

ARTICLE | **PROCEDURE FOR**
3 | **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.