

LOUISIANA LAND USE TOOLKIT: 3.0

CENTER FOR PLANNING EXCELLENCE



SUBDIVISION CODE



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CODE STUDIO

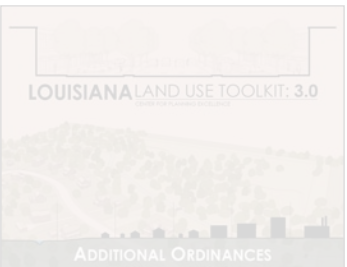
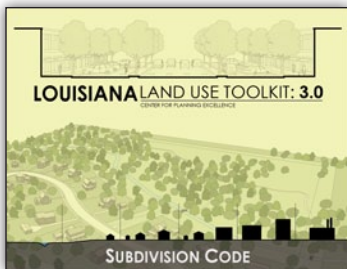
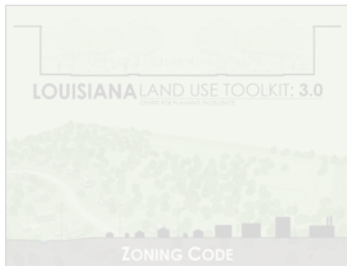
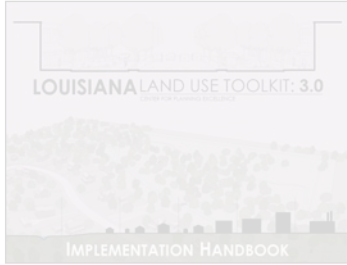
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This is the Louisiana Land Use Toolkit: Subdivision Code Version 3.0.
*The Implementation Handbook, the Zoning Code module and the Additional Ordinances
module are available for download at www.landusetoolkit.com.*



Introduction to the Toolkit

Each community in Louisiana has a unique vision for how they will grow and change over time. Likewise, each community has distinct needs for land use regulation and varying levels of tolerance for placing controls on private property. In order to create a set of regulatory tools that respond to these diverse needs, the Louisiana Land Use Toolkit components include the:

1. Implementation Handbook;
2. Zoning Code;
3. Subdivision Code; and
4. Additional Ordinances.

The Toolkit has been written to allow each community to build a regulatory framework that is appropriate for their needs. Each component may be adopted individually or may be combined to create a complete development code.

For example, a community may not be ready for a complete regulatory overhaul and may choose to use just the Zoning Code module or Subdivision Code module. Similarly, a community may already have zoning and subdivision but need a sign or historic preservation ordinance. In this case, a community would choose from the Additional Ordinances module.

Regardless of your community's approach, some level of customizing and editing will be required. If your community needs assistance implementing the Toolkit, the Center for Planning Excellence (CPEX) can help. CPEX has experience implementing the Toolkit in a variety of settings and understands what is required to get the Toolkit adopted in your community.

Additionally, the Implementation Handbook is the user's manual and step-by-step guide for the Toolkit. The Handbook is the starting point and should be consulted before beginning the implementation process. To download a copy of the Implementation Handbook go to www.landusetoolkit.com.

This Subdivision Code module is a basic subdivision ordinance that recognizes different places require different rules, and uses context areas to get the right standards in the right places. This module provides improved connectivity, better streets and guides the right type of infrastructure improvements to the right places.

While this document may be adopted as a stand-alone subdivision code, it is most effective when adopted in combination with the Zoning Code module and the Additional Ordinances module as a complete development code.

Throughout this document are a number of *Editor's Notes*. These notes appear in *italics* and offer suggestions to those calibrating the Subdivision Code module either as a stand-alone code or as a complete development code. The *Editor's Notes* provide alternate language or approaches and cross references that help with the customization and synthesis of the Toolkit. Bracketed text in *[blue italics]* must be changed.

ARTICLE 1. GENERAL

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Editor's Note: If adopting the Zoning Code module, then this Article must be reconciled with Article 1 of the Zoning Code module. The terms "subdivision code" and "zoning code" must be changed to "development code," proper authority must be cited and the purpose and intent statements must be combined.

Sec. 1.1 General Provisions

1.1.1 Title

This [*Chapter or Title*] shall be known as the "subdivision code for [*Jurisdiction*], Louisiana" and may be cited and referred to as "this subdivision code."

1.1.2 Authority

This subdivision code is adopted pursuant to the authority granted by Louisiana Revised Statute 33:101 *et. seq* [*Insert proper authority based on jurisdiction*].

1.1.3 Applicability

The provisions of this subdivision code apply to the subdivision of all land within [*Jurisdiction*]. No subdivision of land shall be undertaken without prior authorization pursuant to this subdivision code.

1.1.4 Effective Date

This subdivision code was adopted on [*insert date*] and became effective on [*insert date*].

1.1.5 Purpose

- A. This subdivision code is adopted for the purpose of guiding development in accordance with the [*Jurisdiction's*] comprehensive plan and existing and future needs of the [*Jurisdiction*] in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare.
- B. The regulations hereby enacted are designed to exercise the full range of authority available to the [*Jurisdiction*] under Louisiana law to:
 1. Promote the public health, safety and general welfare, while recognizing the rights of real property owners, by adopting a subdivision ordinance.
 2. Help achieve the goals, objectives and policies of the [*Jurisdiction*] Comprehensive Plan.
 3. Establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use

of land, and to ensure proper legal descriptions and monumenting of subdivided land.

4. Facilitate the adequate and efficient provision of transportation, water, wastewater, drainage, schools, parks, playgrounds, recreation and other public facilities and services by providing a means for regulating the impact of development on community infrastructure.
5. Provide the most beneficial relationship between the uses of land and buildings and the circulation of automobile traffic and pedestrians throughout the [*Jurisdiction*], and to secure safety from natural disaster, fire, and other dangers by providing for the proper location and width of streets, sidewalks, and buildings.
6. Provide for a range of open spaces through the most efficient design and layout of the land.
7. Ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest.
8. Promote the orderly division of land and remedy problems associated with inappropriately subdivided lands, including excessive subdivision, partial subdivision, scattered subdivision, or low-grade subdivision.
9. Carry out such other purposes in the public interest as may be specifically cited in this subdivision code.

1.1.6 Intent

This subdivision code is intended to provide a mechanism for implementing the following goals:

- A. Protecting the natural environment and visual character of the region.
- B. Creating a range of housing opportunities and choices.
- C. Creating mixed use, walkable and bikeable neighborhoods.
- D. Fostering distinctive, attractive communities with a strong sense of place.
- E. Making development decisions predictable, fair and cost effective.

- F. Preserving open space, farmland, rural character, natural beauty and critical environmental areas.
- G. Providing a variety of transportation choices and transportation corridors that are planned in context with character of the area.
- H. Strengthening and directing development towards existing communities.
- I. Taking advantage of compact building design where infrastructure is in place.

1.1.7 Minimum Requirements

The requirements of this subdivision code shall be considered as the minimum requirements for the promotion of the public health, safety and general welfare.

1.1.8 Conflicting Provisions

- A. All subdivisions must comply with relevant Federal and State regulations. Whenever any provision of this subdivision code imposes a greater requirement or a higher standard than is required in any Federal or State statute or regulation, the provisions of this subdivision code shall govern unless preempted by Federal or State law.
- B. It is not the intent of this subdivision code to interfere with or annul any easements, covenants, or other agreements between parties; provided that where this subdivision code imposes a greater restriction upon the use and dimensions of buildings, structures, or land, or requires larger open spaces than are imposed or required by other ordinances, regulations, or permits, or by easements, covenants, or agreements, the provisions of this subdivision code shall govern, except where expressly qualified in this subdivision code.

1.1.9 Severability

Should any provision of this subdivision code be decided by the courts to be unconstitutional or invalid, that decision shall not affect the validity of this subdivision code other than the part decided to be unconstitutional or invalid.

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***Editor's Note:** If adopting the Zoning Code module, then this Article must be replaced with the more comprehensive Article 2 from the Zoning Code module. The terms "subdivision code" and "zoning code" must be changed to "development code."*

Sec. 2.1 Code Approach

2.1.1 Generally

This subdivision code is organized around a hierarchal framework from the region to the community. The two organizing devices are as follows:

- A. Regional Growth Sectors; and
- B. Context Areas.

Sec. 2.2 Regional Growth Sectors

Regional growth sectors designate where growth is planned to occur and establish the context areas that are appropriate within each growth sector.

2.2.1 Growth Sectors Established

A. Preservation Sector

The Preservation Sector is intended to include open space that is either protected or should be protected from new growth and development. Public wastewater and other urban services do not serve and will not be extended to this sector.

B. Restricted Growth Sector

The Restricted Growth Sector is intended to include areas that are not anticipated to have any significant new growth or development. Public wastewater and other urban services do not serve and are not anticipated to serve this sector within the planning horizon.

C. Anticipated Growth Sector

The Anticipated Growth Sector is intended to include areas that are planned to have new growth and development and some redevelopment of existing areas. Public wastewater and other urban services either already serve or are anticipated to serve this sector in the near future.

D. Infill Sector

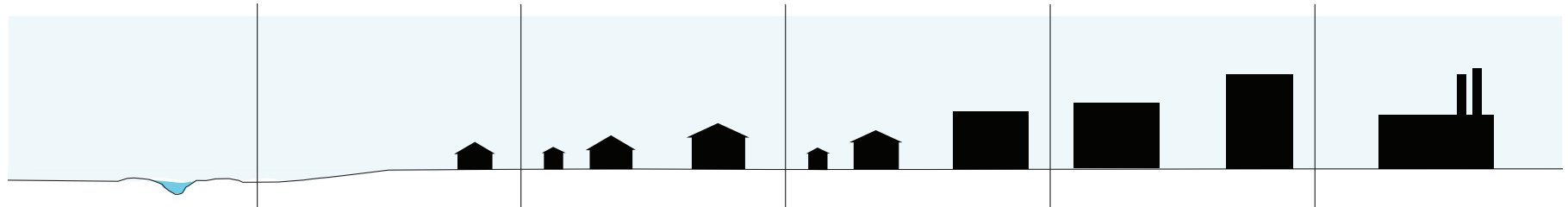
The Infill Sector is intended to include areas that are anticipated to have new growth primarily in the form of redevelopment of existing areas but some new development opportunities may exist. Public wastewater and other urban services already serve this sector.

Sec. 2.3 Context Areas

Context areas are primarily used to ensure that the right subdivision standards are applied in the right places. Context areas are distinguished from one another by the current and anticipated physical and environmental characteristics of the *[Jurisdiction]* as identified in the *[Name of Plan Document]*.

2.3.1 Context Areas Established

This subdivision code is organized around the six context areas established below.



A. Natural (N-) ■

Consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. A natural landscape with agricultural use often present.



B. Rural (R-) ■

Consists of sparsely settled lands in open or cultivated states. Typical buildings are farmhouses, agricultural buildings and camps. Limited retail activity is located in specifically designated centers.



C. Suburban (S-) ■

Consists of single-family detached housing with some opportunities for attached housing. Commercial activity is typically concentrated in nodes and corridors along major roadways.



D. Urban (U-) ■

Consists of attached and detached housing types such as single-family houses, row houses and apartments. Commercial activity is concentrated along major roadways and at neighborhood nodes.



E. Center (C-) ■

Consists of the highest density and height, with the greatest variety of uses. Attached buildings form a continuous street wall. The highest pedestrian and transit activity is encouraged.



F. Special (SP-) ■

Consists of large scale civic, institutional, heavy industrial and conservation areas which do not fit easily into other contexts. These uses may also occur within other context areas in smaller concentrations.



2.3.2 Context Area by Regional Growth Sector

The regional growth sectors control where the context areas may be located. The following context areas are allowed only in the regional growth sectors shown in the table below.

CONTEXTS:	Natural (N-)	Rural (R-)	Suburban (S-)	Urban (U-)	Center (C-)	Special (SP-)
Preservation Sector	▪					
Restricted Growth Sector	▪	▪				▪
Anticipated Growth Sector	▪		▪	▪	▪	▪
Infill Sector	▪		▪	▪	▪	▪

KEY: ▪ Allowed Blank cell = Not allowed

Sec. 2.4 Official Maps

2.4.1 Regional Growth Sector Map

The boundaries of the regional growth sector map are established and shown on the **[Name of Plan Document]** and may be cited and referred to as the "Official Regional Growth Sector Map". The Official Regional Growth Sector Map is made part of this subdivision code. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this zoning code. The Official Regional Growth Sector Map must be properly attested and kept on file by the Administrator.

2.4.2 Official Map Interpretation

- A. In the event that any uncertainty exists with respect to the intended boundaries as shown on the Official Regional Growth Sector Map, the Administrator is authorized to interpret the boundaries.
- B. Where uncertainty exists as to the boundaries of any growth sector shown on the Official Regional Growth Sector Map, the following rules shall apply:
 - 1. The boundaries are the center lines of the streets, alleys, waterways and rights-of-way, unless otherwise indicated. Where designation of a boundary line on either map coincides with the location of a street, alley, waterway or right-of-way, the center line of the street, alley, water way or right-of-way shall be construed to be the boundary of such district.
 - 2. Where the boundaries do not coincide with the location of streets, alleys, waterways and rights-of-way but do coincide with parcel or lot lines, such parcel or lot lines shall be construed to be the boundaries.
 - 3. Where the boundaries do not coincide with the location of streets, alleys, waterways, rights-of-way, parcel or lot lines, the boundary shall be determined by the use of the scale shown on the map.
 - 4. In any property split into more than one regional growth sector, the lines on the Official Regional Growth Sector Map shall be determined by use of the scale shown on the map.
- C. Upon dispute of the Administrator's interpretation, the applicant may appeal the decision to the **[Board of Adjustment or Governing Body if no zoning in place]**.

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ARTICLE 3. SUBDIVISION STANDARDS

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Editor's Note: If adopting Zoning Code module then this Article must be repackaged and inserted as an Article in the complete Toolkit. The exact placement of this Article will depend on the approach taken by the implementing community, but it is recommended that this Article be renumbered and placed after the Article addressing Use Provisions (Article 10 in the Zoning Code module). The terms "subdivision code" must be changed to "development code."

Sec. 3.1 General Provisions

3.1.1 Applicability

The regulations of this Article apply to all development within [Jurisdiction].

3.1.2 Improvements

- A. Before installing any public improvements, the applicant shall file complete construction plans covering all required improvements, utility easement location and such other plans and documents as may be required by the Administrator. The applicant shall enter into a contract with the [Jurisdiction], approved as to form and legality by the [Jurisdiction] Attorney, to make, install and complete or guarantee all required improvements and dedicate all required easements.
- B. Prior to issuance of any building permit, the applicant shall either have installed improvements specified in this subdivision code as shown on approved construction drawings or guaranteed the installation of improvements specified under this subdivision code by a bond with surety accepted by the [Governing Body].
- C. All improvements and construction required under this subdivision code shall conform to all standards and specifications of the [Jurisdiction] pertaining to the construction of any facilities regulated by [Jurisdiction] design standards.
- D. No public services or utilities may be extended or furnished to any development until the applicant has either installed the improvements specified in this code as shown on approved construction drawings or guaranteed the installation of improvements specified under this subdivision code.
- E. All required improvements shall be designed and installed so as to provide for a system of utilities, stormwater and streets and to create continuity of improvements between adjacent properties. Required pedestrian, vehicle, water and wastewater improvements shall be extended to and through to the edges of the proposed subdivision.

3.1.3 Easements and Dedication

All dedications of property to the [Jurisdiction] for public purposes shall be made in fee title except that, at the [Jurisdiction] discretion, the grant of an easement may be taken for the following purposes: recreational easements, conservation easements, emergency access easements, or public utility easements. All dedications in fee and grants of easements shall be free of liens and encumbrances except for those that the [Jurisdiction], in its discretion, determines would not conflict with the intended ownership and use.

Sec. 3.2 Blocks and Cul-de-sacs

3.2.1 Block and Cul-de-sac Standards

- A. The following table establishes the maximum block perimeter and maximum cul-de-sac length by context area for complete blocks, partial blocks and cul-de-sacs.

BLOCK AND CUL-DE-SACS	Block Perimeter (max)	Cul-de-Sac Length (max)
Context Area		
Natural	n/a	n/a
Rural	n/a	n/a
Suburban	3,000'	350'
Urban	2,400'	225'
Center	2,000'	not allowed
Special	n/a	n/a

Editor's Note: If including the Zoning Code module replace the table above with the following table.

<i>BLOCK AND CUL-DE-SACS</i>	<i>Block Perimeter (max)</i>	<i>Cul-de-Sac Length (max)</i>
Natural		
<i>All districts</i>	<i>n/a</i>	<i>n/a</i>
Rural		
<i>All districts</i>	<i>n/a</i>	<i>n/a</i>
Suburban		
<i>Residential districts</i>	<i>3,000'</i>	<i>350'</i>
<i>Residential districts w/ cluster option</i>	<i>2,600'</i>	<i>225'</i>
<i>Mixed use districts</i>	<i>2,400'</i>	<i>not allowed</i>
<i>Commercial districts</i>	<i>2,600'</i>	<i>not allowed</i>
<i>Planned development district</i>	<i>by concept plan</i>	<i>by concept plan</i>
Urban		
<i>Residential districts</i>	<i>2,400'</i>	<i>225'</i>
<i>Mixed use districts</i>	<i>2,000'</i>	<i>not allowed</i>
<i>Commercial districts</i>	<i>2,200'</i>	<i>not allowed</i>
<i>Planned development district</i>	<i>by concept plan</i>	<i>by concept plan</i>
Center		
<i>Mixed use districts</i>	<i>1,800'</i>	<i>not allowed</i>
<i>Commercial districts</i>	<i>2,000'</i>	<i>not allowed</i>
<i>Planned development district</i>	<i>by concept plan</i>	<i>not allowed</i>
Special		
<i>Community district (CD)</i>	<i>n/a</i>	<i>n/a</i>
<i>Heavy industrial district (IH)</i>	<i>5,000'</i>	<i>1,200'</i>
<i>Planned industrial development district (PID)</i>	<i>by concept plan</i>	<i>by concept plan</i>

- B. The maximum block perimeter may be extended by 10 percent, if the block includes a pedestrian passage that connects two streets provided the passage is a minimum of 10 feet wide and accessible at all times to the general public.
- C. At the request of the applicant, the maximum block perimeter in the Center context may be extended up to a maximum of 3,000 feet to allow for structured parking.

- D. Any single non-industrial block face in an Urban or Center context longer than 500 feet must include a pedestrian passage that connects two streets provided the passage is a minimum of 10 feet wide and accessible at all times to the general public.

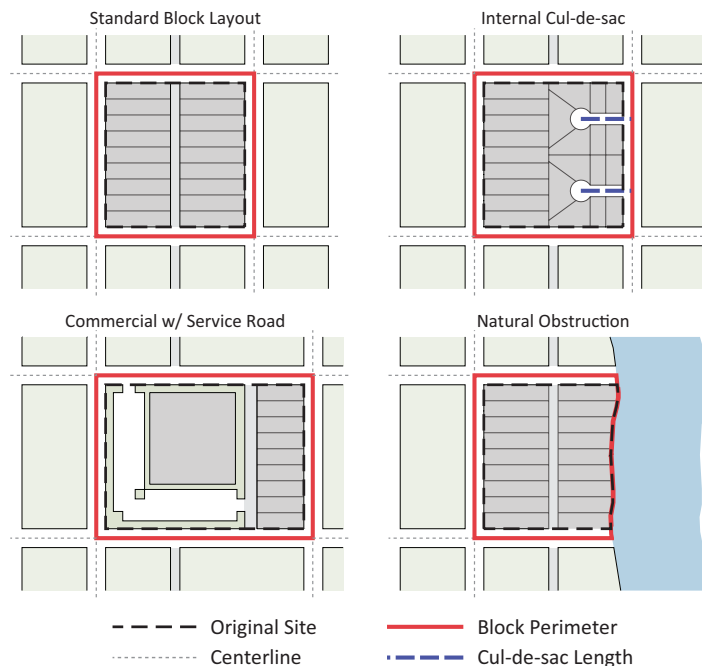
3.2.2 Block and Cul-de-sac Measurements

A. Generally

1. The Administrator may approve exemptions to the maximum block perimeter in the event that slopes in excess of 25 percent; freeways; waterways, railroad lines; preexisting development; conservation areas, open space, and easements are determined to make the block perimeter maximum unfeasible.
2. A block may be broken by a civic building or open lot, provided the lot is at least 50 feet wide and provides pedestrian access through the lot.

B. Complete Blocks

1. A block is bounded by either a publicly-dedicated street, a private drive or private street that meets the requirements for a publicly-dedicated street.
2. A block perimeter is measured along the center line of intersecting streets that encompass the block.

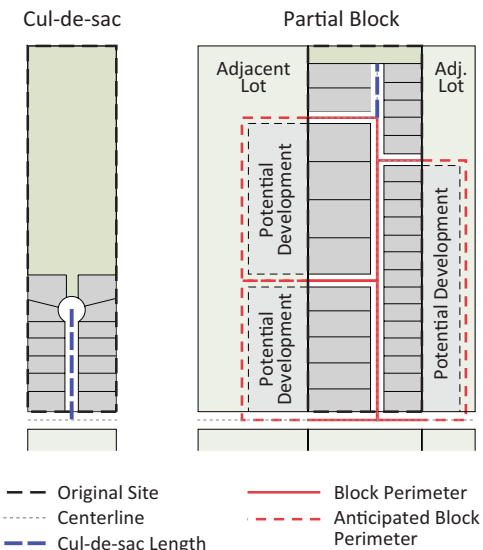


C. Partial Blocks

If the scale of a proposed subdivision does not generate the need for a complete block then street stubs may be required at certain locations to allow for future connections.

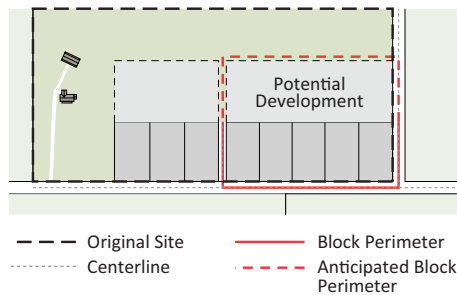
1. Narrow Site Subdivision

- a. As an alternative to a cul-de-sac, a subdivider may provide a street stub to serve future development.
- b. The street stub shall be located so that future development may connect to the street stubs in such a way as to form a block equal to or less than the maximum block perimeter allowed under [3.2.1, Block and Cul-de-sac Standards](#).
- c. The depth assumed for the potential development area shall be equal to or greater than the partial block depth proposed in the subdivision.



2. Wide Site Subdivision

- As an alternative to a cul-de-sac a subdivider may choose to provide a street stub to serve future development.
- The street stub shall be located so that future development may connect to the street stub in such a way as to form a block equal to or less than the maximum block perimeter allowed under [3.2.1, Block and Cul-de-sac Standards](#).
- The depth assumed for the potential development area shall be equal to or greater than the partial block depth proposed in the subdivision.



D. Cul-de-sacs

- All cul-de-sacs shall meet the following standards:

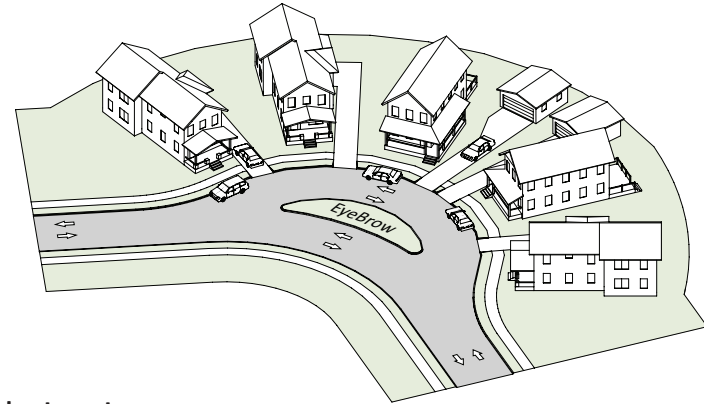
Length (max)	See 3.2.1
Turnaround Radii with center island (min)	62'
Turnaround Radii without center island (min)	33'
Center Island Radii (min)	6'

- Cul-de-sac length is measured along the center line of the cul-de-sac from the center of the intersection to the center of the turnaround
- A cul-de-sac shall terminate with a permanent turn-around with curb treatment consistent with the street design.
- The applicant shall provide for perpetual maintenance of any unpaved landscaped island through a property owners association or other acceptable organization.

- The following alternatives to cul-de-sacs may be approved by the Planning Commission at the time of subdivision.

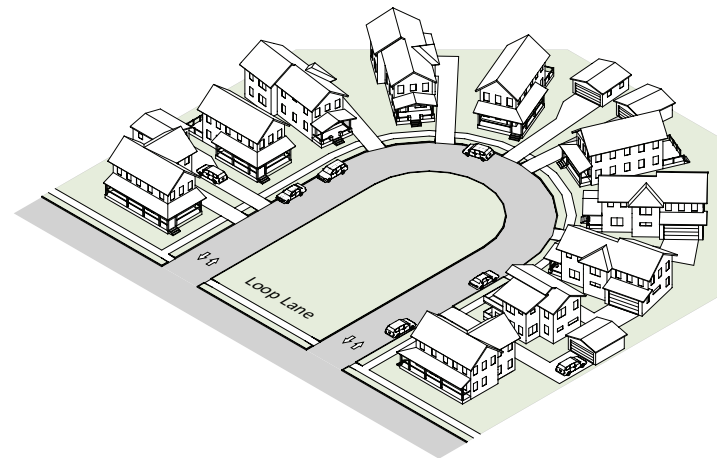
a. Eyebrow

An eyebrow is a rounded expansion of a street beyond the normal curb line. An eyebrow must have a landscaped island and is only allowed in the Suburban context.



b. Loop Lane

A loop lane is a two way street, no portion of which may be more than the maximum allowable cul-de-sac length from the abutting street right-of-way. The interior landscaped area must at least have an average width of 75 feet.



Sec. 3.3 Street and Alley Standards

3.3.1 Applicability

- A. The following street types apply to the construction of new streets and the reconstruction of existing streets and are allowed only in the context area designated.

	Natural	Rural	Suburban	Urban Center	Special
Rural Local	■	■			■
Rural Street	■	■			■
Rural Parkway	■	■			■
Neighborhood Yield			■	■	
Neighborhood Local			■	■	
Neighborhood Street			■	■	
Commercial Street			■	■	
Avenue			■	■	
Avenue, Parallel			■	■	■
Main Street, Angle			■	■	■
Main Street, Parallel			■	■	■
Multi-Way, Angle			■	■	
Multi-Way, Parallel			■	■	
Industrial		■	■		■
Industrial, Urban			■	■	■
Residential Alley			■	■	■
Commercial Alley			■	■	■

- B. Alternative parking angles other than shown (including reverse angle parking) may be approved by the [Jurisdiction] Engineer.

3.3.2 General

The applicant shall be responsible for the dedication and improvement of the streets and streetscapes in accordance with the standards of this code.

A. Construction Standards

The standards for the construction of pavement on all streets shall be in accordance with the specifications established by [Jurisdiction].

B. Streetscapes

The applicant shall be responsible for the improvement and maintenance of all streetscapes including but not limited to, street trees, sidewalks, and planting areas abutting the applicant's property.

C. Payment-in-lieu

If determined by the [Governing Body] that construction of improvements at the time of development would result in the improvement of less than one-half of a linear block face; an equivalent payment in lieu of construction may be required. The payment shall be deposited by the [Governing Body] in an interest bearing account for the improvement of the street and streetscape and shall be applied only to the cost of such improvements in the future.

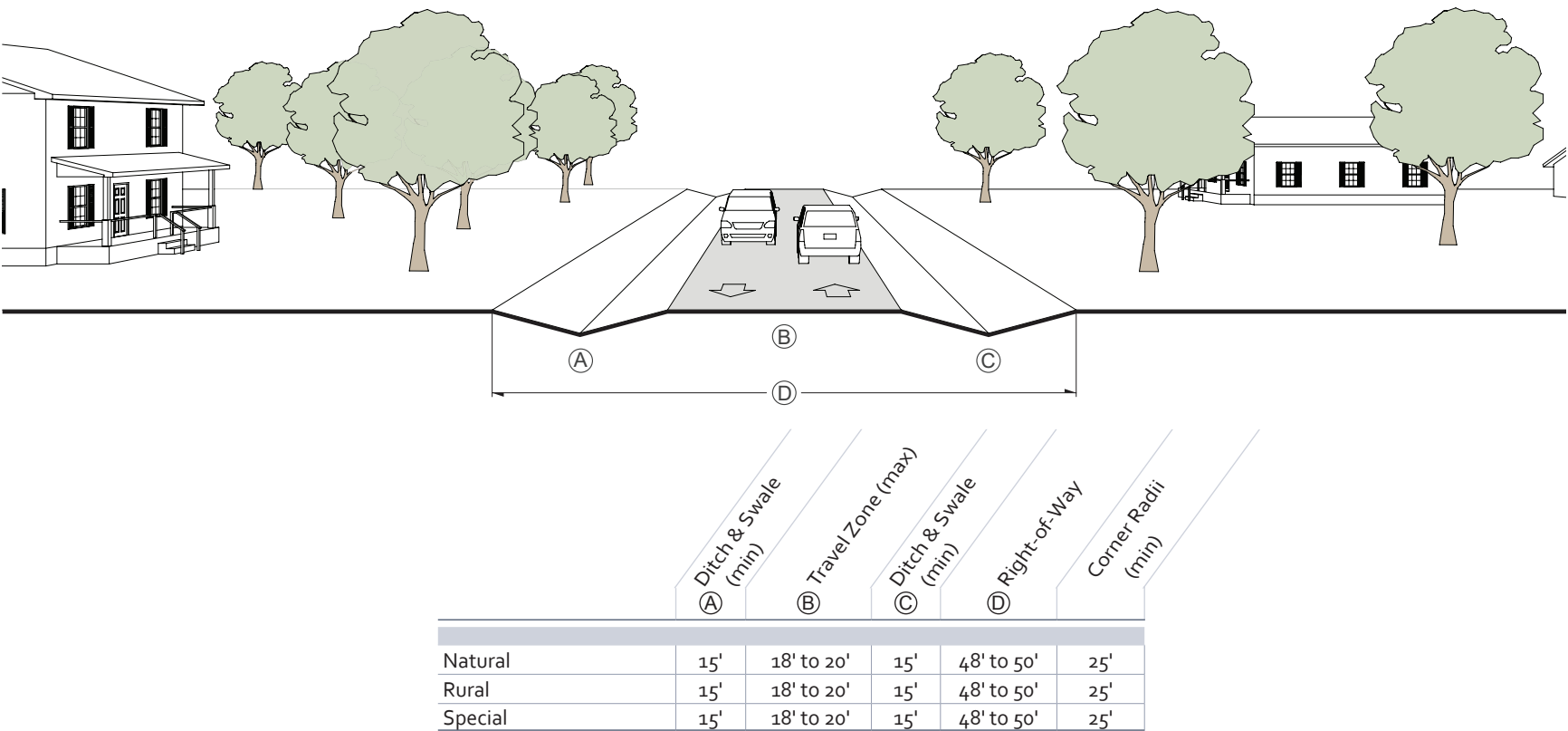
D. Extent of Right-of-Way

Where determined appropriate by the [Governing Body], any pedestrian zone and planting zone may occur on private property subject to an easement for public access.

3.3.3 Street and Alley Dimensional Standards

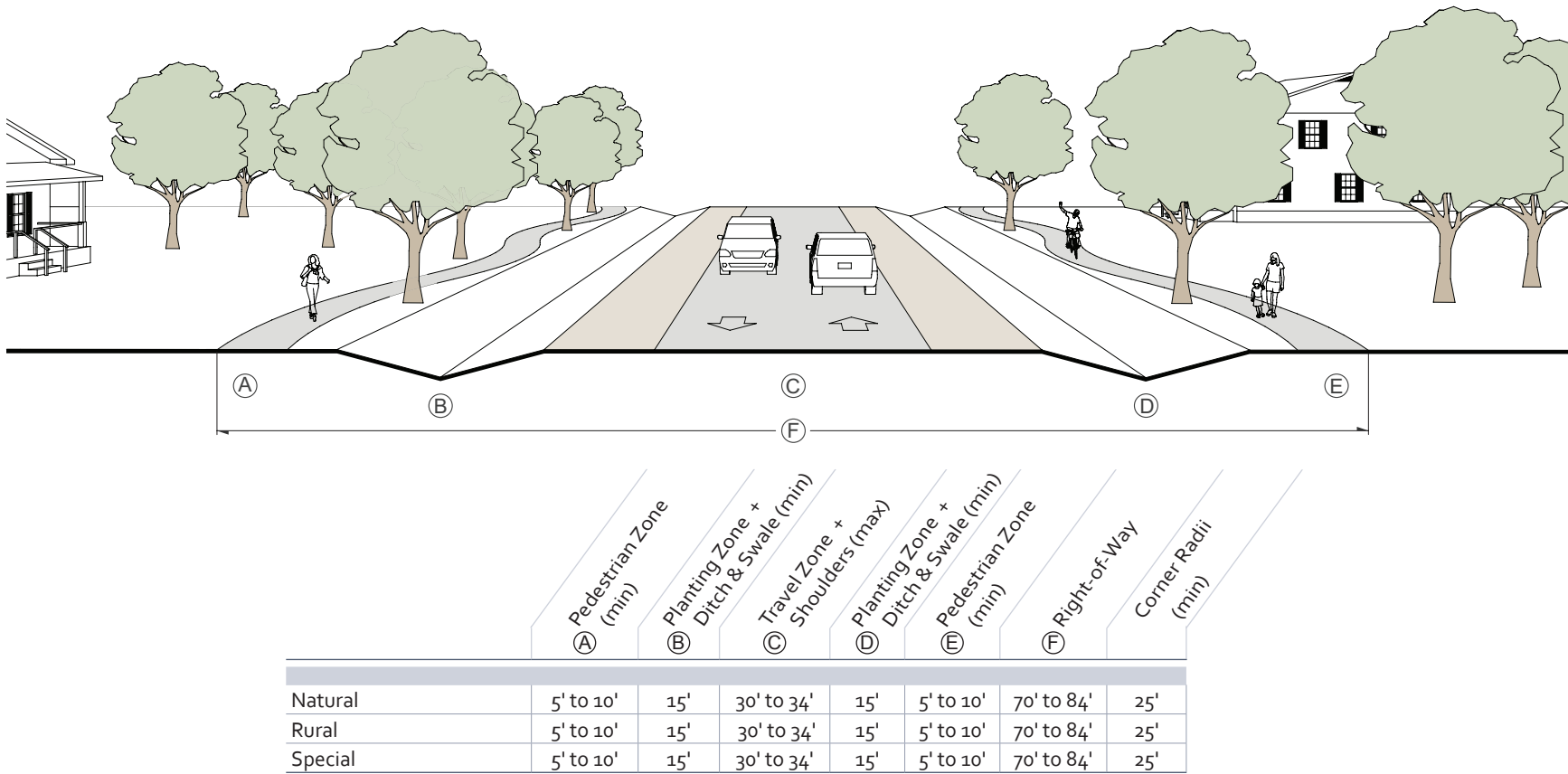
A. Rural Local

The Rural Local street is a minor local street intended for use where the predominant character is one of large lot residential and agricultural uses. The Rural Local street is only allowed within the Natural, Rural, and Special contexts.



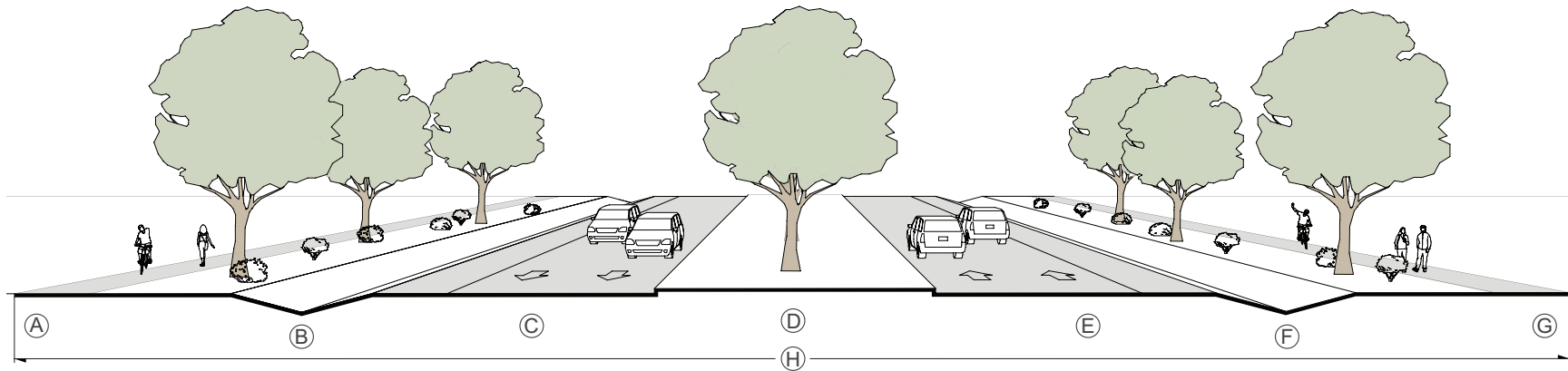
B. Rural Street

The Rural Street is a major local street intended for use where the predominant character is one of large lot residential, rural services, and agricultural uses. The Rural Street street is only allowed within the Natural, Rural, and Special contexts.



C. Rural Parkway

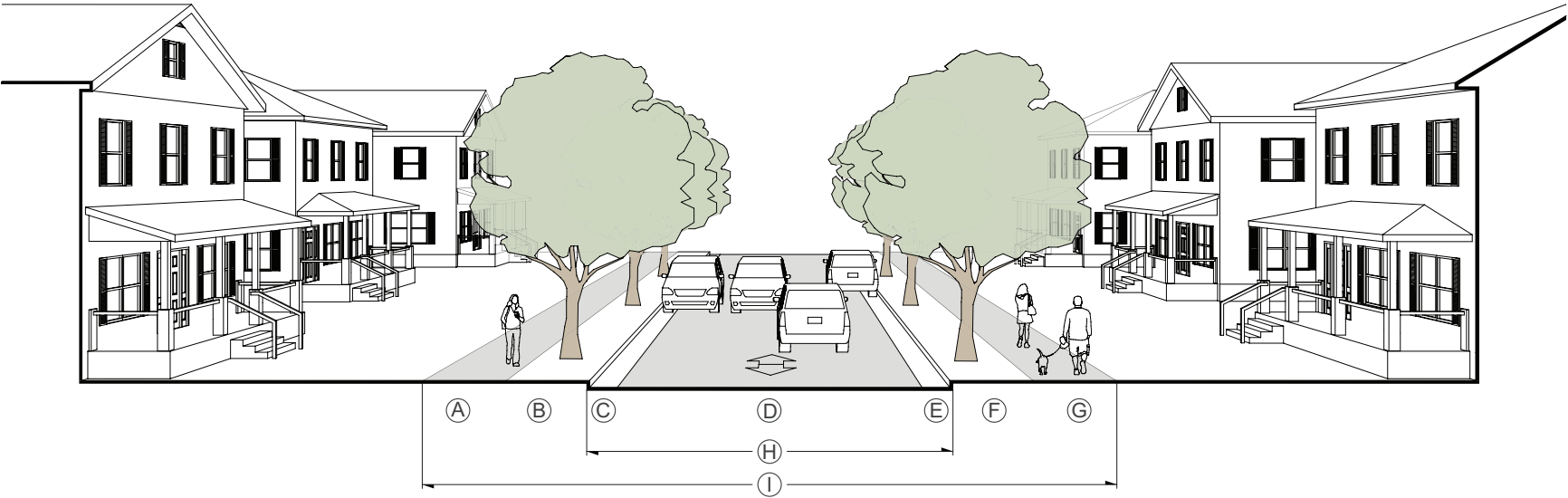
The Rural Parkway is a major connector street intended for use where the predominant character is one of large lot residential, rural services, and agricultural uses. The Rural Parkway is only allowed within the Natural, Rural, and Special contexts.



	Pedestrian Zone (min) (A)	Planting Zone + Ditch & Swale (min) (B)	Travel Zone + Shoulders (C)	Median (min) (D)	Travel Zone + Shoulders (max) (E)	Planting Zone + Ditch & Swale (min) (F)	Pedestrian Zone (min) (G)	Right-of-Way (H)	Corner Radii (min)
Natural	5' to 10'	30'	30' to 34'	30'	30' to 34'	30'	5' to 10'	160' to 178'	25'
Rural	5' to 10'	25'	30' to 34'	25'	30' to 34'	25'	5' to 10'	145' to 163'	20'
Special	5' to 10'	30'	30' to 34'	30'	30' to 34'	30'	5' to 10'	160' to 178'	25'

D. Neighborhood Yield

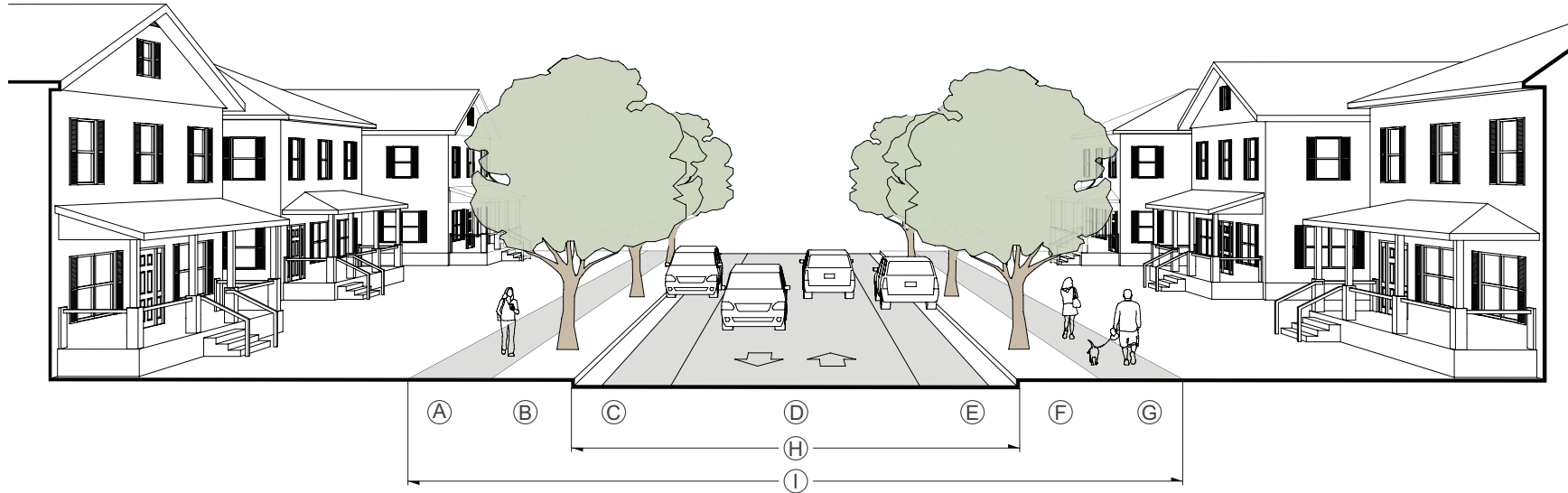
The Neighborhood Yield street is a minor local street intended for use where the predominant character is one of residential districts with compact buildings and short blocks. The Neighborhood Yield street is only allowed within the Suburban and Urban contexts



	Pedestrian Zone (min) A	Planting Zone (min) B	Curb & Gutter (min) C	Travel Zone (max) D	Parking Zone + Curb & Gutter (min) E	Planting Zone (min) F	Pedestrian Zone (min) G	Back of Curb to Back of Curb H	Right-of-Way I	Corner Radii (min)
Suburban	6'	6'	2'	15 to 17'	8'	6'	6'	25 to 27'	49 to 51'	15'
Urban	6'	6'	2'	15 to 17'	7'	6'	6'	24 to 26'	48 to 50'	10'

E. Neighborhood Local

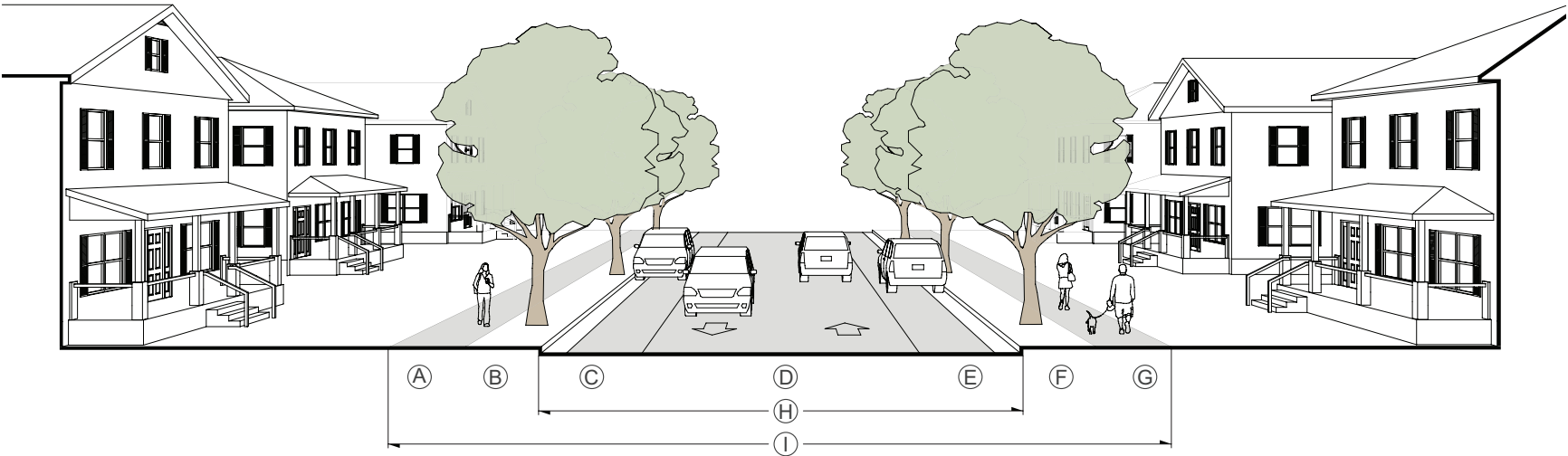
The Neighborhood Local street is a minor local street intended for use where the predominant character is one of large lot residential clusters and residential districts. The Neighborhood Local street is only allowed within the Suburban and Urban contexts.



	Pedestrian Zone (min)	Planting Zone (min)	Parking Zone + Curb & Gutter (min)	Travel Zone (max)	Parking Zone + Curb & Gutter (min)	Planting Zone (min)	Pedestrian Zone (min)	Back of Curb to Back of Curb	Right-of-Way	Corner Radii (min)
	A	B	C	D	E	F	G	H	I	
Suburban	6'	6'	8'	17 to 19'	8'	6'	6'	33 to 35'	57 to 59'	15'
Urban	6'	6'	7'	17 to 19'	7'	6'	6'	31 to 33'	55 to 57'	10'

F. Neighborhood Street

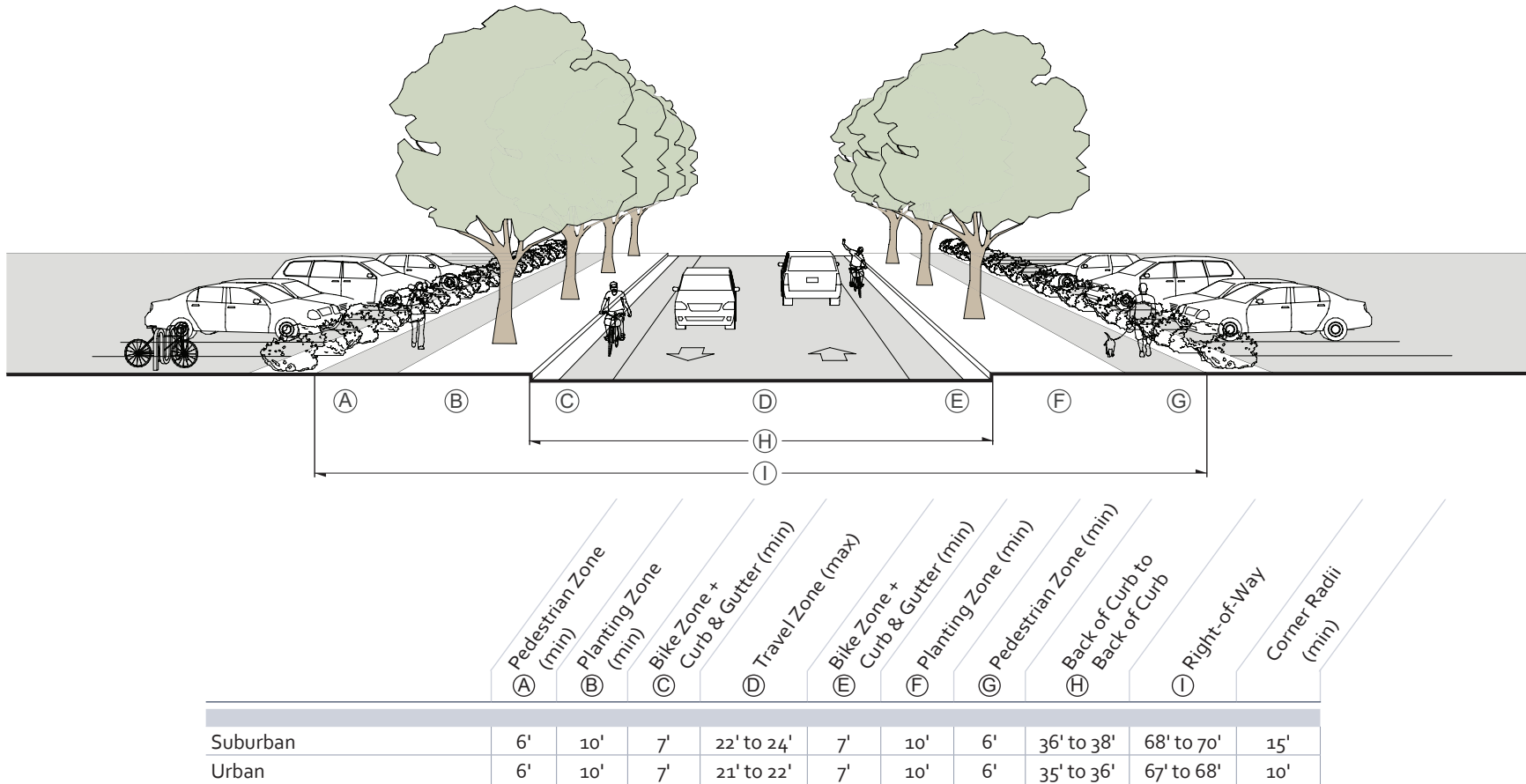
The Neighborhood Street is a major local street intended for use where the predominant character is one of large lot residential clusters and residential districts. The Neighborhood Street is only allowed within the Suburban and Urban contexts.



	Pedestrian Zone (min) A	Planting Zone (min) B	Parking Zone + Curb & Gutter (min) C	Travel Zone (max) D	Parking Zone + Curb & Gutter (min) E	Planting Zone (min) F	Pedestrian Zone (min) G	Back of Curb to Back of Curb H	Right-of-Way I	Corner Radii (min)
Suburban	6'	8'	8'	22' to 24'	8'	8'	6'	38' to 40'	62' to 64'	15'
Urban	6'	6'	7'	21' to 22'	7'	6'	6'	35' to 36'	59' to 60'	10'
Center	7'	6'	7'	20' to 21'	7'	6'	7'	34' to 35'	60' to 61'	10'

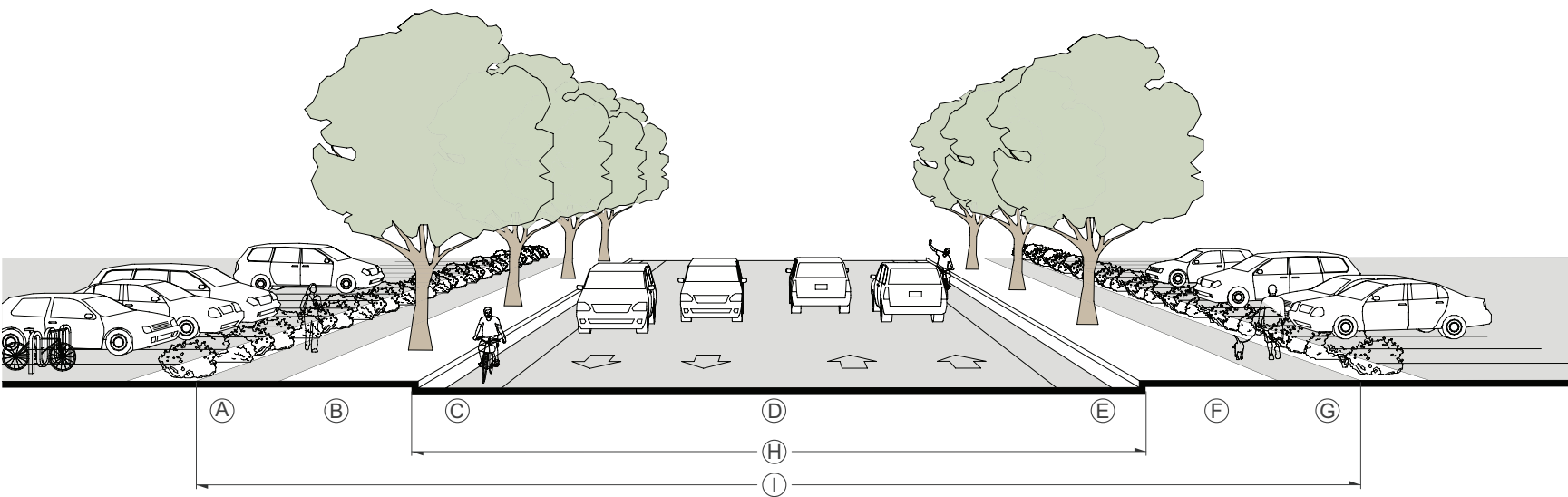
G. Commercial Street

The Commercial Street is a minor connector street intended for use where the predominant character is one of auto dominated commercial corridors. The Commercial Street may also serve as a drive aisle within surface parking lots. The Commercial Street is only allowed within the Suburban and Urban contexts.



H. Avenue

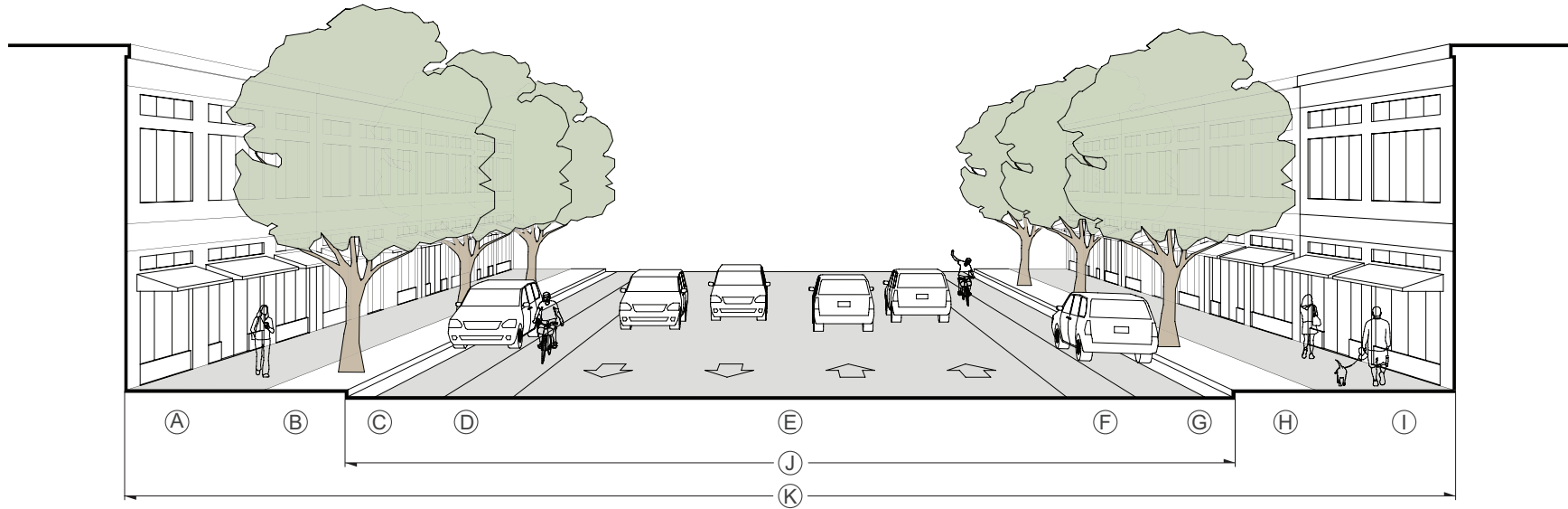
The Avenue is a major connector street intended for use where the predominant character is one of auto dominated commercial corridors. The Avenue is only allowed within the Suburban and Urban contexts.



	Pedestrian Zone (min)	Planting Zone (min)	Bike Zone + Curb & Gutter (min)	Travel Zone (max)	Bike Zone + Curb & Gutter (min)	Planting Zone (min)	Pedestrian Zone (min)	Back of Curb to Back of Curb	Right-of-Way	Corner Radii (min)
	A	B	C	D	E	F	G	H	I	
Suburban	6'	10'	7'	44' to 48'	7'	10'	6'	58' to 62'	90' to 94'	15'
Urban	6'	10'	7'	40' to 44'	7'	10'	6'	54' to 58'	86' to 90'	10'

I. Avenue, Parallel Parking

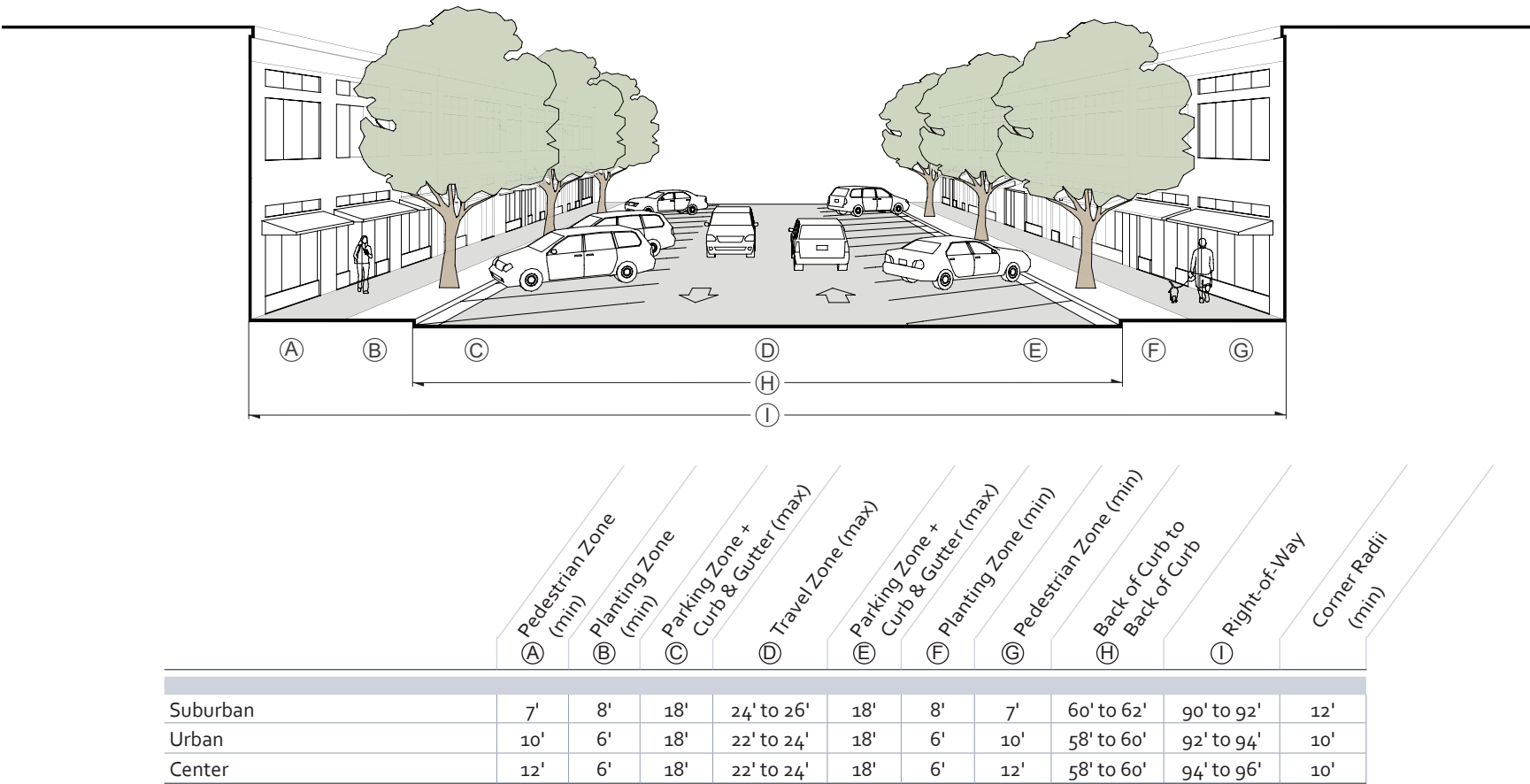
The Avenue, Parallel Parking is a major connector street with designated on-street parking. It is intended for use where the predominant character is one of mixed use and residential building types built close to the street. The Avenue, Parallel Parking is only allowed within the Suburban, Urban and Center contexts.



	Pedestrian Zone (min) (A)	Planting Zone (min) (B)	Parking Zone + Curb & Gutter (max) (C)	Bike Zone (min) (D)	Travel Zone (max) (E)	Bike Zone (min) (F)	Parking Zone + Curb & Gutter (max) (G)	Planting Zone (min) (H)	Pedestrian Zone (min) (I)	Back of Curb to Back of Curb (J)	Right-of-Way (K)	Corner Radii (min)
Suburban	7'	8'	8'	6'	40' to 48'	6'	8'	8'	7'	68' to 76'	98' to 106'	15'
Urban	8'	6'	7'	6'	40' to 46'	6'	7'	6'	8'	66' to 72'	94' to 100'	10'
Center	10'	6'	7'	6'	40' to 44'	6'	7'	6'	10'	66' to 70'	98' to 102'	10'

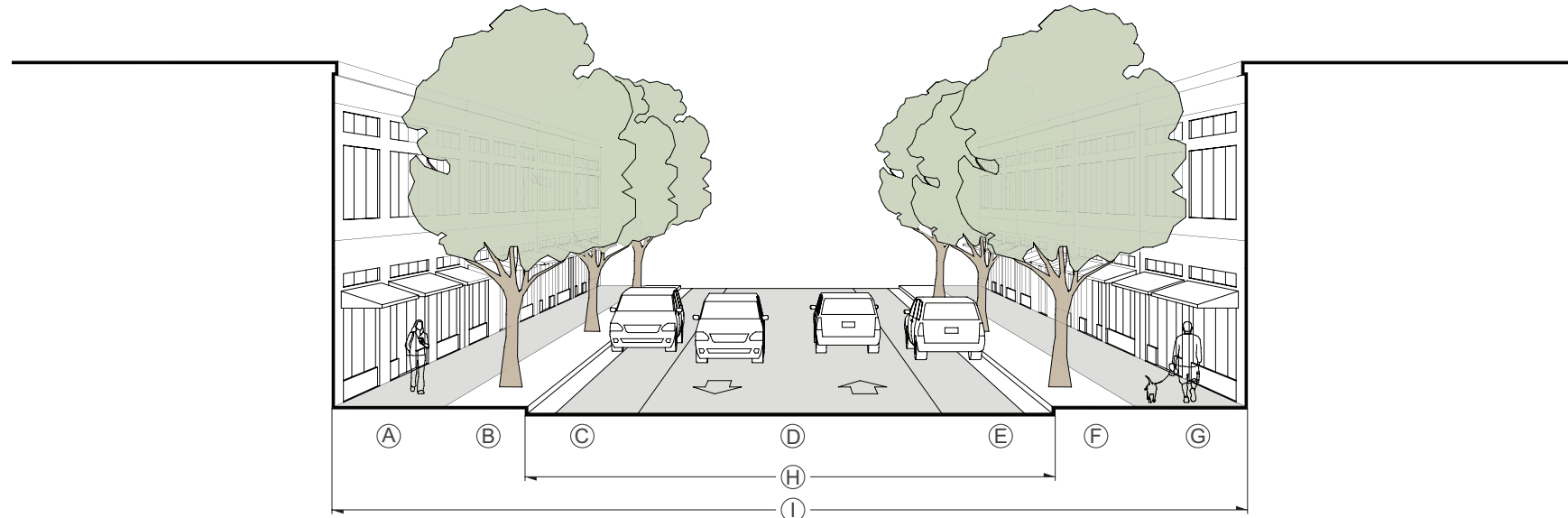
J. Main Street, Angle (60°) Parking

The Main Street, Angle (60°) Parking, is a minor connector street with designated on-street angle parking. It is intended for use where the predominant character is one of mixed use building types built close to the street in a traditional main street pattern. The Main Street, Angle (60°) Parking, is only allowed within the Suburban, Urban and Center contexts.



K. Main Street, Parallel Parking

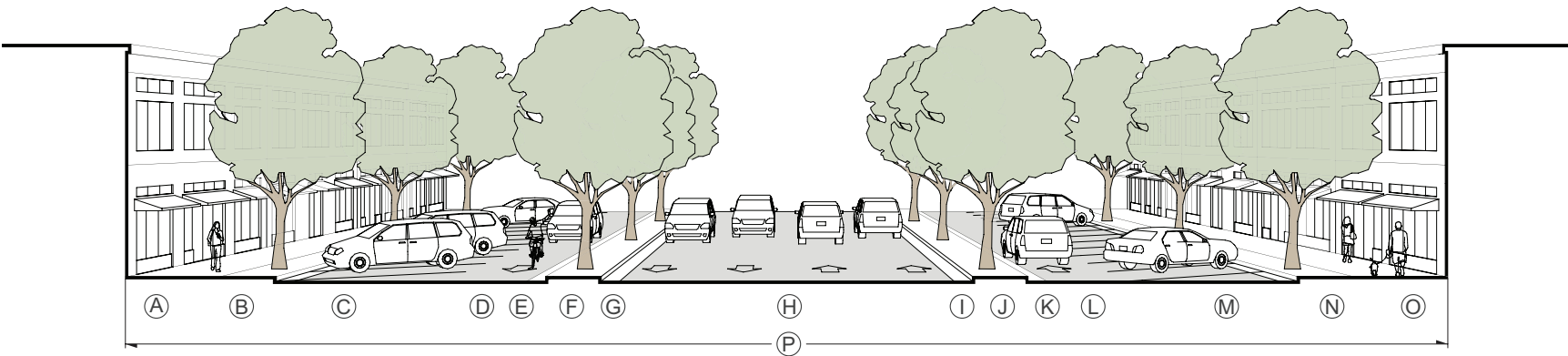
The Main Street, Parallel Parking, is a minor connector street with designated on-street parallel parking. It is intended for use where the predominant character is one of mixed use building types built close to the street in a traditional main street pattern. The Main Street, Parallel Parking, is only allowed within the Suburban, Urban and Center contexts.



	Pedestrian Zone (A) (min)	Planting Zone (B) (min)	Parking Zone + Curb & Gutter (max) (C)	Travel Zone (max) (D)	Parking Zone + Curb & Gutter (max) (E)	Planting Zone (max) (F)	Pedestrian Zone (min) (G)	Back of Curb to Back of Curb (H)	Right-of-Way (I)	Corner Radii (min)
Suburban	8'	6'	8'	20' to 24'	8'	6'	8'	36' to 40'	64' to 68'	10'
Urban	10'	6'	7'	20' to 22'	7'	6'	10'	34' to 36'	68' to 70'	10'
Center	12'	6'	7'	20' to 22'	7'	6'	12'	34' to 36'	70' to 72'	10'

L. Multi-Way Boulevard, Angle (60°) Parking

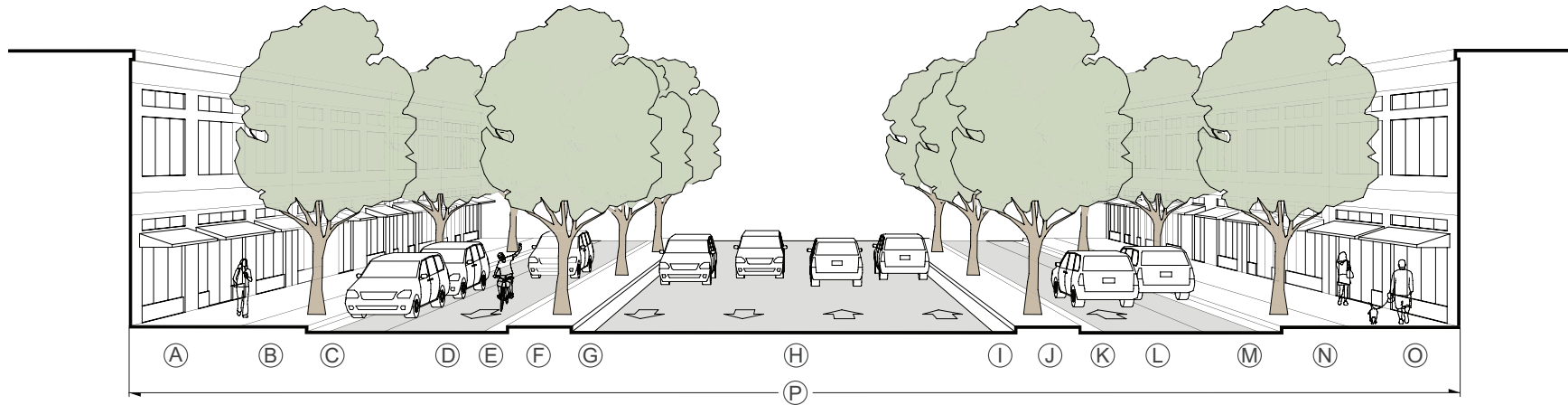
The Multi-Way Boulevard, Angle (60°) Parking, is a Major connector street with designated on-street angle parking on a frontage road. It is intended for use where the predominant character is one of mixed use building types built close to the street. The Multi-Way Boulevard, Angle (60°) Parking, is only allowed within the Suburban and Urban contexts.



	Pedestrian Zone (min) (A)	Planting Zone (min) (B)	Parking Zone + Curb & Gutter (max) (C)	Access Lane (max) (D)	Curb & Gutter (max) (E)	Planting Zone (min) (F)	Curb & Gutter (max) (G)	Travel Zone (max) (H)	Curb & Gutter (max) (I)	Planting Zone (min) (J)	Curb & Gutter (max) (K)	Access Lane (max) (L)	Parking Zone + Curb & Gutter (max) (M)	Planting Zone (min) (N)	Pedestrian Zone (min) (O)	Right-of-Way (P)	Corner Radii (min)
Suburban	8'	8'	18'	13'	2'	8'	2'	40' to 48'	2'	8'	2'	13'	18'	8'	8'	158' to 166'	15'
Urban	10'	6'	18'	12'	2'	6'	2'	40' to 46'	2'	6'	2'	12'	18'	6'	10'	152' to 158'	10'

M. Multi-Way Boulevard, Parallel Parking

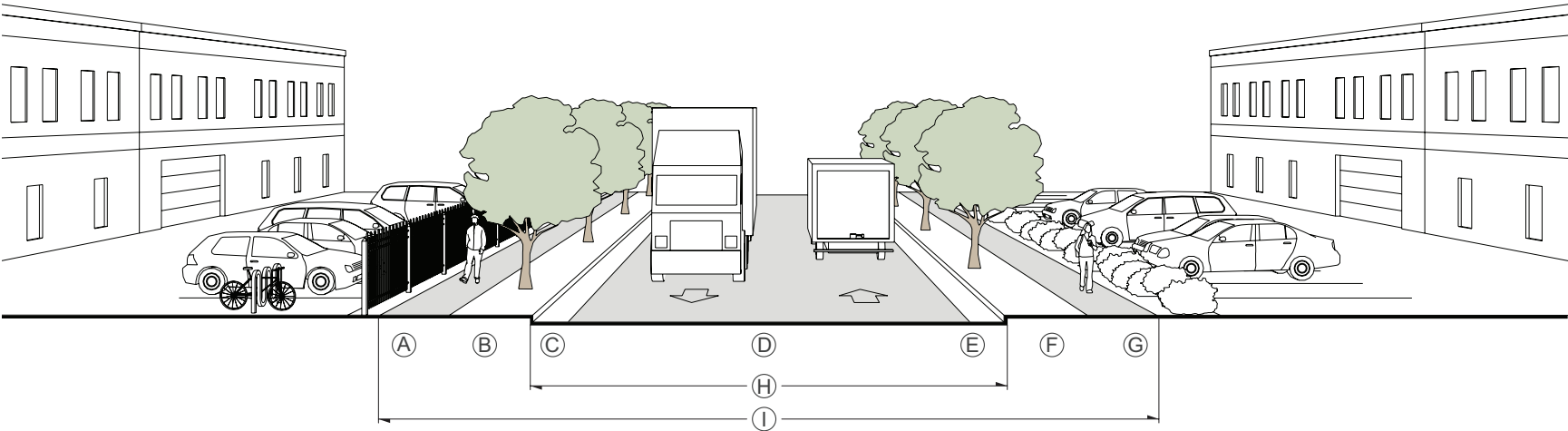
The Multi-Way Boulevard, Parallel Parking, is a Major connector street with designated on-street parallel parking on a frontage road. It is intended for use where the predominant character is one of mixed use building types built close to the street. The Multi-Way Boulevard, Parallel Parking, is only allowed within the Suburban and Urban contexts



	Pedestrian Zone (min) (A)	Planting Zone (min) (B)	Parking Zone + Curb & Gutter (max) (C)	Access Lane (max) (D)	Curb & Gutter (max) (E)	Planting Zone (min) (F)	Curb & Gutter (max) (G)	Travel Zone (max) (H)	Curb & Gutter (max) (I)	Planting Zone (min) (J)	Curb & Gutter (max) (K)	Access Lane (max) (L)	Parking Zone + Curb & Gutter (max) (M)	Planting Zone (min) (N)	Pedestrian Zone (min) (O)	Right-of-Way (P)	Corner Radii (min)
Suburban	8'	8'	8'	13'	2'	8'	2'	40' to 48'	2'	8'	2'	13'	8'	8'	8'	136' to 144'	15'
Urban	10'	6'	7'	12'	2'	6'	2'	40' to 46'	2'	6'	2'	12'	7'	6'	10'	128' to 134'	10'

N. Industrial Street

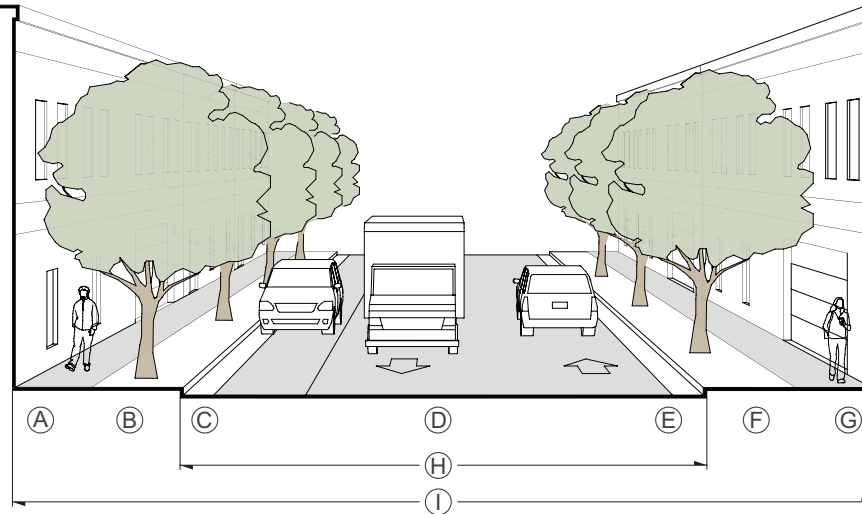
The Industrial Street is a major local street intended for use where the predominant character is one of heavy and light industrial uses in industrial building types. The Industrial Street provides ample room for truck movements and anticipates parking between the buildings and the street. The Industrial Street is only allowed within the Rural, Suburban, Urban and Special contexts.



	Pedestrian Zone (min) (A)	Planting Zone (min) (B)	Curb & Gutter (max) (C)	Travel Zone (max) (D)	Curb & Gutter (max) (E)	Planting Zone (max) (F)	Pedestrian Zone (min) (G)	Back of Curb to Back of Curb (H)	Right-of-Way (I)	Corner Radii (min)
Rural	5'	8'	2'	28' to 30'	2'	8'	5'	32' to 34'	58' to 60'	25'
Suburban	5'	8'	2'	28' to 30'	2'	8'	5'	32' to 34'	58' to 60'	25'
Urban	7'	6'	2'	26' to 30'	2'	6'	7'	30' to 34'	56' to 60'	20'
Special	5'	8'	2'	28' to 30'	2'	8'	5'	32' to 34'	58' to 60'	25'

O. Industrial Street, Urban

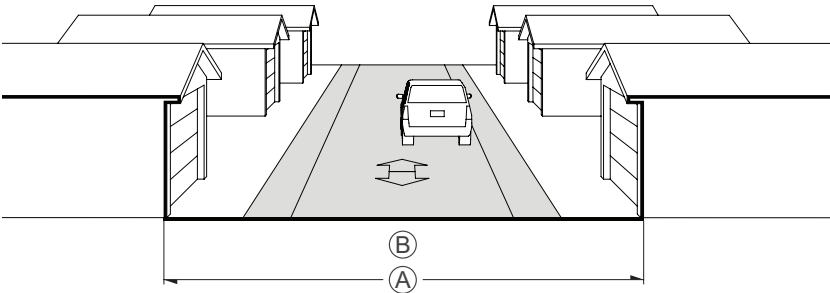
The Industrial Street, Urban is a major local street intended for use where the predominant character is one of heavy and light industrial uses in industrial building types built close to the street. The Industrial Street, Urban provides ample room for truck movements but anticipates little to no parking between the buildings and the street. The Industrial Street, Urban is only allowed within the Suburban, Urban, Center and Special contexts.



	Pedestrian Zone (min) A	Planting Zone (min) B	Parking Zone + Curb & Gutter (max) C	Travel Zone (max) D	Curb & Gutter (max) E	Planting Zone (min) F	Pedestrian Zone (min) G	Back of Curb to Back of Curb H	Right-of-Way I	Corner Radii (min)
Suburban	7'	8'	8'	26' to 30'	2'	8'	7'	36' to 40'	66' to 70'	25'
Urban	7'	6'	8'	26' to 28'	2'	6'	7'	36' to 38'	62' to 64'	20'
Center	8'	6'	8'	24' to 26'	2'	6'	8'	34' to 36'	62' to 64'	15'
Special	7'	6'	8'	26' to 28'	2'	6'	7'	36' to 38'	62' to 64'	20'

P. Residential Alley

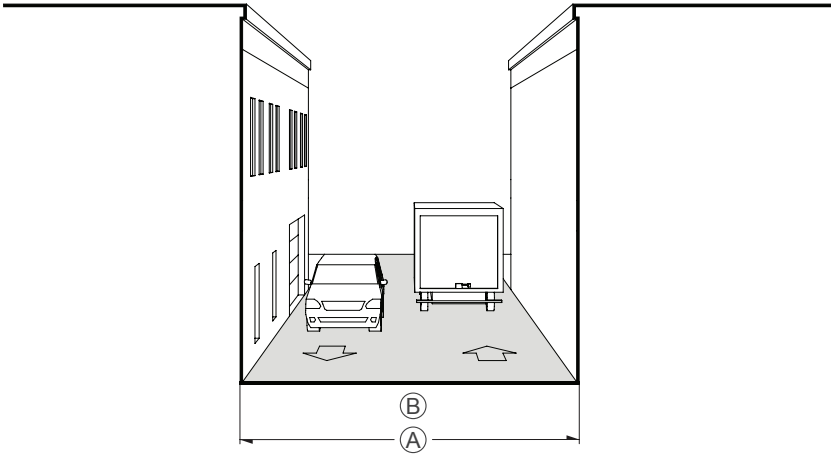
The Residential Alley is a right-of-way designed to provide access to the side or rear of residential building types whose principal frontage is on a street. The Residential Alley is only allowed in the Suburban, Urban and Center contexts.



	Travel Zone (max)		Right-of-Way
	A	B	
Suburban	14'	18'	
Urban	14'	18'	
Center	14'	18'	

Q. Commercial Alley

The Commercial Alley is a right-of-way designed to provide access to the side or rear of mixed use building types whose principal frontage is on a street. The Mixed Use Alley is only allowed in the Suburban, Urban, Center and Special contexts.



	Travel Zone (max)		Right-of-Way
	A	B	
Suburban	22'	26'	
Urban	22'	26'	
Center	22'	26'	
Special	22'	26'	

3.3.4 Alley Standards

- A. An alley or rear service drive shall be provided for all non-residential buildings and all residential lots less than 45 feet in width.
- B. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners may be cut off sufficiently to permit safe vehicular movement.
- C. Alleys and rear service drives shall be paved and dedicated to the public unless such alleys are part of a publicly-approved private street.

3.3.5 Street Layout

- A. Streets shall be aligned to join with planned or existing streets.
- B. Street offsets shall be approved by the *[Jurisdiction]* Engineer. Street jogs with centerline offsets of less than 125 feet shall be prohibited.
- C. All street Intersections shall approximate right angles.
- D. Existing street stubs, contiguous to the subject property, shall be connected to the proposed street system.

3.3.6 Neighborhood Access

A. Open Access

Developments shall provide roadways that remain permanently open to the public and provide community-wide access as part of an overall connected street network.

B. Connections

Applicants for the subdivision of land shall be required to provide sufficient external access points to the existing or future roadway network as follows; however, in the event of any conflict between the provisions of this section and Sec. 3.2, Blocks and Cul-de-sacs, the provisions of Sec. 3.2 shall control.

- 1. Any residential subdivision of greater than 30 units shall include at least two access points. The second access may consist of a street stub.
- 2. Any residential subdivision of greater than 60 units shall include at least two access points. Street stub shall not be considered part of the two access points.

- 3. Residential subdivisions of 100 or more units shall provide at least three separate access points.
- 4. A hardship waiver of these standards may be granted by the Planning Commission during approval of the preliminary subdivision plat only in extreme cases where limited frontage, natural features (slope, topography, bodies of water), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery.

C. Street Stubs

- 1. Street stubs into adjacent properties may be required to ensure adequate circulation. Existing street stubs, contiguous to the subject property, shall be connected to the proposed street system.
- 2. When connections to anticipated or proposed surrounding streets are required under Sec. 3.2, Blocks and Cul-de-sacs, the right-of-way shall be extended and the street developed to the property line of the subdivided property at the point where the connection to the anticipated or proposed street is expected.
- 3. The *[Jurisdiction]* Engineer may require a temporary turnaround at the end of any street stub when such turnarounds appear necessary to accommodate emergency or service vehicles. No temporary street stub shall be permitted in excess of 350 feet.
- 4. A hardship waiver of the requirements for street stubs may be granted by the Planning Commission during approval of the preliminary subdivision plat only in extreme cases where limited frontage, natural features (slope, topography, bodies of water), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery.

3.3.7 Dead-End Streets and Alleys

- A. With the exception of street stubs to permit future street network extension, dead-end streets are prohibited.
- B. Dead-end alleys must be approved by the *[Jurisdiction]* Engineer.

3.3.8 Private Streets

Private streets and drives may be permitted subject to meeting the requirements of this code and the conditions set forth below.

- A. Private streets shall be the principal access between a public street and platted lots that do not abut a public street. Such private streets are not dedicated to the public and shall not be publicly maintained. The term "private street" may include both the pavement and areas of streets, drives, alleys or service roads within a development.
- B. The private streets shall be owned and maintained by a property owners association. The property owners association shall maintain all private streets to equivalent or better standards as the connecting public streets.
- C. All private streets shall meet the dimensional standards identified in 3.3.3, Street and Alley Dimensional Standards.
- D. All private streets shall be constructed to equal or exceed the base materials, compaction, and final surfacing standards for public streets and must be certified as such by the applicable [Jurisdiction] Engineer. If curb, gutter, and sidewalk are not provided, drainage swales adjacent to the roadway shall be required.
- E. A private street shall be labeled on the final plat.

3.3.9 Street Names

Street names shall be approved by the [Jurisdiction]. The applicant shall propose street names for new streets which will be considered with respect to the following criteria:

- A. New streets shall be named so as to provide continuity of name with existing streets and to prevent conflict with identical or similar names in other parts of the [Jurisdiction].
- B. Streets lying on approximately the same line shall have the same name unless the intervening space between the separate parts is greater than 1,000 feet.

3.3.10 Sidewalks

- A. Sidewalks shall be installed in accordance with the applicable street standards established in 3.3.3, Street and Alley Dimensional Standards.

- B. All sidewalks and curb ramps shall be constructed by the developer in accordance with the [Jurisdiction's] design standards.
- C. New sidewalks must transition to any existing sidewalks.

3.3.11 Clear Sight Distance

- A. For approach speeds of 30 mph or less no minimum sight distance is required.
- B. For approach speeds of 35 mph or greater, or when conditions such as significant changes in grade are present, or when determined by the [Jurisdiction] Engineer, sight distance shall meet the most recent AASHTO standards.
- C. Excluding street trees and necessary utility or traffic structures, it shall be unlawful to construct or allow to remain, any fence, sign, movable object, hedge, shrub, or other plants that exceed 36 inches in height and obstruct any identified clear sight area at street intersections or driveway and street intersections.
- D. All street trees encroaching into the clear sight area shall be maintained by the abutting property owner and shall be kept free of foliage for 80 inches measured up from the adjacent road surface.

Sec. 3.4 Utilities

3.4.1 General

A. Natural and Rural Contexts

Any lot in the Natural or Rural context that is not connected to the public water and wastewater systems must be approved and meet all local and state requirements for the use of septic tanks or alternative waste disposal system, and private water systems prior to issuance of a *[Insert zoning permit if including the Zoning Code module, otherwise, insert building permit]*.

B. Suburban, Urban, Center, and Special Contexts

1. All lots in the Suburban, Urban, Center, and Special contexts shall be connected to the public water and wastewater systems unless otherwise approved by the *[Governing Body]*.
2. Any lot not connected to the public water and wastewater systems must be approved and meet all local and state requirements for the use of septic tanks or alternative wastewater systems, and private water wells prior to the issuance of a *[Insert zoning permit if including the Zoning Code module, otherwise, insert building permit]*.

C. Applicant to Pay Costs

Unless an alternative financing mechanism is approved, any applicant connecting to the public water or wastewater systems shall pay all costs associated with such connection, including but not limited to:

1. Water mains, customer services, meter boxes, valves, fittings, fire hydrants and all appurtenances to make a complete operating water system within the subdivision or other development;
2. A complete wastewater system including laterals and mains, manholes, clean-outs, customer service, tees, lift stations, force mains, lines, and all appurtenances; and
3. Stormwater improvements as required or according to plans adopted.

3.4.2 Water

- A. It shall be the responsibility of the applicant to provide a connection to a public water supply system or to a private water supply system approved by the *[Jurisdiction]*.
- B. The design and construction of any connection to a public water system shall comply with *[Jurisdiction's]* regulations covering extension of public water systems.
- C. Water systems shall be of sufficient size to furnish adequate domestic water supply and to furnish fire protection and water services to all lots serviced provided that no water main less than three inches in size shall be allowed unless specifically approved by the *[Jurisdiction]* Engineer.
- D. Fire flows for both public connections and private wells are required to conform to the *[Jurisdiction or fire department]* standards.

3.4.3 Wastewater Treatment

- A. Under no condition may a public wastewater system be extended in to any Preservation or Restricted Growth Sector.
- B. When a public wastewater system is within *[Insert community policy or use a distance of 1/4 mile]* to a proposed subdivision the subdivider shall provide public wastewater facilities to each lot.
- C. The design and construction of any connection to a public wastewater system shall comply with *[Jurisdiction's]* regulations covering extension of public wastewater systems.
- D. The subdivider shall provide wastewater systems of the diameter necessary to serve the subdivision. The subdivider shall provide for wastewater service to the boundary of his property for any future upstream development but shall only be required to pay for that portion of capacity equal to or less than a 12-inch diameter pipe serving upstream development.

3.4.4 Electric and Other Utilities

- A. Where functionally feasible, all new electric service in the Suburban, Urban, and Center contexts shall be placed underground. Temporary construction service may be permitted above ground.

- B. All other utilities, including but not limited to natural gas, telephone and cable, shall be located underground.
- C. The applicant shall make the necessary arrangements including the provision of any easements to or any construction or installation charges with each of the serving utilities for the installation of such facilities and shall be subject to all applicable laws and regulations for their construction.
- D. All above ground utilities and all above ground transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to utilities shall be placed in a screened location approved by the [*Jurisdiction*]. Such locations shall remain clear of any sidewalk, bicycle or pedestrian way.
- E. Electric transmission or distribution feeder lines and communication long-distance trunk or feeder lines and necessary appurtenances may be placed above the ground. Such facilities shall be placed within easements or public rights-of-way. All poles and lines remain clear of any sidewalk, bicycle or pedestrian way.

ARTICLE 4. ADMINISTRATION

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- 4.1.2 Planning Commission 4-2
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Sec. 4.2 Procedures 4-4

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- 4.2.2 Subdivision 4-6
- 4.2.3 Text Amendment 4-11
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Editor's Note: If adopting the Zoning Code module then this Article must be reconciled with Article 12 of the Zoning Code module by incorporating the notice and procedure for subdivisions. Additionally, the terms "subdivision code" and "zoning code" must be changed to "development code."

Sec. 4.1 Review Bodies

4.1.1 [Governing Body]

A. Authority for Final Action

The [Governing Body] is responsible for final action regarding:

1. Text Amendments; and
2. Development Agreements.

4.1.2 Planning Commission

A. Establishment

A Planning Commission is established, which shall consist of seven members to be appointed by the [Governing Body]. Members must be qualified voters of the [Jurisdiction], but not employees of the [Jurisdiction] or elected officials. All members serve without compensation.

B. Terms

The members of the Planning Commission shall be appointed for terms of five years each. The terms of members shall be staggered, so that the term of one member expires each year.

C. Removal and Vacancy

1. The appointment of any member who misses five meetings in any 12 month period may be terminated by the [Governing Body] after public hearing.
2. The [Governing Body] may remove any member of the Planning Commission, after public hearing, for inefficiency, neglect of duty, or malfeasance in office.
3. The [Governing Body] is authorized to fill any vacancy for an unexpired term on the Planning Commission caused by death, resignation or otherwise.

D. Chair

The Planning Commission shall elect its own chair who shall serve for one year.

E. Secretary

The [Jurisdiction] shall provide a secretary for the Planning Commission. The Secretary shall not be considered a voting member of the Planning Commission. It shall be the duty of the secretary to keep a true and correct record of all proceedings, resolutions, transactions, findings, and determinations of the Planning Commission, which shall be a public record.

F. Rules

The Planning Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this subdivision code.

G. Staff and Finances

1. At the request of the Planning Commission, the [Governing Body] may appoint employees necessary to complete the work of the Planning Commission. The employees appointment, promotion, demotion, and removal shall be subject to the same provisions of law, including civil service regulations, as govern other corresponding civil employees of the [Jurisdiction].
2. The [Jurisdiction] may contract with planning experts, engineers, architects and other consultants for such services as it may require.
3. Members of a Commission, when duly authorized by the Commission, may attend planning conferences or meetings of planning institutes or hearings on pending planning legislation, and the Commission may pay the reasonable traveling expenses related to such attendance.
4. The expenditures of a commission, exclusive of those made from funds received by gift, shall be within the amounts appropriated for the purpose by the [Governing Body].

H. Meetings

The Planning Commission shall hold at least one regular meeting in each month. Additional meetings may be held at the call of the chair and at such other times as the Planning Commission may determine. All meetings shall be open to the public.

I. Quorum

A quorum consisting of a majority of the members of the Planning Commission must be present to conduct any business of the Planning Commission.

J. Voting

The concurring vote of a majority of the Planning Commission members present and voting shall be required for any decision.

K. Conflict of Interest

In the event that a Planning Commission member has any financial, ownership, or employment interest in the subject of a vote by the Commission, such member shall disclose such interest and recuse themselves from the vote before the vote so that it appears in the official record.

L. Training

All appointed members of the Planning Commission shall receive at least eight hours annually of training in the duties, responsibilities, ethics, and substance of the positions held or to be held, either prior to taking office or no later than one year after office is assumed. All training shall be approved by the Planning Commission.

M. Authority for Final Action

The Planning Commission is responsible for final action regarding:

1. Preparation and adoption of the comprehensive plan; and
2. Preliminary plats.

N. Review Authority

The Planning Commission is responsible for review and recommendations of Development Agreements.

4.1.3 Administrator

A. General Authority

The Administrator is responsible for:

1. Maintaining written records of all actions taken under this Article; and

2. Making interpretations of this subdivision code.

B. Authority for Final Action

The Administrator is responsible for final action regarding:

1. Minor plats; and
2. Final plats.

C. Review Authority

The Administrator is responsible for review and recommendations regarding:

1. Preliminary Plats;
2. Text Amendments; and
3. Development Agreements.

D. Delegation of Authority

The Administrator may designate any staff member to represent the Administrator in any function assigned by this Article. The Administrator remains responsible for any final action.

4.1.4 Summary of Authority

The following table summarizes the review and approval authority of the various review bodies with regard to this subdivision code.

	Administrator	Planning Commission	[Governing Body]
Subdivision:			
Minor Plat	Decision		
Major Subdivision	Recommend	Decision*	
Preliminary Plat			
Final Plat	Decision		
Text Amendment	Recommend		Decision*
Development Agreement	Recommend		Decision*

* Public Hearing Required

Sec. 4.2 Procedures

4.2.1 Common Review Procedures

A. General

The following requirements are common to many of the following procedures, and apply to applications submitted under this Article. Additional details may be included in the specific procedure.

B. Pre-Application Conference

1. Optional

Before submitting an application for development approval, an applicant may schedule a pre-application conference with the Administrator to discuss the procedures, standards and regulations required for approval. A pre-application conference is optional, except for the procedures listed below.

2. Mandatory

Before submitting an application for the following types of review, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards and regulations required for approval in accordance with this Article.

- a. Major Subdivision; and
- b. Text Amendment.

C. Application

1. Initiation

Parties allowed to file an application are summarized below. More detailed information may be included with each specific procedure.

	Owner or Agent	Planning Commission	[<i>Governing Body</i>]
Subdivision:			
Minor Plat	■		
Major Subdivision	■		
Preliminary Plat	■		
Final Plat	■		
Text Amendment	■	■	■
Development Agreement	■		

2. Application Forms

Applications, containing all information requested on the application, must be submitted on forms and in such numbers as required by the Administrator.

3. Fees

Filing fees are established from time to time by the [*Governing Body*] in an ordinance or resolution designed to defray the cost of processing the application. Prior to review of an application, all associated fees must be paid in full. Where the [*Governing Body*], Board of Adjustment or Planning Commission initiates an application, no fees shall be required.

4. Complete Applications

- a. All applications shall be complete and sufficient for processing before the Administrator is required to review the application.
- b. An application is complete when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this subdivision code.
- c. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this subdivi-

sion code. However, it is recognized that each application is unique, and more or less information may be required according to the needs of the particular case. The applicant may rely on the determination of the Administrator as to whether more or less information may be submitted.

5. Concurrent Applications

- a. Applications may be filed and reviewed concurrently, at the option of the applicant.
- b. Applications submitted concurrently are subject to approval of all other related applications; denial of any concurrently submitted application shall stop consideration of any related applications until the denied application is resolved.

6. Modification of Application

An application may be modified at the applicant's request following approval of the Administrator. Any modification after a hearing but prior to a final decision shall require a new hearing.

D. Public Notice and Hearings

1. Public Notice Required

Required public notices are summarized below. More detailed information may be included with each specific procedure.

	Written Notice	Posted Notice of Public Hearing	Published Notice of Public Hearing
Subdivision:			
Minor Plat			■
Major Subdivision	■	■	■
Preliminary Plat			■
Final Plat			■
Text Amendment			■
Development Agreement			■

2. Written Notice of Public Hearing

At least 10 days prior to the hearing, a good faith attempt to notify the owner of record of all adjacent property shall be made by sending an official notice by regular U.S. mail of the time, place and subject matter of the hearing.

3. Posted Notice of Public Hearing

Notice shall be posted for at least 15 days prior to the hearing. A posted notice shall be in number, size, location and content as prescribed by the Administrator and shall indicate the time and place of the public hearing and any other information prescribed by the Administrator. Posted notices shall be removed by the applicant from the property within 15 days after the public hearing has been held.

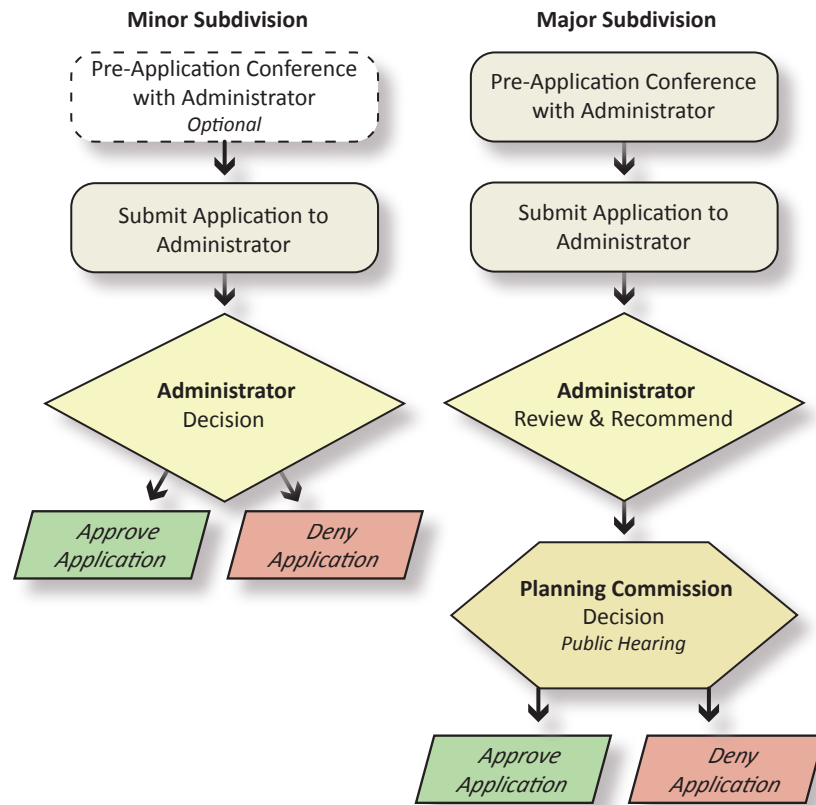
4. Published Notice of Public Hearing

Notice of the time and place of a public hearing shall be published once a week for three weeks in the official journal, if designated, or a newspaper of general circulation in the area. The first notice shall be published at least 15 days prior to the hearing.

5. Specific Notice Requirements for Preliminary Plats

- a. Notice of the time and place of the public hearing shall be sent to the applicant by certified mail not less than five days before the date of the hearing.
- b. The Planning Commission shall give notice of preliminary plat hearings, including the purpose, time, and place, by at least one publication in a newspaper of general circulation in the area surrounding the proposed subdivision, not less than 15 days prior to the hearing date

4.2.2 Subdivision



A. When Required

No person may subdivide land except in accordance with the procedure and standards of this subdivision code.

1. Major Subdivision

Major subdivision approval is required for:

- a. Any subdivision of land not considered a minor subdivision or exempted below.
- b. The creation of any number of lots where:
 - i. **Editor's Note:** *If including the Zoning Code module, then insert "Residential cluster options are exercised;"*

- ii. New public or private streets are created;
- iii. A private drive or private street provides access to more than three lots;
- iv. Water or wastewater lines are extended;
- v. Drainage improvements through one or more lots must be installed; or
- vi. A waiver of any subdivision standard is desired.

2. Minor Subdivision

Minor subdivision approval is required for:

- a. The realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers, provided the application meets the following requirements:
 - i. Does not involve the creation of any new street or other public improvement except as otherwise provided in this Section;
 - ii. Does not involve more than two acres of land or five lots of record;
 - iii. Does not reduce a lot size below the minimum area or frontage requirements established by this subdivision code; and
 - iv. Otherwise meets all the requirements of this development code.
- b. Parcels of land where a portion has been expropriated or has been dedicated, sold, or otherwise transferred to the **[Jurisdiction]**, thereby leaving a severed portion of the original property which requires a redesignation of lot number and establishment of new lot boundary lines.

3. No Subdivision Review Required

No subdivision review is required for the following:

- a. The public acquisition of land for roads, water or wastewater infrastructure.
- b. Any parcel of land situated outside an incorporated area which is owned wholly by one owner or co-owners and is divided into single-family lots of a minimum square footage of 22,500 square feet, with a minimum width of 125 feet of frontage, except those lots that are

non-rectangular with less than a minimum of 125 feet of frontage have an average width of 125 feet, provided said lots have a frontage of at least 60 feet, and provided that the size of the lots can support wastewater systems and individual water systems which meet the requirements of the state of Louisiana after consideration of recognized standards of suitability. **Editor's Note:** *This section only applies to limited parishes. Include if this applies in your community.*

- c. Any parcel of land, wherever located, upon which a servitude of passage is created for ingress or egress which does not create a through passage and is used exclusively as a driveway need not meet any street planning dimensions, except said servitude must be adequate in dimensions to provide for ingress and egress by service and emergency vehicles.

B. Components of Subdivision (Plat) Approval

1. Major Subdivision

Major subdivision requires three steps:

a. Approval of Preliminary Plat

- i. Recommendation of approval, approval with conditions, or denial by the Administrator of the preliminary plat;
- ii. Approval, approval with conditions, or denial of the Planning Commission.

b. Construction Drawing Approval

All construction drawings for public improvements required under Article 3, Subdivision Standards must be approved by the [Jurisdiction] Engineer and accepted by the [Governing Body]

c. Approval of Final Plat

Approval, approval with conditions, or denial of the Final Plat by the Administrator.

2. Minor Subdivision

Minor subdivision approval requires only the approval, or approval with conditions of a final plat by the Administrator.

C. Application and Fees

1. A pre-application conference is optional for minor subdivisions and mandatory for major subdivisions.
2. All applications for subdivision review shall be filed in writing with the Administrator. See [4.2.1, Common Review Procedures](#).
3. All major subdivision applications shall be prepared and sealed by a land surveyor licensed in the State of Louisiana.

D. Preliminary Plat Review by Administrator

1. The Administrator may refer the preliminary plat and application to other affected or interested agencies for review and comment.
2. The Administrator shall recommend approval, approval with conditions, or denial of the preliminary plat and application.
3. The Administrator may attach conditions required to make the preliminary plat and application comply with this subdivision code.
4. The Administrator shall provide notice as set out in [4.2.1, Common Review Procedures](#).

E. Preliminary Plat Decision by Planning Commission

1. Following notice and a public hearing as required in [4.2.1, Common Review Procedures](#), the Planning Commission shall approve, approve with conditions, or deny the preliminary plat for a major subdivision.
2. The preliminary plat shall be approved or denied within 60 days of filing of a complete application, except where such time period is extended by the applicant.
3. The act of approving or denying a preliminary plat is a legislative function involving the exercise of legislative discretion by the Planning Commission, based upon data presented to it.
4. In deciding, the Planning Commission shall consider the recommendation of the Administrator, relevant comments of all interested parties and the review criteria below.
5. The Planning Commission may attach any reasonable conditions necessary to make the subdivision comply with this subdivision code, or to

protect the health, safety and welfare of **[Jurisdiction]** and minimize adverse impacts on adjacent properties.

6. Where the Planning Commission finds that unnecessary hardship results from strict compliance with this development code, a waiver may be granted. The Planning Commission shall find that due to the particular physical surroundings, shape or topographical conditions of the property, a particular hardship would result, as distinguished from a mere inconvenience. The granting of the waiver must not be detrimental to the public safety, health or welfare or injurious to other property or improvements. No waiver shall be granted based strictly upon financial considerations.
7. The Planning Commission shall consider the following criteria in approving or denying a subdivision:
 - a. The proposed development is consistent with the pertinent elements of the **[Jurisdiction]** comprehensive plan and any other adopted plans.
 - b. The proposed development will reinforce the existing or planned character of the neighborhood.
 - c. The capacity of public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and storm-water facilities, police, fire and emergency medical services.
 - d. Adequate market demand for the number and size of lots in the proposed subdivision.
 - e. The subdivision demonstrates:
 - i. Compliance with any prior approvals;
 - ii. Subdivision design appropriate for and tailored to the unique natural characteristics of the site;
 - iii. Adequate, safe and convenient arrangement of access, pedestrian circulation facilities, bicycle facilities, roadways, driveways, and off-street parking, stacking and loading space;
 - iv. Adequate design of grades, paving, gutters, drainage and treatment of turf to handle stormwater; and
 - v. Adequate access for disabled or handicapped residents through the provision of special parking spaces, accessible routes between parking areas and buildings, passenger loading zones and access to other facilities.

- f. Any adverse impacts on adjacent properties have been minimized or mitigated.

8. In the event that the Planning Commission denies any preliminary plat and application, the grounds for such denial shall be stated in the records of the Planning Commission.

F. Minor Subdivision Decision by Administrator

1. In deciding to approve, approve with conditions or deny the proposed minor subdivision, the Administrator shall consider relevant comments of all interested parties and the review criteria below.
2. The Administrator may attach conditions required to make the plat and application comply with this subdivision code.
3. A minor subdivision shall be approved in accordance with the requirements, including the review criteria, for a final plat below.

G. Final Plat Decision by Administrator

1. The Administrator may approve or deny the final plat.
2. The final plat shall be approved or denied within 60 days of filing, except where such time period is extended by the applicant.
3. If the final plat is denied, the Administrator shall specify in writing the provisions with which the plat does not comply.
4. The final plat shall be approved where it is:
 - a. Consistent with the pertinent elements of the **[Jurisdiction]** comprehensive plan and any other adopted plans;
 - b. Meets the requirements of this development code;
 - c. Complies with any prior approvals, including specifically the preliminary plat and any conditions.
5. The approval of a final plat shall not be deemed to constitute the acceptance of the dedication of any street or other land, public utility or facility shown on the face of the plat. However, the **[Governing Body]** may, by resolution, accept any dedication for streets, parks, public utility lines or facilities, or other public purposes.

H. Building Permit

No building permit shall be issued for development requiring subdivision approval until the final plat has been approved.

I. Dedication and Improvements

1. In developing property requiring subdivision approval under this development code, the applicant must dedicate any additional right-of-way necessary to the width required by [Jurisdiction] for streets adjoining the property, install curbs and gutters and pave all streets adjoining the property, and install sidewalks and street trees, all based on the standards of this development code.
2. The applicant shall bear the costs of installation of any on-site or off-site improvements required by this development code, including provisions for stormwater management, paving and utilities.
3. The [Jurisdiction] is not required to accept any dedication or improvements that do not meet local standards.

J. Construction Drawings

Prior to construction of any improvement intended for public dedication, cost estimate and construction drawings that meet local standards for the specified improvements must be approved by the [Jurisdiction] Engineer.

K. Improvement Guarantee

1. Prior to issuance of any building permit, the applicant shall either have installed improvements specified in this subdivision code as shown on approved construction drawings or guaranteed the installation of improvements specified under this subdivision code by a bond with surety accepted by the [Governing Body]
2. The applicant shall submit a cost estimate and time schedule for installation of each phase of subdivision improvements.
3. If the applicant is guaranteeing public improvements, a bond with surety shall be required guaranteeing all on-site and off-site improvements. The bond shall be in an amount equal to 125 percent of the improvement cost estimate, and in a form approved by the [Jurisdiction] Attorney.

4. As each phase of improvements is installed and inspected by [Jurisdiction], the bond may be reduced by the cost of the installed improvements.

L. Inspection of Improvements

1. The applicant shall grant [Jurisdiction] the authority to inspect all construction of required improvements. Such right of inspection shall not constitute a duty to inspect, nor shall it guarantee final acceptance of the required improvements.
2. Failure to perform the work to the [Jurisdiction's] standards shall free the [Jurisdiction] to liquidate the improvement guarantee in order to finance necessary repairs.

M. Maintenance Bond

The [Jurisdiction] may require a two-year post-acceptance maintenance bond on any improvement constructed by a developer and dedicated to the [Jurisdiction].

N. Recording of Final Plat

Any final plat shall be recorded in the office of the parish clerk of courts where the property is situated and copied into the conveyance record book of the parish, and a duplicate filed with the assessor of the parish.

O. Modification of Approved Subdivision

The Administrator is authorized to approve minor modifications to an approved subdivision. All modifications not listed as minor below shall be considered by the body that approved the original subdivision. The following modifications shall be considered minor:

1. Additional or wider easements that do not affect the general placement of buildings or general location of roadways;
2. Reduction in the number of lots;
3. Reduction of length of streets; or
4. Modification of public utility service.

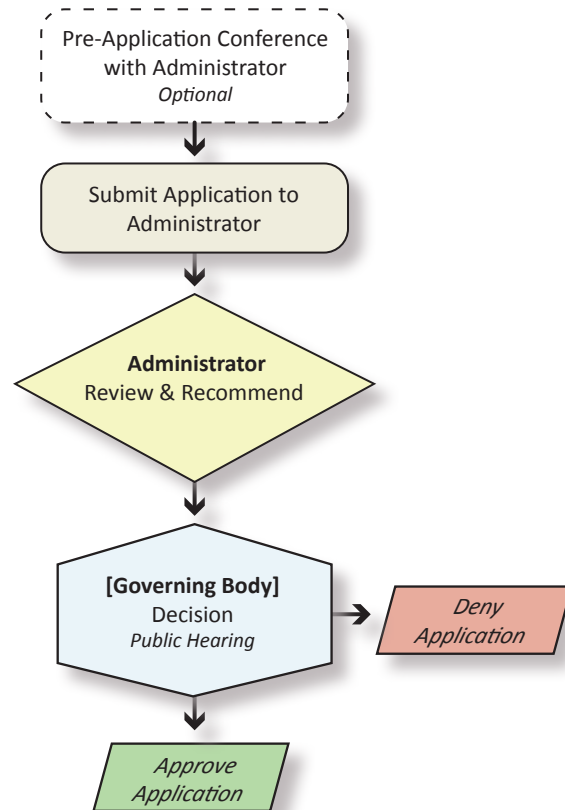
P. Appeal

1. A final decision by the Administrator on a minor subdivision may be appealed to the Planning Commission. The Planning Commission shall review the subdivision as a major subdivision.
2. A final decision by the Planning Commission on a major subdivision may be appealed to district court.

Q. Expiration

A preliminary plat expires after one year where a final plat application has not been filed. Each final plat for a phase of the preliminary plat extends the preliminary plat for an additional year. A final plat, once officially recorded, does not expire.

4.2.3 Text Amendment



A. When Allowed

The regulations of this subdivision code may, from time to time, be amended, supplemented, changed, modified or repealed, as determined by the [Governing Body].

B. Application and Fees

1. A pre-application conference is optional.
2. All applications for a text amendment shall be filed in writing with the Administrator. See [4.2.1, Common Review Procedures](#).

C. Review by Administrator

1. The Administrator may refer the application to other affected or interested agencies for review and comment.
2. The Administrator shall provide notice as set out in [4.2.1, Common Review Procedures](#).

D. Public Hearing and Decision by [Governing Body]

1. Following notice and a public hearing as required in [4.2.1, Common Review Procedures](#), the [Governing Body] shall approve or deny the text amendment.
2. In deciding, the [Governing Body] shall consider the recommendations of the Administrator, relevant comments of all interested parties and the review criteria below.

E. Review Criteria

The [Governing Body] shall consider the following criteria in approving or denying a text amendment:

1. The proposed text amendment is consistent with the pertinent elements of the [Jurisdiction] comprehensive plan and any other adopted plans;
2. The extent to which the text amendment is consistent with the remainder of this subdivision code;
3. The extent to which the text amendment represents a new idea not considered in the existing code, or represents revisions necessitated by changing conditions over time; whether or not the text amendment corrects an error in this subdivision code; and
4. Whether or not the text amendment revises this subdivision code to comply with state or federal statutes or case law.

F. Expiration

A text amendment does not expire.

4.2.4 Development Agreements

A. When Allowed

The [Jurisdiction] may enter into a development agreement in accordance with this section.

B. Contents

1. A development agreement shall specify the duration of the agreement, and may specify the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes.
2. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement.
3. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase of the project be completed within a specified time.
4. The agreement may also include terms and conditions relating to financing of necessary public facilities by the applicant and subsequent reimbursement of the applicant over time.

C. Rules, Regulations and Official Policies

1. Unless otherwise provided by the development agreement, the rules, regulations and official policies governing permitted uses of the land, density, and design, improvement, and construction standards and specifications applicable to development of the property subject to a development agreement shall be those rules, regulations, and official policies in force at the time of execution of the agreement.
2. A development agreement shall not prevent the [Jurisdiction], in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regula-

tions, and policies applicable to the property as set forth in this subdivision code, nor shall a development agreement prevent the [Jurisdiction] from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.

D. Public Hearing; Notice of Intention

A public hearing on an application for a development agreement shall be held by the Planning Commission and by the [Governing Body]. Notice of the hearing shall be provided as set out in 4.2.1, Common Review Procedures.

E. Approval by Ordinance

A development agreement shall be approved by ordinance of the [Governing Body].

F. Amendment or Cancellation; Notice of Intent

A development agreement may be amended or cancelled in whole or in part by mutual consent of the parties to the agreement or their successors in interest. Notice of intention to amend or cancel any portion of the agreement shall be provided as set out in 4.2.1, Common Review Procedures.

G. Recording Copy of Agreement; Effect

No later than 10 days after [Jurisdiction] enters into a development agreement, the clerk shall record in the parish a copy of the agreement, which shall describe the land subject to the agreement. From and after the time of such recordation, the agreement shall impart such notice to all persons as is afforded by the recording laws of the state. The burdens of the agreement shall be binding upon and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.

H. Modification or Suspension

In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

I. Periodic Review; Termination or Modification

Any development agreement shall provide for periodic review at least every twelve months, at which time the applicant or his successor in interest shall be required to demonstrate good faith compliance with the terms of the agreement. If, as a result of such periodic review, the [*Governing Body*] finds and determines, on the basis of substantial evidence, that the applicant or successor in interest has not complied in good faith with terms or conditions of the agreement, the [*Governing Body*] may terminate or modify the agreement.

J. Enforcement

Unless amended, cancelled, modified or suspended, a development agreement shall be enforceable by any party to the agreement, notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the [*Jurisdiction*] entering the agreement which alters or amends the rules, regulations, or policies specified in this subdivision code.

K. Restrictions on Authority

Nothing in this procedure shall be construed to authorize property use contrary to existing zoning classifications, if any, or to authorize the reclassification of such zones.

Sec. 4.3 Enforcement

4.3.1 Violations

It shall be a violation of this subdivision code for any owner, or agent of the owner, of any land located within a subdivision to transfer or sell or agree to transfer or sell any land in a subdivision 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 commission and recorded or filed with the parish clerk of courts.

4.3.2 Enforcement Powers

- A. This subdivision code shall be enforced by the Administrator, who is empowered to order in writing the remedying of any condition found to exist in violation of any provision of this subdivision code.
- B. The Administrator may order discontinuance of any illegal work being done; and may take any other action authorized by Louisiana law to ensure compliance with or to prevent violation of this subdivision code.

4.3.3 Penalties

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any land, before the plat has been approved and recorded or filed with the parish clerk of courts, without making the instrument of transfer subject to compliance with laws, ordinances, and regulations relative to the development of subdivisions, shall pay a penalty of five hundred dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold.

- A. 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 provided here.
- B. The [Jurisdiction] may enjoin such transfer or sale or agreement by suit for injunction brought in any court of competent jurisdiction or may recover the penalty by a civil action in any court of competent jurisdiction.

ARTICLE 5. DEFINITION

Sec. 5.1 General	5-2
Sec. 5.2 Defined Terms.	5-2

***Editor's Note:** If adopting the Zoning Code module, then this Article must be reconciled with Article 13 of the Zoning Code module. The definitions in these two articles should be combined to create one consistent set of definitions.*

Sec. 5.1 General

Unless specifically defined below, words or phrases in this code shall be interpreted giving them the same meaning as they have in common usage and so as to give this code its most reasonable application.

Sec. 5.2 Defined Terms

Abutting - The property directly touches another piece of property.

Adjacent - see Abutting.

Alley - A public way, or approved private way, that provides a secondary means of access to abutting property, normally located behind the building.

Clear Sight Distance - The length of street visible to a driver at an intersection or driveway required to make a safe turning movement onto the street.

Easement - A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Egress - A grant of property rights by the owner to, or for use by, the public, a corporation, or another person or entity to use as an exit from a specific parcel of land.

Lot - A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

Owner of Record - The person, corporation, or other legal entity listed as owner on the records of the Parish Clerk of Courts.

Plat - A map or plan of a parcel of land which is to be or which has been subdivided.

Private Street - A privately owned and maintained thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane or court, built to public street standards and generally providing the primary means of ingress and egress from the property abutting along its length to the public street network.

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