

# CITY COUNCIL RATIFIED FEBRUARY 13, 2007

Ratification  
Number \_\_\_\_\_

## AN ORDINANCE

**TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY DELETING PART 1: APPROVAL PROCEDURES, AND PART 2: SUBDIVISION APPLICATION REQUIREMENTS, OF ARTICLE 8, IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE AND STEAD NEW SUBDIVISION APPLICATION REQUIREMENTS AND APPROVAL PROCEDURES**

**BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:**

Section 1. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting Part 1: Approval Procedures, and Part 2: Subdivision Application Requirements, of Article 8, in their entirety and substituting in their place and stead new subdivision application requirements and approval procedures, which shall read as follows:

### **Part 1 Purpose and Definitions**

#### **Sec. 54-801. Purpose.**

- a. *Purpose.* These regulations are intended to provide for the harmonious development of the city of Charleston and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the city or of the region in which the city is located, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.
- b. *Provision of Options.* The subdivision regulations provide options for development that reflect the diversity of the development throughout the City of Charleston. In recognizing that there are many development patterns across the City, it is further recognized that regulations are needed to support and enable these varied development patterns to occur.

#### **Sec. 54-802. Reserved.**

#### **Sec. 54-803. Subdivision, property line abandonment and property line adjustment defined.**

- a. "Subdivision" means all divisions of a tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale, lease or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division of any lot or lots within a subdivision previously made and approved or recorded according to law: or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law.
- b. "Property line abandonment" means plats involving only the combination or recombination of entire lots of record where no new street or change in existing streets is involved. A property line abandonment plat is not a subdivision.
- c. "Property line adjustment" means plats involving only the adjustment of property lines of lots of

record where no new street or change in existing streets is involved. A property line adjustment plat is not a subdivision.

d. “PUD Site Plan” means a plan for subdivision of a property with a “PUD” zoning that includes all information described on the Concept Plan Submittal Checklist for Subdivision Applications available from the Zoning Division.

e. “Concept Plan” means a plan for subdivision of a property not zoned “PUD” that includes all information described on the Concept Plan Submittal Checklist for Subdivision Applications available from the Zoning Division.

f. “Development Plan” means a preliminary plat and construction drawings, if improvements are required, for subdivision of any property that includes all information described on the Development Plan Submittal Checklist for Subdivision Applications available from the Zoning Division.

g. “Final Plat” means a final plat for subdivision of any property that includes all information described on the Final Plat Submittal Checklist for Subdivision Applications available from the Zoning Division.

**Sec. 54-804. Effective date of the regulations.**

a. *Effective Date of the Regulations.* The effective date of Part 1 and Part 2 of Article 8, Subdivision, Property Line Adjustment or Abandonment Regulations as amended shall be on April 1, 2007. Any concept plan or PUD site plan submitted after the effective date, shall comply with this Article.

b. *Submittals or Approvals Prior to the Effective Date.* Any preliminary subdivision plat, final subdivision plat, property line adjustment or abandonment plat submitted as a complete application prior to the effective date shall be reviewed and approved in accordance with regulations in effect when the application was made. All subsequent applications shall comply with this Article. Any plat approved in preliminary or final form, but not yet expired, prior to the effective date shall continue in compliance with this Article.

c. *Annexation.* Any plat approved in preliminary or final form, but not yet expired, prior to the effective date of the annexation of a property shall continue in compliance with this Article.

**Sec. 54-805. Variances.**

The Board of Zoning Appeals may authorize upon appeal in specific cases variances from the terms of this article pursuant to Article 9, Part 2 of this Chapter. Variances must be approved prior to receiving subdivision approval.

**Part 2  
Procedures for Plat Approval**

**Sec. 54-806. Property line abandonment procedures.**

Property line abandonment plats shall be submitted to the Engineering Division for the approval of the Plat Review Committee prior to being recorded through the City Engineer’s office, except that plats where the resultant lots are equal to the standards of this Chapter and no new street or change in existing

streets is involved may be recorded without the Zoning Division's approval if the City of Charleston Department of Planning, Preservation and Economic Innovation is provided with a copy of such plats for its records. Plats shall not exceed twenty-two (22) inches by thirty-four (34) inches.

**Sec. 54-807. Property line adjustment procedures.**

Property line adjustment plats shall be submitted to the Engineering Division for the approval of the Plat Review Committee prior to being recorded through the City Engineer's office, except that plats where the resultant lots are equal to the standards of this Chapter, and no new street or change in existing streets is involved may be recorded without the Zoning Division's approval if the City of Charleston Department of Planning, Preservation and Economic Innovation is provided with a copy of such plats for its records. Plats shall not exceed twenty-two (22) inches by thirty-four (34) inches.

**Sec. 54-808. Subdivision procedures.**

1. *Generally.* The City shall approve, pursuant to the procedures described herein, any subdivision of land as defined in Section 54-803, except that the subdivision of land into parcels of five acres or more where no new street is involved and where the resulting lots meet the requirements of this Chapter shall not require the approval of the City but shall be reviewed by the Administrator for compliance with this Chapter prior to being recorded. All subdivisions shall meet the requirements of this Chapter before such subdivision or rights-of-way shall be platted, recorded, or have lots offered for sale. No plat of a subdivision, with the exception listed above, shall be filed or recorded in the office of the Register Mesne Conveyance or Register of Deeds of the appropriate County until such plat shall have been approved by the Administrator and city engineer, pursuant to the procedures described herein, and the approval entered in writing on the plat by the city engineer.

2. *Classification of Subdivisions.* All subdivisions shall be classified as either a major subdivision, or a minor subdivision. A concept plan shall not be required when the proposed plan of subdivision for the property is deemed to be a minor subdivision.

a. *Major Subdivision.* Means all divisions of a tract or parcel of land into five or more lots, or includes all division of land involving any of the following:

1. A new or extended public or private right-of-way, but not including future street alignments illustrated in a plan of resubdivision as required by Section 54-814.
2. Improvement(s) within an existing street right-of-way, other than repair of streets, or repair or construction of sidewalk(s) or other pedestrian connections required by these regulations, fire hydrants or other types of minor improvements necessary to serve the lots being created.
3. A future public school site, park site, greenway corridor or open space site.
4. The dedication of a right-of-way or easement for construction of a public water or sewer transmission line.
5. Dedications, reservations, improvements, or environmental conditions that, in the opinion of the Administrator with advice from reviewing agencies, require construction documents to be reviewed prior to final plat approval in order to insure the public health, safety, and welfare.

b. *Minor Subdivision.* A division of land where the conditions for *major subdivision* review, as set out in Section 54-808.2.a are not present.

3. *Major Subdivision Review Procedures.* Before any major subdivision is recorded, the owner of the property proposed to be subdivided, or an authorized agent, shall, upon payment of applicable fees as determined by the City Council, apply for and secure approval of the proposed subdivision in accordance with the following procedures:

- a. Discussion at a required pre-application conference of the subdivision requirements and procedures for the proposed project, and possible issues related to the development of the property.
- b. Submittal of the concept plan prepared in accordance with Section 54-809 or the PUD site plan prepared in accordance with Section 54-255.c for Planning Commission review and approval and the securing of required approvals from other public agencies and any affected utility districts and companies.
- c. Submittal of a development plan as described in Section 54-810 to the Zoning Division for review and approval by the Subdivision Review Committee.
- d. Submittal of the final subdivision plat, prepared in accordance with Section 54-811, to the Zoning Division for review and approval by the Subdivision Review Committee and City Engineer in preparation for recording with the Register of Mesne Conveyance or Register of Deeds.

4. *Minor Subdivision Review Procedures.* Before any minor subdivision is recorded, the owner of the property proposed to be subdivided, or an authorized agent, shall, upon payment of applicable fees as determined by the City Council, apply for and secure approval of the proposed subdivision in accordance with the following procedures:

- a. Submittal of a preliminary plat as described in Section 54-810 to the Zoning Division for review and approval by the Subdivision Review Committee.
- b. Submittal of the final subdivision plat, prepared in accordance with Section 54-811, to the Zoning Division for review and approval by the Subdivision Review Committee and City Engineer in preparation for recording with the Register of Mesne Conveyance or Register of Deeds.

5. *Coordination of Rezoning Application with Subdivision Application.* It is the intent of these regulations that the review of a subdivision concept plan may be carried out simultaneously with the review of a rezoning application made under the Zoning Ordinance. In addition to the application required for the requested rezoning, an application for concept plan approval may be submitted for a coordinated review.

- a. *General Requirement.* Whenever a rezoning is requested and development would require the subdivision of a tract, vacant or improved, into two or more lots or the consolidation of lots, the concept plan application may be considered simultaneously with the rezoning application.
- b. *Procedure to be Followed:*

1. *Concept Plan Approval Required.* The application for concept plan approval shall be made pursuant to the requirements of Section 54-809 and shall accompany the rezoning application on the forms required for a rezoning available from the Zoning Division. The Administrator shall then coordinate and send the concept plan and rezoning application submittals to the Planning Commission for concurrent review. Any approval of the concept plan by the Planning Commission shall be conditioned upon ratification of the rezoning application by the City Council.
2. *Resubmission of Concept Plan if Major Revisions Required.* After completing its review of the rezoning application and the concept plan, and approving, approving with conditions, or disapproving the concept plan, the Planning Commission shall forward its recommendations on the rezoning application to the City Council for their final decision. If the City Council approved zoning requires major revisions to the concept plan as described in Section 54-809.5.b, the applicant shall resubmit the concept plan for Planning Commission approval. A rezoning and approved concept plan for a subdivision entitle the developer to make application for development plan approval, and subsequently, for approval of a final subdivision plat approval.

6. *Reserve Parcels.* Small parcels not conforming in size or shape with all regulations shall not be

platted, except in the case of utility and drainage lots. All land within a tract proposed for subdivision shall be incorporated in lots, lands held in common, or rights-of-way.

**Sec. 54-809. Concept plan or PUD site plan.**

1. *Pre-Application Conference.* Before preparing the concept plan or PUD site plan for a major subdivision, it is required that the applicant schedule a pre-application conference through the Zoning Division within the Department of Planning, Preservation and Economic Innovation.

2. *Application Procedure and Requirements.* A request to subdivide land shall be made by the owner of the land, or an authorized representative, by filing an application for approval of a concept plan or PUD site plan with the Planning Commission.

a. *Application Requirements.* The application shall:

1. Be made on forms available from the Zoning Division and shall be accompanied by a fee as determined by City Council.
2. Be accompanied by the concept plan or PUD site plan and include all information described on the Concept Plan Submittal Checklist For Subdivision Applications available from the Zoning Division.
3. For subdivisions where the total area to ultimately be developed permits 50 or more single-family or two-family dwelling units, a full traffic impact study shall be required unless the Department of Traffic and Transportation deems that a traffic impact study is not required, on the basis of the Department's prior studies, analysis, and evaluation of transportation facilities; except that this requirement for a traffic impact study shall not apply to subdivisions of land zoned "PUD" where a traffic impact study was completed with the approved master plan. Similarly, and depending on the type and size of the subdivision, the Department of Traffic and Transportation may require a basic level of traffic impact study as opposed to a full traffic impact study.
4. For each subdivision where the total area to ultimately be developed is ten (10) or more acres, a preliminary drainage study and plan shall be required; except that this requirement for a drainage study shall not apply to subdivisions of land zoned "PUD" where a drainage study was completed with the approved master plan. A full basin study may be required as part of the preliminary drainage study and plan in basins with known drainage problems, as determined by the Engineering Division. The drainage study and plan shall be of sufficient detail to assess the preliminary sizing and location of all major drainage facilities proposed and the associated easements. The plan shall locate all existing easements and intended outfalls. The study and plan shall support compliance with all current drainage policies of the City.

b. *Complete Applications Forwarded.* No application shall be accepted or forwarded to the Subdivision Review Committee until all requirements of Section 54-809.2.a are satisfied.

3. *Approval Procedures.*

a. *Staff Review and Determination of Subdivision Category.* The Administrator shall initiate a review of the concept plan and any exhibits submitted in conformance with these regulations and shall determine whether the concept plan constitutes a major or minor subdivision as described under Section 54-808.2.

b. *Subdivision Review Committee.* A review shall be performed by the Subdivision Review Committee. Representatives of the State, or Boards or Commissions may be included in the review as appropriate. The review shall be conducted in accordance with the published review schedule. The findings of the review process shall be presented to the Planning Commission.

c. *Published Review Schedule.* The published review schedule shall designate a meeting schedule for the Subdivision Review Committee and Planning Commission, and submittal deadlines for

applicants.

4. *Process for Planning Commission Hearing*

a. *Notice of Hearing.* Public notice of the time and date of the hearing shall be given at least ten (10) days prior to the hearing by publication of an agenda which lists each request in a newspaper of general circulation in Charleston. In addition, the property to which such application applies shall be posted with a sign along each public thoroughfare that abuts the property at least six (6) days prior to any public hearing when the application will be considered.

b. *Planning Commission Review and Decision.* The Planning Commission shall hold a public hearing and review the concept plan or PUD site plan, supplemental data, and the results of the administrative reviews, and advise the applicant of any required changes or additions.

c. *Time Limitations for the Planning Commission to Act.* The Planning Commission shall have not more than sixty (60) days from the date of the receipt of the concept plan or PUD site plan with all documentation required by this Chapter to act. The sixty (60) day time limit may be extended by mutual agreement. Failure of the Planning Commission to act upon an application within the prescribed time shall be deemed approval of the concept plan or PUD site plan. In such event, a Notice to Proceed shall be issued by the Administrator, upon demand, and the applicant may proceed to apply for development plan approval in the manner prescribed by Section 54-810. If no development plan is required, the applicant may proceed to final subdivision plat approval in the manner prescribed in Section 54-811. The applicant is cautioned that such default approvals shall not exempt a subdivision from compliance with the Zoning Ordinance provisions.

d. *Planning Commission Action.* After the Planning Commission approves, conditionally approves, or disapproves the concept plan or PUD site plan, a letter containing the resolution of the Planning Commission shall be sent to the developer or owner with the date of approval, conditional approval, or disapproval. If a concept plan is disapproved, the Planning Commission shall state specific reasons for disapproval that shall be entered into the minutes of the meeting.

e. *Sixty Days to Submit Revised Plans.* Any application that receives conditional approval from the Planning Commission shall be followed, within sixty (60) days from the date of the Planning Commission's decision, by submission of revised plans, or the Commission's approval shall expire. This deadline may be extended by the Planning Commission.

f. *Effective Period of Concept Plan or PUD Site Plan Approval.* The approval of a concept plan or PUD site plan results in a vested right from the date of Planning Commission approval that lasts for two (2) years plus on going construction that proceeds in a timely manner. A lapse of six (6) months or more in construction after two (2) years from the date of approval will end this vested right term. Upon application by the landowner of property with a vested right at the end of the two (2) year vested right term to the Planning Commission, the term shall be extended on an annual basis for up to five (5) annual extensions, provided there have been no amendments to this Chapter which precludes or prohibits any aspect of the approved plan.

g. *Reapproval for Expired Concept Plans or PUD Site Plans.* Should concept plan or PUD site plan approval expire for any reason, any submittal for Planning Commission reapproval shall be subject to current Zoning Ordinance and Subdivision Regulations in effect at the time reapproval is sought.

5. *Revisions to Approved Concept Plans or PUD Site Plans.* The applicant shall submit proposed revisions to the approved concept plan or PUD site plan to the Administrator. The Administrator shall initiate a review of the proposed revisions to be performed by the Subdivision Review Committee. For all revisions determined to be major revisions, Planning Commission approval shall be required.

a. *Minor Revisions.* If the Administrator, with the advice of the Subdivision Review Committee, deems the revision(s) to be minor, the Administrator is authorized to approve the revisions to the

concept 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 or Overlay approval and its associated concept plan, if applicable; minor shifts in lot lines; and other changes which do not alter the general layout and intensity of the approved concept plan, violate the requirements of this Chapter, or have a significant impact on proposed or existing infrastructure.

b. *Major Revisions.* All other revisions, including revisions that are determined by the Administrator not to be minor revisions, shall be deemed to be major revisions. At the request of the applicant, any revised concept plan or PUD site plan shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Administrator. The Administrator may, at his or her discretion or on the advice of the Subdivision Review Committee, direct any revised concept plan or PUD site plan to the Planning Commission. For all revisions determined to be major revisions, Planning Commission approval shall be required. The Planning Commission shall approve, conditionally approve, or disapprove the proposed major revision to the concept plan. Procedures for considering a major revision to a concept plan shall be the same as required for an initial application for concept plan or PUD site plan approval.

c. *Failure of the Planning Commission to Act.* Failure of the Planning Commission to act in the prescribed time shall be deemed approval. The procedures contained in Section 54-809.4.c shall be followed.

#### **Sec. 54-810. Development plan (preliminary plat and construction documents).**

1. *Application Procedure and Requirements.* The applicant shall file with the Administrator a Development Plan application. The failure of the applicant to satisfy the requirements of this Section with full and correct information shall be cause for disapproval of a development plan.

a. *Application Requirements.* The application shall:

1. Be made on forms available from the Zoning Division and shall be accompanied by a fee as determined by City Council.
2. Be accompanied by the development plan (preliminary plat and separate construction documents) and include all information described on the Development Plan Submittal Checklist for Subdivision Applications available from the Zoning Division. Preliminary plat and construction documents may be submitted as separate applications. However, construction documents may only be submitted with a preliminary plat, or after a preliminary plat has been submitted. Development plan approval will not be granted until both the preliminary plat and construction documents have been approved.

b. *Complete Applications Forwarded.* No application shall be forwarded to the Subdivision Review Committee until all requirements of Section 54-810.1.a are satisfied.

2. *Staff Review.* The Administrator shall initiate an administrative review of the development plan by the Subdivision Review Committee. Representatives of the State, or Boards or Commissions may be included in the review as appropriate. The review shall be conducted in accordance with the published review schedule. The purpose of the review shall be to verify that the required information has been submitted, all applicable regulations and standards have been met, and it complies with the approved concept plan or PUD site plan. It shall be the responsibility of the applicant to ensure the accuracy, completeness, and construction feasibility of the development plan.

3. *Decision on Development Plan.* Upon completion of a review (see Section 54-810.2), the applicable approval procedure below shall be followed.

a. *Minor Revisions.* If the Administrator, with the advice of the Subdivision Review Committee, deems that the development plan shows no revisions or minor revisions to the approved concept

plan or PUD site plan as described in Section 54-809.5.a, and meets all the regulatory requirements, the Administrator is authorized to approve the development plan on behalf of the Planning Commission. The Administrator may direct a development plan to the Planning Commission according to the procedures of Section 54-810.3.b. At the request of the applicant, a development plan shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Administrator.

b. *Major Revisions.* All other revisions, shall be deemed to be major revisions as described in Section 54-809.5.b. If the development plan contains major revisions to the approved concept plan or PUD site plan, a revised concept plan or PUD site plan along with the development plan shall be submitted to the Planning Commission for approval by the applicant in accordance with the published review schedule. The procedures contained in Section 54-809.5.b for major revisions to the approved concept plan or PUD site plan shall be followed for any major revisions to the development plan.

c. *Failure of the Administrator to Act.* Failure of the Administrator to act upon a development plan submitted under Section 54-810.3 within sixty (60) days after receipt of the development plan with all required information 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 Administrator. Caution should be exercised in that such default approval shall not exempt the subdivision from compliance with the Zoning Ordinance provisions.

4. *Appeal of Staff Decisions to Planning Commission.* Staff decisions may be appealed to the Planning Commission by any party in interest if an appeal is filed with the Zoning Division within ten (10) business days after actual notice of the decision. The Planning Commission shall act on the appeal within sixty (60) days from receipt of the appeal and the action of the Planning Commission is final.

5. *Effective Period of Development Plan Approval.* The approval of a development plan results in a two (2) year vested right from the date of approval. Upon application by the landowner of property with a vested right at the end of the two (2) year vested right term to the Administrator, the term shall be extended on an annual basis for up to five (5) annual extensions, provided there have been no amendments to this Chapter which precludes or prohibits any aspect of the approved development plan.

6. *New Information.* When new information related to the natural characteristics of the land is discovered during construction, the project engineer shall promptly advise the appropriate City agency of details of the found conditions, the impacts, and the modifications to the infrastructure which are to be made. Such found conditions may include, but are not limited to, the presence of archaeologically, culturally, or environmentally sensitive or geologic hazard areas. If the modifications to the development plan are determined to be major, as described in Section 54-810.3.b and the development plan no longer complies with the concept plan or PUD site plan, Planning Commission approval shall be required for a revision to the concept plan or PUD site plan to comply with the revised development plan based on the new information.

#### **Sec. 54-811. Final subdivision plat.**

1. *Application Procedure and Requirements.* The applicant shall file with the Administrator an application for approval of a final subdivision plat. The final subdivision plat application shall:
  - a. Contain such information as described in the Final Plat Submittal Checklist for Subdivision Applications available from the Zoning Division.
  - b. Be made on application forms available from the Zoning Division and shall be accompanied by a fee as determined by City Council.
  - c. Include the entire subdivision, or section thereof, for which final approval is sought.

d. Be a reproducible record plat the size, material, and inking of which shall be as specified by the Register of Mesne Conveyance or 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.

e. Except for minor adjustments for field conditions, compliance with the approved concept plan or PUD site plan and development plan in street locations, and the number of lots shall not vary more than five (5) percent.

f. Be accompanied, if the final plat contains open space, recreational facilities, or any portion of the site in common ownership, regardless of the method of ownership, by the following documentation for approval by the Administrator and recording with the final plat:

1. Plans for improvement and maintenance of the open space or facilities located thereon.
2. Articles of incorporation and bylaws of the homeowners' association or other legal entity charged with improving or maintaining the open space or facilities, where open space or facilities are to be deeded to a homeowners' association or similar organization acting on behalf of the joint owners of said property, and declaration of covenants and restrictions pertaining to each and every property within the subdivision.

2. *Requirements for Improvements.* All required improvements are to be installed and dedicated prior to the signing of the final subdivision plat by the City Engineer. The final subdivision plat may be approved by the City Engineer prior to completion of all required improvements if adequate bond or escrow funds for the completion of such improvements, approved by the Corporation Counsel, are filed with the City Engineer.

3. *Staff Review.* The Administrator shall initiate a review of the final subdivision plat and any exhibits submitted in conformance with these regulations.

a. *Staff Review.* The review shall be performed by the Subdivision Review Committee. Representatives of the State, or Boards or Commissions may be included in the review as appropriate. The review shall be conducted in accordance with the published review schedule.

b. *Complete Application.* No application shall be considered for review or forwarded to the Subdivision Review Committee until all requirements of Section 54-811.1 are satisfied.

4. *Decision on Final Subdivision Plat.* Upon completion of staff review (see Section 54-810.2), the applicable approval procedure below shall be followed.

a. *Minor Revisions.* If the Administrator deems that the final subdivision plat shows no revisions or minor revisions to the approved concept plan or PUD site plan and development plan as described in Sections 54-809.5.a and 54-810.3.a, and meets all the regulatory requirements, the Administrator is authorized to approve the final plat of subdivision on behalf of the Planning Commission. The Administrator may direct a final subdivision plat to the Planning Commission according to the procedures of Section 54-811.4.b. At the request of the applicant, a final subdivision plat shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Administrator.

b. *Major Revisions.* All other revisions shall be deemed to be major revisions as described in Sections 54-809.5.b and 54-810.3.b. If the final subdivision plat contains major revisions to the approved development plan, a revised final subdivision plat shall be submitted to the Planning Commission for approval by the applicant in accordance with the published review schedule. The procedures contained in Sections 54-809.5.b for major revisions to approved concept plans or PUD site plans shall be followed for any major revisions at the time of final subdivision plat.

c. *Failure of the Administrator to Act.* Failure of the Administrator to act upon a final subdivision plat submitted to them under Section 54-810.3 within sixty (60) days after receipt of the final subdivision plat with all required information shall be deemed approval of the plat, and in such

event, a certificate of approval entitling the applicant to proceed shall be issued, upon demand, by the Administrator. Caution should be exercised in that such default approval shall not exempt the subdivision from compliance with the Zoning Ordinance provisions.

5. *Appeal of Staff Decisions to Planning Commission.* Staff decisions may be appealed to the Planning Commission by any party in interest if an appeal is filed with the Zoning Division within ten (10) business days after actual notice of the decision. The Planning Commission shall act on the appeal within sixty (60) days from receipt of the appeal and the action of the Planning Commission is final.

**Sec. 54-812. Recording of plat.**

1. *Recording of the Plat.* When all conditions of approval have been met including all required certifications, signatures, dedications and the posting of any required bonds, the City Engineer shall sign the plat on behalf of the Planning Commission and record the plat in the Register of Mesne Conveyance or Register of Deeds of the appropriate county. No signature shall be affixed to the plat until all the requirements of these regulations have been met. The applicant shall deliver to the City Engineer the required number of reproducible prints and copies and a digital copy of the signed plat for recording with the Register of Mesne Conveyance or Register of Deeds. The recording fee shall accompany the plat. Notice that a plat has received final approval or has been disapproved shall be given to the applicant

**Sec. 54-813. Phasing major subdivision plats.**

1. *Phasing Major Subdivision Plats.* The Administrator may permit a subdivision that has been given concept plan approval to be divided into two or more phases for development plan and final platting purposes and may impose such conditions upon the filing of each phase, as it may deem necessary, to assure the orderly development of the subdivision. Each phase shall be bonded independently of the other phases, unless expressly stated otherwise.

**Sec. 54-814. Resubdivision of land.**

1. *Procedure for Subdivision Where Future Resubdivision is Foreseen.* Whenever a parcel of land is subdivided, and the subdivision plat shows one or more lots containing more than one acre of land or double the minimum required area for the zoning district in which the lot is located, and the Administrator has reason to believe that such lots shall be resubdivided into smaller building sites, the Administrator shall require that the subdivision and development of such parcel of land allow for the future opening of streets by restricting building locations. A plan of resubdivision shall be depicted on a concept plan drawing unless the applicant can demonstrate that the need for such future street connection is unnecessary. The Administrator shall require that future dedications providing for the opening and extension of such streets be so indicated on the plat.

**Sec. 54-815. Miscellaneous platting situations.**

1. *Converting Parcels to Building Sites.* A land parcel created by deed or land parcel identified as a reserve parcel on a plat may be converted to a building site within the limits set forth in this Chapter. Removal of the reserve status shall require Planning Commission approval.

**Sec. 54-816. Plat Review Committee and Subdivision Review Committee.**

1. Plat Review Committee. The Plat Review Committee is composed of City staff from the Department of Public Service and Department of Planning, Preservation and Economic Innovation and is coordinated by the Engineering Division. The purpose of this committee is to review all plats, other than subdivision plats as defined in Section 54-803.a, for compliance with all City codes prior to recordation in the Register Mesne Conveyance or Register of Deeds.

2. Subdivision Review Committee. The Subdivision Review Committee is composed of City staff from the Department of Public Service, Department of Planning, Preservation and Economic Innovation, Department of Traffic and Transportation and Department of Parks and is coordinated by the Zoning Division. Representatives of the State, or Boards or Commissions may be included in the review of applications as appropriate. The purpose of this committee is to review all applications for subdivision as defined in Section 54-803.a, including concept plans, development plans, preliminary plats and final plats as described herein. Meetings of the committee shall be held and applications shall be reviewed in accordance with the published review schedule for the committee, and agendas listing each item to be heard at each meeting of the committee shall be posted at the Department of Planning, Preservation and Economic Innovation and on the City web site at least five (5) business days prior to each meeting. Results of each meeting of the committee shall be presented to the Planning Commission at their monthly meetings. All meetings of the committee shall be open to the public.

**Secs. 54-817–819. Reserved.**

Section 2. This Ordinance shall become effective on April 1<sup>st</sup>, 2007.

Ratified in City Council this \_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord, 2007,  
and in the \_\_\_\_<sup>th</sup> Year of the Independence of  
the United States of America

\_\_\_\_\_  
Joseph P. Riley, Jr., Mayor

ATTEST:

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Clerk of Council