

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.