

SUBDIVISION REGULATIONS



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SUBDIVISION REGULATIONS CITY OF COLUMBIANA

ARTICLE I. GENERAL PROVISIONS

SECTION 1:01 Authority

Under the Provisions of Sections 786 through 797 of Title 37 of The 1940 Code of Alabama as amended which provisions are hereby made a part hereof, these following regulations governing the Subdivision of land are hereby adopted by the Planning Commission, City of Columbiana, Alabama at its regular meeting on Tuesday, June 13, 1978. A copy of these regulations shall be certified to the Probate Judge of Shelby County, Alabama and to the Clerk of the City of Columbiana, Alabama.

SECTION 1:02 Jurisdiction

From and after the date of adoption, these regulations shall govern each and every subdivision of land within the corporate limits of The City of Columbiana, Alabama, as now or hereafter established and within such territory outside the corporate limits of The City of Columbiana, Alabama, as the Planning Commission shall now and hereafter have within its jurisdiction.

SECTION 1:03 Separability and Severability

The provisions of this Act are severable. Should any article, section, subsection, or provision of these regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not effect the validity or constitutionality of these regulations as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

SECTION 1:04 Amendments

The Planning Commission may from time to time adopt amendments that will tend to increase the effectiveness of these regulations or expedite the approval of subdivision plats. These regulations and amendments there to may be changed or amended by the Planning Commission after a public hearing by giving due notice as required by law.

SECTION 1:05 Penalty

The Planning Commission is hereby authorized to provide a penalty not to exceed \$100 dollars per lot to be paid by anyone who subdivides property and conveys lots therefrom without first having recorded the plat of such subdivision as is herein provided. Each day such violation continues shall constitute a separate offense.

SECTION 1:06 Definitions

- (a) Alley: Any public right-of-way designed primarily for vehicular access to the back or side of premises otherwise abutting on a street.
- (b) City Council: The Governing body of The City of Columbiana, Alabama.
- (c) Curb or Curb Line: The inside vertical face of a masonry curb, the center line of a valley gutter, or the edge of the pavement where no curb or gutters exist.
- (d) Dedication: The deliberate assignation of land by its owners for any general or public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.
- (e) Engineer: A Professional Engineer registered by the State of Alabama Board of Registration for Professional Engineers and Surveyors.
- (f) Final Plat: The completed subdivision plat in form for approval and recording.
- (g) Lot: A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record or survey map or by metes and bounds.
- (h) Planning Commission: The City of Columbiana Planning Commission.
- (i) Preliminary Plat: A tentative plat of a proposed subdivision for presentation to the Planning Commission for its consideration.
- (j) Roadway: That portion of a street between the regularly established curb lines, or that part of a street or alley devoted to vehicular traffic.
- (k) Sidewalk Area: That portion of a Street not included in the roadway, and devoted in whole or in part to pedestrian traffic.
- (l) Street: A public right-of-way for vehicular and pedestrian traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated, excepting, however, an alley.
- (m) Subdivider or Applicant: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

- (n) Subdivision: The division of a lot, tract, or parcel of land into (2) or more lots, plats, sites or other divisions of land, whether described by metes and bounds or by any other description, for the purpose, whether immediate or future, for sale of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.
- (n) Surveyor: A land Surveyor registered by the State of Alabama Board of Registration for Professional Engineers and Land Surveyors.

ARTICLE II. PROCEDURES

SECTION 2:01 Application for Approval

- (a) To obtain approval of a proposed subdivision, the subdivider or applicant shall submit to the Planning Commission a preliminary plat, a vicinity sketch, a list of the names and addresses of owners of record of parcels of land immediately adjoining the proposed subdivision and a final plat prepared in accordance with the requirements as set forth in these regulations. No owner of land or subdivider shall proceed with improvements or sale of land subdivided without the written approval of the Planning Commission.
- (b) The subdivider shall in addition, submit four copies of the preliminary plat and three copies of a vicinity sketch to the office of the Planning Commission at least ten (10) days prior to the regular scheduled meeting of the Planning Commission.
- (c) The Planning Commission shall forward one (1) of said copies to the member, individual, or firm responsible for reviewing the preliminary plat who shall submit his written recommendations to the Planning Commission by the time of its initial hearing on said plat.

SECTION 2:02 Fees and Notices

- (a) To partially defray the cost of filing said application, notifying interested parties, investigation, and holding a hearing upon the preliminary plat, a fee of twenty dollars (\$20) shall be paid by the subdivider at the time of filing the application, together with the cost of giving legal notice.
- (b) Notice by certified mail to parties in interest (applicant and abutting property owners) shall be given at least seven (7) days prior to the hearing on the preliminary plat, except as provided in Article II, Section 2:09.

- (c) When application is made for approval of a subdivision under the provisions of Article II, Section 2:09, a final plat fee of ten dollars (\$10) together with the cost of giving legal notice, shall be paid at the time of filing the application.

SECTION 2:03 Preliminary Plat Approval

The Planning Commission shall approve, approve conditionally, or disapprove such preliminary plat within thirty (30) days after the submission thereof at its regular meeting. 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. Two (2) copies of the preliminary plat as acted upon by the Planning Commission shall be retained in its office, and (1) one copy returned to the subdivider. The approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the subdivision layout as proposed on the preliminary plat.

SECTION 2:04 Effect of Preliminary Plat Approval

Receipt of the approved copy of the preliminary plat by the subdivider is authorization that he may proceed with the staking of streets and lots in preparation for final platting.

SECTION 2:05 Engineering Requirements

- (a) The subdivider shall furnish the Planning Commission all plans and information necessary for engineering consideration and approval for the construction of the proposed improvements as requested. Such plans and information shall be furnished separately and apart from the preliminary plat and vicinity sketch, and shall be certified by a Registered Professional Engineer.
- (b) Before starting construction, necessary arrangements must be made between the subdivider and the Subdivision Inspector for adequate laboratory and construction inspection to insure that the proposed improvements shall comply with the requirements of the Planning Commission. All testing shall be the responsibility of the subdivider and shall be done by an approved Testing Laboratory.

SECTION 2:06 Final Plat Filing and Execution

- (a) The subdivider shall file the final plat and four (4) copies thereof, with the Planning Commission at least ten (10) days prior to the date of the meeting of the Planning Commission at which time it is to be considered.

- (b) All final plats shall have been signed and executed by all necessary parties before being filed.

SECTION 2:07 Approval of Final Plat

- (a) Approval or disapproval of the final plat will take place within thirty (30) days after the date of submission unless the subdivider agrees to an extension of that time. If the final plat is disapproved, the grounds for refusal shall be stated in the records of the Planning Commission. The action of the Planning Commission shall be shown on the final plat with the date of action shown over the signature of the person authorized by the Planning Commission to sign such plats.
- (b) Approval of the final plat carries with it the condition that the Planning Commission must be notified in writing by the Subdivision Inspector that either: (1) all required improvement have been satisfactorily installed and completed by the subdividers, or: (2) a bond has been posted to secure the same, before such final plat is signed as approved by the Planning Commission and before said plat is submitted to the City Council for passage of the resolution assenting to the dedication of any public ways or lands.

SECTION 2:08 Final Plat Fees and Recording

- (a) When application is made for final plat approval, the subdivider shall pay an additional fee of five (\$5) per lot in the subdivision to partially defray the expense of investigating, hearing, and acting upon the final plat.
- (b) The final plat shall be filed for record in the office of the Probate Judge of Shelby County by the subdivider after Planning Commission approval is affixed thereupon. A copy shall also be place on file at the City Hall.
- (c) The subdivider shall then provide the Planning Commission with the map book, volume and page numbers where the final plat is recorded.

SECTION 2:09 Where a proposed subdivision has 5 lots or less and presents no engineering problems and few, if any, planning problems, the Planning Commission may, waive the filing of the preliminary plat, may require only (4) copies of the final plat and three (3) copies of the vicinity sketch, and may approve the final Plat:

1. At the time of the hearing or
2. At the time of filing without hearing

- (a) Where applications for subdivisions are filed under the above such shall be filed together with all maps and other matters on or before 5 p.m., ten (10) days prior to a regular scheduled meeting of the Planning Commission.

ARTICLE III. PLAT REQUIREMENTS

Except as provided in Article II, Section 2:09, for small subdivisions the following plat requirements shall apply.

SECTION 3:01 Preliminary Plat

The Preliminary Plat shall show the following:

- (a) Title, graphic scale, written scale, north arrow, date, and name and registration number of surveyor. The scale shall be sufficient to accurately portray existing conditions and proposed improvements.
- (b) Topography: Based on U.S. Geological Survey, or U.S. Coast and Geodetic Survey sea level datum. On grades of five percent (5%) or less, contours shall be shown at one (1) foot intervals. On grades between five percent (5%) and ten (10%), contours shall be shown at two (2) foot intervals. On grades greater than ten percent (10%), contours shall be shown at five (5) foot intervals unless otherwise specified by the Planning Commission.
- (c) Names of all streets, highways, or roads. Names shall not be in conflict with other named streets within the county.
- (d) Rights-of-way and Easements: The location, dimensions, and purposed of all easements shall be shown. All street or road rights-of-way and roadway or pavement widths shall be shown. Approximate locations and dimensions will be permitted.
- (e) Utilities: Location of existing or proposed utilities on or adjacent to the tract to be subdivided, including size and elevation.
- (f) Lot lines, lot and block numbers and approximate dimensions.
- (g) Purpose of subdivision.
- (h) Proposed Street Lights and Signs: Location, size and type. (To be furnished by the developer)

- (i) Public Facilities: All purpose public facilities, including schools, parks, and public open spaces, shall be shown.
- (j) Location: Quarter section, section, township and range with approximate ties to all existing quarter or section corners within or close to the proposed subdivision.
- (k) Names and addresses of the owners of the property, including existing mortgagee and subdivider.
- (l) Names and Addresses of record owners of adjoining lots or parcels of land.
- (m) Certificate of, or letter from the State and/or County Health Department indicating their approval of the proposed water supply and sanitary facilities.
- (n) If any portion of the land of the proposed subdivision is subject to inundation by storm drainage, overflow, or ponding of local stormwater, such fact and portion shall be clearly shown and identified.
- (o) A List of proposed covenants and restrictions shall accompany the preliminary plat.
- (p) Any other information that may be considered necessary by the Planning Commission for full and proper consideration of the proposed subdivision.

SECTION 3:02 Vicinity Sketch

A vicinity sketch or key map shall be shown on, or accompany the preliminary plat. This sketch or map shall show all existing subdivision, streets and tract lines of acreage parcels and right-of-way widths of all streets abutting the proposed subdivision. It shall also show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighboring area.

SECTION 3:03 Final Plat

The final plat shall be an original drawing in ink, on cloth or film and shall be referenced to an accepted section corner based on the U.S. Government survey of the area. A resurvey of a part of a subdivision, previously referenced to an accepted section corner, may be referenced to the original survey. All items shown on the preliminary plat shall also be shown on the final plat except as provided below.

Contours may be eliminated unless otherwise specified by the Planning Commission. Right-of-way lines, easements, and property line shall be shown with accurate dimensions and bearings; deflection angles, radii, arcs and central angles of all curves. Accurate grades shall be shown on all streets or roadways.

The final plat shall also show the following:

- (a) The purpose for which sites are dedicated or reserved, it being understood that any reservations of areas shall be subject to the proper zoning, if applicable.
- (b) The minimum building setback line on all lots and other sites in accordance with the applicable zoning ordinance.
- (c) The location and description of monuments. (Iron pipes shall be designated by a small open circle at point of installation).
- (d) Reference to recorded subdivision plats of adjoining platted land, by map, book, volume and page number.
- (e) Space for approval of the County Health Department and the Planning Commission, and Mayor.
- (f) Where a street or alley has been vacated, a note shall be shown on the plat indicating such and referring to the recorded instruments of vacation by deed book and page number.
- (g) If there are existing structures on land proposed to be subdivided, three (3) copies of a survey plot plan showing the exact locations of such structures with their relation to the proposed subdivision shall accompany the final plat.
- (h) The final plat shall be accompanied by three (3) copies of any protective covenants running with the land in form for recording.
- (i) On all plats when there is no mortgagee, whether there is a dedication of property for street purposes or not, a certificate substantially in form as follows:

THE STATE OF ALABAMA
SHELBY COUNTY

The undersigned (Name), Registered Land Surveyor, State of Alabama, and (Name), owner(s) hereby certify that this plat or map was made pursuant to a survey made by said surveyor and that said survey and this plat or map were made at the instance of said owner(s); that this plat or map is a true and correct map of lands shown therein and known as (Name of Subdivision or resurvey) showing the subdivisions into which it is proposed to divide said lands, giving the length and bearings of the boundaries of each lot and its number, showing the streets, alleys and public grounds, giving the bearings, length, width and name of each street, as well as the number of each lot and block, and showing the relation of the

lands to the government survey (or, if the plot is a resurvey of an existing recorded subdivision, "showing the relation of the lands to the survey of (Name of Subdivision) as recorded in the office of Probate Judge of Shelby County in map Book (Map Book No.), page (Page No.)"; and that iron pins have been installed at all lot corners and curve points as shown and designated by small open circles on said plat or map. Said owner(s) also certifies (certify) that he (she, they, it) is (are) the owner(s) of said lands and that the same are not subject to any mortgage.

Dated _____, 19____.

(Execution and acknowledgement by Surveyor and Owner(s))

- (j) On all plats when there is a mortgagee, whether there is a dedication of property for street purposes or not, a certificate substantially in form as follows:

THE STATE OF ALABAMA
SHELBY COUNTY

The undersigned (Name), Registered Land Surveyor, State of Alabama, and (Name), owner(s) hereby certify that this plat or map was made pursuant to a survey made by said surveyor and that said survey and this plat or map were made at the instance of said owner(s); that this plat or map is a true and correct map of lands shown therein and known as (Name of Subdivision or resurvey) showing the subdivisions into which it is proposed to divide said lands, giving the length and bearings of the boundaries of each lot and its number showing the streets, alleys, and public grounds, giving the bearings, length, width, and name of each street, as well as the number of each lot and block, and showing the relation of the lands to the government survey (or, if the plot is a resurvey of an existing recorded subdivision, "showing the relation of the lands to the survey of (Name of Subdivision) as recorded in the office of Probate Judge of Shelby County in map book (Map Book No.), page (Page No.)"; and that iron pins have been installed at all lot corners and curve points as shown and designated by small open circles on said plat or map. Said owner(s) also certifies (certify) that he (she, they, it,) is (are) the owner(s) of said lands and that the same are not subject to any mortgage, except a mortgage or mortgages held by the following mortgagee(s): (Name).

Dated _____, 19____.

(Executed and acknowledgement by surveyor, Owner(s) and Mortgagee(s)).

- (k) Notary's acknowledgement of the certificate referred to in (i) or (j) above, substantially in form as follows.

THE STATE OF ALABAMA
SHELBY COUNTY

I, (Name), as Notary Public in and for said County and State, do hereby certify that (Name of Surveyor), whose name is signed to the foregoing certificate as surveyor, and (Name of Owner) whose name is signed to same as owner (and (Name of mortgagee), whose name is signed to same as mortgagee), all of whom are known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificate, they executed same voluntarily as such individuals (or in any other capacities) with full authority therefore.

Given under my hand and seal this _____ day of _____, 19____.

Notary Public (seal)

- (l) On all plats where there is a dedication of land for street purposes, whether in the form of new streets, additional right-of-way for existing streets, or merely curve radii where there were angle corners formerly existing, a resolution substantially in form as follows:

BE IT RESOLVED BY the COLUMBIANA CITY COUNCIL that the assent of this body be, and the same hereby is, given to the dedication of the streets, alleys, and public grounds as shown on plat or map of (title of plat or map), which said plat or map is certified to have been made by (Name of Surveyor) as surveyor, at the instance of (Name of owner), as owner and has been exhibited to this Board; said plat or map being further identified by a recital of the approval of this Board signed by (Name of Clerk), City Clerk, of even date herewith.

- (m) The final plat, as referred to in Article II, Section 2:09, for small subdivisions shall be an original drawing in ink, on cloth or film and shall be referenced to an accepted section corner based on the U.S. Government Survey of the Area. A resurvey of a part of a subdivision may be referenced to the original subdivision. This plat shall show as a minimum the following:

- (1) Title, graphic scale, written scale, north arrow, date and name of person making the survey. The scale shall be sufficient to accurately portray existing conditions and proposed improvements.
- (2) Purpose of Subdivision.

- (3) Tract boundary lines, right-of-way lines of streets, easements, and other right-of-ways, and property lines of lots, with accurate dimensions and bearings, deflection angles, radii, arcs, and central angles of all curves.
- (4) Number to identify each lot or site.
- (5) Location and description of monuments. (Iron pipes shall be designated by a small circle at point of installation.)
- (6) Reference to recorded subdivision plats adjoining platted land by maps, book, volume, and page number.
- (7) Names and addresses of the owners of the property, including existing mortgagee, subdivider, and owners of adjoining lots or parcels of land.
- (8) Certificate of, or letter from the State and/or County Health Department indicating their approval of the proposed water supply and sanitary facilities.
- (9) Space for the approval of the County Health Department and the Planning Commission.

SECTION 3:04 Vacation of Public Lands

The vacation of public ways is a function of the governing body. However, the effect of vacating public ways establishes new property lines of abutting properties in the centers of such vacated ways. The applicant shall therefore, within a reasonable time after the passage of the resolution assenting to the vacation thereof by the governing body, submit a final plat indicating old property lines removed and establishing new ones, for the approval of the Planning Committee.

ARTICLE IV. DESIGN STANDARDS

All proposed subdivisions shall conform to the Zoning Ordinance. Whenever a tract to be subdivided embraces any part of a highway, street or road so designated on any county or regional plan, such part of such proposed public way shall be platted by the same width as indicated on such county or regional plan. The design standards of this Article shall be the minimum standards allowable for development. Standards above the minimum may be required by the Planning Commission. Detailed construction specifications and engineering requirements may be obtained from the City Clerk.

The Planning Commission shall not grant any variance modification, or waiver of the requirements of this Article without a vote of approval from at least eight (8) of the nine (9) members composing the Planning Commission.

SECTION 4:01 Street Plan

- (a) All streets shall be platted along contour elevations which will result in minimum grades and greater visibility wherever practical, with consideration given to the anticipated use of the land.
- (b) The proposed street layout shall be made according to good land planning practices for the type development proposed and shall be coordinated with the street systems of the surrounding areas. All streets must provide for the continuation or appropriate projection of principal streets in surrounding areas.
- (c) In subdivisions which border on or have included within that proposed area to be subdivided any expressway, major highway or arterial street, access to lots abutting such major traffic arteries shall be provided in a manner such that the individual lots shall not have direct access to such expressway or arterial street.
- (d) The platting of any land, the purpose of which is to deny access to rights-of-way is prohibited, except as otherwise provided herein.
- (e) Street right-of-way widths shall not be less than sixty (60) feet. Subdivisions along existing or dedicated or platted streets or highways where rights-of-way are inadequate shall provide additional rights-of-way to meet these minimum standards.
- (f) All public streets shall be paved. The minimum roadway pavement shall be twenty-four (24) feet for minor and collector streets and a minimum of twenty-eight (28) feet for arterial. A suitable hard surfaced permanent type of pavement shall be constructed. A minimum of 2 inches of bituminous plant mix placed in two equal layers will be required. Concrete curbs are required by the Planning Commission. Curb type and size shall be constructed as recommended by the Planning Commission.
- (g) Sidewalks may be required where deemed necessary for public safety by the Planning Commission.
- (h) Street alignment shall be designed to eliminate sharp curves and street jogs. No street plan will be approved with intersections which offset less than one hundred twenty-five (125) feet between center lines. Streets shall intersect as nearly at right angles as possible and in no case at an angle of less than sixty (60) degrees.

- (i) Dead-end streets will not be approved except in case where topography or surrounding development would warrant them or unless a dead-end street is for the purpose of connecting future development. The Planning Commission may require temporary easements for turnaround facilities.
- (j) Cul-de-sacs shall in no case exceed five hundred (500) feet in length and shall terminate in a circle with a property line radius of not less than sixty (60) feet and an outside pavement radius of not less than forty (40) feet.
- (k) Curb radii of twenty (20) feet or more shall be provided at the intersections of all other streets.

SECTION 4:02 Street Grades

- (a) Grades of all streets shall comply with good engineering practice. Street grades shall not exceed fifteen percent (15) or by less than five-tenths percent (0.5%).
- (b) Grades approaching intersections shall not exceed five percent (5%) for a distance of not less than one hundred (100) feet from the center line of said intersection.
- (c) The Planning Commission may permit some variation from these grade requirements if in its opinion such variation will not adversely affect the safety and general welfare of the public.
- (d) Streets shall be graded to a minimum line of seven (7) feet back of the curb line with a rise of not less than eight (8) inches or more than fifteen (15) inches from the flow line of the gutter.

SECTION 4:03 Street and Subdivision Names

- (a) Street names for all subdivision plats shall be subject to approval of the Planning Commission.
- (b) Subdivision names for plats shall be subject to the approval of the Planning Commission and shall not duplicate the name of any plat already recorded in Shelby County.

SECTION 4:04 Alleys, easements, and Half Streets

- (a) Alleys will not be permitted in residential districts except as a continuation of an existing alley. Alleys shall be required in

Commercial or industrial districts if it is determined by the Planning Commission that conditions necessitate alleys in any such district. Where alleys are permitted, their width shall be not less than twenty (20) feet.

- (b) Easement shall be not less than ten (10) feet in width except in cases of double tiered lots where a width of five (5) feet from each tier will be permitted. Where there exists a storm water ditch, creek or any other such watercourse, the easement shall be of sufficient width that such watercourse may be installed and maintained efficiently. The location of any storm water ditch, creek or watercourse shall not be changed without the approval of the Planning Committee.
- (c) Half streets will not be permitted except in such cases where there exists a half street contiguous thereto. Half streets however, will not be permitted as an extension or continuation of an existing half street.

SECTION 4:05 Storm Water Drainage and Grading

- (a) All subdivisions shall be provided with adequate storm sewers.
- (b) The platting of lots for building purposes will not be allowed in any flood plain area. Areas subject to periodic flooding or excessive flows or surface runoff will not be acceptable for development unless the subdivider makes necessary provisions to eliminate such flooding.
- (c) All lots shall be grades, in accordance with a grading plan approved by the Subdivision Inspector, which plan shall incorporate the following minimum requirements, except when more stringent requirements are necessary and so specified by the Planning Commission.
 - (1) No lot shall shed channeled surface runoff water on to any other lot, unless such runoff is contained within an easement provided, graded and dedicated for such purpose.
 - (2) The finished slope along the bottom centerline of any lot drainage easement shall be not less than one percent (1%).
 - (3) The side slopes of any lot drainage easement shall not be greater than 4 (horizontal) to 1 (vertical).
 - (4) No street pavement shall shed surface runoff water on to any lot
- (d) No subdivision or part thereof shall shed storm runoff water, either as surface runoff or an outfall from storm sewerage structures, on to any adjoining land unless such runoff is contained

within an existing drainage easement, ditch, structure or right-of-way. And provided further, that such existing drainage easement, ditch structure or right-of-way provides outfall to an established drainage channel, as approved by the Planning Commission.

SECTION 4:06 Platting Requirements

(a) Blocks:

- (1) Blocks shall be laid out with special attention given to type of use contemplated.
- (2) Blocks shall be a minimum of five (5) hundred feet in length.
- (3) Width of blocks shall be not less than three hundred fifty (350) feet.
- (4) Blocks with lots having double frontage on streets may be permitted.
- (5) The foregoing dimensions may be adjusted by the Planning Commission where the type of use or nature of the topography requires such modification.

(b) Lots:

- (1) Lot sizes, and configurations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. A resubdivision, or a subdivision in an area already subdivided, shall be compatible in character with the surrounding neighborhood.
- (2) Where easements for public utilities, storm or sanitary sewers are contemplated, the lot lines shall be located in such manner as to facilitate the construction of such improvements and the maintenance thereof.
- (3) Lot areas and widths shall meet or exceed minimum zoning and health requirements in the area in which the property is located, but the planning Commission may impose greater requirements if it finds that a proposed subdivision, though meeting minimum zoning requirements, would tend to depreciate the value of surrounding or adjacent properties, or would impose an undue burden on the City in furnishing public services to the area.
- (4) Corner lots shall provide at least the same minimum setbacks as required by the zoning ordinance.

Lot lines shall be substantially at right angles to the streets except on curves where they shall be radial. Where the distance between rear lot corners on double tiered lots would be less than ten (10) feet the radial lines shall be deviated so that the distance between rear lot corners will be a minimum of ten (10) feet.

SECTION 4:07 Utilities

- (a) All subdivisions shall be provided with sanitary sewerage systems as approved by the Planning Commission and the state and/or County Health Department. Capped sewerage systems may be required by the Planning Commission in areas where trunk line systems have not been installed but are planned or anticipated within a five (5) year period.
- (b) All subdivisions shall be provided with water distribution systems as approved by the Planning Commission and State or County Health Department. Individual wells will not be permissible unless conditions are such that it would not be feasible to obtain public water supply.
- (c) The number, location and spacing of fire hydrants shall be in accord with the recommendations of the City Fire Chief.
- (d) Utility poles shall be installed in alleys or rear lot easements unless otherwise specified by the Planning Commission.
- (e) Utility appurtenances where required, such as transformer installations, sewage pumping stations, water tanks, pressure regulating stations, and other similar facilities shall be located and installed as approved by the Subdivision Inspector.
- (f) Water, gas, sanitary mains and other underground appurtenances will be constructed prior to installation of paving with all mains being extended for service to all lots so that no subsequent cutting of pavement will be required to permit service to all lots.

ARTICLE V. 5:01 REQUIRED IMPROVEMENTS: BOND

SECTION 5:01 Improvements

Prior to the approval of the final plat, the subdivider shall have installed or constructed the required improvements, or posted bond as provided for in this article.

SECTION 5:02 Bond and Surety: Amount and Release

- (a) In the event the Planning Commission may consider that the requirements set out in Article V, Section 5:01 need not immediately be met by the subdivider, the requirements may be modified by the execution of an agreement with the subdivider that such improvements shall be installed and constructed within a reasonable and specified length of time. Bond shall be required to insure the fulfillment of such agreement and shall be in cash, by certified or cashier's check, or made by a surety company authorized to do business in the State of Alabama or other bonding arrangements approved by the Planning Commission.
- (b) Such Bond shall not exceed one hundred fifteen percent (115%) of the estimated cost of the improvements. The surety shall not be released from said bond except by a release in writing from the Columbiana City Council.

SECTION 5:03 Maintenance Bond

- (a) The City Clerk shall secure from all developers a letter or statement, in which said developer shall agree to maintain backfill to the level of finished grade and to maintain improvements located thereon or therein of any excavation or fill which has been made in connection with the installation of improvements and such letter or statement shall be binding on the developer for a period of one (1) year after the acceptance of such improvements by the City Council.

ARTICLE VI. VARIANCES

SECTION 6:01 Modifications, Variances, and Waivers

If it be determined that strict compliance with these regulations would result in extraordinary hardship to the subdivider due to unusual topography or conditions beyond the control of the subdivider, then the Planning Commission except as provided in Article IV, may modify, vary or waive such requirements provided that such modification, variance, or waiver will not tend to injure or place the public health, safety or welfare in jeopardy, nor nullify the stated or implied intent or purpose of these regulations, and provided further that such modification, variance, or waiver and the reason therefore shall be entered upon the minutes of the Planning Commission. The granting of a modification, variance or waiver will require the approval of the Planning Commission by an affirmative vote of at least eight (8) of the nine (9) members.

SECTION 6:02 Conditions of, and Applications for Variances

- (a) In granting modifications, variances or waivers, the Planning Commission may attach such other reasonable conditions as will, in its judgment, justify such modifications, variances, or waivers and still maintain substantially the objectives of these regulations.
- (b) Each and every modification, variance, or waiver of these regulations sought by a subdivider shall be specially applied for, in the numerical order of these regulations, in writing by the subdivider and submitted to the Planning Commission. Any condition shown on the preliminary or final plat (or on engineering plans or data called for by Article II., Section 2:05) which would require a modification, variance, or waiver, shall constitute a ground for disapproval of the preliminary or final plat unless such special application for a modification, variance, or waiver is made.