

### **Subpart C. Application, Enforcement and Legal Status Provisions**

#### **§200A-92. Designation of Agent**

The *applicant* for any *subdivision* review or approval procedure may submit, along with any initial application, an affidavit specifying an agent who may represent the owner in all matters.

#### **§200A-93. Approval Prerequisite to Plat Recordation**

Pursuant to *NCGS* §153A-331, and except where otherwise provided in this Chapter, no *final plat* of a *subdivision* within the jurisdiction of this Chapter shall be recorded by the Register of Deeds of Henderson County until it has been approved by the *Subdivision Administrator*, Technical Review Committee, or Planning Board as provided herein. The Register of Deeds shall not file or record a *plat* of the *subdivision* of land, any part of which is located within the jurisdiction of this Chapter that has not been approved in accordance with these provisions. In addition to meeting the requirements of this Chapter, *subdivisions* proposed within designated *water supply watershed* areas shall be subject to the provisions of the *Water Supply Watershed Protection* requirements of this Chapter, and the *Watershed Administrator* or his designee shall certify on such *plats* that the *subdivision* complies with the provisions of the *Water Supply Watershed Protection* requirements of this Chapter.

#### **§200A-94. Certification of Exemptions**

Any *plat* of property exempted from the regulations of this Chapter shall be certified by the *Subdivision Administrator* or a professional land surveyor as exempt, prior to such *plat* being recorded. Such *plat* is not exempt from the other requirements set forth in this Chapter or any other local ordinances. Pursuant to *NCGS* §47-30 (f) 11 (Duty of the Surveyor), a professional land surveyor may certify that such *plat* represents an exception to the definition of *subdivision* and is not subject to the provisions of this Article. Such *plat* may be recorded without being certified by the *Subdivision Administrator*. Any exemption from the regulations of this Chapter shall not be deemed an exemption from any other applicable ordinance. Any court-ordered *subdivision* should comply, to the maximum extent possible, with the provisions of this Chapter.

#### **§200A-95. Plat Approval Required for Building Permit**

No building permit may be issued for any construction on any proposed *lot* shown on a development plan until a *final plat* has been approved and recorded, except that a building permit may be issued for one (1) *structure* on one (1) *lot* shown on any approved development plan prior to recordation of a *final plat*. The Building Services Department shall deny building permits for *subdivision lots* created in *violation* with the terms and conditions of this Chapter.

#### **§200A-96. Land Auctions**

Where application for *major* or *minor subdivisions* is made with the intent that such divided property will be sold at land auction, the *final plat* shall clearly state the following: "The property herein is to be sold by auction. Any further *subdivisions* must meet applicable standards set forth in the Henderson County Land Development Code." In addition, restrictive covenants regarding *road* maintenance for any dedicated *rights-of-way* must be approved in advance by the appropriate reviewing agency and recorded prior to such auction.

**§200A-97. Limitation on Applications Pending**

Only one (1) application for a *subdivision* may be reviewed by any reviewing agency at any one (1) time on any of the original property boundaries. An application is only valid for up to one (1) year after its submission to the Planning Department. Applications submitted over one (1) year prior must be updated and resubmitted.

**§200A-98. Violations and Penalties**

If an *applicant* of a *phased minor or major subdivision* is in *violation* of any regulation in Article III (Subdivision Regulations) for the first *phase* of the *subdivision* then the *applicant* will not be allowed to continue developing future *phases* of the *subdivision* and any County issued permits may be revoked or suspended by the County. Upon verification by Henderson County Planning Staff that the *subdivision* no longer violates the provisions of Article III, *subdivision* approval and any suspended permits will become valid. The *applicant* may reapply pursuant to applicable provisions of the Land Development Code to have any revoked permits reinstated.

**§200A-99. Reserved**

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