

ORDINANCE 107-2005-06

AN ORDINANCE AMENDING THE OFFICIAL CODE RELATIVE TO DRIVEWAY ACCESS

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the *Official Code* of the City of Clarksville, Tennessee, Title 12, “Streets and Other Public Ways and Places,” is hereby amended by adding the following new chapter to be appropriately designated:

**Section I Purpose and intent**

The purpose and intent of this article is as follows:

- (1) To promote the overall safety of motorists, pedestrians and bicyclists.
- (2) To reduce interference with through traffic by other vehicles, pedestrians or bicyclists entering, leaving and crossing the public roads.
- (3) To ensure safe access to and from public roads by emergency vehicles.
- (4) To promote the general welfare by preserving and improving the traffic carrying capacity of public roads.

**Section II Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Acceleration lane* means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate of which it can more safely merge with through traffic.

*Access* means any private driveway or other point of vehicle access such as a street, road or highway that intersects or connects to the general street system.

*Access plan* means a plan that designates access location(s) to a public road through a detailed engineering design preformed by a licensed engineer in the state of Tennessee.

*Applicant* means the owner of property or authorized representative of owner applying for an access permit.

*Approach taper* means the longitudinal distance from the point where the traffic approaching a left turn storage lane must shift laterally to the point where the bay taper begins.

*Bay taper* means the longitudinal distance from the point where the transition into a left or right turn storage lane begins to the point where the full width of the left turn or right turn storage lane begins.

*Building and Codes* means the Director of Building and Codes department or his designee

*CSD* means the Clarksville Street Department

*Commercial access* means a driveway serving commercial uses defined in the zoning ordinance.

*Curb radius* means the circular arc that connects the intersection of two curbed streets or the intersection of a curbed street and a curbed driveway.

*Deceleration lane* means a speed change lane, including tapered areas, for the purpose of enabling a vehicle to make a safer right turn movement from a public roadway by allowing the vehicle to slow down in a dedicated lane separate from the primary through traffic lanes of the roadway.

*Departure taper* means the longitudinal distance from the point where through traffic beyond an intersection begins to shift laterally to the point where the through lane is adjacent and parallel to the centerline.

*Director of Streets* means the Director of the Clarksville Street Department or his designee.

*Driveway* means an access that provides an ingress/egress movement and is not a public street, road or highway.

*Left turn storage lane* means an additional dedicated traffic lane located on the inside of the primary through traffic lanes used to store vehicles with left turning movements across the opposite traffic lanes in a manner so as to minimize interference with traffic using the through travel lane(s).

*Median* means a portion of a highway street or driveway separating the opposing traffic flows and designed to prevent crossover movements by vehicles.

*Mph* means the rate of speed measured in miles traveled per hour.

*Planning Commission* means the Clarksville-Montgomery County Regional Planning Commission.

*Private road easement* means a recorded grant of a property right by one or more property owner(s) to other property owners to permit vehicular access to and from a public road by virtue of a privately maintained road, including but not limited to frontage or rear access roads.

*Radius return* means the points where the radius connecting two intersecting streets becomes tangent to the streets.

*Region III Traffic Engineer* means the Tennessee Department of Transportation Region III Traffic Engineer or his designee.

*Right-of-way* means a strip of land acquired by reservation, dedication or condemnation and intended to be occupied by a public road and other public utilities.

*Shared access easement.* See definition for "private road easement" in this section.

*State highway* means an officially designated highway or route of the state and therefore subject to the rules and regulations of the state department of transportation.

*Taper* means a gradual narrowing or widening in roadway width so as to add or drop a traffic lane.

### **Section III Designation of Public Roads**

For the purpose of this ordinance, all public road classifications referenced in this document shall be the same as those listed in the official **Clarksville-Montgomery County Roadway Classification Plan** adopted by the Clarksville City Council Street Committee. This Plan is attached to this ordinance as Appendix A. Any proposed access located within the CBID may not be required to follow every provision set forth in this ordinance, but shall be reviewed by the CSD staff for conformity.

### **Section IV General conditions/requirements**

(a) *Submission of plan for approval.* The location and design of driveways and/or accesses providing vehicular access from arterial, collector and local roads to any

existing lot or lots proposed for creation by the subdivision of property in all zoning districts shall be specified in an access plan submitted by the applicant to the CSD for review and approval. The time for review of said access plan shall be no longer than 10 working days. No curbs or rights-of-way shall be cut, paved or otherwise altered until an access permit approving the access plan has been secured from the CSD and/or any other governmental agency owning or controlling the road right-of-way. An **access permit** must be issued prior to the issuance of a building permit.

(b) *Traffic impact study.* The CSD may require at no cost to the city a traffic impact study by a qualified registered professional engineer using the standard format specified by the Institute of Transportation Engineers (ITE) publication "Traffic Access and Impact Studies for Site Development", ITE, 1991 or the latest subsequent edition to assess the traffic impacts of a proposed access to the adjoining and nearby public roadways and intersections when the expected number of trips generated by the proposed building or land use exceeds an estimated 1,000 vehicle trips per day or 100 peak hour vehicle trips per day. In addition, the CSD may require a traffic impact study for sites that generate less than 1,000 vehicle trips per day or 100 peak hour vehicle trips per day if such sites are located at or near high volume intersections. The CSD may waive this provision if a traffic study has been completed within the last three years from which needed traffic data can be extrapolated. Unless otherwise specified by the CSD, the study shall, at a minimum, address trip generation and directional distribution, traffic assignment to roadways and access locations, 24-hour and a.m. and p.m. peak hour traffic forecasting (nonsite and onsite), capacity analysis and level of service for adjoining roadways and nearby intersections before and after the proposed full development, geometric design and safety deficiencies, on-site circulation design that may impact access operations, recommendations for roadway improvements and traffic control installation and/or modifications to existing, sign, signals and markings. All traffic generation data used in the study shall be consistent with land use and density data as referenced in Trip Generation, 7<sup>th</sup> edition, 2004, published by the Institute of Transportation Engineers, or the latest subsequent edition; current city and state traffic counts for surrounding public roadways; and the marketing study for the proposed building or land use.

(c) *Approval for specific land use.* Any access existing, as of the effective date of this ordinance, shall be approved for the existing land use only. Any access approved under this chapter shall be approved for the land use(s) specified in the access plan. Any change in such land use(s) that would increase traffic shall require a new approval of access by the governing jurisdiction. When a site existing at the time of this article is redeveloped in a manner so as to generate an increase in traffic, the existing driveways shall be brought into conformity with the provisions of this article to the greatest extent feasible or possible. Any tract of land that has received and has maintained an active preliminary plat approval from the Regional Planning Commission on the effective date of this ordinance is exempt from the criteria of this ordinance.

(d) *Expiration of approval.* Any access plan for commercial or service institution land uses including related offsite public road improvements approved hereunder shall

be constructed within 18 months of approval or such approval shall terminate. If unusual or extraordinary circumstances exist which prevent the applicant from completing the proposed project and related access within the 18-month deadline, A written request for extension beyond that time and/or modifications to the existing approved access plan shall be approved, in writing, by the CSD

(e) *Bond requirements.* Prior to the issuance of a written approval of the access plan, the applicant may be required to provide a cash deposit, bond, or other form of security acceptable to the CSD and pursuant to CSD procedures and requirements sufficient to complete access, roadway and traffic control improvements on the public right-of-way as specified in the approved plan. The improvements shall be constructed in accordance with specifications established in the City of Clarksville Street Specifications. The CSD shall set the amount and time of the bond, based on the estimated cost of the implementation of the approved plan plus an additional 5%. Within 30 days of the notice by the applicant of completion of all provisions of the approved plan, the city shall determine acceptance or identify items necessary to satisfactorily complete the project. The developer/contractor shall warrant the performance of the improvements on the right-of-way for a period of one year from acceptance of the project. Said bond shall not be required when improvements are made on a designated state route due to this improvement already requiring bonding through TDOT.

(f) *Prohibition of unsafe access.* Notwithstanding any other provisions of this Code to the contrary, any access may be denied based on commonly accepted and applied traffic engineering principles that demonstrate a potential threat or danger to the public and/or affect the safe and efficient flow of traffic.

## **Section V Access plan**

An access plan is required for each building or use of land. Such an access plan may be submitted by the applicant as a part of the site plan, subdivision plan, or in the case of issuance of a residential building permit, such information may be included on the plot plan at the time of application of a building permit. A separate access permit shall be required for each parcel. Such plan shall specify the intended use(s) of the property.

- (1) *For any use other than single family residential.* The access plan, minimally drawn to a scale of not less than one inch equals 50 feet, shall be submitted to the CSD or Planning Commission. The plan shall denote the location of the driveway(s) on the lot and length of all property lines abutting the public road; distances from adjacent intersections/driveways (nearest point of tangency of the curve of the intersecting road pavement to the nearest point of radius return of the driveway); access sight distance relative to any vertical or horizontal curves and the normal operating speed/grade/lane configuration of the public road; area proposed for roadway construction on the right-of-way including the width and length of driveways and deceleration/acceleration lanes, radius of curves, typical

pavement section, type of concrete curbs and any relocation of sidewalks; location of existing overhead and underground utilities, hydrants and drainage structures and any proposed relocations; right-of-way and road improvements proposed for dedication to the city and a traffic control plan (meeting MUTCD standards) which shall include signing to be maintained by the contractor during the construction of the improvements.

- (2) *For single family residential uses.* An Access plan for residential use may be required and the following information may be required: distance from nearest drive on adjacent lots, site distance calculations, drainage structures, location of utility poles. In addition, any existing and/or proposed easements shall be shown. If the access plan is approved as part of a subdivision, typical driveway locations must be shown on the approved construction drawings

## **Section VI Design criteria**

The following minimum standards shall apply in the design of driveways to arterial roads and other public roads:

- (1) *Number of driveways permitted.* Access to an arterial, collector or local roads shall be provided to any lot either by means of (1) a shared access easement(s), (2) private road easement(s) (including private frontage or rear access roads), or (3) direct accessway(s).

### *a. Arterial roads*

1. Where the provision of shared access easements or private road easements to serve multiple lots with different ownership is unavailable or deemed unnecessary by the city, there shall be no more than one driveway to any arterial roadway from any single lot with less than 600 feet of frontage on that roadway. Ingress/egress movements that are shown with separation shall be a minimum of 50 feet apart, measured from the nearest point of the radius return of the two driveways.
2. Lots having between 600 and 1200 feet of frontage to any arterial roadway may have a second driveway provided that additional driveways are justified based on trip generation or topography and/or the impact to traffic safety and movement on the public roadway is minimal and/or benefitted by the second driveway.

3. Lots having in excess of 1200 feet of frontage to any arterial road may have additional driveways provided that additional driveways are justified based on trip generation or topography and/or the impact on traffic safety and movement in the public roadway is minimal and/or benefitted by the additional driveways.
4. All driveways serving the same lot should be a minimum of 250 feet apart, measured from the nearest point of the radius return of the two driveways. This distance can be greater if the recommended traffic study suggests more is needed
5. Access to a corner lot fronting on two arterial roads shall be required to have access from the road with the lower average daily traffic volume. Access to a corner lot fronting on an arterial road and bordered by a collector or local road shall be required to have access only from the collector or local road.  
A property may be allowed to have an additional driveway from the abutting arterial road provided that the abutting arterial has a left-turn lane, the driveway meets all design criteria set forth in this ordinance, and the driveway is justified based on trip generation or topography and/or the impact on traffic safety and movement on the public roadway is minimal and/or benefitted by the driveway. Approval of such driveway may be conditioned upon other geometric improvements by the applicant that mitigates traffic impact.

b. *Collector roads*

1. For any use other than single family residential, there shall be no more than one driveway to a collector road from any lot with 300 feet or less of frontage on that roadway. Ingress/egress movements that are shown with separation shall be a minimum of 50 feet apart, measured from the nearest point of the radius return of the two driveways.
2. For any use other than single family residential, lots having more than 300 feet of frontage to any collector road may have more than one driveway provided that the additional driveway is justified based on trip generation or topography and/or the impact on traffic safety and movement on the public roadway is minimal and/or benefitted by the driveway. The driveways should be a minimum of 150 feet apart

measured from the nearest point of the radius return of the two driveways.

3. Access to a corner lot fronting on two collector roads shall be required to have access from the road with the lower average daily traffic volume. Access to a corner lot fronting on a collector road and bordered by a local road shall be required to have access only from the local road.

A property may be allowed to have an additional driveway from the abutting collector road provided that the abutting collector has a left-turn lane, the driveway meets all design criteria set forth in this ordinance, and the driveway is justified based on trip generation or topography and/or the impact on traffic safety and movement on the public roadway is minimal and/or benefited by the driveway. Approval of such driveway may be conditioned upon other geometric improvements by the applicant that mitigates traffic impact.

4. For residential uses, access to local collector roads shall be from an internal local road if local road exists.

c. *Local roads*

1. There shall be no more than one driveway to a local road from any lot with 50 feet or less of frontage on that roadway.
2. Lots having more than 50 feet of frontage to any local road may have more than one driveway provided that for commercial and service institution uses or for residential uses, the additional driveway is justified based on trip generation or topography and/or that the impact to traffic is minimal.

(2) *Minimum distance from intersection-* No driveway to an arterial road shall be established within 125 feet of an intersecting public road. On collector roads, no driveway shall be established within 50 feet of an intersecting public road. On local roads, no driveway shall be established within 50 feet of an intersecting public road. Measurements shall be made along the edge of the pavement from the nearest point of tangency of the curve of the intersecting road pavement to the nearest point of radius return of the driveway.

(3) *Minimum distance between driveways on separate lots -* For any use other than single family residential, the following standards shall apply. No two driveways serving separate lots on an arterial road shall be less than 250 feet apart. On collector roads, no two driveways serving separate lots shall be less than 150 feet apart. On local roads, no two driveways serving

separate lots shall be less than 20 feet apart. The distance between driveways shall be measured from the nearest point of the radius return of the two driveways. The minimum separation distance may be reduced using commonly accepted and applied traffic engineering principles, if one of the following conditions exists:

- a. Where the use of shared access or private road easements is not feasible or possible or,
- b. Where exceptional topographic constraints or unusual site conditions at the driveway location (such as in-place utility or drainage features) which would make strict application of the standard exceptionally and/or practically difficult or unduly harsh or,
- c. Where such reduction would not constitute a threat or danger to the safe and efficient flow of traffic.

(4) *Minimum distance from property line.* For Residential Uses, No driveway, other than a shared driveway as authorized under subsection (8) of this section, shall extend beyond a straight line projection of any side or rear lot line, provided that the side or rear lot line does not have an ingress & egress easement present; provided, however, such provisions may be waived subject to the written approval of the CSD and the adjoining property owner. For Office, Commercial and Industrial uses, all driveways shall be located a minimum of 10 feet from the property line.

(5) *Deceleration lanes* - Approval of driveway to an arterial road may be conditioned upon construction of a deceleration lane. Such lanes may be required in conjunction with each driveway to collector roads where a proposed building or land use will increase traffic volumes on the existing road to a total in excess of 1,000 vehicle trips daily or 100 peak hour vehicle trips per day. The deceleration lane, a minimum of 10 feet in width measured from the edge of pavement or edge of the shoulder line to the center of the lane line, shall be constructed to the governing jurisdictions standards with the length measured from the centerline of the driveway according to the following criteria:

**Minimum Deceleration Lane**

Posted speed limit	Length of taper (Feet)	Total length (Feet)

35 mph or less	<b>75</b>	<b>200</b>
40 to 45 mph	<b>110</b>	<b>250</b>
50 to 55 mph	<b>150</b>	<b>300</b>

The minimum dimensions of the deceleration lane may be reduced, provided that, , using commonly accepted and applied traffic engineering principles, the following conditions exist:

- a. Where exceptional topographic constraints or unusual site conditions at the driveway location (such as in-place utility or drainage features), which would make strict application of the standard exceptionally and/or practically difficult or unduly harsh.
- b. Where such reduction would not constitute a threat or danger to the safe and efficient flow of traffic.

(6) *Acceleration lane.* In instances of unusual topography or traffic safety considerations, the CSD may require construction of an acceleration lane. The length of taper and total length shall be determined by the design engineer using commonly accepted and applied traffic engineering principles.

(7) *Left turn storage lane* - Approval of a driveway to an arterial road and/or collector road which does not have an exclusive left turn storage lane may be conditioned upon construction of a left turn storage lane with appropriate median and/or pavement markings. The requirement and design of each storage lane including paved approach, bay and departure tapers shall be determined from the recommendations of the traffic study and approved by the CSD.

(8) *Shared access easements & Private driveway easements*

- a. Private driveway easements accessing any public roadway shall conform to the provisions set forth in this ordinance. Internal access from said private driveway easements will not be required to follow the provisions set forth in this ordinance. Lots fronting a public roadway and a

private driveway easement shall conform to the provisions set forth in this ordinance.

- (9) *Driveways; minimum length/restrictions* - All driveways for uses other than single family residential must extend a minimum of 20 feet into the property from the existing edge of pavement from the abutting public road, before the edge of the driveway may be intersected by a parking lot space, aisle or drive. The minimum length of this restricted driveway may be extended where, , anticipated traffic volumes and commonly accepted and applied traffic engineering principles indicate the need for longer, controlled storage lanes.
- (10) *Driveways; width requirements* - The width of driveways, measured at the nearest points of the radius return, shall meet the following requirement:

Use	Driveway width	
	Minimum	Maximum
Residential (to individual dwelling units)		
Uses other than single family residential:		
One-way traffic	15 ft.	25 ft.
Two-way traffic	25 ft.	35 ft.

Driveways may exceed the maximum width stated herein, provided that, , the need to provide safer turning movements for truck traffic to or from such property, and/or the number of trips generated to or from such property justifies the need for additional driveway lanes.

- (11) *Boulevard-type driveways.* Boulevard-type driveways in which ingress and egress lanes are separated by a minimum six-inch raised concrete curb median may exceed the maximum two-way width provided the individual ingress or egress lane does not exceed the limits of one-way access width and the median does not exceed 14 feet in width. Additionally, the location of any monuments, walks, vegetation or signage must not be located in the median in such a way as to interfere with driver vision and safety entering and exiting onto a street.
  
- (12) *Radius of driveway curve* -The radius of curve connecting the edge of the deceleration or acceleration lane or through-traffic lane and edge of driveway shall meet the following requirements:

Use	Radius of Curve	
	Minimum	Maximum
Other than single family residential		
Arterial roads	10 ft.	25 ft.
Collector roads	10ft.	20 ft.
Local roads	10 ft.	20 ft.

The radius of the driveway curve to uses other than single family residential may exceed the maximum length stated herein, provided that, the need to provide safer

turning movements for truck traffic to or from such property, and/or the number of trips generated to or from such property justifies the need for additional radius length.

*(13) Pavement markings, signage.* Driveways with more than two ingress and egress lanes shall have the pavement surfaced marked with centerlines, lane lines, channelizing lines, stop lines, symbol arrows etc; plus traffic control signage in accordance with the requirements of the Manual on Uniform Traffic Control Devices, most current addition approved by the Tennessee Department of Transportation, Traffic Engineering Division. The property owner shall continually maintain such pavement markings and signage in good condition and visible to drivers at all times. Failure to continually maintain pavement markings and signage in good condition and visible to drivers at all times shall constitute a violation of this ordinance

*Off-Site Right of Way and Easements.* Some off-site improvements may require additional right of way/easements. In the cases where additional right of way/easements are required and the developer cannot acquire them, the CSD can acquire with the developer reimbursing 100% of all costs associated with the purchase.

## **Section VII Appeals Process**

An appeals process is hereby established as prescribed in Appendix B.

<i>FIRST READING:</i>	September 7, 2006
<i>POSTPONED:</i>	October 5, 2006; November 2, 2006
<i>SECOND READING:</i>	December 7, 2006
<i>EFFECTIVE DATE:</i>	December 12, 2006

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# APPENDIX A

## Clarksville-Montgomery County Roadway Classification Plan Designation of Public Roads

### Arterial Roads

	Road Name	Begin	End
	101st Airborne Division Parkway (SR 374)	Ft. Campbell Blvd. (SR 12)	Wilma Rudolph Blvd. (SR 13)
	2nd Street	College Street (SR 48)	Madison Street
	3rd Street	College Street (SR 48)	Madison Street
	41-A Bypass (SR 76)	Madison Street (SR 112)	Cumberland Drive
	Ashland City Rd (SR 12)	41-A Bypass (SR 76)	County Line
	College Street (SR 48)	Riverside Drive (SR12)	Kraft Street (SR 13)
	Crossland Ave.	Riverside Drive (SR12)	Madison Street (SR 112)
	Dover Road (SR 76)	Ft. Campbell Blvd. (SR 12)	County Line
	Ft. Campbell Blvd. (SR 12)	Dover Road (SR 76)	Kentucky State Line
	Governors Square Mall Bypass	Warfield Blvd. (SR 374)	Wilma Rudolph Blvd. (SR 13)
	Kraft Street (SR 13)	Riverside Drive (SR12)	College Street (SR 48)
	Local Interstate Connector (SR 76)	Hornbuckle Road	Madison Street (SR 112)
	Madison Street (SR 112)	2nd Street	County Line
	N. 2nd St. (SR 112)	Riverside Drive (SR12)	College Street (SR 48)
	Needmore Road	Wilma Rudolph Blvd. (SR13)	Tinytown Road (SR 236)
	Peachers Mill Road	Providence Blvd. (SR 12)	Tinytown Road (SR 236)
	Providence Blvd. (SR 12)	Riverside Drive (SR12)	Dover Road (SR 76)
	Purple Heart Parkway (SR 374)	County Line	Ft. Campbell Blvd. (SR 12)
	Riverside Drive (SR 12)	Cumberland Drive	2nd Street (SR 112)
	Rossvie Road (SR 237)	Warfield Blvd. (SR 374)	Interstate (I-24)
	SR 48/13	Riverside Drive (SR12)	Mayhew Road
	Tinytown Road (SR 236)	Ft. Campbell Blvd. (SR 12)	Trenton Road (SR 48)
	Trenton Road (SR 48)	Wilma Rudolph Blvd. (SR13)	Kentucky State Line
	University Ave. (SR 112)	College Street (SR 48)	Madison Street (SR 112)

Warfield Blvd. (SR 374)	Wilma Rudolph Blvd. (SR13)	Madison Street (SR 112)
Wilma Rudolph Blvd. (SR 13)	Kraft Street (SR 13)	County Line

### Collector Roads

Road Name	Begin	End
10th Street	Madison Street (SR 112)	Franklin Street
8th Street	Franklin Street	Kraft Street (SR 13)
9th Street	Franklin Street	College Street (SR 48)
Alfred Thun Road	Guthrie Hwy (SR 13)	International Blvd
Allen Rd	Tinytown Rd (SR 236)	State Line
Anderson Rd	Local Int.Connector (SR 76)	End
Barkers Mill Rd	Tinytown Rd (SR 236)	End
Basham Ln	Rossvie Rd (SR 237)	Dunbar Cave Rd
Bellamy Ln	Rossvie Rd (SR 237)	Warfield Blvd. (SR 374)
Commerce Street	Riverside Drive (SR 12)	10th Street
Corporate Parkway Blvd	Alfred Thun Blvd	County Line
Cumberland Drive	Riverside Drive (SR 12)	Madison Street (SR 112)
Cunningham Lane	Ft. Campbell Blvd. (SR 12)	Lafayette Road
Dotsonville Road	Dover Road (SR 76)	County Line
Dunbar Cave Road	Wilma Rudolph Blvd. (SR 13)	Rossvie Road (SR 237)

### Collector Roads (cont.)

Road Name	Begin	End
Dunlop Lane	Wilma Rudolph Blvd. (SR 13)	County Line
East Old Ashland City Road	Ashland City Rd (SR 12)	County Line
Edmondson Ferry Road	Greenwood Ave.	End
Excell Road	Madison Street (SR 112)	County Line
Franklin Street	Public Square	Reynolds Street
Glendale Drive	Paradise Hill Road	41-A Bypass (SR 12)
Golf Club Lane	Madison Street (SR 112)	Crossland Ave.
Gratton Road	Ashland City Rd (SR 12)	County Line
Greenwood Ave.	Madison Street (SR 112)	41-A Bypass (SR 12)
Hawkins Road	SR 48/13	Edmondson Ferry Road
Hazelwood Road	Trenton Road (SR 48)	Needmore Road
Hickory Grove Blvd.	Riverside Drive (SR 12)	Cumberland Drive
Highland Circle	Paradise Hill Road	Crossland Ave.

Hornbuckle Road	Local Int. Connector (SR 76)	End
Industrial Park Rd	Alfred Thun Blvd	County Line
Jack Miller Blvd.	Ft. Campbell Blvd. (SR 12)	Tobacco Road
Kennedy Ln	Trenton Rd	End
Kennedy Ln	Westfield Ct	End
Lafayette Road	Ft. Campbell Blvd. (SR 12)	County Line
Main Street	Riverside Drive (SR 12)	Franklin Street
Marion Street	8th Street	N. 2nd Street
McClardy Rd	Peachers Mill Rd	Robertson Ct
Memorial Drive	Madison Street (SR 112)	Local Int. Connector (SR 76)
Meriwether Rd	Trenton Rd	County Line
N Edgewood Pl	Wilma Rudolph Blvd. (SR 13)	End
N Liberty Church Road	County Line	Lafayette Road
Oakland Rd	Tylertown Rd	County Line
Old Ashland City Road	Golf Club Lane	41-A Bypass (SR 12)
Old Farmers Road	Local Int. Connector (SR 76)	Madison Street (SR 112)
Old Russellville Pike	Wilma Rudolph Blvd. (SR 13)	End
Old Trenton Road	Wilma Rudolph Blvd. (SR 13)	Wilma Rudolph Blvd. (SR 13)
Outlaw Field Road	Tinytown Road (SR 236)	Jack Miller Blvd.
Pageant Lane	Madison Street (SR 112)	Crossland Ave.
Paradise Hill Road	Oriole Cir	Richardson Street
Pembroke Road	Tinytown Road (SR 236)	Kentucky State Line
Peterson Lane	Old Trenton Rd	Barnes Dr
Pollard Road	Peachers Mill Road	End
Porters Bluff Road	Madison Street (SR 112)	Commerce Street
Powell Rd	Rossvie Rd (SR 237)	End
Reynolds Street	Franklin Street	Commerce Street
Ringgold Road	Ft. Campbell Blvd. (SR 12)	101st Airb.Div.Pky (SR 374)
Rossvie Rd	Wilma Rudolph Blvd. (SR 13)	Warfield Blvd. (SR 374)
Sango Road	Local Int. Connector (SR 76)	Trough Springs Rd
South Hampton Pl	Wilma Rudolph Blvd. (SR 13)	End
Tobacco Road	Tinytown Road (SR 236)	Lady Marion
Trough Springs Road	Local Int. Connector (SR 76)	Sango Road
Tylertown Road	Sage Meadow Ln	County Line

**Collector Roads (cont.)**

	<b>Road Name</b>	<b>Begin</b>	<b>End</b>
	West Dunbar Cave Road	Wilma Rudolph Blvd. (SR 13)	Old Trenton Rd
	Whitfield Road	Old Trenton Road	Needmore Road
	Windermere Dr	Hornbuckle Rd	West-mor Dr
	Zinc Plant Road	SR 48/13	County Line

### **Local Roads**

All other roads formally accepted for perpetual maintenance by the city, and not designated as an arterial or collector street shall be considered local roads.

# ***APPENDIX B***

## ***ACCESS MANAGEMENT ORDINANCE***

### **BOARD OF APPEALS**

#### **Access Management Ordinance Board of Appeals Operating Rules and Regulations**

The Access Management Ordinance Board of Appeals was created by the Access Management Ordinance (Ordinance X-2001-01). For the purpose of appeals to any provision set forth in said ordinance, the applicant shall request a variance be granted by the Board of Appeals

#### **Configuration of the Board**

The Access Management Board of Appeals consists of five members and one alternate member. The Board is comprised of the following appointees:

- a. Two technical members who are civil engineer(s) and/or traffic engineer(s) registered in the state of Tennessee,
- b. Chairman of the Clarksville-Montgomery County Regional Planning Commission, Chairman of the Street Committee, and,
- c. One lay member and one lay alternate from the community at large.

The Chairman of the Street Committee and the Chairman of the Clarksville-Montgomery County Regional Planning Commission are automatic members of the Board. The remainder of the Board, both members and alternates, are appointed by the Mayor and reported to the City Council.

#### **Appointment**

Appointees to the Board serve for a term of two (2) years. To be eligible to serve, appointees must have been residents of Montgomery County for not less than one year. Appointees must notify the Mayor within 10 working days of a change in their residency status. The Mayor may allow the non-resident appointee to complete his/her term or shall nominate a replacement within sixty (60) days.

The terms of office of the initial appointees are staggered as follows:

- a) One technical member, one lay member, and one alternate for a term of two (2) years, and
- b) One technical member for a term of one (1) year.

## **Organization**

Within sixty (60) days after its appointment, the Board will organize itself by election of one of its members as chairman and another as vice chairman. The Director of Streets will appoint a secretary to the Board who will be the custodian of the minutes and records of the proceedings of the Board. The City Attorney will serve as legal adviser to the Board.

## **Duties of the Secretary**

The Secretary to the Board shall:

1. Accept all appeals and variance requests on behalf of the Board.
2. Assign each appeal or variance request a number.
3. Number each appeal of variance request consecutively in order of receipt (beginning on January 1 of each year), preceded by a hyphen and the year of filing.
4. Ensure that appeals of variance requests are heard in the order that they appear on the calendar, unless they are advanced for hearing for good cause shown.
5. Prepare an agenda and distribute it to each member of the Board at least one week before each meeting.
6. Send a copy of the agenda to the City Clerk, the Director of the Planning Commission and the Director of the Building and Codes Department.
7. Include on the agenda an identification of each appeal or variance request to be heard and the information required above.

## **Compensation**

All appointees to the Board will serve without compensation and may be removed from membership on the Board by the mayor for continued absence from meetings of the Board, physical disability or other just cause.

## **Replacement of Members**

Replacement of any appointed member of the Board resigning or dismissed from the Board will be appointed by the Mayor. Any member appointed as a replacement will serve only for the remainder of the term of the member replaced, unless subsequently reappointed for an additional term.

### ***Procedures***

The Board may adopt such rules of procedure, as it may deem necessary, to conduct its business in conformance with the Access Management Ordinance.

### **Rules of Procedure**

"Roberts Rules of Order" shall govern the order of business and conduct of meetings unless otherwise provided for herein.

### **Hearing Procedure**

Prior to the testimony in each case, the secretary shall read a brief introductory statement.

The order of the proof shall be as follows at the conclusion of the introductory remarks:

1. The Director of Streets or his designee shall furnish reasons for the rejection of the access permit by way of written statement setting forth the reasons for the rejection and/or an oral presentation if so desired.
2. The appellant shall go forward with his case at the conclusion of the presentation by the Director of Streets or his designee, offering by way of written documentation or oral testimony any evidence that he may have in support of his appeal.

The Board members may at any time ask questions of the Director of Streets or his designee or the appellant. Any document submitted before the Board shall be received into record and identified as an exhibit thereto, and be numbered by the secretary. The secretary shall record the proceedings and the minutes of the meeting of the Board and shall be the custodian of the minutes and the records of the proceedings before the Board.

Every person before the rostrum shall abide by the order and direction of the Chairman. Discourtesy, disorderly, or contemptuous conduct shall be breach of the Board and shall be dealt with, as the Chairman deems proper.

The Board may defer action on any matter presented to it at a called meeting, until the next called meeting; provided however, that the Board shall approve or disapprove an appeal within two (2) calendar months after the submission thereof, unless a longer period is established by affirmative action of the board. Should the Board fail to approve or disapprove the application by the expiration of the aforementioned deadline, the appeal will be deemed to be approved.

## **Meetings**

The Board, in open meeting, will hear all appeals, under the provisions of the Access Management Ordinance.

Notification of the hearing will be sent to the appellant and shall appear in the newspaper of general circulation in Clarksville at least ten (10) working days before the date set for the hearing.

In the event that there are no appeals or variance requests pending and no other business for the Board to consider the Board shall not convene on a regular schedule.

## **Quorum, Voting and Conflict of Interest**

Three (3) members of the Board will constitute a quorum. A majority vote of members present will be required for actions by the Board. No member of the Board will act in any case in which they have a personal interest. An alternate member will replace any member who has a conflict of interest or is unable to attend.

The vote of an alternate member shall be counted in the tabulation of the result only if she or he is substituting for a regular member, otherwise the vote shall be recorded but not counted in the decision of the Committee.

### ***Application for a Variance***

Any property owner, or authorized agent thereof, may make application for a variance from the decisions of the Director of Streets or his designee.

An application for a variance shall be made using forms supplied by the Street Department and must be filed with the Street Department within (30) days of the written decision of the Director of Streets or his designee.

A fee of **\$50.00** shall accompany such notice of appeal.

### **Deferral or Withdrawal of an Application for a Variance**

Any property owner, or authorized agent thereof, may petition to defer or withdraw an application for a variance. The petition to defer or withdrawal must be made in writing to the Director of Streets at least 72 hours prior to the scheduled meeting of the Access Management Board of Appeals.

## **Decisions**

A decision of the Access Management Board of Appeals to grant a variance will be by resolution of the Board, which will specify in what manner such variations or modifications will be made, the conditions upon which they are to be made and the reasons therefore. The Board will, in every case, render a decision without unreasonable or unnecessary delay. Every decision of the Board will be final, subject however, to such remedy as any aggrieved party or the City of Clarksville may have at law or in equity.

## **Standards for Granting Variances**

In granting a variance, the Board will ascertain that all the following conditions are met:

- a. That good and sufficient cause has been provided;
- b. That granting the variance will not increase a threat to public health, safety, or general welfare;
- c. That granting the variance will not be contrary to the public interest;
- d. That granting the variance will not result in public expense;
- e. That granting the variance will not knowingly conflict with other existing laws or ordinances;
- f. That failure to grant the variance would result in unnecessary hardship; and
- g. That by granting the variance, the spirit of the Access Management Ordinance will be observed.

In granting a variance, the Board will determine, and only grant, the minimum variance necessary to afford relief.

## **Records**

All decisions of the Board will be in writing and will indicate the vote of each member of the Board upon the decision. Every decision will be promptly entered into the minutes of the meeting of the Board and filed with the Street Department. The records of the Board will be open to public inspection and a certified copy of each decision will be sent by mail or otherwise to the appellant.