



CLARKSVILLE-MONTGOMERY COUNTY  
**REGIONAL PLANNING COMMISSION**

**Montgomery County, Tennessee**  
**Subdivision Regulations**

**Revised June 2022**

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# **CHAPTER 1: GENERAL PROVISIONS**

## **1.1 PREFACE**

The process of land subdivision is a major and continuing element of the growth activities within Clarksville and Montgomery County. Regulation of the subdivision process is warranted not only by its value to the community as a whole through the provision of adequate infrastructure to support growth and to minimize the public cost of long-term operation and maintenance of the infrastructure, but also to the individual land consumer by assuring adequate infrastructure to accommodate proposed development. These subdivision regulations protect both the public revenue base and the individual land purchaser. The procedures and regulations contained herein are a direct outgrowth of the Comprehensive Plan for the City and County. As such, consideration has been given to the accommodation of future land use needs, the adequacy of the infrastructure to support development, the minimization of adverse impacts on the environment and other policy as developed within the Comprehensive Planning Process.

Many of the elements within these regulations are much the same as those previously in effect for the City and County. Growth of the locality and changes in technology and methods of regulation have prompted this revision. It is intended that the resulting document provides adequate information, approximate design standards, and sufficient facilities for the land consumer; an equitable, predictable and efficient regulatory process for the developer; and an adequate means of review and coordination for regulatory agencies.

## **1.2 RULES OF PROCEDURE**

### ***1.2.1 RULES***

The current edition of "Roberts Rules of Order Newly Revised" shall govern the order of business and conduct of meetings of the Regional Planning Commission unless otherwise provided for herein.

### ***1.2.2 MEETINGS***

1. The Regional Planning Commission shall hold at least one (1) regularly scheduled meeting per month on the Tuesday before the last Thursday of each month, commencing at 2:00 p.m.
2. Special Meetings of the Regional Planning Commission may be called by the Chairman upon giving one day notice to the membership.
3. The responsibility to pay for an approved Special Meeting lies with the requestor/applicant. The fee is set by the Regional Planning Commission's current policy or by-laws.

### **1.2.3 AGENDA**

An Agenda for each meeting shall be prepared by the Director of Planning or his appointed designee and mailed to members not later than three (3) days prior to each regular monthly meeting of the Regional Planning Commission.

### **1.2.4 APPLICATIONS**

1. Applications for review of subdivision plats must be submitted in a format as established by the Regional Planning Commission.
2. All applications for preliminary or final plat review must be submitted by the subdivision deadline date established by the Regional Planning Commission office.
3. Applications for one (1) and two (2) lot minor plats shall follow the procedures outlined in Chapter 3, Section 2, Subsection 3 and Chapter 6, Section 5, Subsection 3.

### **1.2.5 PROCEDURE UPON SUBMISSION OF PLATS**

The Regional Planning Commission may defer action on any matter presented to it at a regular meeting, until the next regular meeting; so that proper study of the matter may be made by the membership; provided however, that the Commission shall approve or disapprove a plat within sixty (60) days after the initial consideration, unless at the end of the sixty-day period there is a holiday or unexpected intervening event that would close municipal or county government offices and thus affect the normal computation of the sixty-day period at the next regularly scheduled meeting; otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Commission on demand; provided, however, that the applicant for the Commission's approval may waive this requirement and consent to the extension of such period in accordance with Section 13-3-404, Tennessee Code Annotated. After two deferrals by the applicant at regularly scheduled meetings of the Regional Planning Commission, the applicant may be subject to a deferral fee.

### **1.2.6 QUORUM**

Unless otherwise provided by statute, a majority of the members shall constitute a quorum for the conduct of business.

### **1.2.7 SUBDIVISION PLATS**

The Director of the Regional Planning Commission or the Chairman of the Regional Planning Commission shall be authorized to sign the final plat as delegated by the Regional Planning Commission.

All plats must be submitted on a standard format as specified by the Regional Planning Commission.

### **1.2.8 FEES**

All applications for subdivision review must be accompanied by a filing fee established by the Regional Planning Commission. Under no conditions shall the fee, or any part thereof, be refunded for failure of the proposed plans to be approved. The fee schedule may be obtained through the Regional Planning Commission office. The Regional Planning Commission may review and amend the fee schedule by resolution from time to time.

### **1.3 PURPOSE**

The purpose of the regulations is to provide for the orderly development of land within Clarksville and Montgomery County in accordance with the Comprehensive Plan. The regulations provide for the placement of streets, sanitary sewers, water lines and fire hydrant protection, and drainage facilities in a manner that is coordinated with existing development and also permits logical and efficient extension of such development in the future. It is also the purpose of these regulations to provide for the planned development of open space and recreation areas among other amenities that will increase the desirability and long-term vitality of neighborhoods. Finally, it is the purpose of these regulations to minimize or eliminate the possibilities of adverse effects upon the environment as a result of land development.

### **1.4 AUTHORITY**

The rules and regulations herein set forth governing the subdivision of land are adopted in accordance with Title 13, Section 13-3-301 and Section 13-3-401 through Section 13-3-412 of Tennessee Code Annotated (TCA).

Final plat review delegation to the Regional Planning Commission Staff in accordance with TCA 13-3-402(c), as amended, the Clarksville Montgomery Regional Planning Commission has delegated the review authority of final plats to the Clarksville Montgomery Regional Planning Commission Planning Staff. This action was taken by a majority vote of the Clarksville Montgomery Regional Planning Commission at their regular meeting of December 30, 2020. This delegation does not apply to final plats that include a variance request from the subdivision regulations.

### **1.5 JURISDICTION**

#### ***1.5.1 GEOGRAPHIC AREA OF SUBDIVISION REGULATIONS APPLICATION***

These regulations shall govern the subdivision of all land within the boundaries of Montgomery County as now or hereafter established and includes the subdivision of all land within the corporate limits of the City of Clarksville as now or hereafter established.



### **1.5.2 DIVISIONS OF LAND SUBJECT TO SUBDIVISION REGULATIONS**

Within these regulations, the term "subdivision" shall mean "the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of 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." [TCA §13-3-401 (4) (B) (i)]

Divisions of a tract, parcel or land into tracts or parcels of five (5) acres or more are subject to these Subdivision Regulations if any new street (permanent easement and/or travel easement) or utility construction is needed or any land is required to be dedicated for public purposes. If no public infrastructure improvement is necessary, divisions into tracts or parcels of five (5) acres or more are exempt from these Subdivision Regulations as stated below. However, the Clarksville Montgomery County Regional Planning Commission does not warrant any division of property of five (5) or more acres as buildable when such division is not approved by the Regional Planning Commission.

Any amendment, modifications or correction to a recorded plat of a subdivision shall be submitted for approval by the Regional Planning Commission. [TCA §13-3-402 (2) (b)]

Any owner of land within this area wishing to subdivide or re-subdivide land shall submit to the Clarksville-Montgomery County Regional Planning Commission a plat of the subdivision according to the procedures outlined in Chapter 3, which plat shall conform to the minimum requirements set forth in Chapters 3 and 4. Improvements shall be installed as required by Chapter 6, Section 2 of these regulations.

### **1.5.3 DIVISIONS OF LAND EXEMPT FROM SUBDIVISION REGULATIONS**

The division of a tract, parcel, or land into five (5) acres or more for sale or lease without public infrastructure improvements is exempt from these Subdivision Regulations under State Statutes and creates new lots/building sites. Some other divisions of a tract, parcel, or land are exempt from these Subdivision Regulations provided an additional lot/building site is NOT created for which building permits may be sought. These Subdivision Regulations do not apply to the following:

1. The division of land which creates tracts of land, all of which (including the residual parcel) are five (5) or more acres in size when no street or utility is to be constructed and no dedication of land for public purposes is required. Since the Regional Planning Commission does not review or approve such divisions of land, there is no guarantee or warranty from the Regional Planning Commission that such properties are buildable (adequate access, adequate utilities, free from environmental constraints such as floodplains, steep slopes, wetlands and sinkholes, and soils for installation of an on-site septic system at average cost).

2. An easement or survey attached to an easement granted to the State of Tennessee, Montgomery County Government or the City of Clarksville or any entity thereof shall not constitute an amendment, modification or correction of a recorded plat of a subdivision under TCA §13-3-402 (2) (b).
3. A division of land to provide surety for a loan for agricultural production provided such divisions are into tracts on parcels of five (5) acres or more, no public infrastructure improvements necessary, no land is required to be dedicated to the public and no additional building site is created by the division.
4. A division of land, already approved as a cemetery, into plots for the purpose of burial of corpses.

## **1.6 VARIANCES**

1. General: Where the Regional Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the Regional Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
  - A. The granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area where the proposed variance is located, and;
  - B. The conditions upon which the request for the variance is based are unique to the property for which the variance is sought and are not applicable generally to other property, and;
  - C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of these regulations are carried out, and;
  - D. The variance will not in any manner vary the provisions of the City Ordinances and/or County Resolutions or other adopted facility plans.
2. Conditions: In approving variances, the Regional Planning Commission may require such conditions as will in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
3. Procedure: A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Regional Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

## **1.7 CHANGES AND AMENDMENTS**

Any regulation or provisions of this resolution may be changed or amended by the Regional Planning Commission by resolution passed after a public hearing and due notice of such has been given as required by law, TCA §13-3-403.

## **1.8 ENFORCEMENT AND PENALTIES**

The enforcement of these regulations and penalties for the unapproved recordation of transfer of land is provided by state law in the authority granted by Title 13 of the Tennessee Code Annotated.

## **1.9 INTERPRETATION, CONFLICTS AND SEPARABILITY**

1. Interpretation: In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
2. Conflict with Public Provisions: These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provisions of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
3. Conflict with Private Provisions: These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provision of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restrictions, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations which are more restrictive or of higher standards than the requirements of these regulations or of the determinations of the Regional Planning Commission or the local government in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations made thereunder; then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.
4. Separability: Should any article, section, or provision of these regulations be for any reason held to be void or invalid, it shall not affect the validity of any other article, section, or provision hereof, which is not itself void or invalid.

## 1.10 EFFECTIVE DATE

1. Before adoption of these Subdivision Regulations or any amendment thereof, the Regional Planning Commission thereon shall hold a public hearing; thirty (30) days of notice of the time and place of which shall be given by one publication in a newspaper of general circulation.
2. These rules and regulations shall be in full force and effect from and after their adoption and effective date.

ADOPTED:

\_\_\_\_\_(Signature on file)\_\_\_\_\_

Chairman, Clarksville-Montgomery County Regional Planning Commission

Adopted: December 28, 2021

Effective: January 1, 2022

ATTEST:

\_\_\_\_\_(Signature on file)\_\_\_\_\_

Director of Planning

## **CHAPTER 2: DEFINITIONS**

### **2.1 USAGE**

1. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations.”
3. A “person” includes a corporation, partnership, and an incorporated association of persons such as a club; “shall” is always mandatory; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

### **2.2 DEFINITIONS**

*Alley:* A minor public or private way used primarily for access to the rear or side of properties otherwise abutting a public right-of-way, permanent easement or travel easement.

*Base Flood:* A flood having a one (1) percent chance of being equaled or exceeded in any given year.

*Block:* All property fronting upon one side of a street between intersection and/or intercepting streets, or between a street and a right-of-way, waterway, park, dead-end of a street, or city boundary, county boundary or state line. An intercepting street can determine the boundary of the block on the sides of the street it intercepts. The intercepting street shall be a minimum of 150 feet in length (measured to center point of turn around), excluding stubouts.

*Board of County Commissioners:* The chief legislative body of Montgomery County, Tennessee.

*Building Pad:* The area of land upon which a building is constructed.

*Building Setback Line:* A line of private property, established by the Zoning Ordinance or Zoning Resolution to prohibit the location of buildings or structures between that line and the street right-of-way or permanent or travel easement.

*City:* City of Clarksville, Tennessee.

*City Council:* The chief legislative body of The City of Clarksville, Tennessee.

*County:* The County of Montgomery County, Tennessee.

*Comprehensive Plan:* The official plan for Clarksville and Montgomery County adopted in accordance with the provisions of Title 13, Tennessee Code Annotated. Such plan is the combination of a number of different elements including Land Use, Housing, and Transportation.

*Corner Lot:* A lot abutting upon two or more public roads, permanent easements or travel easements at their intersection.

*Developer:* Any person or corporation or duly authorized agent who is responsible for an undertaking that requires an approval under these regulations.

*Easement:* A grant of less than fee simple ownership by the property owner of the use of a portion of their property for a specific purpose.

*Easement, Access:* A right granted by the owner of land to another party, by deed, or prescription, to allow access across one parcel of land to another.

*Easement, Drainage:* The right to restore, maintain or repair ditches, drainage structures, pipes, weirs, catch basins or manholes for the management of stormwater together with rights for entering and exiting the property for this purpose.

*Easement, Permanent:* The right granted by the owner of land to another party, by deed, or prescription, to allow access across one parcel of land to another. Lots may be created without frontage on a public street in accordance with all rules and regulations specified within these Regulations if a "permanent easement" is created.

*Easement, Residential Common Access:* A type of permanent, private, dedicated easement by which a right is granted to the owners of a minimum of three (3) and a maximum of ten (10) residential properties to allow ingress, egress, joint access, and cross access to each property from a common private road that is owned and maintained by the property owners and that connects to a public street.

*Easement, Private:* A right-of-way granted, by recorded deed or survey, but not dedicated to the city or county for limited use on private land. Private Easements are not recognized as access per these subdivision regulations, only permanent easements, residential common access easements, or shared driveway easements.

*Easement, Shared Driveway:* A type of permanent, private easement by which a right is granted by the owners of two (2) or three (3) residential properties to allow ingress egress, joint access, and cross access to each property from a common private driveway that connects to a public street and is owned and maintained by the property owners.

*Easement, Travel* ~~(Commercial, Office, and Industrial)~~: The right granted by the owner of land to another party, by ~~deed, plat, or prescription~~, to allow access across one parcel of land to

another. ~~Commercial, Office or Industrial~~ Appropriately zoned lots may be created without frontage on a public street ~~or dedicated permanent easement~~, in accordance to all rules and regulations specified within these Regulations if a "travel easement" is ~~created~~ utilized.

*Easement, Utility:* The right granted by the owner of land to the public or to a utility service provider, whether public or private, to construct, install, maintain, repair, rebuild, replace, operate, inspect, and patrol its electric, gas, water, wastewater, and telecommunication line(s) and all necessary appurtenances, in, on, over, under, and across the easement together with the right to clear said easement and keep it clear of brush, trees, structures, and fire hazards, and to remove dangerous trees, if any, located beyond the limits of the easement.

*Fee Simple Ownership:* A form of land ownership that includes all property rights, including the right to develop land.

*FEMA:* The Federal Emergency Management Agency.

*Final Plat:* A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, and acceptances and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, easements, public areas and other dimensions of land.

*Flag lot(s):* Generally contains a narrow strip of property leading from a right-of-way to the building site which is generally located to the rear of other lots(s) fronting along the same right-of-way.

*Flood Plain:*

*Base Flood:* A flood having a one percent chance of being equaled or exceeded in any given year.

*FEMA Floodplain:* The Flood Elevation as approved by FEMA as referenced on the FIRM and Flood Insurance Studies.

*Non-FEMA Floodplain:* The land which has been or may be covered temporarily by floodwater. Unless otherwise stated, the floodplain is defined as the floodplain having a one (1) percent chance of being equaled or exceed in any given year. These flood areas are a result of studies and observations, but FEMA has not designated such areas.

*Improvements:* The physical changes made to raw land and structures on or under the land surface in order to make the land more usable.

*Lot of Record:* A lot recorded before the zoning ordinance/resolution or subdivision regulations were enacted for the subject property or a provision of these regulations was amended that would otherwise affect the subject property.

*Lot:* A parcel of land occupied or intended to be occupied by a building and its accessory buildings or by a dwelling or group of dwellings and their accessory buildings, together with such open spaces as are required by these and other regulation and ordinances, and having its principal frontage on a public right-of-way, permanent easement or travel easement.

*Lot, Corner:* A lot abutting upon two or more public roads, permanent easements or travel easements at their intersection.

*Lot, Double Frontage, or Through Lot:* A lot other than a corner lot with frontage on more than one street, other than an alley.

*Lot, Flag:* A lot/tract/parcel meeting the minimum frontage requirements and where access to a public or private right-of-way is provided by means of a long, narrow strip of property between abutting lots/tracts/parcels and where the building site is generally located to the rear of other lots/tracts/parcels fronting along the same right-of-way.

*Lot, Interior:* A lot other than a corner lot fronting on a single right-of-way or easement.

*Lot, Reverse-Frontage:* A double-frontage lot having the rear yard abutting a major street having the front yard facing a minor street and with the primary means of ingress and egress being provided on a minor street or an alley.

*Lot Depth:* The horizontal distance between the front and rear lot lines of a lot, measured along the lot centerline.

*Lot Lines:* The lines bounding a lot as defined herein:

*Lot Line, Front:* The line separating the lot, tract or parcel from any public street, dedicated permanent easement or travel easement.

*Lot Line, Rear:* The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than ten (10) feet long and wholly within the lot.

*Lot Line, Side:* Any lot line other than a front or rear lot line as defined herein.

*Lot Width:* The width of a lot measured at the front building setback line in a manner generally perpendicular to the side lot lines.



*Lowest Floor:* The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement area and is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the floodplain provisions of the City Zoning Ordinance or County Zoning Resolution.

*Major Road Plan: (or Major Street-Plan or Major Thoroughfare Plan):* The plan for Clarksville-Montgomery County which recommends new street construction and improvements to existing facilities designed to provide adequate traffic flow, adopted, amended, and recorded in accordance with the provisions of Title 13, Tennessee Code Annotated.

*One (1) and Two (2) Lot Subdivision Plats:* The division of a tract or parcel of land into one (1) or two (2) lots, when one or two lots are less than five (5) acres and one parcel (or residual acreage) remains greater than five (5) acres, and that does not require dedication of any land to the public (except as noted in the next sentence) or the construction of public infrastructure improvements. At the discretion of the Director of the Clarksville-Montgomery County Regional Planning Commission, a subdivision may be approved as a Staff Level Subdivision even though it involves the dedication of public right-of-way provided such dedication does not involve the opening of a public right-of-way or infrastructure improvements in the public right-of-way. A detailed survey description of the remaining parcel (or residual acreage) greater than five acres is not required for a staff-level plat.

*Pavement Width:* The distance measured from edge of pavement to edge of pavement.

*PUDE: Public Utility Drainage Easement*

*Preliminary Plat:* A tentative plat of a proposed subdivision for presentation to the Regional Planning Commission for its initial consideration showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

*Private Road:* See "Easement, Permanent"

*Private Road Maintenance Agreement:* A legally-binding document entered into by two (2) or more property owners and recorded by the Montgomery County Register of Deeds, permanently allocating responsibility for road maintenance and all associated costs among the property owners.

*Public Infrastructure Improvements:* Improvements to the road, sanitary sewer, potable water, and stormwater systems necessary for the provision of service to subdivision lots, excluding service connections to a building on a particular lot.

*Right-of-Way:* A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm

sewer main, shade trees, 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 not included within the dimensions or area of such lots or parcels. Right-of-way intended for the streets, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker/owner of the Plat on which such right-of-way is established.

*Right-of-way Width:* The distance measured between facing lots and offered to the local government for use by the public.

*Roadway:* That portion of a street right-of-way between regularly established curb lines being that part of a street devoted to vehicular traffic.

*Round-About:* Type of circular intersection in which traffic flows in one direction around a central island.

*Sale:* The term "sale" in the context of a division of a tract or parcel of land shall also include the action of "leasing" land whether short-term or long-term.

*Setback/MBSL (Minimum Buildings Setback Line):* The minimum distance a building or structure must be built from a property line

*Sidewalk:* That portion of a street right-of-way not included in the roadway and devoted in whole or part to pedestrian traffic.

*Sinkhole:* A landform created by subsidence of soil, sediment, or rock as underlying strata are dissolved by groundwater, which may form by collapse into subterranean voids created by dissolution of limestone or dolomite or by subsidence as these strata are dissolved.

*Sport Shooting Range Area:* An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

*Street:* The right-of-way of a public or private thoroughfare which serves to carry through traffic and to provide access to abutting property to a varying degree based on the following functional class system:

*Arterial Street:* Streets which place an emphasis on serving through traffic rather than providing access to abutting properties. These streets carry the highest traffic volumes at the highest speeds and are subject to the most restrictive access control requirements to abutting properties. High volume streets that conduct traffic between towns and activity centers, and connect communities to major state and interstate highways. Typically, individual residences are not located on major streets or do not have direct access to such streets.

*Collector Street:* Streets which place an equal emphasis on serving through traffic and abutting properties. They collect and distribute traffic from the arterial street system to the local street system of activity centers and provide primary circulation within activity centers. These streets carry moderate traffic volumes at moderate speeds and are subject to moderate access control restrictions to abutting properties.

*Local Streets:* Street which place an emphasis on serving abutting property rather than through traffic. These streets carry the lowest traffic volumes at the lowest speeds and are subject to the least restrictive access control requirements. For subdivision purposes these streets are further subdivided as follows:

*Alley:* A minor public or private way used primarily for access to the rear or side of properties otherwise abutting a public right-of-way, permanent easement or travel easement.

*Cul-de-sac:* A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turnaround.

*Minor Local:* A local street of relatively short length with both ends open to traffic and serving a limited number of lots.

*Major Local:* A local street with both ends open to traffic. The primary purpose of the major local is to serve abutting property and link lower level streets (cul-de-sacs and minor locals) to the higher level streets (sub-collectors, collectors, and arterials).

*Sub-Collector:* A local street which serves as the primary circulation route within a residential, office, commercial or industrial development and which connects lower level streets to the collector or arterial system.

*Stubouts:* A public street that extends to the property line of adjacent property and is intended to continue on the adjacent property when it is developed.

*Subdividers:* An individual, firm, association, syndicate, co-partnership, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.

*Subdivision:* Subject to these Subdivision Regulations, 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 Subsection 1.5.3 for a listing of exemptions from these Subdivision Regulations.

*Major Plat or Subdivision:* The division of a tract or parcel of land into two (2) or more lots requiring public infrastructure improvements (road, sanitary sewer, water, fire hydrants or storm drainage systems) or into eleven (11) or more lots without public infrastructure improvements.

*Minor Plat or Subdivision:* The division of a tract or parcel of land into three (3) to ten (10) lots that does not require dedication of any land to the public (except as noted in the next sentence) or the construction of public infrastructure improvements. At the discretion of the Director of the Clarksville-Montgomery County Regional Planning Commission, a subdivision may be approved as a Minor Plat even though it may involve extension of utilities to sever less than 10 lots or the dedication of public right-of-way provided such dedication does not involve the opening of a public way or infrastructure improvements in the public right-of-way.

*Staff-Level Plat or Subdivision:* The division of a tract or parcel of land into two (2) lots, when one or two lots are less than five (5) acres and one parcel (or residual acreage) remains greater than five (5) acres, and that does not require dedication of any land to the public (except as noted in the next sentence) or the construction of public infrastructure improvements. At the discretion of the Director of the Clarksville-Montgomery County Regional Planning Commission, a subdivision may be approved as a Staff Level Subdivision even though it involves the dedication of public right-of-way provided such dedication does not involve the opening of a public right-of-way or infrastructure improvements in the public right-of-way. A detailed survey description of the remaining parcel (or residual acreage) greater than five acres is not required for a staff-level plat.

*Exempt Plat or Subdivision:* The division of a tract or parcel of land meeting the requirements of Subsection 1.5.3 that is exempt from these Subdivision Regulations.

*Surety Bond:* A bond issued by an entity on behalf of a second party, guaranteeing that the second party will fulfill an obligation or series of obligations to a third party. In the event that the obligations are not met, the third party will recover its losses via the bond.

*Swale Easement:* An easement along the side and/or rear property line the purpose of which is to drain surface water from the proposed lot and an adjoining property owner. The swale easement shall not be greater than one (1) foot in depth.

*Traffic Assessment:* a preliminary look at the potential impacts of a new zoning request but requires only a limited amount of effort to produce. This study will assist the planning commission and the Clarksville Street Department or Montgomery County Highway Department in determining the amount of potential impact that exists for a proposed zoning change

*Traffic Impact Study (TIS)*: a more detailed document, requiring additional investigation and analysis. A TIS is required at the time of a preliminary plat or construction plan approval. A TIS should determine the impacts of development proposals on the transportation network and to present measures for mitigating those impacts.

*Utilities*: Including but not limited to gas lines, water lines, sewer lines, electrical lines and poles (including public street lights), telecommunication lines, conduit, cable television, fiber optic, and fire hydrants which serve the property(s) in question or run in, on, over, across, adjacent, or through the property(s).

*Variance*: A mechanism by a landowner or applicant may request formally to the Regional Planning Commission that a section or sections of the Subdivision Regulations be reduced, changed, modified, or waived due to certain property conditions. (See Section 1.6 for specific procedures).

## **CHAPTER 3: GENERAL REQUIREMENTS**

### **3.1 TYPES OF SUBDIVISIONS**

These Subdivision Regulations set forth requirements for three types of subdivisions subject to these regulations and a division of land exempt from these regulations as follows:

1. *Major Plat or Subdivision:* The division of a tract or parcel of land into two (2) or more lots requiring public infrastructure improvements (road, sanitary sewer, water, or storm drainage systems) or into eleven (11) or more lots without public infrastructure improvements.
2. *Minor Plat or Subdivision:* The division of a tract or parcel of land into three (3) to ten (10) lots that does not require dedication of any land to the public (except as noted in the next sentence) or the construction of public infrastructure improvements. At the discretion of the Director of the Clarksville-Montgomery County Regional Planning Commission, a subdivision may be approved as a Minor Plat even though it involves extension of utilities to sever less than 10 lots or the dedication of public right-of-way provided such dedication does not involve the opening of a public way or infrastructure improvements in the public right-of-way.
3. *Staff-Level Plat or Subdivision:* The division of a tract or parcel of land into two (2) lots, when one or two lots are less than five (5) acres and one parcel (or residual acreage) remains greater than five (5) acres, and that does not require dedication of any land to the public (except as noted in the next sentence) or the construction of public infrastructure improvements. At the discretion of the Director of the Clarksville-Montgomery County Regional Planning Commission, a subdivision may be approved as a Staff Level Subdivision even though it involves the dedication of public right-of-way provided such dedication does not involve the opening of a public right-of-way or infrastructure improvements in the public right-of-way. A detailed survey description of the remaining parcel (or residual acreage) greater than five acres is not required for a staff-level plat.
4. *Exempt Plat or Subdivision:* The division of a tract or parcel of land meeting the requirements of Subsection 1.5.3 that is exempt from these Subdivision Regulations.
5. *Replat:* A modification of one or more lot lines, easements, SSDS areas, and/or floodplains of one or more lots as shown on a subdivision plat. All replats shall conform to the provisions of the subdivision regulations and applicable zoning at the time of original platting. A replat cannot be used to allow for an existing structure to become legal non-conforming as its sole purpose.
6. *Combination Plat:* A plat which combines any number of existing lots, tracts, or parcels, which are contiguous into no more than two lots. A Combination Plat shall be treated as a Staff-Level Plat.

## **3.2 SUBDIVISION REVIEW AND APPROVAL PROCESS OVERVIEW**

1. Prior to Regional Planning Commission consideration of any plat of a subdivision of land, the subdivider shall file a standard form of application and appropriate fees in the office of the Regional Planning Commission, in accordance with the application, subsections 5.1.1, 6.1.1 or 6.5.3, as applicable.
2. No plat of the subdivision of any land within the jurisdiction of the Regional Planning Commission shall be filed for record by the Montgomery County Register of Deeds unless the following conditions have been met in Subsections 3.2.1 through 3.2.11.

### **3.2.1 MAJOR PLAT or SUBDIVISION**

*(Two or more lots with public infrastructure improvements and more than ten lots without public infrastructure improvements)*

1. A pre-application conference may be held on the subdivision with the Regional Planning Commission staff to review initial development proposals including a "sketch" or "concept" plan.
2. A preliminary plat shall have been prepared and shall have been approved by the Regional Planning Commission as specified herein.
3. Detailed construction plans shall be approved and signed by the proper authority before any utility, drainage, or roadway construction begins on the site.
4. The required improvements shall have been satisfactorily installed and completed prior to final plat approval by the subdivider or a surety, irrevocable letter of credit, or an inter-local government agreement has been posted to secure the same, providing the department having jurisdiction accepts such surety bonds, letters of credit, or withholds signature from the final plat until such improvements have been satisfactorily installed and completed.
5. Adequate maintenance bond shall have been posted as per the requirements of Chapter 7.
6. A final plat shall have been prepared and such plat approved by the Regional Planning Commission as specified herein.
7. On any final plat, all signatures other than those of public officials shall be acknowledged before a Notary Public. The final plat shall contain the signature of the Chief Utility Engineer or Utility District Official certifying approval of utilities; the Director of City Streets or the County Highway Superintendent and the Montgomery County Building Commissioner certifying approval of streets or roads and drainage structures; if appropriate, the Tennessee Department of Environment and Conservation certifying approval of on-site sewage disposal systems; the Director or Chairman of the Clarksville-Montgomery County Regional Planning Commission certifying approval for recording; signature of Registered Land Surveyor certifying accuracy of the plat; and certificate of ownership and dedication signed by the property owner(s). In the absence of any public official, such public official may designate a person from their respective office to sign the plat in their absence.

8. All final plats shall be filed in the Register's Office, Montgomery County, Tennessee, within one (1) year after approval by the Regional Planning Commission and no lots shall be sold from any plat until recorded. Failure to record the final plat within one (1) year of the date of Regional Planning Commission Approval shall void the approval of the plat. Applicant shall reapply for final plat approval to begin the process again.

### **3.2.2 MINOR PLAT or SUBDIVISION (3 to 10 lots)**

1. A pre-application conference may be held on the subdivision with the Regional Planning Commission staff to review initial development proposals including a "sketch" or "concept" plan.
2. Where a proposed subdivision contains no more than ten (10) lots, does not require dedication of any land to the public (except for the dedication of public right-of-way not involving the opening of a public way at the discretion of the Director) or installation of any public improvements (except sidewalks, fire hydrants, or extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or existing division to existing utility mains, or minor utility extensions at the discretion of the local utility), the Regional Planning Commission Staff may act on the Final Plat. All information required for preliminary plats shall be submitted on Minor Plats and any bonding requirements for minor utility extensions shall be satisfied prior to final plat approval. Additional detailed information may also be required by the Chief Utility Engineer and/or Utility District Official, County Highway Department and/or City Street Department, the Tennessee Department of Environment and Conservation and/or Montgomery County Building and Codes Office.
3. A final plat shall have been prepared and such plat approved by the Regional Planning Commission staff.
4. A minor plat approval shall expire one (1) year from the date of staff notification of revisions needed or approval.

### **3.2.3 STAFF LEVEL PLAT / REPLAT**

1. A pre-application conference may be held on the subdivision with the Regional Planning Commission staff to review initial development proposals including a "sketch" or "concept" plat.
2. Pursuant to TCA, §13-3-402, where a proposed subdivision or subdivision replat contains no more than two (2) lots, and does not require dedication of any land to the public (except for the dedication of public right-of-way not involving the opening of a public way at the discretion of the Director) or installation of any public improvements (except sidewalks or extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or existing division to existing utility mains), the Secretary (Director of Planning) or Chairman of the Regional Planning Commission may approve and sign the plat for recording without the approval of the Regional Planning Commission, upon certification by the planning staff that the subdivision complies with the regulations



as described in Subsection 6.5.3, and provided further, that no request for variance from these regulations has been requested.

3. Lots that are considered staff level plats or replats and have existing structures (primary or accessory) which are located within the minimum building setback lines (MSBL) and/or public utility drainage easement (PUDE) may be approved, so long as the division of land is not creating or worsening the encroachment by the platting of said lot(s).
  - A. The following note must be added to the final plat when a structure is existing in the MSBL or PUDE: "An existing structure is located within the minimum building setback line or public utility drainage easement for Lot (#). The existing structure cannot be enlarged or altered in such a way that would increase encroachment into the setback or easement area. If the structure is removed or destroyed, any new structure must comply with all current setback and easement requirements."
4. A Staff Level Final Plat / Replat approval shall expire one (1) year from the date of staff notification of revisions needed or approval.

### **3.2.4 REQUIREMENTS FOR ALL TYPES OF SUBDIVISIONS**

1. All proposed subdivision of land shall conform to the applicable portion of the Comprehensive Plan, Growth Plan, Land Use Plan, Major Road (Street) Plan or any other plan adopted by the Regional Planning Commission or any local governing body.
2. Whenever regulations contained in this document are different from regulations contained in other City Ordinances and County Resolutions, the most restrictive regulations shall prevail.
3. The Regional Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.
4. The roads, streets, and alleys contained within an approved~~A~~ Planned Unit Development (PUD) development or Mixed Used Planned Unit Development (MXU-PUD) shall defer to the road typologies approved in the original PUD / MXU-PUD approval, including the large-scale construction of housing units together with necessary drives and ways of access, may be approved by the Regional Planning Commission although the design of the project ~~does not may not~~ include standard ~~street, lot, and subdivision~~ arrangements ~~if the departure from the foregoing standards can be made without destroying their intent as deemed acceptable by the local authority having jurisdiction over roadway construction.~~

### **3.2.5 PERMANENT ACCESS EASEMENTS IN CITY**

1. After November 1, 1987, subdivisions within the corporate limits of the City of Clarksville may be developed along permanent easements as allowed in T.C.A. Section 13-4-308. In any subdivision utilizing such easement access, the permanent easement shall conform to all other rules, regulations, and specifications for streets, drainage, and utilities as

required within the Subdivision Regulations for Clarksville and Montgomery County and City Street Specifications and Storm Water Regulations.

2. The City Street Department may review and approve the road and drainage plans for permanent easements. The City Street Department will have the authority to conduct inspections of any sidewalk and/or roadway easement construction, and it shall be the licensed engineer's responsibility to ensure that all roadways are constructed to City Street Specifications. The City Street Department will have the authority to inspect all drainage facilities and may require any information needed to ensure that the drainage facilities have been installed correctly. Before any permanent easement will be accepted by the Regional Planning Commission for approval, the licensed engineer must certify in writing that the improvements were constructed according to the approved plan and to Subdivision Regulations, City Street Specifications, and City Storm Water Regulations at the time of construction, (see sample certifications in Chapter 8). This certification must include the licensed engineer's signature, engineer's seal, and date signed.
3. A twenty (20) foot minimum building setback line shall be required along the above mentioned permanent easements. A drainage and/or utility easement may also be required along the permanent easement. Normal side and rear yard setbacks are applicable for lots fronting along permanent easements.
4. The following shall be noted on the final plat:
  - A. The City of Clarksville shall not be responsible for the inspection and/or maintenance of the storm sewer structures, the permanent easement, and/or pedestrian ways and their improvements. Storm Water maintenance shall be in accordance with the City of Clarksville Storm Water Management Manual.
  - B. An Association shall be created and recorded with the final plat at the Montgomery County Register of Deeds office and the following note shall be added to the final recorded plat:

"The Association will be responsible for the maintenance of the storm sewer structures, the permanent easement and/or pedestrian ways and their improvements."

### **3.2.6 TRAVEL EASEMENTS IN CITY**

Office, Civic/Institutional, Commercial, Industrial, or multi-family zoned lots may be created without frontage on a public street right-of-way provided the following conditions exist:

1. The travel easement is shown on the final plat, recorded in the office of the Montgomery County Register of Deeds, concurrently with the platting of lots being served by said travel easement, [an Association shall be formed and](#) -the following note shall be added to the final recorded plat:

"The Association will be responsible for the maintenance of the storm sewer structures, the travel easement, pedestrian ways and/or the development directory sign and their improvements."

2. In approving office, civic/institutional, commercial, industrial, or multi-family zoned travel easements, the planning staff shall consider such factors as circulation (vehicular and pedestrian), access, ingress and egress, parking, as well as maintenance of said travel easement and other subdivision and zoning requirements of any lots(s) affected by said travel easement. ~~- Travel easements are for the use of creating road frontage to the public right-of-way. Travel easements shall be used in developments to avoid creating flag lots and not for the use of road frontage to the public right-of-way/permanent easement.~~ The Planning Director shall have the authority to determine if such travel easement may be utilized within a development.
3. The City Street Department may review and approve the road and drainage plans for travel easements. The City Street Department will have the authority to conduct inspections of any sidewalk and/or roadway easement construction, and it shall be the licensed engineer's responsibility to ensure that all roadways are constructed to the Subdivision Regulations, the City Street Specifications and City Storm Water Ordinance. The City Street Department will have the authority to inspect all drainage facilities and may require any information needed to ensure that the drainage facilities have been installed correctly.
4. The parcels involved in the travel easement agreement shall be served internally by a common parking lot, no parking shall be allowed in said travel easement.
5. The following shall be noted on the final plat:

"The City of Clarksville shall not be responsible for the inspection and/or maintenance of the storm sewer structures, the travel easement, and/or pedestrian ways and their improvements. Storm Water maintenance shall be in accordance with the City of Clarksville Storm Water Management Manual."

6. All travel easements shall be connected to a public right-of-way ~~or permanent easement.~~
7. Exhibit A must be submitted prior to a Certificate of Occupancy being released for any lot, tract or parcel of land. (See sample certifications in Chapter 8). This certification must include the licensed engineer's signature, engineer's seal, and date signed.
8. Travel easements shall have a minimum pavement width of 24 feet.
9. Curb and gutter may ~~not~~ be required.
10. A developmental directory sign easement shall be shown on the final recorded travel easement plat.

### **3.2.7 PERMANENT ACCESS EASEMENTS IN UNINCORPORATED AREA**

1. After August 15, 1994, subdivisions in Montgomery County, outside of the corporate limits of the City of Clarksville may be developed along permanent easements as allowed in TCA §13-3-411. In any subdivision utilizing such easement access, the permanent easement shall conform to all other rules, regulations, and specifications for streets, drainage, and utilities as required within the Subdivision Regulations for Clarksville and Montgomery County, Montgomery County Storm Water Regulations and Montgomery County Road Specifications.

2. The County Highway Department and the Montgomery County Building and Codes Office shall review and approve the road and drainage plans for permanent easements. The County Highway Department will not conduct inspections of any sidewalk and/or roadway easement construction, and it shall be the licensed engineer's responsibility to ensure that all roadways are constructed to County Road Specifications. The Montgomery County Building and Codes Office will have the authority to inspect all drainage facilities and may require any information needed to ensure that the drainage facilities have been installed correctly. Before any permanent easement will be accepted by the Regional Planning Commission for approval, the licensed engineer must certify in writing that the improvements were constructed according to the approved plan and to Subdivision Regulations, County Road Specifications, and Montgomery County Storm Water Regulations at the time of construction, (see sample certifications in Chapter 8). This certification must include the licensed engineer's signature, engineer's seal, and date signed.
3. A 20 foot minimum building setback line shall be required along the above mentioned permanent easements. A drainage and/or utility easement may also be required along the permanent easement. Normal side and rear yard setbacks are applicable for lots fronting along permanent easements.
4. The following notes shall appear on the final plat:

“The County Highway Department shall not be responsible for the inspection and/or maintenance of the permanent easement, the storm sewer structures within the permanent easement and/or pedestrian ways and their improvements.”

“The Montgomery County Building and Codes Department shall not be responsible for the inspection and/or maintenance of the storm sewer structures outside of the permanent easement and their improvements. Storm Water maintenance shall be in accordance with the Montgomery County Storm Water Management Regulations. “

5. An Association shall be created and recorded with the final plat at the Montgomery County Register of Deeds office and the following note shall be added to the final recorded plat:

“The Association will be responsible for the maintenance of the storm sewer structures, the permanent easement and/or pedestrian ways and their improvements.”

### **3.2.8 TRAVEL EASEMENTS IN UNINCORPORATED AREA**

Office, Civic/Institutional, Commercial, or Industrial zoned lots may be created without frontage on a public street right-of-way provided the following conditions exist:

1. The travel easement is shown on the final plat, recorded in the office of the Montgomery County Register of Deeds, concurrently with the platting of lots being served by said travel easement, an Association shall be formed and the following note shall be added to the final recorded plat:

“The Association will be responsible for the maintenance of the storm sewer structures, the travel easement, pedestrian ways and/or the development directory sign and their improvements.”

2. In approving office, civic/institutional, commercial, or industrial zoned travel easements, the RPC staff shall consider such factors as circulation (vehicular and pedestrian), access, ingress and egress, parking, as well as maintenance of said travel easement and other subdivision and zoning requirements of any lots(s) affected by said travel easement. Travel easements are for the use of creating road frontage to the public right-of-way. The Planning Director shall have the authority to determine if such travel easement may be utilized within a development.
3. The County Highway Supervisor and Montgomery County Building and Codes Department may review and approve the road and drainage plans for travel easements. The County Building and Codes Department with assistance from the County Highway Supervisor will have the authority to conduct inspections of any sidewalk and/or roadway easement construction, and it shall be a licensed engineer’s responsibility to ensure that all roadways are constructed to the Subdivision Regulations, the County Highway Supervisor pavement specifications, and Montgomery County drainage requirements. The Montgomery County Building and Codes Department will have the authority to inspect all drainage facilities and may require any information needed to ensure that the drainage facilities have been installed correctly.
4. The parcels involved in the travel easement agreement shall be served internally by a common parking lot(s), no parking shall be allowed in said travel easement.
5. The following shall be noted on the final plat:

“Montgomery County shall not be responsible for the inspection and/or maintenance of the storm sewer structures, the travel easement, and/or pedestrian ways and their improvements. Storm Water maintenance shall be in accordance with the Montgomery County Stormwater Management Manual.”

6. All travel easements shall be connected to a public right-of-way.
7. Exhibit A must be submitted prior to a Certificate of Occupancy being released for any lot, tract, or parcel of land. (See sample certifications in Chapter 8). This certification must include the licensed engineer’s signature, engineer's seal, and date signed.
8. Travel easements shall have a minimum pavement width of 24 feet.
9. Curb and gutter may be required.

### **3.2.98 Residential Common Access Easement (3- 10 Lots) in the City Limits**

The following standards shall apply to residential common access easements in the city limits:

- A. A residential common access easement is a permanent, private, dedicated easement that may be created for a minimum of three (3) and a maximum of ten (10) single family residential lots. The residential common access easement shall have direct access to a public street. The residential common access drive shall connect to the public street and maintain the same level of improvements as the street it connects to (curb, gutter, and/or sidewalk). Improvements may be required when connecting to a street with a current funded road project.
- B. The residential common access easement shall not exceed five hundred (500) feet in length.
- C. The minimum specifications for a residential common access easement in the city limits shall be:
  - A. Easement width: 40 feet
  - B. Pavement Specifications:
    - a. Pavement: 6 inches of rock base, 2 inches of binder, 1 inch of top coat
    - b. Concrete: 5 inches of rock base, wire mesh, 5 inches of concrete
  - C. Pavement Width:
    - a. Two Way Traffic: 20 feet and curb and gutters may be required to accommodate drainage. A rolled curb may count as up to two (2) feet of required pavement width.
    - b. One-Way Traffic: One-way traffic minimum pavement width shall be sixteen (16) feet.
  - D. Vertical Grade: 1 percent minimum and 12 percent maximum. However, when specific topographical or other conditions justify, the RPC, upon consulting with the City Street Department, may consider a maximum allowable grade up to 15 percent.
  - E. Horizontal Curve: Private Easement: 15 MPH on a 50 foot radius
  - F. Vertical Curve: Private Easement: 15 MPH
  - G. Grade at road connection: 5 percent for 50 feet
  - H. Turnaround: Private Easement: 40 feet radius - Alternatively, upon written approval of Clarksville Fire Rescue Department, a permanent hammerhead turnaround may be installed. If utilizing a permanent hammerhead turnaround, dimensions shall be no less that twenty (20) feet by one hundred and twenty (120) feet with a radius of twenty-eight (28) feet or greater.
4. Building Setbacks: If the residential common access easement lies in its own right of way a 20 foot minimum building setback line is required. If the easement lies across properties the building setback line the setback shall be no closer than 40 feet from the centerline of pavement of the easement. Normal front yard setbacks are applicable for corner lots fronting along a public street or other private easement (public dedicated, travel, or residential common access). A residential common access easement shall not create any

additional building setback lines on adjacent lots, tracts, and parcels where access is not being provided to the lot by the easement.

5. All lots shall obtain access directly from the residential common access easement.
6. Adequate fire protection, including fire hydrants, shall be installed in accordance with these Regulations and all other applicable City of Clarksville codes and regulations.
7. A residential common access easement shall function as a PUDE. A note shall be placed on the final plat indicating such use. A drainage and/or utility easement may also be required along the residential common access easement at the discretion of the Street Department, or utility providers.
8. The residential common access easement shall be shown on the final plat. A cross-section of the residential common access easement shall be provided at the time the final plat is submitted to the Regional Planning Commission for review.
9. If necessary, as determined by the Addressing Manager, the residential common access easement shall be named and addressed in accordance with the Clarksville-Montgomery County Addressing Manual as required by the Regional Planning Commission.
10. A note shall be placed on the final plat indicating that the residential common access easement is not a public street and will not be maintained by the City of Clarksville.

The following shall be noted on the final plat:

“The City of Clarksville shall not be responsible for the inspection and/or maintenance of the storm sewer structures, the permanent easement, and/or pedestrian ways and their improvements. Storm Water maintenance shall be in accordance with the City of Clarksville Storm Water Management Manual.”

11. All property owners granting the residential common access easement shall either form a homeowners association or record a private road maintenance agreement to ensure the perpetual maintenance of the residential common access easement and drive. Proof of an Association or acceptable private road maintenance agreement shall be recorded with the Montgomery County Register of Deeds office and the following note shall be added to the final recorded plat prior to final signature:

“The Association or responsible parties will be liable for the maintenance of the storm sewer structures, the permanent easement and/or pedestrian ways and their improvements.”

12. Residential Common Access Easements shall be constructed prior to final plat approval or bonded with the RPC (per the requirements in Chapter 7).

The following note shall be placed on the final plat:

- A. If the improvements are constructed prior to final signature:

This is to certify that I am a duly qualified engineer licensed to practice in the State of Tennessee, License # \_\_\_\_\_.

It is to further certify that the roads (optional: "and sidewalks") in this proposed development have been installed on \_\_\_(date or date range)\_\_\_ in accordance with the specification depicted on the approved plans.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date & Seal

B. If the improvements are bonded prior to final signature:

This is to certify that I am a duly qualified engineer licensed to practice in the State of Tennessee, License # \_\_\_\_\_.

It is to further certify that the roads (optional: "and sidewalks") in this proposed development are bonded and shall be installed in accordance with the specifications depicted on the approved plans.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date & Seal

13. Signage: The easement shall be posted 15 MPH. If the easement is named it shall have a road name blade acceptable to the City of Clarksville Street Department depicting it as a private road. Additional signage at the entrance to the easement alerting the users and owners that the easement is not maintained by the City of Clarksville will also be required at the City Street Department discretion.

**3.2.910 Residential Common Access Easement (10 Lot or Less) in the Unincorporated Area**

The following standards shall apply to residential common access easements in the unincorporated area:

1. A residential common access easement is a permanent, private, dedicated easement that may be created for a minimum of three (3) and a maximum of ten (10) single family residential lots. The residential common access easement shall have direct access to a public street. The residential common access drive shall connect to the public street. The residential common access drive shall connect to the public street and maintain the same level of improvements as the street it connects to (curb, gutter, and/or sidewalk).



2. The residential common access easement shall not exceed seven hundred and fifty (750) feet in length.
3. The minimum specifications for a residential common access easement in the unincorporated area shall be:
  - A. Easement width: 40 feet
  - B. Pavement Specifications:
    - a. Pavement: 6 inches of rock base, 2 inches of binder, 1 inch of top coat
    - b. Concrete: 5 inches of rock base, wire mesh, 5 inches of concrete
  - C. Pavement Width:
    - a. Two Way Traffic: 20 feet and curb and gutters may be required to accommodate drainage. A rolled curb may count as up to two (2) feet of required pavement width.
    - b. One-Way Traffic: One-way traffic minimum pavement width shall be sixteen (16) feet.
  - D. Vertical Grade: 1 percent minimum and 12 percent maximum. However, when specific topographical or other conditions justify, the RPC, upon consulting with the County Highway Supervisor, may consider a maximum allowable grade up to 15 percent.
  - E. Horizontal Curve: Private Easement: 15 MPH on a 50 foot radius
  - F. Vertical Curve: Private Easement: 15 MPH
  - G. Grade at road connection: 5 percent for 50 feet
  - H. Turnaround: 36 feet radius - Alternatively, upon written approval of Montgomery County Emergency Management a permanent hammerhead turnaround may be installed. If utilizing a permanent hammerhead turnaround, dimensions shall be no less that twenty (20) feet by one hundred and twenty (120) feet with a radius of twenty-eight (28) feet or greater.
4. Building Setbacks: If the residential common access easement lies in its own right of way a 20 feet minimum building setback line is required. If the easement lies across properties the setback line shall be no closer than 40 feet from the centerline of pavement of the easement. Normal front yard setbacks are applicable for corner lots fronting along a public street or other private easement (public dedicated, travel, or residential common access). A residential common access easement shall not create any additional building setback lines on adjacent lots, tracts, and parcels where access is not being provided to the lot by the easement.
5. All lots shall obtain access directly from the residential common access easement.
6. Adequate fire protection, including fire hydrants, shall be installed in accordance with the Subdivision Regulations and all other applicable Montgomery County codes and regulations.
7. A residential common access easement shall function as a public utility and drainage easement. A note shall be placed on the final plat indicating such use. A drainage and/or utility easement may also be required along the residential common access easement at the discretion of the County Highway Supervisor, County Stormwater Manager, or utility providers.

8. The residential common access easement shall be shown on the final plat. A cross-section of the residential common access easement shall be provided at the time the final plat is submitted to the Regional Planning Commission for review.
9. If necessary, as determined by the Addressing Manager, the residential common access easement shall be named and addressed in accordance with the Clarksville-Montgomery County Addressing Manual as required by the Regional Planning Commission.
10. A note shall be placed on the final plat indicating that the residential common access easement is not a public street and will not be maintained by Montgomery County.

The following notes shall appear on the final plat:

“The County Highway Department shall not be responsible for the inspection and/or maintenance of the permanent easement, the storm sewer structures within the permanent easement and/or pedestrian ways and their improvements.”

“The Montgomery County Building and Codes Department shall not be responsible for the inspection and/or maintenance of the storm sewer structures outside of the permanent easement and their improvements. Storm Water maintenance shall be in accordance with the Montgomery County Storm Water Management Regulations.”

11. All property owners granting the residential common access easement shall either form a homeowners association or record a private road maintenance agreement to ensure the perpetual maintenance of the residential common access easement and drive. Proof of an Association or acceptable private road maintenance agreement shall be recorded with the Montgomery County Register of Deeds office and the following note shall be added to the final recorded plat prior to final signature:

“The Association or responsible parties will be liable for the maintenance of the storm sewer structures, the permanent easement and/or pedestrian ways and their improvements.”

12. Residential Common Access Easements shall be constructed prior to final plat approval or bonded with the RPC (per the requirements in Chapter 7).

The following note shall be placed on the final plat:

- A. If the improvements are constructed prior to final signature:

This is to certify that I am a duly qualified engineer licensed to practice in the State of Tennessee, License # \_\_\_\_\_.

It is to further certify that the roads (optional: “and sidewalks”) in this proposed development have been installed on \_\_\_(date or date range)\_\_\_ in accordance with the specification depicted on the approved plans.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date & Seal

B. If the improvements are bonded prior to final signature:

This is to certify that I am a duly qualified engineer licensed to practice in the State of Tennessee, License # \_\_\_\_\_.

It is to further certify that the roads (optional: “and sidewalks”) in this proposed development are bonded and shall be installed in accordance with the specifications depicted on the approved plans.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date & Seal

13. Signage: The easement shall be posted 15 MPH. If the easement is named it shall have a road name blade acceptable to the County Highway Supervisor depicting it as a private road. Additional signage at the entrance to the easement alerting the users and owners that the easement is not maintained by the County Highway Department will also be required at the Highway Supervisors discretion.

### **3.2.11 PRIVATE ALLEYS AND FRONTAGE ROADS**

The following standards shall apply to private alleys and frontage roads in the city limits and unincorporated area:

1. A private alley or frontage road is a permanent, private easement that may be created in order to gain rear or side access (or front access in the case of a frontage road) to lots that has frontage on another public or private right of way as a means for alternative access.
  - A. Private alleys provide for access to lots via the side or rear and the lot fronts a public right of way.
  - B. Frontage roads provide access along the front or side of a lot where the frontage road lies between the building area and the public right of way.
2. Minimum Specifications: Alleys are intended for personal vehicle use primarily with the occasional delivery or moving truck using it for access. Alleys or any frontage roads used

for daily deliveries, garbage pick-up, and other truck traffic will require the use of the Residential Common Access Easement pavement specifications (Section 3.2.8 or 3.2.9).

- A. Easement Width: 20 feet
  - B. Maximum Length: 300 feet with one (1) access point up to 600 feet if there are two (2) access points, one (1) at each end OR 300 feet to each side maximum if the access point is in the middle.
  - C. Pavement Specification:
  - D. No or limited truck traffic:
    - a. Asphalt: 6 inches of rock base, 2 inches of top coat
    - b. Concrete: 5 inches of rock base, wire mesh or use fiber reinforced concrete, 4 inches of concrete
  - E. Deliveries and regular truck traffic:
    - a. Pavement: 6 inches of rock base, 2 inches of binder, 1 inch of top coat
    - b. Concrete: 5 inches of rock base, wire mesh or use fiber reinforced concrete, 5 inches of concrete
  - F. Pavement Width: 18 feet wide; curb and gutters may be required to accommodate drainage. A rolled curb may count as up to one (1) foot of required pavement width per side. The connector "throat road" from the public right of way may be required to have up to 24 feet wide of pavement when serving more than 10 total lots.
  - G. Vertical Grade 1 percent minimum and 12 percent maximum. However, when specific topographical or other conditions justify, the RPC, upon consulting with the Clarksville Street Department or County Highway Supervisor (depending on location), may consider a maximum allowable grade up to 15 percent.
  - H. Horizontal Curve: Alley or Frontage Road: 15 MPH on a 35 foot radius
  - I. Vertical Curve: 15 MPH
  - J. Grade at road connection: 5 percent for 50 feet
  - K. Turnaround: If the alley exceeds Maximum Length as outlined in 3.2.10 2.A., an appropriate turnaround (cul de sac or hammerhead) is required per city or county specifications for short cul de sac roads (Chapter4).
3. Building Setbacks: If the alley or frontage road easement lies in its own right of way a 10 foot minimum building setback line is required. If the alley or frontage road easement lies across properties the primary building setback line shall be no closer than 15 feet from the edge of pavement of the easement. Normal front yard setbacks are applicable for corner lots fronting along a public street or other private easement (public dedicated, travel, or residential common access). A private alley or frontage road easement shall not create any additional building setback lines on adjacent lots, tracts, and parcels where access is not being provided by the easement.
4. Private alleys and frontage roads shall function as a public utility and drainage easement. A note shall be placed on the final plat indicating such use. An additional drainage and/or utility easement may also be required along the residential common access easement.
5. Private alleys and frontage roads shall be shown on the final plat. A cross-section of the alley or frontage road shall be provided at the time the final plat is submitted to the Regional Planning Commission for review.

6. Adequate fire protection, including fire hydrants, shall be installed in accordance with the Subdivision Regulations and all other applicable laws of general application.
7. If necessary to deliver emergency services, as determined by the Addressing Manager, the alley or frontage road shall be named and addressed in accordance with the Clarksville-Montgomery County Addressing Manual as required by the Regional Planning Commission.
8. A note shall be placed on the final plat indicating that the easement is not a public street and will not be maintained by the City of Clarksville or Montgomery County.
9. The following notes shall appear on the final plat:

City of Clarksville:

“The City of Clarksville shall not be responsible for the inspection and/or maintenance of the storm sewer structures, the permanent easement, and/or pedestrian ways and their improvements. Storm Water maintenance shall be in accordance with the City of Clarksville Storm Water Management Manual.”

Montgomery County Unincorporated Area:

“The County Highway Department shall not be responsible for the inspection and/or maintenance of the permanent easement, the storm sewer structures within the permanent easement and/or pedestrian ways and their improvements.”

“The Montgomery County Building and Codes Department shall not be responsible for the inspection and/or maintenance of the storm sewer structures outside of the permanent easement and their improvements. Storm Water maintenance shall be in accordance with the Montgomery County Storm Water Management Regulations. “

10. All property owners granting a private alley or frontage road shall either form a homeowners association or record a private road maintenance agreement to ensure the perpetual maintenance of the residential common access easement and drive. Proof of an Association or acceptable private road maintenance agreement shall be recorded with the Montgomery County Register of Deeds office and the following note shall be added to the final recorded plat prior to final signature:

“The Association or responsible parties will be liable for the maintenance of the storm sewer structures, the permanent easement and/or pedestrian ways and their improvements.”

11. Private Alleys or Frontage Roads shall be constructed prior to final plat approval or bonded with the RPC (per the requirements in Chapter 7).

The following note shall be placed on the final plat:

A. If the improvements are constructed prior to final signature:

This is to certify that I am a duly qualified engineer licensed to practice in the State of Tennessee, License # \_\_\_\_\_.

It is to further certify that the roads (optional: "and sidewalks") in this proposed development have been installed on \_\_\_(date or date range)\_\_\_ in accordance with the specification depicted on the approved plans.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date & Seal

B. If the improvements are bonded prior to final signature:

This is to certify that I am a duly qualified engineer licensed to practice in the State of Tennessee, License # \_\_\_\_\_.

It is to further certify that the roads (optional: "and sidewalks") in this proposed development are bonded and shall be installed in accordance with the specifications depicted on the approved plans.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date & Seal

- 12. Signage: The easement shall be posted 15 MPH. If the alley or frontage road is named it shall have a road name blade acceptable to the County Highway Department depicting it as a private road. Additional signage at the entrance to the easement alerting the users and owners that the easement is not maintained by the County Highway Department will also be required.

**3.2.12 SHARED DRIVEWAYS**

The following standards shall apply to shared driveway easements:

- 1. A shared driveway easement is a permanent, private, dedicated easement that may be created for a maximum of two (2) or three (3) residential single family lots. The shared driveway easement shall have direct access and connect to a public street. Shared

driveways may be required on arterial or collector streets if sight distance or the City Street Department or County Highway Department limits the location of new driveways.

2. A shared driveway easement width shall be a minimum of 20 feet.
3. The shared driveway shall satisfy all specifications set forth in these Regulations and all other applicable Montgomery County and Regional Planning Commission codes, regulations, policies, and procedures.
4. Each lot that utilizes a shared driveway must meet individual minimum frontage requirements.
5. Multiple shared driveways cannot be combined to accommodate greater than three total lots.
6. A shared driveway easement shall function as a public utility drainage easement as required. A note shall be placed on the final plat indicating such use.
7. For subdivisions requiring platting, the shared driveway easement shall be shown on the final plat with dimensions. A note shall be placed on the plat indicating that the shared driveway easement is not a public street and will not be maintained by the City of Clarksville or Montgomery County.

## **CHAPTER 4: DESIGN STANDARDS**

### **4.1 STREETS AND DEDICATED PERMANENT ACCESS EASEMENTS**

Refer to the City of Clarksville Street Department and Montgomery County Highway Department for road construction standards not addressed below.

#### ***4.1.1 STREET AND DEDICATED PERMANENT EASEMENT, PAVEMENT AND RIGHT-OF-WAY WIDTH***

1. Table 4.1 shall be used to determine required right-of-way and pavement widths for all roads, streets, and permanent easements.
  - A. Office, Civic/Institution, Commercial, and Industrial zoned subdivisions shall have a minimum of fifty (50) feet right-of-way and a minimum of twenty-eight (28) feet of pavement width; greater right-of-way width and pavement width may be required by the Regional Planning Commission, the City Street, Department or County Highway Department based on the magnitude of traffic volume.
  - B. Where high volume street parking is expected, the Director of Streets, County Highway Supervisor, or Director of Regional Planning Commission may require a pavement width greater than that prescribed in the preceding specifications. This is particularly true where single-family attached dwelling units exceed ten (10) dwelling units per gross acre, mixed-use developments, and where non-residential developments occur.
  - C. Further, existing and proposed roadways with a Federal Functional Class designation, Major Road (Or Thoroughfare) Plan designation or City of Clarksville Access Road Classification (Ordinance 107-2005-2006 as amended) as “arterials” and “collectors” may require additional right-of-way and pavement width as determined by the State of Tennessee, City Street Department, County Highway Department or Regional Planning Commission.
  - D. Licensed engineers shall propose the classification of all streets, roads, and permanent easements within the development at the time of preliminary plat submittal. Proposed classifications will be reviewed by the Regional Planning Commission staff, who will have final determination of such classifications.
2. Subdivisions along existing streets, roads or permanent easements of inadequate right-of-way may be required to dedicate additional right-of-way or easement to meet the width specified in these regulations.
  - A. The entire right-of-way or permanent easement may be required to be provided where any part of the subdivision is on both sides of an existing street, road or permanent easement.
  - B. When the subdivision is located on only one side of an existing street, road or permanent easement, a minimum of one-half (1/2) of the required right-of-way, measured from the centerline of the existing roadway, may be required to be provided.



3. Subdivisions along existing streets, roads or permanent easements of inadequate pavement width may be required to provide additional pavement width to meet the width specified in these regulations.
  - A. The entire pavement width shall be provided where any part of the subdivision is on both sides of an existing street, road or permanent easement.
  - B. When the subdivision is located on only one side of an existing street, road or permanent easement, a minimum of one-half (1/2) of the required pavement width, measured from the centerline of the existing roadway, shall be provided to the extent traffic from the proposed development will utilize the roadway. If subdivision lots have direct access to the abutting existing street, the additional pavement width shall be provided for the length of the existing street abutting the subdivision. Where the existing street serves traffic entering a subdivision which has no direct access from individual lots to the existing street, the entire pavement width shall be provided for that portion of the existing street used by traffic entering the subdivision.
4. In accordance with TCA §13-3-402, 403 and 406, right-of-way shall be dedicated or reserved for any new street or road in accordance with the adopted Major Road Plan (or Major Thoroughfare Plan). In the case of a proposed street or road to be maintained by the State of Tennessee, the reservation of right-of-way is sufficient unless the proposed subdivision will use the roadway as a major entrance to the subdivision.
5. When the proposed subdivision abuts an existing Federal, State, City or County roadway, the front yards setbacks set forth in the City Zoning Ordinance and County Zoning Resolution shall be observed.
6. If right-of-way (ROW) is dedicated through the Subdivision process that would increase the setbacks (MBSL) of adjacent lots, tracts, and parcels, the front and side street MBSL of those existing properties shall remain the same as they were prior to the ROW dedication for the purpose of site plan or building permit. Any subdivision of the existing adjacent lots, tracts, and parcels shall require full compliance with Chapter 4 District Bulk Regulations and Exceptions as outlined in the Clarksville Zoning Ordinance or Montgomery County Zoning Resolution.

**TABLE 4.1  
CITY AND COUNTY ROAD RIGHT-OF-WAY REQUIREMENTS  
TWO-WAY WITH CURB AND GUTTER**

	Residential							Non-Residential
	Alley	Short Cul-de-sac (f)	Cul-de-sac		Minor Local	Major Local	Sub-Collector	Sub-Collector
Number of Lots(a)	N/A	10 or less	25 or less	26 to 75	75 or less	76 to 160	Over 160	N/A
Length Not to Exceed	500 feet	500 Feet (City) 750 Feet (County)	750 Feet	750 Feet (c)	1500 Feet	1500 Feet	1500 Feet	1500 Feet Cul-de-sac & block length
Right-Of-Way Width	20 feet	40 Feet	40 Feet	40 Feet (c)	40 Feet	50 Feet	50 Feet or greater (d)	50-60 Feet (e)
Pavement Width (b)	18 feet	20 Feet (f) (g)	24 Feet (g)	28 Feet (g)	24 Feet (g)	28 Feet	28 Feet or greater (d)	28-36 Feet (e)
Cul-de-sac Right-of Way (radius)		45 Feet (City) 40 Feet (County)	50 Feet	50 Feet				
Cul-de-sac Pavement Width (radius)		40 Feet (City) (g) 36 feet (County) (g)	45 Feet (g)	45 Feet (g)				

Notes: (a) All road right-of-way and pavement widths shall be determined by the number of lots the street will serve, whether immediate or potentially through future extensions of any roads, or developments of adjacent properties which would potentially utilize the streets.  
 (b) Edge of pavement to edge of pavement.  
 (c) Cul-de-sacs of more than 1000 feet in length shall have an intermediate turnaround at or near the midway point of the roadway.

*(d) The City Street Department or County Highway Department may require additional right-of-way width and pavement width to accommodate left-turn lanes or divided roadway entrances to residential subdivisions of more than 160 lots.*

*(e) The City Street Department or County Highway Department may require the greater right-of-way and pavement width to accommodate left-turn lanes at crossroads and left-turns into frequent driveways.*

*(f) Roadway improvements on short cul-de-sac (curb, gutter, sidewalk) shall match the road section being accessed with the exception of pavement width.*

*(g) Rolled curb may count as up to 2 feet of pavement width.*

#### **4.1.2 STREET AND DEDICATED PERMANENT ACCESS EASEMENT ALIGNMENT**

1. Connectivity – in order to provide for a road system that allows for the disbursement of trips and adequate emergency response, all public rights of way must provide for the following:
  - A. Each subdivision shall continue all public streets and road stubbed to the boundary of the development plan by previously approved (built and unbuilt) active subdivisions.
  - B. A stubout for future continuation of the public street and road network shall be provided from the subdivision to all adjacent vacant land zoned for residential or commercial use including Agricultural zoning as determined by the RPC staff.
  - C. Traffic calming measures may be required by the City Street Department or County Highway Supervisor to be integrated into the subdivision in order to mitigate the impact of potential “cut-through” traffic.
2. The arrangement of major streets, roads or permanent easements in the subdivision shall conform as closely as possible with the Major Road (Thoroughfare) Plan.
  - A. When a tract of land to be subdivided includes any part of a proposed road or street on the Major Road (Thoroughfare) Plan or other adopted city or county transportation plans, such street right-of-way shall be platted by the subdivider in the location so designated and at the width specified in the regulations, or by the Clarksville-Montgomery County Regional Planning Commission, the Clarksville Street Department, the County Highway Department, or the Tennessee Department of Transportation, as applicable.
  - B. The right-of-way width, pavement width and typical cross-section for arterials and collectors of the Major Road Plan shall be determined by the Clarksville-Montgomery County Regional Planning Commission, the City Street Department, the County Highway Department and/or the Tennessee Department of Transportation, as applicable.
3. The arrangement of streets, roads or permanent easements shall be such as will not cause hardship to owners of adjoining property in providing convenient access.
4. Collector streets, roads or permanent easements may be required where necessary to facilitate traffic flow in the subdivision.
5. On subcollector streets or roads, tangents of not less than one hundred (100) feet shall be provided between all reverse curves Greater tangents between reverse curves shall be

required for collector and arterial street, as specified, by the City Street Department, the County Highway Department or the Tennessee Department of Transportation.

6. "Broken Back" or "Flat Back" arrangements of curves (having a short tangent between two curves in the same direction) shall be avoided.
7. Whenever a subdivision abuts or contains an existing or proposed collector or arterial street, the Regional Planning Commission may require service streets, roads or permanent easements, reverse frontage lots, and/or deep lots to provide for adequate protection for properties and to separate collector and arterial traffic from local traffic.
8. All driveway access locations, located within the City limits of Clarksville, Tennessee, shall comply with the City of Clarksville Access Ordinance.
9. Where the plat to be submitted includes only part of the tract owned or, roads or permanent easement intended for development by the subdivider, a tentative plan or a proposed future street system for the unsubdivided portion may be required of the subdivider.
10. Multiple outlets (entrance roads) from a residential subdivision to the arterial and collector street systems are encouraged to facilitate connectivity and continuity of the street system and to disperse traffic at outlet intersections while maintaining access control standards adopted for the arterial and collector street systems.
  - A. When the number of lots in a residential subdivision exceeds seventy-five (75) lots, more than one (1) outlet to the arterial and collector street systems is encouraged.
  - B. When the number of lots in a residential subdivision exceeds one-hundred and sixty (160) lots, there shall be either a minimum of two (2) outlets to the surrounding arterial and collector street systems or the single outlet shall be a minimum of thirty-six (36) feet of pavement with two exit lanes and one entrance lane in a minimum of sixty (60) feet of right-of-way to the first intersecting street in the development or 150 feet whichever is greater.
  - C. When a development exceeds two-hundred fifty (250) lots, there shall be two (2) outlets to the arterial and collector systems, and thereafter an additional outlet for each additional two-hundred fifty (250) lots.
  - D. The use of existing stub roads to existing adjacent development may be utilized and counted as an outlet so long as the existing development does not exceed the thresholds in this section.

#### **4.1.3 STREET AND DEDICATED PERMANENT ACCESS EASEMENT GRADES**

1. Street, road or permanent easement grades shall comply with good engineering practice and shall not exceed ten (10) percent or be less than 0.5 percent. Grades of major and collector streets shall not exceed five (5) percent wherever possible.
2. Grades approaching intersections or cul-de-sacs shall not exceed five (5) percent for a distance of not less than seventy-five (75) feet from the centerline of said intersection, or from the center point of dead-end cul-de-sacs.
3. Minimum grades on a cul-de-sac shall be one (1) percent centerline grade.
4. All street improvements shall be raised at least two (2) feet above the one (1) percent flood elevation as established by the U.S. Army Corps of Engineers or the Federal

Emergency Management Agency or the City or County Stormwater Management agency, unless otherwise allowed within the City of Clarksville Stormwater Management Manual or the Montgomery County Stormwater Management Resolution.

#### **4.1.4 HORIZONTAL CURVES FOR STREETS AND DEDICATED PERMANENT ACCESS EASEMENTS**

On sub-collector streets, the horizontal curves should meet a thirty-five (35) mph design speed as defined in the current edition of the AASHTO book, "A Policy on Geometric Design of Highways and Streets" [i.e., four-hundred and seventy (470) feet radius on the centerline]. On other local streets (i.e., lanes and courts), roads or permanent easements a design speed of twenty (20) mph for all horizontal curves should be maintained, not less than one-hundred (100) feet radius on the centerline. For collector and arterial streets, horizontal curves for design speeds greater than the thirty-five (35) mph design speed, may be required by the City Street Department, the County Highway Department or the Tennessee Department of Transportation.

#### **4.1.5 SUPER ELEVATIONS FOR STREETS AND DEDICATED PERMANENT EASEMENTS**

The use of Super Elevation is discouraged on local streets (*i.e., sub-collectors, locals and cul-de-sacs*), roads or permanent easements within residential developments. When Super Elevation is allowed it shall be to the inside of the curve with the rate of Super Elevation being based on an appropriate design speed. The maximum rate of Super Elevation shall be 0.06 feet per foot.

#### **4.1.6 VERTICAL CURVES FOR STREETS AND DEDICATED PERMANENT EASEMENTS**

On sub-collector streets, the vertical curves should meet the thirty-five (35) mph design speed as defined in the current edition of the AASHTO book, "A Policy of Geometric Design of Highways and Streets" (i.e., lanes and courts). On other streets, roads or permanent easements a design speed of thirty (30) mph should be maintained for all vertical curves. For collector and arterial streets, vertical curves for design speeds greater than thirty-five (35) mph design speed, may be required by the City Street Department, the County Highway Department or Tennessee Department of Transportation. Short cul-de-sacs (<10 lots) may be designed to 20 mph design speed.

#### **4.1.7 INTERSECTIONS FOR STREETS AND DEDICATED PERMANENT EASEMENTS**

1. Streets, roads or permanent easements shall intersect as nearly at right angles as possible, and in no case at an angle of less than sixty (60) degrees. Intersections involving a sub-collector, collector or arterial street shall not be at an angle of less than eighty (80) degrees.
2. Street, road or permanent easement intersections which do not align shall meet the following distance requirements between centerline intersections:
  - A. Arterial - A minimum of five-hundred (500) feet or more based on access control guidelines.

- B. Collector - A minimum of two hundred and fifty (250) feet or more based on access control guidelines.
  - C. Sub-collector - A minimum of two hundred and fifty (250) feet.
  - D. Major Local, Minor Local, Cul-de-sac, and Alleys - A minimum of one-hundred and fifty (150) feet.
3. At all street, road or permanent easement intersections, property line corners shall be rounded by an arc, with a minimum radius of twenty-five (25) feet. Pavement edge at intersections shall have a minimum radius of thirty-five (35) feet. Greater curb radii may be required for non-residential, collector and arterial streets due to the presence of medium and heavy trucks.

**4.1.8 STREETS AND DEDICATED PERMANENT EASEMENTS IN RELATION TO RAILROADS**

The centerline of any street, road or permanent easement intersection shall not be closer than two hundred (200) feet from the centerline of a railroad crossing.

**4.1.9 CUL-DE-SAC, DEAD END STREET, AND TEMPORARY TURNAROUNDS**

- 1. The length of a cul-de-sac, measured from the centerline of the intersecting street, road or permanent easement to the center of the turnaround, shall not be shorter than 150 feet or longer than indicated in Table 4.1. For cul-de-sacs 1,000 feet or longer a permanent intermediate turnaround located between at or near the midway point with a right-of-way radius of not less than fifty (50) feet and a pavement radius of not less than forty-five (45) feet. Thumbnail or Elbow Cul-de-sacs shall be avoided wherever possible.
- 2. If a variance is granted for a cul-de-sac to exceed one-thousand (1,000) feet, an intermediate turnaround is required and shall meet the requirements of 4.1.9.1 above.
- 3. All permanent dead-end streets over 150 feet shall have a permanent turnaround installed.
- 4. Temporary turnarounds shall be provided at the end of dead-end street, road or permanent easement which are in excess of three hundred (300) feet in length, the distance shall be measured from the center of the nearest intersection to the end of the right-of-way. The temporary turnaround easement shall be paved and shall have a radius of not less than fifty (50) feet and a pavement radius of not less than forty-five (45) feet. The temporary turnaround shall be installed on land in future phases of development or in community open space whenever possible. Turnarounds shall avoid being placed in the front yards of lots for sale.
- 5. A Short cul-de-sac (See Table 4.1) of 10 lots or less may utilize a hammerhead or similar style turnaround upon written authorization of all affected Departments. In the City Limits this will include the Street and Fire Rescue Departments and in the Unincorporated Area the Highway Department and Emergency Management. Dimensions shall be no less than 20 feet by 120 feet with radius of 28 feet or greater. The grade of the road will determine the final dimensions.
  - A. Additional short cul-de-sac requirements are:

- I. A maximum of 10 lots may access a short cul-de-sac
- II. A maximum of 500 feet long in the city limits / 750 feet long in the unincorporated county
- III. All lots must be zoned and developed as single family detached dwellings
- IV. Cannot be an extension of an existing cul-de-sac or street (it may be used as a side street)
- V. If used as a permanent cul-de-sac, may not be used as a street stub
- VI. Must have improvements (sidewalk, curb, gutter) that match, or are greater than the road which it connects too (i.e. in a subdivision match the existing level of infrastructure, off a city or county road match the same level of infrastructure). Sidewalk may be required in areas where a future improvement is being planned to connect to the subject property.

#### **4.1.10 CONCRETE AND LANDSCAPE ISLANDS AND ROUNDABOUTS**

1. When a subdivision is allowed to have a concrete or landscape island located within the right-of-way, there shall be a minimum sixteen (16) foot pavement width (edge of pavement to edge of pavement) on either side of the concrete or landscape island and the minimum right-of-way width shall be a minimum of sixty (60) feet.
2. Round-about, traffic circles or rotaries shall meet the requirements of Clarksville Street Department or County Highway Department, as applicable.

#### **4.1.11 ALLEYS**

1. Alleys shall be strongly encouraged, where practicable, to reduce the need for curb cuts on collector and arterial roads, increase amount of on-street parking, and reduce conflicts between cars and pedestrians. Alleys may be required where appropriate in all commercial and industrial districts. Alleys are appropriate in residential districts to improve lot access, reduce the number and frequency of driveways entering public or private streets, or reduce the need for topographic disturbance.
2. Alleys are to be used to create lot access when the lots accessed have minimum frontage from another public or private right-of-way, however the driveway access is provided from the alley.
3. Alleys may be constructed as public right of way or private easements in accordance with the specifications in section 3.2.10.
4. Alleys within residential districts shall not be less than twenty (20) feet width for pavement (without curb and gutter) and right-of-way; may be required to have curb and gutter for functioning stormwater runoff with the pavement width reduced to eighteen (18) feet; and shall not be required to have sidewalks if sidewalks are provided elsewhere along lot lines or on the lots.
5. Alleys within office or commercial districts shall not be less than thirty (30) feet width in pavement (without curb and gutter) and right-of-way; may be required to have curb and gutter for functioning stormwater runoff with the pavement width reduced to twenty-

eight (28) feet; and shall not be required to have sidewalks if sidewalks are provided elsewhere along lot lines or on the lots.

6. Alley intersections shall intersect as nearly at right angles as possible and sharp changes in alignment should be avoided, but where necessary, corners shall be cut to permit safe vehicular movement.
7. Alley Maximum Length: 300 feet with one (1) access point up to 600 feet if there are two (2) access points, one (1) at each end, or up to 300 feet to each side when the access is in the middle.
8. Turnaround: If the alley exceeds Maximum Length as outlined in 3.2.10 an appropriate turnaround (cul-de-sac or hammerhead) is required per city or county specifications for short cul-de-sac roads (Chapter4).
9. Approval of all drainage and drainage structures within an alley shall be approved by the designee(s) of the City Street Department and/or the Montgomery County Highway Department and Montgomery County Building and Codes Department.
10. Alleys shall be constructed prior to final plat approval, bonded with the RPC, or provide proof of a separate arrangement with the appropriate building and code department to condition the certificate of occupancy for the units shall be provided.
11. All alleys shall serve as the primary utility corridor where practicable. A drainage and/or utility easement may also be required along the alley.

#### **4.1.12 ROADWAY SURFACING**

Pavements shall be installed in accordance with the rules and regulations enforced by the City Street Department and County Highway Department.

#### **4.1.13 CURBS AND GUTTER**

All subdivisions shall install curb and gutter, as specified in City and/or County Street and Road Specifications.

#### **4.1.14 SIDEWALKS**

1. Within the City limits of Clarksville, sidewalks shall be installed in accordance with the City of Clarksville's Sidewalk Ordinance.
2. If the developer provides sidewalks for the safety of pedestrians and for children at play and the sidewalks are installed outside the city limits of Clarksville, sidewalks shall meet the following specifications:
  - A. At the discretion of the County Highway Department, sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by the fencing, walls, hedges or other plantings or structures placed on the property line at a subsequent date.
  - B. In single-family residential districts located outside the corporate city limits of Clarksville, sidewalks shall be installed in accordance with the City of Clarksville Sidewalk Ordinance.



- C. In office, commercial and industrial subdivisions (excluding M-2 and M-3 zoning districts), sidewalks shall not be less than five (5) feet wide and four (4) inches thick, in some circumstances they shall be ten (10) feet.
  - D. All sidewalks shall conform to ADA (American Disabilities Act) Requirements.
  - E. An owners association shall be created to maintain sidewalks outside the city limits of Clarksville.
3. Subdivisions that are adjacent to schools, playgrounds, parks, bikeways, trails or other public facilities shall provide a paved pedestrian access, from the development to the public facilities, and the easement shall not be less than ten (10) feet wide. The easement or right-of-way shall be shown and labeled on the final recorded plat and shall be constructed to the City of Clarksville Specifications and meet ADA Regulations.

**4.1.15 PEDESTRIAN WAYS**

10 foot wide Portland Cement concrete walk or asphalt path shall be installed in easements dedicated to connect subdivisions to other subdivisions, schools, or walking paths. Sidewalks shall meet the requirements of section 4.1.14

**4.1.16 UNPAVED AREAS WITH RIGHT-OF-WAY**

All unpaved areas within the dedicated street right-of-way shall be stabilized in the manner approved by the City Street Department, the County Highway Department, and/or the County Building and Codes Department.

**4.1.17 STREET NAME SIGNS AND TRAFFIC CONTROL DEVICES**

- 1. As specified in the City and/or County Street and Road Specifications, street name signs shall meet the following requirements:
  - A. Street name signs shall be installed at each street intersection.
  - B. Street signs shall be installed as per standards established by the City Street Department and the County Highway Department.
- 2. Traffic control signs (such as “stop” and “yield” signs and speed limit signs) and other traffic control devices, shall be installed in accordance with the Manual of Uniform Traffic Control Devices and as directed by the City Street Department or Montgomery County Highway Department.
- 3. Stub Road Signage: When a final subdivision utilizes a stub road or temporary turn around, a standard sign required or provided by the County Highway Supervisor or Clarksville City Street Department shall be installed by the developer at the terminus of the stub street.

#### **4.1.18 BIKEWAY STANDARDS (For private developments)**

1. Lane marking for a new arterial and/or collector street with four (4) or more driving lanes shall be done so as to provide additional space in the outside lanes to accommodate both bicycle and motorized vehicle traffic.
2. When the posted speed limit is 25 mph or less, additional lane width is not necessary for “shared lanes” for a street with two (2) driving lanes and two-way (2) travel. In the case of streets with four (4) driving lanes and two-way (2) travel, the outside lane should be at least fourteen (14) for the “shared lane”.
3. When the posted speed limit exceeds 25 mph (as is the case for sub-collectors, collectors and arterials), a designated bike lane of five (5) feet is preferred with a curb and gutter section, but should not be less than four (4) feet (outside the curb and gutter).
4. When the posted speed exceeds 35 mph (collector and arterial), a designated bike lane should be six (6) feet with a curb and gutter section, (a minimum of five (5) feet outside the curb and gutter) while a six (6) foot paved shoulder may suffice.
5. When the posted speed limit exceeds 45 mph (collector and arterial), consideration should be given to separate bicycle facilities such as a bicycle/pedestrian path of ten (10) feet on one (1) side of the roadway.

#### **4.1.19 STREET LIGHTS**

1. Streetlights are required to be installed by the subdivision developer, as per criteria established by the Clarksville Street Department, or other City Ordinances
2. An approved Street Light Plan may be required for construction plan approval by the Clarksville Street Department or other City Ordinances and County Zoning Resolution.

#### **4.2 PUBLIC UTILITY, DRAINAGE, AND SWALE EASEMENTS**

1. An adequate easement shall be dedicated along each side of any important surface drainage course for purposes of constructing, widening, deepening, relocating, improving, or maintaining such drainage course. Easements of at least ten (10) feet in width may be required along the inside of all rear lot lines and five (5) feet in width along the inside of all side lot lines for drainage, utility poles, wires, conduits, storm and sanitary sewers, gas, water, or other utilities. Easements of greater width may be required along any lot line or across lots where necessary for the extension of major utility lines, or where more than one (1) utility is located in the same easement or for general drainage. Permanent easements for sanitary sewers, gas, and water main lines shall be a minimum width of ten (10) feet unless greater width is required by the Chief Utility Engineer. A minimum twenty (20) foot public utility and drainage easement (PUDE) parallel to rights-of-way (ROW) is required. Any PUDE may be reduced upon written authorization of all affected departments. A PUDE may be incorporated into a ROW if approved by all affected departments.

2. With the exception of public utilities and drainage structures, all other structures are prohibited on easements shown on the final recorded plat.
3. Swale easements of ten (10) feet in width along the inside of the rear property lines and five (5) feet along the inside of the side property lines may be acceptable when the swale easement is needed to drain surface water from an adjoining property owner. The Montgomery County Building Commissioner will determine when a drainage easement or swale easement will be required. When a swale easement exists in a subdivision the following note shall be added to the final plat.

“An easement exists for the placement of a swale on the side and rear property lines. This swale shall be no deeper than twelve (12) inches and shall be ten (10) feet wide. The deepest point of the swale shall be on the property line. The actual construction of this swale is optional. It shall be left to the discretion of the property owner if the swale is needed. If built, any deviation in construction from the established standard may lead to revocation of the lot approval, by the Tennessee Department of Environment and Conservation. At such time that sanitary sewer is extended to these lots, all swale easements shall automatically convert to drainage easements.”

4. The following requirement shall be noted on all final plats:

“It will be the responsibility of the subdivider or the owner to include the above-referenced easements as an integral part of the subdivision in such a manner that said areas will be owned and maintained by the present owner or by a prospective property owner.”

5. The following note must be included on the Final Plat to designate lots with stormwater control structures or structural best management practices that require execution of a Storm Water Maintenance Agreement prior to the sale or transfer of that lot.

Lot(s) \_\_\_\_\_ have stormwater control structures or structural BMPs that require a Storm Water Maintenance Agreement to be filed with the Montgomery County Register of Deeds and the Montgomery County Building and Codes Department and/or the City Street Department before all or any portion of the property is transferred or conveyed.

6. All drainage systems must comply with all current Montgomery County and/or City of Clarksville Storm Water Management Program and Montgomery County Building and Codes and/or City of Clarksville Street Department regulations and requirements.

### 4.3 BLOCKS AND BLOCK LENGTH

1. Blocks shall be wide enough to allow two tiers of lots, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the Regional Planning Commission may approve a single tier of lots.
2. No block or block face shall be greater than 1,500 feet in length as measured from the intersecting centerlines of one (1) intersection to the other. Careful consideration shall be given to circulation, control, and safety of street traffic, school buses and emergency vehicles. *(See Definitions 2.2 "Block" for additional information)*
  - A. An intersection is considered where two or more public streets meet and they are both over 150 feet in length (measured to center point of turn around), excluding stubouts.
  - B. The block length for a road which loops back to the same origin point or same origin street shall be measured to the half distance of the loop.

### 4.4 LOTS

1. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development. Careful consideration shall be given to avoid the creation of flag lots within single-family subdivision developments.
  - A. Flag Lots:
    - I. The flagpole portion of a lot (the thin land area that leads back to the main buildable area) may not be used to calculate the area, width, or setbacks of the lot for the zoning district in which the lot is located.
    - II. No more than 2 flag lots shall be permitted per subdivision.
    - III. Flag lots may not be stacked more than 2 deep (1 frontage lot and 1 flag behind that frontage lot see diagram).
    - IV. Subdivisions requesting more than 2 flag lots may only be approved by the Regional Planning Commission with written supporting documentation by the applicant or agent that, due to the topographic features or other unique physical characteristics of the land, the property cannot be reasonably utilized for a building site(s) without resorting to a flag lot configuration.
2. Where easements for public utilities and drainage are contemplated, the lot lines shall be located in such manner as to facilitate the construction and maintenance of such improvements.
3. Lot areas and lot widths shall not be less than the minimum provided for in the Clarksville Zoning Ordinance or by the Montgomery County Zoning Resolution.
4. Residential lots not served by a public sewerage system shall not be less area than approved by the Tennessee Department of Environment and Conservation or less than required by the City of Clarksville Zoning Ordinance or the Montgomery County Zoning

Resolution. Greater area may be required for private sewage disposal if, in the opinion Tennessee Department of Environment and Conservation, there are factors of drainage, soil condition, or other conditions to cause potential health problems. Lots found unsuitable for private sewage disposal systems shall be combined with adjacent suitable lots, and building setback lines added to designate unusable areas. Notes shall be added to the plat to explain why these areas are not suitable for septic tank systems. The Regional Planning Commission shall require that approval from the Tennessee Department of Environment and Conservation be submitted as a basis for approving subdivisions dependent upon septic tanks as a means of sewage disposal.

5. All side lines of lots shall be perpendicular to street lines, except where a variation will provide a better street and lot layout.
6. Shared access for ingress/egress should be encouraged wherever possible and may be required on arterial and collector streets.
7. Corner lots for residential use shall have additional width sufficient to provide proper building setback from each adjoining street, and shall have access from the lower classification street with the possible exception of single-family attached dwellings and multiple-family dwellings where primary access through areas of single-family detached dwellings is inappropriate.
8. The depth of a residential lot shall not be less than 80 feet.
9. The minimum size of residential lots to be served by a private source of water supply shall be determined by the Tennessee Department of Environment and Conservation after investigation of soil conditions, proposed sewerage system, and depth of groundwater, but shall not be less than required by the Clarksville Zoning Ordinance or the Montgomery County Zoning Resolution.
10. Size of properties reserved or laid out for office, commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
11. The following note must be included on the Final Plat to designate lots that have twelve (12) inches or more of fill located within a proposed occupied building footprint.

Lot(s) \_\_\_\_\_ require soil compaction certification for each 12 (twelve) inch lift of fill, or the submission of a soil compaction certification wavier to the Montgomery County Building and Codes Department before building permits will be issued.

#### **4.5 PUBLIC SITES AND OPEN SPACES**

Where the subdivision contains a park, school, or other public area, which is shown in the Comprehensive Plan, such area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition by the proper public agency within a specified period, by purchase or other means; and an agreement shall be entered into between the subdivider and the proper agency to the effect that should such purchase or acquisition not be accomplished within one (1) year of the date of recording the plat, such reservation may become void. Prior to approval of

the final plat, the developer shall provide evidence of an acceptance of such areas by the proper agency. This regulation shall not preclude the dedication of property for public use not included in the Comprehensive Plan provided such property is acceptable to the City or County for dedication and maintenance.

#### **4.6 LAND SUBJECT TO FLOODING**

1. When land is subject to flooding the land will not be acceptable for subdivision unless the subdivider provides sufficient data and agrees to make the required improvements which in the opinion of the City Street Superintendent, and/or the County Highway Supervisor and/or the Montgomery County Building Commissioner render the land fit for occupancy.
2. Only lots containing a buildable site outside of the one (1) percent floodplain as defined by the U. S. Army Corps of Engineers, FEMA or any locally designated floodplains will be approved for plating purposes.
  - A. Where any subdivided property lies within the one (1) percent base flood, the location and elevation of the floodplain shall be shown on the final plat.
  - B. The minimum finished floor elevation shall be at least two (2) feet and building pad including basements, all heating and cooling units, and ductwork shall be at least one (1) foot above the one (1) percent base flood “with floodway” according to the floodway boundary and floodway maps according to the applicable FEMA FIRM Panel(s) or approved flood data for the City of Clarksville, Tennessee and Montgomery County, Tennessee, unless the minimum finish floor elevation is determined to be greater by the City of Clarksville Street Department or the Montgomery County Building Commissioner.
  - C. A note shall also be attached to the plat stating:

“Elevation certificate shall be required. Lot lies within the one (1) percent base flood. Minimum finished building pad shall be (feet above sea level) including basements all heating and cooling units, and ductwork and minimum finished floor elevation shall be (feet above sea level).”
3. Lakes, ponds, creeks, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. Such areas must be approved and accepted by the City or County before approval of the final plat. Whenever such areas are not accepted by either the City or County, it will be the responsibility of the subdivider or owner to include lakes, ponds, creeks, and similar areas as an integral part of the subdivision in such a manner that said areas will be owned and maintained by the present owner or by a prospective property owner, or by an association.
4. The following note shall be placed on all plats which indicate any areas within the one (1) percent base flood :

“The degree of flood protection required hereon is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as bridge openings restricted by debris, sinkhole failures, etc. This does not imply that areas outside the floodplain district will be free from flooding or flood damages. The approval of this plat shall not create liability on the part of the City/County or any officer or employee thereof for any flood damages that result from reliance on this plat or any administrative decision lawfully made.”

5. The developer shall enter into a Storm Water Maintenance Agreement with the City Street Department and/or the Montgomery County Building and Codes Department as per that department’s regulations.

#### **4.7 AIRPORT APPROACH ZONE, AIRCRAFT LIGHT SENSITIVE AREA, & FORT CAMPBELL NOISE ZONE**

1. When a subdivision or a portion of the subdivision lies within the Airport Approach Zone, a note shall be shown on the final plat stating:

“Subdivision lies within the Airport Approach Zone” (designate lot numbers on plat if portion of the subdivision lies within this area).

When structures are limited in height by the Airport Approach Zone, a note shall also be added stating the maximum height of such structure.

2. When a subdivision or a portion of a subdivision lies within the Aircraft Light Sensitive Area, a note shall be shown on the final plat stating:

“Subdivision lies within the Aircraft Light Sensitive Area” (designate lot numbers on plat if portion of the subdivision lies within this area). All outdoor lighting shall comply with the requirements of the Montgomery County Zoning Resolution (or City of Clarksville Zoning Ordinance) regarding Aircraft Light Sensitive Area.”

3. When the subdivision or a portion thereof is within the one (1) mile radius of Ft. Campbell, the following note shall appear on the final plat:

“This property is located in proximity of the Ft. Campbell Military Installation and may be subjected to increased noise levels resulting from the overflight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the firing of small and large caliber weapons, and other accepted and customary military training activities.”

## **4.8 WATER AND SEWER UTILITY DESIGN AND CONSTRUCTION**

### **4.8.1 GENERAL**

All construction plans for subdivisions of land within the potential service area for which water and/or sewer services shall be required; plans must be submitted to the Chief Utility Engineer or appropriate Utility Official for review and approval in accordance with the City's current Standard Water and Sewer Specifications or the Requirements and Specifications or Standards adopted by the appropriate Utility District. The developer is responsible for providing a working sewer and water service for each lot or area to be served until all new facilities are in service. The developer shall warrant utilities for the period specified in accordance with City or appropriate Utility District requirements for gas, water, and sewer.

### **4.8.2 REVIEW PROCESS**

Any person(s) or entities desiring water or sanitary sewer service for any development within the potential service areas of the utility, which development requires a review process in accordance with existing policies, shall submit to the Chief Utility Engineer or appropriate utility official such request in writing, said request containing the following information:

1. Cover letter for map indicating the nature of the proposed development and number of residential services anticipated, or potential water and sewage capacities required if a non-residential development, including anticipated instantaneous peak flow requirements of same. All information shall be based on the ultimate build-out or development for which service is requested.
2. For areas outside the City of the Clarksville Service Area which require a separate review, a preliminary Engineering report shall be submitted and must include hydraulic calculations, pipe sizing methodology and peak and/or fire flow demands for water and peak and average day demands for sewage. The report shall be sealed by a Tennessee licensed professional engineer and dated accordingly. Approval of the development will be subject to the results of the report, or whatever is required by the applicable Utility District.

### **4.8.3 STANDARDS FOR CONSTRUCTION PLANS**

1. All Construction Plans must have a Title Sheet with certain required signatures, including a Tennessee Professional Engineer's seal.
2. The Title Sheet must contain a location map at a scale not smaller than one (1) inch equals one thousand (1,000) feet, the name of the project, and the name(s), addresses, and telephone numbers of the Developer(s). The Title sheet must also contain an index to all sheets. The title sheet shall also include the length and size of each water and sewer main proposed.
3. Street Plan containing the following:



- A. Location of all proposed and existing streets or rights-of-way in or adjacent to the subdivision.
  - B. Width of existing and proposed pavement for proposed roads.
  - C. A minimum twenty (20) foot public utility and drainage easement (PUDE) easement parallel to all road rights-of-ways is required. The PUDE may be reduced upon written authorization of all interested departments. Where required to avoid creating spite strip situations, a portion or all of a required PUDE may be incorporated into the public Rights-of-Way if approved by all affected departments in writing to the RPC (i.e. Utilities and Street / Highway Departments).
  - D. Street names.
  - E. Plan of all streets, showing natural and finished grades (including stormwater inlets and storm sewers).
  - F. Location of all required sidewalks and crosswalks, with the width of walking/riding surfaces and the width of any independent right-of-way or easements.
  - G. Other pertinent information as required by the Clarksville Street Department and County Highway Department to demonstrate compliance with TDOT, City and County street design standards.
4. Storm Drainage Plan containing the following information:
- A. Location of proposed drainage ways, streams, and ponds in the subdivision, and proposed drainage easements.
  - B. Topography at contour intervals not exceeding two (2) feet, and the identification of the elevation of the one percent chance of rainfall for any special Flood Hazard Areas identified by FEMA.
  - C. Location of existing sinkholes and the elevation of the one percent chance of rain.
  - D. Location of existing and proposed natural drainage ways, existing and proposed stormwater retention/detention facilities, and any retention and filter systems for hazard water spills.
  - E. Other pertinent information to comply with the Stormwater Management Standards administered by the Clarksville Street Department and the Montgomery County Building and Codes Department.
5. Sanitary Sewer Construction Plans shall contain the following information:
- A. Plan and profile of proposed sewer system, drawn at one (1) inch equals fifty (50) feet horizontal and one (1) inch equals ten (10) feet vertical scales, with grades (in percent) indicated and invert elevations shown at every manhole.
  - B. All pertinent planimetric features.
  - C. Planimetric location of proposed sanitary sewers as related to existing or proposed: streets, alleys, highways, buildings, structures, other utilities, easements, and rights-of-ways.
  - D. Location, size, and material of all existing and proposed sanitary sewers, with locations of connections to other sanitary sewers.
  - E. Horizontal location of all manholes and other system features, and deflection angles at manholes.

- F. Construction details of typical manholes, connections, service laterals, pipe bedding, trenching, road crossings (including encasement if required), stream or ditch crossings, and slope protection. Profile sheets shall include existing and proposed ground elevations as well as existing and proposed utility crossings.
  - G. North arrow on each Plan sheet.
  - H. Tennessee Professional Engineer's seal on each Plan sheet.
  - I. Benchmark elevation based on USGS datum.
  - J. All topographic features, both existing and proposed.
  - K. All property lines including subdivision block and lot numbers, right-of-way, and required or utilized easements.
  - L. Off-site related right-of-way and easements, as required.
  - M. Indications of any modifications or revisions from previous drawings.
  - N. References to applicable Standard Water and Sewer Construction Specifications of the City.
  - O. All lots shall include individual sewer services. Laterals only need to be shown at the Chief Utility Engineer's discretion. Laterals will typically not need to be shown.
  - P. Other pertinent information as required by the Clarksville Gas and Water Utility or other Utility Districts to demonstrate compliance with sanitary sewer construction standards.
  - Q. New Pump Stations shall be avoided where practical. Where approved for use the Engineer shall submit pump curves, operational data, flow and hydraulic calculations for review. The Engineer shall coordinate and provide a permanent dedicated site/access station to be owned by the City of Clarksville. A quit claim deed needs to accompany the final plat before signature by the Chief Utility Engineer or his designee.
6. Water Distribution Construction Plans shall contain the following information:
- A. Plan of proposed water system, drawn at one (1) inch equals fifty (50) feet, with all critical elevations.
  - B. All pertinent planimetric features.
  - C. Planimetric location of proposed sanitary sewers as related to existing or proposed: streets, alleys, highways, buildings, structures, other utilities, easements, and rights-of-ways.
  - D. Location, size, and material of all existing and proposed water mains in the subdivision, (or outside the subdivision if off-site connections are required), with locations of connections to other mains, service connections, valves, fire hydrants, and all other appurtenance indicated.
  - E. Construction details of typical pipe bedding, trenches, road crossings (including encasement if required), stream or ditch crossings, slope protection, service connections, fire hydrants, and valves and other related appurtenances.
  - F. North arrow on each Plan sheet.
  - G. Tennessee Professional Engineer's seal on each Plan sheet.
  - H. All topographic features, both existing and proposed.
  - I. All property lines including subdivision block and lot numbers, right-of-way, and required or utilized easements.

- J. Off-site related right-of-way and easements, as required.
- K. Indications of any modifications or revisions from previous drawings.
- L. References to applicable Standard Water and Sewer Construction Specifications of the City.
- M. Other pertinent information as requested by the Clarksville Gas and Water Utility or other Utility Districts to demonstrate compliance with standard water specifications.
- N. All lots shall include individual water services. Laterals only need to be shown at the Chief Utility Engineer's discretion. Laterals will typically not need to be shown.
- O. Other pertinent information as required by the Clarksville Gas and Water Utility or other Utility Districts to demonstrate compliance with water system construction standards.

#### **4.8.4 DESIGN CRITERIA**

1. For areas served by the City of Clarksville, refer to the City of Clarksville's current Standard Water and Sewer Specifications.
2. For areas not served by the City of Clarksville, the design criteria for water and sewer construction shall meet the requirements adopted by the Utility Districts. If design criteria has not been adopted, then the following shall apply:
  - A. Sanitary Sewers:
    - I. All sanitary sewers shall be designed in accordance with these criteria, and the TDEC adopted Standard Water and Sewer Specifications for the City of Clarksville.
    - II. Sanitary sewers to be dedicated to the City of Clarksville shall be constructed within dedicated rights-of-way or utility and drainage easements.
    - III. Sewers shall be designed for a minimum velocity of two (2) feet per second at design flow, a maximum velocity of five (5) feet per second, and shall accommodate design flow at one-half (0.5) full. Sewers shall be a minimum eight (8) inch diameter and minimum slope for eight (8) inch sewers shall be 0.40% (0.40ft./100 ft.).
    - IV. Design flow shall be based on a contribution of one hundred (100) gallon/capita/day multiplied by a peak factor of three (3). If the sewer serves other than residential developments, the design flow shall be calculated independently for each user based on their specific demand. Design flows shall be based upon build out of the subdivision and other areas which may contribute flow to the same basin.
    - V. All manholes shall be designed in accordance with the following guidelines:
      - a. Maximum distance between manholes shall be four hundred (400) feet.
      - b. Maximum deflection angle at manholes shall be ninety (90) degrees.
      - c. For in/out invert elevations greater than two (2) feet, a drop manhole shall be used with an internal drop. Drop manholes shall be avoided where practical.

- d. Watertight frames and covers shall be required where the proposed manholes are subject to inundation.
  - e. A vent assembly shall be required on trunk sewers with watertight manholes at approximately fifteen hundred (1500) feet intervals.
- VI. All sanitary sewers shall be constructed of the following types of pipe:
- a. Sanitary sewers twenty-one (21) inches in diameter and smaller shall be constructed of ductile iron sewer pipe or PVC sewer pipe unless specific needs demand otherwise, and only then pending the review and approval of the Utility District.
  - b. Sanitary sewers with slopes in excess of eighteen (18) percent shall be constructed with concrete restraining collars designed at intervals to ensure pipe stabilization.
  - c. Open cut sanitary sewers crossing storm drains or creeks, or USGS blue lined streams shall be epoxy coated ductile iron pipe and will be provided with concrete encasement.
  - d. Sanitary sewers with less than thirty-six (36) inches of cover shall be ductile iron pipe unless otherwise approved by the Utility District.
- VII. All sanitary sewers shall have a minimum of thirty-six (36) inches of cover in non-traffic areas and forty-eight (48) inches in paved areas subject to vehicular traffic.
- VIII. Separation between sanitary sewers and water mains shall be ten (10) foot horizontal, and eighteen (18) inches vertical between the bottom of the water main and the top of the sanitary sewer.
- IX. Permanent easements for sanitary sewers shall be a minimum width of ten (10) feet. Easements of greater width may be required by the Utility District.
- X. Sewers shall be designed to serve every lot or parcel adjacent to the sewer.
- XI. All sanitary sewers or force main systems which discharge into the Authority's system shall be designed according to these criteria.
- XII. New Pump Stations shall be avoided where practical. Where approved for use the Engineer shall submit pump curves, operational data, flow and hydraulic calculations for review. The Engineer shall coordinate and provide a permanent dedicated site/access station to be owned by the City of Clarksville. A quick claim deed needs to accompany the final plat before signature by the Chief Utility Engineer or his designee.

B. Water Lines:

- I. All water mains shall be designed in accordance with these criteria, Specifications contained in other Sections, and the Utility District's standards approved by TDEC.
- II. Water mains shall be constructed within dedicated rights-of-way, or utility and drainage easements. The Utility District shall accept dedication one (1) year after final testing and inspection.
- III. All potential customers shall be provided a minimum of twenty (20) psi residual pressure, at the design domestic flow:

- a.  $Q=20(c)^{\frac{1}{2}}$
  - b. where: Q = flow in gpm
  - c. c = total customers served, based on 2.5 persons/customer.
- IV. Maximum designed velocity shall be five (5) feet per second.
  - V. All water mains less than twelve (12) inches in diameter shall be PVC Class two hundred (200), unless otherwise necessary for compliance with guidelines for pressure ratings. All water mains twelve (12) inches and greater in diameter shall be ductile iron pipe, Pressure Class three hundred fifty (350), unless otherwise necessary for compliance with guidelines for pressure ratings. All water mains shall be a minimum of six (6) inch diameter.
  - VI. Water mains shall be designed for installation behind curbs where practical. Dead-end mains shall extend to the last lot or parcel being served so that no service lines are installed in front of adjacent lots or parcels (i.e., service should not cross one lot to serve another). Service meters shall be located adjacent to property lines, in a grass/landscaped area in the center of the lot where practical.
  - VII. All mains shall have a minimum of thirty-six (36) inches of cover.
  - VIII. Water mains shall have ten (10) feet horizontal and eighteen (18) inches vertical clearance from sanitary sewers and shall have three (3) feet horizontal and twelve (12) inches vertical clearance from other underground structures.
  - IX. Adequate thrust blocking shall be designed for the expected pressures, including the required test pressure, two hundred (200) psi minimum.
  - X. A fire hydrant, or flushing hydrant, shall be required at the dead end of any water main to allow for flushing the main at two and one half (2.5) feet per second, minimum. Temporary blow-off hydrants are allowed only for temporary utilities intended to be extended.
  - XI. All water mains and appurtenances which connect to the City of Clarksville's water system shall be designed according to these criteria and the City's Standard Water and Sewer Specifications.
- C. Any facilities not specifically covered herein shall be presented to the Utility District for approval. It is recommended the Utility District be contacted prior to detailed design to discuss specific requirements.

## **CHAPTER 5: PRELIMINARY PLAT**

### **5.1 PROCEDURE**

#### ***5.1.1. FILING OF APPLICATION AND PLANS***

An application for preliminary approval shall be submitted together with five (5) ~~fifteen (15)~~ prints and a digital copy of the proposed plat to the Planning staff in accordance with the latest preliminary plat checklist, located in Section 5.2 of these regulations by subdivision deadline date established by the Regional Planning Commission Office for consideration by the Regional Planning Commission. Regular meeting dates and time, and the deadline for each regular meeting shall be established by the Regional Planning Commission. The Regional Planning Commission staff shall acknowledge receipt of the application by the signing and dating of said application by any person so authorized.

The Planning staff shall forward a digital copy or one ~~(1) of said copies print~~ to the Chief Utility Engineer and/or appropriate Utility District, the City Street Department and/or the County Highway Supervisor and the Montgomery County Building and Codes Office, the City Building and Codes Department, the American Telephone & Telegraph, the Clarksville Department of Electricity and/or the Cumberland Electric Membership Corporation, the Clarksville Fire Rescue and/or the Emergency Management Agency, Clarksville/Montgomery County School System and where applicable, Tennessee Department of Transportation, Ft. Campbell Planning Office, and the Tennessee Department of Environment and Conservation.

The Planning staff, affected agencies, and applicant and/or developer shall meet the week before the regularly scheduled Regional Planning Commission monthly meeting to review and discuss development plans.

#### ***5.1.2 INFORMATIONAL REVIEW***

The Planning staff shall determine whether all information pertinent to the review has been provided and within nine (9) business days of receipt of the application deadline and shall notify the applicant that either:

1. The application has been accepted for consideration or,
2. Additional information is required. If additional information is required, the applicant has until the time of the staff and agency review meeting to furnish the staff with a designated number of copies of the corrected plat. If such information is not furnished before said time, the subdivision may not be placed on the agenda for the Regional Planning Commission meeting the following week.

### **5.1.3 NOTICE**

Notice of hearing shall be sent by mail not less than seven (7) calendar days before the date of the scheduled Regional Planning Commission meeting to the subdivider and to the owners of land immediately adjoining the proposed subdivision, in the case of one and two lot subdivision plats and Minor Plats, the above notice of hearing shall not be required.

### **5.1.4 PLANNING COMMISSION ACTION**

1. The Regional Planning Commission shall approve or disapprove a plat in accordance with TCA §13-3-404.
2. If approved conditionally, the conditions shall be stated; and if necessary, the Commission may require the subdivider to submit a revised Preliminary Plat.
3. If disapproved, the reasons for such action shall be stated; and if possible, recommendations made as to the basis on which the plat would be approved.

### **5.1.5 EFFECT OF PRELIMINARY PLAT APPROVAL**

For plat of more than two lots with public infrastructure improvements

1. Receipt of certified approval of the Preliminary Plat by the subdivider and approval of detailed construction plans by appropriate agencies, shall be authorization, subject to the issuance of any required permits, for the subdivider to proceed under the supervision of the City Street Department or the County Highway Supervisor and the Montgomery County Building and Codes Office, the Chief Utility Engineer or appropriate Utility District with the construction of any improvements and with the staking of streets and lots; provided however, that the granting of Preliminary Plat Approval will not constitute acceptance of the Final Plat.
2. The vesting period applicable to a Preliminary Plat shall follow T.C.A. § 13-3-413. If a plan has failed to secure permits or commence site preparation within three (3) years of preliminary plat review it shall expire. If site work and permits have been secured per T.C.A § 13-3-413 an additional two (2) year extension is automatically given upon request with supporting information for a total of five (5) years from preliminary approval. For multi-phase projects an additional ten (10) years is granted from the approval of the first phase to complete the remaining phases. Vesting period for a preliminary plat shall not exceed ten (10) years for a single phase project or fifteen (15) total years for a multi-phase project. Should a preliminary plat approval expire any submittal for reapproval may be at the discretion of the Regional Planning Commission and subject to the zoning and subdivision regulations at time of resubmittal.
3. Amendments to an approved active preliminary plat shall be resubmitted and approved by the Regional Planning Commission if the proposed amendments increase the number of lots by more than ten (10) percent of the total lots on the approved preliminary plat.
4. Amendments to proposed street rights-of-way for an approved active preliminary plat shall be approved by the Regional Planning Commission if the Director of the Regional Planning Commission deems necessary.

5. No other preliminary plats shall be extended unless otherwise deemed appropriate by the Regional Planning Commission. Any preliminary plat application that has been submitted and accepted by the Regional Planning Commission Office prior to January 1, 2015, shall be able to utilize the Clarksville Montgomery County Subdivision Regulations in effect at the time of application until preliminary approval has expired or fifteen (15) years whichever occurs first.
6. The Commission shall require and consider detailed preliminary sketch plans, prepared by a person or persons qualified by law, indicating the proposed method of accomplishing drainage. Approval of such plans will not constitute approval of final road and drainage plan as required.

## 5.2 CONTENT FOR PRELIMINARY PLAT

The following information shall be provided, additional information not listed may be required prior to preliminary plat approval:

1. Names and addresses of adjoining property owners
2. ~~Fifteen~~Five paper copies and a digital ~~copy~~file of a preliminary plat submitted by the subdivision deadline date established by the Regional Planning Commission office
3. Proposed Title of plat
  - a. Titles shall avoid duplication of other plat titles.
  - b. Titles should consider the following when choosing names for new subdivisions:
    - i. Named after historical significance of the area
    - ii. Named after associated settlements in the area
    - iii. Named after a prominent topographical feature associated with the property
    - iv. Named after a prominent person of owner associated with the property
    - v. Named after locally related flora or fauna
  - c. Titles shall not confuse geographic locations around the county.
  - d. The Regional Planning Commission has the right to change titles for clarity.
4. Date within title block on plat
5. North arrow
6. Graphic scale and written scale-drawn to a scale of not less than one (1) inch equals one hundred (100) feet, whenever practical
7. Acreage of land to be subdivided
8. Tract boundary lines
9. Property lines of lots with approximate dimensions
10. Lot and block numbers
11. Topography: contours at not more than two (2) feet intervals and extending out two hundred (200) feet past the subdivision boundaries on all sides
12. Location sketch map two thousand (2000) feet= one (1) inch
13. Location of adjoining property owners
14. Location of proposed development within 1,000 feet of a sport shooting range, shall have the following note:



“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 that may result from these uses and activities.”

15. Location of existing access points surrounding the proposed development
16. Is property located within the Madison Street or other overlay district and is the property affected by setbacks
17. Minimum six (6) inch water line, shown and labeled on the plat
18. Plans of proposed utility layouts
19. All preliminary plans shall meet the City Access Ordinance or receive a variance prior to preliminary plat approval
20. Location of all fire hydrants within and immediately surrounding the subdivision (800' for single family and two family; 300' for commercial, industrial and multi-family, as measured along the right-of-way)
21. Proposed utilities and utility layouts
22. Right-of-way lines for all streets, roads, dedicated permanent easements and alleys
23. Cul-de-sacs or dead-end streets
  - a. Do not exceed seven hundred fifty (750) feet in length
  - b. Radius at end is fifty (50) feet or greater
24. Temporary turnarounds
  - a. To be required when dead-end street more than three hundred (300) feet from the centerline of the nearest intersection
  - b. If a cul-de-sac, the radius at end is fifty (50) feet or greater
  - c. Hammerhead turn arounds may be used with approval from the Streets Department or the Highway Department. Dimensions should be no less than 20 feet by 120 feet with radius of 28 feet or greater. The grade of the road will determine the final dimensions.
25. Right of Way radii twenty-five (25) feet or greater on lot lines at street corners
26. Proposed street names and identification of all alleys, streets, road, and dedicated permanent easements. Street Names must be in conformance with the most recent edition of the Clarksville-Montgomery County Addressing Manual and are subject to final subdivision plat approval by the Regional Planning Commission. Acceptable street names will be set to reserved status at Preliminary Plat approval. Street names may be held till final platting for up to five (5) years maximum.
27. Street curves
  - a. Radii
  - b. Arcs
  - c. Central angles
  - d. Tangents (less than one hundred (100) feet requires a variance)
28. Block length does not exceed fifteen hundred (1500) feet
29. Stubouts to adjacent tracts of land placed properly (Per Section 4.1.2)
30. Alignment with existing streets abutting subdivision

31. Angle of street intersection
32. One hundred and fifty (150) feet between local street intersections
33. Curb and gutter or culverts
34. Street grades
35. Preliminary profiles of all streets (if required)
36. Is subdivision affected by future road construction?
37. Check the FIRM maps and floodway maps for the one (1) percent base flood elevation
38. Location of all sinkholes (or other karst features) within the subdivision itself and for a distance of 200 feet outside the subdivision boundaries. If any portion of the property development drains toward outside area, show or note the route of travel.
39. Location of existing and proposed bodies of water
40. Location of natural drains
41. Method of discharging stormwater
42. Proposed major drainage system features
43. Portions of land subject to flooding and fill grades proposed
44. Easements as may be required
  - a. Type(s)
  - a. Location(s) Twenty feet parallel to all streets, roads, or dedicated permanent easement right of way.
  - b. Width(s)
45. Proposed minimum zoning requirements.
46. Each lot meets the minimum zoning regulations (city and county may differ)
  - a. Lot sizes
  - b. Lot widths
  - c. Lot depths (minimum of eighty (80) feet in depth)
  - d. Minimum road frontage
  - e. Setbacks (city and county may differ)
  - f. Location of lots along a state or federal highway (extra setback required)
47. Proposed park sites, school sites, or other public spaces
48. Does property lie within any airport overlay zones
49. Does property lie within Ft. Campbell land use area
50. Variance requests listed and justification of variance
51. Conforms to general requirements and minimum standards of design
52. Eligible for minor plat process (less than ten (10) lots and no improvements or dedication of land to the public
  - a. If the plat is eligible for minor plat the following note shall be placed on the final recorded plat: "this plat does not require the dedication of any land to the public".
53. Filing fee

### **5.3 PRELIMINARY PLAT VARIANCES**

1. Any condition shown on the Preliminary Plat (or on engineering plans or data called for in Chapter 4) which would require a variance shall constitute a ground for disapproval of the Preliminary Plat unless such special application for a variance is made.
2. Variance requests shall be accompanied by written justification as outlined in Section 1.6.
3. Variances are not permitted for a Staff Level Plat (Subdivision); if such is needed for a proposed Staff Level Plat (Subdivision), it must follow the Minor Plat (Subdivision) procedures.

## **CHAPTER 6: FINAL PLAT**

### **6.1 PROCEDURE for MAJOR and MINOR PLATS**

#### **6.1.1 APPLICATION**

With the exception of one (1) and two (2) lot subdivisions, as outlined in Chapter 3.2.1, and Chapter 6.5, the subdivider shall file the Final Plat together with ~~fifteen (5)15~~ prints and a digital copy of the proposed plat to the Planning Staff in accordance with the latest final plat checklist, located in Section 6.4 of these regulations by subdivision deadline date established by the Regional Planning Commission. The deadline for each monthly submission shall be established by the Regional Planning Commission. The Regional Planning Commission shall acknowledge receipt of the application by the signing and dating of said application by any person so authorized.

The Planning staff shall forward a digital copy or one of the print~~one (1) of said~~ copies to the Chief Utility Engineer and/or appropriate Utility District, the City Street Department and/or the County Highway Supervisor and the Montgomery County Building and Codes Office, the City Building and Codes Department, American Telephone and Telegraph, the Department of Electricity and/or the Cumberland Electric Membership Corporation, the Clarksville Fire Rescue and/or the Emergency Management Agency, Clarksville/Montgomery County School System and where applicable, Tennessee Department of Transportation, Ft. Campbell Planning Office and the Tennessee Department of Environment and Conservation.

The Planning staff, affected agencies, and applicant and/or developer shall meet the week before the scheduled Regional Planning Commission meeting to review and discuss final plats.

#### **6.1.2 AGENCY APPROVAL**

The developer shall show that all conditions as stipulated in the Preliminary Plat Approval and by all City, County, State, Federal Agencies and/or Utility Districts have been met and shall supply the staff with signed letters of acceptance from all City, County, State, Federal Agencies and/or Utility Districts.

#### **6.1.3 STREET NAMES**

1. Street naming conventions in the most recent edition of the Clarksville Montgomery County Addressing Manual shall be adhered to. All street names will be reviewed by Regional Planning Commission staff.
2. The Regional Planning Commission staff will review street names and provide recommendations. The Regional Planning Commission staff shall have authority to approve, disapprove, or change the names of all streets appearing on a final plat. Any

appeal of Regional Planning Commission Staff decisions on road names shall be heard by the Regional Planning Commission at the next available scheduled meeting.

3. Final plat approval by the Regional Planning Commission shall constitute approval of the street names depicted on the final plat(s).

#### **6.1.4 REGIONAL PLANNING COMMISSION ACTION**

1. Final Plat Approval by the board of the Regional Planning Commission may be requested by the applicant, Regional Planning Commission Staff, or other review department or agency.
2. Any appeal of Regional Planning Commission Staff decisions on final plats shall be heard by the Regional Planning Commission at the next available scheduled meeting.
3. Any request for appeal shall meet normal monthly submission deadlines.

#### **6.1.5 EFFECT OF FINAL PLAT APPROVAL**

Approval of the Final Plat by the Regional Planning Commission staff shall be authorization for the Subdivider to secure the signatures required on the final plat from all agencies or departments named in Subsection 6.1.2, within whose jurisdiction the subdivision lies provided that the requirements of each department has been fully met.

#### **6.1.6 MINOR REVISIONS TO FINAL PLATS**

If it becomes necessary for minor revisions to be made to an approved final plat, then the revisions may be made with the approval of the appropriate City, County or State designees. If a proposed revision will, in the opinion of the appropriate City, County or State designee, substantially affect the terms of the original approval, then a resubmittal shall be required.

The creation of additional building lots, the alteration of the location and width of right-of-way, permanent access easements, travel easements, and alteration of any provisions of the subdivision regulations that would require variance(s) shall require resubmittal.

#### **6.1.7 RECORDING OF FINAL PLAT**

Upon receipt of all required signatures from all concerned agencies/departments, and upon the determination by the Regional Planning Commission staff that the subdivision meets the regulations in every respect, the Regional Planning Commission Director or the Chairman of the Regional Planning Commission may sign the plat on behalf of the Regional Planning Commission and release same for recordation. A copy of the plat shall then be recorded at the Montgomery County Register of Deeds Office and the Regional Planning Commission.

Final plats shall be accompanied by a digital file of the plat in .DWG format, georeferenced to North American Datum 1983 State Plane coordinate system Tennessee, in feet. The file may be

provided on a disk, removable drive, email, or other electronic method, to the Director of the Regional Planning Commission, or designee, prior to receiving signature on a final plat.

All final plats shall be filed in the Register's Office, Montgomery County, Tennessee, within one (1) year after approval by the Regional Planning Commission. Failure to record the final plat within one (1) year of the date of Regional Planning Commission Approval shall void the approval of the plat. Applicant shall reapply for final plat approval to begin the process again.

## **6.2 REQUIRED IMPROVEMENTS**

A final plan for subdividing shall be approved by the Regional Planning Commission only after receipt of a statement signed by the following designees certifying that the plans and specifications for improvements described herein have been prepared and that construction conforms with the requirements set forth in these regulations and meets the minimum requirements of all applicable ordinances and/or resolutions of the city or county:

1. The designee for the Chief Utility Engineer or the appropriate Utility District in the case of water and sanitary sewer infrastructure;
2. The City Street Department, the County Highway Department and/or the County Building and Codes Department in the case of roads and stormwater facilities;
3. When appropriate, the Tennessee Department of Environmental Conservation (TDEC) in the case of liquid waste disposed by other than a public utility district.

### **6.2.1 STREETS AND RIGHT-OF-WAYS**

If allowed by the respective Department, the subdivider may post a surety bond or irrevocable letter of credit for completion in an amount to be determined by the City Street Superintendent and/or the County Highway Supervisor, or their appropriate designee providing the department having jurisdiction accepts such financial guarantees.

### **6.2.2 MONUMENTS, PINS, STAKING OF LOTS AND BENCHMARKS**

1. Concrete monuments, if required, four (4) inches in diameter or square, three (3) feet long, with a flat top, and shall be set at points on the property line where there is a change in bearings.
2. The top of the monument shall have an indented cross to identify the location and shall be set flush with the finished grade.
3. All other lot corners shall be marked with iron pins.
4. A surveyor shall stake all lot corners prior to obtaining signatures for the approved final plat to ensure drainage structures have been installed correctly as per approved construction plans. Lot numbers shall be contrast in color and shall be visible from the road. Lot markers shall be a minimum of 1" X 3" X 24".

5. One (1) permanent benchmark shall be required for every section of a development. If a section of a development exceeds 25 acres, two (2) permanent benchmarks shall be required. As-built plans must show the location of all benchmarks, describe the benchmark and list the elevation

### **6.2.3 SANITARY SEWERS**

1. Each property or lot shall be connected to a public sanitary sewer system if such system adjoins the proposed subdivision or is run by a public authority (or district utility system) to the proposed subdivision. The developer shall supply to the Regional Planning Commission a written statement from the applicable public authority stating sewerage is available adjacent to the property or that it will or will not run a sewer main to the property.
2. If a sanitary sewer system is not required as above, then individual disposal systems approved by the Tennessee Department of Environment and Conservation shall be provided on each lot or as an alternative, a disposal plant or plants may be provided as approved by the State Water Pollution Control Board and the Tennessee Department of Environment and Conservation. The individual disposal system, including the septic tank, septic disposal fields, and secondary areas, shall be located on the same platted lot as the dwelling unit it will serve. Within any subdivision which has received preliminary plat approval prior to November 22, 2005, sewage disposal systems shall be allowed as per current policy of the Tennessee Department of Environment and Conservation Division of Groundwater Protection.
3. Sanitary sewers shall not be used to carry storm or surface water.
4. All principal sanitary sewer lines shall be located within the street right-of-way or public easements.
5. Before utilities will be accepted for dedication, the developer must submit a copy of "as built" plans for all utilities or other areas requiring "as built" information to Chief Utility Engineer's Office or appropriate Utility District or their representatives.
6. All utilities constructed shall be designed in accordance with the plans approved by the Chief Utility Engineer or appropriate Utility District or their representatives.
7. The installation of the aforementioned improvements shall be under the supervision and inspection of the Chief Utility Engineer, appropriate Utility District or their representatives.

### **6.2.4 WATER**

1. The subdivider shall construct a system of water mains including a water stub terminal outside curb and/or right-of-way lines for each lot requiring dedication of public right-of-way, private easement, or travel easement. All water lines shall be a minimum of six (6) inches inside diameter, except for short, dead-end sections which may be otherwise approved by the Chief Utility Engineer and/or appropriate utility official.
2. Water facilities serving all subdivisions shall be publicly dedicated and each separate parcel and/or lot shall be directly served by a public water line.

3. Necessary action shall be taken by the developer to extend a water supply system capable of providing domestic water use and adequate fire protection.
4. Legal lots of record as of July 28, 2010, or the subdivision of lots into five (5) acres or larger tracts which are not within a reasonable distance of a public water line, shall be allowed to utilize a private water system which meets all local and state requirements.
5. Fire hydrants shall be located on a minimum six (6) inch water line. Fire hydrants located within a single-family or two-family residential district shall be spaced no more than eight hundred (800) feet apart, as measured along the street right-of-way. Fire hydrants located within a multi-family, office, commercial or industrial district shall be spaced no more than three hundred (300) feet apart as measured along the street right-of-way. There shall be no fire hydrants installed that are located more than three hundred (300) feet from a dead-end of a cul-de-sac. All fire hydrant locations can be modified before final approval by the Clarksville Fire Rescue or the Montgomery County Emergency Management Agency.
6. Within the rural utility districts of Montgomery County, fire hydrants shall be installed in accordance with separate working agreements between the rural water utility districts and Montgomery County Government.
7. The installation of the aforementioned improvements shall be under the supervision and inspection of the Chief Utility Engineer, appropriate Utility District or their representatives.
8. Before utilities will be accepted for dedication, the developer must submit a copy of “as built” plans for all utilities or other areas requiring “as built” information to the Chief Utility Engineer’s Office, appropriate Utility District or their representatives.
9. All utilities constructed shall be designed in accordance with the plans approved by the Chief Utility Engineer or appropriate Utility District or their representatives.

#### **6.2.5 DRAINAGE AND STORM SEWER**

1. General Requirements: The Regional Planning Commission shall not approve any plat of subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The stormwater system shall be separate and independent of any sanitary sewer system and shall comply with the adopted drainage criteria of the governing jurisdiction.
  - a. The review and approval of drainage plans for proposed subdivision shall be the responsibility of the City Street Superintendent; or the County Highway Supervisor and the Montgomery County Building Commissioner and such approvals shall be based on applicable statutes, rules, regulations, and adopted master plans for stormwater management.
  - b. Where all or part of a proposed subdivision is affected by periodic flooding, Regional Planning Commission review and approval of the subdivision shall be subject to the restrictions contained in the City Ordinances and County Resolutions and other applicable statutes regulating stormwater management.
  - c. The review and approval of drainage plans should generally include the following:



- i. The type of drainage facilities needed (i.e., open drainage vs. storm sewers).
- ii. The off-site impacts both upstream and downstream from the subdivision, including the need for off-site or on-site improvements to offset adverse on-site impacts.
- iii. On-site improvements necessary to accommodate upstream drainage.
- iv. Possible problems due to localized poor drainage of feature such as sinkholes and proposed remedial actions.

#### **6.2.6 DEDICATION OF DRAINAGE EASEMENTS**

1. General Requirements: Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purposes of conveying stormwater and maintenance access. Whenever possible, it is desirable that the drainage way be maintained by an open channel with adequate width for maximum potential flow (being not less than the one (1) percent rainfall).
2. Drainage Easement
  - a. Where topography or other conditions make the inclusion of drainage facilities within the road right-of-way impractical, perpetual unobstructed easements of appropriate width for such drainage facilities shall be provided across property outside the road rights-of-way and with satisfactory access to the road. Easements shall be carried from the road to a natural watercourse or to the drainage facilities.
  - b. The developer shall dedicate, by drainage easement, land on both sides of existing watercourses, to a distance to be determined by the City of Clarksville Storm Water Management Manual or the Montgomery County Storm Water Management Resolution.
  - c. Along waterways, low-lying land subject to flooding or periodic overflow during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as areas for drainage.
  - d. Before drainage easements will be accepted for dedication, the developer must submit a copy of “as built” plans for detention and/or retention basins, sinkholes, or other areas requiring “as built” information to the City Street Department; or the County Highway Department and the Montgomery County Building and Codes Office.

#### **6.3 FINAL MINOR PLAT**

Minor plats requiring short extensions of public utilities will be evaluated on a case by case basis by the Regional Planning Commission staff and the utility department or district. The utility department or district may accept a bond or letter of credit for the required improvements

allowing the plat to obtain final approval prior to infrastructure installation. Bond or letter of credit must be received by the appropriate utility before final plat(s) will be approved.

At the time of the subdivision review meeting, the staff shall stipulate such conditions as it deems necessary for Final Plat Approval. Such conditions shall be met before the Regional Planning Commission staff may give Final Plat Approval.

## 6.4 CONTENT FOR FINAL PLATS

The following information shall be provided, additional information not listed may be required prior to final plat approval:

1. ~~Fifteen (15)~~ Five (5) copies and a digital ~~copy file~~ of a final plat submitted by the subdivision deadline date established by the Regional Planning Commission office.
2. Final Plat has been submitted from an active preliminary plat.
3. Final plat shall meet all the conditions of the active preliminary plat approval
4. Title and section number-check spelling with previous sections and no abbreviations in estates, subdivision, etc. No punctuation.
5. Date within title block on plat
6. Civil district
7. North arrow
8. Name of subdivision owner(s)
9. Name of engineer or surveyor
10. Location sketch map
11. Graphic scale and written scale-drawn to a scale of not less than one (1) inch equals one hundred (100) feet, on sheets no larger than 18" x 24"
12. Acreage of land to be subdivided
13. Tract boundary lines
14. Is property located within an overlay district and is the property affected by setbacks
15. Plat should be stamped and signed by a licensed surveyor
16. If this is a replat, is the reason for replat on the plat
17. Lot and block numbers in numerical order
18. Add the following note if the plat is ten (10) lots or less and receiving minor plat approval by final plat provisions:
  - a. This plat does not require the dedication of any land to the public or installation of any public improvements.
19. Do not duplicate lot numbers from other sections of the subdivision
20. Bearings of property lines and sufficient engineering data to locate all lines including radii, angles, and tangent distance
21. Dimensions to the nearest 100th of a foot and angles to the nearest minute
22. Dimensions building setback line (city and county may differ)
23. Location and description of all monuments and iron pins (monuments shall be designated by squares and iron pins designated by small circles)
24. Curve data

25. Pipe schedule, if curb and gutter are not required
26. Is subdivision affected by Major Road Plan
27. Location of proposed development within 1,000 feet of a sport shooting range, shall have the following note:
  - a. "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 that may result from these uses and activities."
28. If the development has access along a state or federal highway, a copy of the highway connection permit may be required to be submitted prior to final plat approval.
29. If lot(s) front along a state or federal highway, the following note shall be on the final recorded plat:
  - a. The owner must obtain a driveway connection permit from TDOT before construction begins on site.
  - b. Driveways that have a shared access with an adjacent lot shall be shown, labeled and dimensioned, a minimum of twenty (20) feet, on the final plat.
  - c. If access to a state maintained road is prohibited by TDOT, a note to the effect shall be added to the plat.
30. If a subdivision is located within the airport approach zone or any other zone affected by the airport the following note shall be located on the final recorded plat, height limitations may apply:
  - a. portion of this subdivision lies within the airport approach zone
31. Is this subdivision affected by height limitations from Outlaw Field?
32. If any portion of the subdivision plat lies within the one-mile radius of Ft. Campbell the following note shall be located on the final recorded plat:
  - a. Any subdivision plat submitted for property within this zone shall contain the following note in bold print and in a conspicuous location on the plat or plan: "This property is located in close proximity to Ft. Campbell military installation and may be subjected to increased noise levels resulting from the overflight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the firing of small and large caliber weapons, and other accepted and customary military training activities".
33. Does the subdivision fall within noise zone I, II, or III of the Sabre Heliport
34. Note for lots located within noise zone II and III: "Lots \_\_\_\_ of this subdivision lie within Noise Zone II or III of the Sabre Heliport Overlay District. Sound attenuation shall be required to meet the requirements of the Sabre Heliport Overlay District per the Montgomery County Zoning Resolution".
35. Check FIRM maps and floodway maps for the one (1) percent flood elevations, if subdivision is affected the following notes shall be located on the final recorded plat:
  - a. "Elevation certificate shall be required. Lot lies within the one (1) percent base flood. Minimum finished building pad shall be (feet above sea level) including basements all heating and cooling units, and ductwork and minimum finished floor elevation shall be (feet above sea level). The degree of flood protection required hereon is considered

reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as bridge openings restricted by debris. This does not imply that areas outside the floodplain district will be free from flooding or flood damages. The approval of this plat shall not create liability on the part of the city/county or any officer or employee thereof for any flood damages that result from reliance on this plat or any administrative decision lawfully made.”

36. “Drainage easements” may be labeled as “one (1) percent flood elevation easements” so septic areas and field lines can be placed closer to those easements.
37. Add a note to the plat within drainage easements and one (1) percent flood elevation easements.
  - a. No fill or structures to be built within this area
38. Add the following note to all plats:
  - a. “It will be the responsibility of the subdivider or the owner to include the above-referenced easements as an integral part of the subdivision in such a manner that said areas will be owned and maintained by the present owner or by a prospective property owner.”
39. The following notes or information shall be located on all city or county final recorded plats:
  - a. Show all sinkholes; mark the highest closed contour and the bottom of the depression
  - b. Show all Class V injection wells; mark the highest closed contour and include the location of all standpipes and areas of rock backfill
  - c. Show cave entrances; mark the highest closed contour and the entrances
  - d. Show the water quality buffers and easements
  - e. Water quality buffers: no clearing, structures or fill allowed
  - f. The following note must be included on the final plats to designate lots that have twelve(12) inches or more of fill located within a proposed occupied building footprint  
Lot(s) \_\_\_\_\_ require soil compaction certification for each 12 (twelve) inch lift of fill, or the submission of a soil compaction certification waiver to the Montgomery County Building and Codes Department before building permits will be issued.
  - g. The following note must be included on the final plats to designate lots with stormwater control structures or structural best management practices that require execution of a stormwater maintenance agreement prior to the sale or transfer of that lot.  
Lots(s) \_\_\_\_\_ have stormwater control structures or structural BMP's that require a stormwater maintenance agreement to be filed with the Montgomery County Register of Deeds and the Montgomery County Building and Codes Department and/or city street department before all or any portion of the property is transferred or conveyed.

40. Location of all fire hydrants within and immediately adjoining subdivision
41. Is subdivision located near a school, park, or other area that would need a crosswalk provided
42. If the streets are private, the streets will need to be labeled as easements on the plat
43. Travel easements and sign easements shall be shown on the plat
44. Right-of-way lines and widths of all streets, road, permanent dedicated easements and alleys
45. Add permanent easement notes and travel easement notes
46. Radius at intersections
47. Approved street names and identification of all alleys and streets, roads and permanent dedicated easements
48. Cul-de-sacs or dead-end streets
  - a. Do not exceed seven hundred fifty (750) feet in length (500 feet for a "short cul-de-sac" within the City)
  - b. Radius at end is fifty (50) feet or greater
49. Temporary turnarounds
  - a. To be required more than three hundred (300) feet from the centerline of the nearest intersection
  - b. Radius at end is fifty (50) feet or greater
  - c. Hammerhead turn arounds may be used with approval from the Streets Department or the Highway Department. Dimensions should be no less than 20 feet by 120 feet with radius of 28 feet or greater. The grade of the road will determine the final dimensions.
50. Sidewalks and underground utilities apply to all developments within the City Limits of Clarksville, Tennessee.
  - a. The following shall be located on all final plats: This development will have underground utilities and sidewalks. (within the City Limits and all cluster developments)
51. If sidewalks are within a subdivision located outside the City Limits of Clarksville, Tennessee.
  - a. The following shall be located on all final plats: The sidewalks will be maintained by the homeowners association.
52. If City of Clarksville Ordinance 69-2004-05 (Enhanced Zoning provisions) or the Residential Cluster Development provisions of the City of Clarksville Zoning Ordinance or Montgomery County Zoning Resolution apply to the development, it shall be noted in the title of the final recorded plat.
53. Cluster developments shall note on the plat that the association will maintain storm drainage structures located within open spaces.
54. Maximum block length of 1500 feet
55. Each lot meets the minimum zoning regulations (city and county may differ)
  - a. Lot sizes
  - b. Lot widths
  - c. Lot depths (minimum of eighty (80) feet in depth)
  - d. Minimum road frontage

- e. Setbacks (city and county may differ)
  - f. Location of lots along a state or federal highway (extra setback required)
56. Easements as required
- a. Type(s)
  - b. Location(s) Twenty feet parallel to all streets, roads, or dedicated permanent easement right of way.
  - c. Width(s)
  - d. All easements shall be labeled and denoted who is responsible for maintenance of that easement
57. Note one (1) on the final recorded plat shall read as one (1) of the following:
- a. Sanitary sewer: All PUDE or Access easements shown may be used for power, telephone, telecommunication, gas, sanitary sewer, storm sewer, water, and surface drainage, as well as designed use.
    - ~~i. If the lot is served by sanitary sewer or septic not using swale easements: A minimum of five feet along the inside of all side lot lines and ten feet along the inside of all rear lot lines is reserved as a utility and/or drainage easement. OR~~
    - ~~b.a.~~ b.a. If the lot is served by septic and is using swale easements:
      - A minimum of five (5) feet along the inside of all side lot lines and ten (10) feet along the inside of all rear lot lines is reserved as a utility and/or swale easement.
      - An easement exists for the placement of a swale on the side and rear property lines. This swale shall be no deeper than (12) inches and shall be (10) ten feet wide. The deepest point of the swale shall be on the property line. The actual construction of this swale is optional. It shall be left to the discretion of the property owner if the swale is needed. If built, any deviation in construction from the established standard may lead to revocation of the lot approval, by the Tennessee Division of Ground Water Protection. At such time that sanitary sewer is extended to these lots, all swale easements shall automatically convert to drainage easements.
58. Reserved
59. The final plat shall be accompanied by:
- a. A quitclaim deed providing a permanent dedicated site and access for any new sewer pump station to be owned by the City of Clarksville
  - b. Dedicated utility easements signed, notarized, and recorded with the Montgomery County Register of Deeds from all involved property owners for any and all off-site utilities
  - c. As-built plans that must show the locations of all benchmarks, describe the benchmark and list the elevation
60. Certificates
- a. Certificate of ownership and dedication
  - b. Certificate of notary public

- c. Certification by surveyor
  - d. Certification for on-site sewage disposal system
  - e. Certification of the approval of streets/roads and permanent easements
    - i. Change the certificate of ownership block and street/highway department block if roads are to be permanent easements
  - f. Certificate of approval of drainage outside of road rights-of-way
  - g. Certification of the approval of utilities
  - h. Certification of approval for recording
  - i. Certification of approval for TDOT if along a state route
61. Letters of acceptance from all agencies
  62. Conforms to the requirements and minimum standards set forth in the subdivision regulations
  63. Required improvements installed or bonds posted before the Regional Planning Commission meeting
  64. Filing fee

## **6.5 PROCEDURE FOR RECORDING NOT MORE THAN TWO (2) LOTS**

### ***6.5.1. QUALIFICATIONS FOR STAFF LEVEL PLAT (SUBDIVISION)***

Pursuant to TCA, §13-3-402, where a proposed subdivision or subdivision replat contains no more than two (2) lots of less than five (5) acres, and does not require dedication of any land to the public (except as noted in the next sentence) or installation of any public improvements, the Secretary or Chairman of the Regional Planning Commission may approve the plat and sign the plat for recording without the approval of the Regional Planning Commission, upon certification by the Regional Planning Commission staff that the subdivision complies with the regulations as described below, and provided further, that no request for variance or dedication of any land to the public from these regulations has been requested. At the discretion of the Director of the Clarksville-Montgomery County Regional Planning Commission, a subdivision may be approved as a Staff Level Subdivision even though it involves the dedication of public right-of-way provided such dedication does not involve the opening of a new public way or infrastructure improvements in the public right-of-way.

Any tract of land being subdivided, and is zoned for multi-family, office/medical, institutional/civic, commercial, or industrial, must be approved through the regular subdivision process, regardless of the number of lots being applied for approval, the Planning Director may waive this subdivision or replat requirement for approval by the Regional Planning Commission. If the applicant applies for site plan review and receives approval by the Regional Planning Commission before applying for subdivision of property, then the applicant may apply for subdivision approval through the abbreviated process only if there are no requirements for the dedication of any land to the public (other than the dedication of right-of-way) and/or installation of any public improvements (including the opening of a public way).

Lots that are considered staff level plats or replats and have existing structures (primary or accessory) which are located within the minimum building setback lines (MBSL) and/or public utility drainage easement (PUDE) may be approved, so long as the division of land is not creating or worsening the encroachment by the platting of said lot(s).

The following note must be added to the final plat when a structure is existing in the MBSL or PUDE: "An existing structure is located within the minimum building setback line or public utility drainage easement for Lot (#). The existing structure cannot be enlarged or altered in such a way that would increase encroachment into the setback or easement area. If the structure is removed or destroyed, any new structure must comply with all current setback and easement requirements."

### **6.5.2 MINIMUM REQUIREMENTS AND PROCESS**

1. **Owner:** For the purpose of this process, means the legal or beneficial owner or owners of all the land proposed to be included in the proposed subdivision or the holder of a written option or contract to purchase the land, or the attorney or authorized representative of any of the aforementioned.
2. The property must have direct access to public utilities, and no utility improvements required (utility service connections being permitted);
3. The property must have road frontage along a public right-of-way, permanent easements, or travel easements that are usable;
4. The property must meet all the regulations in City ordinances and/or County resolutions and subdivision regulations;
5. If the property meets the above requirements, the applicant and/or surveyor may proceed with the following process:
  - a. The applicant or surveyor shall submit two (2) copies of the proposed subdivision plat to a Planning Commission staff member for preliminary review;
  - b. The applicant or surveyor shall submit an application and a filing fee, prior to the review of the plat;
6. Once the preliminary review has been completed by a staff member of the Regional Planning Commission and the plat has been released for signatures the following steps shall then be followed:
  - a. Signature of the surveyor;
  - b. Signature of the Chief Utility Engineer or appropriate designee and/or utility district designee;
  - c. Signature from a designee of the city street department and/or county highway department designee;
  - d. Signature from the appointed designee of TDEC;
  - e. Signature of the property owner and their signature notarized;
  - f. If the plat is in the unincorporated area of the County, a signature from the Montgomery County Building and Codes official;



7. If additional information has not been provided by the surveyor on the plat, the owner will be asked to return the plats to the surveyor so that the additional information can be provided;
8. Once all the above has been submitted and/or completed the Director of the Regional Planning Commission may sign the plat for recording.

### **6.5.3 STAFF LEVEL PLAT CONTENT**

#### **(One or two lot minor plat checklist)**

The following information shall be submitted on an 11" x 17" paper, or; if the property is a replat of an existing subdivision, the plat shall be submitted on an 18" x 24" paper:

2. Label the point of beginning to the nearest street center-line intersection.
3. The title of the plat shown in the title block (e.g., John Doe property, road name, and lot number) title of the plat must match current owner
4. The north arrow on the plat
5. Add all title block information to the plat (date, civil district, total acres, owner's name, owner's address and telephone number, and total lots).
6. Add the graphic and written scale to the plat.
7. Right-of-way lines, widths, and names of streets (including easements if they exist).
8. Is property located within a zoning overlay district (such as the Madison Street Corridor or the H-1 Historic District) and is the property affected by setbacks other than the typical?
9. Location of proposed development within 1,000 feet of a sport shooting range, shall have the following note:
  - a. 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 that may result from these uses and activities.
10. Water line size and location will be provided by the Chief Utility Engineer/utility district within their signature block;
11. Location of the nearest fire hydrant, provided by the Chief Utility Engineer/utility district if fire hydrant exists;
12. Does property lie within airport overlay zones? If so, add the following note: "(Portion) of this subdivision lies within the airport approach zone.
13. Does property lie within Fort Campbell land use area? If so, add the following note: Any subdivision plat and site review plan submitted for property within this zone shall contain the following note in bold print and in a conspicuous location on the plat or plan: "This property is located in close proximity to Fort Campbell military installation and may be subjected to increased noise levels resulting from the overflight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the firing of small and large caliber weapons, and other accepted and customary military training activities. Note for lots located within noise zone II and III: "Lots \_\_\_\_ of this subdivision lie within Noise Zone II

or III of the Sabre Heliport Overlay District. Sound attenuation shall be required to meet the requirements of the Sabre Heliport Overlay District per the Montgomery County Zoning Resolution”.

14. Drawn to a scale of one inch equals one hundred feet (whenever practical)
15. All easements shall be located, dimensioned, and labeled as to purpose on the plat.
  - a. Twenty (20) feet from and parallel to nearest right-of-way line.
  - b. If required by the affected City/County Departments, State and Federal Agencies, Utility Districts, etc... for drainage and utilities, five (5) feet along the inside of all side lot lines.
  - c. If required by the affected City/County Departments, State and Federal Agencies, Utility Districts, etc... for drainage and utilities, ten (10) feet along the inside of all rear lot lines.
  - d. Additional easements as required.
16. All general notes shall appear on the plat;
  - a. Note 1:
    - i. If the lot is served by sanitary sewer or septic not using swale easements: All PUDE and Access easements shown may be used for power, telephone, telecommunication, gas, sanitary sewer, storm sewer, water, SSDS supply line, and surface drainage, as well as designed use. OR
    - ii. If the lot is served by septic and is using swale easements: All PUDE and Access easements shown may be used for power, telephone, telecommunication, gas, sanitary sewer, water, and SSDS supply line, as well as designed use. Easements to be used as drainage easements shall be shown and labeled on the plat.
  - b. Note 2:
    - i. ~~If the lot is served by sanitary sewer or septic not using swale easements: A minimum of five feet along the inside of all side lot lines and ten feet along the inside of all rear lot lines is reserved as a utility and/or drainage easement. OR~~

If the lot is served by septic and is using swale easements:

- A minimum of five (5) feet along the inside of all side lot lines and ten (10) feet along the inside of all rear lot lines is reserved as a utility and/or swale easement.
- An easement exists for the placement of a swale on the side and rear property lines. This swale shall be no deeper than (12) inches and shall be (10) ten feet wide. The deepest point of the swale shall be on the property line. The actual construction of this swale is optional. It shall be left to the discretion of the property owner if the swale is needed. If built, any deviation in construction from the established standard may lead to revocation of the lot approval, by the Tennessee Division of Ground Water Protection. At such time that sanitary sewer is

extended to these lots, all swale easements shall automatically convert to drainage easements.

17. If on state or federal highway the following note shall be added to all plats: The owner must obtain a driveway connection permit from TDOT before construction begins on site"
18. If lot(s) front along a state or federal highway (additional setbacks shall be required).
19. Add the following note to all plats: It will be the responsibility of the subdivider or the owner to include the above-referenced easements as an integral part of the subdivision in such a manner that said areas will be owned and maintained by the present owner or by a prospective property owner.
20. Add the following note to all plats: This plat does not require the dedication of any land to the public or installation of any public improvements.
21. The following note must be added to the final plat when a structure is existing in the MBSL or PUDE: "An existing structure is located within the minimum building setback line or public utility drainage easement for Lot (#). The existing structure cannot be enlarged or altered in such a way that would increase encroachment into the setback or easement area. If the structure is removed or destroyed, any new structure must comply with all current setback and easement requirements."
22. The minimum building setback line required as per the Montgomery County Zoning Resolution or the City of Clarksville Zoning Ordinance.
23. All lots must meet the minimum zoning regulations (e.g., minimum lot size, width, and frontage).
24. Dimensions shall be to the nearest 100th of a foot and angle to the nearest second.
25. A permanent benchmark may be required.
26. Location and description of all concrete monuments and iron pins. Monuments shall be designated by small squares and iron pins by small circles.
27. The name and address of the engineer shall appear on the plat.
28. Add the vicinity map to plat;
29. Complete pipe schedule showing minimum size of all driveway culverts, provided by the Montgomery County Highway Department;
30. Before approving the minor plat (not more than two lots and less than five acres), the signature blocks must be signed by the appropriate agencies/departments.
31. Most recent recorded deed book and volume number; plat book and page number for all subdivision replats.
32. A copy of the most recent recorded deed must be filed with the Minor Plat application.
33. Check FIRM maps and floodway maps for the one (1) percent flood elevations, if subdivision is affected the following notes shall be located on the final recorded plat:
  - a. "Elevation certificate shall be required. Lot lies within the one (1) percent base flood. Minimum finished building pad shall be (feet above sea level) including basements all heating and cooling units, and ductwork and minimum finished floor elevation shall be (feet above sea level). The degree of flood protection required hereon is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as bridge openings restricted by debris. This does not imply that areas outside the floodplain district will be free

from flooding or flood damages. The approval of this plat shall not create liability on the part of the city/county or any officer or employee thereof for any flood damages that result from reliance on this plat or any administrative decision lawfully made.”

34. Coordinate all multi-family and commercial plats with the site review process or agencies involved in the subdivision review process.
35. A member of the Regional Planning Commission staff will provide a property address.
36. If topography is required it shall be shown in ten-foot intervals.
37. Road name(s) is listed correctly? \_\_\_\_\_yes or \_\_\_\_\_no
38. Check for name duplication in subdivision index.
39. Make copy for addresses.
40. If replat, check subdivision index to see how many times it has been replatted.

## **6.6 FINAL PLAT VARIANCES**

1. Any condition shown on the Final Plat (or on engineering plans or data called for in Chapter 4) which would require a variance shall constitute a ground for disapproval of the Final Plat unless such special application for a variance is approved.
2. Variance requests shall be accompanied by written justification for said variance as outlined in Section 1.6.
3. Variances are not permitted for a Staff Level Plat (Subdivision); if such is needed for a proposed Staff Level Plat (Subdivision), it must follow the Minor Plat (Subdivision) procedures.

## **6.7 NOTES REQUIRED ON ALL PLATS**

### ***6.7.1 PERMANENT ACCESS EASEMENTS IN CITY.***

The following shall be noted on the final plat for permanent access easements in the City:

1. The City of Clarksville shall not be responsible for the inspection and/or maintenance of the road surface pavement, the storm sewer structures, the permanent easement, and/or pedestrian ways and their improvements. Storm Water maintenance shall be in accordance with the City of Clarksville Storm Water Management Manual.
2. An Association shall be created and recorded with the final plat at the Montgomery County Register of Deeds office and the following note shall be added to the final recorded plat:  
“The Association will be responsible for the maintenance of the storm sewer structures, the permanent easement and/or pedestrian ways and their improvements.”

### **6.7.2 TRAVEL EASEMENTS ~~IN CITY~~**

The following shall be noted on ~~the final plats~~ utilizing for travel easements ~~in the City~~:

“The [City of Clarksville or Montgomery County] shall not be responsible for the inspection and/or maintenance of the storm sewer structures, the travel easement, and/or pedestrian ways and their improvements. Storm Water maintenance shall be in accordance with the City of Clarksville Jurisdiction’s Storm Water Management Manual.”

“The Travel Easement shall be maintained by the association as recorded in ORV Page ROMCT”

### **6.7.3 PERMANENT ACCESS EASEMENTS IN UNINCORPORATED AREA**

The following notes shall appear on the final plat:

“The County Highway Department shall not be responsible for the inspection and/or maintenance of the permanent easement, the storm sewer structures within the permanent easement and/or pedestrian ways and their improvements.”

“The Montgomery County Building and Codes Department shall not be responsible for the inspection and/or maintenance of the storm sewer structures outside of the permanent easement and their improvements. Storm Water maintenance shall be in accordance with the Montgomery County Storm Water Management Manual.”

### **6.7.4 PUBLIC UTILITY AND DRAINAGE EASEMENTS (PUDEs)**

1. When a swale easement exists in a subdivision the following note shall be added to the final plat.

“An easement exists for the placement of a swale on the side and rear property lines. This swale shall be no deeper than twelve (12) inches and shall be ten (10) feet wide. The deepest point of the swale shall be on the property line. The actual construction of this swale is optional. It shall be left to the discretion of the property owner if the swale is needed. If built, any deviation in construction from the established standard may lead to revocation of the lot approval, by the Tennessee Department of Environment and Conservation. At such time that sanitary sewer is extended to these lots, all swale easements shall automatically convert to drainage easements.”

2. The following requirement shall be noted on all final plats:

“It will be the responsibility of the subdivider or the owner to include the above-referenced easements as an integral part of the subdivision in such a manner that

said areas will be owned and maintained by the present owner or by a prospective property owner.”

3. The following note must be included on the Final Plat to designate lots with stormwater control structures or structural best management practices that require execution of a Storm Water Maintenance Agreement prior to the sale or transfer of that lot.

“Lot(s) \_\_\_\_\_ have stormwater control structures or structural BMPs that require a Storm Water Maintenance Agreement to be filed with the Montgomery County Register of Deeds and the Montgomery County Building and Codes Department and/or the City Street Department before all or any portion of the property is transferred or conveyed.”

#### **6.7.5 LOTS WITH FILL**

The following note must be included on the Final Plat to designate lots that have twelve (12) inches or more of fill located within a proposed occupied building footprint.

“Lot(s) \_\_\_\_\_ require soil compaction certification for each 12 (twelve) inch lift of fill, or the submission of a soil compaction certification waiver to the Montgomery County Building and Codes Department before building permits will be issued. “

#### **6.7.6 LOTS AFFECTED BY BASE FLOOD (OR ONE PERCENT STORM EVENT)**

“Elevation certificate shall be required. Lot lies within the one (1) percent base flood. Minimum finished building pad shall be (feet above sea level) including basements all heating and cooling units, and ductwork and minimum finished floor elevation shall be (feet above sea level).”

The following note shall also be placed on all plats which indicate any areas within the one (1) percent flood:

“The degree of flood protection required hereon is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as bridge openings restricted by debris, sinkhole failures, etc. This does not imply that areas outside the floodplain district will be free from flooding or flood damages. The approval of this plat shall not create liability on the part of the City/County or any officer or employee thereof for any flood damages that result from reliance on this plat or any administrative decision lawfully made.”

**6.7.7 AIRPORT APPROACH ZONE, AIRCRAFT LIGHT SENSITIVE AREA & SABRE HELIPORT OVERLAY DISTRICT**

1. When a subdivision or a portion of the subdivision lies within the Airport Approach Zone, a note shall be shown on the final plat stating:

“Subdivision lies within the Airport Approach Zone (designate lot numbers on plat if portion of the subdivision lies within this area).”

2. When structures are limited in height by the Airport Approach Zone, a note shall also be added stating the maximum height of such structure.
3. When a subdivision or a portion of a subdivision lies within the Aircraft Light Sensitive Area, a note shall be shown on the final plat stating:

“Subdivision lies within the Aircraft Light Sensitive Area” (designate lot numbers on plat if portion of the subdivision lies within this area). All outdoor lighting shall comply with the requirements of the Montgomery County Zoning Resolution (or City of Clarksville Zoning Ordinance) regarding Aircraft Light Sensitive Area.”

4. When the subdivision or a portion thereof is within the one (1) mile radius of Ft. Campbell, the following note shall appear on the final plat:

“This property is located in proximity of the Ft. Campbell Military Installation and may be subjected to increased noise levels resulting from the overflight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the firing of small and large caliber weapons, and other accepted and customary military training activities.”

**6.7.8 OTHER NOTES AS NECESSARY**

1. If the plat is ten (10) lots or less and receiving minor plat approval by final plat provisions or staff level approval:

“This plat does not require the dedication of any land to the public or installation of public improvements. ”

2. Is subdivision affected by future road construction
3. Location of proposed development within 1,000 feet of a sport shooting range, shall have the following note:

“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 that may result from these uses and activities.”

4. If the development has access along a state or federal highway a copy of the highway connection permit shall be submitted prior to final plat approval.
5. If lot(s) front along a state or federal highway the following note shall be on the final recorded plat:

- The owner must obtain a driveway connection permit from TDOT before construction begins on site
- Driveways that have a shared access with an adjacent lot shall be shown, labeled and dimensioned, a minimum of twenty (20) feet, on the final plat
- If access to a state maintained road is prohibited by TDOT, a note to the effect shall be added to the plat.

6. If a subdivision is located within the airport approach zone or any other zone affected by the airport the following note shall be located on the final recorded plat, height limitations may apply:

“A portion of this subdivision lies within the airport approach zone.”

7. If the subdivision lies within the one-mile radius of Ft. Campbell the following note shall be located on the final recorded plat:

Any subdivision plat and site review plan submitted for property within this zone shall contain the following note in bold print and in a conspicuous location on the plat or plan: “this property is located in close proximity to Ft. Campbell Military Installation and may be subjected to increased noise levels resulting from the overflight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the firing of small and large caliber weapons, and other accepted and customary military training activities.”

8. Does the subdivision fall within noise zone i, ii, or iii of the sabre heliport
9. Does property lie within Ft. Campbell land use area
10. Drainage easements may be labeled as “one (1) percent flood elevation easements” so septic areas and field lines can be placed closer to those easements.
11. Add a note to the plat within drainage easements and one (1) percent flood elevation easements:

“No fill or structures to be built within this area”

12. Add the following note to all plats:



“It will be the responsibility of the subdivider or the owner to include the above-referenced easements as an integral part of the subdivision in such a manner that said areas will be owned and maintained by the present owner or by a prospective property owner.”

13. The following notes or information shall be located on all final recorded plats:
- a. Show all sinkholes; mark the highest closed contour and the bottom of the depression
  - b. Show all Class V injection wells; mark the highest closed contour and include the location of all standpipes and areas of rock backfill
  - c. Show cave entrances; mark the highest closed contour and the entrances
  - d. Show the water quality buffers and easements
  - e. Water quality buffers: no clearing, structures or fill allowed
  - f. The following note must be included on the final plats to designate lots that have twelve(12) inches or more of fill located within a proposed occupied building footprint:

“Lot(s) \_\_\_\_\_ require soil compaction certification for each 12 (twelve) inch lift of fill, or the submission of a soil compaction certification waiver to the Montgomery County Building and Codes Department before building permits will be issued.”

- g. The following note must be included on the final plats to designate lots with stormwater control structures or structural best management practices that require execution of a stormwater maintenance agreement prior to the sale or transfer of that lot.

“Lots(s) \_\_\_\_\_ have stormwater control structures or structural BMP's that require a stormwater maintenance agreement to be filed with the Montgomery County Register of Deeds and the Montgomery County Building and Codes Department and/or Clarksville Street Department before all or any portion of the property is transferred or conveyed.”

14. Drainage easements” may be labeled as “one (1) percent flood elevation easements” so septic areas and field lines can be placed closer to those easements.
15. Add a note to the plat within drainage easements and one (1) percent flood elevation easements:

“No fill or structures to be built within this area.”

16. If the plat is eligible for minor plat the following note shall be placed on the final recorded plat:

“This plat does not require the dedication of any land to the public”

17. The following notes or information shall be located on all final recorded plats:
- a. Show all sinkholes; mark the highest closed contour and the bottom of the depression.
  - b. Show all Class V injection wells; mark the highest closed contour and include the location of all standpipes and areas of rock backfill.
  - c. Show cave entrances; mark the highest closed contour and the entrances.
  - d. Show the water quality buffers and easements.
  - e. Water quality buffers: no clearing, structures or fill allowed.
  - f. The following note must be included on the final plats to designate lots that have twelve(12) inches or more of fill located within a proposed occupied building footprint:

“Lot(s) \_\_\_\_\_ require soil compaction certification for each 12 (twelve) inch lift of fill, or the submission of a soil compaction certification waiver to the Montgomery County Building and Codes Department before building permits will be issued.”

- g. The following note must be included on the final plats to designate lots with stormwater control structures or structural best management practices that require execution of a stormwater maintenance agreement prior to the sale or transfer of that lot:

“Lots(s) \_\_\_\_\_ have stormwater control structures or structural BMP's that require a stormwater maintenance agreement to be filed with the Montgomery County register of deeds and the Montgomery county building and codes department and/or city street department before all or any portion of the property is transferred or conveyed.”

19. All general notes shall appear on the plat;

- a. Note 1:
  - i. If the lot is served by sanitary sewer or septic not using swale easements: "all PUDE and Access easements shown may be used for power, telephone, telecommunication, gas, sanitary sewer, storm sewer, water, SSDS supply line, and surface drainage, as well as designed use", or;
  - ii. If the lot is served by septic and is using swale easements: "all PUDE and Access easements shown may be used for power, telephone, telecommunication, gas, sanitary sewer, water, and SSDS supply line, as well as designed use. Easements to be used as drainage easements shall be shown and labeled on the plat".

b. Note 2:

- iii. If the lot is served by sanitary sewer or septic not using swale easements: "A minimum of five feet along the inside of all side lot lines and ten feet along the inside of all rear lot lines is reserved as a utility and/or drainage easement." or;
- iv. If the lot is served by septic and is using swale easements: "An easement exists for the placement of a swale on the side and rear property lines. This swale shall be no deeper than (12) inches and shall be (10) ten feet wide. The deepest point of the swale shall be on the property line. The actual construction of this swale is optional. It shall be left to the discretion of the property owner if the swale is needed. If built, any deviation in construction from the established standard may lead to revocation of the lot approval, by the Tennessee Division of Ground Water Protection. At such time that sanitary sewer is extended to these lots, all swale easements shall automatically convert to drainage easements."

20. If lot(s) front along a state or federal highway (additional setbacks shall be required).

21. Add the following note to all plats:

"It will be the responsibility of the subdivider or the owner to include the above-referenced easements as an integral part of the subdivision in such a manner that said areas will be owned and maintained by the present owner or by a prospective property owner."

## **CHAPTER 7: BOND AND SURETY**

### **7.1 CONSTRUCTION**

#### ***7.1.1 PUBLIC RIGHT OF WAY AND PUBLIC IMPROVEMENTS***

If the appropriate department or utility accepts bonds/surety the following shall apply:

The affected Department or Utility District that inspects the public improvements required under Section 6.2, may, at its discretion, allow the subdivider to submit an acceptable bond, surety, or irrevocable letter of credit to defer the construction of these improvements. The amount and specifications of which shall be approved by the Chief Utility Engineer or appropriate Utility District, the City Street Superintendent or the County Highway Supervisor and the Montgomery County Building Commissioner securing to the City, County, the Montgomery County Building Commissioner, and/or Utility District, actual construction and installation of such public improvements for a minimum period of twelve (12) months from the date of final plat approval and in accordance with standard specifications of these Regulations. Such bond or irrevocable letter of credit shall be in cash or be made by a surety company, and shall be made payable to and enforceable by the City of Clarksville, Montgomery County, (Tennessee), the Montgomery County Building and Codes Office, and/or appropriate Utility District. Such bond amount shall be determined by the agency having jurisdiction over the public improvements. The surety or irrevocable letter of credit shall not be released from said bond except by written release from the Chief Utility Engineer or appropriate Utility District, the City Street Superintendent or the County Highway Supervisor and the Montgomery County Building Commissioner.

The above-mentioned surety bonds, cashier's check, or irrevocable letter of credit may be accepted for public utilities, streets, and drainage structures within the proposed street right-of-way. Surety bonds, cashier's check, or irrevocable letter of credit will not be accepted for drainage structures outside the proposed street rights-of-way. Drainage structures, outside the proposed street rights-of-way, will have to be complete and in working order before final plat approval.

The subdivider by agreement with the Chief Utility Engineer or appropriate Utility District, the City Street Superintendent or the County Highway Supervisor and the Montgomery County Building Commissioner shall warrant public improvements for a minimum period of twelve (12) months after all public improvements are in place and accepted by the Chief Utility Engineer or appropriate Utility District, the City Street Superintendent or County Road Supervisor and the Montgomery County Building Commissioner in case of any and all failure due to improper workmanship and/or materials used for the installation of utilities, fills, drainage systems, etc.

In the event the subdivider wishes to defer the placement of a second pavement course, the subdivider shall post a surety bond in an amount to be determined by the Director of Streets, the County Highway Supervisor, or their appropriate designee. The bond shall be issued by a surety company and shall normally be for a period of two (2) years, this may be extended at the

discretion of the department having jurisdiction. All bonds shall be delivered to the proper department by noon the last business day before the Regional Planning Commission meeting, or the case will be deferred until the next regular meeting, failure of the applicant or his designee to request deferral will result in a recommendation of disapproval.

### **7.1.2 PRIVATE RESIDENTIAL COMMON ACCESS EASEMENTS, ALLEYS, AND FRONTAGE ROADS**

No final subdivision plat utilizing a residential common access easement or alleyway shall be approved by the regional planning commission or accepted for recordation by the county register of deeds until the required improvements listed or agreed upon are constructed in a satisfactory manner and approved by the regional planning commission. In lieu of completed improvements, the regional planning commission may accept an appropriately prepared and worded irrevocable letter of credit from a federally insured lending institution submitted to the regional planning commission staff in the full amount of the itemized estimated cost of required improvements, including labor, and with a minimum of 25 percent contingency amount added to the total cost.

Such bonding ensures that the residential common access easement improvements may be made in the event of default by the subdivider or developer since building permits will be issued prior to improvements being installed.

### **7.1.3 BONDING PROCEDURES**

The method of bonding shall be in the form of letter of credit made payable to the “Clarksville Montgomery County Regional Planning Commission”.

The bond amount must be submitted to the regional planning commission staff for approval prior to final plat approval. The regional planning commission staff may be assisted by the City Street Department staff, County Highway Supervisor, or a third part engineer hired by the Regional Planning Commission.

Within five working days, notice of approval or deficiencies will be forwarded to the applicant.

The period of performance for each bond shall be a minimum 12 months from the date the plat is to be signed by the Director or Chairman of the Regional Planning Commission. A bond may only expire between May 15<sup>th</sup> and November 15<sup>th</sup> of any calendar year, in some instances a bond may need to be submitted for more than the 12 month period depending on the month the plat is signed.

The conditions of each bond shall provide for default thereof if the improvements covered by such bond have not been installed within a period not to exceed one year from signature of the final plat. The applicant may request to extend the completion bond for a period not to exceed one year at a regular meeting of the Regional Planning Commission. If the Regional Planning Commission finds that the public interest will not be adversely affected by such extension, a one-year extension may be granted and the financial institution that issued the bond will be notified

of the extension by staff. If all improvements have not been completed by the end of the second one-year period, the staff shall cash the letter of credit and complete the required improvements.

#### **7.1.4 RELEASE OF BOND**

Once the required improvements have been completed the developer will request the letter of credit to be released by the Regional Planning Commission. This request must be received by the Regional Planning Commission staff no later than two weeks prior to the Regional Planning Commission regular meeting date where the release will be acted upon. The request must be accompanied by a signed and sealed letter from an engineer that certifies that the improvements were constructed to the specifications on the final plat. The Regional Planning Commission will vote on the release of the letter of credit at the next available regularly scheduled meeting. Regional Planning Commission staff will first review and measure the improvements and report back to the developer regarding the satisfactory installation of improvements or if there are any deficiencies. A list of deficiencies will be provided in written form and the developer will be given an opportunity to correct them within the performance period of the bond, which can be extended if necessary by the Regional Planning Commission. Once the improvements are satisfactory a report to the Regional Planning Commission will be provided by staff for the release of the letter of credit effective the day after the Regional Planning Commission meeting.

#### **7.2 MAINTENANCE**

After completion and acceptance of any improvements required herein, the Chief Utility Engineer or appropriate Utility District Official, the City Street Superintendent or the County Highway Supervisor and the Montgomery County Building Commissioner may require a maintenance bond for a period of up to five (5) years for construction maintenance. The subdivider shall post a surety bond, cashier's check or an irrevocable letter of credit to be made by a surety company in an amount to be determined by the Director of Streets, the County Highway Supervisor, the Montgomery County Building Commissioner or their appropriate designee.

All bonds, cashier's check or an irrevocable letter of credit shall be delivered to the proper department by noon the last business day before the Regional Planning Commission meeting, or the case will be deferred until the next regular meeting.

**CHAPTER 8: CERTIFICATIONS AND EXHIBITS (permanent easements and travel easements)**

**8.1 EXHIBIT “A-1” (roads and sidewalks)**

This is to certify that I am a duly qualified engineer licensed to practice in the State of Tennessee, License # \_\_\_\_\_.

1. It is to further certify that the roads and sidewalks in the proposed development have been installed in accordance with City of Clarksville Street Specifications, City of Clarksville Sidewalk Ordinance and Montgomery County Highway Department Road Specifications and approved plans.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Seal

**8.2 EXHIBIT “A-2” (drainage)**

This is to certify that I am a duly qualified engineer licensed to practice in the State of Tennessee, License # \_\_\_\_\_.

1. I hereby certify that the drainage structures in the proposed development have been installed in accordance with City of Clarksville Storm Water Regulations and that all required bond(s) have been posted, OR
2. I hereby certify that all drainage structures outside the road right-of-way have been installed and are in an acceptable manner and according to the County Stormwater Management Regulations and that all required bond(s) have been posted.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Seal

### **8.3 CERTIFICATIONS**

#### **8.3.1 CERTIFICATE OF OWNERSHIP**

I/WE HEREBY CERTIFY THAT I AM/WE ARE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I/WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE ALL STREETS, ROADS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS SHOWN.

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OWNER/DATE

#### **8.3.2 CERTIFICATE OF NOTARIZATION**

STATE OF TENNESSEE, MONTGOMERY COUNTY PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY

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THE WITHIN NAMES BARGAINOR(S) WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO ACKNOWLEDGED THAT THEY EXECUTED THE WITHIN DESCRIBED INSTRUMENT.

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NOTARY PUBLIC	DATE	MY COMMISSION EXPIRES
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#### **8.3.3 CERTIFICATE OF SURVEY/ACCURACY**

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE CLARKSVILLE MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON.

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REGISTERED SURVEYOR/DATE

#### **8.3.4 CERTIFICATE OF APPROVAL OF STREETS/ROADS**

I HEREBY CERTIFY THAT ALL STREETS/ROADS AND DRAINAGE STRUCTURES HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO CITY OR COUNTY SPECIFICATIONS



OR THAT A SURETY BOND IN THE AMOUNT OF \_\_\_\_\_ HAS BEEN POSTED WITH THIS OFFICE TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.

---

SUPER. CITY STREETS OR COUNTY HIGHWAY SUPERINTENDENT/DATE

**8.3.5 CERTIFICATE OF APPROVAL OF PERMANENT OR TRAVEL EASEMENTS (CITY)**

THE CITY STREET DEPARTMENT SHALL NOT BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORM STRUCTURES AND INGRESS/EGRESS EASEMENTS AND ASSOCIATED IMPROVEMENTS.

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CITY STREET DEPARTMENT/DATE

**8.3.6 CERTIFICATE OF APPROVAL OF PERMANENT EASEMENTS (COUNTY)**

(EASEMENT NAME) AND/OR THE ROADWAYS DEPICTED ON THIS PLAT ARE NOT COUNTY ROADS. THE MONTGOMERY COUNTY HIGHWAY DEPARTMENT DID NOT INSPECT (EASEMENT NAME) AND/OR ROADS DEPICTED ON THIS PLAT AND CANNOT CERTIFY THE QUALITY OF WORKMANSHIP USED IN THE ROADS DEPICTED ON THIS PLAT. MONTGOMERY COUNTY DID NOT APPROVE THE DRAINAGE OF THE ROADWAYS OR LOTS IN THIS DEVELOPMENT AND SHALL NOT BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROADWAYS DEPICTED ON THIS PLAT OR ANYTHING WITHIN THE FIFTY (50) FOOT EASEMENT INCLUDING, BUT NOT LIMITED TO, STORM DRAINAGE STRUCTURES.

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COUNTY HIGHWAY DEPARTMENT/DATE

**8.3.7 CERTIFICATE OF APPROVAL OF UTILITIES**

I HEREBY CERTIFY THAT ALL WATER AND SEWER LINES HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO CITY/UTILITY DISTRICT SPECIFICATIONS OR THAT CASH, IRREVOCABLE LETTER OF CREDIT OR SURETY BOND IN THE AMOUNT OF \_\_\_\_\_ HAS BEEN POSTED WITH THIS OFFICE TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.

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CHIEF UTILITY ENGINEER OR UTILITY DIST. OFFICIAL/DATE

**8.3.8 CERTIFICATE OF APPROVAL MONTGOMERY COUNTY BUILDING AND CODES**

I HEREBY CERTIFY THAT NO CONDITIONS CONTRARY TO THE MONTGOMERY COUNTY STORMWATER/BUILDING AND CODES REGULATIONS ARE KNOWN TO EXIST.

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MONTGOMERY COUNTY SWC  
BUILDING AND CODES OFFICIAL/DATE

**8.3.9 CERTIFICATE OF APPROVAL FOR RECORDING**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON COMPLIES WITH ALL SUBDIVISION REGULATIONS FOR MONTGOMERY COUNTY, TENNESSEE WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS NOTED IN MINUTES OF THE COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE MONTGOMERY COUNTY REGISTER.

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DIRECTOR CLARKSVILLE-MONTGOMERY COUNTY  
REGIONAL PLANNING COMMISSION/DATE