ARTICLE II
PROCEDURES FOR PLAT APPROVAL
Amended by Resolution No. 2025-07

2-101 General Procedure

2-101.1 Plat Approval Requirements

Before executing any contract for the sale of a land parcel intended for subdivision, and before granting any permit for constructing structures in the proposed subdivision, the subdividing owner or their authorized agent must apply for and obtain the planning commission's approval of the proposed subdivision following the procedures outlined in this article.

2-101.2 Classification of Subdivisions

The planning commission shall classify each subdivision proposal as either major or minor according to the definitions provided herein.

2-101.201 Review Procedure

The subdivider shall follow the procedure outlined below to obtain plat approval.

a. Minor Subdivision

i. Pre-application conference with the enforcing officer, including submission of a scaled drawing or survey of the proposed subdivision for initial discussion and review.

ii. Securing approvals from other public agencies and any affected utility districts or companies.

iii. Submission of a final plat, prepared in accordance with the specifications in Section 5-104 herein, for approval by the planning commission.

b. Major Subdivision

i. Preapplication conference on the subdivision with the planning commission and/or staff assistant to the planning commission, generally including a sketch plat and discussion of the proposed area to be subdivided.

ii. Submission of a preliminary plat, prepared according to Section 5-102, for planning commission approval.

iii. Securing approval from other public agencies.

iv. Submission of the final subdivision plat, prepared in accordance with Section 5-104, 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 planning commission's regular meeting–at which the public hearing on the final subdivision plat, including any adjourned date, is closed–shall be considered the official submission date of the plat. The statutory period required in Section 13-3-404, Tennessee Code, for formal approval or disapproval of the plat shall commence on that date.

2-101.4 Policy on Flood Prone Areas

In assessing the suitability of land subdivisions on any site containing a flood-prone area, the planning commission, when reviewing any plat, shall consider the policy and purpose outlined in Section 1-104 of these regulations and, additionally:

1. The risk to life and property from increased flood heights or velocities, whether potential or actual, caused by subdivision fill, roads, and intended uses.

2. The risk that intended uses or improvements could spill over into other lands or downstream, causing harm to others.

3. The adequacy of proposed water supply, sanitation, and drainage systems, and their ability to operate effectively under flood conditions.

4. The vulnerability of the proposed facility and its contents to flood damage, and how such damage would affect the individual owner.;

5. The significance of the services offered by the proposed facility to the community as a whole;

6. The subdivision requirements for a waterfront location;

7. The availability of alternative locations that are not prone to flooding for the proposed subdivision and land uses.

8. The compatibility of the proposed uses with existing development or anticipated future development;

9. The relationship between the proposed subdivision and the land development plan and floodplain management program for the area.

10. The safety of access to the property for emergency vehicles during floods;

11. The expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters anticipated at the site.

12. The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public roads, and bridges; and

13. The impact of the proposed subdivision on the planning commission's involvement in the National Flood Insurance Program, if the commission is or chooses to participate in the program.

The planning commission shall not approve any subdivision or part of it 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 most recent approved flood study for the jurisdictional area, as well as any subsequent revisions. Developers must prepare specific engineering studies in areas where current flood data is lacking if the planning commission considers it necessary.

Whenever the planning commission determines that a proposed subdivision may impact flood height, velocity, or duration in any flood-prone area outside its jurisdiction, the commission shall take all necessary and proper actions to ensure a coordinated review of the development with the relevant governmental agencies of the affected area.

When approving plans for land subdivision involving flood-prone areas, the planning commission must ensure that development respects property within any floodway, as defined by these regulations, per the standards set by the applicable zoning ordinance. The commission must also confirm that development within the floodway fringe area (inside the one-hundred-year flood level) is adequately protected against potential flood hazards using the methods outlined in Article IV of these regulations.

The planning commission shall disapprove the subdivision of any land containing a flood-prone area when it determines that the subdivision plans do not align with the policy stated in this section.

2-101.5 Special Provisions Governing (Condominium) Subdivision Unit Ownership

2-101.501 General Provisions

1. **Intent** -- This section aims to supplement the general legislation of Sections 66-27-101 through 66-27-123, Tennessee Code, titled "Horizontal Property Act," by providing additional rules and regulations for implementing the Act, as specifically authorized in Section 66-27-121, Tennessee Code.
2. **Applicability** -- Whenever a developer, the sole owner, or the co-owners of a building or buildings explicitly declare their intention to submit their property to a regime through the submission of a master deed, lease, or plat, as established by Sections 66-27-101 through 66-27-123, Tennessee Code, which creates a horizontal property regime, each such condominium or horizontal property regime established under these provisions for the purpose of sale or transfer of real property is subject to these regulations.

2-101.502 Submission of Plat Required

Before selling or transferring any property within the property regime, the developer, sole owner, or co-owners must submit a subdivision plat of the property to the planning commission according to the requirements of this article; if approved, the plat shall then be filed with the county register as specified by this article.

2-101.503 Determination of Subdivision Type

Condominium subdivisions shall be classified by the planning commission 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 for a condominium subdivision must follow the standard process for subdivision approval, as outlined in this article.

2-101.505 Contents of Plans and Documents

The plats, plans, and documents submitted by an applicant for approval of a condominium subdivision must comply with the specifications outlined in Article V of these regulations.

2-102 RESERVED FOR FUTURE USE. (Resolution No. 2025-02)

2-103 Preliminary Plat (Maior Subdivisions Only)

2-103.1 Application Procedure and Requirements

The applicant shall submit a preliminary plat to the planning commission. If the applicant fails to provide complete and accurate information as required by this section, the preliminary plat may be disapproved. The preliminary plat must be prepared in accordance with Section 5-102, and:

1. Be presented at the office of the enforcing officer at least fourteen (14) days prior to a regular (officially opened) meeting of the planning commission.

2. Include all land which the applicant proposes to subdivide and all land immediately adjacent, extending two hundred (200) feet from it, or that directly opposite to it, extending two hundred (200) feet from the public way frontage of such opposite land. The lot pattern of surrounding development shall be shown within the area located within two hundred (200) feet of the proposed development.
3. Be accompanied by at least ten (10) copies of the preliminary plat as described herein; and

4. Be accompanied by at least three (3) copies of construction plans as described in Section 5-103 of these regulations.

2-103.2 Administrative Review

An administrative review meeting shall be held to evaluate the preliminary plat, construction plans, and any exhibits submitted in accordance with these regulations. This review will include the staff assistant to the planning commission and any other relevant government representatives. The meeting shall be conducted before the regular planning commission meeting where the plat will be reviewed. The review committee's findings shall be presented to the planning commission.

With expert assistance, as needed, the subdivider shall prepare a report on any proposed subdivision that contains or borders a flood-prone area. Such report shall estimate the discharge of the regulatory flood, identify 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 on a hydraulic analysis of the stream channel and overbank areas' capacity to convey the regulatory flood.

2. Calculation of the floodway needed to carry the regulatory flood without raising the natural flood heights of the regulatory flood by more than one (1) foot at any point; and

3. Unless otherwise established, the computation of increases in flood heights caused by any encroachment shall be based on the reasonable assumption that there will be an equal amount 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 multiple reaches.

2-103.3 Notice of Hearing

A planning commission shall hold a hearing as required by Chapters 3 and 4 of Title 13, Tennessee Code, on each plat brought before it.

2-103.4 Preliminary Approval

After the planning commission reviews the preliminary plat, construction plans, exhibits, and the results of administrative review, the applicant will be notified of any required changes. The planning commission shall approve, conditionally approve, or disapprove the preliminary plat within thirty (30) days after the date of the regular planning commission meeting at which the hearing on preliminary approval, including any adjourned date, is closed.

The secretary of the planning commission shall issue a certificate of preliminary approval upon request, and the applicant may then proceed to apply for final subdivision plat approval in accordance with the procedures outlined in Section 2-104 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 developer with the date of approval, conditional approval, or disapproval noted. If a preliminary plat is disapproved, the planning commission shall specify the reasons for disapproval, which shall be recorded in the meeting minutes.

Before the planning commission approves a preliminary plat that shows land for public

use, it shall obtain approval for the land reservation from the planning commission or the appropriate governmental agency.

2-103.5 Public Improvements

The planning commission may require that all public improvements be installed and dedicated before the secretary of the planning commission signs the final subdivision plat. If the planning commission does not mandate that all public improvements be installed and dedicated before signing the final subdivision plat, an adequate performance bond must be approved. The amount of this bond shall be determined by the planning commission, based on the recommendation of the appropriate government representative or by receiving cost estimates from two or more independent contracting firms. The estimates should cover the full cost of all necessary improvements, with an additional ten percent added to account for inflation. It is the subdivider's responsibility to provide these estimates to the planning commission.

Such bonds shall be submitted by the applicant at the time of applying 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 that shall be required to be established or extended; and any other special requirements deemed necessary by the planning commission to ensure the subdivision plat aligns with the major street or road plan and the land development plan for the jurisdiction area.

2-103.6 Zoning Regulations

Every plat shall comply with any existing zoning and subdivision regulations applicable at the time of final approval. However, any plat that has received preliminary approval shall be exempt from subsequent amendments to such zoning ordinances or regulations that would make the plat nonconforming regarding bulk, use, or development standards, as long as final approval is obtained within the effective period of preliminary approval specified in Subsection 2-103.6, herein.

2-104 Final Subdivision Plat (Minor and Maior Subdivision)

2-104.1 Application Procedure and Requirements

A subdivider shall submit a final plat to the planning commission. The plat must be prepared in accordance with Section 5-104, and:

1. Include the entire subdivision or section for which final approval is requested.

2. Provide at least ten (10) copies of the final subdivision plat as described herein.

3. Substantially comply with the preliminary plat, where such a plat is required.

4. Be submitted to the office of the enforcing officer at least fourteen (14) days before the regular meeting of the commission at which it will be considered.

5. Include formal irrevocable offers of dedication to the public for all public ways and uses, utilities, parks, and easements, in a form approved by legal counsel, as applicable. (The subdivision plat shall indicate these formal offers of dedication as shown in Article V of these regulations.)

6. Be accompanied by a performance bond, if required, in a form satisfactory to legal counsel and in an amount sufficient 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 not limited to, 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 premises.

7. Be provided with written assurance from any public utility companies serving the subdivision area that necessary utilities will be installed, along with proof that the applicant has submitted petitions in writing for creating or extending any utility districts as required by the planning commission upon preliminary plat approval.

8. Be accompanied, if the final plat includes open space or recreational facilities, or if any part of the site is in common ownership, by the following documentation for approval by the planning commission.

    a) plans for the 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 by a similar organization acting on behalf of the joint owners of the 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;

c) Declaration of covenants and restrictions related to open space and facilities that ensure their continued use for the intended purpose, where the open space or facilities are to be retained by the developer.

2-104.2 Endorsement of Notations

The notations and certifications required by Subsection 5-104.3 of these regulations, to appear on the final plat, shall be endorsed by appropriate officials and other persons before final subdivision plat approval. However, the certificate of planning commission approval must be signed at the time specified in Section 2-105 of these regulations.

2-104.3 Hearing and Decision on Final Plat

The planning commission shall hold a hearing as required by Section 13-4-304, Tennessee Code, on each final plat brought before it. The planning commission shall, within thirty (30) days after the plat's submission, approve, modify, or disapprove the final subdivision plat by resolution, which shall detail any conditions of approval or reasons for disapproval. Under no circumstances shall the time allowed by the planning commission to complete the required improvements exceed one (1) year from the date of the final resolution.

Failure of the planning commission to act on a plat within the specified time shall be considered approval of the plat. In such cases, a certificate of approval, which allows the subdivider to proceed as outlined in Subsection 2-104.4 and Section 2-105 of these regulations, shall be issued promptly by the secretary of the planning commission upon request. The applicant, however, may agree to extend the review period. 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.

2-104.4 Vested Rights/Expiration of Approvals (Resolution No. 2025-02)

A. Major Subdivisions: Following approval of a Preliminary Plat, the applicant has three (3) years to obtain approval of a Final Plat, secure necessary permits (e.g. Land Disturbance Permit) and commence site preparation. If any of these do not occur within three (3) years of Concept Plan approval, then the approval shall expire and a new approval must be sought. For purposes of this Subsection, approval of a Final Plat is obtained upon the recording of an approved Final Plat in accordance with Section 2-104 of these Regulations. If the applicant satisfies these requirements, and provided that the applicant commences construction within two (2) years from the date the Preliminary Plat could have expired, and further provided that the applicant maintains all necessary permits, then the

development standards applicable at the time of approval of the Preliminary Plat shall be in effect during the applicable vesting period as outlined in TCA Section 13-3-413, and as amended, except where there is an amendment to the Preliminary Plat or Final Plat that meets the requirements of TCA Section 13-3-413(h), and as amended, or violation of approval in accordance with TCA Section 13-3-413if), and as amended.

B. Minor Subdivisions: If construction commences within two (2) years from Final Plat approval, and provided that all necessary permits are maintained, then the development standards applicable at the time of approval shall be in effect during the applicable vesting period as outlined in TCA Section 13-3- 413, and as amended, except where there is an amendment to the Final Plat that meets the requirements of TCA Section 13-3-413(h}, and as amended, or violation of approval in accordance with TCA Section 13-3-413(f), and as amended. For purposes of this Subsection, approval of a Final Plat is obtained upon the recording of an approved Final Plat in accordance with Section 2-104 of these Regulations.

2-105 Signing and Recording of Subdivision Plat

2-105.1 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 all conditions of the resolution related to the plat have been met.

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 are satisfied and all improvements are satisfactorily completed. There must be written evidence that the required public facilities have been installed in a manner satisfactory to the planning commission, as shown by certifications from the appropriate government representatives indicating that necessary land dedications and improvements have been accomplished.

3. When the conditions of this section are met, the secretary shall sign the original reproducible copy of the subdivision plat.

2-105.2 Recording of Plat

The enforcing officer must file the plat with the county registrar's office within ninety (90) days of signing it. At the same time, the officer shall record the agreement of

dedication along with any other legal documents that legal counsel requires to be recorded.

2-105.3 Sectionalizing Major Subdivision Plats

Before granting final approval of a major subdivision plat, the planning commission may allow the plat to be divided into two or more sections and may impose conditions on the filing of each section as it considers necessary to ensure the orderly development of the subdivision.

The planning commission may require that a performance bond be in an amount proportional to the section or sections of the plat being filed and may delay the remaining required performance bond principal until the remaining sections are offered for filing. The developer may also submit irrevocable offers to dedicate public ways and improvements in the section being filed and postpone submitting dedication offers for the remaining sections until those sections, subject to any conditions set by the planning commission, are granted final approval of the plat. These authorized sections must include at least ten (10) percent of the total lots in the proposed plat unless the planning commission grants a specific waiver of this requirement.