

RESOLUTION # 02272024-2

A RESOLUTION TO READOPT THE BRIGHTON MUNICIPAL SUBDIVISION REGULATIONS

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-4-303 subdivision regulations have been adopted for the City of Brighton and;

WHEREAS, the Brighton Municipal-Regional Planning Commission has seen fit to readopt the Municipal Subdivision Regulations; and,

WHEREAS, pursuant to Tennessee Code Annotated a public hearing was held before this body on Tuesday, the 27th day of February, 2024, pursuant to a notice published in a newspaper of general circulation at least 30 days in advance of the hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE BRIGHTON MUNICIPAL-REGIONAL PLANNING COMMISSION:

SECTION 1 that the Brighton Municipal Subdivision Regulations are repealed in their entirety and replaced with the attached document:

MUNICIPAL SUBDIVISION REGULATIONS

BRIGHTON, TENNESSEE

BRIGHTON MUNICIPAL SUBDIVISION REGULATIONS

PREPARED FOR THE

Town of Brighton Board of Mayor and Alderman

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BRIGHTON MUNICIPAL PLANNING COMMISSION

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RADFORD PLANNING SOLUTIONS

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ARTICLE I
GENERAL PROVISIONS

A. TITLE

These regulations shall herein-after be known and cited as the Municipal Subdivision Regulations of Brighton, Tennessee.

B. AUTHORITY

These Subdivision Regulations are adopted by the Brighton Municipal/Regional Planning Commission under authority granted by Sections 13-4-301 through 13-7-309 of the Tennessee Code Annotated and are adopted in conformity with said statutes by having filed a copy of the Major Road Plan in the office of the Registrar of Tipton County and having held a Public Hearing on the Subdivision Regulations after fifteen (15) days notice in a newspaper of general circulation.

C. JURISDICTION

These Subdivision Regulations shall apply to all subdivisions, as herein defined, located within the corporate limits of Brighton, Tennessee. No land shall be subdivided within the jurisdiction of these Subdivision Regulations until a plat is submitted by the subdivider in accordance with these Subdivision Regulations, the plat is approved by the Planning Commission, and the plat is filed with the County Registrar.

D. PURPOSE

These regulations are adopted for the following purposes:

1. To promote the public health, safety and general welfare of the jurisdictional area.
2. To guide the development of the jurisdictional area in accordance with the Land Development Plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.
3. To provide for adequate light, air, and privacy; to secure safety from fire, flood and other dangers and to prevent overcrowding of the land and undue congestion of population.
4. To enhance the character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.

5. To conserve the value of land, buildings and improvements throughout the jurisdictional area and to minimize detrimental conflicts among the uses of land and structures.
6. To guide public and private policy and action providing for transportation, water, sewage, schools, recreational areas and other public requirements and facilities.
7. To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.
8. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions; to further the orderly layout and use of land; and to ensure proper legal descriptions and proper monumenting of land.
9. To ensure that public services are available and will have a sufficient capacity to serve the proposed subdivision.
10. To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table and to preserve the integrity, stability, beauty and value of the jurisdictional area.
11. To preserve the natural beauty and topography of the jurisdictional area and to ensure appropriate development with regard to these natural features.
12. To provide for open spaces through efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Zoning Ordinance.
13. To encourage subdivision design which would maximize the conservation of all forms of energy.

E. POLICY

It is the policy of the Planning Commission to review plats and proposed subdivision developments for conformity to the Comprehensive Plan, the Land Use Plan, the Transportation Plan, the Capital Improvements Program and the Zoning Ordinance of Brighton, Tennessee, and to require conformity as a condition of plat approval.

It is further the policy of the Planning Commission to review plats and proposed subdivision developments in the context of existing land use and development, population and traffic distribution and the needs and best interests of the immediate community and to require that a particular subdivision exceed the minimum standards set within these Subdivision Regulations when specific site conditions or immediate community conditions warrant.

F. **DEFINITIONS**

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" includes the word "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.

Alley - A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

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).

Architect - Any architect or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code Annotated, to practice in Tennessee.

Arterial Street or Road - A major public way intended to move traffic to and from major industrial areas or a route for traffic between communities or large area and which has an average daily traffic count in excess of three thousand (3,000).

Base Flood Elevation - The highest elevation, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood.

Base Map - A map having sufficient points of reference, such as state, county or municipal boundary lines, streets, easements, and other selected physical features to allow the plotting of other data.

Block - A tract of land bounded by public ways or by public parks, cemeteries, railroad rights-of-way or shorelines or waterways or a combination of such.

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 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.

Capital Improvements Program - A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included for the purpose of these Subdivision Regulations. in the Brighton Capital Improvements Program.

Cluster - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

Cluster Subdivision - A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant area is devoted to open space.

Collector Street or Road - A major public way intended to move traffic from local ways to arterial routes. Collector routes serve a neighborhood or large subdivision(s) and normally have an average daily traffic count ranging from one thousand and one (1,001) to three thousand (3,000).

Common Elements - Any portion of a condominium which is held in common by owners of condominium units. These elements may be either general common elements or limited common elements, as defined below.

General Common Elements - Any of the common elements of a condominium which are held in joint ownership by all owners of the condominium.

Limited Common Elements - Any of the common elements of a condominium which are reserved for use by the owner of a particular condominium unit or group of units.

Community Association - A homeowners association organized to own, maintain, and operate common facilities and to enhance and protect their common interests.

Comprehensive Plan - A comprehensive long-range plan is intended to guide the growth and development of a community or region and one that includes analysis,

recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use. For the purpose of these Subdivision Regulations, the Brighton Comprehensive Plan.

Condominium - A form of ownership of less than the whole of a building or system of buildings under the provisions of Title 66, Chapter 27, Tennessee Code Annotated, which provides the mechanics and facilities for formal filing and re-coordination of divided interests in real property, whether the division is vertical or horizontal.

Condominium Subdivision - The subdivision of property through the establishment of a condominium or horizontal property regime.

Horizontal Condominium Subdivision - A subdivision where each unit occupies some ground space.

Vertical Condominium Subdivision - A subdivision of a multi-story building in which one (1) or more units do not occupy ground space.

Condominium Unit - A space conveyed by separate title and located within a condominium structure.

Construction Plat - The maps or drawings of a subdivision showing the specific location and design of improvements to be installed in the subdivision in accordance with these regulations submitted to the Planning Commission for approval.

Contractor - An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

County Environmentalist - An agent designated to administer local and/or state health regulations.

Cul-de-sac - A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement; definition includes: dead end, turn-around, or turn-about.

Culvert - A drain, ditch or conduit not incorporated in a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walk or public way.

Curb - A stone or concrete boundary usually marking the edge of the roadway or paved area.

Curvilinear Street System - A pattern of streets which is curved.

Dedication - Gift or donation of property by the owner to another party.

Density - The number of families, individuals, dwelling units, or housing structures per unit of land.

Design Specifications - Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

Design Plat - 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 - The legal or beneficial owner of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land, and 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.

Drainage - (1) Surface water runoff; (2) the removal of surface water or ground water from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

Drainage Area - That area in which all of the surface runoff resulting from precipitation is concentrated into a particular stream.

Drainage System - Pipes, swells, natural features and man-made improvements designed to carry drainage.

Dwelling Unit - A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

Easement - Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

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

Enforcing Officer - The building inspector or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

Engineer - An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code Annotated, to practice in Tennessee.

Equal Degree of Encroachment - The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

Escrow - A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a surety instrument subject to agreement of the Planning Commission.

External Subdivision Boundary - All points along the periphery of a subdivision.

Final Plat - The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission for approval and which, if approved by the Commission, is recorded with the County Registrar of Deeds.

Flood - A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Frequency - The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

Flood Hazard Boundary Map - An official map on which the boundaries of the floodplain areas having special flood hazards have been delineated.

Flood Hazard or Flood-prone Area - The maximum area of the floodplain that, on the average, is likely to be flooded once every one hundred (100) years (i.e., that has a one percent (1%) chance of being flooded in any year).

Flood Insurance Rate Map - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain - A land area adjoining a river, stream watercourse, bay, or lake which is likely to be flooded. It is composed of floodway and floodway fringe.

Floodplain Management Program - The overall program of corrective and preventive measures for reducing flood damage, including, but not limited to emergency preparedness plans, flood control works, building code regulations, health regulations, Zoning Ordinance regulations and these Subdivision Regulations.

Flood Profile - A graph showing the water surface elevation or height of a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined through the use of standard open-channel hydraulic calculations.

Flood Proofing - Any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduce or eliminate potential flood damage to lands, water facilities, sanitary facilities and other utilities; structures; and contents of buildings; and which prevent pollution of floodwaters from such natural or man-made sources.

Floodway - The stream channel and adjacent overbank areas required to carry and safely discharge the one hundred (100) year flood without increase flood levels more than one foot above natural flood levels.

Floodway Encroachment Limits - The lines marking the limits of floodways on official federal, state and local floodplain maps.

Floodway Fringe - The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a one hundred (100) year flood.

Frontage - That side of a lot abutting a public way ordinarily regarded as the front of the lot. It shall not be considered as the ordinary side of a corner lot.

General Plan - The official statement of the Planning Commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Sections 13-3-301, and 13-3-302, Tennessee Code Annotated.

Governmental Agency - Any public body other than the governing body.

Governing Body - The chief legislative body of any government.

Governmental Representative - An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Grade - The degree of rise or descent of a sloping surface.

Grade, Finished - The final elevation of the ground surface after development.

Grade, Natural - The elevation of the ground surface in its natural state, before man-made alterations.

Grading - Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

Health Department - The Tipton County Health Department.

Highway Department - The Tipton County Highway Department.

Highway, Limited Access - A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property(s) or lands and other persons have no legal right of access to or from the traffic way, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Homeowners Association - A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

Horizontal Property Act - "The Tennessee Horizontal Property Act" as codified in Title 66, Chapter 2, Tennessee Code Annotated.

Improvements - Physical changes made to 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 Disposal System - A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Internal Subdivision Boundary - All points within a subdivision which do not constitute external boundaries.

Joint Ownership - The equal estate interest of two or more persons. Joint ownership among persons shall be construed as the same owner for the purpose of imposing Subdivision Regulations.

Jurisdictional Area - Planning boundary(s) established in keeping with Sections 13-3-102, 13-3-201 and 13-3-301, Tennessee Code Annotated.

Land Development Plan - An element of the general plan which sets out a plan or scheme of future land usage.

Land Surveyor - A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Title 62, Chapter 18, Tennessee Code Annotated, to practice in Tennessee.

Land Use Plan - A plan showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private

purposes or combination of purposes. For the purpose of these Subdivision Regulations, the Brighton Municipal Land Use Plan.

Legal Counsel - The person designated by the governing body to provide legal assistance for the administration of these and other regulations.

Lot - A tract, plot or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Lot Area - The total horizontal area included within lot lines.

Lot, Corner - A lot situated at the intersection of two (2) or more public ways.

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 Improvements - Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

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 or Road - A public way which is classified as a collector or arterial public way according to these regulations or by the Major Road Plan for the jurisdictional area.

Major Road Plan - The plan adopted by the Planning Commission, pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, the general location, character and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways. For the purpose of these Subdivision Regulations, the Brighton Major Street and Road Plan as registered at the Tipton County Registrar's Office.

Major Subdivision - All subdivisions not classified as minor subdivisions including but not limited to subdivisions of five (5) or more lots or subdivisions of any size requiring any new or improved road, the extension of government services, or the creation of any public improvements, or containing any flood prone area.

Metes and Bounds - A method of describing the boundaries of land by directions and distances from a known point of reference.

Minor Street or Road - A public way which is not classified as an arterial or collector.

Minor Subdivision - Any subdivision containing less than five (5) lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adoption general plan, Major Road Plan, Zoning Ordinance or these regulations.

Monuments - Markers placed on or in the land.

National Flood Insurance Program - A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide a flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the National Flood Insurance Program regulations. The program regulations are found at 24 Code of Federal Regulations, Chapter X, Subchapter B.

Off-site - Any premise not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

One Hundred-Year Flood - A flood having an average frequency of occurrence of once in one hundred (100) years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

Open Space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Owner - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having title to or sufficient proprietary interest in the real property to seek subdivision or development of that property.

Park - An open area set aside for leisure activities which is not used for the operation of a profit-making venture, such as, but not limited to playgrounds, athletic or playfields and picnic areas.

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

Performance Bond - See Surety Instrument.

Perimeter Landscaped – A landscaped area intended to enhance the appearance of parking lots and other outdoor auto related uses or to screen incompatible uses from each other along their boundaries.

Perimeter Street - Any existing street to which the parcel of land to be subdivided abuts on only one side.

Planning Commission - A public planning body established pursuant to Title 13, Chapter 2 or 5, Tennessee Code Annotated, to execute a partial or full planning program within authorized area limits. For the purpose of these Subdivision Regulations, the Brighton Municipal-Regional Planning Commission.

Preliminary Plat - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner of layout of the subdivision to be submitted to the Planning Commission for approval.

Premise(s) - A tract of land together with any buildings or structures which may be thereon.

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

Public Improvements - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

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

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 law.

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, stream, communications, telegraph, transportation, water, or sewer.

Public Way - Any publicly owned street, alley, sidewalk, or lane right-of-way which provides for movement of pedestrians or vehicles.

Reach - A hydraulic engineering term to described longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made area or natural obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossing typically would constitute a reach.

Rectilinear Street System - A pattern of streets that is characterized by right angle roadways, grid pattern blocks and four-way intersections.

Register of Deeds - Tipton County Registrar of Deeds.

Regulatory Flood - The one hundred (100) year flood.

Regulatory Flood Protection Elevation - The elevation of the regulatory flood plus one foot of freeboard to provide a safety factor.

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 the subdivision of land.

Right-of-Way - A strip of land occupied or intended to be occupied by a public way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way" for land platting purposes, shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimension areas of such lots or parcels.

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 contains 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.

Sale or Lease - Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, or other written instrument.

Same Ownership - Ownership by the same person, corporation, firm entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Sanitary Sewer System - A public or community sewage disposal system of a type approved by the State Department of Conservation and Environment.

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

Septic Tank - See Individual Sewage Disposal System.

Setback - The distance between a building wall, edge of a structure or overhang of a building, whichever extends out the farthest and the nearest to a right-of-way of a public way, or the distance required to obtain the minimum front, side and rear yards.

Sketch Plat - A sketch preparatory to the Preliminary Plat (*or Final Plat, in the case of minor subdivisions*).

Slope - the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees. (*See Grade*)

Special Flood Hazard Map - The official map designated by the Federal Insurance Administrator to identify floodplain areas having special flood hazards.

Staff Assistant to the Planning Commission - The person(s) employed by the local governing body to assist the Planning Commission in planning and land use regulation activities.

Start of Construction - For purposes of subdivision control, any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

Street - Any vehicular way which: (1) is an existing state, county or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of planning board and the grant to such board of the power to review plats; and includes the land between the street right-of-way line, whether improved or unimproved.

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 midpoint of the lot shall be taken as the street grade.

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

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

Structure - Anything constructed above or below ground.

Subdivider - Any person who (1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development in a subdivision or any interest, lot, parcel site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision - "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of re-subdividing or to the land or area subdivided. (See Section 13-3-401 and 13-4-301, Tennessee Code Annotated)

Subdivision Agent - Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site or plot in a subdivision, except in an instance where only legal counsel is provided.

Subdivision Review Committee - The Subdivision Review Committee may include, but is not limited to, the Building Inspector, the Town Planner, Town Engineer (when requested), and any other Town Officials and members of the Planning Commission as designated by the Chair.

Surety Instrument - Any form of security, including a cash deposit, surety bond, collateral, property or letter of credit in an amount and form satisfactory to the Planning Commission, such security to bind the one posting the bond to perform required acts, such as constructing subdivision improvements with the condition that the security shall be forfeited if such acts are not performed.

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

Temporary Improvement - Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements.

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

Topography - The configuration of a surface area showing relative elevations.

Twenty-five Year Flood - A flood having an average frequency of occurrence of one in twenty-five (25) years.

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.

Water Surface Elevation - The heights in relation to mean sea level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain.

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 (extended) of the building and the street line.

Yard, Rear - A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots, except corner lots, the rear yard shall be opposite the front yard. On corner lots, the rear yard shall be defined at the time the building permit is issued.

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 or Resolution - A statute, legally adopted pursuant to Title 13, Chapters 4 or 7, Tennessee Code Annotated, for the purpose of regulating by district, land development or use for a designated area. For the purpose of these Subdivision Regulations, the Brighton Municipal Zoning Ordinance.

ARTICLE II

PROCEDURE FOR MAJOR SUBDIVISION APPROVAL

A. GENERAL

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 for the purpose of either immediate or future sale or building shall make an application to the Planning Commission by submitting the required plans and plats of the proposed subdivision along with the application fees. Such plans and plats shall conform to the minimum standards for subdivision design as set forth in Article V of these regulations and such additional site peculiar criteria as may be deemed necessary by the Planning Commission or its technical staff.

The subdivider shall consult early and informally with the Planning Commission and its technical staff for advice and assistance before the preparation of the Preliminary Plat and its formal application for approval. This will enable him or her 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 (1st) step is the Preliminary Plat which is submitted to the Subdivision Review Committee and the Planning Commission. The second (2nd) step is the Construction Plat which will be reviewed by the Town Engineer, the Subdivision Review Committee and the Planning Commission. The third (3rd) step is the preparation of a Final Plat with all the required certificates for submission to the Planning Commission. 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 County Registrar.

1. Previously Approved Plats

Upon adoption of these Subdivision Regulations any portion and/or section of an approved Preliminary Plat not having gained Final Plat approval shall be considered as an approved Preliminary Plat in accordance with these regulations. Subsequently, any future plats relating to an approved Preliminary Plat shall adhere to the Construction Plat and Final Plat requirements as determined by these regulations and any subsequent amendments to these regulations.

2. Official Submission Dates and Deadlines

All plats and plans of subdivisions shall be submitted to Town Hall no less than fifteen (15) days prior to the regularly scheduled Planning Commission meeting. Any plat or plan submitted less than fifteen (15) days prior to the regularly scheduled Planning Commission meeting will not be considered until the subsequent meeting.

For the purpose of these regulations, the official submission date of a plat shall be the date of the first regular Planning Commission meeting after the plat was submitted to Town Hall. The statutory period required for formal approval or disapproval shall not begin to run until that date.

3. Official Submission of Revisions to Plats

A plat that is re-submitted to the Planning Commission to be on the agenda of a subsequent Planning Commission meeting shall be accompanied by a letter reporting how revisions requested by the Planning Commission or staff have been resolved.

The re-submitted plat and accompanying letter shall be submitted to Town Hall no less than fifteen (15) days prior to the regular Planning Commission meeting.

4. Required Submission

Prior to commencing any street improvements, substantial grading, installation of utilities or any horizontal construction, the developer shall submit a set of plans to obtain the approval of the indicated agencies as follows:

- a. A Preliminary Plat to the Subdivision Review Committee and the Planning Commission in accordance with Section "B" of this Article. The Subdivision Review Committee shall include, at a minimum, the Town Engineer and the Town Planning Staff. Other department officials or Town officials that should be involved in the review of major subdivisions are the Building Inspector, the Town Recorder, the Public Works Director, the Fire Chief and the Police Chief
- b. A Construction Plat to the Subdivision Review Committee and the Planning Commission in accordance with Section "C" of this Article. Also, prior to approval of the Construction Plat, all water and sewer plans will have been approved by the Tennessee Department of Conservation and Environment.

Upon approval of the Construction Plat by the Planning Commission, the developer may commence construction to the grades and elevations required by the approved Construction Plat. No construction of any

structures shall commence nor shall any building permits be issued until the Planning Commission has approved the Final Plat

- c. A Final Plat in accordance with Section "D" of this article.

5. Development Contracts

Before the Final Plat is approved by the Planning Commission and recorded, the developer and owner must enter into a contract with and satisfactory to the Town of Brighton Board of Mayor and Aldermen relative to all required improvements including, but not limited to streets, sewer and water lines, surface and subsurface drainage, and the payment of fees and the required deposit of funds, bonds, warranties and/or collateral with the Town of Brighton.

6. Application Fees

The schedule of required subdivision application and review fees shall be established by the Brighton Board of Mayor and Alderman.

B. PRELIMINARY PLAT

The Preliminary Plat is the initial formal plat for a proposed subdivision and shall include the full area of the proposed subdivision. The purpose of the Preliminary Plat is to ensure the proposed subdivision conforms with the Zoning Ordinance, the Major Road Plan and other related regulations. The developer should consult early with the Planning Staff and review the Town's Major Road Plan, Subdivision Regulations and the Zoning Ordinance prior to submitting a Preliminary Plat for approval.

1. Plat Submission

After consultation with the Planning Commission and/or the Planning Staff, but not less than fifteen (15) days prior to the Planning Commission meeting at which the Preliminary Plat will be considered, the developer shall submit eight (8) copies of the plat, together with all applicable fees, to Town Hall. All plans must be drawn to a scale of not less than one-inch equals one hundred feet (1" = 100').

2. Plat Content

The Preliminary Plat shall at least contain the following information even when a subdivision is to be developed in phases or sections;

- a. Meet the minimum design standards as set forth in Article V;
- b. Be prepared by a Professional Civil Engineer or a Land Surveyor licensed in the State of Tennessee;

- c. Be drawn to a scale no less than one-inch equals one hundred feet (1"= 100') and;
- d. Contain the following information:
 - (1) Scale, date of preparation, north arrow, vicinity map, acreage, zoning classification and number of lots;
 - (2) Subdivision name; name and address of the developer and/or developers and the name of the individual responsible for the preparation of the plat;
 - (3) Lot lines, dimensions of lot lines, lot numbers, building setback lines, and the lot area in square feet;
 - (4) Boundary lines from deed records and surveys;
 - (5) Adjoining subdivisions by name and section, and the names of owners and acreage of all abutting tracts;
 - (6) Name, location, and rights-of-ways of all existing and proposed streets and alleys;
 - (7) All existing buildings, primary and accessory on or within three hundred feet (300') on any adjacent properties;
 - (8) Location and type of all existing and proposed utilities (i.e. water, sewer, electric and gas);
 - (9) Proposed method of sewage disposal;
 - (10) One hundred (100) year floodplain, floodway boundaries and elevations of each;
 - (11) Major environmental features, including groupings or stands of trees;
 - (12) All existing and proposed public and private easements including their location, purpose and width, and the instrument number for any existing easements;
 - (13) Existing and proposed contour data showing contour intervals of five feet (5') or less; elevation shall reference a bench mark on or near the subject's property;

- (14) Sites reserved for parks, playgrounds, open spaces, schools or other public uses, together with the purpose, and conditions or limitations of such reservations;"preliminary plat graphic"
- (15) A 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 to be 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 map shall be drawn to scale no less than one-inch equals two hundred feet (1"=200');
- (16) Where divisions of the property into phases or sections is contemplated, the proposed boundaries of such sections shall be shown and labeled, and the sequence of development listed alphabetically or numerically;
- (17) Where the re-subdivision of a lot in a previously recorded subdivision is proposed, the title of the proposed subdivision must indicate and identify the lot number and subdivision name from the previous subdivision;
- (18) The location of existing storm sewers and sanitary sewers or the distance to the nearest available structure;
- (19) Request for variances from the Subdivision Regulations, along with justification of proposed variances, shall be submitted in writing with the application for Preliminary Plat approval; and
- (20) A Certificate of Approval by the Planning Commission which will be signed by the Planning Commission Secretary upon approval of the Preliminary Plat (See Appendix I).
- (21) Sites reserved for Cluster Box Units/Mail Kiosks with associated Landscaping, Lighting, Parking, Handicapped Parking, and other accompanying features with notes stating their purpose and any limitations;
- (22) Note in addition to required other information stating that utilities will be underground as per these Subdivision Regulations;

3. **Plat Review**

a. **Subdivision Review Committee**

The Subdivision Review Committee shall recommend to the Planning Commission the approval, approval with conditions, or disapproval of the application and shall include all department/agency comments received.

b. **Planning Commission**

Within sixty (60) days after submission of the Preliminary Plat, the Planning Commission shall review the plat and indicate its approval, disapproval, or approval subject to modifications. If a plat 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. The Planning Commission may, prior to the close of the public meeting, hold the matter under advisement or defer a decision until the next regular meeting. Substantial changes made to the plat after review by the Subdivision Review Committee shall be cause for the Planning Commission to defer a decision pending review of a revised plat.

c. **Revised Plat**

If modifications are requested by the Planning Commission or staff, the developer shall submit the revised Preliminary Plat, along with a letter addressing the revisions requested, no less than fifteen (15) days prior to the Planning Commission meeting at which it is to be considered.

d. **Failure To Take Action**

Failure of the Planning Commission to act on the Preliminary Plat within sixty (60) days shall be deemed approval of this plat, provided, however, that the applicant, with the Commission's approval, may waive this requirement and consent to the extension of such period.

4. **Plat Approval**

a. **Action Upon Approval**

Upon approval of the Preliminary Plat by the Planning Commission, the developer shall present three (3) copies of the approved Preliminary Plat for signing by the Planning Commission Secretary. The developer shall then provide the signed copies to the Town Recorder or his/her designated representative for filing in Town hall.

b. Effect of Approval

The approval of the Preliminary Plat by the Planning Commission will not constitute acceptance of the Construction Plat and Final Plat and will not be indicated on the Preliminary Plat.

c. Expiration of Approval and Renewal

The approval of the Preliminary Plat shall lapse unless a Construction Plat, based thereon, is submitted within six (6) months from the date of such approval unless an extension of time is applied for and granted by the Planning Commission. Any subsequent Construction Plats not submitted within six (6) months of a previously approved Construction Plat shall cause approval of the Preliminary Plat to lapse unless an extension of time is applied for and granted by the Planning Commission. Failure of the developer to act within the specified time or denial of a time extension shall require new application for Preliminary Plat approval including the application fee.

C. CONSTRUCTION PLAT

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

1. Plat Submission

- a. After the Preliminary Plat has been approved and fifteen (15) days prior to the Planning Commission meeting at which it is to be considered, the developer shall submit four (4) copies of the Construction Plat, together with applicable fees, to Town Hall. All plans must be drawn to a scale of not less than one-inch equals one hundred feet (1" = 100').
- b. If in the process of completing the Construction Plat, it becomes necessary to make major design changes to the Subdivision, the developer shall submit a revised Preliminary Plat to the Planning Commission for their review and approval. If minor changes to the approved Preliminary Plat are necessary, they will be identified in writing and on the presented Construction Plat. The Subdivision Review Committee will determine if the proposed changes are minor or major in nature.

2. Plat Content

- a. The Construction Plat shall meet at least the minimum design standards and general requirements of Article V, meet the prerequisites and standards for construction of improvements set forth in the Technical Specifications, conform substantially to the approved Preliminary Plat, and shall, at least contain the following information even when the subdivision is to be developed in phases or sections.
- b. The Construction Plat shall include all of the information required for the Preliminary Plat and shall meet the following additional requirements:
 - (1) The plat shall carry the signature and seal of an engineer who shall be registered in the State of Tennessee.
 - (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 five feet (5'). Contours shall be extended fifty feet (50') beyond property boundary. The location size and variety of all trees to be removed that are eight inches (8") in caliper or greater measured five feet (5') above the surrounding ground surface and the general location of all tree covered areas within the proposed subdivision.
 - (3) If any portion of the land to be subdivided is below the one-hundred (100) year flood elevation, the limit and actual elevation of the said flood shall be shown.
 - (4) Shall include detailed plans of proposed utility layouts (sewer, water,) showing feasible connections to adequate existing or proposed utility systems. Where such connections are not feasible, the plans shall include the designs for any proposed individual water supply and/or sewage disposal systems which shall have been approved by the Tennessee Department of Conservation and Environment and the County Health Department.
 - (5) Shall include 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 fifty feet (1" = 50') horizontal and one-inch equals five feet (1" = 5') vertical. Typical street cross sections shall be shown.

- (6) Shall submit a landscaping plan and planting schedule including use of existing suitable trees; temporary and permanent erosion controls for drainage channels, runoff ponding areas, common open space or other areas subject to erosion, and the planting screens and fences between differing land uses and along the rear of double frontage lots.
 - (7) 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. Post development peak flows shall not be appreciably greater than pre-development peak flows. 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 map shall be drawn to scale no less than one-inch equals two hundred feet (1"=200').
 - (8) Site Plan for Cluster Box Units/Mail Kiosks with associated detailed Landscaping, Lighting, Parking, Handicapped Parking, and other accompanying features
 - (9) Note in addition to required other information stating that utilities will be underground as per these Subdivision Regulations
- c. Certificates required to be included on the Construction Plat are Certificates of Accuracy of Engineering and Design, a Certificate of Adequacy of Storm Drainage and a Certificate of Approval by the Planning Commission. Examples of these certificates are shown in Appendix II. The authorized signatures for the engineering and design and storm drainage certificates shall be obtained by the developer prior to submission of the Construction Plat. The Certificate of Approval by the Planning Commission shall be signed upon approval of the plat.
- d. Concurrent with the presentation of the Construction Plat, the Town Engineer shall recommend to the Planning Commission the amount and terms of a construction surety instrument/performance bond in accordance with Article IV, Section A of these regulations.
- e. If the Construction Plat is presented and approved for the entire development, even if phased, the construction standards existing at that time shall apply throughout the project, provided the development schedule approved is met.

- f. If the schedule is delayed, the regulations of the Town enforced at the time the Construction Plat was presented shall apply.
- g. Within six (6) months of Construction Plat approval, the developer must submit a surety instrument/performance bond as required by Article IV, Section A of the Subdivision Regulations or approval is void.

4. Plat Review

a. Subdivision Review Committee

- (1) The Subdivision Review Committee shall recommend to the Planning Commission the approval, approval with conditions, or disapproval of the application and shall include all department/agency comments received.
- (2) During review of the Construction Plat, the Town Engineer and Town Staff shall consider the orderly phasing of the subdivision development. In particular, the Town Engineer and Town Staff shall consider the following:
 - (a) Proper access to the requested area of development.
 - (b) The feasibility of developing any severed tracts of land.
 - (c) The implication of proposed drainage improvements, diversions or retentions on existing and future upstream and downstream developments.
 - (d) The adherence of each phase to the design standards in Article V of these regulations.

b. Planning Commission

Within sixty (60) days after submission of the Construction Plat, the Planning Commission shall review the plat and indicate its approval, disapproval, or approval subject to modifications. If a plat 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. The Planning Commission may, prior to the close of the public meeting, hold the matter under advisement or defer a decision until the next regular meeting. Substantial changes made to the plat after review by the Subdivision Review Committee shall be cause for the Planning Commission to defer a decision pending review of a revised plat.

c. **Revised Plat**

If modifications are requested by the Planning Commission or staff, and if variances have been granted, the developer shall submit a letter addressing the revisions requested, a revised Construction Plat indicating any approved variances, not less than fifteen (15) days prior to the Planning Commission meeting at which it is to be considered.

d. **Failure To Take Action**

Failure of the Planning Commission to act on the Construction Plat within sixty (60) days will be deemed approval of this plat, provided, however, that the applicant, with the Commission's approval, may waive this requirement and consent to the extension of such period.

5. **Plat Approval**

a. **Action Upon Approval**

Upon approval of the Construction Plat by the Planning Commission, the developer shall present two (2) copies of the approved Construction Plat for signing by the Planning Commission Secretary. The developer shall then provide the signed copies to the Town Recorder or his/her designated representative for filing in Town Hall.

b. **Effect of Approval**

- (1) The approval of the Construction Plat by the Planning Commission will not constitute acceptance of the Final Plat and will not be indicated on the Construction Plat.
- (2) After Planning Commission approval of the Construction Plat, the contractor may commence the grading, installation of utilities and streets in accordance with the public works standards subject to inspection by the Public Works Director and the Town Engineer. No construction of structures and no building permit shall be issued prior to Final Plat approval.

c. **Expiration of Approval and Renewal**

The approval of the Construction Plat shall lapse unless a Final Plat, based thereon, is submitted within six (6) months from the date of such approval or a surety instrument/performance bond, as required by Article IV of these Subdivision Regulations, has been posted unless an extension of time is applied for and granted by the Planning Commission. Failure of

the developer to act within the specified time or denial of a time extension shall require new application for Construction Plat approval including the application fee.

D. 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, easements and public lands, and the restrictive covenants as may be applicable to the lots or parcels within the boundary of the subdivision. As such, it serves as a vital instrument in the sale and transfer of real estate, in the dedication of rights-of-way easements, and public lands, and in future land survey of the properties contained in or adjoining the subdivision.

1. Plat Submission

The developer shall submit eight (8) copies of the Final Plat to Town Hall no less than fifteen (15) days prior to the Planning Commission meeting at which it is to be considered. The Final Plat shall conform substantially to the approved Preliminary Plat and Construction Plat.

The original of the Final Plat shall be in black permanent ink on a sheet of moisture resistant drawing cloth or drafting film, twenty inches by twenty-four inches (20" x 24"), to a scale of one-inch equals one-hundred feet (1" = 100'). If more than one sheet is required, an index sheet of the same size shall be filed and shall show a key map of the entire area being platted. The separate sheet of the Final Plat shall be keyed alphabetically and shall match lines with the adjoining sheets.

2. 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 to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- b. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary 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.

3. Plat Review

a. Subdivision Review Committee

The Subdivision Review Committee shall recommend to the Planning Commission the approval, approval with conditions, or disapproval of the application.

b. Planning Commission

Within sixty (60) days after submission of the Final Plat, the Planning Commission shall review the plat and indicate its approval, disapproval, or approval subject to modifications. If a plat 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.

The Planning Commission may, prior to the close of the public meeting, hold the matter under advisement or defer a decision until the next regular meeting. Substantial changes made to the plat after review by the Subdivision Review Committee shall be cause for the Planning Commission to defer a decision pending review of a revised plat.

c. Revised Plat

If modifications are requested by the Planning Commission or staff, and if variances have been granted, the developer shall submit a letter addressing final plat graphics with the revisions requested, a revised Final Plat which clearly depicts all required changes or approved variances, not less than fifteen (15) days prior to the Planning Commission meeting at which it is to be considered.

d. Failure To Take Action

Failure of the Planning Commission to act on the Final Plat within sixty (60) days will be deemed approval of this plat, provided, however, that the applicant, with the Commission's approval, may waive this requirement and consent to the extension of such period.

4. Plat Approval

a. Action Upon Approval

Upon approval of the Final Plat by the Planning Commission, the developer shall present the original and one (1) copy of the Final Plat for signing by the Planning Commissions Secretary. The developer shall then

- 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, designer of the subdivision, vicinity map, graphic scale, total acreage subdivided, zoning classification and true north arrow.
- g. Any restrictive covenants which are to apply to lots or other parcels within the subdivision.
- h. The following certificates are required on the Final Plat (*See Appendix III*):
 - (1) Certification showing that the applicant is the land owner and dedicates the streets, rights-of-way, utilities and any sites for public use to the Town of Brighton.
 - (2) Certification by a surveyor or engineer to the accuracy of the survey, the plat and the placement of the monuments.
 - (3) Certification by the Town Engineer of approval of the water, sewer and drainage system.
 - (4) Certification by the Town Engineer or the Director of Public Works of receipt of approved water and sewage system construction plans from the Tennessee Department Environment and Conservation.
 - (5) Certificate of Approval of installation of streets, water, sewer and drainage or the posting of sufficient financial surety to ensure completion of all required improvements by the Town Engineer or Director of Public Works.
 - (6) Certification by an engineer as to the accuracy of the Engineering and Design of the subdivision.
 - (7) Certification by an engineer as to the Adequacy of Engineering and Design of the Storm Drainage System.
 - (8) Certificate of Approval by the Secretary of the Planning Commission.
 - (9) Certificate of Approval of Street Names and Affirmation of Address by the Tipton County E-911 Coordinator.

provide the signed copies to the Town Recorder or his/her designated representative for filing in Town Hall.

b. Effect of Approval

The approval of the Final Plat by the Planning Commission shall not constitute acceptance by the public of the dedication of any streets or public ways or grounds, until all water, sewer, streets, drainage, and other improvements shall have been installed, approved, and accepted by the Brighton Board of Mayor and Alderman.

c. Recording of the Final Plat

- (1) Upon approval of the Final Plat by the Planning Commission, the developer shall submit to Town Hall the original and one (1) copy of the Final Plat. The Town Recorder or his/her designated representative shall verify that the plat is acceptable for recording and that required modifications, if any, have been properly made. Upon such verification, the Secretary of the Planning Commission shall attest to approval by signing the appropriate certificate on the original and copy of the plat. The Town Recorder or his/her designated representative, shall record the approved plat in the Office of the Registrar of Tipton County, Tennessee, and shall note the date, plat book and page number of recording on the file copy of the plat.
- (2) The recorded original plat shall be retained as a permanent record in the Planning Commission files after it has been stamped and signed by the County Registrar.

5. Surety Instrument / Performance Bond

At the time the Final Plat is presented for approval, all improvements shall have been made in conformance with the Town's specifications except for the final surface course or wearing course of asphalt. The amount of the surety instrument/performance bond or cash will be in the amount needed for the final surface course which will be installed by the Town by a competitive bid process when build out reaches 90%. *(The amount shall include the cost of raising manhole tops)*. No building permits will be issued until the Final Plat is recorded.

In the rare occurrence that all improvements are not completed prior to approval by the Planning Commission, a surety instrument/performance bond in an amount equal to or greater than the cost of constructing all unfinished improvements including, but not limited to streets, sewer and water lines, surface and subsurface

drainage shall be submitted to the Town prior to approval of the Final Plat by the Planning Commission.

6. **Submission of "As Built Utilities Drawings"**

Prior to the release of the surety instrument/performance bond or recording of the Final Plat under the "no land" procedure, the developer shall cause to be delivered to the Brighton Town Recorder a set of original "as built" drawings which show, at a minimum, the location by station and depth of all sanitary sewer services, water services, drainage improvements, the actual location of all other utilities and the indication of any deviations from the original plans which were approved or field engineered after the construction plans were approved. The Final Plat will not be released for recording or the bonds and security will not be released until said "as built" drawings are accepted.

ARTICLE III

PROCEDURE FOR MINOR SUBDIVISION APPROVAL

Whenever a proposed subdivision containing less than five (5) lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities or the creation of any public improvements, and not in conflict with any provision of the adopted general plan, Major Road Plan, Zoning Ordinance, or these regulations, this procedure for review and approval of the subdivision may apply.

A. PROCEDURE

1. The subdivider may, if he desires, submit only a Final Plat in securing plat approval provided that the plat submitted complies with all the requirements of the Final Plat. However, if any corrections or modifications are needed, the Planning Commission shall disapprove the plat and require it to be re-submitted for approval.
2. The procedure for review and approval of a minor subdivision and its documentation shall consist of one (1) step. This step is the preparation of a Final Plat with all the required certificates for submission to the Planning Commission. The preparation of a Final Plat is mandatory for all minor subdivision proposals. The Final Plat, once approved by the Planning Commission and signed by the Secretary of the Planning Commission, becomes an instrument to be recorded by the Office of the County Registrar.
3. 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, easements and public lands, and the restrictive covenants as may be applicable to the lots or parcels within the boundary of the subdivision. As such, it serves as a vital instrument in the sale and transfer of real estate, in the dedication of rights-of-way easements and public lands, and in future land survey of the properties contained in or adjoining the subdivision.
4. Whenever subdivision meets the criteria described below, the Secretary of the Brighton Municipal-Regional Planning Commission may approve a subdivided plat without the approval of the Planning Commission.
 - a. The divided tract involves no more than two (2) lots;
 - b. The Planning Staff of the Planning Commission certifies that the subdivision meets all the regulations adopted by the Planning Commission, and;

- c. No request for variance from the adopted regulations of the Planning Commission has been made.
- d. Re-subdivision involving no more than 2 (two) lots or establishing new or additional utility easements.

B. SUBMISSION

- 1. The developer shall submit eight (8) copies of the Final Plat to Town Hall no less than fifteen (15) days prior to the Planning Commission meeting at which it is to be considered.
- 2. The original of the Final Plat shall be in black permanent ink on a sheet of moisture resistant drawing cloth or drafting film, twenty inches by twenty-four inches (20" x 24"), to a scale of one-inch equals one-hundred feet (1" = 100'). If more than one sheet is required, an index sheet of the same size shall be filed and shall show a key map of the entire area being platted. The separate sheet of the Final Plat shall be keyed alphabetically and shall match lines with the adjoining sheets.

C. PLAT CONTENT

The Final Plat shall include the following information:

- 1. 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 to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- 2. 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.
- 3. All dimensions to the nearest one hundredth (100th) of a foot and bearings to the nearest minute.
- 4. Location and description of monuments.
- 5. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining properties.
- 6. Date, title and name of the subdivision, designer of the subdivision, vicinity map, graphic scale, total acreage subdivided, zoning classification and true north arrow.

7. Any restrictive covenants which are to apply to lots or other parcels within the subdivision.
8. The following certificates are required on the plat (*See Appendix III*):
 - (a) Certification showing that the applicant is the land owner and dedicates the streets, rights-of-way, utilities and any sites for public use to the Town of Brighton.
 - (b) Certification by a surveyor or engineer to the accuracy of the survey, the plat and the placement of monuments.
 - (c) Certificate of Approval by the Secretary of the Planning Commission.
 - (d) Certificate of Approval of Street Names and Affirmation of Address by the Tipton County E-911 Coordinator.

D. PLAT REVIEW

1. Subdivision Review Committee

The Subdivision Review Committee shall recommend to the Planning Commission the approval, approval with conditions, or disapproval of the application and shall include all department/agency comments received.

2. Planning Commission

Within sixty (60) days after submission of the Final Plat, the Planning Commission shall review the plat and indicate its approval, disapproval, or approval subject to modifications. If a plat 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. The Planning Commission may, prior to the close of the public meeting, hold the matter under advisement or defer a decision until the next regular meeting. Substantial changes made to the plat after review by the Subdivision Review Committee shall be cause for the Planning Commission to defer a decision pending review of a revised plat.

3. Revised Plat

If modifications are requested by the Planning Commission or staff, and if variances have been granted, the developer shall submit a letter addressing the revisions requested, a revised Final Plat indicating any approved variances, not less than fifteen (15) days prior to the Planning Commission meeting at which it is to be considered.

4. Failure To Take Action

Failure of the Planning Commission to act on the Final Plat within sixty (60) days will be deemed approval of this plat, provided, however, that the applicant, with the Commission's approval, may waive this requirement and consent to the extension of such period.

E. PLAT APPROVAL

1. Action Upon Approval

Upon approval of the Final Plat by the Planning Commission, the developer shall present the original and one (1) copy of the Final Plat for signing by the Planning Commission Secretary. The developer shall then provide the signed copies to the Town Recorder or his/her designated representative for filing in Town Hall.

2. Recording of the Final Plat

- (a) Upon approval of the Final Plat by the Planning Commission, the developer shall submit to Town Hall the original and one (1) copy of the Final Plat. The Town Recorder or his/her designated representative shall verify that the plat is acceptable for recording and that required modifications, if any, have been properly made. Upon such verification, the Secretary of the Planning Commission shall attest to approval by signing the appropriate certificate on the original and copy of the plat. The Town Recorder or his/her designated representative, shall record the approved plat in the Office of the Registrar of Tipton County, Tennessee, and shall note the date, plat book and page number of recording on the file copy of the plat.
- (b) The recorded original plat shall be retained as a permanent record in the Planning Commission files after it has been stamped and signed by the County Registrar.

ARTICLE IV

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

A. IMPROVEMENTS AND SURETY INSTRUMENT / PERFORMANCE BOND

1. Completion of Improvements Before Final Plat is Signed

Before the Final Plat is approved by the Planning Commission and signed by the Secretary as specified in Article II, D of these regulations, all applicants shall complete, in accordance with the previously approved Construction Plat, and to the satisfaction of the appropriate governmental representatives, all public way, sanitary, and other improvements, except the final surface or wearing course of street asphalt, including lot improvements on the individual lots of the subdivision, as required in these regulations and approved by the Planning Commission, and shall dedicate such improvements to the Town of Brighton free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

If the Developer chooses to file the Final Plat at the end of construction as stated above, a surety instrument/performance bond shall be presented to the Town prior to commencing construction. This surety instrument/performance bond shall cover the one-year warranty period on all items installed with the exception of the streets, which shall have a three-year warranty period. The warranty period shall commence with the date of final acceptance. The surety instrument/performance bond shall automatically renew year-after-year until construction is completed and accepted by the appropriate governmental representatives. The amount shall be a minimum of \$50,000 or otherwise specified within a subdivision development contract. Furthermore, the surety instrument shall cover any faulty work in public right-of-way or connections to existing utilities. Furthermore, the surety instrument shall be used for seeding, mulching, and watering in the event that the Developer defaults at any time during the construction process and abandons the project.

The above-described surety is a separate surety to the one required for the final surface wearing course of street asphalt.

2. Completion of Improvements After Final Plat is Signed

The Planning Commission, at its discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the Final Plat by providing that, as an alternative, the applicant post a surety instrument/performance bond at the time of submission for final subdivision approval in an amount estimated by the Town Engineer as sufficient to guarantee

to the governing body the satisfactory construction, installation, and dedication of the incomplete portion of the required improvements.

Such surety instrument/performance bond shall comply with all statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Planning Commission when approval of the Final Plat is granted and shall be incorporated into the surety instrument/performance bond and shall not exceed two (2) years from date of final approval.

Such surety instrument/performance bond shall be approved by the Planning Commission as to amount and conditions. The Planning Commission may, upon proof of difficulty, extend the completion date set forth in such surety instrument/performance bond for a maximum period of one (1) additional year. The Planning Commission may accept at any time during the period of such surety instrument/performance bond a substitution of principal.

3. Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission, and shall maintain them to a reasonable satisfaction for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, the applicant shall file with the Planning Commission a separate suitable surety instrument/performance bond for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

4. Costs of Improvements

All required improvements shall be made by the applicant at his expense. Any provisions for reimbursement by the governing body or any utility agency shall be stipulated clearly in the provisions of any surety instruments/performance bonds, and shall be supported by certified Resolution or Ordinance of such governing body or agency.

5. Governmental Units

Governmental units to which these surety instruments/performance bonds and contract provisions apply, may file, in lieu of said contract or surety instrument/performance bond, a certified Resolution or Ordinance from officers or agencies authorized to act on their behalf agreeing to comply with the provisions of this Article.

6. Failure to Complete Improvements

In subdivisions for which no surety instrument/performance bond has been posted, if the improvements are not completed within the period specified by the Planning Commission in the resolution approving the plat, the approval shall be deemed to have expired. In those cases, in which a surety instrument/performance bond has been posted and required improvements have not been installed within the terms of such surety instrument/performance bond, the Planning Commission thereupon may declare the surety instrument/performance bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the surety instrument/performance bond is declared to be in default.

7. Acceptance of Dedication Offers

Acceptance of formal offers of dedication of public ways, easements, and parks shall be by formal action of the governing body. Such action shall be in the form of a Resolution recommended by the Planning Commission to the governing body. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply an acceptance by the local government of any public way, easement, or other ground shown on the plat. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect.

B. INSPECTION OF IMPROVEMENTS

1. General Procedure

The Planning Commission may provide for inspection of required improvements during construction and ensure their satisfactory completion. If the appropriate governmental representative finds upon inspection that any of the required improvements has not been constructed in accordance with the governing body's construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a surety instrument/performance bond, the applicant and the bonding company shall be liable severally and jointly for completing said improvements according to specifications.

2. Release or Reduction of Surety Instrument / Performance Bond

a. Certificate of Satisfactory Completion

The Planning Commission shall not recommend dedication of required public improvements, nor shall the Planning Commission release, nor reduce a surety instrument/performance bond until the appropriate governmental representative submits a certificate stating that all required

improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Planning Commission and the appropriate governmental representative (through submission of a detailed "as built" survey of the subdivision indicating location, dimensions, construction materials, and any other information required by the Planning Commission) that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the subdivision. Upon such approval and recommendation, the governing body, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in other sections of these regulations.

b. **Reduction of Surety Instrument / Performance Bond**

A surety instrument/performance bond may be reduced upon actual dedication and acceptance of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a surety instrument/performance bond be reduced below fifteen percent (15%) of the principal amount prior to final acceptance of all items covered under the surety instrument/performance bond.

C. **MAINTENANCE OF IMPROVEMENTS**

The applicant shall be required to maintain all improvements including all lot improvements, until acceptance of the public improvements by the governmental body.

The applicant may be required to file a maintenance surety instrument/performance bond with the Planning Commission prior to dedication, in an amount considered adequate by the appropriate governmental representative and in a form satisfactory to legal counsel in order to assure the satisfactory condition of the required improvements, including all lot improvements, for a period of one year after the date of acceptance of the public improvements by the appropriate governmental representatives, except for the street improvements, which require a (3) three-year warranty.

D. **DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS**

The Planning Commission may defer or waive, at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons, the developer shall either pay his share of the costs of the future improvements to the Planning Commission prior to signing of the Final Plat by the appropriate governmental representative(s) or post a

The extent of public way improvements shall be adequate for vehicular access by the prospective occupant, and by police and fire equipment prior to the issuance of an occupancy certificate. The developer shall, at the time of the dedication, submit moneys in escrow to the Planning Commission in a sum to be determined by the appropriate governmental representative.

No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten (10%) percent be less than two (2) lots, for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission's resolution of Final Plat approval have been fully completed, dedicated, and accepted by the governmental body.

performance bond or other surety instrument ensuring completion of said improvements upon demand of the Planning Commission.

E. ESCROW DEPOSITS FOR LOT IMPROVEMENTS

1. Acceptance of Escrow Funds

Whenever, by reason of the season of the year, any lot improvements required by these regulations cannot be performed, the enforcing officer nevertheless may issue a certificate of occupancy upon accepting a cash escrow deposit in an amount to be determined by the appropriate governmental representative for the cost of such improvements; provided, there otherwise is no danger to the health, safety, or general welfare. The surety instrument/performance bond covering such lot improvements shall remain in full force and effect.

2. Procedures on Escrow Fund

All required improvements, for which escrow moneys have been accepted by the enforcing officer at the time of issuance of a certificate of occupancy, shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been installed properly at the end of the time period, the enforcing officer shall provide written notice, within two (2) weeks, to the developer requiring him to install the improvements, and in the event they are not installed properly, in the judgment of the enforcing officer, he may request the Planning Commission to proceed to install, or to contract for, the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit.

At the time of the issuance of the certificate of occupancy for which escrow moneys are being deposited, the applicant shall obtain and file with the enforcing officer, prior to obtaining the certificate of occupancy, a notarized statement from the purchaser(s) of the premise authorizing the enforcing officer to install the improvements at the end of the nine (9) month period in the event the improvements have not been installed properly by the developer.

F. ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

Where a surety instrument/performance bond has been required for a subdivision, or any section of a subdivision, no certificate of occupancy for any building in the subdivision, or section thereof, shall be issued prior to the completion and dedication of the improvements to the appropriate governmental unit, as required in the Planning Commission's Resolution of final approval of the subdivision plat.

ARTICLE V

GENERAL REQUIREMENTS AND STANDARDS OF DESIGN

A. GENERAL REQUIREMENTS

1. General Design Concepts

Land Subdivision design is a compromise among competing and often conflicting objectives. Users of these regulations should recognize that land subdivision is far more than a means of marketing land; it is primarily the first step in the process of building a community. Once land has been divided into lots, streets established, utilities installed and buildings constructed, correction of defects is costly and difficult. Moreover, the development pattern is permanently ingrained upon 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 land 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 Brighton must conform to the following four (4) basic design concepts:

a. External Factors

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

b. Land Use

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

c. **Natural Environment**

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

d. **Internal Details**

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

2. **Conformance to Applicable Rules and Regulations**

In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, ordinances, resolutions, rules, or regulations, including, but not limited to:

- a. All applicable provisions of Tennessee Law, regulations, or policy.
- b. Any Zoning Ordinance, any Building and Housing Codes, and all other applicable laws or policies of the Planning Commission.
- c. The adopted General Plan and Major Road (*public way*) Plan.
- d. The rules of the County Health Department and the Tennessee Department of Environment and Conservation.
- e. The rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, if the subdivision or any lot contained therein abuts a non-local highway.
- f. The standards and regulations adopted by all other boards, commissions, and agencies of the Planning Commission, where applicable.

Plat approval may be withheld if a subdivision is not in conformity with the above rules or with the provisions set forth in Article VI of these regulations.

3. Self-imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by any Zoning Ordinance or these regulations, such restrictions or reference thereto shall be recorded with the County Registrar on a separate form, along with the Final Plat in the Office of the County Registrar.

4. Character of the Land

Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of any staff assistant serving the Planning Commission and/or other governmental representative, if any, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses as will not involve such a danger.

Where protection against flood damage is necessary, in the opinion of the Planning Commission, flood-damage protection techniques may include, as deemed appropriate by the Planning Commission, any of the following:

- a. The imposition of any surety and deed restrictions enforceable by the Planning Commission to regulate the future type and design of uses within the flood-prone areas.
- b. Flood protection measures designed so as not to increase, either individually or collectively, flood flows, height, duration, or damages, and so as not to infringe upon the regulatory floodway.
- c. Installation of flood warning systems.
- d. The use of fill, dikes, levees, and other protective measures.
- e. The use of flood proofing measures, which may include:
 - (1) Anchorage to resist flotation and lateral movement.
 - (2) Installation of watertight doors, bulkheads, shutters, or other similar methods of closure.
 - (3) Reinforcement of walls to resist water pressures.

- (4) Use of paints, membranes, or mortars to reduce seepage through walls.
- (5) Addition of mass or weight to structures to resist flotation.
- (6) Installation of pumps to lower water levels in structures.
- (7) Construction of water supply and waste treatment systems so as to prevent the entrance of or contamination of flood waters.
- (8) Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.
- (9) Building design and construction to resist rupture or collapse caused by water pressure of floating debris.
- (10) Installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and storm water into buildings or structures.
- (11) Location and installation of all electrical equipment, circuits, and appliances so that they are protected from inundation by the regulatory flood.
- (12) Location of storage facilities for chemicals, explosives, buoyant material, flammable liquids, or other toxic materials which would be hazardous to the public health, safety, and welfare at or above the regulatory flood protection elevation, or design of such facilities to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials.

The acceptability of any flood protection methods formulated by the subdivider or his agent shall be determined by the Planning Commission.

All such flood protection measures shall be designed so as not to increase, either individually or collectively, flood flows, heights, duration, or damages so as not to infringe upon the regulatory floodway.

5. Policy on Flood-Prone Areas

In determining the appropriateness of land subdivision at any site containing a flood-prone area, the Planning Commission, in reviewing any plat, shall consider:

- a. The danger to life and property due to the increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses.
- b. The danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others.
- c. The adequacy of proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner.
- e. The importance of the services provided by the proposed facility to the community at large.
- f. The requirements of the subdivision for a waterfront location.
- g. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.
- h. The compatibility of the proposed uses with existing development or development anticipated in the foreseeable future.
- i. The relationship of the proposed subdivision to the Land Development Plan and the floodplain management program for the area.
- j. The safety of access to the property for emergency vehicles in times of flood.
- k. The expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site.
- l. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public ways, and bridges.
- m. The effect of the proposed subdivision upon the Planning Commission's participation in the National Flood Insurance Program, if such Planning Commission is, or elects to be, in the program.

No subdivision, or part thereof, shall be approved by the Planning Commission if proposed levees, fills, structures, or other features within the subdivision will individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (*the one hundred (100) year flood level*) shall be determined from the latest approved flood study for the jurisdictional area, and any subsequent revisions thereto. Specific engineering studies are to be formulated by the developer in those areas in which flood data are not currently available, if deemed necessary by the Planning Commission.

In any instance in which the Planning Commission determines that a proposed subdivision may affect the flood height, velocity, or duration in any flood-prone area outside its jurisdiction, the commission shall take all actions necessary and proper to ensure the coordinated review of the development with the appropriate governmental agencies of the affected area.

In approving plans for subdivision of land containing flood-prone areas, the Planning Commission shall ensure that development will proceed in such a way that property lying within any floodway, as defined by these regulations, will be maintained in a manner as prescribed by any Zoning Ordinance. The Planning Commission shall also ensure that development within any floodway fringe area (*within the one hundred (100) year flood level*) will be protected adequately against potential flood hazards by the methods prescribed in Article V of these regulations.

The Planning Commission shall disapprove the subdivision of any land containing a flood-prone area when the commission determines that subdivision plans are not consistent with the policy stated in this section.

6. Subdivision Name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Planning Commission shall have authority to designate the name of the subdivision which shall be determined at sketch or Preliminary Plat approval.

B. PUBLIC WAYS

1. Frontage on Improved Public Ways

No subdivision shall be approved, unless the area to be subdivided shall meet the requirements for access as set forth in this Article, and Article VI, of these regulations. If any new street construction or improvements to existing streets are required, such improvements shall be approved and publicly dedicated as provided for in these regulations. Any new street or required improvement to a

public way must be suitably improved to the standards required by this article or be bonded by a surety instrument/performance bond as required under these regulations. All roads must adhere to the required rights-of-way widths of this article and the Major Road Plan.

2. Grading and Improvement Plan

Public ways shall be graded and improved to conform to the standards required by this article, and Article VI, and shall be approved as to design and specification by the appropriate governmental representative in accordance with the specifications required herein. No surface shall be applied to the base of any proposed public way prior to the approval of the Final Plat of the subdivision or of the final approval of any section of the subdivision in question without having been properly inspected.

3. Improvements in Flood prone Areas

The finished elevation of proposed public ways subject to flood shall be no more than one foot (1') below the regulatory flood protection elevation. The Planning Commission may require profiles and elevations of public ways to determine compliance with this requirement. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring the finished elevation of any public way to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the Planning Commission.

4. Private Streets

Where the ownership, control, and maintenance of any street is proposed to remain in private ownership, such streets shall be constructed to the design and construction standards for public ways as herein provided. A permanent access easement over such streets shall be provided to each and every parcel or lot which is to gain access therefrom. All such private improvements shall be maintained by the developer/owner or by a legally established homeowners' association or other similar group approved by the Planning Commission. The legal documents establishing ownership and maintenance of the easement shall be submitted with the Final Plat for review and approval and shall be recorded with the Final Plat.

5. Design Criteria

The street pattern shall be based upon the following general design criteria:

- a. Provide for adequate vehicular access to all properties within the development.

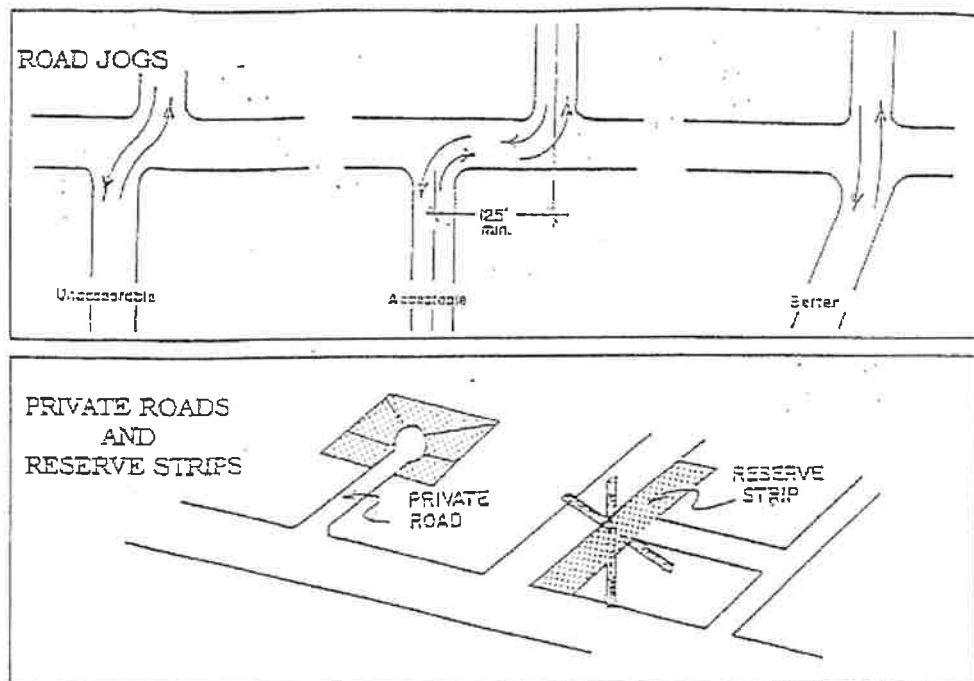
- b. Provide street connections to adjacent properties to ensure adequate traffic circulation within the general area.
- c. Provide a local residential street system which discourages through traffic and provides adequate access for fire, police, and other emergency vehicles.
- d. Provide a sufficient number of continuous streets and major thoroughfares, adequately sized to accommodate the present and future traffic demands of an area.
- e. Provide principal and minor arterials in accordance with the Major Road Plan.

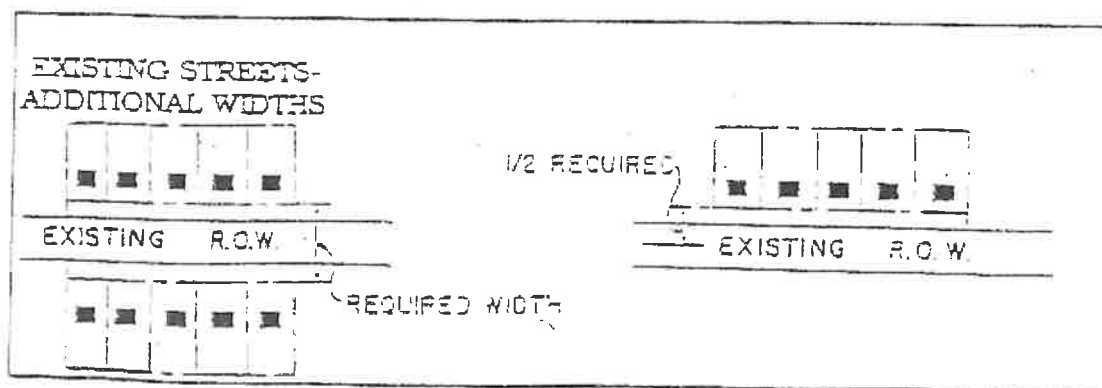
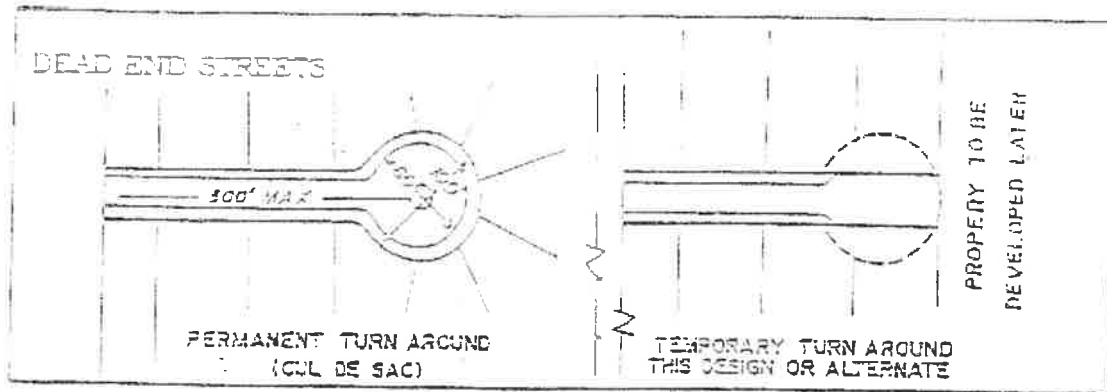
6. Topography and Arrangement

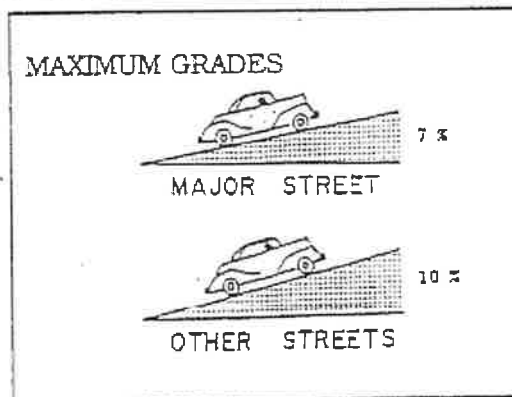
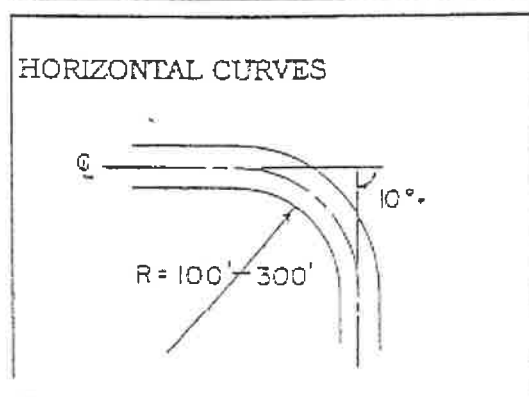
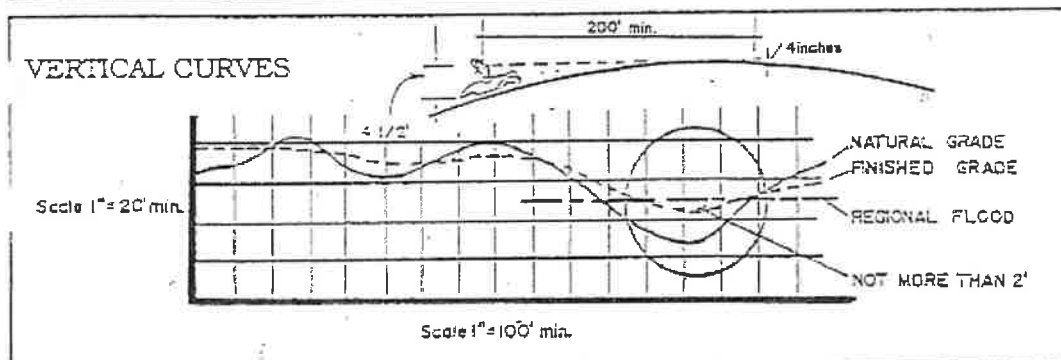
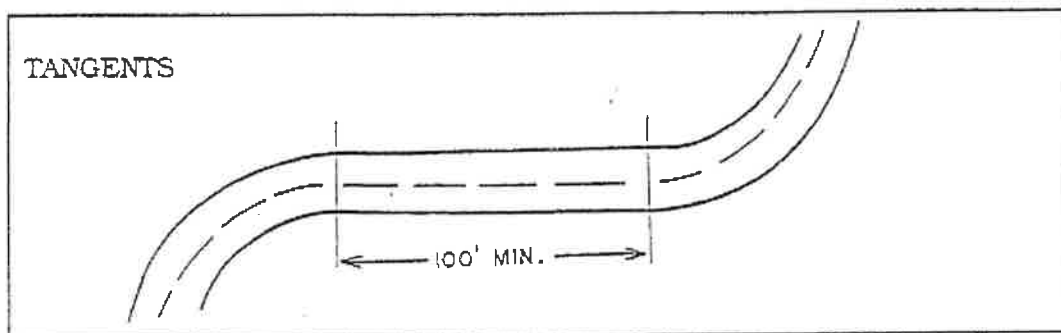
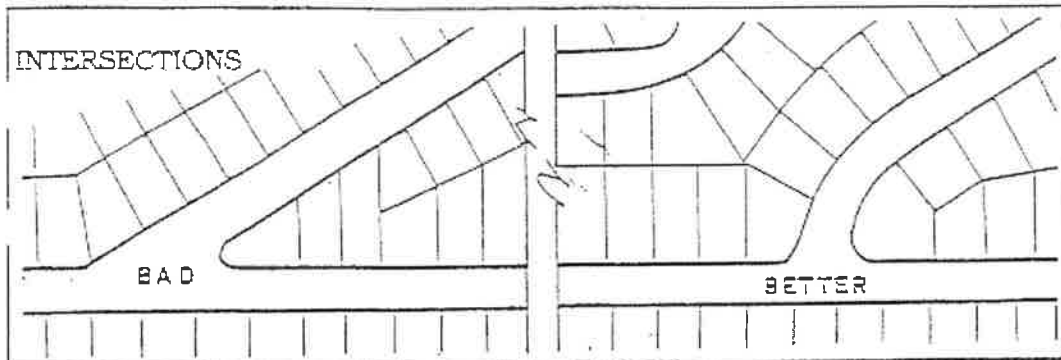
- a. All public ways shall be arranged, so as to obtain as many of the building sites as possible at or above the grades of the public ways. Grades of public ways shall conform as closely as possible to the original topography.
- b. All public ways shall be properly integrated with the existing and proposed system of public ways and dedicated rights-of-way, as established on the Major Road Plan or the Land Development Plan.
- c. All public ways shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; to population densities; and to the pattern of existing and proposed land use.
- d. Minor public ways shall be laid out to conform as much as possible to the topography; to discourage use by through traffic; to permit efficient drainage and utility systems; and to require the minimum ways necessary to provide convenient and safe access to property.
- e. The use of curvilinear streets, cul-de-sac, or "U"-shaped streets shall be encouraged where such use will result in a more desirable layout.
- f. Proposed public ways shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the subdivision design with the existing layout or the most advantageous future development of adjacent tracts.

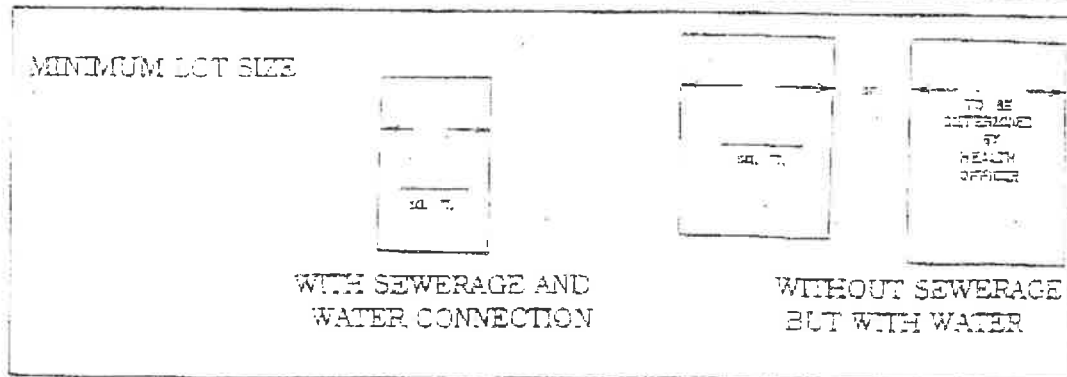
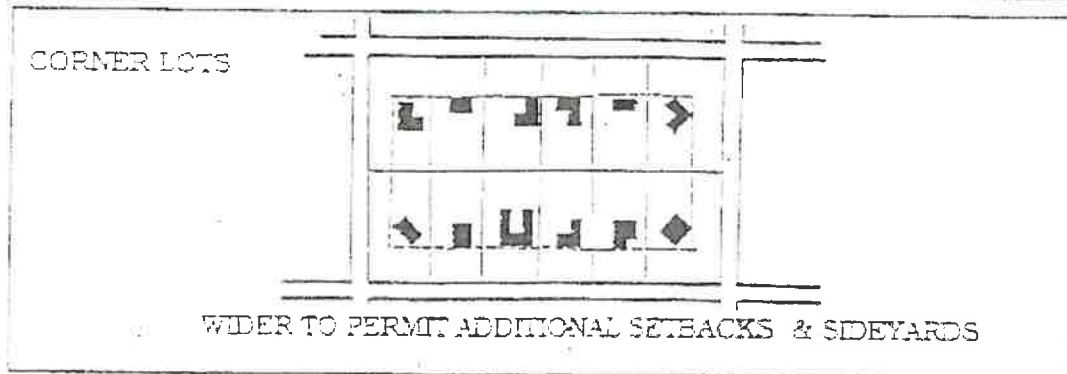
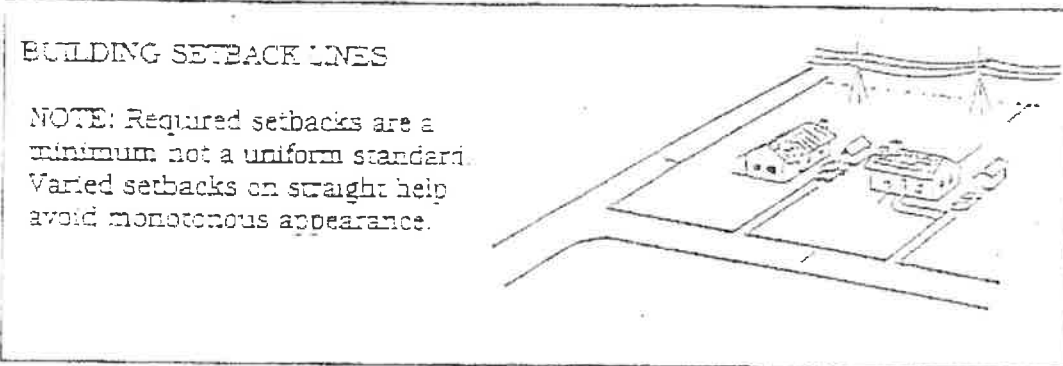
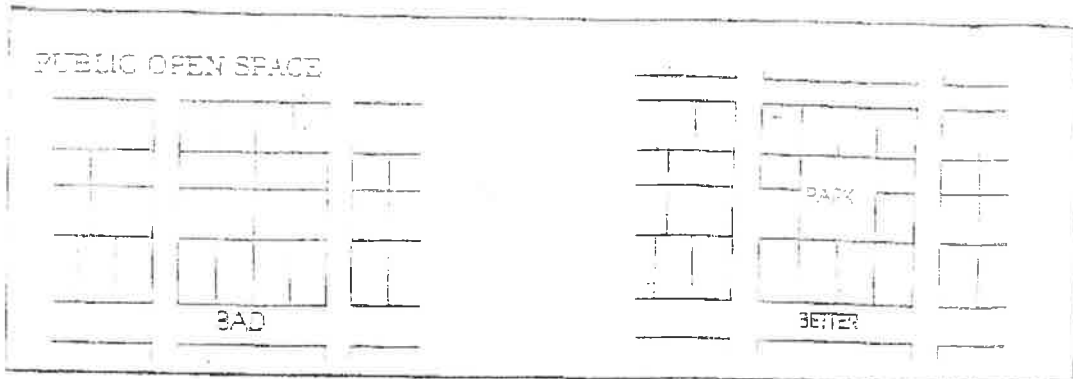
- g. In business and industrial developments, public ways and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

GRAPHICS

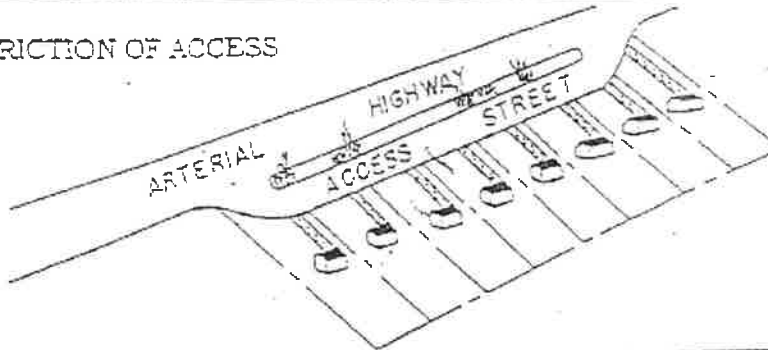




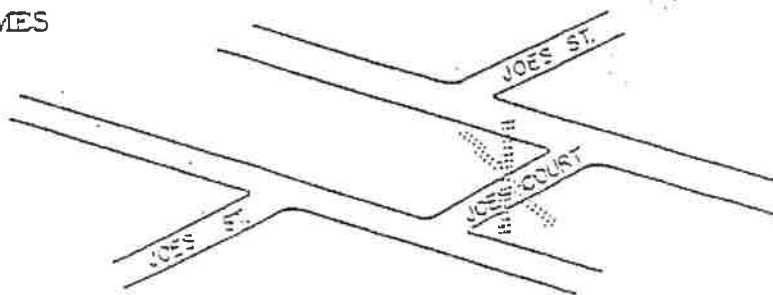




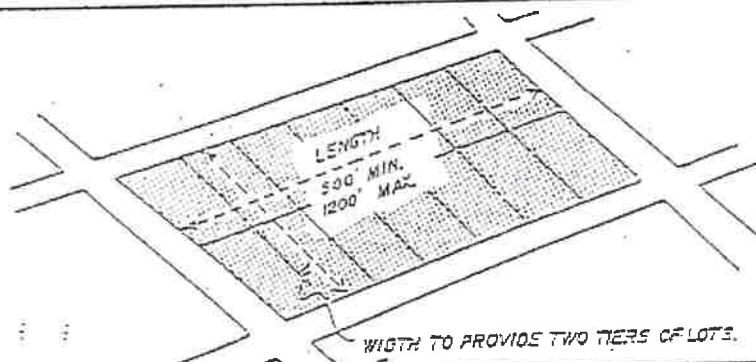
RESTRICTION OF ACCESS



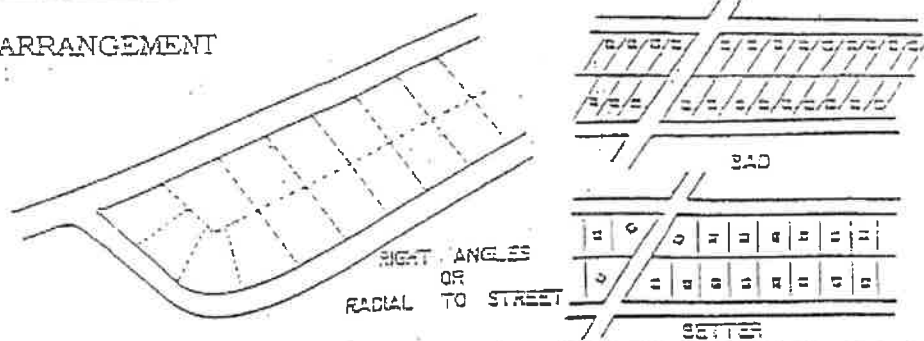
STREET NAMES



BLOCKS



LOT ARRANGEMENT



7. **Classification of Public Ways**

- a. **Arterials** - Streets having the primary purpose of carrying through traffic and the secondary purpose of providing access to abutting properties. The service to abutting land should be subordinate to the provision of travel service to major traffic movements.
- b. **Collectors** - Streets penetrating neighborhoods, collecting traffic from local streets, and channeling it into the arterial systems. A minor amount of through traffic may be carried on collector streets, but the system primarily provides service access and carries local traffic movements within residential neighborhoods, or commercial and industrial areas. It may also serve local bus routes.
- c. **Minor / Residential** - Residential streets not classified in a higher system, primarily providing direct access to abutting land and to collector streets. They offer the lowest level of mobility and usually carry no bus routes. Service for through traffic is deliberately discouraged.
- d. **Dead-end Street (Cul-de-sac)** - Cul-de-sacs are permanent dead-end streets which may provide access to commercial, industrial or residential properties, and are designed to prevent future extension.
- e. **Marginal Access Street** - Marginal access streets are minor land access streets which are normally parallel to and adjacent to arterial streets and highways; which provide access to abutting properties (*usually office, commercial or industrial uses*); and which are designed to provide protection from through traffic and to provide maximum control of ingress and egress onto heavily traveled thoroughfares.
- f. **Alleys** - Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street. Where permitted, alleys may serve in lieu of otherwise required utility easements.
- g. **Permanent Easement, Vehicular** - A permanent easement is a private street or road that is maintained by a landowner or a homeowners' association. It must have a right-of-way of at least fifty feet (50') and can only service one (1) lot if the road or street does not meet the adopted municipal road standards.
- h. **Traditional Neighborhood Street** - Residential streets not classified on the Major Road Plan which are within an approved Traditional Neighborhood Development per the standards provided for R-2 and R-3 District. Such streets require less right-of-way width than a minor residential street, include sidewalks on both sides, and are designed to not carry through traffic or bus routes.

8. **Right-of-way Widths**

The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the Major Street Plan, or if not shown on such plan, shall be not less than listed below. In cases where topography or other physical conditions make a street of the minimum required width impracticable, the Planning Commission may modify the above requirements by not more than ten (10%) percent of the specified widths. 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. Arterial80 to 140 feet
- b. Collector Street 60 feet
- c. Minor / Residential 50 feet
- d. Dead-end (Cul-de-sac) 50 feet
- e. Marginal Access..... 50 feet
- f. Permanent Easement..... 50 feet
- g. Alley..... 20 feet
- h. Traditional Neighborhood Streets..... 25 feet
(with 10-foot utility and sidewalk easements on both sides of R.O.W.)

9. **Access and Circulation**

- a. **Intersections** - Arterials should intersect with other arterials and collector roads. Minor/residential streets intersecting arterials shall be discouraged. Intersections of minor/residential streets with limited access roads shall not be permitted.
- b. **Arterials** - Limited access roads and arterials, shall be designated according to the most recently adopted Major Road Plan.
- c. **Collectors** - Any street which serves, or is expected to serve, over two hundred (200) dwelling units, shall be designated as a collector. Streets serving over six hundred (600) dwelling units, at any density, shall be designated as major collector.
- d. **Number of Access Points** - Residential developments, with more than fifty (50) lots or dwelling units, shall have at least two (2) separate points

of public road access. Developments with two hundred (200) lots or dwelling units shall have at least three (3) separate points of public road access.

10. Additional Width on Existing Streets

Subdivisions abutting on existing streets shall dedicate additional right-of-way to meet the minimum width requirements of Article V, Section B, Number 8 and as set forth below:

- a. The entire right-of-way and improvements shall be provided where any part of the subdivision is on both sides of the existing street.
- b. Where the subdivision is located only on one side of an existing street, one-half (1/2) of the required improvements of the right-of-way measured, from the center line of the existing right-of-way, shall be provided.
- c. A non-residential subdivision abutting, and having access on a residential street, shall provide the total additional right-of-way required for a collector street.
- d. Where subdivision development requires an existing street be cut down for proper sight distance and the subdivision is on one side of the street, the developer shall improve the entire road.

11. Access Limitations

- a. **Limited Access Roadway** - Where a subdivision abuts a proposed or existing limited access road, all right-of-vehicular access to such road shall be conveyed to the Town, including existing points of access. If no other means of access to the subdivision is available, a frontage road shall be provided along the entire frontage. A temporary access from the frontage road to the limited access arterial road may be permitted, but such access shall be terminated when the frontage road is further extended or is connected to another public street. Frontage roads shall meet the requirements of the appropriate street classification for the development being served, except that sidewalks are not required on the side of the street nearer the limited access facility.

b. Arterials

- (1) **Access Limitation** - Where a subdivision abuts an existing or proposed arterial, double frontage lots with no access to the arterial, lots with rear service drives, common access drives, or other treatment may be required.

- (2) **Residential Driveways** - Driveways should not be permitted on existing or proposed arterials. Where this requirement cannot be met, shared or common driveways may be required. All driveways shall be designed to provide egress in a forward motion.
- c. **Double Frontage and Corner Lots** - Where lots have frontage on two (2) streets, a conveyance of vehicular access on the street carrying or expected to carry the lesser traffic volume may be required.

12. **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. However, during the 10-year storm event, a four-foot-wide non-flooded path shall remain for emergency vehicles. Street alignment 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 adjoining lots or building sites; therefore, mid-block 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.

13. **Street Grades**

The minimum grade for a public street is 0.5 percent.

Grades on arterial and major collector streets shall not exceed six (6%) percent. Grades on all other streets shall not exceed twelve (12%) percent.

14. **Curves**

- a. **Horizontal** - The minimum centerline radius permitted for each street classification is shown below:

Limited Access Roads.....	1,400 feet
Arterial	1,125 feet
Collector.....	825 feet
Nonresidential Cul-de-sac.....	400 feet
Marginal Access.....	250 feet
Minor/Residential	150 feet
Cul-de-sac	150 feet

- b. **Vertical** – The minimum length for vertical curves on the various street types are shown below:

<u>Street Classification</u>	<u>"K" Factor Crest Curve</u>		<u>"K" Factor Sag Curve</u>	
	<u>Minimum*</u>	<u>Desirable**</u>	<u>Minimum*</u>	<u>Desirable**</u>
Minor / Residential	29	29	37	37
Collector	54	65	56	60
Arterial	88	145	76	100

* Horizontal Distance in feet required to effect a one (1.0) percent change in grade, where:

$K = \frac{L}{A}$ where L = Horizontal length in feet of parabolic vertical curve.
 where A = Algebraic difference in joining (tangent) grades in percent.

** Desirable dimensions shall be required in roadway design, unless it is demonstrated to the Town Engineers that topography or other extenuating circumstances prevents use of the desirable dimensions. In no case shall dimensions less than the minimum be approved.

15. **Intersections**

- a. **Spacing** - Intersections on the same side of a street shall be spaced a minimum of three hundred feet (300') apart, measured from centerline to centerline.
- b. **Angle** - The angle of intersection between the centerline of two (2) streets shall be as close to ninety (90⁰) degrees as possible.
- c. **Offset** - The centerline of two streets intersecting the road on opposite sides shall be offset as shown and illustrated in the preceding graphics. Offset dimension between intersections is categorized by the type of facilities involved. If the two legs creating the offset are different types of facilities, the shorter of the offset dimension shall apply.

<u>TYPE OF FACILITY</u>	<u>TYPE A</u>	<u>TYPE B</u>
Arterial	300 ft.	400 ft.
Collector	200 ft.	250 ft.
Minor/Residential	150 ft.	150 ft.

16. **Sight Distance**

The minimum sight distance for the various street types is shown below:

a. **Stopping Sight Distance***

	Minimum	Desirable**
Minor/Residential	200	200
Collector	275	300
Arterials	350	450

* Measured in feet on a vertical curve between points three and three quarters feet (3.75') and a half foot (1/2') above the centerline of the finished grade.

**Desirable dimensions shall be required in roadway design unless it is demonstrated to the Town Engineers that topography or other extenuating circumstances prevents use of the desirable dimensions. In no case shall dimensions less than the minimum be approved.

b. **Intersection Sight Distance**

- (1) Sight Distance is measured in feet from a point on intersecting streets fifteen feet (15') from the edge of the through street pavement and from a height of eye of three feet nine inches (3' 9") on the intersecting street, to a height of object of four and a half feet (4' 6") on the through street.
- (2) Property line radii at street intersections involving arterial or collector streets shall not be less than thirty-five feet (35'). All other intersections shall have property line radii of not less than twenty-five feet (25').

<u>Through Street Classification</u>	<u>Intersecting Street</u>	<u>Intersecting Street With High Percentage of Truck Traffic</u>
Arterials	680	840
Collector	500	700
Minor/Residential	300	---

17. Tangents

- a. The minimum centerline tangents permitted on approach to intersections are shown below:

<u>Intersection Type</u> <u>Length</u>	<u>Tangent</u>
Arterial with Arterial.....	300 feet
Arterial with Collector	200 feet
Collector with Arterial	100 feet
Collector with Collector.....	100 feet
Collector with Minor/Residential.....	75 feet
Minor/Residential with Minor/Residential	75 feet
Minor/Residential with other	75 feet

- b. **Tangents Between Curves** - Between curves, there shall be a centerline tangent not less than three hundred feet (300') in length on arterials, and one hundred feet (100') on all collector streets. No tangent is required on minor/residential streets or cul-de-sac streets.

18. Corner Radii

The minimum property line radii for the various street intersections are shown below:

<u>Intersection Types</u> <u>Radii</u>	<u>Minimum</u> <u>Corner</u>
Arterial with Arterial	170-55-170 - 6 offset
Arterial with Collector	35 feet
Arterial with Minor/Residential	35 feet
Collector with Collector.....	35 feet
Collector with Minor/Residential	25 feet
Minor/Residential with Minor/Residential	25 feet

19. Reserve Strips

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

20. Street Names

Proposed streets, which are obviously in alignment with other streets already existing and named, shall bear the names of the existing streets. In no case shall the name for a proposed street duplicate an existing street name irrespective of the suffix used, i.e., street, avenue, boulevard, drive, parkway, cove, court, or place. Street names shall be approved by the Planning Commission. Street name changing is discouraged unless a redrawn Construction Plat is submitted.

21. Arrangement of Continuing and Dead-End Public Ways

- a. **Arrangement of Continuing Public Ways** - The arrangement of public ways shall provide for the continuation of major public ways between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provisions of utilities, and when such continuation is in accordance with the Major Road Plan. If the adjacent property is undeveloped and the public way must be a dead-end public way temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac, temporary T-, or L-shaped turnabout shall be provided on all temporary dead-end public ways as required in the following turnabout standards, with a notation on the subdivision plat that land outside the normal public way right-of-way shall revert to abutting property owners whenever the public way is continued.
- b. **Dead-End Public Ways** - Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty feet (50'). However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout shall be provided at the end of a dead-end public way in accordance with the design standards of these regulations.

For greater convenience to traffic and more effective police and fire protection, permanent dead-end public ways shall, in general, be limited in length in accordance with the design standards of these regulations.

22. Intersections

- a. Public ways shall be laid out so as to intersect, as nearly as possible, at right angles. A proposed intersection of two (2) new public ways at an angle of less than seventy-five degrees (75°) shall not be permitted. An oblique public way should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet (100') therefrom. Not more than two (2) public ways shall intersect at any one point unless specifically approved by the Planning Commission.

- b. Proposed new intersections, along one side of an existing public way, shall coincide, wherever practicable, with any existing intersections on the opposite side of such public way. Jogs within public ways having center line offsets of less than one hundred fifty feet (150') shall not be permitted, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where public ways intersect arterial or collector routes, their alignment shall be continuous. Intersections of arterial or collector public ways shall be at least eight hundred feet (800') apart.
- c. Minimum curb radius at the intersection of two (2) minor public ways shall be twenty-five feet (25'), and minimum curb radius at an intersection involving a collector public way shall be thirty feet (30'). Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- d. Where a public way intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate sight distance.
- e. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) grade for a distance of sixty feet (60'), measured from the nearest right-of-way line of the intersecting public way.
- f. The cross-slope on all public ways, including intersections, shall be three percent (3%) or less.

23. Right-of-Way Width Dedication on Existing Public Ways

Where a subdivision adjoins an existing narrow public way, or where the Major Road Plan or any zoning setback provisions indicate plans for realignment or widening of a public way that would require use of some of the land in the subdivision, the subdivider shall be required to dedicate, at his expense, areas for widening or realigning such public way as set forth below:

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

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

24. Public Way Surfacing and Improvements

After underground utilities have been installed, the subdivider shall construct curbs with gutters, and shall surface or cause to be surfaced public ways to the widths prescribed in these regulations. No public way shall be surfaced until approval of the Construction Plat has been obtained. Surfacing shall be of such character as is suitable for the expected traffic. Types and methods of paving shall be in accordance with the specifications of Article VI, Section D, and in no event shall such construction be below the specifications set forth in these regulations. Adequate provisions shall be made for culverts, drains and bridges, as required.

C. LOT LAYOUT

In general, all lots within a subdivision shall have about the same area. Minimum lot areas and frontages are specified in the Brighton Municipal Zoning Ordinance; however, a subdivision plan should not be predicated solely on 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 and such site shall be outside the limits of any easements, rights-of-way, building lines, side yards, rear yards and front yards, as defined in Section B of this Article, Section F of Article I and the Brighton Municipal 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 feet (50'). Where lots abut on an arterial street, a marginal access street, or have double frontage, 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 buildings 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 Brighton Municipal Zoning Ordinance.
- b. The minimum area and dimensions of office, commercial and industrial tracts shall be as specified by the Brighton Municipal 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 yard that is required by the Zoning Ordinance. To accommodate site peculiar conditions, such as side yard drainage, the Planning Commission may require increasing 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	37.5 feet
69 KV	50 feet
161 KV	75 feet

5. Large Tracts or Parcels

Where land is subdivided into larger parcels than ordinary buildings 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 required by the topography, side yard drainage may be required, in which case it may be

necessary to increase the minimum side yard requirements. Terracing of lots, particularly in residential subdivisions, shall be avoided unless essential for erosion control or to reduce the velocity of runoff.

D. BLOCKS

Block configuration within a subdivision is essentially determined by the street layout; hence, it must provide safe and sufficient vehicular and pedestrian circulation.

1. Block Length

Blocks shall be not less than four hundred feet (400') nor more than twelve hundred feet (1200') in length measured centerline to centerline of street, except as the Planning Commission may deem necessary to secure efficient use of the land or desired features of street pattern. The Planning Commission may require one (1) or more public cross walks of not less than ten feet (10') in width extending entirely across the block at locations deemed necessary.

2. Block Width

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

E. DRAINAGE AND STORM SEWERS

1. General Requirements

The Planning Commission shall not approve any plat of a subdivision which does not make adequate provisions for storm water or floodwater run-off channels or basins. The storm water drainage system shall be separate and independent from any sanitary sewer system.

2. Nature of Storm water Facilities

a. Location

The subdivider may be required by the Planning Commission to transport by pipe, or open ditch, any spring or surface water that may exist prior to, or as a result of, the subdivision. Such drainage facilities shall be located in the public way right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the construction specifications contained in these regulations.

b. Accessibility to Public Storm Sewers

- (1) Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the appropriate governmental representative; inspection of facilities shall be conducted to assure compliance. Inspection of facilities shall be conducted by the enforcing officer.
- (2) If a connection to a public storm sewer will be provided eventually, as determined by the Planning Commission, the subdivider shall make arrangements for future storm water disposal by a public system at the time the Plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the surety instrument/performance bond required for the Final Plat.

c. Accommodation of Upstream Drainage Areas

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Necessary facilities shall be sized based on the construction specifications and assuming conditions of maximum potential watershed development permitted by any Zoning Ordinance.

d. Effect on Downstream Drainage Areas

The Planning Commission also shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission shall withhold approval of the subdivision until provision has been made for adequate improvement of such drainage facilities in such sum as the Planning Commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

e. Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission may approve such subdivision; provided, that the applicant fills the affected floodway fringe area of said subdivision to place public way elevations at no more than twelve inches (12") below the regulatory flood elevation and first floor elevations (*including basements*)

at no less than one foot (1') above the regulatory flood elevation. The plat of such subdivision shall provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither shall any building, nor flood-restrictive structure, be erected or placed therein. The boundaries of the floodway and floodway fringe area, and the regulatory flood elevation, shall be determined by the Planning Commission based upon the review specified in these regulations and the submission of flood data in a Construction Plat as specified in these regulations.

f. **Floodplain Areas**

The Planning Commission may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. The regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any subdivision which contains flood-prone land shall be subject to the special provisions set forth in these regulations.

3. **Dedication of Drainage Easements**

a. **General Requirements**

Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainage ways are utilized, they shall be designed for the twenty-five (25) year frequency flood.

b. **Drainage Easements**

- (1) Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within the right-of-way of a public way, perpetual unobstructed easements at least ten feet (10') in width for such facilities shall be provided across property outside the public way lines and with satisfactory access to public ways. All easements shall be indicated on the Preliminary Plat, Construction Plat and Final Plat. Drainage easements shall be carried from the public way to a natural watercourse or to other drainage facilities.

- (2) When a new drainage system is to be constructed which will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (3) The applicant shall dedicate, when required by the Planning Commission, either in fee, or by drainage or conservation easement, the land on both sides of an existing watercourse to a distance to be determined by the Planning Commission.
- (4) Along watercourses, low-lying lands within any floodway, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

4. Ditching, Concrete Ditch Paving, Culverts and Storm Drains

The design and construction details of drainage facilities shall be in accordance with the provisions of these regulations. The design and construction details of all such facilities shall be approved by the appropriate governmental representative.

F. WATER FACILITIES

1. General Requirements

- a. Necessary action shall be taken by the developer to extend a water supply system capable of providing domestic water use and fire protection.
- b. Where a public water main is within reasonable access of the subdivision, as determined by the Planning Commission, the subdivider shall install adequate water facilities, including fire hydrants, subject to construction and material specifications, approval of the Planning Commission, the Tennessee Department of Environment and Conservation and these regulations.
- c. Where required for fire protection, water mains shall not be less than six inches (6") in diameter.
- d. All water systems, whether public or private, located in a flood-prone area shall be flood proofed to the regulatory flood protection elevation. All water supply facilities located below the regulatory flood protection elevation shall be designed to prevent the infiltration of floodwaters into the water supply system and discharges from the system into floodwaters.

2. Fire Hydrants

Fire hydrants shall be required in all subdivisions; they shall be located no more than five hundred feet (500') apart and be within three hundred feet (300') of any

residential, commercial, or industrial lot. However, the Planning Commission may require closer spacing where physical conditions or types of structures so warrant. To eliminate future public way buttings or openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of a public way shown on the subdivision plat, unless otherwise approved by the Planning Commission.

G. SEWAGE FACILITIES

1. General Requirements

The applicant shall install sanitary sewer facilities in a manner prescribed by the regulations of the Tennessee Department of Environment and Conservation and by any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit thereof.

2. Mandatory Connection to Public Sewer System

- a. The applicant shall install sanitary sewers in the subdivision and shall provide sanitary sewer facilities to each lot therein and shall connect the facilities to the public system. The subdivider shall provide sewers which meet standards set forth in the regulations of the Tennessee Department of Environment and Conservation.
- b. All sanitary sewer facilities located in a flood hazard area shall be flood proofed to the regulatory flood protection elevation. All sewer facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.

3. Design Criteria for Sanitary Sewers

- a. Sanitary sewer systems shall be designed for the ultimate tributary population based upon appropriate plans and zoning regulations.
- b. The minimum size of a public sewer line shall be eight inches (8") in diameter for gravity lines and six inches (6") in diameter for forced lines. Individual lot service lines shall be a minimum of four inches (4") and have a "double cleanout/Boston Tee" on the exit side of the system between the structure and the holding tank.
- c. Sanitary sewers shall be located within a public street right-of-way, unless topography dictates otherwise. Public utility easements shall be provided across private property for access to lines and manholes, such easements

to be of an adequate width for service purposes, but in no case less than twenty feet (20').

H. UTILITY EASEMENTS

1. Easements down rear lot lines, or additionally across lots, if deemed necessary by the Planning Commission, shall be provided for utilities (*private or public*). Such easements shall be at least twenty feet (20') wide. The subdivider shall take such actions, as are necessary, to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within his development.
2. Where topographical or other conditions are such as to make impractical the inclusion of utilities within rear lot lines, perpetual unobstructed easements at least twenty feet (20') in width shall be provided along side lot lines with satisfactory access to public ways or rear lot lines. Easements shall be indicated on the plat.
3. Temporary construction easements, exceeding the width of permanent easements, may be required as necessary until completion of any one project.

I. PRESERVATION OF NATURAL FEATURES AND AMENITIES

Existing features, which would add value to a residential development, or to the area as a whole, such as trees, watercourses and falls, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision, as required by the Planning Commission. No change of grade of the land shall be affected, nor shall any natural features be removed or relocated, until a Preliminary Plat has been approved by the Planning Commission.

J. NONRESIDENTIAL SUBDIVISIONS

1. General

If a proposed subdivision includes land which is zoned for a commercial or industrial purpose, the layout of the subdivision with respect to such land shall make such provisions as the Planning Commission may require. A nonresidential subdivision also shall be subject to all the requirements of site plan approval as set forth in the applicable Zoning Ordinance. Site plan approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards set forth by the Planning Commission, and shall conform to the Land Development Plan, Major Road Plan, and Zoning Ordinance.

2. Standards

In addition to the principles and standards in the regulations, which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the public way, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- a. Proposed industrial parcels shall be suitable in areas and dimensions to the types of nonresidential development anticipated.
- b. Public way rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated.
- c. Special requirements may be imposed by the governing body with respect to any public way, curb, gutter, and sidewalk design and construction specifications.
- d. Special requirements may be imposed by the governing body with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- e. Every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary.
- f. Public ways carrying nonresidential traffic, especially trucks, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.

K. UNDERGROUND ELECTRIC SERVICE

Underground electric service is required by the Town. With the exception of existing street facing infill development, they must be approved by the Town on a case-by-case basis. Consult with the Southwest Tennessee Electric Membership Corporation for specific design standards.

ARTICLE VI

PREREQUISITES TO FINAL SUBDIVISION APPROVAL

A. GENERAL REQUIREMENTS

As a condition precedent to the final acceptance of any subdivision, subdivision addition or re-subdivision, every subdivision developer shall be required to grade and improve streets and other public ways, to install survey monuments, utilities, curbs, gutters, sidewalks, sewers, water mains, storm water inlets, surface and ground water drainage channels and structures, and buffer screens, and to prepare the plant landscaping in accordance with these regulations and the Technical Specifications of the Town of Brighton. In lieu of the completion of such improvements prior to final subdivision acceptance, the Planning Commission may accept a surety instrument/performance bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the Town of Brighton the actual construction and installation of such improvements within a period specified by the Planning Commission and expressed in the surety instrument/performance bond.

B. SURETY INSTRUMENT / PERFORMANCE BOND IN LIEU OF COMPLETED IMPROVEMENTS

The subdivision developer shall furnish to the Town of Brighton a construction surety instrument/performance bond showing the Town of Brighton's Planning Commission as the beneficiary. The amount of the surety instrument/performance bond shall equal the cost of all public improvements and shall be irrevocable. The surety instrument/performance bond shall be effective for one year with renewal for one year with no effort on the part of the Town of Brighton. Terms of the surety instrument/performance bond shall be as determined by the Town Engineer and approved by the Planning Commission, in accordance with Section 13-4-303 Tennessee Code Annotated. Normally, the amount and terms of the surety instrument/performance bond will be approved concurrently with approval of the Construction Plat in accordance with Article II, Section C of these regulations.

1. Reduction of Surety Instrument / Performance Bond Upon Partial Completion

Upon completion of the major improvements, and upon final inspection and acceptance by the Town Engineer or his/her designated representative, the developer may reduce the amount of the surety instrument/performance bond or he/she may substitute a new surety instrument/performance bond to secure the obligation with respect to incomplete or unacceptable improvements. The residual improvements shall normally be limited to such items as erosion control, re-vegetation, landscaping, and planting, and to those improvements such as sidewalks, handicap ramps, and curb cuts and driveway aprons which are deferred

pending completion of building construction in those instances where the developer is also the builder.

2. Enforcement of Surety Instruments / Performance Bonds

Failure of the developer to comply with any or all parts of these regulations, subsequent to Final Plat approval, shall be grounds for issuance of a stop work order by the Town Recorder, Building Inspector or his/her designated representative and enforcement of the surety instrument/performance bond by the Town of Brighton.

C. SURVEY MONUMENTS

Permanent and semi-permanent survey monuments are an essential by-product of the land subdivision process. Such monuments facilitate the resurvey of 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 monuments and documentation specified herein.

1. Permanent Monuments

- a. A permanent survey monument shall be set behind the curb on the North and East side of every street and at least one monument shall be provided near each street intersection and located to provide inter-visibility with one or more monuments located on each of the intersecting streets. At least one monument shall be located at a point in the exterior boundary of the subdivision or subdivision addition. There shall be a minimum of two (2) such permanent monuments within every subdivision.
- b. Permanent survey monuments shall be constructed of dense Portland cement concrete, four inches (4") square, three feet (3') long, with a flat top, the top of each monument shall have an indented cross to identify the precise location of the survey point, and the top shall be set flush with the finished grade of the surrounding surface or, in asphalt paved areas, flush with the finished grade of the pavement base.
- c. Where deemed necessary by the Town Engineer to ensure recovery of a survey point, a subsurface mark set in concrete poured at the base of the concrete monument and plumbed to the surface mark shall be required.

2. Semi-permanent Monuments

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

- 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 Final Plat approval.

4. Survey Documentation

The developer shall provide to the Town Engineer, prior to Final Plat approval, a detailed description of all new and recovered permanent survey monuments lying within, or on, the boundary of the subdivision. Each description shall include:

- a. A physical description of the monument.
- b. Instructions for locating the monument with respect to a fixed prominent landmark.
- c. Survey data, in addition to that shown on the Final Plat, which shall, when available, consist of adjusted plan coordinates and elevation, survey precision and accuracy, and datum to which coordinates and elevation refer.

D. STREET IMPROVEMENTS

The developer shall construct all 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 feet (15') from any transmission line structure. All street grading shall be done in a manner which will not disturb the structure, nor result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the pavement surface to the nearest conductor shall meet the requirements of the National Electrical Safety Code.

2. Minimum Pavement Widths

Minimum pavement widths, including face of curb to face of curb shall be as follows:

- a. Arterial 48 feet
- b. Collector Street 36 feet
- c. Minor/Residential 28 feet
- d. Dead-end Street (Cul-de-sac)..... 28 feet
- e. Permanent Easement..... 28 feet
- f. Marginal Access Street 36 feet
- g. Alley..... 20 feet

3. Roadway Subgrade Preparation

a. Clearing and Grubbing

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

b. Excavation

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

c. Embankment

All suitable material from roadway excavations may be used in the construction of roadway embankments. Excess or unusable materials shall be legally disposed of away from the construction site. The fill material used in the construction of embankment shall be spread in layers not to

exceed six inches (6") loose and shall be compacted at optimum moisture content by a sheeps foot roller or other compacting equipment approved by the Town Engineer. During construction, embankments shall be maintained in a smooth condition with sufficient slope to insure adequate drainage under all weather conditions.

d. **Dust Control**

Provide positive methods and apply dust control materials to minimize raising dust from construction operation and provide positive means to prevent airborne dust dispersing into the atmosphere.

4. **Pavement Base Course**

After preparation of the subgrade, the roadbed shall be surfaced with an approved material conforming to the Technical Specifications of the Town of Brighton. Two (2) options are available to the developer for construction of base course as follows:

a. **Alternative A**

For streets with rights-of-way less than 80 feet:

Six inches (6") of grading D limestone over the pavement width installed in two inch (2") to three inch (3") compacted lifts per Tennessee Department of Transportation Section 303.

For streets with rights-of-way of 80 feet or more:

Ten inches (10") of grading D limestone over the pavement width installed in two inch (2") to three inch (3") compacted lifts per Tennessee Department of Transportation Section 303.

b. **Alternative B**

For streets with rights-of-way less than 80 feet:

Eight inches (8") of soil cement over the pavement width, with design mix formula for soil type subject to planning staff approval, installed per Tennessee Department of Transportation Section 304.

For streets with rights-of-way of 80 feet or more:

Ten inches (10") of soil cement over the pavement width, with design mix formula for soil type subject to planning staff approval, installed per Tennessee Department of Transportation Section 304.

5. **Asphalt Concrete Pavement**

After preparation of the base course the roadway surface shall be paved with an aggregate base and a wearing surface.

a. **Aggregate Base**

The aggregate pavement surface shall consist of approved aggregate and asphalt cement mixed in proper proportions. The aggregate shall be a minimum of two inches (2") of compacted Tennessee Department of Transportation type 307-B bituminous hot mix. The roadway surface shall be paved with the aggregate and asphalt cement mix laid hot in a single course on the prepared base course. The aggregate and asphalt cement shall be two inches (2") thick prior to issuance of building permits.

b. **Wearing Surface**

The final one and one-half inch (1.5") asphalt concrete laid hot wearing surface shall be in place prior to acceptance by the Town and relinquishment of the surety instrument / performance bond. This final asphalt wearing surface shall be of compacted Tennessee Department of Transportation type 411-E bituminous hot mix.

6. **Driveway and Curb Cuts**

These standards will apply to all multi-family, commercial and industrial drive and curb cuts within the corporate limits of the Town of Brighton, and/or on all streets designated as major thoroughfare, commercial collector, and commercial access.

These standards are in addition to, and generally consistent with, the Rules and Regulations for Constructing Driveways on State Highway Right-of-way as issued by the Tennessee Department of Transportation, provided, however, these rules established by this section will apply to State, County, and Local roads located within the corporate limits of the Town of Brighton.

a. **Location of Driveways**

Driveways shall be so located that vehicles entering or leaving an establishment or location will not interfere with the free movement of traffic or create a hazard on the public roadway. Where feasible, access driveways shall be located where there are no sharp curves or steep grades, and where sight distance is adequate for safe traffic operation. Driveways should not be located within an intersection, intersection

radius, or interchanges of highways. No curb cut shall be closer than twenty feet (20') from the point of curvature of a corner radius.

Access drives shall be located that they will not interfere with the placement of signs, signals or other devices that effect traffic operation and regulations.

b. Number and Arrangement of Driveways

For property tracts with a sizable frontage on a highway or street, driveway location and arrangement will be governed by position of building(s) thereon as determined through the site plan review process of the Town of Brighton. Where driveways are provided to land areas only, (*areas with no development*), they shall be so located to the best advantage regarding highway alignment profile and sight distance conditions as determined by the applicant and the Town of Brighton jointly. The allowed number, arrangement, width and design of driveways shall be governed during the site plan review process, such process to consider the amount of highway frontage and the use of the facility/property.

The number of driveways permitted shall be the minimum number necessary to properly serve the need of the property. Frontages of one hundred feet (100') or less shall be limited to one (1) driveway, unless a variance is approved by the Board of Zoning Appeals for the Town of Brighton. Normally, not more than two (2) driveways shall be provided to any single property tract or business establishment within the Town of Brighton. Furthermore, there shall not be more than four (4) driveways per any five-hundred-foot (500') distance. The Town specifically encourages joint use property curb cuts to facilitate traffic flow.

Consistent with State guidelines, driveways shall be positioned to clear the frontage boundary lines by the specified minimum dimensions. Where two (2) driveways are provided for one (1) frontage or adjacent frontages separately, the clear distance between driveways measured along the right-of-way line shall not be less than twenty-five feet (25').

On a major, controlled access road, where there are or may be several businesses, consideration should be given to the construction of a frontage road, the frontage road then having well-spaced access points to the major road.

Driveway design, consistent with State regulation, shall not exceed forty feet (40') maximum width for two-way use, or feet (20') maximum for one-way use.

The Town and/or State of Tennessee specifically reserves through the site plan review process before the Planning Commission, full review, comment and approval authority for curb cuts, and nothing herein shall be so construed to subordinate that authority.

E. PRIVATE DRIVES/PARKING AREAS

1. General Provisions

- a. The provisions of this section apply to individual lots with access to a private drive and with no direct access to a public street. Private drives may also be within apartment complexes, shopping centers, and other developments which provide internal circulation for one (1) parcel.
- b. Private drives may be permitted where the subdivider or developer demonstrates that private ownership, control and maintenance of street facilities is integral to the design and function of the subdivision or development; that provision has been made for the continuing and adequate maintenance of such drives; that the private streets in the development will not interrupt or jeopardize the continuous circulation of vehicular traffic in the general area.
- c. All plans are subject to the review of the Town of Brighton and its agencies.

2. General Design Criteria

Private drive systems shall conform to the following criteria:

- a. Provide adequate access to all lots or principal structures and facilities within the development;
- b. Shall be a sufficient width to accommodate fire, other emergency vehicles, and sanitation equipment; and,
- c. Shall be separated from the public street system to discourage vehicular traffic from public streets.

3. Geometric Design Standards

There are no specified minimum geometric design standards for curvature of a private drive, all private streets shall be designed to provide safe and convenient access to all properties within the development.

4. Pavement Width

The pavement width, exclusive of curb and gutter, on private drives shall be dependent upon the type and intensity of development proposed.

Pavement width of twenty-six feet (26') for two (2) way traffic shall be permitted, if the development has twenty-five dwelling units or less. If the development has in excess of twenty-five (25) units, or contains commercial or industrial uses, pavement width exclusive of curbs and gutter, shall be thirty feet (30').

5. Dead end Streets

- a. The length of dead-end streets shall be governed by the same criteria for public streets.
- b. Dead end streets shall be terminated by a circular or T-Type turnaround. The width of the paved surface area shall be determined by the type and intensity of development proposed but in no instance shall be less than forty-foot (40') radius. The design of any turnaround is subject to the approval of the Brighton Fire Department and Department of Public Works.

6. Intersections

Private drives should not be a direct connection between two (2) public streets. Where the projection or connection of a public street into a private drive system is unavoidable, the private street shall be designed to clearly distinguish between the public streets and private drives by means of curbing, turnarounds, signing, and/or other measures deemed necessary by the Town of Brighton.

7. Multiple Access Points to Public Streets

Projects containing private drives shall conform to the access and driveway standards, as established by the Town of Brighton.

8. Construction Requirements

Private drives shall be constructed to equal, or exceed, the base materials, compacting, and final surfacing standards for public streets. If curb, gutter and sidewalk requirements are waived by the Town of Brighton, drainage swells adjacent to the roadway shall be required.

9. Maintenance

Before Final Plats for developments containing private drives are approved, the subdivider shall provide for approval by the Town of Brighton, copies of the property owner's association document which clearly delineates the responsibilities for common use and maintenance of the private streets and other improvements. The property owner's association document shall be recorded simultaneously with the Final Plat and the instrument number noted on the Final Plat.

10. Easement Dedication

If the public utilities are placed within or adjacent to private drives, a ten-foot (10') utility easement is also required.

F. 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, re-vegetation planting, and protection for existing vegetation.

1. Erosion Control

The subdivider shall submit a Storm Water Pollution Prevention Plan, which has been approved by Tennessee Department of Environment and Conservation, for soil erosion and sedimentation control to the Town Engineer and Building Official. The subdivider shall provide necessary erosion control, such as seeding for gentle slopes, grass sod for sharper slopes, with special grading and terracing in accordance with the plans approved by the Town Engineer and Planning Commission. It is required that the builder shall sod the front, side, and rear yard in all lots equal to and less than three quarters ($\frac{3}{4}$) of an acre. All drainage swales shall be sodded. Sod should be a minimum of three quarters ($\frac{3}{4}$ "") of an inch thick. All freshly excavated embankment areas not covered with satisfactory vegetation, shall be fertilized, mulched, and seeded and/or sodded as required to prevent erosion. Storm sewer inlets shall have debris guards, as approved by the Town Engineer, to trap sediment and avoid possible damage by blockage. Provisions shall be made to accommodate increased runoff caused by changed soil and surface conditions during development. Runoff shall be intercepted and safely conveyed to storm drains or natural outlets where it will not erode or flood land. Sediment basins shall be installed and maintained to collect sediment from runoff waters. If it is determined by the Town Engineer that the necessary erosion control is not being provided by the subdivider, the Town Engineer shall officially notify the subdivider of the problem. If the subdivider has not begun to provide satisfactory erosion control within fifteen (15) days after the notice, the Town

shall make the necessary improvements to eliminate the erosion problem documenting all expenses incurred. Prior to release of the surety instrument/performance bond, all expenses incurred by the Town shall be paid in full by the subdivider.

2. Preservation of Trees and Re-vegetation

No trees of caliper ten inches (10") or larger, measured five feet (5') 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 inches (12") in diameter, the Planning Commission may require a plan for re-vegetation, in order to recover soil stabilization, percolation or buffering lost by removal of such tree.

G. CURBS, GUTTERS, SIDEWALKS AND HANDICAP RAMPS

The developer shall install, at their expense, sidewalks, curbs and gutters, curb cuts and driveway aprons and handicap ramps within the subdivision and within the right-of-way of all existing streets bordering the subdivision, under conditions specified herein.

Sidewalks shall be required to be installed by the developer on either, or both, sides of the street within the right-of-way of all new streets and may be required along any street if so desired by the Planning Commission, when the Planning Commission deems it necessary for Public Safety.

This section of the regulations shall apply to all residential, commercial, and industrial developments within the Town of Brighton.

1. Curbs and Gutters

Curbs and gutters shall be either permanent integral type six-inch (6") concrete curbs with twenty-four-inch (24") gutters; standard rolled type concrete curbs and gutters; or other construction approved by the Planning Commission. Only the standard eight-inch (8") curbs and twenty-four-inch (24") gutters shall be permitted on major streets. For major streets, waiver of the requirement to install curbs and gutters shall not be granted.

2. Sidewalks

Sidewalks shall be installed by the developer prior to final finished surface of the street and shall be located in the street right-of-way with the outside edge coinciding with the right-of-way line. All sidewalks shall have a main slab of not less than 3500lb concrete, and not less than four (4) inches in thickness. For proper drainage, all sidewalks shall have one-fourth an inch (1/4) per one (1) foot slope towards the adjacent street. Sidewalks shall conform to the following minimum widths and be consistent throughout the development:

- a. Single-family residential4 feet
- b. Multi-family5 feet
- c. Commercial, Non-residential.....5 feet

3. Handicap Ramps

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

4. Curb Cuts and Driveway Aprons

All curb cuts and the installation of driveway aprons shall be approved by the Director of Public Works, or his/her designee, 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. If roll type curbs and gutters are used, curb cuts may be waived by the Planning Commission.

5. Quality of Concrete

All sidewalks, curbs, gutters, handicap ramps and driveway aprons shall be constructed of high-quality durable Portland cement concrete. The concrete shall be ready-mixed, air entrained, not less than 3500lb. concrete. All concrete shall be Class A and shall be placed, cured, and tested in accordance with the Technical Specifications.

6. Deferment of Installation

At the request of the developer, the Planning Commission may defer the installation of sidewalks, curb cuts, driveway aprons, and handicap ramps under the following conditions and procedures:

- a. Where the individual builders assume responsibility for installation of sidewalks, curb cuts and driveway aprons, the developer shall be relieved of responsibility for such installations. The responsibility assumed by individual builders shall become a condition of the building permit and shall comply with the Technical Specifications of the Town of Brighton, as well as, the standards pertaining to sidewalks, curb cuts and driveway aprons contained in these regulations. No certificate of occupancy shall be issued until the required improvements are complete and accepted.

- b. If developers request this deferment, said conditions shall be noted on the plat.

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 (i.e. water mains, sewers, etc. and all service connections) shall be installed completely and approved throughout the length of the roadway and across the flat section.

1. Water Supply System

- a. Water mains properly connected with the Town water supply system or with an alternate supply, approved by the Town of Brighton, shall be constructed to serve adequately for both domestic use and fire protection to all lots and building sites shown on the subdivision plat.
- b. The size of water mains, the location and types of valves and hydrants, the amount of soil cover over the pipes and other features of the installation shall be as reviewed by the Town Engineer and Public Works Director and shall conform to accepted standards of good practice for municipal water systems.
- c. 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 69-13-102, Tennessee Code Annotated. Copies of comments and certificates of approval for the above agency shall be forwarded to the Town Engineer.
- d. Unless otherwise specifically approved, water mains shall not be less than six inches (6") in diameter. The Town specifically reserves the authority to require larger diameter pipe if necessary to adequately serve both domestic use and fire protection of the subdivision development.
- e. The developer shall be responsible for the cost of design and construction of any and all water lines which will service the development.

2. Sanitary Sewer Extension

- a. For any new development located within the Town of Brighton, the project developer shall be responsible for the design and construction of a sanitary sewer system adequate to serve that development.

The complete plans and specifications for such project must be reviewed and approved by the Town Engineer prior to construction.

- b. The Town of Brighton specifically reserves the right to determine and require certain placement and depth of sanitary sewer installation within the project to meet future service needs.

The Town further reserves the right to require excess capacity construction, at the developer's full expense, within the development if the developer creates a future need for such sewer line, interceptor or outface to the Town's overall development.

- c. The developer shall be responsible for either directly providing, or reimbursing the Town of Brighton, the cost of any off-site improvements directly related to his development, (*i.e. the added capacity necessary due to that project*). This may be for excess capacity lines, lines to meet needs of the project, or lift station improvements.

In those instances of mutual agreement, the Town may design and construct such off-site improvements, as provided herein.

- d. On major sewer outfalls, lift stations, interceptors, including excess capacity, where the Town requires improvements off-site, the developer shall be responsible for the cost of such off-site improvements on the total system at full expense.

In those instances of mutual agreement, the Town may design and construct such off-site improvements, as provided herein.

- e. On major sanitary sewer interceptors, outfalls or lift stations, the Town of Brighton, subject to the approval of the Board of Mayor and Aldermen, for excess capacity (*future needs*), may establish sanitary sewer improvement districts whereby special assessment considerations to benefiting property owners are determined. In the event this option is utilized, the developer shall assume all costs of such project with the Town to require future developers to reimburse on a prorated basis, if such development occurs within a ten-year period of the initial construction.

In those instances of mutual agreement, the Town may design and construct such off-site improvements, as provided herein.

- f. Any developer or property owner affected by the provisions of this policy statement may, by appropriate application, request a hearing before the Board of Mayor and Aldermen to seek relief from costs assessed pursuant to the provisions herein. The Board of Mayor and Aldermen may, within its discretion, provide a sewer development fee "credit" in lieu of a direct cost assessment for off-site improvements, or otherwise adjust the cost to be paid by such developer or property owner, if it deems the assessment to

be unreasonably burdensome and the credit or adjustment to be in the best interest of the public welfare.

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. Landscaping shall not be placed within a public right-of-way.

1. Residential Development

- a. Where residential development has lots which have double frontage on public streets (*alleys excepted*), there shall be continuous screening along the rear line of these lots. Visibility areas required for traffic safety as designated by the Town Engineer shall not be screened.
- b. Where a residential development abuts against a nonresidential use, a continuous screening shall be required.

2. Non-Residential Development

Where a nonresidential development abuts against a residential use, a continuous screening shall be required.

3. Other Landscaping

The Planning Commission may specify to the developer those areas within the subdivision which require landscaping. The developer shall present to the Planning Commission, a detailed landscaping plan and planting schedule, if required.

J. TECHNICAL SPECIFICATIONS INCLUDED BY REFERENCE

The Technical Specifications of the Town of Brighton as set forth in Article V are included in all of the foregoing requirements of this article and these regulations by reference. Unless these regulations state otherwise, deviations to the Technical Specifications may be allowed only with the prior approval of the Planning Commission.

K. CLUSTER BOX UNIT (CBU)/MAIL KIOSK REQUIREMENTS

1. Installation of CBUs, as well as any associated improvements including a required roof-top (e.g. shelters, lighting, and other related amenities), hereinafter CBU related improvements, shall be the responsibility of the developer.
2. Approval and installation of all CBU related improvements must be completed prior to the Final plat being recorded for the subdivision creating the lots.
3. The establishment of a homeowners' association or property owner's association is required in developments with CBU related improvements. Maintenance of all CBU related improvements shall be the responsibility of the homeowners' association.
4. CBU related improvements not part of a designated amenity area shall be located in Common Open Space or a similar private area with access to a street or access easement. Lot area does not have to meet the minimum area of the district, provided that a 15 feet setback shall be required from street right-of-way, alley, and adjoining buildable lots.
5. CBU related improvements shall be prohibited within the public right-of-way or in any utility easement
6. CBU related improvements shall not be located within the vision triangle at the intersecting of any street and driveway to any residential, commercial, industrial, or multiple family property within a "sight triangle" formed by drawing lines along the edge of each pavement or railroad, and joining points on such lines 75 feet from their intersection; provided however, that the sight triangle for the intersection of streets and driveways shall use points 25 feet from the intersection of the street lines.
7. A site plan for the CBUs shall be submitted simultaneous with Construction Plat submittal for review and approval provided that the CBU has been reviewed and approved by the USPS with the appropriate documentation. The Planning Commission shall have the authority to approve CBU related improvements based on the unique factors for each development. These factors can include, but are not limited to, the number of CBU locations in the development and the maximum number of mailboxes at a CBU.

Site plans for CBUs shall include the following elements:

- a. Landscaping: The first five (5) feet of any required yard adjacent to a street and the first seven (7) feet adjacent to adjoining properties shall be devoted to plant screens and landscaping. As a minimum when a lot line is shared with a residential district, a tight opaque fence or compact evergreen hedge of not less than six (6) feet in height shall be provided.

Any reviewing authority may require more landscaping than these required minimum standards.

- b. Lighting Plan: Security lighting is required. The lighting of CBUs or a parking area should not cast light beyond property boundaries, and shall not, under any circumstances, exceed one (1) foot-candle at a commercial property line, or one-half (1/2) foot-candle at a residential property line, and one quarter (1/4) foot-candle ten feet over the property line.
- c. Parking and handicapped parking: These improvements shall be located in areas that will best allow for vehicle stacking or parking without creating pedestrian safety or vehicle safety issues. Access and parking shall be designed consistent with the Article III of this Ordinance. Required parking shall be provided according to the following:

<u>Number of Lots/Mailboxes</u>	<u>Parking Spaces Required</u>
50 or fewer.....	2
51 to 100.....	3
101 to 200.....	4
201 and above.....	5

Parking spaces may be provided in a dedicated parking area. CBU related improvements that are located in designated amenity area or Common Open Space may utilize the off-street parking provided. Parking areas and access to the CBUs shall be compliant with current Americans with Disabilities Act (ADA) standards.

- 8. CBUs and associated improvements must be installed according to USPS standards and must meet all applicable building and fire codes.

ARTICLE VII

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 Brighton. 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 a subdivision of land into two (2) or more lots or tracts located within the Town of Brighton, shall be admitted to the land records of Tipton County or received or recorded by the County Registrar of Deeds until such plat shall have been submitted to, and approved by, the Planning Commission and such approval entered in writing on the plat by the Secretary of the Commission as provided in Section 13-4-302, Tennessee Code Annotated.

2. Acceptance of and Improvements of Unapproved Streets

No board, public official, or authority shall accept, layout, open, improve, grade, pave or light any street or lay or authorize water mains or sewers or connection to be laid in any street within the Town of Brighton, 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 Board of Mayor and Aldermen may locate and construct, or may accept any other street, provided that the Ordinance or other measure for such location and construction or for such acceptance be first submitted to the Planning Commission for its approval, and if disapproved by the Commission, be passed by a majority of the entire membership of the Board of Mayor and Aldermen; and a street approved by the Planning Commission or constructed or accepted by said majority vote after disapproval by the Commission, shall have the status of an approved street as

fully as though it had been originally shown on a subdivision plat approved by the Commission or on a plat made and adopted by the Commission.

3. Issuance of Building Permits

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

4. Access To Lots by Public Way or Private Easement

Provided, further, that when a permanent easement to a public way is used as access to a lot or tract of land having been or being separated by deed or plat from other property, such easement shall be at least fifty feet (50') in width from and after the time of adoption of these regulations and shall not be used to provide access to more than one lot or tract of land.

The above section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements which have been approved by the Planning Commission and will be in private ownership and control in perpetuity.

C. 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 in authority granted by Public Acts of the State of Tennessee.

1. Recording of Unapproved Subdivision Plat

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

2. 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 of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the Office of the County Registrar, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Brighton through its Attorney or other official designated by the Board of Mayor and Aldermen 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 Building Inspector, the Attorney of the Town of Brighton, or other official designated by the Board of Mayor and Aldermen may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-4-308, Tennessee Code Annotated.

D. PROVISIONS OF REGULATIONS DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the public interest and orderly development of the Town of Brighton. 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 VIII

VARIANCES, APPEALS AND AMENDMENTS

A. VARIANCES

Variances to the general requirements, design standards and other improvements from the terms of these regulations may be granted or imposed by the Planning Commission. All requests for variances shall be submitted in writing to the Code Enforcement Office at least ten (10) days prior to the meeting date at which the variance is to be reviewed. The Planning Commission may grant variances provided the following conditions can be complied with:

1. The variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
4. The variance will not in any manner alter the provisions of the Land Development Plan, the Major Road Plan, or any Zoning Ordinance.

Where the Planning Commission concludes that the purpose of these regulations may be specifically served to an equal or greater extent by an alternative proposal, condition, or circumstance, it may approve other variations to these regulations.

B. APPEALS

For matters falling within the scope of the regulating powers granted to the Planning Commission by Section 13-4-302 and 13-4-303, Tennessee Code Annotated, any person or persons, or any board, taxpayer, department, board or bureau of the Town 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 cases be final administrative decisions. Other appeals shall be as follows:

1. **Legislative Body**

Matters submitted to the Planning Commission pertaining to the widening, narrowing, relocation, vacation, change in use, acceptance, acquisition, sale or lease of any street or public way, place or property may upon disapproval by the Planning Commission be overruled by the Board of Mayor and Aldermen by a majority vote of its membership.

2. **Board of Zoning Appeals**

Matters pertaining to the Building Official's interpretation of the Zoning Ordinances may be appealed to the Board of Zoning Appeals in accordance with the provisions of the Zoning Ordinance.

C. **AMENDMENT**

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. The public hearing, giving the time and place of such, shall be published in a newspaper of general circulation in the Town of Brighton at least fifteen (15) days prior to the meeting at which it is to be held.

ARTICLE IX

SEVERABILITY

Should any section or provisions 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 X

ADOPTION AND EFFECTIVE DATE

A. PUBLIC HEARING

Before adoption, amendment, revision, 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 those Subdivision Regulations shall be the date such amendment, revision or rescission shall have been adopted by the Planning Commission.

Adopted by the Planning Commission on this 27th day of February, 2024.


Chairman, Brighton Planning Commission

Attest


Secretary, Brighton Planning Commission

APPENDIX I

PRELIMINARY PLAT CERTIFICATE

PLANNING COMMISSION CERTIFICATE OF APPROVAL OF THE PRELIMINARY
PLAT

I, _____ (printed name of signer) _____ do hereby certify that the Town of Brighton's Planning Commission has approved this as the Preliminary Plat. The signing of this certificate in no way indicates approval of or acceptance of the Construction Plat or the Final Plat.

_____, 20 _____
Date

Secretary, Brighton Planning Commission

APPENDIX II

CONSTRUCTION PLAT CERTIFICATES

CERTIFICATE OF ACCURACY OF ENGINEERING AND DESIGN

I, (printed name of signer), do hereby certify that I am a registered Professional Civil Engineer and hereby certify that the plans, engineering and designs governing the construction of this subdivision are true and correct, and conform to the requirements set forth in the Subdivision Regulations and Technical Specifications of the Town of Brighton.

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

Professional Civil Engineer

State of Tennessee

Certificate No. _____

(SEAL) _____

CERTIFICATE OF ADEQUACY OF STORM DRAINAGE

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

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

Professional Civil Engineer

State of Tennessee

Certificate No. _____ (SEAL)

PLANNING COMMISSIONS CERTIFICATE OF APPROVAL OF THE CONSTRUCTION
PLAT

I, _____ (printed name of signer) _____, do hereby certify that the Town of Brighton's Planning Commission has approved this as the Construction Plat. The signing of this certificate in no way indicates approval of or acceptance of the Final Plat.

_____, 20 _____
Date

Secretary, Brighton Planning Commission

APPENDIX III

FINAL PLAT CERTIFICATES

OWNER'S CERTIFICATE

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

Owner

STATE OF TENNESSEE
COUNTY OF TIPTON

Before me, the undersigned, a notary public in and for the State and County aforesaid, duly commissioned and qualified, personally appeared _____ (printed name of signer) _____, with whom I am personally acquainted and who, upon oath, acknowledge himself to be owner of the _____ (printed name of subdivision) _____ Subdivision, and he as such owner, executed the foregoing instrument for the purpose therein contained by signing his name as owner.

In witness whereof, I hereunto set out my hand and affix my seal this _____ day of _____, 20 _____.

Notary Public

My Commission expires: _____

MORTGAGEE CERTIFICATE

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

Mortgagee

STATE OF TENNESSEE
COUNTY OF TIPTON

Before me, the undersigned a notary public in and for the State and County aforesaid, duly commissioned and qualified, personally appeared (printed name) of (printed name of subdivision) Subdivision, and he as such representative executed the foregoing instrument for the purpose therein contained by signing his name as representative of the mortgagee.

In witness whereof, I hereunto set out my hand and affix my seal this _____ day of _____, 20 _____.

Notary Public

My Commission expires: _____

CERTIFICATE OF SURVEY

I, _____ (printed name of signer) _____, 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 the (name of subdivision) _____ Subdivision, a subdivision lying within the corporate limits of the Town of Brighton, Tennessee; said plat or map is a true and correct plat or map of the lands embraced therein, showing the subdivision thereof in accordance with the Subdivision Regulations of the Town of Brighton, 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 Brighton, Tennessee.

In witness where of, I, _____ (printed name of signer) _____, 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. _____

(SEAL)

CERTIFICATE OF APPROVAL OF WATER, SEWER AND DRAINAGE SYSTEMS PLANS

I, _____ (printed name of signer) _____, do hereby certify that I have reviewed the water, sewer and drainage systems plans for this subdivision and certify substantial conformity with the requirements of the Subdivision Regulations and Technical Specifications of the Town of Brighton and are hereby approved.

_____, 20____
Date

Town Engineer

CERTIFICATE OF ADEQUACY OF STORM DRAINAGE

I, _____ (printed name of signer), do hereby certify that I am a registered Professional Civil Engineer, and that I have designed all storm water drainage for this subdivision in accordance with the Town of Brighton Subdivision Regulations to assure that in my professional opinion neither said subdivision or the adjoining properties will be damaged.

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

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

CERTIFICATE OF ACCURACY OF ENGINEERING AND DESIGN

I, _____ (printed name of signer), a professional Civil Engineer, do hereby certify that the plans, engineering and designs governing the construction of this subdivision are true and correct, and conform to the requirements set forth in the Subdivision Regulations and Technical Specifications of the Town of Brighton.

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

Professional Civil Engineer
State of Tennessee

Certificate No. _____ (SEAL)

CERTIFICATE OF RECEIPT OF APPROVED WATER AND SEWAGE SYSTEMS PLANS

I, _____ (printed name of signer) _____, do hereby certify that a set of construction plans regarding the water supply and/or sanitary sewers for this subdivision bearing the seal of the Tennessee Department of Environment and Conservation which indicates said plans meet the Department's requirements, have been received.

_____, 20 _____
Date

Town Engineer or
Public Works Director

CERTIFICATE OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify: (1) that the streets, utilities and drainage facilities have been installed in an acceptable manner that conforms substantially to the Town's specifications, or (2) that a surety instrument has been provided to the Planning Commission which would assure completion of all required improvements for this subdivision, in case of default.

_____, 20 _____
Date

Town Engineer or
Public Works Director

PLANNING COMMISSIONS CERTIFICATE OF APPROVAL OF THE FINAL PLAT

I, _____ (printed name of signer) _____, do hereby certify that the Town of Brighton's Planning Commission has approved this Final Plat of subdivision for recording.

_____, 20 _____
Date

Planning Commission Secretary,
Town of Brighton

TIPTON COUNTY E-911 COORDINATOR APPROVAL OF STREET NAMES AND
AFFIRMATION OF ADDRESS

I, _____ (printed name of Tipton County E-911 Coordinator) _____, do hereby certify that the street name indicated on the final plat has been approved and the new parcel(s) has been reviewed for addressing.

Date

Tipton County E-911 Coordinator

SECTION 2 BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its passage, **THE PUBLIC WELFARE REQUIRING IT.**

Date: 02/27/2024


Chairman, Brighton Municipal-Regional Planning
Commission


Secretary, Brighton Municipal-Regional Planning
Commission