

## CHAPTER 1

## SUBDIVISION REGULATIONS

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## 11-1-1: GENERAL PROVISION:

All plats and subdivisions of land in the City shall be made in accordance with the provisions of this Title. (Ord. 41, 5-1-1969)

## 11-1-2: DEFINITIONS:

For the purposes of this Title, the following definitions shall be applicable:

!DEF! COUNCIL: The City Council of the City of Lauderdale.

STREET: Any street, avenue, road, alley or other similar public way.

SUBDIVISION: Any or all of the following: !DEFEND!

A. The division of land by platting, conveyance, registered land survey or other means into two (2) or more lots, plats, sites or other divisions, any of which is less than two and one-half ( $2\frac{1}{2}$ ) acres in area, or

B. A division of land, regardless of area, if such division or plat provides for the granting or

dedicating of a public street, or

C. The resubdivision of land heretofore divided or platted where the total area of land being resubdivided is one acre or more. (Ord. 41, 5-1-1969)

11-1-3: COUNCIL APPROVAL; ADOPTION OF RESOLUTION:

All plats or subdivisions of land in the City must have the approval of the Council by the adoption of a Council resolution to that effect. (Ord. 41, 5-1-1969)

11-1-4: CONVEYANCE PRIOR TO APPROVAL PROHIBITED; EXCEPTION:

A. Conveyance Prohibited: No conveyance of land in which the land conveyed is described by metes and bounds or by reference to the plat made after the adoption of these platting regulations, which plat is not approved by Council resolution, shall be made or recorded if the parcel described in the conveyance is less than two and one-half ( $2\frac{1}{2}$ ) acres in area and one hundred fifty feet (150') in width, unless such parcel is a separate parcel of record at the time of adoption of the Ordinance codified in this Chapter or unless an agreement to convey such smaller parcel was entered into prior to such time and instrument showing agreement to convey is registered in the office of the register of deeds or registrar of titles within one year hereafter.

B. Exception: In any case where compliance with the foregoing subsection A will involve unnecessary hardship and failure to comply does not interfere with the platting regulations of this Chapter, the Council may waive such compliance by adoption of a resolution waiving compliance and conveyance may then be recorded. (Ord. 41, 5-1-1969)

11-1-5: GRANT OF PUBLIC STREET:

No grant of a public street to the City by deed shall be filed without the approval of the Council by adoption of a motion or resolution to that effect. (Ord. 41, 5-1-1969)

11-1-6: STREET PLAN:

All proposed streets on any proposed plat or subdivision shall conform to the street plan of the City and shall, insofar as possible, provide for the extension of existing streets through areas included within the plat. (Ord. 41, 5-1-1969)

11-1-7: STREET EXTENSION; BUILDING WITHIN AREA RESTRICTED:

No building permit shall hereafter be issued for the

construction, erection or location of a building within the area which would comprise an extension of an existing street within the City; provided, that the Council may permit such construction, erection or location of a building within such right of way in those cases where it shall appear that such street would not be extended through the area on which such building is proposed to be located. (Ord. 41, 5-1-1969)

11-1-8: IMPROVEMENTS:

As a condition precedent to the approval of the plat of lands, the Council may prescribe requirements of the extent to which and the manner in which streets shall be graded and improved, utilities installed, and any other matters reasonably related to the manner in which the area to be subdivided or platted shall be developed. (Ord. 41, 5-1-1969)

11-1-9: CONTRACT, BOND IN LIEU OF CONSTRUCTION:

In lieu of the completion of the work required as a condition precedent to the approval of the subdivision of a plat, the Council may give approval upon the execution of a contract and bond or cash deposit in form and amount satisfactory to the Council, providing for and securing to the City the actual construction and installation of such improvements, utilities and other developments within the period specified in said contract, not exceeding two (2) years. (Ord. 41, 5-1-1969)

11-1-10: IMPROVEMENTS, STREET APPROVAL REQUIRED PRIOR TO INSTALLATION:

A. No utility, Municipal service or improvement shall be constructed on any street until the street has been approved by being designated on a plat or subdivision duly approved and accepted by the Council or previously dedicated or accepted as a public street by the Council.

B. No permit for the erection of any building shall be issued unless it shall be located upon a street or highway giving access thereto, which has been duly approved and made a part of the street plan of this City and unless such building shall conform to the building line established upon the street or proposed street where it is to be located.

C. No permit for the construction, erection or location of any building shall be issued unless the building is to be located upon a full-width, improved street or highway, and at such an elevation that such building can be served by the Municipal sanitary sewer system by gravity flow, unless the permission of the City Council is first obtained, and this provision shall be applicable to all buildings on any parcel of land whether heretofore or hereafter platted or subdivided if such building is of such nature as to be served by sanitary sewage facilities.

(Ord. 41, 5-1-1969)

11-1-11: EXEMPTION:

This Chapter shall not apply to the sale or exchange of small parcels of land to or between adjoining property owners where such sale or exchange does not create an additional lot or space sufficient to construct an additional residence thereon. (Ord. 41, 5-1-1969)

11-1-12: MINIMUM STREET WIDTH:

The minimum width for streets shall be sixty feet (60'), except that where existing conditions make a street of less width more suitable, the Council may permit a street of less width. When streets adjoin undivided or unplatted property, a half street may be dedicated. When conditions are unfavorable to the construction of a half street, the subdivider may be required to provide additional land to construct a street of adequate width. (Ord. 41, 5-1-1969)

11-1-13: OFF-SET PARKING:

Provision for off-set parking shall be provided in connection with all subdivisions for business development. (Ord. 41, 5-1-1969)

11-1-14: EASEMENTS; LOT WIDTH:

Where alleys are not provided, easements of not less than five feet (5') in width shall be provided on the plat and the same shall be on each side of all rear lot lines. The standard width of lots shall be sixty feet (60'). (Ord. 41, 5-1-1969)

11-1-15: STREETS; OPENING AND CONSTRUCTION:

The opening and construction of any street shall not be started until agreement has been reached between Council and property owners or developer upon the conditions under which the division, plat or street is to be divided. (Ord. 41, 5-1-1969)

11-1-16: UTILITIES:

The subdivider shall make adequate provision for water supply, sewage disposal and storm water disposal. He shall provide the City with such information as may be necessary to determine the adequacy of the facilities proposed to be used for such purposes. The Council may require construction of water lines, sanitary sewer lines or storm sewer lines even though connections to other lines outside the area may not be possible immediately, where the

Council has determined to construct the facilities to which such connection may be made. (Ord. 41, 5-1-1969)

11-1-17: VARIANCE:

Whenever the tract to be subdivided or platted is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements of this Chapter would result in substantial hardship or injustice, the Council may vary or modify such requirements but only in such a manner that the public welfare and the interests of the City and the area surrounding the plat are protected and the general intent and spirit of these regulations are preserved. The subdivider or developer may be required to provide detailed construction specifications, approved by the City Council, for all items of work to be included as a part of the proposed subdivision and cost estimates of the cost of such improvements. (Ord. 41, 5-1-1969)

11-1-18: PLAT REQUIREMENTS:

The plat shall show the following:

- A. Boundary lines of the area being subdivided with accurate distances and angles or bearings together with all section lines.
- B. The lines of all proposed streets and alleys with the width and names.
- C. The names of all adjoining subdivisions.
- D. The accurate outline of any property which is offered for dedication and public use.
- E. All lot lines and an identification system for all lots and blocks.
- F. Easements for rights of way provided for public use, service or utilities, with figures showing their dimensions.
- G. Monuments of iron pipe not less than three-fourths inch ( $\frac{3}{4}$ " ) in diameter and two feet (2') in length shall be placed at all street corners in the plat and at all changes in alignment in street lines. These monuments shall be shown on the plat with sufficient data so that they may be located from the plat.
- H. The name of the subdivision, points of compass, scale of plan and name of owner or owners of the land being subdivided.
- I. Private restrictions upon the use of the property or a reference to an instrument in which any restrictions are contained, showing the book and page or document number of such instrument, as recorded in the office of the register of deeds or registrar of titles.

J. The surveyor's certificate, containing description of the land included in the plat. (Ord. 41, 5-1-1969)

11-1-19: FILING OF PLAT:

All plats, when approved by the City Council, shall be filed within thirty (30) days, unless an extension of time for filing is granted by the Council upon good cause shown within said thirty (30) day period. (Ord. 41, 5-1-1969)

11-1-20: PENALTY:

Any person which shall violate any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 41, 5-1-1969; 1996 Code)