

DRAFT UPDATED AUGUST 13, 2009

SUBDIVISION REGULATIONS
Cleveland, Tennessee

Recommendation
of the
Land Use Implementation Committee
and the
Cleveland Planning Commission
to the
Cleveland City Council

NOVEMBER, 1997

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ARTICLE I
GENERAL PROVISIONS

1.1 PURPOSES & INTENT

The subdivision regulations set forth herein have been made in accordance with a comprehensive plan and are for the purpose of promoting the public health, safety, convenience and general welfare by:

- A. Encouraging appropriate, economically sound and stable land development;
- B. Preventing the overcrowding of land;
- C. Assisting in the economic provision, utilization and expansion of all services provided by the public, including but not limited to roads, water, sewer, recreation, schools, and emergency services including fire protection;
- D. Minimizing traffic hazards and congestion while providing safe and sufficient access for vehicles and pedestrians;
- F. Assuring the provision of needed public open space and building sites in land developments through the decision or reservation of public land for recreational, education, and other public purposes.

1.2 AUTHORIZATION/LEGAL BASIS

These regulations are established, pursuant to the authority granted by Section 13-4-301 through 13-4-309 of the Tennessee Code Annotated. From and after the passage of these regulations the Planning Commission shall be the official planning authority and no plat or plan of land subdivision shall be recorded by the County Register unless said plat has received final approval in writing by the Planning Commission.

1.3 JURISDICTION

These regulations shall govern all subdivision of land within the corporate limits of the City of Cleveland.

1.4 ADMINISTRATION

It shall be the duty of the Director of Planning designated by the City of Cleveland, Tennessee, to administer and establish the procedures for the proper implementation of these regulations.

1.5 CONFLICTS

Whenever these regulations, or development plans approved in conformance with this regulations, are in conflict with other local ordinances, regulations, or laws, the more restrictive ordinance, regulations, or law shall govern and shall be enforced by appropriate local agencies..

ARTICLE 2

DEFINITIONS

- 2.0** To carry out the provisions of this regulation, certain words, terms and phrases are to be used and interpreted as defined hereinafter:
- A. Words used in the present tense shall include the future tense.
 - B. Words in the singular shall include the plural, unless the context clearly indicates otherwise.
 - C. The word “person” includes a firm, partnership or corporation as well as an individual.
 - D. The term “shall” is always mandatory and not discretionary; the word “may” is permissive.
 - E. The word “used” or “occupied” as applied to land or a building shall be construed to include the words “intended,” “arranged,” “designed to be used or occupied.”
 - F. Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meaning and customary usage.
 - G. Words implying the masculine gender shall also include the feminine and neuter.
 - H. The words “ordinance” and “regulations” are used interchangeably.

2.1 Terms

Terms which are defined in the Cleveland Zoning Ordinance shall have the same meaning as terms in the Cleveland Subdivision Regulations. Additional terms are defined as follows:

- 2.1.1. Deed Restrictions.** A private covenant among the residents of a subdivision or development limiting uses or setting conditions within the subdivision or development.
- 2.1.2. Developer.** Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another (see "Subdivider").
- 2.1.3. Easement.** The right given by a property owner to another party (either public or private) for a specific limited use of a designated part of his property.
- 2.1.4. Easement, Access.** The right granted by the owner of land to another party by deed or prescription, to allow access across one parcel of land to another.
- 2.1.5. Easement, Drainage.** A perpetual, unobstructed easement across property reserved to carry storm water drainage along specified routes to natural water courses. Drainage easements shall not be filled or built upon in any way that will impede the flow of water or that will impede the City in maintaining of the stormwater conveyance facility.

- 2.1.6. **Easement, Utility.** An easement for the installation, operation, inspection, maintenance, repair, or replacement of public utility lines, cables, poles, ditches, pipes, manholes, etc. and the appurtenances belonging thereto.
- 2.1.7. **Flag Lot.** An interior lot located to the rear of another lot but with a narrow portion of the lot extending to the public road. The narrow portion of the lot that extends to the road shall be suitable for ingress and egress, and shall not be included in the calculation of the minimum lot area.
- 2.1.8. **Flood.** [Detailed flood-related definitions are included in the Cleveland Flood Damage Prevention Ordinance.] **Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters; 2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood-related terms are illustrated in Figure 1. Other flood-related terms include:

Base flood or regulatory flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. The top of the banks form the dividing lines between the channel and the floodplain.

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source. See Flood.

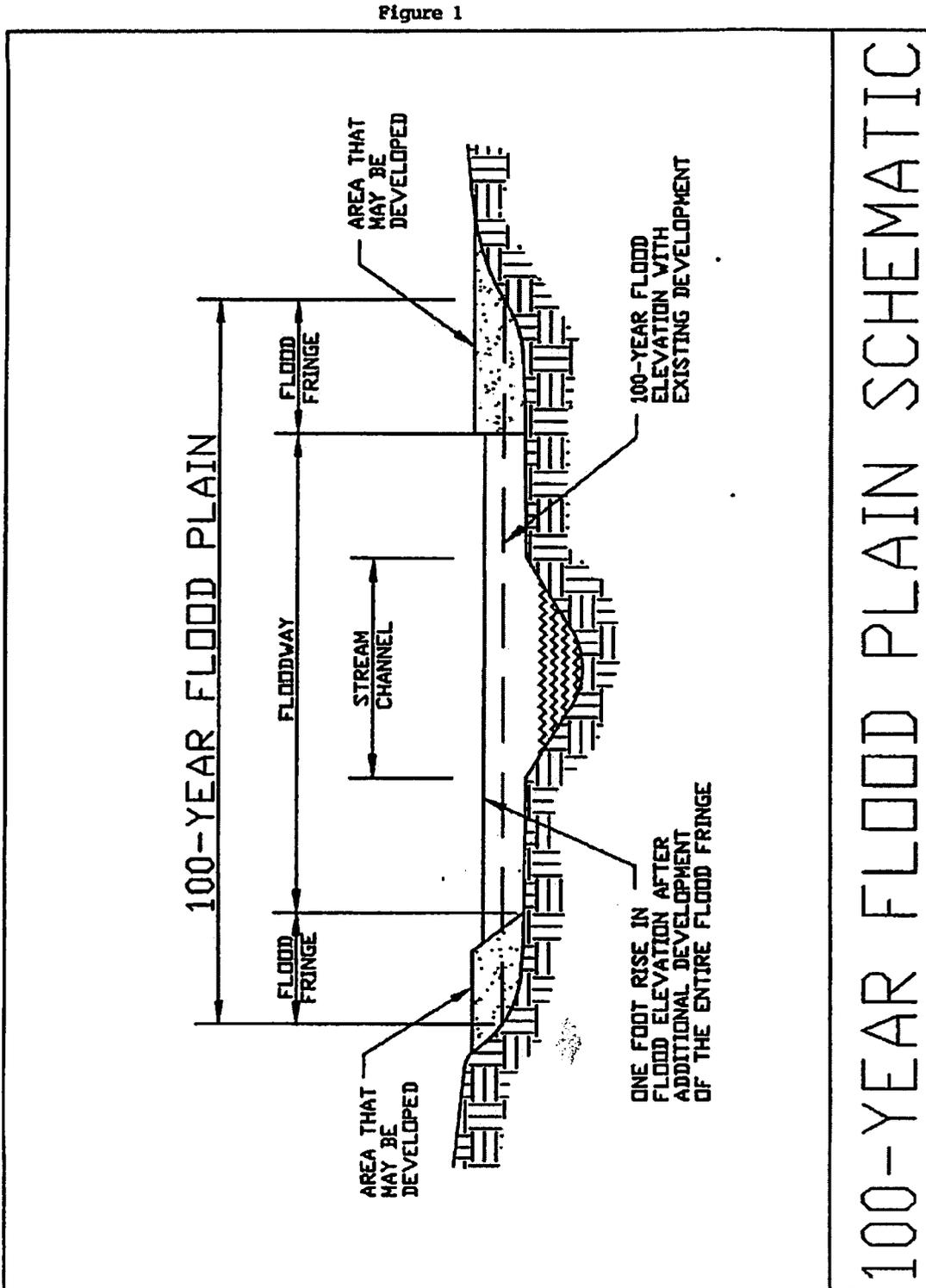
Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe. That part of the floodplain located between the floodway and the designated outline of the base or regulatory flood, also known as the 100-year flood, which would be covered by the flood waters of a base flood.

2.1.9. **Frontage.** The plane or portion of a lot abutting on a public road or right-of-way; only one plane or portion of a corner lot shall be regarded as frontage. Frontage is the width of a lot as measured at the front yard setback line. For a flag lot, frontage is measured at the narrowest width of the lot, excluding the stem of the lot extending to a road.

2.1.10. **Grade (slope).** The slope of a road, or the ground, specified by the percentage that the vertical rise is to the horizontal distance which occurs within the horizontal distance.

Figure 1.
100-year flood plain schematic



Improvements, Subdivision. Road pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related facilities normally associated with the development of raw land into building sites and which may be required by subdivision regulations.

2.1.11. **Lot.** A portion or parcel of land separated from other portions or parcels by description as on a subdivision plat or record of survey map or as described by metes and bounds, and intended for transfer of ownership or for building development. For the purpose of these regulations, the term does not include any portion of a dedicated right-of-way.

2.1.12. **Lot Area.** The total area of a lot calculated from surveyed boundaries or other reliable means. The lot area of a flag lot shall not include its access strip.

2.1.13. **Lot Width.** The width of the lot measured along a straight line between side lot lines (generally parallel to the road) and measured at the required minimum building setback line as indicated.

2.1.14. **Lot Depth.** The average distance from the front lot line measured perpendicularly to the rear lot line.

A. **Marginal Access Road.** a minor road parallel and adjacent to an arterial road which offers access to abutting properties and is used to limit access points on an arterial.

B. **Cul-de-sac.** a local road with only one outlet, sometimes called a "dead-end" road. A cul-de-sac is measured from its dead-end or vehicular turnaround back to the first intersection. In other words a "Y" shaped road leaving the highway would have two cul-de-sacs - the two branches of the "Y." The base of the "Y" would not be part of a cul-de-sac.

C. **Crescent or Loop Road.** A local road which has its only ingress and egress at two points on the same local or collector road.

D. **Private Road.** A privately-maintained road constructed on a recorded permanent easement and built according to the standards set forth in these regulations based on the number of lots the private road accesses. Also Private Street.

2.1.15. **Monuments.** Permanent concrete or iron markers used to establish definitely all lines on the plat of a subdivision, including all lot corners, boundary lines, corners, and points of change in road alignment.

2.1.16. **Mylar.** A dimensionally stable material on which the final details of a proposed subdivision are affixed and recorded in the Register's Office.

2.1.17. **Non-residential Subdivision.** A subdivision whose intended use is other than residential such as commercial or industrial, to include shopping centers or malls. Such subdivisions shall comply with the applicable provisions of these regulations.

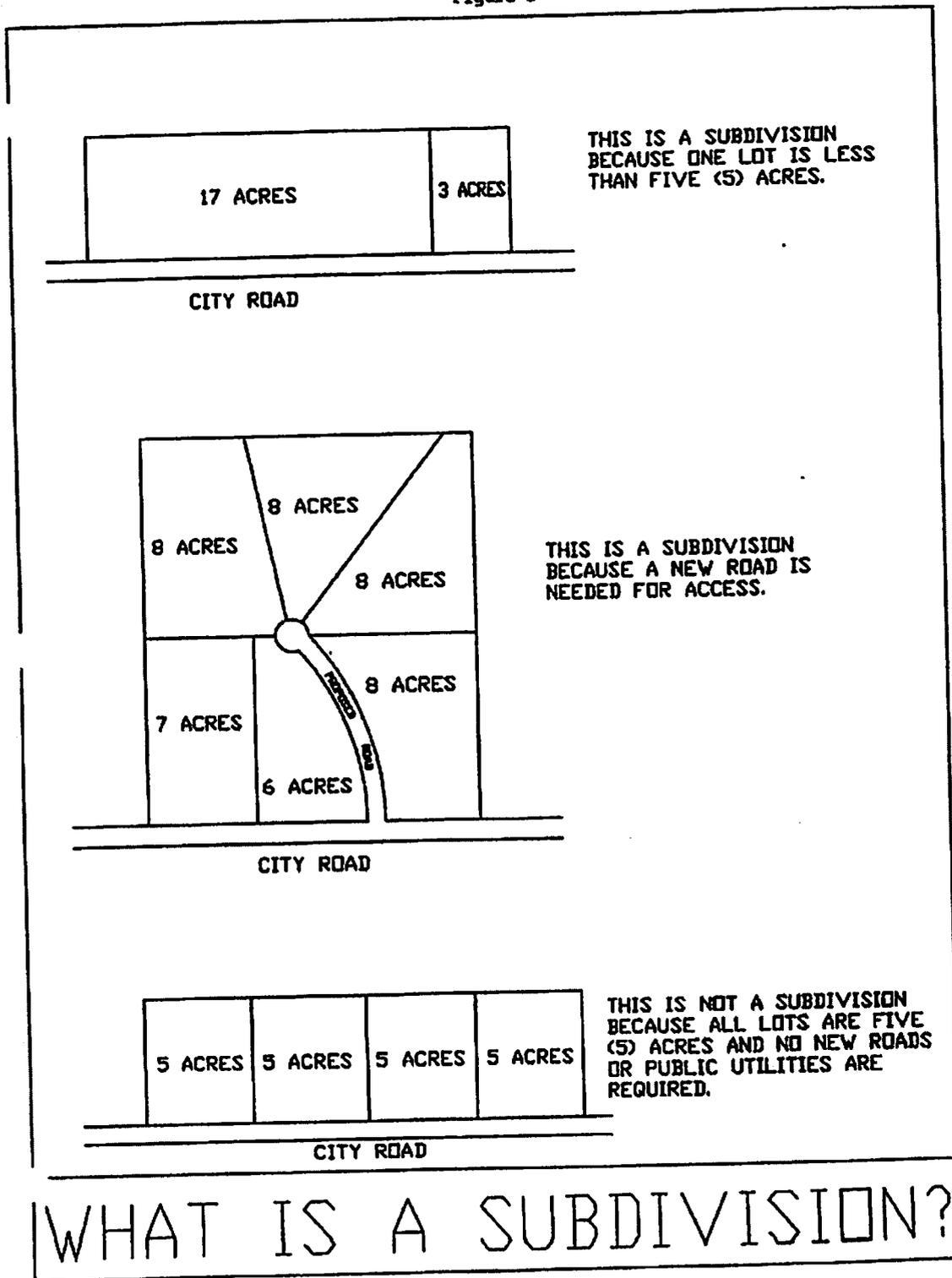
2.1.18. **Offer of Dedication.** The act of granting land or roads to an entity, such as the government, association, person, etc. The offer of dedication shall not constitute the acceptance of such land or roads by the local government, association or person.

- 2.1.19. **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 land sought to be subdivided under these regulations.
- 2.1.20. **Performance Bond.** Any form of security (including a cash bond, surety bond, cashiers check, irrevocable letter of credit, or certified check) in an amount and form satisfactory to the planning commission and planning staff for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement with the Cleveland Planning Commission.
- 2.1.21. **Plat.** The scale drawing or map of a subdivision including plat, plan, plot, or re-plot.
- 2.1.22. **Plat, Preliminary.** A subdivision plat showing the proposed lot arrangement and with the provisions contained in Article 5.
- 2.1.23. **Plat, Final.** A subdivision plat prepared in accordance with the provisions contained in Article 7. The final plat is designed to be placed on record with the County Register after approval by the planning commission.
- 2.1.24. **Reserve Strip.** A strip of land located adjacent to a roadway right-of-way that a developer retains title to in order to prevent neighboring owners from obtaining access to the roadway.
- 2.1.25. **Re-subdivision.** A change in a map of an approved or recorded subdivision plat if such change affects any road layout on such map, or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- 2.1.26. **Right-Of-Way (R.O.W).** A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, 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 areas of such lots or parcels. Right-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. Such rights-of-way shall not become a governmental responsibility until accepted, however.
- 2.1.27. **Road.** Any right-of-way designed for vehicular movement. "Road" includes the full width of the right-of-way between property lines as well as the traveled portion thereof. "Road" includes "street", "highway", or any other designation of a right-of-way designed for vehicular movement. For the purpose of these regulations, roads are divided into the following categories: interstate, arterial, collector, and local road as defined by the Official Street Map of Cleveland, Tennessee. Figure 2 illustrates road types.

Figure 3.

What is a subdivision?

Figure 3



- 2.1.28. **Roadway.** The actual road surface which is utilized to transport motor vehicles including necessary road shoulders and drainage facilities including ditches and curbing and guttering.
- 2.1.29. **Road Paving Material Class.** "Class" refers to the type and cleanliness of the paving material.
- 2.1.30. **Road Paving Material Grade.** "Grade" refers to the size of the aggregate in the paving material.
- 2.1.31. **Sanitary Sewer System.** A municipal or community sewage collection, treatment, and disposal system of a type approved by the Health Department.
- 2.1.32. **Setback Line.** A line established by the Subdivision Regulations, generally parallel with and measured from the lot lines, delineating the minimum allowable distance between the property line and a building on a lot within which no building or other structure shall be placed except as otherwise provided.
- 2.1.33. **Sight Distance.** The distance that a driver can observe another vehicle, or an object on the road.
- 2.1.34. **Subdivider.** Any person who (1) having an interest in land causes it directly or indirectly to be divided into a subdivision or who (2) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development any interest, lot, parcel site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing. (See also Applicant and Developer.)
- 2.1.35. **Subdivision.** The division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale or building development and includes resubdivision. Figure 3 shows what a subdivision is and is not.
- 2.1.36. **Townhouse.** A one-family dwelling in a row of at least three (3) such units, or two (2) units for an infill lot, in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire rated walls, and each unit is located on a fee simple, platted lot.
- 2.1.37. **Utility, Public.** A public utility is a business, organization, or government entity which is regularly supplying the public with some commodity or service to include, but not be limited to, such commodities or services as natural gas, electricity, water, telephone, sewage collection, cable television, etc., which requires the extension of lines, poles, cables, wires, pipes, etc. to individual buildings and which is being regulated for the public convenience and necessity by Federal, State, or Local Government.
- 2.1.38. **Variance.** A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to

conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

- 2.1.39. **Visibility Triangle.** A triangular shaped portion of land established at road intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The triangle shall be the three-sided area formed by measuring back twenty-five (25) feet from the intersection from each pavement edge for local streets, and according to the table on Figure 4 for collectors and above.
- 2.1.40. **Yard, Front.** A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the ordinance. Figure 5 illustrates a front yard.
- 2.1.41. **Yard, Rear.** A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the ordinance. Figure 5 illustrates a rear yard.
- 2.1.42. **Yard, Side.** A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such side yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the ordinance. Figure 5 illustrates a side yard.

Figure 4.
Grade at Intersection

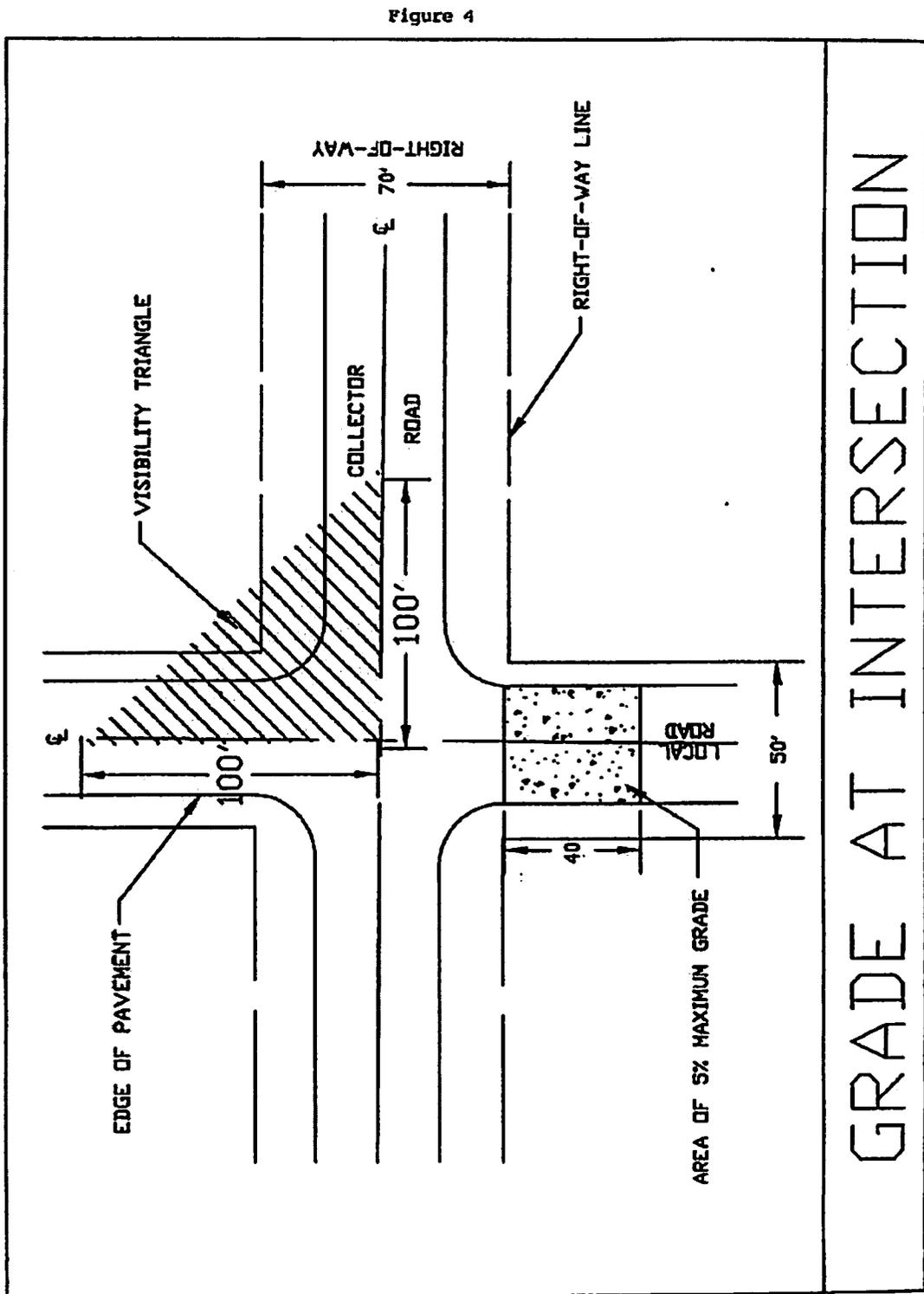
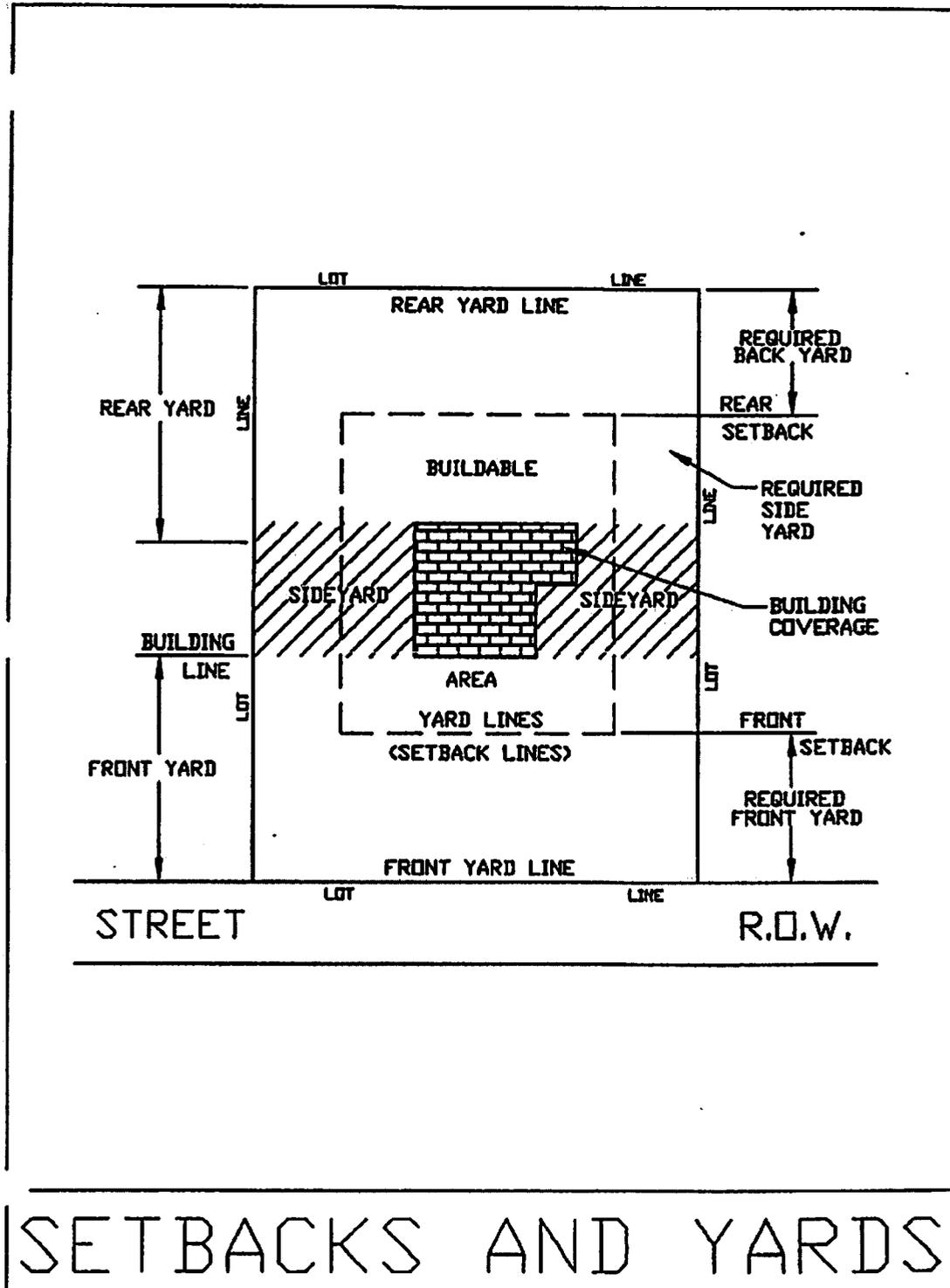


Figure 5.
Setbacks & Yards

Figure 5



ARTICLE 3

DESIGN REQUIREMENTS FOR SUBDIVISIONS

3.01. Suitability of the Land.

- A. The planning commission shall not approve the subdivision of the land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for the development purposes of the kind proposed. Suitability shall consider, but is not limited to, soils, topography, environmental factors, ground water, drainage, water bodies, and the availability of sewers.
- B. All development shall be in compliance with the Cleveland Flood Damage Prevention Ordinance.

3.02. Name of Subdivision.

The name of the subdivision must have the approval of the planning commission. The name shall not duplicate or closely approximate the name of an existing subdivision.

3.03. Access to Subdivision.

Access to every subdivision shall be provided over a public road maintained by a governmental unit; however, the planning commission may approve a private road from a subdivision to a public street or road which meets the standards in Section 4.07. All private roads must meet minimum city street standards.

3.04. Minor Subdivisions.

- A. In order to be considered a minor subdivision, the tract or parcel of land to be subdivided shall be located on an existing open public road accepted by the city council and maintained by the City of Cleveland, or on a numbered state highway; and there shall be no changes to or required in existing streets; no new streets or access easements required; no excavation, grading or physical development needed. For a minor subdivision, no extensions of water, sewer or gas lines is required.
- B. The planning commission may waive the preliminary plat for a minor subdivision provided:
 - 1) The plat does not exceed five (5) lots or fifteen (15) acres,
 - 2) The site contains no unusual or extreme topographic features, including but not limited to, slopes exceeding 25 percent.
 - 3) Development of the site will not increase stormwater runoff to the detriment of adjoining properties.
- C. All minor subdivisions must conform to Section 3.0 and other applicable sections of the Cleveland Zoning Ordinance.

3.05. Large-scale Development.

- A. A large-scale development: (i) exceeds five (5) lots or fifteen (15) acres; (ii) requires the construction of streets and/or roads, and/or (iii) requires the extension and/or installation of utilities.
- B. All large-scale development shall conform to Section 3.0 and other applicable sections of the Cleveland Zoning Ordinance.

3.06. Lot Requirements.

To provide minimum standards of space, light, air, access, and sanitation, the following lot size criteria are required:

A. Area

- 1. If public water and sewerage are both available to the lot, the minimum area for lots shall be that required by the Cleveland Zoning Ordinance for the district in which the lot is located. There shall be no division or subdivision of platted lots that will result in a reduction in size of any of the platted lots involved in the re-subdivision below the required area.
- 2. Lots with public water, but no public sewerage, shall have a minimum area of 15,000 square feet, or more if required by the county health authority based on soil types. There must be space to duplicate field line systems if ever needed.
- 3. Lots without public water or public sewerage shall have a minimum area of 25,000 square feet, or more if required by the county health authority to adequately meet the health requirements for both private water and sewerage systems on one lot given the lot's soil characteristics. The minimum distance between any water well and any part of any septic system shall be 100 feet.

B. Width

- 1. If public water and sewerage are both available to the lot, the minimum width for lots shall be that required by the Cleveland Zoning Ordinance for the district in which the lot is located.
- 2. Lots which are required to have at least 25,000 square feet of area because they lack public utilities, shall have a minimum lot width of 125 feet at the front setback line.

C. Depth - Excessive lot depth in relation to lot width should be avoided and may not exceed a 5:1 ratio, except lots qualifying for townhomes. All lots shall be of sufficient depth to meet front and rear setbacks in addition to providing a sufficient building site and meeting any further depth requirements of the health department.

D. Setbacks - Setbacks shall be as required by the Cleveland Zoning Ordinance.

- E. Corner Lots - Lots shall be wide enough to meet front setback requirements measured from both roads regardless of which road the building faces when constructed.

3.07. Lot Access.

Each lot shall have access to a public or private road.

3.08. Double or Reverse Frontage Lots.

Double frontage lots should be avoided, except where essential to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. All double frontage lots shall meet the front setback from both streets. Figure 6 illustrates a double frontage lot.

3.09. Flag Lots.

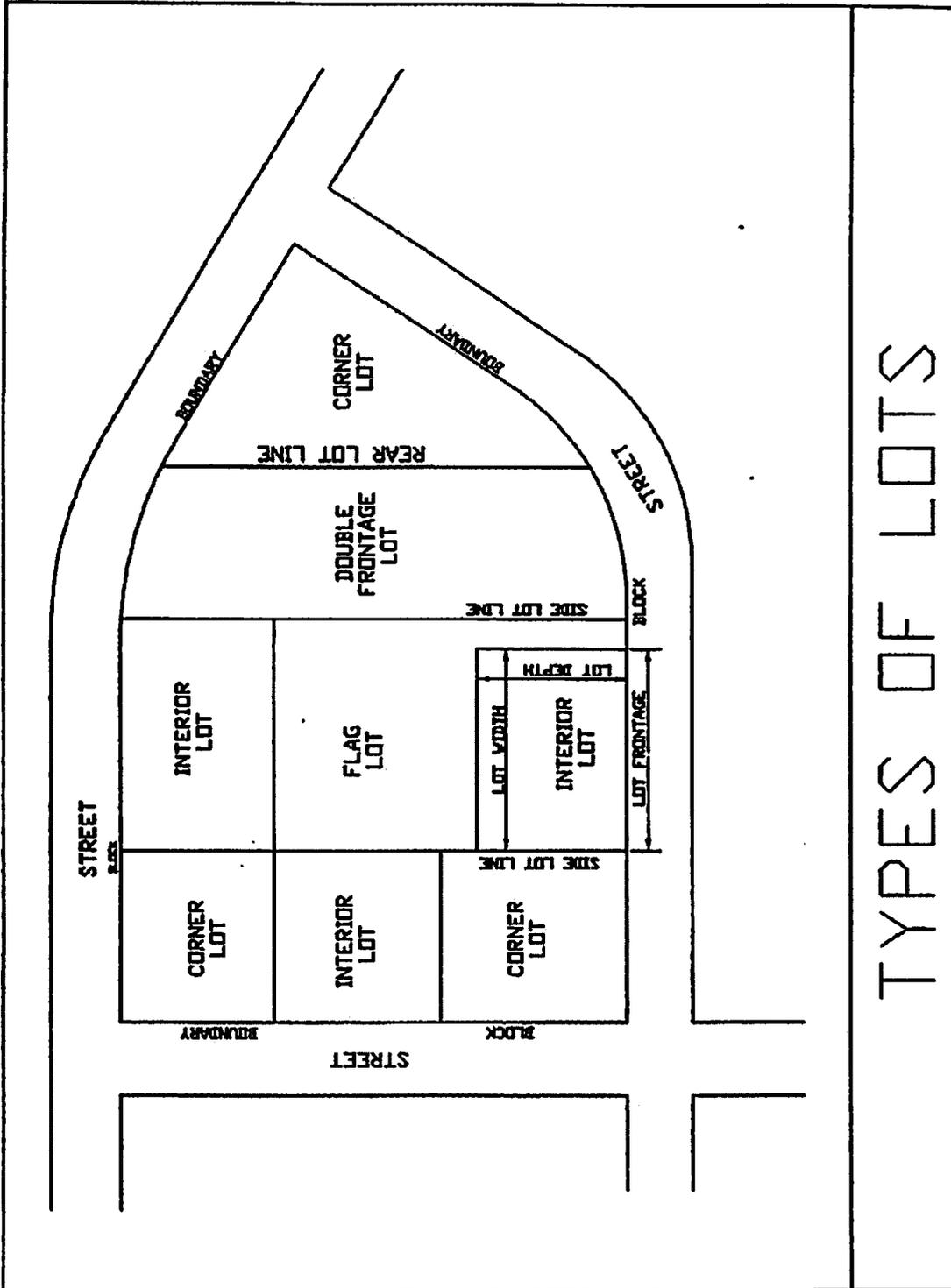
A "Flag Lot" is used to provide a building site in the interior of a tract of land behind the lots which have full frontage on a publicly-maintained road. Figure 6 illustrates a flag lot.

A. General Flag Lot Requirements:

1. The overall subdivision shall be designed so that the point where the access strip of the flag lot abuts the public road shall be safe for vehicular ingress and egress as far as visibility and grade are concerned since, unlike the purchaser of a conventional lot, the owner of a flag lot will have no other choice as to driveway location. (The safety of this intersection is even more important if the flag lot is ever made into a subdivision housing a number of families.)
2. The developer should locate the access strip on land which affords a grade which would meet Section 4.11 .

Figure 6.
Types of Lots

Figure 6



3. Within the portion of the flag lot which doesn't include the access strip, the various buildings' setbacks for front, side, and rear shall still apply and be measured from the boundaries of the portion excluding the access strip.
 4. No more than two access strips shall be located side-by-side.
 5. Flag stems should not exceed 500 feet; however, the planning commission may grant an exception for flag stems not to exceed 1,000 feet in length, total.
- B. **Sliding Scale of Access Width Requirements:**

A sliding scale provides that larger flag lots have wider access strips. This will usually allow future subdivision development through resubdivisions to occur.

 1. For flag lots of two (2) acres or less, the access strip shall be a minimum of thirty (30) feet in width.
 2. For flag lots of more than two (2) acres, but not more than five (5) acres, the access strip shall be a minimum of forty (40) feet in width.
 3. For flag lots of over five (5) acres, the access strip shall be a minimum of fifty (50) feet in width.

3.10 Residential Cluster Development

1. **Purpose:** Provide the legal means to build detached, single-family dwelling units with a normal side yard requirements on only one (1) side of each individual lot and to provide for required common open space.
2. **Minimum Lot Area:** 4,000 square feet; corner lot 6000 square feet.
3. **Minimum Number of lots:** 5 buildable lots
4. **Minimum Lot Width @ Front Building Line:** Forty (40) feet.
5. **Minimum Setbacks:**
 - a. **Front:** Twenty - five (25) feet.
 - b. **Side:** A minimum of three (3) feet from the building location side line. A minimum of ten (10) feet for one-story units and twelve (12) feet for two-story units required on the remaining side yard. When adjoining any other zoning district or lot not a part of the cluster development, the side yard shall be a minimum of twelve (12) feet in all cases. Situating dwelling units on adjoining lots so that only the required three (3') foot minimum sideline setback is attained from the common sideline is prohibited. Each 3' sideline must be joined by a normal sideyard on the adjoining lot.
 - c. **Rear:** Twenty (20) feet.
 - d. **Corner Street:** Twenty (20) feet.

- e. **Alternative setbacks:** The Planning Commission may approve alternative setbacks for specific lots in the subdivision based upon an individual review and recommendations for a deviation as provided for in Section 3.2 of the zoning regulations.
5. **Building Heights Limits:** Two and one-half stories or thirty-five (35) feet.
 7. **Corner Lot Width Requirement:** All lots that are located at intersecting streets shall in all cases be a minimum of sixty (60) feet in width without exception.
 8. **Maintenance Easement Required:** Where a unit is built within five (5) feet of the adjacent lot line; a maintenance easement agreement is required.
 9. **Doors or Openings Regulated:** No doors or any other openings with the exception of ventilation openings and windows are permitted on the wall that is built nearer than five (5) feet to an adjoining side lot line.
 10. **One Side Yard Required:** Units must be placed on the lot to provide for at least one (1) side yard.
 11. **Subdivision Plat Approval Required:** All cluster developments are subject to the platting requirements of a typical residential subdivision. The Cleveland Municipal Planning Commission is responsible for review of all cluster plats.
 12. **Construction Start:** Actual construction of the roads, utilities and the units may begin with approval of a preliminary plat.
 13. **Underground Utilities Required:**
 - a. All private utilities, including service connections for cable TV and the like, shall be installed underground.
 - b. Connection to the Municipal Water System and the Sanitary Sewer System is mandatory,
subject to approval of the appropriate division of Cleveland Utilities.
 - c. All electrical service connections shall be installed underground and shall be approved by
Cleveland Utilities, Electric Division. Each housing unit shall be metered individually.
 14. **Site Drainage Requirements:** The preliminary plat shall indicate the method of drainage of the total site. Each separate building permit will be subject to special review that indicates how drainage will be managed with the construction of each unit. Drainage of a property onto another is permitted only if adequate drainage easements or other methods are provided
that will adequately accommodate surface drainage. The City Engineer's Office is responsible for review and approval of the site drainage plan and review and approval of drainage methods for each building permit.
 15. **Street Right-of-Way and Construction:**

- a. Street right-of-way minimum shall be forty (40) feet.
 - b. Cul-de-sac radius shall be forty (40) feet measured to the property line.
 - c. All streets shall be constructed in accordance with the specifications included in the ordinance entitled "Minimum Construction Standards for Acceptance of Streets Dedicated to the City for Use and Maintenance as Public Ways."
 - d. A minimum of two (2) off-street parking spaces is required for each unit.
16. **Minimum Open Space** : A cluster subdivision shall have an area of common open space within the subdivision. Common open space shall be indicated as permanently reserved for that purpose on the final plat. Common open space shall consist of stormwater detention facilities platted as otherwise required by the stormwater and subdivision regulations, and/or vegetated greenspace, lakes, ponds, streams, and the like. The minimum common open space within cluster subdivision shall be equal to 20% of the total area of all buildable lots in the subdivision. Except as otherwise provided for stormwater detention facilities, the common open space in the cluster subdivision shall be in one or more separate lots and these lots are not required to meet standards for size, width, etc. that apply to a building lot.
17. **Building Envelope**: the building envelope for each buildable lot in a cluster subdivision is to be shown on the preliminary and final plat. The building envelope is the polygon formed by the intersection of the front, side, and rear setback lines for the principal structure.
18. **Fire Hydrants**: Due to the density and the increased fire flow that is require to protect these structures hydrants should be located every 500 Ft.

When determining locations to place fire hydrants, consideration should be given to accessibility, obstructions, exposures, driveway entrances and other circumstances where adjustments to a specific hydrant's location would be warranted.

For reasons of public safety, it should not be the objective of hydrant system engineers to attempt to maximize the spacing between fire hydrants. Especially in locations where structures are set back from public roadways, some consideration should be given to ensure that all structures are within "reach" of appropriate hydrants utilizing standard hose lays. To so do may require hydrants to be strategically placed at driveway entrances or that laterals are run from street mains into complexes so that hydrants will be in reasonable proximity to the structures being protected. Hydrants should be located at street intersections whenever possible.

Another consideration is preservation of vehicle access. If possible, hydrants should be placed in locations where engines and hose lays connected to them will not block critical access ways.

Preservation of hydrant access is an important issue. A hydrant isn't useful if when the project is completed, it is isolated by a fence, gate or other obstruction which makes it impractical to utilize to protect one or more of the structures for which it was intended. Walls, gates, fences, landscaping and other obstructions should appear on

preliminary development plans and if these improvements affect the use of proposed hydrants, adjustments to the hydrant locations or placement of additional hydrants should be considered. 5 Ft clearance around hydrants should be maintained.

Whenever possible, hydrants should not be placed so close to structures that they cannot be used if the structures are heavily involved with fire.

19. Common Open Space Maintenance Agreement: the following cluster subdivision open space maintenance agreement shall be recorded for all cluster subdivisions approved by the City of Cleveland, Tennessee Municipal Planning Commission after August 28, 2007. All cluster subdivisions approved after that date shall contain this statement: "The developer and all owners of lots in this subdivision are bound by the Perpetual Cluster Subdivision Maintenance Agreement recorded in Miscellaneous Book __ Page __, Records of Bradley County, Tennessee." *NOTE: staff intends to record the agreement and the Miscellaneous Book and page number will be known at that time.*

PERPETUAL CLUSTER SUBDIVISION OPEN SPACE MAINTENANCE AGREEMENT

The Perpetual Cluster Subdivision Open Space Maintenance Agreement applies to all cluster subdivisions for which a final plat is approved by the Cleveland Municipal Planning Commission after August 28, 2007. The cluster subdivision final plats incorporated in this agreement contain open space for common use for all owners of the platted lots in the cluster subdivision. With regard to future maintenance and upkeep, it is expressly understood and agreed by the developer and by the owner of any specific lot and/ or tract within the platted cluster subdivision that the developer and/ or owner of lots or tracts shall be responsible for the maintenance and upkeep of all open space shown on the plat. For purposes of this agreement, "maintenance and upkeep" shall mean keeping the common open space clear of all litter and man-made debris and otherwise maintaining the common open space in a manner consistent with any applicable laws, ordinances, or regulations of the State of Tennessee and the City of Cleveland. "Maintenance and Upkeep" shall also mean that the common open space shall be perpetually kept predominantly as greenspace with vegetative cover of some type. Specifically, the developer or owner of real property that is served by the open space shall be responsible for maintenance and upkeep during site development. The developers' responsibility will terminate after the sell or transfer of ownership of 51% of all those lots, tracts and/ or parcels in the platted cluster subdivision. All individual lot, parcel, tract owners in the platted cluster subdivision shall have an easement interest in the open space from all lots in the cluster subdivision. The future maintenance and upkeep of the open space areas shall be the responsibility of all cluster subdivision lot owners of record of those lots shown on the recorded plat. In the event, a cluster subdivision is developed in phases then all subsequently developed lots in the cluster subdivision including all future phases of the cluster subdivision shall share the same easement as those lot owners shown in the initial plat and/ or plats. It being the intent that all lot owners in any particular cluster subdivision; whether in the initial or any later phase shall share equally in the easement rights in and to the open space areas as well as share equally in the future maintenance and upkeep of the open space areas. There shall be and is an open space easement as to any cluster subdivision plat containing

common open space areas. Maintenance of this common open space serving multiple parcels shall be the cumulative responsibility of every lot and/ or tract owner of record of any plotted lot or tract in the cluster subdivision who shall all have easement rights for use of these opens space areas as shown on the recorded plat in the cluster subdivision. Each lot owner in the cluster subdivision shall share equally in the cost of all maintenance, upkeep and/ or repair, taxation of all common open space areas. However, in the event, damage to common open space area is caused by the sole negligence of any one individual lot and/ or tract owner, then the individually negligent lot or tract owner shall be solely responsible for the repair of the damage caused by his or her negligence and/ or the acts of his or her agents. In the event, open space areas are not properly maintained as set out herein in the City of Cleveland Municipal Code, it shall require the cluster subdivision/ parcel owners of record served to perform the maintenance and the repair at the expense of the parcel owners served by said open space areas. The City may file suit against the lot and/ or tract owners seeking relief from a court of proper jurisdiction to require said lot and/or tract owners to pay for said maintenance and upkeep of these common open space areas as set out herein. In the event it shall be necessary to file suit then the party or parties found to be in violation of the ordinance and/ or in violation of this maintenance agreement shall be responsible to pay the court costs paid and any attorney fees incurred by the City of Cleveland in having the ordinance and/ or this maintenance agreement enforced.

ARTICLE 4

DESIGN REQUIREMENTS FOR ROADS

4.01 Conformance to Adopted Official Street Map.

- A. All roads and other features of the Official Street Map of Cleveland, Tennessee, shall be platted by the subdivider in the location and to the dimensions, if any, indicated on the Official Street Map adopted by the planning commission.
- B. Cleveland Highway System Classification. The following classification of roadways has been obtained from the Official Street Map of Cleveland, Tennessee:
 - 1) Urban Interstate:
 - a) I-75 within the city limits of Cleveland, Tennessee.
 - 2) Other Freeways and Expressways:
 - a) APD 40 (SR 311) within the city limits of Cleveland, Tennessee.
 - 3) Urban Principal Major Arterial:
 - a) South Lee Highway (SR 2) from the city limits to Keith Street (SR 2).
 - b) Keith Street (SR 2) from South Lee Highway (SR 2) to Paul Huff Parkway.
 - c) North Lee Highway (SR 2) from Paul Huff Parkway to the city limits.

- d) Paul Huff Parkway from Georgetown Road (SR 60) to North Lee Highway (SR 2)
- e) 25th Street (SR60) from I-75 to the East City Limits.
- f) Georgetown Rd (SR60) from I-75 to the West City Limits.
- 4) Urban Minor Arterial:
 - a) Norman Chapel Road from Peerless Road to I-75
 - b) Westside Drive from 25th Street (SR 60) to Norman Chapel Road
 - c) Georgetown Road from Harrison Pike (SR 312) to 25th Street (SR 60)
 - d) Peerless Road from Georgetown Road to Paul Huff Parkway
 - e) Mouse Creek Road from North Ocoee Street (SR 74) to Valley Head Road
 - f) Valley Head Road from Mouse Creek Road to Peerless Road
 - g) North Ocoee Street (SR 74) from Inman Street (SR 40) to Keith Street (SR 2)
 - h) South Ocoee Street (SR 74) from Inman Street (SR 40) to Blue Springs Road
 - i) Blue Springs Road from Old Chattanooga Pike to APD-40 (SR 311)
 - j) Broad Street (SR 74) from 8th Street to 6th Street
 - k) Harrison Pike (SR 312) from Keith Street (SR 2) to Westside Drive.
 - l) Inman Street (SR 40) from Keith Street (SR 2) to east of Lowery Street
 - m) South Lee Highway (SR 40) from Keith Street (SR 2) to 3rd Street (SR 40)
 - n) 3rd Street (SR 40) from South Lee Highway (SR 2) to North Ocoee Street (SR 74)
 - o) Wildwood Avenue (SR 74) from Inman Street (SR 40) to Spring Place Road (SR 74)
 - p) Dalton Pike (SR 311) from Spring Place Road (SR 74) to APD-40 (SR 311)
 - q) Spring Place Road (SR 74) from Dalton Pike (SR 311) to White Street
 - r) 20th Street NW from Georgetown Road to Old Tasso Road
 - s) Old Tasso Road from 20th Street NW to Stuart Road
 - t) Stuart Road from North Lee Highway (SR 2) to the city limits
 - u) Stuart Road from the city limits to Old Tasso Road
- 5) Urban Collector (Major and Minor):
 - a) Michigan Avenue Road within the City of Cleveland
 - b) Stuart Road from Old Tasso Road to Michigan Avenue Road
 - c) Blythe Ferry Road from North Ocoee Street (SR 74) to Old Tasso Road
 - d) 20th Street from Old Tasso Road to Michigan Avenue Road

- e) 37th Street from Old Tasso Road to 20th Street
- f) Raider Avenue from Keith Street (SR 2) to Peerless Road
- g) Mimosa Drive from Mouse Creek Road to Peerless Road
- h) Mouse Creek Road from Paul Huff Parkway to the city limits
- i) Peerless Road from Paul Huff Parkway to Valley Head Road
- j) Adkisson Drive from Executive Park Drive to Paul Huff Parkway
- k) Frontage Road from Paul Huff Parkway to the city limits
- l) Norman Chapel Road from Adkisson Drive to I-75
- m) Candies Lane from Georgetown Road (SR 60) to Freewill Road
- n) Freewill Road from Interlackin Circle (city limits) to city limits
- o) 17th Street from Georgetown Road to North Ocoee Street (SR 74)
- p) Parker Street from 3rd Street to 25th Street (SR 60)
- q) Central Avenue from Highland Drive (SR 74) to Gaut Street
- r) Gaut Street from Inman Street to 6th Street
- s) 6th Street from Gaut Street to Benton Pike
- t) Edwards Street from 3rd Street to Central Avenue
- u) 3rd Street North Ocoee Street (SR 74) to Mill Street
- v) Mill Street from 7th Street to Inman Street (SR 74)
- w) 7th Street from Mill Street to King Edward Avenue (SR 74)
- x) King Edward Avenue from 7th Street to 6th Street
- y) 6th Street from King Edward Avenue to Wildwood Avenue
- z) Smith Drive from South Lee Highway (SR 2) to South Ocoee Street (SR 74)
- aa) 20th Street from South Ocoee Street (SR 74) to Dalton Pike (SR 311)
- bb) Blackburn Road from Dalton Pike (SR 311) to Dockery Lane
- cc) Dockery Lane from Blue Springs Road to the city limits
- dd) Blue Spring Road from the city limits to APD-40 (SR 311)
- ee) Sunset Drive from Henderson Avenue to Ocoee Street
- ff) Henderson Avenue from Keith Street to 25th Street
- gg) Chambliss Avenue from 20th Street to 25th Street
- hh) Villa Drive from Georgetown Road to Freewill Road
- ii) Executive Park Drive from Adkisson Drive to Ridgeway Drive
- jj) Ridgeway Drive from Executive Park Drive to Georgetown Road

- kk) Clingan Ridge Drive from Westside Drive to Peerless Road
- ll) Julian Drive from 25th Street to M^eIntire Drive
- mm) M^e Intire Drive from Julian Drive to Ocoee Street
- nn) Westside Drive from Georgetown Road to Harrison Pike
- oo) 11th Street from Georgetown Road to Harrison Pike
- pp) 15th Street from Ocoee Street to Carolina Avenue
- qq) Carolina Avenue from 11th Street to 15th Street
- rr) Willow Street from Georgetown Road to Highland Avenue
- ss) Highland Avenue form Inman Street to 17th Street
- tt) 8th Street from Highland Avenue to Benton Pike
- uu) Church Street from 11th Street, NE to 6th Street, SE
- vv) Grove Avenue from Harrison Pike to South Lee Highway
- ww) 2nd Street from Worth Street to 1st Street
- xx) 1st Street from Highland Avenue to Edwards Street
- yy) East Street from 6th Street, NE to Wildwood Avenue
- zz) 9th Street from East Street to Euclid Avenue
- aaa) Euclid Avenue from 3rd Street to 9th Street
- bbb) King Edward Avenue from 9th Street to 20th Street
- ccc) 14th Street from Wildwood Avenue to Johnson Blvd.
- ddd) Johnson Blvd. from Bates Pike to Wildwood Lake Road
- eee) Wildwood Lake Road from Wildwood Avenue to Spring Place Road
- fff) White Street from Baldwin Street to Wildwood Lake Road
- ggg) Baldwin Street from APD 40 to Dalton Pike
- hhh) Red Food Drive from APD 40 to Dalton Pike
- iii) Westland Drive from APD 40 to Victory Street
- jjj) Victory Street from Westland Drive to South Lee Highway

6) Local Streets

All streets not classified as interstate, urban principal arterial, urban minor arterial, or urban collector are considered local streets.

4.02 Road Connections.

- A. Where proposed roads intersect existing roads, the developer must make the connection at his expense and meet all road design requirements set forth in these regulations.

- B. Sufficient access streets to adjoining properties shall be provided within subdivisions to permit harmonious development of the area.

4.03 Flood Requirements for Roads and Drainage Systems.

The planning commission shall require profiles and elevations of roads in areas subject to flood, as defined in these regulations. Fill may be used for roads provided such fill does not unduly increase flood heights. The minimum road elevation shall be no lower than the elevation for a flood of 100-year frequency of occurrence. Drainage openings shall be designed so they do not restrict the flow of water and unduly increase flood heights.

4.04 Road Names and Addresses.

The road names shall require the approval of the planning commission subject to the recommendation of the City Transportation director. Staff shall check proposed names against a master list to see that they are significantly different from existing names so that confusion will not arise when sending emergency 911 vehicles to addresses on those roads.

4.05 Restriction of Access.

When a tract fronts on an arterial highway, the planning commission may require such lots to be provided with frontage on a parallel, marginal access road or may require reverse frontage lots. Leaving a wide buffer of existing vegetation is recommended and may be required to lessen the effects of nearby heavy traffic.

4.06 Reserve Strips. There shall be no reserve strips controlling access to roads.

4.07 Private Roads/Streets.

A. Private roads under this Article, and as defined in Article 2.1.28, shall be defined as any road access serving two or more owners whereby the access shall be a non-exclusive and perpetual easement for the benefit of those being served by it. The easement/access can be terminated only by all parties in interest unless subsequently accepted by the governmental authorities as a public road. A private road shall be jointly owned by (1) the property owners utilizing the road; or (2) a property owner's association. Private roads shall not be dedicated or maintained by any public agency. Figure 7 illustrates private roads.

B. Private roads in subdivided developments can be accommodated under certain conditions. The decision to create a private road is exclusively the responsibility of the owner or developer of the subdivision. The Planning Commission shall be informed of the decision to create a private road prior to their review of the preliminary plat.

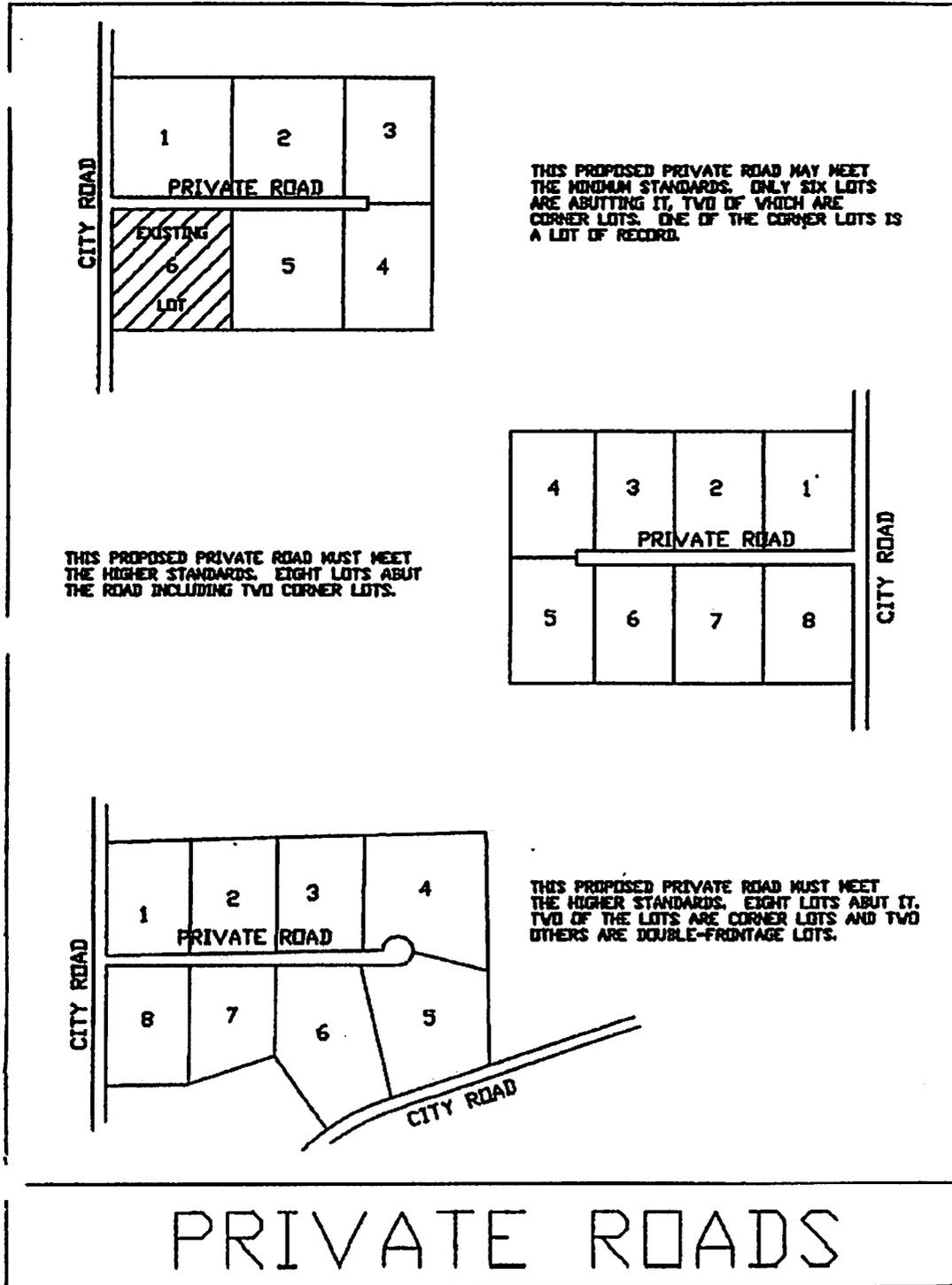
C. All Private Roads must meet the following standards:

1. The final subdivision plat must indicate that the easement, or right-of-way is for a "private road."
2. The private road shall be open to public safety vehicle access and utility vehicle access, and shall be designed to accommodate such vehicles.

3. Easements or rights-of-way used for access shall be further defined and described by notes added to the plat which set forth the limits of public liability and responsibility to properties and citizens which are served by such accessways. These notations shall include, but shall not be limited to the following:
 - a. The permanent access easement is to be privately-maintained by the owners and not by the City of Cleveland.

Figure 7.
Private Roads

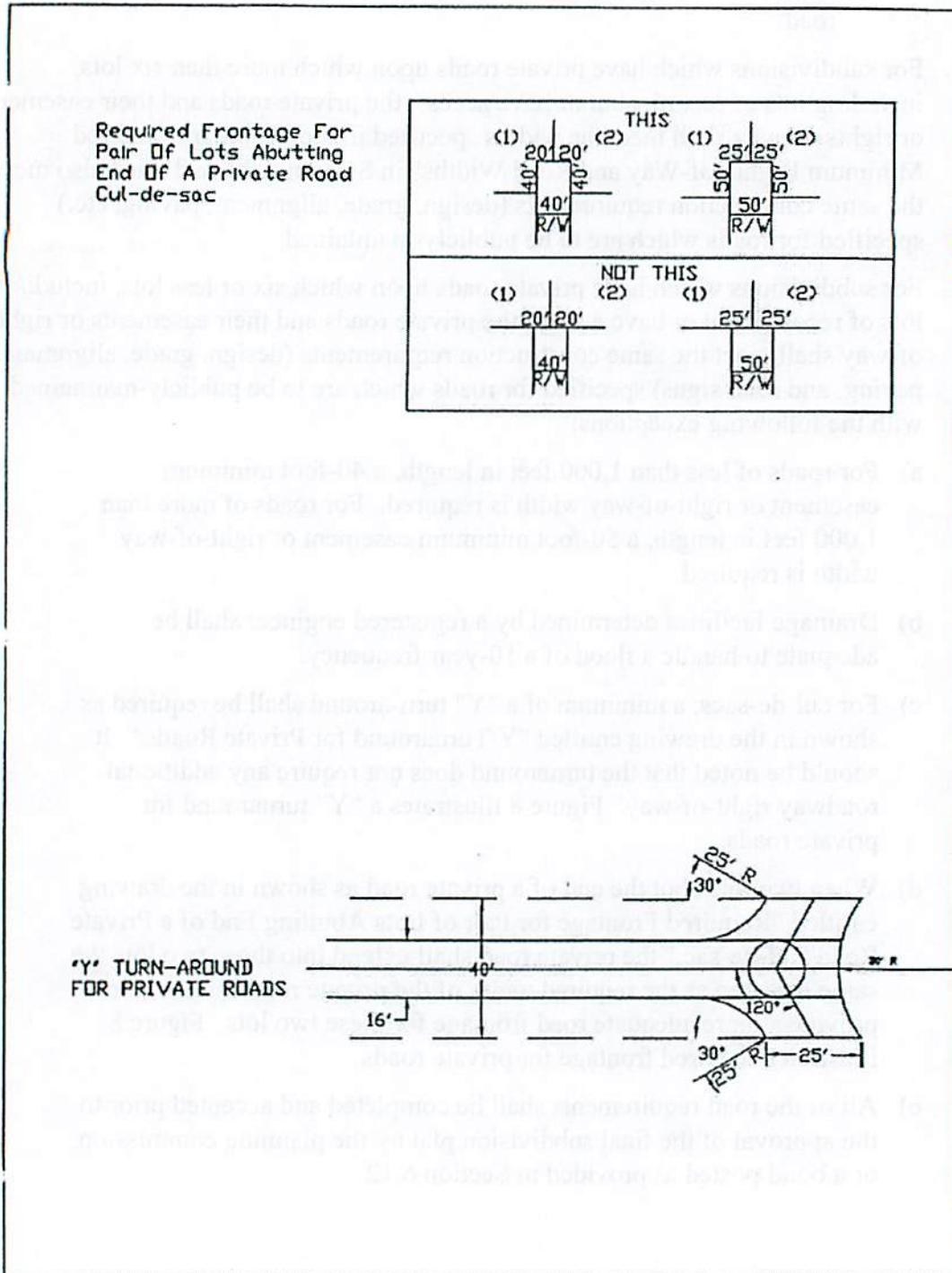
Figure 7



- b. The owners are responsible for providing for all desired utilities and services to the public road. The City of Cleveland is not responsible for providing services beyond the limits of the public road.
4. For subdivisions which have private roads upon which more than six lots, including lots of record, abut or have access, the private roads and their easements or rights-of-way shall meet the widths specified in the "Table of Required Minimum Rights-of-Way and Road Widths" in Section 4.09, and must also meet the same construction requirements (design, grade, alignment, paving, etc.) specified for roads which are to be publicly-maintained.
5. For subdivisions which have private roads upon which six or less lots, including lots of record, abut or have access, the private roads and their easements or rights-of-way shall meet the same construction requirements (design, grade, alignment, paving, and road signs) specified for roads which are to be publicly-maintained with the following exceptions:
 - a) For roads of less than 1,000 feet in length, a 40-foot minimum easement or right-of-way width is required. For roads of more than 1,000 feet in length, a 50-foot minimum easement or right-of-way width is required.
 - b) Drainage facilities determined by a registered engineer shall be adequate to handle a flood of a 10-year frequency.
 - c) For cul-de-sacs, a minimum of a "Y" turn-around shall be required as shown in the drawing entitled "Y Turnaround for Private Roads." It should be noted that the turnaround does not require any additional roadway right-of-way. Figure 8 illustrates a "Y" turnaround for private roads.
 - d) When two lots abut the end of a private road as shown in the drawing entitled "Required Frontage for Pair of Lots Abutting End of a Private Road Cul-de-sac," the private road shall extend into those two lots the same distance as the required width of the private road easement to provide a more adequate road frontage for these two lots. Figure 8 illustrates required frontage for private roads.
 - e) All of the road requirements shall be completed and accepted prior to the approval of the final subdivision plat by the planning commission, or a bond posted as provided in Section 6.12.

Figure 8
Private Roads

Figure 8



4.08 Utility Easements

- A. Easements shall only be provided along selected lot lines where deemed necessary by Cleveland Utilities or other applicable utility districts for utility lines and underground mains and cables. When the easements follow lot lines, the easement width can be divided between adjacent lots. Easements of the same or greater width shall be required across lots where necessary for the extension of existing or planned utilities.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater or drainage easement of adequate width.

Minimum easement widths for open channels shall be as follows:

<u>Top Width of Channel</u>	<u>Easement Width</u>
Less than 5 feet.....	15'
5-20 feet.....	10' greater than top width of channel, with a minimum of 5 feet on one side.
Greater than 20 feet.....	15' greater than top width of channel, with a minimum of 5 feet on one side.

Minimum allowable easement width for closed conduit storm drain:

<u>Conduit Size</u>	<u>Easement Width</u>
15-33 inches.....	15 feet
36-48 inches.....	20 feet
54-75 inches.....	25 feet

All detention ponds shall be enclosed by a drainage easement that will include a 10 foot wide maintenance access strip around the perimeter.

4.09 Road Right-of-Way Widths and Road Pavement Widths.

- A. The right-of-way width shall be the distance across a road from property line to property line. Minimum standards are presented in Table 1.
- B. Road pavement widths are measured from edge of pavement to edge of pavement except where curbs are used, in which case measurement shall be from inside of curb to inside of curb. These widths are considered the minimum necessary to accommodate modern traffic. All arterials and collectors are designed to be high-volume traffic movers. At no time shall parking be allowed along interstates, other freeways and expressways, urban principal and minor arterials, and collectors as defined by the Cleveland transportation director; however in the case of local streets

and roads in the CBD district, street parking is allowable where a width of 8 feet over and above the standard pavement width is provided for each parking lane.

- C. Where 50 or more lots must be accessed by one subdivision street, that street may be deemed a minor collector or higher by the transportation director.

Table 1
**REQUIRED MINIMUM ROAD RIGHTS-OF-WAY
 AND
 PAVEMENT WIDTHS IN FEET**

ROAD TYPE ¹	VEHICLES PER DAY ²	RIGHT-OF WAY (Feet)	PAVEMENT (Feet)
Major Arterial ³	5,000 +	120	2-24 (2 lane divided highway) 60 (5 lane)
Minor Arterial	2,000 - 5,000	80	48 - 60
Major Collector	1,000 - 2,000	70	38 (3 lane)
Minor Collector	500 - 1,000	50	24
Local Roads ⁴ Cul-de-Sacs greater than 1,000 feet in length	250 - 500	50	24
Loop or Crescent Roads Cul-de-sacs less than 1,000 feet in length	1-250	40	22

Notes to Table:

- (1) See Section 4.01 for roads in the City of Cleveland which are designated as arterials or collectors, provided, however, the Cleveland Planning Commission may recommend roads or segments of roads as arterials or collectors on the advice of the city transportation director based on traffic counts, or for new developments, potential traffic volume, or other transportation demand factors.
- (2) Vehicles per day will be from TDOT traffic counts, Cleveland traffic counts, or estimates based on current trip generation rates. For local streets in residential neighborhoods, ten (10) average daily trips (ADT's) per single family unit shall be used.
- (3) Cul-de-sacs may not exceed either fifteen hundred (1,500) feet in length or 500 ADT.

Figure 9
Alternate turn around designs.

Figure 9

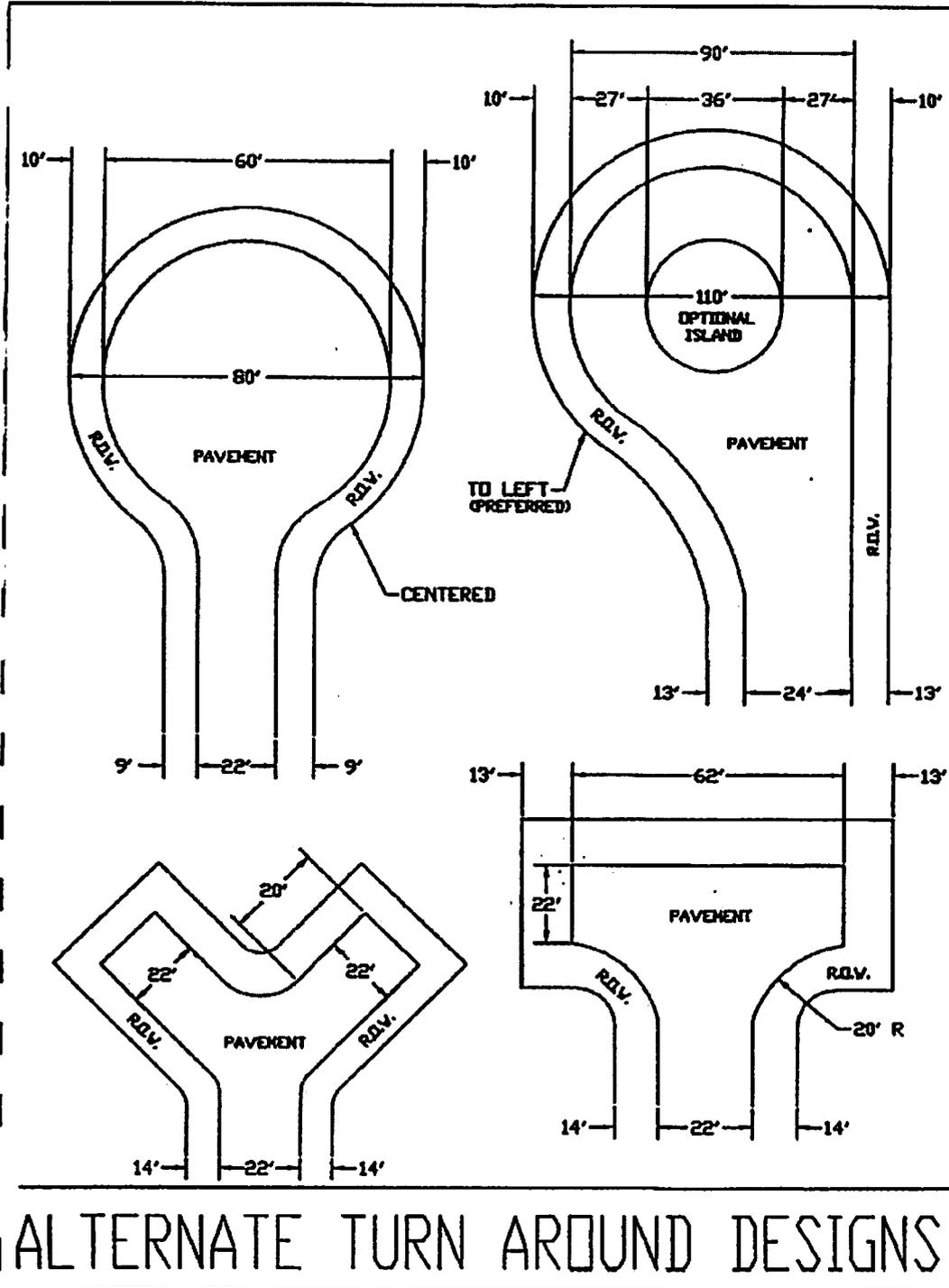


Table 2
CUL-DE-SACS

DESIGN PARAMETER	With Island	Without Island
MAXIMUM RADIUS FOR PLANTED MEDIAN ISLAND	18'	
MINIMUM PAVEMENT RADIUS	45'	* 30'
MINIMUM WIDTH OF R.O.W. BEYOND EDGE OF 27' PAVEMENT	10'	
MINIMUM R.O.W. RADIUS	55'	* 40'

* Residential Areas Only - No school Bus turnaround required (cul-de-sac length less than 1,500 feet).

Note: If curbs are not used, 4' gravel shoulders shall be constructed in addition to the required pavement width.

4.10 Additional Width on Existing Roads.

Subdivisions that adjoin existing roads shall dedicate additional right-of-way to meet the minimum road width requirements.

- A. The entire right-of-way shall be dedicated where any part of the subdivision is on both sides of the existing road; and
- B. Where the subdivision is located on only one side of an existing road, the amount of right-of-way to be dedicated is as follows:
 - 1. If the land across the roadway from the proposed subdivision has not been subdivided or developed, the subdivider is only required to dedicate one-half of the required right-of-way, measured from the center line of the existing roadway.
 - 2. If the land across the roadway has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the roadway to bring the total right-of-way to the required width. (In no case shall the right-of-way be less than fifty (50) feet.)
- C. In cases where rights-of-way in excess of fifty (50) feet are required, additional widths shall be reserved, and when used just compensation therefore shall be paid by the condemning authority.
- D. In cases where the connecting road is an arterial or has an ADT of 2,000 or greater, the developer shall provide a deceleration lane on the existing City road and shall dedicate a minimum of 15 feet of right-of-way. The deceleration lane shall be approximately 100 feet long at a minimum and have a 50 foot taper, have a paved surface eleven (11) feet wide, and have a four (4) foot wide compacted

stone shoulder. A curb may be placed in lieu of a shoulder. This additional right-of-way and road shall be dedicated to and accepted by the City in the usual manner.

4.11 Road Grades.

The minimum road grade shall be five-tenths (0.5) percent. The maximum road grade shall be ten (10) percent for arterials or collectors, and fifteen (15) percent for local roads, with the provision for a rare exception in extreme and unusual circumstances where the road location cannot be redesigned to lessen the grade. The developer shall submit a proposed design to the city engineer for review, and upon the recommendation of the city engineer, the planning commission may provide an exception. Steep grades shall be avoided at intersections as provided in the next section.

4.12 Grades Approaching Intersections.

Road grades approaching intersections and having a stop condition shall not exceed five (5) percent for a distance not less than that shown as follows, measured back from the right-of-way of the intersecting road:

When Local Roads Intersect with Arterials or Collectors (see Figure 4).	40 Feet
When Local Roads Intersect with Other Local Roads	30 Feet

4.13 Vertical Curves.

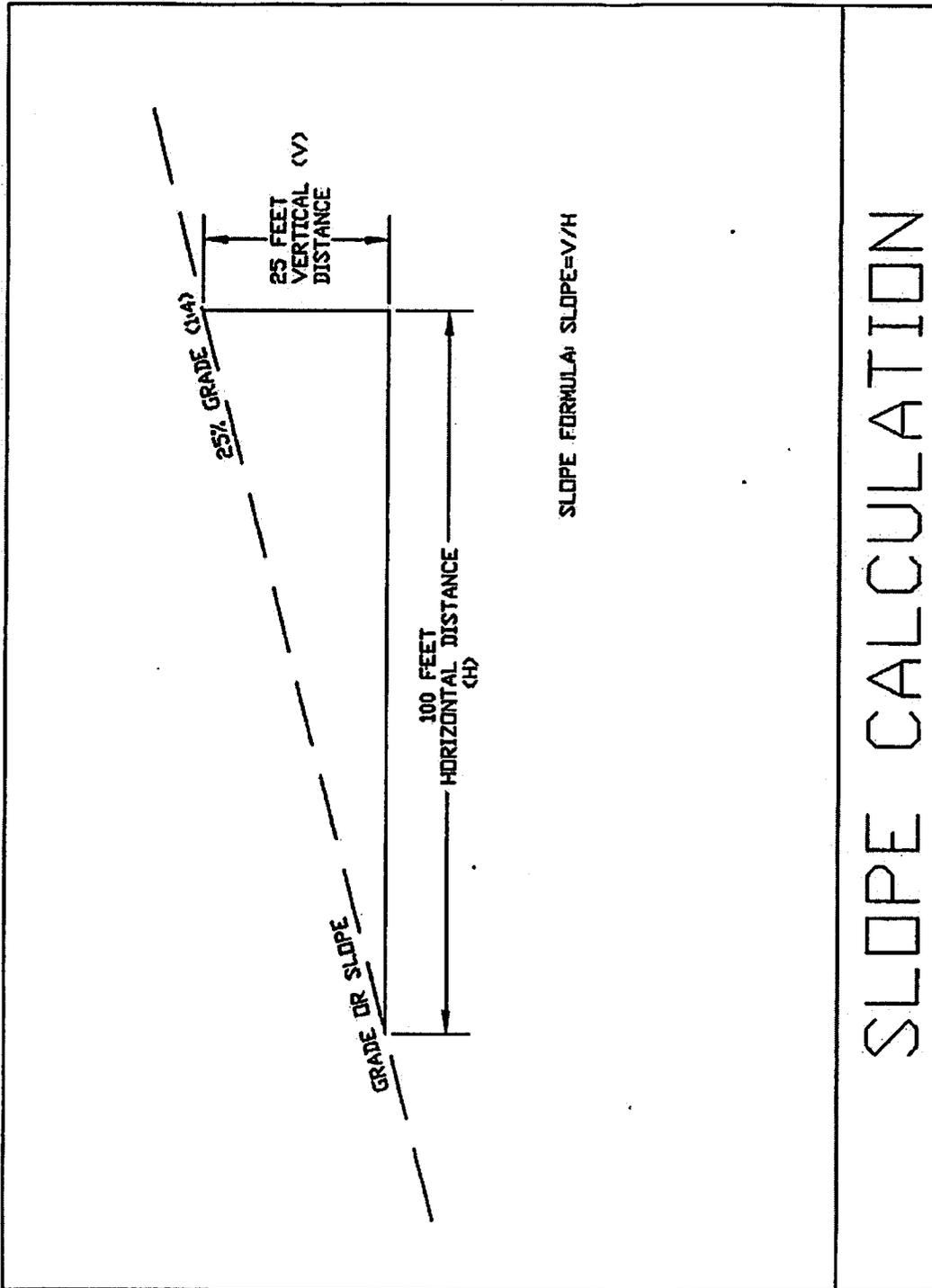
Every change in grade shall be connected by a vertical curve designed and constructed in accordance with the standards in the latest edition of the American Association of State Highway and Transportation Officials' (AASHTO) Policy on Geometric Design of Highways and Streets. This book also provides guidelines for safely combining vertical and horizontal curves in the same road section.

4.14 Road Profiles.

Profiles of all new roads showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals ten (10) feet vertically shall be required. Roads shall be designed according to criteria provided in the latest edition of AASHTO's "A Policy on Geometric Design of Highways and Streets," for the selected design speed.

Figure 10.
Slope classification

Figure 10



4.15 Horizontal Curves.

Where a deflection angle occurs in the horizontal alignment of a road, the road shall have a centerline radius of not less than the following:

	TOPOGRAPHIC GRADIENT		
	0-8%	8.1-15%	over 15%
Collectors	350 Feet	230 Feet	200 Feet
Local Roads (including parallel, access roads, loops, and cul-de-sacs)	100 Feet	100 Feet	100 Feet

Figure 11 illustrates horizontal curves.

4.16 Intersections.

- A. Road intersections shall be as nearly at right angles as possible, and no intersection shall form an angle of less than seventy-five (75) degrees.
- B. Curb radii at intersections of local streets shall not be less than fifteen (15) feet. Curb radii at intersections of local streets with collector streets or arterials shall not be less than twenty-five (25) feet. Where the angle of a road intersection is less than ninety (90) degrees, the City engineer may require a greater curb radius. Whenever necessary to permit the construction of a curb having a desirable radius without curtailing a future sidewalk at a road corner to less than normal width, the property line at such road corner shall be rounded or otherwise setback sufficiently to permit such construction. Curb radii for the intersection of two collectors or higher, or for commercial or industrial subdivisions, shall be from 30 to 75 feet, depending on the type and volume of traffic anticipated.

4.17 Road/Street Jogs.

For improved traffic safety, road or street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed, except in extreme and unusual circumstances and upon the recommendation of the city transportation director. The 150 foot separation shall also apply to jogs created between a new subdivision road and an existing road.

4.18 Topsoil/ Seeding.

All disturbed areas shall be covered with a three (3) inch thickness of topsoil. The topsoil shall be of a good clear nature free of rocks, roots, wood, brick or any other foreign matter. The area shall then be seeded with a good quality grass seed that is of viable condition and free of any weed seeds and then covered with a straw mulch.

The type of grass seed shall be one that is commonly grown in the area.

Figure 11
Horizontal curves

Figure 11

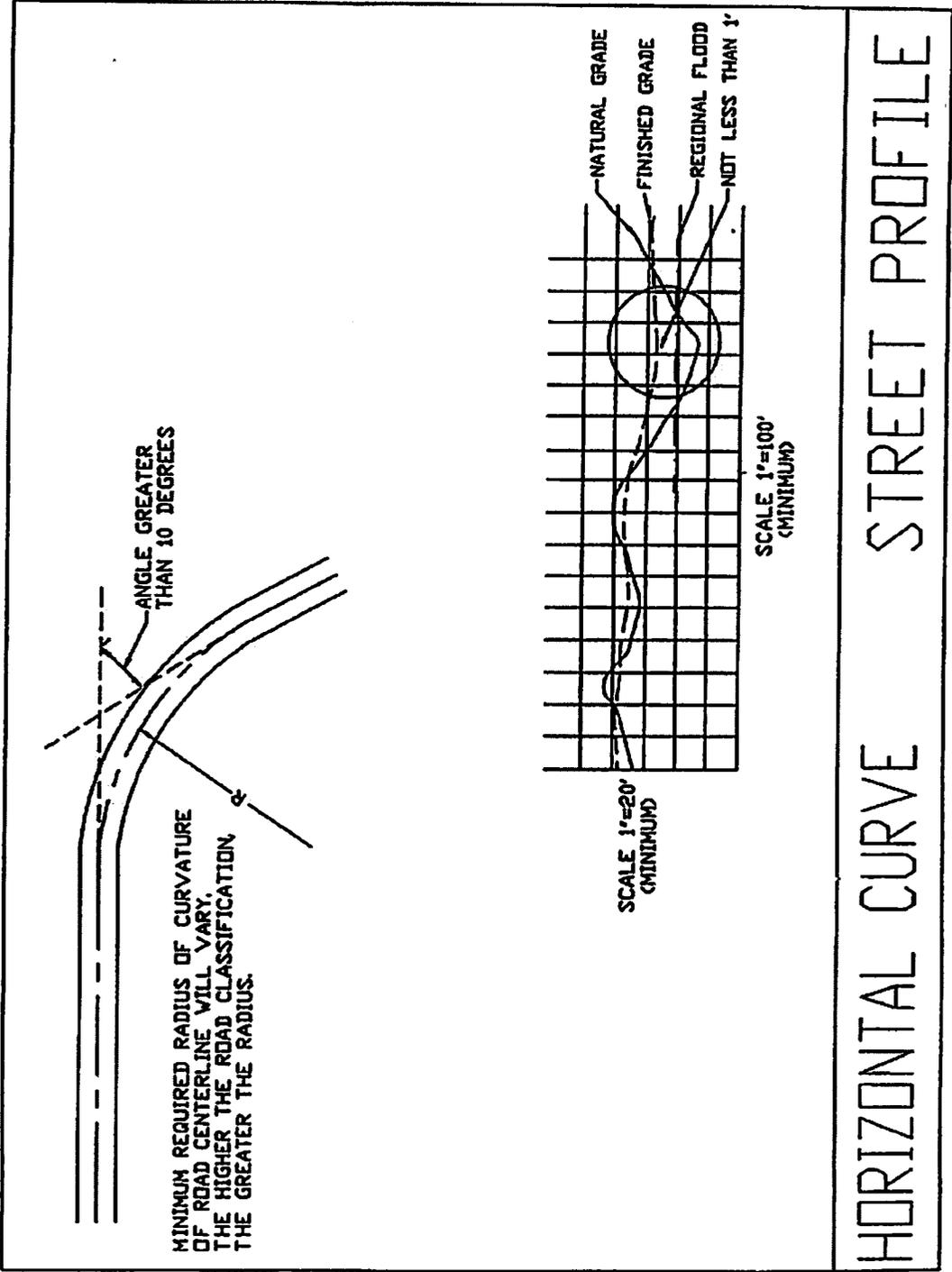
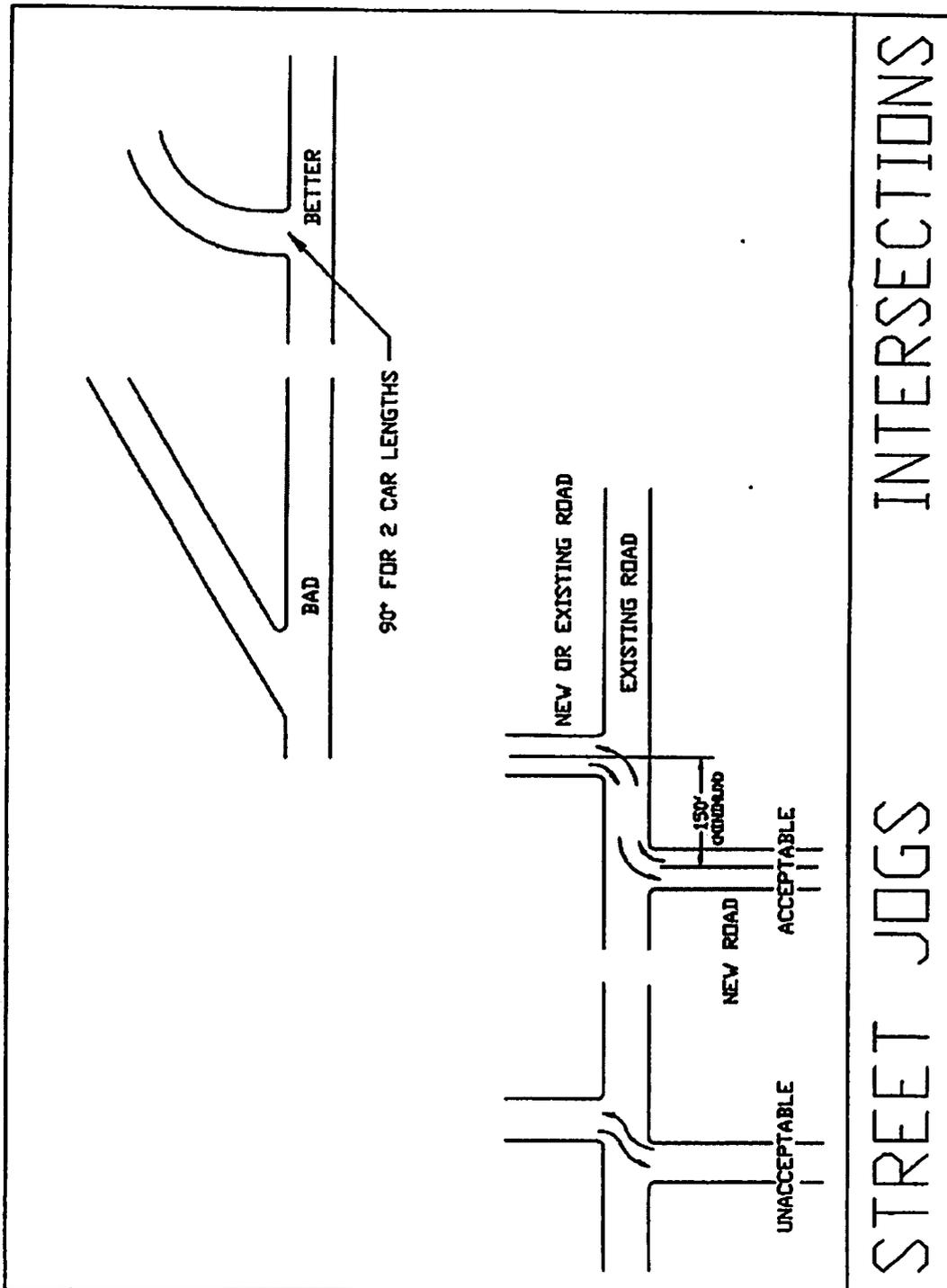


Figure 12
Road jobs

Figure 12



ARTICLE 5
PRELIMINARY PLAT REQUIREMENTS

5.01 Pre-application Review.

Whenever a subdivision of a tract of land within the City of Cleveland is proposed, the subdivider is urged to consult early and informally with the planning and engineering staff and to obtain an application submission checklist summarizing the plan information required by Section 5.04 of these regulations. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. Sample subdivision designs are included in Figure 13. No fee shall be charged for the pre-application review and no formal application shall be required. The purpose of the pre-application review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the planning commission staff in order to facilitate the subsequent preparation and approval of plats.

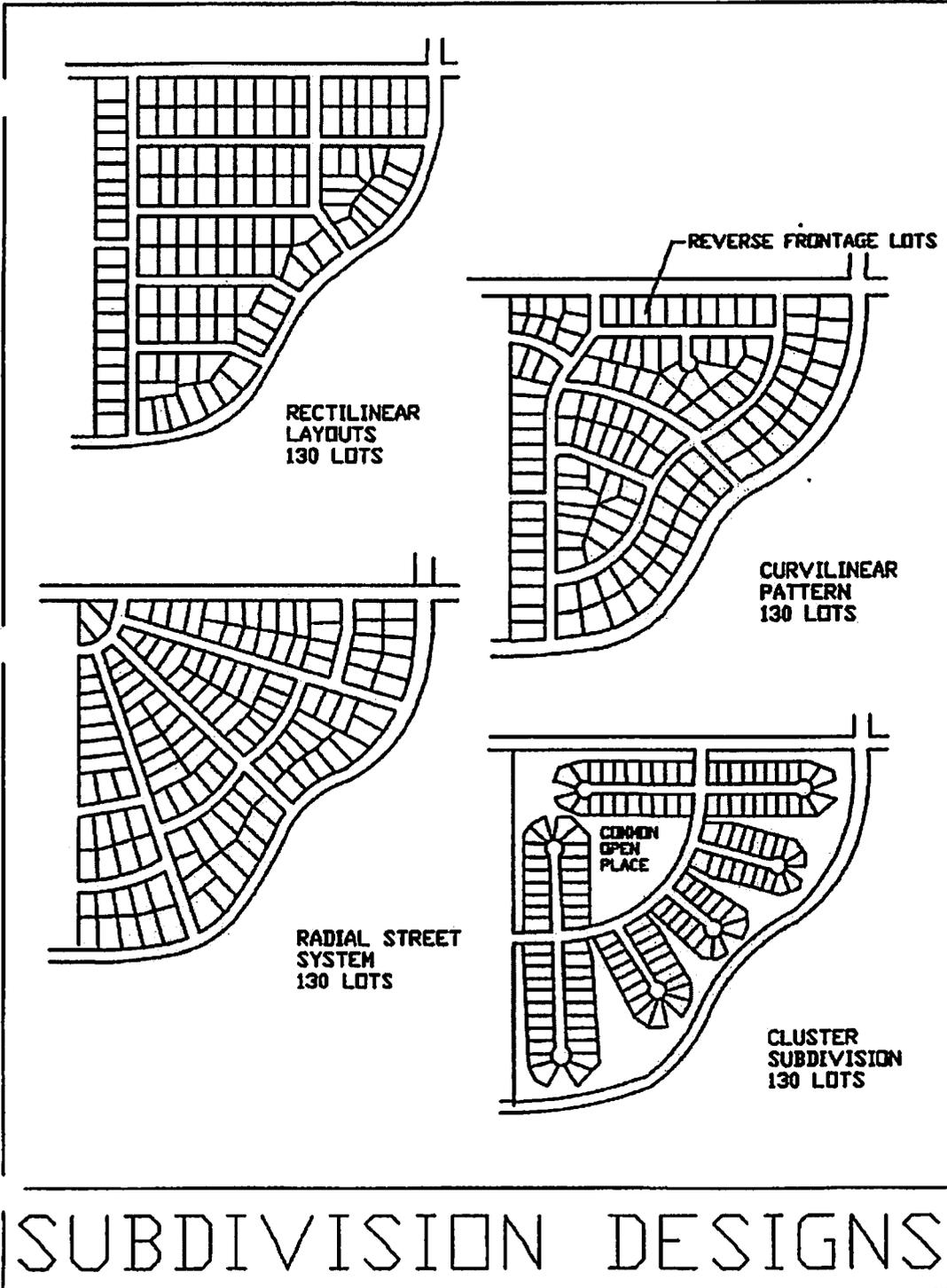
5.02 Application for Preliminary Plat Approval and Staff Review.

In the case of a two-tract development without new roads, public water or public sewerage, the procedures in Section 7.08 shall apply. Otherwise, the following procedures shall apply.

- (1) Following the optional pre-application review of a proposed subdivision, the applicant, or his agent, shall notify the Cleveland Planning Department at least twenty-two (22) calendar days prior to the next regular meeting of the planning commission to be placed on the agenda of the Cleveland Planning Commission, and shall submit fifteen (15) copies of the preliminary plat..
- (2) The staff of the Planning Department shall "log-in" the plat, assess the platting fee (Section 5.03) and inform the developer the date of the meeting at which the plat will be considered. If a meeting date is changed, staff shall notify each developer with a plat pending. A copy of the meeting agenda shall be sent to the developer to serve as written notice that his plat will be considered
- (3) The Cleveland Plat Review Team, composed of city engineering, planning and transportation officials, and public and private utility representatives, shall meet and review the submitted application to assess the completeness of the application and the preliminary plat. After reviewing the plat, staff shall, if possible, contact the developer to note obvious deficiencies which can be corrected before the meeting. Staff shall also study the maps to assess the proposed subdivision in relation to surrounding developments, drainage, and road connections. Copies of the appropriate tax map or maps shall be provided by staff for review by the planning commission.

Figure 13
Subdivision Designs

Figure 13



5.03 Platting Fee.

To defray part of the expense of subdivision plat review and the required on-site inspections, a fee based on the number of lots in the proposed subdivision shall be assessed. Since road construction requires more frequent inspection, a higher fee shall be assessed for lots fronting new roads. The fee shall be paid to the Cleveland Planning Department at the time the Preliminary Plat is submitted to staff for their review.

5.04 Preliminary Plat Specifications.

5.04.01. Scale. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one inch.

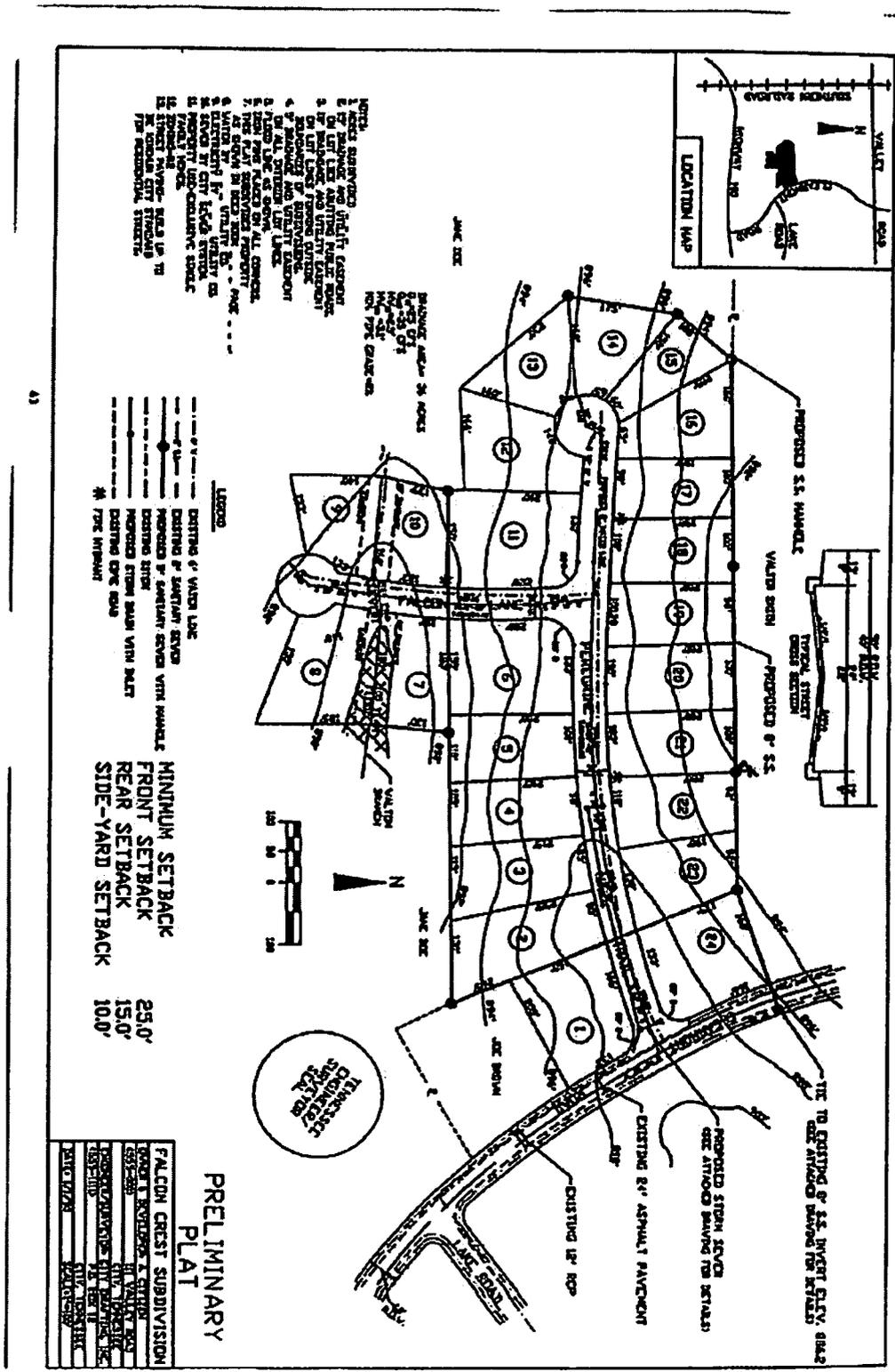
5.04.02. Ground Elevations. Existing contour lines shall be drawn on the plat at vertical intervals of two (2) feet on all grades up to an eight (8) percent slope. Contours at vertical intervals of five (5) feet shall be required of all grades over eight (8) percent slope. Elevations shown shall be based on Mean Sea Level (MSL). The method of obtaining the contour lines (field survey, aerial survey, U.S.G.S. Quad Sheet, etc.,) shall be stated on the preliminary plat. Contours shall not be shown on the final plat.

When the land to be subdivided is so flat that there is not a two (2) foot contour line crossing the site, then the elevation of each corner of the site shall be shown on the plat to indicate the direction of drainage.

5.04.03 Information to be Provided on Preliminary Plat. The preliminary plat shall contain the following information, as indicated in Figure 14:

- a. Name of Subdivision which must be different from existing subdivisions in the City of Cleveland and Bradley County.
- b. Acreage of proposed subdivision for which preliminary approval is sought, given to nearest 1/10th acre.
- c. Name, address, and phone number of owner, subdivider (if different from owner), and surveyor, architect or other designer.
- d. North arrow, graphic (bar) scale, date of initial drawing and any revisions.
- e. Vicinity map prepared from county tax maps and showing location of subdivision in relation to nearby city roads with road names indicated.
- f. Boundary lines of the tract to be subdivided, and adjacent property lines.
- g. Existing roads, railroads, buildings, water courses, storm sewers and culverts, and other similar features on the tract or within two hundred (200) feet of the tract.

Figure 14
Preliminary Plat



- h. Proposed design including roads with proposed road names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, sidewalks, required landscaping, and any land to be used for purposes other than residential use.
 - i. Lot numbers arranged consecutively regardless of the number of sections in the subdivision. No block numbers shall be used.
 - j. All existing water and sewer lines within two hundred (200) feet of the subdivision shall be shown, along with elevations of sewers at points of proposed connections. When connections to certain public utilities are not practical, any proposed individual water supply and/or sewage disposal system must be approved by the Bradley County health department.
 - k. Minimum building setback lines, as provided for in Section 3.06.
 - l. Proposed locations and sizes of drainage structures, along with engineering calculations showing areas to be drained, invert elevations, slopes, headwater elevations for 10 and 100 year storms, and similar information.
 - m. A road cross-section, showing pavement widths, cross slopes, pavement buildups, curb and gutter or shoulder and ditching.
 - n. Centerline profiles, if required, showing existing and proposed grades.
 - o. The limit of the 100-year flood and the boundary and elevation of the floodway, if any portion of the land being subdivided is subject to flood, as defined in these regulations and the Cleveland Flood Hazard Reduction Ordinance, any known water bodies or wetlands.
 - p. Contour lines as required in Section 5.04.02.
 - q. Names of adjoining property owners and/or subdivisions for reference purposes.
 - r. A notation or plan indicating the proposed use of the lots, whether single- or multi-family residential, business or industrial.

5.05 Planning Commission Review of Preliminary Plat.

- A. The planning commission with staff assistance shall check the plat for conformance to these regulations and shall afford a hearing on the preliminary plat at one of their meetings. The planning commission may defer action on a plat or disapprove it if the developer or his agent is not present to explain questions that may arise.
- B. Thereafter, the planning commission shall give tentative approval or disapproval of the preliminary plat. A notation of the action shall be made in the official minutes of the meeting. Two (2) copies of a list containing the reasons for disapproval, if the preliminary plat is disapproved, shall be issued. One copy shall be returned to the subdivider or his agent and one copy added to the records of the planning commission.
- C. The planning commission may elect to approve the preliminary plat contingent upon the developer making certain changes or providing additional information. One copy

of a list of the contingent items shall be provided to the developer or his agent and one copy added to the record of the planning commission. If the changes have not been made and furnished to the planning director for review at or before the submission of the final plat for review by staff, the final plat will not be considered at the next regularly schedule meeting of the planning commission.

- D. Tentative approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval shall expire and be null and void after a period of one year unless an extension of time is applied for by the subdivider or his representative and approved by the planning commission.
- E. If action on a preliminary plat is not taken by the planning commission within sixty (60) days of the date of submittal, the preliminary plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

5.06 Certificate of Tentative Approval.

Two (2) Certificates of Tentative Approval of the Preliminary Plat by the planning commission shall be issued. One (1) copy for the subdivider or his agent and one for the planning commission records. If a letter is used instead of the following certificate, the letter shall provide the same information. The certificate shall read as follows:

"Pursuant to the Subdivision Regulations of Cleveland, Tennessee, all the requirements of tentative approval have been fulfilled. Therefore, the 'Preliminary Plat' of _____ Subdivision has been approved by the Cleveland Planning Commission on _____, 19 ____, subject to the following modifications. This approval does not constitute approval of a final plat. This Certificate of Tentative Approval shall expire and be null and void on _____, 19 _____," (One year later.)

*SECRETARY
CLEVELAND. PLANNING COMMISSION*

MODIFICATIONS:

ARTICLE 6

SITE IMPROVEMENTS REQUIRED BEFORE FINAL PLAT APPROVAL

6.00 Prior to the approval of a final subdivision plat, an agreement shall be reached between the subdivider or his agent and the City of Cleveland with regard to the installation of all road improvements, utility construction, and other improvements called for in the subdivision plat. The subdivider shall be required to have installed at his expense the following improvements, which are minimums and additional requirements may be required by the city engineer to overcome problem areas. The subdivider at his expense, may contract with the City of Cleveland or a private firm to install the necessary improvements.

6.01 Roads

All construction of or relating to roads shall comply with or exceed the existing regulations of the Tennessee Department of Transportation (TDOT) for the type of road being constructed. This includes having a proper "crown" for the road.

6.02 Monuments

- A. So that the lot lines in the subdivision can be located, a minimum of two (2) concrete monuments, four (4) inches in diameter (or four (4) inches square) and thirty (30) inches long, with a flat top, shall be set in each block on the rear lot line. The concrete shall be reinforced with a 1/2 inch diameter steel bar 24 inches long. The top of the monument shall have an indented cross or an iron pin to identify properly the location and shall be set one inch above the finished grade.
- B. All other lot corners shall be marked with rods or pins not less than three-fourths (3/4) inch in diameter and thirty (30) inches long and driven so as to be one (1) inch above the finished grade.
- C. New monuments and iron pipes shall have a cap or tag of non-corrosive material with the surveyor's registration number or company name attached or stamped as required by current "Tennessee Land Surveyor Laws and Regulations."

6.03 Road Grading

- A. Width and Location. All streets, roads, and alleys shall be graded by the subdivider to the required cross section. Deviation from the above will be allowed only for difficult topographic conditions, with the special approval of the planning commission subject to the recommendation of the city engineer. Where roads are constructed under or adjacent to existing electric transmission lines, the nearest edge of the roadway surface shall be a minimum of fifteen (15) feet from any transmission line structure or guy wire, and all grading for the road shall be done in a manner which will not disturb the transmission line structure or result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the road to the nearest conductor shall meet the requirements of the National Electric Safety Code.
- B. Preparation. Before grading is started, the entire right-of-way area shall be first cleared of all stumps, roots, brush, and other objectionable materials and all vegetation not approved or required for preservation.
- C. Cuts. All tree stumps, boulders and other obstructions shall be removed to a depth of two (2) feet below the undisturbed soil. Rock, when encountered, shall be removed to six (6) inches below the subgrade; all topsoil shall be removed, except where topsoil depths are

greater than two (2) feet, alternative designs may be submitted to the city engineer for approval, and the subbase designs shall be prepared, sealed and signed by a registered civil engineer experienced in such designs. This provision applies to the roadway width, not necessarily to the entire right-of-way width. The finished cut shall meet a compaction rate of 95 percent Standard Proctor. Figure 15 illustrates a cut and fill cross section.

- D. **Fill.** All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Unsuitable materials, including organic materials, soft clays, etc., shall be removed from the roadway. The fill shall be spread in layers not to exceed eight (8) inches loose and compacted by a sheep's foot roller. The filling of utility trenches and other places, not accessible to a roller, shall be backfilled with crushed stone acceptable to the city engineer. All fill must meet a compaction rate of 95 percent Standard Proctor. Figure 15 illustrates a cut and fill cross section.

Any trench cut across an existing roadbed shall be backfilled with flowable fill according to City standards.

- E. **Slope Specifications.** Cut and fill slopes shall not be steeper than two units horizontal to one unit vertical and erosion control measures shall be used, as needed, to prevent washing. No slopes shall be steeper than 2:1 unless authorized by the city engineer who shall require additional erosion control measures. Two types of typical tangent cross sections are illustrated in Figure 16 and Figure 17.

- F. **Compaction Tests.** Compaction tests by a certified laboratory shall be required by the city engineer for all roads unless in the opinion of the city engineer the tests are unnecessary for compliance with soil stability requirements. A minimum of one density test for each 1000 cubic yards of material placed per layer shall be required. The engineer may specify other frequencies as appropriate to the job size. A copy of all test results shall be provided to the City Engineer.

6.04 Installation of Utilities

After grading is completed, inspected, and approved, and before any base is applied, all underground utilities and service connections shall be installed completely and approved throughout the subdivision.

Figure 15
Cut and fill cross section

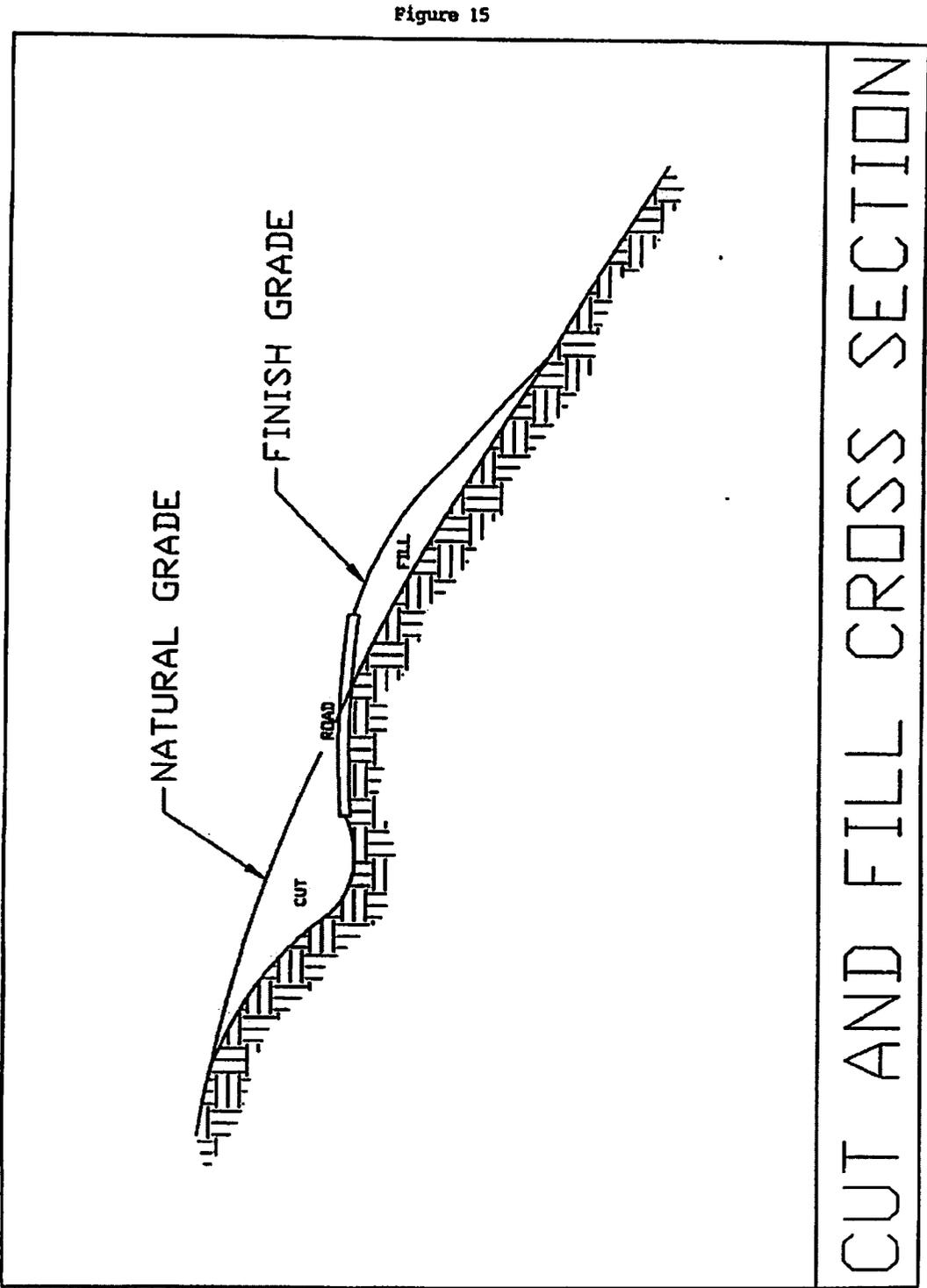


Figure 16
Tangent cross section: type one

Figure 16

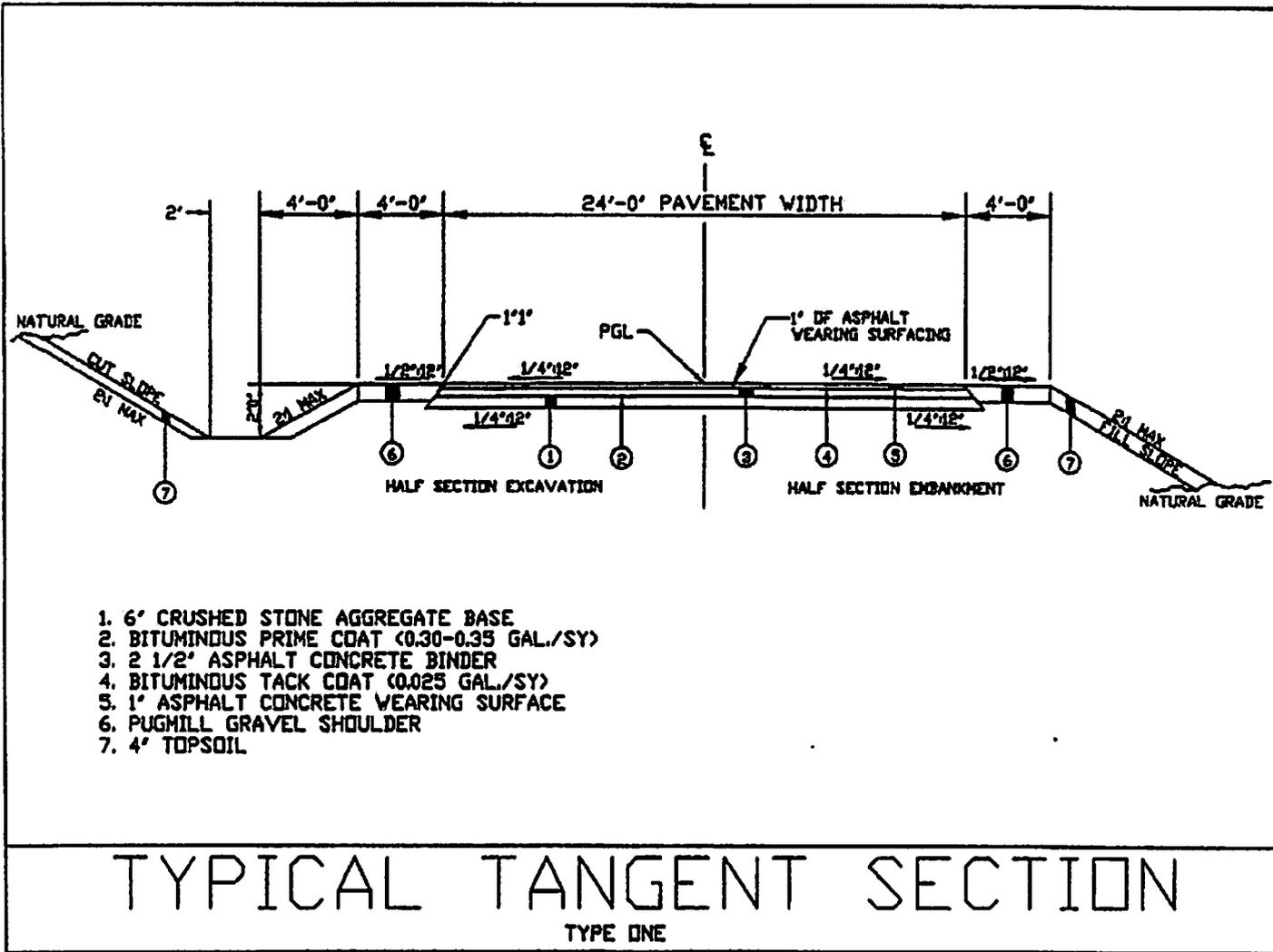
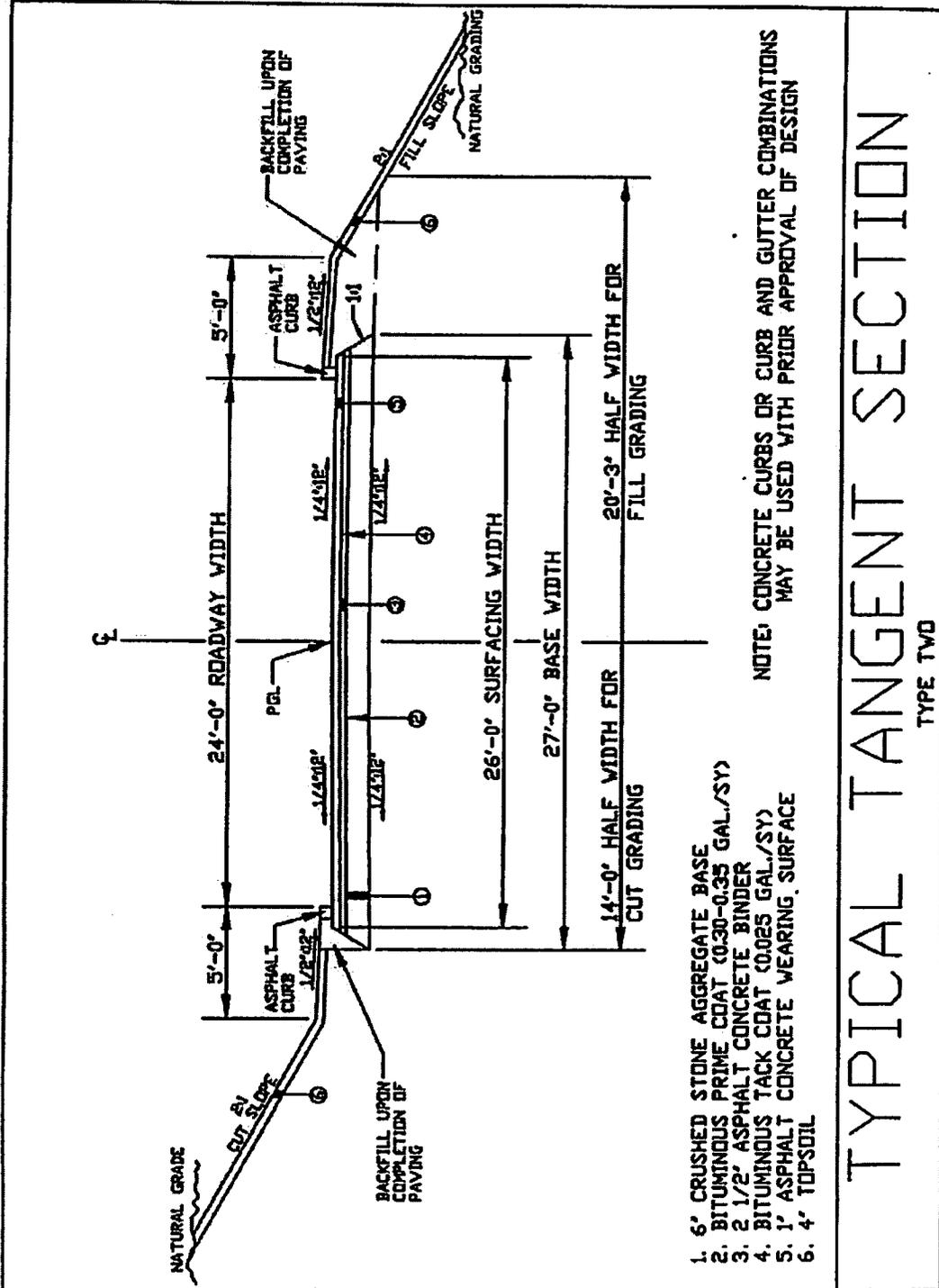


Figure 17

Tangent cross section: type two

Figure 17



6.05 Asphalt Pavement Standard Required for Streets

Before any street shall be accepted by the City of Cleveland as a public street it shall be constructed so as to comply with the following minimum standards:

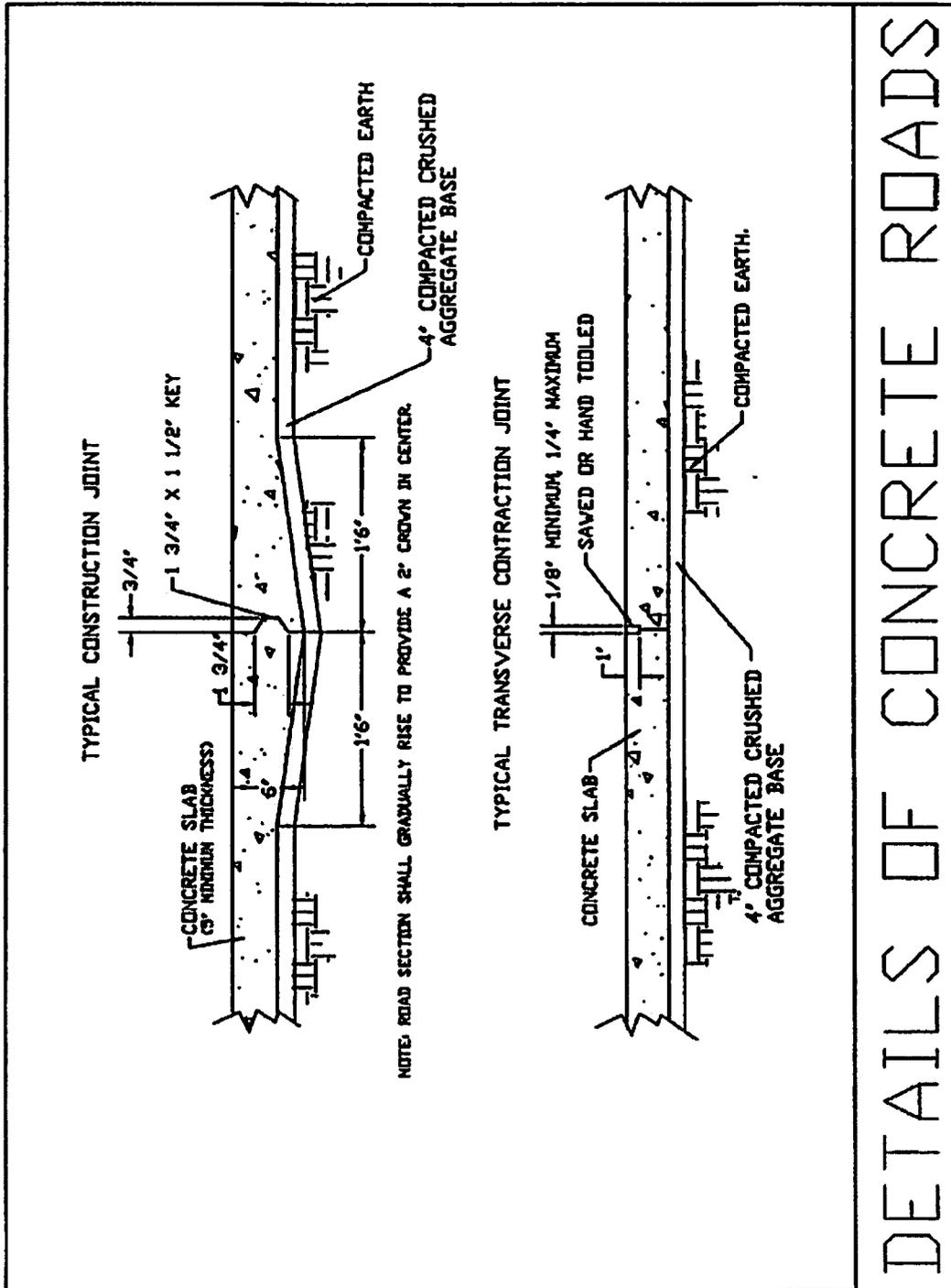
- A. Mineral aggregate type “A”, Grading “D” crushed stone base material (TDOT Item No. 303-01) shall be uniformly placed across the entire satisfactorily prepared roadbed and roadway shoulders, if present, to a final compacted depth or not less than six (6) inches vertical measure. If the road is to serve commercial or industrial type subdivisions, the thickness shall not be less than eight (8) inches vertical measure.
- B. After the crushed stone base material is fully set and bonded, bituminous material for prime coat (TDOT Item No. 402-01) shall be applied to the entire roadbed at a uniform rate of between 0.30 and 0.35 gallons per square yard horizontal measure.
- C. Bituminous plant mix base (hot mix binder) Grading “B” mixture (TDOT Item No. 307-02) shall then be uniformly placed and compacted across the entire roadbed to a depth of not less than two and one-half (2 1/2) inches and a minimum density of two hundred and seventy-five (275) pounds per square yard. For commercial and industrial subdivisions, the depth shall be not less than three and one-half (3 1/2) inches and a minimum density of 385 pounds per square yard.
- D. Asphaltic concrete surface course (hot mix surfacing) Grading “E” mixture (TDOT Item No.. 411-02) shall then be uniformly placed and compacted across the entire roadbed to a depth of not less than one (1) inch vertical measure and a minimum density of one hundred and ten (110) pounds per square yard. For commercial and industrial type subdivisions, the depth shall be not less than one and one-half (1 1/2) inches and a minimum density of 165 pounds per square yard. Figure 18 illustrates details of asphalt roads.
- E. Streets to be dedicated to the City for maintenance may be constructed either with or without curbs. Curbs shall be constructed as shown on typical City Standard drawings, available in the engineering office. However, if curbs are not incorporated in the construction, shoulders shall be provided along the roadway in widths of not less than four (4) feet horizontal measure each side. The gravel shall be a six (6) inch thickness of pugmill gravel rolled in place.
- F. Pavement widths shall be measured from edge of pavement to edge of pavement for streets without curbs, and from face of curb to face of curb for streets with curb. For two lane, two way streets, the following minimum widths shall apply:

Arterials and Collectors - no curbs	24'
Arterial and Collectors with 6-30 curbs	28'
Local Streets - no curbs	24'
Local Streets with curbs	24'
Cul-de-sacs and Loop Streets - no curbs	22'
Cul-de-sacs and Loop Streets with curbs	22'

- G. All references to TDOT's Item Numbers are from the most recent edition of the Tennessee Department of Transportation, Standard Specifications for Road and Bridge Construction, and these specifications are hereby incorporated in full as if reprinted in this ordinance.

Figure 18
Concrete Roads

Figure 18



6.06 Concrete Pavement Standards Required

Concrete roads must be constructed to the following specifications.

- A. Base. A minimum base of four (4) inches of compacted stone shall be placed over a sub-grade meeting the requirements of Section 6.03.
- B. Concrete Mix Design. All concrete used shall develop four thousand (4,000) pounds per square inch compressive strength at twenty-eight (28) days, with a five (5) percent air-entrainment. The concrete supplier shall furnish copies of the design mix to the developer and it shall be approved by the city engineer prior to any concrete being placed.
- C. Concrete Road Thickness. The minimum thickness shall be five (5) inches, except as needed at formed and keyed construction joints. A fiber mesh may be used for reinforcing.
- D. Expansion/Contraction Joints. Transverse contraction joints shall be sawed or hand-formed at intervals of no more than fifteen (15) feet. The depth of the contraction joint shall be one (1) inch or one-fourth (1/4) the depth of the slab. The maximum width of the joint shall be one-fourth (1/4) inch.
- E. Finish. The concrete finish shall be a medium broom finish to a gritty final surface.
- F. Curing of Concrete. Curing shall be that obtained with a uniform coverage of white membrane curing compound, or by seven (7) day coverage with white polyethylene or water proof paper. The completed pavement shall be closed to passenger car traffic for a minimum of three (3) days and to truck traffic for seven (7) days.
- G. Quality Control Testing. The maximum allowable slump is four (4) inches, and random tests shall be made at the minimum rate of one (1) test per 500 cubic yards, or fraction thereof, of concrete during each shift production. Additional tests shall be made when excessive variation in workability is observed. Samples of the concrete being used shall be taken for testing by a certified lab, and one (1) copy of all tests shall be provided to the City Engineer. One (1) set of two (2) test cylinders shall be made for each 500 cubic yards, or fraction thereof, of concrete placed during each shift.

6.07 Curb and Gutter Standards

- A. Base. The combined curb and gutter section shall be placed on the crushed stone base material used for the installed pavement standard.
- B. Concrete Mix Design. All combined curb and gutter sections shall meet most current Section 702 of the Tennessee Department of Transportation Standard Specifications for Road and Bridge Construction manual.
- C. For local streets, the combined curb and gutter section can be a 6" curb with a 18" gutter. For street width purposes, the width of the street will be measured from the curb face to curb face. This will reduce the materials used for pavement.
- D. For collectors and higher, the curb and gutter will be the 6-30 standard established by the Tennessee Department of Transportation the Standard Roadway and Structure Drawings book.

6.08 Required Inspections During Road Construction.

While road construction is taking place, inspections shall be made by the city public works director or his designee during or after each of the following steps as shown in the table below, and before a step or process is covered over by the next course or procedure. The inspector shall check the width, depth, and crown of the road among other things. Weight tickets showing the type, class, and weight of gravel and surfacing material shall be furnished to the city engineer.

Steps For:	Hot-Mix	Concrete	Gravel
Rough Grade	X	X	
Finish Grade	X	X	X
Utility Installation	X	X	X
Finish Gravel	X	X	X
Binder	X		
Wearing Surface	X		
Concrete Installation		X	
Finished Concrete Surface		X	

Core drillings may be made for hot-mix roads by the city engineer's office after hot-mix application, and they shall be inspected against acceptable standards. Where the sample does not meet minimum standards, the developer shall pay for compaction tests or other lab tests to determine the pavement's character and strength.

6.09 Drainage Provisions and Erosion Control.

The development of land usually necessitates some degree of grading, excavating, or the removal of topsoil, trees, and vegetation. Such major changes in the landscape usually produce adverse conditions to adjoining properties, public drainage facilities, rights-of-way, and the natural environment. Erosion and sedimentation become even more serious when changes in the landscape occur on moderately to steeply-sloped land.

- A. Detailed Erosion/Sedimentation Control Plan May be Required. The Cleveland Soil Erosion and Sediment Control Ordinance shall apply.
- B. Determination of Peak Runoffs. For drainage areas up to 100 acres, the Rational Formula may be used for determining peak runoffs. Soil Conservation Service (SCS) methods may be used for watersheds up to 2,000 acres. For larger watersheds, flood frequency methods or Corps of Engineers' Method may be used. The Burki-Ziegler Formula or Talbot Formula shall not be used for any watershed.
- C. Storm Drainage Improvements.
 - (1) An adequate drainage system, including necessary open ditches, pipes, culverts, catchbasins, drop inlets, and bridges, etc. shall be provided for proper drainage of all surface water. Cross drains shall be of sufficient length to permit full roadway widths and the required shoulders and slopes. All storm drainage contained in

pipes or culverts under roadway must have endwalls, headwalls, or rip-rap with concrete apron walls unless the city engineer determines that they are not needed to prevent erosion. When open trenches or ditches are used, the measures used to prevent erosion must be approved by the city engineer and may include paving with concrete.

- (2) All storm drainage improvements shall be shown on the plat prior to construction. Field conditions may warrant changes in the location and sizes of the improvements and structures, but these changes shall be approved by the city engineer prior to construction. A copy of all storm drainage calculations shall be provided to the city engineer for review.

D. Drainage Structures.

- (1) All drainage structures must be designed by a professional engineer licensed by the State of Tennessee. In keeping with FEMA requirements, drainage openings shall be designed so they do not restrict the flow of flood waters and unduly increase flood heights. Culverts shall therefore be designed for a 100-year flood frequency when the culvert is located in a 100-year floodplain, for a 50-year flood when the culvert crosses a collector or arterial, and for a 10-year flood for local roads. Minimum culvert size shall be 15 inches. Maximum velocity in culvert shall be 15 ft/sec. Energy dissipaters shall be provided at the outlet end of pipes and culverts when needed to prevent erosion. Although roadway overtopping will be allowed for 10- and 50-year floods, the design shall be such that damage will not occur to the roadway or adjacent properties during a 100-year flood.
- (2) Cross drains (culverts) shall be built on a straight line and grade and shall be laid on a firm compacted base. In the event rock is encountered in the trench, the rock shall be removed four (4) inches below the grade and replaced with suitable material. Pipe shall be laid with the spigot end pointing in the direction of flow and with ends fitted and matched to provide tight joints and a smooth uniform invert. Cross drains shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed.
- (3) When necessary for proper flow, inlet and outlet ditches shall be provided at drainage structures and minimum drainage easements according to Section 4.08B shall be shown on side and rear lot lines. Where at all possible, main drainageways shall be cut to the rear of lot lines and not carried down the roadway. This is to avoid having oversized side drains under driveways
- (4) Pipe Systems and road inlets for public roads shall be designed for the 10 year frequency. Minimum pipe size shall be 15 inches. Inlets shall be spaced so that the spread (width of water) in the road to collect the design flow shall not exceed six (6) feet.
- (5) Stormwater detention shall be provided wherever needed to control downstream flooding. The detention facility shall be designed to detain stormwater runoff rates to pre-design levels for 2, 5, and 10 year frequency 24 hour storms, and to pass a 100-year storm without damage to the facility or adjacent property. The

outlet structure shall also be designed to completely empty the pond of a 100 year storm within 72 hours, and to provide easy access for maintenance personnel.

6.10 Sidewalks & Street Trees

A. Sidewalks

- (1) For the safety of pedestrians and of children at play or on approaches to community facilities, installation of sidewalks shall be required on at least one side of the road to provide a safe route for pedestrians. Where deemed necessary for pedestrian safety, sidewalks may be required on both sides of the road. All concrete used shall develop 3000 pounds per square inch compressive strength at 28 days, with a 5% air entrainment, where crushed limestone is used. No air entrainment is required when river sand aggregate is used.
- (2) When sidewalks are provided, the following specifications shall be met: in single-family residential areas, concrete sidewalks shall be four (4) feet wide and four (4) inches thick; in multi-family housing or nonresidential areas sidewalks shall be five (5) feet wide and four (4) inches thick.
- (3) Where a planned unit development provides for internally oriented open areas and greenways for common or public use recreational facilities and walkways, sidewalks, the planning commission may waive the sidewalk requirement.

B. Trees

- (1) Trees shall not be planted or retained so as to restrict the sight distances required for intersections.
- (2) Every development should retain all existing trees unless the retention of such trees would unreasonably burden the development.

6.11 Road Signs

The installation of signs is necessary for the safety of the motoring public and pedestrians, and the location of individuals in emergency situations.

- A. All intersections within a subdivision shall be required to have proper street signs, such as "Stop" or "Yield" signs and street markers. These signs shall conform to the Manual on Uniform Traffic Control Devices and standards established by the City of Cleveland.
- B. Uniformity of Street Sign Installation.
 1. All signing required within a new subdivision shall be determined by the city transportation director or his designee.
 2. Cost to the city, including materials and labor for public signing, shall be established by the city transportation director and posted in his office.
 3. Prior to acceptance of a public street, the City shall be reimbursed for expenses related to the installation of signs by the owner or developer.

C. Street Names

Extension of existing streets shall be named the same as streets of which they are extensions. No names of new streets or plats submitted shall be duplicates of existing names of streets or plats within the City.

6.12 Required Utilities

The developer shall see that each lot is (A) provided with a public water supply which includes nearby fire hydrants, if allowed by the appropriate utility district, or is approved for a water well, and is (B) provided with public sewerage or is approved for an individual septic tank system in accordance with the requirements which follow:

6.12.01. Water Supply System.

- A. Water mains and appurtenances properly connected with the community water supply and approved by the Tennessee Department of Health and Environment or the Cleveland Utility Board, the water district involved, and the planning commission, shall be constructed in each subdivision to adequately serve for both domestic use and fire protection of all lots. All construction of water lines and appurtenances may be made by the water utility district serving the area, either with their own forces or by contract, upon the subdivider making proper bond or financial arrangements with said district. The subdivider may construct said water lines and appurtenances, but said construction shall be subject at all times to the inspection and approval of said district or local health authority and all inspections will be at the cost of the subdivider.**
- B. Fire hydrants shall be installed in all subdivisions whenever a six (6) inch water line is available, unless prohibited by the utility district. No home or building should be more than five hundred (500) feet, measured along the road, from a fire hydrant, and shall be no more than six-hundred (600) feet from a fire hydrant. No fire hydrant shall be located on less than a six (6) inch main. Fire hydrants shall be located not more than one thousand (1,000) feet apart in order to maintain a good fire insurance rating and safety level. Additional hydrants may be required by the local water district.**
- C. Variances to these requirements may be granted according to Section 10.01 of these regulations.**
- D. The specifications of all material, including but not limited to fire hydrants, and the manner in which all lines and appurtenances are laid, shall meet the inspection and approval of the water district involved.**
- E. All water construction plans for subdivisions shall include a service line from the main water line to the property line of each proposed lot in order that each proposed lot, at the time of construction, may be served by water without the installing of additional lines or cutting the road pavement. The end of each service line shall be properly marked.**
- F. The entire cost and expense of installing the required water supply system, including the connection to the existing water supply and including but not limited to the cost of pipe, valves, fittings, fire hydrants, trenching, backfilling, and services shall be**

born by the subdivider, including the stipulated payment for tapping and stubbing-out the system to serve each lot.

- G. Private wells may be allowed whenever the proposed subdivision is more than one thousand (1,000) feet from an existing public water supply system. If private wells are to be used, the lots must be approved by the local health authority.

6.12.02. Sewage Disposal.

- A. When any portion of a proposed subdivision is located within a reasonable distance, as hereinafter defined, of an existing public sanitary sewer line, sanitary sewers shall be installed to serve all the lots within the subdivision. Said reasonable distance as used in this section shall be determined by the Cleveland Utilities but in no case shall be less than three hundred (300) nor more than three thousand five hundred (3,500) feet. Should the subdivision have elevations which are below those of the nearest public sanitary sewer, a lift station shall be installed by the subdivider provided the public sanitary sewer is within a reasonable distance of any portion of the subdivision.
- B. All sanitary sewer construction shall be built in accordance with the rules and regulations of the Tennessee Department of Health and Environment and/or those of the applicable local utility district. All construction of sanitary sewers and appurtenances shall be by an appropriate utility district, either with their own forces or by contract, upon the subdivider making proper bond or financial arrangements with said district. The subdivider may construct such sanitary sewers and appurtenances but said construction shall be subject at all times to the inspection and approval of said district and all inspections will be at the cost of the subdivider.
- C. All sewer lines, except house services, shall be no less than an eight (8) inch diameter PVC pipe or approved equal. Exceptions to this regulation may be granted if the proposed exception meets the requirements of the Tennessee Department of Environment and Conservation.
- D. Manholes shall be precast reinforced concrete, or approved equal, properly treated to prevent infiltration and located at each change in direction and/or grade and no farther apart than recommended by the Tennessee Department of Health and Environment and/or the local utility district serving the subdivision. Designs for needed force mains and lift stations must be approved prior to construction by all affected governing bodies and utility boards. The City of Cleveland's Utility Department is an approved inspection agency.
- E. All sewer construction plans for subdivisions shall include a house service from the main sewer line to the property line of each proposed lot in order that each proposed lot at the time of construction may be served by sewer without the installing of additional lines or cutting of road pavements. The end of each house service shall be properly marked.
- F. The entire cost and expense of installing the required sanitary sewage system including the connection to the existing public sanitary sewer line and including but not limited to the cost of pipe, manholes, lift stations, force mains, trenching,

excavation, backfill and services shall be borne by the subdivider, including the stipulated payment for tapping the system to serve each lot. This does not preclude the developer from attempting to negotiate a sharing of expenses with the utility for the portion needed to bring sewerage to the edge of his subdivision.

- G. Where a subdivision is located beyond the reasonable service limits of a public sewerage system as determined by the planning commission, the subdivider may elect to have the lots served by individual sewage disposal systems. Should individual sewage disposal systems be proposed, satisfactory evidence shall be required that the soils are suitable for this type of sewage disposal. In such subdivisions, each lot shall be large enough and have a suitable area adequate for the installation of the proposed individual system and a duplicate system in case one is ever needed. All such subdivisions shall be approved in writing by the Bradley County health authority.
- H. Upon receipt of a preliminary plat, the Bradley County health authority reviews the data and a field investigation of each lot is made. If the soil conditions are acceptable, other topographic features, including lot sizes, are considered. In addition to unsatisfactory soil types or soil tests, lots may be deemed unacceptable because of rock outcroppings, gullies, natural storm drainageways, excessive slope, and the like. In view of topographic features and soil conditions, the maximum amount of available unusable area for subsurface disposal is determined for each lot. By using the Recommended Guide for the Location, Design, and Construction of Septic Tanks and Disposal Fields, Tennessee Department of Health and Environment, calculations are made to determine the maximum number of bedrooms for a home and/or the maximum daily flow of sewage from establishments or institutions allowable for each lot. These data limitations and restrictions will be entered in the preliminary plat by the Bradley County health authority and shall be shown on the final plat. This does not preclude the developer from enlarging lot sizes, combining unsuitable lots with acceptable ones, or designating certain lots for uses not requiring sewage disposal facilities as long as other requirements of the planning commission and other agencies are

satisfied and provided that the above named alternatives are reviewed and approved prior to the preparation of the final plat.

6.13 Construction Bond Procedure

- A. If the developer of the subdivision does not wish to complete all of the road work and other required improvements before obtaining the final plat approval needed before lots can be sold, he is allowed to post a surety bond or a certified check with the Cleveland Planning Commission to cover the cost of all of the road and road-related improvements required in Article 6 and not yet installed. If the required utilities and monuments, etc., have not been installed in a manner satisfactory to the approving authority prior to the posting of the bond, then the bond shall have a higher monetary value to cover these improvements too. The bond amount shall be determined by the city planning director and will represent one hundred (100) percent of the estimated costs of the improvements to protect the city in case of developer default. The use of a dated "letter-of-credit" shall not be allowed because of the difficulty of extending a dated letter-of-credit beyond its expiration date.

- B. After suitable bond is obtained and within the time period of the bond, the developer then installs the utilities and constructs the required roads and related improvements each of which is inspected as required in these Subdivision Regulations or by the approving authority.
- C. After completion of a concrete road or a hot-mix road, the road shall be inspected by the city engineer and core drillings made as required.
- D. If the work and test results are satisfactory, the city engineer shall notify the developer who then must petition the city planning director to accept the road into the city maintenance system (see Section 7.07). The bond is not released by the Cleveland Planning Commission until after the road or roads have been accepted by the City and until any other improvements which were bonded have been approved by the appropriate authorities.

ARTICLE 7

FINAL PLAT REQUIREMENTS

7.01 Time Limit and Specifications.

- A. After the preliminary plat of a proposed subdivision has been approved by the Cleveland Planning Commission, the subdivider or his agent must, within one-year of the date of preliminary plat approval, submit the final plat to staff of the Cleveland Planning Commission. If the final plat is not presented within one-year of the date of approval of the preliminary plat, the Cleveland Planning Commission shall require that the preliminary plat first be resubmitted for review and reapproval according to the then current regulations.
- B. Twelve (12) copies of the final plat must be submitted at least twenty-two (22) days prior to the planning commission meeting at which the plat is to be considered. Copies are distributed as follows:

Agency	Number of Copies
Cleveland Planning Commission	10
Engineering Department	2
TOTAL	12

- C. The final plat must be based on the approved preliminary plat and must substantially meet all of the specification of the preliminary plat listed in Section 5.04 (except for showing contour lines and utility lines) and the specifications listed as follows:

1. The final plat shall be drawn on sheets of not more than twenty-two (22) inches wide by thirty-three (33) inches long, to a scale of not less than 100 feet to an inch unless the planning commission permits a lesser scale; provided that when more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision at a scale to fit a single sheet with block and lot numbers indicated.
2. Boundary lines of the tract, determined by a land survey, giving distances to the nearest one-tenth of a foot and angles to the nearest minute which shall be balanced and closed with an error of closure not exceeding one in seventy-five hundred (1:7,500).
3. Location, widths, and names of all roads within and connecting to the property.
4. Sufficient data to readily determine and reproduce on the ground the location, bearing, and length of every road line, whether curved or straight. The point of curvature and the point of tangency of all curves on all right-of-way lines shall be located by distance to the nearest lot corner.
5. Lot lines with dimensions to the nearest one-tenth of a foot and bearings to the nearest minute.
6. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.
7. Statement of modifications or limitations by local health authority regarding individual water or sanitary sewer systems.
8. Required certificates specified in sections 7.02, 7.03, 7.04, and any other forms, endorsements, and certificates as may, in special cases, be determined by the Planning Commission.
9. Certificates of responsibility for the maintenance of private streets and normal appurtenances.
10. Names of adjoining property owners and/or subdivisions for reference purposes.
11. The locations of all permanent concrete monuments.
12. Date, title, legend, north point, and scale. The title shall include the name of the subdivision under which it is to be recorded.
13. Deed book and page number of plat being subdivided.
14. All underground electric utilities shall be furnished at no charge to the developer provided installation of underground road crossings precedes paving and curbing. Otherwise, the developer will be assessed a charge of \$500 per road crossing.

7.02 Owner's Certification

An Owner's Certification shall be placed on the final plat as follows:

"OWNER'S CERTIFICATION"

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that he owns the land being subdivided; that there are no previous private restrictions against subdividing; that all Tennessee state taxes, Bradley County taxes, and other assessments now due on this land have been paid; and that he is dedicating the road rights-of-way for public use and any other areas so designated and is also establishing easements as specified on the plat."

	OR	
AGENT		OWNER
DATE		DATE

7.03 Surveyor's Certification

A surveyor's certification shall be placed on the final plat as follows:

"SURVEYOR'S CERTIFICATION"

I hereby certify that this plat is true and correct to the best of my knowledge and belief and was prepared from an actual survey of the property by me or under my supervision and that the ratio of precision of the unadjusted survey is 1 per _____ as shown hereon."

SURVEYOR	TN. R.L.S. #
DATE	

7.04 Certification Signature Block

- A. A block, as shown herein, shall be provided on the plat for the signatures of the local governmental review agencies, utilities, and the planning commission secretary. Designated officials shall sign and date appropriate lines to certify that the subdivision meets their department's specifications as stated in the City of Cleveland, Tennessee, Subdivision Regulations. This may include the posting of a bond or certified check as allowed in Section 6.15.

"The plans submitted for this plat meet the requirements of the City of Cleveland and have been installed accordingly."

DATE

CLEVELAND UTILITIES ELECTRIC DIVISION

DATE

CLEVELAND UTILITIES WATER
DIVISION

DATE

CITY ENGINEER

DATE

PLANNING COMMISSION SECRETARY

B. Perceptual Stormwater Facility Maintenance Agreement.

A block, as shown herein, shall be provided on the plat and bear the signature of the owner of record or "Developer," and the date executed. The final plat must bear the verbatim language listed below, signature of the owner record, and date executed prior to approval by the Director of Community Development.

PERPETUAL STORMWATER FACILITY MAINTENANCE AGREEMENT

This plat contains storm water storage facilities known as or shown as detention/ retention ponds or storm water storage facilities on the plat. With regard to future maintenance, it is expressly understood and agreed by the developer and by the owner of any specific lot and/ or tract within the platted subdivision that the developer and/ or owner of lots or tracts shall be responsible for the maintenance of all storm water storage facilities including but not limited to detention and/ or retention ponds as shown on this plat. Specifically, the developer or owner of real property that is served by an onsite or offsite storm water management facility including storm water storage facilities shall be responsible for maintenance, repair and operation, during site development. The developers' responsibility will terminate after a two year period from the issuance of a land disturbance permit upon satisfying two conditions: 1) Successful completion of post construction in accordance with Sections 18-306 and 18-307 of Ordinance # 2004-41 of the City of Cleveland Storm water Regulations specifically Sections 18-306 and 18-307, and 2) The sell or transfer of ownership of 51% of all those lots, tracts and/ or parcels in the platted subdivision. All individual lot, parcel, tract owners in the platted subdivision shall have an easement interest in the storm water storage facilities for water run off from all lots in the subdivision. The private storm water facilities shall include but are not limited to storm water storage facilities, detention and retention ponds, structural and non-structural storm water facilities and open channel conveyances not located within the public right of ways.

The future maintenance, repair and operation of the private storm water facilities shall be the responsibility of all subdivision lot owners of record of those lots shown on the recorded plat. In the event, a subdivision is developed in phases then all subsequently developed lots in the subdivision including all future phases of the subdivision shall share the same easement as those lot owners shown in the initial plat and/ or plats. It being the intent that all lot owners in any particular subdivision; whether in the initial or any later phase shall share equally in the

easement rights in and to the storm water storage facilities as well as share equally in the future maintenance and upkeep of the storm water storage facilities. There shall be and is a storm water storage basin easement as to any plat containing a storm water detention basin. This storm water detention basin easement shall be a 20 foot wide access easement. This easement shall be for the purpose of allowing city engineering personnel, storm water inspectors, grading equipment operators, storm water monitoring personnel and/ or other necessary personnel to investigate, inspect, repair and/ or maintain the detention basin or storm water quality structure as needed to determine proper functioning, need for maintenance, maintenance and/ or other necessary repairs and/or situations that may occur in times of emergency or urgent conditions. This twenty (20) foot access easement is as shown on this recorded plat and shall be used as a means of ingress and egress to and from storm water detention basins and must abut on a public right of way for at least twenty (20) feet road frontage and must be easily traversable by potential grading equipment as well as those individuals noted above. This twenty (20) foot storm water detention basin access easement area shall not contain any buildings or structures, large trees or heavy shrubbery, utility poles, manholes, overhead utility lines without adequate clearance, deep ditches or channels and/ or any other structures or items causing the storm water detention basin to be inaccessible.

However, the property owner is permitted to plant small shrubs of little or no value that can be easily removed or cleared. Small fences may also be placed in this area that can be easily removed. Any fencing should contain a gate through the fence. (Said gate shall be placed there by the lot owner at the expense of the lot owner.) Any structure located upon the storm water detention basin access easement area must be portable and quickly and easily removable. The City of Cleveland shall not be and is not responsible for any damage to any structure, fence, utilities or vegetation located within this storm water detention basin access easement area. The City of Cleveland and/ or its designated agents and/ or officials shall have access over and across this storm water detention basin easement area as they deem the same necessary to inspect and/ or maintain the storm water detention facility. The City of Cleveland shall not be responsible for the repair or replacement of structures, fences, utilities and/ or vegetation located upon the storm water detention basin access easement area. This storm water detention basin easement area is normally intended for heavy equipment access rather than ordinary passenger vehicle access.

Ownership of each private storm water facility shall be equally appropriated to each parcel over which the storm water storage facility lies. However, maintenance of these private storm water facilities serving multiple parcels shall be the cumulative responsibility of every lot and/ or tract owner of record of any plotted lot or tract in the subdivision who shall all have easement rights for water runoff from their individual lots and/ or tracts flow in and to any storm water storage facility and/ or detention or retention pond as shown on the recorded plat in the subdivision. Each lot owner in the subdivision shall share equally in the cost of all maintenance, upkeep and/ or repair of storm water storage facility and/ or detention/ retention pond. However, in the event, damage to the storm water storage facility and/ or detention/ retention pond is caused by the sole negligence of any one individual lot and/ or tract owner, then the individually negligent lot or tract owner shall be solely responsible for the repair of the damage caused by his or her negligence and/ or the acts of his or her agents. In the event, storm water facilities are not properly maintained as set out herein in the City of Cleveland, it shall require the subdivision/ parcel owners of record served to perform the maintenance and the repair at the expense of the

parcel owners served by said facilities and pursuant to the terms of Section 18-305, Section 5 (f) (iii). The City may file suit against the lot and/ or tract owners seeking relief from a court of proper jurisdiction to require said lot and/or tract owners to pay for said maintenance and upkeep of these storm water storage facilities as set out herein and/ or as set out in the ordinance. In the event it shall be necessary to file suit then the party or parties found to be in violation of the ordinance and/ or in violation of this maintenance agreement shall be responsible to pay the court costs paid and any attorney fees incurred by the City of Cleveland in having the ordinance and/ or this maintenance agreement enforced.

Developer

Dated this _____ day of _____, 20_____.

7.05 Review by Staff and Planning Commission

- A. Upon receiving the twelve (12) copies of the final plat, twenty-two (22) days prior to the next meeting, the staff of the Planning and Engineering Office shall "log-in" the plat, and tell the developer the date of the meeting at which the plat will be considered. (The next regular meeting unless the plat is late.) The developer shall be present at the meeting. If a meeting date is changed, staff shall notify each developer with a plat pending.
- B. After reviewing the final plat, staff shall, if possible, contact the developer, or his agent, to note obvious deficiencies which can be corrected before the meeting. Staff shall also give their recommendation regarding the plat to the planning commission prior to or at the meeting. Usually this will take the form of a completed "plat checklist."
- C. At their meeting, the planning commission may defer action if the developer or his agent is not present to explain important questions that may arise regarding the subdivision.
- D. The planning commission shall check the final plat for substantial conformance with the approved preliminary plat, and with the rules and regulations of this document.
- E. Thereafter, the planning commission shall approve or disapprove the final plat. If disapproved, the reasons for such shall be stated in the planning commission minutes. If action on the final plat is not taken by the planning commission within thirty (30) days of the date of submittal, the final plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.
- F. The original plat shall be drawn in permanent ink on permanent reproducible material, equal to the standards required by the County Register. Sheet size shall be twenty-two (22) by thirty-three and one-half (33 1/2) inches from trim lines, with a four (4) inch binding edge on the long side. If the complete plat cannot be

shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size. Signatures and the required certifications shall be placed on the reproducible original plat, and on all three (3) prints of the plat.

- G. If the development is so large that it will take many sheets to show at a scale of 1" = 100', then the developer shall be allowed to demonstrate to staff that the plat requirements can be legibly met at a reduced scale never to be smaller than 1" = 200'.

7.06 Recording of Final Plat

Upon approval of a final plat, the subdivider shall have the final plat with all certificates and signatures recorded in the office of the Bradley County Register. A final plat is illustrated in Figure 19.

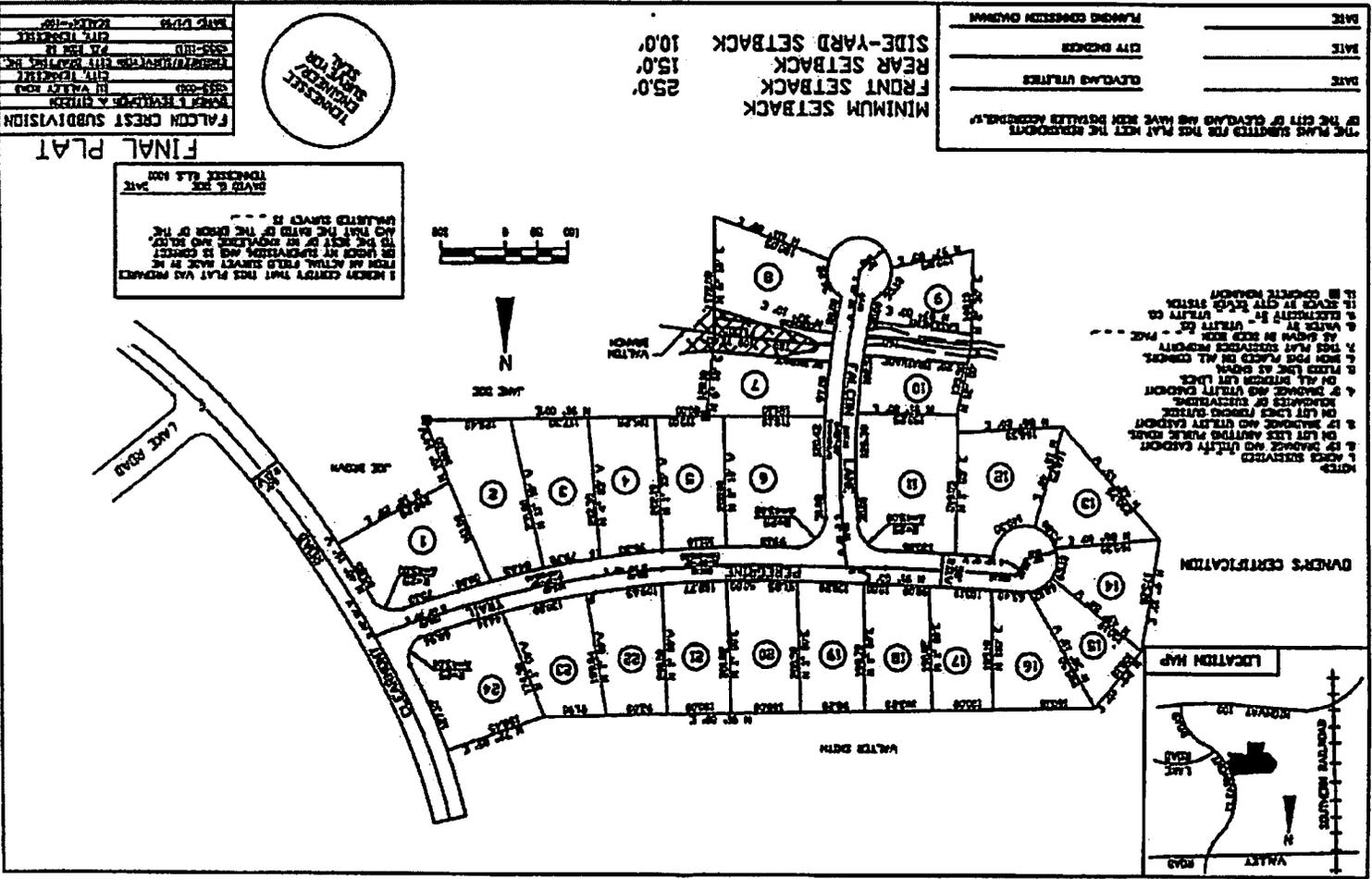
7.07 Road Acceptance

- A. If there are any new roads in the subdivision, it shall also be the responsibility of the developer or his agent to submit the roads in the approved subdivision to the Cleveland City Council after the city engineer has certified that concrete monuments have been installed, required public signing has been installed, and roads have passed their final inspection, Cleveland Utilities has certified that sewerage and water utilities have been installed according to specifications, and the developer has given assurance that all of the expenses regarding the subdivision have been paid, i.e. subcontractors, etc. (Refer to Section 6.12). When the Cleveland City Council accepts the roads into the city-maintained road system, the roads are also subsequently added to the city road map series. The road bond, if there was one, is not released until the road or roads are accepted for city maintenance.
- B. As part of the road acceptance process, the developer shall certify to the Cleveland City Council that the dedicated roads are unencumbered. This shall be done through a letter of mortgage release on any claims for any dedicated road rights-of-way from any lending institution which may hold any portion of this development as collateral or by any other such proof as may be required by the planning commission.

7.08 Procedure for Expeditious Certification of Minor Subdivisions

- A. A developer or property owner who wishes to combine or recombine tracts of lots and then divide the property into two tracts or two lots, or a developer who wishes to divide an existing tract or lot into two lots or

Figure 19
Final Plat



(1) The narrow lots needed for townhouses are not provided elsewhere in the "Cleveland, Tennessee, Subdivision Regulations,"

(2) The narrow lots to be allowed are not suitable for any other housing type. The townhouses must be "in place" before Final Subdivision Plat Approval is granted. If such lots were sold to different owners while still "unbuilt," the owners would have great difficulty arranging a coordinated townhouse construction program.

8.02 Townhouse Subdivision Relationship to Zoning Ordinance

Townhouse subdivisions are allowed in Cleveland in the zoning districts indicated for townhouses in the zoning ordinance. These townhouse subdivision regulations modify certain requirements of the zoning district, e.g. setbacks, as specifically allowed by the zoning ordinance. Nothing herein is to be construed as allowing an increase in density or impervious area above what is otherwise allowed in the zoning district. Common open space, driveway access, drainage and stormwater facilities, dumpster or garbage can storage areas (if cans are approved for the development), and any site amenities and extra guest parking chosen by the developer are to be designed into the subdivision. Density and impervious area are to be calculated for the whole subdivision area including any common areas. Common areas are to be shown on the site plan and plat for the development.

8.03 Definition of a Townhouse

Townhouse. A one-family dwelling in a row of at least three (3) such units, or (2) units for an infill lot, in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each is separated from any other unit by one or more common fire rated walls, and each unit is located on a fee simple, platted lot.

8.04 Subdivision Plat Approval Procedure

To prevent the sale of individual "unbuilt" lots, no individual lots can be recorded until the following steps in the subdivision and development process shall have been followed by the townhouse developer:

Step 1. Prepare a site plan which will serve as a Preliminary Subdivision Plat for the proposed townhouse development.

The site plan shall be drawn to scale and shall provide the following information and show the following elements as they will be arranged on the site of the townhouse subdivision:

- a. name of townhouse subdivision.
- b. name, address, and phone number of owner of record and the applicant.
- c. date of drawing, including any dates of revisions.
- d. scale of drawing (not smaller than one (1) inch equals forty (40) feet).
- e. north point.
- f. total land area in acres in each phase of the planned townhouse subdivision.

- g. locations and dimensions of all property lines including the major lots which will each contain a group of three to eight townhouse units and the small individual townhouse lots into which the major lots are divided.
- h. contour lines at two (2) foot intervals for slopes less than eight (8) percent and at five (5) foot contour intervals for slopes over eight (8) percent, at a datum acceptable to the city engineer.
- i. proposed location of each townhouse group showing number of units in each building. Conceptual drawings, i.e. perspectives, etc., are not required but will assist the planning commission in understanding the proposal.
- j. building setback lines.
- k. proposed parking space locations.

- 2 -

- l. existing and proposed sewer and water lines and fire hydrants (see Section 8.06a).
- m. existing and proposed public road rights-of-way and pavement widths, (see Section 8.06B).
- n. existing and proposed utility easements or other needed easements.
- o. retaining walls, sidewalks, and other similar proposed features.
- p. landscaped areas or other special proposed areas, such as recreation facilities.
- q. natural or proposed water courses or water bodies and drainage structures.
- r. limits of 100-year flood area, including the 100-year floodway, if any.

Since the Site Plan will take the place of the preliminary subdivision plat, it shall also meet the requirements for a Preliminary Subdivision Plat as required in Article 5, Section 5.04 of the Cleveland Subdivision Regulations, except that the lot area and dimensional regulations in Section 8.05 of this Article shall apply:

Step 2: A minimum of twenty-two (22) days prior to a scheduled planning commission meeting, meet with appropriate city staff for a review of the site plan and any proposed covenants and restrictive conditions that will apply to the development. Staff will place the requested planning commission review of the Site Plan on the official planning commission agenda.

Step 3: Meet with the Cleveland Plat Review Team to review the site plan. Approval of the site plan will be based completion of Step 1 in Section 8.04, including providing all necessary information to evaluate the development, meeting the design criteria set forth in Sections 8.05 and 8.06 of this Article, and meeting the requirements of Article 5, except that the lot area and dimensional regulations in Section 8.05 shall apply.

Step 4: Following approval of the site plan, construct the required improvements (roads, drainage facilities, and utilities) as well as the townhouse units for the whole development or for one or more phases according to the approved site plan.

The standards for subdivision roads, drainage, water supply, and sewerage extensions or septic systems contained in Article 6, must be met for a townhouse subdivision just as for a conventional subdivision except for the allowances in Section 8.06.

Step 5: Prepare a Final Subdivision Plat of the built-up phases showing how the major lots on the approved Site Plan have been divided into minor lots for individual townhouses. The Final Subdivision Plat shall show the individual lot lines exactly where the side walls of the townhouse units were actually built after any site adjustments were made.

Step 6: Twenty-two (22) days prior to a scheduled planning commission meeting, present the Final Subdivision Plat of the built-up phases to the city staff (planner and engineer) for plat review, as well as a field check of the development; and place

the requested Final Subdivision Plat review on the official planning commission agenda.

Step 7: Attend the scheduled planning commission meeting. If all of the appropriate requirements for the Final Subdivision Plat approval in Article 7 and also in Article 8 have been met or adequate bonds approved by the city engineer have been posted to cover incomplete roads or utilities and other required improvements (but not buildings), then the planning commission shall grant final subdivision approval for the phases which have "finished" townhouse units on each lot. The term "Finished Townhouse" shall mean complete as far as walls, flooring, roofing, windows, and utility systems, lacking only final painting, wallpapering, or other minor final work.

Step 8: A bond shall be held by the City until roads are accepted as public streets.

Step 9: Record the final plat and proceed to sell the individual townhouse units.

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8.05 Area and Dimensional Requirements for Townhouse Lots

A. Minimum Lot Area: 1,800 square feet

B. Minimum Lot Width and public street frontage: 20 feet

C. Minimum Lot Depth: 90 feet, provided front and rear setbacks are met.

D. Minimum Building Setback Lines:

front: 30 feet from road right-of-way unless the site plan provides a suitable arrangement of rear parking, in which case lesser front yard setbacks may be allowed when units face a local street. Front setbacks shall be at least 30 feet when the units face a street classified as a collector or above. In no case shall a front setback be reduced so as to impair adequate site distance for drivers in or adjacent to the townhouse subdivision.

rear: 30 feet but may be reduced to not less than 20 feet with a 1-for-1 increase in the front setback, e.g. a 25 foot rear setback would require a 35 foot front setback. However, an attached covered parking structure, or an uncovered deck or patio, may extend into a rear setback but not to within 15 feet of a rear property line without requiring an increase in the front setback.

side: None, except one story end units shall have a 10-foot setback from the side lot line and two-story end units shall have a minimum setback of 12 feet from the side lot line. When the townhouses are on a lot adjacent to a side road, that is, a "corner lot," the lot for the end unit shall have a side yard setback of 25 feet from the right-of-way of the side road if the right-of-way width is 20 feet or greater and the road is not an arterial or collector. If the side road is an arterial or collector, the side setback shall be 30 feet.

E. Where there are two or more structures in the townhouse development site, the distance between buildings shall be as follows:

One story buildings 20 feet

Two-story buildings 24 feet

F. Maximum height for townhouse development is 2 stories; however, this is not to prohibit a drive-under garage or basement design where appropriate to the site.

G. A townhouse development shall otherwise comply with requirements of the Cleveland Subdivision Regulations, and the parking, landscaping and buffer requirements of the Cleveland Zoning Ordinance.

8.06 Other Requirements for Townhouse Development

A. Water and Sewerage Systems:

Public water and sewerage systems shall be required for all townhouse subdivisions. If the existing lines are not available, the developer shall run lines to his development. The specifications for line size, etc., for water and sewer contained in Section 6.14 of these subdivision regulations shall be met. The small narrow lots preclude individual wells and septic tanks. The term "townhouse" implies an urban (town) or at least suburban setting with higher density housing.

B. Road Construction and Drainage:

All proposed roads, curbs, sidewalks, landscaping, lighting, and drainage facilities shall be built in accordance with the construction standards for public subdivision roads contained in Article 4 of the Cleveland, Tennessee, Subdivision Regulations.

C. Off-Road Parking:

A number of off-road parking spaces shall be provided for each townhouse dwelling unit. The minimum number of off-road spaces required for each unit shall be determined by the number of bedrooms in the unit in accordance with the parking standards in the zoning ordinance. The spaces shall be a minimum size of 9 feet by 18 feet. The spaces shall be located entirely on private property and not within the public road right-of-way.

D. Flood Protection:

The building sites within the townhouse subdivision shall be located in flood-free areas of the City of Cleveland or shall otherwise be shown conform to the requirements of the Cleveland Flood Damage Prevention Ordinance.

E. Reconstruction:

In the event that one or more townhouse units are destroyed by fire or other cause, no structures shall be placed on any vacant townhouse lot except another townhouse unit which must be built according to the intent of these townhouse subdivision regulations.

F. Site Improvements.

Site improvements, including sidewalks, exterior lighting, and landscaping, shall be provided in accordance with the requirements of the Cleveland Zoning Ordinance, and standards for R-3 multi-family residential housing.

G. Underground electrical service is mandatory.

H. Conversion of existing apartment structures to fee simple townhouse complexes shall not be allowed.

I. No townhome development parking shall be designed such that a vehicle leaving an on-site parking space must utilize a public street classified as a collector or above to complete the maneuver; i.e. an adequate driveway must be provided on-site. It is preferred that the area of the townhouse subdivision nearest the public street from which there is access be a privately maintained lawn or landscape area except where the common driveway(s) connects to the public street, as opposed to a continuous apron of asphalt or concrete

connecting with the public street. Impervious area limit incentives or density incentives specified in the zoning regulations maybe applicable in achieving the desired driveway and parking area design.

ARTICLE 9

PLATTING JURISDICTION, ENFORCEMENT, AND PENALTIES FOR VIOLATION

9.00 The enforcement of these regulations and the penalties for the unapproved recording or transfer of land are provided by state law in the authority granted by public acts of the State of Tennessee.

9.01 **Platting Authority**

- A. The regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State. Therefore, the developer has the duty of compliance with reasonable conditions laid down by the planning commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economic development of the local government therein and to the safety and general welfare of the future lot owners in the subdivision and the community at large.
- B. Therefore, from and after the passage of these regulations, the planning commission shall be the official platting authority in the City of Cleveland, and no plat of land subdivision shall be entitled to be recorded in the Office of the Bradley County Register unless it shall have the approval of the planning commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the planning commission, as required by these regulations, is declared to be a misdemeanor, punishable by law, with each day of noncompliance being a separate offense.

9.02 **Use of Plat**

The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a subdivision plat that has not been given final approval by the planning commission and recorded in the office of the Bradley County Register is a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties.

9.03. Enforcement

No plat or plan of a subdivision located within the City of Cleveland shall be filed or recorded by the County Register of Deeds until said plat or plan has received final approval in writing by the secretary of the planning commission as provided.

9.04 Opening and Improving Public Roads

No public officer, authority or city governing body shall accept, layout, open, improve, grade, pave, or light any road, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any road located within the area of planning jurisdiction unless such road shall have been accepted, opened or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the planning commission, or on a street plan made and adopted by the commission as provided in section 13-3-406, Tennessee Code Annotated.

9.05 Erection of Buildings

No building permit shall be approved by the City Planning Department and no building requiring a building permit shall be erected on any lot in a subdivision within Cleveland unless the lot has one or more of the following types of access:

- A. Individual frontage directly on a publicly-maintained road:
 - (1) which has been accepted as a public street prior to 1972, the date after which Cleveland has had continuous subdivision regulations,
 - (2) which has been accepted by the planning commission or by the city council in accordance with these subdivision regulations, or by the city council or State of Tennessee in accordance to their acceptance policies, or
 - (3) which has been accepted under the bond provisions in Section 6.15 of these subdivision regulations.
- B. Existing frontage upon a recorded easement or existing road built to the minimum city standards.
- C. Frontage on a new private road in a subdivision approved by the planning commission in accordance with the standards contained in the subdivision regulations for private roads.

9.06 Penalties

- A. No county register shall receive, file or record a plat of a subdivision within the city without the approval of the planning commission as required in Section 13-3-402, Tennessee Code Annotated, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.
- B. Tennessee Code Annotated, Section 13-3-410 provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the planning commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall

be deemed guilty of a misdemeanor, punishable as other city misdemeanors as provided by law, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Upon notice from the planning commission or its staff, the city council through its attorney or other official, designated by the city council, may enjoin such transfer or sale or agreement by action or injunction.

- C. In addition, those who purchase the unapproved lots will have a cloud on their title, will be denied building permits if it is known the lot is illegal, and may have legal recourse against the developer.

ARTICLE 10

VARIANCES AND AMENDMENTS

10.1 Variances

Variances may be granted where the Cleveland Planning Commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variance thus authorized shall be stated in writing in the minutes of the Cleveland Planning Commission with the reasoning on which the departure is justified set forth.

10.2 Amendments

These regulations may be amended from time to time by the Cleveland Planning Commission. However, before enacting an amendment, the Cleveland Planning Commission shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the City.

ARTICLE 11

LEGAL STATUS PROVISIONS

11.1 Penalties

- A. The Bradley County Register of Deeds shall not receive, file, or record a plat of a subdivision within the City of Cleveland, Tennessee, without the approval of the Cleveland Planning Commission as required in Section 13-4-302, Tennessee Code Annotated, and if any said County Register so does, he shall be deemed guilty of committing a misdemeanor, punishable as other misdemeanors as provided by law.
- B. Section 13-4-306, Tennessee Code Annotated, provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat or subdivision of such land without having submitted a plat of such subdivision to the Cleveland Planning Commission and obtained its approval as required before such plat be recorded in the office of the Bradley County Register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors by law; and the description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality, through its attorney or other official designated by its chief legislative body, may enjoin such transfer or sale or agreement by action or injunction.

11.2 Separability

Should any section or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the regulations as a whole or part thereof which is not specifically declared to be invalid or unconstitutional.

11.3 Conflict with Other Regulations

- A. No final plat of land within the force and effect of an existing zoning ordinance shall be approved unless it conforms to such ordinance.
- B. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building codes, or other official regulations, the highest, or most restrictive standard shall apply.

ARTICLE 12

ADOPTION

These regulations are hereby officially adopted by the Cleveland Planning Commission and shall replace previously adopted Subdivision Regulations. These regulations shall take effect and be in force from and after the first day of its adoption, the public welfare demanding it.

Adopted by the Cleveland Planning Commission on the _____ day of _____,
_____.

**CHAIRMAN
CLEVELAND PLANNING COMMISSION**

Attest:

**SECRETARY
CLEVELAND PLANNING COMMISSION**

PRELIMINARY SUBDIVISION CHECKLIST
(For use with Cleveland Subdivision Regulations)

NAME OF SUBDIVISION _____
LOCATION IN CITY _____
OWNER/SUBDIVIDER _____
Address _____ Phone # _____
SURVEYOR _____
Address _____ Phone # _____
DATE SUBMITTED TO STAFF _____

___ Staff Notified & 12 copies Delivered 22 days Prior to Meeting for Agenda Inclusion
___ Fee Paid (\$ _____)

PLAT SHOWS CORRECTLY:

- ___ Name of Subdivision (different from Existing Subdivision).
- ___ Name, Address, & Phone # of Owner, Subdivider (if different), and Surveyor.
- ___ North Point, Date of Drawing, & Graphic Bar Scale (not less than 1" = 100')
- ___ Acreage of Subdivision to Nearest 1/10th acre and Acreage of Area Owned for Future Development.
- ___ Vicinity Map Showing Subdivision Location and Nearby Roads with Road Names on a Portion of County Tax Map.
- ___ Contour Lines at 2 foot Intervals or Corner Elevations for Flat Sites without any 2 foot Contours.
- ___ Boundary lines of Tract.
- ___ Lots Numbered Consecutively Regardless of Number of Sections or Phases.
- ___ Minimum Building Setback Lines
- ___ Existing Roads, Water Courses, Culverts, and Easements on and within 200 feet of the Tract being Subdivided.
- ___ Location of all Existing Water, Sewer, and Gas Utilities on and within 200 feet of Subdivision.
- ___ Limit of Land Subject to 100-year Flood and Boundary and Elevation of Designated "Floodway."
- ___ Conforms to General Subdivision Requirements and Minimum Design Standards for Lots and Roads as Specified in Articles 3 and 4.
- ___ Proposed Design including All Roads with Proposed Road Names, Lot Lines with Approximate Dimensions, Easements, Land to be Reserved or Dedicated for Public Uses, and any Land to be used for Purposes other than Single-family Dwellings.
- ___ Location of Proposed Drainage Structures.
- ___ Proposed Method of Providing Water and Sewage and Location of Proposed Public Lines.
(Water _____) (Sewerage _____)
- ___ Health Dept. approval of independent water and sewer systems.
- ___ Road cross-section.
- ___ Road Centerline Profile at Suitable Scale to show Existing and Proposed Grades.

RECOMMENDATIONS: _____

SIGNED: _____
TITLE: _____

FINAL SUBDIVISION PLAT CHECKLIST
(For use with Cleveland Subdivision Regulations)

NAME OF SUBDIVISION _____

LOCATION IN CITY _____

OWNER/SUBDIVIDER _____

Address _____ Phone # _____

SURVEYOR _____

Address _____ Phone # _____

Date Preliminary Approval Granted by the CPC (Less Than 1 Yr.) _____

Date Submitted to staff for review and Agenda Inclusion _____

___ Staff Notified (and 12 copies Delivered) 22 days Prior to Meeting for Agenda Inclusion

PLAT SHOWS CORRECTLY:

- ___ Name of Subdivision.
- ___ Name, Address, & Phone # of Owner, Subdivider (if different), and Surveyor.
- ___ North Point, Date of Drawing, & Graphic Bar Scale (not less than 1" = 100')
- ___ Acreage of Subdivision to Nearest 1/10th acre.
- ___ Vicinity Map Showing Subdivision Location & Nearby Roads with Road Names on a City Tax Map.
- ___ County deed book and page numbers for property being subdivided.
- ___ Lots Numbered Consecutively Regardless of Number of Sections or Phases.
- ___ Minimum Building Setback Lines (front 25 ft, side 10 ft, & rear 15 ft).
- ___ Correct Sheet size (22" x 33 1/2" with 4" binder edge).
- ___ Private Covenants have been prepared for Recording with Plat.
- ___ Limit of Land Subject to 100-yr. Flood & Designated Floodway Boundary & Elev.
- ___ If design differs from approved preliminary plat, it still conforms to General Subdivision Requirements and Minimum Design Standards for Lots and Roads.
- ___ Bearings and Distance to at least two of following: Nearest GPS Monument, Section Corner, or Other Permanent Monuments.
- ___ Boundary Lines to 1/10th of a foot and Angles to the nearest minute (closure Error not over 1/7,500).
- ___ Monuments by Type and Location.
- ___ Location and Names of all Roads within & connecting to the property.
- ___ Sufficient Data Regarding Location, Bearing, and Length of every Road Line.
- ___ Lot Line Dimensions to Nearest 1/10th foot and Bearings to Nearest Minute.
- ___ Location, Dimensions, and Purposes of Easements and Areas Reserved or Dedicated for Public Use.
- ___ Statement of Modifications or Limitations by Health Authority Regarding Individual Water or Sanitary Sewer Systems.
- ___ Owner's certificate with road dedication.
- ___ Surveyor's/Engineer's Certificate.
- ___ Block with signatures of:
 - ___ Cleveland Utilities
 - ___ City Engineer
 - ___ Planning Commission Chairman
- ___ Required Physical Improvements Have Been Made OR Bond Posted in Amount of \$ _____ to Cover Cost of: _____

RECOMMENDATIONS: _____

Signed: _____

Title: _____

