



Maury County Regional Planning Commission

Walter Harlan Building # 5 -- 1st Floor
Courthouse Square -- Columbia, TN 38401
Office: (931) 375-3003 -- Fax: (931) 375-3019

Access, Easements & Building Permits Advisory Comments

Overview

The Advisory Comments herein are intended to provide information regarding the use or attempt to use easements for access to property. The information provided herein is not intended to be all-inclusive. Each case may have unique circumstances that have a bearing on what may be permitted. However, the information provided herein is based upon some of the common general issues that have been presented to the Building & Zoning Office.

Risks Related to Non-Compliance

If the property or its access is not in compliance with the Zoning Resolution or the Subdivision Regulations, **the County will not issue a Building Permit.** This includes properties that may have been conveyed or divided by deed, drawing, agreement or other instrument. This includes attempts to circumvent the Zoning Resolution or the Subdivision Regulations.

Incorrect Assumptions Related to Subdivisions with Tracts 5-acres or larger in size.

Even subdivisions that create tracts that are 5-acres or larger in size may be subject to the Subdivision Regulations and approval by the Maury County Regional Planning Commission (MCRPC). It is recommended that an inquirer or applicant coordinate with the Building & Zoning Office. Even if a subdivision with tracts 5-acres or larger in size is created and it is determined it does not need approval by the MCRPC, the subdivision must still meet the property access requirements of the Zoning Resolution or the Subdivision Regulations. The risk is as stated previously; **the County will not issue a Building Permit** if found to be non-compliant.

Requirements Frequently Provided to Inquirers & Applicants

Zoning Resolution - 3.020. Only Two (2) Principal Buildings on Any Lot

Only two (2) principal buildings and their accessory buildings may be erected on any unsubdivided lot. Provided, however, that this provision shall not apply to group housing developments and mobile home parks approved under the provision of ARTICLE IV, Sections 4.080 and 4.100 or to planned unit developments approved under the provision of ARTICLE VI, of this Resolution. Further provided that in residential zones, except in R-1 and R-2 Districts, not more than two (2) residences may be permitted on an unsubdivided lot provided that the minimum distance between the residences is 100 feet and the overall density is not more than one residence per 2 1/2 acres.

Zoning Resolution - 3.030. Lot Must Abut a Street

No building shall be erected on a lot which does not abut a street for a distance of at least fifty (50) feet, and have direct vehicular access to said street, except as permitted by the County Subdivision Regulations (Section 1-111) and Section 3.020 as contained herein.

Subdivision Regulations - 1-111 Enforcement, Violation, and Penalties (excerpts)

1-111.1 General

Building Permits -- No building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of any provision of these Regulations.



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Subdivision Regulations - 1-111 Enforcement, Violation, and Penalties (excerpts)

1-111.1 General

Access to Lots by Public Way or Private Easement -- Pursuant to 13-3-411, Tennessee Code Annotated, no building permit shall be issued, and no building or structure shall be erected on any lot within the jurisdictional area, unless the public way giving access to the lot upon which the building or structure is proposed to be placed shall have been accepted or opened or shall have otherwise received the legal status of a public way as provided by law.

Provided, further, that when a permanent easement to a public way is used as access to a lot or tract of land having been or being separated from other property, such easement shall be at least 50 feet in width for the entire length and shall not be used to provide access to more than 2 lots or tracts of lands. Easements to provide access are not permitted for subdivisions that include 3 or more lots.

Provided, further, that in the event that access is provided to more than 1 lot or tract of land, the Final Plat and the deed must show the easement and shall contain the following language: The easement for the common driveway shall run with the land and shall be binding on and shall inure to the benefit of all parties for whose benefit the common driveway exists, their heirs, successors and assigns.

Incorrect Interpretation of what Constitutes 2-Lots on an Easement.

The point of reference in evaluating this is: If the easement travels through or is adjacent to any lot, then all of those lots are added together to define the total.

Incorrect Interpretation of what Constitutes 3 or more Lots in a subdivision.

The point of reference in evaluating this is: Even if a proposed subdivision, for example, only has 3 total lots or 10 total lots or 100 total lots, access easements are not permitted, even if the access easement is to serve one or two lots.

Subdivision Regulations – 4-102.2 & 6-102 - Flag Lots

In considering your decisions, please be reminded that Flag Lots are not permitted. Please read the sections listed above.

Submittal Requirements, Submittal Deadlines and Fees:

Please be advised, that the County has Submittal Requirements, Submittal Deadlines and Fees. Please coordinate with the Building & Zoning Office.

Your application may be deemed incomplete due to lack of the required documents not being submitted at the time it is submitted. This may result in this application not being reviewed and/or advanced to the Planning Commission until the required documents are submitted. The applicant must comply with all County deadlines.

Subdivision Regulations and Zoning Resolution Compliance:

Applications or inquiries are subject to the requirements of both the Subdivision Regulations and Zoning Resolution; both are available on-line at the Maury County website. The link is <http://www.maurycounty-tn.gov/>. Under the “Government” tab – click on “Building and Zoning” where the Subdivision Regulations, Zoning Resolution and other useful documents & information may be found.

The parties associated with submitting applications or inquiries are responsible for reading and complying with the requirements of Maury County.