

[municipal] plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The planning commission may, from time to time, recommend to **[council]** *the local legislative body* amendments of the zoning ordinance or map or additions thereto to conform to the commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions. The commission shall have the power to agree with applicant upon use, height, area or bulk requirements or restrictions **[governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the municipality.]** *which are designed to promote the purposes of the zoning ordinance of the jurisdiction.* Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the zoning ordinance or map of the **[municipality]** *jurisdiction.*

[28]**5.06** 5.05 *Penalties for Transferring Lots in Unapproved Subdivisions*

Whoever, being the owner or agent of the owner of any land located within a subdivision transfers or sells or agrees to sell or negotiate to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the planning **[and zoning]** commission and recorded or filed in the office of the appropriate county clerk, shall forfeit and pay a penalty of one hundred dollars (\$100) for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The *county* or municipal corporation may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by civil action in any court of competent jurisdiction.

[29]**5.07** 5.06 *County Clerk's Duties* CLERK OF THE CIRCUIT COURT'S DUTIES

A ~~county clerk~~ CLERK OF THE CIRCUIT COURT ~~who files or records a plat of a subdivision without the approval of the planning commission as required by law shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).~~ SHALL NOT RECORD A PLAT OF A SUBDIVISION AS A DEED OF A SUBDIVISION WITHOUT THE APPROVAL OF THE PLANNING COMMISSION AS REQUIRED BY LAW AND ANY SUCH PLAT OR DEED OF A SUBDIVISION RECORDED WITHOUT PLANNING COMMISSION APPROVAL SHALL BE VOID.