



SECTION 400: FINAL SUBDIVISION APPLICATIONS

Section 401—Intent:

It is the intent of this Ordinance that the approval of a Final Subdivision Application be a ministerial approval by the Council accompanied with findings of fact, and assuring compliance with all applicable requirements of this Ordinance and any conditions imposed by the Council for preliminary subdivision approval.

Section 402—Requirements for Final Subdivision Applications:

All Final Subdivision Applications shall provide the following information;

1. **Application.**

A Final Subdivision Application, provided by the City, completed and signed by the owner(s) as identified on the property assessment rolls of Sevier County, or authorized agent of the owner(s), of the lands proposed to be subdivided. The Final Subdivision Application shall be accompanied by the Final Subdivision Application fee.

2. **Final Subdivision Plat.**

A final subdivision plat, prepared by a licensed land surveyor, as required by the Act, and in a form acceptable to the Sevier County Recorder for recordation. The final subdivision plat shall be prepared in pen and all sheets shall be numbered. All required certificates shall appear on a single sheet (along with the index and vicinity maps). The final subdivision plat shall be drawn on reproducible mylar. A minimum of five (5) 11x17 size, two (2) 24x36 size paper copies, and a digital copy in a format acceptable to the City Engineer shall be presented to the Zoning Administrator, as a requirement of the final subdivision plat application. The final subdivision plat presented to the Zoning Administrator shall contain the same information as required by Section 402 herein, and shall include any revisions or additions, as required by the Council, as part of preliminary subdivision approval. The final subdivision plat shall show the following:

- a. Notation of any self-imposed restrictions, including proposed final restrictive covenants, signed by all owners of interest, and bearing the acknowledgment of a public notary, and all other restrictions as required by the Council or in accordance with this Ordinance.
- b. Endorsement on the final plat by every person having a security interest in the subdivision property subordinating their liens to all covenants, servitudes, and easements imposed on the property.

- c. The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre.
- d. The owner's certificate of dedication(s) including a legal description of the subdivision's boundaries and the dedication of any public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.
- e. Signature blocks prepared for the dated signatures of the City Administrator, Commission Chair, City Engineer, City Attorney, Mayor, and public or private utility/service providers, as applicable.

3. Title Report.

If the Final Subdivision Application is filed with the City after 180 days from the date the preliminary subdivision application is approved by the Council, a Title Report, no older than 30 days, shall be provided as part of the Final Subdivision Application.

4. Other Final Subdivision Application Information and Materials.

The following information is required to be presented as part of the Final Subdivision Application:

- a. Establishment of any bonds and agreements and the payment of any engineering inspection fees.
- b. Final design and construction drawings for all proposed or required public improvements, prepared as required by the City Engineer, including the profiles and cross sections of all existing and proposed streets, and designed as required by the City, all storm drainage and flood control facilities, the elevations and location of fire hydrants, required culinary water facilities, sanitary sewer facilities, and all other provided and required public facilities and improvements.

Section 403—Final Plat Engineering Review Fees:

The Applicant(s) for final subdivision approval shall pay all costs that may be incurred by the City for the provision of engineering services, provided by a licensed engineer, and necessary to review the Final Subdivision Application materials, for conformity to the requirements of this Ordinance, other applicable City Ordinances, other applicable Local, State, and Federal requirements, and accepted civil engineering practice.

Section 404—Zoning Administrator to Determine a Complete Final Subdivision Application:

Prior to the consideration of the Final Subdivision Application by the Council, or authorized designee, the Zoning Administrator shall determine and find that the Final Subdivision Application is complete and contains all application materials as required herein.

Section 405—Lack of Final Subdivision Application Information-A Determination of an Incomplete Application:

The lack of any information required for a Final Subdivision Application, as required by this Ordinance, shall be cause for the Zoning Administrator to find the Final Subdivision Application incomplete.

A Zoning Administrator determination of an incomplete Final Subdivision Application shall prohibit the City Staff from considering any material, items or other information related to the proposed subdivision. The Zoning Administrator shall notify the Applicant(s), in writing, of the required information lacking from the Final Subdivision Application. The Zoning Administrator shall allow thirty (30) calendar days, from the date of notification of an incomplete Final Subdivision Application, for the Applicant(s) to provide the required information to the City. If the Final Subdivision Application remains incomplete after a maximum of thirty (30) days from date of notification, the Zoning Administrator shall return the entire incomplete Final Subdivision Application to the Applicant(s), accompanied by any Final Subdivision Application fees paid.

Section 406—Appeal of a Decision of the Zoning Administrator:

Any person(s) aggrieved by a decision of the Zoning Administrator of a Determination of Application Completeness may appeal the Zoning Administrator's decision to the Commission.

Section 407—Final Subdivision Review Procedures:

The Council is identified and authorized as the approval authority for Final Subdivision Applications, assuring compliance with all applicable requirements of this Ordinance. The review procedures of the City for the consideration of a Final Subdivision Application are identified in Figure 4.

1. Determination of a Complete Application and DRC Review.

A determination of a complete Final Subdivision Application shall be made by the Zoning Administrator as identified in Figure 1 and Section 404 and 405. The Zoning Administrator shall schedule a meeting with the DRC to provide a final technical review of the application and to assure compliance of the Preliminary Subdivision Approval granted by

the Council with any conditions and compliance with this Ordinance and all other City, County, and State requirements for final subdivision approval.

2. Council to Approve, Approve with requirements, or Deny the Final Subdivision Application. Following a final technical review by the DRC, the Final Subdivision Application shall be presented to the Council for review and approval. The Council may approve, approve with requirements, or deny the Final Subdivision Application, accompanied by findings of fact.

3. Zoning Administrator to Obtain Signatures and Record the Final Subdivision Plat. The Zoning Administrator is authorized to obtain the signatures for the final subdivision plat from required City Officials and services providers prior to the recordation of the final subdivision plat. The Applicant(s) is required to pay all fees, including copies, for the recording of all final subdivision documents and final plat.

Section 408—Nature and Effective Period of Final Subdivision Approval:

After a Final Subdivision Application has received a final review by the City Staff and received signatures from required City Officials and services providers, the final subdivision shall be presented to the City Administrator for approval and signature prior to recordation in the Office of the Sevier County Recorder. After the final subdivision plat has been recorded, the Applicant(s) may apply for building permits consistent with the approved and recorded final subdivision plat and the City requirements for a building permit.

The approval of a Final Subdivision Application shall be effective for a period of one (1) year from the date the final subdivision is approved by the City, at the end of which time the final subdivision plat shall have been recorded in the Office of the Sevier County Recorder. If the approved final subdivision plat is not recorded within the one (1) year period of date of approval the final subdivision approval shall be void, and the Applicant(s) shall be required to submit a new Final Subdivision Application, subject to the then existing Final Subdivision Application provisions of this Ordinance and all other applicable City, State and Federal requirements.

Section 409—Recordation of a Final Subdivision Plat:

After the Final Plat has been acknowledged, certified, approved by the Council, and signed by all designated officers, the owner of the land shall record the Final Plat in the Office of the Sevier County Recorder. The Applicant(s) is required to pay all fees, including copies, for the recording of all final subdivision documents and final plat.

Section 410—Site Preparation Work Prohibited:

No excavation, grading or regrading shall take place on any subdivision site, and no building permits shall be issued by the City, until the final subdivision plat has been recorded in the Office of the Sevier County Recorder, as provided herein.

Section 411—Appeal of Final Subdivision Application Decisions:

Any person(s) aggrieved by a decision of the Council concerning a Final Subdivision Application may appeal the Council decision to District Court, as provided in the Act.



FIGURE 4

Final Subdivision Application Review Procedures

