

**CITY
OF
MURFREESBORO**

MURFREESBORO, TENNESSEE

**SUBDIVISION
REGULATIONS**

**AS ADOPTED BY
MURFREESBORO PLANNING
COMMISSION
JULY 22, 2009**

**SUBDIVISION REGULATIONS
MURFREESBORO PLANNING COMMISSION
(Effective date to be added later)**

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1. GENERAL PROVISIONS

1.1. Purpose

Land subdivision is the first step in the process of community development. These Subdivision Regulations are designed to encourage the development of sound, healthful, and economically stable residential, commercial, industrial, and public areas. These Regulations are promulgated in order to ensure that the future physical growth of Murfreesboro, Tennessee will be orderly, efficient, and conducive to providing necessary services to new growth areas. Safe, convenient, and efficient access to new land developments is also an integral element of these Regulations.

The subdivision of land and the extension and improvement of streets and utilities are important to the public interest in that the maintenance of public streets and utilities becomes a public responsibility, and the correction of defects is costly and difficult. It is, therefore, in the interest of the public, Developers, and future Owners that improvements be conceived, designed, and developed in accordance with sound rules and proper minimum standards.

These Subdivision Regulations are adopted for the following purposes:

- (A) To promote the public health, safety, aesthetic, and general welfare of the City.
- (B) To guide the development of the City in accordance with the Zoning Ordinance and zoning map, considering the suitability of residential, nonresidential and public areas and having regard for the most beneficial land use in such areas.
- (C) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion.
- (D) To enhance the character and economic stability and encourage the orderly, beneficial development of the City.
- (E) To conserve the value of land, buildings, and improvements throughout the City and to minimize detrimental conflicts among the uses of land and structures.
- (F) To implement public policy for transportation, water, sewerage, schools, storm drainage, public utilities, fire protection, recreational areas, and other public requirements and facilities to meet present and reasonably anticipated future needs.
- (G) To provide for the most beneficial relationship between the uses of land and buildings and efficient traffic movement throughout the City.

- (H) To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; and to ensure proper legal descriptions of land.
- (I) To ensure public facilities are available and with sufficient capacity to serve proposed subdivisions.
- (J) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to preserve and promote the integrity, stability, beauty, and value of the City.
- (K) To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.
- (L) To provide for open spaces through efficient design and layout of the land through the use of the minimum lot and open or green space requirements established in the Zoning Ordinance.
- (M) To encourage subdivision design that will maximize the conservation of all forms of energy and enhance the environment.
- (N) To provide for the improvement of substandard streets, water lines, sewer lines, storm drainage systems, and other public utilities to standard conditions.
- (O) To ensure development under these Regulations is consistent with these Regulations.

These Regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Zoning Ordinance for the City of Murfreesboro.

1.2. Authority and Legal Status

1.2.1. Authority.

Regulation of the subdivision of land and the attachment of reasonable conditions to the land subdivision are valid exercises of the police power delegated by the State to the City. All Developers have the duty of compliance with reasonable conditions imposed by the Planning Commission for the design, dedication, improvement, and restrictive use of the land so as to provide for the physical and economical development of the City and for the health, safety, aesthetics and general welfare of future Owners in the subdivision and the community at large.

1.2.2. Discrepancy with other regulations

No subdivision of land subject to the force and effect of these Regulations shall

be approved unless it conforms to the Zoning Ordinance. These Regulations shall be construed in accordance with Federal and State law and the Murfreesboro Zoning Ordinance. Whenever there is a discrepancy between the minimum standards or dimensions noted herein and those contained in the Zoning Ordinance, building codes, or other City ordinances or regulations, the highest standard shall apply.

1.2.3. Validity

If any section, clause, paragraph, provision, or portion of these Subdivision Regulations shall be found invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision, or portion of these Regulations.

1.2.4. Prior Subdivision Regulation and Effective Date

These Regulations are effective as of the date of adoption by the Murfreesboro Planning Commission as shown on the cover page. Upon the effective date they shall apply to all pending and future developments excepting only as follows:

1. a subdivision for which a final plat was approved by the Planning Commission prior to _____(date to be determined)_____.
2. a subdivision for which plans were approved and for which construction of infrastructure had actually begun prior to _____(date to be determined)_____.

1.2.5. Enforcement

No plat or plan of a subdivision of land into two or more lots located within the City of Murfreesboro shall be admitted to the land records of Rutherford County, or be received or recorded by the Register's Office, until said plat or plan has received final approval in writing by the Murfreesboro Planning Commission, as provided in Tennessee Code Annotated, Section 13-4-302. No board, public officer, or authority shall lay or authorize the laying of water mains, sewers, or the construction of other facilities or utilities in any street located within the City unless such street has been accepted 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 Murfreesboro Planning Commission, as provided in Tennessee Code Annotated, Section 13-4-307.

1.2.6. Penalties

The Register's Office shall not receive, file, or record a Final Plat of a subdivision of land within the City of Murfreesboro without the approval of the Planning Commission, as shown in Tennessee Code Annotated, Section 13-4-302. An erroneous recording by the Register's Office shall not create or grant any rights in the land Owner or others.

Tennessee Code Annotated, Section 13-4-306, states that any Owner or agent of land who sells or agrees to sell such land without submitting a plat to the Planning Commission and obtaining approval shall be deemed guilty of a misdemeanor.

Any building or structure erected or planned to be erected in violation of these Subdivision Regulations shall be deemed an unlawful building. Such building may be vacated or removed by action of the Building Official or other official designated by the City of Murfreesboro, as provided in Tennessee Code Annotated, Section 13-4-308.

1.3. Alternatives and Exceptions

1.3.1. Where the Planning Commission specifically finds that the purpose of these Subdivision Regulations may be served to an equal or greater extent by an alternative proposal, condition, or circumstance, and such alternative proposal, condition, or circumstance will not be detrimental to the public safety, health, aesthetics, or general welfare, or be injurious to other property or improvements in the vicinity of the property, it may approve alternatives to these Subdivision Regulations. Any such approval of an alternative must be explicit and not implied.

1.3.2. If the Planning Commission finds that extraordinary hardship or practical difficulty may result from strict compliance with these Subdivision Regulations, an exception variance from these Subdivision Regulations may be granted; provided, such exception shall not be granted when it would have the effect of nullifying the general intent and purpose of these Regulations, and provided further that the Planning Commission shall not permit exceptions unless it shall make findings based upon written evidence presented to it in each specific case that:

(A) The conditions upon which the request for an exception is based are unique to the property for which the exception is sought and are not applicable generally to other property;

(B) Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the Owner would result, as distinguished from a mere inconvenience, if the strict letter of these Subdivision Regulations were carried out; and,

(C) The exception will not in any manner alter the intent of the Major Thoroughfare Plan, or the Zoning Ordinance.

(D) An alternative providing equal or greater compliance is not available.

1.3.3. The details of any alternatives or exceptions shall be specifically noted in the minutes of the Planning Commission; no such alternative or exception shall be deemed implied.

1.4. Definitions

For the purpose of these Regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this article.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; and the word "herein" means "in these Regulations".

"Shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applied to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

1.4.1. Words and Terms Defined

Act – The statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001- 4128.

Alley – A minor street which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street and not intended for the purpose of serving through vehicular traffic.

Applicant – The Owner, or an authorized representative of the Owner, of land that is proposed to be subdivided.

Architect – An architect or landscape architect certified and registered by the State to practice in the State of Tennessee.

Area of special flood hazard – The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Base flood – The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Building – Any structure built for support, shelter, or enclosure for any occupancy or storage. (See *structure*.)

Construction Plans – The maps or drawings showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission and the approval of the City Engineer.

Contractor – A Tennessee licensed general contractor with whom an Owner or authorized agent has executed a contract.

Cul-de-sac – A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement; definition includes dead-end or turn-around street.

Curb line – The lateral boundary of that portion of the street designated for the use of vehicles, whether marked by asphalt or concrete curb or not.

Developer – Any person or duly authorized agent of such person who undertakes the subdivision and/or improvement of land.

Development – Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

Dwelling Unit – A room, or rooms, connected together constituting a separate, independent housekeeping establishment for Owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

Easement - A right-of-way, easement, or use restriction acquired for public use by dedication or otherwise for sewers, pipelines, pole lines, electrical transmission and communication lines, pathways, storm drains, drainage, canal, water transmission lines, light and air, and other limited use public easements other than for street or highway purposes.

Enforcing Officer – The person(s) designated by the City Manager to be responsible for enforcing the provisions of these Regulations.

Engineer – An engineer certified and registered by the State to practice in the State of Tennessee.

Engineer of Record – An Engineer that is in responsible charge of a development design and who has affixed his or her professional seal to a design. It is possible to have more than one Engineer of Record on a development if the design work is divided into separate projects and each Engineer of Record affixes their professional seals to their respective work.

Engineering Department – City of Murfreesboro Engineering Department or, if applicable, the Engineering Department of the Murfreesboro Water and Sewer Dept.

Erosion – The disintegration or wearing away of soil by action of water or wind.

Exception – A waiver from the provisions of the City Code which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to the City Code.

Final Plat – The final map or drawing and accompanying materials, described in these Regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission for approval and which, if approved by the Planning Commission and duly certified in accordance with these regulations, may be recorded with the Rutherford County Register of Deeds.

Flood or Flooding – 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 Frequency – The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

Flood Hazard or Flood-Prone Area – The land in the floodplain within the City subject to a one percent (1%) or greater chance of flood in a given year (i.e. the 100 year flood).

Floodplain or flood-prone area – Any land area susceptible to being inundated by water from any source. (See *flooding*.)

Flood Profile – A graph showing the water surface elevation or height of a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined through the use of standard open-channel hydraulic calculations.

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 a designated height.

Floodway Encroachment Limits – The lines marking the limits of floodways on official federal, state, or local floodplain maps.

Governing Body or Legislative Body - The City Council.

Grade – The slope of a public way specified in percentage terms.

Highest Adjacent Grade – The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

Highways – The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Historic Structure – Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined

- by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior.

Improvement or Infrastructure – Any drainage system, greenway, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established and which is therefore subject to regulation under these Subdivision Regulations.

Individual Sewage Disposal System – A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Inspector – Duly authorized representative of the Murfreesboro Engineering Department, Fire Department, Water and Sewer Department, or Building and Codes Department.

Integrated Site Plan/Subdivision Development - A development pursuant to a site plan submitted in accordance with the requirements of Murfreesboro City Code – Appendix A Section 7. Site Plan Review for one or more of any proposed lots that includes either a subdivision of some portion of the property or public infrastructure construction, including public street improvements and public drainage facilities.

Jurisdictional Area – The area within the corporate limits of the City of Murfreesboro as may be amended from time to time.

Land Surveyor – A land surveyor certified and registered by the State to practice in the State of Tennessee.

Lot: A tract of land with at least sixteen feet of street frontage, occupied by, or designated to be developed for a building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this article, to be used with such buildings or use.

Lot, corner: A lot which adjoins the point of intersection or meeting of two or more streets.

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

Map – The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

Master Plan – A plan that provides an overall development concept for one or more tracts of land in order to coordinate the preparation of more detailed plans for the various Sections and Phases of the development and of other land in its proximity and is the initial step in the subdivision and platting process.

National Flood Insurance Program – A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the National Flood Insurance Program regulations.

National Geodetic Vertical Datum (NGVD) – As corrected in 1929, the NGVD is a vertical control used as a reference for establishing varying elevations within the floodplain.

North American Vertical Datum (NAVD) – As corrected in 1988, the NAVD is a vertical control used as a reference for establishing varying elevations within the floodplain.

One Hundred-Year Flood – A flood having an average frequency of occurrence of once in 100 years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed. See Base Flood.

Owner - Includes any person who is the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by this article, full disclosure of all legal and equitable interests in the property is required.

Performance Bond – See "Surety".

Person – Any individual, corporation, limited liability company, partnership, or unincorporated association of persons such as a club or joint venture, or any

other entity, including State and local governments and agencies.

Phase – A subpart of a previously approved Section of a subdivision.

Preliminary Plat – The preliminary drawing or drawings, described in these Regulations, indicating the proposed manner of layout of the subdivision to be submitted to the Planning Commission for approval.

Public Way – Any publicly owned street, alley, sidewalk, or rights-of-way which provides for movement of pedestrians or vehicles.

Regulatory Flood – The one hundred year (100-year) flood.

Regulatory Flood Protection Elevation – The elevation of the regulatory flood plus one foot of freeboard to provide a safety factor.

Regulatory flood-way – 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 a designated height.

Resubdivision – A change in a map of any approved or recorded subdivision plat altering the number of lots or any of the lot lines incorporated within the confines of the original plat.

Right-of-Way – A strip of land occupied or intended to be occupied by a public way, sidewalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way", for land platting purposes, shall mean that every right-of-way heretofore or hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

Roadway – That portion of a highway, improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder.

Sale or Lease – Any immediate or future transfer of ownership or possession or contract for sale or transfer of ownership, possession or other interest in land, whether described by metes and bounds, plat, map or other method, and whether accomplished by private agreement, operation of law or otherwise.

Section - A subpart of a development with an approved Master Plan.

Setback – The distance between a building wall, public right-of-way, or property line.

Sidewalk – That portion of a street between the curb lines, or lateral lines of a roadway, and the adjacent property lines that is improved with a hard surface to

facilitate use by pedestrians. Sidewalk includes any associated disability access elements.

Special Flood Hazard Map – The official map designated by the Federal Insurance Administration to identify floodplain areas having special flood hazards.

Special hazard area – An area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

Standard Subdivision Development – A development involving a subdivision of property that includes public infrastructure construction, including public street improvements and public drainage facilities, and which is not accompanied by a site plan submitted in accordance with the requirements of Murfreesboro City Code – Appendix A Section 7. Site Plan Review for any proposed lots.

Start of Construction – For purposes of subdivision control, any alteration of the original surface area of the land, from and after the date of adoption of these Regulations.

Street – see “Highway”.

Street Design Specifications – The specifications to provide adequate standards for the construction of public street and drainage infrastructure that is in the best interest of the health, safety, convenience, aesthetics, and prosperity of the community. The Street Design Specifications are incorporated as part of the Subdivision Regulations by this reference. The Street Design Specifications so incorporated shall be those adopted on _____date_____ and all subsequent amendments.

Street Elements– Include such items as pavement, curb and gutter, sidewalks, ramps, pavement markings, signal poles, street signs and shoulders. For the purpose of this definition, items not included as street elements are street lights, landscaping, mailboxes, utilities and utility appurtenances, and street furniture.

Structure – Anything constructed above or below ground and includes manufactured homes, gas or liquid storage tanks, or other manmade facilities or infrastructures.

Subdivider – Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot parcel, site, unit, or plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision – The division of a tract or parcel of land into two or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided.

Subdivision Agent – Any person who represents or acts for or on behalf of a Subdivider or Developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except in an instance where only legal counsel is provided.

Substandard Street – Any street which is deficient due to width, lack of curb and gutter, ditch or shoulder inadequacies, or geometric design under the City of Murfreesboro Street Design Specifications and/or these Regulations.

Surety -- For purposes of these Subdivision Regulations, Surety is the broad term for a method or means of assuring or guarantying the performance or payment of an obligation to the City by or on behalf of a Developer or Owner. Methods of Surety for these purposes include certified checks, letters of credit, assignments of certificates of deposit, and formal performance or payment bonds. Any Surety must comply with all applicable statutory requirements and the Surety must be satisfactory to the City Attorney or designees as to issuing entity, form and manner of execution and delivery before the Developer is deemed to have met a requirement to provide a Surety under these Subdivision Regulations.

Surveyor – A surveyor certified and registered by the State to practice in the State of Tennessee. See Land Surveyor.

Twenty-five Year Flood – A flood having an average frequency of occurrence of once in twenty-five (25) years.

Variance – A grant of relief from the requirements of the City Code which permits construction in a manner otherwise prohibited by the City Code where specific enforcement would result in unnecessary hardship.

Violation – The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in the City Code is presumed to be in violation until such time as that documentation is provided.

Water Course – A channel, natural depression, gulch, stream, creek, pond, reservoir, or lake in which storm runoff and flood water flows either regularly or infrequently. This includes major drainage ways for carrying urban storm runoff.

2. INITIATION OF SUBDIVISION DEVELOPMENT

2.1. Pre-Application Conference

- 2.1.1. Not more than six (6) months prior to submitting plans for subdivision of property in the City of Murfreesboro, a Developer shall request a pre-application conference with the Planning Director to advise the Planning Director of the location, scope, and nature of the proposed development; to clarify development issues; to determine whether there are any annexation or zoning issues; and to discuss other matters as may be relevant to the development review and approval process. This pre-application conference shall be attended by the Planning Director or the Planning Director's designee, any city staff the Planning Director may determine are needed to assist in the pre-application conference, and the Developer and/or the Developer's authorized representatives who may be professional engineers, landscape architects, or land planners retained by the Developer to assist in the preparation of the development plans. The applicant must complete the Pre-Application Conference Project Information Form prior to the pre-application conference and submit it to the Planning Director a minimum of forty-eight (48) hours in advance of the scheduled conference. (See Pre-Application Conference Project Information Form in Appendix A). In the event more than six (6) months elapse before the plans are submitted for review in accordance with the requirements of these Regulations, the applicant shall request an additional pre-application conference. A pre-application conference shall not be required for resubdivision plats where no new lots are created, where there is no public infrastructure proposed to be constructed, where the only purpose of the plat is to dedicate easements, or where the Planning Director determines that no purpose will be served by having such a pre-application conference.
- 2.1.2. The purpose of the pre-application conference is to provide an opportunity for an informal exchange of information and ideas between the Developer and the development team and the Planning staff and to identify parties responsible for various tasks involving the development design. The Developer, along with the Developer's appropriate consultants may review and clarify planning, engineering, Master Planning, design, and development criteria with the Planning and Engineering staff. The conference is intended to introduce the Developer and the team to the City's development process, to identify timeframes for submittal and review, to determine whether the proposed development anticipates annexation, zoning changes or variances, or exceptions from these Regulations. It is expected that during the pre-application conference there will be discussion of the City's Major Thoroughfare Plan; the possible need for traffic studies; the City's flood insurance program; the City's stormwater management program; utility availability and capacity particularly the availability and capacity of potable water, sanitary sewer, and repurified water; and the City's policies and expectations for off-site street improvements, drainage improvements, and traffic improvements. During the pre-application conference the Planning Director shall determine whether the proposed development will proceed as a Standard Subdivision Development in accordance with the provisions of Section 3 of these

Regulations or as an Integrated Site Plan/Subdivision Development in accordance with the provisions of Section 4 of these Regulations.

2.1.3. Traffic Impact Study: A Traffic Impact Study may be required if the need for such is determined during the pre-application conference and/or Master Plan review. The following circumstances may indicate the need for a traffic impact study:

- i. Residential development with 100 or more dwelling units
- ii. Non-residential development with 50,000 square feet of space or more
- iii. Mixed-use development that generates 100 peak hour vehicle trips or 1,000 daily vehicle trips
- iv. The project is located at or near an intersection that currently operates or is believed to operate at a Level of Service D or below
- v. The project is located near a location identified by the City Engineer as a high crash/incident location
- vi. The project is located near an intersection or location identified by the City Engineer as a high concern location
- vii. A Traffic Impact Study is deemed necessary according to the City Engineer

The City Engineer has the final authority to require a Traffic Impact Study for any specific project. The Developer shall consult with the City Engineer to finalize the need for a Traffic Impact Study and the scope of any required study. The Traffic Impact Study shall be completed by a registered Engineer and shall be prepared in accordance with generally accepted standards and practices and shall be done at no cost to the City.

If a Traffic Impact Study is required, the Developer or duly authorized agent shall:

- i. Schedule and conduct a scoping meeting with the Developer and Engineer performing the Traffic Impact Study, and the City Engineer. This meeting will determine the scope and breadth of the Traffic Impact Study.
- ii. Consult with the City Engineer prior to completing traffic projections and traffic analysis to obtain approval for background assumptions, directional distributions, and internal and pass-by reductions.
- iii. Submitted a Draft Traffic Impact Study to the City Engineer. The City Engineer will review and comment on the draft report.

Three copies of a draft of the Traffic Impact Study shall be submitted to the Planning Director on or before the submittal date for the Master Plan. The Traffic Impact Study shall analyze all studied intersections using a method approved by the City Engineer. The Traffic Impact Study shall identify, analyze, and discuss mitigation measures. These mitigation measures shall be specific and feasible actions whose implementation will improve the adverse impacts of the proposed development. Three copies of the Final Traffic Impact Study shall be submitted to the Planning Director and shall be signed and sealed by an Engineer prior to submittal of a Preliminary Plat as required by these Subdivision Regulations.

2.1.4. The pre-application conference is intended to identify the coordination of any potential development with existing adopted City plans and recognize any additional or supplemental studies which may be required as listed above, with the exception of water and/or sewer service and mainline extensions. All inquiries for City supplied water or sewer service shall be coordinated with the Murfreesboro Water & Sewer Department Engineering Department (MWSD).

MWSD maintains a Policies, Procedures and General Design Criteria Manual that outlines the approval process for securing capacity within the potable and repurified water distribution systems and sanitary sewer collection system. Annexation into the City of Murfreesboro does not automatically result in the provision of any utility service provided by MWSD.

Questions including, but not limited to, the acquisition of offsite easements, location of proposed development within MWSD's service area, as well as determination of loading and capacity of any proposed development must be answered prior to any commitment to serve said development.

Following the pre-application conference, but prior to the Master Plan submittal to the Planning Commission, the Master Plan shall be submitted to the Murfreesboro Water and Sewer Department for review and approval of the preliminary sewer layout in accordance with their Policies, Procedures and General Design Criteria Manual.

3. PROCEDURE FOR STANDARD SUBDIVISION DEVELOPMENT

3.1. Master Plan

- 3.1.1. A Master Plan shall be submitted for Planning Commission review prior to submittal of Preliminary Plats or Construction Plans for any Section of a subdivision involving new street and/or utility construction when more than one Section or Phase is proposed for a tract of land. Said Master Plan shall not replace the Preliminary Plat required herein and approval of such shall not be considered a preliminary approval as outlined herein. A Master Plan submittal shall include studies of traffic, drainage, utilities, and such other matters as discussed during the pre-application conference. The Master Plan shall comply with the City's Street Design Specifications, Murfreesboro Water & Sewer Department, Stormwater, Murfreesboro Electric Department, and any other standards applicable with the City of Murfreesboro. In addition to the paper drawings, Master Plans shall be submitted in an electronic format approved by the City.
- 3.1.2. The purpose of the Master Plan is to provide an overall development concept for a tract of land in order to coordinate the preparation of more detailed plans for the various Sections and Phases of the development and of other land or infrastructure in its proximity. Approval of a Master Plan by the Planning Commission may remain valid indefinitely; however, such approval shall not confer a vested right to proceed with development of the property as shown thereon. A Master Plan may be amended provided that any proposed amendment shall be specifically noted in the submittal for amendment and shall require approval by the Planning Commission in the same manner as the original approval. An amendment to a Master Plan may be submitted for Planning Commission consideration along with submittal of a Preliminary Plat.
- 3.1.3. Within sixty (60) days after submission of the Master Plan the Planning Commission shall review the Master Plan and indicate its approval, disapproval, or conditional approval. If the Master Plan is disapproved, the reasons for such will be stated in writing. If conditionally approved, the conditions will be indicated in like manner and the Master Plan with amendments may be resubmitted along with the preliminary plat as required in Section 2.3 of these regulations. Failure of the Planning Commission to act on the Master Plan within sixty (60) days of submission will be deemed approval of the Master Plan unless the applicant has agreed to an extension of time. In order for the Planning Commission to evaluate the compatibility of the property for the proposed development the Planning Commission may require information in addition to that listed in Section 3.1.4.
- 3.1.4. Ten (10) copies of the Master Plan shall be submitted to the Planning Department according to the adopted calendar for submission deadlines. This plan shall be at a scale of no greater than 1"=200' on sheets measuring 18"x24" or 24"x36" and shall contain the following:

- ___ 1. A title block which shall be located in the lower right corner that includes:
 - a. Designation as a "Master Plan",
 - b. The proposed development or subdivision name and any name of any former subdivision of the property,
 - c. The sheet number(s),
 - d. The date of preparation;
- ___ 2. A true north indicator;
- ___ 3. A bar scale;
- ___ 4. A legend of symbols;
- ___ 5. A location map with its own north indicator accurately depicting the property in relationship to nearby streets and other property in its vicinity with such location map to be located in the upper right corner of the Master Plan;
- ___ 6. A revisions table with revision dates noted;
- ___ 7. The existing zoning classification(s), including any overlay or other special districts with setbacks noted in a table, and any proposed zoning classifications;
- ___ 8. The Owner(s) name and address and, if different, the Developer's name and address;
- ___ 9. The tax map, group, and parcel number as assigned by the Rutherford County Property Assessor's Office for the development tract(s);
- ___ 10. The effective Flood Insurance Rate Map (FIRM) panel number, its effective date and the flood insurance zones for the property;
- ___ 11. The total land area proposed to be included in the development/subdivision, including proposed ROWs and easements, measured to the nearest acre;
- ___ 12. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property;
- ___ 13. The limits of floodway, areas of special flood hazard, the regulatory base flood elevation (BFE), and regulatory flood protection elevation or minimum floor elevation (MFE) as determined by the applicable FIRM or best available information;
- ___ 14. The name of the engineer, landscape architect, land surveyor or other person preparing the Master Plan and such individual's firm or business name and contact information;
- ___ 15. The names of all public ways both existing and proposed;
- ___ 16. Notation of any existing legal rights-of-way or easements, or other encumbrances affecting the property;
- ___ 17. Approximate topography of the site, at intervals of no more than two (2) feet, extended into adjacent properties; for this purpose, the mapping available through the City's GIS may be used;
- ___ 18. Existing stormwater conveyances, intermittent streams, blue line streams, and water quality protection areas as required by the City's stormwater regulations;
- ___ 19. Existing streets and roadways adjacent or in close proximity to the development tract with their functional classification noted;
- ___ 20. The property's relationship to the City's Major Thoroughfare Plan;
- ___ 21. Proposed street layout and lot patterns;

- 22. Proposed and existing sidewalks;
- 23. Proposed drainage system and stormwater concept plan with major off-site stormwater elements;
- 24. Possible limitations for development such as sink holes, rock outcrops, wetlands, topographic depressions, excessive slopes, etc;
- 25. Existing significant trees and tree masses;
- 26. The name and location of any cemetery upon the property and the name of those responsible for its upkeep and maintenance;
- 27. Proposed phasing;
- 28. Proposed utility systems; and
- 29. Jurisdiction of water provider.

3.2. Preliminary Plat

- 3.2.1. A Preliminary Plat shall be submitted for Planning Commission review for each Section of each development. Such Preliminary Plat shall substantially conform to the Master Plan previously submitted to and approved by the Planning Commission. A copy of the most recently approved Master Plan shall accompany the submitted Preliminary Plat and any proposed relevant amendments to the Master Plan shall be specifically identified. A copy of the Engineer of Record Form shall accompany the Preliminary Plat. See Engineer of Record Form in Appendix A.
- 3.2.2. The purpose of the Preliminary Plat is to identify the location and extent of a proposed subdivision, to confirm that it conforms to the previously approved Master Plan, and to gain authorization from the Planning Commission to proceed with preparation of Construction Plans and Final Plats. Approval of a Preliminary Plat by the Planning Commission shall lapse after eighteen (18) months from the date of Planning Commission approval unless Construction Plans are submitted to the City Engineer for review in accordance with these Regulations, have received written approval, and construction in accordance with those plans has begun as evidenced by construction being visible upon the property. Preliminary Plat approval shall not confer a vested right to proceed with development of the property as shown on the Preliminary Plat but rather shall authorize the applicant to submit Construction Plans in accordance with said approval and the requirements of these Regulations.
- 3.2.3. Within sixty (60) days after submission of the Preliminary Plat, the Planning Commission shall review the same and indicate its approval, disapproval, or conditional approval. If the Preliminary Plat is disapproved, the reasons for such will be stated in writing. If conditionally approved, the conditions will be indicated in like manner and the Preliminary Plat shall be resubmitted with amendments. Failure of the Planning Commission to act on the Preliminary Plat within sixty (60) days will be deemed approval of the plat unless the applicant has agreed to an extension of time.
- 3.2.4. Ten (10) copies of the Preliminary Plat of the proposed subdivision drawn at a scale of 1" = 100' or 1" = 50' horizontally on sheets measuring 18"x24" or 24"x36" shall be submitted to the Planning Department according to the adopted Planning

Commission calendar. In addition to the paper drawings, Preliminary Plats shall be submitted in an electronic format approved by the City.

3.2.5. The Preliminary Plat shall be based on a design that is in accordance with the adopted standards of design and construction for streets, drainage, and utilities and shall contain the following:

- ___ 1. A title block which shall be located in the lower right corner that includes:
 - a. Designation as a "Preliminary Plat";
 - b. The proposed development or subdivision name and any name of any former subdivision of the property;
 - c. Reference to the Master Plan and the date it was approved;
 - d. The sheet number(s);
 - e. The date of preparation;
 - f. The Section number;
- ___ 2. A true north indicator;
- ___ 3. A bar scale;
- ___ 4. A legend of symbols;
- ___ 5. A location map with its own north indicator accurately depicting the property in relationship to nearby streets and other property in its vicinity with such location map to be located in the upper right corner of the Preliminary Plat;
- ___ 6. A revisions table with revision dates noted;
- ___ 7. The zoning classification(s), including any overlay or other special districts, with setbacks noted in a table and, for residential subdivisions, a typical setback diagram for corner and interior lots for each zoning classification;
- ___ 8. The Owner(s) name and address and, if different, the Developer's name and address;
- ___ 9. The tax map, group, and parcel number as assigned by the Rutherford County Property Assessor's Office for the development tract(s);
- ___ 10. The effective Flood Insurance Rate Map (FIRM) panel number, its effective date, and flood insurance zones;
- ___ 11. The limits of floodway, areas of special flood hazard, the regulatory base flood elevation (BFE), and regulatory flood protection elevation or minimum floor elevation (MFE) as determined by the applicable FIRM or best available information;
- ___ 12. The total land area proposed to be included in the development/subdivision Section, including proposed ROWs and easements, measured to the nearest hundredth (.01) acre;
- ___ 13. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property;
- ___ 14. The names of all public ways both existing and proposed;
- ___ 15. Notation of any existing legal rights-of-way or easements, or other encumbrances affecting the property;
- ___ 16. Existing stormwater conveyances, intermittent streams, blue line streams, and water quality protection areas as required by the City's stormwater regulations;
- ___ 17. The proposed stormwater management plan;

- ___ 18. Proposed streets and lot lines with lot numbers labeled on each proposed lot circled and in numerical order;
- ___ 19. Possible limitations for development such as sink holes, rock outcrops, wetlands, excessive slope, etc;
- ___ 20. Proposed storm drainage system with pipe locations and direction of flow noted including areas for detention or retention or for water quality;
- ___ 21. Proposed sanitary sewer system;
- ___ 22. Proposed water supply system with fire hydrant locations noted unless located in the water service jurisdiction of Consolidated Utility District;
- ___ 23. Proposed repurified water system;
- ___ 24. Typical street cross sections for each street type in the proposed development;
- ___ 25. Jurisdiction of water provider;
- ___ 26. The name of the engineer or surveyor who shall be licensed by the State of Tennessee and such individual's firm or business name and contact information;
- ___ 27. The location of existing and proposed property lines, streets, traffic signals, buildings, water courses, railroads, sewers, cemeteries, bridges, culverts, drain pipes, water mains, lot numbers and public utility easements;
- ___ 28. Computed area in square feet of each proposed lot;
- ___ 29. For any lot where public sewer or water systems are not available, the following:
 - 1. Areas to be used for sewage disposal and their percolation results, or if the Planning Commission desires, any other acceptable data to show that the site can be served effectively by septic tanks; and
 - 2. Water wells (existing and proposed);
- ___ 30. Explanation of all easements proposed to be reserved both for private and public use, including common areas;
- ___ 31. Existing and proposed sidewalks, trails, and other pedestrian elements;
- ___ 32. The existing and proposed topographic contours at a vertical interval of two (2) feet based on sea level with existing contours shown as dashed lines and proposed final grading contours shown in solid lines with said existing topographic contours from field verified data;

3.2.6. Fees

- i. The Developer shall pay fees to the City of Murfreesboro when submitting a Preliminary Plat for Planning Commission approval according to the approved fee schedule as adopted by the City Council.
- ii. Failure by a Developer to pursue development of a subdivision will not entitle the Developer to a refund of any part of any review fees that may have been paid.

3.3. Construction Plans

- 3.3.1. Construction Plans shall be submitted to the City Engineer's office for review for all subdivisions requiring construction of streets, drainage ditches or pipes, and/or public utilities. Such Construction Plans shall conform to the Preliminary

Plat previously submitted to and approved by the Planning Commission. A copy of the Engineer Identification Form shall accompany the Construction Plans. After review from the City Engineer's office, plans shall be submitted to the Murfreesboro Water & Sewer Department.

3.3.2. Three (3) copies of the Construction Plans of the proposed subdivision drawn at a scale of 1"=50' horizontally and 1"=5' vertically, and on sheets measuring 24"x36" shall be submitted to the City Engineer. In addition to the paper drawings, Construction Plans shall be submitted in an electronic format approved by the City.

3.3.3. The Construction Plans shall be based on a design that is in accordance with the City's adopted standards of design and construction for streets, drainage, and utilities and shall contain the following:

- ___ 1. A title block which shall be located in the lower right corner that includes:
 - a. Designation as a "Construction Plan",
 - b. The proposed development or subdivision name as indicated on the approved Preliminary Plat,
 - c. The sheet number(s),
 - d. The date of preparation,
 - e. The Section number;
- ___ 2. Subdivision name including phasing plan as indicated on the approved Preliminary Plat;
- ___ 3. Reference to the Master Plan and the date it was approved;
- ___ 4. A true north indicator;
- ___ 5. A bar scale;
- ___ 6. A legend of symbols;
- ___ 7. A location map with its own north indicator accurately depicting the property in relationship to nearby streets and other property in its vicinity with such location map to be located in the upper right corner;
- ___ 8. A revisions table with revision dates noted;
- ___ 9. The Owner(s) name and address and, if different, the Developer's name and address;
- ___ 10. Names, address, and contact information for all utilities;
- ___ 11. The tax map, group, and parcel number as assigned by the Rutherford County Property Assessor's office for the development tract(s);
- ___ 12. The effective Flood Insurance Rate Map (FIRM) panel number, its effective date, and flood insurance zones;
- ___ 13. The limits of floodway, areas of special flood hazard, the regulatory base flood elevation (BFE), and regulatory flood protection elevation or minimum floor elevation (MFE) as determined by the applicable FIRM or best available information;
- ___ 14. The total land area proposed to be included in the development/subdivision Section, including proposed ROWs and easements, measured to the nearest hundredth (.01) acre;
- ___ 15. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property;
- ___ 16. The names of all public ways both existing and proposed;

- 17. Notation of any existing legal rights-of-way or easements, or other encumbrances affecting the property;
- 18. Existing stormwater conveyances, intermittent streams, blue line streams, and water quality protection areas as required by the City's stormwater regulations;
- 19. The proposed stormwater management plan;
- 20. Proposed erosion and sediment control plans;
- 21. Plan for any movement of material (borrow/fill);
- 22. Proposed streets and lot lines with lot numbers labeled on each proposed lot circled and in numerical order;
- 23. Proposed setbacks and building envelopes;
- 24. Sink holes, rock outcrops, wetlands, excessive slope, etc;
- 25. Proposed storm drainage system with pipe locations and direction of flow noted including areas for detention or retention or for water quality including top elevation, invert information of existing and proposed drainage structures;
- 26. Horizontal and vertical control tied to the City's GPS/GIS network;
- 27. Proposed sanitary sewer system;
- 28. Proposed water supply system, including repurified water, with fire hydrant locations noted;
- 29. Typical street cross sections with locations shown for all utilities including water, sanitary sewer, gas, electric, phone, and cable for each street type in the proposed development. Locations of all utility appurtenances (transformer pads, utility boxes, poles, etc) to be shown relative to street elements including curb-and-gutter and sidewalks;
- 30. Plan and profile sheets showing existing and proposed horizontal and vertical alignment geometry, existing and proposed profiles of streets, storm drainage systems, and utilities. The City Engineer may require cross-sections;
- 31. Jurisdiction of water provider;
- 32. The name of the engineer who shall be licensed by the State of Tennessee and such individual's firm or business name and contact information
- 33. The location of existing and proposed property lines, streets, buildings, water courses, railroads, sewers, cemeteries, bridges, culverts, drain pipes, water mains, major drainage system routes, lot numbers and public utility easements;
- 34. For any lot where public sewer or water systems are not available, the following:
 - 1. Areas to be used for sewage disposal and their percolation results, or if the Planning Commission desires, any other acceptable data to show that the site can be served effectively by septic tanks; and
 - 2. Water wells (existing and proposed);
- 35. Explanation of all easements proposed to be reserved both for private and public use;
- 36. Existing and proposed sidewalks, trails, and other pedestrian elements;
- 37. The existing and proposed topographic contours at a vertical interval of two (2) feet based on sea level with existing contours shown as dashed lines and final grading contours shown in solid lines with said existing

- topographic contours from field verified data for site grading for the entire development including individual lots;
- 38. Proposed traffic control signage (e.g. Stop signs and street name signs and etc.);
 - 39. Existing and proposed traffic signals;
 - 40. Maintenance of traffic plan (temporary traffic control) for all construction activities;
 - 41. Standard details and any special design details required.

3.3.4. Within sixty (60) days after submission of the Construction Plans and other required plans, the City Engineer shall review the same and indicate approval, disapproval, or conditional approval. If the Construction Plans are disapproved, the reasons for such will be stated in writing. If conditionally approved, the conditions will be indicated in like manner and the Construction Plans must be resubmitted with corrections noted.

3.3.5. Approval of Construction Plans shall remain valid for the duration of approval of the Preliminary Plat.

3.4. FINAL PLAT

3.4.1. A Final Plat shall be submitted for Planning Commission review and approval for each Section and/or Phase of each development and, at the election of the Developer, may include only the portion of the approved Preliminary Plat proposed to be recorded and developed provided that such portion independently conforms to all requirements of these Regulations.

3.4.2. Approval of a Final Plat by the Planning Commission shall lapse 12 months after the date of Planning Commission approval unless Construction Plans are submitted to the City Engineer for review in accordance with these Regulations, have received written approval from the City Engineer, and construction in accordance with those plans has begun as evidenced by construction being visible upon the property. In the event there is no infrastructure required to be constructed, approval of the Final Plat by the Planning Commission shall expire 12 months after the date of Planning Commission approval unless all signatures and certifications as required by these Regulations are obtained in writing upon the plat. Provided, further, that the Planning Commission Secretary's approval to record the Final Plat shall lapse 12 months after the date of the Planning Commission Secretary's signature upon the plat.

3.4.3. Within thirty-five (35) days after submission of the Final Plat and other required plans, the Planning Commission shall review the same and indicate its approval, disapproval, or conditional approval. If the Final Plat is disapproved, the reasons for such will be stated in writing. If conditionally approved, the conditions will be indicated in like manner and the Final Plat shall be resubmitted with conditions included. Failure of the Planning Commission to act on the Final Plat within thirty-five (35) days of its completed submittal shall be deemed approval of the Final Plat unless the applicant voluntarily agrees to a time extension.

3.4.4. Ten (10) copies of the Final Plat of the proposed subdivision drawn at a scale of 1" = 50 or 1" = 100' horizontally on sheets of 18"x24" or 24"x36" shall be submitted to the Planning Commission according to the adopted Planning Commission calendar for submissions. When multiple sheets are necessary, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key. In addition to the paper drawings, Final Plats shall be submitted in an electronic format approved by the City. A Final Plat shall contain the following:

- ___ 1. A title block which shall be located in the lower right corner that includes:
 - a. Designation as a "Final Plat",
 - b. The proposed subdivision name and any name of any former subdivision of the property,
 - c. The Section and/or Phase number,
 - d. The sheet number(s),
 - e. The civil district,
 - f. Date of preparation;
- ___ 2. A true north indicator;
- ___ 3. A bar scale;
- ___ 4. A legend of symbols;
- ___ 5. A location map with its own north indicator accurately depicting the property in relationship to nearby streets and other property in its vicinity with such location map to be located in the upper right corner of the plat;
- ___ 6. The zoning classification(s), including any overlay or other special districts, with setbacks noted in a table and, for residential subdivisions, a typical setback diagram for corner and interior lots for each zoning classification;
- ___ 7. The Owner(s) name and address and, if different, the Developer's name and address;
- ___ 8. The tax map, group, and parcel number as assigned by the Rutherford County Property Assessor's Office for the development tract(s);
- ___ 9. The effective Flood Insurance Rate Map (FIRM) panel number, its effective date, and flood zones;
- ___ 10. A block directly above the title block which states:
 - Date of recording: _____
 - Time of recording: _____
 - Plat book/Record book: _____.
 - Page: _____;
- ___ 11. Curve table (if needed);
- ___ 12. Line table (if needed);

- ___ 13. A table indicating minimum floor elevations (MFE) and minimum pad elevations (MPE) for lots with such designations;
- ___ 14. The total land area, including proposed rights-of-way and easements, measured to the nearest one hundredth (.01) acre;
- ___ 15. The land area of each proposed lot measured in square feet;
- ___ 16. The lines of all streets and roads, alleys, lot lines, building setback lines, reservations, easements, and areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations;
- ___ 17. Lot numbers labeled on each proposed lot with each proposed lot number circled and in numerical order;
- ___ 18. Sufficient data to determine readily the location, bearing and length of all street lines, lot lines, easements, boundary lines, block lines, and building lines whether curved or straight. This shall include the radius, central angle, and tangent distance for the right-of-way line of curved streets and curved property lines that are not the boundary of curved streets;
- ___ 19. All dimensions to the nearest one hundredth (.01') and angles to a twenty (20) second accuracy;
- ___ 20. Location and description of all monuments;
- ___ 21. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property;
- ___ 22. The limits of floodway, areas of special flood hazard, the regulatory base flood elevation (BFE), and regulatory flood protection elevation or minimum floor elevation (MFE) as determined by the applicable FIRM or best available information;
- ___ 23. The relevant information from the Flood Insurance Rate Map (FIRM) regarding the subject property including the flood insurance zone(s);
- ___ 24. The name and stamp of the land surveyor who prepared the plat who shall be licensed in the State of Tennessee and such individual's firm or business name and contact information;
- ___ 25. The names of all public ways both existing and proposed;
- ___ 26. In the case of final re-subdivision plats, the former property lines shall be shown in dashed lines with old lot numbers inside broken circles;
- ___ 27. In the event a subdivision or a portion of a subdivision is re-platted and the name is changed, the previous subdivision name and lot numbers shall be noted on the plat;
- ___ 28. The benchmark location and elevation to determine floor elevations; and
- ___ 29. Certifications and/or notations as follows shall be required on subdivision or resubdivision plats as indicated according to the type of final plat:

(1) **Type 1 Certifications.** The following certificates shall be provided on Final Plats where new lots will be created, new streets will be constructed and dedicated, or new utility construction is required:

Certificate of Ownership and Dedication - I (we) hereby certify that I am (we are) the Owner(s) of the property shown and described hereon and that I(we) hereby adopt this plan of subdivision with my (our) free consent and establish the minimum building restriction lines, and dedicate all streets, alleys, walks, and utilities therein, parks and other open spaces to public or private use as noted. [note: this certification shall include

the deed book and page numbers of deeds and shall include for corporations and partnerships the company name and the titles of the individuals authorized to execute documents].

Date

Owner
Deed book: _____

Owner
Page: _____

Owner

Certificate of Accuracy - I hereby certify that this is a category ____ survey and the ratio of precision of the unadjusted survey is 1:_____ as shown hereon. I also certify that the monuments have been or will be placed as shown hereon to the specifications of the City Engineer.

Date

Surveyor

Tennessee Reg. No.

Certificate of Approval for Recording - I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for the City of Murfreesboro, Tennessee with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the Rutherford County Register Of Deeds provided that it is so recorded within one year of this date.

Date

Planning Commission Secretary

Certificate of Approval of Streets and Drainage - I hereby certify that (1) the streets, drainage structures, drainage improvements, and stormwater quality controls for the subdivision shown hereon have been installed in accordance with city specifications, or (2) that a Surety for these improvements has been posted with the City of Murfreesboro to assure completion of same.

Date

City Engineer

Certificate of Approval of Water Systems Located in the Water Service Jurisdiction of the City of Murfreesboro - I hereby certify that: (1) the water lines and appurtenances for the water system of the subdivision shown hereon have been installed in accordance with city codes and specifications and the Tennessee

Department of Environment and Conservation, Community Public Water Systems Design Criteria, or (2) that a Surety for these improvements has been posted with the City of Murfreesboro to assure completion of same.

Date

Murfreesboro Water and Sewer Official

[Or, if located within the water service jurisdiction of CUD]

Certificate of Approval of Water Systems Located in the Water Service Jurisdiction of Consolidated Utility District of Rutherford County - I hereby certify that: (1) the water lines and appurtenances for the water system of the subdivision shown hereon have been installed in accordance with city codes and specifications, or the specifications of the Consolidated Utility District of Rutherford County if they are more stringent, and the Tennessee Department of Environment and Conservation, Community Public Water Systems Design Criteria, or (2) that a Surety for these improvements has been posted with the Consolidated Utility District of Rutherford County to assure completion of same.

Date

Consolidated Utility District Official

Certificate of Approval of Sewer Systems - I hereby certify that: (1) the sewer lines and appurtenances for the sewer system of the subdivision shown hereon have been installed in accordance with city codes and specifications and the requirements of the Tennessee Department of Environment and Conservation, Design Criteria for Sewage Works; (2) that a Surety for these improvements has been posted with the City of Murfreesboro to assure completion of same; or (3) that a subsurface sewage system will be permitted subject to the approval of the Rutherford County Health Department.

Date

Murfreesboro Water and Sewer Official

Or

Certification of General Approval for Installation of Subsurface Sewage Disposal System with Restrictions - General approval is hereby granted for lots proposed hereon as being suitable for subsurface sewage disposal with the listed and/or attached restrictions. Before the initiation of construction the location of the house or other structure and plans for the subsurface sewage disposal system shall be approved by the Rutherford County Health Department. [This certification shall be required only if the Murfreesboro Water and Sewer Department or other appropriate prevailing utility permits a subsurface sewage disposal system.]

Date

Rutherford County Health Department Official

Certificate of Approval for Electric Power - I hereby certify that the subdivision shown hereon has been approved by the Murfreesboro Electric Department (MED) for electric power service, that the subdivision is within the service area of MED, and that MED is able to provide electric power service to the subdivision subject to the Owner complying with the applicable rules and regulations of MED. No electric power service will be provided until MED's requirements for electric power service have been met.

Date

Murfreesboro Electric Department Official

Or

Certificate of Approval for Electric Power in the Electric Service Jurisdiction of Middle Tennessee Electric Membership Corporation – Middle Tennessee Electric Membership Corporation (MTEMC) will provide electric service to the subject property according to the normal operating practices of MTEMC as defined in the rules and regulations, bylaws, policy bulletins and operational bulletins of MTEMC, and in accordance with the plat approval checklist, tree planting guidelines and other regulations contained on the MTEMC website at www.mtemc.com (collectively the "Requirements"). No electric service will be provided until MTEMC's Requirements have been met and approved in writing by an authorized representative of MTEMC. Any approval is, at all times, contingent upon continuing compliance with MTEMC's Requirements.

Date

Middle Tennessee Electric Membership Corp.

- (2) **Type 2 Certifications.** The following certificates shall be provided on zero-lot line re-subdivision plats prepared for the purpose of establishing lot lines along party walls of zero-lot line structures in subdivisions previously approved by the Murfreesboro Planning Commission and previously recorded in the office of the Rutherford County Register of Deeds:

Certificate of Ownership and Dedication - I (we) hereby certify that I am (we are) the Owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent and establish the minimum building restriction lines, and dedicate all streets, alleys, walks, and utilities therein, parks and other open spaces to public or private use as noted. [Note: this certification shall include the deed book and page numbers of deeds and shall include for corporations and partnerships the company name and the titles of the individuals authorized to execute documents].

Date

Owner

Deed book: _____

Owner

Page: _____

Owner

Certificate of Accuracy - I hereby certify that this is a category _____ survey and the ratio of precision of the unadjusted survey is 1: _____ as shown hereon. I also certify that the monuments have been or will be placed as shown hereon to the specifications of the City Engineer.

Date

Surveyor

Tennessee Reg. No.

Certificate of Approval for Recording - I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for the City of Murfreesboro, Tennessee with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the Rutherford County Register of Deeds provided that it is so recorded within one year of this date.

Date

Planning Commission Secretary

Certificate of Approval of Water Systems Located in the Water Service Jurisdiction of the City of Murfreesboro - I hereby certify that: (1) the water lines and appurtenances for the water system of the subdivision shown hereon have been installed in accordance with city codes and specifications and the Tennessee Department of Environment and Conservation, Community Public Water Systems Design Criteria, or (2) that a Surety for these improvements has been posted with the City of Murfreesboro to assure completion of same.

Date

Murfreesboro Water and Sewer Official

[Or, if located within the water service jurisdiction of CUD]

Certificate of Approval of Water Systems Located in the Water Service Jurisdiction of Consolidated Utility District of Rutherford County - I hereby certify that: (1) the water lines and appurtenances for the water system of the subdivision shown hereon have been installed in accordance with city codes and specifications, or the specifications of the Consolidated Utility District of Rutherford County if they are more stringent, and the Tennessee Department of Environment and Conservation, Community Public Water Systems Design Criteria, or (2) that a Surety for these

improvements has been posted with the Consolidated Utility District of Rutherford County to assure completion of same.

Date

Consolidated Utility District Official

Certificate of Approval of Sewer Systems - I hereby certify that: (1) the sewer lines and appurtenances for the sewer system of the subdivision shown hereon have been installed in accordance with city codes and specifications and the requirements of the Tennessee Department of Environment and Conservation, Design Criteria for Sewage Works; or (2) that a Surety for these improvements has been posted with the City of Murfreesboro to assure completion of same; or (3) that a subsurface sewage system will be permitted subject to the approval of the Rutherford County Health Department.

Date

Murfreesboro Water and Sewer Official

Or

Certification of General Approval for Installation of Subsurface Sewage Disposal System with Restrictions - General approval is hereby granted for lots proposed hereon as being suitable for subsurface sewage disposal with the listed and/or attached restrictions. Before the initiation of construction the location of the house or other structure and plans for the subsurface sewage disposal system shall be approved by the Local Health Authority. [This certification shall be required only if the Murfreesboro Water and Sewer Department or other appropriate prevailing utility permits a subsurface sewage disposal system].

Date

Rutherford County Health Department

- (3) **Type 3 Certifications.** The following certificates shall be provided on subdivision plats or re-subdivision plats where the sole purpose of the plat is for a minor shift of a lot line or removal of an existing lot line or lot lines to consolidate several parcels into one lot of record requiring no new utility construction, drainage improvements, or street construction and where no new structures are reasonably anticipated to be constructed.

Certificate of Ownership and Dedication - I (we) hereby certify that I am (we are) the Owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent and establish the minimum building restriction lines, and dedicate all streets, alleys, walks, and utilities therein, parks and other open spaces to public or private use as noted. [Note: this certification shall include the deed book and page numbers of deeds and shall include for corporations

and partnerships the company name and the titles of the individuals authorized to execute documents].

Date

Deed book:

Page: _____

Owner

Owner

Certificate of Accuracy - I hereby certify that this is a category _____ survey and the ratio of precision of the unadjusted survey is 1: _____ as shown hereon. I also certify that the monuments have been or will be placed as shown hereon to the specifications of the City Engineer.

Date

Tennessee Reg. No.

Surveyor

Certificate of Approval for Recording - I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for the City of Murfreesboro, Tennessee with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the Rutherford County Register of Deeds provided that it is so recorded within one year of this date.

Date

Planning Commission Secretary

Certificate of Approval of Water Systems Located in the Water Service Jurisdiction of the City of Murfreesboro - I hereby certify that: (1) the water lines and appurtenances for the water system of the subdivision shown hereon have been installed in accordance with city codes and specifications and the Tennessee Department of Environment and Conservation, Community Public Water Systems Design Criteria, or (2) that a Surety for these improvements has been posted with the City of Murfreesboro to assure completion of same.

Date

Murfreesboro Water and Sewer Official

[Or, if located within the water service jurisdiction of CUD]

Certificate of Approval of Water Systems Located in the Water Service Jurisdiction of Consolidated Utility District of Rutherford County - I hereby certify that: (1) the water lines and appurtenances for the water system of the subdivision shown hereon have been installed in accordance with city codes, or the specifications of the Consolidated Utility District of Rutherford County if they are more stringent, and specifications and the Tennessee Department of Environment and Conservation, Community Public Water Systems Design Criteria, or (2) that a Surety for these improvements has been posted with the Consolidated Utility District of Rutherford County to assure completion of same.

Date

Consolidated Utility District Official

Certificate of Approval of Sewer Systems - I hereby certify that: (1) the sewer lines and appurtenances for the sewer system of the subdivision shown hereon have been installed in accordance with city codes and specifications and the requirements of the Tennessee Department of Environment and Conservation, Design Criteria for Sewage Works; (2) that a Surety for these improvements has been posted with the City of Murfreesboro to assure completion of same; or (3) that a subsurface sewage system will be permitted subject to the approval of the Rutherford County Health Department.

Date

Murfreesboro Water and Sewer Official

Or

Certification of General Approval for Installation of Subsurface Sewage Disposal System with Restrictions - General approval is hereby granted for lots proposed hereon as being suitable for subsurface sewage disposal with the listed and/or attached restrictions. Before the initiation of construction the location of the house or other structure and plans for the subsurface sewage disposal system shall be approved by the Rutherford County Health Department. [This certification shall be required only if the Murfreesboro Water and Sewer Department or other appropriate prevailing utility permits a subsurface sewage disposal system].

Date

Local Health Authority

(4) (Reserved)

(5) The following notation shall be included on plats in addition to other certifications, where the land being subdivided is subject to flooding:

Notation of possible flooding - "Development or modification of the land by Owners, Developers, or other parties within the floodway delineated on the plat is limited in accordance with the requirements of the National Flood Insurance Program and

development within the areas of special flood hazard shall be protected in such a manner that any structure shall be protected against flood damage to at least the regulatory flood elevation of _____ or as shown on the table below.” (This elevation shall be stated in the notation or in a table if there is more than one applicable elevation on the plat.)

- (6) The following notation shall be included on plats in addition to other certifications, in areas affected by floodways or pooling water:

Notation of no-fill certification – “A "no-fill" certification by a registered engineer licensed by the State of Tennessee will be required prior to the issuance of a certificate of occupancy for any structure constructed upon any lot or lots that extend into a regulatory floodway or area of pooling water”.

- (7) The following notation shall be included on plats in addition to other certifications, where streets abut adjoining property and no permanent cul-de-sac or turn-around is to be constructed with the development of the subdivision:

Notation of future street extension – “Any street in this subdivision may be extended into adjoining property at any time without additional notice or consultation”.

- (8) The following notation shall be included on plats in addition to other certifications, where streets abut adjoining property and such street has the capability of providing access to such adjoining properties:

Notation of future street construction – “The streets identified on the plat may be constructed or reconstructed in the future without consultation or notice to the Owners of the lots in the subdivision”.

- (9) The following notation shall be included on plats in addition to other certifications, where there are easements identified on the plat:

Notation of easements for future projects – “Easements in the subdivision may not have infrastructure constructed within them until some future time and there may be no notice or consultation with the individual lot Owners of this construction”.

- (10) The following notation shall be included on plats in addition to other certifications, where there are common areas that will be maintained by an owners association:

Notation of maintenance responsibility – “The common areas shown on the subdivision shall be the responsibility of the owners association to maintain”.

- (11) The following notation shall be included on plats in addition to other certifications, if an owners association is required as a condition of the subdivision plat approval:

Notation of owners association – “A mandatory owners association is required as a

condition of approval in order to meet obligations established by the Developer”.

- (12) The following notation shall be included on plats in addition to other certifications, if Post-Construction Best Management Practices exist on the property being subdivided:

Notation of Post-Construction Best Management Practices – “This site contains post-construction best management practices utilized in treating stormwater runoff in order to comply with Murfreesboro City Code. A stormwater maintenance agreement is recorded with this property and obligates all subsequent Owners to adhere to the stormwater maintenance plan on file with the City of Murfreesboro “.

- (13) The following notation shall be included on plats in addition to other certifications, if any house or structure with a building drain connecting to the public sanitary sewer has a floor elevation at any point below the elevation of the center of the street adjacent to it:

Notation of Release and Indemnification – “Any house or structure with a building drain connecting to the public sanitary sewer with a floor elevation at any point below the elevation of the center of the street may be subject to the Murfreesboro City Code section which requires the Owner(s) to execute a Release and Indemnification Agreement in favor of the City as a prerequisite to connecting to water and/or sewer services”.

- (14) The following notation shall be included on plats in addition to other certifications, if any public infrastructure including construction of sidewalks, drainage improvements, or water quality elements will be the obligation of the Owner to construct prior to the issuance of certificates of occupancy for any house or structure upon lots in the subdivision:

Notation of Infrastructure Construction Required of Property Owner Prior to Release of Certificate of Occupancy – “Prior to issuance of a certificate of occupancy for any lot in this subdivision the Owner shall post a building permit Surety in an amount to be determined by the City Engineer to assure construction of lot infrastructure, including but not limited to sidewalks, drainage improvements, or construction of water quality elements. Such construction shall be completed within nine (9) months of issuance of the certificate of occupancy”.

- (15) Any other notation or certification that the Planning Commission may require to carry out the intent of these Regulations.

3.4.5. Administrative Final Plat approval may be granted if one of the following conditions is met:

- i. The Final Plat is for no more than two lots, no new public infrastructure is to be constructed, and the plat meets all requirements under these Regulations.
- ii. The Final Plat is for the sole purpose of implementing a minor shift of a lot line or removal of existing lot line(s) to consolidate multiple parcels into

one lot of record requiring no new utility construction, drainage improvements, or street construction and where no new structures are reasonably anticipated to be constructed.

- iii. The Final Plat is for the sole purpose of describing easements in a development that has previously received site plan approval.

3.4.6. Fees

- i. The Developer shall pay fees to the City of Murfreesboro when submitting a Final Plat for Planning Commission approval according to the approved fee schedule as adopted by the City Council.
- ii. Failure by a Developer to pursue development of a subdivision or to record a Final Plat shall not entitle the Developer to a refund of any part of any review fees that may have been paid.

3.5. Preconstruction Execution

3.5.1. After approval of the Final Plat by the Planning Commission and after approval of the Construction Plans by the City Engineer, the Developer may proceed to obtain authorization to begin construction of the subdivision infrastructure. In order to gain such authorization, the Developer shall:

- i. Obtain all State and Local environmental permits including State Water Quality permits, UIC permits, land disturbance permits, and ARAP permits and provide evidence of such permits to the City Engineer,
- ii. Execute a development agreement as prepared by the City Attorney,
- iii. Provide to the City Engineer certificates of insurance for the contractor,
- iv. Post Surety for land restoration,
- v. Make any "payments in lieu of construction" as determined by the City Engineer,
- vi. Comply with the Murfreesboro Water and Sewer Department and other utilities' requirements affecting issuance of Notice to Proceed for Start of Construction.

3.6. Construction of Infrastructure

The Developer has a right to commence construction of the subdivision infrastructure only after Construction Plans have received approval from the City Engineer, the Final Plat has received approval from the Planning Commission, and the City Engineer has authorized construction to begin. After receiving approval to begin construction of subdivision infrastructure, it is the Developer's obligation and responsibility to begin construction and not to prolong the construction progress unnecessarily. The Developer has an obligation not to abandon the construction site or leave the development site in an unsafe condition or in a condition that prevents routine maintenance of the land or any infrastructure. It is the Developer's responsibility to construct all improvements identified in the Construction Plans in the manner shown on the Construction Plans and to construct additional improvements reasonably determined, based

on actual field conditions not anticipated by the Construction Plans to be necessary, by the City Engineer in consultation with the Engineer of Record for the health, safety, or welfare of the community or the future inhabitants of the development. It is the Developer's responsibility to secure the construction in a manner that will be durable and free of defects and to warrant the construction for a period that will assure that the construction is not prone to failure.

3.7. Engineer Certification Of Completion In Accordance With Approved Plan

Prior to recording of the Final Plat and prior to acceptance of ownership of the public infrastructure by the City, the Engineer of Record shall inspect the construction and provide to the City Engineer a certification of completion of the development in accordance with the approved Construction Plans and the Engineer of Record's opinion that the construction is ready for its intended public use. In the event there are any substantial variations from the Construction Plans that may cause the infrastructure to fail to perform as conceived, designed, and intended, or which may prevent the final course of asphalt to be placed on the street as designed, or which may cause extensive regrading in order to construct driveways or sidewalks, these variations or deficiencies shall be noted and shall be repaired before the Engineer or Record's certification is delivered to the City. Provided, however, it is expected and acceptable that the final course of asphalt and sidewalks for the street may not have been installed at the time of this certification by the Engineer.

After such time as the Engineer of Record has provided certification of completion, and areas disturbed during construction are stabilized and capable of routine maintenance, the Developer shall file a written request with the City Engineer for a final inspection by the City Engineer and release of the land restoration Surety.

Within fourteen (14) working days of receipt of such request, the City Engineer shall inspect the subdivision for completion and shall provide written notice to the Developer and to the Engineer of Record of any deficiencies that the City Engineer observes. If there are performance deficiencies, the land restoration Surety shall not be released and certification by the City Engineer on the Final Plat shall be withheld. If performance is complete, the Developer shall be notified that upon receipt by the City Engineer of the required three (3) year warranty Surety the City will release any remaining land restoration Surety.

3.8. Recording of Final Plat

- 3.8.1. After receipt by the City Engineer of the Certification of Completion, the Developer shall take the following steps:
- i. Execute instruments for the dedication of public rights of ways and easements as prepared by the City Attorney;
 - ii. Post performance Surety for the construction of any of the subdivision infrastructure that is not completed, e.g. final surface of asphalt,
 - iii. Post a 3 year warranty Surety for the completed infrastructure,

- iv. Provide a copy of the documents creating the owners association if an owners association is required to be created for the subdivision, and
- v. Obtain signatures from the various officials for the certifications included on the Final Plat. Plats shall be signed with a black or red permanent marker designed to allow reproduction of the signature. Signatures shall be accompanied by the printed name of the signatory if the signed name is not clearly legible.
- vi. Provide MWSD an executed stormwater post-construction BMP maintenance plan and maintenance agreement form.

After these steps are accomplished the Developer may record the Final Plat.

- 3.8.2. It shall be the responsibility of the Developer to record the Final Plat and dedication instruments with the Rutherford County Register of Deeds within six (6) months of the Planning Commission Secretary's approval. The original recorded Final Plat and instrument for the dedication of public rights of ways and easements shall be returned to the Murfreesboro Planning Department.

3.9. Acceptance

- 3.9.1. The City will accept ownership of the public infrastructure when the following are completed:

- i. Completion of the infrastructure construction with the exception of the final asphalt surface course and/or sidewalks
- ii. Certification of completion by the Engineer of Record
- iii. Posting of a three (3) year warranty Surety for the infrastructure
- iv. Recording of the Final Plat
- v. Posting of a one (1) year performance Surety for the final asphalt surface course
- vi. Acceptance by all utility companies.

- 3.9.2. After the final surface course of asphalt has been installed, the Developer shall request a final inspection by the City Engineer. Within fourteen (14) working days of receipt of such request, the City Engineer shall inspect the final course of asphalt completion and shall provide written notice of any deficiencies that may be noted. The performance Surety shall not be released if there are performance deficiencies. If performance is complete, the Developer shall post a one (1) year warranty Surety for the final asphalt surface course. The performance Surety for the final asphalt surface course may be released by the City after the warranty Surety is received by the City Engineer.

3.10. Warranty

- 3.10.1. Warranty sureties shall be posted in a minimum amount of ten percent (10%) of the certified cost of constructing the infrastructure (or final asphalt surface course) included in the Construction Plans that were approved by the City Engineer. The warranty Surety for the public infrastructure shall cover a period of three (3) years for all construction elements except the final asphalt surface course. A separate warranty Surety for a minimum of a one (1) year shall be required for the final asphalt surface course. The warranty Surety shall warrant the construction against defects in construction and failures of the infrastructure.
- 3.10.2. At any time during the warranty period, the City Engineer may demand that an identified defect be corrected within a specified period of time. Failure to correct the defect within the specified period of time will allow the City to call the Surety. Within 90 days of the expiration of the warranty period the Developer may request release of warranty sureties. Within fourteen (14) working days of receipt of such request, the City Engineer shall inspect the infrastructure for failures due to defects. If defects are identified, the Developer shall be required to repair such defects prior to expiration of the warranty Surety. Failure to correct any defect prior to the expiration of the warranty Surety will allow the City to call the Surety. If there are no defects, the warranty Surety shall be released on the date of expiration.

4. PROCEDURE FOR INTEGRATED SITE PLAN/SUBDIVISION DEVELOPMENT

4.1. Site Plan/ Preliminary Plat

4.1.1. A Preliminary Plat shall be submitted for Planning Commission review for all developments that include public infrastructure construction, including public street improvements and public drainage facilities, which are accompanied by a site plan submitted in accordance with the requirements of Murfreesboro City Code – Appendix A Section 7. SITE PLAN REVIEW for one or more of any proposed lots. The Preliminary Plat shall be submitted on separate plan sheets from the site plan but may be submitted and reviewed simultaneously. A copy of the Engineer of Record Form shall accompany the Preliminary Plat.

4.1.2. The purpose of the Preliminary Plat is to identify the location and extent of the proposed development, to identify the location and extent of proposed public infrastructure, and to gain authorization from the Planning Commission to proceed with preparation of Construction Plans and Final Plats. Approval of a Preliminary Plat by the Planning Commission shall lapse after eighteen (18) months from the date of Planning Commission approval unless a Final Plat has been submitted and has received approval by the Planning Commission, the Final Plat has been recorded in the office of the Rutherford County Register of Deeds, and a building permit has been issued for construction of principal structures upon one or more of the subdivision lots. Preliminary Plat approval shall not confer a vested right to proceed with development of the property as shown on the Preliminary Plat but rather shall authorize the applicant to submit Construction Plans in accordance with said approval and the requirements of these Regulations.

4.1.3. Within sixty (60) days after submission of the Preliminary Plat, the Planning Commission shall review the same and indicate its approval, disapproval, or conditional approval. If the Preliminary Plat is disapproved, the reasons for such will be stated in writing. If conditionally approved, the conditions will be indicated in like manner and the Preliminary Plat shall be resubmitted with amendments. Failure of the Planning Commission to act on the Preliminary Plat within sixty (60) days will be deemed approval of the plat unless the applicant has agreed to an extension of time.

4.1.4. Ten (10) copies of the Preliminary Plat of the proposed subdivision drawn at a scale of 1" = 100' or 1" = 50' horizontally on sheets measuring 18"x24" or 24"x36" shall be submitted to the Murfreesboro Planning Department according to the adopted Planning Commission calendar. In addition to the paper drawings, Preliminary Plats shall be submitted in an electronic format approved by the City.

4.1.5. The Preliminary Plat shall be based on a design that is in accordance with the adopted standards of design and construction for streets, drainage, and utilities and shall contain the following:

- ___ 1. A title block which shall be located in the lower right corner that includes:
 - a. Designation as a "Preliminary Plat";

- b. The proposed development or subdivision name and any name of any former division of the property;
 - c. The sheet number(s);
 - d. The date of preparation;
 - e. The Section number;
- ___ 2. A true north indicator;
 - ___ 3. A bar scale;
 - ___ 4. A legend of symbols;
 - ___ 5. A location map with its own north indicator accurately depicting the property in relationship to nearby streets and other property in its vicinity with such location map to be located in the upper right corner of the Preliminary Plat;
 - ___ 6. A revisions table with revision dates noted;
 - ___ 7. The zoning classification(s), including any overlay or other special districts, with setbacks noted in a table and, for residential subdivisions, a typical setback diagram for corner and interior lots for each zoning classification;
 - ___ 8. The Owner(s) name and address and, if different, the Developer's name and address;
 - ___ 9. The tax map, group, and parcel number as assigned by the Rutherford County Property Assessor's Office for the development tract(s);
 - ___ 10. The effective Flood Insurance Rate Map (FIRM) panel number, its effective date, and flood insurance zones;
 - ___ 11. The limits of floodway, areas of special flood hazard, the regulatory base flood elevation (BFE), and regulatory flood protection elevation or minimum floor elevation (MFE) as determined by the applicable FIRM or best available information;
 - ___ 12. The total land area proposed to be included in the development/subdivision Section, including proposed ROWs and easements, measured to the nearest hundredth (.01) acre;
 - ___ 13. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property;
 - ___ 14. The names of all public ways both existing and proposed;
 - ___ 15. Notation of any existing legal rights-of-way or easements, or other encumbrances affecting the property;
 - ___ 16. Existing stormwater conveyances, intermittent streams, blue line streams, and water quality protection areas as required by the City's stormwater regulations;
 - ___ 17. The proposed stormwater management plan;
 - ___ 18. Proposed streets and lot lines with lot numbers labeled on each proposed lot circled and in numerical order;
 - ___ 19. Possible limitations for development such as sink holes, rock outcrops, wetlands, excessive slope, etc;
 - ___ 20. Proposed storm drainage system with pipe locations and direction of flow noted including areas for detention or retention or for water quality;
 - ___ 21. Proposed sanitary sewer system;
 - ___ 22. Proposed water supply system with fire hydrant locations noted unless located in the water service jurisdiction of Consolidated Utility District;

- 23. Proposed repurified water system;
- 24. Typical street cross sections for each street type in the proposed development;
- 25. Jurisdiction of water provider;
- 26. The name of the engineer or surveyor who shall be licensed by the State of Tennessee and such individual's firm or business name and contact information;
- 27. The location of existing and proposed property lines, streets, traffic signals, buildings, water courses, railroads, sewers, cemeteries, bridges, culverts, drain pipes, water mains, lot numbers and public utility easements;
- 28. Computed area in square feet of each proposed lot;
- 29. For any lot where public sewer or water systems are not available, the following:
 - 1. Areas to be used for sewage disposal and their percolation results, or if the Planning Commission desires, any other acceptable data to show that the site can be served effectively by septic tanks; and Water wells (existing and proposed);
- 30. Explanation of all easements proposed to be reserved both for private and public use, including common area; and
- 31. Existing and proposed sidewalks, trails, and other pedestrian elements;
- 32. The existing and proposed topographic contours at a vertical interval of two (2) feet based on sea level with existing contours shown as dashed lines and proposed final grading contours shown in solid lines with said existing topographic contours from field verified data:

4.1.6. Fees

- i. The Developer shall pay fees to the City of Murfreesboro when submitting a Preliminary Plat for Planning Commission approval according to the approved fee schedule as adopted by the City Council.
- ii. Failure by a Developer to pursue development of a subdivision will not entitle the Developer to a refund of any part of any review fees that may have been paid.

4.2. Construction Plans

4.2.1. Construction Plans shall be submitted to the City Engineer's office for review for all subdivisions requiring construction of streets, drainage ditches or pipes, and/or public utilities. Such Construction Plans shall conform to the Preliminary Plat previously submitted to and approved by the Planning Commission. A copy of the Engineer of Record Identification Form shall accompany the Construction Plans. Simultaneously with submitting Construction Plans to the City Engineer's office, plans Construction Plans shall also be submitted to the Murfreesboro Water and Sewer Department for review.

4.2.2. Three (3) copies of the Construction Plans of the proposed subdivision drawn at a scale of 1"=50' horizontally and 1"=5' vertically, and on sheets measuring

24"x36" shall be submitted to the City Engineer. In addition to the paper drawings, Construction Plans shall be submitted in an electronic format approved by the City.

4.2.3 The Construction Plans shall be based on a design that is in accordance with the City's adopted standards of design and construction for streets, drainage, and utilities and shall contain the following:

- __1. A title block which shall be located in the lower right corner that includes:
 - a) Designation as "Construction Plans",
 - b) The proposed development or subdivision name as indicated on the approved Preliminary Plat,
 - c) The sheet number,
 - d) The date of preparation,
 - e) The Section number;
- __2. Subdivision name including phasing plan as indicated on the approved Preliminary Plat;
- __3. A true north indicator;
- __4. A bar scale;
- __5. A legend of symbols;
- __6. A location map with its own north indicator accurately depicting the property in relationship to nearby streets and other property in its vicinity with such location map to be located in the upper right corner;
- __7. A revisions table with revision dates noted;
- __8. The Owner(s) name and address and, if different, the Developer's name and address;
- __9. Names, address, and contact information for all utilities;
- __10. The tax map, group, and parcel number as assigned by the Rutherford County Property Assessor's office for the development tract(s);
- __11. The effective Flood Insurance Rate Map (FIRM) panel number, its effective date, and flood insurance zones;
- __12. The limits of floodway, areas of special flood hazard, the regulatory base flood elevation (BFE), and regulatory flood protection elevation or minimum floor elevation (MFE) as determined by the applicable FIRM or best available information;
- __13. The total land area proposed to be included in the development/subdivision Section, including proposed ROWs and easements, measured to the nearest hundredth (.01) acre;
- __14. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property;
- __15. The names of all public ways both existing and proposed;
- __16. Notation of any existing legal rights-of-way or easements, or other encumbrances affecting the property;
- __17. Existing stormwater conveyances, intermittent streams, blue line streams, and water quality protection areas as required by the City's stormwater regulations;

- __18. The proposed stormwater management plan;
- __19. Proposed erosion and sediment control plans;
- __20. Plan for any movement of material (borrow/fill);
- __21. Proposed streets and lot lines with lot numbers labeled on each proposed lot circled and in numerical order;
- __22. Proposed setbacks and building envelopes;
- __23. Sink holes, rock outcrops, wetlands, excessive slope. etc;
- __24. Proposed storm drainage system with pipe locations and direction of flow noted including areas for detention or retention or for water quality including top elevation, invert information or existing and proposed drainage structures;
- __25. Horizontal and vertical control tied to the City's GPS/GIS network;
- __26. Proposed sanitary sewer system;
- __27. Proposed water supply system, including repurified water, with fire hydrant locations noted;
- __28. Typical street cross sections with locations shown for all utilities including water, sanitary sewer, gas, electric, phone, and cable for each street type in the proposed development. Locations of all utility appurtenances (transformer pads, utility boxes, poles, etc.) to be shown relative to street elements including curb-and-gutter and sidewalks;
- __29. Plan and profile sheets showing existing and proposed horizontal and vertical alignment geometry, existing and proposed profiles of streets, storm drainage systems, and utilities. The City Engineer may require cross-sections;
- __30. Jurisdiction of water provider;
- __31. The name of the engineer who shall be licensed by the State of Tennessee and such individual's firm or business name and contact information
- __32. The location of existing and proposed property lines, streets, buildings, water courses, railroads, sewers, cemeteries, bridges, culverts, drain pipes, water mains, major drainage system routes, lot numbers and public utility easements;
- __33. For any lot where public sewer or water systems are not available, the following:
 - 1.Areas to be used for sewage disposal and their percolation results, or if the Planning Commission desires, any other acceptable data to show that the site can be served effectively by septic tanks; and
 - 2. Water wells (existing and proposed);
- __34. Explanation of all easements proposed to be reserved both for private and public use;
- __35. Existing and proposed sidewalks, trails, and other pedestrian elements
The existing and proposed topographic contours at a vertical interval of two (2) feet based on sea level with existing contours shown as dashed lines and final grading contours shown in solid lines with said existing topographic contours from field verified data for site grading for the entire development including individual lots;

- __36. Proposed traffic control signage (e.g. stop signs and street name signs and etc.);
- __37. Existing and proposed traffic signals;
- __38. Maintenance of traffic plan (temporary traffic control) for all construction activities;
- __39. Standard details and any special design details required.

4.2.4. Within sixty (60) days after submission of the Construction Plans and other required plans, the City Engineer shall review the same and indicate approval, disapproval, or conditional approval. If the Construction Plans are disapproved, the reasons for such will be stated in writing. If conditionally approved, the conditions will be indicated in like manner and the Construction Plans will be resubmitted with corrections noted. After the City Engineer has approved the Construction Plans, they will be forwarded to the Murfreesboro Water and Sewer Department for review.

4.2.5. Approval of Construction Plans shall remain valid for the duration of approval of the Preliminary Plat.

4.3 Final Plat

4.3.1. A Final Plat shall be submitted for Planning Commission review and approval for each Section and/or Phase of each development and, at the election of the Developer, may include only the portion of the approved Preliminary Plat proposed to be recorded and developed provided that such portion independently conforms to all requirements of these Regulations.

4.3.2. Approval of a Final Plat by the Planning Commission shall lapse after 12 months from the date of Planning Commission approval unless Construction Plans are submitted to the City Engineer for review in accordance with these Regulations, have received written approval from the City Engineer, and construction in accordance with those plans has begun as evidenced by construction being visible upon the property. In the event there is no infrastructure required to be constructed, approval of the Final Plat by the Planning Commission shall expire 12 months after the date of Planning Commission approval unless all signatures and certifications as required by these Regulations are obtained in writing upon the plat. Provided, further, that the approval by the Planning Commission Secretary to record the Final Plat shall lapse after 12 months of the Planning Commission Secretary's signature upon the plat unless the Final Plat is recorded at the office of the Rutherford County Register of Deeds.

4.3.3. Within thirty-five (35) days after submission of the Final Plat and other required plans, the Planning Commission shall review the same and indicate its approval, disapproval, or conditional approval. If the Final Plat is disapproved, the reasons for such will be stated in writing. If conditionally approved, the conditions will be indicated in like manner and the Final Plat shall be resubmitted with conditions included. Failure of the Planning Commission to act on the Final Plat within thirty-five (35) days of its completed submittal shall be deemed approval of the Final Plat unless the applicant voluntarily agrees to a time extension.

4.3.4. Ten (10) copies of the Final Plat of the proposed subdivision drawn at a scale of 1" = 50 or 1" = 100' horizontally on sheets of 18"x24" or 24"x36" shall be submitted to the Planning Commission according to the adopted Planning Commission calendar for submissions. When multiple sheets are necessary, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key. In addition to the paper drawings, Final Plats shall be submitted in an electronic format approved by the City. A Final Plat shall contain the following:

- ___ 1. A title block which shall be located in the lower right corner that includes:
 - a. Designation as a "Final Plat",
 - b. The proposed subdivision name and any name of any former subdivision of the property,
 - c. The Section and/or Phase number,
 - d. The sheet number(s),
 - e. The civil district,
 - f. Date of preparation;
- ___ 2. A true north indicator;
- ___ 3. A bar scale;
- ___ 4. A legend of symbols;
- ___ 5. A location map with its own north indicator accurately depicting the property in relationship to nearby streets and other property in its vicinity with such location map to be located in the upper right corner of the plat;
- ___ 6. The zoning classification(s), including any overlay or other special districts, with setbacks noted in a table and, for residential subdivisions, a typical setback diagram for corner and interior lots for each zoning classification;
- ___ 7. The Owner(s) name and address and, if different, the Developer's name and address;
- ___ 8. The tax map, group, and parcel number as assigned by the Rutherford County Property Assessor's Office for the development tract(s);
- ___ 9. The effective Flood Insurance Rate Map (FIRM) panel number, its effective date, and flood zones;
- ___ 10. A block directly above the title block which states:
 - Date of recording: _____.
 - Time of recording: .._____.
 - Plat book/Record book: _____.
 - Page: _____:
- ___ 11. Curve table (if needed);
- ___ 12. Line table (if needed);

- ___ 13. A table indicating minimum floor elevations (MFE) and minimum pad elevations (MPE) for lots with such designations;
- ___ 14. The total land area, including proposed rights-of-way and easements, measured to the nearest one hundredth (.01) acre;
- ___ 15. The land area of each proposed lot measured in square feet;
- ___ 16. The lines of all streets and roads, alleys, lot lines, building setback lines, reservations, easements, and areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations;
- ___ 17. Lot numbers labeled on each proposed lot with each proposed lot number circled and in numerical order;
- ___ 18. Sufficient data to determine readily the location, bearing and length of all street lines, lot lines, easements, boundary lines, block lines, and building lines whether curved or straight. This shall include the radius, central angle, and tangent distance for the right-of-way line of curved streets and curved property lines that are not the boundary of curved streets;
- ___ 19. All dimensions to the nearest one hundredth (.01') and angles to a twenty (20) second accuracy;
- ___ 20. Location and description of all monuments;
- ___ 21. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property;
- ___ 22. The limits of floodway, areas of special flood hazard, the regulatory base flood elevation (BFE), and regulatory flood protection elevation or minimum floor elevation (MFE) as determined by the applicable FIRM or best available information;
- ___ 23. The relevant information from the Flood Insurance Rate Map (FIRM) regarding the subject property including the flood insurance zone(s);
- ___ 24. The name and stamp of the land surveyor that prepared the plat who shall be licensed in the State of Tennessee and such individual's firm or business name and contact information;
- ___ 25. The names of all public ways both existing and proposed;
- ___ 26. In the case of final re-subdivision plats, the former property lines shall be shown in dashed lines with old lot numbers inside broken circles;
- ___ 27. In the event a subdivision or a portion of a subdivision is re-platted and the name is changed, the previous subdivision name and lot numbers shall be noted on the plat;
- ___ 28. The benchmark location and elevation to determine floor elevations; and
- ___ 29. Certifications and/or notations as follows shall be required on subdivision or resubdivision plats as indicated according to the type of final plat:

(1) **Type 1 Certifications.** The following certificates shall be provided on Final Plats where new lots will be created, new streets will be constructed and dedicated, or new utility construction is required:

Certificate of Ownership and Dedication - I (we) hereby certify that I am (we are) the Owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent and establish the minimum building restriction lines, and dedicate all streets, alleys, walks, and utilities therein, parks and

other open spaces to public or private use as noted. [Note: this certification shall include the deed book and page numbers of deeds and shall include for corporations and partnerships the company name and the titles of the individuals authorized to execute documents].

Date

Owner

Deed book: _____

Owner

Page: _____

Owner

Certificate of Accuracy - I hereby certify that this is a category ____ survey and the ratio of precision of the unadjusted survey is 1: _____ as shown hereon. I also certify that the monuments have been or will be placed as shown hereon to the specifications of the City Engineer.

Date

Surveyor

Tennessee Reg. No.

Certificate of Approval for Recording - I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for the City of Murfreesboro, Tennessee with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the Rutherford County Register Of Deeds provided that it is so recorded within one year of this date.

Date

Planning Commission Secretary

Certificate of Approval of Streets and Drainage - I hereby certify that (1) the streets, drainage structures, drainage improvements, and stormwater quality controls for the subdivision shown hereon have been installed in accordance with city specifications, or (2) that a Surety for these improvements has been posted with the City of Murfreesboro to assure completion of same.

Date

City Engineer

Certificate of Approval of Water Systems Located in the Water Service Jurisdiction of the City of Murfreesboro - I hereby certify that: (1) the water lines and appurtenances for the water system of the subdivision shown hereon have been installed in accordance with city codes and specifications and the Tennessee Department of Environment and Conservation, Community Public Water Systems Design Criteria, or (2) that a Surety for these improvements has been posted with the City of Murfreesboro to assure completion of same.

Date

Murfreesboro Water and Sewer Official

[Or, if located within the water service jurisdiction of CUD]

Certificate of Approval of Water Systems Located in the Water Service Jurisdiction of Consolidated Utility District of Rutherford County - I hereby certify that: (1) the water lines and appurtenances for the water system of the subdivision shown hereon have been installed in accordance with city codes and specifications, or the specifications of the Consolidated Utility District of Rutherford County if they are more stringent, and the Tennessee Department of Environment and Conservation, Community Public Water Systems Design Criteria, or (2) that a Surety for these improvements has been posted with the Consolidated Utility District of Rutherford County to assure completion of same.

Date

Consolidated Utility District Official

Certificate of Approval of Sewer Systems - I hereby certify that: (1) the sewer lines and appurtenances for the sewer system of the subdivision shown hereon have been installed in accordance with city codes and specifications and the requirements of the Tennessee Department of Environment and Conservation, Design Criteria for Sewage Works; (2) that a Surety for these improvements has been posted with the City of Murfreesboro to assure completion of same; or (3) that a subsurface sewage system will be permitted subject to the approval of the Rutherford County Health Department.

Date

Murfreesboro Water and Sewer Official

Or

Certification of General Approval for Installation of Subsurface Sewage Disposal System with Restrictions - General approval is hereby granted for lots proposed hereon as being suitable for subsurface sewage disposal with the listed and/or attached restrictions. Before the initiation of construction the location of the house or other structure and plans for the subsurface sewage disposal system shall be approved by the Rutherford County Health Department. [This certification shall be required only if the

Murfreesboro Water and Sewer Department or other appropriate prevailing utility permits a subsurface sewage disposal system.]

Date

Rutherford County Health Department Official

Certificate of Approval for Electric Power - I hereby certify that the subdivision shown hereon has been approved by the Murfreesboro Electric Department (MED) for electric power service, that the subdivision is within the service area of MED, and that MED is able to provide electric power service to the subdivision subject to the Owner complying with the applicable rules and regulations of MED. No electric power service will be provided until MED's requirements for electric power service have been met.

Date

Murfreesboro Electric Department Official

Or

Certificate of Approval for Electric Power in the Electric Service Jurisdiction of Middle Tennessee Electric Membership Corporation – Middle Tennessee Electric Membership Corporation (MTEMC) will provide electric service to the subject property according to the normal operating practices of MTEMC as defined in the rules and regulations, bylaws, policy bulletins and operational bulletins of MTEMC, and in accordance with the plat approval checklist, tree planting guidelines and other regulations contained on the MTEMC website at www.mtemc.com (collectively the "Requirements"). No electric service will be provided until MTEMC's Requirements have been met and approved in writing by an authorized representative of MTEMC. Any approval is, at all times, contingent upon continuing compliance with MTEMC's Requirements.

Date

Middle Tennessee Electric Membership Corp.

- (2) The following notations shall be included on plats in addition to other certifications which may be required, where the land being subdivided is subject to flooding:

Notation of possible flooding - "Development or modification of the land by Owners, Developers, or other parties within the floodway delineated on the plat is limited in accordance with the requirements of the National Flood Insurance Program and development within the areas of special flood hazard shall be protected in such a manner that any structure shall be protected against flood damage to at least the regulatory flood elevation of _____ or as shown on the table below", (which elevation shall be stated in the notation or in a table if there is more than one applicable elevation on the plat).

- (3) The following notation shall be included on plats in addition to other certifications, in areas affected by floodways or pooling water:

Notation of no-fill certification – “A "no-fill" certification by a registered engineer licensed by the State of Tennessee will be required prior to the issuance of a certificate of occupancy for any structure constructed upon any lot or lots that extend into a regulatory floodway or area of pooling water”.

- (4) The following notation shall be included on plats in addition to other certifications, where streets abut adjoining property and no permanent cul-de-sac or turn-around is to be constructed with the development of the subdivision:

Notation of future street extension – “Any street in this subdivision may be extended into adjoining property at any time without additional notice or consultation”.

- (5) The following notation shall be included on plats in addition to other certifications, where streets abut adjoining property and such street has the capability of providing access to such adjoining properties:

Notation of future street construction - “The streets identified on the plat may be constructed or reconstructed in the future without consultation or notice to the Owners of the lots in the subdivision”.

- (6) The following notation shall be included on plats in addition to other certifications, where there are easements identified on the plat:

Notation of easements for future projects – “Easements in the subdivision may not have infrastructure constructed within them until some future time and there may be no notice or consultation with the individual lot Owners of this construction”.

- (7) The following notation shall be included on plats in addition to other certifications, where there are common areas that will be maintained by an owners association:

Notation of maintenance responsibility – “The common areas shown on the subdivision shall be the responsibility of the owners association to maintain”.

- (8) The following notation shall be included on plats in addition to other certifications, if an owners association is required as a condition of the subdivision plat approval:

Notation of owners association – “A mandatory owners association is required as a condition of approval in order to meet obligations established by the Developer”.

- (9) The following notation shall be included on plats in addition to other certifications, if Post-Construction Best Management Practices exist on the property being subdivided:

Notation of Post-Construction Best Management Practices – “This site contains post-

construction best management practices utilized in treating stormwater runoff in order to comply with Murfreesboro City Code. A stormwater maintenance agreement is recorded with this property and obligates all subsequent Owners to adhere to the stormwater maintenance plan on file with the City of Murfreesboro “.

- (10) The following notation shall be included on plats in addition to other certifications, if any house or structure with a building drain connecting to the public sanitary sewer has a floor elevation at any point below the elevation of the center of the street adjacent to it:

Notation of Release and Indemnification – “Any house or structure with a building drain connecting to the public sanitary sewer with a floor elevation at any point below the elevation of the center of the street may be subject to the Murfreesboro City Code section which requires the Owner(s) to execute a Release and Indemnification Agreement in favor of the City as a prerequisite to connecting to water and/or sewer services”.

- (11) Any other notation or certification that the Planning Commission may require to carry out the intent of these Regulations.

4.3.5. Administrative Final Plat approval may be granted if one of the following conditions is met:

- i. The Final Plat is for no more than two lots, no new public infrastructure is to be constructed, and the plat meets all requirements under these Regulations.
- ii. The Final Plat is for the sole purpose of implementing a minor shift of a lot line or removal of existing lot line(s) to consolidate multiple parcels into one lot of record requiring no new utility construction, drainage improvements, or street construction and where no new structures are reasonably anticipated to be constructed.
- iii. The Final Plat is for the sole purpose of describing easements in a development that has previously received site plan approval.

4.3.6. Fees

- i. The Developer shall pay fees to the City of Murfreesboro when submitting a Final Plat for Planning Commission approval according to the approved fee schedule as adopted by the City Council.
- ii. Failure by a Developer to pursue development of a subdivision or to record a Final Plat shall not entitle the Developer to a refund of any part of any review fees that may have been paid.

4.4. Recording of Final Plat

4.4.1. After approval of the Construction Plans by the City Engineer, the Developer shall take the following steps:

- i. Execute instruments for the dedication of public rights of ways and easements as prepared by the City Attorney;

- ii. Post performance Surety for the construction of any of the subdivision infrastructure that is not completed, e.g. final surface of asphalt;
- iii. Obtain signatures from the various officials for the certifications included on the Final Plat. Plats shall be signed with a black or red permanent marker designed to allow reproduction of the signature. Signatures shall be accompanied by the printed name of the signatory if the signed name is not clearly legible;
- iv. Make any "payments in lieu of construction" as determined by the City Engineer; and
- v. Provide an executed stormwater post-construction BMP maintenance plan and maintenance agreement form to the Murfreesboro Water and Sewer Department.

After these steps are accomplished the Developer may record the Final Plat.

- 4.4.2. It shall be the responsibility of the Developer to record the Final Plat and dedication instruments with the Rutherford County Register of Deeds within six (6) months of the Planning Commission Secretary's approval and before the issuance of any building permits for construction upon any of the lots proposed in the subdivision. The original recorded Final Plat and instrument for the dedication of public rights of ways and easements shall be returned to the Murfreesboro Planning Department.

4.5. Preconstruction Execution

- 4.5.1. After approval of the Final Plat by the Planning Commission and after approval of the Construction Plans by the City Engineer, the Developer may proceed to obtain authorization to begin construction of the subdivision infrastructure and to obtain building permits necessary for construction of structures upon the lots. In order to gain such authorization, the Developer shall:
- i. Obtain all State and Local environmental permits including State Water Quality permits, UIC permits, land disturbance permits, and ARAP permits and provide evidence of such permits to the City Engineer,
 - ii. Record the final plat as accompanying dedication instruments,
 - iii. Provide to the City Engineer certificates of insurance for the contractor, and
 - iv. Comply with the Murfreesboro Water and Sewer Department and other utilities requirements affecting issuance of Notice to Proceed for Start of Construction.

4.6. Construction of Infrastructure

The Developer has a right to commence construction of the subdivision infrastructure only after Construction Plans have received approval from the City Engineer, the Final Plat has received approval from the Planning Commission

and has been recorded in the office of the Rutherford County Register of Deeds, and the City Engineer has authorized construction to begin. After receiving approval to begin construction of subdivision infrastructure, it is the Developer's obligation and responsibility to begin construction and not to prolong the construction progress unnecessarily. The Developer has an obligation not to abandon the construction site or leave the development site in an unsafe condition or in a condition that prevents routine maintenance of the land or any infrastructure. It is the Developer's responsibility to construct all improvements identified in the Construction Plans in the manner shown on the Construction Plans and to construct additional improvements reasonably determined, based on actual field conditions not anticipated by the Construction Plans to be necessary, by the City Engineer for the health, safety, or welfare of the community or the future inhabitants of the development. It is the Developer's responsibility to secure the construction in a manner that will be durable and free of defects and to warrant the construction for a period that will assure that the construction is not prone to failure.

4.7. Engineer Certification Of Completion In Accordance With Approved Plan

Prior to acceptance of Ownership of the public infrastructure by the City, the Engineer of Record shall inspect the construction and provide to the City Engineer certification of completion of the development in accordance with the approved Construction Plans and the Engineer of Record's opinion that the construction is ready for its intended public use. In the event there are any substantial variations from the Construction Plans that may cause the infrastructure to fail to perform as conceived, designed, and intended, or which may prevent the final course of asphalt to be placed on the street as designed, or which may cause extensive regrading in order to construct driveways, these variations or deficiencies shall be noted and shall be repaired before the Engineer of Record's certification is delivered to the City. Provided, however, it is expected and acceptable that the final course of asphalt for the street may not have been installed at the time of this certification by the Engineer of Record.

After such time as the Engineer has provided certification of completion, and areas disturbed during construction are stabilized and capable of routine maintenance, the Developer shall file a written request with the City Engineer for a final inspection by the City Engineer and release of performance Surety.

Within fourteen (14) working days of receipt of such request, the City Engineer shall inspect the subdivision for completion and shall provide written notice to the Developer and to the Engineer of Record of any deficiencies that the City Engineer observes. If there are performance deficiencies, the performance Surety shall not be released. If performance is complete, the Developer shall be notified that upon receipt by the City Engineer of the required three (3) year warranty Surety the City will release any remaining performance Surety.

4.8. Acceptance

4.8.1. The City will accept ownership of the public infrastructure when the following are completed:

- i. Completion of the infrastructure construction with the exception of the final asphalt surface course.
- ii. Certification of completion by the Engineer of Record.
- iii. Posting of a three (3) year warranty Surety for the infrastructure.
- iv. Recording of the Final Plat.
- v. Posting of a one (1) year performance Surety for the final asphalt surface course.
- vi. Acceptance by all utility companies.

4.8.2. After the final surface course of asphalt has been installed, the Developer shall request a final inspection by the City Engineer. Within fourteen (14) working days of receipt of such request, the City Engineer shall inspect the final course of asphalt completion and shall provide written notice of any deficiencies that may be noted. The performance Surety shall not be released if there are performance deficiencies. If performance is complete, the Developer shall post a one (1) year warranty Surety for the final asphalt surface course. The performance Surety for the final asphalt surface course may be released by the City after the warranty Surety is received by the City Engineer.

4.9. Warranty

4.9.1. Warranty sureties shall be posted in a minimum amount of ten percent (10%) of the certified cost of constructing the infrastructure (or final asphalt surface course) included in the Construction Plans that were approved by the City Engineer. The warranty Surety for the public infrastructure shall cover a period of three years for all construction elements except the final asphalt surface course. A separate warranty Surety for a minimum of a one (1) year shall be required for the final asphalt surface course. The warranty Surety shall warrant the construction against defects in construction and failures of the infrastructure.

4.9.2. At any time during the warranty period, the City Engineer may demand that an identified defect be corrected within a defined period of time. Failure to correct the defect within the defined period of time will allow the City to call the Surety. Within 90 days of the expiration of the warranty period the Developer may request release of warranty sureties. Within fourteen (14) working days of receipt of such request, the City Engineer shall inspect the infrastructure for failures due to defects. If defects are identified, the Developer shall be required to repair such defects prior to expiration of the warranty Surety. Failure to correct any defect prior to the expiration of the warranty Surety will allow the City to call the surety. If there are no defects, the warranty Surety shall be released on the date of expiration.

5. REQUIREMENTS FOR IMPROVEMENTS AND DESIGN

5.1. General Requirements

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

- i. All applicable provisions of Tennessee law, regulations, or policy;
- ii. The Zoning Regulations, Building and Housing Codes, and all other applicable laws of the City of Murfreesboro and Rutherford County;
- iii. The City of Murfreesboro Major Thoroughfare Plan;
- iv. The rules of the Rutherford County Health Department and the Tennessee Department of Environment and Conservation;
- v. The rules of the Tennessee Department of Transportation if the subdivision or any lot contained herein abuts or encompasses a state highway or proposed state route;
- vi. The standards and regulations adopted by other boards, commissions, and agencies of Rutherford County, where applicable;
- vii. The Murfreesboro Water and Sewer Department's Policies, Procedures, and General Design Requirements.

Any approval under these Regulations may be withheld if a subdivision is not in conformity with the above provisions.

5.1.2. These design standards shall be considered minimum requirements and may be increased at the direction of the City Engineer in order to address conditions that may be unique to a particular site. Design of streets shall follow the latest editions of the City of Murfreesboro Street Design Specifications, the TDOT "Roadway Design Guidelines" and the AASHTO "A Policy on Geometric Design of Highways and Streets" unless otherwise noted. Also, other relevant TDOT, AASHTO, FHWA and ITE design documents should be consulted for guidance. The City Engineer shall make the final decision if any questions or conflicts arise between any of the standards.

5.2. Subdivision and Street Names

The Developer shall provide names for consideration by the Planning Staff and Planning Commission for all new streets within the subdivision proposed to be developed at the time of Preliminary Plat review. The proposed name of a subdivision, or street within the subdivision, shall not duplicate or closely approximate phonetically, the name of any other subdivision or street within the limits of the City of Murfreesboro or the jurisdictional area of Rutherford County. Proposed streets connecting, or which may eventually connect, to an existing street shall continue the existing street name. The Planning Commission shall have final authority over street names.

5.3. Suitability of the Land

Land which the Planning Commission finds to be unsuitable for subdivision or development due to potential flooding, steep slopes, rock formations, adverse earth formations or topography, utility easements, utility limitations, difficult access, or other features or limitations which will be harmful to the safety, health, or general welfare of the inhabitants of the land and surrounding areas shall not be subdivided or developed without adequate methods to mitigate the problems created by the unsuitable conditions.

5.4. Lot Requirements

5.4.1. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, flood hazards, or other conditions in securing building permits to build on all lots in compliance with the Zoning Ordinance and state and county public health regulations and in providing driveway access to buildings on such lots from an approved public way with no variances from any regulations being necessary.

5.4.2. Lot Drainage

- i. Lots shall be arranged in a manner to permit coordination of lot drainage with the general storm drainage system for the area, including subsurface drainage. Drainage systems shall be designed so as to avoid concentration of flow from each lot onto adjacent lots unless in an easement (ditched or piped).
- ii. The Developer shall ensure that all artesian ground waters of a permanent or temporary nature discovered during the subdivision planning, development, and construction process will be intercepted and carried away to primary drainage conduits, by swale ditches, or in underground pipes located in drainage easements. Regardless of the location of property lines, intercept will be allowed at the point of artesian surfacing.
- iii. Sinkholes or natural channels serving as a means of moving ground water into the subterranean drainage system shall be protected from natural or man-made debris.

5.4.3. Lots Subject to Flood

- i. Lots shall be arranged and a drainage system shall be provided to protect future structures from destructive forces of moving water or damage due to pooling water.
- ii. If structures are approved to be placed within the limits of a closed depression, for all fill material to be placed within the designated flood area used in elevating the structure or site above the flood datum, there shall be a corresponding amount of excavation from within the closed depression within the flood area.
- iii. When structures are to be placed within a designated floodway

area a Conditional Letter of Map Revision, form MT-2, must be completed and submitted to the City Engineer with the Preliminary Plat or Construction Plans.

5.4.4. Minimum Lot Width

The minimum lot width shall be the width specified in the City's Zoning Regulations or as approved as part of a Planned Development. However, the minimum width for any lot created along a cul-de-sac shall not be less than 40 feet as measured along the curved right-of-way of the cul-de-sac.

5.5. Resubdivision of Land

5.5.1. If any change in an approved or recorded subdivision plat would affect the layout of any public street, alley, or road (hereinafter referred to as public way) shown on such plat, or area reserved thereon for public use, or any lot line, or if it would affect any map, plan, or plat legally recorded before the adoption of any Subdivision Regulations, such amendment shall be approved by the Planning Commission by the same procedures, rules, and regulations as for a new subdivision. Any newly formed lot or parcel of land created due to a resubdivision shall require its own independent water and/or sanitary sewer service.

5.5.2. When a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land or double the minimum required area for any zoning district in which the lot is located, and the Planning Commission has reason to believe that any such lot(s) will be resubdivided into smaller lots for building sites, the Planning Commission may require that the subdivision and development of such parcel of land allow for the future opening of public ways and the ultimate extension of adjacent public ways. The Planning Commission may also require that dedications providing for the future opening and extension of such public ways be indicated on the plat.

5.6. Subdivision of Property along Existing Substandard Streets

For development along existing substandard streets the Developer shall be obligated to improve the portion of the street along the frontage of the development to a standard condition as indicated by the most recently adopted Major Thoroughfare Plan and these Regulations. Accordingly the Developer shall be required to provide and dedicate the necessary rights-of-way to achieve the required roadway improvements and to design and construct the improvements necessary to achieve a standard condition including curbs and gutters, sidewalks, excavation, fill embankment, base stone, asphalt, storm drainage, bicycle lanes, and roadway markings. In the event the City Engineer determines that the construction of the street improvements is premature or may result in conditions that may be unsafe or problematic until the remainder of the street improvements are constructed, the Developer may be allowed to dedicate

the necessary right-of-way and construction, utility, and other necessary easements then deemed necessary; provide an enforceable commitment to dedicate without charge any other right-of-way, construction, and other easements which prove necessary at the time of construction; and provide to the City a payment in lieu of construction in an amount equal to the current costs of designing and constructing the improvements necessary to bring the street to a standard condition. In such event the City will hold these funds for a future project to develop the street to a standard condition. The amount of such payment in lieu of construction shall be determined at such time as the Construction Plans are completed and approved and shall be made prior to receiving authorization to begin construction of the development. The Murfreesboro Water and Sewer Department may require similar payment in lieu of construction for water and/or sanitary sewer upgrades that are determined necessary in conjunction with the roadway upgrades.

5.7. Streets and Pedestrian Ways

5.7.1. Streets and pedestrian ways shall be designed using Murfreesboro's Street Design Specifications as well as specifications published by the Tennessee Department of Transportation, AASHTO and ASTM. Proposed streets should accommodate prospective traffic and afford satisfactory access to police, fire-fighting, sanitation, and road maintenance equipment and provide a convenient and safe system of travel for adjoining properties.

5.7.2 Subdivisions should be planned to take advantage of the natural topography of the land to economize in the construction of drainage facilities, to reduce the amount of grading, to minimize the destruction of topsoil and trees, and to preserve natural features such as water courses, large trees, historical sites, and other assets which could add attractiveness and value to the subdivision and community. Streets should be designed in a manner to minimize future maintenance costs.

5.7.3 Arrangement of Public Streets

- i. The arrangement of public streets shall provide for the continuation between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, efficient provisions of utilities and road maintenance. All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way.
- ii. All streets shall be designed to permit efficient drainage, to accommodate utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- iii. In business and industrial developments, the streets and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, the provision of alleys truck loading and maneuvering areas, and sidewalks and parking areas so as to minimize conflict of movement between the various types

- of traffic, including pedestrian traffic.
- iv. Local streets should be designed to avoid long uninterrupted street segments that promote traffic speeds inconsistent with the proposed adjoining land use.
- v. Existing streets that extend to a land tract or which are stubbed out to a land tract shall be extended into the land tract as the land tract is developed. Accordingly, the street may be extended into the development or it may be terminated in a properly designed cul-de-sac as may be determined by the Planning Commission. However, under no circumstance shall such street simply terminate as a street stub.

5.7.4. Street Classification System

- i. All streets identified in the Major Thoroughfare Plan shall be designed and located as identified in the Major Thoroughfare Plan. New streets not identified in the Major Thoroughfare Plan shall meet the needs of the particular subdivision or development in accordance with the requirements of these specifications and standards. The City Engineer must approve the overall layout of streets and may designate certain streets as collectors or arterials in a development and shall determine the appropriate cross section for their design and construction.
- ii. Local streets shall be so laid out that their use by through traffic will be discouraged. Residential Sub-Collectors and Residential Collectors shall be provided to channel through traffic movements within a development when projected traffic is greater than 500 trips per day.
- iii. Streets shall be classified according to the following criteria:

Class	Typical ADT Range	Function
Major and Minor Arterials	>4,000	Non-residential
Commercial and Community Collectors	>1,500	Should not encourage on-street parking or residential driveways
Residential Collectors and Subcollectors	500-3,000	Provides frontage and access, some through traffic
Local Streets	<1,500	Provides frontage and access, no through traffic
Alleys	n/a	Secondary access to the side or rear of a property

5.7.5. Turn-Arounds and Cul-de-Sacs

- i. A temporary turn-around shall be constructed at the end of a public street abutting an undeveloped land tract when it is contemplated that the street will be extended as an element of a subsequent Section or Phase of the same development as shown on the approved Master Plan. Provided, however, temporary turn-arounds shall not be required when the length of the street is not greater than two lots in length. The temporary turn-around shall be designed to accommodate emergency and service vehicles, as well as passenger cars in accordance with Street Design Specifications. The Planning Commission may require the reservation of an easement extending to the undeveloped property line to accommodate drainage facilities, pedestrian traffic, or utilities. When a temporary turn around is constructed, a sign stating "TEMPORARY TURN AROUND - THIS STREET MAY BE EXTENDED" may be required to be placed at the end of the street at the Developer's expense. All temporary turnarounds shall be constructed within dedicated street right-of-way or a dedicated access easement for those areas outside the street right-of-way section. The easement outside the street right-of-way shall be vacated by the City when the easement is no longer necessary. Application for vacation of the easement must be initiated and paid for by the Developer or Owner.
- ii. Where a road does not extend beyond the boundary of the subdivision and continuation of the street is not required by the Planning Commission for access to adjoining property, a permanent turn-around (cul-de-sac) shall be constructed in accordance with the Street Design Specifications. A street that terminates in a cul-de-sac shall not exceed 1000 feet in length, from centerline of intersecting street to center of turnaround, without specific approval by the Planning Commission for a greater length. Cul-de-sac streets shall terminate in a circular turn around having a radius of at least forty-three (43) feet face-to-face of curb. All cul-de-sac designs must allow for automobiles and typical service vehicles to turn around without requiring backing maneuvers. A center median island may be permitted by the City Engineer when the cul-de-sac is enlarged and where it can be demonstrated that all routine utility/service vehicles, and emergency vehicles can be readily accommodated to the satisfaction of the City Fire Department. The maximum diameter of the island curb face shall be twenty (20) feet. The Planning Commission may require the reservation of easements extending to the undeveloped property line to accommodate drainage facilities, pedestrian traffic, or utilities to allow interconnectivity of utility lines.
- iii. When a street from an adjoining subdivision stubs into a tract of land under consideration for subdivision, the street shall be extended into the subdivision tract. Provided, however, the street shall be designed with regard to the effect the street extension will

have on the existing lots. The street may be extended as an integral part of the new subdivision, may be terminated in an intersection, or may be terminated in a cul-de-sac. However, in no event shall a street be permitted to end permanently as a dead end street without proper termination for service delivery vehicles to turn around.

5.7.6. Intersections

- i. Public ways shall be designed so as to intersect as nearly as possible at right angles linearly or radially. A proposed intersection of two new public ways at an angle of less than eighty (80) degrees shall not be permitted. A curving public way approaching an intersection shall be avoided. Street intersections should be approximately at right angles for at least one hundred (100) feet from the centerline point of intersection. No more than two public ways shall intersect at any one point unless specifically approved by the Planning Commission.
- ii. Proposed new intersections along one side of an existing public way shall coincide, whenever practical, with any existing intersections on the opposite side of such public way. Any such street or driveway off-sets shall be arranged to minimize conflicts for left-turn movements.
- iii. Minimum curb and gutter radii (at the back of curb) at the intersection of local streets shall be twenty-five (25) feet. The minimum curb radii at an intersection involving a collector street shall be a minimum of thirty (30) feet and arterial streets shall be a minimum of fifty (50) feet. The City Engineer may require larger radii.
- iv. Where new intersections are created the Developer shall remove to the extent necessary to provide adequate sight distance any obstruction inside any lot corner that would create a traffic hazard by limiting visibility.

5.7.7. Driveways

- i. In order to provide ease and convenience of ingress and egress to private property, the number and location of driveways shall be regulated relative to the development density of the property being served and the amount of lot frontage. The number and location of driveways shall be controlled to provide both safety as well as maintaining efficiency of the traffic flow on public streets.
- ii. The maximum number of driveways for arterial and collector streets and location restrictions shall be as shown in the City of Murfreesboro Street Design Specifications.

5.7.8. Traffic Calming Devices

New residential streets should be arranged so as to discourage cut-through traffic and high speeds. Vehicular efficiency should be balanced against the needs of pedestrians and cyclists in residential areas. This can be accomplished by using minimum street widths, short block lengths, on-street parking, roundabouts, and other traffic calming measures. Traffic calming measures, such as curb extensions, roundabouts and special paving at intersections, must be reviewed and approved by the City Engineer and shall meet the requirements of utility service vehicles and emergency service providers.

5.7.9. Street Grades

The maximum grades of all new streets shall be as indicated in the City of Murfreesboro Street Design Specifications. However, the minimum street grade shall be one-half percent (0.5%).

5.7.10. Vertical Curves, Horizontal Curves and Tangent Street Sections

The vertical curve, horizontal curve and tangent section design criteria for all streets shall be as indicated in the City of Murfreesboro Street Design Specifications.

5.7.11. Rights-of-Way and Pavement Widths

- i. The widths shown below are minimums and a larger right-of-way may be necessary in some instances. The City Engineer has the authority to require widths greater than those shown. Topography or specific design elements may require larger right-of-way widths. Minimum right-of-way and pavement widths shall be as follows:

Street Classification	Description	Minimum Right of-Way *
Major Arterial	Five Lanes	84'
	Four Lane - Median Divided	96'
Minor Arterials	Five Lanes	80'
	Four Lane - Median Divided	90'
	Three Lanes	60'
	Two Lane - Median Divided	70'
Commercial and Community Collectors	Three Lanes	60'
	Two Lanes	50'
	Two Lane - Median Divided	70'
Residential Collectors and Sub-Collectors	Two Lanes	50'
Local Streets	Two Lanes	40'
Alleys		20'

*Additional Utility Easement may be required for all Classifications.

- ii. Whenever possible, four travel lanes should be avoided in residential subdivisions except for arterial and collector streets required by the Major Thoroughfare Plan or warranted by projected traffic conditions. Four lanes may be warranted for short distances at entrances to larger developments based on traffic volumes.
- iii. One-way streets may be permitted and, in some cases are desirable for loop streets or where there is a need to separate the directional lanes to preserve natural features or to avoid excessive grading for street construction on slopes. In such circumstances consideration shall be given to the locations for driveways to access to the adjoining properties and for service delivery vehicles.
- iv. Details on the number of lanes, lane widths, grass strips, and sidewalks required can be found in the City of Murfreesboro Street Design Specifications.

5.7.12. If utility cuts are to be made to service lots created along an existing street, the

City Engineer may require the resurfacing of the entire width of the roadway rather than allow patching of the area to be cut.

- 5.7.13. Sidewalks shall be required along both sides of all public streets in all subdivisions. Handicap ramps shall be required on all streets as required to conform to the applicable requirements of the Americans with Disabilities Act and implementing regulations.

The minimum width for new sidewalks shall be five (5) feet unless shown otherwise in the City of Murfreesboro Street Design Specifications. All pedestrian facilities shall be designed in accordance with the City of Murfreesboro Street Design Specifications. Accessible ramps shall be installed at all intersections with sidewalks. Ramps shall be designed as shown in the City of Murfreesboro Street Design Specifications.

Sidewalks shall be designed and constructed to be free from utility poles, utility boxes, mailboxes or any other vertical elements. Abrupt changes in horizontal alignment shall not be permitted in order to avoid such vertical elements. Abrupt changes in vertical alignment shall not be permitted.

Sidewalks shall be constructed by the Developer of the subdivision prior to acceptance of the street by the City and performance surety for their construction shall be posted by the Developer should such sidewalks not be constructed at the time when the final plat is submitted for execution by the City Engineer. However, at the option of the Developer, the obligation to construct the sidewalks along the front of subdivision lots may become the responsibility of future Owners of the adjoining lots. In that event, a notation shall be included on the final plat indicating that the future Owner of the lots are responsible for constructing the sidewalks and that the sidewalks shall be constructed prior to issuance of a certificate of occupancy for any structure upon the lot. In the event such sidewalks are not completed prior to a request for issuance of the certificate of occupancy the Owner shall post a building permit Surety to assure their construction.

- 5.7.14. Curbs and gutters shall be required on all streets unless otherwise specified by the City Engineer. The standard curbs to be used on new streets shall be as shown in the City of Murfreesboro Street Design Specifications.

- 5.7.15. The construction standards of all streets shall conform to the City of Murfreesboro's Street Design Specifications. The Street Design Specifications shall be the minimum standard for any subdivision within the jurisdictional area of the City of Murfreesboro. The City of Murfreesboro reserves the right to modify these specifications, or subdivision regulations, as conditions require or technology dictates. Streets are to be designed and constructed with materials as shown in the City of Murfreesboro Street Design Specifications. The City Engineer may require additional thickness or require a detailed pavement design be performed based on a soil condition analysis and projected traffic loadings.

- 5.7.16. All signs, markings, signals and other traffic control devices installed or used

shall be designed and located in conformance with the City of Murfreesboro Street Design Specifications and the Manual on Uniform Traffic Control Devices (MUTCD).

- 5.7.17. Easements for utilities and drainage may be required. However, all Street Elements shall be located in the street right-of-way and not placed in easements without approval of the City Engineer and the Planning Commission. The easement width shall be sufficient to permit access for both construction and maintenance of its intended purpose.
- 5.7.18. No public ROW will be accepted by the City of Murfreesboro unless such public ROW connects to, or is an extension of, another existing public right of way.

5.8. Drainage and Storm Sewers

- 5.8.1. The City Engineer shall not approve Construction Plans of a subdivision, which does not make adequate provisions for stormwater runoff quality and quantity. The stormwater drainage system shall be separate and independent from any sanitary sewer system. Stormwater facilities shall be designed in accordance with provisions contained in the City Code, Street Design Specifications, "TDEC Erosion Prevention and Sediment Control Handbook", MWSD "Stormwater Planning and Low Impact Design Guide", and MWSD "Stormwater Controls Manual".

All public stormwater infrastructure shall meet any specifications contained in the Street Design Specifications.

The drainage system shall be designed to follow natural drainage where practical. General performance criteria for peak discharge of stormwater on all site designs shall control the peak flow rates of stormwater discharge specified by the city and reduce the generation of post construction stormwater runoff to pre-construction levels. The stormwater management plan and controls must be designed to prevent erosion of channels and stream banks by controlling peak discharge rates. The stream bank protection volume standard (spv) must be calculated for each site. Redevelopment compliance shall be based on the area of the site being redeveloped. Stormwater discharge must be controlled on site so that runoff from a one year, 24 hour storm event (3.11 inches) will be discharged from the site over a 24 hour or greater period of time. Peak discharge rates post-construction may not exceed the pre-construction peak discharge rates for 2 year or 10 year storm events. If the site has less than one acre (43,560 square feet) of impervious area, the city will consider on site low impact design features included in a city stormwater design manual as an alternative method of achieving stream bank protection. If a hydrologic analysis from an engineer can prove to the satisfaction of the city that neither the post construction runoff from a development site of a one year 24 hour storm event nor the peak discharge from a 2 year or 10 year storm event will impact channel integrity, the city may waive some or all of these stream bank protection requirements. Should the City's stormwater ordinances or regulations differ from the description

of them in these subdivision regulations, the specific stormwater ordinances and regulations shall control.

5.8.2. The Developer may be required to transport by pipe or open ditch any spring or surface water that may exist prior to or as a result of the subdivision. Such drainage facilities shall be located in the public rights-of-way, whenever possible, or in perpetual unobstructed easements of appropriate width. These facilities shall be constructed in accordance with the Street Design Specifications, the standards and guidelines of the Murfreesboro Water and Sewer Department, and these Regulations.

5.8.3 All drainage facilities shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the area of the subdivision. Necessary facilities shall be sized assuming conditions of maximum potential watershed development permitted. The Developer shall be responsible for upsizing drainage structures under existing streets to meet design standards in accordance with provisions contained in the Street Design Specifications and the standards and guidelines of the Murfreesboro Water and Sewer Department, due to the relocation of existing drainage channels or increased runoff resulting from the subdivision.

5.8.4. Downstream Drainage Areas

- i. Where it is anticipated that the increased runoff from a development will overload an existing downstream drainage facility, approval of the subdivision may be withheld until provisions have been made for adequate improvement of such drainage facilities. The Developer may be required to construct adequate downstream facilities, contribute a pro-rata share toward the construction of adequate downstream facilities, or install onsite stormwater detention to mitigate the downstream impacts of stormwater runoff. The Planning Commission shall have the authority to require pro-rata share contributions or downstream improvements where stormwater detention is not in the best interest of the overall drainage system and the City in general as determined by the City Engineer. The City's stormwater ordinance has specific requirements for post-construction streambank protection.
- ii. Detention facilities shall be platted as perpetual drainage easements and shall be maintained by the property Owner or the owners' association, as applicable. The City of Murfreesboro will in no way be responsible for maintenance of drainage facilities on private property.

5.8.5. Dedication of Drainage Easements

- i. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially to the lines of such watercourse and of

such width and construction as will be adequate for the purpose.

ii. Drainage Easements:

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within the public rights-of-way, perpetual unobstructed and unencumbered drainage easements shall be provided across property outside the public street rights of way lines. Easements shall be indicated on the preliminary and Final Plats and shall be of sufficient width as to completely contain the drainage facility and to allow future replacement and maintenance. Easements shall be dedicated in standard five (5) foot increments with a minimum easement of twenty (20) feet. Drainage easements shall be carried from the public way to a natural watercourse or to other drainage facilities. Drainage easements to detention or retention areas shall be connected to the public rights of way with a connection to allow sufficient access for maintenance operations.
2. When downstream drainage improvements are proposed which will require additional easements across private land outside the subdivision, appropriate drainage easements must be secured by the Developer prior to approval of Construction Plans.
3. The applicant shall dedicate, when required by the Planning Commission, by drainage or conservation easement, the land on both sides of an existing watercourse for a distance to be determined by the City Engineer.

5.8.6. Storm Water Quality

Requirements of the City's Stormwater Ordinance must be met regardless of any approval by the Planning Commission. Water Quality Protection Areas are required of developments within the City of Murfreesboro in accordance with the Murfreesboro City Code. The City's stormwater ordinance has specific requirements for stormwater quality.

5.9. Street Signs

5.9.1. Standard street signs

- i. A Developer shall provide a street sign plan as part of the Construction Plans submitted for review by the City Engineer. The street sign plan shall identify the location for all street name signs, directional signs, and traffic control signage as required by the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD) of the U.S. Department of Transportation, Federal Hwy. Administration.
- ii. A Developer shall be responsible for all costs of fabricating and installing street signs in accordance with the street sign plan

approved by the City Engineer. A Developer shall be responsible for the costs of maintaining street signs from the time of their installation until such time as the subdivision infrastructure is accepted by the City for public ownership. However, the actual fabrication, installation, and maintenance shall be done by the City of Murfreesboro Street Department in accordance with the procedures established by the City Engineer and all such costs shall be reimbursed to the City prior to release of performance Surety posted by the Developer.

5.9.2. Ornamental street sign posts

A Developer shall be permitted to choose an ornamental street sign post as determined by the City Engineer in accordance with the procedures established by the City Engineer for ornamental street sign posts. Provided, however, street sign posts shall be limited to post types specifically allowed by the City's policy for street sign posts. (See Appendix A for Specifications for Approved Ornamental Street Sign Post.)

5.10. Street Lighting (reserved for future drafting)

5.11. Maintenance of Common Property.

Whenever a development includes areas, structures, features or other items designated on a plat as "common area," or "common elements," or some such similar designation, or in the event a Developer shall undertake to maintain landscaping or some other feature in or on a public right of way (together or separately, "Common Property"), the following shall apply:

- i. An owners association must be established as a non-profit corporation or similar entity. Membership in such association must be mandatory for all Owners and successive Owners of property in the development, and each member must be legally obligated to pay dues and / or assessments for the pro rata cost of maintenance and repair of, as appropriate, and taxes on, the Common Property.
- ii. The association must have the power to record a Declaration of Lien on the property of any Owner who has not paid dues and / or assessments.
- iii. The association must have the power to provide and maintain casualty insurance on any structures or other improvements to assure replacement if same are damaged or destroyed.
- iv. The Common Property must be clearly identified on the Final Plat; the Final Plat must also contain a plat note regarding the existence

of a mandatory owners association.

- v. The Developer must record an appropriate Declaration of Covenants and Restrictions covering the establishment and use of the Common Property as well as appropriate provisions for the establishment of the owners association, including but not limited to articles of organization and bylaws or their equivalent.
- vi. The Common Property, along with the provisions of the Declaration of Covenants and Restrictions with respect to any Common Property, must be perpetual, and neither can be eliminated, deleted amended or modified without the consent of the City evidenced by an amendment to the Final Plat and any other agreements or releases as deemed appropriate by the City.
- vii. The Developer must either (i) convey title to the Common Property to the association or (ii) establish a perpetual easement over the Common Property with appropriate rights of access for the association
- viii. If the Common Property includes storm water drainage, detention or retention facilities, post-construction best management practices, landscaping or signage, or other elements which could reasonably be anticipated to have an adverse impact on the health, safety, welfare, or property values of the development or on persons or properties surrounding the development if not properly maintained or repaired, the Declaration of Covenants and Restrictions must provide that if the association fails to maintain or repair such Common Property to the standards required by City ordinance or code the City shall have the right and power, but not the responsibility, to maintain or repair such Common Elements on behalf of the association and if the City elects to so maintain or repair such Common Elements, to pro rata assess property Owners in the development in the name of the association to recover the costs of such maintenance or repair and the costs of collecting such maintenance or repair costs including additional fees, and to record a Declaration of Lien against the property of any Owner in the development who has not paid such assessment within the time allowed.
- ix. The Declaration of Covenants and Restrictions must also establish the City as a Third Party Beneficiary of the covenants and restrictions with the right and power, but not the responsibility, to enforce any and all such covenants and restrictions.
- x. The Developer must undertake to assure that all prospective purchasers within the development receive copies of the Declaration of Covenants and Restrictions and of all other documentation related to the Owners association.

The Developer must submit evidence satisfactory to the City Staff that all the above requirements have been fulfilled prior to the issuance of any Building Permits for the development.

5.12. Underground Utility Lines

A Developer shall be required to install underground electric, telephone, cable television, or other utilities except as approved by the Murfreesboro Planning Commission or City Engineer.

5.13. Cemeteries and Graveyards

- i. Cemeteries and graveyards located upon land proposed to be subdivided or upon land proposed for drainage ways or streets shall be shown upon the Master Plan, Preliminary Plat, Construction Plans, and Final Plats required by these Regulations. The plans shall indicate the name of the cemetery or graveyard and any person or persons responsible for its maintenance or upkeep.
- ii. Streets and drainage ways shall be designed, arranged, and constructed to avoid impacting any cemetery or graveyard.
- iii. Any removal or relocation of a cemetery or graveyard shall be in strict conformity with Tennessee Code Annotated Section 46-4-101-104.
- iv. The Developer shall specify whether the cemetery will be Common Property to be maintained by an owners association.

5.14. Subdivision Plat Sectioning and Numbering Protocols

A development with master plan approval may be divided into Sections for the purpose of submitting Preliminary Plats, Construction Plans and Final Plats and all such Sections shall be numbered using Arabic numerals.

Sections of a development may be divided into Phases after Planning Commission approval for purposes of recording or for construction provided that each Phase independently conforms to these Subdivision Regulations and all such Phases shall be numbered using Roman numerals.

5.15. Competitive Cable and Video Services Act of 2008

In order to conform to the Competitive Cable and Video Services Act of 2008, the following note shall be included on all Master Plans, Preliminary Plats, Construction Plans, and Final Plats:

“In accordance with TENNESSEE CODE ANNOTATED Section 7-59-310(b)(1), Competitive Cable and Video Services Act, in cases of new construction or property development where utilities are to be placed underground, the Developer or property Owner shall give all providers of cable or video service serving the City of Murfreesboro at least ten (10) days prior notice of the construction or development, and of the particular dates on which open trenching will be available for providers’ installation of conduit, pedestals or vaults, and laterals, referred to as “equipment”, to be provide at each such provider’s expense.”

6. SURETIES

6.1. Types of Sureties

The following types of sureties may be required at different junctures of the subdivision process: restoration Surety, performance Surety, warranty Surety, and building permit Surety.

Surety may be in the following forms: a certified check, letter of credit, performance bond, or certificate of deposit. A Surety shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, issuing entity, sufficiency, and manner.

6.1.1. Restoration Surety

- i. Restoration Surety shall be posted by the Developer with the City Engineer prior to receiving authorization to disturb land or otherwise commence construction of the subdivision infrastructure and shall be in an amount determined by the City Engineer as necessary to restore the property to a safe condition and to a condition which will allow maintenance of the land or necessary to maintain erosion prevention and stabilization control for stormwater quality should the Developer fail to properly maintain the construction site, fail to complete construction of the development , or abandon the construction site.
- ii. In the event the Developer fails to maintain the construction site in a safe condition, fails to maintain the water quality elements of the Construction Plans in a suitable manner, or abandons the construction site, the City Engineer may declare the development to be in default and may call the restoration Surety to make the site safe, maintainable, and compliant with the City's water quality regulations.
- iii. Upon such time as the infrastructure has been completed, the Engineer of Record has certified completion, and the Developer has posted a performance Surety to assure completion of any remaining elements to the Construction Plans or warranty Surety to warrant the construction, the City Engineer shall release the restoration Surety.

6.1.2. Performance Surety

- i. Performance Surety for the public infrastructure shall be posted by the Developer with the City Engineer prior to submitting the Final Plat for the City Engineer's signature in an amount determined by the City Engineer as necessary to assure completion of unconstructed elements of the subdivision infrastructure or such additional elements as may be determined to be necessary for the health, safety, and welfare of the community or future inhabitants of

the development. The minimum amount of the performance Surety shall be an amount equal to one-hundred and ten percent (110%) of the cost of installation of required improvements. The proposed amount of the performance Surety shall be calculated and sealed by the Developer's Engineer and submitted to the City Engineer for approval. The proposed amount shall include a detailed itemized estimate of all items including incomplete items on the date the estimate is prepared. The period within which the required improvements shall be completed shall be specified into the performance Surety and shall not exceed two (2) years from the date of the City Engineer's signature upon the Final Plat. The performance Surety shall remain in force until the improvements are completed and accepted by the Planning and Engineering Department. The City Engineer may elect to reduce the amount of the Surety as infrastructure improvements are constructed. Proposed reductions shall not be considered more often than quarterly and the Surety shall not be reduced to an amount less than forty percent (40%) of the original amount until all work is completed and accepted by the City. A separate warranty Surety may be required for the completion of the final course of asphalt.

- ii. In the event the Developer fails to complete the construction for which the performance Surety has been posted, the City Engineer may declare the Developer to be in default and may call the performance Surety to complete or to reimburse the City for whatever expenses may be incurred to complete the construction of the infrastructure. In the event the performance Surety does not adequately cover the costs incurred by the City to complete the construction, the City Engineer may place a hold on issuance of building permits for those lots within the development which have not had permits issued for construction until such time as the Developer has reimbursed the City for the total cost of such construction.
- iii. Upon such time as construction of all the infrastructure has been completed, the Engineer of Record has certified substantial completion and performance, the Final Plat has been recorded, and the Developer has posted a warranty Surety to warrant the construction, the City Engineer shall release the performance Surety.

6.1.3. Warranty Surety

- i. Warranty Surety shall be posted by the Developer with the City Engineer prior to the City's acceptance of the public infrastructure for public ownership and responsibility for maintenance. The warranty Surety shall be in amount adequate to assure reconstruction in the event of failure, but not less than fifteen (15) percent of the certified cost of constructing the infrastructure.
- ii. In the event any portion of the infrastructure fails due to faulty construction, the Developer shall reconstruct the infrastructure to a

condition acceptable to the City Engineer and within a period of time acceptable to the City Engineer. Should reconstruction not be completed within the specified time period, the City Engineer may call the warranty Surety to make such reconstruction as determined by the City Engineer to be necessary, or to reimburse the City for whatever expenses may be incurred to complete the reconstruction or repairs.

- iii. The Developer may request release of the infrastructure warranty Surety three (3) years after the time of posting of the Surety. The City Engineer shall release the warranty Surety if it is determined that there are no existing failures in the infrastructure. The warranty for any portion of the infrastructure which is reconstructed during the warranty period shall extend for three full years after completion of the reconstruction. In the event the warranty Surety was for the final course of asphalt, the duration of the warranty Surety shall be for only one (1) year.

6.1.4. Building Permit Surety

- i. Building permit Surety for the public infrastructure to be constructed by or for Owners during the construction of structures upon existing lots shall be posted by the Owner with the City Engineer prior to issuance of a certificate of occupancy in an amount determined by the City Engineer as necessary to assure completion of the unconstructed elements of the subdivision infrastructure including but not limited to sidewalks, disability access ramps, drainage elements, and stormwater quality elements. The minimum amount of the building permit Surety shall be an amount equal to one-hundred and ten percent (110%) of the cost of installation of required improvements. The proposed amount of the building permit Surety shall be determined, calculated, and sealed by the Engineer of Record and submitted to the City Engineer for approval. The proposed amount shall include a detailed itemized estimate of all items including incomplete items on the date the estimate is prepared. Unless otherwise agreed the required improvements shall be completed within nine (9) months of the date of the certificate of occupancy. The building permit Surety shall remain in force until the improvements are completed and accepted by the Planning and Engineering Department. The City Engineer may elect to reduce the amount of the Surety as infrastructure improvements are constructed. Proposed reductions shall not be considered more often than quarterly and the Surety shall not be reduced to an amount less than forty percent (40%) of the original amount until all work is completed and accepted by the City.
- ii. In the event the Owner fails to complete the construction for which the building permit Surety has been posted prior to expiration of the Surety, the City Engineer may declare the Owner to be in default and may call the building permit Surety to complete or to reimburse the City for whatever expenses may be incurred to complete the

construction of the infrastructure. In the event the building permit Surety does not adequately cover the costs incurred by the City to complete the construction, the City Engineer may place a lien on the property that will remain until such time as the Owner has reimbursed the City for the total cost of such construction.

- iii. Upon such time as construction of all the infrastructure has been completed and accepted, the City Engineer shall release any remaining building permit Surety.

APPENDIX A

FORMS
And
SPECIFICATIONS

**ENGINEER OF RECORD
FORM**

The Developer shall submit this form to the Planning and Engineering Department prior to submittal of Preliminary Plats or Construction Plans. Should the Engineer of Record change at any time prior to certification of completion for this subdivision development by the Engineer of Record, it shall be the responsibility of the Developer to resubmit this form with the new information.

Subdivision or Development Name: _____.
Engineer 's Name: _____.
Company Name: _____.
Company Address: _____.
Office Telephone Number: _____.
Cell Telephone Number (Optional): _____.
Email Address: _____.
Fax Number: _____.
Registration Number: _____.

The portions of the design for which this Engineer of Record will be responsible include (Check all that apply):

- _____ Roadway
- _____ Sanitary Sewer
- _____ Storm Drainage
- _____ Grading
- _____ Potable Water
- _____ Repurified Water
- _____ Landscaping
- _____ Other (Explain on reverse)

Developer's name (Please print)

Developer's Signature

Date

For Murfreesboro Planning Department Use:

Date Received: _____ By: _____

Pre-Application Conference Project Information Form

City of Murfreesboro Planning & Engineering Department

Submit this form to the Planning & Engineering Department at least 48 hours in advance of the requested scheduled conference. The purpose of the conference is to clarify development issues; to determine whether there are any annexation or zoning issues; and to discuss other matters as may be relevant to the development review and approval process.

Date Received: _____

PLANNING & ENGINEERING DEPARTMENT CONTACT INFO

Email: jaydelott@murfreesborotn.gov (615) 893-6441 (615) 849-2606(f)

Applicant's Name: _____		
Applicant's Address: _____		
Phone: _____	Fax: _____	Email Address: _____

Developer's Name: _____		
Developer's Address: _____		
Phone: _____	Fax: _____	Email Address: _____

Engineer's or Planner's Name: _____		
Firm Name: _____		
Engineer's or Planner's Address: _____		
Phone: _____	Fax: _____	Email Address: _____

Description of development tract including street address and property tax map, group, & parcel #: _____ _____		
Currently within City Limits? _____	Total Development Tract Acreage: _____	
Water Supplier (CUD or MWSD): _____	Sanitary Sewer Currently Available? _____	
Electric Supplier (MED or MTEMC): _____		

Current Zoning of Development Tract:

Names of major water courses that cross or are adjacent to tract: _____ _____

Names of attendees at Pre-Application Conference: _____
(use reverse if necessary)

Signature: _____ Date: _____

Specifications for Approved Ornamental Street Sign Post.

(see next page)

