



SUBDIVISION REGULATIONS

**MARYVILLE PLANNING COMMISSION
CITY OF MARYVILLE, TENNESSEE
April 15, 2013
As Amended**

Prepared by the Maryville Planning Commission

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TABLE OF CONTENTS

ARTICLE I	GENERAL PROVISIONS	1
ARTICLE II	BASIC DEFINITIONS AND INTERPRETATIONS	4
ARTICLE III	ADMINISTRATIVE PROCEDURES	8
ARTICLE IV	PLAT APPROVAL PROCESS	11
ARTICLE V	MAJOR AND MINOR SUBDIVISIONS	20
ARTICLE VI	HEARING PROCEDURES AND APPLICATIONS	26
ARTICLE VII	ENFORCEMENT	28
ARTICLE VIII	REVIEW OF DECISIONS	30
ARTICLE IX	DENSITY AND DIMENSIONAL REGULATIONS	31
ARTICLE X	RECREATIONAL FACILITIES AND OPEN SPACE	38
ARTICLE XI	STREETS AND SIDEWALKS	42
ARTICLE XII	UTILITIES	53
ARTICLE XIII	RESERVED FOR FUTURE USE	62
ARTICLE XIV	RESERVED FOR FUTURE USE	63
ARTICLE XV	AMENDMENTS	64

ARTICLE I
GENERAL PROVISIONS

SECTION 1: SHORT TITLE

These regulations shall be known and may be cited as the Maryville Subdivision Regulations.

SECTION 2: AUTHORITY

- (a) These regulations are adopted pursuant to the authority contained in Title 13 Chapter 3 and more specifically Section 13-4-303 of the Tennessee Code Annotated.
- (b) Whenever any provision of these regulations refers to or cites a section of the Tennessee Code Annotated and that section is later amended or superseded, the regulations shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 3: JURISDICTION

These regulations shall be effective throughout the City of Maryville's ("City") corporate limits and any areas subsequently annexed into the City of Maryville.

SECTION 4: EFFECTIVE DATE

These regulations were originally adopted and became effective on May 15, 2006 superseding the prior subdivision regulations of the City.

SECTION 5: RELATIONSHIP TO EXISTING SUBDIVISION RELATED ORDINANCES

To the extent that the provisions of these regulations are the same in substance as the previously adopted provisions that they replace in the City's zoning, subdivision, land development and flood control ordinances and regulations, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided.

SECTION 6: RELATIONSHIP TO LAND-USE PLAN

It is the intention of the Maryville Planning Commission ("Planning Commission") that these regulations implement the planning policies for the City, as reflected in this and other planning and documents. While the Planning Commission reaffirms its commitment that these regulations and its commitment that any amendment to these regulations shall be in conformity with adopted planning policies, the Planning Commission hereby expresses its intent that

neither these regulations nor any amendment to them may be challenged on the basis of any alleged nonconformity with any planning document.

SECTION 7: FEES

- (a) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for subdivision plat submittals and other administrative relief sought from the Maryville Planning Commission and City staff relating to matters under the province of Planning Commission. The amount of the fees charged shall be as set forth in the City's budget or as established by resolution of the City Council. Fees established in accordance with Subsection (a) shall be paid upon submission of a signed application or other official request for action.
- (b) The City Council may impose other fees in amounts it determines for called or other matters related to the operation of the Planning Commission.

SECTION 8: SEVERABILITY

It is hereby declared to be the intention of the Planning Commission that the sections, paragraphs, sentences, clauses and phrases of these regulations are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of these regulations, since the same would have been enacted without the incorporation into these regulations of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

SECTION 9: COMPUTATION OF TIME

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day should be excluded in the computation.

SECTION 10: MISCELLANEOUS

- (a) As used in these regulations, words importing the masculine gender include the feminine and neuter.
- (b) Words used in the singular in these regulations, include the plural and words used in the plural include the singular.

ARTICLE II

BASIC DEFINITIONS AND INTERPRETATIONS

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in these regulations:

City means the legal entity of the City of Maryville, Tennessee as incorporated under the laws of Tennessee.

City Council. The City Council of the City of Maryville.

Developer. A person who is responsible for any undertaking that requires an approval under these regulations.

Development. That which is to be done pursuant to an approval under these regulations.

Development Services. The section of the City of Maryville which is responsible for administering land use regulations and performing current and long-range planning duties for the City.

Dwelling Unit. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

Flag lot. A lot having a narrow portion of which fronts on a public/private street and where access to the public/private street is across that narrow portion for the exclusive use of that lot only.

Lot. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a public road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

Lot Area. The total gross lot area circumscribed by the boundaries of a lot, except that:

- (a) when the legal instrument creating a lot shows the boundary of the lot extending into a public right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street, and

- (b) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.
- (c) a lot area is that portion of the lot that is deemed suitable for development and which can be served by city sanitary sewer or subsurface septic systems.

Lot Frontage is the length of a straight line drawn between the two points where the abutting property lot lines or other adjacent lot lines cut a given street line of a public street. In the case of a corner lot, one or both of the end points shall be deemed to be the imaginary point (s) of the intersection of tangents to any curve from where the street lines begin such curve. A lot may have more than one frontage; however, only one such frontage shall be required to meet the minimum frontage requirements of this code. Situations in which property abuts the end line of a street designed later to be extended shall not be deemed frontage situations.

Lot Line means the legal boundary for a lot.

Lot Width is the length of a straight line drawn between the points where any street setback line cuts the lot lines adjacent to and intersecting that street line from which the setback is measured. In the case of uses for which required lot width exceeds required lot frontage, lot width may be similarly measured along any line parallel to the street setback line and located farther from the centerline than the street setback line is located. Lot width requirements shall be applied for each separate lot frontage.

Multi-Family Conversion. A multi-family residence containing not more than four dwelling units and resulting from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was or originally designed, constructed and occupies as a single-family residence. Each dwelling unit must have a minimum of 500 square feet.

Multi-Family Residence. A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Multi-Family Townhouse. A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Neighborhood Utility. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Person. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Planned Unit Development (PUD). A development constructed on a tract of at least 25 acres

under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential use on land within a PUD district.

Planning Commission, created in accordance with the appropriate provisions of Title 13, Public Planning and Housing, of the Tennessee Code Annotated, with jurisdiction in the corporate limits of the City of Maryville.

Planning Jurisdiction. The area within the Maryville city limits and any areas subsequently annexed into said limits.

Primary Residence with Accessory Apartment. A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25 percent of the gross floor area of the building nor more than a total of 750 square feet.

Public Water Supply System. The City of Maryville, City of Alcoa, South Blount Utility District and other public utilities providing water to dwelling units or businesses or any combination thereof.

Road. Means, relates to and includes roads, streets, highways, avenues, boulevards, parkways, lanes or other ways or any part thereof.

Street. A public street or a street with respect to which an offer of dedication has been made and acceptance of dedication has been made by the City of Maryville.

Street Line separates the lot from a street

Structures means any erected material or combination of materials the use of which requires a location on the ground, including, but not limited to, dwelling units, buildings, stadiums, radio towers, shed, storage bins, fences, septic tanks, signs and parking lots.

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

Subdivision, Major. Any subdivision other than a minor subdivision.

Subdivision, Minor. A subdivision that does not involve any of the following:

- (a) the creation of more than one additional lot;
- (b) the creation of any new public streets;
- (c) the extension of a public water or sewer system; or
- (d) the installation of drainage improvements through one or more lots to serve one or

more other lots.

Tract. A lot. The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".

Two-Family Residence. A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

Utility Facilities. Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by T.C.A. and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil or electronic signals. Excepted from this definition are utility lines and supporting structures located within a public right-of-way.

ARTICLE III

ADMINISTRATIVE PROCEDURES

SECTION 1: MEETINGS

- (a) The Planning Commission shall establish a regular meeting schedule and shall meet with sufficient frequency that it can take action expeditiously.
- (b) The Planning Commission shall conduct its meetings so as to obtain necessary information and to promote complete and free exchange of ideas.
- (c) Minutes shall be kept of all Planning Commission proceedings.
- (d) All Planning Commission meetings shall be open to the public, and the agenda for each Commission meeting shall be made available in advance of the meeting.

SECTION 2: QUORUM AND VOTING

- (a) A quorum for the Planning Commission shall consist of a majority of the commission membership (excluding vacant seats). A quorum is necessary for the commission to take official action.
- (b) All actions of the Planning Commission shall be taken by majority vote, a quorum being present. A minimum of three affirmative votes is required for any action to pass.
- (c) A roll call shall be taken upon the request of any member.
- (d) The members of the Planning Commission who reside within the unincorporated Urban Growth Boundary area may vote on all matters considered by the commission, regardless of whether the property affected lies within or without the City.
- (e) The Planning Commission may adopt, in its discretion, an edition of Robert's Rules of Order or a like publication to address parliamentary procedure issues before it.
- (f) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as a negative vote unless the member has recused himself or abstains.
- (g) A member may recuse himself from voting on a particular issue under the following circumstances:
 - (1) if the member has a direct financial interest in the outcome of the matter at issue, or
 - (2) if the matter at issue involves the member's own official conduct, or

- (3) if participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or
- (4) if a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest,
- (5) if required to do so under applicable state laws relating to conflicts of interest.

SECTION 3: ADVISORY COMMITTEES

- (a) The City Council may from time to time appoint one or more individuals to assist the Planning Commission in carrying out its responsibilities with respect to a particular issue.
- (b) Members of such advisory committees shall sit as nonvoting members of the Planning Commission when such issues are being considered and lend their expertise to the Planning Commission in its deliberations. All formal recommendations to the Council shall be made by the Planning Commission.

SECTION 4: LAND-USE ADMINISTRATOR

Except as otherwise specifically provided, primary responsibility for administering and enforcing these regulations may be assigned by the City Manager and/or Planning Commission to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in these regulations as the "land-use administrator" or "administrator". The term "staff" or "planning staff" is sometimes used interchangeably with the term "administrator".

SECTION 5: DIRECTOR OF DEVELOPMENT SERVICES

The Director of Development Services, or his designee, is the administrative head of the planning division. As is authorized in Article V, the director is authorized to certify final approval of major and minor subdivision plats to the Planning Commission for endorsement or to the Planning Commission for review.

ARTICLE IV

PLAT APPROVAL PROCEDURES

SECTION 1: PHYSICAL IMPROVEMENTS IN LAND TO BE SUBDIVIDED

Physical improvements to land to be subdivided may not be commenced except in accordance with a preliminary plat approval for major subdivisions or after final plat approval for minor subdivisions.

SECTION 2: NO OCCUPANCY, USE, OR SALE OF LOTS UNTIL REQUIREMENTS FULFILLED

Issuance of a preliminary plat approval authorizes the developer to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit) to commence work designed to construct, erect, move, or substantially alter improvements to a subdivision. However, except as provided otherwise herein, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of these regulations and all requirements of the City Code and all additional requirements imposed pursuant to the issuance of a preliminary plat approval or any special exception permit have been complied with or as otherwise provided by law. Further regulation regarding the sale of lots without approval of the applicable plat and regarding false representations regarding certain improvements to a subdivision are found in T.C.A. 13-4-306.

SECTION 3: WHO MAY SUBMIT PLAT APPLICATIONS

- (a) No plat shall be submitted to or approved by the Planning Commission unless it is submitted by the owner of the property to be subdivided by the plat. "Owner", for the purpose of this section, means the legal or beneficial owner or owners of all the land proposed to be included in the proposed subdivision or the holder of a written option or contract to purchase the land, or the attorney or authorized representative of any of the aforementioned.
- (b) The administrator may require an applicant to submit evidence of his authority to submit the application in accordance with Subsection (a) whenever there appears to be a reasonable basis for questioning this authority.

SECTION 4: APPLICATIONS TO BE COMPLETE

- (a) All applications for preliminary plat approval must be complete before the permit-issuing authority is required to consider the application.
- (b) Subject to Subsection (c), an application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not

the development, if completed as proposed, will comply with all of the requirements of these regulations.

- (c) All detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) shall be in accordance with any public works standards adopted by the City, or in accordance with specifications outlined by the City Director of Engineering and Public Works or his or her designee. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with the standards, so long as the plans provide sufficient information to allow the permit-issuing authority to evaluate the application in light of the substantive requirements. However, whenever these regulations require a certain element of a development to be constructed in accordance with other specifications, separate and apart from this document, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the appropriate department within the City. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty.
- (d) Requirements set forth in the Maryville Land Development and Public Works Standards and the Rules, Regulations, Rates and Policies for the City of Maryville Water Quality Control Department must be addressed and met. However, it is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case.

SECTION 5: STAFF CONSULTATION BEFORE FORMAL APPLICATION

- (a) To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of these regulations and the applicable City ordinances, pre-application consultation between the developer and the planning staff is encouraged or required as provided in this section.
- (b) Before submitting an application for a preliminary plat approval authorizing a development that consists of or contains a major subdivision, the developer shall submit to the administrator a sketch plan of such subdivision to an appropriate scale. The sketch plan shall contain:
 - (1) the name and address of the developer
 - (2) the proposed name and location of the subdivision
 - (3) the approximate total acreage of the proposed subdivision
 - (4) the tentative street and lot arrangement
 - (5) topographic lines, and

- (6) any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of these regulations. The administrator shall meet with the developer as soon as conveniently possible to review the sketch plan.
- (c) Before submitting an application for any other permit, developers are strongly encouraged to consult with the planning staff concerning the application of these regulations and the City Code to the proposed development.

SECTION 6: STAFF CONSULTATION AFTER APPLICATION SUBMITTED

- (a) Upon receipt of a formal application for preliminary plat or minor plat approval, the administrator shall review the application and confer with the applicant to ensure there is understanding of the planning staff's interpretation of the applicable requirements of these regulations and of the applicable City rules, regulations and ordinances, that the applicant submits all of the information that he intends to submit, and that the application represents precisely and completely what he proposes to construct and develop on a particular piece of property.
- (b) If the application is for a preliminary plat approval, the owner/applicant must request in writing that the application be placed on the agenda of the Planning Commission when he has been informed by the planning staff the application is incomplete. If the application is complete, the planning staff will submit any and all items on the Planning Commission agenda for formal review.

SECTION 7: AUTHORIZING SALE OF SUBDIVISION LOTS BEFORE COMPLETION OF DEVELOPMENT

- (a) With respect to subdivisions in which the developer is selling only undeveloped lots, the Commission may authorize final plat approval and/or the sale of lots before all the requirements of these regulations are fulfilled if the subdivider provides cash on deposit with the Planning Commission or letter of credit to ensure that all of these requirements will be fulfilled within not more than twelve (12) months after final plat approval. The cash to be required will equal 150% of a good faith estimate of the cost of the work to be completed.
- (b) When the developer proposes in the plans submitted to install amenities beyond those required by these regulations, the Planning Commission may authorize the applicant to commence to sell any subdivision lots before the additional requirements are fulfilled or the amenities installed if it specifies a date by which or a schedule according to which such amenities will be installed and if it concludes that compliance will be ensured as the result of one or more of the following:
 - (1) Cash or letter of credit is placed on deposit with the Planning Commission consisting of 150% of a good faith estimate of the cost of the work to be completed.

- (2) The nature of the requirements or amenities is such that sufficient assurance of compliance is given by other sections of these regulations.

SECTION 8: COMPLETING DEVELOPMENTS IN PHASES

- (a) If a development is constructed in phases or stages in accordance with this section, then, subject to Subsection (c), the provisions of Section 2 (No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled) shall apply to each phase as if it were the entire development.
- (b) As a prerequisite to taking advantage of the provisions of Subsection (a), the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of these regulations that will be satisfied with respect to each phase or stage.
- (c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit.
- (d) Each phase is considered a new subdivision and the Commission is not required to continue what was started before as obligatory or precedent setting.

SECTION 9: APPROVAL OR DISAPPROVAL OF PLATS

- (a) The Planning Commission shall review and approve or disapprove a final plat within the time limits established by TCA 13-4-304 otherwise such plat shall be deemed to have been approved (for recording purposes) and a certificate to that effect shall be issued by the Planning Commission on demand. However, the applicant for the commission's approval may waive this requirement and consent to an extension or extension(s) of the applicable time period.
- (b) "Plat," as used in the above referenced sections of TCA, refers only to the final approval of the plat (the recordable plat). Preliminary plats ("tentative plat approval") are not subject to the time limits noted above because of their conceptual nature and the comprehensive review that often involves other governmental departments, agencies and jurisdictions.
- (c) The grounds for disapproval of any plat shall be stated in the records of the commission.

SECTION 10: EXPIRATION

- (a) Preliminary plat approval shall expire automatically if, within twelve (12) months after its issuance:
 - (1) the use authorized by such approval has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or
 - (2) less than ten (10) percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such approval has been completed on the site. With respect to phased development, this requirement shall apply to each phase.
- (b) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one (1) year, then the approval authorizing such work shall immediately expire.
- (c) The Planning Commission may extend for a period up to six (6) months the date when a preliminary plat approval would otherwise expire pursuant to Subsections (a) or (b) if it concludes that: (i) the permit or approval has not yet expired, (ii) the permit or approval recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six (6) months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

SECTION 11: EFFECT OF APPROVAL ON SUCCESSORS AND ASSIGNS

Preliminary plat and final plat approvals, along with any conditions, or restrictions thereon, are transferable and apply to a new owner of the same property subject to the approved plat pursuant to the terms and conditions of these regulations.

SECTION 12: AMENDMENTS TO AND MODIFICATIONS OF PERMITS OR PLATS

- (a) Insignificant deviations from the approvals issued by the Planning Commission or the administrator are permissible and the administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- (b) Minor design modifications or changes in approvals issued by Planning Commission are permissible with the approval of the Planning Commission. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee.

For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

- (c) All other requests for changes in approved permits or plats will be processed as new applications.
- (d) The administrator shall determine whether amendments to and modifications of permits or plats fall within the categories set forth above in Subsections (a), (b), and (c).
- (e) A developer requesting approval of changes shall submit a written request for such approval to the administrator, and that request shall identify the changes. Any changes to previously granted approvals must be given in writing.

SECTION 13: RECONSIDERATION OF COMMISSION ACTION

- (a) Whenever the Planning Commission disapproves a plat application on any basis other than the failure of the applicant to submit a complete application, such action shall not be reconsidered by the Commission for a period of twenty-four (24) months unless the applicant clearly demonstrates that:
 - (1) circumstances affecting the property that is the subject of the application have substantially changed, or
 - (2) new information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the administrator within thirty (30) days from the time of the denial.
- (b) The Planning Commission may at any time consider a new application affecting the same property as an application previously denied if the new application is one that differs in some substantial way in the judgment of the Planning Commission from the one previously considered.

SECTION 14: MAINTENANCE OF COMMON AREAS, IMPROVEMENTS, AND FACILITIES

The recipient of any preliminary or final plat approval, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by these regulations or any permit issued in accordance with their provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

The Planning Commission will verify that a written mechanism (Property Owner's Association or Homeowner's Association) has been established and recorded in the Blount County Courthouse for perpetual maintenance, responsibility and funding for private infrastructure and open space within the subdivision. All such documents (Property Owner's Association or Homeowner's Association) will be reviewed prior to final approval of the development plat or subdivision plat by the City's Attorney in order to ensure the proper written mechanisms are in place for maintenance of said infrastructure. Such review will be at the applicant's expense. The mechanisms shall include but are not limited to the following:

- (1) An organized property owners association set forth in the restrictions with provisions made for election of officers, directors, etc. and requiring that each lot owner belong to and participate in the property owners association.
- (2) A mechanism for the property owners association to collect funds for the maintenance and any expenses involved in common areas, including lien rights and an ability to collect for the same.
- (3) A statement about the property owners association's responsibility for common areas and a conveyance to the property owners association of such common areas for its perpetual maintenance and control.
- (4) A provision that the restrictions pertaining to the above issues cannot be amended without the approval of the Maryville Planning Commission or its successor in writing.

SECTION 15: CONCEPT PLANS

- (a) A concept plan shall be required as the initial formal step in the subdivision review process. The purpose of the concept plan requirement is to allow a comprehensive review of all property included in the proposed subdivision with common or related ownership or a common or related development plan.
- (b) The concept plan shall include: A scale drawing (no greater than one inch equals one hundred-feet) in a single sheet which accurately depicts the general design of improvements. The drawing shall indicate the general road configuration, the tentative lot layout, and a general drainage plan.
- (c) Additional information to be included on the map sheet are as follows:
 - (1) Location Map. A sketch which accurately depicts the general location of the subdivision in relation to the surrounding area. The sketch should indicate the relationship of the proposed subdivision to significant natural features and major community facilities. Examples of such feature are streams, rivers, major transportation elements, schools, recreation facilities.
 - (2) Topography with contours at two foot intervals or as determined by the planning staff.

- (3) Property Boundary. All property within the same ownership as the parcel being subdivided shall be shown.
- (4) Roads. All existing and proposed roads within and adjacent to the parcel being subdivided shall be included.
- (5) Site Characteristics. Physical characteristics of the site, including natural drainage areas, wooded area, and other prominent features.
- (6) Existing structures on the property (including utilities).
- (7) Number of lots proposed.
- (8) Total acreage of tract in same ownership, and (if different) the total acreage proposed for subdivision.
- (9) Certification of Land Surveyor. The concept plan and all accompanying drawings, documents and statement shall be certified as follows:

I hereby certify that I am a land surveyor, licensed to perform surveying according to the laws of the State of Tennessee. I further certify that the plan and accompanying drawings, documents and statements conform to all applicable provisions of the Maryville Land Development Regulations.

Surveyor

Tennessee Certificate No.

- (10) Status of proposed streets. The concept plan shall designate the proposed status of streets to be included within the development, as public streets (i.e., to be dedicated to the city as public right-of-way) or as private streets (i.e., to be maintained by the required Property Owners or Home Owners' Association).
- (d) Additional drawings, documents, and statements will be required to be submitted with the concept plan as follows, unless otherwise stated.
- (1) General Drainage Plan. Existing drainage ways and the probable location of major drainage structures, including detention basins shall be provided. The City Engineer shall determine the extent of drainage plans to be provided if separate drainage plans to be provided if separate drainage basins are involved or if there is a large amount of undeveloped properties anticipated for later development.
 - (2) Road Profiles.
 - (3) Other required or additional improvements anticipated during development shall be provided on the concept plan.

- (4) Statement(s) indicating the availability or future availability of the utilities shall be provided along with commitments from the developer if utilities will be extended by same.

ARTICLE V

MAJOR AND MINOR SUBDIVISIONS

SECTION 1: REGULATION OF SUBDIVISIONS

Major subdivisions are subject to a two-step approval process except for the provisions outlined in Section 5 of this Article. Physical improvements to the land to be subdivided are authorized by preliminary plat approval as provided in these regulations. Sale of lots is permitted only after final plat approval or as otherwise provided specifically in these regulations. Minor subdivisions require only a one-step approval process: final plan approval in accordance with Section 3 of this Article.

SECTION 2: NO SUBDIVISION WITHOUT PLAT APPROVAL

- (a) No land shall be subdivided except in accordance with all of the provisions of these regulations. In particular, no person may subdivide his land unless and until a final plat of the subdivision has been approved in accordance with the provisions of Section 3 or Section 4 of this Article and recorded in the Blount County Register of Deeds office.
- (b) The Blount County Register of Deeds may not record a plat of any subdivision within the City's planning jurisdiction unless the plat has been approved in accordance with the provisions of these regulations.

SECTION 3: MINOR SUBDIVISION

- (a) The Planning Commission shall approve or disapprove minor subdivision final plats in accordance with the provisions of this section.
- (b) The applicant for minor subdivision plat approval, before complying with subsection (c), shall submit a sketch plan to the administrator for a determination of whether the approval process authorized by this section can be and should be utilized. The administrator may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract of land within the previous five (5) years.
- (c) Applicants for minor subdivision approval shall submit to the administrator a copy of a plat conforming to the requirements set forth in Subsections 4(b) and (c) (as well as two prints of such plat). A minor subdivision plat shall further contain the certificates required in Section 4(c) (7) of this Article:

- (d) The administrator or the applicant may at any time refer an application for minor subdivision to the major subdivision approval process. In such case, the time period for approval or disapproval of the plat set forth in these regulations and in T.C.A. 13-4-304 shall restart as the application will be deemed to be resubmitted as of the date of the transfer to the major subdivision approval process.
- (e) Not more than a total of one (1) additional lot may be created out of one (1) tract using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time.
- (f) Subject to Subsection (d), the Planning Commission shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in these regulations or the application or the proposed subdivision fails to comply with Subsection (e) or any other applicable requirement of these regulations.
- (g) If the subdivision is disapproved, the Planning Commission shall promptly furnish the applicant with a written statement of the reasons for disapproval.
- (h) Approval of any plat is contingent upon the plat being recorded within sixty (60) days after the date the Certificate of Approval is signed by the administrator or his designee.

SECTION 4: MAJOR SUBDIVISION APPROVAL PROCESS-FINAL PLAT

- (a) The Planning Commission shall approve or disapprove major subdivision final plats in accordance with the provisions of this section.
- (b) The applicant for major subdivision plat approval shall submit to the administrator a final plat, drawn in waterproof ink on a sheet made of material that will be acceptable to the Blount County Register of Deed's office for recording purposes, and having dimensions as follows: either 8 ½" by 14", 21" by 30", 11" by 17", or 18" by 24". When more than one (1) sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one (1) inch equals not more than one hundred (100) feet. The applicant shall also submit two prints of the plat.
- (c) In addition to the appropriate endorsements as provided in Section 5, the final plat shall contain the following information:
 - (1) the name of the subdivision which name shall not duplicate the name of any existing subdivision as recorded in the Blount County Registry,
 - (2) the name of the subdivision owner or owners,
 - (3) the City, county, and state where the subdivisions located and a location map,

- (4) the name of the surveyor and his registration number and the date of survey,
 - (5) the scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph, and
 - (6) all of the additional information required by the Tennessee Code Annotated.
 - (7) the following certifications on the plat from the appropriate signatory in forms to be provided by the administrator:
 - (A) Certificate of Ownership and Dedication from the property's owner(s).
 - (B) Certificate of Accuracy from a licensed surveyor.
 - (C) Certificate of Approval for Recording from the Secretary of the Planning Commission.
 - (D) Certificate of Approval of Utilities re: Electric.
 - (E) Certificate of Approval of Utilities re: water and sanitary sewer.
 - (F) Certificate of the Approval of Streets.
 - (G) Certificate of Approval of Road Names and Property Numbers (E-911).
 - (H) Certificate of Stormwater Utilities
- (d) Where the applicant/owner can demonstrate that a portion of these regulations would cause unnecessary hardship if strictly adhered to, and when, because of the topographical or other conditions peculiar to the site, in the opinion of the Planning Commission, a departure may be made from the regulations without destroying the intent of the provisions, the Commission may authorize a variance. Any variance authorized and approved by the Commission shall be stated in writing and reported in the minutes of the Commission.

The Planning Commission shall not authorize deviations to these regulations unless they shall find based upon the evidence presented and reviewed for each specific case that one or all of the following conditions apply:

- (1) Because of topographical conditions, surroundings, shape, or size of a specific tract or parcel involved, a particular hardship to the applicant or owner would result as distinguished from mere inconvenience.
- (2) The conditions upon which the request for a variance is based is particular to the property for which the variation is sought and generally are not applicable to other properties in the immediate area and have not been self-imposed.

Development costs or economic reasons alone are not grounds for a variance.

- (e) In order to qualify for final plat approval during a given month, the following must occur by the deadline as set forth by the Planning Commission:
- (1) All construction and infrastructure improvements or any other improvements within a development or subdivision as required by the Planning Commission must be completed. The required completions would include utility extension,

utility improvement, or utility installation requirements found these regulations and in any and all applicable City ordinances or rules and regulations.

The following exceptions apply:

- (A) Upon depositing with the Planning Commission cash or letter of credit equal to 150% of a good faith estimate of the cost of the installation of the required sidewalks (as such amount is computed by the City Director of Engineering and Public Works or his or her designee), sidewalk construction may be exempted from the list of infrastructure improvements which must be completed prior to final plat approval if such exemption is approved by the Planning Commission.
 - (B) Publicly and privately owned industrial parks within the City's planning jurisdiction may be exempted by the Planning Commission from the requirement that all construction and infrastructure improvements be complete prior to final approval, subject to appropriate guarantees, if the industrial park is phased in its development or if special circumstances warrant such exemption in the best interest of the general welfare of the community in the opinion of the Planning Commission.
- (2) The final subdivision plat must be submitted to the planning office. All signatures and certifications required by the Planning Commission shall accompany the plat.

SECTION 5: MAJOR SUBDIVISION APPROVAL PROCESS- PRELIMINARY PLAT

- (a) The Planning Commission shall approve or disapprove major subdivision preliminary plats in accordance with the provisions on this section.
- (b) A preliminary plat shall include: A scale drawing (no greater than one inch equals one hundred-feet) in a single sheet which accurately depicts the general design of improvements. The drawing shall indicate the general road configuration, the tentative lot layout, and a general drainage plan.
- (c) Additional information to be included on the map sheet is as follows:
 - (1) Location Map. A sketch which accurately depicts the general location of the subdivision in relation to the surrounding area. The sketch should indicate the relationship of the proposed subdivision to significant natural features and major community facilities. Examples of such feature are streams, rivers, major transportation elements, schools, recreation facilities.
 - (2) Topography with contours at two foot intervals or as determined by the planning staff.
 - (3) Property Boundary. All property within the same ownership as the parcel being

subdivided shall be shown.

- (4) Roads. All existing and proposed roads within and adjacent to the parcel being subdivided shall be included.
- (5) Site Characteristics. Physical characteristics of the site, including natural drainage areas, wooded area, and other prominent features.
- (6) Existing structures on the property (including utilities).
- (7) Number of lots proposed.
- (8) Total acreage of tract in same ownership, and (if different) the total acreage proposed for subdivision.
- (9) Certification of Land Surveyor. The preliminary plat and all accompanying drawings, documents and statements shall be certified as follows:

I hereby certify that I am a land surveyor, licensed to perform surveying according to the laws of the State of Tennessee. I further certify that the plan and accompanying drawings, documents and statements conform to all applicable provisions of the Maryville Subdivision Regulations and Land Development Regulations

Surveyor

Tennessee Certificate No.

- (10) Status of proposed streets. The preliminary plat shall designate the proposed status of streets to be included within the development, as public streets (i.e., to be dedicated to the City as public right-of-way) or as private streets (i.e., to be maintained by the required Property Owners or Home Owners' Association).
- (d) Additional drawings, documents, and statements that are required to be submitted with the preliminary plat as follows, unless otherwise stated.
- (1) General Drainage Plan. Existing drainage ways and the probable location of major drainage structures, including detention basins shall be provided. The City Director of Engineering and Public Works or his or her designee shall determine the extent of drainage plans to be provided if separate drainage plans to be provided if separate drainage basins are involved or if there is a large amount of undeveloped properties anticipated for later development.
 - (2) Road Profiles.
 - (3) Other required or additional improvements anticipated during development shall

be provided on the concept plan.

- (4) Statement(s) indicating the availability or future availability of the utilities shall be provided along with commitments from the developer if utilities will be extended by same.

ARTICLE VI

HEARING PROCEDURES FOR APPLICATIONS

SECTION 1: HEARING REQUIRED ON APPLICATIONS

- (a) Before making a decision on an application for a plat approval or other request, the Planning Commission shall hold a hearing on the application.
- (b) Subject to Subsection (c), the hearing shall be open to the public and all persons interested in the outcome of the application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- (c) The Planning Commission may place reasonable and equitable limitation on the presentations of evidence and arguments so that the matter at issue may be heard and decided without undue delay.
- (d) The Planning Commission may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.

SECTION 2: NOTICE OF HEARING

The administrator shall give notice of any hearing required by Section 1 as follows:

- (1) Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice not later than five (5) days before the hearing.
- (2) Notice shall be given to neighboring property owners and other interested parties by publishing a notice one time in a newspaper having general circulation in the area not less than five (5) nor more than fifteen (15) days prior to the hearing.
- (3) The notice required by this section shall state the date, time, and place of the hearing.

SECTION 3: EVIDENCE

- (a) The provisions of this section apply to all hearings for which a notice is required by Section 1.
- (b) All findings and conclusions necessary to the issuance or denial of the requested permit, plat approval or appeal shall be based upon material evidence.

SECTION 4: BURDEN OF PRESENTING EVIDENCE; BURDEN OF PERSUASION

- (a) The burden of presenting a complete application to the Planning Commission shall be upon the applicant. However, unless the Planning Commission informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing); the application shall be presumed to be complete.
- (b) The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of these regulations remains at all times on the applicant.

SECTION 5: MODIFICATION OF APPLICATION AT HEARING

In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Planning Commission, the applicant may agree to modify his application, including the plans and specifications submitted.

SECTION 6: RECORD

- (a) A tape recording may be made of all hearings required by Section 1, and such recordings shall be kept for at least two years. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.
- (b) Any documents received by the Planning Department and the Planning Commission and referenced during the hearing shall become part of the record for the hearing.

SECTION 7: WRITTEN DECISION

Any decision made by the Planning Commission which requires a vote of its members shall be recorded in the minutes and copies may be provided to the public upon request.

ARTICLE VII

ENFORCEMENT

SECTION 1: COMPLAINTS REGARDING VIOLATIONS

Whenever the administrator receives a written, signed complaint alleging a violation of these regulations, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

SECTION 2: PERSONS LIABLE

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of these regulations may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

SECTION 3: PROCEDURES UPON DISCOVERY OF VIOLATIONS

- (a) If the administrator finds that any provision of these regulations is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the administrator's discretion.
- (b) The final written notice (and the initial written notice may be final notice) shall state what action the administrator intends to take if the violation is not corrected and shall advise that the administrator's decision or order may be appealed.
- (c) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this or pose a danger to the public health, safety, or welfare, the administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 4.

SECTION 4: PENALTIES AND REMEDIES FOR VIOLATIONS

- (a) Violations of the provisions of these regulations or failure to comply with any of its requirements, including violations of any conditions and safeguard established in connection with preliminary plat approval, shall constitute a violation of law punishable to the fullest extent allowable under state law.

- (b) Any act constituting a violation of the provisions of these regulations or a failure to comply with any of their requirements, including violations of any conditions and safeguards established in connection with the grants of variances or preliminary plat approvals, shall also subject the offender to a civil penalty of \$50 per day per violation. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of debt.
- (c) These regulations may also be enforced by any appropriate equitable action.
- (d) Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (e) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce these regulations.

SECTION 5: APPROVED PLAT PERMIT REVOCATION

- (a) A preliminary plat approval may be revoked by the Planning Commission if the plat approval recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of these regulations or the rule, regulations and ordinances of the City, or any additional requirements lawfully imposed by the Planning Commission.
- (b) Before a preliminary plat may be revoked, notice and a hearing must be provided to the recipient. The notice shall inform the plat approval recipient of the alleged grounds for the revocation.
- (c) Any costs incurred by a developer who has his preliminary plat approval revoked shall be the responsibility of the developer and shall not be the responsibility of the City.

ARTICLE VIII

REVIEW OF DECISIONS

SECTION 1: JUDICIAL REVIEW

Every decision of the Planning Commission granting or denying a preliminary plat or final plat approval shall be subject to review by the Chancery Court of Blount County or the Blount County Circuit Court-Equity Division by proceedings in the nature of certiorari as provided by state law.

ARTICLE IX

DENSITY AND DIMENSIONAL REGULATIONS

SECTION 1: MINIMUM LOT SIZE

Subject to the provisions of Section 4 (Cluster Subdivisions) and 5 (Integrally Designed Subdivisions), all lots in the following zones shall have at least the amount of square footage indicated in the following table:

Zone	Minimum Square Feet
Residential	7,000
without sanitary sewer	30,000
without sanitary sewer and public water	35,000
Environmental Conservation	40,000
Business and Transportation	5,000**
	No Minimum
Central Community	5,000**
	No Minimum
Single Family	11,000
Office	5,000
Neighborhood	5,000
Residential in Oak Park Historic District	16,000***
College Hill Historic District	14,000
Estate	43,560

** If used for residential purposes, otherwise no minimum.

*** Refer to City Code on nonconforming uses regarding Oak Park Historic District nonconforming situations of for duplexes and multi-family structures

Subject to the provisions in the Zoning and Land Use Ordinance concerning nonconforming lots and these regulations, the permit-issuing authority and the owner of two or more contiguous lots may agree to regard multiple lots as a single lot if necessary to comply with any of the requirements of these regulations.

SECTION 2: RESIDENTIAL DENSITY

- (a) Subject to subsection (b) and the provision of Section 4 (Cluster Subdivisions) and Section 5 (Integrally Designed Subdivisions), every lot developed for residential purposes shall have the number of square feet per dwelling unit indicated in the following table. In determining the number of dwelling units permissible on a tract of land, fractions shall be rounded to the nearest whole number.



Zone	Minimum Square Feet
Residential	7,000
without sanitary sewer	30,000
without sanitary sewer and public water	35,000
Central Community	5,000
Environmental Conservation	40,000
Single-Family	11,000
Office	5,000
Neighborhood	7,000
Estate	43,560

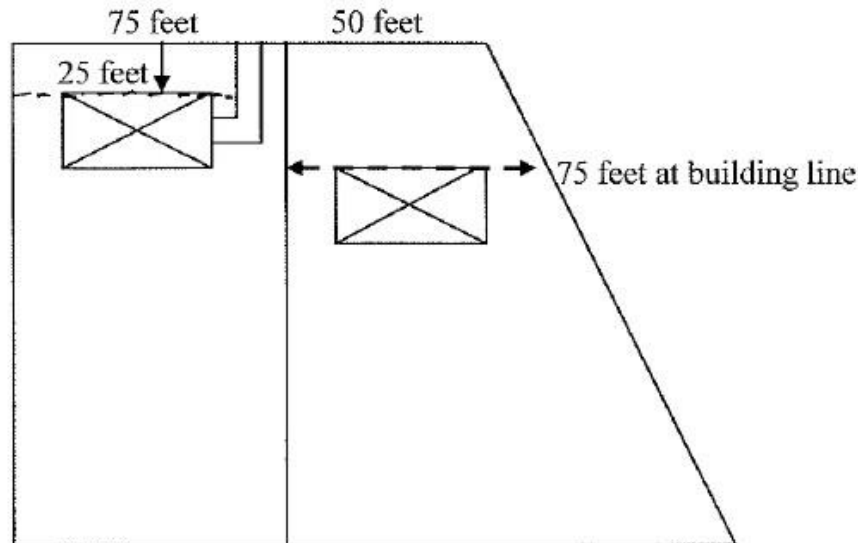
- (b) Two-family conversions and primary residences with an accessory apartment shall be allowed only on lots having at least 150 percent of the minimum square footage required for one dwelling unit on a lot in such district. With respect to multi-family conversions into three- or four-dwelling units, the minimum lot size shall be 200 percent and 250 percent respectively of the minimum required for one dwelling unit.

SECTION 3: MINIMUM LOT WIDTHS

- (a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:
 - (1) could be used for purposes that are permissible in that zoning district, and
 - (2) could satisfy any applicable setback requirements for that district.
- (b) Without limiting the generality of the foregoing standard, the following indicated minimum lot widths that are recommended and are deemed presumptively to satisfy the standard set forth in Subsection (a). The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary lines at opposite sides of the lot. See Illustration after Subsection (c).

Zone	Lot Width (in feet)
Residential	75
Central Community	50
Business and Transportation	100
Environmental Conservation	100
Single Family	75
Office	75
Neighborhood	75
Estate (at front building line)	150

- (c) No lot created after the effective date of these regulations that is less than the recommended width shall be entitled to a variance from any building setback requirement.



SECTION 4: CLUSTER SUBDIVISIONS

- (a) In any single-family residential subdivision a developer may create lots that are smaller than those required by Section 1 if such developer complies with the provisions of this section and if the lots so created are not smaller than the minimum set forth in the following table:

Zone	Minimum Square Feet
Residential	5,500
Environmental Conservation	25,000

- (b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land "saved" by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Section 1.
- (c) The amount of usable open space that must be set aside shall be determined by:
- (1) subtracting from the standard square footage requirement set forth in Section 1 the amount of square footage of each lot that is smaller than that standard:
 - (A) adding together the results obtained in (1) for each lot.
- (d) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of

usable open space set forth in Article XI Section 3 and if such usable open space is otherwise in compliance with the provisions of Article XI.

- (e) The setback requirements found in the City Code shall apply in cluster subdivisions.

SECTION 5: INTEGRALLY DESIGNED SUBDIVISIONS

- (a) In any integrally designed subdivision, the developer may create lots and construct buildings without regard to any minimum lot size, lot width, or setback restrictions except that:
 - (1) lot boundary setback requirements as found in the City Code shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision, and
 - (2) each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of these regulations and of the City Code.
- (b) The number of dwelling units in an integrally designed subdivision may not exceed the maximum density authorized for the tract under Section 2.
- (c) To the extent reasonably practicable, in residential subdivisions the amount of land "saved" by creating lots that are smaller than the standards set forth in Section 1 shall be set aside as usable open space.
- (d) The purpose of this section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

SECTION 6: DENSITY ON LOTS WHERE PORTION DEDICATED TO CITY

- (a) Subject to the other provisions of this section, if any portion of a tract that lies with an area designated on any officially adopted City plan as part of a proposed public park, greenway, or bikeway and before the parcel or tract is developed, the owner of the parcel or tract with the concurrence of the City dedicates to the City that portion of the tract so designated, when the remainder of the tract is developed for residential purposes the permissible density at which the remainder may be developed shall be calculated in accordance with the provision of this section.
- (b) If the proposed use of the remaining property after the dedication at issue in Subsection (a) is a single-family detached residential subdivision, then the lots in such subdivision may be developed in accordance with the provisions of Section 4 and Section 5 of this Article except that the developer need not set aside usable open space to the extent that an equivalent amount of land has previously been dedicated to the City in

accordance with Subsection (a).

- (c) If the proposed use of the remainder is a two-family or multi-family project, then the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lots as if it were still part of the lot proposed for development.
- (d) If the portion of the tract that remains after dedication as provided in Subsection (a) is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the "density bonus" provided for in Subsections (b) and (c).

SECTION 7: MINIMUM LOT DIMENSIONS WHERE DEVELOPMENT CONSTRAINTS EXIST

- (a) As set forth in Section 2 of this Article all lots shall meet a minimum residential lot size requirement. These minimum lot size requirements are for lots that do not contain any development restrictions or hindrances that are physical, legal, or statutory in nature. Minimum lot sizes and dimensions where development constraints exist shall be set by the Maryville Planning Commission and the Blount County Environmental Department.
- (b) Residential lots served by private subsurface septic systems and contain development constraints shall provide the minimum square footage requirements set forth in Section 2 of this Article plus the square footage of the area identified as a development restriction. Development constraints shall include but not be limited to any area surrounding a sink hole or enclosed depression, easements for pedestrians, utilities, or vehicle passage, streams, ditch lines (natural or manmade), wetlands, floodways, ponds or lakes, areas within the "flag stem" of a flag lot, areas geologically constrained by rock outcrops or any other geological formation, or areas of historical significance. Any other area deemed a development restriction by the Blount County Environmental Department or other governmental jurisdictions shall be excluded from the minimum lot size requirement and included as additional square footage in the lot necessary for development. The square footage of the development restrictions shall be generally calculated by drawing a rectangle or circle around the designated restricted item (s) as determined by the commission or county environmental officer. However, at all times the Blount County Environmental Department personnel shall determine the amount of square footage needed in the lot for the necessary operation and function of the septic system, including but not limited to the designated reserve area.
- (c) Under normal conditions and development approval processes, the footprint of a dwelling shall not be included or considered a development restriction. However, other detached garages, sheds, storage facilities, guesthouses or other structures, may be considered a development restriction by the Maryville Planning Commission or Blount County Environmental Department and subject to the provisions stated in this section.
- (d) Areas which have been filled or contain a designated floodway or wetland area cannot be used for subsurface septic fields and shall not be calculated towards the minimum lot

area requirement for lots. The area of these development constraints shall be calculated and then added to the minimum requirements needed for a developable commercial or residential lot.

SECTION 8: DEVELOPMENTS IN OR NEAR SINKHOLES AND CLOSED DEPRESSIONS

- (a) The City of Maryville has established a policy for land development within and adjacent to sinkhole areas. This policy is intended to minimize the risks associated with development in or near known or suspected sinkhole areas. The city does not prohibit development in these areas, but such developments are discouraged. The city stipulates that certain provisions and requirements be satisfied when land development is to occur within or adjacent to sinkhole areas.
- (b) All developments both minor and major that are nearby a known or suspected sinkhole or closed depression shall be subject to those regulations found in the adopted Land Development and Public Works Standards section pertaining to sinkholes and closed depressions. These regulations and minimum standards outlines processes that must be followed, observed, and maintained in building or developing both residential and nonresidential uses in or near sinkholes or closed depressions.
- (c) The city's Land Development and Public Works Standards section on sinkholes referenced herein also requires that certain language shall be included on all plats, both preliminary and final. Depending on the findings of geotechnical studies of sink holes and closed depressions, additional language may be required and can be found in the referenced document.
- (d) Specifications, processes, and studies required in the Maryville Land Development and Public Works Standards shall be enforced by the City's Engineering and Public Works Department.

ARTICLE X

RECREATIONAL FACILITIES AND OPEN SPACE

SECTION 1: MINIPARKS

- (a) Subject to Subsection (c), all residential developments may provide (through dedication or reservation: see Sections 4 and 5) recreational areas in the form of miniparks (as described in Section 2) in an amount equal to .0025 acres (108.9 square feet) per person expected to reside in that development (as determined in accordance with Subsection (b)).
- (b) For purposes of this section, one-bedroom dwelling units shall be deemed to house an average of 1.1 persons, two-bedroom units 1.7 persons, three-bedroom units 2.4 persons, and units with four or more bedrooms 3.2 persons. In residential subdivisions that are not approved as integrally designed subdivisions, each lot that is large enough for only a single dwelling unit shall be deemed to house an average of 2.7 persons. Each lot that is large enough to accommodate more than one dwelling unit shall be deemed to house 1.8 persons for each dwelling unit that can be accommodated.
- (c) The Planning Commission recognizes that miniparks must be of a certain minimum size to be usable and that such miniparks will not serve the intended purpose unless properly maintained. Therefore, residential developments that are small enough so that the amount of required minipark space does not exceed 2,000 square feet are exempt from the provisions of this section. However, as used in the foregoing sentence, the term development refers to the entire project developed on a single tract or contiguous multiple tracts under common ownership, regardless of whether the development is constructed in phases or stages. In addition, subdivided residential development of less than twenty-five (25) dwelling units shall also be exempt from the provisions of this section.

SECTION 2: MINIPARKS – PURPOSES AND STANDARDS

- (a) The purpose of the minipark is to provide adequate active recreational facilities to serve the residents of the immediately surrounding neighborhood within the development. The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the minipark requirements of this article: tennis courts, racquetball courts, swimming pools, sauna and exercise rooms, meeting or activity rooms within clubhouses, basketball courts, swings, slides, and play apparatus.
- (b) Each development shall satisfy its minipark requirement by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development.
- (c) The total acreage of miniparks required by Section 1 shall be divided into miniparks of

not less than 2,000 square feet or more than 30,000 square feet.

- (d) Miniparks shall be attractively landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.
- (e) Each minipark shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve.
- (f) Each minipark shall be constructed on land that is relatively flat, dry and capable of serving the purposes intended by this article.

SECTION 3: USABLE OPEN SPACE

- (a) Except as provided in Subsection (c), a residential development shall be developed so that at least 5 percent of the total area of the development remains permanently as usable open space. Developments with more than twenty-five (25) dwelling units or more shall contain 5 percent of usable open space. Such open space shall consist of (1) miniparks outlined in Section 1 or (2) open space found in this Section, or (3) a combination of both at the discretion of the developer. A plan of the minipark or open space shall be submitted to the Planning Commission for review at the final plat submittal.
 - (b) For purposes of this section, usable open space means an area reasonably usable for recreation as determined acceptable by the Planning Commission that:
 - (1) is not encumbered with any substantial structure,
 - (2) is not devoted to use as a roadway, parking area, or sidewalk,
 - (3) is left (as of the date development began) in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective of creating a wooded area or other area that is consistent with the objective set forth in Subdivision (4),
 - (4) is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation, but does not include properties devoted to detention or storm water drainage; however, the Planning Commission may determine whether other underground utility easements for water, sewer, power, or other service providers held by local, state, or federal jurisdictions, cooperative, or private corporations may be used for recreational purposes.
 - (5) is legally and practicably accessible to the residents of the development out of

which the required open space is required and may include property that is under and beneath power line easements held by local, state, or federal agencies or jurisdictions.

- (6) consists of land no more than 25 percent of which lies within a floodplain or floodway as those terms are defined elsewhere in these regulations.
 - (7) is solely devoted to a sidewalk, walkway, or way around in a specific subdivision, or development and such uses may only constitute twenty-five (25%) percent of the total open space requirement in the subdivision or development.
- (d) Subdivided residential developments of less than 25 dwellings units are exempt from the provisions of this section unless the City agrees that it will accept an offer of dedication of such open space, and in that case the offer of dedication shall be made.

SECTION 4: OWNERSHIP AND MAINTENANCE OF RECREATIONAL AREAS AND REQUIRED OPEN SPACE

- (a) Except as provided in Section 5, recreational facilities and usable open space required to be provided by the developer in accordance with this article shall not be dedicated to the public but shall remain under the ownership and control of the developer (or his successor) or a homeowner's association or similar organization. The City Attorney shall review such documents regarding the plan for perpetual maintenance of recreational areas and required open space and such documents must be in a form approved by the City Attorney.
- (b) The person or entity identified in Subsection (a) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

SECTION 5: DEDICATION OF OPEN SPACE

- (a) If any portion of any lot proposed for residential development lies within an area designated on the officially adopted recreation master plan as a neighborhood park or part of the greenbelt system or bikeway system, the area so designated (not exceeding 5 percent of the total lot area) shall be included as part of the area set aside to satisfy the requirement of Section 3. This area shall be dedicated to public use.
- (b) If more than 5 percent of a lot proposed for residential development lies within an area designated as provided in Subsection (a), the City may attempt to acquire the additional land over and above the five (5) percent required to be dedicated to public use in the following manner:
 - (1) the developer may voluntarily dedicate the land; or
 - (2) the City may purchase or condemn the land.

SECTION 6: FLEXIBILITY IN ADMINISTRATION AUTHORIZED

- (a) The requirements set forth in this article concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with residential developments are established by the Planning Commission as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted City plans. The Planning Commission recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Planning Commission is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.
- (b) Whenever the permit-issuing Commission authorizes some deviation from the standards set forth in this article pursuant to Subsection (a), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.
- (c) Subject to the other provisions of this article, if any portion of a residential development is developed into a minipark or open space, the owner/developer of the parcel or tract may calculate the total area set aside for said minipark or open space in the total square footage for the permissible residential density. The Planning Commission may review said residential development under the provisions found in Article X, Sections 4 and 5.

ARTICLE XI

STREETS AND SIDEWALKS

SECTION 1: STREET CLASSIFICATION

- (a) In all new subdivisions, streets that are dedicated to public use shall be classified as provided in Subsection (b) and according to the following regulations:
- (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day.
 - (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive.
 - (3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
- (b) The classification of streets shall be as follows:
- (1) **Expressway.** A divided highway designed for the safe, unimpeded movement of large volumes of through traffic. It serves or is designed to serve in excess of thirty thousand (30,000) trips per day. Intersection grade separation and full access control is desired, however the roadway may contain occasional at-grade intersections. Intersection spacing is typically one mile or greater.
 - (2) **Major Arterial.** A street that provides major movement within the area, provides intercommunity connections to the local street system, and moves through traffic between activity centers. Access control is desirable. It serves or is designed to serve in excess of twenty thousand (20,000) trips per day. Intersection spacing is typically one-half (1/2) mile or greater.
 - (3) **Minor Arterial.** A street that augments the principal arterial system, carries trips of moderate length, and moves through traffic between activity centers. Access control is desirable. It serves or is designed to serve between five thousand (5,000) and twenty thousand (20,000) trips per day. Intersection spacing is typically 400 feet or greater.
 - (4) **Major Collector.** A street that primarily provides for short distance traffic movement and primarily functions to collect and distribute traffic between local streets and high volume traffic generators and arterials. It serves or is designed to serve in excess of ten thousand (10,000) trips per day. Intersection spacing is typically 300 feet or greater.

- (5) Minor Collector. A street that primarily functions to collect and distribute traffic between local streets and arterials and provides direct access to abutting land. It serves or is designed to serve between two thousand (2,000) and ten thousand (10,000) trips per day. Intersection spacing is typically 300 feet or greater.
- (6) Subcollector. A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to collect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six (26) but not more than one hundred (100) dwelling units, and is expected to or does handle between two hundred sixty (260) and two thousand (2,000) trips per day.
- (7) Local Street. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten (10) but no more than twenty-five (25) dwelling units and is expected to or does handle between one hundred (100) and two hundred fifty (250) trips per day.
- (8) Minor Street. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine (9) dwelling units and is expected to or does handle up to ninety (90) trips per day.

SECTION 2: ACCESS TO LOTS

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

SECTION 3: ACCESS TO ARTERIAL STREETS

Whenever a major subdivision that involves the creation of one (1) or more new streets borders on or contains an existing or proposed arterial street no direct driveway access may be provided from the lots within this subdivision onto this street.

SECTION 4: ENTRANCES TO STREETS

- (a) All driveway entrances and other openings onto streets within the City's planning jurisdiction shall be constructed so that:
 - (1) vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and
 - (2) interference with the free and convenient flow of traffic in abutting or

surrounding streets is minimized.

- (b) Specifications for driveway entrances shall be in accordance with those standards set forth by the City Director of Engineering and Public Works or his or her designee or in accordance with standards for access control established by the Institute of Transportation Engineers (ITE). The City Director of Engineering and Public Works or his or her designee shall be responsible for application of such standards.

SECTION 5: COORDINATION WITH SURROUNDING STREETS

- (a) The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots (hereinafter, "Surrounding Streets") as provided in this section.
- (b) Collector streets shall intersect with the surrounding collector or arterial streets at safe and convenient locations.
- (c) Subcollector, local, and minor residential streets shall connect with Surrounding Streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
- (d) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of one thousand (1,000) feet may be created unless no other practicable alternative is available.

SECTION 6: RELATIONSHIP OF STREETS TO TOPOGRAPHY

- (a) Streets shall be related appropriately to the topography. In particular, streets shall be designed and constructed to facilitate the drainage and storm water runoff objectives as determined by the City Director of Engineering and Public Works or his or her designee. Further, street grades shall conform as closely as practicable to the original topography.
- (b) As indicated in Section 7, the maximum grade at any point on a street constructed without curb and gutter shall be eight (8) percent. On streets constructed with curb and gutter, the grades shall not exceed eight (8) percent unless no other practicable alternative is available. However, in no case may streets be constructed with grades that exceed the standards for such streets as established by the Institute of Traffic

Engineers (ITE). The City Director of Engineering and Public Works or his or her designee shall be responsible for application of those standards.

SECTION 7: STREET WIDTH, SIDEWALK, AND DRAINAGE REQUIREMENTS IN SUBDIVISIONS

- (a) Street rights-of-way are designed and developed to serve several functions: (i) to carry motor vehicle traffic, and in some cases, allow in-street parking; (ii) to provide a safe and convenient passageway for pedestrian traffic; and (iii) to serve as an important link in the town’s drainage system. In order to fulfill these objectives, all public streets shall be constructed to meet either the standards set forth in Subsection (b) or Subsection (c).
- (b) The following classifications of streets may be constructed with six-foot-wide shoulders plus drainage swales on either side in lieu of curb and gutter, so long as the design of the swales does not promote erosion and is in accordance with specifications set forth by the Maryville Land Development and Public Works Standards. Such streets shall be constructed to meet the criteria indicated in the tables that follow as well as specifications referenced in Sections 9 and 10.

TABLE I
(WITHOUT CURB OR CURB & GUTTER)

Street Type	Minimum Right-of-Way Width (in feet)	Minimum Pavement Width (in feet)
Major Arterial	90	See note
Minor Arterial	60	See note
Major Collector	60	36
Minor Collector	50	24
Subcollector	50	20
Local	50	18
Minor	50	18

Note: The required pavement width of arterials shall be determined by the relevant government agencies. Relevant agencies may include TDOT and the City of Maryville’s Engineering and Public Works Department.

- (c) Only standard (90) degree curb and gutter may be used along streets classified as either collectors or arterials. Standard (90) degree curb and gutter or the Maryville Modified 89 extruded curb shall be permitted along streets classified as minor, local, collector within residential subdivisions.

Street pavement width shall be measured from edge of pavement to edge of pavement where standard ninety (90) degree curb is used and from curb face to curb face where the Maryville Modified 89 extruded curb is used.

TABLE II
(WITH CURB OR CURB & GUTTER)

Street Type	Minimum Right-of-Way Width (in feet)	Minimum Pavement Width (in feet)	Sidewalk If required
Major Arterial	90	See note	Both Sides
Minor Arterial	60	See note	Both Sides
Major Collector	60	36	Both Sides
Minor Collector	50	28	Both Sides
Subcollector	50	28	Both Sides
Local	50	24	Both Sides
Minor	40	22	Both Sides

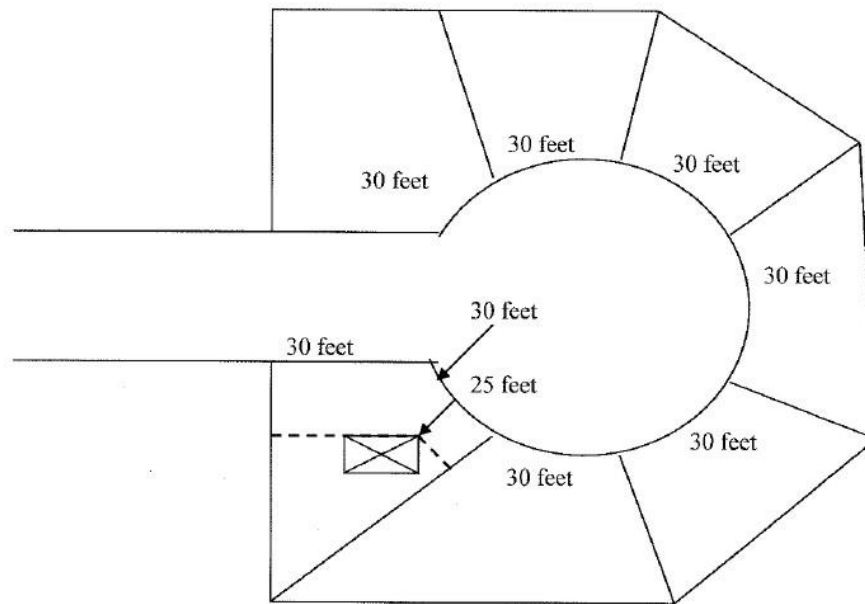
Note: The required pavement width for arterials shall be determined by relevant government agencies. Relevant government agencies may include TDOT and the City of Maryville’s Engineering and Public Works Department.

- (d) Sidewalks shall be required by the Planning Commission within the corporate limits of the City. Such sidewalks shall be located within the right of way and shall be dedicated to the City for public use at no charge to the City. The sidewalks required by this section shall be at least five (5) feet in width and constructed according to specifications outlined by the City Director of Engineering and Public Works or his or her designee and in accordance with other design criteria adopted by the City, except that the permit-issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:
 - (1) such walkways would serve the residents of the development as adequately as concrete sidewalks; and
 - (2) such walkways would be more environmentally desirable or more in keeping with the overall design of the development.
- (e) Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least ten (10) feet in width to provide such access.
- (f) All streets classified as collector (residential) shall have sidewalks on both sides.

SECTION 8: GENERAL LAYOUT OF STREETS

- (a) Collector (residential), subcollector, local, and minor residential streets shall be curved whenever practicable to the extent necessary to avoid conformity of lot appearance.

- (b) Cul-de-sacs and loop streets are encouraged so that through traffic on residential streets is minimized. Similarly, to the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.
- (c) Streets serving subdivisions shall connect or extend to other subdivisions when determined necessary by the Planning Commission.
- (d) All permanent dead-end streets (as opposed to temporary dead-end streets, see Subsection 5(d)) shall be developed as cul-de-sacs in accordance with the standards set forth in Subsection (d). Except where no other practicable alternative is available, such streets may not extend more than five hundred fifty (550) feet (measured to the center of the turnaround).
- (e) The right-of-way of a cul-de-sac shall have a radius of fifty (50) feet. The radius of the paved portion of the turnaround (measured to the other edge of the pavement) shall be forty (40) feet.
- (f) Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of these regulations and the applicable ordinances of the City.
- (g) Streets shall be laid out so that residential blocks do not exceed one thousand (1,000) feet, unless no other practicable alternative is available. However, in cases where the street may exceed this standard, the burden shall be upon the developer to incorporate in the design of the subdivision safe ingress and egress which is acceptable both to the Engineering and Public Works Department and the Planning Commission.
- (h) All lots located on a cul de sac or a portion thereof, shall have thirty (30) feet of frontage on the public road unless approved under the provisions of Article X, Section 5 of these regulations. (See Illustration)



- 30 feet frontage minimum on cul-de-sac unless otherwise approved by Planning Commission
- Front setback 25 feet from right-of-way/property line

SECTION 9: CONSTRUCTION STANDARDS AND SPECIFICATIONS

Construction standards and specifications for public streets, sidewalks, curbs and gutters, and other physical improvements and elements of a subdivision or development within the corporate limits of the City of Maryville shall be in accordance with the Maryville Land Development and Public Works Standards, as amended. All such facilities, developments, or physical improvements to land shall be in accordance with land development regulations and the above referenced manual.

If there is any conflict between the requirements herein and the referenced Maryville Land Development and Public Works Standards, or future amendment thereof, the more restrictive application shall apply.

If it is so determined that public streets servicing a commercial or industrial park will carry more traffic than normally projected, then the City Director of Engineering and Public Works or his or her designee may require a greater standard in the thickness of construction materials.

SECTION 10: PUBLIC STREETS AND PERMANENT PRIVATE EASEMENTS IN SUBDIVISIONS

- Except as otherwise provided in this section, all lots created after the effective date of this section shall abut a public street at least to the extent necessary to comply with the access requirements set forth in Section 2. For purposes of this subsection, the term

“public street” includes a pre-existing public street as well as a street created by the subdivider that meets the public street standards and is dedicated and accepted for public use. The recording of a plat which indicates a newly created public street shall constitute an offer of dedication of such street. As outlined in T.C.A. Section 13-4-305, the approval of a plat by the Planning Commission shall not be deemed to constitute any acceptance of the referenced street.

- (b) Public streets within all subdivisions serving zero lot line developments, standard single family attached or detached residential units, regardless of the number of lots or units, shall be properly engineered, designed, and constructed to public street standards outlined in the Maryville Land Development and Public Works Standards. All drainage designs and facilities shall also be in accordance with the Maryville Land Development and Public Works Standards.
- (c) A subdivision in which the access requirement of Section 2 is satisfied by a permanent private easement that meets neither the public street standards nor the standards set forth in Section 12 may be developed so long as, since the effective date of these regulations, no more than four (4) lots have been created out of that same tract. One of the four (4) lots must front a public right of way and have direct access onto that right of way.
 - (1) The intent of this subsection is primarily to allow the creation of not more than four (4) lots from one lot developed for single-family residential purposes. Only three (3) lots shall be served by the permanent private easement unless the Commission finds exceptional circumstances upon which the said easement shall serve more than the stated three (3) lots. The remaining lot must front or have direct access to a public street or way accepted or authorized by the Planning Commission. Therefore, the permit-issuing authority may not approve any subdivision served by a permanent private easement authorized by this subsection in which one or more of the lots thereby created is intended for (i) two-family, or multi-family residential use, or (ii) any other residential or non-residential use that would tend to generate more traffic than that customarily generated by three (3) single-family residences. For safety reasons, the Planning Commission may require that a lot with frontage on a public road only access off of a permanent private easement.
 - (2) To ensure that the intent of this subsection is not subverted, the permit-issuing authority may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that the lots in a residential subdivision served by a permanent private easement be smaller than the permissible size of lots on which two-family or multi-family developments could be located or that restrictive covenants limiting the use of the subdivided property in accordance with this section be recorded before the final plat approval.
 - (3) The width of a permanent private easement within the corporate limits and the planning region shall be no less than 30 feet. The Planning Commission may require the width of the easement to be of a greater width if the commission

deems appropriate.

- (4) Within the corporate limits of the City of Maryville, the Planning Commission shall require that the improved portion within the easement be improved to a minimum of sixteen (16) feet with any of the following material: 4" of stone and 1" of asphalt; or 4" of concrete.
- (5) Two permanent private easements may not run side by side.
- (6) The Planning Commission may consider appropriate drainage design and improvements within the permanent private easement if the topography, grade or natural drainage pattern within the easement warrants improvements.

SECTION 11: ROAD AND SIDEWALK REQUIREMENTS IN UNSUBDIVIDED DEVELOPMENTS

- (a) Within unsubdivided developments, all permanent private easements and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of these regulations and/or applicable City ordinances. To the extent not otherwise covered in the foregoing articles, and to the extent that the requirements set forth in this article for subdivision streets may be relevant to the roads in unsubdivided developments, the requirements of this article may be applied to satisfy the standards set forth in the first sentence of this subsection.
- (b) Whenever a road in an unsubdivided development connects two or more subcollector streets, collector streets, or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated. In other cases when roads in unsubdivided developments within the City are constructed in accordance with the specifications for subdivision streets, the City may accept an offer of dedication of such streets.
- (c) In all unsubdivided residential developments, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities.
- (d) Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least ten feet to provide such access.
- (e) The sidewalks required by this section shall be at least five (5) feet wide and constructed according to specifications outlined by the City Director of Engineering and Public Works or his or her designee and in accordance with other design criteria adopted

by the City, except that the permit-issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:

- (1) such walkways would serve the residents of the development as adequately as concrete sidewalks; and
- (2) such walks could be more environmentally desirable or more in keeping with the overall design of the development.

SECTION 12: ATTENTION TO HANDICAPPED IN STREET AND SIDEWALK CONSTRUCTION

- (a) Whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with the Standard Building Code, as enforced by the City Building Inspector.
- (b) In unsubdivided developments, sidewalk construction for the handicapped shall conform to the requirements of the building code of the City of Maryville.

SECTION 13: STREET NAMES AND HOUSE NUMBERS

- (a) Street names shall be assigned by the developer subject to the approval of the permit-issuing authority. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the City's planning jurisdiction, regardless of the use of different suffixes (such as those in Subsection (b)).
- (b) Street names shall include a suffix such as the following:
 - (1) Circle. A short street that returns to itself.
 - (2) Court or Place. A cul-de-sac or dead-end street.
 - (3) Loop. A street that begins at the intersection with one street and circles back to end at another intersection with the same street.
 - (4) Street. All public streets not designated by another suffix.
- (c) Building numbers shall be assigned by Blount County Communications Center.
- (d) Street signs shall be placed appropriately by the developer or subdivider in a new subdivision. The developer shall install signs where indicated by the City Director of Engineering and Public Works or his or her designee.

In the event the street is a designated private street then those who are responsible for

the maintenance of the said private street shall also be responsible for the installation and maintenance of all traffic control devices.

All devices shall conform to size, material and location criteria found in the "Manual of Uniform Traffic Control Devices".

SECTION 14: BRIDGES

All bridges shall be constructed in accordance with the standards and specifications of the Tennessee Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed by a licensed architect or engineer.

SECTION 15: UTILITIES

Utilities installed in public rights-of-way or along permanent private easements shall conform to the requirements set forth in Article XV, Utilities.

SECTION 16: TRAFFIC IMPACT STUDIES

The Planning Commission, City Director of Engineering and Public Works or his or her designee administrator or Director of Development Services shall have the power to require traffic access and impact studies when applications are submitted for preliminary subdivision approval, annexation requests, rezoning requests or comprehensive plan amendments. All traffic access and impact studies shall be prepared under the supervision of a qualified engineer who has specific training in transportation engineering and several years of experience related to preparing traffic studies for proposed developments. The traffic study shall be signed and sealed by the supervising engineer.

ARTICLE XII

UTILITIES

SECTION 1: UTILITY OWNERSHIP AND EASEMENT RIGHTS

- (a) In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, cable television, or stormwater facilities and appurtenances and intends that such facilities shall be owned, operated, or maintained by the public utility or other entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership and/or easement rights to enable the utility or entity to operate and maintain such facilities.
- (b) Drainage and utility easements shall be five (5) feet in width along interior boundary lines of lots in a subdivision and shall be ten (10) feet in width along all exterior lot lines where adjoining lot or property is not subject to a similar easement at least five (5) feet in width. A ten (10) foot utility and drainage easement shall exist along platted rights-of-ways and be determined by this document to be an exterior lot line. Such dedication shall be noted on the final plat of a subdivision, unless otherwise required by the appropriate reviewing agency.

SECTION 2: LOTS SERVED BY GOVERNMENTALLY OWNED WATER OR SEWER LINES

- (a) Whenever it is legally possible and practicable in terms of topography to connect a lot with a City water or sewer line by running a connecting line not more than three hundred (300) feet from the lot to such line, then no use requiring water or sewage disposal service may be made of such lot unless connection is made to such line.
- (b) Connection to such water or sewer line is not required if, in order to make connection with such line by a connecting line that does not exceed three hundred (300) feet in length, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.
- (c) For purposes of this article, a lot is "served" by a City-owned water or sewer line if connection is required by this section.

SECTION 3: SEWAGE DISPOSAL FACILITIES REQUIRED

Every principal use and every lot within a subdivision shall be served by sanitary sewer as provided in Section 2 of this Article or by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations. For purposes of complying with all local health department regulations, if the lot uses a subsurface sewer disposal system and is served by a public water supply, there shall be a minimum of 30,000 square feet of usable lot area for lots developed for

residential purposes. If a lot is developed for residential purposes and sanitary sewer and public water are not available to the lot, then the minimum lot area per unit shall be 35,000 square feet.

SECTION 4: DETERMINING COMPLIANCE WITH SECTION 3

- (a) Primary responsibility for determining whether a proposed development will comply with the standards set forth in Section 3 often lies with an agency other than the City, and the developer must comply with the detailed standards and specifications of such other agency. Whenever any other agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit under these regulations may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with Section 3. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- (b) In the following table, the IF statement describes the type of development and the THEN statement indicates the agency that must certify to the City whether the proposed sewage disposal system complies with the standards set forth in Section 3.
- (1) IF The use is located on a lot that is served by the City sewer system or a previously approved, privately owned package treatment plant, and the use can be served by simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal collection system (as in the case of a shopping center or apartment complex):
THEN No further certification is necessary.
- (2) IF The use (other than a subdivision) is located on a lot that is served by the City's sewer system but service to the use necessitates construction of an internal collection system (as in the case of a shopping center or apartment complex); and
- (A) IF The internal collection system is to be transferred to and maintained by the City:
THEN The internal collection system must meet the standards of the City from design to installation.
- (B) IF The internal collection system is to be privately maintained:
THEN The City must certify that the proposed collection system is adequate.
- (3) IF The use (other than a subdivision) is not served by the City system but is to be served by a privately operated sewage treatment system (that has not previously been approved) with 3,000 gallons or less design capacity, the effluent from which does not discharge to surface waters:
THEN Not allowed within the corporate limits.

- (4) IF The use (other than a subdivision) is to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity of more than 3,000 gallons or that discharges effluent into surface waters:
THEN Not allowed within the corporate limits.

- (5) IF The proposed use is a subdivision;
 - (A) IF Lots within the subdivision are to be served by simple connection to existing City lines or lines of a previously approved private system:
THEN No further certification is necessary.

 - (B) IF Lots within the subdivision are to be served by the City system but the developer will be responsible for installing the necessary additions to the City system:
THEN The internal collection system must meet the standards of the City from design to installation.

 - (C) IF Lots within the subdivision are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3,000 gallons or less, and that does not discharge into surface waters:
THEN Not allowed within the corporate limits.

 - (D) IF Lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3,000 gallons or that discharges effluent into surface waters:
THEN Not allowed within the corporate limits.

- (c) On subdivision plats depicting property where existing subsurface sewer disposal (SSD) systems exist, it shall be required that these subdivisions contain wording or notations as follows:

In accordance with the policies of the Tennessee Department of Environment and Conservation, the Blount County Health Department has not evaluated the existing subsurface sewage disposal (SSD) system on lot(s) represented on this plat. In approving this plat for recordation, the Maryville Planning Commission makes no representation as to the performance of the existing SSD system.

If additional language is required by the Planning Commission than that stated in this section, it shall be added and appropriately noted on the plat starting where existing subsurface sewage disposal systems exist.

SECTION 5: WATER SUPPLY SYSTEM REQUIRED

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

SECTION 6: DETERMINING COMPLIANCE WITH SECTION 5

- (a) Primary responsibility for determining whether a proposed development will comply with the standards set forth in section 5 often lies within an agency other than the City and the developer must comply with the detailed standards and specifications of such other agency. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this chapter may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with Section 5. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- (b) In the following table, the IF statement describes the type of development and the THEN statement indicates the agency that must certify to the City whether the proposed water supply system complies with the standards set forth in Section 5.
 - (1) IF The use is located on a lot that is served by a public water system or a previously approved, privately owned public water supply system and the use can be served by simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal distribution system (as in the case of a shopping center or apartment complex):
THEN No further certification is necessary.
 - (2) IF The use (other than a subdivision) is located on a lot that is served by a public water system but service to the use necessitates construction of an internal distribution system (as in the case of a shopping center or apartment complex); and the internal distribution system is to be transferred to and maintained by the City:
THEN The proposed internal distribution system must meet the standards of the City from design to installation.
 - (3) IF The use (other than a subdivision) is located on a lot not served by a public system or a previously approved, privately owned public water supply system; and
 - (A) IF The use is to be served by a privately owned public water supply system that has not previously been approved:
THEN The Tennessee Department of Public Health must certify that the proposed system complies with all applicable state and federal

regulations. The Blount County Health Department must also approve the plans if the water source is well and the system has a design capacity of 1,000,000 gallons per day. A private well system may not be connected to the City utility system.

- (B) IF The use is to be served by some other source (such as an individual well):
THEN: The Blount County Health Department must certify that the proposed system meets all applicable state and local regulations.

- (4) IF The proposed use is a subdivision; and

- (A) IF Lots within the subdivision are to be served by simple connection to existing City lines or lines of a previously approved public water supply system:
THEN No further certification is necessary.

- (B) IF Lots within the subdivision are to be served by the City system but the developer will be responsible for installing the necessary additions to such system:
THEN The proposed internal distribution system must meet the standards of the City from design to installation.

- (C) IF Lots within the subdivision are to be served by privately owned public water supply that has not previously been approved: (only allowed outside corporate limits)
THEN The Tennessee Department of Public Health (TDPH) must certify that the proposed system complies with all applicable state and federal regulations. The Blount County Health Department must also approve the plans if the water source is a well and the system has a design capacity of 1,000,000 gallons per day. The City must also approve the distribution lines for possible future addition to the City system.

- (D) IF Lots within the subdivision are to be served by an individual well: (only allowed outside corporate limits)
THEN The Blount County Health Department must certify to the City that each lot intended to be served by a well can be served in accordance with applicable health regulations.

SECTION 7: LIGHTING REQUIREMENTS

- (a) Subject to Subsection (b), all public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of these regulations shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities.
- (b) To the extent that fulfillment of the requirement established in Subsection (a) would

normally require street lights installed along public streets, this requirement shall be applicable only to residential and commercial subdivisions located within the corporate limits of the City.

- (c) All roads, driveways, sidewalks, parking lots, and other common areas and facilities in unsubdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.
- (d) All entrances and exits in substantial buildings used for non-residential purposes and in two-family or multi-family residential developments containing more than four (4) dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

SECTION 8: EXCESSIVE ILLUMINATION

Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standards set forth in Section 7 or if the standards set forth in Section 7 could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

SECTION 9: ELECTRIC POWER

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- (1) If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- (2) If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the City that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

SECTION 10: TELEPHONE SERVICE

Every principal use and every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- (1) If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is necessary.
- (2) If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility company must review the proposed plans and certify to the City that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

SECTION 11: UNDERGROUND UTILITIES

- (a) All electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of these regulations shall, when placed underground, be done in accordance with the specifications and policies of the respective utility service providers.
- (b) All electric power lines (not to include transformers or enclosures containing electric equipment including, but no limited to, switches, meters, or capacitors which may be pad mounted) serving four (4) or more residential lots or developments with apartments, condominiums, townhouses, etc. shall be placed underground. All electric power lines installed underground shall be done in accordance with specifications and policies of the utility service provider as provided for in (a) of this section.
- (c) Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of these regulations, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies.

SECTION 12: UTILITIES TO BE CONSISTENT WITH INTERNAL AND EXTERNAL DEVELOPMENT

- (a) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

- (b) Whenever it can be reasonably accomplished, when a development is constructed or phased over time and underground utility facilities are used in the initial stages of development, then remaining portions of the development or subdivision shall be serviced with underground utilities.
- (c) All utility facilities shall be constructed in such manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

SECTION 13: AS-BUILT DRAWINGS REQUIRED

When a developer installs or causes to be installed any utility line in any public right-of-way or easement, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the City with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development. As-built drawings shall further be provided for stormwater lines, ponds or any associated infrastructure in the stormwater system. Such as-built drawing shall be approved by the City prior to acceptance by the City of such infrastructure.

SECTION 14: FIRE HYDRANTS

- (a) Every development within the corporate limits (subdivided or unsubdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.
- (b) The presumption established by these regulations is that to satisfy the standards set forth in Subsection (a), fire hydrants must be located so that all parts of every building within the development may be served by a hydrant by laying not more than five hundred (500) feet of hose connected to such hydrant. However, the Fire Chief may authorize or require a deviation from this standard if recognized fire safety standards would allow another arrangement more satisfactory which would comply with the standards set forth in Subsection (a).
- (c) The Fire Chief shall determine the precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six (6) feet behind the curb line of publicly dedicated streets that have curb and gutter.
- (d) The water and wastewater division of the utilities board shall determine the design standards of all hydrants as set forth in the Rules, Regulations, Rates and Policies for the City Water Quality Control Department. Unless otherwise specified by the Fire Chief, all hydrants shall have two (2) two and one-half inch hose connections. The two and one-half-inch hose connections shall be located at least twenty-one and one-half inches from ground level. All hydrant threads shall be national standard threads.

- (e) Water lines that serve hydrants shall be designed and sized according to the Rules, Regulations, Rates and Policies for the City of Maryville Water Quality Control Department.
- (f) Development within the Urban Growth Boundary (new development or existing) that is served by a public water system sufficient to provide adequate fire protection for the buildings located or intended to be located within the Urban Growth Boundary may install fire hydrants under conditions required by the Maryville Fire Chief and the Maryville Regional Planning Commission, and in accordance with the Rules, Regulations, Rates, and Policies for the City Of Maryville Water Quality Control Department.



ARTICLE XIII
RESERVED FOR FUTURE USE



ARTICLE XIV

RESERVED FOR FUTURE USE

ARTICLE XV
AMENDMENTS

SECTION 1: AMENDMENTS TO SUBDIVISION REGULATIONS

Amendments to the text of these regulations are to be made by majority vote of the Planning Commission.

SECTION 2: HEARING REQUIRED; NOTICE

- (a) No subdivision regulation that amends any of the provisions of these regulations may be adopted until a public hearing has been held on such regulations.
- (b) Before adoption of any amendment to these regulations a public hearing shall be held by the Planning Commission, fifteen (15) days notice of time and place of which shall be given by one (1) publication in a newspaper of general circulation.
- (c) The planning staff shall also take any other action deemed by the staff to be useful or appropriate to give notice of the public hearing on any proposed amendment.
- (d) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the council's intention that no failure to comply with any of the notice provisions (except those set forth in Subsection (b)) shall render any amendment invalid.