, _____, the property owner, in recording this plat have designated certain areas of land shown hereon as common areas intended for use by the homeowners within subdivision for recreation and related activities. The above described areas are not dedicated for use by the general public, but are dedicated to the common use of the homeowners within the named subdivision. "Declaration of Covenants and Restrictions," applicable to the above named subdivision, is hereby incorporated and made a part of this plat.

_____, 20____

Date

Property Owner

REVIEW OF AVAILABILITY OF UTILITY SERVICES

I, _____, do hereby certify that I have reviewed the proposed Site Plan and certify that electric, gas, public water, public sewer, and serviceable fire hydrants are available.

_____, 20____

Date

Public Works Director
Town of Stanton

REVIEW OF AVAILABILITY OF ACCESS TO A PUBLIC STREET

I, _____, do hereby certify that I have reviewed the proposed Site Plan and certify that all lots have access to an adopted public way.

_____, 20____

Date

Public Works Director
Town of Stanton

REVIEW OF WATER, SEWER AND DRAINAGE SYSTEMS PLANS

I, _____, do hereby certify that the water, sewer and drainage systems identified on the plat for this property meet the requirements of the Zoning Ordinance and Technical Specifications of the Town of Stanton and/or a sufficient bond or other surety has been filed to guarantee said installation.

_____, 20____

Date

City Engineer
Town of Stanton

CERTIFICATE OF ADEQUACY OF STORM WATER DRAINAGE

I, _____, do hereby certify that I am a Professional Civil Engineer, and that I have designed all storm water drainage for this site plan in accordance with the Town of Stanton Zoning Ordinance to assure that, in my professional opinion, neither said property nor the adjoining properties will be damaged.

In witness hereunto, I _____, the said Professional Civil Engineer, set out my hand and affix my seal this day of _____ day of _____, 20____.

Professional Civil Engineer
State of Tennessee
Certificate No. _____

CERTIFICATE OF ACCURACY OF ENGINEERING AND DESIGN

I, _____, a professional Civil Engineer, do hereby certify that the plans, engineering and designs governing the construction of this site plan are true and correct, and conform to the requirements set forth in the Zoning Ordinance and Technical Specifications of the Town of Stanton.

In witness where of, I, _____, the said professional Civil Engineer, hereunto set out my hand and affix my seal this _____ day of _____, 20____.

Professional Civil Engineer
State of Tennessee
Certificate No. _____

CERTIFICATE OF RECEIPT OF APPROVED WATER AND SEWAGE SYSTEMS PLANS

I, _____, do hereby certify that a set of construction plans dated _____ submitted by the developer regarding the water supply and/or sanitary sewers for this property bearing the seal of the Tennessee Department of Environment and Conservation which indicates said plans meet the Department's requirements, have been received.

_____, 20____
Date

City Engineer
Town of Stanton

CERTIFICATE OF APPROVAL OF PUBLIC WAYS FOR BOND POSTING

I hereby certify: (1) that all designated public ways on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the Town of Stanton's Subdivision Regulations, or (2) that a performance bond or other surety has been posted with the Planning Commission to guarantee completion of all required improvements in case of default.

_____, 20____
Date

City Engineer
Town of Stanton

REVIEW OF STREETS

I, _____, do hereby certify that: (1) that the streets and drainage facilities have been installed in an acceptable manner and according to technical specifications, or (2) that a surety instrument has been provided to the Planning Commission which would assure completion of all required improvements for this property, in case of default.

_____, 20____
Date

City Engineer
Town of Stanton

REVIEW OF NATURAL GAS

I hereby certify: (1) that the natural gas facilities have been installed in an acceptable manner and according to the technical specifications, or (2) that a surety instrument has been provided to the Planning Commission which would assure completion of all required improvements for this property, in case of default.

_____, _____
Date

Brownsville Energy Authority
Gas Superintendent

CERTIFICATE OF APPROVAL OF THE SITE PLAN

I, _____, do hereby certify that the Town of Stanton's Planning Commission approves the site plan, with the exception of any variances as noted in the commission's minutes, and approve this plat for recording by the Haywood County Register of Deeds.

_____, 20____
Date

Secretary, Planning Commission
Town of Stanton

Section 5. BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately after its final reading upon annexation, the public welfare so requiring it.

Passed on 1st Reading: April 18, 2025

Public Hearing: _____

Passed on 2nd Reading: _____

NORMAN BAUER, JR, Mayor

Attested:

TWILLA MOSS, Town Recorder