

# **Chapter 12**

## **MASTER PLAN AND OFFICIAL STREET MAP<sup>1</sup>**

### **1-12-1: CONFORMANCE WITH MASTER PLAN:**

From and after the time when the city council shall have adopted a master plan of the city, or any part thereof, thenceforth no public property shall be acquired or sold, nor shall any building to be used for public purposes be constructed or removed, nor shall any street be acquired or vacated unless the location and extent thereof shall conform to said plan, or, if not covered by said plan, shall have been submitted to the planning commission for its review and recommendation. The city council or other public body may overrule the planning commission and shall have the power to proceed, but not until the matter has been submitted to the planning commission for its review and recommendation. Failure on the part of the planning commission to act within thirty (30) days from and after the date of official submission to it shall be deemed approval unless a longer period is granted by such submitting body or board. (1995 Code § 65-3-1)

### **1-12-2: OFFICIAL STREET MAP:**

From and after the time when the planning commission shall have adopted a major street plan, the city council may establish by ordinance an official map of the whole or any part of the city theretofore existing and established by law as a public street. Such official map may also show the location of the lines of streets on plats of subdivisions which shall have been approved by the planning commission. For the purpose of preserving streets and ways and in order to ensure orderly development, the city council may, from time to time, after holding a public hearing thereon, add to the official map the lines of proposed new streets which have been accurately surveyed and definitely located. Before taking any such action, however, the city council shall refer the proposed addition or modification to the planning commission for its review and recommendation. In the event of the planning commission's disapproval, such addition or modification shall require the favorable vote of not less than a majority of the entire membership of the city council. The placing of any street or street lines upon the official map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes. Upon adopting the ordinance creating the official map, the city council shall direct that said ordinance be recorded in the office of the county recorder. (1995 Code § 65-3-2)

### **1-12-3: PROTECTION OF MAPPED STREETS:**

From and after the time when an official map has been recorded in the office of the county recorder, no permit shall be issued by the building inspector for any building or structure or

part thereof on any land located between the mapped lines of any street as shown on the official map. Any person aggrieved by his inability to obtain such permit may appeal to the board of adjustment. The board of adjustment shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or part thereof within any mapped street location in any case in which the board of adjustment, upon the evidence, finds that the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit be granted, or that, balancing the interest of the city in preserving the integrity of the official map and interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity. Before taking any such action, the board of adjustment shall hold a public hearing thereon. In the event that the board of adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height and other details and conditions of extent and character and also the duration of the building, structure or part thereof permitted. (1995 Code § 65-3-3; amd. 2003 Code)

#### **1-12-4: SUBDIVISION REGULATIONS:**

From and after the time when the planning commission shall have adopted a major street plan and shall have certified the same to the city council, no plat of a subdivision of land lying within the city shall be filed or recorded in the county recorder's office until it shall have been submitted to and approved by the planning commission and the city council, and such approval shall have been entered in writing on the plat by the secretary of the planning commission and the city recorder. The filing or recording of a plat of a subdivision without such approval shall be void. The planning commission shall prepare regulations governing the subdivision of land with the city. The city council shall hold a public hearing on the subdivision regulations and thereafter may adopt said regulations for the city. (1995 Code § 65-3-4; amd. 2003 Code)

#### **1-12-5: PENALTY:**

Violation of any of the provisions of this chapter shall, upon conviction, be punishable as a class C misdemeanor and subject to penalty as provided in section 1-4-1 of this title. (1995 Code § 65-3-5; amd. 2003 Code)

**Footnotes** - Click any footnote link to go back to its reference.

Footnote 1: See also title 11 of this code for provisions relative to subdivisions.

