

## APPENDIX C

### SUBDIVISION REGULATIONS\*

#### SUBDIVISION REGULATIONS FOR THE HOMER PLANNING REGION

##### Section I. Purpose and objectives of subdivision regulations.

Land subdivision is the first step in the process of community development. It safeguards the interests of the homeowner, the subdivider, and the local government. Once land has been cut up into streets, lots and blocks, and has been publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility, in that roads and streets must be maintained, and various public services customary to urban areas must be provided. The welfare of the entire community is, as a result, affected in many important respects. It is, therefore, to [in] the interest of the public, the developer and future homeowners that subdivisions be conceived, designed and developed in accordance with sound rules and intelligent development standards.

These regulations are intended to provide common grounds of understanding and cooperation between the subdividers and the Homer Regional Planning Commission.

##### Section II. Authority and jurisdiction.

A. *Authority.* In accordance with the provision of Revised Statutes, Title 33, Part IV, 101—119 [sections 33:101—33:119], and in order to promote the health, safety, convenience, and general welfare of the inhabitants of the planning region, and to assist in bringing about the coordinated, efficient and economical development of the urban area, the following regulations and minimum standards are hereby adopted.

B. *Jurisdiction.* Every subdivision of land within the Homer planning region shall be shown upon a plat and submitted to the planning commission for approval or disapproval.

##### Section III. Definitions.

A. *Subdivision.* For the purpose of these regulations, a subdivision of land is:

1. The division of land into two (2) or more lots, tracts, sites, or parcels, any one (1) of which has an area of less than three (3) acres, or

\***Editor's note**—This ordinance contains the town's subdivision regulations, adopted on March 7, 1966, as Ordinance No. 555. The ordinance is set out as enacted except that material in brackets has been added to correct obvious errors or to clarify the meaning where the same was ambiguous. Obviously misspelled words have been corrected without notation and a uniform style of capitalization has been used. The absence of a history note indicates the section derives unchanged from the original ordinance. The forms referred to in this appendix are on file in the town clerk's office.

**Cross references**—Buildings and building regulations, Ch. 5; flood damage prevention, Ch. 8; planning, Ch. 13; streets and sidewalks, Ch. 14; utilities, Ch. 17; zoning, App. A.

2. The dedication of a road, highway or street through a tract of land regardless of area, or
  3. The resubdivision of land heretofore divided into lots, tracts, sites or parcels; provided, however, that these regulations shall not apply to:
  4. A subdivision legally established and recorded prior to the adoption of these regulations, or
  5. Small parcels of land sold or exchanged to or between adjoining property owners upon certification by the Homer Building Inspector that such sale or exchange does not create additional lots and does not conflict with the area requirements of the subdivision regulations or the zoning ordinance of the City of Homer.
- B. *Commission.* The Homer Regional Planning and Zoning Commission.
- C. *Lot.* A portion of a subdivision or other parcel of land, intended as a building site or unit for transfer of ownership.
- D. *Major street.* A street which serves or is intended to serve as a major traffic way and [which] is shown on a major street plan or a revision thereof, and adopted by the commission.
- E. *Residential street.* A right-of-way dedicated to public use which provides principal vehicular and pedestrian access to adjacent properties.
- F. *Collector street.* A street which carries traffic from minor streets to the major streets including the principal entrance streets of a residential development and streets for circulation within such a development.
- G. *Alley.* The term "alley" means a minor public way, not less than twenty (20) feet in width, providing a secondary means of access to the back or side of properties otherwise abutting the street.
- H. *Cul-de-sac.* A short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.
- I. *Servitude.* A strip reserved for public utilities, drainage and other public purposes, the title to which shall remain with the property owner, subject to the right of use designated in the reservation of the servitude.
- J. *Easement.* A grant by the owner for the use of a strip of land by others for specific purposes.
- K. *Subdivider.* Any person, group or corporation acting as a unit, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as defined in these regulations.

#### Section IV. Procedure.

**Step 1.** Conference between planning commission and subdivider.

**Step 2.** Preparation and approval of preliminary plan.

**Step 3.** Preparation of plans and specifications.

**Step 4.** Preparation and approval of final plat.

**Step 5.** Recording of plat.

#### *PROCEDURE*

*Step 1. Conference between planning commission and subdivider.*

It is suggested that each subdivider of land confer with the planning commission before preparing the preliminary plan, in order to become thoroughly familiar with the subdivision requirements and with the proposals of the master plan, especially the major street plan, affecting the territory in which the proposed subdivision lies.

After consultation with the planning commission the subdivider is advised to confer with his land planner, in order to resolve the major factors of the site into a workable and profitable subdivision plan.

The subdivider should reach, at this initial stage, firm conclusions regarding the suitability of the location of the proposed subdivision, the arrangement of streets and lots, what part of the market demand should be served and other development opportunities. Good counsel on all parts of the problem is essential at this stage, in order to prevent unnecessary and costly revisions.

*Step 2. Preparation and approval of preliminary plan.*

**A. Preparation and submission.**

After information and all data on existing conditions has been gathered and analyzed, the subdivider and his land planner should prepare a preliminary plan.

The subdivider will submit to the planning commission an "Application for Approval of Preliminary Subdivision Plan" (See Form 100) and six (6) black and white or blue line prints (blueprints not acceptable), drawn to a scale of no smaller than one (1) inch equals one hundred (100) feet; one (1) inch equals sixty (60) feet, one (1) inch equals fifty (50) feet, etc. The commission will forward one (1) copy to the city engineer, one (1) copy to the city council, and one (1) copy to the police jury (if the subdivision is located outside the corporate limits). Three (3) copies will be retained in the planning commission files.

The plans submitted will show the following information:

1. The scale, north point, and date map was prepared.
2. The location of present property, section, township and parish lines and lines of incorporated areas, other legally established districts, streets, buildings, watercourses, and other features within the area to be subdivided; and similar facts regarding existing conditions on land immediately adjacent thereto.
3. The title under which the proposed subdivision is to be recorded, appropriate evidence of ownership of tract to be subdivided, the name and address of the

subdivider, and the name and address of the land planner or engineer, if any, designing the subdivision.

4. The names and addresses of owners of record of all property immediately adjoining the subdivision. (This information may be supplied by showing the lot and block designation of property on the map itself and supplying also a typed list of the lot owners including their addresses.)
5. Existing storm sewers, water mains, culverts and other underground structures within the tract and immediately adjoining thereto. The location and size of the nearest water main are to be indicated in a general way upon the plan. If the subdivision is to utilize septic tanks for sewage disposal, the subdivision plans must be signed by the parish board of health, indicating approval of the septic tank design for the intended use of the land.
6. The proposed street and lot layout, showing street widths, lot sizes, and servitudes.
7. All streets bordering the property, and also all existing street intersections must be shown.
8. Contour data at a satisfactory contour interval shall be shown on the plat if considered necessary by the planning commission.
9. The zoning classification of the property to be subdivided.

*B. Public hearings.*

No preliminary plan of a subdivision will be acted on by the commission without affording a hearing thereon, except, in the case of a subdivision of five (5) lots or less, no public hearing will be required. After receipt of the subdivision plans, the commission will fix the date for a hearing on the proposed subdivision. No quorum of the commission will be required for such a hearing.

Notice of the time and place of the hearing will be sent to the owner or owners by registered or certified mail not less than five (5) days before the date fixed for the hearing. Similar notice will be mailed to the subdivider and to the owners of land immediately adjoining the land proposed to be subdivided.

*C. Commission action.*

Within forty-five (45) days after submission of the preliminary plan in approved form, the commission will review it and indicate its approval, disapproval, or conditional approval, as a basis for the preparation of the final plat. If a plan is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications will be stated in writing or noted on the plan.

Approval of the preliminary plan does not constitute final acceptance of the subdivision by the commission.

Failure of the planning commission to act on the preliminary plan within thirty (30) days after its submission in approved form to the commission will be deemed approval of such plans.

One (1) copy of the approved preliminary plan, signed by the chairman of the planning commission, will be retained in the planning commission files, one (1) signed copy will be returned to the subdivider, with any notations deemed necessary by the commission, and one (1) copy will be forwarded to the parish police jury (if the subdivision is located outside of the community [city limits].)

The approval of the preliminary plan will lapse unless a final plat is submitted within one (1) year from the date of such approval.

*Step 3. Preparation of plans and specifications.*

- A. Following the receipt of notification of preliminary approval, the subdivider will consult with the city engineer for advice in preparing plans and specifications for required improvements. Minor variations and changes may be made in the preliminary plan when the plans and specifications for improvements are prepared. However, such changes should be limited to slight shifts in street alignment, or shifts in location of crosswalks and utility easements, or widening or reducing right-of-way widths.
- B. The subdivider will submit four (4) copies of the plans and specifications for required improvements to the planning commission. The commission will forward them to the city engineer for examination.

After approval by the city engineer, one (1) certified copy of the plan is to be forwarded to the commission, one (1) certified copy will be forwarded to the parish police jury to inform them of the nature and extent of the proposed improvements (this in case subdivision is located outside of city limits), one (1) certified copy will be retained by the city engineer, and one (1) certified copy will be returned to the subdivider.

- C. Commission approval of the plans and specifications for required improvements must precede any improvement construction, or before the final plat can be approved. Prior to submission of the final plat for final approval, the subdivider must either complete the construction of required improvements or submit a surety bond to the planning commission, such bond to guarantee that improvements will be made in a reasonable, stipulated time.
- D. If the subdivider elects to submit a surety bond in lieu of making the necessary improvements before the final plat is approved, he may do so by addressing a letter to the planning commission for an estimate of the cost of improvement for the entire development or a portion of the development. The planning commission, after obtaining cost estimates from the city engineer, will notify the subdivider of the amount of the bond.

*Step 4. Preparation and approval of final plat.*

*A. Submission.*

An application for final approval (Form 200), a permanent type tracing, and four (4) black and white or blue line prints of the final plat will be submitted to the

planning commission by the subdivider. The final plat is to be drawn at a scale of one (1) inch equals one hundred (100) feet or larger from an accurate survey on sheets not larger than twenty-five (25) inches by thirty-six (36) inches long. Where the subdivided area is of unusual size or shape, the commission may permit a variation in the scale. When more than one (1) sheet is required, an index sheet of the same size will be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.

If improvements have been constructed within the subdivision, three (3) prints of certified plans showing said improvements are to be submitted along with the final plat. If the subdivider elects to ensure the completion of the required improvements by posting a bond, a surety bond is to be submitted along with the final plat.

The final plat will show:

1. Title or name of subdivision, north point, scale, date map was prepared, and name of owner or owners of the subdivision.
2. The boundary lines of the area being subdivided with accurate distance and bearings; also all section, township, and parish lines involved.
3. The property lines of all proposed streets and alleys, with their widths and names.
4. The accurate boundary line of any property which is offered for dedication for public use.
5. The line of departure of one (1) street from another.
6. All common boundaries of all adjoining lands and the limits of adjacent streets and alleys with their widths and names.
7. All lot lines and identification system for all lots and blocks and other areas.
8. Notations of the purpose for which any sites are reserved.
9. Location and dimensions of utility easements.
10. All dimensions, both linear and angular, necessary for locating boundaries and subdivision lots, streets, alleys, easements and areas for public or private use, and such are to be expressed in feet and decimals of a foot.
11. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.
12. Certification by a civil engineer or surveyor licensed and registered in the State of Louisiana to the effect that the plan represents a survey made by him and that all the necessary survey monuments are correctly shown thereon.
13. Protective covenants or deed restrictions, if any, noted on the plat giving filing reference in the clerk of court's office.
14. Before it is recorded, a certificate will accompany the final plat, showing that all taxes payable have been previously paid in full.

*B. Action by planning commission.*

1. If the necessary improvements have been constructed and their construction certified in the required form, the commission will act on the final plat.

2. If the subdivider elects to submit a surety bond, the bond is referred to the city attorney for examination as to correct legal form. Return of the approved bond from the city attorney is authorization for the chairman of the planning commission to sign the final plat.
3. The planning commission will approve or disapprove the final plat within thirty (30) days after its submission in correct form. Failure of the planning commission to act on this final plat within these thirty (30) days will be deemed approval of it. If the plat is disapproved, the grounds for disapproval will be stated upon the minutes of the commission.
4. Approval of the final plat by the planning commission will not constitute acceptance by the municipality or parish of any public street, public way, or public land intended to be dedicated to public use by the subdivider. Dedication of such land will be accomplished by the subdivider or his authorized agent submitting an ordinance to the city attorney, or parish attorney (this in case the subdivision is located outside of city limits), who in turn will check it as to correct form and submit the ordinance to the city council or police jury for adoption. The ordinance shall accurately describe in engineering terms or by use of a suitable map containing the necessary engineering information (which can be photographed and made a part of the ordinance) the property to be dedicated and shall be accompanied by a signed approved copy of the final plat.

*Step 5. Recording of plat.* When the final plat has been approved by the planning commission, the permanent type tracing and all copies will be signed by the chairman of the commission. The linen cloth tracing will be returned to the subdivider for recording and filing with the office of the clerk of court of the parish. A second copy of the final plat containing the certification of the planning commission will be forwarded to the city engineer for his records; a third copy will be retained in the files of the planning commission as a permanent record; and a fourth copy will be filed with the assessor's office of the parish. The fifth copy will be filed with the parish police jury. Filing of the final plat with the office of the clerk of court shall be the responsibility of the subdivider and at the subdivider's expense.

## **Section V. Design standards.**

### **A. Streets.**

1. *Conformity to the major street plan.* The width and location of streets will conform to the major street plan adopted by the planning commission, both as to general alignment and right-of-way widths.
2. *Relation to adjoining street system.* The proposed street system will extend existing streets or projections at the same or greater width, but in no [case] less than the required minimum width. Where in the opinion of the planning commission it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.

3. *Minimum widths.* The minimum width of proposed streets and roads, measured from lot line to lot line, shall be as follows:
    - a. Major streets, as recommended by major street plan
    - b. Collector streets and other streets except local service streets . . . . 60 feet
    - c. Local service streets or minor streets . . . . . 50 feet
    - d. Alleys . . . . . 20 feet
  4. *Maximum grades.* Grades on streets shall not exceed the following:
    - a. Major streets . . . . . 6%
    - b. Collector street . . . . . 10%
    - c. Residential street . . . . . 20%
  5. *Curves.* Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced.
  6. *Vertical curves.* All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in rates of grade for major streets and one-half this minimum length for minor streets. In no case, however, shall the vertical curve be less than twenty-five (25) feet.
  7. *Reverse curves.* A tangent at least one hundred (100) feet long shall be introduced between reverse curves on major and collector streets.
  8. *Intersections.* Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than forty-five (45) degrees. Curb radii at street intersections shall not be less than fifteen (15) feet and, where it is deemed necessary, the commission may require a greater curb radius. In instances where the established radius of the curb curtails the sidewalk area at an intersection, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit construction of an adequate sidewalk within the street right-of-way.
  9. *Culs-de-sac.* Dead-end streets, designed to be so permanently, will be no longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having a minimum right-of-way radius of fifty (50) feet.
  10. *Street names.* Proposed streets which are obviously in alignment with others already existing and named shall bear the names of [such] existing streets. In no case shall the names for proposed streets duplicate existing street names, irrespective of the use of the suffixes, "street," "avenue," "boulevard," "driveway," "place" or "court."
  11. *Alleys.* Alleys shall not be provided in residential blocks, except under unusual conditions. In a commercial district, however, land subdivided for commercial use shall provide for alleys at the rear of all such lots, and such alleys shall be at least twenty (20) feet wide.
- B. Blocks.**
1. *Length.* Blocks shall be no longer than twelve hundred (1200) feet, except as the planning commission considers necessary to secure efficient use of land or desired



features of the street pattern. In blocks over eight hundred (800) feet in length, the planning commission may require one (1) or more public crosswalks of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary.

2. *Width.* Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major streets or prevented for [by] topographical conditions or size of the property, in which case the planning commission will approve a single tier of lots of minimum depth.

C. *Lots.*

1. *Arrangement.* Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. Each lot must front upon a public street or road which is not less than fifty (50) feet in width.
2. *Minimum size.*
  - a. The minimum width for single-family residential lots shall be fifty (50) feet. All lots shall contain no less than five thousand (5000) square feet.
  - b. Corner lots shall have extra widths where necessary to permit establishment of building lines on both streets in order to obtain appropriate building setback from, and orientation to, both streets. Setbacks may be required to obtain satisfactory visibility for drivers of vehicles approaching a street intersection, up to a maximum of twenty-five (25) feet.
3. Lots with double frontage shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet across and along which there shall be no right of access may be required along the lines of lots abutting such a traffic artery or other disadvantageous use.

D. *Monuments and markers.* Permanent monuments shall consist of a one-half-inch or larger steel rod cast in concrete with a minimum diameter of four (4) inches and extending a minimum of two (2) feet below the ground line. Markers for lot corners shall be one-half-inch iron rods, thirty (30) inches long with top set flush with the ground.

E. *Servitudes and easements.* Where alleys are not provided, a servitude of not less than ten (10) feet in width shall be provided on each side of all rear lot lines, where necessary, for poles, wire conduits, drainage pipes or ditches, storm and sanitary sewers, and other utilities. Where both water and sewer lines are located in the same servitude, and where the contour of land requires a drainage ditch, a width of servitude shall be required sufficient to serve all of the necessary service and to provide and maintain the necessary drainage. Wherever it is necessary to install sanitary or storm sewers or drainage ditches along side lot lines or across lots, a sufficient servitude shall be required to contain the necessary services as determined by the planning commission.

F. *Reservation of parks, playgrounds and school sites.* In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas

for public use so as to conform to the recommendations of the commission. Any provision for schools, parks and playgrounds shall be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be dedicated to, or acquired by, the appropriate agency.

**Section VI. Required improvements.**

A. *Street improvements.* Street construction shall be in accord with the standards and specifications of the mayor and council of the municipality.

B. *Sidewalks.* Concrete sidewalks shall be constructed on at least one (1) side of a minor street and on both sides of a major street in accordance with the applicable standards of the municipality. Sidewalks shall be at least four (4) feet wide and four (4) inches thick, with the preferable location on the edge of the street right-of-way line.

C. *Waterlines.* When an approved public water supply is within reasonable access, in the opinion of the planning commission, every subdivision shall be provided with a complete water distribution system which will adequately and safety [safely] serve the area platted according to the opinion of the planning commission.

In order to avoid low water pressure in new subdivisions and in order to provide an adequate water supply for fire protection, the minimum size of all water mains shall be eight (8) inches, except in rare instances in low lying areas where water pressure would be of sufficient force that six-inch mains would be suitable for both water supply and fire protection. Fire hydrants shall be a minimum of six (6) inches and in accord with city's specifications, and shall be located a maximum distance of one thousand (1,000) feet apart and within five hundred (500) feet of every lot in the subdivision.

Whenever subdivisions are located where no approved water supply is reasonably accessible or procurable, the subdivider shall construct wells or a private water supply in such a manner that an adequate supply of potable water, in the opinion of the parish health department, will be available to each lot in the subdivision.

D. *Sewage disposal.* When municipal sewerage mains are within reasonable access, in the opinion of the planning commission, every subdivision shall be provided with a complete sewerage system which will adequately and safely serve the area platted.

To maintain maximum service with a minimum of maintenance all sewer mains shall have a minimum size of eight (8) inches.

Where municipal sewerage mains are not within reasonable access proper provisions shall be made for disposal of sanitary wastes in accordance with the standards and requirements of the parish health department. A signed copy of the preliminary plan showing the parish health department's approval of the sewage disposal system for each lot in the subdivision shall be submitted to the planning commission by the subdivider and shall be a prerequisite to commission action on the subdivision.

E. *Drainage.* Drainage facilities shall be installed in accord with the requirements and specifications of the city engineer. In establishing such requirements the city engineer will take into consideration the particular drainage conditions and drainage needs of the area and of the street or streets involved. Where deemed necessary by the city engineer subsurface drainage pipes, concrete curbs and gutters, catch basins, and culverts or bridges will be required.

F. *Reference monuments.* All block corners, points of curvature, points of tangency, angle points, and other points as may be required by the city engineer, shall be marked with permanent monuments set to approved grades.

Lot corner markers shall be installed prior to submission and approval of the final plat.

G. *Street name signs.* Street name signs, of a type meeting approval of and in locations designated by the planning commission, shall be erected at all street intersections.

H. *Miscellaneous.* Electrical service, gas mains, and other utilities, shall be provided in each subdivision.

I. *Acceptance of street improvements.* It shall be the duty of the subdivider to notify the city engineer when all required improvements are constructed and in proper condition for inspection. No streets shall be accepted for maintenance by the municipality or parish until such an inspection has been made, and approval and recommendations have been given in writing. In cases where the subdivider has given notice that an inspection should be made, and it is found that the streets have not been properly constructed and surfaced according to approved specifications, then a reasonable inspection fee for each additional inspection required may be charged against the subdivider.

#### **Section VII. Exceptions.**

A. Whenever a subdivision is developed as a neighborhood unit, wherein adequate park or playground space is provided, through traffic is adequately cared for, and the majority of the minor streets are of the cul-de-sac type, the commission may vary the requirements of these regulations in order to allow the subdivider more freedom in the arrangement of streets and lots; however, the commission shall ensure that the convenience, health, welfare, and safety of the future residents of the subdivision, as well as the character of the surrounding property and the general welfare of the entire parish, are protected. The average lot area per family shall not be less than the requirement of the zoning regulations in the area being subdivided, and in no event shall it be less than three thousand (3,000) square feet per family.

B. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties and substantial hardships or injustices, the commission may vary or modify such requirements, so that the subdivider is allowed to develop his property in a reasonable manner, but so that, at the same time, the public welfare is protected and the general intent and spirit of these regulations are preserved.

**Section VIII. Administration and amendment.**

The commission may, from time to time, adopt, amend, and publish rules and instructions for the administration of these regulations to the end that the public be informed and that approval of plats be expedited. These regulations may be changed or amended by the commission after public hearings, due notice of which shall be given as required by law.

**Section IX. Violation and penalty.\***

Section 14 of State Act 300 of the 1946 Legislature of the State of Louisiana reads as follows:

*"Section 14. Penalties for transferring lots in unapproved subdivisions*

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by a planning commission and recorded or filed in the office of the clerk of court of the parish, shall pay a penalty of five hundred dollars (\$500.00) for each lot or parcel so transferred or sold or agreed to be sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The parish or municipality, as the case may be, 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."

**Section X. Fees.**

The following fees and charges shall be collected by the planning commission when any preliminary plan or final plat is submitted to the planning commission for processing. Each fee or charge shall be paid in advance. No action of the commission shall be valid until such fee shall have been deposited with the city clerk.

Subdivision processing fees shall be in accordance with the following schedule:

1. For a subdivision containing no new streets or public rights-of-way, and not more than five (5) lots, five dollars (\$5.00).
2. For a subdivision containing new streets or public ways a flat fee of ten dollars (\$10.00) plus fifty cents (\$0.50) per lot will be charged the subdivider for processing a subdivision plan. Such fee is payable at the time of submission of the preliminary plat and is not refundable irrespective of the action of the planning commission.

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\***Editor's note**—The section quoted here, Acts 1946, No. 300, section 14, has been conformed to the codified version, R.S. 33:114. This section was amended by Acts 1983, No. 238, section 1, increasing the penalty from one hundred dollars (\$100.00) to five hundred dollars (\$500.00).

Such fees collected by the planning commission shall be remitted under suitable accounting procedure to the city clerk for deposit into the municipality's general fund.

**Section XI. Effective date.**

These rules and regulations shall become effective after adoption by the planning commission and certification to the mayor and council and the clerk of court as provided by law.

**Section XII. Validity.**

If any section, clause, paragraph, provision, or portion of these regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect any other section, clause, paragraph, provision, or portion of these regulations.