

ARTICLE I
PURPOSE, DEFINITIONS, AUTHORITY, AND JURISDICTION

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Section A. PURPOSE Land subdivision is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is therefore to the interest of the public, the developer and the future property owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards.

The following subdivision standards guiding the planning commission are designed to provide for the harmonious development of the area; to secure a coordinated layout and adequate provision for traffic and also to secure adequate provision for light, air, recreation, transportation, water, drainage, sewer, and other sanitary facilities.

Section B. Authority These subdivision regulations are adopted under the authority granted by Sections 13-3-401 through 13-3-411, 13-4-301 through 13-4-309, of the Tennessee Code Annotated. The Planning Commission has fulfilled the requirements set forth in these acts as prerequisite to the adoption of such regulations, having filed a certified copy of the Major Thoroughfare Plan in the office of the Register of Henry County, Tennessee on August 10, 1978.

Section C. Jurisdiction These regulations shall govern all subdivision of land within the corporate limits of Paris, Tennessee, and within the defined limits of the Paris Planning Region as now or hereafter established. Within these regulations the term "subdivision" shall mean the division of a tract or parcel of land into two (2) or more lots, sites, or divisions for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and, when appropriate to the context, relates to the context of subdivision or to the land or area subdivided.

1. Any owner of land within this area wishing to subdivide land shall submit to the Paris Regional Planning Commission a plat of the subdivision according to the procedures outlined in Article II, which plat shall conform to the minimum requirements as set forth in Article III.
2. Improvements shall be installed as required by Article IV of these regulations.

Section D. Definitions

Purpose The purpose of this section is to eliminate ambiguity by providing a full definition of certain words and phrases which are used in these regulations.

Definition of Words For the purposes of these regulations and in order to carry out the provisions and intentions as set forth herein; certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense include the future tenses: words in the singular number include the plural, and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; and the terms "shall" and "will" are always mandatory and not directory, and the word "may" is permissive.

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

Block. A surface land area which is separated and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, or other physical barriers.

Block Number. The official number or letter assigned to a block for identification purpose.

Buildable Area of a Lot. That portion of a lot bounded by the required rear and side yards and the building setback line.

Building Setback Line A line in the interior of a lot which is generally parallel to, and a specified distance from, the street right-of-way line of lines; which creates a space between such lines in which no building shall be placed.

Building. Any enclosed structure intended for shelter, housing, or enclosure of persons, animals, or chattel.

Dedication. The setting aside of land and/or improvements for a particular use.

Developer. An individual, partnership, corporation, or other legal entity or agent thereof which undertakes the activities covered by these regulations. Inasmuch as the subdivision plan drawings are merely a necessary means to the end of assuring satisfactory development, the term "developer" includes "sub-divider", "owner" or "builder" even though the persons and their precise interests may vary at different project stages.

Development Density. Figures for density classification in terms of gross land area are:
1. Low - 2 or less dwelling units per acre;

2. Medium - 2.1 to 6.0 dwelling units per acre.
3. High - over 6 dwelling units per acre.

Easement. The right to use another person's property but only for a limited and specifically named purpose, the owner generally continues to make use of such land since he has given up only certain, and not all, ownership rights.

Easement Area. A strip of land over, under, or through which an easement has been granted.

Easement/Utility The right granted by the owner of land to allow utility facilities to be constructed, maintained, or preserved. Utility easements shall include, but are not limited to, easements for storm drainage, water lines, sewer lines, electric power lines, and pipe lines.

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

Engineer. A qualified Civil Engineer registered and currently licensed to practice engineering in the State of Tennessee.

Floodplain. An area of a river or stream, together with appropriate adjacent land, established to insure adequate and safe drainage.

Frontage. All property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or if the street is dead-ended, then all of the property abutting one side between an intersecting street and the dead-end of the street.

Health Department. Henry County Health Department.

Highway Department. Henry County Highway Department.

Improvements. Physical changes made to raw land and structures on or under the land surface in order to make the land more usable. Typical improvements in these regulations would include but not be limited to grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, street name signs, and street trees.

Individual Sewage Treatment Facility. A sewage disposal system developed to function on an individual lot basis. A septic tank is a type of individual sewage treatment facility.

Lot A parcel of land which is or may be occupied by a building and an accessory building or use customarily incidental thereto, together with such yards or open spaces within the lot lines as may be required by these regulations.

Lot/Corner. A lot of which at least two (2) adjoining sides abut on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

Lot/Area. The total horizontal area included within lot lines.

Lot/Depth. The average distance from the street line of the lot to the rear line measured in the general direction of the side lines of the lot.

Lot/Frontage. That dimension of a lot or portion of a lot abutting on a street excluding the side dimension of a corner lot.

Lot/Lines. The lines bounding a lot as defined herein.

Lot/Number. The official number assigned to a lot for identification purposes.

Lot/Width. The width of a lot at the building setback line measured at right angles to the depth.

Major Street Plan. The official plan adopted by the Paris Municipal-Regional Planning Commission designating types and locations of streets within the corporate limits and planning region.

Monuments Markers placed on or in the land.

Percolation Test. An examination of subsoil used in determining the acceptability of the site and the design of the subsurface disposal system.

Planning Commission. The Municipal-Regional Planning Commission of Paris, Tennessee

Plan/Sketch. An informal drawing and other materials indicating the general lot and street layout and other features of a proposed subdivision.

Plan/Construction. The material which comprise the first "official" submission of a subdivision scheme to the Planning Commission, and which consists of an application, a draft copy of any protective covenants, the subdivision design drawings, and construction drawings of the proposed improvements all of which conform to the requirements found in Article II, Section C..

Plat, Final The material which comprises the second and last "official" submission of a subdivision scheme to the Planning Commission, and which consists of an application, a draft copy of any protective covenants, the subdivision design drawings, and construction drawings of the proposed improvements all of which conform to the requirements found in Article II, Section D..

Protective Covenants. Contracts between the land sub-divider and lot purchaser expressing agreement covering use of the land and not enforced by the City of Paris.

Public Sewer System. A central sewer system, owned, operated and maintained by a municipality, county, or utility district.

Public Hearing. A meeting for the review of a matter where opinions may be presented by the public. These hearings may take place during the regular Planning Commission meetings and are held according to state laws.

Public Uses. Public parks, schools, and administrative cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and material.

Public Utility. Any person, firm, corporation, municipal department or board duly authorized to furnish under state or municipal regulations to the public electricity, gas, steam, communications, telegraph, transportation, water, or sewer.

Recreational Facilities. Country clubs, riding stables, golf courses, and other similar recreational areas and facilities including swimming pools.

Register of Deeds. Henry County Register of Deeds.

Reserve Strip. A portion of land set aside to prevent and prohibit access to adjoining property or public thoroughfare.

Right-of-Way. A dedication of land to be used generally for streets, alleys, or other public uses whereby the owner gives up all his rights to the property as long as it is being used for the dedicated purpose. Also, a land measurement term meaning the distance between lot property lines which generally contain not only the street pavement but also the sidewalks, grass area, and utilities.

Road. For the purpose of these regulations, "road" shall be defined the same as "street".

Roadway. The portion of the street right-of-way which contains the street pavement, curb, and gutter, and is used primarily as a channel for vehicular movement and secondarily as a drainage channel for storm water. In these regulations where curbs are required, the pavement is measured from face to face of the curbs; without curbs, it is the measurement of the wearing surface.

Sanitary Sewer System. A public or community sewage disposal system of a type approved by the State Department of Public Health.

Secretary. The person designated by the Planning Commission as its secretary.

Septic Tank. See Individual Sewage Treatment Facility.

Setback. The distance required to obtain the minimum front, side, and rear yards.

Street. A general term used to describe a right-of-way which provides a channel for vehicular and pedestrian movement between certain points in the community, which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of underground and above ground utilities.

Street/Half. A street having width less than required by these and other appropriate regulations.

Street/Intersecting. Any street which joins another street at an angle, whether or not it crosses the other.

Street/Classification. Types of streets as set forth in the Major Street Plan or as determined by development densities and potential usage increases.

Street Furniture. Any improvements placed within the street right-of-way, such as utility poles, street signs, etc.

Street Grade. The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street at the midpoint of the lot shall be taken as the street grade.

Street Line. The legal line between street right-of-way and abutting property.

Street Sign. The sign designating the official name of the street.

Subdivision/Major. All divisions of a tract or parcel of land into five (5) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development; and includes all division of land into two (2) or more lots involving a new street, or a change in existing streets; or divisions of land involving the extension of water, sewer or gas lines and includes re-subdivisions and, where appropriate to the context relates to the process of subdivision or to the land or area subdivided. The following are not included within this definition:

1. testamentary division of property;
2. partnership division of property between (2) or more owners of an undivided interest by court order; or
3. the division of land into parcels of more than (5) acres not involving or requiring any new streets, utilities, or easements of access.

The creation of a tract or parcel of five (5) acres or less shall be deemed a subdivision and subject to the provisions of this chapter whether or not it fronts on an existing street or road, except where land is partitioned among the owners by the court.

Subdivision/Minor. All divisions of a tract into four (4) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building

development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The following are not included within this definition:

1. all divisions of land involving a new street;
2. a change in an existing street; or
3. the extension of water, sewer or gas lines

Surveyor. A qualified surveyor registered and currently licensed to practice surveying in the State of Tennessee.

Test Holes. Openings dug, bored, or drilled in the ground for conducting soil tests.

Unit. A subsection of a total subdivision developed as a complete segment.

Use. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted, use" or its equivalent shall not be deemed to include any non-conforming use.

Way. A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Yard/ Front. An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line (extended) of the building and the street line.

Yard/Rear. An open (other than for permitted accessory structures) space on the same lot with the principal building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard/Side. An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Zoning Ordinance. The duly adopted 'Zoning and Mobile Home Park Ordinance of Paris, Tennessee'.