

# 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.