

CITY OF LAKE CHARLES

SUBDIVISION REGULATIONS

UPDATED 04-06-05

AS AMENDED BY RESOLUTION 79-1

FEBRUARY 19, 1979

LAKE CHARLES PLANNING AND ZONING COMMISSION

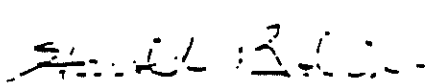
RESOLUTION NO. 78-1

A RESOLUTION adopting Subdivision Regulations attached hereto and labeled as "Exhibit A," consisting of Pages.1 through 41.

BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF LAKE CHARLES, LOUISIANA, that:


1. The Regulations attached hereto and labeled as "Exhibit A," consisting of pages 1 through 41, and entitled "Subdivision Regulations - City of Lake Charles, Louisiana" be adopted as presented herein.
2. The Regulations herein adopted shall become effective upon publication and recording in the manner provided by law.
3. This Resolution is adopted under the authority of Sections 101-119 of Title 33 of the Louisiana Revised Statutes of 1950, as amended (LSA: R.S. 33:101-119).

PASSED AND ADOPTED at Lake Charles, Louisiana, on this the 14th day of August, 1978.



HAROLD BOLING
CHAIRMAN

ATTEST:



JAMES L. HOFFPAUIR
DIRECTOR OF CITY PLANNING

EXHIBIT "A"

SUBDIVISION REGULATIONS

CITY OF LAKE CHARLES, LOUISIANA

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3.2 (1) (b) and (c)	3:1 & 3:2	02/19/79
3.4 (2) (a)(i) and (b)	3:5 & 3:6	02/19/79
3.5 (3) (a)	3:8	02/19/79
3.6 (4) (d) and (h)	3:9 & 3:10	02/19/79

SECTION 1: GENERAL PROVISIONS

1.1 **Title.** These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of the City of Lake Charles, Louisiana (hereinafter referred to as “city”).

1.2 **Policy.**

- (1) It is hereby declared to be the policy of the city to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the city pursuant to adopted plans and regulations providing for orderly, planned, and efficient growth and development.
- (2) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, water, sewerage, streets and circulation facilities, and other necessary public facilities such as schools and parks.
- (3) Public improvements provided in conjunction with land subdivision shall be properly related to the proposals and provisions contained in the Major Street Plan, the capital budget and program, and other adopted plans of the city. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the city’s building and housing codes, zoning ordinance, Major Street Plan, and other official plans and policies.

1.3 **Purposes.** These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the city;
- (2) To encourage the orderly and beneficial development of all parts of the city;
- (3) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of land and undue congestion of population;
- (4) To minimize conflicts among the uses of land and buildings and to provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality;
- (5) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to insure the proper legal description and monumenting of subdivided land;
- (6) To guide public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, drainage, parks, schools, and other public requirements and facilities;
- (7) To prevent the pollution of air and water, assure the adequacy of drainage facilities, and encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the community and conserve the value of the land;

- (8) To preserve the natural beauty and topography of the city and to insure appropriate development with regard to these features;
- (9) To provide for open spaces through efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots;
- (10) To minimize flood hazards and prevent obstruction of floodways designated pursuant to the Flood Plain Management Regulations of the city;
- (11) To facilitate the provision of adequate housing in suitable living environments and to protect existing and future development from blight and deterioration.

1.4 **Authority.**

- (1) Pursuant to the provisions of Sections 101-119 of Title 33 of the Louisiana Revised Statutes of 1950, as amended (LSA-R.S. 33:101-119), the Planning Commission of the City of Lake Charles, Louisiana (hereinafter referred to as "Planning Commission" or "Commission") does hereby exercise the authority to review, approve, and disapprove plats for subdivision of land within the corporate limits of the city, which plats show lots, plots, tracts, blocks, or sites with or without new streets or highways.
- (2) By the same authority, the Planning Commission does hereby exercise the power and authority to pass upon and approve the development of undeveloped portions of subdivision plats recorded in the office of the Calcasieu Parish Clerk of Court prior to the effective date of these regulations.

1.5 **Jurisdiction.**

- (1) These regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the city. These regulations shall also apply to developments other than subdivisions to the extent required by other applicable codes, ordinances, and regulations of the city.
- (2) No land shall be subdivided within the corporate limits of the city except in conformity with the provisions of these regulations.
- (3) No building permit or certificate of occupancy shall be issued for any plot or parcel of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

1.6 **Interpretation.** Except as otherwise provided herein, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

1.7 Conflict with Public and Private Provisions.

- (1) These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, or provision of law. Where any provisions of these regulations imposes restrictions different from those imposed by any other provision of these regulations or by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- (2) These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easements, covenant, or private agreement or restriction impose higher standards or more restrictive duties and obligations than these regulations or determinations made there under, and such private provisions are not inconsistent with these regulations or determinations made there under, then such private provisions shall be operative and supplemental to these regulations.

1.8 Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered, of these regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

1.9 Amendments. For the purpose of promoting the public health, safety, and general welfare, the Planning Commission may from time to time amend these regulations in accordance with the procedure prescribed by law.

1.10 Conditions. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated to the city. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to protect the health, safety and general welfare of the future plot owners in the subdivision and of the community at large.

1.11 Resubdivision of Land.

- (1) Resubdivision shall be subject to the same requirements and procedures applied to subdivision by these regulations, except as otherwise expressly provided herein.
- (2) Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land, and there are indications that such lots will eventually be resubdivided into small building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

1.12 Vacation of Plats.

- (1) Any plat or part of a plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of said plat shall be attached, declaring the same to be vacated. Such instrument shall be executed, acknowledged or approved and recorded in like manner as plats of subdivisions; and being duly recorded shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plats.
- (2) No plat shall be vacated unless the Planning Commission shall have approved such vacation in like manner as required for subdivision plats. The City Council may reject any plat vacation which abridges or destroys any public rights in any public uses, improvements, streets, or alleys.
- (3) When lots have been sold, a plat may be vacated in the manner herein provided by all the owners of lots in the plat joining in the execution of such writing.

1.13 Variations.

- (1) Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and/or that the purposes of these regulations may be served to a greater extent by any alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations.
- (2) The Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (a) The granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area in which the subdivision is located;
 - (b) The conditions which the request for a variance is based are not generally applicable to other property;
 - (c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result if the strict letter of these regulations were carried out;
 - (d) The variance will not have the effect of nullifying the intent and purpose of these regulations or of other applicable regulations of the city.
- (3) In approving variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (4) A petition for any variance shall be submitted prior to the publication of the first notice of public hearing on the subdivision plat for which the variance is requested. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. No variance shall be approved by the Planning Commission until a public hearing has been held thereon.

1.14 Enforcement, Violations, and Penalties.

- (1) No owner or agent of the owner of any parcel of land located in a subdivision shall sell any such parcel before a plat of such subdivision has been approved in accordance with these regulations and recorded in the office of the Calcasieu Parish Clerk of Court.
- (2) The subdivision of any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to the requirements contained in these regulations.
- (3) No building permit or certificate of occupancy shall be issued for any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
- (4) Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be subject to the penalties provided by law.
- (5) Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, and these remedies shall be in addition to the penalties described above.

1.15 Administrative Standards. Whenever an administrative decision is necessary or desirable in the course of administration and enforcement of these regulations, and standards, the making of such decision are not otherwise specified in, then the decision shall be made so that the result not be contrary to the policy and purposes set forth in Sections 1.2 and 1.3 of these regulations.

SECTION 2: SUBDIVISION PROCEDURE

2.1 General.

- (1) Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedure herein set forth.
- (2) For the purposes of these regulations, the date of the regular meeting of the Planning Commission at which the public hearing or final approval of the subdivision plat is closed shall constitute the official submission date of the plat, at which the statutory period required for formal approval or disapproval of the plat shall commence to run.
- (3) It is the intent of these regulations that subdivision review be carried out simultaneously with the review of any zoning application related to the request for subdivision approval. The Planning Commission may establish specific procedures consistent with these regulations for review of development proposals which require both zoning and subdivision approvals. When any zoning approval is required in order for a proposed subdivision to be developed in conformity with the zoning regulations, the recording of the final subdivision plat shall not be permitted until such zoning approval has been granted.

2.2 Pre-Application Procedure.

- (1) Before filing an application for approval of a subdivision plat, the applicant should discuss with the Administrative Official the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The Administrative Official shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those agencies which must eventually approve those aspects of the subdivision plat coming within their jurisdiction.
- (2) As part of the pre-application procedure, the applicant may submit a sketch plat for review by the Administrative Official. The sketch plat shall show the general layout of the proposed subdivision and the general location and extent of proposed improvements in order that the Administrative Official may determine whether the proposed subdivision is consistent with the objectives of these regulations, and advise the applicant as to what modifications may be required.
- (3) Upon request by the applicant or the Administrative Official, the Planning Commission shall review a sketch plat and advise the applicant of its determination concerning the suitability of the proposed subdivision, and of modifications required in order to meet the objectives of these regulations.
- (4) The submission of a sketch plat is at the option of the applicant and does not require a formal application or filing fee. However, submission of a sketch plat is recommended for large or complex subdivisions in order that the applicant may be provided with an adequate guide for preparation of acceptable preliminary and final plats.

2.3 Preliminary Plats.

- (1) A preliminary plat shall be required for a proposed subdivision whenever:
 - (a) The subdivision includes any street which is proposed to be opened or extended, or the development will include or require the construction or dedication of any street, sewerage or storm drainage improvements for future public maintenance; or
 - (b) The subdivision is part of a phased or sectionalized development where the final plat will include only a portion of the contiguous land in the same ownership; or
 - (c) The Commission determines that submission and review of a preliminary plat is necessary to insure conformity with these regulations and other applicable requirements.
- (2) Preliminary plat approval shall be obtained prior to submission of the final subdivision plat, provided, however that the Planning Commission may waive this requirement and permit concurrent review of the preliminary and final plats when it determines that such concurrent review will meet the purposes and objectives of these regulations.
- (3) An application for preliminary plat approval shall:
 - (a) Be made in writing in the form prescribed by the Planning Commission;
 - (b) Be accompanied by an application fee of twenty-five dollars (\$25.00);
 - (c) Be accompanied by a minimum of three (3) copies of the preliminary plat;
 - (d) Be accompanied by a minimum of one (1) copy of the construction plans;
 - (e) Include the name, address, and telephone number of an agent who shall be authorized to receive all notices required by these regulations;
 - (f) Show all contiguous holdings of the owner including all land in the "same ownership" as herein defined, indicating that portion which is proposed to be subdivided;
 - (g) Be submitted to the Administrative Official at least fifteen (15) days prior to the regular meeting of the Planning Commission at which the application will be considered.
- (4) The Planning Commission shall hold a public hearing on the preliminary plat, and shall give notice of such hearing in the official journal of the City at least ten (10) days prior to the date of the hearing. The Administrative Official shall cause at least one poster to be placed on the property proposed to be subdivided at least ten (10) days prior to the public hearing. Such poster shall indicate the date, time, and place of the hearing, and shall be readily visible from an adjoining public road.
- (5) After review of the preliminary plat and construction plans and consultation with other agencies affected by or having jurisdiction over the proposed subdivision, the Planning Commission shall advise the applicant of any required modification to the proposed subdivision. The Commission shall approve, disapprove, or conditionally approve the preliminary plat within forty (40) days after the date of the regular meeting of the Commission at which the public hearing on the preliminary plat is closed. One (1) copy of the proposed preliminary plat shall be returned to the applicant together with a notification showing the date of approval, conditional approval, or disapproval, and the reasons therefor.
- (6) The approval of a preliminary plat shall be effective for a period of one (1) year, at the end of which time approval of the final subdivision plat must have been obtained from the

Planning Commission. Any plat not receiving final approval within such period of time shall be null and void, except as hereinafter provided with respect to phased or sectionalized subdivision plats.

- (7) When the preliminary plat encompasses an entire ownership parcel which is proposed to be platted and developed in phases or sections, the Planning Commission may permit the submission of sectionalized final subdivision plats based on the approved preliminary plat, and may provide that for this purpose the approval of the preliminary plat shall remain in effect for a period of up to three (3) years. Such preliminary plat shall show, at a minimum, the area to be included in the initial phase or section for which a final subdivision plat will be filed, and the preliminary plat shall become null and void if such initial phase or section has not received final approval within a period of one (1) year.
- (8) Every plat shall conform to existing zoning and subdivision regulations applicable at the time of preliminary approval. Any plat which has received preliminary approval shall be exempt from any subsequent amendments to the zoning or subdivision regulations rendering any approved aspects of such plat non-conforming, provided that final approval of the plat is obtained within the period for which the preliminary approval is effective.
- (9) Permits for construction of streets and other public improvements and for site grading and excavation may be issued after the preliminary plat and construction plans are approved by the Planning Commission, provided that the work authorized by such permits shall comply in all respects with the approved preliminary plat and construction plans.

2.4 Final Subdivision Plat.

- (1) A final subdivision plat shall be required for every proposed subdivision. No subdivision plat shall be recorded unless the final plat of such subdivision has been approved by the Planning Commission.
- (2) An application for approval of a final subdivision plat shall:
 - (a) Be made in writing in the form prescribed by the Planning Commission;
 - (b) Be accompanied by an application fee in the amount of five dollars (\$5.00) per lot or twenty-five dollars (\$25.00) per gross acre of area within the subdivision, whichever is greater; the minimum fee for each application shall be twenty-five dollars (\$25.00);
 - (c) Be accompanied by a minimum of three (3) copies of the final plat;
 - (d) Include the name, address, and telephone number of an agent who shall be authorized to receive all notices required by these regulations;
 - (e) Include the names and addresses, as shown in the current assessment rolls of Calcasieu Parish, of the owner of every parcel of land which either immediately adjoins, or has street frontage directly opposite to, the land which the applicant proposes to subdivide;
 - (f) Include the entire subdivision or section thereof which derives access from an existing public street or highway;
 - (g) Comply in all respects with the approved preliminary plat, if applicable;
 - (h) Be accompanied by formal irrevocable offers of dedication to the public of all proposed public streets, improvements, easements, and sites, in the form prescribed by the Planning Commission;

- (i) Be accompanied by written assurance from the public utility companies that necessary utilities will be installed;
 - (j) Be submitted to the Administrative Official at least fifteen (15) days prior to the regular meeting of the Planning Commission at which the application will be considered.
- (3) The Planning Commission shall hold a public hearing on the final subdivision plat and shall give notice of such hearing in the official journal of the City at least ten (10) days prior to the date of the hearing. The Administrative Official shall cause at least one (1) poster to be placed on the property proposed to be subdivided at least ten (10) days prior to the public hearing. Such poster shall indicate the date, time, and place of the hearing, and shall be readily visible from an adjoining public road.
- (4) At least five (5) days before the date of the hearing on the final subdivision plat, the Administrative Official shall send notice of the hearing by certified mail to the applicant or authorized agent indicated in the application pursuant to Section 2.4(2)(d) of these regulations, and to the owners of all adjoining or opposite parcels of land as indicated in the application pursuant to Section 2.4(2)(e).
- (5) The Planning Commission shall approve, disapprove, or modify and approve the final plat within forty (40) days after the date of the regular meeting of the Commission at which the public hearing on the final plat is closed. Such action shall be by resolution of the Commission, which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval. One (1) copy of the final plat shall be returned to the applicant together with a notification showing the date and approval, conditional approval, or disapproval, and the reasons therefor.
- (6) For any subdivision which requires or proposes the construction or dedication of public improvements, the resolution of final plat approval shall either stipulate that all such improvements must be completed prior to the signing of the final subdivision plat, or shall specify the amount of the performance bond which may be submitted by the applicant in lieu of the completion of the improvements. If the performance bond is not submitted within six (6) months after the date of the resolution of final plat approval, the applicant shall be required to complete all improvements prior to signing of the final plat.
- (7) The approval of a final plat shall be effective for a period of two (2) years, at the end of which time all improvements shall have been completed and all other conditions for signing of the final plat shall have been satisfied. Any final plat not signed by the Chairman of the Commission within such period of time shall become null and void.

2.5 Signing and Recording of Subdivision Plat.

- (1) Subsequent to the resolution of final plat approval, one (1) copy of the original of the subdivision plat on tracing cloth or reproduction mylar and one (1) copy of the subdivision plat on sepia paper shall be submitted to the Administrative Official for final review, together with a check payable to the Calcasieu Parish Clerk of Court in the amount of the current recording fee. The subdivision plat shall not be signed until the review has indicated that all requirements of the resolution of final plat approval have been met.
- (2) Signing of plat:

- (a) When a performance bond is authorized by the Commission in lieu of the completion of improvements, the Chairman of the Commission shall endorse approval on the plat after the bond has been submitted and has been approved by the City Council and after all conditions of the resolution pertaining to the plat have been satisfied.
 - (b) When the completion of improvements is required, the Chairman of the Commission shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. Satisfactory completion of improvements shall be evidenced by a certificate of approval issued by the Department of Public Works pursuant to Chapter 6, Article VIII of the Code of Ordinances of the City of Lake Charles and by similar approvals issued pursuant to other applicable regulations.
- (3) Recording of plat:
- (a) The Chairman of the Planning Commission will sign the tracing cloth or reproducible mylar original and a sepia print of the subdivision plat. The sepia print will be returned to the applicant.
 - (b) The Administrative Official shall file the plat in the records of the Calcasieu Parish Clerk of Court within thirty (30) days of the date of signature. Any other legal documents required to be recorded relative to the plat shall be filed simultaneously with the approved subdivision plat.

2.6 Improvements and Performance Bond.

- (1) Completion of improvements:
- Before the plat is signed by the Chairman of the Planning Commission, the applicant shall be required to complete all the street, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations, specified in the subdivision plat, and approved by the Commission, and to dedicate same to the City free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- (2) Performance bond:
- (a) The Planning Commission in its discretion may waive the requirements that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, provided that as an alternative, the applicant shall post a performance bond prior to signing of the plat, in an amount estimated by the Commission as sufficient to secure to the City the satisfactory construction, installation, and dedication of the incompleting portion of the improvements. The bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.
 - (b) The performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. The period within which the required improvements shall be completed shall be incorporated in the bond, and shall not exceed two (2) years from the date of the resolution of final plat approval.
 - (c) The Performance bond shall be approved by the City Council as to amount and surety and conditions satisfactory to the City. The Planning Commission may upon proof of difficulty, recommend to the governing body extension of the

completion date set forth in such bond for a maximum period of one (1) additional year. The City Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Commission.

- (3) The applicant shall build and pay for all temporary improvements required by the Planning Commission and shall maintain same for the period specified by the Commission.
- (4) Except as may be otherwise provided by ordinance of the City Council, all required subdivision improvements shall be made by the applicant at his expense, without reimbursement by the City.
- (5) In those cases where a performance bond has been posted and required improvements have not been completed within the terms of such bond, the City may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of building development at the time the bond is declared to be in default. For subdivisions for which no performance bond has been posted, the approval shall be deemed to have expired if the improvements are not completed within two (2) years after the date of the resolution of final plat approval.
- (6) Acceptance of formal offers of dedication of streets, public areas, and easements shall be by action of the City Council. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City of any street, public area, or easement shown on said plat. The Commission may require said plat to be endorsed with appropriate notes to this effect.

2.7 Inspection of Improvements.

- (1) Improvements shall be inspected during construction and upon completion as required by Chapter 6, Article VIII of the Code of Ordinances of the City and by other applicable regulations. The inspection fee required by Chapter 6, Article VIII of the Code of Ordinances shall be paid prior to signing of the subdivision plat. If the Department of Public Works finds upon inspection that any of the required improvements have not been constructed in accordance with City's adopted standards and specifications, the applicant shall be responsible for completing the improvements according to specifications. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.
- (2) A performance bond will be released and reduced only after the Department of Public Works has issued the Certificate of Approval required by Chapter 6, Article VIII of the Code of Ordinances with respect to the improvements covered by such bond, and upon presentation of satisfactory evidence that the improvements are ready for dedication to the City free and clear of all liens and encumbrances.

2.8 Deferral or Waiver of Required Improvements.

- (1) At the time of final plat approval, the Planning Commission may defer or waive, subject to appropriate conditions, the provision of any improvements which, in its judgment, are not

requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

- (2) Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvements required herein because of inadequate or lack of connecting facilities or for other reasons, the applicant shall pay his share of the costs of the future improvements to the City prior to signing of the final plat, or the applicant may post a performance bond insuring completion of said improvements upon demand of the City.

2.9 Issuance of Building Permits and Certificates of Occupancy.

- (1) Where a performance bond has been posted for a subdivision no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the City, as required in the resolution of final plat approval.
- (2) Where completion of improvements have been required for a subdivision prior to signing of the final plat, no certificate of occupancy for any building in the subdivision shall be issued until the subdivision plat has been signed and recorded.
- (3) No building permit or certificate of occupancy shall be issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices with respect to the lot or parcel of land which is the subject of such permit or certificate until so ordered by a court of competent jurisdiction.

2.10 Procedures for Regulated Developments other than Subdivisions.

- (1) Whenever a proposed development is required to comply with the provisions of these regulations as a result of provisions contained in the Zoning Ordinance, such development (herein referred to as "regulated development") shall be subject to all provisions of these regulations, except as otherwise provided in this subsection.
- (2) When a regulated development does not involve subdivision of land as herein defined, the requirements and procedures set forth in these regulations shall be modified as follows:
 - (a) Public hearings shall be held on the proposed development with notice given in the official journal and by posting of signs as required by these regulations. Written notice to owners of adjoining property will not be required.
 - (b) Requirements for signing and recording of subdivision plats may be waived by the Commission with respect to the development, unless adherence to such requirements is necessary to assure the completion of required improvements or to secure reservations, dedications, or restrictions required by the Commission. Whether or not a plat of the development is required to be recorded, no certificate of occupancy shall be issued for any part of such development until all improvements and dedications required by these regulations and the resolution of approval by the Commission have been satisfactorily completed.
 - (c) Application for preliminary approval will not be required unless the proposed development involves opening of a new public street. If public improvements are

required, construction plans for such improvements shall be submitted not later than the application for final approval.

- (d) Applications shall be submitted in the form prescribed by the Commission and include the information required by the applicable provisions of these regulations and by the Zoning Ordinance. Such application shall be subject to the schedule of application fees set forth in these regulations.

SECTION 3: REQUIREMENTS FOR SUBDIVISION DESIGN AND IMPROVEMENTS**3.1 General Requirements.**

- (1) In addition to the requirements established herein, all subdivision plats shall comply with the following laws, regulations, and provisions:
 - (a) All applicable statutory provisions and rules or regulations issued pursuant thereto;
 - (b) The Zoning Ordinance, Flood Plain Management Regulations, building codes, and other applicable ordinances and regulations of the City;
 - (c) The standard detail specifications and standard prints and plans adopted by the Department of Public Works relative to the design and construction of public improvements within the city;
 - (d) Any major street plat adopted by the City;
 - (e) Other adopted plans and policies of the City which are not inconsistent with applicable laws and ordinances.
- (2) Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, or provisions or with the policy and purposes set forth in Section 1 of these regulations.
- (3) If the owner places restrictions on any of the land contained in the subdivision, such restrictions or reference thereto may be required to be indicated on the subdivision plat as well as by the recording of the restrictive covenants with the Calcasieu Parish Clerk of Court.
- (4) Whenever the Planning Commission finds land to be unsuitable for subdivision or development due to flooding, improper drainage, adverse earth or soil conditions, or other features which will reasonably be harmful to the health, safety, and general welfare of present or future inhabitants of the subdivision or of surrounding areas, such land shall not be subdivided unless adequate methods are formulated by the developer and approved by the Planning Commission to solve the problems created by such unsuitable land conditions.
- (5) Duplication of subdivision names within the City shall be avoided whenever possible. The Planning Commission shall have final authority to designate the name of the subdivision.

3.2 Monuments.

- (1) Permanent reference monuments shall be placed in each subdivision as follows:
 - (a) Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve, and block corners.
 - (b) The external boundaries of a subdivision shall be monumented in the field by iron rods or pipes at least thirty (30) inches in length and one and one-fourth (1 ¼) inches in diameter. Such monuments shall be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and along any straight line at locations not more than 1,400 feet apart.

Where such corners or points fall within a street or proposed future street, the monuments shall be placed in the side line of the street.

- (c) All block corners within a subdivision shall be monumented in the field by like monuments as described above. All other internal boundaries and corners shall be monumented by iron rods or pipes at least thirty (30) inches in length and three-fourths (3/4) inch in diameter to be placed at each end of all curves, at the point where any curve changes its radius, at all angle points in any line, and at all lot corners.
 - (d) The lines of lots that extend to rivers or streams shall be monumented in the field at the point of intersection of the lot line with a meander line established not less than twenty (20) feet from the bank of the river or stream.
 - (e) All monuments shall be set flush with the ground.
- (2) All monuments as required above shall be placed at the expense of the applicant and approved by a registered land surveyor prior to approval of the final plat.

3.3 Lot Design and Improvement.

- (1) Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance, Flood Plain Management Regulations, and applicable health regulations, or in providing driveway access to buildings on such lots from an approved street.
- (2) Lot dimensions shall:
 - (a) Comply with the minimum requirements of the Zoning Ordinance;
 - (b) Be large enough for corner lots to allow for placement of buildings in conformity with yard or setback requirements from both streets;
 - (c) Be large enough to provide for off-street parking and loading space as required by the Zoning Ordinance for the use or development proposed for the lot.
- (3) Side lot lines shall be at right angles to streets, or radial to curving street lines, unless a variation from this rule will not result in a better street or lot plan.
- (4) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets, or to overcome specific disadvantages of lot orientation.
- (5) Lots shall be arranged to allow for provisions of driveway access to an approved street in conformity with applicable regulations.
- (6) Residential lots shall not, in general, derive access from an arterial street. Where access to an arterial street is necessary for commercial, industrial, or multi-family residential uses, the number of points of access to such street shall be minimized in order to limit traffic hazards. The Planning Commission may restrict the number and location of such access points any may require provision of combined access drives for adjoining lots. Driveways providing access from arterial streets shall be designed and arranged to avoid requiring vehicles to back into the street.

- (7) Lots shall be laid out and graded so as to provide positive drainage away from all buildings and to avoid concentration of storm waters on any lot. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- (8) No cut trees, timber, debris, earth, rocks, stones, spoil, junk, rubbish, or other water materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of any certificate of occupancy, nor shall any such material be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements.
- (9) The subdivider shall furnish and install fences wherever the Planning Commission determines that hazardous conditions require such installation. Fences shall be constructed in accordance with standard city specification, and no certificate of occupancy shall be issued until such fences have been completed.
- (10) No certificate of occupancy shall be issued until final grading of the lot has been completed in accordance with the approved plans. Residential lots shall be covered with topsoil to an average depth of six (6) inches, except for that portion covered by buildings or included in streets.
- (11) Residential subdivisions shall provide for the preservation of existing trees to the maximum extent practicable. No existing trees, as herein defined, shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat (or the final plat where preliminary approval is not required) has been granted. The Planning Commission may require preservation or planting of trees in specified numbers or locations as a condition of subdivision approval. For the purposes of these regulations an existing tree shall mean any tree having a diameter of eight (8) inches or more at a point four (4) feet above ground level.
- (12) If a tract being subdivided contains a water body or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots, or the Planning Commission may approve an alternative plat whereby the ownership and responsibility for maintenance of the water body is so placed that it will not become a governmental responsibility. No more than twenty-five (25) percent of the minimum area required by the Zoning Ordinance for any lot or development may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street from which it derives access, provisions shall be made for installation of a culvert or other structure approved by the Department of Public Works.
- (13) The performance bond shall include an amount to guarantee completion of all lot improvements required by this subsection, the applicable provisions of the Flood Plain Management Regulations, or the determinations of the Planning Commission set forth in the resolution of final plat approval. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond the City may enforce the provisions of the bond where the provisions of this subsection or of any other applicable law, ordinance, or regulation have not been complied with.

3.4 Streets and Roadways.

- (1) General requirements:

- (a) No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from:
 - (i) an existing street or road which has been duly accepted for public maintenance or has otherwise acquired the status of a public street, or
 - (ii) a street shown upon a recorded plat approved by the Planning Commission, provided that such street must be improved as required by these regulations, or such improvements secured by performance bond.
- (b) Roads shall be constructed in conformity with the requirements of these regulations, the standards and specifications adopted by the Department of Public Works, and the construction plans approved for the subdivision.
- (c) All streets shall be properly integrated with the existing street system and with the proposed system of thoroughfares shown on the Major Street Plan or other adopted plan. Where a street is shown on the Major Street Plan, the subdivision plat shall provide for dedication and improvements of such street in conformity with said plan, unless otherwise determined by the Planning Commission. Other proposed streets shall be coordinated with the existing street layout in adjoining areas to provide for continuation of existing streets where appropriate, and to provide for adequate access and circulation for the subdivision and surrounding area.
- (d) Minor or local streets shall be laid out to conform to the topography wherever possible, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (e) All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets.
- (f) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
- (g) Proposed streets shall be extended to the boundary lines of the tract to be subdivided unless prevented by physical conditions, or unless the Planning Commission determines that such extension is not necessary for coordination of the street layout between the subdivision and adjoining areas.
- (h) Streets shall be so arranged that the dimensions of blocks will:
 - (i) Be of sufficient width to provide for two (2) tiers of lots of suitable depth, except that blocks with single tiers of lots shall be permitted adjacent to major arterial streets, limited access highways, railroads, waterways, and similar barriers;
 - (ii) Be appropriate to the location and type of development proposed;
 - (iii) Be not less than four hundred (400) nor more than one thousand six hundred (1,600) feet in length in residential areas;
 - (iv) Be not less than one thousand (1,000) feet in length wherever practicable along arterial streets.
- (i) In blocks more than eight hundred (800) feet in length, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- (j) Where a subdivision borders on or contains an existing or proposed major arterial street, the Planning Commission may require that access to such street be limited by one of the following means:
 - (i) Arrangement of lots to back onto the arterial and front on a parallel local street, with no access to be provided from the arterial, and with screening to be provided along the rear property line of such lots;

- (ii) A series of cul-de-sacs, U-shaped streets, or short loops deriving access from a local street parallel to the arterial, with the rear lines of their terminal lots backing on the arterial;
 - (iii) A marginal access or service road along the side of the arterial, separated from the arterial roadway by a planting strip or barrier curbs except at designated access points.
 - (k) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Planning Commission.
 - (l) Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to the adjoining area, such road shall generally be terminated not less than fifty (50) feet from the subdivision boundary.
 - (m) All dead-end streets which do not extend to the subdivision boundary shall be provided with a paved cul-de-sac turnaround conforming to the design standards of these regulations. Such permanent dead-end streets shall not exceed a length of six hundred (600) feet from the intersection to the center of the turnaround.
 - (n) Temporary dead-end streets which extend to the boundaries of a subdivision shall not exceed a length of one thousand two hundred (1,200) feet.
 - (o) Streets names shall not duplicate or too closely approximate the name of any other existing or approved street within the city. A street which is in alignment with an existing street, or is a continuation thereof, shall bear the same name as the existing street. The Planning Commission shall have final authority to designate the names of streets shown on the final subdivision plat.
 - (p) When the traffic carrying capacity of a street or streets giving access to be inadequate, on the basis of standard traffic engineering and planning practices, to satisfactorily serve the additional traffic resulting from the proposed development of the subdivision, the Planning Commission may withhold approval of the subdivision until provision has been made for improvement of such street or streets to the standards required by these regulations and the Major Street Plan.
- (2) Design standards for streets:
- (a) The following requirements shall apply to all local and collector streets and to alleys where indicated, except where otherwise specified by the Major Street Plan with respect to a street shown on such plan.
 - (i) Minimum Right-of-Way width (feet):
 - Collector Streets – 60
 - Local Streets – 50
 - Alleys – 20
 - (ii) Minimum Pavement width including curbs (feet):
 - Collector Streets – 34
 - Local Streets – 25
 - Alleys – 14
 - (iii) Minimum Radius of Curve (feet):
 - Collector and Local Streets – 100
 - (iv) Minimum Length of Tangents between Reverse curves (feet):
 - Collector and Local Streets – 150
 - (v) Minimum Sight Distance (feet):
 - Collector and Local Streets – 200

- (vi) Minimum Cul-de-sac Turnaround (feet):
 Right-of-way diameter – 100
 Pavement diameter – 80
 - (b) When an arterial street adjoins or is contained within a subdivision, the required width and improvement of such street shall be as specified by the Major Street Plan or shall be determined on the basis of the general standards established by such plan. The design of such arterial streets shall be appropriate to the anticipated volume and characteristics of traffic thereon, and shall be subject to the approval of the Planning Commission and the Department of Public Works. When not otherwise specified by the Major Street Plan, the required right-of-way width for an arterial street shall be 80 feet.
 - (c) Classification of streets as arterials, collectors, or local streets for the purposes of these regulations shall be as shown on the Major Street Plan, or shall be determined by the Planning Commission on the basis of the classification system and definitions set forth in such plan.
 - (d) Right-of-way widths in excess of those set forth in these regulations or the Major Street Plan shall be required whenever topography or other physical conditions necessitate additional width to provide adequate earth slopes.
 - (e) Street intersections shall be laid out and designed as follows:
 - (i) Streets shall intersect as nearly as possible at right angles, and in no event shall new streets intersect at an angle of less than seventy-five (75) degrees.
 - (ii) Street jogs with centerline offsets of less than 150 feet shall not be permitted, except when the opposite approaches of the offset street are separated by a continuous raised median on the intersected street. Wherever practicable, proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of such street.
 - (iii) The minimum curb radius at any intersection of local streets shall be fifteen (15) feet, and the minimum curb radius at any intersection involving a collector or arterial street shall be twenty-five (25) feet. A larger curb radius may be required at an intersection of arterial streets, or of an arterial and collector street, according to the volume and type of traffic anticipated. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
 - (iv) Where a new street intersects an existing street which crosses a railroad at grade, the intersection shall, to the extent practicable, be located at least 150 feet from the nearest track of the grade crossing.
 - (v) Where any street intersection will involve earth banks or existing vegetation inside any lot corner which would create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation in connection with the grading of the street to the extent deemed necessary to provide an adequate sight distance.
- (3) Perimeter streets:
- (a) Where new streets are proposed along the perimeter of a subdivision, such streets shall be dedicated and constructed to the full width required by these regulations, either by locating the entire street within the boundaries of the tract being subdivided, or by agreement between the subdivider and owners of adjoining property, subject to the approval of the Planning Commission, to share the cost and/or dedication of land for such street.

- (b) Where plans for the widening or re-alignment of an existing street adjoining a proposed subdivision are indicated by the Major Street Plan, zoning setback regulations, or an adopted capital improvement plan or program, the applicant shall be required to dedicate at his expense such area within the subdivision as is required for widening or re-alignment of such street. Such dedication may also be required for widening of any existing street which has less than the minimum right-of-way width required by these regulations or the Major Street Plan. The Planning Commission may require, whenever practicable, that the applicant construct and improve such street to the standards and width required by these regulations or the Major Street Plan and/or that the applicant shall share the cost of such improvements to the extent required by these regulations and applicable ordinances and agreements.
- (4) Related improvements:
- (a) The applicant shall make arrangement for installation of street lighting on all new streets and for new or additional lighting as required along existing perimeter streets which provide access to lots within the subdivision. All such lighting shall be installed with underground service, unless located on an above-ground utility line already existing within or along the street right-of-way. Lighting shall be 100 watt high pressure sodium bulbs with a metal pole. Lights shall be spaced at 180' measured along the road plus or minus 20'. Layout shall incorporate lights at all intersections. In cases, where spacing cannot be achieved with an intersection, 250 watt bulbs may be specified. A lighting layout shall be submitted for preliminary approval and an as-built layout shall be with the final subdivision plat.
 - (b) The applicant shall construct sidewalks within the street right-of-way and in required pedestrian access easements wherever the Planning Commission determines that such sidewalks are necessary to facilitate pedestrian access to schools, parks, playgrounds, shopping areas, or other community facilities or institutions, or to alleviate hazards to pedestrians along through traffic routes. All such sidewalks shall be paved to a width of at least four (4) feet, unless a greater width is specified by the Commission, and constructed in accordance with standard city specifications.
 - (c) Street name signs and traffic regulatory signs shall be installed within the subdivision in accordance with standard traffic engineering practices, the Manual on Uniform Traffic Control Devices (MUTCD), and city policy. Prior to acceptance of any street, the applicant shall install such signs in accordance with city specifications. A sign layout shall be submitted for preliminary approval and an as-built layout shall be submitted with the final subdivision plat.

3.5 Drainage and Storm Sewers.

- (1) The Planning Commission shall not recommend for approval any subdivision which does not make adequate provision for storm drainage and protection from flooding. The storm drainage system shall be separate and independent of any sanitary sewer system. Storm sewers shall be installed in streets as required by these regulations, and shall be connected to or served by outfall sewers or drainage channels of adequate capacity as defined by these regulations and other applicable criteria.

(2) Design and improvements standards:

- (a) All street construction shall provide underground storm sewers which shall be designed, at a minimum, to accommodate a storm of five (5) year frequency for a two (2) hour period. Inlets to such storm sewers shall be provided so that surface water is not carried across any intersection, nor for a distance of more than 600 feet in the gutter. Inlets shall be spaced so that the carrying capacity of the curb and gutter will not be exceeded at any point during a storm of the frequency and duration herein described. The preliminary plat or construction plans shall show the surface drainage pattern for every block and shall include design computations or other acceptable evidence of compliance with the design standards herein set forth.
- (b) Every drainage pipe, culvert, or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Department of Public Works shall have the authority to determine the size of all drainage facilities on the basis of standards and criteria established or authorized by these regulations and other applicable ordinances.
- (c) When it is determined that an existing downstream drainage facility is inadequate to accommodate the additional runoff resulting from the development of a subdivision, the Planning Commission may withhold approval of the subdivision until provision has been made for improvement of such drainage facility to the standards required by these regulations.
- (d) All drainage facilities shall be located within the street right-of-way wherever feasible, any such facilities not contained entirely within the street right-of-way shall be located in perpetual unobstructed easements of appropriate width.
- (e) All new drainage facilities required in connection with a subdivision shall be located underground, except where the Planning Commission determines that underground drainage is not feasible or will not provide adequate capacity.
- (f) All drainage facilities and any substantial alteration of existing drainage channels originating within a subdivision shall be constructed of approved materials and in conformity with the standard plans and specifications of the Department of Public Works.
- (g) No existing drainage channel, stream, storm sewer or ditch shall be altered without the prior approval of the Administrative Official. Before granting any such approval, the Administrative Official shall notify and consult with other affected governmental agencies as required by the Flood Plain Management Regulations.
- (h) Subdivisions shall comply with the provisions of the Flood Plain Management Regulations, where applicable, and shall be designed as nearly as practicable to avoid inundation of any building site by a flood of one-hundred (100) year frequency.

(3) Drainage easements:

- (a) Where a subdivision is traversed by a watercourse, drainage channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse. Unless otherwise specified by the Planning Commission, such easement or right-of-way shall be at least thirty (30) feet in width.
- (b) Where topography, drainage patterns, or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the street lines, with satisfactory access to the street. Such easements shall be carried from the street to a natural watercourse or to other drainage facilities. All drainage

easements shall be indicated on the plat. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

- (c) Low-lying lands subject to recurrent flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

3.6 Sewerage Facilities.

- (1) The applicant shall install sanitary sewer facilities which shall conform to the requirements herein established, the construction standards and specifications of the Department of Public Works, sanitary regulations administered by the health authorities, and other applicable regulations.
- (2) Sanitary sewers shall be installed to serve each lot. All sanitary sewerage facilities shall connect with public sanitary sewerage systems, except as otherwise hereinafter provided.
- (3) Where public sanitary sewers are not reasonably accessible to a proposed subdivision, the Planning Commission may approve one of the following alternative methods of sewerage treatment for subdivision involving less than fifty (50) dwelling units:
 - (a) Provision of a central sewerage treatment system with maintenance costs assessed against each property benefited. The treatment facility will comply with all applicable health and sanitary requirements; all sewer lines, laterals, and mains shall conform to the requirements of these regulations and the City construction standards and specifications and shall be suitable for incorporation into the public sewer system. The system shall be designed to facilitate future connection to the public sewer system at an appropriate location when such public system is extended to the subdivision.
 - (b) Installation of individual disposal systems in conformity with health and sanitary regulations, provided that such systems are designed to be discontinued when public sewers become accessible to the subdivision. The applicant shall install a sanitary sewer collection system within the subdivision for future connection to public sewers; such collection system shall include lines to every lot, shall conform to these regulations and the construction standards and specifications, and shall be capped until ready for use when connection can be made to public sewers.
- (4) Design standards:
 - (a) Sanitary sewer systems should be designed for the ultimate tributary population. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste together with an adequate allowance for infiltration and other extraneous flow.
 - (b) No public sewer shall be less than eight (8) inches in diameter.
 - (c) Proposed sewer systems shall be connected to existing public sewers of adequate capacity at appropriate locations as determined by the Department of Public Works. Unless otherwise approved by said Department, no sewer shall have a diameter larger than that of its existing or proposed outlet.
 - (d) Sanitary sewers shall have the following minimum percent of slope for the sewer size indicated:

- | | | |
|--|----------------|---------------|
| | 8 inch sewer: | 0.40 percent |
| | 10-inch sewer: | 0.28 percent |
| | 12-inch sewer: | 0.22 percent |
| | 14-inch sewer: | 0.17 percent |
| | 15-inch sewer: | 0.15 percent |
| | 18-inch sewer: | 0.12 percent |
| | 21-inch sewer: | 0.10 percent |
| | 24-inch sewer: | 0.08 percent |
| | 27-inch sewer: | 0.067 percent |
| | 30-inch sewer: | 0.058 percent |
- (e) Manholes shall be installed at the end of each line; at all changes in grade, size, or alignment, at all intersections and at distances not greater than 400 feet for sewers 15 inches and smaller and 500 feet for sewers 18 inches in diameter and larger. Design and construction of manholes shall conform to the detail plans and specifications of the Department of Public Works.
 - (f) All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the Department of Public Works.
 - (g) Sanitary sewers shall be located within street or alley rights-of-way unless otherwise required by topography. When not within public rights-of-way, sewers shall be located in perpetual unobstructed easements at least ten (10) feet in width, and such easements shall be indicated on the plat.
 - (h) At least three (3) feet of cover shall be provided above the top of sanitary sewer pipes in all locations.
 - (i) There shall be no physical connection between a public or private potable water supply system and a sewer which might permit the passage of any sewage or polluted water into the potable supply. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, unless the water main is at least two (2) feet above the sewer.

3.7 Water Facilities and Utilities.

- (1) Water supply and distribution facilities:
 - (a) All subdivisions shall be provided with a water distribution system serving every lot. Plans for such system shall be approved by the appropriate health and fire protection authorities.
 - (b) All water mains shall be at least six (6) inches in diameter and shall conform to the current construction standards and specifications of the public water system.
 - (c) Fire hydrants shall be installed no more than 1,000 feet apart, and every building site shall be within 500 feet of a fire hydrant.
 - (d) All water distribution facilities and fire hydrants shall be installed prior to street paving. All such facilities shall be located within street rights-of-way unless otherwise directed.
 - (e) All subdivisions shall be connected to the public water system, except that where such system is not readily accessible, the Planning Commission may approve the installation of a central water system to serve a subdivision involving less than fifty (50) dwelling units. Such installation shall be approved only upon the recommendation of the Fire Department and appropriate health authorities.

- (2) Utilities:
- (a) All utility facilities, including gas, electric power, telephone, and cable television lines, shall be located in street or alley rights-of-way or in approved easements. All existing and approved utilities and easements shall be indicated on the plat.
 - (b) All utilities installed within the new street rights-of-way shall be underground, except where the Planning Commission shall determine that such installation is not feasible, or shall authorize short extensions of existing utility lines located above ground.
 - (c) Utility easements shall be centered on rear lot lines and have a width of at least ten (10) feet where utilities cannot be located in street rights-of-way or along rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to a street or alley.

3.8 High Density and Non-residential Development.

- (1) If a proposed subdivision includes land which is zoned or proposed to be used for commercial, industrial, or high-density residential purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Commission may require. The subdivision, development, and use of such land shall be subject to all of the requirements of these regulations and to other applicable requirements and provisions as set forth in Section 3.1.
- (2) In addition to the requirements of these regulations regarding all subdivisions, the following shall apply to subdivisions which include high density or non-residential development:
- (a) Proposed commercial and industrial parcels shall be suitable in area and dimensions to the types of development anticipated.
 - (b) Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
 - (c) Special requirements may be imposed by the City with respect to street, curb, and gutter, and sidewalk design and construction.
 - (d) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sanitary sewerage, and storm drainage.
 - (e) Every effort shall be made to protect adjacent residential areas from potential nuisance from proposed commercial or industrial development, including the provision of extra depth in parcels backing upon existing or proposed residential development, and provisions for a permanently landscaped buffer strip when necessary.
 - (f) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SECTION 4: DEFINITIONS

4.1 Usage.

- (1) For the purpose of these regulations, certain words, terms, numbers, and abbreviations used herein shall be used, interpreted, and defined as set forth in this section.
- (2) Unless specifically defined in this section, words or phrases used in these regulations shall be interpreted to give them the meaning they have in common usage and to give these regulations their most reasonable application.
- (3) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural, and the plural number includes the singular; the word "shall" is always mandatory; the word "herein" means "in these regulations".
- (4) The terms "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied"; a "building" includes any part thereof; the word "lot" includes the words "plot or parcel", and a "person" includes a corporation, a partnership, and an incorporated association of persons.

4.2 Words and Terms Defined.

Administrative Official: The Director of City Planning or his authorized representative.

Alley: A public or private right-of-way primarily designed to serve a secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant: The owner, or authorized representative of the owner, of any land proposed to be subdivided or developed subject to the provisions of these regulations.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council. All bonds shall be approved by the City Council whenever a bond is required by these regulations.

Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Central Water System: A private water system established by the developer to serve a new subdivision in an outlying area. It includes water supply, treatment, and distribution facilities.

Central Sewerage System: A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

City: The City of Lake Charles, Louisiana.

Collector Street: A street intended to move traffic from local streets to arterial streets or highways; includes any street designated as a collector street by the Major Street Plan.

Commission: The Planning and Zoning Commission of the City of Lake Charles, Louisiana.

Construction Plan: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.

Cul-De-Sac: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Department of Public Works: The Department of Public Works of the City of Lake Charles, Louisiana, represented by the Director of said Department or his designee.

Developer: See Applicant.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Final Plat: The map or plan of record of a subdivision and any accompanying material, as described in these regulations.

Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot.

Health Authorities: The governmental agencies responsible for administration of health and sanitary regulations applicable to development of subdivisions within the City.

High Density Residential: Any residential district or area in which the permitted or proposed density exceeds one dwelling unit for each 6,000 square feet of lot area.

Individual Sewage Disposal System: A septic tank or any other approved sewage treatment device intended to serve an individual lot.

Local Street: A street intended to provide access to other streets from individual properties and to provide right-of-way for water, sewer, storm drainage, and other utility lines.

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 of building development.

Lot Improvement: Any building, structure, or other object or improvement of the land on which they are situated, constituting a physical betterment of real property.

Major Street Plan: A plan adopted by the Commission pursuant to Section 111 of Title 33 of the Louisiana Revised Statutes of 1950, as amended (LSA-R.S. 33.111), which designates and classifies existing and proposed major thoroughfares within the City or portion thereof. Such plan includes standards for the classification of proposed streets and for the future acquisition of right-of-way and construction of improvements for major streets, and may include proposals for opening, extension, widening, realignment, or other improvement of specific major or local streets.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided or developed under these regulations.

Ownership Parcel: A contiguous area of land which is in the “same ownership” as herein defined.

Preliminary Plat: The preliminary drawing or drawings, described in these regulations, indicating the proposed layout of the subdivision to be submitted to the Planning Commission for approval.

Public Improvement: Any roadway, parkway, sidewalk, pedestrian way, water or sewer line, drainage ditch, or other facility for which any local government agency may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.

Registered Engineer or Land Surveyor: A civil engineer or land surveyor properly licensed and registered by the State of Louisiana.

Regulated Development: A proposed development, other than a subdivision as herein defined, which is required by the Zoning Ordinance to comply with the standards and requirements of these regulations.

Resubdivision: Any change in a map or an approved or recorded subdivision plat, or a transfer of ownership affecting such change, where the change affects any street layout or area reserved for public use on the plat; or affects any improvement required as a condition of plat approval; or results in any increase in the number of lots or building sites within the plat or any block thereof; or would create or increase any deviation from any of the requirements of the Zoning Ordinance pertaining to use, bulk, area, yards, or setbacks, off-street parking, or other improvements.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, walkway, road, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, drainage channel, or for other special use. The term “right-of-way” for platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included in the dimensions or areas of such lots or parcels. Right-of-way intended for any use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Sale of Lease: Any immediate or future transfer of ownership of any possessory interest in land, including contract of sale, lease, devise, succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat map, lease, devise, succession, or other written instrument.

Same Ownership: Ownership by the same person, corporation, firm entity, partnership, or unincorporated association, including joint ownership among persons; or ownership by corporation, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Screening: Where required by the Zoning Ordinance or by a determination of the Planning Commission under these regulations, screening shall consist of either of the following and be maintained in good condition at all times:

- (1) A strip of land at least ten (10) feet in width, densely planted (or having equivalent natural growth) with trees or shrubs at least four (4) feet high at the time of planting, of a type that will form a year round dense screen at least six (6) feet high; or
- (2) An opaque wall, barrier, or uniformly painted fence at least six (6) feet high.

Setback: The distance between a building and the street right-of-way line nearest thereto.

Sketch Plat: A sketch submitted preparatory to the preparation of the preliminary or final plat to enable the applicant to save time and expense in reaching agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

Street: A public or private right-of-way intended to provide vehicular access to properties abutting thereon or to provide for movement of through traffic to or from other streets or highways. It includes any public way for vehicular traffic, whether designated as a street, road, highway, avenue, boulevard, lane, or other designation.

Street, Dead-End: A roadway or portion of a street having only one outlet for vehicular traffic.

Street Right-of-Way Width: The distance between property lines measured at right angles to the centerline of the street.

Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, plots, sites, units, interests, or other divisions of land for the purpose, whether immediate or future, of sale, lease, or development. For the purpose of these regulations, subdivision includes all of the following, without regard to the number of lots or other units resulting there from:

- (1) Any resubdivision as herein defined;
- (2) Any division or development of land which proposes or requires the opening or extension of any public street;
- (3) The sale, lease, or development of any "undeveloped portion of a subdivision plat" as herein defined.

Subdivision Plat: The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted to the Calcasieu Parish Clerk of Court for filing.

Undeveloped Portion of a Subdivision Plat: Any portion of a subdivision plat legally recorded prior to the effective date of these regulations, where a street shown on said plat has not been duly accepted or opened or otherwise acquired the legal status of a public street. The undeveloped portion of said plat includes any lot shown thereon which does not have frontage on a public street.

