

**ARTICLE II**  
**PROCEDURES FOR PLAT APPROVAL**

**2-101 General Procedure**

**2-101.1 Plat Approval Requirements**

Before any contract is executed for the sale of any parcel of land which 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 final plat approval of the proposed subdivision in accordance with the procedures of this article.

**2-101.2 Classification of Subdivisions**

The Planning Commission shall classify each subdivision proposal as either major or minor as defined herein.

**2-101.201 Review Procedure**

The subdivider shall follow the procedure described below in order to secure plat approval.

- a. Minor Subdivision (Amended 1/27/03)
- (i) Preapplication conference with the enforcing officer including submittal of a scale drawing or survey of the proposed subdivision for preliminary discussion and review.
  - (ii) Securing of approvals from other public agencies and any affected utility districts or companies.
  - (iii) Submittal of a final plat, prepared, in accordance with the specifications in Section 5-103, herein, for approval by the Planning Commission.
  - (iv) When a subdivision either (1) combines lots without altering its exterior boundaries or (2) divides a tract into no more than two lots and does not involve any road, permanent easement or public utility construction to serve such lot(s), the approval may be endorsed in writing on the plat by the secretary of the Planning Commission upon certification by the enforcing officer that the subdivision complies in all respects with these regulations and all other adopted ordinances and policies of the governing body; provided, further, that no request for a variance from these regulations

or of any other adopted ordinances or policies has been requested or will be required as a result of said approval.

- (v) Any person authorized to endorse approval in writing on the final plat, as provided in Subsection 2-101.201, (a), (iv), herein may refuse to endorse approval of the plat and request consideration of the plat by the Planning Commission at the next regularly scheduled meeting of the body.

b. Major Subdivision

- (i) Preapplication conference on the subdivision with the enforcing officer.
- (ii) Submittal of a preliminary plat and construction plans prepared in accordance with Section 5-101 and Section 5-102 respectively, for Planning Commission approval.
- (iii) Securing of approval from other public agencies.
- (iv) Submittal of the final subdivision plat and any securing instruments, such as road bonds, prepared in accordance with Section 5-103, herein, for Planning Commission approval.

**2-101.3 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 at which the public hearing on the final subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required in Section 13-3-404, Tennessee Code, for formal approval or disapproval of the plat shall commence.

**2-101.4 Policy on Flood Prone Areas (Areas within the 100 year flood plain)**

In determining the appropriateness of land subdivision at any site containing a flood prone area, the Planning Commission, in reviewing any plat, shall consider the policy and purpose set forth in Section 1-104, of these regulations and, additionally:

1. the danger to life and property due to the increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses;
2. the danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others;

3. the adequacy of proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions;
4. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner;
5. the importance of the services provided by the proposed facility to the community at large;
6. the requirements of the subdivision for a waterfront location;
7. the availability of alternative locations not subject to flooding for the proposed subdivision and land uses;
8. the compatibility of the proposed uses with existing development or development anticipated in the foreseeable future;
9. the relationship of the proposed subdivision to the County Growth Plan and the floodplain management program for the area;
10. the safety of access to the property for emergency vehicles in times of flood;
11. the expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site;
12. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public ways, and bridges; and
13. the effect of the proposed subdivision upon the Planning Commission's participation in the National Flood Insurance Program, if such Planning Commission is, or elects to be, in the program.

No subdivision or part thereof shall be approved by the Planning Commission if proposed levees, fills, structures, or other features within the subdivision will individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (the one hundred-year flood level) shall be determined from the latest approved flood study for the jurisdictional area, and any subsequent revisions thereto. Specific engineering studies are to be formulated by the developer in those areas in which flood data are not currently available, if deemed necessary by the Planning Commission.

In any instance in which the Planning Commission determines that a proposed subdivision may affect the flood height, velocity, or duration in any flood prone area outside its jurisdiction, the commission shall take all actions necessary and proper to ensure the coordinated review of the development with the appropriate governmental agencies of the affected area.

In approving plans for subdivision of land containing flood prone areas, the Planning Commission shall ensure that development will proceed in such a way that property lying within any floodway, as defined by these regulations, will be maintained in a manner as prescribed by any zoning ordinance. The Planning Commission shall also ensure that development within any floodway fringe area (within the one hundred-year flood level) will be protected adequately against potential flood hazards by the methods prescribed in Article IV, of these regulations.

The Planning Commission shall disapprove the subdivision of any land containing a flood prone area when the commission determines that subdivision plans are not consistent with the policy stated in this section.

## **2-101.5 Special Provisions Governing Unit Ownership (Condominium) Subdivisions**

### **2-101.501 General Provisions**

- a. Intent -- This section is intended to augment the general legislation of Title 66, Chapter 27, Tennessee Code, entitled "Horizontal Property Act," by providing supplemental rules and regulations for the implementation of the act, as specifically authorized in Title 66, Chapter 27, Tennessee Code.
- b. Applicability -- Whenever a developer, the sole owner, or the co-owners of a building or buildings expressly declare through the submission of a master deed, lease, or plat their desire to submit their property to a regime, as established and provided by Title 66, Chapter 27, Tennessee Code, wherein there is established a horizontal property regime, each such condominium or horizontal property regime created under the authority of these provisions for the purpose of sale or transfer of real property is subject to the provisions of these regulations. (Amended 1/26/09)

### **2-101.502 Submission of Plat Required**

Prior to the sale or transfer of any property incorporated in the property regime, the developer, sole owner, or co-owners of such property shall submit to the Planning Commission a subdivision plat of such property in the manner prescribed by this article and in 66-27-309 Tennessee Code; such plat, if approved, shall be filed with the county register in the manner prescribed by this article. (Amended 1/26/09)

### **2-101.503 Determination of Subdivision Type**

The Planning Commission shall classify condominium subdivisions during the plat review process as either horizontal condominiums or vertical condominiums as defined in Article VI, of these regulations.

#### **2-101.504 Procedure**

An applicant seeking approval of a condominium subdivision shall proceed through the normal procedure for subdivision approval, as set forth in this article.

#### **2-101.505 Contents of Plans and Documents**

The plats, plans, and documents submitted by an applicant seeking approval of condominium subdivision shall conform with the specifications set forth in Article V, of these regulations.

### **2-102 Preliminary Plat (Major Subdivisions Only)**

#### **2-102.1 Application Procedure and Requirements**

The applicant shall file with the Planning Commission a preliminary plat. The failure of the applicant to satisfy the requirements of this section with full and correct information shall be cause for disapproval of a preliminary plat. The preliminary plat shall be prepared in accordance with Section 5-101, and:

1. be presented with one (1) copy at the office of the enforcing officer before 12:00 P.M. (Noon) at least twenty-eight (28) days prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered for review; and the required number of corrected copies be presented before 12:00 P.M. (Noon) at least fourteen (14) days prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered; (Amended 7/28/08)
2. **a preliminary plat fee of seventy-five (\$75.00) dollars;**
3. include all land which the applicant proposes to subdivide and all land immediately adjacent, extending two hundred (200) feet therefrom, or of that directly opposite thereto, extending two hundred (200) feet from the public way frontage of such opposite land. The lot pattern of surrounding development shall be shown within that area located within two hundred (200) feet of the proposed development;
4. be accompanied by a minimum of ten (10) copies of the preliminary plat as described herein;
5. be accompanied by a minimum of two (2) copies of construction plans submitted to the office of the enforcing officer as described in Section 5-102, of these regulations; and
6. be presented with one (1) completed copy of the required checklist (found in Appendix A as Form 1). (Amended 7/28/08)

### **2-102.2 Notice of Hearing**

A Planning Commission shall hold a hearing as required by Chapter 3, of Title 13, Tennessee Code, on each plat brought before it.

### **2-102.3 Preliminary Approval**

After the Planning Commission has reviewed the preliminary plat, construction plans and exhibits, the applicant shall be advised of any required changes. The Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat within sixty (60) days after date of the regular meeting of the Planning Commission at which the hearing on preliminary approval, including adjourned date thereof, is closed.

The secretary of the Planning Commission, upon demand, shall issue a certificate of preliminary approval and the applicant may proceed to apply for final subdivision plat approval in the manner prescribed by Section 2-103, of these regulations.

After the Planning Commission approves, conditionally approves, or disapproves the preliminary plat, one copy of the proposed preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval thereon. If a preliminary plat is disapproved, the Planning Commission shall state specific reasons for disapproval, which shall be entered into the minutes of the meeting.

Before the Planning Commission approves a preliminary plat showing land for any public use, the Planning Commission shall obtain approval for the land reservation from the County Commission or appropriate governmental agency.

### **2-102.4 Public Improvements**

The Planning Commission may require that all public improvements be installed and dedicated prior to the 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 shall be approved. The amount of such bond shall be established by the Planning Commission based upon the recommendation of the appropriate governmental representative or by receipt of cost bids from two (2) or more independent contracting firms equal to the cost of all necessary improvements plus an additional ten (10) percent to cover inflation shall be added. It is the subdivider's responsibility to furnish these estimates to the Planning Commission.

The applicant shall submit such bond at the time of application for final subdivision plat approval. The Planning Commission shall require the applicant to indicate on the plat all public ways and improvements to be dedicated; all districts for water, fire, and utility improvements which shall be required to be established or extended; and any other special requirements deemed necessary by the Planning Commission in order for the subdivision plat to conform to the major street or road plan and the land development plan for the jurisdictional area.

**2-102.5 Effective Period of Preliminary Approval** (Amended 5/18/15)

The approval of a preliminary plat shall be effective for a period of three (3) years, at the end of which time final approval of the subdivision plat must have been obtained from the Planning Commission, although the plat need not have been signed and filed with the county register. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to submit a new plat for approval subject to any zoning provisions and the subdivision regulations currently in effect.

**2-102.6 Zoning Regulations**

Every plat shall conform to any existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to such zoning ordinance or these regulations rendering the plat nonconforming as to bulk, use, or development standards, provided, that final approval is obtained within the effective period of preliminary approval set forth in Subsection 2-102.5, herein.

**2-103 Final Subdivision Plat (Minor and Major Subdivision)**

**2-103.1 Application Procedure and Requirements**

(Amended 2/25/02)

A subdivider shall file with the Planning Commission a final plat. The plat shall be prepared in accordance with Section 5-103, and:

1. include the entire subdivision, or section thereof, for which final approval is sought;
2. be accompanied by a minimum of ten (10) copies of the final subdivision plat as described herein, or five (5) copies if the final plat is a minor, 2-tract plat as described in Subsection 2-101.201, (a), (iv).
3. comply substantially with the preliminary plat, where such plat is required;
4. be presented with one (1) copy at the office of the enforcing officer before 12:00 P.M. (Noon) at least twenty-eight (28) days prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered for review; and the required number of corrected copies be presented before 12:00 P.M. (Noon) at least fourteen (14) days prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered; (Amended 7/28/08)
5. be accompanied with a **fifty dollar (\$50.00) plat fee for MINOR SUBDIVISION PLATS or fifty dollar (\$50.00) plat fee plus five dollar (\$5.00) per lot for MAJOR SUBDIVISION PLATS to a maximum of five hundred (\$500.00).**

6. 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 subdivision plat shall be marked with a notation indicating the formal offers of dedication as shown in Article V, of these regulations.);
7. be accompanied by a performance bond, if required, in a form satisfactory to legal counsel and in an amount adequate to complete the required improvements. It shall include provisions that the principal of the bond shall comply with all the terms of the resolution of final subdivision plat approval, as determined by the Planning Commission, including, but without limitations, the performance of all required subdivision and offsite improvements, and that all improvements and land included in the irrevocable offers of dedication shall be dedicated to the Planning Commission free and clear of all liens and encumbrances on the premise(s);
8. be accompanied by written assurance from any public utility companies serving the area of the subdivision that necessary utilities will be installed and by proof that the applicant has submitted petitions in writing for the creation or extension of any utility districts as required by the Planning Commission upon preliminary plat approval; and
9. be accompanied, if the final plat contains open space, utility or drainage easements or recreational facilities, or if any portion of the site is in common ownership, by the following documentation for approval by the Planning Commission:
  - (a) plans for improvement and maintenance of the open space or facilities located thereon;
  - (b) articles of incorporation and bylaws of the co-owners association or other legal entity (where open space or facilities are to be deeded to a co-owners association or similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision; and
  - (c) declaration of covenants and restrictions pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended, where open space or facilities are to be retained by the developer or any private entity associated with the development.
10. be presented with one (1) completed copy of the required checklist (found in Appendix A as Form 2). (Amended 7/28/08)

### **2-103.2 Administrative Review**

An administrative review should be conducted on final minor plats, preliminary plats, construction plans, and any exhibits submitted in conformance with these regulations. This review should include the enforcing officer and any other



appropriate governmental representative. The review should be held prior to the regularly scheduled Planning Commission meeting at which the plat is to be reviewed. The findings of the review committee will be presented to the Planning Commission through its recommendation.

With expert assistance, as necessary, the subdivider shall prepare a report, on any proposed subdivision containing or abutting a floodprone area. Such report shall estimate the discharge of the regulatory flood; determine the specific flooding threat at the site of the proposed subdivision; and indicate whether the subdivision is located in a floodway or floodway fringe area by:

1. calculation of water surface elevations and regulatory flood protections based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood;
2. computation of the floodway required to convey the regulatory flood without increasing natural flood heights of the regulatory flood more than one (1) foot at any point; and
3. unless, otherwise, established, computation of increase in flood heights caused by any encroachment based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. No increase in flood storage attributable to encroachments on the floodplain of any river or stream shall be permitted in any one reach or for the cumulative effect of several reaches.

### **2-103.3 Endorsement of Notations**

The notations and certifications required by Subsection 5-103.4, of these regulations, to appear upon the final plat shall be endorsed by appropriate officials and other persons prior to application for final subdivision plat approval, except that the certificate of Planning Commission approval shall be signed at the time specified in Section 2-104, of these regulations.

### **2-103.4 Hearing and Decision on Final Plat** (Amended 5/18/15)

The Planning Commission shall hold a hearing as required by Section 13-3-404, Tennessee Code, on each final plat brought before it. The Planning Commission shall, within sixty (60) days after submission of the plat, approve, modify, or disapprove the final subdivision plat by resolution, which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval.

Failure of the Planning Commission to act upon a plat within the prescribed time shall be deemed approval of the plat, and in such event, a certificate of approval, entitling the subdivider to proceed as specified in Subsection 2-103.5 and Section 2-104, of these regulations, 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 subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon.

## **2-103.5 Vested Rights**

As enacted by the Tennessee General Assembly in Public Chapter No. 686, Vested Property Rights Act of 2014, statutory requirements have been established relative to development standards and vested property rights for landowners and developers. These statutory requirements are enumerated in Appendix B, Vested Property Rights.

### **2-103.501 Definitions of Vested Property Rights**

Applicant – means a landowner or developer or any party, representative, agent, successor, or heirs of the landowner or developer.

Construction – means the erection of construction materials in a permanent manner, and includes excavation, demolition, or removal of an existing building.

Development Plan – means both a preliminary development plan and a final development plan.

Development Standards – means all locally adopted or enforced standards applicable to the development of property including, but not limited to planning: storm water requirements; layout; design; local infrastructure construction standards, off-site improvements, lot size, configuration, and dimensions. NOT included are standards required by federal or state law, or building construction safety codes.

Final Development Plan – means a plan approved by the local government describing with reasonable certainty the use of property. Such plan may be in the form of, but not limited to, a planned unit development plan; subdivision plat; general development plan; subdivision infrastructure construction plan; final engineering site plan; or any other land-use approval designated utilized. Unless otherwise expressly provided by the county, such a plan shall include the boundaries of the site; significant topographical features affecting the development of the site; locations of improvements; building dimensions; and the location of all existing and proposed infrastructure on the site. Neither a sketch plan nor other document that fails to describe with reasonable certainty the use and development scheme may constitute a final development plan.

Preliminary Development Plan – means a plan submitted to facilitate initial public feedback, and secure preliminary approvals from local government. It serves as a guide for all future improvements.

Site Preparation – means excavation, grading, demolition, drainage, and physical improvements such as water and sewer lines, footings, and foundations.

### **2-103.502 Vesting Rights and Periods**

Vested property rights are established for any preliminary development plan, final development plan (where no preliminary development plan is

required), or building permit issued to allow construction of a building to commence where there is no local requirement for prior approval of a preliminary development plan.

During the vesting period, the locally adopted development standards in effect on the date of approval remain the development standards applicable to that property or building during the vesting period as follows:

- a. **Building permit projects (no preliminary plan approval)** – The vesting period commences on the date of building permit issuance and remains in effect for the period authorized by the building permit.
- b. **Development plan project** – The vesting period applicable to a development plan is three years, beginning on the date of approval of the preliminary development plan; provided the applicant obtains final development plan approval, secure permits, and commences site preparation within the three (3)-year vesting period.

If the applicant obtains approval of a final development plan, secures permits, and commences site preparation within the three (3)-year vesting period, then the vesting period is extended an additional two (2) years (to a total of five (5) years) to commence construction from the date of preliminary plan approval. During the two year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

If construction commences within the five (5)-year vesting period following preliminary development plan approval, the development standards in effect on the date of approval remain in effect until final completion of the project, provided however, that the vesting period shall not exceed ten (10) years unless the county grants an extension through an ordinance or resolution; and provided further that the applicant maintain all necessary permits during the ten (10)-year period.

- c. **Multi-phase projects** – A separate vesting period applies for projects proceeding in two or more sections or phases (as set forth in the development plan). The development standards in effect on the date of approval of the preliminary development plan for the first section or phase remain in effect for all subsequent sections or phases; provided the total vesting period does not exceed fifteen (15) years unless the county grants an extension through a resolution; and provided that the applicant maintain all necessary permits during the fifteen (15)-year period.

<u>Type of Project</u>	<u>Effective Date</u>	<u>Vesting Period</u>	<u>Total Vesting Period to Maintain Vesting Rights</u>	<u>Required Actions Obtain:</u>
<b><u>Building Permit (No Development Plan Required)</u></b>	Date of Issuance of Building Permit	Period Authorized by the Building Permit	Period Authorized by the Building Permit	Complete Construction within period authorized by the building permit
<b><u>Preliminary Development Plan</u></b>	Date of Issue	3 Years	3 Years	Final Development Plan Approval, Secure Permits, and Commence Site Preparation
<b><u>Final Development Plan</u></b>	3 Years from Date of Preliminary Plan Approval	2 Years	5 Years	Complete Construction, Maintain Permits
	5 Years from Date of Preliminary Plan Approval	5 Years	10 Years	Complete Construction, Maintain Permits
<b><u>Multi-Phase or Sections</u></b>	Date of Issue of Preliminary Development Plan	Separate Vesting Period for Each Phase or Section	15 Years	Complete Construction for Each Phase; Maintain Permits

A vested property right attaches to and runs with the applicable property and confers upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendment thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

**2-103.503 Termination of Vesting Rights**

During the vesting period, the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the issuance of a building permit, whichever applies, remain the development standards applicable to the property described in such preliminary development plan or permit, except such vested property rights terminate upon a written determination by the county under the following circumstances:

- a. When the applicant violates the terms and conditions specified in the approved development plan or building permit; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the county may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;
- b. When the applicant violates any of the terms and conditions specified in the local resolution; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the county may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

- c. Upon a finding by the county that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan or intentionally and knowingly did not construct the development in accordance with the issued building permit or the approved development plan or an approved amendment for the building permit or the development plan; or
- d. Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the county and that precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

A county may allow a property right to remain vested despite such a determined occurrence when a written determination by the county is made that such continuation is in the best interest of the community.

**2-103.504 Development Standards Enforcement**

A vested development standard shall not preclude county enforcement of any development standard when:

- a. The county obtains the written consent of the applicant or owner;
- b. The county determines, in writing, that a compelling, countervailing interest exists relating specifically to the development plan or property which is the subject of the building permit that seriously threatens the public health, safety or welfare of the community and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the county, by the applicant using vested property rights;
- c. Upon written determination by the county of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;
- d. A development standard is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by the county, regardless of nomenclature; or
- e. A county is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order or other type of governance; regardless of nomenclature.

**2-103.505 Development Plan Amendment**

An amendment to an approved development plan by the applicant must be approved by the county to retain the protections of the vested property right. An amendment may be denied based upon a written finding by the county that the amendment:

- a. Alters the proposed use;
- b. Increases the overall area of the development;
- c. Alters the size of any nonresidential structures included in the development plan;
- d. Increases the density of the development so as to affect traffic, noise or other environmental impacts; or
- e. Increases any local government expenditure necessary to implement or sustain the proposed use.

If an amendment is denied by the county based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application. Notwithstanding the foregoing, a vested property right shall not terminate if the county determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right.

**2-103.506 Waiver Rights Prohibited**

A county may not require an applicant to waive the applicant's vested rights as a condition of approval, or as a consideration of approval, of a development plan or the issuance of a building permit.

**2-103.507 Extension of Rights**

The vesting period for an approved construction project may be extended as deemed advisable by the county.

**2-103.508 Zoning with Vested Property Rights**

A vested property right, once established, precludes the effect of any zoning action by a county which would change, alter, impair, prevent, diminish, or otherwise delay the development of the property, while vested, as described in an approved development plan or building permit. With said exception, nothing shall preclude, change, amend, alter or impair the authority of a county to exercise its zoning authority.

**2-103.509 Development Moratorium**

In the event the county enacts a moratorium on development or construction, the vesting period established by this act shall be tolled during the moratorium period.

**2-103.510 Eminent Domain with Vested Property Rights**

A vested property right does not preclude, change, amend, alter or impair the authority of a county to exercise its eminent domain powers as provided by law.

**2-104 Signing and Recording of Subdivision Plat**

**2-104.1 Signing of Plat**

1. When a bond is required, the secretary of the Planning Commission shall endorse approval on the plat after the bond has been approved by the Planning Commission and after all the conditions of the resolution pertaining to the plat have been satisfied.
2. When installation of improvements is required, the secretary of the Planning Commission shall endorse approval on the plat after all conditions of the resolution 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 Planning Commission as shown on certifications by the appropriate governmental representative(s) that necessary land dedications and improvements have been accomplished. In addition, all septic drawings and/or affidavits associated with the plat, including the remaining acreage if less than five (5) acres, shall be provided before endorsing approval.<sup>(4/28/8)</sup>
3. When the conditions of this section are satisfied, the secretary shall sign the permanent reproducible original of the subdivision plat.
4. In no event shall any action by the Planning Commission approving a subdivision plat become final until the plat is signed by the secretary of the Planning Commission.

**2-104.2 Recording of Plat**

1. All plats receiving final approval of the Planning Commission shall within ninety (90) days following the date of the meeting at which such approval is granted be presented to the enforcing officer for purposes of obtaining the signature of the secretary of the Planning Commission and filing with the county register.
2. Any plat not presented for signing and filing within the ninety (90) day period specified above shall be null and void and shall require a new hearing and decision on final approval as set forth in Subsection 2-103.4. In no event shall the secretary sign nor shall the enforcing officer attempt to file any plat not presented for signing and filing within the ninety (90) day period specified herein.

3. All plats shall be filed by the enforcing officer, at the expense of the developer, with the county register's office within ten (10) days of the date of signature. (Amended 1/23/06)

### **2-104.3 Sectionalizing Major Subdivision Plats**

Prior to granting final approval of a major subdivision plat, the Planning Commission may permit the plat to be divided into 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. All subdivisions that are divided into sections shall state "Section" and then shall be followed by a capital letter starting with the letter "A", additional sections shall follow in sequence.

The Planning Commission may require that a performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. The developer also may file irrevocable offers to dedicate public ways and improvements in the section offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Planning Commission, shall be granted concurrently with final approval of the plat. Such authorized sections must contain at least ten (10) percent of the total number of lots contained in the proposed plat.