

ARTICLE II

PROCEDURE FOR SUBDIVISION APPROVAL

SECTIONS

- 2-101 General Procedure
- 2-102 Review Procedure
- 2-103 General Conditions
- 2-104 Pre-Application Meeting
- 2-105 Conceptual Plan Procedures
- 2-106 The Development Plan
- 2-107 Construction Plans
- 2-108 Final Subdivision Plans
- 2-109 Requirement for Improvements
- 2-110 Miscellaneous Platting Situations

2-101 GENERAL PROCEDURE

2-101.1 Plan Approval Requirements

Before any contract is executed for the sale of any parcel of land that is proposed to be subdivided and before any permit for the erection of any structure in a proposed subdivision shall be granted the subdividing owner or his authorized agent shall apply for and secure the Planning Commission's approval of the proposed subdivision in accordance with the procedures of this article.

2-101.2 Classification of Subdivisions

Utilizing the following definitions the Enforcing Officer shall determine whether the application is a major subdivision, a minor subdivision, or a land partition.

2-101.201 Major Subdivision

A division of land into two (2) or more lots that include any of the following:

- a. A new or extended public street or street right-of-way, but not including future street alignments illustrated in the plan of resubdivision required by Section 1-108.2, Subdivision Procedures Where Future Resubdivision is Foreseen;
- b. Improvements within an existing street right-of-way, other than repair or construction of sidewalks or other pedestrian connections required by these regulations, fire hydrants and other minor improvements to the lots being created;
- c. A future public school site, park site, greenway corridor open space site shown on the adopted Town Development Plan;

- d. The dedication of a right-of-way or easement for construction of a public water distribution or sewerage collection lines; and
- e. Dedications, reservation, improvements or environmental conditions that, in the opinion of the Enforcing Officer, require construction documents to be reviewed prior to Final Plan approval in order to insure the public health, safety and welfare.

2-101.202 Minor Subdivision

A division of land where the conditions for major subdivision review, as set out in Subsection 2-101.201 are not present.

2-101.203 Partition

A division of land, fronting on an existing standard street and no new streets are proposed, creating not more than two lots and not requiring public facilities or utility extensions. Partitions that require a variance or waiver from these regulations shall be deemed to be a minor or a major subdivision.

2-102 REVIEW PROCEDURE

2-102.1 Coordinated Review of Planned Developments

The purpose of this segment is to eliminate unneeded duplication of plans within Planned Unit Developments. The Final Development Plan required in accordance with applicable provisions of the Zoning Ordinance provides sufficient information to meet the needs for Conceptual Plan approval. No separate Conceptual Plan submission shall be required provided all information required for Conceptual Plans is included upon the PUD drawings. Development Plans, Construction Plans and Final Plans are required.

2-102.2 Approval Procedure for Partitions

A partition may be accomplished in accordance with the following procedure:

2-102.201 Partitioning Procedure

- a. Submission to the Secretary of the Commission of a final subdivision plat that shall be:
 - Made on forms available from the Enforcing Officer and shall be accompanied by a fee as determined by the Planning Commission.
 - Provided in the form of an original plat of survey, signed and sealed by a Registered Surveyor containing all information described on the Submittal Checklist.
- b. Upon the determination by the Enforcing Officer that the Final Plat meets the provisions of these regulations in every respect, the Secretary may sign said plat on behalf of the Commission and release the same for recordation.

2-102.202 Partitioning Large Tracts into Not More Than Two (2) Lots

a. Two (2) Lots Greater Than Five (5) Acres

When partitioning a tract into two (2) lots where each lot will be greater than five acres, no action by the Planning Commission is required if no public street or public utility extensions are required.

b. Two (2) Lots of Less Than Five (5) Acres Each

When partitioning a tract into two (2) lots of less than five (5) acres each, the procedure outlined in Subsection 2-102.201, Partitioning Procedure, shall be utilized.

c. One (1) Lot Less Than five (5) Acres and One (1) Lot Greater Than Five (5) Acres

When partitioning a tract into one (1) lot less than five (5) acres and one greater, the procedure outlined in Subsection 2-102.201 shall be followed except the plat drawing shall not require a detailed survey description of the lot greater than five (5) acres unless the easements supporting the lot being created are granted within the tract in excess of five (5) acres.

2-102.3 Approval Procedure for Minor Subdivisions

A Minor Subdivision may be accomplished in accordance with the following procedure:

1. Pre-Submission Conference (optional).
2. Filing of Final Plan showing proposal in detail.
3. Public Hearing on Final Plan.
4. Planning Commission action on Final Plan.
5. Planning Commission Secretary signs Final Plan.
6. Final Plan is filed in County Clerk's Office.

2-102.4 Approval Procedure for Major Subdivision

A Major Subdivision may be accomplished in accordance with the following procedure:

1. Pre-Submission Conference with the Planning Commission.
2. Site Inspection.
3. Conceptual Plan submission and review. **(NOTE: Items 2 and 3, may be reversed in sequence, at the discretion of the Planning Commission.)**
4. Development Plan submission and review.

5. Public Hearing before Planning Commission on Development Plan.
6. Planning Commission action on Development Plan.
7. Final Plan submission and review.
8. Planning Commission action on Final Plan.
9. Completion of improvements or posting of bond, or suitable alternative surety.
10. Planning Commission Secretary signs final plat.
11. Final Plan is filed in County Clerk's Office.

2-102.5 Official Submission Date

For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the Planning Commission where the public hearing on the Final Plan, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plan at which the statutory period required in Section 13-3-404, Tennessee Code, for formal approval or disapproval of the plan shall commence

2-103 GENERAL CONDITIONS

2-103.1 Site Alterations

During the subdivision review, no site disturbance shall take place, such as road construction or grading, except that which is directly related to obtaining any required approvals (e.g., surveying, test pits and the location of stakes), that would alter, remove or relocate any existing features including, but not limited to, stone walls, steep slopes, rock outcroppings, trees, general vegetation, streams or water courses.

2-103.2 Concurrent Review by Other Agencies

When approvals by other agencies of government are required such may be achieved concurrently with the review processes required by these regulations.

2-104 PRE-APPLICATION MEETING

- A. The purposes of the pre-application meeting are to introduce the applicant to the Town's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis Map (described below) at this meeting.
- B. The applicant or a duly authorized representative shall attend an initial meeting with Town Staff to discuss the requirements of these regulations for the "gray infrastructure", such as street improvements, drainage, sewerage, water supply, fire protection, and related matters. In addition, a related purpose of this meeting is to discuss the potential for conserving important natural and cultural features of the property and for creating links in an interconnected network of protected open spaces.

2-105 CONCEPTUAL PLAN PROCEDURES

2-105.1 Application Procedure and Requirements

A request to subdivide the land shall be made by the owner of the land, or an authorized representative, by filing an application for approval of a Conceptual Plan with the Planning Commission. The application shall:

1. Be made on forms available from the Enforcing Officer and shall be accompanied by a fee as determined by the Planning Commission.
2. Be accompanied by the Conceptual Plan Overlay Sheet and include all information described in Section 5-102, Conceptual Plans, of these regulations
3. For major subdivisions, be presented to the Enforcing Officer at least fifteen (15) days prior to a regular meeting of the Planning Commission.
4. For miscellaneous platting situations described in Section 2-110, Miscellaneous Platting Situations, be presented to the Enforcing Officer at any time.

When an application for a major subdivision includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a layout shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current regulations of the Town and with appropriate access.

2-105.2 Conceptual Plan Content and Pre-submission Procedures

2-105.201 Plan Preparation and Content

The Development Plan shall be prepared by a licensed landscape architect. As a minimum such plan shall contain the information contained in Section 5-102, CONCEPTUAL PLANS, of these regulations.

2-105.202 Site Context Map

Applicants shall submit a Site Context Map containing the information required by Subsection 5-102.201, Site Context Map. The purpose of this map is to illuminate discussion as to the most appropriate places to design linkages to adjacent open space resource lands for efficient farming, contiguous wildlife habitat, trails, etc.

2-105.203 Existing Resources and Site Analysis Map

Applicants shall submit an Existing Resources and Site Analysis Map in its context, containing the information required by Subsection 5-102.202, Existing Resources and Site Analysis. The purpose of this key submission is to familiarize officials with existing conditions on the applicant's tract, and to provide a complete and factual reference for them in making a site inspection. This map shall be provided prior to or at the site inspection, and shall form the basis for the development design as shown on the diagrammatic Conceptual Plan.

2-105.204 Site Inspection

After preparing the Existing Resources and Site Analysis Map, applicants shall arrange for a site inspection of the property by the Planning Commission and other Town officials, and shall distribute copies of the site analysis plan at an on-site meeting, which shall be publicized in the same manner as all other Planning Commission meetings and workshops. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. Abutting landowners shall also be notified in writing and invited to attend. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design including the general layout of designated conservation lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by Town officials or staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the Site Inspection, which is essentially an outdoor workshop session.

2-105.205 Pre-Submission Conference

Following the site inspection and prior to the submission of a Conceptual Plan, the applicant shall meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing the tract. At the discretion of the Commission, this conference may be combined with the site inspection.

2-105.3 Review of Conceptual Plan

Copies of a Conceptual Plan meeting the requirements set forth of Subsection 5-102.2, Conceptual Plan Requirements, herein, shall be submitted to the Planning Commission for distribution to the Planning Commission, the Enforcing Officer, Town Engineer, and the Town Planner, at least fifteen (15) days prior to the Planning Commission meeting at which the Conceptual Plan is to be discussed. The Conceptual Plan diagrammatically illustrates initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis Map. Where the provisions of Article VI, CONSERVATION SUBDIVISIONS, are to be utilized the Conceptual Plan shall also be designed in accordance with the four-step design process and the Greenway Standards set forth in Sections 6-104, DESIGN PROCESS FOR CONSERVATION SUBDIVISIONS, and in accordance with Section 6-108, GREENWAY STANDARDS, respectively.

The Planning Commission shall review the Conceptual Plan in accordance with the criteria contained in these regulations and with other applicable laws of the Town. Their review shall informally advise him/her of the extent to which the proposed subdivision or land development conforms to the relevant standards of these regulations, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include but is not limited to:

1. the location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis Map and on the Town's Map of Potential Conservation Lands;

2. the potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
3. the location of proposed access points along the existing road network;
4. the proposed building density and impervious coverage;
5. the compatibility of the proposal with respect to the objectives and policy recommendations of the Town Development Plan and the Open Space Plan; and
6. consistency with the local zoning law and recommendation for rezoning.

The Commission shall submit its written comments to the applicant within sixty (60) days of the first public meeting at which a complete Conceptual Plan was first submitted, advising him/her of modifications that are highly recommended prior to submitting a Development Plan including a conditional rezoning recommendation based on concept plan if indicated.

2-105.4 Expiration of Approval

2-105.401 Effective Period of Conceptual Plan Approval

The approval of the Conceptual Plan shall expire within one (1) year unless during such time period a Development Plan is filed for all or a portion of the land included within the approved Conceptual Plan. A one (1) year extension may be granted if application is made no less than sixty (60) days prior to the expiration date. In the event the Conceptual Plan expires such plan shall become null and void and be of no further effect.

2-105.402 Reapproval for Expired Conceptual Plans

Should the Conceptual Plan expire for any reason, any submittal for Planning Commission reapproval may be, at the discretion of the Planning Commission, subject to current Zoning and Subdivision Regulations in effect at the time reapproval is sought.

2-106 THE DEVELOPMENT PLAN

2-106.1 Purpose of Development Plan

The Development Plan presents detailed engineering information concerning the design and ultimate operation of the proposed development. Such plan will reflect results of decisions that have been made in the process of adapting the general concepts contained within the Conceptual Plan to actual physical conditions of the site. **Prior to approval of construction drawings, and signing of a Development Agreement no clearing of trees (with the exception of those required to facilitate surveying activities) or site grading in any form shall be undertaken.**

2-106.2 Application Procedure and Requirements

Following approval of a Conceptual Plan an applicant may file with the Planning Commission a Development Plan. Failure of the applicant to provide full and correct information shall be cause for disapproval of such plan. The Development Plan shall contain the information presented in Section 5-103, and:

1. Be presented at the office of the Enforcing Officer at least fifteen (15) days prior to a regular (officially opened) meeting of the Planning Commission; and
2. Include the entire subdivision, or, when phasing is being requested, section thereof, for which approval is sought and all land immediately adjacent, extending five hundred (500) feet therefrom, or of that directly opposite thereto, extending five hundred (500) feet from the public way frontage of such opposite land. The lot pattern of surrounding development shall be shown within the area located within five hundred (500) feet of the proposed development; and
3. Be accompanied by a minimum of fifteen (15) copies of the development plan as described herein.

2-106.3 Plan Preparation and Content

The Development Plan shall be prepared by individuals who are licensed to perform the necessary design services. As a minimum such plan shall contain the information contained in Section 5-103, DEVELOPMENT PLANS, of these regulations.

2-106.4 Design Certification

A "Development Design Certification" shall accompany any Development Plan submitted under authority of these regulations. Such certification shall indicate that the plan either fully complies with all provisions the zoning ordinance and subdivision regulations or that the plan complies with such provisions with specifically noted exceptions. Any variance(s) requested from these regulations shall conform to the provisions of Section 1-111, VARIANCES. This certification requirement is meant to provide assurance that the proposed plan can be accomplished within the current regulations of the community.

2-106.5 Administrative Review

The Enforcing Officer shall initiate an administrative review of the Development Plan and any exhibits submitted in conformance with these regulations. This review shall include the Town Engineer, Town Planner and any other appropriate official. The findings of the review shall be presented to the applicant and the Planning Commission.

2-106.6 Planning Commission Review and Action

Following the administrative review of the Development Plan the applicant shall be advised of any recommendation for changes. The Planning Commission shall approve, conditionally approve, or disapprove the Development Plan within sixty (60) days after the date of the regular meeting of the Planning Commission at which the hearing on approval, including adjourned date thereof, is closed. The Planning Commission shall review the plan and any recommendations made by members of the reviewing staff, to determine conformance of the plan to these regulations, the zoning ordinance, and any other relevant regulations of the Town. The Commission may specify conditions, changes, modifications or additions that it deems necessary or appropriate, and may make its decision to grant approval subject to such conditions, changes, modifications or additions. Whenever the approval of a Development Plan is subject to conditions, the written action of the Commission shall (1) specify each condition of approval; and (2) request the applicant's written agreement to the conditions

within thirty (30) days of receipt of the Commission's written decision. If the Plan is not approved, the Commission's decision shall specify the defects found in the plan, shall describe the requirements that have not been met, and shall cite in each case the provisions of these regulations relied upon.

2-106.7 Certificate of Approval

Upon approval of Construction Plans required by Section 2-107, of these regulations a "Certificate of Development Plan Approval" may be issued by the Secretary of the Planning Commission and the applicant may proceed to apply for Final Plan approval in the manner prescribed by Section 2-108, FINAL SUBDIVISION PLANS, of these regulations.

When the Secretary of the Planning Commission has signed the Certificate of Development Plan Approval, one (1) copy of the Development Plan, Construction Plans and development agreement with the date of approval noted thereon shall be returned to the applicant. If a Development Plan is disapproved the Planning Commission shall state specific reasons for disapproval which shall be entered into the minutes of the meeting wherein such action was taken.

2-106.8 Public Improvements

Prior to initiating grading within any major subdivision (or portion thereof) or installation of any public improvements a "Certificate of Development Plan Approval" as required by Subsection 2-106.7, above, shall have been obtained for that portion of the development. The Planning Commission may require that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the Secretary of the Planning Commission. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat an adequate performance bond (see Article III) shall be approved.

2-106.9 Effective Period of Approval

1. Construction shall commence within two years after approval is granted, or the Development Plan is void.
2. A major subdivision shall not be subject to Development Plan expiration when the following conditions are met:
 - (a) The subdivision has been divided into two or more phases for final approval purposes, in compliance with Subsection 2-108.604, Sectionalizing of Major Subdivisions, and.
 - (b) At least one of those phases has a Final Plan recorded with the Register of Deeds and has all public improvements bonded.

2-106.10 Application of Changes Within Land Use Regulations to Approved Development Plans

Every Development Plan shall conform to all existing zoning provisions and subdivision regulations applicable at the time of approval, except that any plan which has received approval shall be exempt from any subsequent amendments to such zoning provisions or these regulations that may render the plan non-conforming as to bulk, use, or development

standards, provided, that final approval of the development or affected portion thereof is obtained within the effective period of preliminary approval set forth in Subsection 2-106.9, Effective Period of Approval, herein. Should Development Plan approval expire for any reason, any submittal for Planning Commission reapproval may be, at the discretion of the Planning Commission, subject to current Zoning Ordinance and Subdivision Regulations in effect at the time reapproval is sought.

2-106.11 Revisions to Approved Development Plans

The applicant shall submit proposed revisions to the approved Development Plans to the Enforcing Officer. The Enforcing Officer shall initiate a review of the proposed revisions. The review is to be performed by the Development Review Committee. For all revisions determined to be major revisions, Planning Commission approval shall be required.

2-106.1101 Minor Revisions

If the Enforcing Officer, on the advice of the Development Review Committee deems the revision(s) to be minor, he or she is authorized to approve the revisions to the Development Plan. Minor revisions are insignificant shifts in street and open space locations, minor changes to lot size, minor changes to unit size and distribution of intensity not inconsistent with a final PUD approval and its associated plan.

2-106.1102 Major Revisions

All other revisions, including revisions that are determined by the Enforcing Officer, on the advice of the Development Review Committee, to constitute a public interest, shall be deemed to be major revisions. At the request of the applicant, any revised Development Plan shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Enforcing Officer. The Enforcing Officer may, at his or her discretion or on the advice of the Development Review Committee, direct any revised Development Plan to the Planning Commission.

2-107 CONSTRUCTION PLANS

2-107.1 Application Procedure and Requirements

Construction Plans may be prepared and presented, with the Development Plan or at any point in time following approval of a Development Plan by the Planning Commission. Construction Plans shall:

1. Be presented at the office of the Enforcing Officer;
2. Include the entire subdivision, or, when phasing has been approved in the Development Plan, the entire section which shall correspond to the territory incorporated within the Development Plan; and
3. Be accompanied by a minimum of five (5) copies of the Construction Plans as described, herein.

2-107.2 Construction Plan Preparation and Content

Construction Plans shall be prepared by a Tennessee Licensed Engineer engaged in the practice of civil engineering. As a minimum, such plans shall contain the information required in Section 5-104, CONSTRUCTION PLANS, of these regulations.

2-107.3 Plan Review and Approval

A plan review meeting shall be conducted for the purpose of assuring a coordinated review of Construction Plans. This meeting shall include the Enforcing Officer and any other appropriate governmental representative(s). It shall be the responsibility of this committee to assure that the Construction Plans are in compliance with the provisions of these regulations, other appropriate laws and sound engineering practice. The committee shall approve or disapprove the Construction Plans. The Plan Review Committee shall notify the Planning Commission in writing of all actions on plans submitted. In any case where revisions may be required for unconditional approval, such revisions shall be made prior to such notice being forwarded to the Planning Commission. In the event of plan disapproval the committee shall provide notice thereof to the submitter in writing. Such notice shall include specific provisions of these regulations and/or other provisions with which such plans do not comply.

2-107.4 Preparation of Development Agreement

A completed "Development Agreement" and accompanying performance bond, shall have been prepared and executed prior to initiation of any "land development activity" within any development to which these regulations are applicable. A draft development agreement shall be prepared by the Plan Review Committee following approval of the Construction Plans. The draft agreement shall reference the design incorporated within the approved Construction Plans and shall be sufficient in form to assure that proposed construction methods and materials meet or exceed minimum standards established by these regulations. The draft development agreement and an estimate of the amount of the performance bond shall be sent to the applicant for approval. Upon acceptance of the agreement by the applicant, the proposed development agreement accompanied by the approved Construction Plans and performance bond shall be forwarded to the Planning Commission for approval. Land development activity may begin upon approval of the agreement and establishment of the required bond.

2-107.5 Dispute Resolution

In the event a dispute should arise concerning interpretation or application of these regulations to the information contained within Construction Plans, the Planning Commission shall act to resolve such dispute. The Development Plan shall present written recommendations and the applicant shall be afforded an opportunity to present supporting data and information with regard to the specific disputed issue. The Planning Commission shall act to decide the issue and its action shall be final, subject to legal review.

2-108 FINAL SUBDIVISION PLANS

2-108.1 Purpose of Final Plan

The purpose of a Final Plan is threefold. First, such plan provides the legal instrument whereby ownership of lots may be transferred. Secondly, Final Plans constitute a means

whereby the person subdividing property may offer streets and other infrastructure for acceptance and maintenance by the public. Thirdly, the accompanying Covenants, Conditions and Restrictions and other legally binding commitments associated with such plan become a matter of public record upon filing of the plan.

2-108.2 Application Procedure and Requirements

The applicant shall file with the Enforcing Officer an application for approval of a Final Plan. The Final Plan application shall:

1. Contain such information as described in Section 5-105.
2. Be made on application forms available from the Enforcing Officer.
3. Include the entire subdivision, or section thereof, for which final approval is sought.
4. Be a reproducible record plat the size, material, and inking of which shall be as specified by the Register of Deeds. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets numbered in sequence. Any shading placed on the plat face to add clarity shall not cover any words or figures.
5. Except for minor adjustments for field conditions, comply with the approved Development Plan in street locations, drainage design and the number of lots.
6. Be presented to the Enforcing Officer at least fifteen (15) days prior to the regular meeting of the Commission at which the Final Plan is to be considered. No application shall be deemed filed unless all requirements have been met and all fees paid in full.
7. Be accompanied by formal irrevocable offers of dedication to the public of all public ways and uses, utilities, parks, and easements, in a form approved by legal counsel, as applicable. (The Final Plan shall be marked with a notation indicating the formal offers of dedication as required by Subsection 5-105.6, Formal Irrevocable Offers of Dedication, of these regulations.)
8. Be accompanied by written assurance from any utility companies serving the area of the subdivision that necessary utilities will be installed as required by the Planning Commission upon approval of the Development Plan.
9. Be accompanied by final drafts of Covenants, Conditions and Restrictions proposed by the applicant.
10. Be accompanied, if the Final Plan contains jointly held open space, recreational facilities, or any portion of the site that is held in common ownership, by the following documentation for approval by the Planning Commission.

- (a) Final Open Space and Management Plan containing the information required by Subsection 5-105.4, Final Open Space Ownership and Management Plan; and
- (b) Final Community Association Documents in accordance with Subsection 5-105.5, Final Community Association Documents.

2-108.3 Staff Review

The Enforcing Officer shall initiate a review of the Final Plan and any exhibits submitted in conformance with these regulations. The review shall be performed by the Enforcing Officer or the Enforcing Officer may send it to the Development Review Committee. The review shall be conducted in accordance with the published review schedule.

2-108.4 Hearing and Decision on Final Plan

The Planning Commission shall hold a hearing as required by Section 13-3-404, Tennessee Code, on each Final Plan brought before it. The Planning Commission within sixty (60) days after submission shall approve, modify, or disapprove the Final Plan. In any instance where special conditions are attached to any plan approval, the Commission shall set forth in detail such conditions. If a Final Plan is disapproved specific reasons for such action shall be noted in the minutes of the meeting where such action is taken.

Failure of the Planning Commission to act upon a Final Plan within the prescribed time shall be deemed approval of the plan, and in such event, a certificate of approval, entitling the applicant to proceed shall be issued, upon demand, by the Secretary of the Planning Commission. The applicant, however, may agree to an extension of the time for Planning Commission review. One (1) copy of the Final Plan shall be returned to the applicant with the date of approval, conditional approval, or disapproval noted thereon.

2-108.5 Notations and Certifications

The notations and certifications required by Subsection 5-105.303, Plat Notations, of these regulations, to appear upon the Final Plat shall be endorsed by appropriate officials and other persons prior to Final Plan approval except that the certificate of Planning Commission approval shall be signed at the time specified in Subsection 2-108.6.

2-108.6 Signing of Final Subdivision Plats and Recording of Final Subdivision Plans

2-108.601 Signing of Plat

- a. When a performance bond is required, the Secretary of the Planning Commission shall endorse approval on the Final Plat after the Planning Commission has approved the development agreement and accompanying bond.
- 2. When installation of improvements is required prior to signing of the Final Plat, the Secretary of the Planning Commission shall endorse approval on the Final Plat after all conditions of the resolution of approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a

manner satisfactory to the accepting body as shown on certifications by the appropriate governmental representative(s) and that necessary land dedications and improvements have been accomplished.

3. When the conditions of this section are satisfied, the Secretary may sign the permanent reproducible original of the Final Plat.

2-108.602 Recording of Plan

It shall be the responsibility of the property owner to obtain the required signatures and to file the Final Plan in the county register's office within two (2) years of the date of final approval by the Planning Commission. When the Final Plan is filed, the property owner shall simultaneously record the agreement of dedication together with such legal documents as the Town Attorney shall require to be recorded. Any plan not filed within the time period set forth herein shall be considered null and void. In the event such Final Plan is not filed in a timely manner and becomes null and void the applicant shall be required to submit new plans of subdivision and obtain approval of such plans subject to any new zoning restrictions and/or subdivision regulations.

2-108.603 Plan Void if Revised after Approval

No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Commission and endorsed in writing on the plat, unless the said plan is first resubmitted to the Planning Commission and such Commission approves any modifications. In the event that any such Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Commission shall institute proceedings to have the plan stricken from the records of the County Register.

2-108.604 Sectionalizing of Major Subdivisions

When sectioning is approved within a Development Plan, a Final Plan may be approved in two (2) or more sections and may impose such conditions upon the filing of each section as it may deem necessary to assure the orderly development of the subdivision. The Planning Commission shall require that appropriate development agreements and surety instruments guaranteeing the performance of such agreements, be in such amount as is commensurate with the section or sections of the Final Plan to be filed and may defer the remaining required principal amount of such surety until the remaining sections of the plan are offered for filing. Where certain improvements are in the opinion of the Planning Commission necessary to facilitate traffic movement, water distribution, sewer collection, stormwater drainage, detention and conveyance and any other infrastructure within future sections of a development the Commission may require that such systems be constructed as part of any section of a subdivision.

2-109 REQUIREMENT FOR IMPROVEMENTS.

2-109.1 Basic Requirement

The Planning Commission may require that all improvements be installed and dedicated prior to the signing of the final plat by the Secretary of the Planning Commission. If the Planning Commission does not require that all public improvements be installed and

dedicated prior to signing of such plan, adequate performance bonds must be approved. The amount of any bond shall be established by the Enforcing Officer based upon the recommendations of the Development Review Committee. The Enforcing Officer shall require the applicant to indicate on the final plat all streets and public improvements to be dedicated or reserved; and any other special requirements deemed necessary by the Enforcing Officer in order for the subdivision plat to conform to the Major Street Plan, the Town Development Plan and the most recent, detailed plan(s) adopted by the Planning Commission.

2-109.2 Authorization to Construct Improvements

Construction may proceed following approval of a Development Plan by the Planning Commission and, when improvements are to be constructed as a result of such approval, approval of Construction Plans and accompanying Development Agreement as required by Subsection 2-107.4, Preparation of Development Agreement.

2-109.3 Construction of Improvements.

Construction shall be completed to the approved Construction Plans, construction specifications, and construction inspection requirements of the applicable department and agencies. Inspections during the construction process shall meet the requirements of Subsection 2-109.4, Construction Inspection Procedures. If construction has not started for a subdivision phase within two (2) years of the date of approval of Construction Plans, such plans shall be resubmitted to the applicable departments or agencies for re-approval.

2-109.4 Construction Inspection Procedures

2-109.401 Inspections During Construction

All infrastructure construction is to be completed as described in the approved Construction Plans, construction specifications, and Development Agreement.

2-109.402 Pre-Construction Conference Required

A pre-construction conference will be held with the Enforcing Officer prior to the start of construction on each project. At the pre-construction conference, the contractor and owner shall sign documentation acknowledging construction and inspection requirements.

2-109.403 Inspection Schedule

The contractor shall give twenty-four (24) hours notification to the applicable departments or agencies prior to beginning work on each phase of construction. All completed work shall be inspected and approved. Failure to obtain the required inspections and approvals may require work to be removed, certifications and testing by a licensed geotechnical engineering firm to be provided or any future acceptance by the applicable department or agency to be jeopardized.

2-109.5 Modification of Design Improvements

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it

necessary or preferable to modify the location or design of such required improvements, the Town Engineer may, upon approval by a previously delegated member of the Planning Commission, authorize modifications, provided these modifications are within the spirit and intent of the Planning Commission's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Commission. The Town Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Commission at their next regular meeting. No change shall be implemented and no construction associated therewith shall be initiated until revised Construction Plans have been submitted to the office of the Enforcing Officer and approved so as to reflect the proposed change.

2-109.6 Proper Installation of Improvements

If the Town Engineer shall find, upon inspection of improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report to the governing body and Planning Commission. The governing body shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previously approved plan.

2-109.7 "As Built" Drawings Necessary

The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and a map satisfactory to the Planning Commission has been submitted, indicating the actual location of all required improvements and monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements then said map shall be submitted prior to endorsement of the Final Plan by the Secretary of the Planning Commission. However, if the subdivider elects to provide a bond, or other surety satisfactory to the Planning Commission, for all required improvements as specified, such surety shall not be released until such map is submitted.

2-109.8 Completion and Maintenance of Improvements

2-109.801 Streets Designated as Construction Routes

Permanent streets designated as construction routes within a subdivision shall be maintained for a time period specified in the Dedication Agreement submitted in accordance with the offer for street dedication.

2-109.802 Other Streets

Streets other than those designated as construction routes shall be maintained as provided herein. Generally, the final paving course shall not be applied until seventy-five (75) percent of the houses fronting along a street are completed. However, when an undue hardship is created by disallowing the final paving of a street prior to construction of seventy-five (75) percent, but not less than fifty (50) percent, of the houses fronting along a street, the enforcing officer may permit final paving to occur and the Town may allow the subsequent release of the performance bond provided a maintenance bond is substituted, therefor. The maintenance bond may be released after a period of one (1) year or when at least seventy-five (75)

percent of the houses fronting along a street have been satisfactorily completed, inspected and released by the inspecting departments. The maintenance bond shall be in an amount and for a term as recommended by the Town and shall be posted in conformance with the procedures presented in Article III, of these regulations.

2-110 MISCELLANEOUS PLATTING SITUATIONS

2-110.1 Combination of Two (2) or More Lots

Any number of lots may be combined into an equal or lesser number of lots by submittal of a Final Plan, as described in Section 2-108, FINAL SUBDIVISION PLANS. The Final Plan shall show the original lot lines as dash lines and proposed lot lines as solid lines. Combining lots shall require an approval process as set forth herein based on the initial number of lots and manner of conveyance. Any lots resulting from such recombination shall meet all applicable regulations.

2-110.2 Shifting Lot Lines

Shifting of lot lines is subject to the same procedures as described in Subsection 2-110.1. Shifting of lot lines within a Planned Unit Development shall require submittal of a document showing approval by the Homeowners' Association.

2-110.3 Dedication of Right-of-way, Public Use Lands, or Easements

The dedication of land or use of land for public purposes may be accomplished by one of the following methods, both of which require Planning Commission approval:

2-110.301 Dedication by Plat

A reproducible plat shall be prepared depicting the area to be dedicated by lines and survey description. The location of surrounding property lines, streets and public utilities shall be shown for reference. The placing of monuments and the location of such shall be shown on the plat. Signatory data shall also be included in the same manner as for a final plat. If the dedication is for a street right-of-way that, by the location of the dedication area, would divide a tract into two parcels, the plan shall be created as a Final Subdivision Plan in conformance with Section 2-108.

2-110.302 Dedication by Written Document (Deed or Instrument)

A written document in the form acceptable to the Town Attorney may be used for dedications in lieu of a plat. The document shall contain the following minimum information:

- Statement of purpose for the dedication
- A narrative survey description of the area to be dedicated
- Conditions, if any imposed by Grantor
- The document shall contain the same signatory data as required for a final subdivision plat.