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## Town of Lee Little but Proud

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### Subdivision Regulations - Policies

#### ARTICLE FIVE. SUBDIVISION REGULATIONS

SECTION 5.1 APPENDICES. The appendices set forth in these land development regulations are made a part hereof and shall be used where required by these land development regulations.

SECTION 5.2 POLICY.

- 5.2.1 It is hereby declared to be the policy of the Town Council to consider the subdivision of land and the subsequent development of the subdivision plat as subject to the control of the Town Council pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the area.
- 5.2.2 Land to be subdivided shall:
1. Aid in the coordination of land development in accordance with orderly physical patterns.
  2. Discourage haphazard, premature, uneconomic, or scattered land development.
  3. Insure safe and convenient traffic control.
  4. Encourage development of an economically stable and healthful community.
  5. Insure adequate utilities.
  6. Prevent periodic and seasonal flooding by providing adequate protective flood control, drainage facilities.
  7. Provide public open spaces and/or parks for recreation.
  8. Assure land subdivision with installation of adequate and necessary physical improvements.
  9. Assure that citizens and taxpayers will not have to bear the costs resulting from haphazard subdivision of land and; the lack of authority to require installation by the subdivider of adequate and necessary physical improvements.
  10. Assure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed.
  11. Serve as one (1 ) of the several instruments of

implementation for the Comprehensive Plan.

SECTION 5.3 PURPOSE. It is the intent of these *land*, development regulations to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity and general welfare of the residents of the Town.

SECTION 5.4 CONDITIONS. Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the Town. The subdivider has the duty of compliance with reasonable conditions established by the Town Council for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the area and to the safety and general welfare of future property owners in the subdivision and of the community at large.

SECTION 5.5 CHARACTER OF THE LAND. Land which the Town Council finds to be unsuitable for subdivision of development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated -by the subdivider and approved by the Town Council to solve the problems created by the unsuitable land conditions-.

SECTION 5.6 JURISDICTION.

- 5.6.1 These land development regulations shall apply to all subdivisions of land, as defined herein, located within the incorporated area of the Town. (see Section 5.21)
- 5.6.2 No land shall be subdivided within any area subject to these land development regulations until:
1. The subdivider or his agent has obtained approval of the final plat by the Town Council; and
  2. The approved final plat is filed with the Clerk of the Circuit Court of the County.
- 5.6.3 No building permit shall be issued for any parcel or plat of land, excepting model homes as noted in the following paragraph, which was created by subdivision after the effective date of and not in conformity with, the provisions of these land development 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 land development regulations.

SECTION 5.7 MAINTENANCE. Nothing in these land development regulations shall be construed as meaning that the Town Council shall take over for maintenance any road, street, utilities, except those designed and built in accordance with the Town Council's requirements and accepted for maintenance by specific action by the Town Council.

SECTION 5.8 PLATS STRADDLING LOCAL GOVERNMENT BOUNDARIES. Whenever access to the subdivision is required across land in the unincorporated area, the developer shall certify by legal instrument that access is legally established,

and that the access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road build to same specification as all other roads required in these land development regulations.

SECTION 5.9 RESUBDIVISION OF LAND.

5-9.1 Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Town Council by the same procedure, rules, and regulations as for a subdivision.

5-9.2 Procedure for Subdivisions Where Future Resubdivision is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land and where such lots could eventually be resubdivided into smaller building sites, the Town Council may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets and utilities. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

SECTION 5-10 SELF-IMPOSED RESTRICTIONS. If the subdivider places restrictions on any of the land contained in the subdivision greater than those required by these land development regulations such restriction or reference thereto shall be required to be indicated on the subdivision plat and/or recorded with the Clerk of the Circuit Court of the County.

SECTION 5-11 SUBDIVISION BY METES AND BOUNDS. The subdivision of any lot or parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease, shall be subject to all of the requirements contained in these land development regulations. Such subdivision of any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer or lease, shall be subject to these subdivision regulations where two or more developments, which separately do not meet the literal definition of a subdivision, but demonstrate the following characteristics: (1) the same person has retained or shared control of the parcels within the developments; (2) the same person has ownership or a significant legal or equitable interest in the parcels within the developments; (3) there is common management of the developments controlling the form of physical development or disposition of parcels of the development; (4) there is a voluntary sharing of infrastructure that is indicative of common development; or (5) there is a common advertising theme or promotional plan for the parcels within the developments