

ARTICLE 4

GENERAL DESIGN REQUIREMENTS

Section 4.01. Suitability of the Land. The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

Land within any designated floodway as shown on Tennessee Valley Authority (TVA) Flood Maps as noted below (A-E), or the McMinn County Flood Insurance Rate Map (FIRM), shall not be platted for residential occupancy or building sites. Fill may not be used to raise land within any designated floodway. In other areas subject to flood, fill may be used providing the proposed fill does not restrict the flow of water and unduly increase flood heights.

- a. Along Hiwassee River below Mile 29.3, land lying below the elevation of the TVA Structure Profile as shown on the chart, "High Water Profiles, Hiwassee River Vicinity of Charleston-Calhoun, Tennessee, Tennessee Valley Authority Division of Water Control Planning, Hydraulic Data Branch, September 1961.
- b. Along Hiwassee River above Mile 29.3, land lying below the elevation of the Regional Flood (Regulated) as shown on the chart, "High Water Profiles, Hiwassee River Vicinity of Charleston-Calhoun, Tennessee," Tennessee Valley Authority Division of Water Control Planning, Hydraulic Data Branch, September 1961. Said chart is made a part of these regulations.
- c. Along Conasauga Creek below Mile 15.90 and Cane Creek below Mile 6.75, land lying below the elevation of the Regional Flood as shown on the chart, "High Water Profiles, Conasauga and Cane Creeks, Vicinity of Etowah, Tennessee", Tennessee Valley Authority Division of Water Control Planning, September 1962. Said chart is made a part of these regulations.
- d. Along Oostanaula Creek between Miles 29.3 and 36.1, land lying below the elevation of the 9,000 cfs flood as shown on the chart, "High Water Profiles, Oostanaula Creek, Vicinity of Athens, Tennessee", Tennessee Valley Authority Division of Water Control Planning, July 1957. Said chart is made a part of these regulations.
- e. Any portion of land within one hundred (100) feet of a stream bank, except those streams or portions of streams mentioned in subsections a to d of this section. Where subdivision development is proposed within one hundred (100) feet of a stream for which detailed flood data has not been published, the Planning Commission shall require detailed flood information for the particular area before deciding whether or not such subdivision development can occur.

Section 4.02. Name of Subdivision. The name of the subdivision must have the approval of the Planning Commission. The name shall not duplicate or closely approximate the name of an existing subdivision unless such subdivision is a resubdivision according to Section 11.04 of these regulations.

Section 4.03. Access. Access to every subdivision shall be provided over a public road. Access may also be provided over a private road according to Section 5.08 of these regulations.

Section 4.04. Public Use Areas. When features of other plans adopted by the Planning Commission, (such as schools or other public building sites, parks or other land for public uses) are located in whole or in part in a land subdivision, land for such features shall be either dedicated or reserved by the subdivider for acquisition within one (1) year by the appropriate public agency.

Whenever a plat proposes the dedication of land to public uses that the Planning Commission finds not required or suitable for such use, the Planning Commission shall refuse to approve the plat, and shall notify the governing body of the reasons for such action.

Note: One of the primary purposes and advantages of planning for the dedication and reservation of property for public use is to indicate areas which may be presently acquired at acreage prices rather than at greatly increased prices in the future, where future improvements would increase the expense to the taxpayer and create inconvenience for the individual property owner and for the neighborhood.

Where public use is to be made of the property and where the residents of the subdivision will receive primary benefit, the dedication of the property should be encouraged. Where the public use is for the public as a whole, the community should pay proportionately for the acquisition of reserved areas within a reasonable time. A reasonable time is to be determined according to the circumstances, because the subdivider should not be required to hold his land idle for a lengthy indefinite period.

Section 4.05. Large-Scale Development. The requirements of these regulations may be modified in the case of large scale community or neighborhood units, such as housing project, mobile home park or shopping center which is not subdivided into customary lots, blocks and roads. Plans for all such developments shall be presented to the Planning Commission for review and approval prior to the commencement of construction.

The requirements and regulations of the "Manufactured Homes and Recreational Vehicles" chapter of the Tennessee Code Annotated, Sections 68-36-101 through 68-36-411, and those of the McMinn County Mobile Home Resolution, must be satisfied and the approval of the local health authority must be secured prior to approval by the Planning Commission.