

City of Arab, Alabama

Subdivision Regulations

Arab Planning Commission
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Article I

1. Purpose, Policy and Title

The purpose of this regulation is to establish procedures and standards for the development and subdivision of real estate within the Subdivision Jurisdiction of the City of Arab, Alabama. These regulations are adopted for the following purposes:

- To protect and provide for the public health, safety, and general welfare of the City
- To guide the future growth and development of the City in accordance with the Comprehensive Plan
- To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger and to prevent overcrowding of the land and undue congestion of population
- To protect the character, social, and economic stability of all parts of the city and to encourage the orderly and beneficial development of all parts thereof,
- To protect and conserve the value of the land, buildings, and improvements upon the land and to minimize the conflicts among the uses of land and buildings,
- To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage disposal, schools, parks, playgrounds, recreation, and other public requirements and facilities
- To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines
- To establish reasonable standards of design and procedures for subdivisions and re-subdivisions for orderly layout and use of land and to insure accurate legal descriptions and monumenting of subdivided land
- To insure public facilities are available with sufficient capacity to serve the proposed subdivision
- To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the community and the value of the land, and
- To preserve the natural beauty and topography of the City and to insure appropriate development with regard to these natural features.

It is hereby declared to be the policy of the City to consider the subdivision of the land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the Comprehensive Plan of the City of Arab for the orderly, planned, efficient, and economical development of the City. 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 available public facilities and improvements exist and proper provision has been made for

drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities and improvements.

The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan of the City of Arab; and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, Zoning Ordinances, Comprehensive Plan, and Land Use Plan of the City of Arab.

Approval of a subdivision plat shall be considered an amendment to the City of Arab Comprehensive Plan and as such shall be approved by no less than six (6) members of the Planning Commission.

Title

These regulations shall hereafter be known and referred to as the Subdivision Regulations of the City of Arab, Alabama.

Article I

Section 2 Authority

By authority of Resolution # _____ of the Planning Commission of the City of Arab, Alabama (hereinafter referred to as "Planning Commission") adopted pursuant to the powers and jurisdictions vested through Title II, Article II Sections 11-52-30 through 11-52-36, inclusive, of the 1975 Code of Alabama, the Planning Commission does hereby exercise the power and authority to review, approve, and disapprove plats for subdivision within the Subdivision Jurisdiction of the City of Arab.

Section 2 Jurisdiction

- A) From and after the effective date hereof, these regulations shall govern the subdivision of all land located in the City of Arab, Alabama, and in addition shall govern the subdivision of land within the three mile police jurisdiction of the City of Arab, Alabama.
- B) Any owner of land, which lies within the area of jurisdiction, who wishes to divide or resubdivide such land into two (2) or more lots, sites, or divisions, for the purpose, whether immediate or future, of sale or building development, shall submit to the Planning Commission a plat of the subdivision, which shall conform to the minimum requirements set forth in these regulations, for approval.

- C) No applicant shall proceed with improvements or installation of utilities in a subdivision until such subdivision plat shall have been granted Preliminary Plat approval by the Planning Commission.
- D) No applicant shall proceed with the sale of lots or erection of buildings, excluding public utility structures, within a subdivision until such subdivision plat shall have been granted Final Plat approval entered in writing on the plat and signed by the Chairman of the Planning Commission and recorded in the office of the Marshall County Probate Judge.
- E) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these Subdivision Regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

Article II
Definitions

1. Usage

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; and the word “regulations” means “these regulations”. A “person” includes a corporation, a partnership, and in incorporated association of persons such as a club; “shall” is always mandatory; a “building” includes a “structure” and includes any part thereof; “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.”

2. Definitions

AASHTO- American Association of State Highway and Transportation Officials

Administrative Officer- the person appointed by the Governing Body to administer and enforce these regulations.

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

Applicant- the owner of land proposed to be subdivided, or his representative. Consent shall be required from the legal owner of the premises.

Block- a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond- see improvement guarantee

Building- any structure built for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind, and includes any structure.

Building Setback Line- a line parallel to the property line in front of which no structure may be erected.

City- the City of Arab, Alabama, together with its subdivision jurisdiction.

City Clerk- the duly designated Clerk of the City of Arab, Alabama

City Council- the City Council of the City of Arab, Alabama

City Engineer- the duly designated Engineer of the City of Arab, Alabama

City Specifications- all construction specifications, which have been adopted by the Governing Body or as, required by the Planning Commission and all utility departments.

Collector Street- see Street, Collector.

Comprehensive Plan- a comprehensive plan for development of the City, prepared and adopted by the Planning Commission, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan or parts thereof.

Condominium Development- Real estate, portions of which are designated for separate ownership and the remainder of which is designated by common ownership solely by the owners of those portions. This development type is hereby subject to the same development reviews and procedures as a conventional subdivision. Condominium developments shall submit a plat(s) that adhere(s) to the requirements established in this document.

Corner Lot- a lot that occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front.

Crosswalk- a public right-of-way ten (10) feet or more in width between property lines, which provides pedestrian access to adjacent properties.

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

Dedication- the transfer of property from private to public ownership.

Developer- the owner of land proposed to be subdivided, or his representative. Consent shall be required from the legal owner of the premises.

Depth of Lot- the mean horizontal distance between the front and rear lot lines.

Double Front Lot- a lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.

Easement- a grant by the property owner of use, by the public, or corporation, or person(s) of a strip of land for specified reasons or as created by operation of law.

Escrow- a deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond.

Final Plat- a plat of a tract of land that meets the requirements of these regulations and is in a form or recording in the office of the Probate Judge of Marshall County, Alabama.

Flood- An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.

Floodway- the natural channel and the portion of the flood plain along the channel that must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream. For the purposes of these regulations, the Firm designates the areas included in the floodway. Along other small streams and drainage channels land

lying within twenty-five (25) feet horizontal distance of the top of the banks shall be considered to be within a floodway, unless the developer demonstrates to the Planning Commission that a lesser distance, but not less than ten (10) feet, is adequate.

Land Subject to Flood- for the purposes of these regulations, land subject to flood shall be considered all land located within the geographic area subject to flooding on Firm Maps.

Group Development- a development comprising two (2) or more structures, built on a single lot, tract, or parcel of land, and designed for occupancy by separate families, firms, or other enterprises, and the land is not subdivided into the customary streets and lots.

Governing Body- the Mayor and the City Council of the City of Arab, Alabama.

Hardship- an unusual situation on the part of an individual property owner, which will not permit him to enjoy the full utilization of his property, which is given to others within the City. A hardship exists only when it is not self-created.

Health Department- Marshall County Health Department

High Density- those residential zoning districts in which the density is equal to or greater than one dwelling unit per 7,200 square feet.

Improvement Guarantee- any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Governing Body. The Governing Body shall approve all bonds wherever a bond is required by the regulations.

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 for building development.

Low Density- those residential zoning districts in which the density is equal to or less than one dwelling unit per 15,000 square feet.

Medium Density- those residential zoning districts in which the density is between 10,500 and 15,000 square feet per dwelling unit.

Monument- a permanent object serving to indicate a limit or to mark a boundary.

Nonresidential Subdivision- a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Open Space- any land either publicly or privately owned which is designated as being permanently undeveloped and used for recreation, conservation, or preservation.

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 under these regulations.

Owner's Engineer- the engineer or land surveyor registered and in good standing with the State Board of Registration of Alabama who is the agent in his professional capacity of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

Planned Unit Development- the use of land and density of buildings and structures different from those, which are allowed as of right within the zoning district in which the land is situated.

Planning Commission- shall mean the Planning Commission of the City of Arab, Alabama.

Preliminary Plat- a tentative plan of the complete proposed subdivision submitted to the Planning Commission for its consideration.

Probate Judge- shall mean the Judge of Probate of Marshall County, Alabama

Registered Engineer- an engineer properly licensed and registered in the state.

Registered Land Surveyor- a land surveyor properly licensed and registered in the State.

Restrictive Covenant- a written agreement imposed in a deed by the seller upon the buyer of the real estate to do, or refrain from doing, certain things. Such restrictive covenant recorded in the public record and run with the land and is binding upon the property owners, his successor and assignees.

Re-subdivision- a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Road, Dead End- a road or portion of a street with only one (1) vehicular-traffic outlet.

Setback- the distance between a building and the street line nearest thereto.

Sidewalk- a walkway constructed for use by pedestrians.

Single Tier Lot- a lot that backs upon a street, a physical barrier, or a residential or non-residential use, and to which access from the rear of the lot is usually prohibited.

Sketch Plat- a sketch preparatory to the preparation of the preliminary plat (or subdivision plat in the case of a minor subdivision) to enable the sub divider to save time and expense in reaching general agreement with the planning commission as to the form of the plat and the objectives of these regulations.

Street Hierarchy- a dedicated and accepted public right-of-way for vehicular traffic that affords the principal means of access to abutting property.

- B. Arterials-to carry traffic and move intra-city and inter-city traffic.
- C. Major Thoroughfares- the collecting traffic from residential, commercial, or industrial streets and carrying it to the arterials. They may perform an additional function by also serving abutting residential, commercial, or industrial property and serve as citywide routes providing access to inter-city arterials.
- D. Collectors- the primary function is to collect traffic from local streets and move it to an arterial while also providing substantial service to abutting land use.
- E. Local- streets comprise the remainder of the street system and have the primary function of servicing abutting land use, providing access to and from individual lots. Through traffic should be stringently discouraged on these streets.
- F. Marginal Access- A service road that runs parallel to a major street, generally an arterial. Its purpose is to separate through from local traffic, and to provide access to abutting properties.
- G. Street, loop- a circular or semi-circular road designed around landscaped green space or a rain garden, with outlets that begin and end on the same road. The green space shall not count toward the open space requirement for a conservation subdivision. A one-way loop street can be used as an alternative to the cul-de-sac.

Structure- Anything constructed or erected that requires rigid and permanent location on or attachment to the ground; including, but not limited to, buildings, signs, towers, monuments, statues, and walls; but not including telephone and other utility poles, overhead wires, retaining walls and terrace walls, wire fences, and any other thing less than three feet in height.

Sub divider- any person who directly or indirectly, sells, leases, or develops, or offers to sell, lease or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, and who is directly or indirectly controlled by or under direct, or indirect common control with any of the foregoing.

Subdivision- shall mean the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. It shall include all divisions of land involving the dedication of a new street or a change in existing streets.

Subdivision Jurisdiction- the territorial jurisdiction of the City of Arab Planning Commission over the subdivision of land including all land located in the corporate limits and all land lying within three miles of the corporate limits of the City and not located in any other municipality or its territorial jurisdiction.

- A. Subdivision Major- all subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new streets or extension of the local governmental facilities, or the creation of any public improvements.
- B. Subdivision Minor- any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance, or these regulations.
- C. Subdivision Family- The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites or other divisions of land, whether described by metes and bounds or by any other description, for the purpose of establishing a residential use to be occupied by legally related immediate family members (spouse, child, parent, grandparent, sibling or step-related individuals of the same status). Proof of legal relation shall be the unique responsibility of the applicant.

Thoroughfare Plan-an element of the Comprehensive Plan.

Width of Lot- the mean horizontal distance between the side lot lines.

Zoning Ordinance- the official Zoning Ordinance of the City of Arab, Alabama.

Article III

Approval of Subdivision Plats

Approval of Subdivision Plats Required- Effect of Non-Compliance

From and after the date of filing a copy of these regulations with the Probate Judge of Marshall County, no subdivision plat of land within the plating jurisdiction, as defined in Article I shall be filed or recorded until it shall have been submitted to and approved by the Planning Commission of the City of Arab, and such approval entered in writing on the plat by the Planning Commission Chairman. The Probate Judge, upon receipt of a copy of these regulations, shall not thereafter file or record a plat of a subdivision of land located within the platting jurisdiction, as defined herein, without the approval of such plat as required herein. No street shall be accepted and maintained by the City nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land, nor shall any permit be issued by an administrative agent or department of the City of Arab for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in these regulations have been complied with and the same has been approved by the Planning Commission.

Approval Not Acceptance

The approval of a plat by the Planning Commission shall not be deemed to constitute or affect the formal acceptance for maintenance by the City of Arab of any street or other public utility line, or other facilities serving the subdivision.

General Procedure

Classification of Subdivisions. 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 following procedure, which includes basically one (1) step for a minor subdivision and two (2) steps for a major subdivision:

- (1) Minor Subdivision
 - (a) Sketch Plat (optional)
 - (b) Final Subdivision Plan
- (2) Major Subdivision
 - (a) Sketch Plan (optional)

(b) Preliminary Plat

© Construction Plans

(d) Final Subdivision Plat

Official Submission Dates. For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the Planning Commission at which the public hearing on plat approval, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

Submission of Sketch Plan

The procedure for obtaining Sketch Plan concurrence is as follows:

Discussion of Requirements. Before preparing the sketch plan for a subdivision, the applicant should discuss with the Administrative Officer 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, water, and similar matters, as well as the availability of existing services. The Administrative Officer shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction. There are no formal submission requirements for sketch plan review, but the quality of comments received will depend on the quality of the submission.

Application Procedure- Whenever any subdivision of a tract of land is proposed to be made, the applicant may submit to the Secretary of the Planning Commission at least ten (10) calendar days prior to a regularly scheduled meeting, three (3) copies of a sketch plan of the proposed subdivision together with a sketch vicinity map and any other data which will convey his intentions as to the proposed layout and type of development. The applicant may appear at the regularly scheduled meeting of the Planning Commission to discuss the proposed subdivision and become familiar with the application of the regulations affecting the land to be subdivided. This procedure is not mandatory and does not require formal application or fee. The procedure is however, recommended for persons interested in receiving approval of minor subdivisions.

Sketch Plan Requirements- A sketch plan, if submitted, shall be drawn at an approximate scale of one inch to 200 feet and shall show the tentative street layout, approximate right-of-way width, lot arrangements, the location of the nearest water and sewer lines, utility lines, water courses, existing structures, total acres, approximate number of lots, adjoining streets, north point, tract boundary, and proposed use of land.

Classification. Tentative classification of the sketch plan shall be made at the time of review at the regularly scheduled meeting of the Planning Commission as to whether the subdivision is a major or minor subdivision as defined in Article II of these regulations. Subsequent to the approval by the Planning Commission, the applicant may proceed directly to the filing of any application for approval of a final subdivision plat, as

provided in these regulations, if classified as a minor subdivision; and if classified as a major subdivision, the applicant must first file an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.

Concurrence of Sketch Plat- After reviewing and discussing the sketch plan, the Planning Commission will advise the applicant of the specific changes or additions, if any, it will require in the layout and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the subdivision plat. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. Said approval shall constitute authorization to prepare and submit a preliminary plat in the case of a major subdivision and a final subdivision plat in the case of a minor subdivision.

Submission of Site Development Report- A Site Development Report shall be submitted to the City at the time of the Sketch Plan submittal. The Site Assessment report shall provide a professional description of the existing conditions of the property proposed for development, including topography, geology, geotechnical subsurface characteristics, vegetation, structures, historical uses, endangered species and critical habitats, historical landmarks, cultural resources, cemeteries and grave sites, adjacent land uses and owners, floodways, floodplains, wetlands, water bodies, public rights-of-way, easements and other pre-existing site characteristics. The Site Development Report shall include the names and qualifications of all site investigators and methods utilized in the site investigation. The Site Assessment Report shall also describe the proposed development, professional conclusions as to the proposed development's impact to the subject property, and plan for mitigating hazards and adverse impacts to environmental features.

Submission of Preliminary Plat and Construction Plans

The procedure for obtaining Preliminary Plat and Construction Plans approval is as follows:

Application Procedure. Based upon the approval of the Planning Commission of the Sketch Plan (optional) the applicant shall file an application for approval of a preliminary plat. The application shall:

- (1) Be made of forms available at the office of the Administrative Officer;
and
- (2) Be accompanied by a filing fee, payable to the City Clerk to cover the cost of advertising and administration; in addition the applicant shall be responsible for the cost of all engineering and reviews performed by the City.
- (3) Fee is waived for any existing platted lots that are consolidated into a single lot.

- (4) Be accompanied by at least three (3) sets of prints of the proposed subdivision prepared in accordance with the requirements of the subdivision regulations
- (5) Preliminary Plat must be submitted to the Planning Commission Secretary or City Clerk at least fifteen (15) calendar days prior to a regularly scheduled meeting.
- (6) Construction Plans may be submitted with Preliminary Plat, however, simultaneous review requires submission twenty-five (25) calendar days prior to regularly scheduled meeting. Acceptable Review of Construction Plans by the City Engineer prior to the Public Hearing does not constitute final approval. Changes required as result of Public Hearing will be required for Preliminary Plat and Construction Plans. If Preliminary Plat is denied after Public Hearing, the Acceptable Review of the Construction Plans is voided.
- (7) Preliminary Plats and Construction Plans submitted which do not generally include all information shown on the Checklist for Preliminary Plat and Construction Plans may be returned to Developer's Engineer as incomplete. Incomplete submittals will result in subdivision being removed from the Planning Commission's agenda and moved to the next month's agenda. Any scheduled Public Hearing will be conducted but it will be noted at the Public Hearing that the subdivision will not be considered at that meeting.

Public Hearing -The Planning Commission shall hold a public hearing on the Preliminary Plat of a major subdivision. In the event of a minor subdivision, the public hearing shall be held on the Final Plat. Notice of such public hearing shall be sent to all adjoining landowners and to owners of land within 300 feet of land contained within the preliminary plat by registered mail as their names appear upon the plats in the Marshall County Tax Assessor's Office. Such notice shall be sent at least ten (10) days prior to the date of the public hearing. Any plat submitted to the Planning Commission shall contain the names and addresses of all persons to who notices of a public hearing shall be sent. Incomplete listing of affected property owners may result in additional Public Hearing. The cost of any such Public Hearing shall be charged to the Developer.

Preliminary Approval-After the Planning Commission has reviewed the preliminary plat and construction plans, any City recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. One (1) copy of the proposed preliminary plat shall be returned to the applicant with the date of approval, or disapproval and the reasons therefore accompanying the plat and the Planning Commission shall retain one copy. Planning Commission will not issue "conditional or contingent" approvals. Preliminary Plats and

Construction Plans must be complete prior to consideration of the Planning Commission. Before the Planning Commission approves a preliminary plat showing park reservation or land for other local government use proposed to be dedicated to the City, the Planning Commission may obtain concurrence of the park or land reservation from the City Council. The approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the layout as submitted on the preliminary plat.

Effective Period of Preliminary Approval- The approval of a preliminary plat shall be effective for a period of one (1) year at the end of which time final approval on the subdivision must have been obtained from the Planning Commission, although the plat need not yet be signed and filed with the Probate Judge. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the applicant shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations and filing fees.

Zoning Regulations. Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Ordinance rendering the plat non-conforming as to bulk or use, provided that final approval is obtained within the one-year period.

Resubmission of Preliminary Plat. The planning commission shall not consider, for a period of twelve (12) months, a preliminary plat that has been resubmitted for approval after Planning Commission disapproval, unless the applicant has complied with the Planning Commission's required changes and/or additions. Any resubmission shall be subject to a public hearing.

Preliminary Plat Requirements. The Preliminary Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge of Marshall County. The Preliminary Plat shall show the following:

- (1) Name of owner of record with deed book and page number.
- (2) Proposed name of subdivision, date, north point, scale, and location.
- (3) Name and seal of registered land surveyor.
- (4) Vicinity map showing location of the subdivision with names of adjacent subdivisions.

- (5) Exact boundaries of the tract of land being subdivided, shown with bearings and distances.
- (6) Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, as their names appear on the plats in the County Tax Assessor's Office and their addresses appear on the tax records of Marshall County.
- (7) Wooded areas, marshes, floodways and any other conditions affecting the site.
- (8) The location of existing streets, buildings, water courses, transmission lines, sewers, culverts and drainpipes, water mains, jurisdiction lines, and any public utility easements on and adjacent to the tract being subdivided.
- (9) Proposed streets and alleys, rights-of-way, and street names.
- (10) Proposed rights-of-way or easements, locations, widths, and purposes of rights-of-way or easements.
- (11) Proposed lot lines with bearings and distances and lot and block numbers.
- (12) Required minimum building setback lines.
- (13) Proposed parks, school sites, or other public open spaces, if any.
- (14) Zoning classifications, on both the land to be subdivided and any adjoining lands.
- (15) Site data:
 - (a) Acreage in total tract.
 - (b) Smallest lots size.
 - (c) Total number of lots.
 - (d) Linear feet in streets.
- (16) Water bodies and Watercourses. 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 fees of adjacent lots. The Planning Commission may approve the fees of adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a City responsibility. No more than twenty-five percent (25%) of the minimum area of a lot shall be required.

Construction. At the time of submission of the Preliminary plat, the applicant shall also submit Construction Plans for all required improvements. All plans shall meet

the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction Plans shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet, map sheets shall be of the same size as the Preliminary Plat. A Registered Engineer shall prepare and sign all Construction Plans. The Construction Plans shall include the minimum requirements:

(1) Street plan containing the following information:

- (a) Location of all proposed and existing streets or rights-of-way in or adjacent to the subdivision.
- (b) Width of existing and proposed rights-of-way.
- (c) Street names.
- (d) Plan and profile of all streets, showing natural and finished grades drawn to a scale of not less than one (1) inch equals fifty (50) feet horizontal and one (1) inch equals ten (10) feet vertical.
- (e) Cross-sections of proposed streets at a minimum of 50' stations.
- (f) Horizontal and vertical curve data for the centerline of each street: Delta, T, R, PT, PC, PI, VPT, VPC, VPI and K-value.
- (g) Location of all required sidewalks and crosswalks.
- (h) Site distance table indicating, at minimum, location, direction, site distance, controlling element, design speed and AASHTO guideline citations.
- (i) Signed statement from Engineer of Record that new street intersections meet all applicable AASHTO minimum design standards.
- (j) Roadway signage plan clearly indicating signage type, dimensions and location.
- (k) Roadway striping plan including location and placement of all proposed permanent striping and pavement markers, as required.

(2) Storm Drainage Plan containing the following information:

- (a) Location of proposed drainage ways, streams, and ponds in the subdivision.
- (b) Topography at one-foot contour intervals, existing and finished contours required.

- (c) Location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets, and top elevations of head walls, etc., showing details on Drainage Plan, including pipe schedule.
 - (d) Show construction details of typical manholes, connections, and other drainage structures proposed.
 - (e) Area of land contributing run-off to each drainage structure along with run-off calculations of each area and drainage calculations for each drainage structure and drainage ditch.
 - (f) Location of easements and rights-of-way for drainage ways and maintenance access thereof.
 - (g) Typical cross sections of each drainage way and profile.
 - (h) Direction of water flow throughout subdivision.
 - (i) Calculated hydraulic gradeline during design storm event shall be indicated on profiles stormwater drainage structures.
- (3) Sanitary Sewer Plan containing the following information:
- (a) Location and size of all existing and proposed sewers in the subdivision and tie-points of the subdivision. Location of sewer laterals.
 - (b) Direction of flow of each sewer line.
 - (c) Location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds, treatment plants, etc.
 - (d) Show construction details of typical manholes, connections, lift stations, oxidation ponds, treatment plants, and other sewage structures and appurtenances proposed.
 - (e) Plan and profile of sewer system indicating pipe materials, rim and pipe invert elevations, pipe lengths, percent grade and known subsurface obstructions.
- (4) Water Distribution Plan containing the following information:
- (a) Location and size of water distribution system including pipes, valves, fittings, service laterals, meters, hydrants, high-pressure pumping equipment, etc.
- (5) Electric Distribution Plan containing the following information:
- (a) Location of all poles or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision.

- (b) Where electrical systems are required for operation of water and/or sewer system appurtenances, plans shall include a details of the electrical system, including location of required primary and secondary services, transformers, breakers, grounding, conduits, auxiliary generators, etc.
- (6) Erosion Control (Best Management Practices) Plan containing the following information:
 - (a) Limits of proposed ground disturbance and total area of disturbance
 - (b) Location of erosion control devices including temporary and permanent seeding, silt fencing, hay bales, check dams, inlet protection, sodding, rip-rap, temporary sedimentation ponds, etc.
 - (c) Where erosion control plan shall be modified during construction activities and per specific phases of construction, a separate erosion control plan shall be submitted for each phase of construction.
- (7) Supporting Documentation
 - (a) Supporting documentation may be required at the City's discretion and as deemed necessary to aid in a proper evaluation and review of the construction plans. Supporting documentation may include, without limitation, geotechnical subsurface investigation with report recommendations, traffic studies, product submittal data, calculations, reports, financial evaluations, environmental studies, agency permits, title opinions, or other information deemed appropriate for consideration of the plan submittal.
- (8) Letter of approval from the appropriate municipal, county, or state department or agency concerned with the approval of 1-7 above. It shall be the responsibility of the applicant to provide the Planning Commission with the letter of approval prior to the Planning Commission's approval of the Preliminary Plat including any ALDOT permits that may be required.

Submission of the Final Plat

In accordance with these Regulations, no street shall be accepted and maintained by the City nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land as defined herein, nor shall any permit be issued by an administrative agent or department of the City for the construction of any building or other improvement requiring a permit upon any land concerning which a plat is required to be approved unless and until the final plat has been approved by the Planning Commission of the City of Arab, Alabama.

Applicant Procedure and Requirements. Following the approval of the sketch plat in the case of a minor subdivision (optional), or of the preliminary plat in the case of a major subdivision, the applicant, if he wishes to proceed with the subdivision, shall file with the

Planning Commission an application for final approval of a subdivision plat. The application shall:

- (1) Be made on forms available at the Office of the Administrative Officer.
- (2) Be accompanied by the original tracing, and three (3) black or blue line prints of the plat.
- (3) Comply in all respects with the Preliminary Plat, as approved, except for minor modifications not altering the design of the subdivision.
- (4) Be presented to the Secretary of the Planning Commission at least fifteen (15) calendar days prior to a regularly scheduled meeting.
- (5) Be submitted within one (1) year of the date of preliminary plat approval.
- (6) Be accompanied by a performance bond in a form satisfactory to the City Attorney and in an amount established by the Planning Commission upon recommendation of the City Engineer.

Vested Rights. No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission. The Chairman of the Planning Commission shall deem all requirements, conditions, or regulations adopted by the Planning Commission applicable to the subdivision or on all subdivisions generally a condition for any subdivision prior to the time of the signing of the final plat. Where the Planning Commission has required the installation of improvements prior to signing of the final plat, the Planning Commission shall not modify the conditions set forth in final approval.

Signing and Recording of Final Plat

- (1) Signing of Plat
 - (a) When an improvement guarantee is required, the Chairman of the Planning Commission shall endorse approval on the plat after the guarantee has been approved by the City of Arab and all the conditions of the resolution pertaining to the plat have been satisfied.
 - (b) When installation of improvements is required, the Chairman of the Planning Commission shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City of Arab as shown by a certificate signed by the City Engineer and Administrative Officer that the necessary improvements have been accomplished and accepted.

(2) Recording of Plat

- (a) The Chairman will sign the original tracing. The original tracing will be returned to the applicant's engineer.
- (b) It shall be the responsibility of the Applicant to file the plat with the Office of the Probate Judge within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the Applicant shall submit to the Administrative Officer a reproducible and three (3) copies of the recorded plat.

Final Plat Requirements. The final plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The Final Plat, as submitted for approval, shall be prepared in ink on suitable permanent Mylar reproducible. The sheet size shall be of such size as is acceptable for filing in the Office of Probate Judge of Marshall County, but shall not exceed twenty-four by thirty six (24 x 36) inches. The Final Plat shall show the following:

- (1) Name of subdivision, north point, scale and location.
- (2) The relation of the land so platted to the Government Survey. The "point of beginning" as referred to in the written description shall be so indicated.
- (3) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, block line, and minimum building setback line whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arcs and chords.
- (4) The names and location of adjoining subdivisions and streets, with reference to recorded plats by record name.
- (5) The exact position of the permanent monuments shall be indicated on the plat by a small circle "o".
- (6) Streets and alleys, rights-of-way, and street names.
- (7) Rights-of-way or easements, including location, widths, and purposes of rights-of-way or easements.
- (8) If any portion of the land being subdivided is subject to flooding, as depicted on the FIA Community Map for the City of Arab, the limits of such land shall be shown.
- (9) Lot lines and lot and block numbers.
- (10) Minimum building setback lines. In the instance of double frontage lots, the direction the building fronts will be clearly indicated.

- (11) Parks, school sites, or other public open spaces, if any.
- (12) All dimensions should be to the nearest one-hundredth (1/100) of a foot and angles within plus or minus five (5) seconds.
- (13) The following endorsements, dedications, and certificates shall be placed on the Final Plat (see Appendix I for sample certificates):
- (a) Registered Surveyor's Certificate and Description of Land Platted.
 - (b) Dedication.
 - (c) A notary's Acknowledgment of the Dedication Certificates referred to in "b".
 - (d) A Certificate of Approval by the Arab Electric Co-Op.
 - (e) A Certificate of Approval by the Water Board of the City of Arab.
 - (f) A Certificate of Approval by the Sewer Board of the City of Arab.
 - (g) A Certificate of Approval by the Marshall County Gas District.
 - (h) A Certificate of Approval by the City Engineer of the City of Arab.
 - (i) A Certificate of Approval by the Planning Commission of the City of Arab.
 - (j) A Certificate of Approval by the Marshall County Health Department (if septic tanks and/or wells are necessary).
 - (k) Any restrictions and/or special notations as may be required by other sections of these regulations.

The above certificates shall be lettered or typed on the final plat in such a manner as to insure that said certificates would be legible on any prints made there from.
Certifications are shown in Appendix.

Engineering Plan. At the time of Final Plat approval, the applicant shall also submit an engineering plan, or "as built" plan, giving details of construction and locations of the improvements which have been installed. The primary purpose of the engineering plan is to provide the City with a record of location, size, and design of underground utilities for the City's use in the course of maintaining such improvements. If the installation of improvements is completed under an improvement guarantee, the applicant shall submit the engineering plan to the City upon request of release of the improvement guarantee.

Land Conveyance Among Family

The following requirements shall apply to the conveyance of land among immediate family members.

- (a) For the purposes of this section the definition of Immediate Family Member shall mean spouse, son, stepson, daughter, stepdaughter, mother, father, grandparent, grandchildren, sister, brother, mother-in-law, father-in-law, brother-in-law, son-in-law and daughter-in-law.
- (b) Upon request of the applicant, the Planning Commission is authorized, but not mandated, to approve conveyances of land among immediate family members when all the provisions of this Section are met. Such conveyances shall not exceed one (1) parcel for each individual family member.
- (c) In order to be considered by the Planning Commission the land to be conveyed must meet the following criteria.
 - (1) The subject parcel has not resulted from a previous division without hearing and plat approval by the Planning Commission.
 - (2) The division of land will result in parcels that conform to all design standards of these Regulations and conform to all applicable zoning standards for the zoning district in which the lot(s) are located.
 - (3) Each lot must have unrestricted access to a paved public street or road.
 - (4) No street or utility improvements or construction is required to serve the resulting parcels.
 - (5) The division of land will not have the effect of denying adjoining parcels direct access to a public right-of-way or result in the creation of parcels of unusual or irregular shape.
- (d) An application for immediate family land conveyance shall be made on Form Appendix V, as required by Article III of these Regulations. The applicant shall, upon submission of the application, include a filing fee as set forth in the Planning Commission's current fee schedule, a copy of which is available at the office of Arab City Hall. The following documents shall be presented to the Planning Commission in order to qualify for consideration as land conveyance among immediate family members.
 - (1) A notarized statement certifying to the family relationship of the parties involved in the land conveyance.

- (2) A survey of the subject property indicating the boundary of the entire parcel and the lots to be transferred to other family members certified by a land surveyor licensed to practice in the State of Alabama.
- (3) A copy of a recorded deed for all necessary rights-of-way and easements as required by the City.
- (e) Any further or subsequent subdivision of the same land shall require the recording of a subdivision plat in full compliance with these Regulations.
- (f) The Planning Commission shall hold a public hearing on the proposed immediate family land conveyance prior to the approval or disapproval of said land conveyance.

ARTICLE IV

MINIMUM STANDARDS FOR SUBDIVISIONS

AND

OTHER DEVELOPMENTS

Purpose, Applicability, & Standards

This Article sets out the minimum requirements and standards for construction of land development projects, including general principals of design and layout and requirements for such public facilities as streets and utilities. All persons proposing construction within the public rights-of-way, or within easements dedicated to the City of Arab shall perform all construction in accordance with these requirements and standards. Unless otherwise specially set forth herein, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the Alabama Department of Transportation. Design criteria and standards for streets and traffic control not specifically set forth herein shall conform to the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets and the U.S. Manual on Uniform Traffic Control Devices, as appropriate.

Suitability of the Land

Land physically unsuitable for subdivision or development because of flooding, poor drainage, steep slopes, rock formations or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods are formulated by the Developer and recommended by the City Engineer for solving the problems created by unsuitable land conditions. Unsuitable land shall be set aside for other uses.

Conformance to Adopted Plans and Standards

All proposed subdivisions and development projects shall conform to:

- 1) The City Comprehensive Plan and development policies in effect at the time of submission to the Planning Commission.
- 2) The City of Arab's Zoning Ordinance, building and housing codes, and all other applicable local laws and regulations.
- 3) All requirements of the Marshall County Health Department and other State agencies having jurisdiction of the development.

In subdivisions or developments related to any State or U.S. numbered highway, the Planning Commission shall require a copy of the approval from the Alabama Department of Transportation.

Name of Subdivision or Development Project

The name of each subdivision or Development Project must have the approval of the Planning Department. The name shall not duplicate nor closely approximate the name of an existing subdivision in the area.

Blocks

a. Length:

- 1) Residential Blocks- Blocks shall be at least 400 feet but not more than 2,200 feet in length except, as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern. Blocks along arterial streets shall be no less than 1,000 feet in length.
- 2) Non-residential Blocks- Blocks for other than residential use shall be of such length and width as may be suitable for the prospective use, including adequate provision for off-street parking and service.

b. Width:

- 1) Blocks shall be wide enough to allow two (2) rows of lots, except where reverse frontage lots on arterial streets are provided, or when prevented by topographic conditions or size of the property or for lots along the periphery of the subdivision, in which case the Planning Commission may approve a single row of lots.

Pedestrian ways or crosswalks, not less than 10 feet wide, may be required by the Planning Commission through the center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, playground, shopping centers, transportation, or other community facilities.

Lots

Minimum Area of Lots:

Lot dimensions shall be not less than the requirements of the zoning district in which they are located and the requirements of the County Health Department. In cases where requirements conflict, the greater requirement shall govern. All residential lots shall have an area of at least 9,500 square feet. Additional lot area is required when:

- 1) Public water but not public sewer serves a lot. In such case, the lot shall be not less than 15,000 square feet, or as required by the County Health Department.
- 2) Public water and sewer is not provided. In such case, said lot shall be not less than 20,000 square feet, or as required by the County Health Department.

Minimum Lot Dimensions:

All residential lots shall meet the Zoning requirements

All residential lots shall have a minimum width at the building line of 60 feet and a minimum width, at the street line of 35 feet. Corner lots shall have an extra width of 15 feet to permit adequate setback from side streets. The minimum lot depth of single-tier lots shall be 125 feet. All other lots shall be a minimum of 100 feet in depth. Estate type lots that contain five (5) acres or more must have a frontage width of at least 100 feet.

Arrangement:

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

City Limits and Lot Lines: Corporate boundary lines shall not divide lots. All proposed lots shall be within city limits and shall be annexed if necessary prior to submission of Preliminary Plat.

Double and Reverse Frontage Lots:

Double frontage and reverse frontage lots should be avoided except where specifically required to provide separation of residential development from an arterial street or to overcome specific disadvantages of topography and orientation of property.

Street Frontage: Residential lots shall not be platted to front directly on the right-of-way of an arterial street or major highway.

Adequate Building Sites:

Each lot shall contain a site large enough for a proposed building that will meet all building setback requirements and not be subject to flood or periodic inundation.

Depth and Width:

Depth and width of properties reserved or lay out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading for the use contemplated.

Easements

Utility and other easements shall be provided as follows:

- a. Utility Easements. Except where alleys are provided for the purpose, the Planning Commission may require easements with appropriate width as determined by the respective Utility, for poles, wires, conduits, storm and sanitary sewers, gas, water mains, or other utility lines on each side of the common rear lot liens and along side lots lines if necessary or advisable in the opinion of the Planning Commission. An easement of 20 feet shall be provided around the perimeter of subdivision, where no easement of at least 10 feet exists adjacent to the subdivision property line.
- b. Water Course and Drainage Easements. When a subdivision is traversed by an existing or proposed water course, drainage way, channel, or stream, there shall be provided a drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage way. The width of such drainage easement or right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream but shall not be less than 15 feet in width.
 - 1) Drainage easements off the street right-of-way shall be clearly defined on plat and deed of the individual property owner, and such property owner shall keep the easement free of obstructions and maintain that part of the easement within the property owner's boundary line so that free and maximum flow is maintained at all times.
- c. Overlapping Easements. Easements for water and sanitary sewers and drainage purposes shall not overlap unless approved by the City of Arab's Utility Departments.

Streets

- 1) Street Names. Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. In no case shall the name of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix, street, avenue, boulevard, drive,

place, court, etc. *Street names and numbers are subject to the approval of the Planning Commission and Emergency Management Agency as well as E911.*

2) Vacating a Street or Easement. No street or easement may be vacated unless such action is submitted to and approved by the Governing Body. The Governing Body may request a study and recommendation by the Planning Commission before taking such action.

4) Access

A publicly approved street meeting the requirements of this Article shall serve every development and every lot within a subdivision. All developments and every subdivision shall have access to the public street system via a paved roadway.

- a. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.
- b. No subdivision or development shall be designed in a way that would completely eliminate street access to adjoining parcels of land. Where determined by the Planning Commission it is desirable to extend the street, the street will be extended to the adjoining property and a temporary turnaround will be constructed.
- c. Plats Straddling Municipal Boundaries. Whenever access to the subdivision is required across land in another local government, the Planning Commission may request assurance from the City Attorney that access is legally established, and from the City Engineer that the access road is adequately improved, or that an improvement guarantee has been duly executed and is sufficient in amount to assure the construction of the access road.

5) Relation to Present and Future Street System

- a. The street pattern within a development or subdivision shall provide for the continuation or appropriate projection of the existing street pattern at the same or greater width, but in no case less than the required minimum width in the section of the community involved, unless the Planning Commission deems such extension undesirable.
- b. Subdivisions, that include an existing street or road with prescriptive or dedicated right of way that does not conform to the minimum right-of-way requirements of this Article, shall provide additional width along one or both sides of such street or road so that the minimum right-of-

way required by this Article is established. Subdivisions abutting only one side of such street or road shall provide a minimum of one-half measured from the center of the existing right-of-way, of the right-of-way required by this Article.

- c. Where an arterial street or major road adjoins or is included in a residential subdivision, the responsible jurisdiction and Planning Commission will deny access to the arterial street. Lots that abut the arterial shall be provided with another means of access, such as (1) platting reverse frontage lots, (2) platting a separate street parallel to the arterial, or (3) platting a loop street or cul-de-sac.
- d. Subdivision streets that intersect an arterial street shall do so at intervals of not less than 800 feet or as required by the authority having jurisdiction over the street or road, whichever is greater.

6) General Design Considerations

Streets shall be related appropriately to the topography. Minor (local) streets should be curved wherever possible to avoid conformity of lot appearance and the rigid rectangular street grid. 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. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.

All streets shall be properly integrated with the existing and proposed system of thoroughfares as established in the Comprehensive Plan.

All thoroughfares shall be properly related to the specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities, and to the pattern of existing and proposed land uses.

Proposed streets shall generally be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of future development of adjacent tracts. Such streets may be required to have a temporary turnaround constructed.

In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

7) Design Standards- Streets

All streets shall comply with the design, construction, inspection and quality control requirements of this Article.

- a. Minimum width of right-of-way.

Minimum width of right-of-way measured from lot line to lot line shall be as follows:

Minimum Right-of-Way Width

Arterial Street	120 feet
Collector Street	80 feet
Local Street with Side Ditches	60 feet
Residential/Local Street with Curb	50 feet
Alleys	20 feet

- b. Minimum width of pavement measured from face of curb to face of curb (or edge of pavement to edge of pavement for side ditch section) shall be as follows:

Minimum Pavement Width

Street Classification	With Curb and Gutter	Side Ditch
1 Arterial Street	60 feet	60 feet or per
Plan		Transportation
2. Collector Street	29 Feet	28 Feet
3. Local Street	25 Feet	22 Feet

Alleyways where approved in resident areas shall have a minimum pavement width of 12 feet. Alleys in commercial developments shall have a minimum pavement width of 20 feet.

- C. Horizontal alignment of streets.

- 1) Where a deflection angle in the alignment of a street occurs, the radius of curvature of the center line of said street shall be not less than the following:

Horizontal Alignment

<u>Street Classification</u>	<u>Minimum Radius of Curvature of Center Line</u>
Arterial Street	per DOT Requirements
Collector Street (40 MPH Design Speed)	550 Feet
Local Street (25 MPH Design Speed)	175 Feet

If Design Speeds are to be increased or decreased, adjust radius of curvature according to AASHTO.

Centerline radiuses of less than 100 feet are unacceptable.

- 2) Curved streets shall have a minimum tangent of 100 feet at intersections as measured from the centerline of cross streets. A tangent of at least 200 feet in length shall be introduced between reverse curves on collector streets, and 100 feet on local streets.
- 3) Adjoining street intersections within subdivision shall be spaced at least 200 feet apart measured from edge of right-of-way to edge of opposing right-of-way. Street jogs with centerline offsets of less than 150 feet shall not be allowed.
- 4) The centerline of no more than two streets shall intersect at any one point. All streets shall intersect at no less than 75 degrees, and as near a right angle as possible. The angle of intersection is to be measured at the intersection of the street centerlines.
- 5) Intersecting streets shall provide an uninterrupted line of sight from the center point of the intersection for not less than the minimum sight distance. Corner sight distance is measured from a point of the street 15.0 feet from the edge of the pavement of the adjacent street and measured from a height of 3.75 feet on the street to an object 4.5 feet above the surface of the adjacent street.

<u>Design Speed</u> (MPH)	<u>Minimum Corner Sight Distance</u> (Feet)
25	250
40	400
55	550

All banks shall be graded and all vegetation, including trees, shall be removed to provide adequate corner sight distance.

6) Islands and medians at intersections shall be subject to individual approval by the Planning Commission. Islands shall be designed, located, and landscaped not to obstruct minimum sight distances.

7) All street intersections shall have a radius of curvature of not less than 25 feet.

8) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a five percent (5%) rate at a distance of fifty (50) feet, measured from the nearest right-of-way line of the intersecting street.

9) Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet.

D. Design Speed

Horizontal curves and super-elevation shall be designed in accordance with the following minimum design speeds.

<u>Design Speeds</u>	
<u>Street Classification</u>	<u>Minimum Design Speed</u>
Arterial Street	55 MPH
Collector Street	45 MPH
Local Street	35 MPH

e. Vertical alignment of streets.

1) The maximum grade and vertical curve allowed for a street shall be as follows:

Vertical Alignment		
<u>Street Classification</u>	<u>Maximum Grade</u>	<u>Maximum Curve</u>
Arterial Street	8 Percent	10 Degrees
Collector	10 Percent	15 Degrees
Local Street	15 Percent	20 Degrees

- 2) All streets shall have a minimum grade of 1.0%. Proper drainage shall be provided at the low point in vertical curves.
- 3) All changes in grades shall be connected by a vertical curve so constructed as to afford a minimum sight distance, said sight distance being measured from the driver's eyes, which are assumed to be 3.5 feet in height above the pavement surface, to an object 6 inches high on the pavement. The minimum sight distance shall be as follows:

<u>Minimum Sight Distance</u>	
<u>Design Speed</u>	<u>Distance in Feet</u>
25	150
40	300
55	600

f. Super-elevation

Super elevation shall normally be used on horizontal curves to aid the vehicle in negotiating the curve. The maximum rate of super-elevation cross slope shall not exceed 8.0%.

g. Dead-end Streets.

- 1) A cul-de-sac shall be no more than 800 feet long, as measured from the centerline of the access street to the point of radius, unless necessitated by topographic or other conditions and approved by the Planning Commission. The Planning Commission may approve a longer length as a variance.
- 2) Cul-de-sacs shall terminate in a circular turnaround having a minimum right-of-way of at least 100 feet in diameter and a paved turnaround with a minimum diameter of 80 feet to the edge of the pavement.
- 3) A reverse curve joining a cul-de-sac turnaround to a street section is to have a radius to the edge of pavement of 25 feet.
- 4) A dead-end street other than a cul-de-sac shall not be allowed except as a temporary stage of construction of a street that is intended to be extended as future construction. Such a temporary dead-end street shall be provided with a temporary turnaround having a diameter of 80 feet, within the right-of-way if:
 - a) Only one lot fronts exclusively on the street; and
 - b) Extension of the street is not under construction when the Final Plat is submitted for recording.
- 5) Temporary turnaround shall be constructed as the remainder of the street

h. Alleys and Service Drives.

Alleys are generally discouraged for residential developments. Alleys require review and approval by the Planning Commission and the City of Arab.

i. Half Streets.

Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

j. Private streets or strips shall be prohibited.

8) Street Construction Standards

a. Typical Cross-Section and Clearing and Grubbing

Typical street sections shall conform to those shown on the typical sections in the Appendix. All areas within the limits of the proposed roadway shall have all vegetation, trees, stumps, large rocks, topsoil, and other objectionable material removed. Material not suitable for embankment shall be properly disposed of off-site. The entire limits of the right-of-ways shall be cleared, including all trees.

b. Embankment

Prior to any embankment being placed, the cleared and grubbed natural ground shall be thoroughly compacted with mechanical rollers. Unstable material shall be excavated and replaced with suitable, properly compacted material. Embankment material shall be placed in loose uniform lifts 12 inches, or less, and compacted by mechanical roller. Moisture content of embankment material shall normally be within 3% of optimum moisture. Frozen or other unsuitable materials shall not be used for embankment.

Embankments serving as temporary or permanent water impoundment structures may warrant special design considerations and additional quality control procedures are performed during construction. The City reserves the right to require submission of supporting geotechnical, environmental, or engineering data as deemed appropriate for design review and construction quality verification.

c. Sub-grade

- 1) Finish grades shall conform to the lines, grades, and cross-sections shown in the Plans approved by the Planning Commission.
- 2) Grading operations shall be conducted in a manner to minimize dust conditions. If necessary, and/or as directed by the City of Arab, Developer shall wet roadways under construction to control dust.
- 3) All soft or yielding areas within sub-grade (and embankments) shall be removed and replaced with suitable compacted material.
- 4) A minimum of ninety eight (98) percent compaction is required in accordance with ASTM D698 (SPD)

d. Street Base.

- 1) Street Base material shall conform to the following specifications:

Street Base

	Industrial-Commercial Streets	Residential Streets
Dense Aggregate, Base (ALDOT 825B)	8 inches	6 inches

- 2) For streets without curbs, the base shall extend at least 6 inches beyond the edge of pavement.
- 3) Compaction of base material shall be one hundred (100) percent per ASTM D698 (SPD). Test shall be performed at 250-foot intervals with a minimum of two (2) tests per street. Test results shall be recorded and certified by a qualified field technician.
- 4) For street improvements that include a widening of less than 8-ft in width, ALDOT 424C bituminous base shall be utilized in lieu of ALDOT 825B base and in thicknesses as recommended by a professional engineer with competence in geotechnical and roadway pavement design.

e. Pavement Surfacing

The following are minimum requirements for paving. Thicknesses and specific mixtures of bituminous pavements shall be recommended by a professional engineer with competence in geotechnical design and roadway pavement design, and based upon a subsurface exploratory field investigation. Recommendations shall be presented in a summary report format, signed and sealed by a professional engineer. The Planning Commission may require more stringent designs if they deem necessary due to type and use of proposed street. All work and materials shall conform to the Alabama Department of Transportation's Standard Specifications for Highway Construction. See Typical Sections in Appendix.

- 1) Hot bituminous concrete binder shall be placed on prepared base. Binder shall be 2 inches thick minimum. *Binder shall be ALDOT 424B.*
- 2) Hot bituminous concrete wearing surface shall be placed on approved binder layer. Wearing surface shall be 1-inch thick minimum. Wearing surface shall be ALDOT 424A.
- 3) Placement of asphalt or concrete paving shall be performed only after subsurface utilities have been tested and accepted by the respective Utility.
- 4) The City may require asphalt testing during construction of major subdivision roadways for quality assurance. When required, test reports shall be signed by a qualified field technician and submitted to the City.

f. Curb and Gutter.

- 1) Curb and gutter shall be required on all new streets in residential subdivisions where the average frontage of lots is less than 125 feet, or the minimum lot size is 22,000 square feet or more. Valley gutters may be used

in residential developments where the minimum lot size is less than 10,000 square feet and the average frontage of lots is less than 60 feet.

- 2) All multi-family type developments shall be required to provide curb and gutter on all streets.
- 3) Curb and gutter or valley gutter, where applicable, shall be provided on both sides of new streets. Valley gutters shall not extend across any street. Where curb and gutter are not required, a 60-foot street right-of-way with approved drainage facilities will be required.
- 4) Curbing along streets shall meet the following standards:
 - a) Developer’s Engineer or surveyor shall set line and grade.
 - b) One-half inch expansion joints of pre-molded bit mastic expansion joint material shall be provided at all radius points and at intervals not to exceed 50 feet in the remainder of the curb and gutter.
 - c) Curb and gutter shall be set true to line and grade and finished by skilled workers to the section shown on the Construction Plans. Finish shall be light broom and all edges shall be smoothed with radius tool.
 - d) Inferior workmanship or construction methods resulting in unsightly curb and gutter will be cause for rejection of the finished work.
 - e) All curbing shall be backfilled with topsoil and grassed.

Sidewalks.

Sidewalks required for all residential developments where the average lot size is 0.25 acres (11,000 square feet) or less.

- 1) All multi-family developments, regardless of lot size, shall be required to install sidewalks.
- 2) Concrete curbing is required for all streets where sidewalks are required.
- 3) Sidewalks shall be provided as follows:

<u>Street</u>	<u>R-1 Zoning</u>	<u>R-2 Zoning</u>	<u>R-3 Zoning</u>
Local Street	Not Required	One Side (4 Feet Wide)	Both Sides (5 Feet Wide)
Collector or Arterial Street	One Side (5 Feet Wide)	One Side (5 Feet Wide)	One Side (5 Feet Wide)
Commercial	Both Sides (5 Feet Wide)		

- 4) Where sidewalks are required on one side only, those shall generally be located on the north or east side of the street.
- 5) Sidewalks shall be backfilled and grassed.
- 6) Sidewalks shall be constructed per the details shown in the Appendix II.

- 7) Sidewalks and curb ramps shall at minimum meet all applicable requirements of, and amendments to, the Americans with Disabilities Act of 1990 (ADA) and the Proposed Guidelines for Pedestrian Facilities in Public Rights-of-Way (PROWAG), as published by the United States Access Board. Where a conflict exists between ADA and PROWAG standards, the more stringent requirement shall govern.

i. Residential Driveways.

All residential driveways to lots shall be located at points affording maximum site distance. Driveways shall not be less than 10 feet, nor greater than 20 feet in width, measured at the right-of-way line. Driveways shall be located so that the curb cuts are a minimum of 5 feet from the nearest edge of any street drainage inlet and 50 feet from the corner radius point.

Driveways accommodating public sidewalks shall comply with the Americans with Disabilities Act of 1990 (ADA) and the Proposed Guidelines for Pedestrian Facilities in Public Rights-of-Way (PROWAG), as published by the United States Access Board, along that portion of the driveway also serving as a public sidewalk or accessible route. Where a conflict exists between ADA and PROWAG standards, the more stringent requirement shall govern.

j. Commercial and Industrial Entrances.

- 1) Entrances shall not exceed 35 feet nor be less than 24 feet in width measured at the right-of-way line. Radiuses at entrances shall not be less than 15 feet.
- 2) The number of entrances to each site shall be limited on the basis of street frontage and a minimum distance of 150 feet between each entrance. For street frontage less than 300 feet, a maximum of 2 entrances will be allowed. For street frontage greater than 1,000 feet, a maximum of 5 entrances will be allowed.
- 3) The minimum distance from any opening to corner radius points shall be 50 feet.

k. Traffic Control.

Traffic control plan shall be prepared and implemented during construction for public safety. Traffic control plan shall conform to the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).

8. Location of Utilities in Streets

Utilities placed underground shall be placed within the right-of-way or dedicated easements. All new utilities shall meet the minimum required material and construction standards of the respective Utility

- 1) All utilities located beneath pavement shall be installed within steel or concrete encasement if required by the Utility, and the ditch backfilled with graded crushed stone and thoroughly compacted before any pavement or base is installed.
- 2) The minimum covers for all utilities crossing, or placed within paved streets shall be 36 inches.
- 3) Open cut of finished paved streets shall not be allowed. Utility lines and/or services shall be properly bored and cased under all finished streets. Directional borings greater than 3 inches shall require a minimum of 60 inches of cover and special approval from the City of Arab.
- 4) All utility manholes and valve boxes shall be brought to the finished grade within the roadway section. Depressions in the street around these manholes will not be accepted.
- 5) Digging out trench and re-compacting trench. Evidence of any trench settlement within finished streets shall be repaired by repaving the full width of damaged street section shall repair damages to street sections as a result of trench settlement.

STORM DRAINAGE

1. General Requirements

The Planning Commission shall not approve any development that does not appear to make adequate provision for storm or floodwater runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. An adequate drainage system, including necessary ditches, pipes, culverts, drains, inlets, bridges, etc., shall provide for the proper drainage of all surface water. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the standards in these regulations.

All drainage facilities shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or development.

To the extent practicable, stormwater facilities installed as part of a phased development shall be designed and constructed to meet the requirements of all subsequent phases of the development.

The Developer or his authorized agent shall review the effect of each subdivision and development on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development will overload an existing downstream drainage facility, the Developer shall be responsible for all necessary improvements to those downstream drainage facilities. No subdivision shall be approved unless adequate drainage will be provided to the natural drainage watercourse or an existing facility.

2. FLOOD WAYS AND OTHER AREAS OF POOR DRAINAGE

Areas subject to flooding or periodic inundation shall not be developed or subdivided unless the Developer provides an adequate plan to show that the area may be improved in such a manner as to prevent flooding; or filled to an elevation sufficient to place all streets and lots at a minimum of 2 feet above the maximum probable flood elevation. Minimum floor elevations shall be provided for all buildings and structures within the affected areas. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width that shall be sufficient in times or periods of high water to contain or move the water. No fill or any structure shall be erected or placed in the overflow zone therein. The boundaries of the overflow zone will be subject to approval by the Planning Commission. Fill shall not restrict any waterway or result in any increase in flood heights along the floodway.

Development of land within Floodways or otherwise poor drainage areas must comply with the City of Arab Flood Damage Prevention Ordinance. Application procedures are outlined in Article 3 of that Ordinance. The required information may be made of part of the Construction Plans, and if so Developer's Engineer shall denote special designs and information on Plans for compliance with Ordinance.

3. FLOODPLAIN DISTRICTS, FLOOD HAZARD AREAS, OR WETLANDS

Any and all portion of lands proposed for development or subdivision which are depicted, platted, or otherwise shown or described on any federally published map or other document, such as HUD's Flood Hazard Boundary Maps, Flood Insurance Rate Maps (FIRM), etc., shall be shown on the Drainage Plans and all Plats. Land within these special Districts, Boundaries, Areas, etc., shall not be platted, nor approved for residential use, or other building sites, or any development. Such areas shall not be used in computing the area of any affected lot. Development within these areas is prohibited.

4. DRAINAGE EASEMENTS

- a. Where a subdivision is traversed by an existing or proposed water course, drainage way, channel, or stream, there shall be provided a drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage way. The width of such drainage easement or right-of-way shall be

sufficient to contain the ultimate channel and maintenance way for the tributary area upstream but shall not be less than 15 feet in width.

- 1) Where topography of other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the street. Easements shall be indicated on the final plat. Drainage easements shall be carried from the street to the natural watercourse or to other drainage facilities.
- 2) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Minor improvements may be allowed.

5. Plans and System Design

- a. A complete Drainage Plan with existing and proposed contours showing the proposed drainage facilities and their sizes, locations, and the areas to be drained shall be submitted. All existing drainage structures shall be shown on the Plan. Drainage Plan shall be prepared and sealed by a Professional Engineer registered in the State of Alabama and shall contain the minimum information:
 - 1) Topography map of proposed developed areas.
 - 2) Existing and proposed contours at 1-foot intervals.
 - 3) Existing drainage system.
 - 4) Proposed drainage system, including onsite and offsite drainage areas.
 - 5) Structure location, type and size, and slope.
 - 6) Pre and Post Development runoff rates.
 - 7) All offsite drainage, draining onto the proposed development, show area in acres and runoff quantities in c.f.s.
- b. Design calculations shall be submitted in report form in a Stormwater Management Plan which shall be signed and sealed by a Professional Engineer registered in the State of Alabama. The Stormwater Management Plan shall indicate the formula used, along with the coefficient of runoff, the time of concentration, the rainfall intensity, the discharged velocity, and the source of all data used. Drainage calculations shall include a map such as a USGS Quadrangle Map, or site development plan, outlining the areas and showing the acreage of all onsite and offsite drainage basins contributing flow through the project for both the Pre and Post Development conditions. Maximum Pre and Post development runoff rates shall be clearly indicated where a site exhibits multiple runoff exit points.
- c. Design calculations shall include calculations for the runoff peak rate of discharge for the 25-year, 24-hour storm to determine the configurations and sizes of pipes.

- d. Runoff peak rate of discharge for drainage areas up to 200 acres in size may be calculated using the Rational Method ($Q = CIA$). Rainfall intensities shall not be less than those shown by applicable rainfall curves for the general areas of the City of Arab and North Alabama. Runoff coefficients used for Pre and Post Development activity conditions for the Rational Method shall be consistent with local conditions. Generally, runoff coefficients shall be in the following ranges:

RUNOFF COEFFICIENTS (C)

<u>AREA</u>	<u>COEFFICIENTS</u>
Business	0.7 to 0.95
Residential	
Single Family	0.3 to 0.50
Multi-Family Units	0.6 to 0.75
Industrial	0.6 to 0.90
Parks and Playgrounds	0.2 to 0.35
Pastures and Woodlands (Depending on Slope)	0.1 to 0.6
<u>SURFACES</u>	
Asphalt or Concrete	0.7 to 0.95
Roofs	0.8 to 0.95
Lawns (Depending on Slope)	0.1 to 0.35

- e. Should other methods of drainage calculation be used, the design calculations shall clearly note method and reference all applicable coefficients used in the calculations.
- f. The controlled release of storm water runoff shall be required for all developments or construction in order to prevent any increase in the predevelopment rate of runoff. *No increase in post development runoff allowed.* Where controlled release is required, such releases shall prevent any increase in the predevelopment rate of runoff of less frequent storms up to and including the 50-year storm.

6. PIPED SYSTEMS AND CULVERTS

- a. The design of piped storm water collection systems shall be based upon a minimum conveyance of the peak rate of discharge associated with a 25-year storm.
- b. Design runoff and hydraulic capacity shall determine pipe size. The minimum allowable pipe diameter shall be 18 inches under a street and 15 inches under a driveway or any side drain.
- c. Minimum Clearances:

Minimum clearance shall be 1 foot between the bottom of the roadway base and the exterior crown of the culvert, and a minimum of 6 inches between underground utilities and exterior crown of culverts for pipes 48 inches in diameter and less. Pipes greater than 48 inches require 2 feet of cover.

d. Trench Construction.

- 1) Pipe shall be placed in excavated trench to the line and grade shown on the Plans. The maximum width of the trench shall not exceed the outside bell diameter of the pipe plus 2.0 feet. Pipe shall be installed and bedded per manufacturer's instructions or as specified in the "Design and Construction of Sanitary Storm Sewers" as prepared by the ASCE Manual of Practice No 37.

e. Trench Backfill.

- 1) Material used for trench backfill shall consist of clean, small diameter, uniform material and shall be free of large rock, frozen material, or other unsuitable material. All backfill material shall be placed in no more than 12" lifts and mechanically compacted to 95% density. Backfill shall be placed uniformly on each side of the pipe.

f. Storm Drain Pipes.

Storm drainpipes within pavement areas of roadway prism shall be constructed of Class III reinforced concrete or aluminized Type II corrugated metal culvert. Storm drain pipes underneath driveways shall be concrete or aluminized Type II corrugated metal. The Planning Commission must approve all other types of culvert material.

g. Concrete Pipe:

- 1) Reinforced concrete pipes shall conform to the requirements of AASHTO M-170 for circular pipe and AASHTO M-206 for arch pipe.
- 2) Concrete pipe shall be Class III reinforced minimum.
- 3) Flat bottom and circular pipe sections shall be laid in a prepared trench with the socket ends pointing upstream. Sections shall be joined in accordance with manufacturer's recommendations. Joints shall be prepared or treated per manufacturer's recommendation. All joints and handle holes shall be sealed with bitumastic.

h. High Density Polyethylene Pipe (HDPE)

- 1) Use only in areas not under driveways, roadways and parking lots, or as allowed by the Planning Commission.
- 2) HDPE pipe shall be corrugated exterior and smooth wall interior, Type S, conforming to ASTM F2306 and AASHTO M294.

- 3) Bell and spigot joints shall be required. Bells shall cover at least two (2) full corrugations on each section of pipe. The bell and spigot joint shall have an "O" ring rubber gasket meeting ASTM F477. Gasket shall be factory installed I the spigot end. Pipe joints shall be per AASHTO M294.
- 4) Installation shall strictly conform to manufacturer's instructions.
- 5) Pipe shall be similar to ADS (N12)
- 6) All end treatments for HDPE shall be of concrete construction

i. Corrugated Aluminum or Steel Pipe.

- 1) Metal pipe shall be fully coated inside and out.
- 2) Bituminous coated corrugated steel pipe, aluminum pipe and pipe arches shall conform to the requirements of AAS14 to M-167 and AASHTO M-196 respectively, and comply with the Alabama Department of Transportation's Standards and Specifications.
- 3) Corrugated aluminum or steel pipe and pipe arches sections shall be laid in a prepared trench with outside laps of circumferential joints pointing upstream and with longitudinal joints at the sides. Coupling bands, fastened by 2 or more bolts, shall join the sections. The space between adjoining sections shall be not more than the width of 1 corrugation.
- 4) All damaged spots in bituminous coating that expose the base metal shall be recoated with asphalt before the structure is backfilled.
- 5) Use of metal pipe in areas of acidic soils or other corrosive areas is prohibited.

Any single drainage structure requiring 20 square feet or more of end area requires a special design drawing be submitted for approval.

All storm pipes shall maintain a minimum velocity of 3.0 fps, but shall not exceed a velocity that would damage or erode the pipe. Velocity of the flow in storm water pipes shall be calculated using accepted engineering standards.

- j. Development storm drain outlet systems shall connect to a public storm water system or to a free-flowing stream. The Developer shall be required to provide evidence of acceptable capacity in the receiving system, pipe, stream, etc. to receive additional flow proposed.
- k. The maximum continuous length of storm water pipe shall be 250 feet. Accesses to pipe shall be provided for cleaning and inspection purposes. Accesses may be in the form of inlets, junction boxes, or end treatments.
- l. Culverts and street cross drains shall extend to where the crown of the pipe intersects the street embankment slope and shall have concrete construction end treatments (headwalls, flared end sections, etc).

6. OPEN CHANNELS AND DITCHES

Use of side ditches along streets in developments with lots on average size of less than 29,000 square feet is prohibited.

Side ditches shall be intercepted at intersections and routed through pipe and drainage structures. Turning or routing ditches around street intersections is not acceptable.

Intersection of drainage ditches at 90 degrees is unacceptable. Intersections shall form smooth radius at approximately 45-degree angles.

- a. All storm water channels shall be designed to carry at least the 25-year frequency storm with 1 foot of freeboard.
- b. The minimum grade or slope for all unpaved ditches shall be 1.0%; paved ditches shall have a minimum of 0.3% grade.
- c. All storm water channels must be designed to convey flows that prevent dwelling flooding, property damage, or public access and/or utility interruption. Channels shall not create a traffic hazard or create erosion problems.
- d. Any storm drainage channel that extends outside of the street right-of-way shall be located within a 15-foot wide easement minimum.
- e. In cases in which a subdivision or development is traversed by a stream, there shall be provided an easement extending at least 10 feet from each side of the stream bank.
- f. All drainage easements, natural ditches and drainage areas shall be grassed and/or riprapped as necessary to control erosion. If riprap is used it shall be sized in relation to the anticipated outlet velocity.
- g. Maximum velocity in unpaved channels shall not exceed 6.0 feet per second. Lesser velocities may be required in areas of silty soil.
- h. Open ditches shall have a minimum of 4 to 1 slope and flat bottom. The width of the ditch shall be determined by existing conditions. V-bottom ditches or other special designs will be permitted in special cases and only if approved by the Planning Commission.
- i. Depth of open ditches shall be kept to minimum for safety considerations.

9. Headwalls

- a. Headwalls or flared end sections are required at the inlet and outlet on all streets cross drains and storm drainpipes.
- b. Headwalls are to be pre-cast concrete, stone masonry with reinforced concrete footings, or cast-in-place reinforced concrete with reinforced concrete footings.
- c. Flared end sections shall be pre-cast concrete.
- d. Riprap shall be placed at the downstream ends of culverts and pipes as needed to control or prevent erosion of the ditch at the outlet of the pipe.

- e. Where pipe exit velocities exceed the maximum recommended velocity for various ditch or channel sections, the headwall shall be of a special design to dissipate or control this exit velocity.

10. Inlets and Pipe Accesses

- a. Inlets, catch basins, and junction boxes may be pre-cast concrete units, cast-in-place reinforced concrete; of adequate size to accommodate pipe and storm water flows. See Appendix for Standard Details.
- b. All exposed concrete shall have a light broom finish, all corners or edges properly rounded. Unsightly work and poor workmanship will be rejected.
- c. Metal frames and grates shall be suitable for the use intended. Grate openings shall be properly sized for inflow of storm water and interception capacity per the Federal Highway Administration's "Design of Highway Pavements".
- d. Drainage within curb-and-gutters or valley gutters shall be limited to a maximum distance as follows: 400 feet on grade up to 7 percent; 300 feet on grades from 7 to 10 percent; 250 feet on grade over 10 percent. Such drainage shall be intercepted by inlets to a piped system or to street cross drains or culverts.

11. Specials

Any bridge section or box culvert, cast-in-place or pre-cast, requires detailed drawings and design calculations to be submitted for approval. These units shall be designed with a hydraulic capacity of a 100-year storm. Units shall be complete with headwalls, wing walls, barrier, or guardrails, etc.

12. Maintenance

Before any traffic is allowed over any storm drain, the pipe(s) shall be properly backfilled to protect the structure from damage or displacement. All pipe and drainage structures shall be thoroughly cleaned and maintained as necessary during construction and prior to the work being accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the Developer's expense. The Developer's obligation to clean and repair pipes ceases after expiration of the Maintenance Bond and formal acceptance by the City.

13. Storm Water Detention

- a. Storm water detention facilities providing for the storage and controlled release of runoff shall be required for any development activity that will increase the peak rate of discharge at post development for a 10-year frequency storm.

- b. All storm water detention facilities shall be designed to control the runoff volumes associated with 10-year, 25-year and 50-year frequency storms.
- c. Detention shall be provided such that the peak rate of flow from the site after development will not exceed the corresponding flow that would have been created by the same return frequency storms prior to development. The detention volume required shall be that necessary to handle the runoff of a 50 year storm from the proposed development less than volume discharged during the same duration at the approved release rate.
- d. The Planning Commission reserves the right to require a 100-year design storm event in unique circumstances where such event could significantly and adversely impact environmentally sensitive areas, critical infrastructure, or areas of special jurisdictional authority.
- e. Reservoir routing methods shall be used for detention facility design for areas greater than 200 acres.
- f. Principal outlets or control structures such, as weirs shall be constructed of reinforced concrete with watertight joints. Outlet pipes shall be at least 6 inches in diameter. Outlet pipes shall be properly screened. Riser pipes, if used, shall be at least 8 inches in diameter.
- g. The 50-year ponding limits of a detention facility shall not encroach upon a public street.
- h. Detention facility shall have a spillway or overflow opening to accommodate 500-year storm.
- i. All dry reservoirs, wet weather ponds, permanent lakes, or open channels shall be located no closer than 30 feet to any building and the maximum ponding elevation shall be at least 2 feet below the lowest sill (or floor) elevation of any building. **Special considerations shall be given to safety and accessibility to small children in the design of open ponds. Facilities located within residential areas especially are fenced.** The entire reservoir area of dry reservoirs and open channels shall be seeded and mulched, sodded, or adequately lined.
- j. Detention in parking lots is limited to a maximum depth of 8 inches. In no case should the maximum limits of ponding be designed closer than 10 feet to any building. The maximum ponding elevation shall be at least 1.0 foot below the lowest sill elevation of the building.
- k. Every detention reservoir shall be enclosed with a drainage easement. The drainage easement shall extend 10 feet beyond the maximum anticipated ponding limits.
- l. Detention facilities shall be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff they must be partially or fully operational soon after the clearing of vegetation. Silt and debris resulting from construction shall be removed periodically from the detention area and control structure in order to maintain full storage capacity.
- m. The responsibility of maintenance of the detention facilities in subdivision projects shall remain with the Developer until such time as applicable escrows are released. Upon release of escrows, the perpetual maintenance

responsibility shall be vested in the Trustees of the subdivision, by virtue of the trust indenture.

ARTICLE V REQUIRED IMPROVEMENTS

1. Improvements

Approval of the final plat shall be subject to the installation of the improvements and utilities hereinafter designated and satisfactorily completed in the accordance with the City of Arab specifications and standards.

- a. Streets and Alleys. After the applicant has installed sewer and water utilities, the applicant shall construct curbs and gutters and shall surface, or cause to be surfaced roadways to the widths prescribed in these regulations. All road pavement, shoulders, drainage, improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission and the City of Arab, and shall be incorporated into the constructions plans required to be submitted for plat approval. (See Appendix II for Street Sections.)
- b. Curbs and Gutters. Standard approved type curbs with gutters shall be placed on both sides of new streets within the area of jurisdiction of these regulations in accordance with the City specifications. Subdivisions where the minimum lot size is twenty two thousand (22,000) square feet or more will not be required to install standard curb and gutter. The development of any multi-family dwelling units, regardless of lots size, will be required to install standard curb and gutter. (See Appendix II for Curb Section detail.)
- c. Pedestrian Accesses. The Planning Commission may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least ten (10) feet in width. Easements shall be indicated on the plat.
- d. Street Lighting Street lighting shall be provided in all residential subdivisions.
 1. Lights shall be provided at all intersections and spaced at a maximum distance of 600 feet between intersections.
 2. Locations shall be shown on the Electrical Plan.
 3. Lights that extend over cart ways shall have a minimum height of 30 feet.
 4. The standard installation shall be a 250-watt high-pressure sodium bulb. Other fixtures may be substituted on approval of Arab Planning Commission.
 5. Details of the light standards or poles shall be submitted as part of the Electrical Plan.

6. Required street lighting fixtures shall be provided by the developer and installed by the servicing Utility or by an approved contractor.

e. Guarantees Against Faulty Materials

Final approval of street improvements shall be granted and streets accepted for maintenance by the City of Arab after one of the following is completed:

1. At least 80% of the homes in the approved sector are completed, or
2. A period of 3 years from the recording of the final plat has passed, and said developer shall maintain the aforementioned street for a period of one year after the final seal coat is applied.

When this requirement is fulfilled one or both of the following provisions shall prevail:

1. In any case in which the Planning Commission and/or the City Council may have reasonable doubt concerning the stability or proper construction of any improvement required herein, the City Council may require a maintenance bond for up to five (5) years for street construction maintenance and one (1) year for sewer lines and facilities. This bond shall be in cash or made by a surety company authorized to do business in the State of Alabama.
2. The City Clerk shall secure from all developers a letter or statement in which said developer shall agree to maintain backfill to the level of finished grade and to maintain improvements located thereon or therein of any excavation or fill which has been made in connection with the installation of improvements; and such letter or statement shall be binding on the developer for a period of one (1) year after acceptance of such improvements by the City of Arab.

f. Neighborhood Recreation Areas

1. Recreation Standards – The Planning Commission shall require that land be reserved for Neighborhood Parks in locations designated in the Comprehensive Plan or otherwise where such the reservations would be appropriate as determined by the Planning Commission. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access, for the particular purposes envisioned by the Planning Commission. The area shall be shown and marked on the plat, “Reserved for Park and/or Recreation Purposes”. The

Planning Commission may refer such proposed reservations to the City of Arab official or department in charge of parks and recreation for recommendation. The developer shall dedicate all such recreation areas to the local government as a condition of final subdivision plat approval.

2. Size of Neighborhood Parks- Land reserved for recreation purposes shall be equal to five (5) percent of the gross subdivided area. In general, land reserved for neighborhood park purposes shall be a minimum of five (5) acres and will not exceed 10 acres to assure facility development. When the dedication of land involves an area of less than (5) acres, the recreation area shall be located at a suitable location on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. If, in the opinion of the Planning Commission, the subdivided area is adequately served by existing public recreational facilities, this requirement may be waived.
3. Recreation Sites- Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet.
4. Alternative Procedure- Where, with respect to a particular subdivision, the reservation of land required pursuant to this section does not equal the percentage of total land required to be reserved in Section (2), the Planning Commission may accept a cash payment in lieu of land reservation of an amount equal to two hundred dollars (\$200) multiplied by the number of lots.

The Planning Commission must approve this alternative procedure. Cash payments shall be placed in a Neighborhood Park Improvement Fund to be established by the City Council. Such deposit shall be used by the City of Arab for improvement of a neighborhood park, playground, or recreation area including the acquisition of property. Such deposit must be used for facilities that will be actually available to and benefit the persons in said subdivision and be located in the general neighborhood of the subdivision.

g. Sanitary Facilities

General Requirements. All plans shall be designed, approved, and installed in accordance with the rules, regulations, and standards of the Arab Sewer Board. Sanitary sewers shall be provided where a public sanitary sewerage system is reasonably accessible as determined by the Planning Commission. Individual disposal systems shall be used in instances where no public sanitary sewerage system is available providing approval is received from the State and County Health Department.

(a) Sanitary sewer plans shall be made by a registered professional engineer in accordance with an acceptable method of design using good engineering practices as approved by the City Engineer and the Arab Sewer Board.

(b) Sewers shall be installed to serve each lot and service connection laterals shall be installed to the future right-of-way line or easement line. Each lot shall have a unique service connection lateral. Service laterals serving more than one individual lot are prohibited. Service laterals shall be installed only upon the lots served and shall not encroach onto adjacent lots unless approved by the Planning Commission. Service connections shall have a minimum pipe size of four (4) inches and a minimum slope of one (1%) percent.

i. Water Facilities

1) General Requirements:

(a) Necessary action shall be taken by the applicant to extend the public water supply system capable of providing domestic water use and fire protection.

(b) Where a public water main is accessible, the applicant shall install adequate water facilities (including fire hydrants) subject to the specifications of the Arab Water Works Board. All water mains shall be at least six (6) inches in diameter.

(c) To facilitate the above, the location of all fire hydrants and all water supply improvements shall be shown in the construction plans.

j. Fire Hydrants. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than 500 feet apart in residential and non-residential subdivisions. To eliminate any open cuts of finished streets, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any paving of a street.

k. Drainage and Storm Sewers

(A) General Requirements. The Planning Commission shall not approve of any plat or subdivision that does not make adequate provision for storm or floodwater run-off channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. When calculations indicate that curb capacities are

exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

(B) Nature of Storm Water Facilities

1) Location. The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to or as a result of the sub division. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications of the City of Arab.

2) Accessibility to Public Storm Sewers. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm water, subject to the specifications of the City of Arab.

3) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. Developer's constructions standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance

4) Effect on Downstream Drainage Areas. The Developer's Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. The Developer's Engineer shall issue with the Stormwater Management Plan an "Adverse Effects Letter", stating the proposed development will not have an adverse impact on any downstream drainage facilities or structures on adjacent properties. Adverse Effects Letter shall be dated and signed by the Developer's Engineer. The Adverse Effects Letter shall include the following text:

All stormwater facilities have been designed per the requirements of the City of Arab. The proposed improvements and stormwater collection and management system and shall not cause, directly or indirectly, adverse stormwater runoff effects to adjacent properties for the applicable design storm events.

5) Areas of Poor Drainage. Whenever a plat is submitted for an area, which is known to have poor drainage evidenced by inundation, or slow moving runoff, the Planning Commission may consider for approval these areas provided the Applicant/Developer shows on the Drainage Plan details of raising building sites and proposed streets to an elevation of at least two (2) feet above the inundated area. However, the inundated area is not to be filled nor the work proposed should adversely impact or worsen the poor drainage area. Development of extremely poor drainage are discouraged. No building sites shall be allowed within these areas. These areas require special application considerations per Arab's Flood Prevention Ordinance.

6) Floodway Areas. The Planning Commission may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property that lies within the floodway of any stream or drainage course. These floodway areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Floodway areas are subject to the City of Arab's Flood Prevention Ordinance.

C) Dedication of Drainage Easements Beyond Subdivision

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

2) The applicant shall dedicate, either in simple fee or by drainage or conservation easement to a distance to be determined by the Planning Commission.

l. Street Signs. The applicant shall deposit a fee as prescribed by the City Council to the City Clerk for each required street sign within the subdivision. One street sign will be required for each intersection.

m. Oversize Facilities. The governing body may participate in the cost of "oversize" improvements within a subdivision, if in its judgment such oversized improvements are necessary to serve large areas of land not in the subdivision, and if the cost of such oversize improvements is an unreasonable burden on the applicant.

n. Utilities

UNDERGROUND INSTALLATION REQUIREMENTS. All power and communication circuits within a subdivision shall be placed underground. The subdivider shall be responsible for making arrangements with the appropriate utility authority for facilities to be placed underground as a condition to the approval of the subdivision plat. Provided, however, that underground wiring shall not be required if the Planning Commission finds one or more of the following conditions:

a) Underground installation would be out of character with the area.

b) Underground installation would exceed three and one-half (3-½) times the aerial construction costs as determined by an actual cost survey made separately by the power and communications authorities and provided in a report to the Planning Commission.

All utility facilities existing and proposed throughout the subdivision shall be shown on the Preliminary Plat. Easements centered on rear and/or side lot lines shall be provided for utilities (private and municipal); such easements shall be at least ten (10)

feet wide. Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements. Easements shall be indicated on the plat.

o. Bridges. Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the City of Arab. The sharing expense for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission, will be fixed by special agreement between the City Council and the applicant.

p. Widening and Realignment of Existing Road. Where a subdivision borders an existing narrow road or when the Comprehensive Plan or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to dedicate such areas for widening or realignment of such roads. Such roads and streets shall be dedicated by the applicant to the full width as required by these subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the City in fee simple or an easement is granted to the City of Arab.

ARTICLE VI

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

1. Completion of Improvements

Prior to Final Plat approval, the applicant shall complete, in a manner satisfactory to the Planning Commission and the City Engineer, all improvements shown in the approved Construction Plans and as required in these regulations, specified in the final subdivision plat, and as approved by the Planning Commission and to dedicate same to the City of Arab free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

2. Methods of Guarantee

In lieu of requiring the completion of all improvements prior to final plat approval, the City may, at its discretion accept a performance bond with a Surety to secure to the City 100% of the actual construction and installation of such improvements, or a letter of credit from a F.D.I.C. bank. The performance bond, or F.D.I.C. bank letter of credit for the construction and installation of improvements shall be in accordance with the preliminary plat and construction plans approved by the Planning Commission.

- a. Security Bond. The applicant shall obtain a security bond from a surety bonding company authorized to do business in the State of Alabama. The bond shall be payable to the city and shall be in an amount sufficient to cover the entire cost, as estimated by the applicant and approved by the City engineer, of installing all contracted improvements. The duration of the bond shall be until such time as the improvements are accepted by the City, or,
- b. Cash. The applicant shall deposit cash, or other instrument readily convertible into cash at face value, either with the City or in escrow with a bank. The use of any instrument other than cash and, in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the Planning Commission. The amount of the deposit shall be at least equal to the cost as estimated by the applicant and approved by the City Engineer of installing all required improvements. Interest accrued shall be payable to the applicant. In the case of an escrow account, the applicant shall file with the Planning Commission an agreement between the financial bank and himself guaranteeing the following:
 1. That the funds of said escrow account shall be held in trust until released by the Planning Commission and may not be used or pledged by the applicant as security in any other matter during that period;
 2. And that in the case of failure on the part of the applicant to complete said improvements, then the bank shall immediately make the funds in said account available to the City for use in the completion of those improvements.

3. Land or Other Property. The applicant may offer as a guarantee land or other property, including corporate stocks or bonds. The value of any such property shall be at least equal to the cost, as estimated by the applicant and approved by the City Engineer, of the installation of all contracted improvements. The County Assessor shall establish the value of any property so used and, in so doing, shall take into account the likelihood of a decline in the value of said property during the guarantee period. The Planning Commission shall retain the right to reject the use of any property when the value of such property will be unusually difficult to sell, or for other reason such as will inhibit the Planning Commission from exchanging the property for a sufficient amount of money to complete the required improvements.

When property is offered as an improvement guarantee, the applicant shall:

- 1) Execute an agreement with the trustee, when it is not the Planning Commission, instructing the trustee to release the property to the City in case of default. The agreement shall also state that the property may be released only upon consent of the Planning Commission. The agreement shall be placed on file with the Planning Commission.

- 2) File with the Planning Commission an affidavit affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is put in trust.
- 3) Execute and file with the Planning Commission an agreement stating that the property to be placed in trust, as an improvement guarantee will not be used for any other purpose or pledged as a security in any other matter until the Planning Commission releases it.

4. Time Limits

Deadline. Prior to the granting of final plat approval, the applicant and the Planning Commission shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed 12 months from the date of final plat approval. The Planning Commission shall have the power to extend that deadline for one (1) additional year where the applicant can present substantial reason for doing so.

Failure to be Accepted. If any portion of the required improvements shall fail to be accepted for dedication in compliance with these regulations within the allocated time period, either for reason of incompleteness or for reason of substandard construction then the Planning Commission shall take the following action:

Where improvements have been guaranteed under Methods of Guarantee of this ordinance, the Planning Commission shall declare whatever security has been pledged as a guarantee to be forfeited. Where the Planning Commission is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Planning Commission shall use them, or receipts from their sale if that be necessary, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities shall be returned to the applicant, bonding company, or crediting institution, as it is appropriate.

5. Inspections, Acceptance and Maintenance of Improvements

Inspection of Improvements

- a) The Engineering Department shall provide for inspection of required improvements during construction and certify their satisfactory completion.
- b) The city engineer or a duly designated representative may enter during all reasonable hours any proposed or existing development and construction. These persons may make inspection of the required public improvements, including storm drainage and detention facilities for the purpose of determining plan requirements or compliance with the regulations.
- c) If the engineering department finds upon inspection that any of the required improvements have not been constructed in accordance with the approved construction

plans, the sub divider shall be responsible for compliant remedial construction of the improvements.

d) Wherever the cost of improvements is covered by a performance bond, the subdivider and the bonding company shall be severally and jointly liable for completing the improvements according to required specifications.

Acceptance of Public Improvements

a) The City Council may accept dedication of required improvements after the Engineering Department certifies that the following criteria have been satisfied.

1) The Engineering Department has certified that all required asphalt and compaction test results have been submitted and improvements have been satisfactorily completed, and has submitted a certificate stating such.

2) The sub divider's engineer or surveyor has certified to the Engineering Department, through the submission of an "as-built" plan of the subdivision, that the layout and construction of all public improvements are in accordance with the approved construction plans.

- b) A performance bond may be reduced upon actual dedication of public improvements and then only to ratio that the public improvements dedicated bear to the total public improvements for the plat. In no event shall a performance bond for partially completed improvements be reduced below twenty-five percent (25%) of the principal amount.

Maintenance of Improvements.

a) The subdivider shall be required to maintain all improvements until acceptance of the required improvements by the City.

b) The subdivider shall file a repair and maintenance bond with the recommendation of the Planning Commission and approval by the City Council for the repair and maintenance of the public improvements. The amount of the repair and maintenance bond shall be fifteen percent (15%) of the total cost of all public improvements.

c) The repair and maintenance bond shall comply with all statutory requirements and be reviewed by the City Attorney as to form, sufficiency, and manner of execution as set forth in these Regulations.

d) The repair and maintenance bond shall remain in full force for a period of twenty-four (24) months after the Engineering Department certifies to the City Council substantial completion of the subdivision.

6. Issuance of Building Permits and Certificates of Occupancy

Where an improvement guarantee has been required 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 it to the City, as required in the Planning Commission's final approval of the subdivision plat.

No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) were less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission for the plat have been fully completed and dedicated to the City.

7. Release of Guarantee

Upon acceptance, in accordance with these regulations of the dedication of the final portion of improvements, the City shall authorize the release of the remaining portion of the improvement guarantee.

8. Consumer Protection

- 1) No building permit or certificate of occupancy shall be granted or issued if an applicant 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, or any applicable conflicts of interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.
- 2) With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

ARTICLE VII

GENERAL PROVISIONS

1. Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

2. Conflict with Public and Private Provisions

Public Provisions. The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

Private Provisions. 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 or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or determinations of the Planning Commission or the City in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and determinations made there under.

3. 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, provisions, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder 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.

4. Saving Provisions

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.

5. Reservations and Appeals

Upon the adoption of these regulations according to law, the Subdivision Regulations of the City of Arab, Alabama, adopted April 30, 1991, as amended, are hereby repealed except as to such sections expressly retained herein.

6. Amendments

For the purpose of providing the public health, safety, and general welfare, the Planning Commission may from time to time amend any article, section, sub-section, or provision imposed by these subdivision regulations. Prior to adoption of any amendment (or amendments), a public hearing shall be held by the Planning Commission in accordance with Title 11, Chapter 52, and Article II Section 11-52-31 of the Code of Alabama. Following its adoption, the Planning Commission to the Probate Judge of Marshall County shall certify a copy of the amendment.

7. Conditions

Regulation 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 this City. The applicant 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 conform to the physical and economical development of the City and to the safety and general welfare of the future owners in the subdivision and of the community at large.

8. Resubdivision of Land

Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for 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 Planning Commission by the same procedure, rules, and regulations as for a subdivision.

Procedure for Subdivisions Where Future Resubdivision is Indicated

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.

9. Vacation of Plats

- a. Any plat or any part of any 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 such plat shall be attached, declaring the same to be vacated.
- b. The Planning Commission shall approve such an instrument in like manner as plats of subdivisions. The Governing Body may reject any such instrument that abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- c. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed 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 plat.
- d. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

10. Violations

- a) It shall be the duty of the Administrative Officer to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.
- b) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Planning Commission, in accordance with the provisions of these regulations, and filed with the Probate Judge of Marshall County.
- c) The subdivision of any lot or 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 all of the requirements contained in these regulations.
- d) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

11. Penalties and Civil Enforcement

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiates to sell any land by referenced to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded or filed in the Office of the Probate Judge of Marshall County, shall forfeit and pay a penalty of one hundred dollars (\$100) for each lot or parcel so transferred or sold or agreed or negotiated 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 City may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

ARTICLE VIII

VARIANCES

1. General

Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an 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; and further provided 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 safety, health, or welfare or injurious to other property;
- B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally 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, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- D. The variances will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or other adopted plans, policies, and regulations of the City.

2. Conditions

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.

3. Procedures

The applicant shall submit a petition for any such variance in writing at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The variance, if approved by the Planning Commission, shall become part of the official record of the Planning commission and shall be noted on the final plat.

4. Special Requirements for Non-Residential Subdivisions

- a. General Procedural Requirements. It is recognized that the applicant, in creating non-residential subdivisions, faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Planning Commission shall be upon street layout and block arrangement. Generally, the procedural requirements shall be for the applicant to follow the regular procedure outlined in Article III and to show the entire tract to be subdivided with necessary improvements and as many parcels as he cares to show but must include at least two parcels. Then, from time to time, as prospective buyers express interest in lots sized to their required specifications, and following informal discussions with the Planning Commission if the applicant so requests, the applicant shall submit directly at a regular meeting of the Planning Commission an amendment to the approved final subdivision plat for approval. Regular procedural requirements of the Planning Commission following receipt of a final subdivision plat shall then apply. A two hundred dollar (\$200.00) fee to cover advertising and administrative costs of a Public hearing shall accompany this application. Subsequent Public Hearings may be held at the discretion of the Planning Commission.
- b. Other Special Requirements. In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.
 1. Proposed non-residential street layout, blocks and parcels shall be suitable in area and dimensions to the types of development anticipated.
 2. Streets carrying non-residential traffic, especially truck traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas, not connected to streets intended for predominantly residential traffic, but shall be

connected insofar as is possible to arterials, major thoroughfares, or collector streets so designated on the City of Arab Land Use Plan in such a way that the number of intersections with such arterials, major thoroughfares, or collectors shall be minimized.

3. Street rights-of-way and pavement shall be adequate and in accordance with Section 5-4 to accommodate the type and volume of traffic anticipated to be generated thereon; curb radii at driveway intersections shall be at least 25 feet.
4. The applicant shall insure that the non-residential subdivision as a whole may be self-sufficient with regard to providing necessary off-street parking. The subdivision, at his discretion, may make parking self-sufficiency a requirement of individual lots.
5. With respect to physical improvements, special requirements may be imposed by the Planning Commission with the advice of the City Engineer within the non-residential subdivision.
6. Every effort shall be made to protect adjacent residential areas from potential nuisance from the non-residential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

5. Experimental Subdivisions

The Planning Commission may waive, vary, or modify the standards and requirements of these regulations if, in its judgment, an unusual or experimental subdivision might prove of considerable merit toward:

- a. The use of unusual materials in constructing required improvements.
- b. A new or untried design concept in the Arab area that appears promising.

Special attention may be given to experimental subdivisions, which are related to low-cost housing design in an effort to provide housing for lower income families. The Planning Commission shall require the sub divider to provide a written proposal stating the nature of the experiment and cost-benefit study following the implementation of it.

Conditions. In granting variances, modifications, and approval for experimental subdivisions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified, or approved.

APPENDIX I
SAMPLE CERTIFICATES

A. SURVEYOR'S CERTIFICATE AND
DESCRIPTION OF LAND PLATTED

STATE OF ALABAMA

COUNTY OF MARSHALL

I, (name of surveyor), a registered Engineer-Surveyor of Arab, Alabama, hereby certify that I have surveyed the property of the (name of company of proprietor), a (corporation of proprietor), situated in the City of Arab, Marshall County, Alabama and described as follows:

(Insert Legal Description)

And that the plat or map contained hereon is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and its number and showing the streets, alleys and public grounds and giving the bearings, lengths, width, and name of the streets, said map further shows the relation of the land so platted to the Government Survey, and that permanent monuments have been placed at point marked thus (0) as hereon shown.

WITNESS my hand this the _____ day of,

Name of Surveyor

Registration # _____

B)

DEDICATION

I/We (land owner or developer, address), as proprietor (s), have caused the land embraced in the within plat to be surveyed, laid out and platted to be known as (Subdivision Name), a part of (Section Call Out), City of Arab, Marshall County, Alabama, and that the (Streets, Drives, Alleys, etc.) as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of:

Witness

Property Owner

Witness

Property Owner

In any case that the developer and the landowner are not one and the same, two or more Dedication Certificates may appear on the plat in order to allow for the owner's signature to be fixed to said Plat. In which case one of the following notary's acknowledgments must appear for each Dedication Certificate (see example c-1 and c-2).

C)

ACKNOWLEDGMENT

STATE OF ALABAMA

COUNTY OF MARSHALL

I, _____, Notary Public in and for said County, in said State, hereby certify that (individual's name), whose name as (title) of the (corporation name), is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this _____ day of _____, _____.

D) _____, Notary Public

ACKNOWLEDGEMENT

STATE OF ALABAMA

COUNTY OF MARSHALL

I, _____, a Notary Public in and for said county, in said State, hereby certify that (owner's name), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, executed the same voluntarily.

GIVEN under my hand and official seal this _____ day of _____, _____.

NOTARY PUBLIC

E)

CERTIFICATE OF APPROVAL BY THE ARAB ELECTRIC CO-OP

The undersigned, as authorized by the Arab Electric Co-Op of the City of Arab, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Marshall County, Alabama, this _____ day of _____, _____.

Arab Electric Co-op
City of Arab, Alabama

F)

CERTIFICATE OF APPROVAL BY THE WATER BOARD

The undersigned, as authorized by the Water Board of the City of Arab, Alabama, hereby approved the within plat for the recording of the same in the Probate Office of Marshall County, Alabama, this _____ day of _____, _____.

Water Board
City of Arab, Alabama

G)

CERTIFICATE OF APPROVAL BY THE SEWER BOARD

The undersigned, as authorized by the Sewer Board of the City of Arab, Alabama, hereby approved the within plat for the recording of the same in the Probate Office of Marshall County, Alabama this the _____ day of _____, _____.

Sewer Board
City of Arab, Alabama

H)

CERTIFICATE OF APPROVAL BY THE MARSHALL COUNTY GAS DISTRICT

The undersigned, as authorized by the Marshall County Gas District, hereby approved the within plat for the recording of same in the Probate Office of Marshall County, Alabama, this the _____ day of _____, _____.

Marshall County Gas District

I)

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

The undersigned, as City Engineer of the City of Arab, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Marshall County, Alabama, this the _____ day of _____, _____.

City Engineer
City of Arab, Alabama

J)

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

The within plat of (Subdivision Name), Marshall County, Alabama is hereby approved by the Planning Commission of the City of Arab, Alabama, this the _____ day of _____, _____.

PLANNING COMMISSION FOR THE
CITY OF ARAB, ALABAMA

Chairman

K)

CERTIFICATE OF APPROVAL BY THE MARSHALL COUNTY HEALTH
DEPARTMENT

The undersigned as authorized by the Marshall County Health Department, Alabama hereby approved the within plat for the recording of same in the Probate Office of Marshall County, Alabama, this the _____ day of _____, _____.

Health Officer
Marshall County, Alabama

APPENDIX III

SUBDIVISION RECORD PRELIMINARY PLAT CHECKLIST

Name Of Subdivison _____

Location _____

Owner _____

Address _____

Telephone _____

Agent _____

Address _____

Telephone _____

Surveyor _____

Address _____

Telephone _____

Date submitted for preliminary approval _____

CHECKLIST

- _____ Deed book and page of record of the legal owner.
- _____ Date, north point, scale.
- _____ Caption – location by quarter section, township, range, city, county, state.
- _____ Acreage subdivided.
- _____ Vicinity map.
- _____ Exact length and bearing of the exterior boundaries of the tract.
- _____ Location of existing physical features on the property and adjoining properties.
- _____ Names of adjacent subdivisions.
- _____ Names and addresses of record owners of adjoining land.
- _____ Proposed minimum building setback lines.

_____ Names, locations, width, dimensions of existing and proposed streets, alleys, easements, parks, rights-of-way and other open spaces, reservations, lot lines and building lines.

_____ Dimensions and area in acres of all proposed lots and bearings of respective sides.

_____ Lot and block numbers; smallest lot size, total number of lots.

_____ Dimensions should be to nearest 1/100 of a foot and angles within plus or minus 5 seconds.

_____ Profiles of streets where required; linear feet in streets.

_____ ADEM permit applied for if greater than one acre.

_____ Contours where required.

_____ Zoning classifications.

_____ Construction plans of proposed utility layouts, sewer, water, electricity, street plans, and storm drainage.

_____ Sponsor transmits construction plans to Water, Electric, Sanitary and Health Departments for review and approval.

_____ Conforms to general requirements and minimum standards of design.

_____ One copy of preliminary plat retained by Planning Commission.

Approved _____ (date) for construction, subject to following modifications:

Variances granted: _____

Disapproved: _____ (date) for following reasons: _____

Signed: _____
Secretary of Planning Commission

APPENDIX IV

SUBDIVISION RECORD FINAL PLAT APPROVAL CHECKLIST

Name of Subdivision _____
Location _____
Zoning District _____
Owner _____
Address _____
Telephone _____
Preliminary approval granted _____ (date)
Submitted for final approval _____ (date)

CHECKLIST

- _____ Plat submitted in triplicate, original and two prints.
- _____ Plat submitted within one year of preliminary approval.
- _____ Scale not less than 1" = 100' and on sheets 24" by 36".
- _____ Dimensions of angles within plus or minus 5 seconds.
- _____ Primary control points and "ties" to same.
- _____ Tract boundary lines and vicinity map.
- _____ Right-of-way lines of streets, easements and other rights-of-way.
- _____ Bearings of property lines and engineering data to locate all lines including radii, angles, arcs, central angles of all curves.
- _____ Name and right-of-way width of each street or other right-of-way.
- _____ Location, dimensions and purposes of any easements.
- _____ Number identify each lot or site and block numbers.
- _____ Purpose for which sites other than residential lots are dedicated or reserved.
- _____ Minimum and maximum building setback on all lots and other sites.
- _____ Location and description of monuments.
- _____ Names of record owners of adjoining non-platted land.
- _____ Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- _____ Certification by surveyor as to accuracy of survey and plat.
- _____ Certification of title showing that applicant is the landowner.
- _____ Statement by owner dedication streets, easements or rights-of-way and any sites for public use.
- _____ Title, scale, north point and date.
- _____ Certificate for approval by the Planning Commission.
- _____ Certificate of approval by City Engineer.
- _____ Certificates of approval by: Electric, Water, Sewer, Gas Departments.
- _____ Certificate of Approval by Health Dept (if septic tanks and/or wells are necessary)

_____ Any restrictions and/or special notations as may be required by other sections of these regulations.

_____ Flooding as depicted by FIA Community Map checked.

APPENDIX V

APPLICATION FOR LAND CONVEYANCE AMONG IMMEDIATE FAMILY MEMBERS PLANNING COMMISSION

1. Date _____, _____

2. Name of Property Owner(s) _____
Address: _____ Phone Number: _____
_____ Fax Number: _____

3. Names of Immediate Family Members: _____

Present Address: _____
Phone Numbers: _____

4. Name of Registered Land Surveyor: _____
Address: _____ Phone Number(s) _____
_____ Fax Number: _____
Registration Number: _____

5. Location of Property: _____
Number of Acres: _____ Zoning District: _____

6. Utility Service
Water: Yes ___ No ___ Name of Utility: _____
Sewer: Yes ___ No ___ Name of Utility: _____
On site septic disposal: Yes ___ No ___
Health Department Review: Yes ___ No ___ Date of Review: _____

Signature of Applicant

FOR TOWN USE ONLY

Application received by: _____ on _____, 20____
Application Fee \$ _____
Application reviewed by Subdivision Administrator on _____
Copies transmitted for staff review on _____
Public notices mailed on _____, 20____
Planning Commission hearing date _____, 20____

Action taken by Planning Commission _____, 20____

LAND CONVEYANCE AMONG IMMEDIATE FAMILY MEMBERS

SECTION II: IMMEDIATE FAMILY SUBDIVISIONS REVIEW

Immediate family members are defined as meaning a spouse, son, stepson, daughter, stepdaughter, mother, father, grandparents, grandchildren, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. If the applicant meets one of the above listed categories, please complete all of the following information.

Type of Relationship _____
(Choose from the list above and fill in here)

- _____ Each lot has frontage on a public paved road
- _____ Each lot conforms to zoning ordinance requirements
- _____ Notarized Statement certifying the family relationship
- _____ Survey of property by licensed land surveyor
- _____ Copy of recorded deed
- _____ Water/Sewer availability from Water Works and Sewer Board

