



MUNICIPAL PLANNING COMMISSION

**SUBDIVISION
REGULATIONS**

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ARTICLE I

GENERAL PROVISIONS

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 respects. It is therefore to 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 standards guiding the Planning Commission are designed to secure a coordinated layout with adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewer, and other sanitary facilities and services; to promote a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

The following regulations set forth the minimum standards to be adhered to by developers of lands for residential, commercial, and industrial uses, and to provide a guide for the Planning Commission and other town officials exercising their duties pertaining to the review, approval and administration of land subdivision development within the jurisdiction of the Town of Stanton.

B. AUTHORITY

These subdivision regulations and the procedures and standards set forth herein are adopted by the Stanton Municipal Planning Commission under authority granted by Tennessee Code Annotated Sections 13-4-301 through 13-4-310. The Planning Commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such standards, having filed a certified copy of the Major Road Plan in the office of the Registrar of Haywood County, Tennessee.

C. JURISDICTION

These regulations shall govern all subdivision of land within the corporate limits of Stanton, Tennessee. Within these regulations the term "subdivision" shall mean the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. As used herein, "utility construction" does not include the

mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains.

Any owner of land within this area wishing to subdivide land shall submit to the Town of Stanton an application for subdivision according to the procedures outlined in Article II, which submittal shall conform to the minimum requirements as set forth in Article III. A copy of the certified deed shall be presented with the application for subdivision. In instances where the subdivider is not the owner a letter from the owner authorizing the subdivider to act on the owner's behalf shall be presented. Improvements shall be installed as required by Article IV of these regulations.

D. POLICY

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

E. TECHNICAL SPECIFICATIONS INCLUDED AS PART OF THE REGULATIONS

The "Local Government Public Works Standards and Specifications" by the Municipal Technical Advisory Service of the University of Tennessee as amended is hereby adopted as the Technical Specifications of the Town of Stanton.

F. BASIC DEFINITIONS AND INTERPRETATIONS

Except as specifically defined herein all words used in these regulations have their customary dictionary definitions where not inconsistent with the context.

For the purposes of these regulations and in order to carry out the provisions and intentions as set forth herein certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense include the future tenses; words in the singular number include the plural, and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as

well as an individual; the word "lot" includes the word plot or parcel; the word building: "structure"; and the terms "shall" and "will" are always mandatory and not directory; and the word "may" is permissive.

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations.

Arterial. Major highways.

Applicant - The owner of land proposed to be subdivided or his authorized representative. Consent shall be required from the legal owner of the premises(s). (also means a landowner or developer who is responsible for filing with the local government an application for a building permit, a development plan or application for a permit requisite to a development plan, or the representatives, assigns, successors, transferees, heirs or agents of such landowner or developer)

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Planning Commission. All bonds shall be approved by the Planning Commission whenever a bond is required by these regulations.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, or movable property of any kind, and includes any structure.

Building Setback Line. A line in the interior of a lot which is generally parallel to, and a specified distance from, the street right-of-way and the lot line or lines; which creates a space between such lines in which no building shall be placed.

Buildable Area of a Lot. That portion of a lot bounded by the required rear and side yards and the building setback line.

Collector. Streets that carry traffic from local streets to the major system of arterial streets.

Cul-de-sac. Permanent dead-end streets with a turnaround provided at the dead-end.

Dedication. The setting aside of land and/or improvements for a particular use.

Master Design Plan. A map of a proposed subdivision showing the lot sizes, and layout, location and sizes of streets and used as an aid in discussing the design of the proposed subdivision.

Developer. An individual, partnership, corporation, or other legal entity or agent thereof which undertakes the activities covered by these regulations. In as much as the subdivision plan drawings are merely a necessary means to the end of assuring satisfactory development, the term "developer" includes "subdivider", "owner" or "builder" even though the persons and their precise interests may vary at different project stages.

Development Contract. A formal agreement between the Town of Stanton and a development group or entity that outlines the guidelines of development, define the performance of the obligations of the developer, establishes timeframes for the completion of all on-site and off-site improvements for the proposed subdivision of the subject property. This instrument shall be signed and recorded prior to the commencement of any construction for the development.

Development plan both a preliminary development plan and a final development plan

Development standards all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, including, but not limited to, planning; local storm water requirements, layout, design; local construction standards for buildings, streets, alleys, curbs, sidewalks; zoning as provided for in Tennessee Code Annotated such as lot size; lot configuration; yard dimensions; and off-site improvements, including public or private infrastructure, in which an applicant may acquire vested rights or vested property rights according to Tennessee Code Annotated ; and Does not include standards required by federal or state law; or building construction safety standards which are adopted pursuant to authority granted under Tennessee Code Annotated § 68-120-101;

Easement. The right to use another person's property but only for a limited and specifically named purpose, the owner generally continues to make use of such land since he has given up only certain, and not all, ownership rights.

Easement Area. A strip of land over, under, or through which an easement has been granted.

Easement, Travel. The right granted by the owner of land to another party by deed or prescription permanently recorded into perpetuity, to allow access across one parcel of land to another. Easements for the purpose of access as further defined in Tennessee Code Annotated 13-4-308 for areas in the Town of Stanton.

Easement, Utility. The right granted by the owner of land to allow utility facilities to be constructed, maintained or preserved. Utility easements shall include, but is not limited to, easements for storm drainage, water lines, sewer lines, electric power lines, and pipe lines.

Engineer. A qualified civil engineer registered and currently licensed to practice engineering in the State of Tennessee.

Engineering Plan Submission. A map of the proposed subdivision including engineering design drawings of streets, drainage and utilities.

Final development plan - A plan which has been submitted by an applicant and approved by a local government describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals:

1. A planned unit development plan;
2. A subdivision plat;
3. General development plan;
4. Subdivision infrastructure construction plan;
5. Final engineered site plan; or
6. Any other land-use approval designation as may be utilized by a local government;

Unless otherwise expressly provided by the local government, such a plan shall include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a final development plan, and approval of a final development plan with the condition that a variance be obtained shall not confer a vested property right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type of use, the intensity of use, and the ability to be served with essential utilities and road infrastructure for a specified parcel or parcels of property may constitute a final development plan;Final Plat. The map or plan or record of a subdivision and any accompanying material as described in these regulations.

Floodplain. An area of a river or stream, together with appropriate adjacent land, established to insure adequate and safe drainage.

Frontage. That side of a lot abutting on a street and ordinarily regarded as the front of the lot.

Grade. The slope of a road, street, or other public way, specified in percentage (%) terms.

Health Department. Haywood County Health Department.

Highway Department. Haywood County Highway Department.

Improvements. Physical changes made to the raw land and structures on or under the land surface in order to make the land more usable for man's activities. Typical improvements in these regulations would include but not be limited to grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, street name signs, and street trees.

Individual Sewage Treatment Facility. A sewage disposal system developed to function on an individual lot basis. A septic tank is a type of individual sewage treatment facility.

Local Streets. Streets that provide access to property abutting the public right-of-way. (Also known as minor streets.)

Lot. A parcel of land which is or may be occupied by a building and its accessory building or use, customarily incidental thereto, together with such yards or open spaces within the lot lines as may be required by these regulations.

Lot Corner. A lot of which at least two (2) adjoining sides abut on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

Lot Area. That dimension of a lot or portion of a lot abutting on a street excluding the side dimension of a corner lot.

Lot Depth. The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

Lot Frontage. That dimension of a lot or portion of a lot abutting on a street excluding the side dimension of a corner lot.

Lot Lines. The lines bounding a lot as defined herein.

Lot Number. The official number assigned to a lot for identification purposes.

Lot Width. The width of a lot at the building setback line measured at right angles to its depth.

Major Street Plan. The official plan adopted by the Stanton Municipal Planning Commission designating types and locations of streets within the corporate limits.

Monuments. Markers placed on or in the land.

Nonresidential subdivision- A subdivision whose intended use is other than residential, such as commercial or industrial.

Percolation Test. An examination of subsoil used in determining the acceptability of the site and the design of the subsurface disposal system.

Planning Commission. The Municipal Planning Commission of Stanton, Tennessee.

Preliminary development plan A plan which has been submitted by an applicant and that depicts a single-phased or multi-phased planned development typically used to facilitate initial public feedback and secure preliminary approvals from local governments. Examples of information found on development plans include proposed land uses, density and intensity of development, public utilities, road networks, general location of off-street parking, building location, number of buildable lots, emergency access, open space, and other environmentally sensitive areas such as lakes, streams, hillsides, and view sheds. An approved preliminary development plan serves as a guide for all future improvements within defined boundaries.

Private Streets. A street which has not been dedicated to the public use, and to which the general public is denied access.

Protective Covenants. Contracts between the land subdivider and lot purchaser expressing agreement covering use of the land.

Public Sewer System. A central sewer system, owned, operated and maintained by the Town of Stanton.

Public Hearing. A meeting for the review of a matter where opinions may be presented by the public. These hearings may take place during the regular Planning Commission meetings and are held according to state laws.

Public Street. A street dedicated to the public use and open to the public access.

Public Uses. Public parks, schools, and administrative, cultural and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and material.

Public Utility. Any person, firm, corporation, municipal department or board duly authorized to furnish under state or municipal regulations to the public: electricity, gas, steam, communications, telegraph, transportation, water, or sewer.

Recreational Facilities. Country clubs, riding stables, golf courses, and other similar recreational areas and facilities including swimming pools.

Register of Deeds. Haywood County Register of Deeds.

Reserve Strip. A portion of land set aside to prevent and prohibit access to adjoining property or public thoroughfare.

Re-subdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or

any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivision.

Right-of-Way. A dedication of land to be used generally for streets, alleys, or other public uses wherein the owner gives up all his rights to the property as long as it is being used for the dedicated purpose. Also, a land measurement term meaning the distance between lot property lines which generally contain not only the street pavement but also the sidewalks, grass area and utilities.

Road. For the purpose of these regulations, "road" shall be defined the same as "street".

Roadway. The portion of the street right-of-way which contained the street pavement, curb and gutter, and is used primarily as a channel for vehicular movement and secondarily as a drainage channel for storm water. In these regulations the pavement is measured from face to face of the curbs.

Sanitary Sewer System. A public or community sewage disposal system of a type approved by the State Department of Public Health.

Secretary. The person designated by the Planning Commission as its secretary.

Septic Tank. See Individual Sewage Treatment Facility.

Setback. The distance required to obtain the minimum front, side and rear yards.

Street. A general term used to describe a right-of-way which provides a channel for vehicular and pedestrian movement between certain points in the community, which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of underground and above ground utilities.

Street, Half. A street having width less than required by these and other appropriate regulations.

Street, Intersecting. Any street which joins another street at an angle, whether or not it crosses the other.

Street Classification. Types of streets as set forth in the Major Street Plan.

Street Furniture. Any improvements placed within the street right-of-way, such as utility poles, street signs, etc.

Street Grade. The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street at the mid-point of the lot shall be taken as the street grade.

Street Line. The legal line between street right-of-way and abutting property.

Street Sign. The sign designating the official name of the street.

Subdivision. The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. As used herein, “utility construction” does not include the mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains.

Surveyor. A qualified surveyor registered and currently licensed to practice surveying in the State of Tennessee.

Technical Review Staff. This committee shall consist of the Mayor, building inspector, utility department representative, and planning staff.

Test Holes. Openings dug, bored or drilled in the ground for conducting soil tests.

Unit. A subsection of a total subdivision developed as a complete segment.

Use. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Way. A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Yard, Front. An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the lot and extending the full width of the lot.

Yard, Side. An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Zoning Ordinance. The duly adopted Zoning Regulations of Stanton, Tennessee.

ARTICLE II

PROCEDURE FOR SUBDIVISION APPROVAL

A. GENERAL

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

The procedure for review and approval of subdivisions and its documentation consists of three (3) separate steps. The first formal step is the preparation of a Master Design Plan submitted for administrative content review and approval for subsequent acceptance and placement on the agenda for review and approval by the Planning Commission. The second step is the Engineering Submittal which must be reviewed and approved by administrative and technical staff designated by the Planning Commission. Unless special consideration is requested by the developer relative to staff review concerns or provisions of these regulations, the Planning Commission will not review the Engineering Submittal. The third step is the preparation and submittal of a Final Subdivision Plat with all the required certificates for submission to the Planning Commission consistent with Section "E" of this Article. In the event the developer request special consideration for approval of the Engineering Submittal, said submittal may be considered by the Planning Commission upon review of the Final Plat. No final plat shall be accepted on the agenda of the Planning Commission until the Master Design Plan has been reviewed and approved by the Planning Commission and the Engineering Submittal reviewed by designated review staff. The Final Plat, once approved by the Planning Commission and signed by the Secretary of the Planning Commission becomes the instrument to be recorded by the Office of the Haywood County Register.

B. APPLICATION ADMINISTRATION AND FEES

Any owner of land lying within the area of the jurisdiction of the Planning Commission wishing to divide such land into two (2) or more lots, sites or divisions (including remaining land from the predivided property) for the purpose of either immediate or future sale or building shall make application to the Planning Commission by submitting the required plans or plat of the proposed subdivision, along with the application and fees to the office of the Mayor, Town Recorder, and or Building Inspector. Such plans and plats shall conform to the minimum standards for subdivision design as set forth in Articles III and IV of these regulations and such additional site peculiar criteria as may be deemed necessary by the Planning Commission or its technical staff.

1. Official Submission Dates and Deadlines

All plans and plats of subdivisions requiring a review by the Planning Commission shall be submitted to the Stanton Town Hall no less than fifteen (15) days prior to the regularly scheduled meeting of the Planning Commission. Plans submitted but not meeting compliance with or the content requirements of these regulations shall not be accepted for placement on the agenda for review by the Planning Commission. Any plan or plat in compliance with required content and design standards of these provisions but submitted less than 15 days prior to the regularly scheduled Planning Commission meeting will not be accepted for placement on the agenda or otherwise considered by the Planning Commission until the subsequent meeting. The Engineering submittal may not be reviewed by the Planning Commission but shall be reviewed by designated staff and any discrepancies identified therein shall be resolved prior to acceptance of the Final Plat on the agenda for review by the Planning Commission or upon request by the developer, a review of the Engineering Submittal by the Planning Commission.

For the purpose of these regulations, the official submission date for Planning Commission review items shall be the date of the first regularly scheduled Planning Commission meeting after the submittal has been administratively approved and accepted for placement on the Planning Commission agenda. The statutory period required for formal approval or disapproval shall not begin to run until that date.

2. Official Submission of Revisions to Plats

Plans or plats that have been resubmitted to be placed on the agenda of a subsequent Planning Commission meeting shall be submitted to the Stanton Town Hall no less than fifteen (15) days prior to the regularly scheduled meeting of the Planning Commission.

3. Required Submission and Review

Prior to commencing any street improvements, grading, installation of utilities or any horizontal construction, the developer shall submit and obtain approval of engineering construction documents. Review of street and drainage plans shall be conducted by Technical Staff designated by the Planning Commission. Water and sewer plans shall be reviewed by the Brownsville Utilities and must be reviewed and approved by the Tennessee Department of Environment and Conservation.

Upon approval of the Engineering Plan Submission by designated review staff or the Planning Commission, the developer may commence construction to the grades and elevations required by the approved Engineering Plan Submission. No construction of structures shall commence until after approval has been given the final plat nor shall any building permits be issued. It shall be the responsibility of

the developer to arrange through the Town of Stanton and Haywood County for necessary inspections of road construction and infrastructure installation.

4. Certified Copy of Deed Required

A certified copy of the deed for property proving ownership of the land to be subdivided or the deed and a letter authorizing the applicant to act on the owner's behalf will accompany all subdivision applications.

5. Application Fees

A schedule of subdivision application and review fees are established by the Board of Mayor and Aldermen as may be amended from time to time and are reflected in the appendix of these provisions.

The subject fees are intended to defray the costs of the respective reviews and compilation of estimates by technical review staff designated by the Planning Commission. The fees shall also be applied to the cost of construction review carried out by technical staff designated by the Planning Commission.

C. MASTER DESIGN PLAN

The Master Design Plan is the initial formal plan for a proposed subdivision and shall include the entire area of the affected property or properties though the subdivision may be developed in stages. The purpose of the Master Design Plan is to insure that the proposed subdivision conforms with the zoning ordinance and all related plans and regulations. The developer should consult early on with the planning staff, and review the city's major road plan, drainage plan, water and sewer maps prior to preparing submitting the Master Design Plan.

1. Submission of the Master Design Plan

After consultation with the Planning Commission and/or staff, but not less than fifteen (15) days prior to the meeting at which the Planning Commission shall consider the Master Design Plan, the developer shall submit to the Stanton Town Hall, eleven (11) copies of the plan drawn to a scale that reasonably reflects the layout of lots and transportation corridors together with application and appropriate fee.

2. Contents of the Master Design Plan

The Master Design Plan shall meet the minimum standards of design as set forth in Article III and shall give the following information:

- a. The proposed subdivision's name and location.
- b. The name(s), address(es) and phone number(s) of the owner or owners and of the designer of the Master Design Plan.
- c. Date, approximate north point, and graphic scale.
- d. The location of existing property lines, streets, buildings, bridges, rights-of-way and easements and drainage ditches.
- e. The location, dimensions and names of proposed streets, alleys and lots.
- f. Present zoning classification of both the lot to be subdivided and adjoining land.
- g. The area of the smallest, largest and average lot.
- h. The acreage of the land to be subdivided.
- i. Location map showing the relationship of the subdivision site to the applicable vicinity of the Town.
- j. In addition to the required information, the following information, though not required, would assist in design review and would help avoid later redesign and engineering expense:
 - (1) Contours at vertical intervals of not more than five (5) feet.
 - (2) Location and line size of closest existing water and sewer lines.
- l. Tax map and parcel number reference for subject property.
- m. Digital Flood Insurance Rate Map references for subject property.

3. Planning Commission Review

Within sixty (60) days after review of the Master Design Plan, the Planning Commission will indicate its approval, disapproval, or approval subject to modifications. If a plan is disapproved, reasons for such disapproval shall be

stated in writing. If approved, subject to modifications, the nature of the required modifications will be indicated.

If revisions to the Master Design Plan are requested by the Planning Commission, the developer shall submit the revised Master Design Plan to the Building Inspector fifteen (15) days prior to a subsequent Planning Commission meeting.

4. Effect of Approval on Subsequent Plan Submissions

The approval of the Master Design Plan by the Planning Commission will not constitute acceptance of Engineering Plans and will not be indicated on the Master Design Plan.

5. Expiration of Approval

The approval of the Master Design Plan shall lapse unless a final plat based thereon is submitted within one (1) year from the date of such approval, unless, an extension of time is applied for and granted by the Planning Commission.

D. ENGINEERING PLAN SUBMITTAL

The Engineering Plan Submission is a fully engineered design of all or part of the proposed subdivision in sufficient detail for the local and state review agencies to determine compliance with the public works construction standards, State Environment and Conservation regulations and other applicable regulations.

1. Submission of Engineering Plan

After the Master Design Plan has been approved, the developer shall submit eleven (11) copies of the Engineering Plans including all road plans and profiles to the Office of the Mayor and or Stanton Building Inspector. The developer shall also submit an electronic copy of the Engineering Plan to Brownsville Utilities Water and Public Works Department; and

2. Conformance With the Master Design Plan

If, in the process of completing the Engineering Plan Submission, it becomes necessary to redesign the subdivision, a revised Master Design Plan shall be resubmitted to the Planning Commission for their review.

3. Contents of Engineering Plan Submission

The Engineering Plan Submission shall, at least, meet the minimum design standards in Article III, meet the construction standards included herein and conform substantially to the Master Design Plan.

- a. The Engineering Plan Submission shall contain the following information for the whole subdivision even when the subdivision is to be developed in phases or sections.
- (1) The proposed subdivision's name and location, the name(s) and address(es) and phone number(s) of the owner or owners, and the name, address and phone number of the designer of the plat who shall be an engineer.
 - (2) Date, approximate north point and graphic scale.
 - (3) The location of existing and platted property lines, existing streets, buildings, water courses, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements or lines, the present zoning classification, both on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.
 - (4) The proposed street names and the locations and dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines, building setback lines and utilities.
 - (5) Contours at vertical intervals of not more than two (2) feet. All new developments greater than fifty (50) lots or five (5) acres, whichever is lessor, shall include base flood elevation data. If any portion of the land being subdivided is subject to flooding, the plat will show the limit and elevation of the 100-year floodplain.
 - (6) The acreage of the land to be subdivided.
 - (7) Location sketch map showing relationship of subdivision site to area and city.
 - (8) A comprehensive drainage plan which shall include, but not be limited to, an analysis of the drainage area, a storm water routing plan showing maximum quantities of flow and maximum rates of flow before and after development. A map of the drainage area in which the subdivision is located shall be included with the drainage plan and shall include the drainage structures leading to and from the subdivision with their sizes. The scale of the required map can be less than one inch equals one hundred feet (1" = 100').
 - (9) The location and sizes of proposed water and sewer lines.
 - (10) Tax map and parcel number reference for subject property.

- (11) Digital Flood Insurance Rate Map reference for subject property.
 - (12) Zoning classification of the subject property.
- b. When the subdivision is developed in phases or sections, the following information is required for the phase or section to be developed. When the subdivision is not developed in phases, the following information is required for the whole subdivision.
- (1) Plans and profiles of proposed utility layouts (sewers, water, and electricity) showing feasible connections to the existing or any proposed utility systems.
 - (2) A grading plan showing the existing contours in dashed lines and the finished contours in solid lines plotted at vertical intervals of not more than two (2) feet. Contours shall be extended fifty (50) feet beyond property boundary.
 - (3) Development plans for drainage structures and channels with the hydraulic data used in designing and sizing such structures and channels, the water surface profiles in open channels at peak flow and peak backwater conditions. The limits of the drainage design parameters shall be determined by technical review staff designated by the Planning Commission.
 - (4) Plan and profile sheets showing all engineering data necessary for construction of proposed streets, storm drainage controls for surface and ground water, and utility layout (water and sewer) and showing all connections to existing and/or proposed streets, storm drainage, and utility systems. The street profiles shall be plotted along the centerline showing the existing and finished grades, and sewer locations, drawn to a scale of not less than one inch equals one hundred feet (1" = 100') vertical. Typical street cross sections shall be shown.
 - (5) Erosion Control Plan which shall include adequate plans showing all erosion and sediment control measures or other protective devices to be constructed in connection with or as a part of the proposed work as follows:
 - i. Vicinity map locating the site in relation to the surrounding area.
 - ii. Existing contours of the site shall be shown over a boundary survey of the site..

- iii. Existing vegetation including tree lines, grassy areas and unique vegetation.
- iv. The boundary of different soil types.
- v. The direction of north in relation to the site.
- vi. Areas with potentially serious erosion problems.
- vii. The dividing lines and the direction of flow for the different drainage areas of the site.
- viii. Final contours reflecting grading changes to the existing contours.
- ix. Limits of clearing and grading reflecting all areas of disturbed vegetation, excavation and fill over existing grade.
- x. The locations of erosion and sediment control and stormwater management practices proposed on the site.
- xi. Detail drawings and explanations of measures reflecting construction and installation of structural practices indicated on the plan.

- (6) A compaction report to adequately determine whether or not the property is suitable for development of structures, streets, ditches, and utility construction. Said compaction report must comply with appropriate Town, State, and utility department specifications.

4. Estimate Cost of Improvements by Designated Technical Staff

While Technical Staff designated by the Planning Commission are reviewing the Engineering Plan Submission, an estimate of the cost of installing all improvements in the subdivision will be prepared and presented to the Planning Commission for bonding purposes if applicable upon Final Plat approval. This cost should include anticipated inflation during and after the plat approval period.

5. Planning Commission Review

Within sixty (60) days after review of the Engineering Plan Submission, designated review staff or the Planning Commission shall indicate approval, disapproval, or approval subject to modifications. A certification of action shall be issued by review staff or the Planning Commission noting approval, modifications to which the approval is subject, or if disapproved, a list of reasons for disapproval.

If modifications are requested by review staff or the Planning Commission, the developer shall resubmit the revised Engineering Plan Submission, and may include a letter addressing the revisions requested.

6. Expiration of Approval

The approval of the Engineering Plan Submission shall lapse unless a final plat based thereon is submitted within one (1) year from the date of such approval unless an extension of time is applied for and granted by the Planning Commission.

7. Commencing Construction Prior to Final Approval

After staff or Planning Commission approval of the Engineering Plans, the contractor may commence the grading, installation of utilities and streets in accordance with the public works standards and subject to inspection by Technical Staff designated by the Planning Commission. No construction of structures and no building permit shall be issued prior to final plat approval.

E. FINAL PLAT

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

1. Submission of Final Plat

a. Eight (8) copies of the Final Plat shall be submitted to the Stanton Town Hall no less than fifteen (15) days prior to the scheduled Planning Commission meeting. The Final Plat shall conform substantially to the approved Engineering Plan Submission.

- b. The original of the Final Plat shall be in black permanent ink on mylar drafting film, twenty-four inches by thirty inches (24" x 30"), to a scale of one-inch equals one-hundred feet (1" = 100'). If more than one (1) sheet is required, an index sheet of the same size shall be filed and shall show a key map of the entire area being platted. The separate sheets of the Final Plat shall be keyed alphabetically and shall match lines with the adjoining sheets.
- c. At least one copy of the stamped Final Plat shall be provided to the Town of Stanton Planning Department as a PDF file, or other format as may be required by the Planning Commission.

2. Contents of Final Plat Content

The Final Plat shall include the following information:

- a. The lines of all streets and roads with names, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations for easements and any areas, such as entrances, medians, sidewalks, or landscaping to be dedicated for private and 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 line, block line and building line whether curved or straight, 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 bearings 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 properties.
- f. Date, title and name of the subdivision, surveyor/designer of the subdivision, vicinity map, graphic scale, total acreage subdivided and note pertaining to acreage of the parent tract or remaining property, if applicable; zoning classification of subject tract and adjoining properties and true north arrow.
- g. Tax Map, Group, and Parcel Number as well as the most recent recorded deed book number and page number for each deed constituting part of the property being platted.

- h. Location, size, and type of all existing utilities (i.e. water, fire hydrant, sewer, electric, septic, wells, and gas) as well as existing buildings and structures.
- i. Any restrictive covenants which are to apply to lots or other parcels within the subdivision.
- j. One hundred (100) year floodplain, floodway boundaries and elevations of each as well as the current zone on the effective Flood Insurance Rate Map panel and effective date with confirmation that there are no federally-identified one hundred (100) year floodplain, floodway boundaries and elevations (ie. C, D, X, or any other zone);
- k. Major environmental features, including but not limited to rivers, streams, drainage ditches and groupings or stands of trees;

3. Certificates Required on Plat

The following certificates are required on the plat (forms are in the appendix):

- a. Certificate of Ownership and Dedication
- b. Certificate of Survey
- c. Certificate of Availability of Utilities (minor subdivision only)
- d. Certificate of the Approval of Water/Sewage Systems
- e. Certificate of Approval of Suitability of Soils for Septic Tanks
- f. Certificate of Approval of Streets and Storm Drainage
- g. Certificate of Access to a Public Street (minor subdivision only)
- h. Certificate of Approval of Street or Road Names
- i. Certificate of Fire Department Review
- j. Planning Commission Certificate

4. Planning Commission Review

Within sixty (60) days after review of the Final Plat, the Planning Commission shall indicate approval, disapproval, or approval subject to modifications. A certification of action shall be issued by the Planning Commission noting approval, modifications to which the approval is subject, and if disapproval, a list of reasons for disapproval.

5. Effect of Final Plat Approval

Approval of the Final Plat by the Planning Commission shall not constitute acceptance by the public of the dedication of any streets or other public ways or grounds, until all water, sewer, streets, drainage, and other improvements shall have been installed, approved, and accepted by the Town of Stanton.

6. Recording of the Approved Final Plat

Upon approval of the Final Plat by the Planning commission, the Secretary of the Planning Commission shall attest to approval by signing the appropriate certificate on the plats. Two (2) of the final plats shall be returned to the Developer, one for recordation and one for the Developer's file records. One (1) of the plats shall be retained by the Mayor and or Building Inspector for his file records. Other copies of the plat may be distributed to county offices as necessary.

F. MINOR SUBDIVISION

When an existing property line between two (2) existing parcels is being relocated; two (2) existing parcels are being combined into one (1); or two (2) lots are being created; and there is no adjustment to an existing street or extension of water or sewer lines required, the subdivision will be considered a minor subdivision. The procedure for approval of a minor subdivision plat shall consist of presenting a Final Plat per Section E of this article.

G. SUBDIVISION DEVELOPMENT AGREEMENT CONTRACT

Prior to the commencement to the construction of a major subdivision within the Town of Stanton, Tennessee, the Town's Subdivision Development Agreement contract must be signed by the Developer. The subdivision development shall conform to the Town of Stanton's Subdivision Development Agreement Contract template. (see appendix for Subdivision Development Agreement Contract) A separate contract shall be created for every developer of a subdivision.

H. SITE DEVELOPMENT AGREEMENT CONTRACT

Prior to the commencement to the construction of commercial development within the Town of Stanton, Tennessee, the Town's Site Development Agreement Contract must be signed by the Developer. The commercial site development shall conform to the Town of Stanton's Site Development Agreement Contract template. (see appendix for Site Development Agreement Contract) A separate contract shall be created for every developer of a commercial development.

ARTICLE III

GENERAL REQUIREMENTS AND STANDARDS OF DESIGN

A. GENERAL DESIGN CONCEPTS

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

1. External Factors

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

2. Land Use

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

3. Natural Environment

Subdivision design must give due consideration to the natural environment. Areas of natural beauty, such as fine stands of trees and prominent terrain, should be conserved by the design.

Low areas subject to flooding or areas of unsuitable soil or ground water conditions should be avoided and not be put to enclosed uses.

4. Internal Details

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

B. WATER DRAINAGE

Storm water drainage is a major aspect of land subdivision design; however, it should not dominate over other important design considerations. Nevertheless, considerable attention must be given to drainage design because of the potentially disastrous effects on life and property resulting from defective design. Accordingly, no land subdivision shall be approved within the Town of Stanton unless a detailed drainage plan for such subdivision has been submitted to and approved by Technical Review Staff and/or the Planning commission. The following principles are to be applied to all drainage design for land subdivision within Stanton, Tennessee.

1. Internal Regulation of Drainage

The rate at which water is discharged from all sources leaving a subdivision or other developed areas shall not be increased by more than 10% after development than before development unless approved by designated Technical Review Staff.

2. Drainage System Design

The storm water drainage system shall consist of a major and a minor element. The major element, which will operate infrequently, shall be designed to prevent the loss of life and significant property damage from any reasonable, foreseeable, rainfall event. The minor element, operating frequently, shall provide for an acceptable degree of convenient access to property during and after frequent, normal rainfall events.

C. STREET LAYOUT

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

1. Conformity to the Major Road Plan

The location and width of all streets and roads shall conform to the official Major Road Plan and any other plans of the Town of Stanton.

2. Relation to Adjoining Street System

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

3. Relation to Existing Topography

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

4. Relation to Land Use Density

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

5. Relation of Street Elevation to Drainage

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

6. Street Right-of-Way

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

- a. Arterial140 feet*

Arterial streets are major thoroughfares connecting neighborhoods and centers of commerce within the community or state wide.

** or as may be established by the Tennessee Department of Transportation*

- b. Collector.....60 feet

Collector streets are those which provide major circulation within neighborhoods and carry traffic from local streets to arterial streets.

- c. Local50 feet

Local streets provide access from properties fronting thereon to collector or arterial streets. Moving traffic is a secondary function of local streets.

- d. Marginal Access Streets.....40 feet

Marginal access streets are property access streets which are normally parallel to and adjacent to limited access arterial streets and highways and which provide access to abutting properties (usually office, commercial or

industrial uses) that would otherwise have direct frontage and access on an arterial thoroughfare. Marginal access streets are designed to provide protection from through traffic and to provide maximum control of ingress and egress onto heavily traveled major thoroughfares.

- e. Alleys24 feet

Alleys are minor public ways used primarily for service access to the back or side of properties.

- f. Dead-End Street (cul-de-sac)..... 50 feet

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

Cul-de-sacs or dead-end streets shall not be greater in length than that necessary to serve no more than 15 lots regardless of frontage lengths. They shall be provided at the closed end with a right of way/property line radius of at least fifty (50) feet with an outside pavement radius of at least fifty (50) feet.

- g. Temporary Cul-de-sacs 50 feet

Where in the opinion of the Planning Commission it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets having a length greater than two hundred (200) feet shall be provided with a temporary turn around of either a circular or back-and-turn design.

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

7. Additional Width on Existing Streets

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

Streets designated as arterial or collector status streets on the Stanton Major Road Plan which do not have the minimum pavement widths shall have the additional pavement width and curb and gutter provided by the subdivider on both sides of the street.

- b. Where the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way measured from the center line of the existing right-of-way shall be provided.

Streets designated as arterial or collector status streets on the Stanton Major Road Plan shall have the additional pavement width and curb and gutter added by the developer on the side of the street on which the subdivision is located.

8. Restriction of Access

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

9. Street Alignment and Grades

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

10. Maximum Street Grades

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

11. Horizontal Curves

Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the centerline radius of curvature shall not be less than one hundred (100) feet. In all cases, horizontal curves shall be designed to provide a minimum of two hundred (200) feet of sight distance between any two points within the paved street surface.

12. Vertical Curves

Every change in street grade shall be connected by a vertical curve designed to afford a minimum sight distance of two hundred (200) feet as measured from a driver's eyes, which are assumed to be four and one-half (4 1/2) feet above the pavement surface, to an object four (4) inches high on the pavement. Vertical curves shall be of standard parabolic design.

13. Intersections

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

14. Tangents

A tangent street segment shall be introduced between reverse or compound curves, where necessary, to provide a minimum sight distance of two hundred (200) feet between any two points within the paved street surface. Between reverse curves on arterial and collector streets, a tangent of not less than one hundred (100) feet in length shall be provided.

15. Street Jogs or Offsets

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

16. Dead-End Streets

- a. Cul-de-sacs designed to have one end permanently closed shall be no more in length than necessary to accommodate fifteen (15) lots. They shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred (100) feet and a street right-of-way diameter of at least one hundred and twenty (120) feet. The Planning Commission may approve an alternate design to meet unusual site conditions.
- b. Where the Planning Commission determines a need for future access to adjacent properties, proposed subdivision streets shall be extended or additional street segments provided to the boundary of the subdivision at locations specified by the Planning Commission. Such extensions or additions shall be designed as temporary turnarounds having paved area with a diameter equal to the width of the required street right-of-way.

17. Private Streets Travel Easements and Reserve Strips

A permanent travel easement may be permitted under certain conditions pursuant to Tennessee Code Annotated, Section 13-4-308. These easements shall meet the following minimum standards, requirements and any special conditions attached by the Planning Commission, and the requirements and special conditions for the easement shall be placed on the Final Plat for recording.

- a. A permanent easement shall be of a required width of no less than fifty (50) feet. However, the Planning Commission may require greater widths if necessary to meet special conditions presented by the site or reflected on the Final Plat.
- b. A permanent easement providing legal access to more than one lot shall be improved to meet the road and construction standards as specified herein. Modification of said standards may be directed by the Planning Commission to meet site specific conditions.
- c. Permanent easement improvements shall be maintained by the developer/owner or by a legally established home owner's association or other similar group approved by the Planning Commission. The legal documents establishing the easement and the Home Owner's Association shall be submitted with the Final Plat for review and approval and shall be recorded with the Final Plat.

- d. If, at any future date, a permanent easement is submitted for acceptance as a public street or road, it shall be submitted to the Planning Commission for approval. In considering the easement for approval as a public street or road, the Planning Commission shall require the improvements to the easement to meet the minimum street construction standards in effect at the time the request for public acceptance is made.
- e. A building permit may be issued for a building to be located on a recorded lot of record prior to the effective date of these regulations, which lot fronts on a permanent easement with access to an existing public street or road; provided, however, that any future subdivision of said lot or parcel shall be subject to these provisions.

18. Street Names

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

19. Alleys

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

D. STREET LIGHTING

Within the Town of Stanton, standard street lights as recommended by Southwest Tennessee Electric Membership Corporation shall be installed by them. Unless issues of cost and maintenance are agreed upon by the subdivider and Electric, street lighting shall be of the type and model as specified by Southwest Tennessee Electric Membership Corporation. Any cost differential as a result of a deviation from the standard street lighting provisions of Southwest Tennessee Electric Membership Corporation including underground service or special fixtures shall be paid by the subdivider.

E. LOT LAYOUT

In general, all lots within a subdivision shall have about the same area. Minimum lot areas and frontages are specified by the Stanton Zoning Ordinance; however, a subdivision plan should not be predicated solely upon producing a maximum density. The lot layout plan should give balanced consideration to the natural topography of the tract being subdivided, to the conservation and preservation of the natural environment, to the provision of adequate open space, to the enhancement of the character and beauty

of the community, to the optimization of "lot density to improvements" ratio, and to the protection of life and property.

1. Adequate Building Sites

Each lot shall contain a building site not subject to flooding or other hazards as defined in Section G of this article; and, such site shall be outside the limits of any easements, rights-of-way, building lines, side yards, rear yards, buffers, screens, or landscaped areas which are existing or are required by the Stanton Zoning Ordinance.

2. Arrangement of Lots

Where practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Each lot shall front on a public street or road which has a right-of-way width of not less than fifty (50) feet. Where lots abut on an arterial street; double frontage, marginal access or other acceptable arrangements shall be made to control ingress and egress onto such streets from the individual lots.

3. Minimum Size of Lots

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

- a. The minimum area and dimensions of residential lots shall be as specified by the Stanton Zoning Ordinance.
- b. The minimum area and dimensions of office, commercial and industrial tracts shall be as specified by the Stanton Zoning Ordinance; and, such tract shall also provide adequate space for the off-street service and parking facilities, landscaping and screening required by the type of use and proposed development.

4. Building Setback and Yard Requirements

- a. All lots or tracts shall have at least the minimum front, side, and rear yards that are required by the Stanton Zoning Ordinance. To accommodate conditions peculiar to a site, such as side yard drainage, the Planning Commission may require an increase in the yard requirements for a given lot or tract.
- b. In the case of electrical transmission lines where easement widths are not definitely established, there shall be a minimum building setback line from the center of the transmission line as follows:

<u>VOLTAGE LINE</u>	<u>MINIMUM BUILDING SETBACK</u>
46 KV	37 1/2 feet
69 KV	50 feet
161 KV	75 feet

5. Large Tracts or Parcels

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

6. Lot Drainage and Grading

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

F. OPEN SPACE AND EASEMENTS

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

1. Conformity to Land Use Plans

Where a school, park, playground or access to water frontage, shown on an official land use map or plan adopted by the Planning Commission, is located wholly or partially within the proposed subdivision, the Planning Commission may require the reservation, for a period not to exceed six (6) months from final plat approval, of needed open space within the tract being subdivided; however, such reservations shall not exceed twenty-five (25) percent of the gross area of said tract.

2. Open Space for Control of Storm Water Runoff

Where necessary, design of permanent and temporary storm water detention or retention ponds shall be an integral part of subdivision design. Such design shall consider opportunities to create open space landscaped areas for storm water management ponds while at the same time considering dual uses, such as public neighborhood parks and playgrounds or private recreational areas.

3. Easements for Open Channel Drainage

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

4. Easements for Utilities

Except where alleys are permitted for this purpose, utility easements with a minimum width of ten (10) feet shall be provided along all front and rear lot lines. Where required to permit efficient layout of utilities or to provide access to rear lot lines, a utility easement of not less than ten (10) feet in width shall be provided along side lot lines. Where deemed necessary, the Planning Commission may require utility easements to have a width to a maximum of fifteen (15) feet. Unless approved by the Planning Commission, no landscape plantings except for lawn grasses and other appropriate ground cover vegetation, shall be permitted within a required utility easement. Planting restrictions within utility easements shall be noted on the final Plat.

5. Landscaped Buffers and Screens

Open space shall be reserved for fences, vegetative screening and other landscaped areas as required by the Stanton Zoning Ordinance and by these Subdivision Regulations. The design of landscaped buffers and screens shall be in accordance with the Technical Specifications of the Town of Stanton and shall be subject to review and approval of the Planning Commission. Where residential lots have a double frontage on public streets, there shall be a continuous screening of acceptable design along the rear of such lots.

6. Conservation and Preservation of Community Assets

For all types of land uses, due consideration shall be given to providing open space needed to conserve notable features of the natural environment such as large trees, watercourses, and prominent scenic terrain. Adequate provision shall be made to protect and preserve historical sites or similar community assets which add to the attractiveness and value of property.

7. Private Use Open Space

Open space may be reserved for private use pursuant to provisions of a home owner's association; however, such open space will not become the responsibility of the Town of Stanton, rather the owners or members of an owner's association shall have full responsibility for all care, preservation, and maintenance of the grounds and facilities contained within the reserved open space. An appropriate provision, declaring the responsibilities of the owner or owner's association and absolving the Town of Stanton of any responsibility for private use open space, shall be included in the covenants and restrictions of the subdivision.

8. Preservation of Open Space

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

G. SUITABILITY OF LAND

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

1. Residential Land Use

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

2. Building Site Suitability

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

ARTICLE IV

PREREQUISITES TO FINAL SUBDIVISION APPROVAL

A. GENERAL REQUIREMENTS

As a condition precedent to the final acceptance of any subdivision, subdivision addition or resubdivision, every subdivision developer shall be required to grade and improve streets and other public ways to install survey monuments, utilities, curbs, sidewalks, sewer, water mains, storm water inlets, surface and ground water drainage channels and structures, and buffer screens, and to prepare and plant landscaping in accordance with these regulations and standards referenced herein. In lieu of the completion of such improvements, prior to final subdivision acceptance, the Planning Commission may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the public by way of the Town of Stanton those monies necessary to the actual construction and installation of such improvements within a period specified by the Stanton Municipal Planning Commission.

B. SURVEY MONUMENTS

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

1. Permanent Monuments

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

2. Semi-permanent Monuments

- a. All corners in the Subdivision not set with a permanent monument shall be marked with an iron rod not less than five-eighths (5/8") inch in diameter and twenty-four (24") inches long, and set flush with the finished grade of the surrounding surface.
- b. Upon completion of subdivision development, these metal rods shall be protected by one (1) or more flagged guard stakes.

3. Unauthorized Survey Marks

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

a. Survey Documentation

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

- i. A physical description of the monument.
- ii. Instructions for locating the monument with respect to a fixed prominent landmark.
- iii. Survey data in addition to that shown on the final plat which shall, when available, consist of adjusted plane coordinates and elevations, survey precision and accuracy, and datum to which coordinates and elevation refer.
- iv. If the proposed subdivision consists of any property in a designated floodplain, as reflected on the Digital Flood Insurance Rate Maps per each respective jurisdiction's participation in the National Flood Insurance Program, the developer shall be responsible for completing and submitting a FEMA Elevation Certificate to the Mayor and or Building Inspector.

C. STORM DRAINAGE

The developer shall construct and install, at his expense within the subdivision, all channels, ditches and structures with sufficient hydraulic capacity to control stormwater run-off and emergent groundwater originating within and upstream of the subdivision. Drainage improvements also included proper building site and lot grading, and erosion and insect control.

1. Drainage Channels and Structures

- a. The size and quantity of drainage channels and structures shall conform to the drainage plan approved for the subdivision. The required drainage facilities include all underground pipe, inlets, catch basins, manholes, open-channel ditches, and porous pipe and french drains.

- b. All storm drainage pipe shall be reinforced concrete pipe. The maximum size of underground storm sewer shall be sixty (60) inch diameter and the minimum size shall be eighteen (18) inches in diameter.
- c. All open channel drainage requiring a cross-sectional area of one-hundred (100) square feet or less shall be contained in stabilized ditches. Where cross sections in excess of one hundred (100) square feet are required, the developer shall pave the ditch to the required cross section and provide an easement wide enough to contain the paved ditch in those instances where the ditch joins an existing downstream paved ditch. Where the downstream ditch is not paved, the developer may either (1) pave that ditch to the required cross section and provide the appropriate easement or, (2) improve the ditch and provide sufficient easement and capacity for drainage, bank stabilization and for access for maintenance equipment.
- d. Stormwater Detention Ponds

The subdivider shall install storm water detention ponds in all major subdivisions, located where there is not an existing storm sewer system available within proximity to the subject property. An established Homeowner's Association or private property owners shall be responsible for all maintenance relative to such ponds. 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. This maximum allowable design storm frequency varies in accordance with the drainage area above the point of discharge as tabulated below in Table 1.

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 rate produced by the "discharge design storm" and 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 as tabulated below under "storage design storm".

TABLE 1
MINIMUM DESIGN STORM FREQUENCIES
TABLE INSET:

Drainage Area Acres	Discharge Design Storm Frequency in Years	Storage Design Storm Frequency in Years
50 or Less	2	10
Over 50	5	25

Detention facilities must be designed to safely pass the runoff produced by the 100-year- 24-hour storm under post-development conditions.

2. Insect Vector Control

All drainage channels and structures shall be constructed to eliminate breeding areas for mosquitoes and other insect pests. Other improvements such as widening, deepening, relocating, clearing, protecting or otherwise improving streambeds and other water courses which may be required of the developer within the subdivision for the control of mosquitoes and other public health nuisances, shall be provided in accordance with the standards and requirements of the Planning Commission.

3. Lot and Building Site Drainage

a. The developer shall provide to each builder within the subdivision a detailed, coordinated grading plan designed to ensure proper drainage of all lots and building sites. Lot and site grading by individual builders shall conform to the coordinated grading plan furnished by the subdivision developer.

b. All lots and building sites within the subdivision shall be graded to provide drainage away from all principal use buildings, and all accessory use buildings, covering two-hundred (200) square feet or more of the lot or site. A minimum of 3.3 percent slope shall be required to provide positive drainage of front yards to adjacent streets, or to an adequate drainage system. Deviations from this requirement may be allowed for unusual topographic conditions only with prior approval of Technical Staff designated by the Planning Commission.

4. Non-Residential Development Drainage Requirements

Commercial and industrial developments shall have all drainage structures designed by the retention and slow release method. The design calculations for such structures shall be submitted to Technical Review Staff designated by the Planning Commission for approval prior to construction. The drainage design should be such as to accommodate the amount of rainfall in a ten (10) year storm without pooling in the parking lot longer than four (4) hours.

D. STREET IMPROVEMENTS

The developer shall construct all public streets, roads and alleys at his expense to the approved alignments, grades and cross sections. Deviations due to site peculiar conditions may be allowed only with prior approval of the Planning Commission.

1. Special Precautions

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

2. Minimum Street Width (face of curb to face of curb)

- a. Arterial Streets (minimum).....48 feet
- b. Collector Street36 feet
- c. Minor Residential Streets.....28 feet
- d. Marginal Access.....26 feet
- e. Residential Dead-end Streets (cul-de-sac).24 feet
(Maximum length a total of 15 dwelling units)

3. Roadway Subgrade Preparation

a. Clearing and Grubbing

Before roadway grading for public or private streets and access easements is started, the entire right-of-way area shall be cleared of all stumps, brush, roots, all trees not intended for preservation, and all other objectionable

materials, the cleared and grubbed material shall be disposed of in a legal manner, generally away from the construction site.

b. Excavation

During construction, roadbed excavations for public or private streets and access easements should be maintained in a smooth condition with sufficient slope to ensure adequate drainage under all weather conditions. All obstructions such as roots, stumps, boulders and other similar materials, shall be removed to a depth of two (2) feet below subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12") inches below subgrade. All loose material in the roadway shall be compacted in the manner prescribed by Technical Staff designated by the Planning Commission.

c. Embankment

All suitable material from roadway excavations for public and private streets or access easements may be used in construction of roadway embankments. Excess or unusable materials shall be legally disposed of away from the construction site. The fill material used in the construction of embankment shall be spread in layers not to exceed six (6") inches loose and shall be compacted at optimum moisture content by a sheep foot roller or other compaction equipment approved by Technical Staff designated by the Planning Commission. During construction, embankments shall be maintained in a smooth condition with sufficient slope to ensure adequate drainage under all weather conditions.

4. Pavement Base Course

After preparation of the subgrade, the roadbed for public streets shall be surfaced with an approved material conforming to the "Local Government Public Works Standards and Specifications" by the Municipal Technical Advisory Service of the University of Tennessee as amended. Gravel base material shall be hard, durable road type gravel with size gradation, from two (2") inches down to dust fines. After compaction, the gravel base shall be at least eight (8") inches thick or more. Prior to the issuance of a building permit, the base shall be installed and inspected. The maintenance of the base will be the developer's responsibility.

5. Roadway Surfacing

The road or street surface for public streets shall consist of two (2") inches of approved asphalt pursuant to provisions of the "Local Government Public Works Standards and Specifications" by the Municipal Technical Advisory Service of the University of Tennessee as amended.

Before laying asphalt, a prime coat of bituminous material shall be uniformly applied to the base at a rate of .40 to .60 gallons per square yard. The base course shall be allowed to settle for a minimum period of six (6) months prior to surfacing.

Technical Review Staff or the Planning Commission may specify additional requirements for road improvements warranted by soil conditions or the type and amount of traffic.

E. PRIVATE STREET IMPROVEMENTS

The developer shall construct all private streets, roads and alleys at his expense to the approved alignments, grades and cross sections. Deviations due to site peculiar conditions may be allowed only with prior approval of the Planning Commission.

- 1. Minimum Street Width (face of curb to face of curb)
 - i. Minor Residential Streets.....28 feet
 - ii. Marginal Access.....26 feet
 - iii. Residential Dead-end Streets (cul-de-sac).....24 feet
(Maximum length 15 dwelling units)

2. Roadway Subgrade Preparation

i. Clearing and Grubbing

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

ii. Excavation

During construction, roadbed excavations for private streets and access easements should be maintained in a smooth condition with sufficient slope to ensure adequate drainage under all weather conditions. All obstructions such as roots, stump, boulders and other similar materials, shall be removed to a depth of two (2) feet below subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12") inches below subgrade. All loose material in the roadway shall be compacted in the manner prescribed by Technical Staff designated by the Planning Commission.

iii. Embankment

All suitable material from roadway excavations for private streets or access easements may be used in construction of roadway embankments. Excess or unusable materials shall be legally disposed of away from the construction site. The fill material used in the construction of embankment shall be spread in layers not to exceed six (6") inches loose and shall be compacted at optimum moisture content by a sheep foot roller or other compaction equipment approved by Technical Staff designated by the Planning Commission. During construction, embankments shall be maintained in a smooth condition with sufficient slope to ensure adequate drainage under all weather conditions.

3. Pavement Base Course

After preparation of the subgrade, the roadbed for private streets shall be surfaced with an approved material conforming to the "Local Government Public Works Standards and Specifications" by the Municipal Technical Advisory Service of the University of Tennessee as amended. Gravel base material shall be hard, durable road type gravel with size gradation, from two (2") inches down to dust fines. After compaction, the gravel base shall be at least six (6") inches thick or more. Prior to the issuance of a building permit, the base shall be installed and inspected. The maintenance of the base will be the developer's responsibility.

4. Roadway Surfacing

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Technical Review Staff or the Planning Commission may specify additional requirements for road improvements warranted by soil conditions or the type and amount of traffic.

F. SIDEWALKS, CURBS, GUTTERS AND HANDICAP RAMPS

The developer shall install, at his expense, all sidewalks, curbs and gutters, curb cuts and driveway aprons and handicap ramps within the subdivision.

1. Sidewalk Locations

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

2. Minimum Sidewalk Widths and Cross Section

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

- a. Single-family Residential Sidewalk.....5 feet
- b. Multi-family5 feet
- c. Commercial Non-residential Sidewalk5 feet

3. Curbs and Gutters

Curbs and gutters shall be permanent integral type six (6") inch concrete curbs with twenty-four (24") inch concrete gutters.

4. ADA Accessible Ramps

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

5. Curb Cuts and Driveway Aprons

All curb cuts and the installation of driveway aprons shall be approved by Technical Staff designated by the Planning Commission and shall be in a manner which ensures positive drainage to the street. An expansion joint with filler shall be provided at each edge of the driveway apron where it abuts the curb and gutter.

6. Quality of Concrete

All sidewalks, curbs, and gutters, handicap ramps and driveway aprons shall be constructed of high quality durable portland cement concrete. The concrete shall be ready-mixed, air entrained, 3,000 lb. concrete. All concrete shall be Class A and shall be placed, cured, and tested in accordance with the Technical Specifications of Stanton.

7. Waiver for Installation of Sidewalks

The Planning Commission may, upon application of the subdivision developer, waive the requirements for sidewalks. Such waivers shall be granted provided that the safety of pedestrians and children is not a factor.

8. Waiver for Installation of Curbs and Gutters

In the design of Local or Minor Residential Streets where a drainage analysis is conducted and an open channel drainage system can be designed by a Licensed Civil Engineer or Licensed Surveyor qualified in the field of hydrology and can be so situated within the required limits of the existing or dedicated right of way and it can be demonstrated by a drainage analysis that storm water runoff can be managed utilizing an open channel system as safely and efficiently as a subsurface storm drainage system requiring curbs and gutters and where in the opinion of the Planning Commission the public safety and the public welfare will not be impaired, then the Planning Commission may waive the requirements for curbs and gutters.

Streets authorized for construction in the absence of curb and gutter shall be measured from edge of pavement to edge of pavement. The base course underlying such streets shall be extended 3 feet beyond each pavement edge and compacted to provide an adequate shoulder.

G. ENVIRONMENTAL PROTECTION AND PRESERVATION

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

1. Erosion Control

a. During all phases of subdivision development, positive measures shall be taken to minimize erosion by wind and water. Where necessary, appropriate erosion protection shall be provided to prevent interference with drainage and roadways by build-up of eroded soil and associated

debris. Such eroded material shall be promptly removed by the developer and where necessary streets shall be cleaned at the developer's expense.

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

2. Preservation of Trees and Revegetation

No trees of a diameter of ten (10") inches or larger measured five (5) feet above the surrounding ground surface shall be removed if at all possible, and special attention shall be given to preserving larger trees. For removal of trees greater than twelve (12") inches in diameter, Technical Staff or the Planning Commission may require a plan of revegetation, in order to recover soil stabilization, percolation or buffering lost by removal of such tree.

H. INSTALLATION OF UTILITIES AND SANITARY SEWERS

After roadway grading is completed and approved, and before any base course is applied, all of the underground work on water mains, sewers, etc., and all service connections shall be installed completely, inspected and approved pursuant to standards of the Brownsville Public Works Department throughout the length of the roadway and across lateral sections.

1. Water Supply System

Except where it is impractical as determined by the Planning Commission based on a recommendation by the Brownsville Utilities Water Department, the subdivider shall construct and install an approved water distribution system including 6 inch water mains and adequate appurtenances in each subdivision to adequately serve all lots for domestic use and fire protection. When a proposed subdivision is within a minimum distance from an existing public water system as determined and recommended by the Brownsville Utilities Water Department, the subdivider shall extend and properly connect water mains and appurtenances to the community water supply. All construction of water lines and appurtenances may be made by Brownsville Utilities either with their own forces or by contract, upon the subdivider making proper bond or financial arrangements with Brownsville Utilities. Construction and installation of said water system shall be in conformance with the "Local Government Public Works Standards and Specifications" as modified by the Brownsville Utilities Water Department and in conformance with "Design Criteria for Water Works" as established by the Tennessee Department of Environment and Conservation. The subdivider may construct said water lines and appurtenances but said construction shall be subject

at all times to the inspection and approval of said district and local health authority.

Water mains in the subdivision, as recommended by the Brownsville Utilities Water Department, shall be connected to the town water system. The water system in the subdivision shall be looped so as to provide adequate water pressure for fire protection. The water mains will be a minimum six (6") inches with fire hydrants no further apart than five-hundred (500') feet. A greater line size may be required when it is determined by the Planning Commission that future development will require the additional size.

- a. All pipe solder or flux, which is used in the installation or repair of any water system, shall be lead free; provided, however, this shall not apply to lead joints necessary for the repair of cast iron pipes.
- b. All water mains installed within the subdivision shall be designed to minimize the infiltration of flood water.
- c. The developer shall be responsible for installing individual lot services to property line consisting of connection to water main, service tubing, curb stop and meter box.
- d. All water supply system construction plans and specifications shall be approved by the area Office of the Tennessee Department of Environment and Conservation prior to any construction in accordance with Section 68-13-102, Tennessee Code Annotated, copies of comments and certificates of approval from the above agency shall be forwarded to the Brownsville Utilities Water Department.

2. Sanitary Sewer Systems

Except where it is impractical as determined by the Planning Commission based on a recommendation by the Brownsville Utilities Water Department, the subdivider shall construct and install an approved sanitary sewage distribution system including sewer mains and appurtenances in each subdivision pursuant to standards of the Brownsville Utilities Water Department to adequately serve all lots. When a proposed subdivision is within a minimum distance from an existing public sewer system as determined and recommended by the Brownsville Utilities Water Department, the subdivider shall extend and properly connect sewer mains and appurtenances to the community public sanitary sewage disposal system. Sanitary sewers shall be installed by the developer. Sewer lines shall be a minimum of eight (8) inches in diameter for gravity lines and shall be a minimum of four (4) inches for force mains. Should the subdivision have elevations which are below those of the nearest public sanitary sewer, a lift station shall be installed by the subdivider. All sanitary sewer construction shall be built in accordance with the standards and regulations of the Tennessee Department of Environment

and Conservation and pursuant to standards of the Brownsville Utilities Water Department. Construction and installation of said sewer system shall be in conformance with the "Local Government Public Works Standards and Specifications" as modified by the Brownsville Utilities Water Department and in conformance with "Design Criteria for Sewerage Works" as established by the Tennessee Department of Environment and Conservation. The subdivider is further responsible for submittal to and approval by the Tennessee Department of Environment and Conservation. All construction of sewer lines and appurtenances may be made by Brownsville utilities either with their own forces or by contract upon the subdivider making proper bond or financial arrangements with said Brownsville Utilities. The subdivider may construct said sewer lines and appurtenances but said construction shall be subject at all times to the inspection and approval of Brownsville Utilities and the Haywood County health authority.

Technical Review Staff designated by the Planning Commission or the Planning Commission may require greater line sizes, pumping stations or other design modifications upon recommendation by the sewage utility provider having jurisdiction. All subdivisions within the city limits will be required to connect to the municipal sewer system at the developer's expense. All systems shall be designed to minimize or eliminate infiltration of flood water.

- a. The developer shall be responsible for installing individual lot services to property line consisting of connection to main and service pipe with plug.
- b. All sewer line construction plans and specifications shall be approved by the area office of the Tennessee Department of Public Health, Environmental Health Services, prior to any construction in accordance with Section 68-13-102, Tennessee Code Annotated. Copies of comments and certificates of approval from the above agency are required and shall be forwarded to the Town of Stanton.

I. SCREENING AND LANDSCAPING

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

1. Residential Development

Where residential developments have lots which have double frontage on public streets (alleys excepted), there shall be continuous screening along the rear line of these lots. Visibility areas required for traffic safety as designated by the Planning Commission shall not be screened.

2. Non-Residential Development

The screening and landscaping for non-residential development shall comply with the provisions of the Stanton Zoning Ordinance.

3. Other Landscaping

The Planning Commission may specify to the developer those areas within the subdivision which require landscaping. In such an event, the developer shall present, upon Final Plat presentation, a detailed landscaping plan and planting schedule.

J. PERFORMANCE BOND IN LIEU OF COMPLETED IMPROVEMENTS

The subdivision developer may, subject to the approval of the Planning Commission, furnish to the Town of Stanton a construction performance bond or other instrument of surety acceptable by the Planning Commission. The amount and terms of the bond or surety shall be as determined by Technical Staff designated by the Planning Commission in accordance with Section 13-4-303, Tennessee Code Annotated. The amount of the bond or surety will be equal to the cost of installation of the improvements plus one year's inflation and shall remain in effect from the date of Final Plat approval until one year following completion, inspection and acceptance of required public improvements installed by the developer.

1. Enforcement of Bonds

Failure of the developer to comply with any or all parts of these regulations subsequent to final subdivision plat approval shall be grounds for issuance of a stop work order by the Mayor and or Building Inspector and enforcement of the performance bond by the Town of Stanton.

ARTICLE V

VARIANCES, APPEALS AND AMENDMENTS

A. VARIANCES

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

1. Hardship

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

2. Site Peculiar Conditions

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

B. APPEALS

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

C. AMENDMENTS

The procedures, policies, design standards, requirements and restrictions set forth in these Regulations may from time to time be amended, supplemented, changed, or rescinded by the Planning Commission. Before adoption of any amendment, a public hearing thereon

shall be held by the Planning Commission in accordance with Section 13-4-303, Tennessee Code Annotated. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city.

ARTICLE VI

LEGAL STATUS PROVISIONS

A. POWERS OF THE PLANNING COMMISSION

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

B. ENFORCEMENT OF SUBDIVISION REGULATIONS

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

1. Submission of Subdivision Plat for Approval

No plat of subdivision of land into two (2) or more lots or tracts located within the Town of Stanton, shall be admitted to the land records of Haywood County or received or recorded by the Haywood County Register of Deeds until such plat shall have been submitted to and approved by the Planning Commission and such approval entered in writing on the plat by the Secretary of the Planning Commission as provided in Section 13-4-302, Tennessee Code Annotated.

2. Acceptance of and Improvements of Unapproved Streets

No board, public official, or authority shall accept, lay out, open, improve, grade, pave or light any street or lay or authority water mains or sewers or connection to be laid in any street within the Town of Stanton unless such shall have otherwise received the legal status of a public street prior to adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the Planning Commission as provided in Section 13-4-307, Tennessee Code Annotated; however, the Town of Stanton may locate and construct or may accept any other street, provided that the Ordinance or other measure for such location and construction or for such acceptance be first submitted to the Planning Commission for its approval, and if disapproved by the Commission, be passed by a majority of the entire membership of the Board of Mayor and Aldermen; and a street approved by the Planning Commission or constructed or accepted by said majority vote after disapproval by the Commission, shall have the status of an approved street as fully as though it had

been originally shown on a subdivision plat made and adopted by the Commission.

3. Issuance of Building Permits

No building permit shall be issued and no building shall be erected on any lot within the Town of Stanton unless the street giving access to the lot upon which said building is proposed to be placed, shall have been accepted or open as or shall have otherwise received the legal status of a public street prior to the adoption of these regulations or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Planning Commission or on a street plat made and adopted by the Commission, or with a street located or accepted by the Board of Mayor and Aldermen, or as a street platted as a private travel easement as provided in Section 13-4-308, Tennessee Code Annotated.

C. COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint stating fully the causes and basis thereof. Such complaint shall be filed with the Mayor and or Building Inspector. He or she shall record properly such complaint, investigate, take necessary action within his authority or refer the complaint to the Town Attorney or other official designated by the Board of Mayor and Aldermen. A report of all violations of these regulations shall be included in the minutes of a regular meeting of the Planning Commission.

D. PENALTIES FOR VIOLATION

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

1. Recording of Unapproved Subdivision Plat

No County Register shall receive, file, or record a plat of a subdivision within the Town of Stanton without the approval of the Planning Commission as required in Section 13-4-302, Tennessee Code Annotated, and any County Register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

2. Transfer or Sale of Land Without Prior Subdivision Approval

Section 13-4-306, Tennessee Code Annotated, provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of such subdivision or such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the Office of the Haywood County Register, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; and the description by Metes and Bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Stanton through its Town Attorney or other official designated, may enjoin such transfer or sale, or agreement by action or injunction.

3. Unlawful Structures

Any building erected or to be erected in violation of these regulations shall be deemed an unlawful structure, and the Stanton Building Inspector or Attorney of the Town of Stanton or other official designated, may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-4-308, Tennessee Code Annotated.

E. PROVISIONS OR REGULATIONS DECLARED TO BE MINIMUM REQUIREMENTS

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

ARTICLE VII

SEVERABILITY

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

ARTICLE VIII

ADOPTION AND EFFECTIVE DATE

A. PUBLIC HEARING

Before adoption, amendment, revisions, or rescission of all or part of these Subdivision Regulations, a Public Hearing as required by Section 13-4-303, Tennessee Code Annotated, was afforded any interested person or persons.

B. EFFECTIVE DATE

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

Adopted by the Planning Commission 11th day of June, 2025.

Chairperson
Stanton Municipal Planning Commission

ATTEST: _____
Secretary
Stanton Municipal Planning Commission

APPENDIX

APPENDIX A

PLANNING COMMISSION FEE SCHEDULE

Annexation

- Annexation, Contiguous
 - Less than 10 acres: \$ 100
 - Less than 50 acres: \$ 250
 - 50 acres of more: \$ 500
- Annexation, Non-Contiguous
 - Less than 10 acres: \$ 250
 - Less than 50 acres: \$ 400
 - 50 acres of more: \$ 650
- Annexation, Non-Contiguous, Outside UGB \$2,500

Zoning

- Rezoning \$ 500
- Zoning Text Amendment \$ 250
- Zoning Certification Letter \$ 50

Site Plan

- Site Plan Residential*
 - Residential: \$ 400, plus \$10/lot
 - Non-residential: \$ 400, plus \$0.02/sf
- Site Plan Major Modification
 - Residential: \$ 400, plus \$10/incl lot
 - Non-residential: \$ 400, plus \$0.02/sf
- Site Plan - Cellular /Communication Tower \$1,000; or \$100/DAS

Subdivision Plat

- Preliminary Plat / Engineering Plan* \$ 350, plus \$20/LOT
- Final Plat Administrative Review (Lot Split) \$ 250
- Final Plat Minor Subdivision Review \$ 350
- Final Plat \$ 350, plus \$20/LOT

Planned Development

- Development Plan
 - Residential: \$1,000, plus \$10/lot
 - Non-residential: \$1,000, plus \$0.02/sf
- Development Modification
 - Residential: \$1,000, plus \$10/incl lot
 - Non-residential: \$1,000, plus \$0.02/sf

Miscellaneous

- Special Use \$ 300
- Variance \$ 300
- Appeal of Administrative Decision \$ 250

* Professional Review Fees may be charged in addition to the fees noted above.

APPENDIX B

FINAL PLAT CERTIFICATES

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. _____

CERTIFICATE OF AVAILABILITY OF UTILITIES

(Minor Subdivision Only)

I, _____, do hereby certify that I have reviewed the minor subdivision and certify that electric, gas, public water, and public sewer are available.

_____, 20_____

Date

City Engineer
Town of Stanton

CERTIFICATE OF THE APPROVAL OF WATER/SEWAGE SYSTEMS

I hereby Certify that the public water and/or sewage disposal utility system or systems installed or bonded in the amount of \$ _____ and proposed for installation are in conformance with the engineering documents approved with the preliminary submittal and/or fully meet all applicable provisions contained herein and meet the requirements of the Tennessee Department of Environment and Conservation.

_____, 20_____

Date

City Engineer
Town of Stanton

CERTIFICATE OF APPROVAL OF SUITABILITY OF SOILS FOR SEPTIC TANKS

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

_____, 20_____

DATE

TN Dept of Environment
And Conservation

CERTIFICATE OF APPROVAL OF STREETS AND STORM DRAINAGE

I hereby certify that the streets, drainage systems and related appurtenances reflected hereon and on the approved Engineering plan submittal have been installed or bonded in the amount of \$_____ and proposed for installation in conformance with the engineering documents approved with the Engineering submittal and/or fully meet all applicable provisions of the Stanton Municipal Subdivision Regulations.

_____, 20_____
Date

City Engineer
Town of Stanton

REVIEW OF AVAILABILITY OF ACCESS TO A PUBLIC STREET

(Minor Subdivision Only)

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

_____, 20_____
Date

Public Works Director or Engineer
Town of Stanton

CERTIFICATE OF APPROVAL OF STREET OR ROAD NAMES

I, _____, do hereby approve the street or road names for the subdivision and certify that the Haywood County 911 Commission has been consulted to ensure updates to the E911 Service.

_____, 20_____
Date

Public Works Director
Town of Stanton

CERTIFICATE OF FIRE DEPARTMENT REVIEW

I, _____, do hereby certify that the subdivision plat has been reviewed related to emergency vehicle access and distance/access to hydrants.

_____, 20_____
Date

Fire Chief
Town of Stanton

PLANNING COMMISSION CERTIFICATE

I, _____, do hereby certify that the Stanton Municipal Planning Commission has approved this plat of subdivision for recording.

_____, 20____
Date

Secretary,
Stanton Planning Commission

APPENDIX C

TOWN OF STANTON
SITE DEVELOPMENT AGREEMENT

THIS SITE DEVELOPMENT AGREEMENT (hereinafter the "Agreement"), is made and entered into this _____ day of _____, 20____, by and between the Town of Stanton, Haywood County, Tennessee, (hereinafter the "Town"), and _____, a _____ with offices located at _____, _____ (hereinafter the "Developer"):

WITNESSETH

WHEREAS, the Developer is the owner¹ of a tract of land zoned _____, which contains approximately _____ acres on that property identified as Haywood Tax Map _____, Parcel _____ (the "Property") and desires to improve and develop the Property into a development to be known as _____ (the "Development"); and,

WHEREAS, the Stanton Planning Commission (the "Planning Commission") and, as applicable, the Design Review Committee (the DRC), have approved the Development Site Plan (the "Site Plan") on _____; and,

WHEREAS, the Developer is required to install with respect to the Development, in conformance with the Zoning Ordinance and as provided herein, certain Public Improvements, including, but not limited to, water lines, fire hydrants, sanitary sewer lines, grading, stormwater drainage system, streets, curbs, gutters, sidewalks, street name signs, traffic control devices, street lights, electrical power and gas utilities in said Development at its own cost; and,

WHEREAS, the Developer may be required, pursuant to its application and Planning Commission approval and, as applicable Design Review Committee approval, to install Private Improvements and amenities, including, but not limited to, private streets and alleys, fences, walls, lakes, common open space amenities, stormwater retention and/or detention basins, landscaping and related irrigation systems, relative to said Development, none of which shall be accepted for maintenance by the Town; and,

WHEREAS, the Town is willing to enter into this Agreement with the Developer relative to the development of the Property, and the Town is willing to provide services to the Development in accordance with the Town's standard policies and applicable rates; and,

¹ If the Developer is not the owner of the Project Site but has permission from the owner to develop same, the owner will be required to join herein and all obligations imposed upon the Developer hereunder shall be the joint and several obligations of the Developer and the owner.

WHEREAS, the Town is willing to approve the Development, subject to the applicant's compliance with applicable existing laws, ordinances, and regulations and the conditions set forth herein;

NOW, THEREFORE, in consideration for the mutual promises herein contained, and other consideration herein recited the parties do hereby agree as follows:

I. DEFINITIONS

A. *Administrative Guidelines*: Collectively include the following codes and standards:

1. The standards of the American Society for Testing Materials (ASTM);
2. The requirements of the Occupational Safety and Health Administration (OSHA);
3. The requirements of the Federal Americans with Disabilities Act (ADA);
4. The Standard Specifications for Road and Bridge Construction of the Tennessee Department of Transportation; and
5. The Standards of the American National Standards Institute (ANSI);

References herein to the Codes are to those in effect on the Effective Date unless amendments are hereafter made which apply to all improvements or developments regardless of their date of commencement and/or completion of construction.

B. *Codes*: Collectively include the following ordinance, regulations and standards:

1. Stanton Zoning Ordinance and Subdivision Regulations;
2. Standards and specifications contained in "Local Public Works Standard, and Specifications", as amended to include specific requirements for construction in Stanton, TN;
3. The International Building Code (as adopted by Haywood County Code Enforcement);
4. The International Building Code Fire Code; and
5. Any and all other applicable Ordinances of the Town of Stanton and Haywood County.

References herein to the Codes are to those in effect on the Effective Date unless amendments are hereafter made which apply to all improvements or developments regardless of their date of commencement and/or completion of construction.

- C. *Conditions of Approval:* are those conditions imposed upon the Developer and/or the Development by the Town of Stanton by and through the Board of Mayor and Alderman, Planning Commission, Board of Zoning Appeals, Design Review Committee and/or any other applicable Board, Committee or Commission of the Town of Stanton. These conditions are listed in Exhibit "A", attached hereto.
- D. *Effective Date:* is the date that this agreement is entered into by and between the parties hereto as demonstrated by their execution of this Contract.
- E. *Final Acceptance:* shall occur after all required Public and Private improvements have been completed by the Developer, to the satisfaction of the Town Engineer, Town Planner, Town Recorder, and the Town Inspector.
- F. *Initial Acceptance:* shall occur at the point in time when the Developer has completed all required Public Improvements and Private Improvements as required by the Town and specified in Exhibit "A", to the Property, and all required Public Improvements off site, relative to the Development, including the final surface asphalt course and same have been inspected, tested and approved in writing by all of the following: Town Engineer, Town Planner, Town Recorder, and the Town Inspector. Initial Acceptance shall not occur until such time as as-built plans (as per Section 4.11) shall be submitted by the Developer and inspected by the Town Engineer. Initial Acceptance shall not occur until such time as payment of street lighting pursuant to Section 4.4 has been made in full to the Town.
- G. *Lot:* is a single fraction or part of the Development as shown by the site plans or survey of the Property.
- H. *Payment-in-Lieu of Construction:* is a payment with the approval of the Planning Commission for future construction of those Public Improvements required of the Developer by the Town and/or the Planning Commission. This payment shall be non-refundable to the Developer, its agents, or assigns, and there shall be no requirement of the Town that said improvements shall be made in a specific period of time. The improvements shall be specified by the Town Engineer and attached to this Agreement, if applicable, as an Exhibit "B."
- I. *Private Improvements:* includes all specific improvements to be constructed, such as, but not limited to brick walls, landscaping, fencing, lighting, etc., as required by the Town relative to the Development, and which are not Public Improvements.

- J. *Property*: those parcels or tracts of land upon which the Developer intends to develop. The Property shall include all portions of the parcels or tracts of land shown on the site plans, whether any construction activities will take place upon the same or not.
- K. *Public Improvements*: those improvements to be constructed relative to the Development that are to be dedicated to the Town and accepted for perpetual maintenance by the Town.
- L. *Security*: a Bond or Letter of Credit issued by a bank or bonding company qualified to do business in the State of Tennessee, to the Developer, naming the Town of Stanton as beneficiary, and securing the completion of all Public Improvements and Private Improvements. Said bond or letter of credit shall have an expiration date of one (1) year from issuance but shall automatically renew for successive one (1) year periods and is callable upon a local branch (as per Section 7.8) of the issuing bank or bonding company. In accordance with Section 7.0 cash or Certified Check are adequate security acceptable to the Town. All provisions of Section 7.0 are made by reference herein as if incorporated and recited here in full.
- M. *Site Plans*: are those documents and plans submitted to the Town in conjunction with an application for site plan approval, including, but not limited to the application for Site Plan approval for the Planning Commission, Design Review Committee and Board of Zoning Appeals.
- N. *Warranty Period*: Each Development approval shall be effective for one (1) year from the Final Acceptance by the Town. During this Warranty Period the Developer is responsible for the maintenance and repair of any and all defects and failures of those Public and Private Improvements constructed by the Developer or his agent. Prior to the expiration of the Warranty Period and before the Security will be released by the Town, a punch list of items to be repaired or replaced will be given to the Developer by the Town and those items shall be completed to the satisfaction of the Town Engineer, Town Planner, Town Recorder, and the Town Inspector.

II. OWNERSHIP

- A. The Developer agrees it shall have no claim, direct or implied, in the title or ownership of the improvements specified in this Agreement that are to be dedicated to the Town by virtue of the official recording of the appropriate and accepted for perpetual maintenance by the Town, those being the Public Improvements. The Town, upon Initial Acceptance, will take full title to the Public Improvements. Maintenance responsibilities of the Developer prior to and after Final Acceptance are provided for hereinafter.

- B. Until Initial Acceptance, the Developer agrees that neither the Property nor any portion thereof will be transferred without first providing the Town with notice of when the proposed transfer is to occur and who the proposed transferee is, along with the appropriate address and telephone number of the proposed transferee.
- C. If it is the proposed transferee's intention to develop the Property or any portion thereof in accordance with this Agreement, the Developer agrees to furnish the Town with an assumption agreement by which the transferee agrees to perform the obligations required under this Agreement that are applicable to the property to be acquired by the transferee. Unless otherwise agreed by the Town, the Developer will not be released from any of its obligations hereunder by virtue of such transfer and the Developer and the transferee both shall be jointly and severally liable to the Town following such transfer for all obligations hereunder that are applicable to the property transferred. Said assumption agreement will be subject to the approval of the Town Attorney.
- D. If the Developer and the transferee intend to enter into an assumption agreement whereby the Developer is released from its obligations under this Agreement, the Developer must present the assumption agreement to the Town for consideration and possible approval by the Board of Mayor and Aldermen. In the event of such approval, the transferee will be required to furnish new Security acceptable to the Town.

III. GENERAL CONDITIONS

- A. **Construction Standards:** The Developer shall construct the Development in accordance with the Site Plan, as approved by the Planning Commission, and if applicable, the requirements of the Design Review Committee, and in accordance with the requirements of (a) the Stanton Subdivision Regulations; (b) standards and specifications contained in "Local Public Works Standard, and Specifications", as amended to include specific requirements for construction in Stanton, TN; (c) the Building Code (as adopted by Haywood County); (d) the Fire Code (as adopted by Haywood County); (e) the Stanton Zoning Ordinance; and (f) the applicable Ordinances of the Town. Items (a) through (f) are hereby made a part of this Agreement by reference and are hereinafter referred to collectively as the "Codes". References herein to the Codes are to those in effect on the Effective Date unless amendments are hereafter made which apply to all improvements or Developments regardless of their date of commencement and/or completion of construction. The Conditions of Approval established by the Planning Commission, and, as applicable, the Design Review Committee (any or all of which as may have been modified by the Board of Mayor and Aldermen) are set forth in Exhibit "A" to this Agreement and are incorporated herein by reference and made a part hereof.

IV. PUBLIC IMPROVEMENTS

A. General Requirements

1. Construction of required Public Improvements shall meet standards and specifications contained in the "Local Government Public Works Standards, and Specifications," as amended to include specific requirements for construction in Stanton Tennessee.
2. The construction of all required Public Improvements by the Developer, including, but not limited to, curbs and gutters, street subgrade preparation, temporary surface course, wearing surface, storm drainage, sidewalks as required, water service, utility service, sanitary sewer service, street lighting and other related items shall be undertaken and completed by the Developer in accordance with the Subdivision Regulations, Zoning Ordinance and other specifications of the Town, all of which are incorporated by reference herein, said Public Improvements requiring approval and acceptance by the Town.
3. All drainage, including but not limited to, detention ponds, ditch paving, bank protection, and fencing adjacent to open ditches made necessary by the Development is to be constructed by the Developer and at the Developer's sole expense, on a schedule and according to plans and specifications approved by the engineer appointed by the Town to advise the Town regarding the construction of the Development (the "Town Engineer"). (See Section 4.8).
4. The Developer shall provide necessary erosion control, including but not limited to, seeding for gentle slopes and grass sod for steeper slopes with special grading and terracing as necessary, to the specifications of the Town Engineer.
5. All sidewalks shall be handicap accessible in accordance with ADA requirements and applicable Codes.

B. Streets

1. The Developer agrees to dedicate and improve and/or construct, at no cost to the Town, all public and/or private streets located within or required by this Development to comply with the road standards of the Town to the satisfaction and approval of the Town Engineer, subject, however, if applicable, to the provisions of subparagraph 4.2.2 immediately below.
2. Upon the application by the Developer to the Planning Commission, the Planning Commission has approved a Payment in-Lieu of Construction in

the amount of N/A **Dollars, (\$ N/A)** for those improvements set forth in Exhibit "B" attached hereto.

3. The Developer shall bear the cost of all engineering, inspection, and laboratory costs procured by the Developer incidental to the construction of street(s) to be constructed or improved pursuant to this Agreement, including, but not limited to, material and density testing; and, if the Town deems it necessary to have additional work of such nature performed, the Developer shall bear such costs also.
4. The Developer shall furnish and install asphalt base and a final asphalt surface course (wearing surface) on all streets, public and private, as required hereunder in accordance with the Town specifications.
5. It is agreed and understood that if it is not necessary to change the existing grade, alignment or disturb the pavement of an existing street or road, the Developer shall only be required to construct drainage, sub-base, base and pavement to match the existing pavement and construct sidewalks, curb and gutter as required. If the existing grade and/or alignment is changed, the Developer shall be required to grade, prepare sub-base, base and pave the full width of said street or road.
6. Street Temporary Surface Course: The Developer shall be responsible for street subsurface preparation ("Temporary Surface Course") and, in addition to the detailed specifications, the following requirements, subject to approval by the Town, shall apply:

TYPE OF TEMPORARY SURFACE COURSE
(Residential Streets with 50' of Right of Way)

- a. " Black Base Asphalt atop 8" Compacted Gravel Base
- b. " Black Base Asphalt atop 8" Soil Cement Base as designed by an accepted soils laboratory testing firm and under direct approval by the Town Engineer.

TYPE OF TEMPORARY SURFACE COURSE
(All Other Streets with more than 50' of Right of Way)

- a. " Black Base Asphalt atop 10" Compacted Gravel Base
- b. " Black Base Asphalt atop 10" Soil Cement Base as designed by an

accepted soils laboratory testing firm and under direct approval by the Town Engineer.

7. Street Wearing Surface: Developer shall furnish and install a final asphalt surface course (hereinafter "Wearing Surface") as indicated below in accordance with the Town's Subdivision Regulations.

THICKNESS OF WEARING SURFACE
(Residential Streets with 50' of Right of Way)

- a. $\frac{1}{2}$ " Wearing Surface

THICKNESS OF WEARING SURFACE
(All Other Streets with more than 50' of Right of Way)

- a. " Wearing Surface

8. The Developer shall adjust manholes and water valve boxes to meet proposed finished surface elevations prior to application of the Wearing Surface at the sole expense of the Developer.
9. The Town specifically reserves the right to require the Developer to repair the Temporary Surface Course as necessary and in such areas that are recommended by the Town Engineer or Public Works Department, prior to application of final Wearing Surface.

C. Electricity

1. The Developer shall provide electrical service to each residential Lot at his sole expense. All electrical lines from the service poles to the houses are to be underground with transformer boxes located at the building line or rear property line.
2. The Developer shall provide a copy of the utility plans approved by Southwest Tennessee Electric Membership Corporation (referred to as "STEMC") to the Town Engineer prior to the Final Acceptance.

D. Street Lighting

1. The Developer shall provide streetlights for the entire Development at his sole expense. The type of lighting standard, pole spacing and installation shall be per Town of Stanton's Public Works Department's (the "Public Works Department") standards. STEMC shall bill the Town for installation of street lighting per its standards.

2. The Developer agrees to pay to the Town the estimated cost of the street lighting installation within the Development. The Town shall thereafter bill Developer the actual amount charged to it by STEMC for the installation of the required street lighting. Developer shall make payment to Town within 30 days of billing. Town may withhold all other approvals and/or permits within the Development until such payment is made by the Developer.

E. Telephone and Cablevision

1. Telephone and Cablevision pedestals shall be located in rear yards only.

F. Water Service

1. The Developer shall provide at the Developer's sole expense, a potable water system and an adequate fire protection water system according to the flow requirements, policies and procedures of the Public Works Department.
2. The Developer shall provide a copy of the utility plans approved by Public Works Department to the Town Engineer prior to the Final Plat Approval.

G. Sewer Service

1. The Developer (including any partnership of Developers), at its sole expense, shall develop and construct the sewer extensions, mains and laterals as necessary to service the new Development(s) and the increased capacity resulting therefrom.
2. The Developer shall also be responsible and pay for the reasonable expense incurred by the Town towards development of the developer's sewer extension and negotiations of this agreement including but not limited to attorney fees and condemnation cost and expenses.
3. The design, route and specifications of said extensions, mains and laterals shall be approved in writing by the Town Engineer.
4. The Developer shall not attach said sewer extension and/or main to the Town's interceptor sewer system, (including pump stations and/or sewage plant) without the written authority or permission of the Public Works Department to do so. This agreement shall not be construed or interpreted in any way whatsoever as the granting of the authority or permission to attach to, "tie in" and/or "hook on" to the Town's interceptor sewer system without the express written authorization of the Public Works Department to do so.

5. The sewage system improvements required for the Development, complete with necessary pump stations, force mains and manholes, shall be approved by the State of Tennessee Department of Environment and Conservation.
6. The Developer shall provide all sewer mains and manholes as provided for in the Site Plans and specifications.
7. The Developer shall provide all sewer laterals from the sewer main to the front property line of each Lot as approved by the Town Engineer and provided for in the Site Plans and specifications, including, but not limited to connection to the main and service pipe with plug. The utility trench created across any existing streets shall be backfilled full depth with flowable concrete fill along with asphalt service equal to the existing pavement section, or as directed by the Public Works Department.
8. The Developer shall pay the cost of all engineering, inspection and laboratory-testing incidental to the sewer service in or to the Development.
9. The building permits for the Development shall be withheld until the above stipulations are met in their entirety.

H. Drainage Design

1. The Developer shall provide a drainage system, which will not increase, alter or affect the flow of surface waters, nor contribute to same, so as to damage, flood or adversely affect any property, either upstream or downstream of the Development. The Developer shall also provide to the Town the formal written opinion of a certified and licensed professional engineer certifying, as a professional engineer, that he has reviewed the entire watershed within which the Development is located and that upon full development at the greatest allowable use density, under existing zoning of all land within the watershed, the Development will not increase, alter or affect the flow of surface waters, nor contribute to same, so as to damage, flood or adversely affect any property, either upstream or downstream of the Development. Further, the Developer agrees to hold harmless and to defend the Town and the Town Engineer from any claim, cause of action or liability, alleged and/or proven, to have arisen directly or indirectly from alteration affecting the surface water by reason of the Developer's design, construction, installation or the Development itself, in whole or part. The aforesaid indemnity agreement includes, without limitation, the reasonable expenses of the Town incurred in defending itself against any matter covered by such indemnity agreement, including attorney fees and expenses of litigation.

2. The Developer agrees that it will provide necessary erosion control, such as seeding for gentle slopes (4 to 1 or less), grass sod for steeper slopes, with special grading and terracing, to the specifications of the Town Engineer. All freshly excavated and embankment areas not covered with satisfactory vegetation shall be fertilized, mulched and seeded and/or sodded as required by the Town Engineer to prevent erosion. In the event the Town Engineer determines that necessary erosion control is not being provided by the Developer, the proper governing authority shall officially notify the Developer of the problem. If the Developer has not corrected the problem within 7 days after the notice, then the proper governing authority shall make the necessary improvement to eliminate the erosion problem, documenting all expenses incurred while performing the work. Prior to releasing any Security hereunder, all expenses incurred by the governing authority relative to the foregoing shall be paid in full by the Developer plus interest thereon at the rate of ten percent (10%) per annum.
3. Any and all unenclosed watercourses lying partially or wholly within the boundary of the Property shall be constructed to an adequate cross section to provide design flow without threat of erosion or flooding of any property within the Property or any adjoining property. Such watercourses shall be lined in a manner satisfactory to the Town Engineer and any other agencies, which may have jurisdiction.
4. All buildings and structures in the Development will be constructed so as to be safe from flooding in the event of a "100-year flood". As a minimum, the finished floor elevation of all houses shall be 1' above the "100-year flood" elevation as established by the Federal Emergency Management Agency for the Town of Stanton.
5. The Developer understands and agrees that neither the Town in its proprietary function nor the Town Engineer in the performance of his professional responsibilities are vested with the original design responsibility or the means to formally survey elevations or the locations of drainage improvements at every state of the construction process, and that, therefore, the ultimate responsibility for compliance with all Subdivision Regulations, approved plans and specifications and Agreement provisions rests with the Developer.
6. The Developer shall pay the cost of all engineering, inspection, and laboratory-testing incident to the drainage system of the Development.

I. Preconstruction Conference

1. The Developer is required to meet with the Town Staff prior to commencing construction for a pre-construction conference. At that conference, the execution of the work, specifications, terms and conditions

of the Agreement will be discussed.

2. At the time of the Pre-Construction Conference, all development fees must be paid, construction plans must be signed by the Town Engineer, the sewer approval has been granted by the State, the Stormwater Pollution Prevention Plan and Notice of Intent must be filed with the State of Tennessee, and the required bond must be posted.

J. Street Signage

1. The Developer agrees to install permanent street signposts and markers at all street intersections in the Development and to install traffic control devices, signage and striping relative to the Development. The standards and specifications for public street signposts and lettering can be obtained from the Town Planner.
2. Location of street and traffic control signs to be installed shall be approved by the Town Engineer. All traffic control devices, signage and striping shall be installed as per the Manual on Uniform Traffic Control Devices and approved by the Town Engineer.

K. Sidewalks

Notwithstanding any provision to the contrary herein, all required sidewalks and handicap ramps shall be completed and without defect prior to the issuance of a Use and Occupancy permit for the Development. The Developer shall be responsible for repairing any latent defects in the sidewalks and ramps prior to Final Acceptance of the Development.

L. Release of Public Improvements

1. The Developer shall furnish to the Town, as-built plans, on a reproducible, stable media, immediately following the completion of the construction. The as-built plans shall be endorsed by a Tennessee Registered Professional Engineer and or a Registered Land Surveyor. The certification in Exhibit "D" shall be added to all sheets of the plans. The as-built plans shall be submitted to the Town before the Initial Acceptance by the Town. All aspects of the Development that have been affected by construction should be verified and appear on the as-built plans. This would include, but is not limited to, the following items:
 - a. All property lines and easements.
 - b. Elevations (rim & invert) of storm drainage structures.
 - c. Elevations (rim & invert) of sanitary sewer manholes.

- d. Horizontal location of all storm drain and sanitary sewer structures with station and offsets tied to street centerlines.
 - e. For any streets with less than 1% longitudinal slope, provide as-built gutter elevations at 25' intervals.
 - f. For areas of a Development, which were filled to raise the property above the 100-year flood elevation, an as-built topographic survey shall be provided.
 - g. For all detention basins, an as-built topographic survey shall be provided.
- 2. The Developer shall have no claim, direct, indirect or implied, to title or ownership of the Public Improvements described in this Agreement from and after Initial Acceptance.
 - 3. The Town, upon Initial Acceptance, shall take full and complete title to the Public Improvements, provided however, the Developer shall be responsible for maintenance, construction failures and defects in all Public and Private Improvements of the Development through the Warranty Period. The Developer shall, at his sole expense, correct and cure such defects and failures in the manner prescribed by and to the satisfaction of the Town or the Town Engineer.

V. PRIVATE IMPROVEMENTS

- A. All Private Improvements to be completed by the Developer shall be included on either the Final Plat and/or the Conditions of Approval as set forth in Exhibit "A" attached hereto. All Private Improvements shall be completed prior to Final Acceptance or as otherwise stated in Exhibit "A".
- B. All Private Improvements and their maintenance thereafter shall be the responsibility of the Developer or his assigns. The Private Improvements shall only be made on property that will **NOT** be dedicated to nor accepted by the Town, but instead shall be owned by the Developer, a lot owner and/or a Homeowner's Association.
- C. The Developer shall post Security in accordance with Section 7 for the value of the construction of the Private Improvements. The Town Engineer shall establish the amount of the Security.

VI. FEES TO BE PAID

- A. In connection with the development of _____, the Developer shall pay to the Town fees, in such amounts and at such times, as

set forth below:

1. Sewer connection fee \$
2. Non-Residential Site Construction Inspection Fee \$
3. Plans Review Fee \$
4. Impact Fees \$
5. Payment-in-Lieu of Construction (Optional) \$

TOTAL DUE* = \$ _____

*NOTE: SEPARATE CHECKS ARE REQUIRED FOR EACH FEE.

- B. If Site Plan construction is not completed within one (1) year from the date of execution of this Agreement and the fee structure of the Town has been amended, the Developer shall be responsible for the payment of fees pursuant to the amended fee structure of the Town.

VII. SECURITY REQUIREMENTS

- A. Prior to the commencement of construction, the Developer shall furnish to the Town, Security in the form of a bond in the amount of the total value and cost of installation of the Public and Private Improvements to be made, plus one year's inflation, until the Property construction has been completed and the Warranty Period has expired. The amount and terms of the bond shall be determined by the Town Engineer and approved by the Board of Mayor and Aldermen.
- B. The Town, in its sole discretion, may, in lieu of a bond, accept a Certified Check made payable to the Town for the total amount of the total value and cost of installation of the Public and Private Improvements. If the Developer submits a Certified Check in lieu of a bond, he must execute an "Escrow Agreement" with the Town in form and substance acceptable to the Town and its attorneys, which shall become a part of this Agreement. In the event that the required improvements are built and installed in accordance with the foregoing standards and requirements as approved by the Town Engineer, the deposit made in lieu of bond and in accordance with the Escrow Agreement will be returned to the Developer at the end of the Warranty Period. In the event that the construction and installation are not completed or approved by the Town, the deposit, or so much thereof as may be necessary, shall be expended as provided in the Escrow Agreement.
- C. The Town, in its sole discretion, may, in lieu of a bond, accept an irrevocable

standby letter of credit exclusively in favor of the Town, from an institution approved by the Town, for the total value and cost of installation of the Public and Private Improvements. Said letter of credit shall be upon terms acceptable to the Town and the Town shall have the right to demand payment of the letter of credit, or so much thereof as may be necessary, in the event that the construction and installation are not completed or approved by the Town.

- D. The Town reserves the right in its sole discretion to refuse to accept any Bond or Letter of Credit from any institution, surety or bank. The Town reserves the right in its sole discretion to limit the amount any single institution, surety or bank may guarantee to the Town whether under a single development agreement or as a total amount guaranteeing several development agreements from multiple developers.
- E. The Town requires that regardless of any other requirement or language to the contrary, that a provision be added in every bond or letter of credit that prior to the final expiration date of the bond or letter of credit, the institution, surety or bank shall provide to the Town of Stanton a written statement no earlier than 150 days and no later than 120 days prior to the final expiration date, that the bond or letter of credit shall expire and will not be renewed as of that final expiration date.
- F. The Town requires that regardless of language to the contrary anywhere in the bond or letter of credit, that the bond or letter of credit shall specifically state in plain language that should any litigation arise in relation to the bond or letter of credit, the proper jurisdiction and venue of such litigation shall be in the appropriate court in Haywood County, Tennessee.
- G. No bond or letter of credit will be accepted by the Town unless the institution, surety or bank issuing same is authorized and registered to do business within the State of Tennessee and has a local branch (meaning within 100 miles of Stanton, TN) for which presentment of a draw is required.
- H. No bond or letter of credit will be accepted by the Town until such time as it has been reviewed to the satisfaction of the Town Engineer, Town Planner, Town Recorder, Town Inspector and the Town Attorney.
- I. Calculation of Security. The amount of the Security described above shall be:

Based on an Engineer's Estimate of the cost of Public Improvements the following cost schedule is calculated for _____

Cost of Public Improvements	=	\$	*
Cost of Private Improvements	=	\$	
1 Year inflation @ 6%	=	\$	

Total = \$ _____

* Cost of Potable Water System, street lighting, gas system, electric system and service is not included, it is managed by contract with Brownsville Utilities Department. Telephone services are managed by local telephone company and likewise cable services.

VIII. MISCELLANEOUS

A. Developer's Responsibility

1. It is understood and agreed that the Town is not and could not be expected to oversee, supervise and/or direct the construction of all improvements contemplated hereunder. Neither is the Town Engineer vested with the original design responsibility nor the means to formally survey elevations, capacity, structural integrity, type, adequacy or the locations of improvements at every stage of the construction process. The Town Engineer is vested with the right of periodic inspections, final approval and stop work order as a measure of secondary or subsequent enforcement. The Developer now has and shall retain the responsibility to properly anticipate, survey, design and construct the development improvements and give full assurance that same shall not adversely affect the flow of surface water from or upon any property. In providing technical assistance, plan and design review, the Town does not and shall not relieve the Developer from or accept any liability from the Developer. The Developer will provide his own Development Engineer whose duty shall be to design improvements that comply with all applicable Federal, State and local codes and ordinances.

B. Construction Plans and Specifications

1. The Construction Plans and specifications presented to the Planning Commission for its approval shall be prepared by a licensed civil engineer, approved by the Town, and shall be subject to the review and recommendations of the Town Engineer.

C. Jeopardy of Building Permits

1. Should the Developer fail to complete any part of the Development in a good and workmanlike manner as determined by the Town Engineer, or shall the Developer fail to comply with the contractual obligations of this Agreement then the Town shall have the right to withhold and withdraw all building permits, use and occupancy permits, and/or sewer service within or to the Development until the Developer has fulfilled all terms of this Agreement, the Zoning Ordinance, and the plans and specifications approved by the Town.

D. Easements

1. The Developer shall obtain and shall furnish to the Town all necessary easements to serve the Development, said easements to be in form, type, size and character as required by the Zoning Ordinance and/or as approved by the Town Engineer and acceptable to the Town.

E. Compliance with Laws

1. The Developer shall comply with all applicable federal, state and local laws and regulations and shall upon the Town's request, furnish proof of compliance.

F. Engineering Costs Over and Above Fee Schedule

1. The Developer shall pay one hundred percent (100%) of any and all engineering costs incurred by the Town, in addition to those fees specifically set forth in Section 4, 5 and 6 of this Agreement, for review and oversight of the Development is due within 30 days from the date that the Town issues a bill.

G. Attorney's Fees/Development Review

1. The Developer shall pay any and all attorney's fees incurred by the Town in addition to those fees specifically set forth in Sections 4, 5 and 6 of this Agreement for review of documents, agreements, contracts, proposals and related materials involved in the Development. Payment is due within 30 days from the date that the Town issues a bill.

H. Attorney's Fees/Code Amendments

1. In addition to those fees specifically set forth in Sections 4, 5, 6, 8.7 and 8.9 of this Agreement, the Developer shall pay one hundred percent (100%) of the legal costs, including, but not limited to attorney's fees, associated with any and all amendments to the Stanton Municipal Code related to the Development. Payment is due within 30 days from the date that the Town issues a bill.

I. Attorney's Fees/Enforcement

1. Should the Developer default in any part of this Agreement and it becomes necessary to engage an attorney to obtain compliance with this Agreement and/or file necessary legal action to enforce provisions of the Agreement or sue for any sums of money due and owing or liability arising incident to this Agreement, the Developer agrees to pay to the Town its reasonable

Attorney's fees associated with such action.

J. Effect of Agreement

1. This Agreement is supplemental and in addition to all federal, state, county and local laws, regulations and requirements regarding construction of a Property and is intended to augment, explain, expand and clarify said laws, regulations and requirements. This Agreement may be changed, amended, or terminated only by similar written instrument executed by all parties to be bound thereby.

K. Parties Bound

1. All of the terms and provisions of this Agreement shall be binding upon, shall inure to the benefit of, and be enforceable by and against, the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

L. Assignment Limited

1. The Developer may not assign or delegate its rights or duties under this Agreement without the prior written consent of the Town in each instance.

M. Severability

1. If any provision of this Agreement is held to be unlawful, invalid or unenforceable under any present or future laws, such provisions shall be fully severable; and this Agreement shall then be construed and enforced as if such unlawful, invalid, or unenforceable provisions had not been a part hereof. The remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by such unlawful, invalid, or unenforceable provision or by its severance here from. Furthermore, in lieu of such unlawful, invalid, or unenforceable provision, there shall be added automatically as a part of this Agreement a provision as similar in terms to such unlawful, invalid, or unenforceable provision as may be possible, and be legal, valid, and enforceable.

N. Headings Not Part of Agreement

1. The heading preceding each paragraph (if any) are inserted merely as a matter of convenience and shall not be deemed to be a part of the Agreement terms.

O. Notices

1. All notices, demands and requests required or permitted by this Contract

shall be in writing (including telecopy communications) and shall be sent by facsimile transmission, air or other courier, or hand delivery, as follows:

To: **TOWN**
Town of Stanton
Attn: Town Planner
8 Main St
PO Box 97
Stanton, TN 38069

Telephone: (731) 548-2565
Facsimile: (731) 548-2565

To: **DEVELOPER**

Name: _____
Address: _____

Telephone: _____
Facsimile: _____

Any notice, demand or request sent by facsimile transmission shall be deemed given for all purposes under this Agreement when properly transmitted by telecommunication device. Any notice, demand or request which is hand delivered or sent by air or other courier shall be deemed given for all purposes under this Agreement when delivered to the intended address.

P. Joinder of Owner

1. In the event that the Developer is not the owner of the Property, the owner joins in this Agreement and by the Owner's execution of this Agreement, the owner is jointly and severally liable for the representations, warranties, covenants, agreements and indemnities as expressly set forth in this Agreement.

Q. Disclosure of Ownership Interest

1. The Developer, at the filing of its initial application, completed a Disclosure of Ownership Interest form with the Town. The Developer hereby states, certifies and confirms to the Town that the information on that form is still true and correct as of the Effective Date, if not then the form shall be revised if necessary. The Disclosure of Ownership Interest form shall be attached as Exhibit "C" to this Agreement and is incorporated herein by reference and made a part hereof.

R. Recording

1. At the option of either party to this Agreement, this document and all Exhibits hereto may be recorded with the Haywood County Register's Office.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals on this the _____ day of _____, 20_____.

OWNER:

Company/Partnership Name

Name / Title

Signature

STATE OF _____

COUNTY OF _____

Before me, _____ [Name of Notary] of the state and county mentioned, personally appeared _____ [Name of Signatory] with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be a(n) _____ [Title of Signatory] authorized to execute the instrument on behalf of _____ [Name of Corporation or Partnership], the within named bargainor, and being authorized so to do, executed the foregoing instrument for the purpose therein contained, by personally signing the name of the corporation as _____.

WITNESS my hand and Notarial Seal at office this _____ day of _____, 20_____.

Notary Public

(Seal)

My Commission Expires: _____

DEVELOPER:

Company/Partnership Name

Name / Title

Signature

STATE OF _____

COUNTY OF _____

Before me, _____ [Name of Notary] of the state and county mentioned, personally appeared _____ [Name of Signatory] with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be a(n) _____ [Title of Signatory] authorized to execute the instrument on behalf of _____ [Name of Corporation or Partnership], the within named bargainor, and being authorized so to do, executed the foregoing instrument for the purpose therein contained, by personally signing the name of the corporation as _____.

WITNESS my hand and Notarial Seal at office this _____ day of _____, 20____.

Notary Public

(Seal)

My Commission Expires: _____

TOWN OF STANTON:

Company/Partnership Name

Name / Title

Signature

STATE OF TENNESSEE
COUNTY OF HAYWOOD

Before me, _____ of the State of Tennessee and County of Haywood, personally appeared _____, the _____ of the Town of Stanton, with whom I am personally acquainted and has executed the foregoing instrument for the purpose therein contained.

WITNESS my hand and Notarial Seal at office this _____ day of _____, 20____.

Notary Public

(Seal)

My Commission Expires: _____

EXHIBIT "A"
CONDITIONS OF APPROVAL

EXHIBIT “B”

PAYMENT-IN-LIEU OF CONSTRUCTION – IMPROVEMENTS

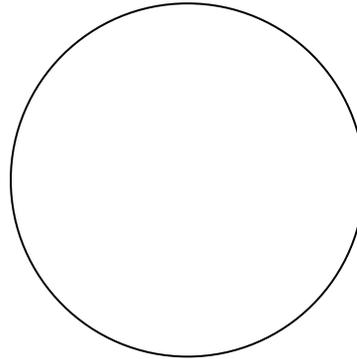
(If Applicable)

EXHIBIT "C"

AS-BUILT CERTIFICATION

As-built plans are required to be endorsed by a Tennessee Registered Professional Engineer and or a Registered Land Surveyor. The following certification shall be added to all sheets of the plans.

<u>AS-BUILT CERTIFICATION</u>	
I, _____, hereby certify that the As-Built information shown on this drawing is an accurate and complete representation of data established by a field survey performed under my direction on _____ (date), and that the improvements were constructed according to the approved plans, except as otherwise noted hereon.	
_____ Name	_____ Date



SEAL