

ARTICLE 2

DEFINITION OF CERTAIN TERMS USED HEREIN

Except as specifically defined herein, all words used in these regulations have their customary dictionary definitions where not inconsistent with the context. For the purposes of these regulations certain words or terms are defined as follows:

The term "shall" is mandatory. when not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

Bond. Any form of security (including a cash bond, surety bond, undated letter-of-credit, cashier's check, or certified check) in an amount and form satisfactory to the planning commission for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement with the MCRPC.

Deed Restrictions. A private covenant among the residents of a subdivision or development limiting uses or setting conditions within the subdivision or development.

Developer. Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another (see "Subdivider").

Easement. The right given by a property owner to another party (either public or private) for a specific limited use of a designated part of his property.

Easement, Drainage. A perpetual, unobstructed easement across property reserved to carry surface water drainage along specified routes to natural water courses. Drainage easements shall not be filled or built upon in any way that will impede the flow of surface water.

Easement, Utility. An easement for the installation, operation, inspection, maintenance, repair, or replacement of public utility lines, cables, poles, ditches, pipes, manholes, etc. and the appurtenances belonging thereto.

Easement, Vehicular. The right granted by the owner of land to another party by deed or prescription, to allow vehicular access across one parcel of land to another.

Flag Lot. An interior lot located to the rear of another lot but with a narrow portion of the lot extending to the road. The narrow portion of the lot that extends to the road shall be suitable for ingress and egress, and shall not be included in the calculation of the minimum lot area.

Flood. A temporary rise or overflow of a body of water onto adjacent lands not normally covered by water.

Other FLOOD-RELATED TERMS are defined as follows:

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

Floodplain. The relatively flat area or lowlands adjoining a watercourse or other body of water which has been or may be covered by water.

Floodway. The channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to provide for the passage of flow from the regulatory flood (the 100-year Flood). This area must be left unobstructed in order to preserve the flood-carrying capacity of the stream and its flood plain without appreciably increasing the height of the floodwaters.

Floodway Fringe. That part of the flood plain located between the floodway and the designated outline of the 100-year Flood which would be covered by flood waters of the 100-year Flood. Uses are permitted if they are protected by fill, flood-proofed, or otherwise protected.

Regulatory Flood. A large flood selected for regulatory purposes and a basis for floodplain management. In McMinn County, as in most places, the 100-year Flood is the regulatory flood or base flood and there are no flood restrictions outside its limit. The 100-year Flood statistically has a one-percent chance of occurring each year.

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

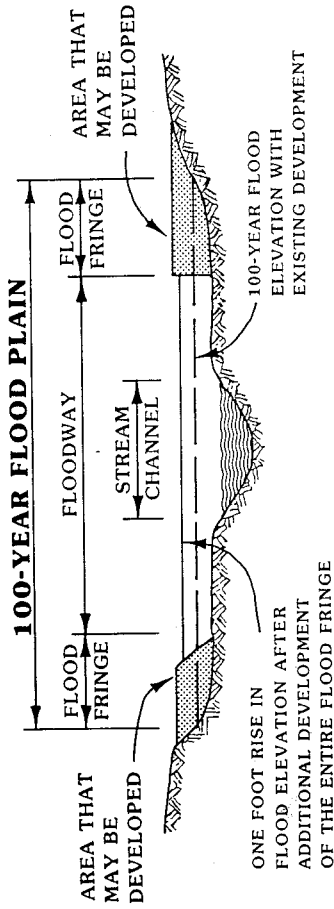
Health Authority. The director of the county or district health department having jurisdiction over the county health, or his duly authorized representative, usually a county environmentalist who works for the Tennessee Department of Health and Environment.

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

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

Lot, Non-residential. A lot intended to be used for purposes other than residential structures and their accessory uses; such as for commercial or industrial development.

Lot of Record. A designated tract of land as shown on a plat or other document recorded in the County Register's Office or the County Assessor of Property's Office.



100-YEAR FLOOD PLAIN SCHEMATIC

LOT DIMENSIONS are defined as follows:

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

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

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

MCRPC-PLANNING COMMISSION. McMinn County Regional Planning Commission

Mobile Home-Manufactured Home. A factory-manufactured structure or housing unit at least eight feet in width and 40 feet in length, which is not self-propelled, but which is built as a single unit and is transportable. It is built on a permanent single chassis and is designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

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

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

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Planning Region. The land within the McMinn County Planning Region. More specifically, all land in McMinn County which is outside of incorporated municipalities and their planning regions, if any.

Planning Staff. The planner assigned to McMinn County from the Tennessee Department of Economic and Community Development, Local Planning Office.

Plat. The scale drawing or map of a subdivision including plat, plan, plot, or replot.

Preliminary Plat. A subdivision plat showing the proposed lot arrangement and with the provisions contained in Article 9. It is generally submitted to the MCRPC for approval prior to the preparation of the final plat.

Final Plat. A subdivision plat prepared in accordance with the provisions contained in Article 12. The final plat is designed to be placed on record with the County Register after approval by the planning commission.

Regional Flood (or its equivalent). A flood used in the most recent flood study comparable to the largest floods known to have occurred on streams of similar physical characteristics in the same geographic region.

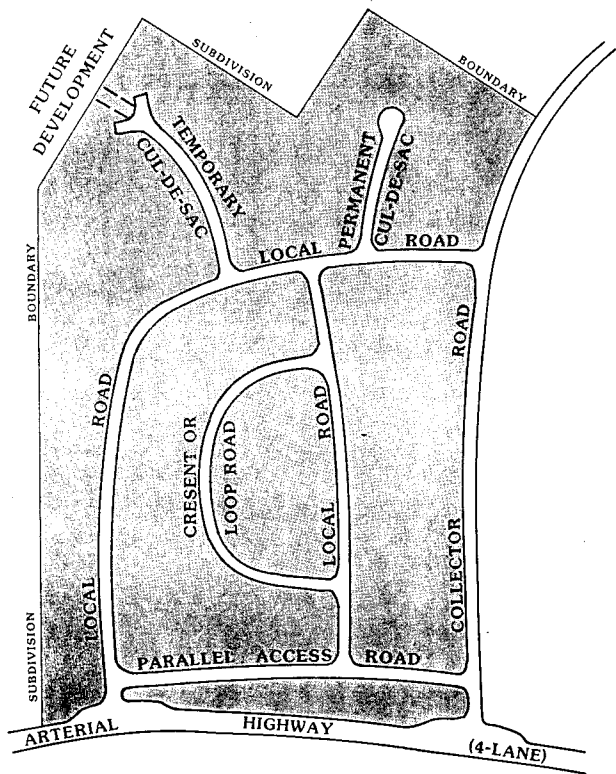
Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any road layout on such map, or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-Of-Way (R.O.W). A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. Such rights-of-way shall not become a governmental responsibility until accepted, however.

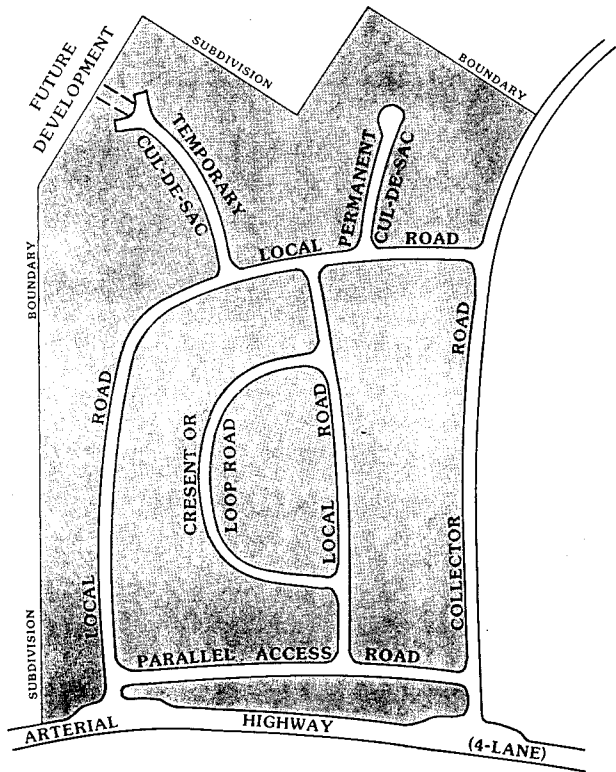
Road. Any right-of-way designed for vehicular movement. "Road" includes the full width of the right-of-way between property lines as well as the traveled portion thereof. "Road" includes "street", "highway", or any other designation of a right-of-way designed for vehicular movement.

For the purpose of these regulations, ROADS are divided into the following categories:

- a. Interstate - the road designated as such in the Transportation Plan of McMinn County
- b. Major and Minor Arterials - the roads designated as such in the Transportation Plan of McMinn County.
- c. Collectors - a road which primarily carries traffic from local roads to arterials. Collector roads include those designated as such in the Transportation Plan of McMinn County.
- d. Local Road - a neighborhood road used primarily for access to the abutting properties.
- e. Marginal Access Road - a minor road parallel and adjacent to major thoroughfares which offers access to abutting properties and is used to limit access points on an arterial.
- f. Alley - a minor way used for service access to the back or side of properties otherwise abutting on a road.
- g. Cul-de-sac - a local road with only one outlet, sometimes called a "dead-end" road. A cul-de-sac is measured from its dead-end or vehicular turn around back to the first intersection.
- h. Private Road - a privately-maintained road constructed on a recorded permanent easement and built to the standards set forth in these regulations.



ROAD TYPES



ROAD TYPES

Roadway. The actual road surface which is utilized to transport motor vehicles including necessary road shoulders and drainage facilities including ditches, curbing and guttering.

Road Paving Material Class. "Class" refers to the type and cleanliness of the paving material.

Road Paving Material Grade. "Grade" refers to the size of the aggregate in the paving material.

Sanitary Sewer System. A municipal or community sewage collection, treatment, and disposal system of a type approved by the Health Department.

Setback Line. A line established by the Subdivision Regulations, generally parallel with and measured from the lot lines, delineating the minimum allowable distance between the property line and a building on a lot within which no building or other structure shall be placed except as otherwise provided.

Subdivider. The person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance or proceedings to subdivide such land under this ordinance, or the authorized agent, person, firm or corporation for the purpose or proceeding under these regulations.

Subdivision. The term "subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose whether immediate or future, of sale or building development and includes resubdivision; and the definitions of such subdivision shall be restricted to the following:

- a. All such divisions where one (1) or more of the resulting tracts is less than five (5) acres in size;
- b. All such divisions where a new road or public utility installation (water or sewer) is required, regardless of the size of any or all of the parcels.

The following are EXCLUDED from the definition of a "subdivision:"

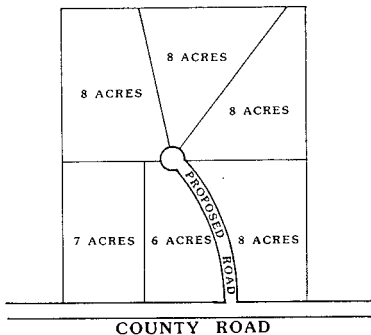
- a. Testamentary division of property;
- b. Partnership division of property between two or more owners of an undivided interest by court order or by deeds;
- c. Divisions where the resulting tracts are all over five (5) acres, all have frontage on an existing publicly-maintained road, and where none require the extension of public water or sewer lines.

Subdivision Regulations. The "McMinn County, Tennessee, Subdivision Regulations" in its entirety and future amendments, thereto.

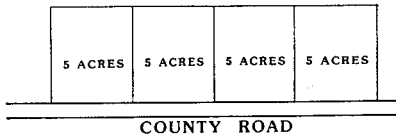
Variance. A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.



THIS IS A SUBDIVISION
BECAUSE ONE LOT IS LESS
THAN FIVE (5) ACRES.

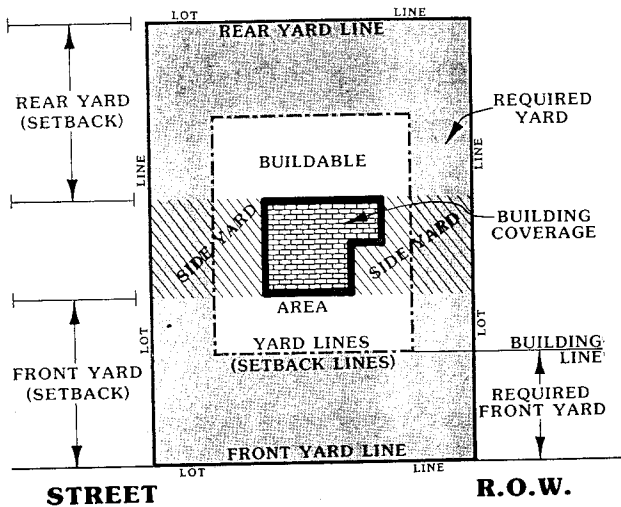


THIS IS A SUBDIVISION
BECAUSE A NEW ROAD IS
NEEDED FOR ACCESS.



THIS IS NOT A SUBDIVISION
BECAUSE ALL LOTS ARE FIVE
(5) ACRES AND NO NEW ROADS
OR PUBLIC UTILITIES ARE
REQUIRED

WHAT IS A SUBDIVISION ?



SETBACKS AND YARDS

Yard, Front. The required open space, unoccupied by buildings, between the road or street right-of-way line and the principal building.

Yard, Rear. The required space, unoccupied except by an allowed accessory use, extending from the rear of the principal building to the rear lot line the full width of the lot.

Yard, Side. The space, unoccupied except as herein provided, measured between side lot line and the nearest point of the principal building and between the front yard and the rear yard.