

**CITY OF FAYETTEVILLE, TN
REGIONAL SUBDIVISION
REGULATIONS**

Updated _____, 2021

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FAYETTEVILLE REGIONAL SUBDIVISION REGULATIONS

**Prepared for the
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ARTICLE 1

GENERAL PROVISIONS

A. TITLE

These regulations will, hereinafter, be known and cited as the Regional Subdivision Regulations of Fayetteville, Tennessee.

B. AUTHORITY

These subdivision regulations are adopted by the Fayetteville Regional Planning Commission under authority granted by Sections 13-101 through 13-310 of the Tennessee Code Annotated and are adopted in conformity with said statutes by having filed a copy of the major road plan in the office of the Register of Deeds, Lincoln County, TN and having held a Public Hearing on these regulations after 15 days notice in a newspaper of general circulation.

C. JURISDICTION

These subdivision regulations will apply to all subdivisions, as herein defined, within the City of Fayetteville or the Fayetteville Urban Growth Boundary. No land will be subdivided within the City of Fayetteville or the Fayetteville Urban Growth Boundary until a plat is submitted by the subdivider/developer in accordance with these regulations and the Urban Growth Plan, the plat is approved by the Planning Commission, and the plat is filed with the Lincoln County Register of Deeds.

D. PURPOSE

These regulations are adopted for the following purposes:

1. To promote the public health, safety and general welfare of the jurisdictional area.
2. To guide the development of the jurisdictional area in accordance with the Lincoln County, TN Growth Plan, consideration of the suitability of nonresidential and public areas and consideration for the most beneficial land use.
3. To provide for adequate light, air, and privacy; to secure safety from fire, flood and other dangers, and to prevent overcrowding of the land and undue congestion of population.
4. To enhance the character and economic stability, and encourage the orderly, beneficial development of the jurisdictional area.
5. To conserve the value of land, buildings and improvements throughout the jurisdictional area, and to minimize detrimental conflicts among the uses of land and structures.
6. To guide public and private policy and action by providing for transportation, water, sewerage, schools, recreational areas and other public requirements and facilities.
7. To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.
8. To establish reasonable standards of design and procedures for subdivisions; to further the orderly layout and use of land; and to insure proper legal descriptions and proper monumenting of land.

9. To ensure appropriate facilities are available and are sufficient to serve proposed development.
10. To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table and to preserve the integrity, stability, beauty and value of the jurisdictional area.
11. To preserve the natural beauty and topography of the jurisdictional area and to insure appropriate development with regard to these natural features.
12. To provide for open spaces through efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the zoning ordinance.
13. To encourage subdivision design maximizing the conservation of all forms of energy.

E. POLICY

It is the policy of the Planning Commission to review plats and proposed subdivision developments for conformity with any applicable land use plans, the Major Road Plan and the Fayetteville Zoning Ordinance. It is further the policy of the Planning Commission to review plats and proposed subdivision developments in the context of existing land use, development, population, traffic distribution and the highest and best interests of the community. The planning commission will require strict adherence to these regulations, especially when specific site conditions or immediate community conditions warrant.

F. DESIGN CONCEPTS

Land subdivision is a compromise among competing and often conflicting objectives. Users of these regulations should recognize that the subdivision of land is far more than a means of marketing land; it is primarily the first step in the process of building a community. Once land has been divided into lots, streets have been established, utilities have been installed and buildings have been constructed, correction of any defects or problems is costly and difficult. Moreover, the development pattern is permanently ingrained upon the community and is unlikely to be changed. Ultimately, subdivided land becomes a public responsibility requiring the maintenance of improvements and the provisions of public services. Additionally, for the sake of future owners and the community, subdivided land should not only be presently marketable, but should remain competitive with future developments, presenting a stable and liquid investment. The interests of the public, the subdivider/developer, and future owners are served by adherence to sound concepts and standards of design. To achieve these objectives, all subdivisions within the City of Fayetteville must conform to four basic design concepts:

1. External Factors

Subdivision design must provide for external factors of community wide concern including the proper extension of major streets, extensions of utilities, preservation of major drainage channels and related flood lands, and the reservation of needed school and park sites.

2. Land Use

Subdivision design must be related to proposed and existing land uses. Layout of a subdivision is inseparable from the proposed use of the land. Existing and adjacent land use patterns must be considered. Some uses, such as parks, institutional uses, and bodies of surface water, may be used in the design to create value. Others, such as railroads, power lines and associated easements, poorly subdivided lands, and unsightly strip commercial developments, may require special design techniques to minimize negative impact on

adjacent property values, traffic, and quality of life.

3. Natural Environment

Subdivision design must give due consideration to the natural environment. Areas of natural beauty, such as fine stands of trees and prominent terrain, should be conserved by the design. Low areas subject to flooding or areas of unsuitable soil or ground water conditions should not be put to residential use.

4. Internal Details

Subdivision design must give attention to internal design details including the proper layout of the streets, the utilities needed, open spaces and adjustment of the design to topography and soil capabilities of the land. A major aspect of internal detailing is careful attention to drainage.

G. CONFORMANCE TO APPLICABLE RULES AND REGULATIONS

In addition to the requirements established herein, all subdivision plats will comply with all applicable laws, ordinances, resolutions, rules, or regulations, including, but not limited to the following. In addition, plat approval may be withheld if a subdivision is not in conformity with these rules or with the provisions set forth in Article 5 of these regulations.

1. All applicable provisions of Tennessee Law, regulations, or policy.
2. Any zoning ordinance, any building and housing Codes, and all other applicable laws or policies of the Planning Commission.
3. The adopted Growth Plan and Major Road (public way) Plan.
4. The rules of the County Health Department and the Tennessee Department of Environment and Conservation.
5. The rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, if the subdivision or any lot contained therein abuts a non-local highway.
6. The standards and regulations adopted by all other boards, commissions, and agencies of the Planning Commission, where applicable.

H. SELF-IMPOSED RESTRICTIONS

If a property owner places restrictions greater than those required by the zoning ordinance or subdivision regulations on any land contained in the subdivision, such restrictions or reference thereto will be recorded in the office of the Lincoln County Register of Deeds. The restrictions will be recorded on a separate form, along with the Final Plat approved by the Fayetteville Regional Planning Commission.

I. CHARACTER OF THE LAND

Land which the Planning Commission finds unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas will not be subdivided or developed unless adequate methods are proposed by the subdivider/developer and approved by the Planning Commission, upon recommendation of staff serving the Planning Commission and/or other governmental representative rectify problems created by the unsuitable land conditions. Such land will be set aside for uses that do not place the public in danger or create a public nuisance.

J. POLICY ON FLOODPRONE AREAS

1. No subdivision or part thereof will be approved by the Planning Commission if proposed levees, fills, structures, or other features within the subdivision will individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (the 100 year flood level) will be determined from the latest approved flood study for the jurisdictional area, and any subsequent revisions thereto. Specific engineering studies are to be formulated by the subdivider/developer in those areas in which flood data are not currently available, if deemed necessary by the Planning Commission.
2. In any instance in which the Planning Commission determines that a proposed subdivision may affect the flood height, velocity, or duration in any floodprone area outside its jurisdiction, the commission will take all actions necessary and proper to ensure the coordinated review of the development with the appropriate governmental agencies of the affected area.
3. The acceptability of any flood protection methods formulated by the subdivider/developer or his agent will be determined by the Planning Commission.
4. All such flood protection measures will be designed so that they do not increase, either individually or collectively, flood flows, heights, duration, or damage thus minimizing infringement into the regulatory floodway.
5. In approving plans for subdivision of land containing floodprone areas, the Planning Commission will ensure that development will proceed in such a way that property lying within any floodway, as defined by these regulations, will be maintained in a manner as prescribed by any zoning ordinance. The Planning Commission will also ensure that development within any floodway fringe area (within the 100year flood level) will be protected adequately against potential flood hazards by the methods prescribed in this article.
6. The Planning Commission will disapprove the subdivision of any land containing a floodprone area when the commission determines that subdivision plans are not consistent with the policy stated in this section.
7. In determining the appropriateness of land subdivision at any site containing a flood prone area, the Planning Commission, in reviewing any plat, will consider:
 - a. The danger to life and property due to the increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses.
 - b. The danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others.
 - c. The adequacy of proposed water supply, sanitation, drainage systems, and the ability of these systems to function under flood conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner.
 - e. The importance of the services provided by the proposed facility to the community at large.
 - f. The requirements of the subdivision for a waterfront location.

- g. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.
 - h. The compatibility of the proposed uses with existing development or development anticipated in the foreseeable future.
 - i. The relationship of the proposed subdivision to the Land Development Plan and the floodplain management program for the area.
 - j. The safe accesses to the property for emergency vehicles in times of flood.
 - k. The expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site.
 - l. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, roads or streets, and bridges.
 - m. The effect of the proposed subdivision upon the Planning Commission's participation in the National Flood Insurance Program, if such Planning Commission is, or elects to be, in the program.
8. Where protection against flood damage is necessary, in the opinion of the Planning Commission, flood damage reduction techniques may include, as deemed appropriate by the Planning Commission, any of the following.
- (a) The imposition of any surety and deed restrictions enforceable by the Planning Commission to regulate the future type and design of uses within the floodprone areas.
 - (b) Flood protection measures designed so as not to increase, either individually or collectively, flood flows, height, duration, or damages, and so as not to infringe upon the regulatory floodway.
 - (c) Installation of flood warning systems.
 - (d) The use of fill, dikes, levees, and other protective measures.
 - (e) The use of flood proofing measures may include:
 - (1) Anchorage to resist flotation and lateral movement.
 - (2) Installation of watertight doors, bulkheads, shutters, or other similar methods of closure.
 - (3) Reinforcement of walls to resist water pressures.
 - (4) Use of paints, membranes, or mortars to reduce seepage through walls.
 - (5) Addition of mass or weight to structures to resist flotation.
 - (6) Installation of pumps to lower water levels in structures.
 - (7) Construction of water supply and waste treatment systems so as to prevent the entrance of or contamination of flood waters.
 - (8) Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.

- (9) Building design and construction to resist rupture or collapse caused by water pressure of floating debris.
- (10) Installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and stormwater into buildings or structures.
- (11) All locations and installations of electrical equipment, circuits, and appliances are protected from inundation by the regulatory flood.
- (12) Location of storage facilities for chemicals, explosives, buoyant material, flammable liquids, or other toxic materials which would be hazardous to the public health, safety, and welfare at or above the regulatory flood protection elevation, or design of such facilities to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials.

K. SUBDIVISION NAME

The proposed name of the subdivision will not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations. The Planning Commission will have the authority to designate the name of the subdivision, which will be determined during Preliminary Plat approval.

ARTICLE 2

PROCEDURE FOR MAJOR SUBDIVISION APPROVAL

A. GENERAL

1. Any owner of land lying within the area of the jurisdiction of the Planning Commission wishing to divide such qualifying land into 2 or more lots, sites or divisions for the purpose of, either immediate or future, sale or building will make application to the Planning Commission by submitting the required plats along with any required application fees. All plats will conform to the minimum standards for subdivision design as set forth in Article 4 of these regulations and such additional site peculiar criteria as deemed necessary by the Planning Commission or the City technical staff.
2. The subdivider/developer will consult early and informally with the Planning Commission and its technical staff for advice and assistance before the preparation of the Preliminary Plat, and its formal application for approval. This will ensure familiarization with these regulations, the major road plan and other official plans or public improvements which might affect the area. Such informal review should prevent unnecessary and costly revisions. (County Road List, streets maintained by City).
3. The procedure for review and approval of subdivisions and its documentation consists of three (3) separate steps; 1. Preliminary Plan; 2. Construction Plans; 3. Final Plat. The first step is the submission and action on a Preliminary Plat. The Preliminary Plat provides all necessary information for the Planning Commission to determine if the proposed development adheres to the adopted standards and regulations. The second step is the submission of all construction and improvement plans for the development to planning staff and the Planning Commission for review and approval. The third step is the submission and action on a Final Plat. The Final Plat provides information relative to the calls and bearings for lot lines and has all necessary certificates of approval from various City and county offices to ensure protection of future owners of the property. The Final Plat, once approved by the Planning Commission and signed by the secretary, becomes the instrument to be recorded by the office of the County Register of Deeds, subsequently allowing for the sale of the lots.
 - A. Previously Approved Plats Upon adoption of these subdivision regulations, any portion and/or section of an approved Preliminary Plat not having gained Final Plat approval will be considered as an approved Preliminary Plat in accordance with these regulations. Subsequently, any future plats relating to an approved Preliminary Plat will adhere to the Final Plat requirements of these regulations and any subsequent amendments to these regulations.
 - B. Official Submission Dates and Deadlines All plats and plans of subdivisions meeting the requirements of these regulations, the Growth Plan, and the planning staff review committee comments and required revisions, will be submitted to City Hall no less than 15 days prior to the regularly scheduled Planning Commission meeting. Any plat or plan submitted less than 15 days prior to the regularly scheduled Planning Commission meeting will not be considered until the subsequent meeting. The official submission date of a plat will be the date of the meeting in which the plat appears on the agenda in which action is requested. The 60 day statutory period required for formal approval or disapproval of the plat or plan will not begin until the submission date.

- C. Official Submission of Revisions to Plat A plat that is resubmitted to the Planning Commission to be on the agenda of a subsequent Planning Commission meeting will indicate on the revised plat how revisions requested by the Planning Commission or staff have been resolved. The resubmitted plat and accompanying letter of revisions will be submitted to City Hall no less than 15 days prior to the regular Planning Commission meeting.
- D. Required Submission Prior to commencing any street improvements, grading, installation of utilities or any horizontal construction, the subdivider/developer will submit a set of plans to obtain the approval of the indicated agencies as follows:
- (1) Submission of a Preliminary Plat to the subdivision review staff and the Planning Commission in accordance with Section B. of this Article. The subdivision review staff should include, at a minimum, the City Codes Department, the City Planning staff, and the Utility Committee. Other department officials or City officials that should be involved in the review of major subdivisions are the building inspector, the fire chief and the police chief. No construction of any structures will commence nor will any building permits be issued until the Planning Commission has approved the Final Plat
 - (2) A cost estimate of all improvements and drainage plans prepared by a licensed agent (engineer or contractor) of the owner. The estimate will be submitted to the City Planning staff and the Utility Committee for approval.
 - (3) A Final Plat in accordance with Section D. of this Article.
- E. Application Fees The schedule of required subdivision application and review fees is located in the Appendix of the Fayetteville R Subdivision Regulations.

B. PRELIMINARY PLAT

The Preliminary Plat is the initial formal plat for a proposed subdivision and will include the full area of the proposed subdivision. The purpose of the Preliminary Plat is to insure the proposed subdivision conforms to these regulations, the zoning ordinance, the major road plan and other related regulations. The subdivider/developer should consult early with the planning staff and review the Fayetteville Regional major road plan, subdivision regulations and the zoning ordinance prior to submitting a Preliminary Plat for approval.

1. Plat Submission After consultation with the Planning Commission and/or the planning staff, but not less than 15 days prior to the Planning Commission meeting at which the Preliminary Plat will be considered, the subdivider/developer will submit (seven) 7 copies of the plat with all required staff and committee revisions, an electronic version as required by the City, together with all applicable fees, to City Hall.
2. Plat Content The Preliminary Plat will adhere to the minimum design standards as set forth in Article 4; will be prepared by a Professional Civil Engineer or a Land Surveyor licensed in the state of Tennessee; will be drawn to a scale of not less than 1 inch = 100 feet and will contain the following information even when a subdivision is to be developed in phases or sections;

- a. Scale, date of preparation, north arrow, vicinity map, acreage, zoning classification and number of lots;
- b. Subdivision name; name and address of the subdivider/developer and/or developers and the name of the individual responsible for the preparation of the plat;
- c. Lot lines, dimensions of lot lines, lot numbers, building setback lines, and the lot area in square feet;
- d. Boundary lines from deed records and surveys;
- e. Adjoining subdivisions by name and section, and the names of owners and acreage of all abutting tracts;
- f. Name, location, and right-of-ways of all existing and proposed streets and alleys; The approximate distance and bearing at the right-of-way from a corner of the subdivided property to the nearest public cross road, including the name of the road, and rounded to the nearest foot
- g. All existing buildings, primary and accessory on or within 50 feet of any adjacent properties;
- h. Location and type of all existing and proposed utilities (i.e. water, sewer, electric and gas);
- i. Proposed method of sewage disposal;
- j. 100 year floodplain, floodway boundaries and elevations of each;
- k. Major environmental features, including groupings or stands of trees;
- l. All existing and proposed public and private easements including their location, purpose and width, and the instrument number (it is the number on the recording deeds or other documents from the Register of Deeds Office) for any existing easements;
- m. Existing and proposed contour data showing contour intervals of 5 feet or less; elevation information or data will reference a bench mark on or near the subject property;
- n. Sites reserved for parks, playgrounds, open spaces, schools or other public uses, together with the purpose, and conditions or limitations of such reservations;
- o. Where divisions of the property into phases or sections is contemplated, the proposed boundaries of such sections will be shown and labeled, and the sequence of development listed alphabetically or numerically;
- p. A drainage plan which will include, but not be limited to, an analysis of the drainage area, a storm water routing plan showing maximum quantities of flow and maximum rates of flow before and after development. A map of the drainage area in which the subdivision is located will be included with the drainage plan and will include the drainage structures leading to and from the subdivision with their sizes. The scale of the map will be drawn to scale of 1 inch equals 200 feet.
- q. Where the resubdivision of a lot in a previously recorded subdivision is proposed,

the title of the proposed subdivision must indicate and identify the lot number and subdivision name from the previous subdivision;

- r. The location of existing storm sewers and sanitary sewers or the distance to the nearest available structure if within 750 feet;
 - s. Request for variances from the subdivision regulations, along with justification of proposed variances, will be submitted in writing with the application for Preliminary Plat approval; and,
 - t. Certification by Lincoln County 911 stating that there is not duplication in the name of the subdivision or the name of the street.
3. Plat Review

a. Subdivision Review Planning Staff and Utility Committee

The subdivision review staff will recommend to the Planning Commission the approval, approval with conditions or disapproval of the application and will include all department/agency comments, revisions, and other data relevant to the review of the plat, construction plans, and improvement plans.

b. Planning Commission

Within 60 days after submission of the Preliminary Plat, the Planning Commission will review the plat and indicate its approval, disapproval, or approval subject to modifications. If a plat is disapproved, reasons for disapproval will be stated in writing in the motion of the Planning Commission and in the minutes of the meeting. If approved, subject to modifications, the nature of the required modifications will be indicated in the motion of the Planning Commission and the minutes of the meeting. The Planning Commission may prior to the close of the public meeting hold the matter under advisement or vote to defer action until the next meeting. Substantial changes made to the plat after review by the subdivision review staff will be cause for the Planning Commission to defer a decision pending review of a revised plat.

c. Revised Plat

If changes or modifications are required by the Planning Commission, the subdivider/developer will submit a revised Preliminary Plat which clearly depicts the required changes no less than 15 days prior to the Planning Commission meeting at which it is to be considered after all required staff revisions are addressed.

d. Failure To Take Action

Failure of the Planning Commission to act on the Preliminary Plat within 60 days will be deemed approval of this plat, provided, however, that the applicant, with the Commission's approval, may waive this requirement and consent to the extension of such period (TN Statutory requirement [T.C.A. § 13-4-304\(a\)](#)).

4. Plat Approval

a. Action upon Approval

Upon approval of the Preliminary Plat by the Planning Commission, the subdivider/developer will present seven (7) copies of the approved Preliminary Plat for signing by the Planning Commission secretary. The subdivider/developer will provide the signed copies to the City recorder or his/her designated representative for filing in City Planning Department.

b. Effect of Approval

The approval of the Preliminary Plat by the Planning Commission does not constitute acceptance of the Final Plat and will not be indicated on the Preliminary Plat.

c. Expiration of Approval and Renewal

The approval of the Preliminary Plat will lapse unless a construction plat, based thereon, is submitted within 1 year from the date of such approval unless an extension of time is applied for and granted by the Planning Commission, based on TCA 13-3-413. Failure of the subdivider/developer to act within the specified time or denial of a time extension will require new application for Preliminary Plat approval including the application fee.

C. CONSTRUCTION PLANS

The Construction Plans are a fully engineered design of all or part of the proposed subdivision in sufficient detail for the review agencies to determine that the improvements to be installed or constructed for said subdivision meet the required standards, provide adequate protection of the public's health and safety, and do not create or aggravate potential hazards to life or property.

1. Plan Submission

- a. After the Preliminary Plat has been approved the developer will submit seven (7) copies of the Construction Plans, an electronic copy as required by the City, together with applicable fees, to City Hall. All plans must be drawn to a scale of not less than one inch equals one hundred feet (1" = 100').
- b. If in the process of completing the Construction Plans, it becomes necessary to make major design changes to the Subdivision, the developer will submit a revised Preliminary Plat to the Planning Commission for their review and approval. If minor changes to the approved Preliminary Plat are necessary, they will be identified in writing and on the presented Construction Plans. The Planning Commission will determine if the proposed changes are minor or major in nature.
- c. Prior to Construction Plan approval, a Storm Water Pollution Prevention Plan (SWPPP) will be submitted to the City Planning Staff. No construction will take place until after a SWPPP is received and construction plans are approved.

2. Construction Plan Content

- a. The Construction Plans will meet at least the minimum design standards and

general requirements of Article 4, meet the prerequisites and standards for construction of improvements set forth in the Technical Specifications, conform substantially to the approved Preliminary Plat, and will, at least contain the following information even when the subdivision is to be developed in phases or sections.

b. The Construction Plans will include all of the information required for the Preliminary Plat and will meet the following additional requirements:

- (1) The plans will carry the signature and seal of an engineer who will be registered in the State of Tennessee.
- (2) A grading plan showing the existing contours in dashed lines and the finished contours in solid lines plotted at vertical intervals of not more than five feet (5'). Contours will be extended fifty feet (50') beyond the property boundary.
- (3) If any portion of the land to be subdivided is below the one hundred (100) year flood elevation, the limit and actual elevation of the said flood will be shown.
- (4) Will include detailed plans of proposed utility layouts (sewer, water,) showing feasible connections to adequate existing or proposed utility systems. Where such connections are not feasible, the plans will include the designs for any proposed individual water supply and/or sewerage disposal systems which will have been approved by the Tennessee Department of Conservation and Environment and the County Health Department.
- (5) Will include plan and profile sheets showing all engineering data necessary for construction of proposed streets, storm drainage, controls for surface and ground water, and utility layout (water and sewer) and showing all connections to existing and/or proposed streets, storm drainage, and utility systems. The street profiles will be plotted along the centerline showing the existing and finished grades, and sewer locations, drawn to a scale of not less than one inch equals fifty feet (1" = 50') horizontal and one inch equals five feet (1" = 5') vertical. Typical street cross sections will be shown.
- (6) Will submit a landscaping plan and planting schedule including use of existing suitable trees; temporary and permanent erosion controls for drainage channels, runoff ponding areas, common open space or other areas subject to erosion, and the planting screens and fences between differing land uses and along the rear of double frontage lots.
- (7) A comprehensive drainage plan which will include, but not be limited to, an analysis of the drainage area, a storm water routing plan showing maximum quantities of flow and maximum rates of flow before and after development. Post development peak flows will not be greater than

predevelopment peak flows as certified by an engineer licensed in Tennessee.

- (8) A map of the drainage area in which the subdivision is located will be included with the drainage plan and will include the drainage structures leading to and from the subdivision with their sizes. The scale of the map will be drawn to scale no less than one inch equals two hundred feet (1"=200').
- c. Certificates required to be included on the Construction Plans are Certificates of Accuracy of Engineering and Design, a Certificate of Adequacy of Storm Drainage, a signature block noting the review of the plans by the City Planning Department. Examples of these certificates are shown in the Appendix of this document. The authorized signatures for the engineering and design and storm drainage certificates will be obtained by the developer prior to submission of the Construction Plans.
- d. Concurrent with the presentation of the Construction Plans, the City Utility Committee will recommend to the Planning Commission the amount and terms of a construction surety instrument / performance bond in accordance with Article 6 of these regulations.
- e. If the Construction Plans are presented and approved for the entire development, even if phased, the construction standards existing at that time will apply throughout the project provided the development schedule approved is met.
- f. If the schedule is delayed, the regulations of the City enforced at the time the Construction Plans were presented will apply.
- g. Within six (6) months of Construction Plan approval, the developer must submit a surety instrument / performance bond as required by Article 6 of the Subdivision Regulations or approval is void.

4. Construction Plans Review

a. City Planning Staff

- (1) The City Planning Staff will recommend to the Planning Commission the approval, approval with conditions or disapproval of the application and will include all department / agency comments received.
- (2) During review of the Construction Plans, the City Building Inspector, Utility Committee, and City Planning Staff will consider the orderly phasing of the subdivision development. In particular, the City Building Inspector, Utility Committee, and City Planning Staff will consider the following:
 - (a) Proper access to the requested area of development.

- (b) The feasibility of developing any severed tracts of land.
- (c) The implication of proposed drainage improvements, diversions or retentions on existing and future upstream and downstream developments.
- (d) The adherence of each phase to the design standards in Article 4 of these regulations.

5. Construction Plan Approval

a. Action Upon Approval

Upon approval of the Construction Plans by the City Building Inspector, Utility Committee and Planning Staff, the developer will present two (2) copies of the approved Construction Plans for City Records. The developer will then provide the signed copies to the City Administrator or his designated representative for filing in City Hall.

b. Effect of Approval

(1) The approval of the Construction Plan by the City Planning Staff will not constitute acceptance of the Final Plat and will not be indicated on the Construction Plat.

(2) After approval of the Construction Plan, the contractor may commence the grading, installation of utilities and streets in accordance with the public works standards subject to inspection by the Public Works Director and the City Planner. No construction of structures and no building permit will be issued prior to Final Plat approval.

c. Expiration of Approval and Renewal

The approval of the Construction Plans will lapse unless a Final Plat, based thereon, is submitted within four (4) years from the date of Preliminary Plat approval or a surety instrument / performance bond, as required by Article 6 of these Subdivision Regulations, has been posted unless an extension of time is applied for and granted by the Planning Commission. Failure of the developer to act within the specified time or denial of a time extension will require new application for Construction Plat approval including the application fee.

D. FINAL PLAT

The Final Plat is the culmination of the land subdivision process. When approved and duly recorded as provided by law, the Final Plat becomes a permanent public record of the survey of the lots or parcels, right-of-ways, easements and public lands, and the restrictive covenants as may be applicable to the lots or parcels within the boundary of the subdivision. As such, it serves as a vital instrument in the sale and transfer of real estate, in the dedication of right-of-ways, easements, and public lands, and in future land survey of the properties contained in or adjoining the subdivision.

1. Plat Submission

The subdivider/developer will submit seven (7) copies of the Final Plat and an electronic file as required by the City to City Planning Staff with all required city staff revisions no less than 15 days prior to the Planning Commission meeting at which it is to be considered. The

Final Plat will conform substantially to the approved Preliminary Plat. The original of the Final Plat will be in black permanent ink on a sheet of moisture resistant drafting film, in the size required by the Planning staff.

2 Plat Content

The Final Plat will be prepared by a Professional Civil Engineer or a Land Surveyor licensed in the state of Tennessee; will be drawn to a scale of not less than 1 inch = 100 feet and will contain the following information:

- a. The lines of all streets and roads with names, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations for easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- b. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and curved property lines that are not the boundary of curved streets.
- c. All dimensions to the nearest 100th of a foot and bearings to the nearest minute.
- d. Location and description of monuments.
- e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining properties.
- f. Date, title and name of the subdivision, designer of the subdivision, vicinity map, graphic scale, and total acreage subdivided, zoning classification and true north arrow.
- g. Any restrictive covenants which are to apply to lots or other parcels within the subdivision.
- h. The following certificates are required on the Final Plat (Appendix III):
 - (1) Certification showing that the applicant is the land owner and dedicates the streets, right-of-ways, utilities and any sites for public use to the City of Fayetteville, after approval and acceptance by the City of Fayetteville.
 - (2) Certification by a surveyor or engineer to the accuracy of the survey, the plat and the placement of the monuments.
 - (3) Certification by the public works supervisor of approval of the water, sewer (if applicable) and drainage systems.
 - (4) Certification by the Mayor or his designated representative of receipt of approved water and sewer (if applicable) construction plans from the Tennessee Department Environment and Conservation.
 - (5) Certificate of Approval of installation of streets, water, sewer and drainage or the posting of sufficient financial surety to insure completion of all required improvements as required by city staff and the Planning Commission.
 - a. Certificate of approval of installation of streets, water, sewer and drainage or
 - b. Certificate that sufficient financial surety has been posted to insure completion

of all required improvements.

- 6) Certification by the Lincoln County Health Department of approval of an individual subsurface sewage disposal system or public water system.
 - (7) Certification by an engineer as to the accuracy of the Engineering and Design of the subdivision.
 - (8) Certification by an engineer as to the Adequacy of Engineering and Design of the Storm Drainage System.
 - (9) Certificate of Approval by the secretary of the Planning Commission.
 - (10) Certificate of Sport Shooting Range Area. Pursuant to Public Act 2004 Chapter 494, any new subdivision that is located in whole or in part within one thousand (1,000) feet of any portion of the outside boundary of any land on which is contained a sport shooting range (defined as an area designated and operated for the use of rifles, pistols, silhouettes, skeet, trap, black powder, or other similar sport shooting), the owner will provide a certificate (See Appendix).ⁱⁱⁱ
- i. The approximate distance and bearing at the right-of-way line from a corner of the subdivided property to the nearest public cross road, including the name of the road, and rounded to the nearest foot.
3. Plat Review
 - a. Subdivision Review Staff

The subdivision review staff will recommend to the Planning Commission the approval, approval with conditions or disapproval of the application.
 - b. Planning Commission

Within 60 days after submission of the Final Plat, the Planning Commission will review the plat and indicate its approval, disapproval, or approval subject to modifications. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved, subject to modifications, the nature of the required modifications will be indicated. The Planning Commission may, prior to the close of the public meeting, hold the matter under advisement or defers a decision until the next regular meeting. Substantial changes made to the plat after review by the subdivision review staff will be cause for the Planning Commission to defer a decision pending review of a revised plat.^{iv}
 - c. Revised Plat

If changes or modifications are required by the Planning Commission and or variances have been granted, the subdivider/developer will submit a revised Final Plat which clearly depicts all required changes or approved variances no less than 15 days prior to the Planning Commission meeting at which it is to be considered.
 - d. Failure To Take Action

Failure of the Planning Commission to act on the Final Plat within 60 days will be deemed approval of this plat, provided, however, that the applicant, with the Commission's approval, may waive this requirement and consent to the extension of time.
 4. Plat Approval
 - a. Prior to Approval – Prior to submission of a Final Plat, Construction Plans will have been approved in accordance with Article II, Section C., and all required

improvements including, but not limited to streets, sewer and water lines, surface and subsurface drainage will be installed, inspected and approved by the appropriate City authority.

- b. Action upon Approval – Upon approval of the Final Plat by the Planning Commission, the subdivider/developer will present the original and all required paper copies of the plat for signing by the Planning Commission secretary. The subdivider/developer will provide signed copies to the City recorder or his/her designated representative for filing.
- c. Effect of Approval – The approval of the Final Plat by the Planning Commission will not constitute acceptance by the public of the dedication of any road or street or grounds, until all water, sewer, streets, drainage, and other improvements will have been installed, approved, and accepted by the Fayetteville Board of Mayor and Alderman upon recommendation of city staff and the Planning Commission.
- d. Recording of the Final Plat
 - (1) Upon approval of the Final Plat by the Planning Commission, the subdivider/developer will submit to City Hall the original and 1 paper copy of the plat. The City recorder or his/her designated representative will verify that the plat is acceptable for recording and that required modifications, if any, have been properly made. Upon such verification, the secretary of the Planning Commission will attest to approval by signing the appropriate certificate on the original and copy of the plat. The City recorder or his/her designated representative, will record the approved plat in the Office of the Register of Deeds in Lincoln County, Tennessee, and will note the date, plat book and page number of recording on the file copy of the plat (required).
 - (2) The recorded original plat will be retained as a permanent record in the Planning Commission files after it has been stamped and filed by the County Register of Deeds.

E. SURETY INSTRUMENT If a surety instrument in an amount equal to or greater than the cost of constructing all required improvements including, but not limited to streets, sewer and water lines, surface and subsurface drainage, has not been submitted to the City prior to approval of the Final Plat by the Planning Commission then one will be submitted to the City before the Final Plat is signed by the secretary of the Planning Commission.

F. SUBMISSION OF "AS BUILT UTILITY DRAWINGS" Prior to the release of the surety instrument or recording of the Final Plat under the "no land" procedure, the subdivider/developer will cause to be delivered to the City of Fayetteville a set of original "as built" drawings which show, at a minimum, the location by station and depth of all sanitary sewer services, water services, drainage improvements, the actual location of all other utilities and the indication of any deviations from the original plans which were approved or field engineered after the construction plans were approved. The Final Plat will not be released for recording or the bonds and security will not be released until said "as built" drawings are accepted.

ARTICLE 3 | PROCEDURE FOR MINOR SUBDIVISION APPROVAL

A. PROCEDURE

Whenever a proposed subdivision containing less than 5 lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities or the creation of any public improvements, and not in conflict with any provision of the adopted general plan, major road plan, zoning ordinance, or these regulations, this procedure for review and approval of the subdivision may apply.

Whenever a parcel of land is subdivided more than once every two years into a total of three (3) lots or more, the Planning Commission will require the subdivision to comply with the requirements of a Major Subdivision.^{vi}

1. The subdivider/developer may, if he desires, submit only a Final Plat in securing plat approval, provided that the plat submitted complies with all the requirements of the Final Plat. However, if any corrections or modifications are needed, the Planning Commission will disapprove the plat and require it to be resubmitted for approval.
2. The procedure for review and approval of a minor subdivision and its documentation will consist of 1 step. This step is the submission and action on a Final Plat. The preparation of a Final Plat is mandatory for all minor subdivision proposals. The Final Plat provides information relative to the calls and bearings for lot lines and has all necessary certificates of approval from various City and county offices to ensure protection of future owners of the property. The Final Plat, once approved by the Planning Commission and signed by the secretary, becomes the instrument to be recorded by the office of the County Register of Deeds, subsequently allowing for the sale of the lots.
3. The Final Plat is the culmination of the land subdivision process. When approved and duly recorded as provided by law, the Final Plat becomes a permanent public record of the survey of the lots or parcels, right-of-ways, easements and public lands, and the restrictive covenants as may be applicable to the lots or parcels within the boundary of the subdivision. As such, it serves as a vital instrument in the sale and transfer of real estate, in the dedication of right-of-ways easements, and public lands, and in future land survey of the properties contained in or adjoining the subdivision.

B. SUBMISSION

1. The subdivider/developer will submit seven (7) copies of the Final Plat and an electronic file as required by the City Planning Staff to City Hall no less than 15 days prior to the Planning Commission meeting at which it is to be considered.^{ix}
2. The original of the Final Plat will be in black permanent ink on a sheet of moisture resistant drawing cloth or drafting film, of required size, to a scale of 1 inch equals 100 feet. If more than one sheet is required, an index sheet of the same size will be filed and will show a key map of the entire area being platted. The separate sheet of the Final Plat will be keyed alphabetically and will match lines with the adjoining sheets.

C. PLAT CONTENT

A Final Plat will include the following information:

1. The lines of all streets and roads with names, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations for easements and any areas to be

dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.

2. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and curved property lines that are not the boundary of curved streets.
3. All existing utilities; i.e. water, sewer and fire hydrants.
4. All existing structures.
5. All dimensions to the nearest 100th of a foot and bearings to the nearest minute.
6. Location and description of monuments. The approximate distance and bearing at the right-of-way line from a corner of the subdivided property to the nearest public cross road, including the name of the road, and rounded to the nearest foot.
7. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining properties.
8. Date, title and name of the subdivision, designer of the subdivision, vicinity map, graphic scale, total acreage subdivided, zoning classification and true north arrow.
9. Any restrictive covenants which are to apply to lots or other parcels within the subdivision.
10. The following certificates are required on the plat (Appendix III):
 - a. Certification showing that the applicant is the land owner and dedicates the streets, right-of-ways, utilities and any sites for public use to the City of Fayetteville.
 - b. Certification by a licensed surveyor to the accuracy of the survey, the plat and the placement of monuments.
 - c. Certification by the Lincoln County Health Department of approval of an individual subsurface wastes disposal system or water system.
 - d. Certificate of Approval by the secretary of the Planning Commission.
 - e. Certificate of Sport Shooting Range Area. Pursuant to Public Act 2004 Chapter 494, any new subdivision that is located in whole or in part within one thousand (1,000) feet of any portion of the outside boundary of any land on which is contained a sport shooting range (defined as an area designated and operated for the use of rifles, pistols, silhouettes, skeet, trap, black powder, or other similar sport shooting), the owner will provide a certificate (See Appendix).^x

D. PLAT REVIEW

1. Subdivision Review Staff

The subdivision review staff will recommend to the Planning Commission the approval, approval with conditions or disapproval of the application and will include all department/agency comments received.

2. Planning Commission

Within 60 days after submission of the Final Plat, the Planning Commission will review the plat and indicate its approval, disapproval, or approval subject to modifications. If a plat is

disapproved, reasons for such disapproval will be stated in writing. If approved, subject to modifications, the nature of the required modifications will be indicated. The Planning Commission may, prior to the close of the public meeting, hold the matter under advisement or defers a decision until the next regular meeting. Substantial changes made to the plat after review by the subdivision review staff will be cause for the Planning Commission to defer a decision pending review of a revised plat.^{xi}

3. Revised Plat

If changes or modifications are required by the Planning Commission and or variances have been granted, the subdivider/developer will submit a revised Final Plat which clearly depicts all required changes or approved variances no less than 15 days prior to the Planning Commission meeting at which it is to be considered.

4. Failure To Take Action

Failure of the Planning Commission to act on the Final Plat within 60 days will be deemed approval of this plat, provided, however, that the applicant, with the Commission's approval, may waive this requirement and consent to the extension of such period.^{xii}

E. **PLAT APPROVAL**

1. Action upon Approval Upon approval of the Final Plat by the Planning Commission, the subdivider/developer will present the original and all paper copy of the plat for signing by the Planning Commissions secretary. The subdivider/developer will then provide the signed copies to the City recorder or his/her designated representative for filing in City Hall.
2. Recording of the Final Plat
 - a. Upon approval of the Final Plat by the Planning Commission, the subdivider/developer will submit to City Planning Staff the original and all paper copy of the plat. The City Planning Staff will verify the plat is acceptable for recording and the required modifications, if any, have been properly made. Upon verification, the secretary of the Planning Commission will attest to approval by signing the appropriate certificate on the original and copy of the plat. The City Planning Staff will record the approved plat in the Office of the Register of Deeds of Lincoln County, Tennessee, and will note the date, plat book and page number of recording on the file copy of the plat.
 - b. The copy of the original plat will be retained as a permanent record in the Planning Commission files after it has been stamped and signed by the County Register of Deeds.

3. **Surety Instrument / Performance Bond**

At the time the Final Plat is presented for approval, all improvements will have been made in conformance with the City's specifications except for the final surface course or wearing course of asphalt. The amount of the surety instrument/performance bond or cash will be in the amount needed for the final surface course which will be installed by the developer when build out reaches 90% of the Construction Project. (The amount will include the cost of raising manhole tops). No building permits will be issued until the Final Plat is recorded.

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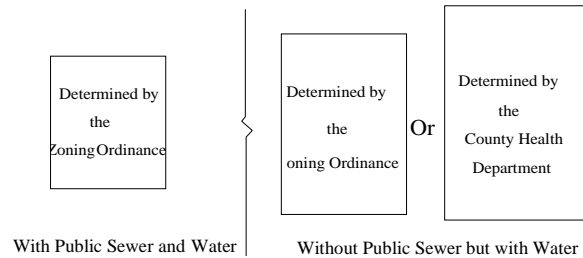
ARTICLE 4 | GENERAL REQUIREMENTS AND STANDARDS OF DESIGN

A. LOT LAYOUT

In general, all lots within a subdivision have about the same area. Minimum lot areas and frontages are specified in the Fayetteville Municipal Zoning Ordinance; however, a subdivision plan should not be predicated solely on producing maximum density. The lot layout plan should give balanced consideration to the natural topography of the subdivided tract, to the conservation and preservation of the natural environment, to provisions for adequate open space, to enhancing the character and beauty of the community, to the optimization of lot density, to improvements ratio, and to the protection of life and property.

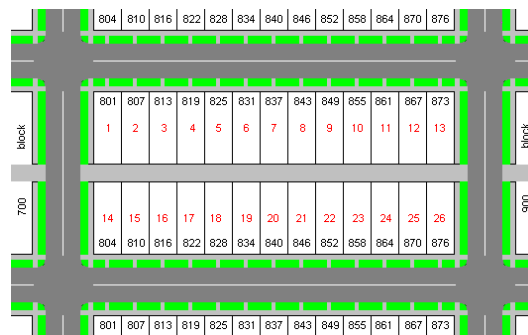
1. Adequate Building Sites Each lot will contain a building site not subject to flooding or other hazards and such site will be outside the limits of any easements, right-of-ways, building lines, side yards, rear yards and front yards as defined in these regulations and the Fayetteville Municipal Zoning Ordinance.

Adequate Building Site



2. Arrangement of Lots Where practical, side lot lines will be at right angles to straight street lines and radial to curved street lines. Each lot will front on a public street or road, which has a right-of-way width of not less than 50 feet. Where lots abut an arterial street, a marginal access street, or have double frontage, acceptable arrangements will be made to control ingress and egress onto streets from the individual lots.

Lot Arrangement

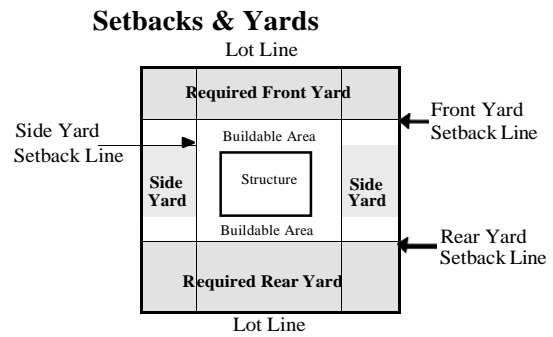


3. Minimum Size of Lots The size, shape and orientation of lots or buildings sites will be as the Planning Commission deems appropriate for the intended use and topography of the site, for adjoining land uses, and for the protection of life and property. The minimum area and dimensions of all lots will be as specified by the Fayetteville Municipal Zoning Ordinance. Multifamily residential office, commercial and industrial tracts must also take into consideration adequate space for the off-street service and parking

facilities, landscaping and screening required by the type of use and proposed development.

4. Building Setback and Yard Requirements

All lots or tracts will have at least the minimum front, side and rear yard required by the zoning ordinance. To accommodate site peculiar conditions, such as side yard drainage, the Planning Commission may require increasing the yard requirements for a given lot or tract.



- a. In the case of electrical transmission lines where easement widths are not definitely established, there will be a minimum building setback line from the center of the transmission line as follows:

Voltage Line

46 KV
69 KV
161 KV

Building Setback

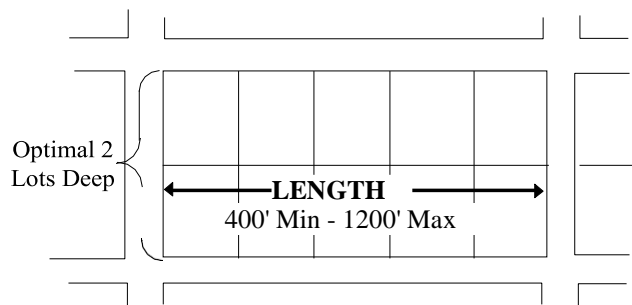
37.5 feet
50 feet
75 feet

5. Large Tracts or Parcels Where land is subdivided into larger parcels buildings sites, the parcels will be arranged to allow for future opening of streets and for logical resubdivision. In no case will this be construed to allow the creation of severed parcels.
6. Lot Drainage and Grading Where possible, lots will drain toward the street or toward both the street and rear lot lines. In case of drainage to the rear lot line, lateral drainage along rear lot lines will be required, necessitating careful attention to grading. Where required by the topography, side yard drainage may be required, in which case it may be necessary to increase the minimum side yard requirements. Terracing of lots, particularly in residential subdivisions, will be avoided unless essential for erosion control or to reduce the velocity of runoff.

B. BLOCKS

Subdivision block arrangement is determined by street layout to provide efficient and safe vehicular and pedestrian circulation. Blocks will not be less than 400 feet nor more than 1,200 feet in length measured centerline to centerline of street, unless approved by the Planning Commission to achieve efficient use of the land or desired features or street pattern. The Planning Commission may require public cross walks of not less than 10 feet in width extending across the block if it deemed necessary.

Blocks



C. ROADS AND STREETS

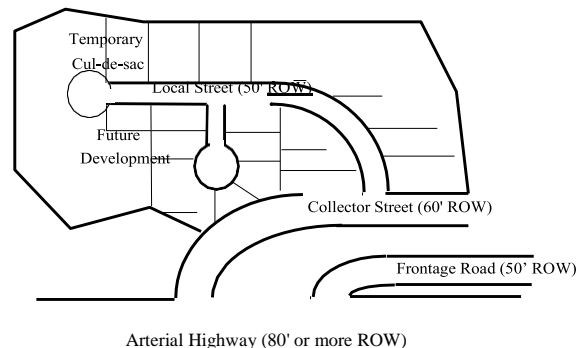
1. Frontage on Roads and Streets No subdivision will be approved unless the area to be subdivided will meet the requirements for access as set forth in this article. If any new street construction or improvements to existing streets is required, such improvements will be approved and publicly dedicated as provided for in these regulations. Any new street or required improvement to a roads or street must be suitably improved to the standards required by this article or be bonded by a surety instrument as required under these regulations. All roads must adhere to the required right-of-way widths of this article and the major road plan.
2. Grading and Improvement Plan Roads and streets will be graded and improved to conform to the standards required by this article and will be approved as to design and specification by the appropriate governmental representative in accordance with the specifications required herein. No wearing surface will be applied to the base of any proposed public way prior to the approval of the Final Plat of the subdivision or the final approval of any section of the subdivision in question without having been properly inspected.
3. Improvements in Floodprone Areas The finished elevation of proposed roads and streets subject to flood will be no more than one foot below the regulatory flood protection elevation. The Planning Commission may require profiles and elevations of roads and streets to determine compliance with this requirement. All drainage structures will be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring the finished elevation of any public way to the required elevation, such fill will not encroach upon a floodway, and the fill will be protected against erosion by riprap, vegetative cover, or other methods deemed acceptable by the Planning Commission.
4. Private Drives/Permanent Access Easements A private drive/permanent access easement is any type of way that provides access to one or more lots with no direct access to a public street. A private drive/permanent access easement can also be within apartment complexes, shopping centers, and other developments, which provide internal circulation for 1 parcel.
 - a. Private drives/permanent access easements may be permitted where the subdivider/developer demonstrates that private ownership, control and maintenance of street facilities is integral to the design and function of the subdivision or development.
 - b. Where the ownership, control and maintenance of any private drive/permanent access easement is proposed providing legal access to more than 1 lot, the private drive/permanent access easement will be constructed to the same design and construction standards herein established for public roads and streets.
 - c. A permanent access easement will be provided over the streets so every parcel or lot has access therefrom.
 - d. All such private improvements will be maintained by the subdivider/developer/owner or by a legally established homeowners' association or other similar group approved by the Planning Commission.

- e. The legal documents establishing ownership and maintenance of the easement will be submitted with the Final Plat for review and approval and will be recorded with the Final Plat.
 - f. A private drive/permanent access easement should not be a direct connection between two public streets. Where the projection or connection of a public street into a private drive system is unavoidable, the private street will be designed to clearly distinguish between the public streets and private drives by means of curbing, turnarounds, signing, and/or other measures.
 - g. No portion of a private drive/permanent access easement will be included in any portion of a required setback as established in the Fayetteville Municipal Zoning Ordinance.
 - h. If public utilities are placed within or adjacent to private drives, a 10foot utility easement is required.
 - i. If, in the future, a private drive/permanent access easement is submitted for acceptance as a public road, the Planning Commission will provide a recommendation to the City Board prior to any formal action occurring on the road. In considering the private drive/permanent access easement as a public street, the Planning Commission will require the drive/easement to meet the minimum street construction standards in effect at the time the request for public acceptance is made.
5. Design Criteria The street pattern will be based upon the following general design criteria:
- a. Provide for adequate vehicular access to all properties within the development.
 - b. Provide street connections to adjacent properties to ensure adequate traffic circulation within the general area.
 - c. Provide a local residential street system, which discourages through traffic and provides adequate access for fire, police, and other emergency vehicles.
 - d. Provide a sufficient number of continuous streets and major thoroughfares, adequately sized to accommodate the present and future traffic demands of an area.
 - e. Provide principal and minor arterials in accordance with the major road plan.
6. Topography and Arrangement
- a. All roads and streets will be arranged so as to obtain as many of the building sites as possible at or above the grades of the roads and streets. Grades of roads and streets will conform as closely as possible to the original topography.
 - b. All roads and streets will be properly integrated with the existing and proposed system of roads and streets and dedicated right-of-ways as established on the major road plan or the Land Development Plan.

- c. All roads and streets will be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; to population densities; and to the pattern of existing and proposed land use.
 - d. Minor roads and streets will be laid out to conform as much as possible to the topography; to discourage use by through traffic; to permit efficient drainage and utility systems; and to require the minimum ways necessary to provide convenient and safe access to property.
 - e. The use of curvilinear streets, cul-de-sac, or "U-shaped streets will be encouraged where such use will result in a more desirable layout.
 - f. Proposed roads and streets will be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the subdivision design with the existing layout or the most advantageous future development of adjacent tracts.
 - g. In business and industrial developments, roads and streets and other access routes will be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.
7. Classification of Roads and Streets

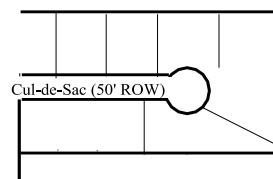
- a. Arterial Streets having the primary purpose of carrying through traffic and the secondary purpose of providing access to abutting properties. The service to abutting land should be subordinate to the provision of travel service to major traffic movements.

- (1) Collector Streets entering neighborhoods, collecting traffic from local streets and channeling it into the arterial systems. A minor amount of through traffic may be carried on collector streets, but the system primarily provides service access and carries local traffic movements within residential neighborhoods, or commercial and industrial areas. It may also serve local bus routes.



Road Types

- (2) Minor/Residential streets not classified in a higher system, primarily providing direct access to abutting land and to collector streets



Offers the lowest level of mobility and usually carry no bus routes. Service for through traffic is deliberately discouraged.

- b. Dead-end Street (Cul-de-sac) - Cul-de-sacs are permanent dead-end streets, which

- may provide access to commercial, industrial or residential properties, and are designed to prevent future extension.
- c. Marginal Access Street - Marginal access streets are minor land access streets which are normally parallel to and adjacent to arterial streets and highways; which provide access to abutting properties (usually office, commercial or industrial uses); and which are designed to provide protection from through traffic and to provide maximum control of ingress and egress onto heavily traveled thoroughfares.
 - d. Alleys - are minor roads and streets used primarily for service access to the back or side of properties otherwise abutting on a street. Where permitted, alleys may serve in lieu of otherwise required utility easements.
 - e. Permanent Easement Vehicular - A permanent easement is a private road or street that is maintained by a landowner or a homeowners association. It will be required to have a width of at least 50 feet and will be constructed to the adopted road standards herein if it proposes to service more than one lot.
8. Right-of-way Widths - The minimum width of right-of-way, measured from lot line to lot line, will be as shown on the Major Road Plan, or if not shown on such plan, will be not less than the widths listed below. In cases where topography or other physical conditions make a street of the minimum required width impracticable, the Planning Commission may modify the above requirements by not more than 10% percent of the specified widths. In no case will the street widths be modified solely for the purpose of increasing the area of marketable land, nor to accommodate a land use, which might otherwise be inappropriate:

<u>Road Type</u>	<u>Right-of-way Width</u>
Super Arterial	As required by TDOT
Major Arterial	84 - 220 feet
Minor Arterial	84 feet
Major Collector	68 feet
Minor Collector	60 feet
Minor/Residential	50 feet
Dead-end (Cul-de-sac)	50 feet*
Marginal Access	50 feet
Permanent Easement	50 feet
Alley	20 feet

* 100 foot diameter turn around (40 feet with 100foot diameter turn around with sidewalk if required)

9. Street Construction and Width - The subdivider/developer will construct all streets, roads, and alleys at his expense to the approved alignments, grades and cross-sections. Subdivisions in all commercial or industrial districts will require the subdivider/developer to improve the existing road adjoining said development. Improvements will be provided for the entire width of the street where any part of the subdivision is on both sides of the existing street.

All subdivisions of three (3) or more, including the parent tract in Residential Districts, will require the subdivider/developer to improve the existing road adjoining said development. When a subdivision is located on only one side of an existing street, the side of the street abutting the subdivision will be improved. Improvements to existing streets will include, but not be limited to, the widening of the base and pavement to meet existing subdivision regulation criteria and the placement of a required shoulder. In addition, if required, the relocation of the drainage ditch/ditches to accommodate street improvements.

Deviations due to site conditions may be allowed only with prior approval of the Planning Commission. The Planning Commission reserves the right to waive improvements when adequate space is unavailable.

- a. Special Precautions - Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement will be a minimum of 15 feet from any transmission line structure. All street grading will be done in a manner, which will not disturb the structure nor result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the pavement surface to the nearest conductor will meet the requirements of the National Electrical Safety Code.
- b. Minimum Pavement Widths - Where curb and gutter is provided, required pavement widths are measured from back of curb to back of curb. Where curb and gutter is not provided, pavement widths are measured from edge of pavement to edge of pavement. When curb and gutter is not provided, a 3foot gravel shoulder will be required on each side of the pavement. The minimum pavement widths for all roads will be as follows:

<u>Road Type</u>	<u>With Curb & Gutter</u>	<u>Without Curb & Gutter</u>
Arterial	48 feet	44 feet
Collector Street	36 feet	32 feet
Minor/Residential	28 feet	24 feet
Dead-end Street (Cul-de-sac)	28 feet	24 feet
Permanent Easement	28 feet	24 feet
Marginal Access Street	36 feet	32 feet
Alley	20 feet	20 feet

c. Roadway Subgrade Preparation

- (1) Clearing and Grubbing - Before roadway grading begins, the entire right-of-way area will be cleared of stumps, brush, roots, all trees not intended for preservation, and all other objectionable materials. The cleared and grubbed material will be disposed of in a legal manner, generally away from the construction site.
- (2) Excavation - During construction, roadbed excavations should be maintained in a smooth condition with sufficient slope to insure adequate drainage under all weather conditions. All obstructions, such as roots, stumps, boulders and other similar material, will be removed. Rock, when encountered, will be scarified to a depth of 12 inches below the subgrade. All loose material in the roadway will be compacted in a manner prescribed by the public works supervisor.
- (3) Embankment - All suitable material from roadway excavations may be used in the construction of roadway embankments. Excess or unusable materials will be legally disposed of away from the construction site. The fill material used in the construction of embankment will be spread in layers not to exceed 6 inches loose and will be compacted at optimum moisture content by a sheepsfoot roller or other compacting equipment approved by the public works supervisor. During construction, embankments will be maintained in a smooth condition with sufficient slope to insure adequate drainage under all weather conditions.

- (4) Dust Control - Provide positive methods and apply dust control materials to minimize raising dust from construction operation and provide positive means to prevent airborne dust dispersing into the atmosphere.

d. Pavement Base Course

Arterials and Collector Streets: After preparation of the subgrade, the roadbed will be surfaced with 11 inches of Mineral Aggregate Base (Limestone) or 8 inches Aggregate Cement Base compacted to minimum 95% Standard Proctor and conforming to the Technical Specifications of the City of Fayetteville.

1 ½" Asphaltic Concrete
2 ½" Asphalt Base
8" Aggregate Base or 11" Mineral Aggregate Base (Limestone)

Other Public Streets: After preparation of the subgrade, the roadbed will be surfaced with 8 inches of Mineral Aggregate Base (Limestone) or 6 inches Aggregate Cement Base Class A aggregate, Grading D as defined for a Type A Base over the pavement compacted to minimum 95% Standard Proctor conforming to the Technical Specifications of the City of Fayetteville.

1 ½" Asphaltic Concrete
2" Asphalt Base
6" Aggregate-Cement Base or 8" Mineral Aggregate Base (Limestone)

Proposed standards will not waiver from the above requirements, unless that waiver is determined to be equivalent to the above standards by the City Engineer.

e. Asphalt Binder Course

Arterials and Collector Streets - After preparation of the base course a prime coat conforming to Tennessee Department of Transportation (TDOT) specification 402 (if determined it is needed by the Engineer) followed by the application of a bituminous plant mix base course Tennessee Department of Transportation specification 307B, 2 ½ inches thick.

Other Public Streets - After preparation of the base course a prime coat conforming to TDOT specification 402 (if determined it is needed by the Engineer) followed by the application of a bituminous plant mix base course conforming to TDOT specification 307B, 2 inches thick.

f. Asphalt Wearing Surface

After the installation of the binder course the roadway surface will be paved with an asphaltic concrete pavement wearing surface after the application of an asphalt tack coat conforming to TDOT specification 403. Immediately thereafter the surface course will be applied. The surface course will conforming to TDOT specification 411D, 1 ½ inches thick.

10. Access and Circulation

- a. Intersections Arterials roads and streets should intersect with other arterials and collector roads. Minor/residential

streets intersecting arterials will be discouraged. Intersections of minor/residential streets with limited access roads will not be permitted.

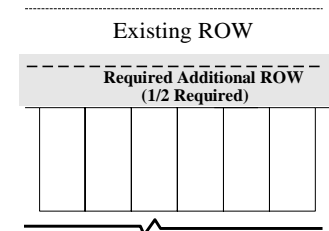
- b. Arterials - Limited access roads and arterials will be designated according to the most recently adopted major road plan. When a tract fronts on an arterial street or highway, the Planning Commission may require such lots to be provided with frontage on a marginal access street.
- c. Collectors -Any street that serves or is expected to serve over 200 dwelling units will be designated as a collector. Streets serving over 600 dwelling units at any density will be designated as major collector.
- d. Number of Access Points - Residential developments with more than 50 lots or dwelling units will have at least two separate points of public road access. Developments with more than 200 lots or dwelling units should have at least three separate points of public road access.

11. Additional Width on Existing Streets - Where a subdivision adjoins an existing narrow public way or where the major road plan or any zoning setback provisions indicate plans for realignment or widening of a public way that would require use of some of the land in the subdivision, the subdivider/developer will be required to dedicate, at his expense, areas for widening or realigning such public way. The required amount of right-of-way will be dedicated in accordance with the provisions indicated in this article.

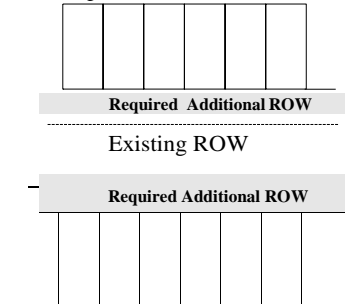
- a. The entire right-of-way will be provided where any part of the subdivision is on both sides of the existing street.
- b. Where the subdivision is located only on one side of an existing street, half of the required right-of-way measured, from the center line of the existing right-of-way, will be provided.
- c. A nonresidential subdivision abutting and having access on a residential street will provide the total additional right-of-way required for a collector street.
- d. Where subdivision development requires an existing street be cut down for proper sight distance and the subdivision is on one side of the street, the subdivider/developer will improve the entire road.

Right-of-way Dedication

Development on one side of the str



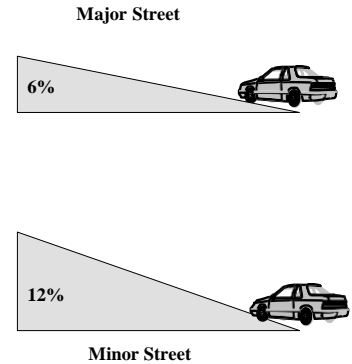
Development on both sides of the s



Street Grade

12. Access Limitations

- a. Limited Access Roadway - Where a subdivision abuts a proposed or existing limited access road, all right-of-way vehicular access to such road will be conveyed to the City including existing points of access. If no other means of access to the subdivision is available, a frontage road will be provided along the entire frontage. A temporary access from the frontage road to the limited access arterial road may be permitted, but such access will be terminated when the frontage road is further extended or is connected to another public street.



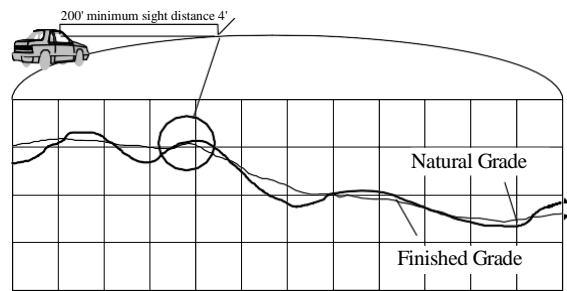
- b. Frontage roads will meet the requirements of the appropriate street classification for the development, except that sidewalks are not required on the side of the street nearer the limited access facility.
 - c. Arterials - Where a subdivision abuts an existing or proposed arterial, double frontage lots with no access to the arterial roadway, lots with rear service drives, common access drives, or other treatment may be required. Driveways should not be permitted on existing or proposed arterials. Where this requirement cannot be met, shared or common driveways may be required. All driveways will be designed to provide egress in a forward motion.
 - d. Double Frontage and Corner Lots - Where lots have frontage on two (2) streets, a conveyance of vehicular access on the street carrying or expected to carry the lesser traffic volume may be required.
13. Street Grades – Grades on arterial and major collector streets will not exceed 6 percent and grades on all other streets will not exceed 12 percent.

14. Curves

- a. Horizontal - Where deflection angle of more than 10 degrees occurs in the alignment of a street, a curve adhering to the identified centerline radius below will be required.
 - (1) Limited Access Roads.....1,400 feet
 - (2) Arterial1,125 feet
 - (3) Collector.....825 feet
 - (4) Nonresidential Cul-de-sac.....400 feet
 - (5) Marginal Access.....250 feet
 - (6) Minor/Residential150 feet
 - (7) Cul-de-sac150 feet

- b. Vertical - Every change in grade will be connected by a vertical curve constructed to afford a minimum sight distance of 200 feet. The sight distance will be measured from the driver's eye, which is assumed to be 4.5 feet above the pavement surface, to an object 4 inches high on the pavement.

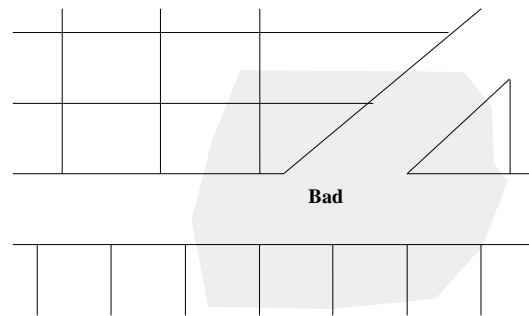
Vertical Curve



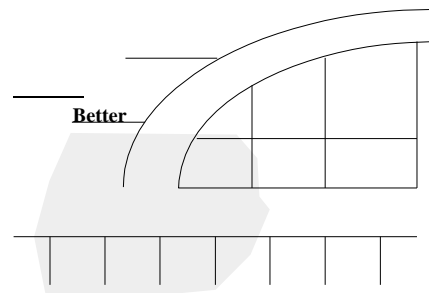
15. Intersections

- a. Roads and streets will be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of 2 new roads and streets at an angle of less than 80 degrees will not be permitted. An oblique public way should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. Not more than 2 roads and streets will intersect at any one point unless specifically approved by the Planning Commission.

Intersections



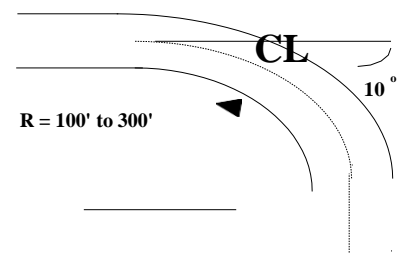
- b. Proposed new intersections along one side of an existing public way will coincide, wherever practicable, with any existing intersections on the opposite side of such public way. Jogs within roads and streets having center line offsets of less than 150 feet are not permitted, except where the intersected road and street have separated dual drives without median breaks at one intersection. Where roads and streets intersect arterial or collector routes, their alignment will be continuous. Intersections of arterial or collector roads and streets will be at least 800 feet apart.
- c. Minimum curb radius at the intersection of 2 minor roads and streets will be 25 feet, and minimum curb radius at an intersection involving a collector public way will be 30 feet. Alley intersections and abrupt changes in alignment within a block will have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.



- d. Where a public way intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider/developer will cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate sight distance.
- e. Intersections will be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area will be provided having not greater than a 2 percent grade for a distance of 60 feet, measured from the nearest right of way line of the intersecting public way.
- f. The cross-slope on all roads and streets, including intersections, will be 3 percent or less.
- g. The centerline of two streets intersecting the road on opposite sides will be offset as shown and illustrated in the preceding graphics. Offset dimension between intersections is categorized by the type of roadway involved. If the two legs creating the offset are different types of roads, the shorter of the offset dimension will apply.

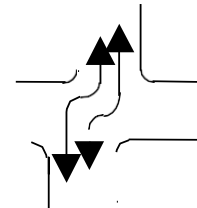
Arterial.....	300 feet
Collector.....	200 feet
Minor/Residential	150 feet

Centerline Radius

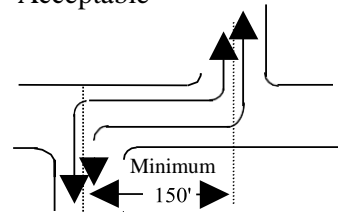


Centerline Offset

Unacceptable



Acceptable



16. Sight Distance

The minimum sight distance for the various road types are shown below:

- a. Stopping Sight Distance Stopping sight distance is measured in feet on a vertical curve between .5 feet to 3.75 feet above the centerline of the finished grade.

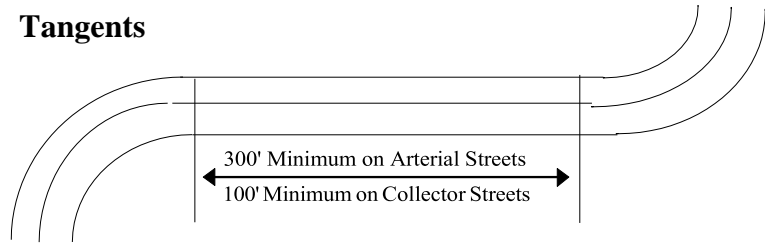
Arterial.....	350 feet
Collector.....	275 feet
Minor/Residential	200 feet

- b. Intersection Sight Distance

- (1) Sight Distance is measured in feet from a point on intersecting streets 15 feet from the edge of the through street pavement and from a height of the eye of 3.75 inches on the intersecting street, to a height of an object 4.5 feet on the through street.
- (2) Property line radii at street intersections involving arterial or collector streets will be not less than 35 feet. All other intersections will have property line radii of not less than 25 feet.

17. Tangents - Between curves there will be a minimum centerline tangent that adheres to the following length requirements.

Tangents



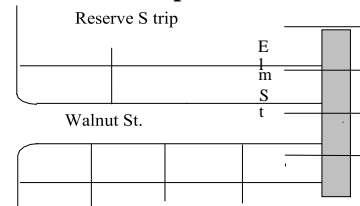
Arterial with Arterial.....	300 feet
Arterial with Collector	200 feet
Collector with Arterial	100 feet
Collector with Collector.....	100 feet
Collector with Minor/Residential	75 feet
Minor/Residential with Minor/Residential	75 feet
Minor/Residential with other	75 feet

18. Corner Radii - The minimum property line radii for the various street intersections are shown below:

Arterial with Arterial.....	55 feet
Arterial with Collector	35 feet
Arterial with Minor/Residential	35 feet
Collector with Collector.....	35 feet
Collector with Minor/Residential	25 feet
Minor/Residential with Minor/Residential	25 feet

19. Reserve Strips - There will be no reserve strips controlling access to streets.

Reserve Strips

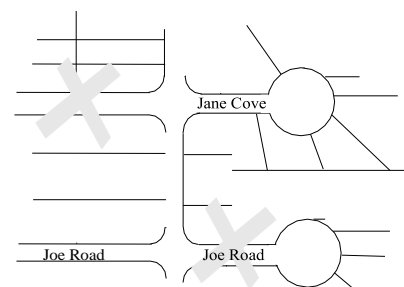


20. Street Names - Proposed streets which are obviously in alignment with other streets already existing and named will bear the names of the existing streets. In no case will the street name for a proposed street duplicate an existing street name regardless of the suffix used, i.e., street, avenue, boulevard, drive, parkway, cove, court, or place.

21. Dead-end Roads and Streets

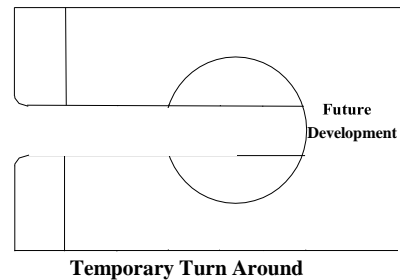
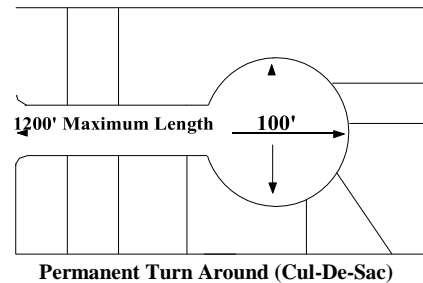
- a. Arrangement of Continuing Roads and Streets -The arrangement of roads and streets will provide for the continuation of major roads and streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provisions of utilities, and when such continuation is in accordance with the major road plan. If the adjacent property is undeveloped and the public way must be a dead-end public way temporarily, the right-of-way will be extended to the property line. A temporary cul-de-sac will be provided on all temporary dead-end roads and streets as required in this article, with a notation on the subdivision plat that land outside the normal road or street will revert to abutting property owners whenever the road or street is continued.

Street Names



- b. Dead-end Roads and Streets - Where a road or street does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus will have an outside roadway diameter of 80 feet, a right-of-way diameter of 100' and will not be nearer to such boundary than 50 feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout will be provided at the end of a dead-end public way in accordance with the design standards of these regulations. For greater convenience to traffic and more effective police and fire protection, permanent dead-end roads and streets will, in general will be limited in length to 1,200 feet.

Turn Arouds



22. Roads and Streets Surfacing and Improvements - After underground utilities have been installed, the subdivider/developer will surface or cause to be surfaced all roads and streets to the widths prescribed in these regulations. Types and methods of paving will be in accordance with the specifications of this article and in no event will such construction be below the specifications set forth in these regulations. Adequate provisions will be made for culverts, drains and bridges, as required.
23. Block Width - Blocks will be wide enough to allow 2 rows of lots, except where double frontage or open space is provided or required, or where prevented by topography or other physical conditions of the side. In such cases, the Planning Commission may permit a single row of lots.

D. STORM DRAINAGE

1. General Requirements - An adequate drainage system, including necessary open ditches, pipes, culverts, intersection drains, drop in lets, bridges, etc., will be provided for the proper drainage of all surface water, as deemed necessary by the Planning Commission. In addition to these regulations, all storm water must be managed per the current edition of the TDEC guidelines as required by the City Staff.
- a. Without Curbs and Gutters - In subdivisions where curbs and gutters are not required or provided, the developer will provide open drainage ditches on each side of the road bed. Also, all intersections of streets will have a minimum of a 15 inch metal, concrete, or aluminum culvert with concrete head walls at least 6 inches above the street. Drainage culverts required at locations other than intersecting streets will be metal, aluminum or concrete and a minimum of 15 inches in diameter with concrete headwalls at least six (6) inches above the street surface.
- b. With Curbs and Gutters - In subdivisions where curbs and gutters are required or provided, the developer will provide inlets every six hundred (600 ft.) that empty into storm sewer facilities, pipes, or open ditch. Storm sewer facilities are required when

existing public storm sewer is accessible. When easements are required for drainage facilities outside the road right-of-way, the easement will be at least 15 feet in width. Drainage easements will be carried from the road to a natural watercourse or to other drainage facilities.

2. Nature of Stormwater Facilities - The subdivider may be required by the Planning Commission to transport by pipe or open ditch any spring or surface water that may exist prior to or as a result of the subdivision. Such drainage facilities will be located in the public way right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and will be constructed in accordance with the construction specifications contained in these regulations.
 - a. Accessibility to Public Storm Sewers - Where a public storm sewer is accessible, the subdivider/developer will install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision will be made for the disposal of stormwater, subject to the specifications of the appropriate governmental representative. The inspection of facilities will be conducted to assure compliance and will be conducted by the enforcing officer.
 - b. Accommodation of Upstream Drainage Areas - A culvert or other drainage facility will in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Necessary facilities will be sized based on the construction specifications and assuming conditions of maximum potential watershed development permitted by any zoning ordinance.
 - c. Effect on Downstream Drainage Areas - The Planning Commission also will study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for adequate improvement of such drainage facilities in such sum as the Planning Commission will determine. No subdivision will be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
 - d. Areas of Poor Drainage - Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission may approve such subdivision; provided, that the applicant fills the affected flood fringe area to place all public ways no more than one foot below the regulatory flood protection elevation and first floor elevations (including basements) at least 1 foot above the regulatory flood elevation. The plat of such subdivision will provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill will be placed in the floodway; neither will any building nor flood restrictive structure be erected or placed therein. The boundaries of the floodway and floodway fringe area, and the regulatory flood elevation, will be determined by the Planning Commission based upon the review specified in these regulations and the submission of flood data on the Preliminary Plat as specified in these regulations.

- e. Floodplain Areas - The Planning Commission may when it deems it necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibits the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. The regulatory floodway will be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any subdivision which contains floodprone land are subject to the special provisions set forth in these regulations.
3. Dedication of Drainage Easements
- a. General Requirements - Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there will be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainage ways are utilized they will be designed for the 25-year frequency flood.
 - b. Drainage Easements
 - (1) Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within the right-of-way of a public way, perpetual unobstructed easements at least 10 feet in width for such facilities will be provided across property outside the public way lines and with satisfactory access to roads and streets. All easements will be indicated on the Preliminary Plat and Final Plat. Drainage easements will be carried from the public way to a natural watercourse or to other drainage facilities.
 - (2) When a new drainage system is to be constructed which will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
 - (3) The applicant will dedicate, when required by the Planning Commission, either in fee, or by drainage or conservation easement, the land on both sides of an existing watercourse to a distance to be determined by the Planning Commission.
 - (4) Along watercourses, low-lying lands within any floodway, whether or not included in areas for dedication will be preserved and retained in their natural state as drainage ways.
4. Ditching, Concrete Paving, Culverts and Storm Drains – The design and construction details of drainage facilities will be in accordance with the provisions of these regulations. The City and/or county engineer, public works director or other appropriate governmental representative will approve the design and construction details of all proposals. All culverts will be installed by the builder according to the design criteria and approved by the Department of Public Works before the building official issues a certificate of occupancy.
5. Design and Construction Criteria for Open Channel Ditches - An adequate drainage system, including necessary open ditches, pipes, culverts, intersection drains, drop inlets, bridges, etc., will be provided for the proper drainage of all surface water so that there is no impact on adjacent properties.

Where curbs and gutters are not required or provided, the developer will provide open drainage ditches on each side of the proposed roadbed. Where subdivision is proposed with open channel ditches, the open channel ditches will comply with the following design and construction criteria.

Design - Construction Drawings will detail all proposed side ditch flow lines in plan and profile. The minimum depth of the side ditch is 18 inches from the top shoulder of the roadway.

The shoulder adjacent to pavement will have a minimum width of four feet with the first three feet having an eight (8) inch gravel section. Side slopes on open channel ditches will have a maximum slope of three feet horizontal to one foot vertical (3:1). The Developer will submit signed and sealed calculations, prepared by an engineer certified to perform work in the State of Tennessee, that include the following:

- a. Drainage area in acres.
- b. Total post development flow from the site in cubic feet second (cfs)
- c. Flow calculations for each ditch section and culvert that include:
 - I. Design flow in cubic feet per second (cfs)
 - II. Channel or culvert capacity in cubic feet per second (cfs)
 - III. Average slope in feet per feet (ft/ft)
 - IV. Design velocity in feet per second (fps)
- d. Flow calculations for all ditch sections and culverts will be based on a 25 year, 24 hour storm.
- e. Concrete channel design where velocities in the side ditch exceeds 6.5 fps.

All newly constructed channels will have the slopes adequately stabilized to the design flow elevation. Construction drawings will have the minimum drive culvert indicated on the grading plan and the final plat for each lot. All drive culverts will have a headwall with wing wall at each end of the pipe.

Shoulders - Shoulder construction will be completed by blading, moistening or drying as necessary to achieve compaction. The shoulders will be four (4) feet on all roads except arterial status roads, which will require a 6foot shoulder.

Ditching and Channelization - This will consist of the construction of ditches adjacent to roadway shoulders and feeding to and from culverts under or adjacent to the roadway. All drainage ditches will be graded in their entirety and the required ditch stabilization installed during the time the roadways are being graded; such grading and stabilization will be completed prior to final inspection of the roadways.

Stabilization of Ditches with Concrete - All open channel ditches which are required to be stabilized with concrete paving. Will have a minimum according to the following requirements:

Minimum Concrete Swale Dimensions

Size of Nearest Culvert (upstream)	Bottom Width Required	Slope Length
15"	1 ft.	1.0
18" thru 24"	2 ft.	1.0
30" thru 36"	2 ft.	2.0
42" thru 72"	3 ft.	3.5

1. Water Supply System
 - a. Where a public water main is within reasonable access of the subdivision, as determined by the Planning Commission, the subdivider/developer will be responsible for the cost of extension, design and installation of any and all water lines which will service the development, including fire hydrants. The system proposed for installation will adhere to the construction and material specifications of the City and will be subject to approval by the Planning Commission and the Tennessee Department of Environment and Conservation.
 - b. Unless otherwise specifically approved, water mains will not be less than 6 inches in diameter. The City specifically reserves the authority to require larger diameter pipe, if necessary, to adequately serve both domestic use and fire protection within the proposed development.
 - c. All water system construction plans and specifications will be approved by the area office of the Tennessee Department of Environment and Conservation, prior to any construction. Copies of comments and certificates of approval for the above agency will be forwarded to the public works supervisor.
 - d. Water mains, properly connected with the City's water supply system or with an alternate supply system approved by the Fayetteville Regional Planning Commission, will be provided to all lots and building sites shown on the subdivision plat, and will be constructed to adequately serve both domestic use and fire protection.
 - e. The location and types of valves and hydrants, the amount of soil cover over the pipes and other features of the installation of the water system will be as directed the public works department and will conform to accepted standards of good practice for municipal water systems.
 - f. If water lines are placed within or adjacent to a private drive/permanent access easement, a 10 foot utility easement is required.
2. Fire Protection - Fire hydrants will be required for all subdivisions, minor or major. They will be located no more than 500 feet apart and will be within 250 feet of any residential, commercial, or industrial lot. However, the Planning Commission may require closer spacing where physical conditions or types of structures warrant it.
3. Sewage Disposal System - The subdivider/developer will be responsible for ensuring that each lot proposed on the plat can adequately dispose of sewage, either, through an individual lot disposal system or a public sewer system. No private sewer systems will be allowed in the City of Fayetteville.
 - a. Individual Waste Disposal Systems

If public sewer facilities are not available and individual disposal systems are proposed, lot areas will not be less than the minimum specified in the Fayetteville Municipal Zoning Ordinance and by the Lincoln County Health Department.

 - (1) When the division of a parcel of land into 2 parcels is proposed and both parcels have a minimum lot size of 1 acre, the certificate of approval for a subsurface waste disposal system may be waived by the Planning Commission, provided the proposed new parcel has been granted a permit by the Lincoln County Health Department for an individual subsurface waste disposal system. A copy of the permit must be attached to the

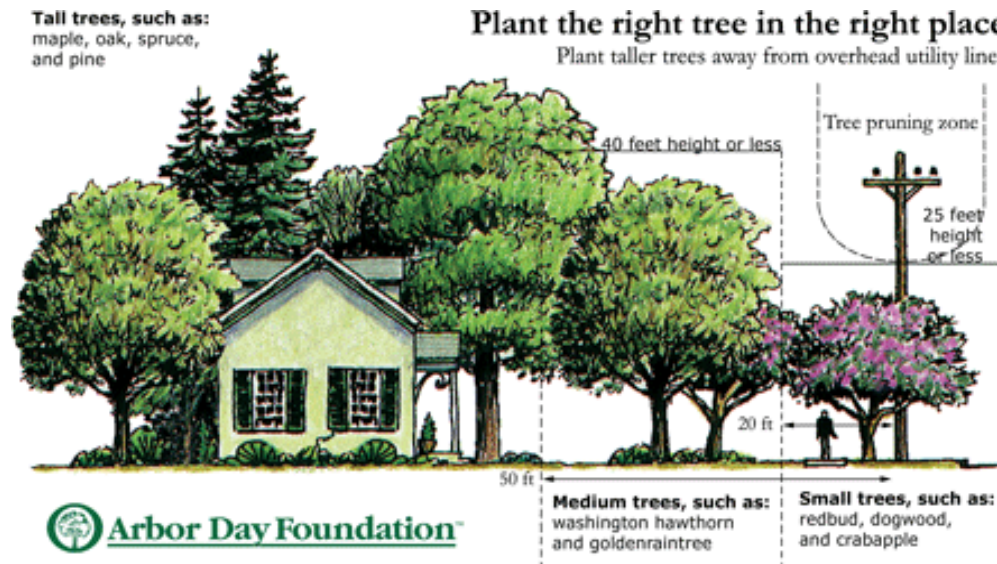
- (2) All individual waste disposal systems, including the size of the septic tank and the field lines or other secondary treatment device will be approved by the county health department.
- (3) The Planning Commission will not approve any lot within any subdivision that is not suitable, according to the Tennessee Department of Environment and Conservation, for the installation of a subsurface waste disposal system.

b. Public Waste Water System

- (1) Where a public waste water system is within reasonable access of the subdivision, as determined by the Planning Commission, the subdivider/developer will be responsible for the cost of extension, design and installation of any and waste water facilities that will service the development.
 - (2) When connection to a public waste water system is proposed for a subdivision in the City of Fayetteville, the system will be installed in a manner prescribed by the regulations of the Tennessee Department of Environment and Conservation and by any other applicable standards and specifications. All plans will be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit thereof.
 - (3) When connection to a public waste water system is proposed in a subdivision in the City of Fayetteville, the subdivider/developer will be responsible for providing sanitary sewer facilities to each lot therein and will connect the facilities to the public system.
 - (4) All sanitary sewer system facilities located in a flood hazard area will be flood proofed to the regulatory flood protection elevation. All sewer facilities located below the regulatory flood protection elevation will be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.
 - (5) Sanitary sewer systems will be designed for the ultimate tributary population based upon appropriate plans and zoning regulations.
 - (6) The minimum size of a public sewer line will be 8 inches in diameter for gravity lines and 6 inches in diameter for forced lines. Individual lot service lines will be a minimum of 4 inches.

All sanitary sewer facilities will be located within a public street right-of-way, unless topography dictates otherwise. Public utility easements will be provided across private property for access to lines and manholes. Such easements will be of an adequate width to service the lines, but in no case will they be less than 20 feet.
 - (7) If sanitary sewer facilities are placed within or adjacent to a private drive/permanent access easement, a 10foot utility easement will be required.
4. With the exception of existing street facing infill development, underground electric service is required. Consult with the Southwest Tennessee Electric Membership Corporation for specific design standards.

In areas with overhead electric lines and observing easement restrictions, trees topping out at less than 25' may be planted within 20' of a utility pole. Trees growing to no more than 40' may be planted within 50' of a utility pole. Trees growing more than 40' may be planted anywhere beyond 50' of the pole (See the following illustration.) ^{xvii}



5. The subdivider will bear the financial responsibility for the original installation costs for the materials and labor for street lighting where it is deemed reasonably necessary by the Public Works Department. Street lighting will be of such size and specifications as deemed appropriate by the Public Works Department to meet the specific requirements of the subdivision. Street lights will be installed between the curb and the sidewalk. In general, street lights will be provided at roadway intersections and at appropriate intervals of no more than 500' in between intersections. The subdivider will consult with the utility company to service the subdivision with power and locate on the design plans the probable location of street light poles.
- G. UTILITY EASEMENTS** - Easements will be required along the front, rear and side yard of all lots of at least 15 feet when underground electric service is required and at least 5 feet in cases of existing streets facing infill development with the easement being indicated on all plats. In addition, the Planning Commission may require additional easements across lots or additional width of easements depending upon the topography of the land or due to other conditions of the land. The subdivider/developer will take such actions as are necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within his development. Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project.
- H. SURVEY MONUMENTS** - Permanent and semi-permanent survey monuments are an essential byproduct of the land subdivision process. Such monuments facilitate the resurvey of lands contained within the subdivision and provide survey control points for future cadastral and

cartographic surveys and mapping. In each subdivision subdivider/developer will provide, at his expense, all survey monuments and documentation specified herein.

1. Permanent Monuments

- a. A permanent survey monument will be set behind the curb on the North and East side of every street and at least one monument will be provided near each street intersection and located to provide connected visibility with one or more monuments located on each of the intersecting streets. At least one monument will be located at a point in the exterior boundary of the subdivision or subdivision addition. There will be a minimum of two permanent monuments within every subdivision.
- b. Permanent survey monuments will be constructed of dense Portland cement, concrete, 4 inches square, 3 feet long, with a flat top, the top of each monument will have an indented cross to identify the precise location of the survey point, and the top will be set flush with the finished grade of the surrounding surface or, in asphalt paved areas, flush with the finished grade of the pavement base.
- c. Where deemed necessary by the City engineer or public works supervisor, to insure recovery of a survey point, a subsurface mark set in concrete, poured at the base of the concrete monument and plumbed to the surface mark, will be required.

2. Semi-permanent Monuments

- a. All lot corners in the subdivision not set with a permanent monument will be marked with an iron rod not less than 5/8 inch in diameter and 24 inches long, set flush with the finished grade of the surrounding surface.
- b. Upon completion of subdivision development, these metal rods will be protected by 1 or more flagged guard stakes.

3. Unauthorized Survey Marks - Survey reference marks, benchmarks, witness marks, or auxiliary corners which are unsightly or damaging to street pavements will not be permitted. Any such unauthorized marks and corners will be removed or repaired by the subdivider/developer at his expense.

4. Survey Documentation - The subdivider/developer will provide to the public works supervisor a detailed description of all new and recovered permanent survey monuments lying within or on the boundary of the subdivision. Each description will include:
- a. A physical description of the monument.
 - b. Instructions for locating the monument with respect to a fixed prominent landmark.
Survey data in addition to that shown on the Final Plat which will, when available, consist of adjusted plan coordinates and elevation, survey precision and accuracy, and datum to which coordinates and elevation refer.

I. DRIVEWAYS AND CURB CUTS

Driveways will be so located that vehicles entering or leaving an establishment or location will not interfere with the free movement of traffic or create a hazard on the public roadway. Where feasible, access driveways will be located where there are no sharp curves or steep grades, and where sight distance is adequate for safe traffic operation. Driveways should not be located within an intersection, intersection radius, or interchanges of highways. No curb cut will be closer than 20 feet from the point of curvature of a corner radius. Access drives will be located that they will not interfere with the placement of signs, signals or other devices that effect traffic operation and regulations.

1. Number and Arrangement of Driveways

- a. For property tracts with a sizable frontage on a highway or street, driveway location and arrangement will be governed by position of building(s) thereon as determined through the site plan review process of the Fayetteville Municipal Zoning Ordinance. Where driveways are provided to land areas only, (areas with no development), they will be so located to the best advantage regarding highway alignment profile and sight distance conditions as determined by the applicant and the City of Fayetteville, jointly. The allowed number, arrangement, width and design of driveways will be governed during the site plan review process, such process to consider the amount of highway frontage and the use of the facility/property.
- b. The number of driveways permitted will be the minimum number necessary to properly serve the need of the property. Frontages of one 100 feet or less will be limited to 1 driveway, unless a variance is approved by the Fayetteville Municipal Board of Zoning Appeals. Normally, not more than 2 driveways will be provided to any single property tract or business establishment. Furthermore, there will not be more than 4 driveways per any 500foot distance. The joint use of curb cuts is encouraged to facilitate traffic flow.
- c. Consistent with State guidelines, driveways will be positioned to clear the frontage boundary lines by the specified minimum dimensions. Where 2 driveways are provided for 1 frontage or adjacent frontages separately, the clear distance between driveways measured along the right-of-way line will not be less than 25 feet.
- d. On a major, controlled access road, where there are or may be several businesses, consideration should be given to the construction of a frontage road, the frontage road then having well-spaced access points to major roads.
- e. Driveway design, consistent with State regulation, will not exceed 40 feet in width for two-way use and 20 feet in width for one-way use.
- f. The City, County and/or State of Tennessee specifically reserves, through the site plan review process, the right of full review, comment and approval for curb cuts, and nothing herein will be so construed to subordinate that authority.

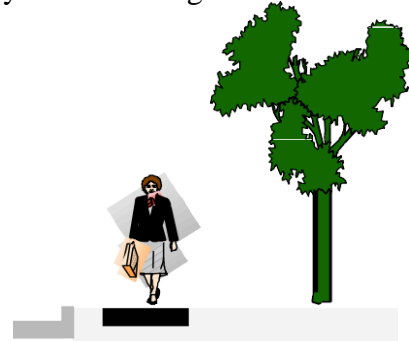
Driveway Aprons All driveway aprons will be approved by the City of Fayetteville and will be in a manner which insures positive drainage to the street. An expansion joint with filler will be provided at each edge of the driveway apron where it abuts the curb and gutter. If roll type curbs and gutters are used, curb cuts may be waived by the Planning Commission.

2. Quality of Concrete - All sidewalks, curbs, gutters, handicap ramps and driveway aprons will be constructed of high quality durable portland cement concrete. The concrete will be ready mixed, air entrained, 4000lb. concrete. All concrete will be Class A and will be placed, cured, and tested in accordance with the Technical Specifications.

J. SIDEWALKS AND HANDICAP RAMPS

Effective at the passage of these regulations sidewalks will be required in all developments and will be installed within the right-of-way of all existing streets bordering the subdivision and will adhere to the following requirements:

1. Sidewalks - All sidewalks will be located in the street right-of-way with the outside edge coinciding with the right-of-way line. All sidewalks will have a main slab of not less 4 inches in thickness. For proper drainage all sidewalks will have .25 inch per foot slope towards the adjacent street. Sidewalks will conform to the following minimum widths:



- a. Single family residential 4 feet wide
 - b. Multifamily residential 5 feet wide
 - c. Other than residential 5 feet wide
2. Handicap Ramps - In all subdivisions where sidewalks and curbs and gutters are provided, handicap ramps will be installed at all crosswalks so as to make the transition from street to sidewalk easily negotiable for physically handicapped persons in wheelchairs and for others who may have difficulty in making the step up or down from curb level to street level. This requirement is not subject to waiver.
3. Quality of Concrete - All sidewalks, curbs, gutters, handicap ramps and driveway aprons will be constructed of high quality durable Portland cement concrete. The concrete will be ready mixed, air entrained, 4000 lb. concrete. All concrete will be Class A and will be placed, cured, and tested in accordance with the Technical Specifications.
4. Deferment of Installation - At the request of the subdivider/developer, the Planning Commission may defer the installation of sidewalks and handicap ramps when the individual builders assume responsibility for installation of sidewalks, curb cuts and driveway aprons, the subdivider/developer will be relieved of responsibility for such installations. The responsibility assumed by individual builders will become a condition of the building permit and will comply with the Technical Specifications of the City of Fayetteville and the standards pertaining to sidewalks, curb cuts and driveway aprons contained in these regulations. No certificate of occupancy will be issued until the required improvements are complete and accepted.

K. SCREENING AND LANDSCAPING

When required by the Planning Commission and these Regulations, fences, vegetative screening and landscaping will be provided along the perimeter of certain developments to protect residential districts from undesirable views, lighting, noise, and other adverse influences. Other landscaping may be required for open space areas, storm drainage areas, recreational areas, and to help control erosion and preserve the environment and historical landmarks. Landscaping will not be placed within public right-of-ways.

1. Residential Development

- a. Residential developments that have lots which have double frontage on a public street (alleys excepted) may be required to provide continuous screening along the rear line of these lots. Visibility areas required for traffic safety as designated by the public works supervisor will not be screened.
- b. Where a residential development abuts against a nonresidential use, a continuous screening may be required.

2. Nonresidential Development Where a nonresidential development abuts against a residential use, a continuous screening may be required.

3. Other Landscaping The Planning Commission may specify to the subdivider/developer those areas within the subdivision which require landscaping. The subdivider/developer will present to the Planning Commission, a detailed landscaping plan and planting schedule, if required.

L. ENVIRONMENTAL PROTECTION AND PRESERVATION

Protection and preservation of existing features and the environment which would add value to a residential development or to the area as a whole particularly its natural features such as ground cover, trees, soils, watersheds, watercourses, falls, and similar irreplaceable assets, will be preserved in the design of the subdivision, as required by the Planning Commission. Protection and preservation of the area is an essential element of subdivision design. The subdivider/developer will provide, at his expense, all erosion control, revegetation planting, and protection for existing vegetation.

Erosion Control – Prior to any construction taking place, a Storm Water Pollution Protection Plan (SWPPP) must be completed with a copy received by the City. The subdivider/developer will submit a plan and schedule for soil erosion and sedimentation control to the public works supervisor for approval. The subdivider/developer will provide necessary erosion control such as seeding for gentle slopes, grass sod for sharper slopes, with special grading and terracing in accordance with the plans approved by the public works supervisor and Planning Commission. All freshly excavated embankment areas not covered with satisfactory vegetation will be fertilized, mulched and seeded and/or will have laid sod as required to prevent erosion. Provisions will be made to accommodate increased runoff caused by changed soil and surface conditions during development. Runoff will be intercepted and safely conveyed to storm drains or natural outlets where it will not erode or flood land. Sediment basins will be installed and maintained to collect sediment from runoff waters. If the public works supervisor determines that the necessary erosion control is not being provided by the subdivider/developer, the public works supervisor will officially notify the subdivider/developer of the problem. If the subdivider/developer has not begun to provide satisfactory erosion control within 15 days after the notice, the City will make the necessary improvements to eliminate the erosion problem documenting all expenses incurred. Prior to release of the surety instrument, all expenses incurred by the City will be paid in full by the subdivider/developer.

1. Preservation of Trees and Revegetation - No trees of caliper 10 inches or larger measured 5 feet above the surrounding ground surface will be removed if at all possible, and special attention will be given to preserving larger trees. For removal of trees greater than 12 inches in diameter, the Planning Commission may require a plan for revegetation, in order to recover soil stabilization, percolation or buffering lost by removal of such tree.
2. Planting of New Trees - In all new Major Residential Subdivisions, the subdivider is required to plant at least two (2) suitable broadleaved deciduous shade trees per approved lot, one of which will be located in the front yard, unless specifically exempted by the Planning Commission. All trees will be the equivalent of well rooted nursery grown stock free of injury, harmful insects, and diseases. They will be well branched, and the branching structure should be sound. Unless waived by the Planning Commission, the required tree will not measure less than two (2) inches in girth at the time of planting. Acceptable types of street trees may be selected from a list available from the City of Fayetteville. Conditions for waiver of this requirement may include a detailed plan to retain mature trees within the development. At the request of the subdivider/developer, the Planning Commission may defer the planting of trees when the individual builder assumes responsibility for planting. The responsibility assumed by individual builders will become a condition of the building permit and will comply with the Technical Specifications of these regulations. No certificate of occupancy will be issued until these requirements are completed and accepted.

M. NONRESIDENTIAL SUBDIVISIONS

1. General - If a proposed subdivision includes land which is zoned for a commercial or industrial purpose, the layout of the subdivision with respect to such land will make such provisions as the Planning Commission may require. A nonresidential subdivision also will be subject to all the requirements of site plan approval as set forth in the Fayetteville Regional Zoning Ordinance. Site plan approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision will be subject to all the requirements of these regulations, as well as such additional standards set forth by the Planning Commission, and will conform to the Growth Plan, major road plan, and zoning ordinance.
2. Standards - In addition to the principles and standards in the regulations, which are appropriate to the planning of all subdivisions, the subdivider/developer will demonstrate to the satisfaction of the Planning Commission that the public way, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards will be observed:
 - a. Proposed industrial parcels will be suitable in areas and dimensions to the types of nonresidential development anticipated.

Public way right-of-ways and pavements will be adequate to accommodate the type and volume of traffic anticipated.
 - b. Special requirements may be imposed by the governing body with respect to any public way, curb, gutter, and sidewalk design and construction specifications.

- c. Special requirements may be imposed by the governing body with respect to the installation of public utilities, including water, sewer, and stormwater drainage.
- d. Every effort will be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary.
- e. Roads and streets carrying nonresidential traffic, especially trucks, normally will not be extended to the boundaries of adjacent existing or potential residential areas.

N. **TECHNICAL SPECIFICATIONS INCLUDED BY REFERENCE** - The Technical Specifications of the City of Fayetteville as set forth in Article 4 are included in all of the foregoing requirements of this article and these regulations by reference. Unless these regulations state otherwise, deviations to the Technical Specifications may be allowed only with the prior approval of the Planning Commission.

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ARTICLE 5 | PREREQUISITES TO FINAL PLAT APPROVAL

A. GENERAL REQUIREMENTS

As a condition precedent to the approval of the final plat, in accordance with TCA Section 13-4-303, the Planning Commission will require the installation of all improvements including, but not limited to, the grading and improvement of roads and streets, and the installation of all survey monuments, utilities, water mains and surface and ground water drainage channels and structures, or will accept, in lieu of the completion of such improvements, a surety instrument in an amount and with surety and conditions satisfactory to the Planning Commission.

B. FINAL PLAT REQUIREMENTS

Prior to the Secretary of the Planning Commission signing the certificate of approval on the final plat, the Secretary will ensure that:

1. Every lot depicted on the plat has access to public water or has approval from the Lincoln County Health Department for a subsurface water system.
2. Every lot depicted on the plat has access to a public waste water system, private waste water system or has been approved by the Lincoln County Health department for a subsurface waste disposal system.
3. Every lot has access to a public road either directly or indirectly through a 50' permanent access easement.
4. All property and improvements to be dedicated to the public, including but not limited to, street right-of-ways, utility easements, water lines, sewer lines and sidewalks will be duly noted on the plat by the proper authority.
5. All required improvements have been satisfactorily installed or a surety instrument in sufficient amount has been posted securing to the Planning Commission the actual construction and installation of the improvements.

C. SURETY INSTRUMENT IN LIEU OF COMPLETED IMPROVEMENTS

The Planning Commission, at its discretion, may waive the installation of the final coat of asphalt prior to the signing of the Final Plat by providing that the subdivision subdivider/developer furnish a construction surety instrument to the Fayetteville Regional Planning Commission showing the Planning Commission as the beneficiary. The amount of the surety instrument will equal the cost of the installation of the final coat of asphalt and any required warranty period. The surety instrument will be effective for one year with renewal for one year with no effort on the part of the City of Fayetteville. Terms of the surety instrument will be as determined by the Planning Commission or its designated representative in accordance with Section 13-4-403, Tennessee Code Annotated and will and

be approved by the Planning Commission, provided the instrument is satisfactory to legal counsel as to form, sufficiency, and manner of execution. The period within which the required improvements must be completed will be specified by the Planning Commission when approval of the Final Plat is granted and will be incorporated into the surety instrument.

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ARTICLE
6

**ACCEPTANCE,
INSPECTION &
MAINTENANCE
OF
IMPROVEMENTS**

A. COMPLETION OF IMPROVEMENTS

Before a Final Plat is signed by the secretary of the Planning Commission or a surety instrument is released, as specified in these regulations, all applicants will complete, in accordance with these regulations and the adopted standards, the grading and improvement of all roads and streets, the installation of all survey monuments, utilities, water mains and surface and ground water drainage channels and any other improvements, including lot improvements on the individual lots. All improvements that are to be dedicated and or maintained by the City will be dedicated free and clear of all liens and encumbrances to the City of Fayetteville.

1. Temporary Improvements - The applicant will build and pay for all costs of temporary improvements required by the Planning Commission, and will maintain them to a reasonable satisfaction for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, the applicant will file with the Planning Commission a separate suitable surety instrument for temporary facilities, which will ensure that the temporary facilities will be properly constructed, maintained, and removed.
2. Costs of Improvements - All required improvements will be made by the applicant at his expense. Any provisions for reimbursement by the governing body or any utility agency will be stipulated clearly in the provisions of any surety instruments, and will be supported by certified resolution or ordinance of such governing body or agency.
3. Failure to Complete Improvements - In all subdivisions in required improvements have not been installed within the period specified by the Planning Commission in the resolution approving the plat, the Planning Commission thereupon may declare the surety instrument to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the surety instrument is declared to be in default.

B. EXTENSION AND ENFORCEMENT OF SURETY INSTRUMENT

Extension of Surety Instrument - The Planning Commission may, upon proof of difficulty, extend the completion date set forth in such surety instrument for a maximum period of 1 additional year. The Planning Commission may accept at any time during the period of such surety instrument a substitution of principal.

Enforcement of Surety Instruments - Failure of the subdivider/developer to comply with any or all parts of these regulations are grounds to issue a stop work order by the Mayor or proper authority and enforcement of the surety instrument by the Fayetteville Regional Planning Commission.

C. REDUCTION OF SURETY INSTRUMENT

Upon completion of the major improvements, and upon final inspection and acceptance by the public works supervisor, the subdivider/developer may reduce the amount of the surety instrument or he may substitute a new surety instrument to secure the obligation with respect to incomplete or unacceptable improvements. The residual improvements will normally be

limited to such items as erosion control, revegetation, landscaping, and planting, and to those improvements such as driveway aprons, which are deferred pending completion of building construction in those instances where the subdivider/developer is also the builder.

1. The Planning Commission will not recommend dedication of required public improvements nor will the Planning Commission release nor reduce a surety instrument until the appropriate governmental representative submits a certificate stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Planning Commission and the appropriate governmental representative (through submission of a detailed "as built" survey of the subdivision indicating location, dimensions, construction materials, and any other information required by the Planning Commission) that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the subdivision. Upon such approval and recommendation, the governing body, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in other sections of these regulations.
2. A surety instrument may be reduced upon actual dedication and acceptance of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event will a surety instrument be reduced below 15 percent of the principal amount prior to final acceptance of all items covered under the surety instrument.

D. ACCEPTANCE OF IMPROVEMENTS

Acceptance of formal offers of dedication of roads or streets, easements, and parks will be by formal action by the FAYETTEVILLE Mayor and Board of Alderman. Such action will be in the form of a resolution recommended by the Planning Commission to the governing body. The approval by the Planning Commission of a subdivision plat will not be deemed to constitute or imply an acceptance by the City of any public way, easement, water line or other ground shown on the plat. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect. The initiation of the maintenance of an improvement by a public entity will constitute the acceptance of that improvement.

E. DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

1. The Planning Commission may defer or waive, at the time of final plat approval, subject to appropriate conditions, the provision of any or all such improvements that, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
2. Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons, the subdivider/developer will either pay his share of the costs of the future improvements to the Planning Commission prior to the signing of the Final Plat by the appropriate governmental representative(s) or post a performance bond or other surety instrument ensuring completion of said improvements upon demand by the Planning Commission.

F. INSPECTION OF IMPROVEMENTS

The Planning Commission may provide for inspection of required improvements during construction and prior to final plat approval or release of the surety instrument to ensure the satisfactory completion of the subdivision. If the appropriate governmental representative finds, upon inspection, that any of the required improvements have not been constructed in accordance with these regulations and the governing body's construction standards and specifications, the applicant will be responsible for rectifying the problem and completing the improvements to the required standards. Whenever the cost of improvements is covered by a surety instrument, the applicant and the bonding company will be liable severally and jointly for completing said improvements according to specifications.

G. MAINTENANCE OF IMPROVEMENTS

The applicant will be required to maintain all improvements, including all lot improvements, until acceptance of the public improvements by the governmental body. Also, the applicant may be required to file a maintenance surety instrument with the Planning Commission prior to dedication, in an amount considered adequate by the appropriate governmental representative and in a form satisfactory to legal counsel in order to assure the satisfactory condition of the required improvements, including all lot improvements, for a period of one year after the date of acceptance of the public improvements by the Planning Commission.

H. ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

- a. Where a surety instrument has been required for a subdivision, or any section of a subdivision, no certificate of occupancy for any building in the subdivision or section thereof will be issued prior to the approval of construction plans and completion and dedication of the improvements to the appropriate governmental unit, as required in the Planning Commission's resolution of final approval of the subdivision plat. The extent of public way improvements will be adequate for vehicular access by the prospective occupant and by police and fire equipment prior to the issuance of an occupancy certificate. The subdivider/developer will at the time of the dedication submit moneys in escrow to the Planning Commission in a sum to be determined by the appropriate governmental representative.
- b. All driveway culverts will be installed by the builder according to the design criteria and approved by the Department of Public Works before the building inspector issues a certificate of occupancy.

ARTICLE 7 | DEFINITIONS

Except as specifically defined herein all words used in these regulations have their customary dictionary definitions where not inconsistent with the context.

For the purposes of these regulations 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 "will" and "shall" are always mandatory and not directory; and the word "may" is permissive.

The following words, terms and phrases are hereby defined as follows and will be interpreted as such throughout these regulations.

Alley - A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant - The owner of land proposed to be subdivided or his authorized representative. Consent will be required from the legal owner of the premises(s).

Architect - Any architect or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, and Tennessee Code Annotated, to practice in Tennessee.

Arterial Street or Road - A major public way intended to move traffic to and from major industrial areas or a route for traffic between communities or large area and which has an average daily traffic count in excess of 3,000.

As-built - A revised set of drawings submitted by the contractor upon completion of a construction project. The final as-built drawings include any and all of the following, as well as every other change made during the construction phase of a project: Modifications, Field changes, Shop drawing changes, Design changes, Material or aggregate changes.

Base Flood Elevation - The highest elevation, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood.

Base Map - A map having sufficient points of reference, such as state, county or municipal boundary lines, streets, easements, and other selected physical features to allow the plotting of other data.

Block - A tract of land bounded by a road or street or by public parks, cemeteries, railroad right-of-ways or shorelines or waterways or a combination of such.

Bonds - A surety bond is the financial guarantor of a construction bond, guaranteeing the contractor will act in accordance with the terms established by the bond and complete improvements as approved by the Fayetteville Regional Planning Commission accepts three types of construction bonds; 1. Performance Bond. 2. Payment Bond. Letter of Credit.

Building - Any structure built for the support, shelter or enclosure of persons, animals, or movable property of any kind and includes any structure.

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 or lines; which creates a space between such

lines in which no building will be placed.

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

Capital Improvements Program - A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community.

Cluster - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

Cluster Subdivision - A form of development for single family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant area is devoted to open space.

Collector Street or Road - A major public way intended to move traffic from local ways to arterial routes. Collector routes serve a neighborhood or large subdivision(s) and normally have an average daily traffic count ranging from 1,001 to 3,000.

Common Elements - Any portion of a condominium which is held in common by owners of condominium units. These elements may be either general common elements or limited common elements, as defined below.

1. General Common Elements - Any of the common elements of a condominium which are held in joint ownership by all owners of the condominium.

2. Limited Common Elements - Any of the common elements of a condominium which are reserved for use by the owner of a particular condominium unit or group of units.

Community Association - A homeowners association organized to own, maintain, and operate common facilities and to enhance and protect their common interests.

Comprehensive Plan - A comprehensive long-range plan intended to guide the growth and development of a community or region and one that includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use.

Condominium - A form of ownership of less than the whole of a building or system of buildings under the provisions of Title 66, Chapter 27, Tennessee Code Annotated, which provides the mechanics and facilities for formal filing and recording of divided interests in real property, whether the division is vertical or horizontal.

Condominium Subdivision - The subdivision of property through the establishment of a condominium or horizontal property regime.

1. Horizontal Condominium Subdivision - A subdivision where each unit occupies some ground space.

2. Vertical Condominium Subdivision - A subdivision of a multistory building in which 1 or more units do not occupy ground space.

Condominium Unit - Space conveyed by separate title, located within a condominium structure.

Construction Plat - The maps or drawings of a subdivision showing the specific location and design of improvements to be installed in the subdivision in accordance with these regulations.

Contractor - An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

County Environmentalist - An agent designated to administer local and/or state health regulations.

Cul-de-sac - A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement; definition includes: dead end, turnaround, or turnabout.

Culvert - A drain, ditch or conduit not incorporated in a closed system that carries drainage water under a driveway, roadway, railroad, pedestrian walk or public way.

Curb - A stone or concrete boundary usually marking the edge of the roadway or paved area.

Curvilinear Street System - A pattern of streets which is curved.

Dedication - Gift or donation of property by the owner to another party.

Density - The number of families, individuals, dwelling units, or housing structures per unit of land.

Design Specifications - Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

Design Plat - A map of a proposed subdivision showing the lot sizes and layout, location and sizes of streets and used as an aid in discussing the design of the proposed subdivision.

Developer - The legal or beneficial owner of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land, and which undertakes the activities covered by these regulations. In as much as the subdivision plan drawings are merely a necessary means to the end of assuring satisfactory development, the term "developer" includes "subdivider", "owner" or "builder" even though the persons and their precise interests may vary at different project stages.

Drainage - Surface water runoff or the removal of surface water or ground water from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

Drainage Area - That area in which all of the surface runoff resulting from precipitation is concentrated into a particular stream.

Drainage System - Pipes, swells, natural features and manmade improvements designed to carry drainage.

Dwelling Unit - A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

Easement - Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

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

Enforcing Officer - The building inspector or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

Engineer - An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code Annotated, to practice in Tennessee.

Equal Degree of Encroachment - The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

Escrow - A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a surety instrument subject to agreement of the Planning Commission.

External Subdivision Boundary - All points along the periphery of a subdivision.

Final Plat - The final map or drawing and accompanying materials, described in these regulations, on which the developer's plan of the subdivision is presented to the Planning Commission for approval and which, if approved by the Commission, is recorded with the County Register of Deeds of Deeds.

Flood - A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Frequency - The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

Flood Hazard Boundary Map - An official map on which the boundaries of the floodplain areas having special flood hazards have been delineated.

Flood Hazard or Floodprone Area - The maximum area of the floodplain that, on the average, is likely to be flooded once every 100 years (i.e., that has a 1 percent chance of being flooded in any year).

Flood Insurance Rate Map - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain - A land area adjoining a river, stream watercourse, bay, or lake which is likely to be flooded. It is composed of floodway and floodway fringe.

Floodplain Management Program - The overall program of corrective and preventive measures for reducing flood damage, including, but not limited to emergency preparedness plans, flood control works, building code regulations, health regulations, zoning ordinance regulations and these subdivision regulations.

Flood Profile - A graph showing the water surface elevation or height or a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined through the use of standard open channel hydraulic calculations.

Flood Proofing - Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate potential flood damage to lands, water facilities, sanitary facilities and other utilities; structures; and contents of buildings; and which prevent pollution of floodwaters from such natural or manmade sources.

Floodway - The stream channel and adjacent overbank areas required to carry and safely discharge the 100 year flood without increasing flood levels more than one foot above natural flood levels.

Floodway Encroachment Limits - The lines marking the limits of floodways on official federal, state and local floodplain maps.

Floodway Fringe - The area adjoining a watercourse which, although not lying within a Floodway has been or may hereafter be covered by a 100 year flood.

Frontage - That side of a lot abutting a public way ordinarily regarded as the front of the lot. It will not be considered as the ordinary side of a corner lot.

General Plan (Growth Plan) - The official statement of the Planning Commission which sets forth major policies concerning the future development of the jurisdictional area and meeting the provisions set forth in Sections 13-4-101, and 13-4-103, Tennessee Code Annotated.

Governmental Agency - Any public body other than the governing body.

Governing Body - The chief legislative body of any government.

Governmental Representative - An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Grade - The degree of rise or descent of a sloping surface.

Grade, Finished - The final elevation of the ground surface after development.

Grade, Natural - The elevation of the ground surface in its natural state, before manmade alterations.

Grading - Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

Health Department - The Lincoln County Health Department. Highway Department - The Lincoln County Highway Department.

Highway, Limited Access - A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property(s) or lands and other persons have no legal right of access to or from the traffic way, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Homeowners Association - A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

Horizontal Property Act - The Tennessee Horizontal Property Act" as codified in Title 66, Chapter 2, Tennessee Code Annotated.

Improvements - Physical changes made to raw land and structures on or under the land surface in order to make the land more usable for man's activities. Typical improvements in these regulations would include but not be limited to grading, street pavement, drainage ditches, street name signs and street trees.

Individual Sewage Disposal System - A septic tank, seepage title sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Internal Subdivision Boundary - All points within subdivisions which do not constitute external boundaries.

Joint Ownership - The equal estate interest of two or more persons. Joint ownership among persons will be construed as the same owner for the purpose of imposing subdivision regulations.

Jurisdictional Area - Planning boundary established by the Local Government Planning Advisory Commission or the corporate limits.

Land Development Plan - An element of the general plan, which sets out a plan, or scheme of future land usage.

Land Surveyor - A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Title 62, Chapter 18, Tennessee Code Annotated, to practice in Tennessee.

Land Development or Land Use Plan - A general plan for the physical development of a particular area, which can be a municipality, region or both. The plan will formulate a coordinated, long term development pattern for the identified area the creation of a future land development or land use map, a major road plan and the identification of goals, objectives and policies. For the purpose of these subdivision regulations, the Fayetteville Regional Land Use Plan (Growth Plan).

Legal Counsel - The person designated by the governing body to provide legal assistance for the administration of these and other regulations.

Lot - A tract, plot or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

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

Lot, Corner - A lot situated at the intersection of 2 or more roads or streets.

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

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

Lot Improvements - Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

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 its depth.

Major Street or Road - A public way that is classified as a collector or arterial public way according to these regulations or by the major road plan for the jurisdictional area.

Major Road Plan - The plan adopted by the Planning Commission showing, among other things, the general location, character, extent of roads or streets and the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing roads or streets.

Major Subdivision - All subdivisions not classified as minor subdivisions including but not limited to subdivisions of 5 or more lots or subdivisions of any size requiring any new or

improved road, the extension of public facilities, or the creation of any public improvements, or containing any floodprone area.

Metes and Bounds - A method of describing the boundaries of land by directions and distances from a known point of reference.

Minor Street or Road - A public way that is not classified as an arterial or collector.

Minor Subdivision - Any subdivision containing less than 5 lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adoption general plan, major road plan, zoning ordinance or these regulations.

Mixed Use Development - The development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Monuments - Markers placed on or in the land.

National Flood Insurance Program - A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide a flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the National Flood Insurance Program regulations. The program regulations are found at 24 Code of Federal Regulations, Chapter X, Subchapter B.

Offsite - Any premise not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

One Hundred Year Flood - A flood having an average frequency of occurrence of once in 100 years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

Open Space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Owner - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having title to or sufficient proprietary interest in the real property to seek subdivision or development of that property.

Park - An open area set aside for leisure activities which is not used for the operation of a profit making venture, such as, but not limited to playgrounds, athletic or play fields and picnic areas.

Percolation Test - Means a method of determining the usability of an area for subsurface sewage disposal by testing for the rate at which the undisturbed soil in a series of test holes of standard size will absorb water per unit of surface area. (See Soil Evaluation)

Performance Bond - See Surety Instrument.

Perimeter Landscaped - A landscaped area intended to enhance the appearance of parking lots and other outdoor auto related uses or to screen incompatible uses from each other along their boundaries.

Perimeter Street - Any existing street to which the parcel of land to be subdivided abuts on only one side.

Planning Commission - A public planning body established to execute a planning program within an identified area. For the purpose of these subdivision regulations, the Fayetteville Regional Planning Commission.

Preliminary Plat - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner of layout of the subdivision to be submitted to the Planning Commission for approval.

Premise(s) - A tract of land together with any buildings or structures which may be thereon.

Protective Covenants - Contracts between the land subdivider/developer and lot purchaser expressing agreement covering use of the land.

Public Improvements - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

Public Sewer System - A central sewer system, owned, operated and maintained by the City of Fayetteville.

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 law.

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.

Public Way - Any publicly owned street, alley, sidewalk, or lane right-of-way which provides for movement of pedestrians or vehicles.

Reach - A hydraulic engineering term to described longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a manmade area or natural obstruction. In an urban area, the segment of a stream or river between 2 consecutive bridge crossings typically would constitute a reach.

Rectilinear Street System - A pattern of streets that is characterized by right angle roadways, grid pattern blocks and four way intersections.

Register of Deeds - Lincoln County Register of Deeds of Deeds.

Regulatory Flood - The 100 year flood.

Regulatory Flood Protection Elevation - The elevation of the regulatory flood plus one foot of freeboard to provide a safety factor.

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

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

Right-of-way - A strip of land occupied or intended to be occupied by a public way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way" for land platting purposes will mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and will not be included within the dimension areas of such lots or parcels.

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

Roadway - The portion of the street right-of-way which contains the street pavement and shoulder which is used primarily as a channel for vehicular movement and secondarily as a drainage channel for storm water.

Sale or Lease - Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, or other written instrument.

Same Ownership - Ownership by the same person, corporation, firm entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Sanitary Sewer System - A public or community sewage disposal system of a type approved by the State Department of Conservation and Environment.

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

Septic Tank - See Individual Sewage Disposal System.

Setback - The distance between a building wall, edge of a structure or overhang of a building, whichever extends out the farthest and the nearest to a right-of-way of a public way, or the distance required to obtain the minimum front, side and rear yards.

Sketch Plat - A sketch preparatory to the Preliminary Plat (or Final Plat, in the case of minor subdivisions).

Slope - the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees. (See Grade)

Soil Evaluation - Means the systematic examination of soils in the field and/or in laboratories, their description and classification, the mapping of kinds of soils or miscellaneous areas showing the distribution of soils in relation to the physical, cultural and special features of the earth's surface and the interpretation of the soils and site characteristics for their suitability for subsurface sewage disposal or to determine if the areas are eligible for percolation tests. The mapping is either general, high intensity or extra-high intensity.

Special Flood Hazard Map - The official map designated by the Federal Insurance Administrator to identify floodplain areas having special flood hazards.

Staff Assistant to the Planning Commission - The person(s) employed by the local governing body to assist the Planning Commission in planning and land use regulation activities.

Start of Construction - For purposes of subdivision control, any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

Street - Any vehicular way which is an existing state, county or municipal roadway, is shown

upon a plat approved pursuant to law, is approved by other official action, or is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of planning board and the grant to such board of the power to review plats; and includes the land between the street right-of-way line, whether improved or unimproved.

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 will be taken as the street grade.

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

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

Structure - Anything constructed above or below ground.

Subdivider- Any person who having an interest in land causes it, directly or indirectly, to be divided into a subdivision or who directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision or who engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development in a subdivision or any interest, lot, parcel site, unit, or plot in a subdivision or who is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision - "Subdivision" means the division of a tract or parcel of land into 2 or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than 5 acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of re subdividing or to the land or area subdivided. As used herein, "utility construction" does not include the mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains.

Subdivision Agent - Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site or plot in a subdivision, except in an instance where only legal counsel is provided.

Surety Instrument - Any form of security, including a cash deposit, surety bond, collateral, property or letter of credit in an amount and form satisfactory to the Planning Commission, such security to bind the one posting the bond to perform required acts, such as constructing subdivision improvements with the condition that the security will be forfeited if such acts are not performed.

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

Temporary Improvement - Any improvement built and maintained by a subdivider/developer during construction of the subdivision and prior to release of the surety for completion of required improvements.

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

Topography - The configuration of a surface area showing relative elevations.

Twenty five Year Flood - A flood having an average frequency of occurrence of 1 in 25 years.

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 will not be deemed to include any nonconforming use.

Water Surface Elevation - The heights in relation to mean sea level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain.

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 will be measured between the front line (extended) of the building and the road right-of-way.

Yard, Rear - A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots, except corner lots, the rear yard will be opposite the front yard. On corner lots, the rear yard will be defined at the time the building permit is issued.

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 will be deemed a side line.

Zoning Ordinance or Resolution - A statute, legally adopted pursuant to Title 13, Chapters 4 or 7, Tennessee Code Annotated, for the purpose of regulating by district, land development or use for a designated area.

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ARTICLE 8 | LEGAL STATUS PROVISIONS

A. POWERS OF THE REGIONAL PLANNING COMMISSION

These regulations are in accordance with the provisions of Title 13, Chapter 3 of the Tennessee Code Annotated, which grants to the Regional Planning Commission the powers to regulate the subdivision of land within the City of Fayetteville and its Urban Growth Boundary. In accordance with Section 13-3-104, Tennessee Code Annotated, the Regional Planning Commission, its members and employees, in the performance of its work, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. The code further provides that, in general, the Planning Commission will have powers as may be necessary to enable it to perform its purposes and to promote municipal planning.

B. ENFORCEMENT OF SUBDIVISION REGULATIONS

The enforcement of these regulations is provided for by State law in the authority granted by public acts of the State of Tennessee.

1. Submission of Subdivision Plat for Approval - No plat of a subdivision of land into 2 or more lots or tracts located within the City of Fayetteville or its Urban Growth Boundary, will be admitted to the land records of Lincoln County or received or recorded by the County Register of Deeds of deeds until such plat will have been submitted to and approved by the Planning Commission and such approval entered in writing on the plat by the secretary of the Planning Commission as provided in Section 13-3-402, Tennessee Code Annotated.
2. Acceptance of and Improvements of Unapproved Streets - No county or court or board or officer thereof or any other public officer or authority will accept, layout, open, improve, grade, pave or light any street or lay or authorize water mains or sewers or connection or other facilities or utilities to be laid in any road within the City of Fayetteville unless such road has been accepted or opened or has otherwise received the legal status of a public road prior to adoption of these regulations, or unless such road corresponds in its location and lines to a road shown on a subdivision plat or on a road plat approved by the Planning Commission as provided in Section 13-3-406, Tennessee Code Annotated; however, the Fayetteville Mayor and Board of Alderman may locate and construct or may accept any other road or accept any other road location, provided that the ordinance or other measure for such location and construction or for such acceptance be first submitted to the Planning Commission for its approval, and if disapproved by the Planning Commission, be passed by a majority of the entire membership of the Mayor and Board of Alderman; and a road approved by the Regional Planning Commission upon such submission and accepted, laid out, or adopted by the Mayor and Board of Alderman, will have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the Planning Commission or on a plat made and adopted by the City Board.
3. Issuance of Building Permits - No building permit will be issued and no building will be erected on any lot within the City of Fayetteville, unless the street giving access to the lot upon which said building is proposed to be placed will have been accepted or opened as or will have otherwise received the legal status of a public street prior to the adoption of these regulations or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Regional Planning Commission or on a street plat made and adopted by the Commission, or with a street located or accepted by the City Board as provided in Section 13-3-406, Tennessee Code Annotated.

A building permit may be issued on a lot shown on a subdivision plat, approved by the Planning Commission, provided that the roadbed base has been applied and the subdivision development is substantially complete.

4. Access To Lots By Public Way Or Private Easement - 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 by deed or plat from other property, such easement will be at least 50 feet in width from and after the time of adoption of these regulations and will not be used to provide access to more than one lot or tract of land. This section will not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements which have been approved by the Planning Commission and will be in private ownership and control in perpetuity.

C. PENALTIES FOR VIOLATION

The penalties for the filing or recording of a plat, transfer or sale of land, and erection of a building, in violation of these regulations, are provided for by State law in authority granted by Public Acts of the State of Tennessee.

1. Recording of Unapproved Subdivision Plat - No county Register of Deeds will receive, file, or record a plat of a subdivision within the City of Fayetteville or its Urban Grown Boundary without the approval of the Planning Commission as required in Section 13-3-402, Tennessee Code Annotated, and any county Register of Deeds so doing will be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.
2. Transfer or Sale of Land Without Prior Subdivision Approval - Section 13-3-410, Tennessee Code Annotated, provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of such subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the County Register of Deeds, will be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring will not exempt the transaction from such penalties. The City of Fayetteville through its Attorney or other official designated by the Board of Mayor and Aldermen may enjoin such transfer or sale or agreement by action or injunction.
3. Unlawful Structures - Any building erected or to be erected in violation of these regulations will be deemed an unlawful structure, and the Building Inspector or the Attorney of the City of Fayetteville or other official designated by the Board of Mayor and Aldermen may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-411, Tennessee Code Annotated.

D. PROVISIONS OF REGULATIONS DECLARED MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of these regulations will be held to be minimum requirements, adopted for the public interest and orderly development of the City of Fayetteville. Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or deed restrictions, the most restrictive, or that imposing the higher standards will govern.

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ARTICLE 9 | VARIANCES, APPEALS AND AMENDMENTS

A. VARIANCES

Variances to the general requirements, design standards and other improvements from the terms of these regulations may be granted or imposed by the Planning Commission where the Planning Commission concludes that the purpose of these regulations may be specifically served to an equal or greater extent by an alternative proposal, condition, or circumstance. All requests for variances will be submitted in writing to the Fayetteville City Hall 10 days prior to the meeting date at which the variance is to be reviewed. The Planning Commission may grant variances provided the following conditions are complied with.

1. The variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
4. The variance will not in any manner alter the provisions of the Land Development Plan, the major road plan, or any zoning ordinance.

B. APPEALS

For matters falling within the scope of the regulating powers granted to the Planning Commission by Section 13-4-302 and 13-4-303, Tennessee Code Annotated, any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision, finding or interpretation of the Planning Commission may seek review by a court of record of such decision, finding or interpretation, in the manner provided by the laws of the State of Tennessee. Decisions, findings and interpretations of the Planning Commission with regard to the standards and extent of improvements required for subdivision approval will in all cases be final administrative decisions. Other appeals will be as follows:

1. Legislative Body Matters submitted to the Planning Commission pertaining to the widening, narrowing, relocation, vacation, change in use, acceptance, acquisition, sale or lease of any street or public way, place or property may upon disapproval by the Planning Commission be overruled by the Mayor and Board of Alderman by a majority vote of its membership.
2. Board of Zoning Appeals Matters pertaining to the building official's interpretation of the zoning ordinances may be appealed to the Board of Zoning Appeals in accordance with the provisions of the zoning ordinance.

C. AMENDMENT

The procedures, policies, design standards, requirements and restrictions set forth in these regulations may be amended, supplemented, changed, or rescinded by the Planning Commission. Before adoption of an amendment a public hearing thereon will be held by the Planning Commission in accordance with Section 13-4-303, Tennessee Code Annotated. The time and place of the public hearing will be published in a newspaper of general circulation in the City of Fayetteville at least 15 days prior to the meeting at which it is to be held.

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ARTICLE 10 | SEVERABILITY AND ADOPTION

A. SERVABILITY

Should any section or provisions of these subdivision regulations be declared by the courts to be unconstitutional or invalid, such decision will not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

B. ADOPTION

1. Public Hearing In order that land shall be subdivided in accordance with the objectives and standards set forth in these regulations, these subdivision regulations are hereby adopted this ____ day of _____ 20____, and immediately shall be in full force and effect. Pursuant to Sections 13-3-301 and 13-4-303, Tennessee Code, a public hearing was held on these regulations _____, ____, 20____, at 5:00 p.m., at the Fayetteville Municipal Building, in Fayetteville, Tennessee, notice of which was given by publication in the _____, on the ____ day of, _____, 20____.
2. Effective Date The attachment of the Planning Commission's subdivision jurisdiction and these subdivision regulations will be in full force and effect from and after their adoption and effective date. The effective date of any amendment, revision or rescission of those subdivision regulations will be the date such amendment, revision or rescission will have been adopted by the Planning Commission.
3. Adoption Date Adopted by the Fayetteville Regional Planning Commission on the ____ day of, _____, 2021.

Chairperson, Fayetteville Regional Planning Commission

Attest

Secretary, Fayetteville Regional Planning Commission

APPENDICES



FINAL PLAT CERTIFICATES

OWNER'S CERTIFICATE

I, printed name of signer, the undersigned owner of the property shown hereon, hereby adopt this as my plan of subdivision and dedicate the streets, easements, right-of-ways, rights of access as shown and all utilities to the City of Fayetteville forever, and hereby certify that I am the owner in fee simple, duly authorized so to act, and that said property is unencumbered by any taxes that have become due and payable.

Owner

STATE OF TENNESSEE

COUNTY OF LINCOLN

Before me, the undersigned, a notary public in and for the State and County aforesaid, duly commissioned and qualified, personally appeared (printed name of signer), with whom I am personally acquainted and who, upon oath, acknowledge himself to be owner of the (printed name of subdivision) Subdivision, and he as such owner, executed the foregoing instrument for the purpose therein contained by signing his name as owner.

In witness whereof, I hereunto set out my hand and affix my seal this _____ day of _____, 20_____.

Notary Public

My Commission expires: _____

PLANNING COMMISSIONS CERTIFICATE OF APPROVAL OF THE FINAL PLAT

I, (printed name of signer), do hereby certify that the Fayetteville Municipal Planning Commission has **approved** this Final Plat of subdivision for recording.

_____, 20_____
Date Secretary, Fayetteville Regional Planning Commission

SURETY INSTRUMENT IN LIEU OF COMPLETED IMPROVMENTS

A Bond or Surety Instrument in the amount of \$_____required prior to the Planning Commission Final Approval, for Road Construction Certificate received on_____for this final plat.

_____, 20 _____
Date Secretary, Fayetteville Regional Planning Commission

MORTGAGEE CERTIFICATE

We, the undersigned, (printed name of Mortgagee), Mortgagee of the property shown hereon, hereby adopt this plat as our plan of subdivision and dedicate the streets, right-of-ways, utilities, easements, and rights of access as shown to the City of Fayetteville forever and hereby certify that we are the mortgagee duly authorized so to act and that said property is unencumbered by any taxes which have become due and payable.

Mortgagee

STATE OF TENNESSEE
COUNTY OF LINCOLN

Before me, the undersigned a notary public in and for the State and County aforesaid, duly commissioned and qualified, personally appeared (printed name) of (printed name of subdivision) subdivision, and he as such representative executed the foregoing instrument for the purpose therein contained by signing his name as representative of the mortgagee.

In witness whereof, I hereunto set out my hand and affix my seal this ____day of _____, 20_____.

Notary Public
My Commission expires: _____

CERTIFICATE OF SURVEY

I, (printed name of signer), do hereby certify that I am a registered Land Surveyor, and that I have surveyed the lands, embraced within the plat or map designated as the (name of subdivision) subdivision, a subdivision lying within the City of Fayetteville, Tennessee; said plat or map is a true and correct plat or map of the lands embraced therein, showing the subdivision thereof in accordance with the Municipal Subdivision Regulations of Fayetteville, Tennessee; I further certify the survey of the lands embraced within said plat or map have been correctly monumented in accordance with the Municipal Subdivision Regulations of Fayetteville, Tennessee.

In witness whereof, I, (printed name of signer), the said Registered Land Surveyor, hereunto set out my hand and affix my seal this ____day of _____, 20_____.

Registered Land Surveyor
State of Tennessee Certificate
No. _____ (SEAL)

CERTIFICATE OF APPROVAL OF WATER, SEWER AND DRAINAGE SYSTEMS PLANS

I, (printed name of signer), do hereby certify that I have reviewed the water, sewer and drainage systems plans for this subdivision and certify that they meet the requirements of the Municipal Subdivision Regulations and Technical Specifications of the City of Fayetteville and are hereby approved.

_____, 20____
Date Public Works Supervisor

CERTIFICATE OF ADEQUACY OF STORM DRAINAGE

I, (printed name of signer), do hereby certify that I am a registered Professional Civil Engineer, and that I have designed all storm water drainage for this subdivision in accordance with the FAYETTEVILLE Municipal Subdivision Regulations to assure that in my professional opinion neither said subdivision or the adjoining properties will be damaged.

In witness whereof, I, (printed name of signer), the said Professional Civil Engineer, hereunto set out my hand and affix my seal this _____ day of _____, 20____.

Professional Civil Engineer

State of Tennessee

Certificate No. _____ (SEAL)

Date

CERTIFICATE OF RECEIPT OF APPROVED WATER SYSTEM PLANS

I, (printed name of signer), do hereby certify that a set of construction plans regarding the water supply and/or sanitary sewers for this subdivision bearing the seal of the Tennessee Department of Environment and Conservation which indicates said plans meet the Department's requirements, have been received.

_____, 20____.
Date

Public Works Supervisor

CERTIFICATE OF APPROVAL OF INDIVIDUAL SUBSURFACE WATER SYSTEM

I, (printed name of signer), do hereby certify that the soils on and below the surface of the land shown on the plat are suitable for an Individual Subsurface Water System. This certification is not to be construed as permitting the installation of a septic tank. After the suitability of the area to be used for the Subsurface Water System has been approved, no change will be made to this area unless the Lincoln County Health Department is notified and a reevaluation of the area has occurred.

_____, 20____

CERTIFICATE OF APPROVAL OF STREETS

I hereby certify: (1) that the streets have been installed in an acceptable manner and according to specifications, or (2) that a security bond in the amount of \$_____ has been posted with the Planning Commission to assure completion of all required improvements for this subdivision, in case of default.

Date

City or County Road Engineer or other approving agent

CERTIFICATE OF APPROVAL OF UTILITIES

I hereby certify: (1) that utilities have been installed in an acceptable manner and according to specifications, or (2) that a security bond in the amount of \$_____ has been posted with the Planning Commission to assure completion of all required improvements for this subdivision, in case of default.

Date

Secretary, Fayetteville, TN Regional Planning Commission

CERTIFICATE OF APPROVAL FOR SUBDIVISION AND STREET NAMES

I, (print name of signer), do hereby certify that I have reviewed the proposed subdivision and certify that the name of the subdivision and/or name (s) of the street (s) within this proposed subdivision do not conflict with other subdivisions and street names for emergency service purposes.

Date

Director of 911 Addressing

CERTIFICATE OF SPORTS SHOOTING RANGE AREA ^{xix}

I, printed name of signer certify that this property is located in the vicinity of an established sport shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience, which may result from these uses.

Owner Signature

Date

City of Fayetteville

Checklists for Site Plans and Subdivisions Applicable Fees

General Guidelines for Erosion Control Design

Requirements for Drainage Ditches

THE CITY OF FAYETTEVILLE

Address: 110 Elk Ave South, Fayetteville, TN 37334

Phone: (931) 433-2565

Fax: (931) 433-2557

Email: kgentry@fayettevilletn.com

Due 15 days prior to Planning Commission Meeting

CHECK LIST FOR SITE PLAN SUBMITTAL

Name of Development:

Location _____

Name and Address of Owner of Record

Engineer/Designer _____

Contact Number () _____

DATE FOR APPROVAL: _____ FEE DUE \$ _____

CHECKLIST: (FAILURE TO CHECK OR INDICATE N/A WILL RESULT IN APPLICATION BEING REJECTED)

_____ Preliminary meeting with Staff for review prior to submittal date

_____ 5 hard copies of plans, pdf version of plans, and check list

_____ Name and address of the development

_____ Name and address of the applicant and owner of record

_____ Present zoning of the site and abutting properties

_____ Date, graphic scale and north point with reference to source of meridian,

_____ Courses and distances of center of all streets and all property lines, setback lines, property restricting lines, easements, covenants reservations and right of way

_____ Total land area

_____ Topography of the existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers and building and structures topography to be shown by dashed line illustrations 2foot contours and by spot elevation where necessary to indicate flat areas

_____ Signed certification as to the accuracy of the plan by a licensed architect or engineer

_____ A certificate with a space for a signature and date, which states that the site plan has been approved by either the planning commission or the board of zoning appeals whichever is

applicable to the type of use that is requested.

_____ A detailed landscaping, screening, fencing and lighting plan if applicable

_____ A detailed signage plan if applicable

The location, dimensions, site and height of the following when existing:

_____ Sidewalks, streets, alleys, easements and utilities

_____ Buildings and structures

_____ Public waste water systems

_____ Slopes, terraces and retaining walls

_____ Driveways, entrances, exits, parking areas and sidewalks

_____ Water mains and fire hydrants

_____ Trees and scrubs

_____ Recreational areas and swimming pools

_____ Natural and artificial water courses

_____ Limits of flood plains

_____ Landscaping, screen and fencing

_____ Signage

The location dimensions, site and height of the following when proposed:

_____ Sidewalks, streets, alleys, easements and utilities

_____ Buildings and structures including the front (street) elevation of proposed buildings

_____ Public waste water systems

_____ Slopes and terraces, and retaining walls

_____ Driveways, entrances, exits, parking areas and sidewalks

_____ Water mains and fire hydrants

_____ Trees and shrubs

_____ Recreational areas

_____ Distances between buildings

_____ Landscaping, screen and fencing

_____ Signage

Estimates of the following when applicable

_____ Number of dwelling units

_____ Number of parking spaces, provide sic code to help determine

_____ Number of loading spaces

_____ Number of commercial or industrial tenants and employees

_____ Number of commercial or industrial tenants and employees

_____Plans for collecting storm water and methods of treatment of natural and artificial watercourses including a delineation of limits or flood plains, if any

_____Proposed grading, surface drainage terraces, retaining wall heights, grades on paving area, and ground flood elevations of proposed building structures, proposed topography of the site will be shown by 2 foot contours

Note: If approved, a site plan approved by the Planning Commission or the Board of Zoning Appeals will lapse unless a building permit, based thereon, is issued within 1 year from the date of such approval unless an extension of time is applied for and granted by the appropriate approving body.

Signature

Date

Signature signifies all requirements have been met and are on the plan submittal where applicable and all fees have been obtained.

Staff's review completed _____
Date

THE CITY OF FAYETTEVILLE

Address: 110 Elk Ave South, Fayetteville, TN 37334

Phone: (931) 433-2565

Fax: (931) 433-2557

Email: kgentry@fayettevilletn.com

Due 15 days prior to Planning Commission Meeting

CHECK LIST

Final Plat submittal

Name of Development: _____

Location _____ Zoning District: _____

Name and Address of Owner of Record _____

Engineer/Designer _____

Contact Number () _____

Date submitted for approval _____ Fee due* _____

***See FAYETTEVILLE Regional Subdivision Regulations for all applicable fees.**

Checklist: (failure to check or indicate N/A will result in application being rejected)

_____ Final staff review prior to submittal deadline provide 5 copies for Staff Final review date _____

_____ Submitted 15 days prior to Planning Commission meeting 5 copies for planning commission signature, electronic version of plat

_____ The subdivision's name and location

_____ The name(s), address(es) and phone number(s) of owner/ owners of record

_____ Name, address and phone number of designer and/or engineer

_____ Date, approximate north point, and graphic scale

_____ Sufficient information to determine location and bearings (to nearest minute) dimensions (to nearest hundredth of feet), widths of all streets (and names), alleys and lots

_____ Location of proposed easements and/or land reserved or dedicated for public use.

_____ All building set back lines

_____ Reservations for easements and other areas dedicated to the public

_____ Lots numbered in numerical order

_____ Location map showing the relationship of the subdivision site to the City

_____ Ownership of adjoining unsubdivided property

_____Any restrictive covenants which apply to lots and parcels in the subdivision

_____Signed certification showing the applicant is the landowner and dedicates streets, right of way, utilities and any site for public use to the City of Fayetteville with corresponding notary certificate

_____Signed certification by mortgagee if applicable with corresponding notary certificate

_____Signed certification by the public works superintendent of water and/or sanitary sewer construction plans bearing the seal of the Tennessee department of health which indicate plans meet the department's requirements or a letter from Tennessee department of health certifying their approval of water and/or sanitary sewer construction plan

_____Certification to be signed by the City Engineer or either (1) approval of installation of street, water and drainage or (2) a guarantee has been posted assuring completion of all required improvements

_____Certificate of approval to be signed by the secretary of the planning commission

Date Staff Review Complete: _____, 20____

Signature signifies all requirements have been met and are on the plan submittal.

THE CITY OF FAYETTEVILLE

Address: 110 Elk Ave South, Fayetteville, TN 37334

Phone: (931) 433-2565

Fax: (931) 433-2557

Email: kgentry@fayettevilletn.com

Due 15 days prior to Planning Commission Meeting

CHECKLIST

Minor plat submittal

Name of Development: _____

Location _____ Zoning District: _____

Name and Address of Owner of Record _____

Engineer/Designer _____

Contact Number () _____

Date submitted for approval _____ Fee due \$ _____

Checklist: (failure to check or indicate N/A will result in application being rejected)

Final staff review prior to submittal deadline provides copies for staff final review date

_____ Submitted 15 days prior to planning commission meeting and the original Mylar plus; 5 copies for planning commission signature, pdf version of plat

_____ The subdivision's name and location

_____ The name(s), address(es) and phone numbers (s) or owner or owners of record

_____ Name, address and phone number of designer and/or engineer

_____ Date, approximate north point, and graphic scale

_____ Sufficient information to determine location and bearings (nearest minute), dimensions to nearest hundredth of feet), widths of all streets and names, alleys and lots

_____ Location of proposed easements and/or land reserved or dedicated for public use

_____ All building setback lines

_____ Reservations for easements and other areas dedicated to the public

_____ Lots numbered in numerical order

_____ Location map showing the relationship of the subdivision site to the City

_____ Ownership of adjoining unsubdivided property

_____Any restrictive covenants which apply to lots and parcels in the subdivision

_____Signed certificate showing the applicant is the landowner and dedicates streets, right of way, utilities and any site for public use

_____Signed certification by mortgagee if applicable with corresponding notary certificate

_____Signed certification by surveyor or engineer to accuracy of survey and plat and placement of monuments

_____Certificate of approval to be signed by the secretary of the planning commission

Note: certificates not valid unless signed where applicable

Signature _____ Date _____

***Signature signifies all requirements have been met and are on the plan submittal where applicable and all proper fees were paid**

Staff's review completed: _____
Date

FEES

THE DEVELOPER WILL PAY THE CITY OF FAYETTEVILLE FEES SET FORTH BY THE CITY BOARD. SEE THE CITY ADMINISTRATOR FOR A CURRENT LIST OF FEES.

GENERAL GUIDELINES FOR EROSION CONTROL

The Fayetteville Regional Planning Commission provides the erosion control general guidelines to developers in an effort to encourage proper control of sediment.

Protect inlets during construction, keep sediment out of the storm drainage system, use half circle behind curb inlets during street construction, and modify protection as construction progresses.

Circular shape is not essential; vary shape to fit drainage area & terrain, observe to check trap efficiency and modify as necessary to ensure satisfactory trapping of sediment.

1. Straw bale barriers should be inspected immediately after each rainfall and at least daily during prolonged rainfall.
2. Close attention should be paid to the repair of damaged bales, end runs and undercutting beneath bales.
3. Necessary repairs to barriers or replacement of bales should be accomplished promptly.
4. Sediment deposits should be removed when the level of deposition reaches approximately one half the height of the barrier.
5. Any sediment deposits remaining in place after the straw bale barrier is no longer required should be dressed to conform to the existing grade, prepared and seeded.
6. Hay bales should be placed around inlets as shown for temporary erosion control to be placed when pipe leads are first laid and maintained until roadway surface is installed.

Any erosion control measures shown hereon are intended as a minimum guide. The contractor will be responsible for maintaining erosion control necessary to comply with all applicable local, state and federal laws.

Sod:

It is recommended that all areas affected by development be sodded and slopes 3:1 or greater with hybrid Bermuda sod. Slopes greater than 3:1 should be pegged to hold sod in place. All drainage swales should be sodded.

The soil should be thoroughly tilled to a depth of four (4) inches with one six cubic foot bale of peat moss, twenty five (25) pounds of a complete fertilizer and one (1) cubic yard of sand per one thousand (1,000) square feet of lawn area, following this, the sod area will be fine graded to remove all ridges and depressions and the surface cleared of all stone and debris.

Sod should be rolled and watered at the time of installation.

Sod panels should be laid tightly together and end joints staggered so as to make a solid sodded area.

Sod is laid as soon as it is delivered to planting areas only healthy moist green sod is to be laid.

Sod is a minimum 3/4" thickness, weed and pest free, and cut within 24 hours prior of planting.

Mulch

Mulch should consist of partially decomposed hardwood or approved substitute and will be of sufficient character as not to be displaced by wind or water runoff.

Seed

Seed: Common Bermuda grass 3 lb. /1,000 square feet hulled

Preparation of all areas to be seeded should consist of thoroughly loosening or scarifying the soil to a depth of two (2) to four (4) inches using a tractor disc or other approved method. Areas to be seeded should be cleared of any weeds, sticks, or other debris. Seeding may be done immediately thereafter provided the bed has remained in good friable condition and has not become wet. Water all seeded soil immediately after seeding using spray nozzles or another acceptable method which does not cause soil or seed to wash away.

Apply mulching material to retain moisture and minimize erosion. Rate for straw ½ 1" thick layer or 6080 bales per acre. Rate for straw: ½ 1" thick layer or 6080 bales per acre. Rate for cellulose fiber: 1,500 pounds per area.

Any areas, which wash or blow away or do not germinate, are to be regraded and reseeded until area is covered adequately.

Areas to receive seed are to be fertilized with a complete fertilizer (131313) 25 lbs. per 1,000 square feet.

Contractor should sequence seeding to provide a healthy stand of grass at the time of possession.

If the project completion date prohibits inseason planning the contractor should prepare for temporary out of season seeding so that all laws should be completed and ready for acceptance at time of project completion, without additional cost to the owner. Temporary seed species should be approved by the landscape architect prior to installation.

Permanent seeding as specified above should be completed as soon as practical when proper season occurs.

DESIGN REQUIREMENTS FOR DRAINAGE DITCHES

Clearing and grubbing should be the minimum necessary for grading and equipment operation. Sequencing of construction to minimize exposure time of cleared area.

Avoid grading activities during months of highly erosive rainfall.

Stabilize cleared area before proceeding to clear another by temporarily or permanently protecting the disturbed soil surface from rainfall impacts and runoff.

Erosion and sediment control measures must be in place and functional before earth moving operations begin.

All control measures must be properly constructed and maintained throughout the construction period.

Check all erosion and sediment control measures weekly and after each rainfall. Daily checking is required during prolonged rainfall. Maintain a permanent log of checks and maintenance measures.

Keep construction debris from entering the ditch channel. Promptly backfill and stabilize trenches and/or pits.

Designate a specific individual to be responsible for erosion and sediment controls and to keep the permanent job log.

Stabilize disturbed ditch banks at all crossings within five (5) calendar days of completion of the crossing.

Erosion controls are not limited to the specified practices; however, alternative measures must be at least as effective in controlling erosion and sedimentation.

Do not place excavation material from the pipe trench between the trench and the ditch. Place material on the upslope side of the excavation so that any erosion from the upslope side is caught by the trench.

Leave a buffer strip of vegetation at least as wide as the ditch along the ditch bank whenever possible. On ditches less than 15 feet wide, the buffer zone should extend at least 15 feet back from the water's edge.

Do not destroy, remove, or disturb vegetative ground cover more than 15 calendar days prior to grading

Do not unnecessarily remove canopy: however, when necessary, trees and shrubs should be cut so that they fall away from the ditch.

Apply as soon as possible after final grading permanent soil stabilization with perennial vegetation.

Install staked and entrenched straw bales and/or silt fence along the base of all backfills and cuts, on the downhill side of stockpiled soil, and along ditch banks in cleared areas to prevent erosion into ditches. Do not place silt fence in flowing ditch.

Divert all surface water flowing toward the construction area around the construction area by the use of dikes, berms, channels, or sediment traps, as necessary.

Place cofferdams constructed with sandbags, plastic or non-erodible sheeting on either side of the proposed line crossing and extended from bank to bank to prevent the flow of water into the construction area. Hold water pumped from cofferdams or excavations in properly designed settling basins, dewatering pits, or filter basins until it is at least as clear as upstream water before discharging into surface water.

Discharge does not cause erosion and sedimentation.

Do not use ditch for the transport of equipment. Use a stabilized pad of clean and properly sized rock for access road construction. Utilize erosion and sediment control measures as indicated on the plans and in the current edition of the ditch bank is disturbed.