

SUBDIVISION REGULATIONS

BERRY HILL, TENNESSEE

9-06

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AMENDMENTS

DATE

ORDINANCE NO.

AMENDMENTS

CHAPTER 1
GENERAL PROVISIONS

SECTIONS

- 1-1 Title
- 1-2 Authority
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- 1-12 Vacation of Streets, Easements, or Other public Facilities

1-1 **TITLE**

These provisions shall hereafter be known and cited as the "Subdivision Regulations of the City of Berry Hill, Tennessee."

1-2 **AUTHORITY**

1. Authority

These rules and regulations are adopted pursuant to Chapters 35 and 45, of the Public Acts of 1935, and as subsequently amended and being Section 13-3-401 et seq., and Section 13-4-301 et seq., Tennessee Code.

2. Planning Commission has Met State Law.

In the adoption of these Subdivision Regulations, the Planning Commission acts in pursuance to the authority and powers granted by Sections 13-4-301 through 13-4-309, as amended, Tennessee Code. Having adopted a Major Street Plan for the jurisdiction, and filed a certified copy of the plan with the Register of Deeds, as required by Sections 13-3-402 and 13-4-302, Tennessee Code, and having held a public hearing on these regulations, as indicated in Section 7-1, (Original Enactment) of these regulations, and as required by Sections 13-3-403 and 13-4-303, Tennessee Code, the Planning Commission has fulfilled the requirements set forth in State law as prerequisites to the adoption of these regulations.

3. Enforcing Officer. It shall be the duty of the City Manager or his/her designated appointee to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

1-3 PURPOSE

1. Purpose

These regulations are intended to "provide for the harmonious development of the municipality, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality for adequate open spaces for recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity". (Section 13-4-303, Tennessee Code)

2. Provision of Options

The subdivision regulations provide development options that are intended to support the policies and purposes of the Land Development Plan.

3. How to Use These Regulations

An applicant may continue to develop conventional suburban subdivisions using the requirements of Chapter 3, General Requirements for Improvements, Reservations, and Design. An applicant may, however, opt to develop alternative subdivisions that are more urban in nature. In such instance, the requirements of Chapter 4, Walkable Subdivisions, must be met in addition to the requirements of Chapter 3, General Requirements for Improvements, Reservations, and Design.

1-4 DECLARATION OF DEVELOPMENT PREFERENCE

At the time a Concept Plan is filed with the City, as provided in Section 2-3, the applicant shall declare whether the plan shall be reviewed under the requirements of Chapter 3, of these regulations alone or in combination with Chapter 4, of these regulations. When opting to use Chapter 4, only the regulations and standards of Chapter 3, and the selected chapter shall be applied. A declaration of development preference is not required for a land partition.

1-5 JURISDICTION

These rules and regulations governing the subdivision of land shall apply to the division of lands, declared under Section 1-4, within City of Berry Hill.

1-6 INTERPRETATION

These regulations are intended to promote the health, safety, and welfare of persons within this jurisdiction, and toward that purpose, these regulations may be liberally construed.

1-7 SEVERABILITY

If any part or provision of these regulations or application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances, and for such purpose, the provisions or any portion of the provisions in these regulations are considered severable. The Planning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

1-8 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under or by virtue of previous Subdivision Regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person by lawful action of the City, except as expressly shall be provided otherwise in these regulations.

1-9 EFFECTIVE DATE OF THE REGULATIONS

1. Effective Date of the Regulations

The effective date of the Subdivision Regulations shall be November 14, 2006. Any concept plan submitted after this date shall comply with these Subdivision Regulations.

2. Subdivisions Submitted or Approved Prior to the Effective Date

Any subdivision submitted as a complete application or approved in preliminary or final form, but not yet expired, prior to the effective date may, at the discretion of the applicant, continue under the conditions originally approved, but no extensions shall be granted for these subdivisions.

1-10 AMENDMENTS

1. Enactment

Before the adoption of any amendment to these regulations, a public hearing thereon shall be held by the Planning Commission. Notice of the time and place of the public hearing shall be given by publication in a newspaper of general circulation in the City. (Section 13-4-303, (c), Tennessee Code)

2. Codification and Distribution

Subsequent to the adoption of any amendment to these regulations, such amendment shall be incorporated into the text of these regulations in the following manner:

- a. In Chapter 7, of these regulations, each adopted amendment shall be numbered consecutively and include a brief explanation of the amendment and the effective date.
- b. The amendment number and effective date of the amendment shall be included at the end of the amended section as follows: Amendment # _____, month/day/year.
- c. Any necessary corrections to the Table of Contents, cross references and/or numbering of sections of these regulations required as a result of an amendment to these regulations, but not specifically called out at the time of the adoption of the amendment, may be made at any time and shall not require formal action by the Planning Commission.

1-11 VARIANCES

1. General

If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- 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 were carried out.
- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Ordinance of the City.

2. Procedures

A petition for any such variance shall be submitted in writing by the applicant along with the initial filing of the concept plan. The petition shall state fully the grounds for the application and all of the facts upon which the petitioner is relying.

3. Conditions

In approving variances, the Planning Commission may impose such conditions as in its judgment, shall secure substantially the objectives, standards, and requirements of these regulations.

4. Additional Findings

Certain sections of the regulations may require additional findings to be made by the Planning Commission in order to permit variances.

1-12 VACATION OF STREETS, EASEMENTS, OR OTHER PUBLIC FACILITIES

1. Planning Commission Approval

Prior to acceptance of any public facility by the City, any plat or any part of any plat may be vacated by the owner of the premises at any time before the sale of any lot described therein. Such vacation may be accomplished by a written instrument, submitted to the Planning Commission to which a copy of such plat shall be attached, or by a revised plat declaring the

original plat or part of the original plat to be vacated. The Planning Commission shall follow the same procedure for approval of such instrument as required for approval of plats. Such an instrument shall be approved by the Planning Commission, executed and duly recorded thereby voiding that portion of the recorded plat and divesting all public rights in the streets, alleys, and public grounds and all dedications laid out or described in such plat.

2. Vacations After Sale of Lots

When any lot, lots, or phase has been sold, the public facility(s) may be vacated in the manner herein provided only if all the owners of lots or phases in such plat join in the execution of such writing.

CHAPTER 2

PROCEDURES FOR PLAT APPROVAL

SECTIONS

- 2-1 General Procedures
- 2-2 Approval Procedure for Land Partitions
- 2-3 Concept Plan
- 2-4 Development Plan
- 2-5 Final Subdivision Plat
- 2-6 Recording of Plat
- 2-7 Phasing Major Subdivision Plats
- 2-8 Resubdivision of Land
- 2-9 Miscellaneous Platting Situations

2-1 GENERAL PROCEDURES

1. Review Procedures

Before any land is subdivided, the owner of the property proposed to be subdivided, or an authorized agent, shall, upon payment of applicable fees as determined by the Planning Commission, apply for and secure approval of the proposed subdivision in accordance with the following procedures:

- a. Discussion at a recommended pre-application conference of the subdivision requirements and procedures for the proposed project, and possible issues related to the development of the property.
- b. Submittal of the concept plan prepared in accordance with Section 2-3, for Planning Commission review and the securing of required approvals from other public agencies and any affected utility districts and companies.
- c. Submittal of the development plan described in Section 2-4.
- d. Submittal of the final subdivision plat, prepared in accordance with Section 2-5, to the Enforcing Officer for review and approval in preparation for recording with the Register of Deeds.

2. Classification of Subdivisions

The Enforcing Officer shall determine whether the application is a major subdivision, a minor subdivision, or a land partition. Neither a concept plan nor development plan shall be required when the proposed plan of subdivision for the property is deemed to be a partition and a development plan may not be required when the proposed plan of subdivision for the property is deemed to be a minor subdivision.

a. Major Subdivision

A division of land into two or more lots that include any of the following:

- i. A new or extended public street or street right-of-way, but not including future street alignments illustrated in a plan of potential resubdivision as required by Section 2-8, 1.
- ii. Improvement(s) within an existing street right-of-way, other than repair or construction of sidewalk(s) or other pedestrian connections required by these regulations, fire hydrants or other types of minor improvements necessary to serve the lots being created.
- iii. A future public school site, park site, greenway corridor or open space site shown on an adopted plan.
- iv. The dedication of a right-of-way or easement for construction of public water distribution or sewage collection lines.
- v. Dedications, reservations, improvements, or environmental conditions that, in the opinion of the Enforcing Officer, require construction documents to be reviewed prior to final plat approval in order to insure the public health, safety, and welfare.

b. Minor Subdivision

A subdivision of land where the conditions for major subdivision review, as set out in Section 2-1, 2, a, is not present.

c. Partition

A division of land, fronting on an existing standard street and no new streets are proposed, creating not more than two lots and not requiring public facilities or public utility extensions. Partitions that require a variance or waiver from these regulations shall be deemed to be a minor or a major subdivision.

3. Official Submission Date

For the purpose of these regulations, the date the concept plan appeared on the Planning Commission Agenda, shall constitute the official submittal date of the plat at which the statutory period required in Sections 13-4-301 et seq., Tennessee Code, for formal approval or disapproval of the plat shall commence.

4. Coordination of Zone Change Application with Subdivision Application

It is the intent of these regulations that the review of a subdivision concept plan may be carried out simultaneously with the review of a zone change application made under the Zoning Ordinance. In addition to the application required for the requested zone change, an application for subdivision may be submitted for a coordinated review.

a. General Requirement

Whenever a zone change is requested and development would require the subdivision of a tract, vacant or improved, into two or more lots or the consolidation of lots, the subdivision application may be considered simultaneously with the zone change application.

b. Procedure to be Followed:

i. Concept Plan Approval Required

The application for concept plan approval shall be made on forms available from the Enforcing Officer and shall include all information required of a concept plan as described in the Submittal Checklist available from the Enforcing Officer. The Enforcing Officer shall then coordinate and send the concept plan and zone change application submittals to the Planning Commission for concurrent review. The Planning Commission shall also, when applicable under the provisions of the Zoning Ordinance, make such reviews of use, density, and bulk standards as are required under the zoning regulations.

ii. Resubmission of Concept Plan if Major Revisions Required

After completing its review of the zone change application and the concept plan, and approving, approving with conditions, or disapproving the concept plan, the Planning Commission shall forward its recommendations on the zone change application, including reviews of such use, density and bulk standards as it was required to make under the Zoning Ordinance to the Board of Commissioners to approve, approve with conditions, or disapprove the zone change application. If the Board of Commissioners approved zoning requires major revisions to the concept plan as described in Subpart b of Section 2-3, 5, (Revisions to Approved Concept Plans), the applicant shall resubmit the concept plan for Planning Commission approval. Upon approval of the zoning change and concept plan for a subdivision, the developer may subsequently make application for development plan approval of a major subdivision or for final plat approval of a minor subdivision.

c. Relation to Planned Unit Development (PUD), and Urban Design Overlay (UDO) Districts. In submitting any final subdivision plat located within a PUD or UDO District for approval, the prior action of the Commission approving the Final PUD or Final UDO Plan shall be sufficient concept plan approval. No separate concept plan submission shall be required provided all information required for concept plans are included upon the PUD, or UDO Drawings.

5. Reserve Parcels

Small parcels not conforming in size or shape with all regulations shall not be platted. All land within a tract proposed for subdivision shall be incorporated in lots, lands held in common, or public rights-of-way.

2-2 APPROVAL PROCEDURE FOR LAND PARTITIONS

1. Procedure for Partitioning

A land partition may be accomplished in accordance with the following procedure:

- a. Submission to the Secretary of the Commission of a final subdivision plat that shall be:
 - i. Made on forms available from the Enforcing Officer and shall be accompanied by a fee as determined by the Planning Commission.
 - ii. Provided in the form of an original plat of survey, signed and sealed by a Registered Surveyor containing all information described on the Submittal Checklist.
- b. Upon determination by the Enforcing Officer that the final plat meets the provisions of these regulations in every respect, the Secretary may sign said plat on behalf of the Commission and release the same for recordation.

2. Partitioning Large Tracts into Not More than Two (2) Lots

- a. Two (2) lots greater than five (5) acres. When partitioning a tract into two (2) lots where each lot will be greater than five (5) acres, no action by the Planning Commission is required if no public street or public utility extensions or a variance or waiver from these regulations are required.
- b. Two (2) lots of less than five (5) acres each. When partitioning a tract into two (2) lots of less than five (5) acres each, the procedure outlined in Sections 2-2, 1, (Procedure for Partitioning).
- c. One (1) lot less than five (5) acres and one (1) lot greater than five (5) acres. When partitioning a tract into one (1) lot less than five (5) acres and one greater, the procedure outlined in Section 2-2, 1, (Procedure for Partitioning), shall be followed except the plat drawing shall not require a detailed survey description of the lot greater than five acres unless the easements supporting the lot being created are granted within the tract in excess of five acres.

2-3 CONCEPT PLAN

1. Concept Plan Pre-Application Conference

Before preparing the concept plan for a subdivision, it is strongly recommended that the applicant schedule a concept plan pre-application conference.

2. Application Procedure and Requirements

A request to subdivide the land shall be made by the owner of the land, or an authorized representative, by filing an application for approval of a concept plan with the Planning Commission.

a. Application Requirements

The application shall:

- i. Be made on forms available from the Enforcing Officer and shall be accompanied by a fee as determined by the Planning Commission.
- ii. Be accompanied by the concept plan and include all information described on the Submittal Checklist.
- iii. For major subdivisions, be presented to the Enforcing Officer at least fifteen (15) days prior to a regular meeting of the Planning Commission.
- iv. For minor subdivisions and miscellaneous platting situations described in Section 2-9, (Miscellaneous Platting Situations) be presented to the Enforcing Officer at any time.

b. Complete Applications Forwarded

No application shall be accepted or forwarded to the Development Review Committee until all requirements of this section are satisfied.

3. Approval Procedures

a. Staff Review and Determination of Subdivision Category

The Enforcing Officer shall initiate a review of the concept plan and any exhibits submitted in conformance with these regulations and shall determine whether the concept plan constitutes a major or minor subdivision as described under Section 2-1, 2 (Classification of Subdivisions).

b. Development Review Committee

A review of the concept plan shall be performed by a Development Review Committee consisting of the Enforcing Officer, City Planner and City Engineer. The review shall be conducted in accordance with the published review schedule. The findings of the review process shall be presented to the Planning Commission.

c. Published Review Schedule

The published review schedule shall designate a meeting schedule for the Development Review Committee, a deadline for comments on concept plan completeness and compliance, a timeline for reporting results to the applicant and a deadline for applicant revisions to be resubmitted. Once a concept plan is in compliance with all applicable regulations, it shall be presented to the Planning Commission for formal approval, conditional approval or disapproval.

d. Additional Procedures for Minor Subdivisions

- i. If the Enforcing Officer determines under Section 2-1, 2, (Classification of Subdivisions) that the concept plan constitutes a minor subdivision, the Enforcing Officer may place the matter on the next available regular meeting agenda of the Development Review Committee.

ii. After the application is reviewed and deemed to be in compliance with all applicable regulations it shall be placed on the next available regular meeting agenda of the Planning Commission for formal approval, conditional approval or disapproval of the concept plan.

iii. Subsequent to an approval or conditional approval by the Planning Commission in Section 2-3, 4, b, (Planning Commission Review and Decision) the applicant may proceed directly to file an application for approval of a final subdivision plat as provided in these regulations.

4. Process for Planning Commission Hearing

a. Notice of Hearing

Notice of hearing shall be given to all property owners within three hundred (300) feet of the applicant property. Properties owned by the applicant shall not be included in the distance measurement for public notice.

b. Planning Commission Review and Decision

After the Planning Commission has reviewed the concept plan, supplemental data, and the results of the administrative reviews, the applicant shall be advised of any required changes or additions. The Planning Commission shall approve, conditionally approve, or disapprove the concept plan within thirty (30) days after the date of the regular meeting of the Planning Commission at which the application was first placed on the Planning Commission agenda. A deferral of concept plan consideration requested by the applicant shall be deemed to be a waiver of the thirty (30) day requirement.

c. Failure of the Planning Commission to Act

The failure of the Planning Commission to act upon a concept plan within the prescribed time shall be deemed approval of the plan. In such event, a Notice to Proceed shall be issued by the Secretary of the Planning Commission, upon demand, and the applicant may proceed to apply for development plan approval in the manner prescribed by Section 2-4 (Development Plan). If no development plan is required, the applicant may proceed to final subdivision plat approval in the manner prescribed in Section 2-5. The applicant is cautioned that such default approvals shall not exempt a subdivision from compliance with the Zoning Ordinance and other Code provisions.

d. Planning Commission Action

After the Planning Commission approves, conditionally approves, or disapproves the concept plan, a letter containing the resolution of the Planning Commission shall be sent to the developer or owner with the date of approval, conditional approval, or disapproval. If a concept plan is disapproved, the Planning Commission shall state specific reasons for disapproval that shall be entered into the minutes of the meeting.

e. Thirty (30) Days to Submit Revised Plans

Any application that receives conditional approval from the Planning Commission shall be followed, within sixty (60) days, by submission of revised plans, or the Commission's approval shall expire.

f. Effective Period of Concept Plan Approval

The approval of a concept plan of a minor subdivision shall be effective for a period of one year and the approval of a concept plan for a major subdivision shall be effective for two years from the date of Planning Commission Approval. Prior to the expiration of the concept plan approval, such plan approval may be extended for one additional year upon request.

g. Reapproval for Expired Concept Plans

Should concept plan approval expire for any reason, any submittal for Planning Commission reapproval may be, at the discretion of the Planning Commission, and shall be subject to current Zoning Ordinance and Subdivision Regulations in effect at the time reapproval is sought.

5. Revisions to Approved Concept Plans

The applicant shall submit proposed revisions to the approved concept plan to the Enforcing Officer. The Enforcing Officer shall initiate a review of the proposed revisions to be performed by the Development Review Committee. For all revisions determined to be major revisions, Planning Commission approval shall be required.

a. Minor Revisions

If the Enforcing Officer, on the advice of the Development Review Committee deems the revision(s) to be minor, the Enforcing Officer is authorized to approve the revisions to the concept plan. Minor revisions are insignificant shifts in street and open space locations, minor changes to lot size, minor changes to unit size and distribution of intensity not inconsistent with a final PUD or Overlay approval and its associated concept plan, if applicable; minor shifts in lot lines; and other changes which do not alter the general layout and intensity of the approved concept plan or have a significant impact on proposed or existing infrastructure.

b. Major Revisions

All other revisions, including revisions that are determined by the Enforcing Officer, on the advice of the Development Review Committee, to constitute a public interest, shall be deemed to be major revisions. At the request of the applicant, any revised concept plan shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Enforcing Officer. The Enforcing Officer may, at his or her discretion or on the advice of the Development Review Committee, direct any revised concept plan to the Planning Commission. For all revisions determined to be major revisions, Planning Commission approval shall be required. The Planning

Commission shall approve, conditionally approve, or disapprove the proposed major revision to the concept plan. Procedures for considering a major revision to a concept plan shall be the same as required for an initial application for concept plan approval.

c. Failure of the Planning Commission to Act

Failure of the Planning Commission to act in the prescribed time shall be deemed approval. The procedures contained in Section 2-3, 4, c, shall be followed.

2-4 DEVELOPMENT PLAN

1. Application Procedure and Requirements

The applicant shall file with the Enforcing Officer a development plan application. The failure of the applicant to satisfy the requirements of this Section with full and correct information shall be cause for disapproval of a development plan.

a. Application Requirements

The application shall:

- i. Be made on forms available from the Enforcing Officer and shall be accompanied by a fee as determined by the Planning Commission.
- ii. Be accompanied by the development plan and include all information described on the Submittal Checklist available from the Enforcing Officer.
- iii. Be accompanied by one (1) copy of any required construction plans. The applicant shall be responsible for providing construction plans to all applicable agencies.

b. Complete Applications Forwarded

No application shall be forwarded to the Development Review Committee until all application requirements of Section 2-4, 1, a, are satisfied.

2. Staff Review

The Enforcing Officer shall initiate an administrative review of the development plan by the Development Review Committee. The review shall be conducted in accordance with the published review schedule. The purpose of the review shall be to verify that the required information has been submitted, all applicable regulations and standards have been met, and that the development plan is in general conformance with the approved concept plan. It shall be the responsibility of the applicant to ensure the accuracy, completeness, and construction feasibility of the development plan.

3. Decision on Development Plan

Upon completion of a staff review required by Section 2-4, 2, the applicable approval procedure below shall be followed.

a. Minor Revisions

If the Enforcing Officer, with the advice of the Development Review Committee, deems that the development plan shows no revisions or minor revisions to the concept plan as described in Section 2-3, 5, a, (Minor Revisions) and meets all the regulatory requirements, the Enforcing Officer is authorized to approve the development plan on behalf of the Planning Commission. Where in the opinion of the Enforcing Officer revisions to the plan exceed the minor revisions of Section 2-3, 5, a, (Minor Revisions) the officer may direct a development plan to the Planning Commission. In such instance the provisions of Section 2-3, 5, b, shall apply. At the request of the applicant, a development plan shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Enforcing Officer.

b. Major Revisions

All other revisions shall be deemed to be major revisions, as described in Section 2-3, 5, b. If the development plan contains major revisions to the approved concept plan, a revised concept plan along with the development plan shall be submitted to the Planning Commission for approval by the applicant in accordance with the published review schedule. The procedures contained in Section 2-3, 5, b, (Major Revisions), shall be followed for any major revisions to the development plan.

c. Failure of the Planning Commission to Act

Failure of the Planning Commission to act upon a development plan submitted to them under Section 2-4, 3, within thirty (30) days after the official submission date (See Section 2-1, 3) shall be deemed approval of the plan, and in such event, a certificate of approval entitling the applicant to proceed shall be issued, upon demand, by the Planning Commission. Caution should be exercised in that such default approval shall not exempt the subdivision from compliance with the Zoning Ordinance and other Code provisions.

4. Expiration of Development Plan

a. Construction shall commence within two years after approval of the development plan is granted, or such plan shall expire.

b. A major subdivision shall not be subject to development plan expiration when both of the following conditions are met:

i. The subdivision has been divided into two or more phases for final platting purposes, in compliance with Section 2-7 (Phasing Major Subdivision Plats).

ii. At least one of those phases has a final plat recorded with the Register of Deeds and has all public improvements bonded.

c. Should development plan approval expire for any reason, any submittal for Planning Commission re-approval may be, at the discretion of the Planning Commission, subject to current Zoning Ordinance and Subdivision Regulations in effect at the time re-approval is sought.

5. New Information

When new information related to the natural characteristics of the land is discovered during construction, the project engineer shall promptly advise the appropriate City agency of details of the found conditions, the impacts, and the modifications to the infrastructure which are to be made. Such found conditions may include, but are not limited to, the presence of sinkholes or other environmentally sensitive or geologic hazard areas. If the modifications to the development plan are determined to be major, as described in Section 2-4, 3, b, (Major Revisions) and the development plan no longer complies with the concept plan, Planning Commission approval shall be required for a revision to the concept plan to comply with the revised development plan based on the new information.

2-5 FINAL SUBDIVISION PLAT

1. Application Procedure and Requirements. The applicant shall file with the Enforcing Officer an application for approval of a final subdivision plat. The final subdivision plat application shall:
 - a. Contain such information as described in the Submittal Checklist adopted by the Planning Commission.
 - b. Be made on application forms available from the Enforcing Officer and shall be accompanied by a fee as determined by the Planning Commission.
 - c. Include the entire subdivision, or section thereof, for which final approval is sought.
 - d. Be a reproducible record plat the size, material, and inking of which shall be as specified by the Register of Deeds. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets numbered in sequence. Any shading placed on the plat face to add clarity shall not cover any words or figures.
 - e. Except for minor adjustments for field conditions, comply with the approved concept plan and development plan in street locations and the number of lots.
 - f. Be presented to the Enforcing Officer at least fifteen (15) days prior to the regular meeting of the Commission at which the plat is to be considered.
 - g. Be accompanied, if the final plat contains open space, recreational facilities, or any portion of the site in common ownership, regardless of the method of ownership, by the following documentation for approval by the Planning Commission and recording with the final plat:
 - i. Plans for improvement and maintenance of the open space or facilities located thereon.
 - ii. Articles of incorporation and bylaws of the homeowners' association or other legal entity charged with improving or maintaining the open space or facilities, where open space or facilities are to be deeded to a homeowners' association or similar organization acting on behalf of the joint owners of said property, and declaration of covenants and restrictions pertaining to each and every property within the subdivision.

2. Requirements for Improvements.

The Planning Commission may require that all improvements be installed and dedicated prior to the signing of the final subdivision plat by the Secretary of the Planning Commission. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat, adequate performance bonds must be approved. The amount of any bond shall be established by the Enforcing Officer based upon the recommendations of the applicable department or agency. The Enforcing Officer shall require the applicant to indicate on the plat all streets and public improvements to be dedicated or reserved; and any other special requirements deemed necessary by the Enforcing Officer in order for the subdivision plat to conform to the Major Street Plan, the General Plan, and the most recent, detailed plan for the area adopted by the Planning Commission.

3. Staff Review

The Enforcing Officer shall initiate a review of the final subdivision plat and any exhibits submitted in conformance with these regulations.

a. Staff Review

The review shall be performed by the Enforcing Officer or the Enforcing Officer may send the plat to the Development Review Committee. The review shall be conducted in accordance with the published review schedule.

b. Complete Application

No application shall be considered for review or forwarded to the Development Review Committee until all requirements of Section 2-5, 1, (Application Procedure and Requirements) are satisfied.

4. Decision on Final Subdivision Plat

Upon completion of the staff review, the applicable approval procedure below shall be followed.

a. Minor Revisions

If the Enforcing Officer deems that the final subdivision plat shows no revisions or only minor revisions to the concept and development plans as described in Sections 2-3, 5, a, and 2-4, 3, a, and meets all the regulatory requirements, the Enforcing Officer is authorized to approve the final plat of subdivision on behalf of the Planning Commission. The Enforcing Officer may direct a final plat of subdivision to the Planning Commission according to the procedures of Section 2-5, 4, b, (below). At the request of the applicant, a final plat of subdivision shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Enforcing Officer.

b. Major Revisions

All other revisions shall be deemed to be major revisions as described in Sections 2-3, 5, b, and 2-4, 3, b. If the final subdivision plat contains major revisions to the approved development plan, a revised concept plan along with the development plan

shall be submitted to the Planning Commission for approval by the applicant in accordance with the published review schedule. The procedures contained in Sections 2-3, 5, b, for major revisions to approved concept plan shall be followed for any major revisions at the time of final plat of subdivision.

c. Failure of the Planning Commission to Act

Failure of the Planning Commission to act upon a final subdivision within thirty (30) days after the official submission date shall be deemed approval of the plat, and in such event, a certificate of approval entitling the applicant to proceed shall be issued, upon demand, by the Chairman and Secretary of the Planning Commission. Caution should be exercised in that such default approval shall not exempt the subdivision from compliance with the all code requirements.

5. Expiration of Final Subdivision Plat

An approved Final Subdivision Plat shall expire if it is not recorded with the Register of Deeds within one hundred-eighty (180) days after the date of approval by the Planning Commission or Enforcing Officer.

6. Vested Rights

No vested rights shall accrue to any plat by reason of concept plan, development plan, or final plat approval until the actual signing of the final plat by the Secretary of the Planning Commission and the recording of that plat with the Register of Deeds.

2-6 RECORDING OF PLAT

When all conditions of approval have been met including all required certifications and signatures and the posting of any required bonds, the Secretary shall sign the plat on behalf of the Planning Commission. The applicant shall deliver to the Secretary a reproducible copy and a digital copy of the signed plat for recording with the Register of Deeds. The applicant shall reproduce the number of copies of the signed plat required for distribution and Planning Commission record files. The applicant shall be responsible for any recording and reproduction fees. (See Appendix A, for certificate detail.)

2-7 PHASING MAJOR SUBDIVISION PLATS

The Planning Commission may permit a subdivision that has been given concept plan approval to be divided into two or more phases for development plan and final platting purposes and may impose such conditions upon the filing of each phase, as it may deem necessary, to assure the orderly development of the subdivision. Each phase shall be bonded independently of the other phases, unless expressly stated otherwise.

2-8 RESUBDIVISION OF LAND

Whenever a parcel of land is subdivided, and the subdivision plat shows one or more lots containing more than one acre of land or double the minimum required area for the zoning district in which the lot is located, and the Planning Commission has reason to believe that such lots shall be resubdivided into smaller building sites, the Planning Commission shall require that the subdivision and development of such parcel of land allow for the future opening of streets by restricting building locations.

2-9 MISCELLANEOUS PLATTING SITUATIONS

1. Converting Parcels to Building Sites

A land parcel created by deed or land parcel identified as a reserve parcel on a plat may be converted to a building site within the limits set forth by the Zoning Ordinance and these regulations as follows:

- a. A deed parcel may be converted to a building site by the procedure described in Section 2-2, 1, (Procedure for Partitioning).
- b. Reserve parcels may be converted to building sites by submittal of a plat drawing as described in Section 2-5 (Final Subdivision Plat). Removal of the reserve status shall require Planning Commission approval except when the parcel is in reserve pending an action by a public utility to provide service availability as noted on the face of the approved subdivision plat that created the reserve parcel.

2. Combine Two (2) or More Lots

Any number of lots may be combined into an equal or lesser number of lots by submittal of a plat drawing as described in Section 2-5 (Final Subdivision Plat). The drawing shall show the original lot lines as dash lines and proposed lot lines as solid lines. Combining lots shall require an approval by the Enforcing Officer. Any lots resulting from such recombination shall meet all applicable regulations.

3. Shifting Lot Lines

Shifting of lot lines is subject to the same procedures as described in Section 2-9, 2. Shifting of lot lines within a Planned Unit Development shall require submittal of a document showing approval by the homeowners' association.

4. Dedication of Right-of-Way, Public Use Lands, or Easements

The dedication of land or use of land for public purposes may be accomplished by one of the following methods, both of which require Planning Commission approval:

a. Dedication by Plat

A reproducible plat shall be prepared depicting the area to be dedicated by lines and survey description. The location of surrounding property lines, roads and public utilities shall be shown for reference. The placing of monuments and the location of such shall be shown on the plat. Signatory data shall also be included in the same manner as for a final plat. If the dedication is for a road right-of-way that, by the location of the dedication area, would divide a tract into two parcels, the plan shall be created as a final subdivision plat in conformance with Section 2-5.

b. Dedication by Written Document (Deed or Instrument)

A written document in a form acceptable to the City Attorney may be used for dedications in lieu of a plat. The document shall contain the following minimum information:

- i. Statement of purpose for the dedication
- ii. A narrative survey description of the area to be dedicated
- iii. Conditions, if any imposed by Grantor
- iv. The document shall contain the same signatory data as required for a final subdivision plat.

CHAPTER 3

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

SECTIONS

- 3-1 General Requirements
- 3-2 Monument Requirements
- 3-3 Suitability of the Land
- 3-4 Lot Requirements
- 3-5 Blocks
- 3-6 Improvements
- 3-7 Requirements for Sidewalks and Related Pedestrian Facilities
- 3-8 Requirements for Streets
- 3-9 Requirements for Dedication, Reservations, or Improvements
- 3-10 Inspections During Construction
- 3-11 Street Name, Regulatory and Warning Signs for Public Streets
- 3-12 Street Name, Regulatory and Warning Signs for Private Streets
- 3-13 Drainage and Storm Sewers
- 3-14 Public Water Facilities
- 3-15 Sewerage Facilities
- 3-16 Underground Utilities
- 3-17 Referral to Public Body

3-1 GENERAL REQUIREMENTS

1. General Requirements

Unless otherwise specified in these regulations, all subdivisions shall comply with the requirements of Chapter 3.

2. Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, divisions of land shall comply with all applicable laws, ordinances, resolutions, rules, policies or regulations, including, but not limited to the following:

- a. All applicable provisions of Tennessee law, regulations, or policy.
- b. The Zoning Ordinance, Building and Housing Codes, and all other applicable laws.
- c. The adopted General Plan, including its constituent elements, and the Major Street Plan.
- d. The rules of the Tennessee Department of Environment and Conservation.

- e. The rules of the Tennessee Department of Transportation if the subdivision or any lot contained therein abuts or encompasses a state highway or proposed state route.
- f. The standards and regulations adopted by all other boards, commissions, and agencies of the City, where applicable.

3. Subdivision and Street Names

The proposed name of the subdivision or streets within the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision or street in Berry Hill or Metropolitan Nashville. Proposed streets connecting, or which may eventually connect, to an existing street shall continue the existing street name, including streets that connect at an arterial or collector street.

3-2 MONUMENT REQUIREMENTS

1. Monument Requirements

Permanent monuments, of non-degradable material, shall be placed in all subdivisions when new streets are to be constructed.

- a. All monuments shall be placed on property corners or referenced to property lines or road alignments.
- b. Certification (see Appendix A) for placement of monuments, by a registered surveyor, shall be required.
- c. Monuments shall not be required where a subdivision occurs only along existing streets.

2. Control Monuments

One permanent control monument, both vertical and horizontal, shall be placed within each subdivision where roads are to be constructed. Control monuments shall be located within dedicated right-of-way near the entrance to the subdivision and, if possible, in a non-fill area or be affixed to a natural rock outcrop and shall comply with the following:

- a. Horizontal coordinates and vertical elevations shall be shown on the final subdivision plat and shall be correlated to the Tennessee State Plane Coordinate System using North American Datum 1983 and North American Vertical Datum 1929.
- b. Reference notes (field ties) defining magnetic bearings and distances to the nearest established street line or official benchmark shall be accurately described on the final subdivision plat.
- c. A description shall be included on the final subdivision plat using words and/or symbols to make it easy to locate at the site.
- d. Azimuth information provided to either a second monument or a substitute such as an antenna, church spire or other natural object of which disturbance is unlikely shall be included on the final subdivision plat.

3. Internal Monuments and Lot Pins

One monument, for each four lots or fraction thereof in the subdivision, shall be placed within sight from one to another.

- a. The monuments shall be placed within dedicated rights-of-way, when possible, and shall be located in non-fill areas or affixed to natural rock outcrops.
- b. In all subdivisions, lot corners and lot line breaks shall be staked with non-degradable pins.

3-3 SUITABILITY OF THE LAND

1. Suitability of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding as shown on FEMA Maps, steep slopes as shown on topographical maps, rock formations, problem soils, sinkholes, other adverse earth formations or topography, utility easements, or other features which may be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods to solve the problems created by the unsuitable land conditions are formulated by the developer and approved by the Planning Commission. Additional technical evaluation, plans, and analysis of a proposed subdivision by a professional engineer specializing in geotechnical evaluations, soils, hydrology, and/or structures may be required.

2. Critical Lots

When a proposed lot contains natural or manmade features that affect the feasibility of construction, it shall be designated a critical lot during the concept plan or partition review process and subsequent subdivision submittals.

- a. A lot shall be designated critical when the lot is created on a natural slope of twenty (20) percent or greater or when it contains natural floodplain.
- b. A lot may be designated critical on the basis of any other lot feature(s) that affects the feasibility of construction as listed in Section 3-3, 1.
- c. Lots on steep slopes shall be subject to the hillside development standards of Section _____, of the Zoning Ordinance.
- d. Lots in floodplains shall be subject to the floodplain/floodway development standards of Section _____, of the Zoning Ordinance.
- e. Lots with problem soils shall be subject to the development requirements of Section _____, of the Zoning Ordinance.
- f. A star symbol shall be used to identify critical lots on the face of the concept plan, development plan, and final plat.

3. New Critical Lots

Any lot that will be created as a result of the grading process that meets the definition of a critical lot, shall also be identified as such on the final plat, and shall be subject to the applicable development standards of Sections _____ and _____, of the Zoning Ordinance.

4. Prior to Concept Plan Approval

Prior to approval of a Concept Plan for a subdivision that includes lots designated as critical, the applicant shall provide the Enforcing Officer with a preliminary grading study and a description of the measures to be taken:

- a. To protect the natural features of the critical lots
- b. To minimize changes in grade, cleared area, and volume of cut or fill, and to control adverse impacts on the critical lots during and following the period of site disturbance.
- c. To align streets to minimize disturbance of slopes.
- d. To identify easements along property lines to meet future drainage needs.

5. Critical Lot Plan Required

Prior to application for a building permit on a lot designated as critical, a plan shall be submitted to the Enforcing Officer for approval as described in Appendix B. The Enforcing Officer may direct a critical lot plan to the Planning Commission for decision.

6. Grade Changing

Where grade changing is required in any subdivision, contour grading techniques shall be used to provide a natural-appearing transition between grades. The angle of any graded slope shall be gradually transitioned to the angle of the natural terrain. Slopes of thirty-three (33) percent or less may contain turf but, wherever practicable, vegetation other than turf that increases the natural appearance shall be used. All vegetated embankments shall have a check swale at the top. No reinforced embankment shall exceed sixty-six (66) percent.

7. Grade Changing Devices

Where development of the land requires grade-changing devices such as retaining walls, they shall be designated on the preliminary grading study and a description, including illustrations, of each device shall be included. For interlocking walls, vines and groundcover to provide a more natural finish to coarse walls is encouraged. Grade changing devices shall:

- a. Avoid obstructing driveway connections between building lots for non-residential development.
- b. Avoid creating precipitous grade changes, including through the use of retaining walls, that could result in safety hazard(s) to occupants of the development or to the general public.

- c. Generally limit the height retaining walls in or abutting residential development. Excessive grade changes shall be managed with terraces formed by a series of low retaining walls or by a combination of contoured slopes and low retaining wall(s).

3-4 **LOT REQUIREMENTS**

1. Lot Arrangement

The lot arrangement shall be such that there shall be no foreseeable difficulties, for reasons of topography, flood hazards, or other conditions in providing a building site and yard area. Lots proposed for creation on steep slopes, or with limited acceptable soil for a private sewage disposal system (if applicable), shall be designated on the face of the plat as critical lots in accordance with the provisions of Sections 3-3, 2, - 3-3, 5.

2. Lot Dimensions

Lot area shall comply with the minimum standards of the Zoning Ordinance.

a. Lot Lines

Residential side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.

b. Frontage

Each lot shall have frontage on a public street or, where permitted, on a private street to enable vehicular access to be provided. Lots in commercial zones may be excepted where a joint access driveway provides better access management.

c. Flag Lots

Residential flag lots shall not be permitted except the Planning Commission may waive the requirement if it finds that, due to unusual conditions, limited area for lot frontage on a street is available, or if all of the following conditions are met:

- i. The proposed lots fit into the character of the area and are consistent with the general plan.
- ii. All minimum standards of the Zoning Ordinance shall be met.
- iii. Up to three (3) lots are proposed.
- iv. The residential unit on the lot with frontage comparable to other lots in the area shall face the street.
- v. The flag lot private drive and/or access easement shall connect to a street.
- vi. The flag lot private drive and/or access easement shall be at least ten (10) feet wide for its entire length.
- vii. The flag lot shared access easement shall be part of one non-frontage lot and under the same ownership as that lot.

d. Corner Lots

Dimensions of corner lots shall be large enough to allow for street intersection radii and for erection of buildings, as stipulated by the requirements of the Zoning Ordinance.

e. Additional Yard Area

Residential lots, including double frontage and corner lots, shall be platted so that the depth of any yard abutting an arterial or collector street, limited access highway or railroad can conform to any additional yard requirements established by the zone district requirements.

i. In residential areas, a buffer strip at least twenty-five (25) feet in depth adjacent to a railroad right-of-way or limited access highway may be required for partitions and minor subdivisions and shall be required for major subdivisions. This strip shall be designated as common open space.

ii. In commercial or industrial areas, the nearest street extending parallel or approximately parallel to a railroad right-of-way shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

f. Lot Width

Lot width, at the front property line stipulated in the Zoning Ordinance, shall be not less than twenty-five (25) percent of the average lot depth. This provision shall not apply to residential lots greater than two acres in size (see Section 2-8, 1, Procedure for Subdivision Where Future Resubdivision is Foreseen), or to property within commercial or industrial zones.

3. Double Frontage Lots

Creation of lots with double frontage (street abutment front and rear) shall be avoided.

a. Exceptions

Exceptions may be made where necessary to provide access to residential development from other than arterial or collector streets, or to overcome specific disadvantages of topography and orientation.

b. Preferred Approach to Residential Subdivisions Fronting on an Arterial or Collector

When property is subdivided along an arterial or collector street, dwelling units are encouraged to face the arterial or collector wherever practicable with vehicular access via a shared frontage road, driveway easement, or rear alley to minimize curb cuts on the arterial or collector. There shall be a separation area between the arterial or collector and the edge of the frontage road or shared driveway easement.

4. Access from Arterial or Collector Streets

When property is divided along an existing street, the Planning Commission may require that lots not derive access from arterial or collector streets. Where driveway access from arterial or collector streets is necessary, the Planning Commission may require that lots be served by combined driveways (usually one driveway entrance shared by two lots), or by a private access drive serving more than two lots (if necessary shared maintenance arrangements shall be incorporated into the subdivision deeds) in order to limit driveway entrances and potential traffic hazards.

5. Lot Drainage

Lots shall be arranged in a manner to permit coordination of lot drainage with the general storm drainage system for the area, including subsurface drainage.

- a. Drainage systems shall be designed to avoid concentration of flow from each lot onto adjacent lots.
- b. The applicant shall insure that all artesian ground waters of a permanent or temporary nature discovered during the subdivision planning, development and construction process shall be intercepted and carried away to primary drainage conduits by swale ditches or in underground pipes on property line easements. Regardless of the location of property lines, intercept shall be allowed at the point of artesian surfacing. The applicant shall be obligated to perform this work upon evidence of any artesian water discovered during the planning, development, and construction phase of the subdivision.
- c. Any sinkhole or any natural channel serving as a means of moving ground water into the subterranean system shall be identified on the final plat and shall be protected as approved by the Tennessee Department of Environment and Conservation. All sinkholes in residential subdivisions shall be platted as open space.

6. Relationship to Watercourses

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the fees of adjacent lots.

- a. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it shall not become a public responsibility.
- b. No more than ten percent of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land that is under water.
- c. Where a watercourse separates a buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other drainage device of a design approved by the City, and no building permit shall be issued for a structure on such lot until the installation is completed and approved.

3-5 BLOCKS

1. Block Widths

Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, waterways, or for double frontage lots along collector or arterial streets.

2. Block Lengths

Block Lengths in residential areas shall not exceed 1,200 feet nor be less than two hundred (200) feet or four lot widths whichever is greater, except as the Planning Commission deems necessary to secure efficient use of land or desired features of the street pattern. Wherever practicable, blocks along arterial streets shall not be less than one thousand (1,000) feet in length and blocks along collector streets should not be less than one thousand (1,000) feet in length.

3. Considerations for Block Length, Width, and Shape

The lengths, widths, and shapes of blocks shall be determined with due regard to:

- a. Zoning requirements as to lot sizes;
- b. Needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic; and
- c. Limitations and opportunities of topography.

4. Easements Through Blocks

The Planning Commission may require the dedication of an easement through blocks to accommodate utilities, drainage facilities, or pedestrian traffic.

3-6 IMPROVEMENTS

1. Authorization to Construct Improvements

The approval of the concept plan, the development plan and construction plans by the Planning Commission shall be authorization to proceed with construction of improvements within a subdivision.

2. Construction of Improvements

Construction shall be completed according to the approved construction plans and specifications, the development agreement and construction inspection requirements of the applicable department and agencies. Inspections during the construction process shall meet the requirements of Section 3-10 (Inspections During Construction). If construction has not started within a phase within two (2) years of approval of construction plans, new construction plans shall be resubmitted to the applicable departments or agencies for re-approval.

3. Completion of Improvements

After all required inspections are completed, the final paving course may be applied when seventy-five (75) percent of the structures are completed within a subdivision. Under no circumstances shall final paving occur until all utility installations, including service lines to lots are complete. However, when an undue hardship is created by disallowing the final paving of a street prior to construction of seventy-five (75) percent, but not less than fifty (50) percent, of the structures within a subdivision, the City Engineer may permit final paving to occur and the Planning Commission may allow the subsequent reduction of the Performance Bond, as described in Section 6-3, 2. Once ninety (90) percent of all structures within a subdivision are completed, no further building permits shall be issued until all infrastructure has been completed and accepted by the applicable departments and agencies.

3-7 **REQUIREMENTS FOR SIDEWALKS AND RELATED PEDESTRIAN FACILITIES**

1. Sidewalks and Bicycle Paths

Sidewalks and bicycle paths, where required by the Planning Commission, shall be included within the dedicated right-of-way of all streets as indicated in the following table. Concrete curbs are required for all streets where sidewalks are to be constructed. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

Chapter 2 <u>SIDEWALK DESIGN</u>		
Class of Street	Sidewalk Width	
	Residential	Nonresidential
Minor Public Way	4 feet wide	6 feet wide
Collector Public Way	5 feet wide	6 feet wide
Arterial Public Way	5 feet wide	6 feet wide

2. Design to Comply with ADA Criteria

Sidewalks shall be designed and constructed so as to comply with ADA Standards for Accessible Design as published by the U.S. Department of Justice and excerpted from 28 CFR Part 36 (Revised July 1, 1994) and any subsequent amendments or supplements.

3. Pedestrian Accesses

The Planning Commission may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

3-8 **REQUIREMENTS FOR STREETS**

1. General Requirements

All plans for street improvements require the approval of the City Engineer.

2. Street Design Standards

a. Sight Distance

Sight distance along streets and at intersections shall be not less than the minimum horizontal and vertical distances as specified in the AASHTO Manual, current edition, for the class of street under consideration.

b. Grades and Cross-slopes

Maximum grades shall be approved by the City Engineer.

c. Vertical Design

Vertical design shall be in accordance with the current edition of the AASHTO Manual. The vertical design speed of a street shall be equal to or greater than the horizontal design speed of that street. The maximum grades shall not exceed those included in the City's Standard Specification and Details. The developer shall show on the plans the "K" value and the design speed of each vertical curve, and the design speed of each horizontal curve.

d. Steeper Grades Permitted

Steeper grades than those specified in Section 3-8, 2, c, may be permitted for a Minor Local Street and for a Residential Local Street when such is necessary to lessen environmental impacts resulting from designs to meet lesser grades, provided all other design criteria are satisfied. Minimum grades on all roads shall be one percent.

e. Right-of-Way and Pavement Width

Minimum right-of-way width shall be forty-six (46) feet or otherwise approved by the Planning Commission.

i. Whenever possible, four moving lanes should be avoided in residential areas except for required arterial or collector streets. Four lanes may be warranted for short distances at entrances to larger developments.

ii. One-way streets may be permitted and, in some cases, may be desirable for loop streets or where there is a need to separate the directional lanes to preserve natural features or to avoid excessive grading for street construction on slopes.

f. Horizontal Radius of Curved Streets

The minimum centerline radius of curved segments shall be in accordance with the AASHTO Manual, current edition. In cases where design speeds are less than 30 mph, the tangents connecting the curves shall not exceed the length of the centerline radius. Generally, subdivision streets shall not be superelevated.

g. Tangents between Reverse Curves

The minimum length of tangents between reverse curves for non-superelevated streets shall be in accordance with the City's Standard Specification and Details.

h. Turn-Arounds

The type of turn-around required shall be determined by the Planning Commission as advised by the City Engineer.

- i. Turn-arounds shall be designed to accommodate emergency and service vehicles as well as passenger cars. Exceptions to the turn-around requirements may be made for short streets, up to one hundred-fifty (150) feet long, where emergency and service vehicles are able to back out with relative ease.
- ii. The maximum lengths of streets with turn-arounds shall be seven hundred-fifty (750) feet.
- iii. All circular turn-arounds of fifty (50) feet or greater radius on permanent dead-end streets shall be hollow-core turn-arounds.
- iv. The design of turn-arounds shall be approved by the City Engineer.

i. Intersection Design Standards for Minor Local, Local, and Collector Streets

- i. Intersecting streets shall meet at a ninety (90) degree angle wherever possible. Where natural or manmade obstacles prevent a standard intersection, intersecting streets may have a centerline angle of not less than seventy-five (75) degrees.
- ii. The centerline-to-centerline distance between offset T-type intersections shall be at least two hundred (200) feet along local streets and three hundred (300) feet when such T-type intersections occur along a collector street.
- iii. The minimum radius of corner lines (returns) connecting lines of intersecting streets shall be approved by the City Engineer.
- iv. Where a street approach to an intersection is curved, there shall be a one hundred (100) foot minimum curve tangent as measured from the ultimate edge of pavement. For the purposes of this requirement, the ultimate edge of pavement is that point to which the pavement will extend when the street is built to its full dimension conforming to the standards for its assigned classification on the Major Street Plan.
- v. At street intersections, a vertical slope not greater than three percent for fifty (50) feet or greater shall be provided on all stopped streets except on minor local streets an approach slope of thirty-five (35) feet or greater at a maximum four percent grade may be permitted as measured from the ultimate edge of pavement as defined by the Major Street Plan.

j. Number of Intersecting Streets

Not more than two (2) streets shall intersect in any one location unless otherwise specifically approved by the Planning Commission.

3. Additional Regulations for Private Streets

Private streets may be included in any subdivision in conformity to these standards so long as the subdivision is included within a PUD, or UDO (as defined in Section 7-2).

- a. The private street (or road) shall be identified on the face of the plat as an easement for lot access and as a public utility easement.
- b. Within PUDs, and UDOs, private streets shall conform to the City's Standard Specification and Designs:
 - i. All hardware such as catch basins, inlets, etc. and all drainage structures shall meet the City's Standard Specification and Designs.
 - ii. Up to eight side-by-side parking spaces may be allowed to back directly into the travelway of a loop or permanent dead-end street provided that:
 - (a) Such parking is located a minimum of twenty-five (25) feet from any other parking spaces backing into the travelway.
 - (b) The sight distance along the travelway is adequate for the design speed of the street.
 - (c) All other parking shall be provided with adequate off-street maneuvering to allow forward entry to the street.
 - iii. All vehicular access to the private street shall be shown on the development plan and final subdivision plat.
 - iv. A bond may be posted in lieu of completion of the required improvements in accordance with the provisions of Chapter 5.
 - v. The Master Deed, or declaration of covenants for the PUD, shall comply with Section _____, of the Zoning Ordinance. The Master Deed, or declaration of covenants, shall contain, in its description of the common element(s), a specific designation of the private street as the responsibility of the Owner's Association and not of the City. The Master Deed, or declaration of covenants, shall also provide for a sufficient level of funding to offset the reasonable and foreseeable costs of maintaining the private street.
 - vi. The Master Deed(s), or declaration of covenants for a UDO shall contain, in its description of the common element(s), a specific designation of the private street as the responsibility of an Owner's Association and not of the City. The Master Deed(s), or declaration of covenants, shall also provide for a sufficient level of funding to offset the reasonable and foreseeable costs of maintaining the private street(s) in the UDO.

4. Street Construction and Related Requirements

a. Grading and Improvement Plan

Street plans shall conform to the standards required by this section and shall be approved as to design and specification by the City Engineer.

b. Improvements in Floodable Areas

The finished elevation of proposed streets shall be a minimum of one (1) foot above the 100-year flood elevation. Location of such streets shall conform to the requirements of the Zoning Ordinance.

c. Reserve Strips

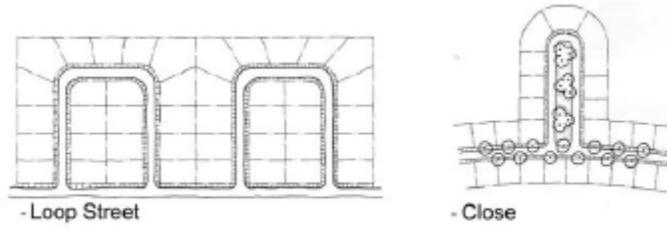
The creation of reserve strips adjacent to a proposed street in such a manner as to deny access from adjacent property to such street shall not be permitted.

d. Arrangement of Streets

- i. All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established in the General Plan, including its constituent elements, and the Major Street Plan and the Collector Street Plan.
- ii. All streets shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- iii. Minor local streets shall be laid out to conform as much as possible to the topography, to provide for the efficient dispersal of internal traffic while discouraging high volumes of through traffic, and to permit efficient drainage and accommodate utility systems.
- iv. The use of an interconnected street system shall be used to broadly disperse internal traffic and provide maximum alternatives for access to property for both public and private movement.
- v. The use of curvilinear streets shall be encouraged where conformance with existing topography shall minimize the volume of cut and fill.
- vi. Street designs such as loop streets or closes shown in Figure 3-1, are preferred to the use of a cul-de-sac design. Cul-de-sacs shall be permitted where topographic features or configuration of property boundaries prevent street connections. These alternatives shall support the turning movements of emergency and service vehicles.
- vii. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the layout, either in existence or proposed, of adjacent tracts. Where streets are extended to property lines, temporary turn-arounds shall be installed, unless the street segment is less than one hundred-fifty (150) feet in length. In all cases, drainage and utility easements shall be extended to property boundaries.

FIGURE 3-1

ALTERNATIVES TO CUL-DE-SACS



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

- e. Dead-End Streets

- i. Dead-End Streets (Temporary)

The arrangement of streets shall provide for the continuation of streets between adjacent properties for convenient movement of traffic, effective fire protection, and/or efficient provision of utilities. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turn-around, approved by the City Engineer, shall be provided on all temporary dead-end streets exceeding one hundred-fifty (150) feet in length, with a notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutting property owners whenever the street is continued. The reconstruction of the temporary turn-around into the normal right-of-way shall be the responsibility of the attaching developer (see Section 3-8, 4, d, vii). Temporary turn-arounds shall have a minimum slope of one percent as measured from the center. Additionally, a sign shall be placed, in accordance with the requirements of Section 3-11, 1, at the terminus of the temporary cul-de-sac that reads as follows: "Temporary Dead-End Street, street to be extended by the authority of the City."

- ii. Dead-End Streets (Permanent)

Where a road does not extend beyond the boundary of the subdivision and continuation is not required by the Planning Commission for access to adjoining property, the terminus shall normally not be nearer to such boundary than twenty (20) feet. However, the Planning Commission may require the dedication of an easement extending to the property line to accommodate drainage facilities, pedestrian traffic, or utilities. A turn-around shall be provided at the end of a permanent dead-end street also referred to as a cul-de-sac, in accordance with these regulations. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with these regulations.

- f. Alleys

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.

- g. Construction Standards

The construction plans of all streets shall be approved by the City Engineer.

h. Railroads and Intersection Proximity

The intersection of streets shall, to the extent practical, be at least one hundred-seventy-five (175) feet from the point where either street crosses a railroad track. The measurement shall be made from the midpoint of the intersection to the midpoint of the street's intersection with the nearest track.

3-9 REQUIREMENTS FOR DEDICATION, RESERVATIONS, OR IMPROVEMENTS

1. Application

Where a proposed subdivision adjoins or encompasses a Greenway Corridor, a substandard street, or a route depicted upon the Major Street Plan or Collector Plan to be opened, widened, or realigned, or generates a need for increased recreational opportunities, then requirements of Section 3-9, shall apply.

2. Undeveloped Property

a. Substandard Streets

Substandard streets encompassed by or adjacent to the proposed subdivision shall be improved by the developer. Construction plans shall be approved by the City Engineer for that street portion located within the boundaries of the subdivision or the abutting street.

b. Infill Development on Non-Standard Street(s)

Infill development, located on streets within the urban zoning overlay district that are predominantly developed, provide access to primarily residential uses, and are established with a non-standard right-of-way and/or pavement width, generally shall not be required to provide right-of-way or pavement width in excess of the existing street dimensions.

c. Planned Routing

When applicable, the layout of a street(s) within a subdivision shall conform to the routing depicted upon the Major Street Plan or Collector Plan. The amount of right-of-way for the type of street required shall be dedicated up to a maximum of sixty (60) feet in width. Where any street so depicted requires a right-of-way greater than 60 feet then the developer shall show on the face of the plat an additional area "reserved for future right-of-way" and any required yard area shall be measured from the reservation line.

3. Developed Property

When property containing existing structures is being divided simply to place each structure on a separate lot and the future right-of-way will fall within the existing structure footprint, then the applicant shall be required to note on the face of the plat any additional area necessary for compliance with the Major Street Plan "reserved for future right-of-way". The plat shall also contain a note stating, "When any existing structure is demolished, the setback requirements for any new structure shall be measured from the reservation line."

4. Required Improvements or Dedications

In addition to the above requirements, a traffic impact study may be required in accordance with the Traffic Impact Study Guidelines. Any required on- or off-site street improvements shall be made by the developer upon property that the developer controls and/or upon public property.

3-10 INSPECTIONS DURING CONSTRUCTION

1. Inspections During Construction

All infrastructure construction is to be completed as described in the approved construction plans and specifications, the development agreement and construction inspection requirements of the applicable departments and agencies. It shall be the applicant's responsibility to contact the departments and agencies for requirements.

2. Pre-Construction Conference Required

A pre-construction conference will be held, with the appropriate agency, prior to the start of construction on each project. At the pre-construction conference, the contractor and owner shall sign documentation acknowledging construction and inspection requirements.

3. Outline for Construction Process

Construction shall follow the general outline contained in Appendix C.

4. Inspection Schedule

The contractor shall give 24 hours notification to the applicable departments or agencies prior to beginning work on each phase of construction. All completed work shall be inspected and approved. Failure to obtain the required inspections and approvals may require work to be removed, certifications and testing by a licensed geotechnical engineering firm to be provided and/or any future acceptance by the applicable department or agency to be jeopardized.

3-11 STREET NAME, REGULATORY AND WARNING SIGNS FOR PUBLIC STREETS

1. Signage Requirements

All signage shall conform to the requirements of the City's standards. Temporary signs may be installed and maintained in lieu of permanent signs until curbs are installed and backfilled. Such signs shall meet the same standards for mounting height, size, and legibility as permanent signs but may be mounted on temporary structures. The installation of temporary street name signs, including the signs required by Section 3-8, 4, e, 1, for temporary dead-end streets, in accordance with these standards shall be verified by written developer/contractor certification to the City Engineer before authorization for building permits may be granted.

2. Street Name Signs

a. Installation Requirements

The developer shall purchase and install appropriate signs. Written confirmation of this placement shall be required from the City Engineer prior to the recording of a final plat.

b. Bond

The developer may post a performance bond in lieu of the improvements prior to the recording of the final plat. Street sign bonds may be a part of the original bond covering streets, drainage, water, sewer, etc.

c. Notes

All subdivision plats that require street name signs, temporary dead-end street signs as described in Section 3-8, 4, e, i, shall require a note stating: "No building permit may be issued on any lot until street name signs, temporary dead-end street signs are installed and verified by the City Engineer on all streets on which the lot depends for access."

d. Planned Unit Developments

Within Planned Unit Developments that require street name signs, but do not require the recording of a final plat, the signing requirements shall be specified in the conditions of approval.

3. Regulatory and Warning Signs

a. Installation Requirements

The developer shall purchase and install appropriate signs. Written confirmation of this placement shall be required from the City Engineer prior to the recording of a final plat.

b. Bond

The developer may post a performance bond in lieu of the improvements prior to the recording of the final plat. Street sign bonds may be a part of the original bond covering streets, drainage, water, sewer, etc.

c. Notes

No special note shall be required on the subdivision plat.

3-12 STREET NAMES, REGULATORY AND WARNING SIGNS FOR PRIVATE STREETS

1. Installation Requirements

The developer shall purchase and install signs as approved by the City Engineer. Written confirmation of this placement shall be required prior to the recording of a final plat.

2. Notes

All subdivision plats that require street name signs, temporary dead-end street signs as described in Section 3-8, 4, e, i, shall require a note stating: "No building permit may be issued on any lot until street name signs, and temporary dead-end street signs are installed and verified by developer/contractor certification on all streets on which the lot depends for access."

3. Planned Unit Development

In the case of developments that require the recording of a final plat, the requirements shall be specified in the conditions of Planned Unit Development approval.

3-13 DRAINAGE AND STORM SEWERS

1. General Requirements

The storm water system within a subdivision shall be designed in accordance with the requirements of the City Engineer.

2. Storm Water Facilities

Drainage facilities shall be located in the road right-of-way, where feasible, or in perpetual unobstructed easements.

a. Culvert or Bridges

Cross-drain culverts of thirty-six (36) inch diameter or less shall be extended one hundred (100) feet minimum on either side of a street. Headwall style shall be as directed by the City Engineer.

i. Concrete headwalls shall be constructed at both ends of cross drains or driveway culverts and approved by the City Engineer. Masonry headwalls shall not be permitted; however, masonry veneer may be applied to headwalls on driveway culverts.

ii. Bridges and box culverts shall be constructed to the same width as the roadway where such is to be placed plus five (5) feet on either side of the roadway upon which sidewalks shall be placed.

b. Accommodation of Upstream Drainage Areas

A culvert or other drainage facility shall in each case be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The engineer designing the subdivision shall determine the necessary size of the facility. The developer shall be responsible for upsizing cross-drains under existing streets due to relocation of existing drainage channels or increased run-off resulting from the subdivision.

c. Effect on Downstream Drainage Areas

The effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision shall be determined. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload existing downstream drainage facilities provisions shall be made for improvement of such drainage facilities or inclusion of detention or retention facilities within the proposed development as determined by the City Engineer. Generally, the developer's responsibility for downstream improvements shall not extend beyond the second downstream structure.

3. Dedication of Drainage Easements

a. General Requirements

Where a subdivision is traversed by a drainageway, channel, or stream either natural or manmade, 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 shall be adequate for the purpose. Consideration shall also be given to incorporation of sewer easements parallel to or overlaying drainage easements as both generally follow the same course.

b. Drainage Easements

- i. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within a road right-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such facilities shall be provided across property outside the road right-of-way but within satisfactory access from a road. Easements shall be indicated on the concept plan, the development plan, and the final subdivision plat. Drainage easements shall be carried from roads to natural watercourses or to other drainage facilities.
- ii. When a new drainage system is to be constructed which will transport water across adjacent private land outside the subdivision, appropriate drainage easement(s) shall be secured and indicated on the plat by notes referencing the easement recording.
- iii. The applicant shall dedicate, when required by the Planning Commission either in fee or by drainage or conservation easement, the land on both sides of existing watercourses to a distance to be determined by the City Engineer, but not less than ten feet each side.

3-14 PUBLIC WATER FACILITIES

1. Installation of Water Facilities

Where a public water main is within reasonable access of the subdivision, the applicant shall install water facilities, including fire hydrants, subject to the construction and materials specifications of the Nashville Metropolitan Department of Water Services. The location of

fire hydrants shall be as specified in applicable ordinances and codes. Fire flow requirements shall be as specified by the Fire Marshal. The applicant shall determine the availability of sufficient fire fighting water prior to submittal of the development plan. Plans shall be approved by Metropolitan Department of Water Services or City Engineer, where applicable.

2. Compliance

All water systems shall comply with the general instructions and detailed specifications for construction of water projects of the Nashville Metropolitan Department of Water Services which are herewith adopted by reference. All water systems constructed within the City shall comply with all applicable regulations of the State of Tennessee.

3-15 SEWERAGE FACILITIES

1. General Requirements

The applicant shall design and install sanitary sewer facilities in accordance with the rules, regulations, detail specifications, and standards, where applicable, of the State Department of Environment and Conservation and the Nashville Metropolitan Department of Water Services. Plans shall be approved by the above agencies where applicable.

2. Mandatory Connection to Public Sewer System or Provision for Future Connection

No subdivision of land shall be made unless each and every lot is provided with a connection to a public sanitary sewer system.

3. Specifications

The construction specifications of the State of Tennessee, Nashville Metropolitan Department of Water Services are herewith adopted by reference.

3-16 UNDERGROUND UTILITIES

Utilities in residential subdivisions shall be located underground whenever a new public or private street is included on the plat, or where an existing public or private stub street, is to be extended. Where a subdivision proposes public or private alleys, utilities may be above or below ground within the alley.

3-17 REFERRAL TO PUBLIC BODY

The Planning Commission shall refer any plat proposing public facilities such as school sites, playgrounds, etc., to the public body concerned with acquisition or maintenance of such facilities for its consideration and report and shall allow the public body or agency twenty-one (21) days for reply. The Planning Commission may propose alternate areas for such facilities.

CHAPTER 4

WALKABLE SUBDIVISIONS

SECTIONS

- 4-1 Purpose
- 4-2 Applicability
- 4-3 Lot Requirements
- 4-4 Requirements for Alleys
- 4-5 Blocks
- 4-6 Minimum Sidewalks Widths
- 4-7 Requirements for Streets and Pedestrian Access
- 4-8 Additional Requirements for Streets and Pedestrian
Access in Nonresidential and Mixed-Use Subdivisions
- 4-9 Variances from Access Standards
- 4-10 Unified Plat of Subdivision
- 4-11 Open Space

4-1 PURPOSE

1. Purpose

The purpose of the requirements of this Chapter is to promote urban forms of development. The greatest impact that the subdivision regulations have on creating urban development patterns is through the regulation of block size, the scale of the street relative to the anticipated uses, street connectivity, additional pedestrian connections, and requirements for open space such as neighborhood parks or urban plazas. Walkable Subdivisions facilitate the creation of more urban, walkable communities through improved pedestrian connections and improved access to transit. In addition, through greater street connectivity, Walkable Subdivisions can improve the function of the arterial road system by keeping local trips on local streets.

2. Design

This Chapter is designed to be used for infill subdivisions that are built at urban densities and are intended to be part of a larger, integrated, connected community as well as for subdivisions that may contain single use or mix of uses, built at urban densities, that create a development pattern that initiates or adds to a well connected street system that promotes walkable, urban communities. Walkable Subdivisions contribute to the creation of complete mixed-use neighborhoods. Key features of mixed-use neighborhoods include:

- Street networks, scaled relative to the anticipated uses on a block, that disperse traffic and offer a variety of pedestrian and vehicular routes to destinations while connecting and integrating the neighborhood with surrounding communities.

- A center that ideally includes a mix of uses and building types as well as a central public gathering space.
- A variety of housing choices.
- A diverse mix of activities (residences, shops, schools, workplaces and parks, etc.) occurring in close proximity.
- A range of transportation options including cars, transit, bicycles and walking.
- Well designed open spaces, greens, and parks, accessible and convenient to all.

4-2 APPLICABILITY

1. Applicability

Walkable Subdivisions may be developed anywhere in Berry Hill.

2. Standards for Walkable Subdivisions

In addition to the requirements contained in the General Requirements for all subdivisions, the standards of this Chapter shall apply to Walkable Subdivisions.

3. Alternative Standards

Where a development is regulated by an Urban Design Overlay, or other district governed by urban design standards, and sets out special design intentions that differ from the standards of this Chapter but meet the purpose and design of Walkable Subdivisions, the Planning Commission may approve the alternative standards.

4-3 LOT REQUIREMENTS

1. Frontage. Each lot shall have frontage onto a street or onto a common open space. Lots that front onto a common open space shall have vehicular access from an abutting public or private alley, a shared driveway easement, or a frontage street.
 - a. Vehicular access for dwelling units set back no more than one hundred-fifty (150) feet from a street.
 - i. The right-of-way of the alley shall be a minimum width of twenty (20) feet.
 - ii. Alleys shall be approved by the City.
 - iii. A turnaround shall be provided unless the alley extends from street to street.
 - b. Vehicular access for all lots where the distance from the dwelling unit to the street may be greater than one hundred-fifty (150) feet:
 - i. The vehicular access shall serve as a fire lane as well as providing access to dwelling units.

- ii. A public alley shall be approved by the City.
- iii. A turnaround shall be provided unless the access lane extends from street to street.

2. Cottage Subdivision

- a. All cottage subdivisions shall have access to a street.
- b. There shall be a grouping of up to ten dwelling units fronting onto any one common open space in a cottage subdivision (see Figure 4-1).
- c. Vehicular access shall be from the side or rear of the lots and meet the requirements of Sections 4-3, 1 (Frontage).
- d. Attached housing cottage subdivisions shall meet the requirements of Section 4-3, 3 (Subdivisions for Attached Housing).
- e. Where a common open space abuts a public sidewalk, the open space shall include design features that distinguish the common open space from the pedestrian connection.
- f. Common open space shall be held in a tract, and owned in common by the owners of property served by the common open space or by a Homeowners' Association.

3. Subdivisions for Attached Housing

- a. Attached Housing Subdivisions may be developed in zones that permit multi-family residential uses.
- b. Purpose of the subdivision for attached housing is to provide opportunities for individual home and lot ownership in the multi-family zoning districts by allowing subdivision of land for attached housing development.
- c. The lot dimensions shall be as described in Section _____, of the Zoning Ordinance.
- d. Attached housing fronting onto common open space shall meet the requirements of Section 4-3, 2 (Cottage Subdivision).
- e. The lot width restrictions of Section 3-4, 2, f (Lot Width) shall not apply to attached single-family housing in Walkable subdivisions.

4. Residential Lots Fronting on an Arterial or Collector

The creation of residential lots with double frontage shall be avoided wherever practicable. The preferred approach for subdividing residential property along an arterial or collector is as follows:

- a. Dwelling units face the arterial or collector wherever practicable.
- b. Vehicular access via a shared frontage street, driveway easement, or rear alley to minimize curb cuts on arterial as shown in Figure 4-2.

FIGURE 4-1
COTTAGE SUBDIVISION

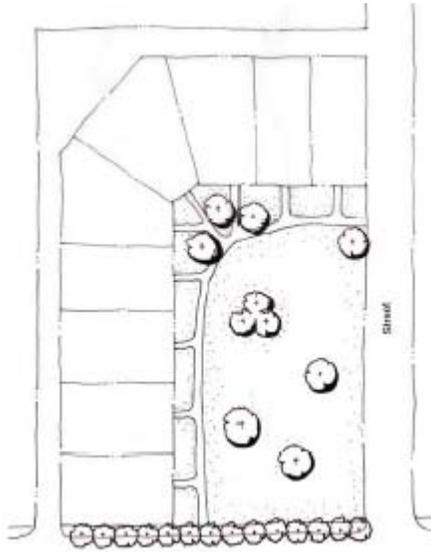
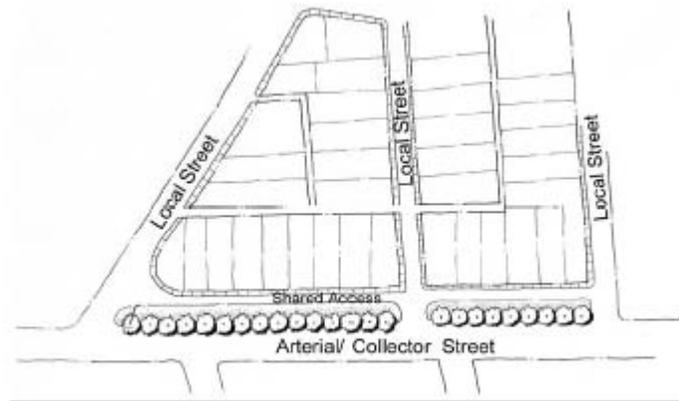


FIGURE 4-2

RESIDENTIAL LOTS FRONTING

ON AN ARTERIAL OR COLLECTOR



- c. Access to the shared frontage street, driveway easement, or rear alley from a local street.
- d. A commonly held separation area between the arterial or collector and the edge of the frontage street or shared driveway easement or, between the arterial or collector and the front of the lots if access is via a rear alley.
- e. The separation area includes design features that distinguish it from the public sidewalk.
- f. The commonly held separation area be held in a tract, and owned in common by the owners of the abutting properties or by a Homeowners' Association.
- g. The commonly held separation area may not be needed for large lot subdivisions providing an edge condition for a Walkable Subdivision.

5. Nonresidential and Mixed-Use Lots Fronting on an Arterial or Collector

The number of access points on arterial and collector streets from a nonresidential or mixed-use development shall be minimized, wherever possible, through the use of driveways common to more than one development, and interior circulation design and connecting parking lots.

4-4 REQUIREMENTS FOR ALLEYS

1. Requirements for Alleys

Alleys shall be strongly encouraged, where practicable, to reduce the need for curb cuts, increase amount of on street parking, and reduce conflicts between cars and pedestrians. The following standards shall apply to alleys in Walkable Subdivisions:

- a. Alleys, wherever practicable, shall connect with streets at their ends and dead-end alleys should be minimized.
- b. Alleys may contain turns and intersections with other alleys provided service vehicles can be accommodated.
- c. For attached housing fronting onto an arterial or collector, rear access shall be provided, wherever practicable.
- d. If the tract abuts an existing alley, vehicle access shall be from the alley, wherever practicable.
- e. Alleys shall serve as a utility corridor and, wherever practicable, utilities shall be located to the rear of buildings.
- f. Where an alley provides the only vehicle access to a building that is more than one hundred-fifty (150) feet from a street, the alley shall serve as a fire lane.

4-5 BLOCKS

1. Block Widths

Blocks widths in Walkable Subdivisions shall meet the requirements of Section 3-5, 1 (Block Widths).

2. Block Lengths

Block Lengths in Walkable Subdivisions shall meet the following requirements:

- a. Block lengths shall not exceed six hundred (600) feet except when built or natural constraints preclude such spacings.
- b. Block lengths shall not be less than two hundred (200) feet or four (4) lot widths, whichever is greater, except as the Planning Commission deems necessary to secure efficient use of land or desired features of the street pattern.
- c. Wherever practicable, pedestrian connections shall be provided every three hundred (300) feet.

3. Block Perimeters

Block perimeter shall not exceed two thousand (2,000) feet.

4. Easements Through Long Blocks

The Planning Commission shall require the dedication of an easement through long blocks to accommodate pedestrian connections and may require the dedication of an easement through long blocks to accommodate utilities or drainage facilities.

4-6 MINIMUM SIDEWALKS WIDTHS

The width of the sidewalk in nonresidential and mixed-use subdivisions that are primarily nonresidential shall be a minimum of twelve (12) feet. This requirement may be waived for infill development on streets predominantly developed with sidewalks less than twelve (12) feet.

4-7 REQUIREMENTS FOR STREETS AND PEDESTRIAN ACCESS

1. Purpose

Contextual Street Classifications, as defined in Section 6-2, are designed to ensure complete streets in Walkable Subdivisions. The purpose of such streets standards and the pedestrian access standards for Walkable Subdivisions is to:

- a. Support the creation of a highly connected transportation system in order to provide choices for drivers, bicyclists, and pedestrians.
- b. Promote walking, transit and bicycling and safely integrate the pedestrian and auto environment.

- c. Connect neighborhoods to each other and to local destinations such as schools, parks, and shopping centers.
- d. Provide a seamless transition from one area to the next.
- e. Reduce vehicle miles of travel and travel times.
- f. Reduce emergency response times.
- g. Increase the effectiveness of municipal service delivery.
- h. Free up arterial capacity to better serve regional long-distance travel needs.

2. Street Pattern

Streets shall be designed in an interconnecting pattern of streets, sidewalks, and alleys.

3. Street Design Standards

Within the Contextual Street Classifications, all functional public street cross-sections and roadway improvements shall be approved by the City. In determining the most safe and appropriate cross-section, the City shall work to ensure that the purpose of the Walkable Subdivision is met and that the key features, as described in Section 4-1, 2, pertaining to streets are addressed.

4. Through Streets and Pedestrian Access

The following street and pedestrian access standards shall be required in Walkable Subdivisions, wherever practicable:

- a. Through streets shall generally be provided no more than six hundred (600) feet apart and pedestrian access shall generally be provided no more than three hundred (300) feet apart. Through street and pedestrian access shall generally be at least two hundred (200) feet apart.
- b. Where the street pattern in the area immediately surrounding the tract meets the spacing of Section 4-7, 4, a, the existing street pattern shall be extended into the tract.
- c. New streets shall align with existing streets on adjoining properties unless topography, requirements of traffic circulation, or other considerations make direct connectivity unfeasible. The applicant shall demonstrate that no practicable alternatives exist to providing the street connections.
- d. Where streets cannot connect, a pedestrian access shall be provided, where practicable.
- e. To ensure connectivity but to discourage through traffic, T-intersections and other devices that dissuade through traffic shall be used where appropriate.

5. Extension of Existing Temporary Dead-End Streets and Pedestrian Access

Existing temporary dead-end streets and pedestrian accessways adjacent to the tract shall be extended into the tract, wherever practicable.

6. Future Extension of Proposed Temporary Dead-end Streets and Pedestrian Access

Where the Walkable Subdivision tract is adjacent to tracts that may be subdivided in the future, temporary dead-end streets, and pedestrian accessways shall be extended to the boundary lines of the tract to provide future access to the adjacent tracts. Signage as described in Section 3-9, 4, e, shall be provided.

7. Pedestrian Access Easements

The following approval criteria and standards apply to pedestrian accessways:

- a. The width of the pedestrian access easements shall be sufficient to accommodate expected users and provide a safe environment
- b. Pedestrian accessways shall take the most direct route practicable.
- c. Wherever possible, pedestrian accesses shall be designed so that the pedestrian can see the ending of the access from the entrance point.
- d. Pedestrian accessways that connect or are intended to eventually connect two through streets, shall be designated as public access easements on the final subdivision plat.
- e. Pedestrian accessways that connect or are intended to eventually connect to a public school, park, or library, shall be designated as public access easements on the final subdivision plat.

8. New Pedestrian Access Easements

In any zoning district, a new pedestrian access easement to an existing or planned transit stop, a school, a shopping center, a neighborhood park or other likely pedestrian destination shall be provided as a component of the subdivision, if the addition of the accessway would reduce walking or bicycling distance by at least fifty (50) percent over other available pedestrian connections, and the reduced walking or bicycling distance is greater than four hundred (400) feet.

9. Loop Streets

Loop streets shall be given preference over cul-de-sacs. Standards for loop streets include:

- a. Connections to other streets at both termini shall be required.
- b. To facilitate connections to adjacent future development sites, when one terminus of the loop street does not connect to an existing street, the end shall be stubbed.
- c. Loop streets ending in temporary dead-end streets shall require signage as described in Section 3-9, 4, e, i.

10. Cul-de-sacs

Cul-de-sacs are generally prohibited and shall be permitted only where all other street design alternatives, such as loop streets or closes shown in Figure 4-3, are not feasible and one of the following two conditions exists:

- a. Where natural features such as wetlands or steep slopes exist.
- b. Where connection to an existing or planned street is blocked by an existing permanent structure, an existing or planned freeway, or a protected open space area.

11. Requirements for Cul-de-sacs

Cul-de-sacs shall meet the following requirements:

- a. The length of the cul-de-sac shall not exceed two hundred-fifty (250) feet.
- b. Cul-de-sacs shall include pedestrian connections to abutting streets wherever practicable as shown in Figure 4-4.

12. Sidewalks Not Required

Sidewalks shall not be required on the planted side of an eyebrow, close, or cul-de-sac terminus as shown in Figure 4-5.

4-8 **ADDITIONAL REQUIREMENTS FOR STREETS AND PEDESTRIAN ACCESS IN NONRESIDENTIAL AND MIXED-USE SUBDIVISIONS**

1. Pedestrian Access Required

Where street connections are not practicable, pedestrian accessways are required and shall meet the standards of Section 4-7, 7.

2. Requirements for Internal Vehicular Circulation

All nonresidential and mixed-use developments shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared vehicular access points on arterials and collectors. (See Figure 4-6, for an example of internal vehicle circulation.)

3. Pedestrian Access

Pedestrian accessways include public sidewalks and walkways within nonresidential and mixed-use developments.

- a. Pedestrian accessways across parking lots shall be clearly marked and separated by curbs or similar devices.
- b. Pedestrian accessways shall be made to adjacent land uses and provide connections through the development to the public street right of way.
- c. All development in nonresidential and mixed-use zoning districts shall provide a system of pedestrian facilities that encourages safe and convenient pedestrian movement within the site and onto adjacent sites.

FIGURE 4-3
ALTERNATIVES TO CUL-DE-SACS

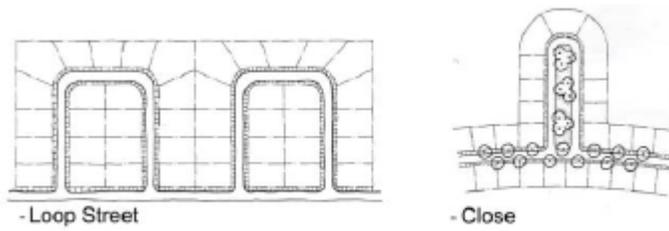


FIGURE 4-4
PEDESTRIAN ACCESS

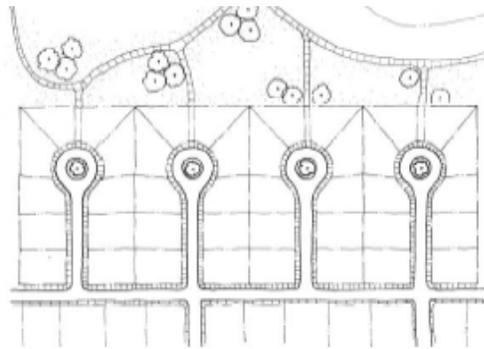
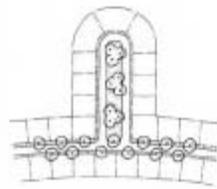
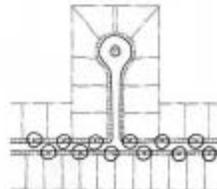


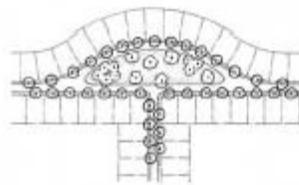
FIGURE 4-5
SIDEWALKS NOT REQUIRED



Close



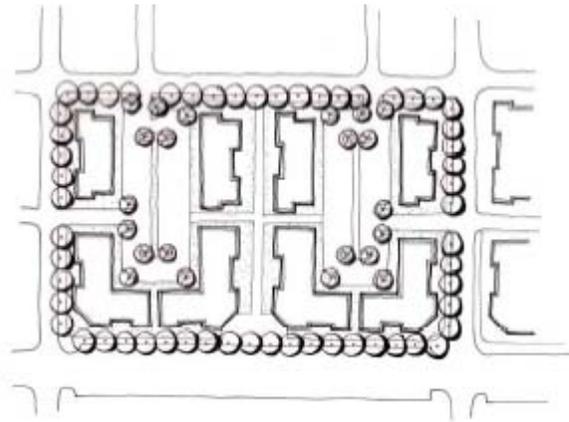
Cul-de-sac



Eyebrow

FIGURE 4-6

INTERNAL VEHICLE CIRCULATION



4-9 VARIANCES FROM ACCESS STANDARDS

1. Variances

In addition to the requirements of Section 1-11, in order for a variance to be granted for Sections 4-7 and 4-8, the applicant shall demonstrate why these standards cannot be met.

2. Circumstances for Variances

Variances may be permitted under either of the following:

- a. Where an applicant can demonstrate that an alternative connection or connections better meet the purpose of the Walkable Subdivision.
- b. Where no practicable alternatives exist to provide access and/or connections and one of the following conditions exist:
 - i. Access and connection standards would violate provisions of leases, easements, covenants, or restrictions in place at the time of adoption of these regulations.
 - ii. Natural constraints, existing buildings or other development adjacent to lands physically preclude a connection now or in the future, considering the potential for redevelopment.

4-10 UNIFIED PLAT OF SUBDIVISION

Unified Plat of Subdivision. Applicants seeking design flexibility in certain areas may use a unified plat of subdivision as set forth in Section _____, of the Zoning Ordinance. The plat shall show all properties to be considered as one unified piece of property. All properties to be included in the unified plat of subdivision shall be within the boundary of the unified plat of subdivision as defined in the Zoning Ordinance. A unified plat of subdivision shall be submitted for review and approval, and may be recorded separately from a final plat, or combined with a final plat. The "Purpose" note on the plat shall clearly state the plat is to be considered a unified plat of subdivision, and the words "Unified Plat of Subdivision" shall be clearly shown above the subdivision name.

4-11 OPEN SPACE

1. Open Space Required

Applicants are required to include open space in the subdivision as described in Section 4-11, 2.

2. Types of Open Space

Open spaces appropriate for a Walkable subdivisions include plazas, squares, greens, small parks for passive or active recreational uses and linear open space that incorporates natural elements such as a creek or a significant stand of trees. The planted area of an eyebrow, close or cul-de-sac turnaround may be counted towards the open space requirement.

CHAPTER 5

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

SECTIONS

- 5-1 Improvements and Performance Bond
- 5-2 Inspection of Improvements
- 5-3 Release, Reduction, or Extension of Performance Bond
- 5-4 Maintenance of Improvements
- 5-5 Expiration of Bond
- 5-6 Certification of Private Street Completion
- 5-7 Disposition of Liquidated Securities

5-1 IMPROVEMENTS AND PERFORMANCE BOND

1. Performance Bond

The applicant shall complete and dedicate all public improvements prior to the final subdivision plat approval. The Enforcing Officer may provide that, as an alternative, the applicant may post a bond in an amount stipulated by the Enforcing Officer as sufficient to secure the satisfactory construction, installation, and dedication of the required improvements. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.

2. Composition of Performance Bond

For the purpose of these regulations, performance bond shall mean two documents: a Performance Agreement and an accompanying security document.

a. The Performance Agreement

The Performance Agreement shall stipulate the work to be performed by general categories and the estimated value or cost of each category. The Performance Agreement shall also stipulate a completion date for all of the work to be performed. The Performance Agreement shall only be entered into by owner of the property.

b. The Security Document

The security document may be in a form as follows and shall express the value in a total amount equaling the sum of all work categories:

i. Surety Bond

Issued by an insurance company licensed in the State of Tennessee and shall be non-expiring.

ii. Irrevocable Letter of Credit

Issued by or confirmed by a financial institution located in Davidson County, Tennessee, or an adjoining county. Any such credit shall bear an expiration date that exceeds the expiration date of the Performance Agreement by a period of no less than six months.

iii. Cashiers or Certified Check

Issued by a financial institution located in Davidson County, Tennessee and shall be non-expiring.

iv. Assignment of Certificate of Deposit

Shall be issued by a financial institution located within Davidson County, Tennessee, or any adjoining county, shall be non-expiring and have automatic roll-over features.

c. The Surety Bond and Letter of Credit options (Sections 5-1, 2, b, i and 5-1, 2, b, ii) shall not be available to an applicant whose past performance has resulted in breached or expired bonds.

d. An insurance company whose past performance has resulted in non-payment of a bond may be excluded from providing a surety bond for an applicant for a period of one year from the date of breach.

3. Temporary Improvements

When applicable, the applicant shall build and pay all costs of temporary improvements required by the Planning Commission, and shall maintain such for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, bond shall be posted which shall insure that the temporary facilities shall be properly constructed, maintained, and removed.

4. Costs of Improvements. All required improvements shall be made by the applicant at the applicant's expense or cost sharing. Any provisions for reimbursement by the City shall be by separate agreement with the applicable governmental entity.

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

6. Failure to Complete Improvements. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond agreement, the Enforcing Officer may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default. The funds of the bond shall be used to complete the improvements.

5-2 INSPECTION OF IMPROVEMENTS

If the Enforcing Officer finds that any of the required improvements have not been constructed in accordance with the applicable construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company or financial institution shall be liable severally and jointly for completing said improvements according to specifications.

5-3 RELEASE, REDUCTION, OR EXTENSION OF PERFORMANCE BOND

1. Certificate of Satisfactory Completion

The Enforcing Officer shall not release nor reduce a performance bond until all applicable departments or agencies provide written confirmation that all required improvements have been satisfactorily completed and all associated and/or surplus construction materials are removed from the site. There shall be no reduction or release of a bond if there are any outstanding administrative penalties or violations related to the bonded site.

2. Reduction of Performance Bond

A performance bond may be reduced upon demonstration of satisfactory completion of public improvements, that includes installation of the asphalt surface binder course, and then only to the ratio that the installed improvement bears to the total public improvements for the subdivision. In no event shall a performance bond be reduced below ten (10) percent or \$5,000.00, whichever is greater of the original principal amount. No more than two reductions for any one agency shall be considered by the Enforcing Officer. The initial bond reduction shall be considered only after the asphalt surface binder is applied to the entire subdivision phase as platted.

3. Extension of Performance Bonds

The Enforcing Officer, upon proof of extenuating circumstances by the applicant and acknowledged and agreed to by the Enforcing Officer, may extend the completion date set forth in such bond and may require an increase in the bonded amount to cover increases in costs.

4. Refer to Planning Commission

The Enforcing Officer may refer decisions to release, reduce, or extend a bond to the Planning Commission.

5-4 MAINTENANCE OF IMPROVEMENTS

The applicant shall be required to maintain all improvements including all lot improvements, until acceptance of such public improvements by the appropriate department.

5-5 EXPIRATION OF BOND

Should the bond lapse or expire for any reason prior to completion of all required improvements no additional building permits shall be issued and the Enforcing Officer shall, through the City Attorney, take any or all appropriate legal action necessary to assure completion of improvements. The bond may be declared in default and the security shall be held by the City. Only after completion of all improvements or posting of a new bond, shall building permits again be issued.

5-6 CERTIFICATION OF PRIVATE STREET COMPLETION

Prior to release of the bond for private streets, the Developer's and Contractor's Certificate for Private Streets shall be filed. It shall be accompanied by a certification from a geotechnical engineer that all construction has been inspected and approved for compliance with the specifications and requirements of the applicable departments and agencies and the approved construction plan and final subdivision plat.

5-7 DISPOSITION OF LIQUIDATED SECURITIES

Funds derived from liquidation of securities, as a result of performance agreement default, shall be used by the applicable department to complete the required work. Project administration fees may be charged by the departments or utility district against liquidated funds to offset actual personnel or equipment costs utilized in the accomplishment of required work. Any surplus funds shall be returned to the security provider after all charges and expenses are paid and required work is accepted.

CHAPTER 6

DEFINITIONS

SECTIONS

- 6-1 Usage
- 6-2 Words and Terms Defined

6-1 USAGE

1. Usage

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 chapter.

2. Meaning of Terms

Unless the context clearly indicates to the contrary, the following shall apply:

- a. Words used in the present tense include the future tense.
- b. Words used in the plural number include the singular.
- c. The word "herein" means "in these regulations."
- d. The word "regulations" means "these regulations."
- e. A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club.
- f. "Shall" is always mandatory.
- g. "May" shall be interpreted to be assigned to the Berry Hill Planning Commission, except where otherwise noted.
- h. A "building" or "structure" includes any part thereof.
- i. "Used" or "occupied," as applies to any land or building, shall be construed to include the word "intended, arranged, or designed to be used or occupied."
- j. The word "days" means "calendar days."

6-2 WORDS AND TERMS DEFINED

Abutting. Lots that are touching or sharing a common point or line but does not include lots that are across a public way from each other.

Access. The place, means, or way by which pedestrians, bicyclists, and/or vehicles have safe, adequate, and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication, or easement.

Adjacent. Lots that are touching or sharing a common point or line including lots that are across a public way from each other.

Alley. A low volume lane intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

Applicant. The owner or optionee of land proposed to be subdivided or his/her authorized representative, also referred to as subdivider or subdivider agent. See “**Subdivider and Subdivider Agent**”

Arterial Street. See “**Street, Arterial.**”

Block. A tract of land bounded by streets or by a combination of streets and public lands, cemeteries, railroad rights-of-way, shorelines of waterways or any other barrier to the continuity of development.

Block Face. A single boundary of a block described in the definition of a block. A block face is opposing when it is across a public street.

Bond, Performance. An agreement and security to assure construction of roads, water and sewer systems or other public facilities in a form specified by Chapter 5, of these regulations. (See **Public Improvements.**)

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind. The term includes any permanent structure including manufactured homes.

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

Collector Street. See “**Street, Collector.**”

Common Open Space. Any portion of a condominium site or a subdivision that is held in joint ownership by property owners or a Homeowners’ Association and is intended for the use or enjoyment of the occupants. Common Open Space can include property that is left in a natural state and has primarily scenic value. Land to accommodate required subdivision infrastructure, including green infrastructure such as planting strips, street medians/islands, and conventional stormwater management devices, is excluded from common open space calculations. Conventional stormwater management devices are those designed to hold water for an extended period of time and require disturbance of the land in order to meet detention requirements. (See “**Lands Held in Common**”.)

Complete Application. The completed form or forms and all accompanying documents, maps, exhibits and fees required of an applicant, including all information required by the Submittal Checklist available from the Enforcing Officer.

Concept Plan. A plan drawn to scale that shows street, lot, and open space layouts, public dedications, and reservations, if any, and proposed environmental changes to the tract. It includes topographical information, existing site conditions, analysis, and off-site conditions of a minimum of 300 feet beyond the property boundaries.

Concept Plan Pre-Application Conference. A meeting to discuss, at the earliest stages, subdivision requirements and procedures, and possible issues related to the development of a property. It is intended that this meeting will help alleviate possible conflicts over subdivision requirements by early recognition of existing conditions, necessary facilities and other requirements, which the developer can then consider in preparing the formal subdivision proposal.

Condominium. Joint domain (joint ownership) also horizontal property regime.

Conservation Easement. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development. The land may contain historic structures and archaeological sites.

Construction Plan. The maps or drawings showing the specific location and design of improvements to be installed in a subdivision or development.

Contextual Street Classifications. See “**Street, Contextual Classifications**”.

Conventional Subdivision. A lot-by-lot division of land that spreads development evenly throughout a parcel, minimum lot size determined by underlying zoning.

Cottage Subdivision. A small lot single-family residential or attached subdivision of dwelling units arranged on at least two (2) sides of a common open space with frontage onto a street of sufficient width to allow direct pedestrian access to the street. Vehicular access is via an abutting alley. A primary pedestrian entrance to each of the dwelling units is located on the common open space with frontage onto a street.

Close Street. See “**Street, Close**”.

Critical Lots. Lots designated as critical during the concept plan review process based on soil conditions, degree of slope, flooding, or other lot features that could affect the feasibility of construction.

Cul-de-sac Street. See “**Street, Permanent Dead End**”.

Deed Restriction. A restriction on the use of a property set forth in the deed.

Developer. The owner of land proposed to be subdivided or his authorized representative.

Development Review Committee. A committee established to review all development applications. The Committee is made up of staff from the city.

Drawings. The documents that show the characteristics and scope of a subdivision in map form.

Drive. A way or place in private ownership that is used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons and is not eligible to become a public right-of-way in the future.

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

Engineer. See "**Registered Engineer.**"

Escrow. A deposit of cash with the city in lieu of posting a performance or maintenance bond.

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

Final Subdivision Plat. The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission and which, if approved, may be submitted to the Register of Deeds for recording.

Floodplain. A land area adjoining a river, stream, watercourse, bay, or lake that is likely to be flooded. The floodplain is composed of the regulated floodway and the floodway fringe.

Flood Prone Area. Those lands located in an area that will be inundated by a one hundred (100) year flood.

Floodway. The stream channel and adjacent over bank area required to carry and safely discharge the one hundred (100) year flood without increasing flood levels more than one (1) foot above natural flood levels (i.e., the area of moving or flowing water).

Frontage. That side of a lot abutting on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Frontage Street. See "**Street, Frontage.**"

Frontage Zone. The space running parallel to and between the street right of way (or boundary of other public/common space) and the front building façade, extending along the width of a building lot.

General Plan. The general development plan for the City of Berry Hill meeting the intent of Section 13-4-103, Tennessee Code, including any subordinate documents.

Grade. The slope of a road, other public facility, or terrain generally specified in percentage terms.

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

Hollow Core Turn-Around. The turn-around area of a permanent dead-end street (also, referred to as a cul-de-sac) that includes an interior landscaped island in the center of the turn-around.

Homeowners' Association. An incorporated community association responsible for the maintenance and management of commonly owned properties or facilities.

Improvements. See "**Lot Improvement**" or "**Public Improvement**".

Infill Development. Refers proposed development within previously subdivided or predominantly developed areas.

Internal Subdivision Boundary. All points within a subdivision such as lot corners, street lines, etc., which do not constitute external boundaries.

Lands Held in Common. Lands held in common are all lands held by a Homeowners' Association or equivalent and includes: lands designated as Common Open Space (see "**Common Open Space**"); Conservation Lands owned by the Homeowners' Association (see "**Conservation Lands**"); land used for the provision of infrastructure common to all subdivisions such as private roads, sidewalks on private roads, planting strips, stormwater facilities, planted portion of hollow core turn-arounds, closes and eyebrows; and land used for drainage fields for individual sewage disposal systems.

Land Surveyor. See "**Registered Land Surveyor**".

Landscape Buffer. A required yard located at the perimeter of the lot containing landscaping, berms, walls, or fences that shield use of adjacent properties from those uses occurring on the subject property.

Level of Service (LOS). A standard comparing a roadways traffic load to the roadways capacity. The Level of Service range, from LOS A (free flow) to LOS F (forced flow).

The factors affecting LOS are numerous, but include the lane widths, number of lanes, parking, bus stops, percentage of trucks, types of traffic controls, etc. LOS is determined using the procedures described in the Highway Capacity Manual (HCM) published by the Transportation Research Board.

Local Street. See "**Street, Local**".

Loop Street. See "**Street, Loop**."

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

Lot, Corner. A lot situated at the intersection of two (2) streets the longest dimension of which is to be considered the side.

Lot, Double Frontage. A lot other than a corner lot that has frontage on two or more streets that do not intersect at a point abutting the property.

Lot, Flag. A lot, which has a minimum frontage on a public or private street, that is reached via a private drive or lane and otherwise meets the dimension standards of the Zoning Ordinance.

Lot, Through. See "**Lot, Double Frontage**."

Lot Improvement. Any building, structure, work of art, or other object or improvement constituting a physical betterment of real property, or any part of such betterment.

Major Street. A street that is classified as a collector or arterial street according to these regulations or by the Major Street Plan. See "**Street, Arterial**," "**Street, Collector**," and "**Major Street Plan**."

Major Street Plan. The plan adopted by the Planning Commission, pursuant to Section 13-4-302, Tennessee Code, showing, among other things, "the general location, character, and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..."

Major Subdivision. See **Subdivision, Major**.

Minor Street. See "**Street, Minor**."

Minor Subdivision. See "**Subdivision, Minor**."

Neighborhood Street Plan. See “**Street, Neighborhood Plan.**”

Off-Site (Also, Off-Site Improvements). Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Open Space. Open space includes, but is not limited to, parks, plazas, courtyards, playing fields, trails, greenways, and golf courses. Open space may be public or privately held and may be used for active or passive recreation.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the real property, including contracts to purchase.

Owner's Registered Engineer or Registered Land Surveyor. The person, firm, or corporation named to perform design or survey services for the owner. (See “**Registered Engineer and Registered Land Surveyor**”.)

Parcel. A single piece of land separately owned, either publicly or privately, and may be converted into a building site.

Pedestrian Access. Pedestrian accesses are accessways that provide direct and continuous pedestrian passage through blocks. They are designed to provide continuous pedestrian routes by connecting a public street to another public street or a residential area, neighborhood activity center, an industrial or commercial center, a transit facility, a park, a school, open space, or a trail facility.

Performance Bond. See “**Bond**”.

Permanent Dead-End Street. See “**Street, Permanent Dead-End**”.

Planned Unit Development (PUD). An overlay zone district created by approval of the Governing Body for the purpose of permitting a specific development or land uses.

Planning Commission. The Berry Hill Planning Commission created in accordance with Title 13, of the Tennessee Code.

Private Street. (See “**Street, Private**”.)

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

Register of Deeds. The Metropolitan Davidson County Register of Deeds.

Registered Engineer. An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code, to practice in Tennessee.

Registered Land Surveyor. A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Section 62-1803, Tennessee Code, to practice in Tennessee.

Registered Landscape Architect. Landscape architect certified and licensed by the State Board of Landscape Architects pursuant to Section 62-203, Tennessee Code, to practice in Tennessee.

Resubdivision. A change of any approved or recorded subdivision plat if such change affects any street layout on such map, or any area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. A strip of land occupied or intended to be occupied by public facilities such as streets, crosswalks, railroads, electric transmission lines, oil or gas pipelines, water mains, sanitary or storm sewer lines, 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.

Sanitary Sewer. Domestic wastewater collected from dwelling units, commercial, industrial and institutions within Metro and conveyed through gravity or pumped pipe network to a publicly owned treatment works. Sanitary sewers are not designed to convey stormwater or groundwater.

Secretary of Planning Commission. The secretary of the Berry Hill Municipal Planning Commission.

Separation. A required area of undeveloped land, which may be left in a natural state or landscaped, at the perimeter of the subdivision designed to separate new conservation subdivisions from existing conventional subdivisions or to separate dwelling units from an abutting arterial or collector street or to separate existing agricultural uses from dwelling units in conservation subdivisions.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

Sinkhole. A sinkhole is a depression that occurs naturally in a karst area with no surface outflow of water and shall be identified by the first closed contour on two (2) foot contour interval map or as designated by the Tennessee Department of Environment and Conservation.(TDEC).

Specifications. Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship.

Specimen Quality Trees. Trees that are generally considered to be prototypical of that particular species, accurately representing the typical line, form, texture, and color. Generally, larger than twelve (12) inches in caliper.

Start of Construction. The first use of permanent construction materials on a site, such as the pouring of slabs or footings or any work beyond the state of excavation.

Arterial Street. Any street designated either present or future in accordance with the Major Street Plan designation as an arterial street.

Street, Arterial. Any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by metropolitan government within their respective jurisdictions as part of a major arterial system of streets or highways.

Street, Collector. A street whose principal functions include providing access to abutting properties and collection and distribution of traffic between local streets and the Arterial Street System.

Street, Contextual Classifications. Contextual street classifications are labeled and described below according to the context each supports. They are intended for use with the development standards of Chapter 4. Contextual street classifications address right-of-way and frontage zones, taken together, and include elements of the street architecture that occupy space between building facades on opposing sides of a street. The classifications for streets define the array of elements that make streets “complete”, in that they support the needs of drivers, cyclists, and pedestrians to access adjacent land uses, to circulate safely and comfortably, and to enjoy the predominant public realm of the city – the space of its streets. Each contextual street is correlated to the functional classification(s) it overlays. The definition for each street below sets out a typical way in which a cross-section can be assembled. Variations to the cross-section are permitted to the extent that they support the intended context and meet the needs of the various users.

Avenue. A versatile street with relatively high vehicular capacity at low speeds. Avenues are typically used as short distance connectors between, and streets through existing or planned urban centers. They provide a balance of services for all modes of transportation. From centerline to edge, the Avenue’s architecture includes vehicular travel lanes, sometimes divided by a landscaped median, provision for bicycle travel in mixed traffic or in designated bicycle lanes, standing curb and gutter, pedestrian-scaled lighting and, in urban to very urban conditions, designated parking lanes. In very urban contexts sidewalks are a minimum of eight feet in width with street trees spaced a maximum of forty (40) feet on center, installed in planting strips or in tree wells (tree wells shall be in addition to the minimum sidewalk width). In less urban contexts, sidewalks of five (5) foot width and street trees in planting strips at forty (40) feet on center are appropriate. The maximum allowable ratio of street enclosure is 1:6. An Avenue is compatible with a street functionally classified as Arterial, Collector, and, in densely developed residential contexts, as Local. The Avenue is dropped upon exiting urban areas.

Boulevard. A street designed for relatively high vehicular capacity and moderate speed. Boulevards serve longer trips, moving large numbers of vehicles from one part of the urbanized area to another, and to lower order streets in the urban street network. With higher intended speeds, pedestrians and bicyclists require adequate buffers from the traffic. Buffering techniques include wide planting strips, deeper building setbacks, placement of on-street parking and slip lanes that provide access to local land uses combined with exceptional building access and high vehicular capacity with pedestrian and bicyclist safety. Abutting land uses can vary. From centerline to edge, the Boulevard’s architecture includes vehicular travel lanes with a central landscaped median, provision for bicycle travel in wide outside lanes or designated bicycle lanes, standing curb and gutter, pedestrian-scaled lighting and minimum five-foot sidewalks behind minimum ten (10) foot planting strips. In dense urban conditions, a slip lane may be used as a separation from through lanes by canopy tree plantings, to maximize access to land uses, on-street parking opportunities, and pedestrian facilities. Street trees are installed in wide planting strips with maximum spacing of forty (40) feet on center. Maximum allowable ratio of street enclosure is 1:6. A Boulevard overlay is compatible with a street functionally classified as an Arterial or Collector. The Boulevard is dropped upon exiting the urbanized area.

Main Street. A destination street with moderate vehicular capacity at low speeds, designed to balance pedestrian comfort and vehicular throughput. It provides access to civic, social, and commercial activities that are densely arranged to frame an active pedestrian realm. A Main Street is appropriate where buildings tightly frame the street, storefronts and display windows front directly on a sidewalk, land uses are vertically mixed, and ground level uses are generators and attractors of pedestrian activity. Main Streets provide the highest level of comfort, security, and access for pedestrians. From centerline to edge, the Main Street's architecture includes vehicular travel lane(s) that provide for bicycle travel in mixed traffic, parking lanes, standing curb and gutter, pedestrian-scaled lighting, sidewalk of minimum twelve (12) foot width, with street trees planted in tree wells. Because storefronts occupy much of the ground floor frontage, street trees are located with two objectives in mind: to provide shade for pedestrians and to provide storefront visibility from slow-moving vehicles. The maximum desirable ratio of street enclosure of 1:4; the maximum allowable ratio of street enclosure 1:6. A Main Street is compatible with a street functionally classified an Arterial or Collector, where it passes through the urban context described herein. The Main Street is dropped upon exiting the mixed commercial area.

Parkway. A street designed for high vehicular capacity and moderate to high speed. Parkways move vehicle traffic efficiently from one part of the urbanized region to another and provide managed access to major destinations. The efficient movement of vehicles takes precedence over bicycle and pedestrian needs. Adjacent land uses are served from widely spaced intersections. Direct driveway access to adjacent land uses is prohibited. From centerline to edge, the Parkway's architecture includes vehicular travel lanes, divided by a landscaped median, wide paved shoulder, grassed drainage swale, and multi-purpose path for pedestrians and cyclists set well back from the edge of the travel way. Pedestrians and cyclists are buffered from fast moving vehicles behind informal groupings of trees and understory plantings. A Parkway overlay is compatible with a street functionally classified as an Arterial.

Residential Street. A local urban street of low speed and capacity serving primarily mixed residential and civic uses at moderate intensities. Residential streets form the primary street network in compact, walkable neighborhoods. They intersect to form short blocks, provide internal circulation within a neighborhood and to nearby neighborhood services, and reduce demand on the arterial network for short convenience trips. Residential streets provide a balance of short-distance services for all modes of transportation. From centerline to edge, the Residential Street's architecture includes a vehicular travel lane, provision for bicycle travel in mixed traffic or in a wide outside lane, on-street parking, standing curb and gutter, planting strip, pedestrian-scaled lighting, and sidewalks and street trees at a maximum of forty (40) feet on center. Continuous on-street parking on both sides of the street is generally appropriate. The maximum allowable ratio of street enclosure is 1:6. A Residential Street is compatible with a street functionally classified as Collector, Local, or Minor Local. The Residential Street designation is dropped when the street exits the compact, walkable neighborhood.

Street, Close. A "U" shaped loop street having two open ends, each end generally connecting with the same street. Property fronts on the outside of the "U" but the interior of the "U" is a natural or landscaped open space. The close street is used as an alternative to cul-de-sacs in areas where it is difficult to provide a through street.

Street, Cul-de-Sac. (See "Street, Permanent Dead-End".)

Street Design (Standard Specifications and Details). The standards for engineering design and construction of roads, highways, streets, alleys, and related structures within a public street right of way or in an easement created to grant public use of a street.

Street, Eyebrow. An informal open space created along a street that preserves an existing natural feature that is in the path of the street.

Street, Frontage. A minor street giving access to lots usually running parallel to an arterial street.

Street, Local. A street whose principal function is providing access to individual properties.

Street, Loop. A local service street that originates from and returns to the same street.

Street, Minor Local. A dead-end or loop street providing service to no more than fifty (50) single-family residential lots or sixty-five (65) multifamily units.

Street Plan, Neighborhood. The pattern and hierarchy of streets that provide structure to a compact, walkable neighborhood. The organic network, curvilinear network, orthogonal grid, and diagonal network are types of neighborhood street plans that provide good connectivity, multiple routes, and efficient low-speed vehicular movement.

Street, Permanent Dead-End. A street or a portion of a street with only one vehicular-traffic outlet. Also referred to as a cul-de-sac street. (See “**Hollow Core Turn-Around**”).

Street, Private. A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. A private street is not maintained by the city.

Street Right-of-Way Width. The distance between property lines measured at right angles to the centerline of the road.

Street, Temporary Dead-End. A local or collector, closed-end street that is only acceptable as a temporary street condition. Temporary dead-end streets are similar to cul-de-sacs except that they provide a temporary turn-around circle at their closed end. Temporary Dead-End streets are designed to provide for future connections.

Street Trees. Species and varieties of trees acceptable to the City Engineer and utility providers for installation in a planting strip or sidewalk tree well within a street right-of-way. Street trees are a street architecture element and are provided to enhance the pedestrian experience and to enclose the space of the street.

Structure. Anything constructed above or below ground.

Subdivider. Any person who having an interest in land, causes it, directly or indirectly, to be divided, also referred to as applicant. See “**Applicant**”.

Subdivider Agent. Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal service.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests of less than five (5) acres in size for the purpose, whether immediate or future, of offer, sale, lease, or development, either on the installment

plan or upon any and all other plans, terms, and conditions, including resubdivision, provided, however, that the term "subdivision" does not include land partitioned by owners among themselves either in court or by deeds. (The term "subdivision" includes the process of subdivision or division land, whether by deed, description, map, plat, or other recorded instrument.)

Subdivision, Major. All subdivisions that are not classified as minor or as partitions.

Subdivision, Minor. A division of land into three (3) or more lots fronting on an existing publicly maintained street not requiring improvements other than repair or construction of sidewalk(s) or other pedestrian connections or other types of minor improvements necessary to serve the lots being created.

Subdivision, Partition. For the purpose of these regulations, a partition is a subdivision creating not more than two (2) lots fronting on an existing publicly maintained street not requiring public utility extensions.

Substandard Street. Substandard meaning of less pavement, right-of-way width, construction technique, or otherwise non-conforming with current standards as required by these regulations for the applicable class of street.

Substantial Completion. Where the stage of constructions of public facilities has progressed to the point of rendering the facility usable for the intended purpose. Project or construction activity is complete except for cleanup, minor landscaping, etc.

Temporary Improvement. Any improvement built and maintained by a subdivider during construction not intended to be a permanent structure or facility.

Tract. A specified stretch of land to be subdivided.

Unified Plat of Subdivision. A property plat(s) approved by the planning commission and recorded by the Register of Deeds which either creates new lots or rerecords existing lots for the purpose of achieving a coordinated and inter-related form of development and/or manner of operation, utilizing the plat to identify and establish by appropriate notes and legal cross references those development or operational opportunities and/or limitations as authorized by the Zoning Ordinance and assigned to the subject lots by the owner(s) of the property.

Urban Design Overlay District (UDO). An overlay district that allows for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the urban setting, and provides for the sensitive placement of open spaces.

Walkable Subdivision. Walkable Subdivisions contribute to neighborhoods that are pedestrian oriented, that provide an opportunity for a variety of housing types, where residences, shops, workplaces and civic building are within close proximity of each other, where there is a network of interconnected streets and blocks and the open space is incorporated. A Traditional Neighborhood Subdivision may be infill subdivisions that are built at urban densities and are intended to be part of a larger, integrated, connected community as well as a subdivision that may contain single or mixed uses, built at urban densities, that create a development pattern that initiates or adds to a well connected street system that promotes walkable, urban communities.

Water Body. A standing pool of water such as a lake or pond either natural or manmade with or without a defined inlet or outlet.

Water Course. A natural or manmade channel for the movement of water.

Yard. The area of any lot where building is restricted by the Zoning Code, including front and side yards which shall remain unobstructed by buildings, and rear yard which shall remain unobstructed by the principal building.

Zoning Ordinance. The Zoning Ordinance of the City of Berry Hill.

CHAPTER 7

ADOPTION OF REGULATIONS AND AMENDMENTS

SECTIONS

7-1 Original Enactment

7-2 Notice of Public Hearing for Amendments to the Subdivision Regulations

7-1 ORIGINAL ENACTMENT

1. Original Enactment

In order that land shall be subdivided in accordance with the objectives and standards set forth in these regulations, these Subdivision Regulations are hereby adopted this 2nd day of the month of April, 2007, and shall be in full force and effect immediately.

2. Public Hearing

Pursuant to Section 13-4-303 (c), Tennessee Code, a public hearing was held on these regulations on April 2, 2007 at 6:15 p.m., at City Hall in Berry Hill, Tennessee.

3. Public Hearing Notice

Notice of the Public Hearing was given by publication in the City Paper on March 15, 2007.

4. Signatures

Original signatures are on file at the Berry Hill City Hall.

7-2 NOTICE OF PUBLIC HEARING FOR AMENDMENTS TO THE
SUBDIVISION REGULATIONS

Prior to the consideration of amendments to the regulations or new regulations, the Planning Commission shall set a date for a public hearing. The public hearing shall be advertised in the body of one newspaper of general circulation fifteen (15) days prior to the date of the public hearing. (Section 13-4-303 (c), Tennessee Code.)

Dennis E. Shively
Chairman

5/7/07
Date

ATTEST:

Howell Fowner, Jr.
Secretary

MAY 7, 2007
Date

APPENDIX A

PLAT CERTIFICATES

Notations and certifications in the forms reproduced in this section shall appear upon the final plat, as applicable.

A. 1.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon as evidenced in book number _____, page _____, County Register's Office of Davidson County, Tennessee, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and that this plat constitutes offers of irrevocable dedication for all public roads, utilities, and other facilities shown hereon as required by the Subdivision Regulations of the Planning Commission of the City of Berry Hill.

_____, 20____
Date

Owner _____
Title (if action for partnership or corporation)

A. 2.

SURVEYOR'S CERTIFICATE

I hereby certify that to the best of my knowledge and belief the hereon shown subdivision plat represents a Class "_____", survey having an unadjusted ratio of precision of 1: _____ and is true and correct. Approved monuments have been placed as indicated. All side lot lines are at right angles or radial to a street unless otherwise noted.

_____, 20_____
Date

Owner _____
Title (if action for partnership or corporation)

A. 3.

**Chapter 4
CHAPTER 5 OWNER'S CERTIFICATE**

I (we) hereby certify that I am (we are) the owner(s) of the property shown hereon as evidenced in Book _____, Page _____, Register's Office of Davidson County, Tennessee, and adopt the plan of subdivision of the property as shown hereon and dedicate all public ways and easements as noted. No lot or lots as shown hereon shall again be subdivided, resubdivided, altered or changed so as to produce less area than hereby established until otherwise approved by the Berry Hill Planning Commission and under no condition shall such lot or lots be made to produce less area than prescribed by the restrictive covenants as of record in Book _____, Page _____, R.O.D.C., Tennessee, running with the title to the property.

Name: _____ Date: _____

A. 4.

**Chapter 6
Chapter 7 COMMISSION APPROVAL**

APPROVAL BY THE PLANNING COMMISSION OF BERRY HILL, TENNESSEE.

BY: _____

DATE: _____

A. 5.

**Chapter 8
Chapter 9 RECORD**

RECORDED IN BOOK _____, PAGE _____, OF THE
REGISTERS OFFICE OF DAVIDSON COUNTY, TENNESSEE.

A. 6.

NOTATION OF HEALTH RESTRICTIONS

Any modifications or limitations which may be imposed by the State or County Public Health Department shall be clearly indicated on the plat.

A. 7.

SUPERCESSION NOTES

If the plat submittal proposes to change lots created by a prior platting then the plat shall contain a note stating "The recording of this plat voids, vacates and supersedes the recording of _____ subdivision of record in plat

Name of Subdivision

Book Number _____, Page _____, R.O.D.C.

A. 8.

OTHER NOTES

The owner may place notes or lines on the plat relating to private improvements or restrictions, however, such shall be identified by any disclaimer note stating "this _____ is for private purposes only, and is not a requirement of the Berry Hill Planning Commission."

A. 9.

CERTIFICATE AND APPROVAL FORMS

Developer's and Contractor's Certificate for Private Streets

We hereby certify that we are the Developer(s) of the property subdivided under the Final Plat approved by the Berry Hill Planning Commission on _____, 20____, as
Date
evidenced in Book _____, Page _____, R.O.D.C., Tennessee, and the Contractor(s) for the private street(s) therein and we certify that the street(s) has (have) been constructed in conformity with the Final Plat.

Developer(s):

Company Name: _____

By: _____ Date: _____

Contractor(s):

Company Name: _____

By: _____ Date: _____

APPENDIX B

CRITICAL LOTS – PLANS AND PROCEDURES

1. Designation of Critical Lots

Lots are designated critical during the concept plan review process based on soil conditions, degree of slope, flooding, or other lot features, and to address concerns related to the feasibility of construction as described in Sections 3-3, 2 and 3-3, 3.

2. Zoning Ordinance Requirements

All critical lots shall meet the applicable requirements of the Zoning Ordinance, including but not limited to Sections _____, and _____.

3. Critical Lot Plan Required

Prior to application for a building permit on a lot designated as "critical," a plan shall be submitted to the Enforcing Officer for approval. The plan shall provide a survey of existing conditions, details of the proposed development, and address any concerns in relation to the feasibility of construction on the lot as follows:

- a. Critical lot plans shall be drawn at a scale of 1"=20'-0".
- b. The critical lot plan shall show existing conditions, to a point ten (10) feet outside the lot boundaries, including:
 - i. contour lines at two (2) foot intervals.
 - ii. the location and elevation of the curb or edge of pavement fronting the lot and the elevation of the driveway at the house.
 - ii. lot dimensions, easements, setbacks, etc., which are shown on the recorded plat or a note designating setbacks to be determined by the zoning and/or any easements if not shown on the plat.
 - iv. existing tree masses and locations of existing trees of eight (8) inch caliper or greater, including any to be removed.
 - v. ground elevation at the base of the trees.
 - vi. notations of significant features such as streams, springs, rock outcrops, and sinkholes; and, if applicable, the floodplain as shown on the final plat.
- c. The critical lot plan shall also include the exact proposed building footprint and garage and first floor elevations; location of other proposed lot improvements; proposed contour lines (including driveways) at two (2) foot intervals; top and bottom elevations of retaining walls and materials of wall construction; specified and illustrated methods of stabilization of slopes greater than thirty-three (33) percent

grade including silt fencing and other temporary measures; limits of grading; existing trees to be preserved and methods of preservation; and methods of managing stormwater runoff by keeping the water on the lot.

- d. For lots in a floodplain, the plan shall show the minimum finished floor elevations.
- e. It is emphasized that a typical house design may not be suitable for a critical lot and a house designed specifically for the lot may be necessary.
- f. The Executive Director may request additional technical evaluation and analysis of a proposed critical lot by a professional engineer specializing in geotechnical, soils, hydrology, and/or structures.

4. Critical Lot Plan Review

Three copies of the critical lot plan shall be submitted to the Enforcing Officer to initiate a staff review. The critical lot plan shall include the name and phone number of the person responsible for the preparation of the plan and the number for a contact person. Within fourteen (14) days of the submittal date, the staff member responsible for the review shall notify the applicant of the approval or disapproval of the plan or the plan changes necessary to gain approval.

5. Basis for Critical Lot Plan Approval

Critical lot plan approval shall be based on the care taken to minimize the lot area subject to grading, the cut/fill required to prepare the lot for construction, the effectiveness of the plan to preserve the natural features of the lot and stormwater flow management details.

6. General Guides for the Critical Lot Plan

The following are typical review items, but not all inclusive:

- a. The diversion of runoff away from foundations.
- b. Grading near lot boundaries that does not undercut trees on adjacent lots or direct stormwater flow to adjacent lots and structures.
- c. Grading at the minimum necessary to allow for building construction.
- d. Avoidance of excessive foundation and retaining wall heights.
- e. Details of any retaining walls.
- f. Details of tree preservation.

7. Issuance of Building Permits

No building permit shall be issued at any time prior to approval of the critical lot plan.

APPENDIX C

OUTLINE FOR CONSTRUCTION PROCESS

Construction shall follow the general outline below.

- a. Installation of erosion control measures as required by the grading permit.
- b. Clearing, grubbing, and rough grading of the tract.
- c. Installation of water and sewer.
- d. Installation of drainage, underground electrical, telephone, gas, cable TV, and other utilities.
- e. Grading and compaction of the subgrade to the required ninety-five (95) percent of standard proctor. Proofrolling of the subgrade shall be done in the presence of a City Inspector and approved prior to installation of any stone base. The design engineer shall certify that the subgrade is at the elevations described in the approved construction plans.
- f. Installation of the first lift of stone base. The stone base gradation and compaction density shall be certified by an independent geotechnical engineer on each lift of stone base material.
- g. Installation of the curb and gutter.
- h. Installation of the second lift of stone base.
- i. Installation of prime coat.
- j. Installation of the asphalt binder.
- k. Installation of all required traffic control devices.
- l. Construction of sidewalk.
- m. Installation of tack coat.
- n. Installation of final asphalt wearing surface.

RESOLUTION NO. 2011-1

A RESOLUTION TO AMEND THE SUBDIVISION REGULATIONS OF BERRY HILL, TENNESSEE

Whereas, the Subdivision Regulations of Berry Hill, Tennessee were adopted pursuant to and in accordance with the provisions of the Tennessee Code; and

Whereas, the Berry Hill Municipal Planning Commission has reviewed such proposal and has conducted a public hearing thereon.

NOW THEREFORE BE IT RESOLVED BY THE BERRY HILL MUNICIPAL PLANNING COMMISSION:

That the Berry Hill Municipal Subdivision Regulations are hereby amended as follows:

Section 1: That all references to 'Zoning Ordinance' be changed to reference the 'Berry Hill Community Development Code.'

Section 2: That all references to 'zoning district' and 'underlying zoning' be changed to reference 'development code districts.'

Section 3: That all references to Urban Design Overlays (UDO's) and Planned Unit Development Overlays (PUD's) be omitted in their entirety, with PUD's referenced only as development designs.

Section 4: That Chapter 3, Section 3-3, Critical Lots, #²~~1~~, (d.) be amended by referencing the Berry Hill Municipal Flood Damage Prevention Ordinance which reads as follows: (BC)

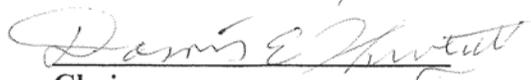
See *Attachment*, Part I

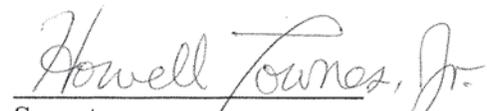
Section 5: That Chapter 6, Definitions, be amended by the omission of the definitions for 'Urban Design Overlay,' 'Planned Unit Development,' and 'Zoning Ordinance,' and new definitions for Development Code and Planned Unit Development (PUD) be inserted to read as follows:

See *Attachment*, Part II

THIS RESOLUTION SHALL TAKE EFFECT ON ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

Date of Approval 9/6/11


Chairman


Secretary

ATTACHMENT

PART I

CHAPTER 3

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

3-3 SUITABILITY OF THE LAND

2. Critical Lots
- d. Lots in floodplains shall be subject to the floodplain/floodway development standards of the Berry Hill Municipal Flood Damage Prevention Ordinance.

PART II

CHAPTER 6

DEFINITIONS

6-2 WORDS AND TERMS DEFINED

Development Code. The Berry Hill Community Development Code.

Planned Unit Development (PUD). A development designed as a single tract of land under single ownership or unified control, with design flexibility from traditional development requirements in exchange for preservation of open space and inclusion of amenities.