

June 2022 Proposed Changes to the Clarksville – Montgomery County Subdivision Regulations

The following amendments to the subdivision regulation are deemed necessary to provide clarity or update procedures to roadway construction or travel easements in the city and county.

In addition, the RPC is reducing the required amount of copies of paper plans from 15 to 5 to reduce waste and cost to the applicants.

2.2 Definitions

Replace

Easement, Travel (Commercial, Office, and Industrial): 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. Commercial, Office or Industrial 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.

With

Easement, Travel: The right granted by the owner of land to another party by plat, to allow access across one parcel of land to another. Appropriately zoned lots may be created without frontage on a public street, in accordance to all rules and regulations specified within these Regulations if a "travel easement" is utilized.

Section 3.2.4:

Replace:

“4. A Planned Unit Development (PUD) development, 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 include standard street, lot, and subdivision arrangements if the departure from the foregoing standards can be made without destroying their intent”

With the following:

“4. The roads, streets, and alleys contained within an approved 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 although the design of the project may not include standard arrangements as deemed acceptable by the local authority having jurisdiction over roadway construction.”

Section 3.2.6 TRAVEL EASEMENTS IN CITY

In #1 Add

“an Association shall be formed” after “easement” and before “the following note...”

Replace

“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.”

With

“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. The Planning Director shall have the authority to determine if such travel easement may be utilized within a development.”

Replace

“6. All travel easements shall be connected to a public right-of-way or permanent easement.”

With

“6. All travel easements shall be connected to a public right-of-way.”

Replace

“9. Curb and gutter may not be required.”

With

“9. Curb and gutter may be required.”

Add New Section

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.

Renumber Former Sections 3.2.8 through 3.2.11 will be subsequently 3.2.9 through 3.2.12

Section 5.1.1 FILING OF APPLICATION AND PLANS

Paragraph 1

Replace “fifteen (15)”

With “five (5)”

Paragraph 2

Replace “The Planning staff shall forward one (1) of said copies to....”

With “The Planning staff shall forward a digital copy or one print to....”

Section 5.2

Replace

“2. Fifteen copies and a digital copy of a preliminary plat submitted by the subdivision deadline date established by the Regional Planning Commission office.”

With

“2. Five paper copies and a digital file of a preliminary plat submitted by the subdivision deadline date established by the Regional Planning Commission office.”

Section 6.1.1

Paragraph 1

Replace “fifteen (15)”

With “five (5)”

Paragraph 2

Replace “The Planning staff shall forward one (1) of said copies to....”

With “The Planning staff shall forward a digital copy or one print to....”

6.4 CONTENT FOR FINAL PLATS

Replace

“Fifteen copies and a digital copy of a preliminary plat submitted by the subdivision deadline date established by the Regional Planning Commission office.”

With

“Five paper copies and a digital file of a preliminary plat submitted by the subdivision deadline date established by the Regional Planning Commission office.”

Remove the following from 6.4 (57) (i) AND 6.5.3 (16)

“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”

6.7.2 TRAVEL EASMENTS

Replace

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

“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.”

With

The following shall be noted on final plats utilizing travel easements:

“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 Jurisdiction’s Storm Water Management Manual.”

“The Travel Easement shall be maintained by the association as recorded in ORV____Page____
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