



SUBDIVISION REGULATIONS

for

TROY, ALABAMA

JUNE 1988

Prepared by:

CITY PLANNING COMMISSION

of

TROY, ALABAMA

Adopted:

June 16, 1988

/s/ Donald S. Dunbar
Chairman

As Amended:

December 16, 2011

SUBDIVISION REGULATIONS
OF THE
CITY OF TROY, ALABAMA

ARTICLE I -GENERAL PROVISIONS

101 Purpose:

This document shall be known as the Subdivision Regulations of Troy, Alabama, and shall be used to guide the future development within the City limits and the police jurisdiction to achieve a coordinated living and working environment for the citizens of Troy.

The provisions, controls, and standards contained herein are intended to promote the health, safety, moral, and general welfare of the residents of the City. This will be accomplished through adopted design standards, and development controls requiring adequate light, air, and privacy along with support services and facilities including: efficient transportation arteries, water, sewer, drainage facilities, and other utility services.

The value of life as well as property in Troy will be greatly enhanced through the prevention of overcrowding of the land, the safety from future development in flood prone areas and coordinated uses within areas.

This ordinance establishes reasonable design standards and procedures for subdividing and/or developing to insure prompt review and approval by the City and development by others of areas under a uniform system.

102 Authority:

These regulations for the control of subdivision and development of land within the City limits and police jurisdiction of Troy, Alabama, are adopted in accordance with provisions of the Code of Alabama of 1975, 11-52-30 through 11-52-54, inclusive, as amended.

103 Jurisdiction:

Any subdivision or development of lands, within the present or future corporate limits or police jurisdiction of Troy, Alabama, on or after the effective date of this ordinance shall comply with regulations and requirements contained herein.

Any subdivider of property within the jurisdiction shall submit to the Planning Commission plats of the proposed subdivision along with plans indicating improvements as called for herein.

No development, including grading, shall proceed before obtaining a certificate of preliminary plat approval, and no title to property shall be transferred until obtaining approval and recording of the final plat as provided for herein.

104 Interpretation:

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

105 Severability:

If any part of provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

106 Saving Provision:

These regulations shall not be construed as abating any action now pending 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.

107 Amendments:

The City Planning Commission may from time to time amend the provision imposed by these regulations. Public hearings on all proposed amendments shall be held by the City Planning Commission and/or the Council in the manner proscribed by law, prior to any such amendment.

108 Conditions:

Regulations of the subdivision of land and the attachment of reasonable conditions to the development of land is an exercise of valid police power delegated by the state to the City of Troy. The developer has the duty of compliance with reasonable conditions laid down by the City Council for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the areas of the City and to the safety and general welfare of future property owners.

109 Enforcement:

109.1 General: It shall be the duty of the authorized agent of the City Council of Troy to enforce these regulations and to bring to the attention of the City Council and the City Attorney any violations or lack of compliance herewith. The Secretary of the Planning Commission is herewith identified as the said authorized agent.

109.2 Violations and Penalties: Any owner or agent of the owner of any lot located within a proposed subdivision who transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded with or filed with the County Probate Judge shall forfeit and pay a penalty of \$100.00 per day for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The description of such a 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 penalty or from the remedies herein. The Planning Commission may also institute an injunction against such transfer or sale through any court of equity jurisdiction or may recover the same penalty by civil action in any court, pursuant with Section 11-52-33 or Title II, Volume 10, Code of Alabama, 1975.

A zoning approval for a building permit shall not be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provision of these regulations.

109.3 Civil Enforcement: Appropriate action and proceedings may be taken by law or in equity in case any building or structure is or is proposed to be, erected, constructed, reconstructed, altered, maintained, used or occupied or any land is, or is proposed to be used or occupied in violation of the subdivision regulations, the State law, or of any regulation of provision of any resolution, or amendment thereof, enacted or adopted by the City Council of Troy under the authority granted by the subdivision of the State law to the municipality of Troy. In addition to other remedies provided by law, the Troy City Council or the authorized agent can institute injunction, mandamus, abatement or any other appropriate proceeding necessary to prevent, enjoin, abate, or remove such unlawful erection, construction. alteration, maintenance, use or occupancy, pursuant with Section 11-52-35 of Title II, Volume 10, Code of Alabama, 1975.

110 Administration:

The City Planner of Troy, authorized by the Council to act in their behalf, shall have the authority to interpret and enforce the standards, policies, procedures and regulation in this ordinance. This agent or his authorized representative shall determine the amount, quantity, acceptability and fitness of work as specified in any development plans, specifications, or regulations. Said agent or his authorized representative shall at all times have access to any work site during construction and during the period after construction.

ARTICLE II -DEFINITIONS

201 Definitions:

As used in these rules and regulations, words in the present tense include the future; words in the singular include the plural; and words in the plural include the singular; the word "building" includes the word "structure." The word "shall" is mandatory. The word "may" is permissive. The word "person" includes a firm, a corporation, association, organization, trust, or partnership. The word "lot" includes plat or parcel.

For the purpose of these regulations, certain words used herein are defined as follows:

Alley: A minor permanent public service way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street and not intended for general traffic circulation.

Applicant: The owner of land proposed to be subdivided or his representative and/or any person, firm, corporation, or public body, which makes application for a permit.

Block: A tract or parcel of land entirely surrounded by public streets other than alleys.

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

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

Carrier: Pipe directly enclosing a transmitted fluid (liquid or gas).

Casing: A larger pipe enclosing a carrier.

City: The City of Troy, Pike County, Alabama.

City Engineer: The duly designated City engineer of the City of Troy, Alabama.

City Clerk: The City Clerk or his designated representative of the City.

City Government: The City Government of the City of Troy.

Closure: Complete blockage of traffic on a street/road when detour is required.

Conduit or Duct: An enclosed tubular runway for protecting wires or cables.

Construction Plan: A plan showing details of construction and design for subdivisions and improvements prepared in a manner meeting the requirements of this regulation.

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

Commission: The City Planning Commission of Troy, Alabama.

County: Pike County, Alabama.

Cover/Bury: Depth of top of casing, if cased, or carrier pipe, if uncased, below surface grade.

Dedication: The act of setting aside for public use an area of land for use as a street, alley, easement, or other public use at no cost to the City.

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

Easement: A grant by the property owner of use by the public, a corporation, or person or general of a strip of land for a specified reason, or as created by operation of law.

Emergency: A situation where the safety or convenience of the traveling public or general public, or the structural integrity of the roadway itself, is placed in jeopardy.

Encasement: Structural elements surrounding a pipe.

Engineer: A registered engineer licensed to practice in the State of Alabama.

Final Plat: A finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording, and includes the bill of assurance.

Flood Plain District: A district delineated by Federal Flood Insurance Program flood plain and flood way boundary maps and documents, as being subject to inundation by floods.

Frontage Road: A street parallel to and adjacent to a major highway or thoroughfare which provides access to abutting properties.

General Plan: The complete plan, or any of its parts, for the development of all or part of the territorial jurisdiction area as adopted by the City of Troy, as is now or may be hereafter in effect.

Group Development: A development comprising two or more structures on a single lot, tract, or parcel of land and designated for occupancy by separate families, businesses, or other enterprises.

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 County, a hardship exists only when it is not self-created, or when it is not economically feasible to rectify.

Health Department: The Pike County Health Department.

High Pressure: Internal pressure exceeding 160 PSI.

Lot: A portion of a subdivision or of any parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Corner: A lot abutting upon two or more streets at their intersection.

Single Tier: A lot which backs up to a limited access highway, railroad, or other physical barrier and to which access from such barrier is usually limited.

Double Front: A lot having frontage on two streets at points other than the intersection thereof.

Monument: A permanent object serving to indicate a limit or to mark a boundary, or property corner.

Normal Maintenance: That work required to keep an existing facility in a state of good repair without adding to its physical makeup or changing its functional capacity.

Major Street Plan: Shall mean the major street plan as adopted by the Planning Commission as an element of the Comprehensive Community Plan.

Master Drainage Plan: Shall mean any drainage plan or element thereof which has been approved by the City Engineer and adopted by the Planning Commission.

Owner: Shall mean the owner of property proposed to be subdivided, his agent, or assigns.

Planning Commission: Shall mean the City Planning Commission of the City of Troy, Alabama.

Preliminary Plan: Shall mean a set of engineering drawings which meet the requirements of these regulations for the proposed subdivision submitted for approval by the Planning Commission.

Probate Judge: Shall mean the Judge of Probate of Pike County.

Resubdivision: 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.

Secretary: As used herein, shall mean the Secretary of the Planning Commission of Troy, Alabama.

Setback: The distance between a building and the property line nearest thereto.

Sketch Plan: Shall mean a collection of information as required under Section VI-B of these regulations pertaining to a proposed subdivision to be submitted for review and

recommendations by the Planning Commission.

Streets: Shall mean a right-of-way for vehicular traffic whether designated as an Arterial Street, Collector Street, Local Street or otherwise.

Arterial Streets: Those streets that are designed to carry high volumes of traffic with limited access points that may cross the City's urban area, collecting traffic from Local and Collector Streets. Arterial Streets are normally four (4) lanes or greater, with right-of-way ranging from 80 feet to 200 feet and the average daily traffic volume may range from 8,000 to 25,000 trips per day or greater. These streets or roads may link with other major, county, state and federal roads or highways, often crossing county and state lines.

Collector Streets: Those streets that are designed to carry medium volumes of traffic that are generated mainly by residential development from various areas of the City, providing access to commercial, industrial, institutional and recreational zoned properties within the City. Collector Streets may vary in traffic volumes and therefore may be two (2), three (3) or four (4) lanes with the right-of-way and pavement width being based on the average daily traffic volume. The right-of-way may vary from 50 feet to 100 feet and the average daily traffic volume may range from 3,000 to 18,000 trips per day.

Cul-de-sacs: A short dead end street designed to have one end permanently closed; the closed end terminated by a vehicular turnaround.

Local Streets: Local Streets have a variety of functions to perform in the City transportation network. The principle purpose of a Local Street is to provide access to property abutting the public right-of-way, this includes both vehicular and pedestrian access. Traffic is generally light and the movement of traffic is a secondary function of the Local Street. Local Streets act as feeder streets to Collector Streets and Arterial Streets. They provide easement for all local and public utilities, such as sewer and water lines, gas mains, electrical and telephone, etc. The Local Streets function as an element in urban design by creating access to sites for urban development. Traffic speed limits are normally 35 MPH or lower and traffic counts may vary but are normally under 3,000 trips per day. Local Streets include Minor Collector Streets, Minor Streets and Cul-de-Sacs.

Marginal Access Streets: Minor streets which are parallel to and adjacent to Arterial and major streets; and which provide access to abutting properties and protection from through traffic.

Minor Streets: Those which are used primarily for access to the abutting properties.

Subdivider: Any person, individual, firm, partnership, association, corporation, estate or trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and includes any agent of the subdivision.

Subdivider's Agent: The civil engineer, architect, or landscape architect who is the agent of the owner(s) of land which is proposed to be subdivided or which is in the process of being subdivided.

Subdivision: A subdivision shall include any division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development and shall include all divisions of land involving the dedication of a new street or a change in existing streets provided, however, that the following shall not be included within this definition nor be subjected to the subdivision rules and regulations of this municipality:

The public acquisition by purchase or dedication of parcels of land for the widening or opening of streets or other improvements.

Single Lot Sell-Off: In cases where an owner wishes to sell a single lot from tract, a minimum plan shall be provided which shall include a legal description of this original track and a legal description of the track being sold along with a sketch plan identifying the original track, the track being sold and including items A, C, D, and F. Said plan shall be at a scale easily readable and in a format suitable for recording in the County Courthouse. Single lot sell-off shall be allowed on a one time basis; any future sell-off of original track or sub-track shall be in accordance with other provisions of this Ordinance.

Surety: Any surety bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable sureties as approved by the Troy City Council or its authorized agent.

Surface Drainage: A drainage system consisting of culverts and open ditches.

Territorial Jurisdiction: All lands lying within the corporate area of the City and also within the police jurisdiction of the City.

Utilities: Distribution system for water, gas, electric, telephone, cable, and antenna system, and collection system for sanitary sewer.

Zoning Ordinance: Shall mean the Zoning Ordinance of the City of Troy, Alabama.

ARTICLE III -RESPONSIBILITIES

301 Responsibility of the Subdivider:

The subdivider shall be responsible for providing all engineering services and furnishing plans and specifications consistent with these regulations. The subdivider shall pay the entire initial cost of all improvements required in these regulations. The subdivider shall be responsible for the payment of all fees and charges required by these regulations.

302 Responsibility of the City of Troy:

The City of Troy shall be responsible for inspection and approval of all construction work in accordance with the Uniform Building Codes of Troy. After approval, the City shall accept for maintenance all utilities connected to the City systems. Connection to the City system shall constitute dedication of a utility system by the subdivider. All approved easements, rights-of-way, and other dedications for public use within the City shall be accepted by the municipality but the City shall accept no responsibilities to open or maintain the same until in the opinion of the City Council it is in the public interest to do so.

ARTICLE IV - GENERAL REQUIREMENTS

401 Conformity to General Plan:

All subdivisions shall in addition to the regulations contained herein conform to the following:

401.1: All applicable state and local statutory requirements;

401.2: The City of Troy's official zoning ordinance;

401.3: The comprehensive plan for the City of Troy;

401.4: All state and county health department requirements;

401.5: The requirements and design standards of the Troy Utility Department and the Street Department.

401.6: Whenever a major street or collector street is shown crossing or bordering a proposed subdivision, the subdivision plats shall provide for such with the appropriate right-of-way and improvement as called for in the thoroughfare plan of the comprehensive plan.

401.7: All sites shown in the community facilities plan for parks, schools, or other public facilities as being located in a proposed subdivision, shall be offered for sale to the City at a cost that does not exceed fair market value of said site as of the date of the final plat, except as provided for later in this article .

402 Protective Covenants:

If the owner provides for restrictions on a subdivision greater than those required herein, said restrictions shall be included on the final subdivision plat and labeled protective covenants. Said covenants shall also be included in the deeds of each tract of land sold in the subdivision and recorded with each in the office of the Judge of Probate of Pike County.

403 Off-premise Improvements:

The owner shall provide for the construction, maintenance, and operation of all off premise improvements necessary to support a subdivision. Said improvements shall be clearly noted on the preliminary plat and the owner shall certify by whom each such improvement will be installed, maintained, and/or operated.

404 Unsuitable Land Characteristics:

The Planning Commission shall review all subdivisions for suitability of the area for uses called for on the preliminary plat. If the Commission finds that a tract is unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse utility easements, or other adverse features, which will be harmful to the health, safety, or general welfare of the present or future inhabitants of the subdivision or surrounding area, it shall not be developed

until such time as adequate corrective or protective measures are provided for and approved by the Commission.

Such land may be set aside for uses as shall not be affected or endangered by such conditions.

405 Subdivision Naming:

The proposed name of a subdivision or apartment complex shall be such that it does not duplicate or too closely approximate phonetically, the name of any other subdivision in the area covered by these restrictions.

The Commission shall have final authority in determining the name of any subdivision. Said determination shall be made at the time of approval of the sketch plan stage or if such stage is waived, prior to approval of the preliminary plat, developer shall provide a name on said plan.

406 Street Names:

The sketch plan shall provide a name for all proposed streets. Said names shall be sufficiently different from those of existing streets so as not to cause confusion. The local postmaster shall be consulted on this matter. Where a street in a new subdivision is a continuation of an existing street, it shall have the same name as that of the existing street.

Street name signs shall be installed by the owner at each internal and external intersection. Said sign design to be approved by the City of Troy prior to installation.

407 Regulatory Signs:

The owner shall deposit, with the Secretary at the time of filing final plat, the sum of fifty (\$50.00) dollars for each intersection requiring regulatory signs. The City of Troy shall provide and install all regulatory signs as soon as streets in the subdivision are constructed.

The location of each regulatory sign shall be determined by the City Police Department in conjunction with the Secretary in accordance with local ordinances.

408 Street Layout:

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties where such continuation is recommended by elements of the comprehensive plan or when such is necessary or desirable for convenient movement of traffic, effective fire protection, and/or provision of utilities or drainage.

409 Unusable Reserve Strips:

Reserve strips controlling access to streets shall be discouraged except where their control is definitely placed with the City under conditions approved by the Planning Commission.

410 Public Sites and Open Spaces:

When a proposed park, playground, school, or other public use shown in the Comprehensive Community Plan is located in whole or in part in a subdivision, the Commission may request the dedication or reservation of such areas within the subdivision in accordance with Paragraph 401.7 above.

Where deemed essential by the Commission, upon consideration of the particular type of development proposed in a subdivision, and especially in large-scale neighborhood unit developments not anticipated in the Comprehensive Community Plan, the Commission may request the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes.

ARTICLE V - REQUIRED IMPROVEMENTS

501 General:

As a condition to final plat approval, an owner, or his agent, shall be required to post a performance bond with the Secretary in sufficient amount to guarantee completion of all improvements necessary to support the development proposed in said final plat. Said bond shall cover all items including but not limited to street construction, utility installations, final grading, drainage (both on site and off site), soil preservation, removal of debris or other required by the Planning Commission.

The City of Troy shall at its option, enforce the provisions of said bond when the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

Each owner or his agent shall be required to grade and improve streets and public ways with curbs, gutters, monuments, and signs; install storm sewer inlets and outfalls; install water mains, valves and fire hydrants and where service tie-ins are available, install sewer lines, manholes, and if necessary pump stations adequate to serve the proposed subdivision.

All improvements are to be installed in such a manner to meet the City of Troy specifications and standards or as established therein.

502 Monuments:

Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top shall be set at all major corners in the exterior boundaries of the subdivision or sections thereof and at all points where the street right-of-way lines intersect the exterior boundaries of the subdivision or sections thereof. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

All other lot corners and points of curve in street right-of-way shall be marked with iron pipe not less than three-fourth (3/4) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

503 Soil Preservation and Final Grading:

No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final plat and disturbed areas covered with soil to an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover between the sidewalks and curbs. All such areas shall be stabilized by seeding or planting.

504 Debris and Waste:

No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy on a subdivision. Nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

505 Fencing:

Each owner or agent shall be required to furnish and install fences wherever the Planning Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the City Engineer and shall be noted as to height and material on the final plat. No certification of occupancy shall be issued until said fence improvements have been duly installed.

506 Streets and Alleyways:

All streets, roads, and alleys shall be graded by the subdivider so that pavements and sidewalks can be constructed to the required cross section. Deviation from the above due to special topographical conditions will be allowed only with special approval of the Planning Commission. Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure, except with approval by the utility concerned, and all grading from the street shall be done in a manner which will not disturb the structure. In the case of electric transmission lines the clearance from the pavement to the nearest conductor shall meet the requirements of the National Electrical Safety Code.

506.1 Preparation: Before grading is started the entire right-of-way area shall be first cleared of all stumps, roots, brush, and other objectionable materials and all trees not intended for preservation.

506.2 Cuts: All tree stumps, boulders, and other obstructions shall be removed to a depth of one (1) foot below the sub-grade. Rock or gravel, when encountered, shall be scarified to a depth of twelve (12) inches below the sub-grade.

506.3 Fill: All suitable material from roadway cuts may be used in construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed six (6) inches loose and compacted by a sheep's foot roller. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped but where water is used to assist compaction, the water content shall not exceed the optimum of moisture.

506.4 Pavement Base: After preparation of the sub-grade, the roadbed shall be surfaced with an approved base. The quality and quantity of selected base material will be upon the approval of the City Engineer. All traveled ways and parking areas shall have a minimum thickness of six (6) inches uniformly spread for a width of not less than six (6) inches on

either side of the required minimum pavement width. The base shall be prepared in accordance with the current Standard Specifications for the Alabama State Highway Department.

506.5 Prime Coat: After a thoroughly compacted base has been established, a prime coat of emulsified or cutback asphalt shall be treated or otherwise prepared to insure uniform distribution. The prime coat material shall be sprayed on the prepared pavement base in amounts of not less than 0.005 gallons nor more than 0.3 gallons per square yard as designed by the City or County Engineer; shall be consistently uniform over the entire area treated; and shall be allowed to cure until it is not sticky.

506.6 Wearing Surface: The wearing surface shall consist of two layers of wearing course; one layer being of #5 crushed stone and the top layer of a minimum of one hundred (100) pounds of bituminous plant mix per square yard or where no crushed stone course is provided, one surface course of one hundred fifty (150) pound of bituminous plant mix per square yard shall be provided.

507 Curbs or Gutters:

Except as allowed in Rural Subdivisions, Section 601.1.1, hereof, the subdivider shall provide permanent cement concrete curbs or cement concrete curbs and gutters on all traveled ways or as specified by the City Engineer. The cement concrete curbs must be placed to the correct line and grade by a machine operation acceptable to the engineer. The cement concrete mix shall consist of 564 pounds of gravel so as to create a mixture of one (1) cubic yard. The cement concrete curb and gutter shall be six (6) inches concrete curbs with twenty-four (24) inches integral concrete gutters; or standard rolled curb and gutter, or in the case of the machine laid curb, it shall be a minimum of six (6) inches in the ground and extend six (6) inches above the finished roadway surface, or other construction approved by the Planning Commission. When the #5 stone is not used as a wearing course as provided in Section 506.6 above, the curb height shall be 8 inches.

508 Storm Sewers:

508.1 General: The Planning Commission shall not recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designated by the Rational Method, or other methods as approved by the Planning Commission, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any street intersection, nor for a distance of more than six hundred (600) feet in any street gutter. When calculations indicate that curb capacities are exceeded at a point, basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

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 subdivision. 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.

508.2 Accessibility to Public Storm Sewers: Where an underground public storm sewer is accessible, the applicant shall install underground storm sewer facilities. When no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the City Engineer. In subdivisions containing lots with less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer during construction and approved by him prior to sale or transfer of ownership of any tract within the subdivision.

If a connection to a public storm sewer will be provided eventually, as determined by the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

509 Drainage:

509.1 Accommodation of Upstream Drainage Areas: All culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall verify the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

509.2 Effect on Downstream Drainage Areas: The City Engineer shall also study the effect of each subdivision on existing downstream facilities outside the subdivision. Local drainage studies together with such other studies as shall be available, shall serve as a guide to design of needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission shall determine.

509.3 Areas of Poor Drainage: When ever a plat is submitted for an area which is subject to flooding, the Planning Commission may approve such subdivision provided that the applicant fills the affected area of said subdivision to elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse. in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer.

509.4 Flood Plain Areas: The Planning Commission may, when it deems it necessary for the health, safety, or welfare of the present and future population of an area or to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within a flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission. Any such work within a flood plain area shall be in accordance with the guidelines from the Flood Plain Management and U.S. Water Resources Council, Executive Order 11988.

509.5 Dedication of Drainage Easements: Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by open channel with landscaped banks and adequate width for maximum potential volume of flow.

509.6 Drainage Easements: Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be carried from the road to a natural watercourse or to other drainage facilities.

- A. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- B. The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the City Engineer.
- C. Low-lying lands along watercourses subject to flooding or overflowing during storm period, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot.

510 Water System:

510.1 General: Action shall be taken by the owner to extend or create a water-supply system for the purpose of providing water to all lots sufficient to meet use requirements and fire protection.

- A. Where a public water main is accessible the owner shall install water facilities (including fire hydrants) equal to the specifications of the State (ADEM) and City Utility Department.
- B. All water mains and extensions shall be approved by the City Utility Department. The minimum size water main shall be 6" in diameter, and of a material suitable to maintain a pressure or not less than 200 PSI. In no case shall a plastic type be allowed which will not withstand a constant working pressure of 160 PSI at 73 degrees Fahrenheit. When such pipe is used, the subdivider shall provide the City with a warranty certificate for a period of two years. All installations shall be approved by the City Engineer prior to being covered.
- C. The location of all fire hydrants and all water supply improvements, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the owner.

510.2 Individual Wells and Central Water Systems: In low-density zoning districts, at the discretion of the Planning Commission, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in a subdivision. Water samples shall be submitted to the Health Department for its approval, and individual wells and central water systems shall be approved by the appropriate State and County Health Department. Orders of approval shall be submitted to the Planning Commission and the City Engineer.

If the Planning Commission requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.

510.3 Fire Hydrants: Fire hydrants shall be required for all subdivisions except those approved under Paragraph 510.2 above. Fire hydrants shall be located no more than 1,000 feet apart and within five hundred (500) feet of any structure and shall be of the type, size and design specified by the City Fire Department. To eliminate future street openings, all underground tees and laterals for fire hydrants, together with the fire hydrants themselves and all other supply improvements such as laterals, etc., shall be installed before any paving of a street shown on the subdivision plat.

511 Sewage System:

511.1 General: The owner shall install sanitary sewer facilities in a manner prescribed by the City Utility Department standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the City Utility Department, the

Health Department, and other appropriate agencies. Plans shall be approved by the above agencies. Necessary action shall be taken by the applicant to extend or create a sanitary sewer system for the purpose of providing sewage service to each lot in the subdivision.

511.2 High-Density Residential and Nonresidential Districts: Sanitary sewage facilities shall connect with public sanitary sewage systems. Sewers shall be installed to serve each lot built to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the Utility Department and the County Health Officer, as well as appropriate State agency.

511.3 Low and Medium Density Residential Districts: Sanitary sewage systems shall be constructed as follows:

- A. Where a public sanitary sewage system is reasonably accessible the owner shall connect with same and provide sewers accessible to each lot in the subdivision.
- B. Where public sanitary sewage systems are not reasonably accessible but will become available within a reasonable time (not to exceed fifteen (15) years), the owner may choose one of the following alternatives:
 1. Central Sewage System, the maintenance cost to be assessed against each property benefitted. Where plans for future public sanitary sewage systems exist, the owner shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
 2. Individual disposal systems, provided the owner shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available at the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer main.
- C. Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of fifteen (15) years, the owner may install sewage systems as in accordance with 511.4 or 511.5 below.

511.4 Medium-Density Residential Districts: A central sewage system only complete with lagoon system, package plant, etc. No individual disposal system will be permitted. The owner shall install all sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer system.

511.5 Low-Density Residential District: Individual disposal systems or central sewage systems shall be used. Such systems must meet appropriate design standards described

elsewhere.

511.6 Mandatory Connection to Public Sewer System: If a public sanitary sewer is determined to be accessible by the Planning Commission, the owner/developer is required to connect to said sewer for the purpose of disposing of waste. It shall be unlawful for any owner/developer or their occupant to maintain upon any property developed after the date of this amendment, an individual sewage disposal system where a public sewer line has been determined to be accessible.

511.7 Individual Disposal System Requirements: If public sewer facilities are not available and individual systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and County Health Department guidelines. Percolation test holes shall be made as directed by the County Health Officer and the results submitted to the Health Department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the Health Officer.

511.8 Design Criteria for Sanitary Sewers: These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the Utility Department.

A. Design Factors: Sanitary sewer systems shall be designed for the ultimate tributary population. Due consideration shall be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities shall be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented thereafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria:

- | | |
|---|----------------------------------|
| 1. One and Two Family Dwellings: | .02 c.f.s./acre |
| 2. Apartments: | |
| One and Two Story: | .02 c.f.s./acre |
| Three through Six Story | .03 c.f.s./acre |
| 3. Commercial: | |
| Small Stores, Offices, and
Miscellaneous Business: | .02 c.f.s./acre |
| Shopping Centers: | .02 c.f.s./acre |
| High Rise: | As directed by
City Engineer. |
| 4. Industrial: | As directed by
City Engineer. |

Note: c.f.s. = cubic feet per second

These design factors shall apply to watersheds of 300 acres or less. Design factors for watersheds larger than 300 acres and less than 1,000 acres shall be computed on the basis of a linear decrease from the applicable design factor for an acre of 300 acres to a design factor of .01 c.f.s./acre for an area of 1,000 acres unless otherwise directed by the City Engineer. Design factors for watersheds larger than 1,000 acres shall be .01 c.f.s/acre unless other directed by the City Engineer.

- B. Maximum Size: The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the City Engineer.
- C. Minimum Size: No public sewer shall be less than eight (8) inches in diameter.
- D. Minimum Slope: All sewers shall be designed to give mean velocities when flowing full of not less than 2.7 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an N value of 0.013. The design slopes shall be evenly divisible by four (4). The slopes shall be minimum for the size indicated. Exceptions to these minimum slopes shall be made at the upper end of lateral sewers serving under thirty (30) houses. Said sewers shall have a minimum slope of 0.76 percent. Where lateral sewers serve less than ten (10) houses, the minimum slope shall be not less than 1 percent. See Table

MINIMUM SLOPES FOR SEWER SIZE INDICATED

Sewer Size (Inches)	Minimum Slope (Feet per 100 Feet)
8	0.60
10	0.44
12	0.36
15	0.28
18	0.24
21	0.20
24	0.16

- E. Alignment: All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the City Engineer.
- F. Manhole Location: Manholes shall be installed at the end of each line; at all changes in grade, size, or alignment; at all intersections; and at distances not greater than 400 feet for sewers 15 inches and smaller, and 500 feet for sewers 18 inches in diameter and larger.
- G. Manholes: The difference in elevation between any incoming sewer and the manhole invert shall not exceed 12 inches except where required to match crowns. The use of drop manholes will require approval by the City Engineer. The minimum inside diameter of the manholes shall conform to those specified by the City Utility Department. Inside drop manholes will require special considerations; however, in no case shall the minimum clear distance be less than that indicated above. When a smaller sewer joins a larger one,

the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.

- H. Sewer Line Location: Sanitary sewers shall be located within street or alley right-of-way unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access for street or alley right-of-way where possible. Imposed loading shall be considered in all locations. Not less than six (6) feet of cover shall be provided over top of pipe in street and alley right-of-way or three (3) feet in all other areas.
- I. Cleanouts and Lampholes: Cleanout and lampholes will not be permitted.
- J. Water Supply Interconnections: There shall be no physical connection between a public or private water supply system and a sewer which will permit the passage of any sewage or water into the water supply system. Sewers shall be kept removed from water supply wells or other water supply sources and structures.
- K. Relation of Sewers to Water Mains: A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This however is not required when the water main is at least two (2) feet above the sewer.

512 Sidewalks:

512.1 Width: Sidewalks shall have a width of four (4) feet and shall be installed on both sides of a street for a distance of 2,000 feet on those streets which provide a direct access to a school site.

- A. The Planning Commission may require additional sidewalks and wider sidewalks in or near commercial areas, schools, and places of worship.
- B. Sidewalks shall be constructed within the dedicated non-pavement right-of-way of all roads.
- C. A median strip of grassed or landscape area of at least two (2) feet in width shall separate all sidewalks from adjacent curbs or road ways.
- D. Concrete curbs are required for all roads where sidewalks are required by these regulations, except as provided in Section 601.

512.2 Locations: Sidewalks shall be required by the Planning Commission in the vicinity of schools, parks, and other public and semi-public facilities when deemed necessary and to the extent required by the Planning Commission, sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date. In single

family residential areas concrete sidewalks shall be four (4) feet wide and four (4) inches thick. In multi-family or group housing developments, sidewalks shall be five (5) feet wide and four (4) inches thick. In commercial areas sidewalks shall be ten (10) feet wide and four (4) inches thick.

513 Utilities:

Whenever possible, all utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the owners expense. At the discretion of the Planning Commission, the requirement for service connections to each lot may be waived in the case of connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

514 Easements:

Easements centered on rear 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 owner and the application utility companies for the establishment of utility easement.

Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road and/or rear lot lines. Easements shall he indicated on the plat.

515 Parks, Playgrounds and Recreation Areas:

515.1 General: The Planning Commission shall require that land be reserved for parks and playgrounds or other recreation purposes in locations designated on the Master Plan or otherwise where such reservations would be appropriate. 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."

515.2 Standards: When recreation areas are required, the Planning Commission shall determine the number of acres to he reserved from the following table, which has been prepared on the basis of providing three (3) acres of recreation area for every one-hundred (100) dwelling units. The owner shall dedicate all such recreation areas to the City as a condition of final subdivision plat approval.

A. Table of Recreation Requirements

Single-Family Lots Size of Lot	Percentage of Total Land in Subdivision to be Reserved for Recreation Purposes
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80,000 & greater S.F.	1.5 percent
50,000 S.F.	2.5 percent
40,000 S.F.	3.0 percent
35,000 S.F.	3.5 percent
25,000 S.F.	5.0 percent
15,000 S.F.	8.0 percent

- B. Multi-Family and High-Density Residential Development: The Planning Commission shall determine the acreage for reservation based on the number of dwelling units per acre to occupy the site as permitted by the Zoning Ordinance.
- C. Minimum Size of Park and Playground Reservations: In general, land reserved for recreation purposes shall have an area of at least four (4) acres. When the percentages from the table above would create less than four (4) acres, the Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land can be added at such time as the adjacent land is subdivided. In no case shall an area of less than two (2) acres be reserved for recreation purposes if it will be impractical or impossible to secure additional lands to increase its area.
- D. Recreation Sites Character: Land reserved for recreation purposes shall be a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the owner to the standards required by the Planning Commission. The improvements cost shall be included in the performance bond. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet. The Planning Commission may refer any subdivision proposed to contain a dedicated park in the local government official or department in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the City for park purposes shall have prior approval of the City Government and shall be shown marked on the plat, "Reserved for Park and/or Recreation Purposes."

516 Preservation of Natural Features and Amenities:

- A. General: Existing features which would add value to residential development or to the City as a whole, such as therein defined, watercourses and falls, beaches, trees, historic spots, and similar irreplaceable assets, shall be preserved in the design of any subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees, as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed shade trees required along the street side of each lot as required by these regulations.
- B. Shade Trees Proposed Where None Currently Exist: As a requirement of subdivision approval the owner shall plant shade trees on the property of the subdivision. Such trees are to be planted within five (5) feet of the right-of-way of the road or roads within and abutting the subdivision, or, at the discretion of the Planning Commission, within the

right-of-way of such roads. One (1) tree shall be planted for every forty (40) feet of frontage along each road unless the Planning Commission, upon recommendation of the City Engineer, shall grant a waiver. Such waiver shall be granted only if there are trees growing along such right-of-way or in the abutting property which in the opinion of the Planning Commission comply with these regulations.

Trees shall have a minimum trunk diameter (measured twelve (12) inches above ground level) of not less than two (2) inches. Only oak, honey, locust, hard maples, ginkgo, or other long-lived shade trees, acceptable to the Planning Commission shall be planted.

517 Nonresidential Subdivisions:

- A. General: If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Commission may require and shall be subject to all the requirements of site approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Planning Commission, and shall conform to the proposed land use and standards established in the City's Comprehensive Plan , Zoning Ordinance, and the Official Map.
- B. Standards: In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the owner shall demonstrate to the satisfaction of the 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 industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 3. Special requirements may be imposed by the City with respect to street, curb, gutter, and sidewalk design and construction.
 4. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.
 5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, 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 required by the Planning Commission.
 6. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE VI -MINIMUM DESIGN STANDARD

601 Street Design:

In developed or vacant areas, the Commission shall have the discretion of identifying or classifying a street as a "Arterial Street, Collector Street, Minor Collector Street, Minor Street, etc." as defined in the City's thoroughfare plan.

Street right-of-way widths not shown on the thoroughfare plan shall not be less than the following:

<u>Street Type</u>	<u>Right-of-way</u>
Arterial Streets	80 feet*
Collector Streets	60 feet
Minor Collector Streets	50 feet**
Minor Streets	50 feet
Cul-de-sacs	50 feet**
Alleys	20 feet

* The amount of right-of-way deemed reasonable to be required by dedication shall not exceed eighty (80) feet in width. An additional twenty (20) foot setback is required along proposed arterial streets, in addition to that setback required in the Zoning Ordinance.

** Except as allowed below under Section 601.1.1.

601.1 Minimum Street Pavement Width: Are shown on the thoroughfare plan and where not shown thereon shall be not less than the following:

<u>Street Type</u>	<u>Pavement Width</u>
Arterial Streets	48 feet
Collector Streets	36 feet
Minor Collector Streets	28 feet
Minor Streets	28 feet
Cul-de-sacs	28 feet
Marginal Access Streets	28 feet
Alleys (curb not required)	16 feet

Note: Pavement width measured from curb face to curb face.

601.1.1 Rural Subdivision: When a subdivision design includes lots, the average width at the street of which is in excess of 100 feet and average lot size exceeds 15,000 square feet or when a subdivision is offered under a PUD concept for modestly priced housing or for special exceptions approved by the Planning Commission, the owner/agent may request an open swale drainage street section. In such cases, the street right-of-way shall be no less than 60 feet and the construction standards shall be as follows:

A. Pavement width 24 feet.

- B. Shoulder width of four (4) feet each side with a grade of 1/2 inch per four (4) feet from top of pavement edge.
- C. Swale slope of 3:1 maximum front slope and 2:1 back slope, until the new slope meets existing grades.
- D. Minimum Swale bottom shall be two (2) feet. Entire swale shall have an established stand of permanent grass prior to final acceptance. Maximum slope of such swale shall not exceed 6 percent. Any swale having grade in excess of 6 percent shall have surface paving with a minimum of four (4) inches of 2500 PSI concrete. Swales with lesser grades may require such paving at the discretion of the Commission.
- E. Driveway entrances shall be installed at each lot from the pavement edge to the edge of the right-of-way with under drains installed. Under drains shall be constructed with a minimum of 18 inches ID class 3 structural pipe with sloping headwalls on each side of such a design to meet Alabama Highway Specifications. When metal pipe is used, BCCM specifications shall be required.
- F. In such subdivisions, all other provisions in this Ordinance shall apply.
- G. Basins and underdrains shall be provided as necessary.

601.2 Additional Width on Existing Streets: Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum requirements specified in the thoroughfare plan, and above in Paragraph 601.

- A. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- B. Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alley's or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- C. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such districts shall also be determined with due regard for the requirements of approach grades and future grade separations.
- D. A tangent shall be introduced between reverse curves on arterial and collector streets as approved by the City Engineer.
- E. When connecting street lines deflect from each other at any point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two-hundred (200) feet for minor and collector streets, or of such

greater radii as the City Engineer shall determine for special cases.

- F. Streets shall intersect as nearly as possible at right angles, and no street shall intersect at less than seventy-five (75) degrees.
- G. Intersections with an arterial street shall be at least eight-hundred (800) feet apart measured from center line to center line, and intersections with an expressway shall be controlled and determined by the Commission.
- H. Proper sight lines shall be maintained at all intersections of streets. Measured along the center line, there shall be a clear sight triangle of seventy-five (75) feet, (one-hundred-fifty (150) feet for arterial streets), from the point of street intersection. This shall be indicated on all plans. No building or permanent obstruction shall be permitted within this area.
- I. Property lines at street intersections shall be rounded with a radius of twenty (20) feet, or of greater radius where the Commission deems it necessary. The Commission may permit comparable cut-offs or chords in place of rounded corners.
- J. Street jogs with centerline offsets of less than one-hundred-twenty-five (125) feet should be avoided.

601.3 Street Grades: Street grades shall not exceed the following unless otherwise recommended and approved by the City Planning Commission.

<u>Street Type</u>	<u>Percent Grade</u>
Arterial Streets	5.0 %
Collector Streets	8.0 %
Minor Collector Streets	12.0 %
Minor Streets	12.0 %
Cul-de-sacs	12.0 %
Alleys (curb not required)	12.0 %

Minimum grade of any gutter shall not be less than 0.5% unless otherwise approved by the City Planning Commission.

601.4 Support of Proposed Uses: All street locations, design and character shall be sufficient to support the proposed uses of the land in the subdivision.

- A. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- B. Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- C. Where a subdivision borders on or contains a railroad right-of-way or limited access

highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such districts shall also be determined with due regard for the requirements of approach grades and future grade separations.

- D. A tangent shall be introduced between reverse curves on arterial and collector streets as approved by the City Engineer.
- E. When connecting street lines deflect from each other at any point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, or of such greater radii as the City Engineer shall determine for special cases.
- F. Streets shall intersect as nearly as possible at right angles, and no street shall intersect at less than seventy-five (75) degrees.
- G. Intersections with an arterial street shall be at least eight hundred (800) feet apart measured from center line to center line, and intersections with an expressway shall be controlled and determined by the Commission.
- H. Proper sight lines shall be maintained at all intersections of streets. Measured along the center line, there shall be a clear sight triangle of seventy-five (75) feet, one hundred fifty (150) feet for arterial streets, from the point of street intersection. This shall be indicated on all plans. No building or permanent obstruction shall be permitted within this area.
- I. Property lines at street intersections shall be rounded with a radius of twenty (20) feet, or of greater radius where the Commission deems it necessary. The Commission may permit comparable cut-offs or chords in place of rounded corners.
- J. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet should be avoided.

601.5 Horizontal Curves: Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonable long radius shall be introduced. On streets sixty (60) feet or more in width, the centerline radius of curvature shall be not less than three hundred (300) feet; on the other streets, not less than one-hundred (100) feet.

601.6 Vertical Curves: Every change in grade shall be connected by a vertical curve constructed so as to afford minimum sight distance of two-hundred (200) feet, (said sight distance being measured from the driver's eyes), which are assumed to be four and one-half (4 1/2) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one-hundred (100) feet horizontal, and one (1) inch equals twenty (20) feet vertical may be required by the Commission.

601.7 Cul-de-sacs (Deadend Streets): Minor terminal streets or courts designed to have one end permanently closed shall be no more than five-hundred (500) feet long unless

necessitated by topography or other natural or manmade barriers. There shall be at the closed end a turnaround having an outside roadway diameter of not less than eighty (80) feet and a street right-of-way diameter of at least one-hundred (100) feet. Under adverse conditions, the Commission may approve an alternate design.

Where, in the opinion of the Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such streets shall give a right-of-way of at least fifty (50) feet and be provided with a temporary turnaround having a roadway diameter of at least eighty (80) feet, unless such street is only one (1) lot in depth.

601.8 Alleyway: Alleys shall be provided in commercial and industrial districts, except that the Commission may waive this requirement where other definite and assured provision is made for service access to off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

Provisions for alleys along the rear of residential lots are optional except where, in the opinion of the Commission such alleys are advisable or necessary.

Alley intersections and changes in alignment shall be avoided. Where necessary, corners shall be cut off sufficiently to permit safe vehicle movement.

Deadend alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the deadend, as determined by the City Engineer.

602 Easements:

Easements across lots or centered on rear of side lot lines shall be provided for utilities where necessary and their width shall be as required by the appropriate City departments.

Where a subdivision is traversed by a water course, drainage way, channel, or stream or if such a proposed drainage way is reflected in an adopted drainage plan, there shall be provided a storm-water drainage easement of right-of-way conforming substantially with the lines of such existing or planned drainage ways. 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.

Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement for power distribution, telephone service, drainage, water, and sewer services.

603 Block Design:

Blocks shall not be less than four-hundred (400) feet nor more than twelve-hundred (1200) feet in length, except as the Commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over eight hundred (800) feet in width to extend entirely across the block at locations deemed necessary or desirable.

Blocks shall be wide enough to allow two (2) rows of lots, except where reverse frontage on a major street is provided or where prevented by topographical conditions or size of the property;

in which case the Commission may approve a single row of lots of minimum depth.

The length, width, and shapes of blocks shall be determined by:

- Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
- Zoning Ordinance and Health Department requirements as to lot size and dimensions.
- Needs for convenient access, circulations, control, and safety of street traffic.
- Limitation and opportunities of topography.

604 Lot Design:

The lot size, width, depth, shape, and orientation, and the minimum building setback line shall be appropriate with the location of the subdivision and for the type of development and use contemplated.

Minimum lot dimensions must meet the requirements of the Zoning Ordinance and the requirements of the County Health Department. In such cases where requirements may conflict, the most restrictive shall govern.

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

Each lot must front upon a street whose right-of-way is not less than fifty (50) feet in width and which is connected with the public street system.

Double frontage and reverse frontage lots shall be avoided except where essential to provide the separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation. The owner shall put in a planting screen easement of not less than ten (10) feet in width, along the line of lots abutting such a traffic artery or other disadvantageous features, across which there shall be no right of access.

Side lot lines shall be substantially at right angles to streets except on curves where they shall be radial to curve.

ARTICLE VII -GUARANTY OF COMPLETION OF IMPROVEMENT

701 Failure to Complete Improvements:

The Subdivider shall be responsible for the provision of all required minimum improvements in the proposed subdivision. This may be accomplished by either the full installation of all required improvements by the developer at the time that the final plat is to be submitted to the Planning Commission or by the provision submitted to the Planning Commission or by the provision of a financial guaranty of performance. In the event the developer fails to complete such work, the City of Troy shall have such work completed. In order to reimburse itself for expense incurred, the City of Troy may appropriate the deposit of cash money or negotiable bonds which the developer may have deposited in lieu of required performance.

702 Financial Guaranty or Performance:

The City of Troy may accept one or a combination of the following arrangements as surety guarantying the installation of minimum improvements.

-A subdivision improvement bond approved by the City of Troy may be accepted in an amount not to exceed the cost of the required improvements.

-A cash deposit, certified check or negotiable bond may be accepted by the City of Troy or responsible escrow agent approved by the City of Troy in an amount not to exceed the cost of the required improvements.

If a cash deposit is made, an agreement shall provide that progress payments can be made to the contractor by the developer, out of the deposit, as work progresses.

ARTICLE VIII - PENALTIES

801 Penalties:

Whoever, being the owner or agent of the owner of any land located within the City of Troy or its police jurisdiction who subdivides land within the meaning of these Subdivision Regulations, and files or records a plat or map of such subdivision in the Probate Office of Pike County, Alabama, without first having obtained approval being attached or fixed to said plat or map, shall, by said act, violate the Subdivision Regulations and shall be subject to pay a penalty of up to \$100.00 per day with each day being considered a separate violation; and said matter being tryable in the Municipal Court or court of like jurisdiction of the City of Troy. Upon being found guilty of violation of these Subdivision Regulations and a fine being affixed in the manner allowed by law, then this Ordinance does give to the City a lien against such property so subdivided for the amount of such fine, and said lien may be made a part of the judgment of conviction, and the notice of affixing such lien may be filed in the Probate Office of Pike County, Alabama, giving a description of the subdivision, and the map book and page where such subdivision is recorded; and said lien will be collectable in the manner of collecting liens against all of the property of said subdivision owned by said owner. Or the City may, at its option, proceed in the manner allowed by the Code of Alabama, 1975 11-52-33 as amended.

ARTICLE IX -ENFORCEMENT

901 Enforcement:

In lieu of the completion of providing improvements and utilities prior to the final approval of the plat, the Planning Commission may accept a surety bond to insure the City of Troy the actual construction and installation of such improvements at a time and according to specifications fixed by or in accordance with the regulations of the Planning Commission. The municipality is hereby granted the power to enforce such bonds by all appropriate legal equitable remedies.

901.1: The City of Troy shall not accept, open, improve, grade, light any street, or authorize water mains or sewers or connections to be made in any street, unless such street has been accepted or otherwise granted the legal status of a public street, or unless such street corresponds with a street is on a subdivision plat approved by the Planning Commission.

901.2: From and after the time when the Planning Commission shall have adopted a major street plan of the territory within its jurisdiction, no building shall be erected on any lot within such jurisdiction, nor shall a building permit be issued therefore unless the street giving access to the lot upon which such building is to be placed has been approved and accepted for maintenance by the City. Any building erected in violation of this section shall be deemed an unlawful structure, and the Building Inspector or other appropriate official may cause it to be vacated and have it removed.

ARTICLE X - PROCEDURE FOR PLAT APPROVAL

1001 Purpose:

The purpose of this article is to establish an orderly and expeditious procedure for reviewing and acting upon applications for subdivision approval in accordance with these regulations.

To assure that the Comprehensive Plan, Zoning Ordinance, Stormwater Management, and Infrastructure & Services Policies are properly and appropriately considered in the subdivision and/or development process, the Planning Commission shall assure itself through demonstration by the applicant that the following are accounted for:

The street, parcel and block pattern of all proposed subdivisions and developments are adapted appropriately to the uses anticipated, and that the prospective physical impact on adjacent areas has been taken into account.

A proposed phasing plan provides for continuity of development through phases of reasonable proportions. The Planning Commission may, without further cause, reject single-lot final plats and plats that would create discontinuity within or adjacent to the development.

Lot and block size, shape and orientation are appropriate for the location of the subdivision as identified in the comprehensive plan and for the type of development and use anticipated.

When land is subdivided into parcels larger than ordinary building lots, such parcels are arranged and designed so as to allow for the opening of future streets that conform to the subdivision regulations and to provide access to adjacent areas not presently served by streets.

The proposed street layout will be appropriate for the type of development proposed and properly and appropriately integrated with the street system in the area adjoining the subdivision.

The proposed street layout conforms substantially to a development pattern for the subject and surrounding area that will be in accord with the comprehensive plan, as interpreted by the Planning Commission.

Where community or public facilities, existing or proposed, are to be located in whole or in part in a proposed subdivision or development, reservation of the area(s) necessary to accommodate such facilities has been provided.

Land subject to flooding, inadequate drainage, and erosion, and land deemed by the Planning Commission to be unsuitable for the use proposed is not platted or to be built upon, but rather is to be set aside within the property for such development or conservation purposes as may be approved by the Planning Commission.

1002 Coordination of Zoning Application and Subdivision Approval:

1002.1 Intent: It is the intent of these regulations that subdivision review be carried out simultaneously with the review of any applicable application under the Zoning Ordinance. The zoning techniques include but are not limited to the review of: townhouse developments,

planned unit developments, or any other zoning techniques as allowed by the Zoning Ordinance. Any plans required for subdivision applications shall be submitted in a form to satisfy the requirements of these Subdivision Regulations.

1002.2 General Requirements: Whenever the Zoning Ordinance authorizes zoning applications permitting uses of land and/or density of buildings and structures different from those which are allowed as a right within the zoning district in which the land is situated and the application entails the division of land, vacant or improved, into two or more lots, parcels, sites, units, plots, or interests for the purpose of offering for sale, lease, or development either on the installment plan or upon any other plans, terms or conditions, including re-subdivision, whether residential or non-residential, subdivision approval of the zoning application shall be required by the Planning Commission in addition to all other procedures and approvals required herein, whether or not such zoning procedures require Planning Commission approval, review, or recommendations.

1003 Subdivision Approval Required:

No person or entity being the owner or agent of the owner of any land located within a subdivision, shall transfer, sell or agree to sell any land by reference to or exhibition of or by other use of a plat of subdivision, before such plat has been approved as set forth herein. A 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 requiring subdivision approval as set forth above.

1004 General:

The procedures to be followed for review and approval of a subdivision plat consist of three separate and distinct steps: (1) preparation and submission of a lot layout sketch or sketch plan of the proposed subdivision; (2) preparation and submission of a preliminary plat of said subdivision to the Planning Commission for review and approval (3) preparation and submission of the engineering plan of said subdivision; (4) preparation and submission of a final plat together with all the information and attendant items required herein, for review and approval; (5) recording of final plat in the office of the probate judge of Pike County, Alabama; and (6) filing of copies of recorded plat with the Planning Department.

1005 Sketch Plan:

Whenever the subdivision or development of land is proposed within the jurisdiction of these regulations, the subdivider or developer is urged to consult early and informally with the Planning Director and Planning Commission of the City. In this way the developer can obtain the advice and assistance of the City Engineer and city departments, and facilitate the subsequent preparation and approval of the subdivision plat or development plan.

The subdivider may present a sketch plan (lot layout sketch). This sketch may be a freehand sketch, but shall be drawn to scale. The information submitted should include the location of the proposed subdivision in relation to the surrounding area; existing features such as railroads, highways, drainage facilities, lake, woodland; other significant natural and built features; the general topography of the site; and the proposed pattern of streets, lots, and blocks. The sketch

should be submitted to the Planning Commission. Copies may be distributed to other city departments to obtain comments and suggestions.

The sketch plan is intended to serve as an initial step in the subdivision process. Although not required by law it is included in the review process to allow the subdivider and local officials to discuss the proposed subdivision in an informal setting, and to deal with issues and correct design errors and/or problems during the early stages of the project.

Upon receiving favorable consideration by the Planning Commission, the applicant may proceed to prepare the preliminary plat for the subdivision. However, neither the applicant nor the Planning Commission shall be bound by the pre-application review; and it is expressly understood that favorable consideration by the Planning Commission at the pre-application stage of the process shall under no circumstances be construed as preliminary or tentative approval, or bind either party.

1006 Preliminary Plat:

1006.1 Purpose: The purpose of the preliminary plat is to provide a basis for plans for the construction of the subdivision or development and its improvements. To this end, during preparation of the preliminary plat, the subdivider should consult with the Planning Commission, the Planning Director, City Engineer, utilities department, and other officials and agencies concerned with the subdivision of land and the improvements placed thereon.

1006.2 Filing and Review: The subdivider shall file with the Planning Director three (3) 24" x 36" hard copies, an 11" x 17" reduction, and an electronic copy on a diskette or CD in each the jpeg, pdf, dwg and any other digital format approved or required by the City of the preliminary plat together with the attendant items required herein, with written application for approval, at least thirty (30) days prior to the regular Planning Commission meeting at which it is to be considered. A fee in the amount specified in Exhibit A – Schedule of Subdivision Fees, attached hereto, shall be paid at the time of filing the application for preliminary plat approval. Prior to Planning Commission review, the preliminary plat shall be reviewed by the Planning Director and will be referred for review and report to other city departments and appropriate officials; and to the county health officer. The review shall take into consideration, in addition to the requirements set out in these regulations, conformance of the subdivision design to the comprehensive plan and the particular requirements and conditions affecting installation of improvements. Also, the review by the different departments shall include but not be limited to conformance with respective department specifications, standards, and policies.

1006.3 Information Required: The preliminary plat shall be drawn at a scale of one (1) inch equals one hundred (100) feet, or other appropriate scale as approved by the Planning Director; and the sheet size shall not be larger than twenty-four (24) inches by thirty-six (36) inches. Where necessary the plat may be presented on several sheets accompanied by an index sheet showing the entire subdivision. The plat shall provide the following information.

- a. A vicinity map, to scale, showing the location of the proposed subdivision and its relationship to the surrounding area.

- b. Survey data showing the dimensions and bearings of the boundaries of the subdivision; section and corporate lines; and contours at five (5) foot intervals based on city datum or National Geodetic Survey sea level datum, unless required by the Planning Director to submit contours at lesser intervals. In some cases the City Engineer may require spot elevations in sufficient number to provide necessary drainage information.
- c. The title or name under which the proposed subdivision is to be recorded; the name and address of the owner or owners; and the name and seal of the registered land surveyor responsible for the plat.
- d. Notations giving the scale of the drawing(s), true north arrow, datum, benchmarks, bearing base, and date.
- e. The location of existing streets, buildings, railroads, bridges, sanitary sewers, drainage facilities, water mains, and any public utility easements on both the land being subdivided and on the adjoining land; the names of adjoining subdivisions; and the names and mailing address of the owners of record of the adjoining parcels of land as they appear on the current tax records in the office of the tax assessor.
- f. Proposed tract boundary lines, right-of-way lines of streets, easements and other rights-of-way; property lines of lots and other sites with proposed dimensions.
- g. The names and/or county road numbers, locations, right-of-way widths and other dimensions of proposed streets, alleys, easements, right-of-ways, parks, open spaces, and reservations.
- h. Lot lines, lot numbers, building setback lines; tabulations stating gross and net acreage of the subdivision, acreage of existing and proposed public areas within the subdivision, number of residential lots, and area of each lot.
- i. The location of watercourses, 100-year floodplains, wetlands, wooded areas, buildings or structures, and other significant natural and built features on the tract.
- j. Information about highways or other major public improvements planned by public authorities for future construction on or adjacent to the tract.
- k. Sites to be reserved or dedicated for parks, recreation areas, schools or other public uses; sites, if any, for multi-family dwellings, shopping centers, churches, industry, or other uses exclusive of single family dwellings.
- l. Preliminary plans of proposed drainage and utility layouts duly approved by the appropriate utility departments and indicating pipe sizes, location of valves and fire hydrants and similar facilities; and showing feasible connections, when possible, to existing and proposed utility and drainage systems. Proposed storm water and utility easements and/or right-of-ways shall be clearly marked with dimensions.

1006.4 City Specifications: All sanitary sewers, storm sewers and drainage facilities, street grading and paving, fire protection and related improvements shall be designed by a

registered engineer to meet the requirements of the city. Water lines shall be designed to meet the standards of the water system in which they are located.

1006.5 Preliminary Plat Approval: Every preliminary plat submitted to the Planning Commission shall contain the name and address of a person to whom Notice of a Hearing shall be sent, and no preliminary plat shall be acted on by the Planning Commission without affording a public hearing thereon. Notice shall be sent to the said address by registered or certified mail of the time and place of such hearing not less than five (5) days before the date fixed for said hearing. Similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear upon the plats in the county tax assessor's office and their addresses appear in the directory of the municipality or on the tax records of the municipality or County.

The Planning Commission shall approve, approve conditionally, or disapprove such preliminary plat within thirty (30) days after the public hearing thereon. If approved conditionally the conditions and reasons therefore shall be stated; and if necessary the Planning Commission may require the subdivider to submit a revised preliminary plat. If any of the requirements are modified or waived, the reasons for such shall be specified. If the Planning Commission should disapprove the preliminary plat, the reasons for such action shall be stated and, if possible, recommendations made on the basis of which the proposed subdivision would be approved.

One (1) copy of the preliminary plat as acted upon by the Planning Commission shall be retained in the Planning Commission's Secretary's office, one (1) copy forwarded to the Planning Director, and one (1) copy returned to the subdivider.

1006.6 Effect of Approval: Approval of a preliminary plat shall not constitute acceptance of the plat or approval of the engineering plan of the proposed subdivision but shall be deemed only as an expression of approval of the plan submitted as a guide to preparation of the engineering plan and ultimately the final plat, which final plat will be submitted for approval and recorded upon fulfillment of the requirements of these regulations and the conditions of tentative approval.

Approval of a preliminary plat shall be effective for a maximum time of twelve (12) months, unless, upon application by the subdivider prior to the approval deadline, the Planning Commission grants an extension. If the final plat has not been submitted for final approval within this time limit, the preliminary plat shall again be filed for tentative approval; provided, however, that if a final plat of a part of the subdivision shall have been submitted and approved within the eighteen-month period, the tentative approval of the preliminary plat shall automatically be extended for a period of twelve (12) months from the date of approval of such final plat of part of the subdivision, and the same automatic extension shall govern in subsequent cases of submission of a final plat of part of the subdivision; provided, further, that at any time after the expiration of the initial eighteen-month period during which the preliminary plat approval is effective, the Planning Commission may notify the subdivider of changes it will require in order to meet new or changed conditions. A corrected preliminary plat with all conditions fulfilled shall be submitted prior to the construction or installation of any improvements.

Receipt of the approved copy of the preliminary plat by the subdivider and approval of the engineering plan is authorization, subject to obtaining the necessary permits, that the subdivider may proceed with the construction of any improvements in accordance with applicable city codes, regulations and specifications approved by the City Engineer; and with the staking of the lots in preparation for the final plat. The subdivider shall not begin any construction without first notifying the City Engineer, other city departments, and the county engineer, as appropriate; and obtaining proper approval.

1007 Engineering Plan:

1007.1 Purpose: The purpose of the engineering plan is to provide information, including drawings and specifications, for the construction or installation of the improvements. To this end, the subdivider should consult with the City Engineer and with other officials and agencies concerned with construction or installation of improvements. The engineering plans may include only the portion of the approved preliminary plat, which the subdivider proposes to develop at the time.

1007.2 Submission and Review: After approval of the preliminary plat and prior to the construction or installation of any of the improvements, the subdivider shall prepare and submit to the planning director nine (9) sets of black or blue line prints of the construction plan. The engineering plan shall be reviewed by the appropriate authorities, and the review shall take into consideration, in addition to the requirements set out in these regulations, conformance with the applicable standards and regulations of the city and of other agencies concerned.

The Planning Director shall submit the Engineering Plan in single copies to the City Engineer, Electric Department, Water & Sewer Department, Public Works Department, Building Official, and other appropriate departments and/or authorities. Each department shall within seven (7) days, report to the Planning Director on their review of the Engineering Plans. Said report shall be in the form of comments on their copy of the plan. Said copy shall be initialed and dated for the records. Upon the compilation of all approval and comments on the Planning Director's and Subdivider's copy, the Engineering Plans will be returned to each Department for filing.

1007.3 Information Required: The engineering plan shall show accurately, and in sufficient detail for their construction or installation, the design of all proposed improvements in the subdivision. At a minimum it shall provide the following information:

- a. Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision.
- b. Typical cross sections of the proposed grading, roadways, and sidewalks; and profiles of all sanitary and storm sewer lines.
- c. The location, sizes, and invert elevations of existing and proposed sanitary sewer and drainage facilities; the location and sizes of existing and proposed water lines; and any other data relating to utilities and drainage facilities that may be necessary to complete their installation.

- d. The location and results of soil percolation tests if individual sewage disposal systems are proposed.
- e. The sediment control plan and storm water management plan during and after construction.

The engineering plan shall be signed and sealed by professional engineer or land surveyor registered in the state.

1007.4 Engineering Plan Approval: The planning director shall notify the subdivider of the approval or disapproval of the engineering plan. In the case of approval, specific changes, if any, required to be made shall be stated. If such changes require alterations to the approved preliminary plat, such plat shall be resubmitted to the Planning Commission for approval. In the case of disapproval, the grounds for such disapproval shall be stated.

1008 - Final Plat:

1008.1 Purpose: The purpose of the final plat, together with all the information and attendant items required herein, is to provide an accurate record of street and property lines and other elements being established on the land, and the condition of their use. The final plat shall conform substantially to the preliminary plat as approved. All inspections and testing must be completed and the construction approved by the City Engineer prior to the final plat being placed on the agenda for planning commission action. As part of the inspection process a camera may be used to inspect all water, sanitary sewer, and storm drainage lines.

1008.2 Submission and Review: The final plat shall be drawn upon mylar film, on sheets measuring no more than twenty-four (24) by thirty-six (36) inches; and at a scale of one (1) inch equals one hundred (100) feet or other appropriate scale as approved by the planning director. Where necessary the final plat may consist of several sheets, accompanied by an index sheet showing the entire subdivision.

The mylar original, nine (9) black and white 11" x 17" reduction prints, and an electronic copy on a diskette or CD in each the jpeg, pdf, dwg and any other digital format approved or required by the City of the final plat shall be submitted to the planning director, with written application for approval, at least thirty (30) days prior to the regular planning commission meeting at which it is to be considered. A fee in the amount specified in Exhibit A – Schedule of Subdivision Fees, attached hereto, shall be paid at the time of filing the application for final plat approval.

1008.3 Information Required: The final plat shall contain the following information:

- a. A diagram to scale showing the general location of the subdivision.
- b. Primary control points approved by the City Engineer or County Engineer, as appropriate; or description and ties to such control points; to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- c. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way; property lines of lots and other sites with accurate dimensions; bearings, tangent

distances, radii, central angles, arc lengths, and degrees of all curves; and the location and description of all monuments. All survey data shall be according to the "Minimum Technical Standards for Land Surveying in the State of Alabama," latest edition, as published by the Alabama Society of Professional Land Surveyors. At least two (2) corners of the subdivision shall be referenced to the state plane coordinate system if an established and proven point is within one-half (½) mile of the subdivision.

- d. Title, scale, north point, and date.
- e. Name and right-of-way width of each street or other public right-of-way.
- f. Numbers to identify each block and lot; and the area of each lot.
- g. The location, dimensions, and purpose of any easements.
- h. The purpose for which sites other than residential lots may be used.
- i. The names and addresses of the current owners and reference to the plat book or deed book and page, evidencing such ownership of all land immediately adjoining the tract of land being subdivided; as such names appear in the records in the Office of the Tax Assessor and the Office of the Probate Judge.
- j. Existing structures shall be located on the plat and fully dimensioned so that conformance with any applicable regulations can be verified.
- k. Note prohibiting structures on easements. Access shall not be restricted by ungated fences.
- l. Delineation of all stream and wetland buffers.
- m. Gross and net acreage of the property and number of lots proposed.
- n. The following endorsements, dedications, statements and certificates shall be placed on the Final Plat and shall be lettered or typed on the Final Plat in such a manner as to insure that the endorsements, dedications, statements and certificates will be legible on any prints made therefrom.
 - 1. Certification of title showing that the applicant is the owner of the land within the subdivision.
 - 2. Statement by the owner dedicating street rights-of-way and any sites for public use.
 - 3. A Notary's Acknowledgment of the Dedication Certificate referred to in "b" above.
 - 4. Licensed Land Surveyor's Certificate and reference to deed book and page of the parent tract and Statement by a said surveyor registered in the state certifying that the plat meets the requirements of "Minimum Technical Standards for Land

Surveying in the State of Alabama," latest edition, as published by the Alabama Society of Professional Land Surveyors.

5. Licensed Engineer of Record's Certificate of Engineering Design by Professional Engineer, if required.
6. The name, address and phone number of Developer, Owner, Licensed Land Surveyor and Engineer of Record.
7. A statement of identification of the place of filing of Articles of Incorporation of any homeowners' association or other similar entity owning or maintaining any "common" area or similar property within the Subdivision.
8. A Certificate of Flood Hazard Designation by Licensed Professional Engineer or Surveyor, if applicable.
9. Certificate of approval by the Electric Utility.
10. Certificate of approval by the Water and Sewer Utility.
11. Certificate by the City Engineer that the subdivision meets all the requirements for required street and utility improvements.
12. Certificate by the County Health Officer when individual sewage disposal and/or water systems are to be installed.
13. A Certificate of Approval by the County Engineer.
14. Certification of approval by the planning commission secretary that the plat has been approved for recording by the probate judge.

1008.4 Attendant Items: The final plat shall be accompanied by the following items, as appropriate:

- a. A copy of the protective covenants, if any, as they are to be recorded. If the subdivision contains common open space, retention ponds or other amenities for the use of the residents of the subdivision, provisions shall be made for a homeowner or residents association or other means for maintaining the common open space or other amenity.
- b. A statement signed by the City Engineer that the subdivider has complied in full with one of the following alternatives:
 1. All streets shown on the plat have been graded and improved; and all sewage, water, and drainage facilities have been installed in accordance with the requirements of these regulations, with the action of the Planning Commission in giving tentative approval to the subdivision, and in accordance with city specifications.

2. A performance bond with commercial surety in an amount equal to one and one-half (1½ times the estimated cost of all incomplete improvements, approved as to form by the city attorney and with surety satisfactory to the Planning Commission, securing the design and installation of these improvements, utilities, and facilities within the period fixed by the Planning Commission.
 3. A certified check or letter of credit, drawn on an approved bank and payable to the city, in an amount adequate for the completion of all improvements, utilities, and facilities.
 4. An assessment petition, approved by the city attorney, whereby the city is placed in an assured position to make these improvements and to install these utilities and facilities at any time and without any cost to the city.
- c. Receipt of a certificate from a land surveyor registered in the state that permanent monuments of suitable size and material have been placed for each lot corner in the subdivision, and that a satisfactory survey defines such permanent monuments in relation to located section corners or fractional corners of the survey of public lands.
 - d. A statement signed by the Licensed Engineer of Record for the project stating that an inspector has been onsite throughout the duration of the project, that all improvements have been constructed in accordance to the engineering plan approved by the City, and that all subsurface investigations and testing has been performed by a qualified geotechnical engineering and construction materials firm throughout the duration of the project with the results of such testing attached. The cost of all engineering, inspections, investigations, and testing required in connection with the construction of such improvements shall be the responsibility of the developer.
 - e. The Developer and/or Owner shall provide adequate proof to the City of any necessary approval or permit from the Corp of Engineers, the Alabama Department of Environmental Management or any other agency of the United States or the State of Alabama. If Wetlands or any other conditions significantly affecting the site are present, then the Owner or Developer shall provide a Statement of Jurisdiction and approval from any agency of the United States or the State of Alabama exercising jurisdiction over such condition.
 - f. All necessary deeds for right-of-ways and utility and drainage easements requiring dedication, in a format approved by the City Attorney, for execution and recording upon acceptance by the City Council.
 - g. The Developer and/or Owner shall provide a sworn statement, addressed to the City of Troy, in which said developer, shall agree to maintain such infrastructure such as drainage, utilities, stabilization to include vegetation, and streets; and such statement shall be binding to the Developer and/or Owner for a period of not less than **one (1) year** after the date of final plat approval and/or completed construction.

1009 Action on Final Plat:

Every final plat submitted to the Planning Commission shall contain the name and address of a person to whom Notice of a Hearing shall be sent, and no final plat shall be acted on by the Planning Commission without affording a public hearing thereon. Notice shall be sent to the said address by registered or certified mail of the time and place of such hearing not less than five (5) days before the date fixed for said hearing. Similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear upon the plats in the county tax assessor's office and their addresses appear in the directory of the municipality or on the tax records of the municipality or County.

Final approval of the plat may be given upon:

- (1) Fulfillment of all conditions attached to, and in conformance with, the preliminary plat; and
- (2) Certification of the proper installation of the improvements and compliance with Articles V and VI of these regulations; and
- (3) Certification of full compliance with all other requirements of these regulations, City of Troy Ordinances, and the Planning Commission.

The Planning Commission shall act upon the final plat and shall communicate in writing to the subdivider the action taken.

Failure of the Planning Commission to take action on the final plat within thirty (30) days after its public hearing regarding said final plat shall be deemed to be approval of such final plat; provided, however, that the applicant for the approval of such final plat may waive this thirty (30) day time requirement and consent to an extension of such time period. If the final plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission, a copy of which shall be provided to the applicant.

Approval of the final plat by the Planning Commission shall not constitute acceptance by the public of the dedication of any street, right-of-way, other improvements, or other proposed public ways or lands shown on the final plat and located within the corporate limits of the City. The owner, as listed on the final plat, shall be responsible for maintenance of all streets, right-of-way, other improvements, or other proposed public ways or lands for a period of not less than one (1) year after the date of final plat approval and/or completed construction. After the expiration of said period, if such streets, right-of-ways, other improvements, or other proposed public ways or lands are in good repair, the Planning Commission may recommend to the City Council that it accept these streets, right-of-ways, other improvements, or other proposed public ways or lands and take over their maintenance.

1010 Recording of Final Plat:

Approval of the final plat by the Planning Commission shall be null and void if such final plat is not recorded in the office of the judge of probate, within twelve (12) months after the date of approval, unless an application for an extension of time is made in writing and is granted by the Planning Commission during this twelve (12) month period.

1011 Copies of Recorded Plat:

The applicant shall file with the Planning Department one (1) mylar, three (3) paper copies, an 11" x 17" reduction, and an electronic copy on a diskette or CD in each the jpeg, pdf, and dwg format and any other digital format approved or required by the City, of the Final Plat as recorded in the Office of the Judge of Probate of Pike County. One of these copies shall be used by the Building Official to assign street numbers to each lot and shall then transmit said information to the E911 office. In addition, the applicant shall file with the Planning Department three (3) paper copies and an electronic copy on a diskette or CD in each the jpeg, pdf, and dwg format and any other digital format approved or required by the City of the as-built drawing for disbursement to the Utilities Departments, as well as any other applicable department.

1012 Combined Preliminary and Final Plat:

A subdivider may submit a combined request for both preliminary plat and final plat approval if such subdivision fronts on an existing street, and which requires no new streets; and when in the opinion of the Planning Director no engineering service is required. In such cases all requirements for both preliminary and final plat approval must be met.

ARTICLE XI - EFFECTIVE DATE

Effective Date:

These Subdivision Regulations shall take effect and be in force from and after the date of adoption.

Subdivision regulations heretofore adopted are hereby repealed.

EXHIBIT A

Schedule of Subdivision Fees

1. All subdivision plats submitted to the City Planning Commission for approval must be accompanied by cash or a check made payable to the City of Troy, Alabama, for the amount specified in the following schedule:

PRELIMINARY PLAT

Residential Zones: \$50.00 plus \$1.00 per lot

All other Zones: \$50.00 plus \$3.00 per lot

FINAL PLAT

Residential Zones: \$100.00 plus \$1.00 per lot

All other Zones: \$150.00 plus \$3.00 per lot

2. After filing an application for plat review, if the applicant, engineer, and/or owner requests withdrawal of the subdivision application at any time before the application is acted on by the Planning Commission, and if said application is withdrawn from consideration before being acted on by the Planning Commission, any subsequent requests by the applicant, engineer, and/or owner for review of the same or similar application will be treated as a new application; therefore, the fee schedule as set out above will apply as if it were a new application; provided, however, that the foregoing shall not apply to withdrawal requests made by the Planning Commission or the City Council. Furthermore, an application may receive a maximum of one (1) holdover request at the request of the applicant, and the applicant shall be responsible for any costs incurred for re-notification of property owners. Any additional requests for holdover shall be deemed a new application, requiring a new submission, including all fees.
3. Each filing of a preliminary plat, whether or not a preliminary plat for the same property had been filed previously, shall be subject to the same requirements and fees as specified for filing the preliminary plat.
4. Resubdivisions and replats may be submitted for final approval at first submission provided no new streets are proposed or included. Fees will be the same as if the property had never been platted.
5. Each filing of a final plat, whether or not a final plat for the same property has been filed previously, shall be subject to the same requirements and fees as specified for filing of the final plat.