SUBDIVISION REGULATIONS

CITY OF BROWNSVILLE

Adopted September, 1992
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CITY OF BROWNSVILLE

Prepared by the

BROWNSVILLE MUNICIPAL-REGIONAL PLANNING COMMISSION

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ARTICLE I
GENERAL PROVISIONS

A. TITLE

These regulations shall hereinafter be known and cited as the Subdivision Regulations of Brownsville, Tennessee.

B. AUTHORITY

These Subdivision Regulations are adopted by the Brownsville 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 statues by having filed a copy of the Major Road Plan in the office of the register of Haywood County and having held a Public Hearing on the Subdivision Regulations after 30 days notice in the official newspaper.

C. JURISDICTION

These Subdivision Regulations shall apply to all subdivisions, as herein defined, located within the corporate limits of Brownsville, Tennessee and its planning region. 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 register.

D. PURPOSE

These regulations are adopted for the following purposes:

1. To promote the public health, safety and general welfare of the jurisdiction 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, sewerage, 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 resubdivsions; to further the orderly layout and use of land; and to insure proper legal descriptions and proper monumenting of land.
9. To ensure that public facilities 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 insure 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 any zoning ordinance.
13. To encourage subdivision design that 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 Brownsville, 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.

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.

Bond - Any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Planning Commission, 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.

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 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, the Brownsville Capital Improvements Program.

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 that is held in common by owners of the condominium units. These elements may be either general common elements or limited common elements, as defined below.

General Common Elements - Any of the condominium which is 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 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 Brownsville 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 Plan - The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission.

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.

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 groundwater 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, swales, 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 TCA Title 62, Chapter 2 to practice in Tennessee.

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

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 bond subject to agreement of the Planning Commission.

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

Flag Lot - A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow driveway. Also known as flag pole lot, key-hole lot or pan handle lot.[i]

Final Subdivision 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 register 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 Floodprone Area - The maximum area of the floodplain that, on the average, is likely to be flooded once every one hundred years (i.e., that has a one (1) percent 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 or 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.

Floodproofing - Any combination of structural and nonstructural 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 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 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 Haywood County Health Department.

Highway Department - The Haywood 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 of 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 title 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 that does 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 of 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 Brownsville 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 sidelines 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 street or road plan for the jurisdictional area.

Major Street or 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 Brownsville Major Street and Road Plan as registered at the Haywood County Register's Office.

Major Subdivision - All subdivision 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 facilities, or the creation of any public improvements, or containing any floodprone 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 street or 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 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.

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

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 Brownsville 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 City of Brownsville.

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 - Haywood County Register of Deeds.

Regulatory Flood - The one hundred-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.

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

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

Right-of-Way - A 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 Treatment System).

Setback - The distance between a building wall or edge of a structure and the nearest public way right-of-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 subdivision 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 resubdivision and when appropriate to the context, relates to the process of resubdividing 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.

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, boarded, or drilled in the ground for conducting soil tests.

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

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, 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 sideline.

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 Brownsville 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 application to the Planning Commission by submitting the required plans and plats of the purposed 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 Design Plan and its formal application for approval. This will enable him to become thoroughly familiar with these regulations, the Major Thoroughfare Plan and other official plans or public improvements which might affect the area. Such informal review should prevent unnecessary and costly revisions.

The procedure for review and approval of subdivisions and its documentation consists of three (3) separate steps. The first step is the Preliminary Plat which is submitted to the subdivision review committee and the Planning Commission. The second step is the Construction Plan which will be reviewed by the city engineer, the subdivision review committee and the Planning Commission. The third step is the preparation of a Final Subdivision 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 Register.

1. Official Submission Dates and Deadlines

   All plats and plans of subdivisions shall be submitted to the Building Inspection Department no less than thirty (30) days prior to the regularly scheduled Planning Commission meeting. Any plat or plan submitted less than thirty (30) days prior to the regularly scheduled Planning Commission meeting will not be considered until the subsequent meeting.

   For the propose 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 the Building Inspection Department. The statutory period required for formal approval or disapproval shall not begin to run until that date.

2. Official Submission of Revisions to Plats

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

The resubmitted plat and accompanying letter shall be submitted to the Building inspection Department no less than fifteen (15) days prior to the regular Planning Commission meeting.

3. Required Submission

Prior to commencing any street improvements, substantial grading, installation of utilities or any horizontal construction, the developer shall submit 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 least:
   (1) City Engineer
   (2) Public Works
   (3) Building Inspection
   (4) Fire Department
   (5) Planning Staff

The Water and sewer plans shall also be approved by the Tennessee Department of Conservation and Environment.

Upon approval of the Preliminary Plat by the Planning Commission and the execution of a subdivision contract by the City of Brownsville, the developer may commence construction to the grades and elevations required by the approved Preliminary Plat. No construction of structures shall commence until after approvals given on the final plat nor shall any building permits be issued.

b. A construction plan to the Subdivision Review Committee and the Planning Commission in accordance with Section "C" of this Article.

c. A final plat in accordance with Section "D" of this article.

4. Application Fees

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

B. PRELIMINARY PLAT

The Preliminary Plat is a fully engineered design of all or part of the proposed subdivision in sufficient detail for the local and state review agencies to determine compliance with the public works construction standards, state public health regulations and other applicable regulations.

1. Submission and Content of Preliminary Plat

The developer shall submit four (4) copies[ii] of the Preliminary Plat including all plans and profiles, together with applicable fees, to the Building Inspection Department which are drawn to a scale of not less than one inch equals one hundred feet (1" = 100').

If the developer has the ability, a 'DWG' and a 'PDF' of the plat shall be electronically conveyed to the City at the same time paper copies of the plat are submitted.[iii]

The Preliminary Plat shall, at least, meet the minimum design standards in Article V; meet the construction standards included herein and as a supplement.

a. The Preliminary Plat shall contain the following information even when subdivision is to be developed in phases or sections.
   (1) The proposed subdivision's name and location, the name(s), addresses and phone numbers of the owner or owners and of the designer of the plat who shall be an engineer or surveyor.

   (2) Date, approximate north point, and graphic scale.

   (3) The location of existing and platted property lines, existing streets, buildings, water courses, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements or lines, the present zoning classification, both on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.

   (4) The proposed street names and the location dimensions of proposed street, alleys, easements, parks and other open spaces, reservations, lot lines, building setback lines and utilities.

   (5) Contours at vertical intervals of not more than two (2) feet except when specifically not required by the Planning Commission. All new developments greater than 50 lots or 5 acres, which is lessor, shall include base flood elevation data. If any portion of the land being subdivided is subject to flooding, the plat will show the limit and elevation of the 100-year flood plain.

   (6) The acreage of the land to be subdivided.

   (7) Location sketch map showing the relationship of the subdivision site to area and City.

   (8) A comprehensive drainage plan which shall include, but not be limited to, an analysis of the drainage area, a storm water routing plan showing maximum quantities of flow and maximum rates of flow before and after development. A map of the drainage area in which the subdivision is located shall be included with the drainage plan and shall include the drainage structures leading to and from the subdivision with their sizes. The scale of the required map can be less than one inch equals one hundred feet (1" = 100').

   (9) The location and sizes of proposed water and sewer lines.

b. When the subdivision is developed in phases or sections the following information is required for the phase or section to be developed.
   (1) Detailed plans and profiles for proposed utility layouts (sewers, water, and electricity) showing feasible connections to the existing or any proposed utility systems.

   (2) A grading plan showing the existing contours in dashed lines and the finished contours in solid lines plotted at vertical intervals of not more than

two (2) feet. Contours shall be extended fifty (50) feet beyond property boundary.

(3) Development plans for drainage structures and channels with the hydraulic data used in designing and sizing such structures and channels, the water surface profiles in open channels at peak flow and peak back water conditions. The limits of the drainage design parameters shall be determined by the City Engineer and the Department of Public Works.

(5) Plan and profile sheets showing all engineering data necessary for construction of proposed streets, storm drainage, controls for surface and ground water, and utility layout (water and sewer) and showing all connections to existing and/or proposed streets, storm drainage, and utility systems. The street profiles shall be plotted along the centerline showing the existing and finished grades, and sewer locations, drawn to a scale of not less than one inch equals one hundred feet (1" = 100') horizontal and one inch equals 10 feet (1" = 10') vertical. Typical street cross sections shall be shown.

(6) Erosion Control Plan which shall include adequate plans showing all erosion and sediment control measures or other protective devices to be constructed in connection with or as a part of the proposed work, such as, retaining walls, cribbing and vegetative practices.

(7) While 0the City Engineer is reviewing the Preliminary Plat an estimate of the cost of installing all improvements in the subdivision will be developed and presented to the Planning Commission. The cost should include anticipated inflation during the one-year plat approval period.

2. Planning Commission Review

Within sixty (60)[iv] [v] days after submission of the Preliminary Plat, the Planning Commission will review it 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.

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 thirty (30) days prior to the Planning Commission meeting.

Failure of the Planning Commission to act on the Preliminary Plat within sixty (60)[vi] [vii] 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.

3. Effect of Approval of Preliminary Plat

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.

4. Expiration of Approval and Renewal

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

After the Preliminary Plat has been approved and thirty (30) days prior to the Planning Commission meeting at which it is to be considered the developer shall submit four (4)[viii] copies of the Construction Plat, together with applicable fees, to the Building Inspection Department.

If the developer has the ability, a 'DWG' and a 'PDF' of the plat shall be electronically conveyed to the City at the same time paper copies of the plat are submitted.[ix]

If in the process of completing the Construction Plat, it becomes necessary to redesign the Subdivision, a revised preliminary plat will have to be submitted to the Planning Commission for their review.

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, and conform substantially to the approved preliminary plat, including phasing. If the Construction Plan does not conform to Article V and it does not meet the prerequisites and standards for construction of improvements set forth in the Technical Specifications, the developer must obtain a variance in accordance with Article VIII.

b. The Construction Plat shall include all of the information required for the Preliminary Plat and shall meet the following additional requirements:
   (1) The plan shall carry the signature and seal of the designer 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 two (2) feet. Contours shall be extended fifty (50) feet beyond property boundary.
   (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 (sewers, water,) and fire hydrants 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 sewerage 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, where required, 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 plating 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. A map of the drainage area in which the subdivision is located shall be included with the drainage plan and shall include the drainage structures leading to and from the subdivision with their sizes. The scale of the required map can be less than one inch equals one hundred feet (1" = 100').

c. Certificates required to be included on the Construction Plan are shown in Appendix 1. The authorized signatures for those certificates shall be obtained by the developer prior to submitting the Construction Plan.

d. Concurrent with the presentation of the Construction Plan, the City Engineer will recommend to the Planning Commission the amount and terms of a construction performance bond in accordance with Article IV, Section A of these regulations.

e. If construction drawings are 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, or constructed drawings approved for each phase, the regulations of the City in force at the time presented shall apply.

g. Within one (1) year of construction drawing approval, the developer must execute a subdivision contract and post appropriate bond as required by Article IV, Section A of the Subdivision Regulations or approval is void.

2. Planning Commission Review

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

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 and approved variances, if any, not less than thirty (30) days prior to the Planning Commission meeting.

During review of the Construction Plan, the City Engineer and City Staff shall consider the orderly phasing of subdivision development. In particular, the City Engineer and City Staff shall consider the following:

1. Proper access to the requested area of development.
2. The feasibility of developing any severed tracts of land.
3. The implication of proposed drainage improvements, diversions or retentions on existing and future upstream and downstream developments.
4. The adherence of each phase to the design standards in Article V of these regulations.

3. Effect of Approval of Construction Plat

The approval of the Construction Plan shall not constitute acceptance of the final Plat and shall not be indicated on the Construction Plat.

After Planning Commission approval and the entering into subdivision contract between the developer and the City, 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 Department and City Engineer. No construction of structures and no building permit shall be issued prior to final plat approval.

4. Expiration of Approval and Renewal

The approval of the Construction Plat shall lapse unless a final plat based thereon is submitted within one (1) year from the date of Construction Plan approval or 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 Plan approval including the applicable 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. Submission and Content of Final Plat

   The developer shall submit four (4) copies[xii] of the Final Plat to the Building Inspection Department 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 Construction Plan.

   If the developer has the ability, a 'DWG' and a 'PDF' of the plat shall be electronically conveyed to the City at the same time paper copies of the plat are submitted.[xiii]

   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.

   The final plat shall include the following information:

   a. The lines of all streets and roads, 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.

   d. Location and description of monuments.

   e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.

   f. Date, title, name and location of subdivisions and streets and the location and ownership of adjoining unsubdivided property.

   g. Date, title, name and location of subdivision, graphic scale, and true north point.

   h. Any restrictive covenants which are to apply to lots or other parcels within the subdivision.

   Certificates Required on Plat

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

   a. Certification showing that applicant is the landowner and dedicates streets, rights-of-way, utilities and any sites for public use to the City of Brownsville.

b. Certification by surveyor or engineer to accuracy of survey and plat and placement of monuments.

c. Certification by the Department of Public Works and the City Engineer of approval of water lines and sewer lines.

d. Certification of receipt of a letter from Tennessee Department of Conservation and Environment of their approval of water and sewage system plans signed by the Director of Public Works.

e. Certification of approval of installation of streets, water, sewer and drainage or the posting of sufficient financial surety to insure completion of all required improvements signed by the City Engineer, or Director of Public Works.

f. Certificate of Sport Shooting Range Area. Pursuant to Public Act 2004 Chapter 494, any new subdivision that is located in whole or in part within one thousand (1,000) feet of any portion of the outside boundary of any land on which is contained a sport shooting range (defined as an area designated and operated for the use of rifles, pistols, silhouettes, skeet, trap, black powder, or other similar sport shooting), the owner shall provide a certificate on the final plat indicating this proximity.[xiv]

g. Certification of approval to be signed by the Secretary of the Planning Commission.

2. Planning Commission Review

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

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 and approved variances, if any, no less than thirty (30) days prior to the Planning Commission meeting.

Failure of the Planning Commission to act on the final Plat within sixty (60)[xvii] [xviii]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.

3. Subdivision Development Contract (bond)

If a subdivision contract between the developer and the City of Brownsville was not entered into prior to submission of the final plat, then one shall be entered into prior to the Secretary of the Planning Commission signing the certificate on the Final Plat (an example of the contract is in the appendix). The developer and owner must enter into a contract with and satisfactory to the City of Brownsville legislative body 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, bond, warranties and/or collateral with the City of Brownsville.

4. Submission of "as built utilities drawings"
   Prior to the release of bond or recording of the final plat under the "no land" procedure, the developer shall cause to be delivered to the City of Brownsville a set of original "as built" drawings which show, as a minimum location by station and depth of all sanitary sewer services and water services, actual location of all other utilities and indicating 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.

5. Effect of Approval of Construction Plat
   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 City of Brownsville.

6. Recording of the Approved Final Plat
   Upon approval of the final plat by the Planning Commission, the developer shall submit to the Building Inspection Department the original and one (1) copy of the final plat. The City Engineer shall verify that the plat is acceptable for recording and that require 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 Building Inspector or the city's authorized representative, shall record the approved plat in the Office of the Register of Haywood County, Tennessee, and shall note the date, plat book and page number of recording on the file copy of the plat.

   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 Register.

ARTICLE III
PROCEDURE FOR MINOR SUBDIVISION APPROVAL

A. GENERAL

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 street or road plan, zoning ordinance, or these regulations, this procedure for review and approval of the subdivision may apply.

The procedure for review and approval of the subdivision and its documentation 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 Register.

B. 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. Submission and Content of Final Plat

   The developer shall submit four (4) copies[xix] of the final plat to the Building Inspection Department no less than fifteen (15) days prior to the Planning Commission meeting at which it is to be considered.

   If the developer has the ability, a 'DWG' and a 'PDF' of the plat shall be electronically conveyed to the City at the same time paper copies of the plat are submitted.[xx]

   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.

   The final plat shall include the following information:

   a. The lines of all streets and roads, 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.

d. Location and description of monuments.

e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining non-subdivided property.

f. Date, title, name and location of subdivisions and streets and the location and ownership of adjoining unsubdivided property.

g. Date, title, name and location of subdivision, graphic scale, and true north point.

h. Any restrictive covenants which are to apply to lots or other parcels within the subdivision.

2. Certificates Required on Plat

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

a. Certification showing that applicant is the landowner and dedicates streets, rights-of-way, utilities and any sites for public use to the City of Brownsville.

b. Certification by surveyor or engineer to accuracy of survey and plat and placement of monuments.

c. Certification by the Department of Public Works and the City Engineer of approval of water lines and sewer lines.

d. Certification of receipt of a letter from Tennessee Department of Conservation and Environment of their approval of water and sewage system plans signed by the Director of Public Works.

e. Certification of approval of installation of streets, water, sewer and drainage and the posting of sufficient financial surety to insure completion of all required improvements signed by the City Engineer or Director of Public Works.

f. Certification of approval to be signed by the Secretary of the Planning Commission.

3. Planning Commission Review

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

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 and approved variances, if any, no less than thirty (30) days prior to the Planning Commission meeting.

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

4. Recording of the Approved Final Plat

   Upon approval of the final plat by the Planning Commission, the developer shall submit to the Building Inspection Department the original and one (1) copy of the final plat. The City Engineer 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 Building Inspector or the city's authorized representative, shall record the approved plat in the Office of the Register of Haywood County, Tennessee, and shall not the date, plat book and page number of recording on the file copy of the plat.

   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 Register.

ARTICLE IV
ASSURANCE FOR COMPLETION ANDMAINTENANCE OF IMPROVEMENTS

A. IMPROVEMENTS AND PERFORMANCE BOND

1. Completion of Improvements

   Before the final subdivision plat is signed by the planning commission officer specified in Article II D.3. and Article III B.3 of these regulations, all applicants shall complete, in accordance with the planning commission's decision and to the satisfaction of the appropriate governmental representative, all public way, sanitary, and other improvements, 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 planning commission free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

2. Surety Instrument

   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 subdivision plat by providing that, as an alternative, the applicant post a bond at the time of submission for final subdivision approval in an amount estimated by the planning commission as sufficient to guarantee to the governing body the satisfactory construction, installation, and dedication of the incomplete portion of required improvements.

   Such 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 in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not exceed two (2) years from date of final approval.

   Such 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 bond for a maximum period of one (1) additional year. The planning commission may accept at any time during the period of such 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 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 bonds, and shall be supported by certified resolution or ordinance of such governing body or agency.

5. Governmental Units
   Governmental units to which these bonds and contract provisions apply may file, in lieu of said contract or bond, a certified resolution or ordinance from officers or agencies authorized to act in their behalf agreeing to comply with the provisions of this Article.

6. Failure to Complete Improvements
   In subdivisions for which no 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 performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the planning commission thereupon may declare the 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 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 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 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 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" surveyor 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 Performance Bond

A 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 performance bond be reduced below twenty-five (25) percent of the principal amount prior to final acceptance of all items covered under the 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 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 planning commission.

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 subdivision plat by the appropriate governmental representative(s) or post a 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 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 of 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 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.

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 monies 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 (10) percent 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.

ARTICLE V
GENERAL REQUIREMENTS AND STANDARDS OF DESIGN

A. GENERAL REQUIREMENTS

If a street is constructed outside the City of Brownsville's corporate limits but within the City of Brownsville's Planning Region, no curb and gutter are required. However, the street must be built to City of Brownsville's specifications with a three (3) foot shoulder on each side. In addition, open ditches on each side of the street must be a minimum of eighteen (18) inches deep and be sloped with a 3-to-1 ratio.

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 City of Brownsville must conform to the following four 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 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 depreciatory 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, utilities needed open space and lost 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 or streets (public way) plan;
   d. The rules of the county health department and the Tennessee Department of Health and Environment;
   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; and
   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 register on a separate form, along with the final subdivision plat in the office of the county register.

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:

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; and

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 floodproofing 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 stormwater 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; and

   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-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-year flood level) will be protected adequately against potential flood hazards by the methods prescribed in Article IV 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 set forth in Subsection C.2. of these regulations. If any new street construction or improvements are involved, such shall be approved and, where public, dedicated as provided in Articles IV and VII of these regulations. Any such public way must be suitably improved to the standards required by this article or be bonded by a performance bond required under these regulations, with the roadway and right-of-way widths required by this article or the major street or road plan.

2. Grading and Improvement Plan
   Public ways shall be graded and improved to conform to the standards required by this section 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 Floodable Areas
   The finished elevation of proposed public ways subject to flood shall be no more than one foot 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 are 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; and,
   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 street or 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.

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. Arterial streets may be further classified as follows:
      (1) Freeway - Streets and highways with the sole purpose of carrying through traffic with the highest degree of mobility and safety. These roads provide no direct access to abutting properties.

      (2) Major Arterial - Streets and highways serving major metropolitan activity centers, the highest traffic volume corridors, the longest trip desires, and a high proportion of total urban area travel on a minimum of mileage. Service to abutting land should be subordinate to the provision of travel service to major traffic movements. This system carries the major portion of trips entering and leaving an urban area, as well as the majority of through movements desiring to bypass the central City, and normally will carry important interurban as well as inter-city bus routes.

      (3) Minor Arterial - Street and highways interconnecting with and augmenting the principal arterial system and providing service to trips of moderate length at a somewhat lower level of travel mobility. The system places more emphasis on land access and distributes travel to geographic areas smaller than those identified with the higher system. It includes all arterials not classified as major or freeway.

   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. Collector streets may be further classified as follows:
      (1) Major Collector - Streets serving commercial and industrial areas, or large volumes of residential traffic. All cul-de-sac and streets serving nonresidential areas shall be classified as major collectors.

      (2) Minor Collector - Streets serving low and moderate volumes of residential traffic, and cul-de-sacs and streets serving office uses generating less than 1,000 vehicular trips per day.

c. Locals - 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.

(1) Cul-de-sac - Streets which are dead ends having only one end open for vehicular access and serves only abutting properties.

(2) Local Street - Single family residential streets are land access streets which are primarily for access to abutting residential properties and which are designed to discourage through traffic.

(3) 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. Cul-de-sacs which serve no more than six (6) dwelling units may be reduced to forty (40) feet minimum right-of-way width.

(4) Planned Unit Residential Development Street - Planned Unit Residential Development Streets are land access streets which provide access to properties within a Planned Unit Residential Development, and are designed to be an integral part of the development landscaping and open space and to avoid through traffic and on-street parking.

(5) 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.

(6) 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.

(7) Permanent Access Easement - A permanent access easement is a strip of land set aside in order for an adjoining property to gain access to a public street. The easement must have a minimum width of at least thirty (30) feet and can serve up to three (3) lots subject to the approval of the Brownsville Utility District. Said easement shall not infringe on any proposed or existing utility easements or on proposed or existing front, side or rear yard setbacks. If a lot, abutting an access easement is further subdivided then a fifty feet wide easement must be dedicated back to a public street. The developer must then improve the dedicated land to meet the standards specified by these regulations set forth for a public street.[xxv]

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 that might otherwise be inappropriate:

a. Major Arterial ..... 120 to 150 feet
b. Minor Arterial ..... 80 to 140 feet
c. Collector Street ..... 60 feet
d. Local Street ..... 50 feet
e. Dead End (Cul-de-sac) ..... 50 feet
f. Planed Unit Residential Development ..... 40 feet
g. Marginal Access ..... 50 feet
h. Alley ..... 25 feet

9. Access and Circulation
   a. Intersections - Arterials should intersect with other arterials and collector roads. Local streets intersecting arterials shall be discouraged. Intersections of local streets with limited access roads shall not be permitted.
   b. Arterials - Limited access freeways, major and minor 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 200 dwelling units shall be designated as a collector. Streets serving over 600 dwelling units at any density shall be designated as major collector.
   d. Number of Access Points - Residential developments with more than 50 lots or dwelling units shall have at least two separate points of public road access. Developments with 200 lots or dwelling units shall have at least three 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, 8.
    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 one side of an existing street, one-half (1/2) of the required improvement 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 commercial access 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 Freeway - Where a subdivision abuts a proposed or existing limited access road, all right-of-vehicular access to such road shall be conveyed to the City 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 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 provided hereunder 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. Minor and Major Arterials
   (1) Access Limitation - Where a subdivision abuts an existing or proposed minor or major 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 minor and major 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 streets, a conveyance of vehicular access on the street carrying or expected to carry the greater 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. 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, midblock sags in street grades are to be avoided and grades are to be set so as to generally parallel storm sewer gradients. During frequent normal rainfall events, appreciable runoff shall not be permitted to flow across intersections. The rate of flow for runoff contained on streets shall not normally exceed ten (10) feet per second. In addition, the crown of the road must match the top height of the back of the curb with a 3/8 inch per footfall.

13. Street Grades
The minimum grade for a public street is 0.4 percent except that cul-de-sacs without a drainage inlet at or near the cul-de-sac terminus, and streets on fill shall have a 0.5 percent minimum grade.

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:

Major Arterial ..... 1,400 feet

Minor Arterial ..... 1,125 feet

Major Collector ..... 825 feet

Nonresidential Cul-de-sac ..... 400 feet

Minor Collector ..... 400 feet

Marginal Access ..... 250 feet

Local ..... 150 feet

Cul-de-sac ..... 150 feet

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

Street Classification	"K" Factor Crest Curve Minimum*	Desirable**	"K" Factor Sag Curve Minimum*	Desirable**
Local	29	29	37	37
Collector	54	65	56	60
Arterial	88	145	76	100

* Horizontal Distance in feet required effecting 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 City Engineers that topography or other extenuating circumstances prevents use of the desirable dimensions. In no case shall a dimension 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 (300) feet apart, measured from centerline to centerline.

b. Angle - The angle of intersection between the centerline of two streets shall be as close to ninety (90) degrees as possible. (Refer to Figure 1 for the minimum permitted angle of centerlines for the various street intersections.)

c. Offset - The centerline of two streets intersecting the road on opposite sides shall be offset as shown and illustrated in figure 2. Offset dimension "D" 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 "D" shall apply.

TYPE OF FACILITY	TYPE A	TYPE B
Arterial (Major & Minor)	300 ft.	400 ft.
Collector	200 ft.	250 ft.
Minor	150 ft.	150 ft.

16. Sight Distance

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

a. Stopping Sight Distance

Street Classification	Stopping Site Distance[1] Minimum	Desirable*
Local	200	200
Collector	275	300
Arterials	350	450

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

b. Intersection Sight Distance

Intersecting Street With:

Through Street Classification	Intersecting Street	High Percentage of Truck Traffic
Arterials	680	840
Major Collector	600	800
Minor Collector	455	625
Local*	300	---

*Sight Distance is measured in feet from a point on intersecting streets fifteen (15) feet from the edge of the through street pavement and from a height of eye of three feet nine inches (3.75) feet on the intersecting street, to a height of object of four and a half (4.5) feet on the through street. 2. Property line radii at street intersections involving arterial or collector streets shall be not less than thirty-five (35) feet. All other intersections shall have property line radii of not less than twenty-five (25) feet.

17. Tangents

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

Intersection Type	Tangent Length
Arterial with Arterial	300 feet
Arterial with Collector	200 feet
Collector with Arterial or Collector	100 feet
Collector with Local	75 feet
Local with Local or other	75 feet

(*Note: See figure 1 for illustration of minimum tangent lengths)

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

18. Corner Radii

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

Intersection Types	Minimum Corner Radii
Arterial with Arterial	170-55-170 - 6 offset

[1] Measured in feet on a vertical curve between points three and three quarters (3.75) feet and a half (0.5) foot above the centerline of the finished grade.

Arterial with Collector	30 feet
Arterial with Local	30 feet
Collector with Collector	30 feet
Collector with Local	25 feet
Local with Local	25 feet

(Note: See figure 1 for illustration of required corner radii.)

19. Private Streets and Reserve Strips
    a. There shall be no private streets platted in any subdivision. Every lot or parcel in subdivided property shall be served from a publicly dedicated street.
    b. There shall be no reserve strips controlling access to streets, except were the control of such strips is definitely placed with the City under conditions approved by the Planning Commission.
20. Street Names
    Proposed streets which are obviously in alignment with other 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 redrawn construction plans are 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 street or 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 (50) feet. 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 (75) degrees 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 (100) feet 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 (150) feet 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 (800) feet apart.

    c. Minimum curb radius at the intersection of two (2) minor public ways shall be twenty-five (25) feet, and minimum curb radius at an intersection involving a collector public way shall be thirty (30) feet. 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 site 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 (2) percent grade for a distance of sixty (60) feet, 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 (3) percent 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 street or 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 centerline of the existing pavement, shall be provided.

24. Public Way Surfacing and Improvements

After underground utilities have been installed, the subdivider shall construct curbs or curbs with gutters, where required, and shall surface or cause to be surfaced public ways to the widths prescribed in these regulations. No public way shall be surfaced until preliminary approval of the subdivision plat has been obtained. Surfacing shall be of such character as is suitable for the expected traffic. Types and methods of paving shall be according to the specifications of the planning commission, but in no event shall such construction be below the construction specifications set forth in these regulations. Adequate provisions shall be made for culverts or other 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 Brownsville Zoning Ordinance, however, a subdivision plan should not be predicted 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 as defined in Section 7 of this article, and such site shall be outside the limits of any easements, rights-of-way, building lines, side yards, rear yard.

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 forty (40) feet. Where lots abut on an arterial street, double frontage, marginal access or other acceptable arrangements shall be made to control ingress and egress onto such streets from the individual lots.

3. Minimum Size of Lots

The size, shape and orientation of lots or 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 Brownsville Zoning Ordinance.

b. The minimum area and dimensions of office, commercial and industrial tracts shall be as specified by the Brownsville Code of Zoning Ordinances 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 or 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:

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

5. Large Tracts or Parcels
Where land is subdivided into larger parcels than ordinary building sites, such parcels shall be arranged to allow for future opening of streets and for logical resubdivision. 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 minimum size yard requirements. Terracing of lots, particularly in residential subdivisions, shall be avoided unless essential for erosion control or to reduce the velocity of runoff.

7. Flag Lots[xxvi]
All lots resembling a flag lot, flag pole lot, key-hole lot or pan handle lot shall meet the following:

a. Lot area is exclusive of the "pole" area.

b. The developer has the option to orient setback requirements to the pole or to the street.

c. A minimum of thirty feet and maximum of fifty feet width for the "pole". If the pole adjoins another "pole" the minimum should be thirty feet. If not, the minimum should be fifty feet.

d. A minimum of fifty feet width may be required by the planning commission if the commission determines that future development is possible.

e. Pole widths may not infringe on proposed or existing utility easements or infringe on proposed or existing front, side or rear yard setbacks

f. A minimum distance between two flag lot "poles" is at least equal to the minimum lot frontage in the particular zone.

Under no circumstance will the City of Brownsville be responsible for the installation of utilities (including lift stations, pumps, etc.) to service the development on these Flag Lots.

D. BLOCKS

Blocks 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 three hundred (300) feet nor more than fifteen hundred (1500) feet 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 or more public cross walks of not less than ten (10) feet 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 stormwater or floodwater run-off channels or basins. The stormwater drainage system shall be separate and independent from any sanitary sewer system.

2. Nature of Stormwater 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 stormwater, 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 stormwater disposal by a public system at the time the plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the performance bond required for the final subdivision 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 may 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 (12) inches below the regulatory flood elevation and first floor elevations (including basements) at no less than one (1) foot 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 construction plans 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 stormwater 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 drainageways 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 a public way right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the public way lines and with satisfactory access to public ways. Easements shall be indicated on the preliminary and final plats. 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, as determined by the planning commission pursuant to Section 2-103 of these regulations, 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, and 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.

Grade for ditches will be as follows:

0 to 4 feet	3 to 1
4 to 6 feet	2 ½ to 1
6 to 10 feet	2 to 1
Over 11 feet	1 ½ to 1

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 Health and Environment and these regulations.

c. Where required for fire protection water mains shall not be less than six (6) inches in diameter.

d. All water systems, whether public or private, located in a flood-prone area shall be floodproofed 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 (500) feet apart and be within three hundred (300) feet 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 butting 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 Health and Environment 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. When public sanitary sewers are within reasonable access of the subdivision, as determined by the planning commission, the subdivider shall provide sanitary sewer facilities to each lost 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 Health and Environment.

b. All sanitary sewer facilities located in a flood hazard area shall be floodproofed 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. Individual Disposal System Requirements

a. If public sewer facilities are not available and individual disposal systems are proposed, lot areas shall not be less than the minimums specified in these regulations; all pertinent soil absorption tests shall be made as directed by the county environmentalist and the results submitted to the county health department for approval.

b. The individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device, also shall be approved by the county health department.

c. The planning commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to

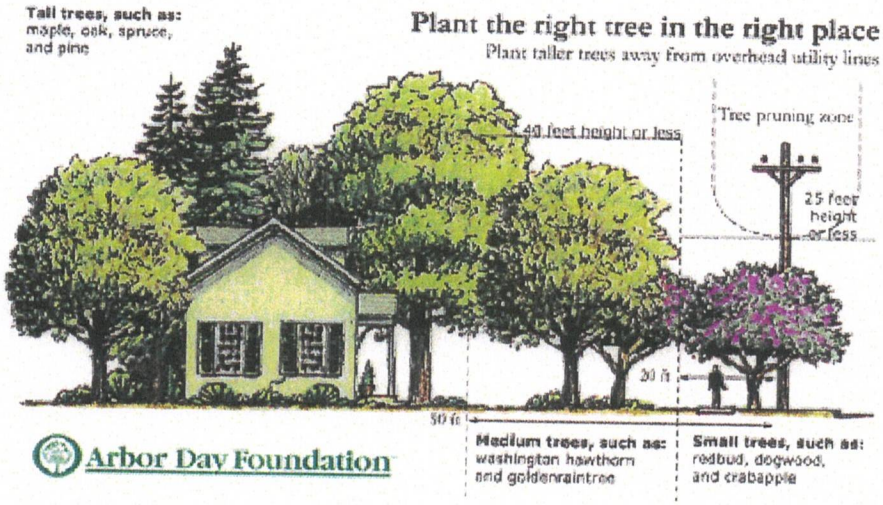
high groundwater, flooding, or unsuitable soil characteristics. The planning commission may require that the subdivider note on the face of the plat and any deed of conveyance that soil absorption fields are prohibited in designated areas.

4. 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 (8) inches in diameter with individual lot service lines a minimum of four (4) inches.
   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 (20) feet.

H. ELECTRIC SERVICE

With the exception of Industrial Districts and existing street facing infill development and subdivisions of less than 10 lots, underground electric service is required. Consult with BEA (Brownsville Energy Authority) for specific design standards.

In areas with overhead electric lines and observing easement restrictions, trees topping out at less than 25' may be planted within 20' of a utility pole. Trees growing to no more than 40' may be planted within 50' of a utility pole. Trees growing more than 40' may be planted anywhere beyond 50' of the pole (See the following illustration.)



I. 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 (20) feet 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 (20) feet 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.

J. PEDESTRIAN WAYS

1. Sidewalks - Sidewalks shall be required by the planning commission and shall be included within the dedicated non-pavement right-of-way of all public ways as indicated in the following table and shall be improved as required by these regulations. Concrete curbs are required for all public ways where sidewalks are to be constructed. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

SIDEWALK DESIGN[xxvii]

Class of Street	Residential Public Way	Sidewalk Width Nonresidential Public Way (Industrial, Commercial; Other)
Minor Public Way	5 feet wide	6 feet wide
Collector Public Way	5 feet wide	6 feet wide
Arterial Public Way	5 feet wide	6 feet wide

All sidewalks shall be not less than four (4) inches thick. For proper drainage, all sidewalks shall have one-fourth (1/4) per foot slope toward the adjacent street.[xxviii]

2. Pedestrian Accesses
In order to facilitate pedestrian access from the public way to schools, parks, playgrounds, or other nearby public ways, perpetual unobstructed easements at least twenty (20) feet in width may be required by the Planning Commission. Easements shall be indicated on the plat.

J. PRESERVATION OF NATURAL FEATURES AND AMENITIES

Existing features which would add value to 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 subdivision plat has been approved by the planning commission.

K. 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 set forth in any 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 proposed land development plan, major street (road) plan, and any 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 stormwater 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; and

   f. Public ways carrying nonresidential traffic, especially trucks, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE VI
PREREQUISITES TO FINAL SUBDIVISION APPROVAL

A. GENERAL REQUIREMENTS

As a condition precedent to the final acceptance of any subdivision, subdivision addition or resubdivision, every subdivision developer shall be required to grade and improve streets and other public ways, to install survey monuments, utilities, curbs, sidewalks, 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 City of Brownsville. In lieu of the completion of such improvements prior to final subdivision acceptance, the Board of Mayor and Aldermen may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the City of Brownsville the actual construction and installation of such improvements within a period specified by the Board of Mayor and Aldermen and expressed in the bond.

B. SUBDIVISION DEVELOPMENT CONTRACT

At the discretion of the Board of Mayor and Aldermen, the City of Brownsville may enter into a development contract with a subdivision developer. Other provisions of these regulations notwithstanding, prior to final subdivision plat approval, a subdivision development contract between the developer and the City of Brownsville must have been approved and signed and sealed by the Mayor of the City of Brownsville and all required deposits of funds shall have been made by the developer by competent negotiable instruments.

C. PLANNED UNIT RESIDENTIAL DEVELOPMENTS

No final subdivision plat shall be approved by the Planning Commission for a Planned Unit Residential Development until the applicable requirement of the District Regulations of the Brownsville Zoning Ordinances have been complied with by the developer and necessary variances have been favorably acted on by the Board of Zoning Appeals.

D. SURVEY MONUMENTS

Permanent and semi-permanent survey monumentation is an essential by-product of the land subdivision process. Such monumentation facilitates 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 monumentation 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 such permanent monuments within every subdivision. In the event that concrete curbs are not

installed, the monuments shall be located to prevent interference with or disturbance by future installation of curbs or other subsequent improvements.

b. Permanent survey monuments shall be constructed of dense portland cement concrete, four (4) inches square, three (3) feet 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 City Engineer, to insure recovery of 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 subdivision plat approval.

4. Survey Documentation

The developer shall provide to the City 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.

E. 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 and the Board of Mayor and Aldermen.

1. Special Precautions

Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure. All street

grading shall be done in a manner which will not disturb the structure nor result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the pavement surface to the nearest conductor shall meet the requirements of the National Electrical Safety Code.

2. Minimum Pavement Widths without Parking

Minimum pavement widths, including toe of curb to toe of curb where required:

1. Major Arterial ..... 46 feet
2. Minor Arterial ..... 38 feet
3. Major Collector Street ..... 46 feet
4. Minor Collector Street ..... 38 feet
   Local Street With commercial ..... 31 feet
   Without commercial traffic ..... 28 feet
5. Dead-end Street (Cul-de-sac) ..... 28 feet
6. Planned Unit Residential Development Streets ..... 20 feet
7. Marginal Access Street ..... 40 feet
8. 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. When rock is encountered, it shall be scarified to a depth of twelve (12) inches below the subgrade. All loose material in the roadway shall be compacted in the manner prescribed by the City 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 (6) inches loose and shall be compacted at optimum moisture content by a sheeps foot roller or other compaction equipment approved by the City 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 City of Brownsville. Three (3) options are available to the developer for construction of base course as follows:

   a. Gravel Base

      Gravel base material shall be 33c. After compaction, the gravel base shall be at least six (6) inches thick on streets with rights-of-way less than eighty (80) feet, and ten (10) inches thick on streets with right-of-way of eighty (80) feet or more.

   b. Black Base

      Black base shall consist of approved aggregate and asphalt cement mixed in proper proportions. The aggregate shall be graded from two (2) inches down to No. 200 sieve. After compaction, the black base shall be at least four and one-half (4 1/2) inches thick on streets with right-of-way less than eighty (80) feet, and eight (8) inches thick on streets with rights-of-way of eighty (80) feet or more.

5. Asphaltic Concrete Pavement

   The roadway surface shall be paved with asphaltic concrete laid hot in a single course on the prepared base course. Asphaltic concrete pavement shall be two (2) inches thick prior to building permits.

   The final one (1) inch asphaltic concrete laid hot wearing surface shall be in place as required by the development contract. The asphalt surfaces shall conform to the approved lines, grades, and cross sections. Materials and placement shall conform to the Technical Specifications.

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 City of Brownsville, 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 Brownsville.

   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 must 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 (20) feet 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 sizeable 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 City of Brownsville. 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 site distance conditions as determined by the applicant and the City of Brownsville 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 100 feet or less shall be limited to one driveway, unless a variance is approved by the Board of Zoning Appeals for the City of Brownsville. Normally, not more than two driveways shall be provided to any single property tract or business establishment within the City of Brownsville. Furthermore, there shall not be more than four driveways per any 500-foot distance. The City 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 driveways are provided for one frontage or adjacent frontages separately, the clear distance between driveways measured along the right-of-way line shall not be less thane 25 feet.

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 40 feet maximum width for two-way use, or 20 feet maximum for one-way use.

The City 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.

7. 18 inch Culverts

All 18-inch culverts shall be made of concrete (RCP) with head walls, wings or flared end pipes[xxix]. Pipes measuring 18 inches to 24 inches in diameter must have a minimum 6-inch headwall. Pipes measuring 24 inches and above must have a minimum 12-inch headwall.

F. PRIVATE DRIVES

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 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 thee 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 City of Brownsville, 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.

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 (40) foot radius. The design of any turnaround is subject to the approval of the Brownsville Fire Department and Department of Public Works.

6. Intersections

Private drives should not be a direct connection between two 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 City of Brownsville.

7. Multiple Access Points to Public Streets

Projects containing private drives shall conform to the access and driveway standards as established by the City of Brownsville.

8. Construction Requirements
   Private drives shall be constructed to equal or exceed the base materials, compaction, and final surfacing standards for public streets. If curb, gutter and sidewalk requirements are waived by the City of Brownsville, drainage swales 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 City of Brownsville, 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 plan 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 (10) foot utility easement is also required.

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

1. Erosion Control
   The subdivider shall submit a plan and schedule for soil erosion and sedimentation control to the City engineer for approval. 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 City Engineer and Planning Commission. 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 City 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 City Engineer that the necessary erosion control is not being provided by the subdivider, the City 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 City shall make the necessary improvements to eliminate the erosion problem documenting all expenses incurred. Prior to release of the bond, all expenses incurred by the City shall be paid in full by the subdivider.

2. Preservation of Trees and Re-vegetation
   No trees of caliper ten (10) inches or larger measured five (5) feet above the surrounding ground surface shall be removed if at all possible, and special attention shall be given to preserving larger trees. For removal of trees greater than twelve

(12) inches in diameter, 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.

H. CURBS, GUTTERS AND HANDICAP RAMPS

The developer shall install, at his expense, all 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.

This section of the regulations shall apply to all developments within the City of Brownsville.

1. Curbs and Gutters

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

2. Handicap Ramps

   In all subdivisions where sidewalks, curbs or 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.

3. Curb Cuts and Driveway Aprons

   All curb cuts and the installation of driveway aprons shall be approved by the Brownsville Department of Public Works and shall be in a manner that 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.

   Curbs and Gutters are required in all developments unless applied to infill development of 9 lots or less.[xxx]

4. 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, 4000-lb. concrete. All concrete shall be Class A and shall be placed, cured, and tested in accordance with the Technical Specifications.

5. Deferment of Installation

   At the request of the developer, the Planning Commission may defer the installation of sidewalks, curb cuts and 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 City of Brownsville and 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.

6. Waivers for Installation of Sidewalks

Upon written application of the subdivision developer, the Planning Commission may recommend, and the Board of Mayor and Aldermen may approve, a waiver of sidewalks, or allow sidewalks on only one side of street.

Such waiver may be granted only under the following conditions:

a. Written application for waiver is submitted concurrent with construction drawings or within thirty (30) days of Planning Commission meeting.

b. Applications shall cite basis for variance limited to:
   (1) Lots exceed a two (2) acre minimum if within a residential zone.
   (2) Individual lot frontage exceeds 500 feet within a residential zone.
   (3) Planned Unit Development plats providing for internally open area and greenways for common or public use recreational areas and walkways; provided however, sidewalks to be required along entranceway and adjoining public collector classified streets.
   (4) Unusual or extreme topographical features of the property.
   (5) Unusual or extreme man-made features including railroad, utility facility, or other similar use making a sidewalk non-essential.
   (6) Placement conflicts with proposed or existing utility alignments.

c. If waiver is requested based upon (4), (5), or (6) as provided above the City Engineer shall review said request for waiver and make recommendation based upon his finding.

d. A Police Department review and report shall be provided to the Board on whether such waiver is detrimental to the public safety of pedestrians.

e. In all cases of streets classified as commercial access, major collector, thoroughfare or major thoroughfare, sidewalks shall not be waived, nor shall sidewalks be waived within a 1,500-foot radius of school, church, park or other public facilities.

I. INSTALLATION OF WATER SUPPLY AND SANITARY SEWERS

After roadway grading is completed and approved and before any base course is applied, all of the underground work - 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 City water supply system or with an alternate supply approved by the City of Brownsville 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 City Engineer 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 Health and Environment, prior to any construction in accordance with Section, Tennessee Code Annotated. Copies of comments and certificates of approval for the above agency shall be forwarded to the City Engineer.

d. Unless otherwise specifically approved, water mains shall not be less than eight (8) inches in diameter. The City 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. Developer shall be responsible for cost of design and construction of water lines adequate to serve his development. The City Engineer shall design all such projects.

2. Sanitary Sewer Extension

a. For any new development located within the City of Brownsville, 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 City Engineer prior to construction.

b. The City of Brownsville 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 City 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 outfall to the City's overall development.

c. The developer shall be responsible for either directly providing, or reimbursing the City of Brownsville, 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 City may design and construct such off-site improvements, as provided herein.

d. On major sewer outfalls, lift stations, interceptors, including excess capacity, where the City 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 City may design and construct such off-site improvements, as provided herein.

e. On major sanitary sewer interceptors, outfalls or lift stations, the City of Brownsville, subject to the approval of the Board of Mayor and Aldermen, for excess capacity (future needs) the City 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 City 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 City 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" (assessed in Section 1 above) 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.

J. 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 public right-of-way.

1. Residential Development

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 City Engineer shall not be screened.

2. Non-Residential Development

The screening and landscaping for nonresidential development shall comply with the provisions of the City of Brownsville Zoning Ordinance.

3. Other Landscaping

The Planning Commission may specify to the developer those areas within the subdivision which require landscaping. The developer shall present for Planning Commission and Mayor and Board of Aldermen approval, a detailed landscaping plan and planting schedule.

K. TECHNICAL SPECIFICATIONS INCLUDED BY REFERENCE

The Technical Specifications of the City of Brownsville as set forth in Appendix I to Article VI, Section K; 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 and the Board of Mayor and Aldermen.

L. PERFORMANCE BOND (LETTER OF CREDIT) IN LIEU OF COMPLETED IMPROVEMENTS

The Subdivision Developer shall furnish to the City of Brownsville a construction performance bond (letter of credit) showing the City of Brownsville as beneficiary. The amount of bond (letter of credit) shall equal the cost of all public improvements and shall be irrevocable. Bond (letter of credit) shall be effective for one year with renewal for one year with no effort on the part of the City of Brownsville. Terms of the bond (letter of credit) shall be as determined by the City Engineer and approved by the Board of Mayor and Aldermen in accordance with Section 13-4-303 Tennessee Code Annotated. Normally the amount and terms of the bond (letter of credit) will be approved concurrently with approval of the Construction Plan in accordance with Article II, Section D of these regulations.

1. Reduction of Bond Upon Partial Completion

   Upon completion of the major improvements, and upon final inspection and acceptance by the City Engineer, the developer may reduce the amount of the performance bond or he may substitute a new bond to secure the obligation with respect to uncompleted or unaccepted improvements. The residual improvements shall normally be limited to such items as erosion control, revegetation, 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 Bonds

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

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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 City of Brownsville and planning region. 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 (2) or more lots or tracts located within the City of Brownsville, or its planning region, shall be admitted to the land records of Haywood County or received or recorded by the County Register of Deeds until such plat shall have been submitted to and approved by the Planning Commission and such approval entered in writing on the plat by the Secretary of the 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, improvement, grade, pave or light any street or lay or authorize water mains or sewers or connection to be laid in any street within the City of Brownsville 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 City of Brownsville, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or open as or shall have

otherwise received the legal status of a public street prior to the adoption of these regulations or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Planning Commission or on a street plat made and adopted by the Commission, or with a street located or accepted by the Board of Mayor and Aldermen 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 (50) feet 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 Register shall receive, file, or record a plat of a subdivision within the City of Brownsville, or its planning region, without the approval of the Planning Commission as required in Section 13-4-302, Tennessee Code Annotated, and any County Register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

2. Transfer or Sale of Land Without Prior Subdivision Approval
   Section 13-4-306, Tennessee Code Annotated, provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of such subdivision 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 Register, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The City of Brownsville 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 or the Attorney of the City of Brownsville 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 City of Brownsville. 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.

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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 in convenience, if the strict letter of these regulations were carried out; and
4. The variance will not in any manner alter the provisions of the land development plan, the major street or 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 City aggrieved by any decision, finding or interpretation of the Planning Commission may seek review by a court of record of such decision, finding or interpretation, in the manner provided by the laws of the State of Tennessee. Decisions, findings and interpretations of the Planning Commission with regard to the standards and extent of improvements required for subdivision approval shall in all 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 ordinances.

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. At least 30 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Brownsville.

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 28th day of September 1992.

Signature on file

Chairman, Brownsville Planning Commission

Attest

Signature on file

Secretary

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APPENDIX

FINAL PLAT CERTIFICATES

CERTIFICATE OF SURVEY

I, _____(printed name of signer)_____, do hereby certify that I am a registered (Professional Civil Engineer) (Land Surveyor), and that I have surveyed the lands, embraced within the plat or map designated as _____, a subdivision all lying within the corporate limits of the City of Brownsville, 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 City of Brownsville, 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 City of Brownsville, Tennessee.

In witness whereof, I, the Said _____ (printed name of signer) _____, (Professional Civil Engineer) (Land Surveyor), hereunto set out hand and affix my seal the _____ day of _____, 20_____.

_____

Professional Civil Engineer

Land Surveyor,

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 _____ subdivision to assure that neither said subdivision nor adjoining property 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, the said _____ (printed name of signer) _____, Professional Civil Engineer, hereunto set out hand and affix my seal this _____ day of _____, 20_____.

_____

Professional Civil Engineer

State of Tennessee

Certificate No._____ (SEAL)

CERTIFICATE OF APPROVAL OF SUITABILITY OF SOILS FOR SEPTIC TANKS

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

_____, 20 _____
Date

_____
Haywood Co. Health Department

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 City of Brownsville.

_____, 20 _____
Date

_____
Professional Civil Engineer

State of Tennessee

Certificate No. _____

CERTIFICATE OF WATER & SEWER APPROVAL[xxxi]

I hereby certify: (1) that water and sewer treatments have been installed in an acceptable manner and according to specifications, or (2) that a guarantee has been posted with the Planning Commission to assure completion of all required improvements in case of default.

_____, 20 _____ _____
Date Brownsville Utility Department

CERTIFICATE OF APPROVAL OF WATER AND SEWAGE SYSTEMS

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

_____, 20 _____ _____
Date Superintendent of Water and Sewer

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 City of Brownsville 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 HAYWOOD

Before me, the undersigned, a notary public in and for the State and County aforesaid, duly commissioned and qualified, personally appeared _____ (printed name of owner) _____ 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 my hand and affix my seal this _____ day of _____, 20 _____.

_____
Notary Public

CERTIFICATE OF THE APPROVAL OF STREETS

I hereby certify: (1) that streets have been installed in an acceptable manner and according to specifications, or (2) that a guarantee has been posted with the Planning Commission to assure completion of all required improvements in case of default.

_____, 20 _____ _____
Date Streets Superintendent/ City Engineer

CERTIFICATE OF THE APPROVAL OF UTILITIES

I hereby certify: (1) that streets, utilities and drainage treatments have been installed in an acceptable manner and according to specifications, or (2) that a guarantee has been posted with the Planning Commission to assure completion of all required improvements in case of default.

_____, 20 _____ _____
Date Streets Superintendent/ City Engineer

PLANNING COMMISSION CERTIFICATE

I, _____ (printed name of signer) _____ do hereby certify that the City of Brownsville Planning Commission has approved this plat of subdivision for recording.

_____, 20 _____ _____
Date Secretary, City of Brownsville Planning Commission

SPORT SHOOTING RANGE AREA CERTIFICATE[xxxii]

I, _____ certify that this property is located in the vicinity of an established sport shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience, which may result from these uses.

_____ _____
Owner Signature Date

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 City of Brownsville 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.

_____
(Printed name of mortgagee)

STATE OF TENNESSEE
COUNTY OF HAYWOOD

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 hand and affix my seal this _____ day of _____, 20 _____.

_____
Notary Public

My Commission expires: _____

SCHEDULE OF FEES

Subdivision Development

"See the City of Brownsville and the appropriate utility office for a schedule of development fees. If your development is within Brownsville's Planning Region, see the Haywood County Building Inspector and the appropriate utility office for a schedule of development fees."

SUPPLEMENT NO. 1
TO LOCAL GOVERNMENT PUBLIC WORKS STANDARDS AND SPECIFICATIONS FOR SUBDIVISION DEVELOPMENT CITY OF BROWNSVILLE, TENNESSEE

I. GENERAL

The requirements as contained in the City of Brownsville Subdivision Regulations shall be adhered to in conjunction with the Local Government Public Works Standards and Specifications as amended by this supplement. Where discrepancies between these documents exist, the Subdivision Regulations shall govern. The provisions set forth in this supplement shall apply only to subdivision development within Brownsville and shall not be considered as applying to other types of construction activities.

II. DEFINITIONS

For the purposes of these standards and in order to carry out the provisions and intention as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter.

Contractor: An individual, partnership, corporation or other legal entity or agent thereof which undertakes the activities covered by the City of Brownsville Subdivision Regulations.

Engineer: The city engineer of Brownsville, Tennessee.

Owner: The owner of the property being subdivided or his legal agent.

III. DELETIONS AND REVISIONS

A. Construction Standards

1. Division 1 - General Requirements, delete all sections in their entirety.
2. Division 2 - Site work
   a. Section 02050 - Demolition, delete in its entirety
   b. Section 02110 - Clearing and Brugging, delete in its entirety.
   c. Section 02210 - Grading and excavation
      (1) Delete part 1.02
      (2) Delete part 3.05
   d. Section 02215 - Base and Subgrade Treatment
      (1) Delete part 1.02.A
      (2) Change 3.07 Compacting Aggregate - Bases Part A, "Square Yards" change to "Square feet".
      (3) Delete parts 3.09, 3.10, and 3.11.
   e. Section 2221, Trenching, Backfilling and Compaction
      (1) Delete part 1.02.A

(2) Change Part 3.10 B.2. (Bedding for PVC, UCP, and RCP sewers.) The text should read, "For PVC sewer pipe, if allowed, Use Class I angular materials.

(3) Delete Parts 3.14, 3.15 and 3.16.

f. Section 02271 Rip-Rap

(1) Delete part 1.02.A

(2) Delete part 3.05

g. Section 02305 Boring and Jacking

(1) Delete part 3.03

h. Section 02444 - Chain Link Fences and Gates, delete in its entirety.

i. Section 02451 - Guardrails, delete in its entirety.

j. Section 02452 - Highway Sings, delete in its entirety.

k. Section 02485 - Lawn and Grass Landscaping (1) Delete part 3.05

l. Section 02513 - Asphaltic Concrete Paving

(1) Delete part 1.02.A

(2) Delete parts 2.09, 2.10 and 2.11.

(3) Change the titles for parts 3.04 and 3.05 by deleting "and cold mix".

(4) Delete parts 3.08, 3.09 and 3.13.

m. Section 2515 - Portland cement Concrete Paving

(1) Delete part 1.02.A

(2) Delete part 3.10

n. Section 02528 - Concrete Curbs, Gutters and Sidewalks

(1) Delete part 1.02.A

(2) Delete parts 3.07 and 3.08.

o. Section 2577 - Pavement Marking, delete in its entirety.

p. Section 2605 - Separation of Piped Utilities no changes.

q. Section 02713 - Water Distribution Systems

(1) Change Part 2.01.A by adding "PVC pipe used only in special cases with prior approval."

(2) Delete Part 2.03.A Polyethylene Service pipe.

(3) Change Part 2.03.B.5. By changing "meter yoke" to "meter stop".

(4) Change Part 2.04.A Water meters by deleting 1 through 7 and adding "to be provided by city" to text of 2.04.A.

(5) Delete Part 2.04.D.

(6) Change Part 2.04.F by adding the text "to be provided by the city" and deleting 1 through 5.

(7) Change Part 2.07 (Fire Hydrants and Blow off hydrants) subpart A - Fire Hydrants by deleting (1 through 12) and replacing it with the following text:

(a.) Fire hydrants shall be M&H or Mueller (no substitutes, must match existing hydrants) standard compression type conforming to the AWWA Specification C502, complete with: 5" minimum valve opening; 6" AWWA Specification C111 mechanical joint inlet connection; 3 foot bury; two 2 1/2" National standard fire hose thread nozzles; one 4" City of Memphis, Tennessee Standard pump connection nozzle; 1 1/2" point-to-flat pentagon operating nut and cap nuts; and Counter-clockwise direction of opening.

(b.) All interior working parts of the hydrant shall be solid bronze or bronze mounted. The hydrant shall be so designed that all interior parts can be removed without removing the stand pipe from its set position. Each hydrant shall be equipped with a drip valve that will positively drain the stand pipe when the main valve is closed. Submit cutaway view drawings prior to the purchasing hydrants.

(c.) All nozzles shall be equipped with caps anchored to the standpipe with chains.

(d.) Each hydrant shall be factory painted on the outside below grade line with black asphalt paint and above grade line with red paint. After setting paint all parts of the hydrant above grade line as specified hereinafter.

(8) Change Subpart 2.07B. 8 by deleting the text "unless otherwise specified."

(9) Delete parts 3.04, 3.10 and 3.11.

r. Section 02721 Storm Drainage Systems:

(1) Delete Parts 3.07 and 3.09.

s. Section 02722 Sanitary Sewer Systems

(1) Add to the title of 2.03 Polyvinyl Chloride Pipe and Fittings the text "can be used only with prior approval".

(2) Change "used" to "allowed" in subpart 2.09.B and 3.04.E.

(3) Change Subpart 3.05.D to read: The first sections of pipe entering and leaving the manhole shall be ductile iron, concrete, PUC or UCP.

(4) Delete Parts 3.13, 3.14, 3.15, 3.16, 3.17, 3.18, and 3.19.

3. Division 3 - Concrete

A. Section 03001 Concrete work

(1) Delete Part 1.02.A

(2) Change Part 2.01.B by adding: chert or river rock may not be used as a course aggregate.

(3) Change Part 2.12 by correcting typographical error. "2" Dia Bar" should be just "2".

(4) Delete part 3.12

4. Division 16 Electrical, Delete all sections in their entirety.
   A. Design Criteria

5. Section 100 Water Distribution Systems
   A. Add text to Part 104.3.1 which says "PVC pipe can be used only with prior approval of the Director of Water and Sewer"

   B. Change part 104.4 "other water pipe materials" by removing "Asbestos - Cement"

   C. Change Part 107.1 by including at the end of the present paragraph "One (1) set of TDPH-WQC approval plans shall be furnished to the Water Department and one (1) set of same to be furnished to the contractor and kept on the job during construction.

   D. Drawings FHA-1, BHA-1 and WSA-1 to Brownsville Standards.

6. Section 200 Wastewater Systems
   a. 204.7 Pipe Materials Selection

   b. 204.8 Pipeline Bedding
   Flexible Pipe - Change from "flexible pipe" to "flexible connections, where allowed".

   c. 206 Installation and Acceptance Testing change from "Non-ridge pipe" to "Non-ridge pipe, where allowed".

7. Section 300 Drainage Systems - No changes

8. Section 400 Drainage Systems - No changes

Endnotes:

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[i] Added June 2007
[ii] Changed February 2009 from 10 copies to 4 copies Resolution 772
[iii] xxx
[iv] Changed February 2009 from 30 days to 35 days Resolution 772
[v] xxx
[vi] Changed February 2009 from 30 days to 35 days Resolution 772
[vii] xxx
[viii] Changed February 2009 from 10 copies to 4 copies Resolution 772
[ix] xxx
[x] Changed February 2009 from 30 days to 35 days Resolution 772
[xi] xxx
[xii] Changed February 2009 from 10 copies to 4 copies Resolution 772
[xiii] xxx
[xiv] Added October 2004
[xv] Changed February 2009 from 30 days to 35 days Resolution 772
[xvi] xxx
[xvii] Changed February 2009 from 30 days to 35 days Resolution 772
[xviii] xxx
[xix] Changed February 2009 from 10 copies to 4 copies Resolution 772
[xx] xxx
[xxi] Changed February 2009 from 30 days to 35 days Resolution 772
[xxii] xxx
[xxiii] Changed February 2009 from 30 days to 35 days Resolution 772
[xxiv] xxx
[xxv] Added June 2007
[xxvi] Added June 2007
[xxvii] Added October 2005
[xxviii] xxx
[xxix] Added October 2005
[xxx] xxx
[xxxi] Added October 2005
[xxxii] Added October 2004