

**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.