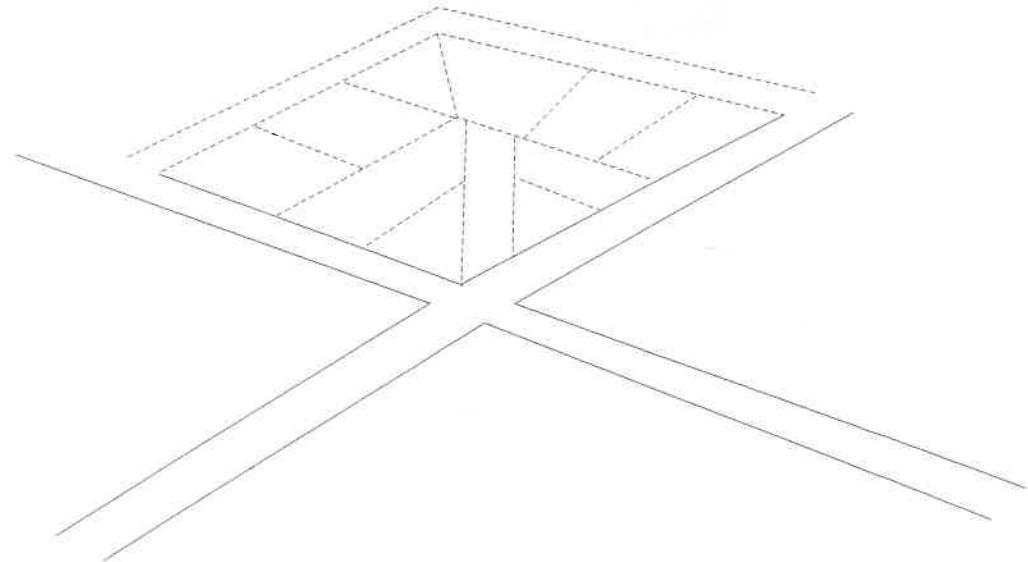


TOWN OF REECE CITY

SUBDIVISION REGULATIONS

September 2003



Prepared for the

TOWN OF REECE CITY

by the

**EAST ALABAMA REGIONAL PLANNING AND DEVELOPMENT
COMMISSION**

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INTRODUCTION

The primary objective of the Planning Commission in all its development reviews, studies, and plans is to help the town grow in a proper manner and in the best interests of the general public. An important, initial phase of development of a town is the subdivision of land into building lots. Once land has been formally divided onto streets, lots, and blocks and legally recorded, it becomes very difficult and expensive for the town to correct errors and deficiencies. Legal challenges to an improper or flawed subdivision can delay needed development and infrastructure improvements, cloud titles to property within the subdivision and diminish property values on neighboring lands, and drain public funds. For this reason, the involvement of the Planning Commission in approving land subdivision plats is equally important.

These regulations are presented for a dual purpose. They contain the rules and regulations of the Planning Commission regarding their role in the approval of land subdivision plats. They also strive to establish basic standards and guidelines for good subdivision design. As such, they serve as a working manual for both the Planning Commission and the subdivider. Because subdivision regulations deal with basic engineering standards and requirements, they can be quite complicated and difficult to understand. If you have any questions regarding the subdivision regulations, you may take them to the Enforcement Officer.

Who is affected by these regulations? Anyone who divides land into smaller parcels, or changes the size or shape of existing lots.

What happens if unauthorized lots are sold?

1. A state law has been broken (Title 11, Chapter 52, Section 33 of the [Code of Alabama, 1975](#), as amended).
2. A cloud on the title to the lots will exist.
3. A building permit to build any structure thereon will be withheld.

How does the subdivider obtain approval for a project?

The Planning Commission meets at regular intervals. The Town Clerk or Enforcement Officer can tell you when and where the regular meetings of the Planning Commission are held.

The Planning Commission needs to know in advance, the business it is to consider or transact. The subdivider must submit a completed application not less than fifteen (15) days in advance of the Planning Commission meeting, through the Enforcement Officer, for your business to be placed on the agenda.

Your application to the Planning Commission may follow the three steps listed below, depending upon the nature and complexity of your proposed subdivision. Step 1 may be omitted by the applicant, but the 2nd and 3rd steps must be taken. The requirements for final approval are discussed

in a subsequent section. The steps in the formal review and approval process are outlined in greater detail in Article V of these Regulations.

PRE-APPLICATION ADVICE

Early and informal consultation with the Planning Commission on subdivisions involving new streets or other complexities is highly recommended. This step is not required by the Planning Commission, but is offered for the convenience of the subdivider. The primary intent of this step is to help the subdivider determine potential issues that may arise during the formal review process, so that they can be addressed in the initial application. A pre-application meeting will also help the subdivider understand the approval process and the time it may take to obtain approval.

PRELIMINARY APPLICATION

Practical necessity dictates the mandatory need for this step for subdivisions involving new streets and the installation of public utilities. In this step, the Planning Commission must conduct a formal public hearing on the application for the benefit of the public and neighboring property owners. Issues identified during the public hearing may result in special conditions that must be satisfied by the subdivider. Once a preliminary plat is approved by the Planning Commission, the subdivider may begin construction work on the proposed development.

FINAL APPROVAL

Final approval by the Planning Commission must be obtained for all plats before they are recorded in the Probate Office. The “final plat” serves as an as-built plan for the subdivision, showing all lot boundaries and improvements as they were actually constructed. Although a subdivision may be constructed after the Planning Commission grants preliminary plat approval, no lots may be sold, leased, transferred, or recorded until after the Planning Commission has approved the final plat.

ARTICLE I

PREAMBLE

SECTION 1 - TITLE

These regulations shall be known as the “Official Subdivision Regulations of the Town of Reece City, Alabama.” They also may be referenced as the “Reece City Subdivision Regulations.”

SECTION 2 - AUTHORITY

The Reece City Subdivision Regulations were prepared and adopted by the Reece City Planning Commission pursuant to the authority granted under Title 11, Chapter 52, Article 2, Sections 30 through 36 inclusive, of the Code of Alabama (1975), as amended. A copy of these regulations shall be certified to the Probate Judge of Etowah County, Alabama.

SECTION 3 - PURPOSE AND INTENT

- 3.1 The Reece City Subdivision Regulations have been prepared and adopted for the purpose of promoting the health, safety, and the general welfare of the people of the Town of Reece City, Alabama. More specifically, the purpose and intent of these regulations are to advance and promote the following goals and objectives:
 - A. To advance the general purposes of subdivision regulations outlined in Title 11, Chapter 52, Section 31 of the Code of Alabama, 1975, as amended, which include:
 1. To provide for the proper arrangement of streets in relation to other existing or planned streets and to the Comprehensive Plan.
 2. To provide for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and to avoid population congestion.
 3. To govern the extent to which streets and other ways shall be graded and improved as a condition precedent to plat approval.
 4. To govern the extent to which water, sewer, and other utility mains, piping, or other facilities shall be installed as a condition precedent to plat approval.
 5. To authorize the Town of Reece City to accept performance bonds to ensure that required subdivision improvements or utilities are installed and constructed according to the Town’s specifications and requirements.

- B. To create a climate conducive to the orderly and progressive growth of the Town of Reece City, Alabama.
- C. To balance public and private interests in the development of land in a manner that promotes mutual understanding and respect, and with prompt and just consideration given to the various interests involved in land investment, ownership, and development.
- D. To promote reasonable protection of property values and land investment.
- E. To promote a safe and healthy environment for the citizens of Reece City.
- F. To promote coordinated development and expansion of municipal infrastructure consistent with the Comprehensive Plan and to minimize the potential impacts of scattered and premature development on the Town's capacity to provide adequate public facilities.
- G. To encourage quality development within the immediate vicinity of the Town that is compatible and consistent with development located within the Town limits.

3.2 These regulations are designed, intended, and should be administered in a manner to:

- A. Advance and implement the goals and objectives of the Comprehensive Plan.
- B. Promote neighborhood conservation by preventing the development of slums and blight.
- C. Encourage the harmonious development of neighborhoods.
- D. Ensure that the cost of improvements which primarily benefit the tract of land being developed are borne by the owners or developers of the tract, and that the cost of improvements which primarily benefit the whole community are borne by the whole community.
- E. Encourage the best possible design for each tract of land being subdivided.
- F. Establish adequate and accurate records of all land subdivision.
- G. Promote a reasonable balance between the land development and investment interests of the Subdivider, neighboring property owners, and the public at large.

SECTION 4 - JURISDICTION AND SCOPE OF REGULATIONS

- 4.1 *Jurisdiction of subdivision regulations.* These regulations shall govern the subdivision of all land located within the Town of Reece City, Alabama, and, in addition, shall govern the subdivision of all unincorporated land located within five (5) miles of the corporate limits of the Town of Reece City, Alabama. When there is another municipality, having established a planning commission, whose extraterritorial planning jurisdiction boundaries would overlap Reece City's extraterritorial planning jurisdiction, then these regulations shall govern only those unincorporated areas that are located one-half (½) the distance from Reece City to other municipality.
- 4.2 *Subdivision approval required before filing of plat.* Any owner of land within the limits of said subdivision jurisdiction who desires to subdivide land shall submit to the Planning Commission a plat of the proposed subdivision, which shall conform to the minimum requirements set forth in these regulations. No plat of a subdivision lying within such territory or part thereof shall be filed or recorded in the Office of the Probate Judge, and no Subdivider may proceed with the sale or transfer of lots in a subdivision, until a Final Plat has been approved by the Planning Commission and such approval has been entered in writing on the plat by the Secretary of the Planning Commission and said plat is filed of record in the Office of Probate Judge of Etowah County.
- 4.3 *Compliance with Reece City Zoning Ordinance.* All proposed subdivisions also shall comply with all applicable requirements of the Reece City Zoning Ordinance and Flood Damage Prevention Ordinance for the zoning district(s) within which the proposed subdivision will be located. If a proposed subdivision does not lie within the Town limits of Reece City, the Planning Commission may require provisions for minimum lot size and width as may be required by the Etowah County Health Department for proper sanitary on-site sewage treatment.
- 4.4 *Compliance with County subdivision regulations.* All subdivisions shall also comply with the applicable requirements of any County subdivision regulations that have been duly adopted by Etowah County, as administered by the County Engineer. However, the requirement for subdivision approval by the County Engineer shall in no way diminish, waive, or otherwise lessen the requirements of the Reece City Subdivision Regulations. Where the requirements of any such duly adopted County subdivision regulations conflict with the requirements of the Reece City Subdivision Regulations, the more strict requirements, whether of the Town or the County shall govern.

ARTICLE II DEFINITIONS

SECTION 1 - GENERAL INTERPRETIVE GUIDELINES

- 1.1 Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. Words of the masculine gender include the feminine, and words of the feminine gender include the masculine. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure." The word "lot" includes the words "plot" or "parcel." The word "shall" is mandatory. The word "may" is permissive. The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- 1.2 Where any word specifically defined in the Reece City Zoning Ordinance is used within these regulations, but is not specifically defined herein, then the specific definition contained in the Reece City Zoning Ordinance shall apply. If a word used and defined in the Reece City Zoning Ordinance bears a different or conflicting definition within these Subdivision Regulations, then the word shall be used and interpreted within each code in accordance with the specific definition contained therein.
- 1.3 Any words specifically defined in a subsequent section or article of these Regulations shall carry that meaning within the context of the specific section or article within which it is defined.
- 1.4 Any lingering confusion or questions regarding the definition of a term used in these regulations shall be decided by the Planning Commission.

SECTION 2 - SPECIFIC DEFINITIONS

When used in these regulations, the following words and phrases shall have the meaning given in this section:

- 2.1 **ALLEY** shall mean a minor public way having a narrow right-of-way and affording a secondary means of access to abutting properties.
- 2.2 **APPLICANT** shall mean the owner of land proposed to be subdivided or his/her representative. Any applicant who is not the legal owner of a property shall possess written authorization to act in that capacity signed by all persons holding title to the property.
- 2.3 **BLOCK** shall be a tract or parcel of land entirely surrounded by public highways or streets, other than alleys.

2.4 **BOND** shall mean a security for the construction of specific public improvements in an amount and form satisfactory to the Town of Reece City. A bond may include a cash deposit, surety bond, collateral, property, or instrument of irrevocable credit as may be required by the Town of Reece City Planning Commission in accordance with these regulations.

2.5 **BUILDING** shall be any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels.

2.6 **BUILDING SETBACK LINE** shall mean a line parallel to the property line in front of which no structure may be erected.

2.7 **COMPREHENSIVE PLAN** shall mean any part or element of the officially adopted Comprehensive Plan of the Town of Reece City or its environs. This may include, but is not limited to: Community Facilities, Sketch Thoroughfare Plan, Land Development Plan, Capital Improvements Plan, Zoning Ordinance, Subdivision Regulations, etc.

2.8 **CORNER LOT** shall be a lot abutting upon two (2) or more streets at their intersection, as distinguished from a double frontage lot.

2.9 **DEVELOPER** (See definition for Subdivider).

2.10 **DOUBLE FRONT LOT** shall be a lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

2.11 **EASEMENT** shall mean a grant of rights by a property owner for use of a strip of land for specified purposes.

2.12 **ESCROW** shall mean a cash deposit to the Town of Reece City in lieu of an amount required and still in force on a performance or maintenance bond. Such a cash payment shall be deposited by the Town Clerk in a separate earmarked account.

2.13 **FINAL PLAT** shall mean a plat of a tract of land which meets the requirements of these regulations and is in proper form for recording in the office of the Probate Judge of Etowah County, Alabama.

2.14 **FRONTAGE** shall mean that portion of a property line which is coterminous with a street or other public right-of-way line.

2.15 **GROUP DEVELOPMENT** shall mean a development comprising two or more structures, built on a single lot, tract, or parcel of land, and designed for occupancy by separate families, firms, or other enterprises.

2.16 **GOVERNING BODY** shall mean the Mayor and the Town Council of the Town of Reece City, Alabama.

2.17 **HALF-STREET** shall mean a street which does not meet the minimum right-of-way widths set forth in these regulations.

2.18 **HARDSHIP** shall be an unusual condition or defect in an individual property, which prohibits the property owner(s) from enjoying the same property rights and privileges which are granted to others similarly zoned. A hardship exists only when it is not self-created, or when it is not merely economic in nature.

2.19 **HEALTH DEPARTMENT** shall mean the Etowah County Health Department and/or the State of Alabama Health Department, as may be applicable to the specific context of the term.

2.20 **LOT** shall mean a parcel or division of land intended for transfer of ownership or for building development.

2.21 **MONUMENT** shall mean any permanent object specifically authorized by these regulations to indicate a limit or to mark a boundary.

2.22 **OPEN SPACE** shall be any land either publicly or privately owned in either single or common ownership, which is designed and designated to remain permanently undeveloped and used for recreation, conservation, or preservation.

2.23 **OWNER'S ENGINEER** shall mean the engineer or land surveyor registered and in good standing with the State Board of Registration of Alabama, who is the agent in his professional capacity of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

2.24 **PLANNING COMMISSION** shall mean the Planning Commission of the Town of Reece City, Alabama.

2.25 **PRELIMINARY PLAT** shall mean a tentative plan or proposed subdivision submitted to the Reece City Planning Commission for its consideration and approval. Approval of a preliminary plat by the Reece City Planning Commission shall not imply or constitute approval of a final plat.

2.26 **PROBATE JUDGE** shall mean the Judge of Probate of Etowah County Alabama.

2.27 **RESUBDIVISION** shall mean a change in a map of an approved or recorded subdivision plat, if such change affects any street layout on such plat or area reserved thereon for public use, or any lot line. Such terms shall also include any changes that would affect any plat legally

recorded prior to the adoption of these or any subsequently adopted subdivision regulations, unless otherwise exempted under the definition of a subdivision.

2.28 **SIDEWALK** shall mean an improved walkway constructed and dedicated for use by pedestrians.

2.29 **SINGLE TIER LOT** shall mean a lot which backs upon an arterial street, a railroad, or a physical barrier and to which access to or from the rear of the lot is usually prohibited.

2.30 **STREET** shall mean a right-of-way which has been dedicated and accepted by the Town of Reece City as a means of public access. The term street shall be interpreted to include the terms road and highway. Streets shall be further classified as follows:

- A. **Arterials** - Those streets designed and used for high speed or heavy volume traffic and which provide a means for such traffic to either bypass the Town or travel expeditiously through the Town. Also used to a certain extent to connect collectors to major trip attractors.
- B. **Collectors** - Those streets which are designed and constructed primarily to conduct traffic from minor streets to major streets in residential and business areas. Collectors shall include the principal entrance streets of a large residential development and streets for circulation in such a development.
- C. **Cul-De-Sac** - A short street designed and constructed to have one end permanently closed; the closed end terminated by a vehicular turnaround.
- D. **Freeways** - Those streets which are used primarily for high speed or heavy volume traffic, and which are divided by a median with full control of access and no crossings at grade.
- E. **Marginal Access Streets** - Minor streets which are parallel to an adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- F. **Minor Streets** - Those streets used primarily for access to abutting properties.

2.31 **SUBDIVIDER** shall mean the person(s) or corporation(s) engaged in the process of creating a subdivision or having completed a subdivision of said land.

2.32 **SUBDIVISION** shall mean the division of a lot, tract, or a parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development. Such term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. However,

the term subdivision within the context of these regulations shall not include any of the following:

- A. any division of land into not more than five (5) parcels, provided;
 1. each parcel created must contain not less than five (5) acres in total land area,
 2. no new street or road will be constructed,
 3. all parcels created shall satisfy the applicable minimum requirements for frontage on an existing public street or road, and
 4. not more than one (1) single family dwelling will be located or constructed on each parcel.
- B. any adjustment or change to a common property line between any two (2) adjoining divided lots of record, provided that the total area of land involved will not either increase the number of parcels that can be legally created from either of the affected lots or result in the creation of a substandard lot.

2.33 ***SKETCH THOROUGHFARE PLAN*** shall mean that element of the official comprehensive plan of the Town of Reece City, which sets forth the freeways and arterial and collector streets in the Town of Reece City, provides for their approximate alignment, minimum right-of-way and paving width, and is to be used as a guide for all future development.

2.34 ***TOWN*** shall mean the Town of Reece City, Alabama.

2.35 ***TOWN CLERK*** shall mean the duly designated Clerk of the Town of Reece City, Alabama.

2.36 ***TOWN COUNCIL*** shall mean the Governing Body of the Town of Reece City, Alabama.

2.37 ***TOWN ENGINEER*** shall mean the duly designated Engineer of the Town of Reece City, Alabama.

2.38 ***TOWN SPECIFICATIONS*** shall mean all construction specifications which have been adopted by the Town Council or as required by the Town Planning Commission and all utility departments.

2.39 ***ZONING ORDINANCE*** shall mean the officially adopted code and map of the Town of Reece City, which provides for the creation and delineation of districts, specifies permitted uses in each district, and promulgates specific requirements for such factors as lot size and width, building coverage, flood conditions, population density, and the use of land and structures.

ARTICLE III

BASIC DESIGN REQUIREMENTS AND CONSIDERATIONS

SECTION 1 - CONFORMANCE WITH COMPREHENSIVE PLAN

All proposed subdivisions shall be consistent with the goals and objectives for community development outlined in the Reece City Comprehensive Plan.

- 1.1 *Scattered or premature development discouraged.* Subdivisions within the Town of Reece City should be supported by adequate public facilities and infrastructure. While the Town of Reece City welcomes and desires growth and development, the Planning Commission must guard against scattered and premature development that would frustrate or conflict with the Town's coordinated development plan for public facilities and services. Therefore, it shall be the responsibility of all subdividers to consult the Reece City Comprehensive Plan *prior* to submitting an application for subdivision review and approval to ensure that their proposed subdivisions are located in areas that are currently served or planned to be served by essential public facilities, including but not necessarily limited to, municipal water, sewer, and adequate street access and stormwater drainage. In addition, proposed subdivisions should be scaled (in terms of the number of lots created) or phased (in terms of project build-out schedules) as may be needed to avoid overtaxing basic Town services, including but not necessarily limited to, fire protection, police protection, municipal water, municipal sewer, and schools.
- 1.2 *Future land use map consistency.* All proposed uses of land within new subdivisions shall be generally consistent and compatible with the uses specified on the Future Land Use map contained in the Reece City Comprehensive Plan.
- 1.3 *Future public street or facility sites.* Where a proposed subdivision will be located in an area or location identified in the Comprehensive Plan or shown on an accompanying map as a future site for a needed public facility or street, the Subdivider shall make reasonable efforts to notify the Planning Commission *prior* to the submission of a Preliminary Plat. The Town of Reece City shall be afforded a reasonable opportunity to work with a Subdivider during the planning and design of proposed new subdivisions to address community improvement needs shown in the Comprehensive Plan, either through an agreement to purchase or reserve land for needed future public facilities or by incorporating certain public improvements directly into the proposed subdivision, where it can be clearly shown that the future owners of land within the subdivision would receive a disproportionate benefit from expedited construction of the planned public facility improvements.
- 1.4 *Flood prone areas.* Land subject to flooding or land deemed by the Comprehensive Plan to be unsuitable for urban usage due to unmitigable environmental constraints, should not be platted for residential occupancy, nor for any other uses which may increase danger to health, life, or property, aggravate erosion, or increase flood hazard.

1.5 *Creative and Innovative Subdivision Concepts.* The Town of Reece City wishes to encourage creative and innovative subdivision design, where such creativity and innovation substantially advances the goals and objectives of the Comprehensive Plan and is consistent with the spirit and intent of the Zoning Ordinance and Subdivision Regulations. Creative and innovative subdivision design concepts may include, but shall not be limited to, zero lot line developments, planned unit developments, cluster developments, and group developments. In order to provide opportunities for creative and innovative subdivision designs, the Planning Commission may waive or modify the standards and requirements of these regulations if, in its judgement, a detailed master plan for an alternative subdivision design has been prepared and submitted to clearly demonstrate that the proposed development will:

- A. not exceed the development density or intensity that would be otherwise permitted under the current applicable requirements of the Zoning Ordinance or Subdivision Regulations;
- B. encourage or foster quality infill development or redevelopment in established residential neighborhoods;
- C. be compatible and consistent with neighboring established uses and development patterns or provide a harmonious continuation of surrounding development patterns with a gradual transition to alternative designs in the interior portions of the development;
- D. retain and protect sensitive or enhancing environmental features within the development in a manner that is better than could be achieved by a more traditional subdivision design;
- E. encourage more efficient and cost effective use of land and infrastructure within the development; and/or
- F. encourage quality affordable housing options for Town residents.

SECTION 2 - COMPLIANCE WITH APPLICABLE LAWS, CODES, AND ORDINANCES

Although the requirements contained in these regulations apply specifically to subdivisions, development plans also must comply with applicable Federal and State laws (including, but not necessarily be limited to, Section 404 of the Clean Water Act, the National Pollutant Discharge Elimination System [NPDES] permit requirements for land disturbance activities as administered by the Alabama Department of Environmental Management, the Americans with Disabilities Act of 1990, Part 77 of the Federal Aviation Regulations, and required curb cut approvals from the Alabama Department of Transportation for access to State highways), and with other related local codes and ordinances enforced by the Town and Etowah County. Such related codes and ordinances include, but are not necessarily limited to, the Reece City Zoning Ordinance, the Southern Standard

Building Code, and the Health Regulations administered by the County Health Department. It shall be the responsibility of all subdivider to consult the appropriate governing or administrative authorities *prior* to the preparation and submission of a Preliminary Plat to ensure compliance of the planned subdivision with all other applicable laws, codes, and ordinances. Where the requirements of these regulations conflict with the specific requirements of other applicable codes and ordinances, the requirement imposing the higher or stricter standard shall govern.

SECTION 3 - BLOCKS

3.1 *General guidelines.* Blocks within proposed subdivisions should be designed to provide reasonable, but not excessive public street frontage for all lots located within each block. The design and orientation of blocks within a development should relate to both established development patterns in the neighborhood and the specific environmental and topographical constraints of the development site. Proposed subdivision blocks also should be designed to minimize excessive, and potentially hazardous or conflicting, property access demands on major highways and thoroughfares adjoining or providing access to the subdivision, such as arterials and collectors. At the same time, blocks should be designed to reinforce and extend the street network patterns in adjoining developed areas. Specifically, subdivision blocks should be designed with due regard to the following considerations.

- A. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- B. Zoning ordinance and health Department requirements as to lot sizes and dimensions.
- C. Needs for convenient access, circulation, control, and safety of street traffic both within the planned development and between the proposed development and adjoining areas and neighborhoods.
- D. Topographical limitations and opportunities.

3.2 *Specific Requirements.* The following specific requirements for the design of subdivision blocks shall be observed.

- A. Block lengths shall not be less than four hundred (400) feet nor more than one thousand, two hundred (1,200) feet and shall normally be of sufficient width to allow two (2) tiers of lots of appropriate depth.
- B. Where a proposed subdivision possesses continuous frontage along an arterial or collector highway (as identified in the Reece City Comprehensive Plan), all proposed lots that front said arterial or collector highway shall be double frontage lots. Furthermore, such lots shall be designed, to the maximum extent possible, to limit transportation access from the adjoining arterial or collector highway.

C. In blocks over eight-hundred (800) feet in length, the Planning Commission may require one (1) or more public crosswalks or alleys of not less than ten (10) feet in width to extend entirely through the block at locations deemed necessary to facilitate pedestrian and vehicular traffic demands.

SECTION 4 - LOTS

Subdivision lots shall be designed in a manner that promotes efficient land development while respecting the specific environmental constraints of the site and the limitations of existing or proposed public facilities and infrastructure. In some instances, it may not be practical or feasible to maximize the number of lots that could be created in a subdivision, if such a design would expose future property owners to unnecessary natural hazards or result in lots that could not be developed under existing zoning requirements. Therefore, subdivision lot design should be governed by the following requirements and considerations.

- 4.1 *General design.* The lot size, width, depth, shape, and orientation, and the minimum building setback line shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- 4.2 *Lot size requirements.* Lot areas shall conform to the requirements of the Reece City Zoning Ordinance and the requirements of the applicable County Health Department. In cases where requirements conflict, the requirements imposing a higher or stricter standard shall govern. However, no proposed subdivision lot located outside the Reece City Town limits shall be smaller than 43,560 square feet (one acre) in size.
- 4.3 *Corner lots.* Corner lots intended for residential use shall contain an extra fifteen (15) feet of width to permit appropriate building orientation and setback from both streets.
- 4.4 *Frontage.* All lots shall have a minimum frontage of not less than forty (40) feet along a public street or a private street dedicated for public use and constructed in accordance with all applicable Town street standards. The minimum required frontage shall be reduced to thirty (30) feet for lots fronting on the turn-about at the end of a permanent cul-de-sac.
- 4.5 *Double frontage lots.* Double frontage and reverse frontage lots shall be avoided, except where essential to minimize property access impacts on lots with frontage along an arterial or collector highway, as identified in the Reece City Comprehensive Plan, or to overcome specific constraints of topography and orientation.
- 4.6 *Lot line angles.* To the greatest practical extent, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Angular deviations of more than twenty five (25) degrees from right angles are generally discouraged, unless compelled by specific topographical conditions. Where such deviations are to be considered, the applicant should

consult the Planning Commission regarding the specific design constraints before preparing a formal preliminary plat.

- 4.7 *Nonresidential lots.* The 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 for the use contemplated.
- 4.8 *Lots within floodplains.* Where proposed subdivision lots will be located within an area of Special Flood Hazard, as delineated on the applicable Flood Insurance Rate Map, the Planning Commission may require the Subdivider to create lots larger than the minimum allowed, in order to provide sufficient developable land for the construction of a principal use structure outside the flood-prone area.
- 4.9 *Bowling alley and flag lots prohibited.* So-called “bowling alley,” “spaghetti,” and “flag” lots, characterized by unusually long, narrow lots with a lot depth to width ratio of greater than five to one (5:1) are prohibited. Such lot designs represent an inefficient use of land and tend to create enormous back yard areas which are not properly maintained and/or promote lengthy primitive driveways which impede emergency vehicle access to structures and buildings on the property.

SECTION 5 - EASEMENTS

- 5.1 *Required.* Easements across lots or centered on rear or side lot lines shall be provided where necessary for utilities and drainage, and shall be at least twenty (20) feet wide (as may be appropriate to serve existing and planned future needs), unless otherwise approved by the engineering department of the affected utility.
- 5.2 *Drainage easements.* Where a subdivision is traversed by an existing or proposed water course, drainageway, channel, or stream, the Subdivider shall provide a storm drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainageway. The width of such drainage easement or right-of-way shall be reasonably sufficient to contain the ultimate channel and maintenance way of the tributary area upstream.
- 5.3 *Alignment.* Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement jogs or centerline off-sets, and to facilitate the use of easements for power distribution, telecommunications, gas, drainage, water, and sewer services.

SECTION 6 - STORMWATER DRAINAGE AND MANAGEMENT

Stormwater drainage and flooding are important considerations in subdivision design. Stormwater runoff causes soil erosion and results in increased contamination and sedimentation of public waters. Flooding represents a serious hazard to lives and property. Therefore, no final plat approval of a development site shall be granted by the Town until the developer has complied with all applicable requirements of this Section. The Town may request assistance from the Natural Resource Conservation District or other qualified experts in evaluating the applicant's proposed measures to comply with these requirements.

- 6.1 *ADEM permit required.* It shall be the developer's responsibility to secure compliance with all applicable Alabama Department of Environmental Management (ADEM) Construction Stormwater Management Administrative Code rules, as amended, and/or any applicable ADEM construction site permit requirements, which are designed to prevent/minimize, to the maximum extent practicable, the discharge of sediment and other pollutants in construction stormwater runoff to ensure the protection of water quality in accordance with applicable Federal and State law. Applicants subject to this requirement shall provide evidence that a stormwater discharge permit has been issued by ADEM prior to approval by the Planning Commission of a Preliminary Plat.
- 6.2 *Drainage plan required.* A drainage plan shall be prepared and submitted by the owner's Engineer, Architect, Landscape Architect, or Surveyor for each proposed subdivision. Such plan shall consider the ultimate or saturated upstream development, as may be contemplated by the Reece City Comprehensive Plan, of the major drainage channel(s) in which the proposed subdivision is located. Adequate provisions shall be made to provide drainage easements needed within the subdivision, taking into consideration the saturated development of the tributary area. The plan also shall incorporate appropriate best management practices to minimize soil erosion and sedimentation impacts both during (short-term) and after (long-term) construction. The Planning Commission may waive or reduce the requirements for a drainage plan for residential subdivisions of twenty-five (25) or fewer lots, provided that the Subdivider can document that adequate stormwater drainage facilities exist to serve the proposed development and any potential future resubdivision of the site.
- 6.3 *Design storm event.* Each subdivision shall contain adequate stormwater management facilities (detention or retention basins, drainage ways, storm drains, etc.) to accommodate on-site and safely release or transmit the runoff that would be generated by a twenty-five (25) year storm event, without causing an increase or surge in the volume and velocity of off-site peak stormwater runoff over the pre-development state.
- 6.4. *Creative and innovative polluted runoff management practices.* Subdivision drainage plans should, to the greatest feasible extent, incorporate creative and innovative design to minimize the impacts of polluted runoff on the environment. Such design features may include, but are not limited to, undisturbed natural buffers between impervious surfaces and adjoining streams

and drainageways, maximum retention of existing mature trees on building lots, the use of seeded shallow "V" drainage swales (with stabilized cut slopes not to exceed a ten [10] percent grade) rather than concrete curb and gutter, and the creation of wetlands for stormwater detention and retention, and other practices as may be appropriate to address on-site stormwater drainage needs. Such creative and innovative design features should be used in the following development settings;

- A. where they will be compatible with existing off-site stormwater management infrastructure improvements serving the drainage basin, and
- B. where appropriate to adequately and safely accommodate the stormwater runoff that would be generated by the proposed level of impervious surfaces without the need for excessive perpetual maintenance.

6.5 *Tie-in required.* All proposed drainage improvements shall tie into any existing man-made or natural drainageways along the existing public streets adjoining the development site. Under no conditions shall stormwater drainage be emptied into the sanitary sewer system or vice-versa.

6.6 *Lot Drainage Standards.* The following design requirements for lot drainage shall be satisfied in each Stormwater Management Plan:

- A. A positive slope of finish grade shall be provided around each structure to direct water away from all foundations, slabs, or footings;
- B. Side lot swales shall be utilized, as necessary, to direct lot drainage into public drainage improvements or easements;
- C. Roof drains shall be utilized to prevent soil erosion and to prevent the accumulation of stormwater runoff along structure foundations and footings. Such drains shall be directed away from structures and into swales or other drainage facilities;
- D. All driveway and service drive piping shall be installed on an appropriate grade to prevent standing water.

6.7 *Erosion and Sediment Control.* The following erosion and sediment control measures shall be observed for the construction and maintenance of all stormwater management facilities:

- A. Roadside ditches, swales, and embankments within each dedicated right-of-way or drainage easement shall be properly stabilized in accordance with applicable Best Management Practices to prevent excessive erosion from cut slopes;

- B. It shall be the developer's responsibility to provide the necessary measures to ensure that clearing, grubbing, grading, landscaping, and other construction activities do not adversely affect the drainage structures that are essential to overall stormwater management and control;
- C. It shall be the developer's responsibility to ensure proper implementation, regular inspection, and continual maintenance of effective Best Management Practices for construction site erosion and sediment control;
- D. It shall be the developer's responsibility to promptly remove and/or remediate, to the extent practicable, any off-site sediment from the development site that is washed or deposited into municipal stormwater drainage facilities.

6.8 *Conditions for requirement of curb and gutter.* Concrete curbs and gutters may be required by the Planning Commission on both sides of all new streets within the Town limits where any of the following conditions have been determined to exist:

- A. The topography, extensiveness of impervious surfaces, and/or soils in the vicinity of the proposed subdivision site are not generally conducive to the use of stabilized drainage ditches or swales due to the degree of erosion and sedimentation that would occur during a design storm event or the potential for standing water within proposed draining ditches or swales.
- B. Alternative stormwater drainage measures would not be compatible with existing curb and gutter improvements serving or adjoining the proposed subdivision site.
- C. Adequate right-of-way width is not available to accommodate alternative stormwater drainage measures.
- D. Alternative stormwater drainage measures will not provide sufficient protection to the improved street surface subbase from excessive water intrusion.

6.9 *Curb and gutter standards.* When required, concrete curbs and gutters shall be a minimum of eighteen (18) inches lateral total dimension. In no case shall the size of a pipe used for storm drainage be less than fifteen (15) inches in diameter. Concrete curbs shall have a minimum strength of three thousand (3,000) pounds per square inch. Storm sewers and drainage structures shall be designed and installed where curbs and gutters are required in accordance with good engineering practice. Adequate drainage facilities for collector streets may be achieved through the use of a standard concrete vertical curb with spill gutter. Concrete rolled curbs may be used to provide drainage facilities for minor streets. Additional drainage structures may be required by the Planning Commission, as may be recommended by the Town Engineer.

6.10 *Additional drainageway improvements.* Adequate provision shall be made in all street improvements for culverts, pipes, headwalls, drains, and drop inlets. Required storm pipes shall be designed to maintain a water flow velocity equal to or greater than three (3) feet per second. At a minimum, storm pipe inlets or drains shall be located in all sump locations not designed as detention or infiltration facilities and at all low points on vertical sag curves. A manhole or inlet with access shall be placed at maximum distances of eight-hundred (800) feet and at all changes in pipe size, grade, or alignment on straight runs, and at all storm pipe intersections, except roof drains.

6.11 *Alternative drainageway improvements.* Subdividers may seek approval from the Planning Commission to utilize creative and innovative stormwater management features, as referenced in Section 6.4 above, in lieu of concrete curbs and gutters. Subdividers also may request special permission to utilize inverted street surface crowns to satisfy stormwater drainage needs for cul-de-sac streets and alleys that do not exceed eight hundred (800) feet in length and are specifically designed to maintain a constant slope of not more than six (6) percent nor less than one (1) percent in grade. Where inverted surface crowns are utilized and adequately tied into existing or proposed stormwater drainage facilities along adjoining streets, all curb and gutter requirements for stormwater drainage along such cul-de-sacs and alleys may be waived. All requests to utilize creative and innovative stormwater management measures must be submitted in writing, and must be accompanied by appropriate documentation to justify that the conditions stated in subparagraphs A and B of Section 6.4 above exist and are applicable to the proposed subdivision.

6.12 *Stormwater management on privately owned common open space lands.* Where any stormwater management improvements are to be constructed on common open space lands within the development, such improvements shall be subject to special maintenance provisions as required in Section 7 (Common Open Space Requirements) of this Article. The Town of Reece City shall assume no responsibility or liability for the continued, maintenance, improvement, or repair of privately owned stormwater management facilities.

6.13 *Areas subject to flooding.* Low areas subject to periodic flooding shall not be developed or subdivided unless and until the Planning Commission establishes that:

- A. The nature of the land use (i.e., recreational areas) would not lend itself to damage by water inundation to an appreciable extent;
- B. The area may be filled or improved in such manner to prevent such periodic inundation; or
- C. Minimum floor elevations be required to prevent damage to building and structures.

SECTION 7 - COMMON OPEN SPACE REQUIREMENTS

Within subdivisions where common open space is required or will be provided by a Subdivider, the following requirements shall apply:

- 7.1 *Access to common open space.* Open space should be distributed throughout the development so that all lots within the subdivision shall have either direct access or access from an improved public right-of-way or easement to such areas. Common open space lands shall be designed to permit access for maintenance without the need to cross private lands. Where common or public lakefront open space is provided within a proposed subdivision, such lands shall be afforded convenient vehicular and pedestrian access from all lots within the subdivision. Such access may be provided through a combination of streets and greenbelt easements.
- 7.2 *Minimum size of subdivision.* No subdivision containing fewer than twenty-five (25) lots or units shall contain common open space lands, unless such common lands are deemed necessary by the Planning Commission to provide and maintain required stormwater management improvements.
- 7.3 *Improvements prohibited from inclusion in common open space.* Common open space shall not include public or private streets, driveways, private yards, patios, parking areas, or utility easements, where the utilities within the easement would interfere with reasonable active or passive recreation uses. Sidewalks, playgrounds, and other outdoor recreational facilities, and ponds or lakes may be constructed within common open space lands, where adequate provisions are made for continued private maintenance of any such improvements.
- 7.4 *Management agreement for control and maintenance of common areas.* The Town of Reece City shall bear no responsibility or liability for the continued maintenance, repair, or improvement of privately owned common open space lands. No lot or structure in a subdivision containing common or shared open space shall be sold until a corporation, association, property owner's group or similar entity has been formed. Such corporation shall possess the right to assess all the properties which are jointly owned with interests in the common areas and facilities in the entire development, or in the tract which is a part of the entire development, to meet the expense of such entity. The corporation also shall be vested with authority to control, and the duty to regularly maintain (either directly or by contract), all of said mutually owned features of the development or tract portion thereof. In addition, the homeowner's association bylaws or rules shall contain provisions authorizing the local government to maintain said open space at the association's expense and upon fifteen (15) days advance written notice, if the association has not properly maintained any or all open space entrusted to it. Such entity shall operate under recorded conditions, covenants, and restrictions which may include compulsory memberships of all owners of lots and/or dwelling units, and flexibility of assessments to meet the changing costs of maintenance, repairs, and services. The Subdivider or developer shall submit evidence of compliance with these requirements to the Planning Commission prior to approval of a Final Plat.

SECTION 8 - BOUNDARY MARKERS

- 8.1 *Boundary markers required.* The applicant shall place permanent boundary markers or monuments for reference in any approved subdivision as required herein. All required monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to recording of the Final Plat.
- 8.2 *Street boundary markers.* Monuments shall be located on street right-of-way lines, at street intersections, angle points of curves, and lot corners. They shall be spaced so as to be within sight distance of each other, the sight lines being wholly contained within the street limits.
- 8.3 *External boundary markers.* The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than twenty-four (24) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded; or by iron rods or pipes at least twenty-four (24) inches long and at least one (1) inch in diameter. These monuments shall be placed not more than fifteen-hundred (1,500) feet apart in any straight line and at all corners, at the end of all curves, at the point where a curve changes its radius, at all angle deflection points in any line, and at all angle deflection points along the meander line, said points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street. The top of the monument shall be set flush with the finished grade.
- 8.4 *Internal boundary markers.* All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by iron pipes at least three-quarters (3/4) of an inch in diameter and at least twenty-four (24) inches long as described above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a river changes its radius, and at all angle points at any line. All such markers shall be set flush with the finished grade.
- 8.5 *Stream bank boundary markers.* The lines of lots that extend to rivers or streams shall be monumented in the field by iron pipes at least thirty (30) inches long and three-quarters (3/4) of an inch in diameter or by round or square iron bars at least thirty (30) inches long. These monuments shall be placed at the point of intersection of the river or stream lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream.

SECTION 9 - SIDEWALKS AND BICYCLE LANES

- 9.1 *When desired.* Adequate facilities for pedestrian and bicycle circulation are important for public safety and convenience. They also can provide an attractive aesthetic environment in residential subdivisions, especially when they are located in or adjacent to an urban

development setting. The Town of Reece City maintains a minimal public sidewalk network, but desires continued expansion of this network commensurate with the growth and urban development of the Town. Therefore, the Planning Commission *may* require subdividers to provide sidewalks and/or bicycle lanes within proposed subdivisions where one or more of the following conditions exist.

- A. Where the proposed subdivision contains at least fifty (50) lots.
- B. Where the external boundaries of the proposed subdivision lie within a one-half ($\frac{1}{2}$) mile radius of any public school, park, or other major public use facility.
- C. Where the proposed subdivision adjoins or is otherwise served by an existing street or highway that provides public sidewalks.
- D. Where the proposed subdivision includes a mix of land uses or includes common recreational improvements.
- E. Where it is reasonable to expect that the future residents of the proposed subdivision might not have adequate access to personal vehicular transportation modes.

9.2 *Where provided.* Where required by the Planning Commission for pedestrian safety, sidewalks shall be provided along both sides of streets designated as arterial or collector streets in the Reece City Comprehensive Plan. Sidewalks may be provided along only one side of any minor street within the subdivision.

9.3 *Surface and width requirements.* All sidewalks shall be constructed using a concrete surface at least two (2) inches thick. The Planning Commission may approve an asphalt surface for sidewalks along minor streets only, where the proximity to tree root and soil/drainage conditions are adequate to ensure long-term surface stability. Minimum widths for sidewalks shall be as follows:

- A. Four (4) feet for all sidewalks in single family residential subdivisions.
- B. Five (5) feet for all sidewalks in multi-family or group housing developments.
- C. Eight (8) feet for sidewalks in non-residential developments or adjacent to non-residential uses in mixed use developments.

9.4 *Distance from right-of-way line.* When required by the Planning Commission, sidewalks shall be located not less than one (1) foot from private property lines to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures that may be placed along the property line at a later date.

9.5 *Compliance with A.D.A. requirements.* All sidewalks shall be designed in accordance with the applicable requirements of the Americans with Disabilities Act of 1990, as amended.

SECTION 10 - PUBLIC UTILITIES

10.1 *Connection to public utilities required.* Where a public water or sewer main is within three hundred (300) feet of the external boundary of a property to be subdivided, the Subdivider shall connect with same and extend municipal water and/or sewer throughout the subdivision. All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to minimize the future cutting of the pavement and any street, sidewalk, or other required pavements.

10.2 *Water mains.* Water mains properly connected with the community water supply system shall be constructed in such a manner as to adequately provide for domestic use on all lots shown on the subdivision plat. The size of water mains, the location and type of valves and hydrants, the amount of soil cover over the pipes, and other features of installation shall be approved by the Reece City Water Board and shall conform to accepted standards of good practice for municipal water systems. Water distribution systems shall be certified by the Reece City Fire Department as to their adequacy for fire protection. They shall meet or exceed the minimum standards set by the National Board of Fire Underwriters.

10.3 *Fire plugs and fire ponds.* Fire plugs shall be installed along each street every 1,000 feet, or at the ends and center of each block. The water supply and pressure shall be sufficient to adequately serve the potential needs of the intended land use. The Planning Commission may, at the recommendation of the Fire Chief, require a Subdivider to construct a fire pond within large subdivisions--consisting of at least twenty-five (25) lots--that, in the opinion of the Fire Chief, lack adequate nearby water supplies for fire suppression. The size of any required fire pond may be determined by consulting National Fire Protection Association Codebook 1231, *Water Supplies for Suburban and Rural Fire Fighting*.

10.4 *Sanitary sewers.* Sanitary sewers shall be installed in each subdivision. All sanitary sewer lines shall be installed in such a manner as to adequately serve all lots. On-site septic systems may be permitted in lieu of sewer lines wherever sanitary sewerage will not be available within a reasonable period of time. Special approval for on-site septic systems must be obtained from the applicable County Health Department. Where on-site septic systems will be utilized for sewage treatment, individual lot sizes within the subdivision shall not be less than the minimum standard and of satisfactory size for the proper installation of a septic tank sewerage system as indicated by percolation tests.

10.5 *Oversized facilities.* The Town Council may participate in the cost of "oversized" improvements within a subdivision, if in its judgment such oversized improvements are necessary to serve large areas of land not in the subdivision, and if the cost of such oversized improvements is an unreasonable burden on the Subdivider. Where the need for Town

participation in the expansion of public facilities arises during review and approval of a proposed subdivision, the Planning Commission shall prepare a written request to the Town Council seeking such approval and reporting the Planning Commission's formal recommendation on the need.

SECTION 11 - STREET TREES

Mature street trees (in excess of ten [10] inches diameter breast height [dbh]) are an important visual icon for small, rural communities (such as the Town of Reece City) and an attractive amenity for residential neighborhoods. They also contribute significantly to the street appeal of a development, and the retention and use of mature deciduous trees can promote energy efficiency. Although not required by these standards, the planting and retention of street trees is considered a duty of the Subdivider as well as good business practice. Therefore, the Town of Reece City urges all subdivider to retain as many existing mature trees within or along the proposed subdivision site as is possible. It is further recommended that new trees be planted (5) feet inside (or behind) property lines where they will enjoy favorable conditions for growth and be less subject to injury from automobile accidents or excessive trimming to protect above-ground utility lines. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be approved by the Planning Commission, since the public inherits the care and maintenance of such trees.

SECTION 12 - MISCELLANEOUS SUBDIVISION OR TRACT DEVELOPMENT

Other types of subdivision or tract development may be allowed by the Planning Commission when such subdivisions or developments come under the provisions of these regulations and are in keeping with their purpose and intent, and are consistent with the general requirements specified in Sections 1 and 2 of this Article.

12.1 *Large Tracts or Parcels.* When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical future resubdivision.

12.2 *Commercial and Industrial Subdivisions.* Subdivision of land for commercial or industrial purposes shall conform to the provisions of these regulations and street development shall conform to the Sketch Thoroughfare Plan. Lot sizes shall be large enough to provide for necessary off-street parking and loading requirements.

12.3 *One Lot Sell-Off Provision.* When a residential lot is being subdivided out of a large tract of land, the Secretary of the Planning Commission may approve such subdivision *only* if the following conditions are met:

- A. Only one lot is being subdivided and *no other lots have been previously sold* from the tract.

- B. No conflict exists with the proposed subdivision and the Sketch Thoroughfare Plan and no new streets or roads are required to access either lot.
- C. Three (3) copies of the Final Plat are provided which meet the applicable requirements of these regulations.

SECTION 13 - PERFORMANCE BONDS

Improvement responsibilities and assurances may be required by the Town to ensure the proper installation of required subdivision improvements prior to approval of a Final Plat. The nature and duration of any arrangement requiring the documentation of improvement responsibilities and assurances shall be structured to achieve this goal without adding unnecessary costs to the developer. Before construction activities in accordance with an approved Preliminary Plat may be undertaken, or as a condition of Preliminary Plat approval, the Town may approve and shall accept the following assurances, when required by the Planning Commission.

13.1 *Value of improvement assurance.* The furnishing of a performance assurance in an amount determined by the Town Engineer not to exceed one-hundred twenty (120) percent of the estimated or projected cost of proper construction or installation for the required improvements.

13.2 *Extensions.* The time allowed for the installation of the improvements for which the performance assurance has been secured may be extended by the Planning Commission by resolution, provided that the applicant has demonstrated a good faith effort to complete the improvements in accordance with the approved construction schedule and that the need for the extension is caused by factors beyond the exclusive control of the developer.

13.3 *Review and release.* Upon substantial completion of all required improvements, the developer may notify the Town Engineer, in writing, that such substantial completion has taken place. The Town Engineer, or his/her designated agent, shall be afforded an opportunity to inspect all improvements to assure compliance with applicable standards. The Town Engineer shall prepare and file a report on the status of the affected improvements. If approved, the Town Engineer may notify the developer in writing that the specified improvements satisfy all applicable requirements. If only partially approved, or disapproved, the Town Engineer shall notify the developer in writing regarding any deficiencies concerning specified improvements, and shall indicate any corrective action to be taken. If, however, an inspection reveals that the improvements were not constructed in accordance with the Preliminary Plat or any specific changes to the Preliminary Plat that were formally approved by the Planning Commission and the developer has not corrected the deficiency, then the Town shall be authorized to undertake remedial work or may complete the defective improvement in accordance with the approved Preliminary Plat, the Town's cost for which shall be paid in full by the performance bond. The Town also may utilize the funds secured by the performance bond to complete subdivision improvements shown on the approved Preliminary Plat where the developer has abandoned or

failed to complete the improvements. Where the Town has undertaken such remedial work activities, the developer shall not seek nor receive reimbursement of the performance bond funds necessary to cover the Town's costs for the remedial work. Where partial approval is granted, the developer may be released from financial liability for only those portions of the improvements that have been satisfactorily completed and approved.

13.4 *Performance and maintenance mechanisms.* Performance and maintenance assurances may be provided by a variety of means including, but not necessarily limited to, the following.

- A. *Security bond.* The applicant may obtain a security bond payable to the Town, which has been countersigned by a surety bonding agent licensed to do business in the State of Alabama.
- B. *Cash.* The applicant may deposit cash, or other instrument readily convertible into cash at face value, either with the Town or in an escrow account with a bank approved by the Planning Commission. Any accrued interest on the cash principal shall be payable to the Subdivider.
- C. *Letter of Credit.* The applicant may provide an irrevocable letter of credit from a bank or other reputable institution approved by the Planning Commission. The letter of credit shall bind the developer and the bank, together with their heirs, executors, administrators, and successors to the Town of Reece City.
- D. *Property.* The applicant may provide as an assurance land or other real property to which clear title can be verified and validated by an affidavit. The market value of any property offered as an assurance substitute for a performance bond shall be established by an independent appraiser selected by the Planning Commission, the cost for which shall be reimbursed in full to the Town by the applicant. Where any question remains regarding the true market value of any property offered as a security, the Planning Commission may require a review appraisal conducted by an independent appraiser selected by the Planning Commission. The cost for any such review appraisal shall be reimbursed in full to the Town by the applicant. When property is offered as a security for proposed improvements, the applicant shall:
 - 1. Execute an agreement with the trustee, when it is not the Planning Commission, instructing the trustee to release the property to the Town in the case of default. The agreement shall also state that the property may be released only upon the consent of the Planning Commission. The agreement shall be placed on file with the Planning Commission.
 - 2. File with the Planning Commission an affidavit affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is to be placed into trust.

3. Execute and file with the Planning Commission an agreement stating that the property to be placed into trust as an improvement guarantee will not be used for any other purpose or pledged as a security in any other matter until it is released by the Planning Commission
4. Not request any release of title until all improvements secured by the property have been completed in satisfaction of the Town as stipulated in this section.

ARTICLE IV

STREET DESIGN STANDARDS

SECTION 1 - GENERAL DESIGN PRINCIPLES

- 1.1 *Street arrangement and design guidelines.* The arrangement, character, extent, location, and grade of all streets shall be laid out according to good land planning principles and shall be integrated with all existing and planned streets. New streets shall consider topographical conditions, orientation of vistas, public convenience and safety, consistency with established street layout and patterns, the need for new street connections, and the proposed uses of land that are to be served by them. Unless otherwise permitted by these Regulations, the design and construction of all streets shall comply with the applicable current standards and criteria of the Alabama Department of Transportation (ALDOT) and the American Association of State Highway Transportation Officials (AASHTO).
- 1.2 *Consistency with neighborhood street patterns.* The proposed street system shall also be coordinated with the established street system of the surrounding area. However, the number of streets converging upon any one point should be held to a minimum in order to avoid undue congestion and confusion. The creation of multiple street intersections shall be in conformity with a plan for the most advantageous development of the entire neighboring area.
- 1.3 *Traffic circulation.* Sufficient proposed streets shall be provided to facilitate normal and efficient circulation of traffic within the vicinity. Land abutting a proposed subdivision shall not be left land-locked by the proposed subdivision. Street design shall provide connections to abutting properties at intervals not to exceed the applicable maximum and minimum block lengths required by these Regulations.
- 1.4 *Interconnections with public streets in abutting subdivisions.* If, in the opinion of the Planning Commission, it is desirable to provide street access to an adjoining subdivision or property, the Subdivider shall extend the applicable street by dedication to the boundary of such adjoining subdivision or property. A temporary turn-around as defined in design standards for street cul-de-sac, shall be provided for these future street connections. Minor streets shall be so laid out that their use by through traffic in the subdivision will be discouraged.
- 1.5 *Desired access management practices for freeways and arterial and collector highways.* Subdivisions which abut or include within the proposed area to be subdivided any freeway or arterial street shall utilize the one or more of the design features listed in this Section to manage access from individual lots in the subdivision to and from the freeway or arterial street, as may be most effective and appropriate for the specific site constraints. The Planning Commission may require the Subdivider to utilize one or more of the access management strategies listed in this Section to control access from lots in the subdivision to any affected collector street, if the Planning Commission determines that the collector street possesses traffic capacity constraints or may (by the nature of emerging traffic patterns) effectively serve

as an arterial street. Desired highway access management strategies include, but may not be limited to, the following:

- A. A marginal access street, or
- B. Double frontage or reverse frontage lots with screen plantings contained in a non-access reservation or buffer along the freeway or arterial street right-of-way, or
- C. Deep lots with rear service drives, or
- D. Other design treatment(s) which may be necessary to provide for the adequate protection of properties, and to afford maximum separation of through and local traffic.

- 1.6 *External street access requirements.* All proposed subdivisions shall have direct street access to at least one existing external public street or private street that has been constructed in accordance with all applicable Town street construction standards. Any proposed subdivision that contains at least fifty (50) lots or any expansion or new phase of an existing approved subdivision that, when combined with the earlier completed phase(s), would result in a total of fifty (50) or more lots shall provide at least two (2) public street accesses to one or more existing streets extending beyond the boundaries of the subdivision. The Planning Commission may allow extended street connections to existing public streets in an abutting subdivision to satisfy the applicable requirement for direct public street access, where direct access to adjoining streets from the subdivision may be obstructed by topological, environmental, or highway frontage constraints. Additional intersections of minor subdivision streets with arterial streets over and above these minimum requirements shall be held to a minimum, commensurate with the need for emergency access and proper traffic circulation.
- 1.7 *Private reserve strips prohibited.* Private reserve strips controlling or restricting access to streets shall be prohibited.
- 1.8 *Half-streets.* Where a dedicated or platted half-street adjoins or extends into the tract of land to be subdivided, the other half shall be platted and incorporated into the proposed subdivision. New half-streets or half-alleys shall be prohibited.
- 1.9 *Paved street surfaces required.* On all streets and alleys within the jurisdiction of these regulations, a suitable hard surface type of roadway meeting the requirements of the Town's specifications or as recommended by the Alabama Department of Transportation shall be provided.
- 1.10 *Classification of streets.* The general classification of streets shall be as defined in the Reece City Comprehensive Plan. However, rapid changes in land use patterns and traffic volumes that are not captured by timely amendments to the Comprehensive Plan can occur, especially

in developing urbanized areas. In some instances, growth in traffic volumes, changing travel patterns, and/or changing vehicle composition can greatly reduce traffic capacity, create dangerous travel conditions and conflicts between through and local traffic, and overburden older substandard streets. Therefore, in developed or developing areas, the Planning Commission shall have the discretion of upgrading or altering the classification of streets as they may apply to a pending Preliminary Plat during the review and approval process, in order to adequately reflect rapidly changing traffic and development patterns. Where the Planning Commission determines such changes are required, it shall immediately initiate the process of amending the Comprehensive Plan to reflect said changes. However, the initiation of an Comprehensive Plan amendment with regards to street classifications shall in no way diminish the application of an amended street classification as it applies to a pending Preliminary Plat.

SECTION 2 - MINIMUM STREET RIGHT-OF-WAY WIDTHS

2.1 *Minimum right-of-way widths.* Public street rights-of-way shall be uniform in width and shall be designed to provide adequate dedicated space for utilities, sidewalks, shoulders, stormwater drainage facilities, on-street parking lanes, and traffic lanes, as may be needed. The minimum widths of rights-of-way for the various streets (arterial streets, collector streets, minor streets, and alleys) are indicated below.

<u>STREET TYPE</u>	<u>MINIMUM RIGHT-OF-WAY</u>
Arterial Street (divided highway with median)	160 feet
Arterial Street (undivided highway)	80 feet
Collector Street (more than two travel lanes)	60 feet
Collector Street (not more than two travel lanes)	50 feet
Minor Street and Cul-de-sac	50 feet
Alley or Service Drive (nonresidential only)	30 feet

2.2 *Street width modifications.* In cases where topography or other physical conditions make a street of the required minimum width specified in Section 2.1 above impracticable or overly burdensome on sensitive environmental features, the Planning Commission may modify the above requirements. Where the minor or collector streets of the proposed subdivision will serve nonresidential uses, the Planning Commission may increase the required minimum street widths by an additional ten (10) feet on each side of the roadway in order to ensure safe access and increased curb radii for large vehicles traveling into and out of necessary off-street parking areas. The Planning Commission also may require greater right-of-way widths for minor streets or cul-de-sacs as may be needed to adequately accommodate seeded shallow "V" swales, where the Subdivider elects to use such measures to satisfy the applicable stormwater drainage requirements of these Regulations. Likewise, the Planning Commission may reduce the minimum right-of-way width for cul-de-sacs and alleys by not more than six (6) feet where

the Subdivider elects to use inverted street surface crowns to satisfy the applicable stormwater drainage requirements of these Regulations.

2.3 *Treatment of deficient street rights-of-way.* Subdivisions that adjoin existing roads shall dedicate additional right-of-way to satisfy the above minimum road width requirements, wherever traffic to or from the proposed development will be served by said deficient road.

- A. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing road.
- B. When the subdivision is located on only one side of an existing road, one-half ($\frac{1}{2}$) of the required right-of-way, measured from the center-line of the existing roadway, shall be provided.
- C. The Town, with prior consent and approval by the Town Council, may agree to share in the cost of correcting such right-of-way deficiencies where the following conditions exist:
 1. The degree to which the street right-of-way is substandard would impose substantial cost and land dedication burdens on the Subdivider.
 2. The need for improvement of the affected highway is recognized in the Comprehensive Plan.
 3. The long-term public benefit of the improvements would clearly outweigh the specific benefit to the Subdivider and future owners of land within the subdivision of timely improvement of said deficient or substandard street.

SECTION 3 - STREET DESIGN AND CONSTRUCTION REQUIREMENTS

3.1 *Base, Subgrade, and compaction requirements.* All streets improvements shall be supported by base and subgrade materials of appropriate depth and compaction for the type of pavement and traffic that the street will be designed to support. Except where native materials have already been approved for local use, the subgrade material shall be tested according to AASHTO standards to determine its suitability in terms of both its load-bearing capacity and permeability. All street bases and subgrades shall be designed to comply with Alabama Department of Transportation standard specifications for highways and bridges. No construction debris or biodegradable materials or wastes shall be mixed into street base and subgrade material. All base and subgrade materials shall be compacted to the maximum laboratory dry density of one-hundred (100) percent. However, this compaction requirement shall be reduced to ninety-eight (98) percent for all minor streets and cul-de-sacs in residential subdivisions.

3.2 *Surface pavement required.* All public subdivision streets shall be surfaced with an all-weather pavement of bituminous or concrete materials in accordance with applicable Alabama Department of Transportation standard specifications for highways and bridges and AASHTO standards. The Planning Commission *may* waive the requirement for paved surface improvements on a street that shall be *privately owned and maintained and* will not serve in excess of two hundred (200) vehicle trips per day, as determined by application of the Institute of Traffic Engineer's Trip Generation Manual, 5th Edition, as amended, to the proposed land uses that will be served by the subject street. Where the requirement for paved surface on a private street has been duly waived by the Planning Commission, such waiver shall not in any way obligate the Town Council to accept the future dedication of said private street were it has not been fully improved to public street standards.

3.3 *Minimum pavement widths.* Pavement widths shall be measured from edge to edge of the paved surface or between the inside faces of opposing curbs, as may be applicable. Minimum pavement widths shall be twelve (12) feet per travel lane (exclusive of any required shoulders or proposed on-street parking lanes) for all arterials and collectors within any subdivision and for all minor streets in nonresidential or mixed use subdivisions. Minimum pavement widths for alleys or service drives and local streets in residential subdivisions shall be ten (10) feet per lane (exclusive of any shoulders or on-street parking lanes). Each proposed on-street parking lane shall be at least eight (8) feet in width. The Planning Commission may reduce the required travel lane pavement widths for cul-de-sacs and alleys to not less than eight (8) feet per lane, if inverted street surface crowns *are not* utilized to satisfy the stormwater drainage requirements of these Regulations.

3.4 *Surface crowns.* All paved streets shall possess a crested surface crown which slopes downward from the centerline towards the outer edges of the improved surface. Crown slopes shall not exceed three (3) percent, nor shall be less than one (1) percent. The degree of crown slope used shall be appropriate for the width of the pavement that must be drained, with greater slopes utilized for wider pavement surfaces. Streets that possess a raised median may use a combination of cross slopes to ensure adequate pavement drainage. Inverted surface crowns shall be allowed only when authorized by the Planning Commission for cul-de-sac streets and alleys that do not exceed six hundred (600) feet in length and that are specifically designed to maintain a constant slope of not more than six (6) percent nor less than one (1) percent in grade (as provided in Article III, Section 6.10 of these Regulations).

3.5 *Cross slopes.* A cross slope is the overall grade of a street surface as measured perpendicular to the centerline between the outer edges of the pavement. Cross slopes on all streets, including intersections, shall not exceed three (3) percent. Cross slopes (superelevation) may be utilized on arterials and collectors to help improve vehicle stability on sharp curves, as may be commensurate with the design speed of the street. Superelevated cross slopes on street curves shall only slope towards the inner edge of the horizontal street curve.

3.6 *Street grades.* All streets shall be designed to possess proper grades (as measured along the street centerline) to ensure adequate runoff of stormwater, but should not be designed with excessively steep slopes. Street grades shall not be less than one-half ($\frac{1}{2}$) of one percent for any street. Maximum street grades shall not exceed four (4) percent for an arterial street, eight (8) percent for a collector street, and ten (10) percent for all other types of streets. The Planning Commission may approve an increase of not more than two (2) percent in the minimum required street grade, if geologic or topographic constraints prohibit conformance with the specified standards, and the increase is approved by the Town Engineer.

3.7 *Curves, vertical and horizontal.* Vertical street curves, including street hill crests and sags (dips in the roadway), and horizontal street curves (corners or turns in the roadway) for major collector streets shall be designed in accordance with all applicable AASHTO requirements. A minimum tangent of one hundred twenty-five (125) feet shall be required between reverse horizontal curves (consecutive curves or turns in opposing directions) on arterial and collector streets. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. The Planning Commission may authorize a developer to utilize the minimum horizontal street curve radii and maximum degree of centerline curvature specified below for any collectors or minor streets within a proposed residential subdivision that will not be utilized by through-traffic. However, the Planning Commission shall require an arterial or collector street to satisfy the applicable AASHTO standards for horizontal street curves, if it is determined that trucks will comprise more than ten (10) percent of the potential street traffic.

HORIZONTAL STREET CURVE

Design Speed <u>In MPH:</u>	Minimum Radius <u>In Feet:</u>	Maximum Curvature <u>In Degrees:</u>
20	150	40
25	200	29
30	280	20
35	400	14
40	600	10
45	800	7
50	1,000	6

3.8 *Visibility.* Clear horizontal visibility measured along the street centerline shall be provided for at least six hundred (600) feet on arterial streets; three hundred (300) feet on collector streets; and at least two hundred (200) feet on all other streets.

3.9 *Shoulders.* An eight (8) foot wide paved shoulder shall be required along both outer sides of an arterial or collector roadway. Provision shall be made for a two (2) foot wide paved shoulder along both sides of a minor street, alley, or marginal access street roadway. Shoulders

shall be delineated from the roadway travel lines by appropriate striping. All such shoulders shall be exclusive of any proposed or desired on-street parking areas.

3.10 *Street barricades.* Any private street or street intended to be accepted by the Town as a public street shall be barricaded during construction to prevent traffic access and clearly marked to indicate that the street is under construction and not open for travel. Such barricades and markings shall remain in place and shall be properly maintained by the developer until construction is complete and approved by the Town in accordance with a final inspection.

SECTION 4 - STREET INTERSECTIONS

4.1 *Method of measuring specified distances in this section.* Unless otherwise noted, required distances between streets as specified in this section shall be measured from centerline-to-centerline. The following standards shall also apply.

4.2 *Street intersection angles.* Streets shall be laid out to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. The Planning Commission may authorize a Subdivider to design an intersection angle of less than seventy-five (75) degrees, if the intersection is formed by two minor streets and the need for such an intersection angle is caused by a *pre-existing physical* site constraint. In such situations, the Planning Commission may require the right-of-way lines of the inside curb of the intersection to be rounded or otherwise set back to permit curb construction of a desirable radius without constraining any planned or potential future sidewalk at the street corner to less than normal width. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one-hundred (100) feet from the end of the curve to the street intersection.

4.3 *Number of streets at intersections.* Not more than two (2) streets shall intersect at any one point, unless specifically approved by the Planning Commission, at the recommendation of the Town Engineer.

4.4 *Intersection sight distances.* All street intersections shall be designed to provide adequate sight distances to ensure that vehicles can enter the intersection safely from secondary approaches and nearby driveways. All streets shall have clear sight triangles within each corner of the intersection of twenty (20) feet (forty [40] feet for arterials and all divided streets and highways) as measured from the point of centerline intersection of the streets. These sight triangles shall be indicated on the Preliminary Plat. No building or other obstructions higher than thirty (30) inches shall be permitted in this area.

4.5 *Intersection alignments.* Proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of such street. Where two streets intersect, their pavement centerline alignments shall be generally continuous through the intersection. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall

not be permitted, unless the intersected street is a divided highway that has separated dual lanes without median breaks at either intersection. Consecutive centerline intersections of arterial and/or collector streets shall be at least six hundred (600) feet apart.

- 4.6 *Intersection curb radii.* The minimum curb radius at the intersection of two (2) minor streets shall be at least fifteen (15) feet. The minimum curb radius at any intersection involving an arterial or collector street shall be at least twenty (20) feet. Arterial and collector street intersections in nonresidential or mixed use subdivisions shall possess twenty-five (25) foot curb radii. The Planning Commission may require a larger curb radius for approved oblique intersections, especially for intersections that can be reasonably expected to serve commercial truck traffic.
- 4.7 *Intersection grades.* Intersections shall be designed at a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than three (3) percent nor less than one-half (0.5) percent grade for a distance of sixty (60) feet, as measured from the point of the intersecting street centerlines.
- 4.8 *Intersections near railroad crossings.* Railroad right-of-ways, where so located as to affect access to a proposed subdivision, shall be shown on the Preliminary Plat. The centerline of streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall be a distance of at least two hundred (200) feet from the nearest railroad right-of-way. Greater minimum separation distances between arterial and collector intersections and railroad rights-of-way shall be determined by the Planning Commission and the Town Engineer with due consideration of the peak traffic volumes and the minimum distance required for future separation of grades by means of appropriate approach gradient.
- 4.9 *Street identification signs.* The Subdivider shall provide for street identification signs within the subdivision, as approved by the Town Engineer. Two (2) street signs are required for each four-way intersection and one (1) street sign at each three-way intersection or as required by the Planning Commission.

SECTION 5 - CUL-DE-SACS

- 5.1 *Design requirements.* Streets designed to have one (1) end permanently closed shall be provided at the closed end with a turn-around having a minimum right-of-way diameter of one hundred (100) feet, and a minimum roadway diameter of eighty (80) feet, as measured from the roadway centerline. Such streets will not exceed eight hundred (800) feet in length.
- 5.2 *Special exceptions for cul-de-sacs in rural areas.* The Planning Commission may increase the maximum permitted length of cul-de-sac or dead end streets to not more than twelve hundred (1,200) feet where the following conditions exist:

- A. The proposed subdivision site is located outside the Town limits of Reece City, and is not in an area targeted for annexation in the foreseeable future.
- B. The cul-de-sac will provide access to not more than twenty (20) lots that cannot be further subdivided.
- C. Longer cul-de-sac streets are needed to facilitate efficient development of the site.
- D. The subdivision cannot be served by existing or planned municipal water and sewer lines.

SECTION 6 - ALLEYS AND SERVICE DRIVES

Alleys and service drives may be allowed by the Planning Commission *only* in nonresidential or mixed use developments. All alleys or service drives shall be designed to provide a through traffic connection between public streets. Dead end alleys or service drives shall be prohibited. On-street parking shall not be allowed along alleys or service drives, unless the Planning Commission determines that sufficient right-of-way exists to provide a paved ten (10) foot wide lane for on-street parallel parking.

SECTION 7 - STREET NAMES

Names for proposed new streets should be selected carefully to prevent confusion with existing streets. All proposed names for streets in new subdivisions must be reviewed and approved by the Town. All streets shall be named in accordance with the following requirements.

- 7.1 *Approval.* Street names and address numbers shall be subject to the approval of the Planning Commission and shall be consistent with established Town policies and ordinances.
- 7.2 *Duplication of names.* Street names shall not duplicate either phonetically or by spelling, an existing Town street or road.
- 7.3 *Continuity of names.* Any street or road which is a continuation, an approximation, or logical continuation of any existing dedicated street or road or shall bear the same name.

SECTION 8 - VACATING A STREET

No street (whether improved or unimproved) may be vacated unless and until such action has been recommended by the Planning Commission to the Town Council and subsequently approved by the Town Council.

SECTION 9 - BRIDGES

The provisions in this Section shall apply to bridges or culverts that are twenty (20) or more feet in length along the direction of travel.

- 9.1 *New Bridges.* For the purpose of these requirements, any bridge constructed after the effective date of these Regulations shall be considered a new bridge. Preliminary plans and specifications for a new bridge must be submitted to the Town Engineer for review. The preliminary plans and specifications for the bridge must be approved by a registered professional engineer. Said plans and specifications must be approved by the Town Engineer and other cognizant Town officials before construction of the bridge may begin. The bridge must be inspected during the construction process at critical points (as determined by the professional engineer that is certifying the construction). After construction is completed, an as-built drawing of the bridge must be submitted to the Town Engineer, along with a certification by the construction engineer that the bridge was inspected at critical construction points and is safe for use by the public for the intended purpose.
- 9.2 *Existing Bridges.* For the purpose of these requirements, any bridge constructed on or before the effective date of these Regulations shall be considered an existing bridge. All of the following conditions must be satisfied for any existing bridge that is to be accepted by the Town.
 - A. An as-built drawing of the bridge must be submitted to the Town Engineer.
 - B. The bridge must be inspected by a registered professional engineer experienced in bridge construction.
 - C. The bridge must be rated as "good" or better, as defined by ALDOT bridge inspection practices and standards.
 - D. The inspection engineer must certify that the bridge is safe for use by the public for the intended purpose.

ARTICLE V

ADMINISTRATION AND APPLICATION PROCEDURES

SECTION 1 - ADMINISTRATION

The Reece City Planning Commission is hereby authorized and directed to adopt, administer, and amend these Regulations. Final approval of plats and other supporting plans and documentation shall be the responsibility of the Planning Commission, as prescribed by Alabama law. The Building Inspector is hereby authorized and directed to enforce all provisions of these subdivision regulations.

SECTION 2 - GENERAL PROCEDURES

The Reece City Planning Commission recognizes the complexity of the subdivision design, review, and approval process, and desires to make the process as expedient and easy as possible, without compromising the quality of approved developments. This Section provides an outline of the recommended and mandatory steps involved in the subdivision design, review, and approval process. It has been designed to serve as a general procedural checklist and to help Subdividers understand the essential relationships between various steps in the process. Additional submission and procedural requirements for specific steps in the review and approval process are explained in detail in subsequent Sections of this Article.

- 2.1 *Subdivider develops design scheme.* The subdivision design, review, and approval process begins with the initial development of a design scheme for a proposed subdivision. At this point in the process, no formal action by the Subdivider or the Town is required. However, the Subdivider should consult the Town's Comprehensive Plan, Zoning Ordinance, Flood Damage Prevention Ordinance, and Subdivision Regulations to understand the process and ensure that the applicable requirements can be satisfied. The Subdivider may desire to select a qualified engineer, architect, or surveyor to assist with the development of design plans, but it is not necessary to begin preparing formal plans at this point in the process.
- 2.2 *Pre-application conference.* The purpose of a pre-application conference is to help the applicant understand the review process, consider potential public concerns, and prepare a successful application. A general discussion of the Town's code requirements with Town staff *prior* to submission of a formal application can help the Subdivider reduce subdivision plan preparation costs and negotiate the review process more efficiently. In no instance shall a pre-application conference be conducted or accepted in lieu of a required formal application, and the procedural recommendations resulting from the conference are not binding upon the Subdivider, unless and until they are specifically required by the Planning Commission. No formal application or fee shall be required for a pre-application conference. However, applicants are strongly encouraged to bring a simple or crude conceptual sketch of the proposed subdivision to the conference to serve as a basis for discussion.

- 2.3 *Obtain and complete formal application.* Once the Subdivider fully understands the process and the applicable design requirements that must be satisfied, a formal application for Preliminary Plat review and approval can be prepared and submitted. At this point, the Subdivider may wish to utilize the services of a qualified professional engineer, architect, or surveyor to assist in the preparation of a Preliminary Plat and all required supporting documents. The Subdivider also should initiate the process of obtaining approval from the proper cognizant authorities for required infrastructure and services as may be needed or required to support the proposed subdivision. Once the necessary supporting documents, plans, permits, and materials have been prepared or secured in accordance with these Regulations, the Subdivider may submit the required Preliminary Plat application form and fees.
- 2.4 *Review of Preliminary Plat application.* When the Subdivider submits a formal application for Preliminary Plat review and approval, the Zoning Enforcement Officer must review the application for completeness. Where the Subdivider has participated in a voluntary pre-application process, the Zoning Enforcement Officer may be able to complete this review more quickly than would be possible if the Zoning Enforcement Officer is totally unfamiliar with the proposed subdivision. Once the Zoning Enforcement Officer verifies that the application is complete and that all necessary supporting documents, plans, permits, and materials have been submitted, the application will be deemed complete and the formal review and approval process can be initiated. No application for Preliminary Plat review and approval shall be deemed complete unless accompanied by both the required fee paid in full and by the names and mailing addresses of the owners of all lands immediately adjoining the subdivision site boundaries as their names appear upon the plats in the county tax assessor's office and their names appear in the directory of the municipality or the county.
- 2.5 *Review scheduled and public hearing advertised.* Once the application for Preliminary Plat review and approval has been accepted by the Town of Reece City as complete, the application will be scheduled to be received by the Planning Commission at the conclusion of the required public hearing. The required public hearing shall be conducted at next available regularly scheduled meeting that will occur not less than fifteen (15) days after the date that the application has been formally accepted as complete by the Zoning Enforcement Officer. The Town of Reece City will post a notice of the scheduled hearing in four conspicuous places in the Town and will send copies of the notice by registered or certified mail to the addresses of all abutting land owners at least five (5) days prior to the scheduled date of the hearing. During this notification period, the Zoning Enforcement Officer may conduct a staff review of the Preliminary Plat and consult with other supporting staff to ensure compliance of the Plat with the applicable codes, ordinances, and regulations of the Town.
- 2.6 *Preliminary Plat review hearing.* The Planning Commission shall conduct a formal public hearing prior to approval of a Preliminary Plat. The Planning Commission may stipulate specific rules of conduct for the public hearing in order to ensure adequate, fair, and balanced opportunities for public comments to be heard. At the hearing, the Planning Commission shall

formally receive the complete application for Preliminary Plat review and approval and shall receive public comments regarding the proposed subdivision. The Planning Commission may debate issues raised by the public comments, but also shall afford the Subdivider an opportunity to respond to specific public concerns regarding the proposed subdivision. The Planning Commission also may request additional information from the Subdivider during the public hearing in order to address concerns raised by the public regarding the conformity of the proposed subdivision plan with the requirements of applicable Town codes, ordinances, and regulations. If the requested information cannot be provided at the hearing, the Planning Commission may for one time only continue the public hearing at a later date, not to exceed the next regular meeting, to provide the Subdivider with the additional time needed to provide the requested information. After all public comments and necessary additional information about the proposed subdivision have been received, the Planning Commission shall close the hearing. The closing of the required public hearing by the Planning Commission shall constitute the official receipt of the Preliminary Plat by the Planning Commission, thereby triggering the statutory thirty (30) day deadline for a final decision on the submitted Preliminary Plat. The Planning Commission shall maintain a written record of the comments received and issues discussed during the public hearing.

- 2.7 *Planning Commission decision on Preliminary Plat.* The Planning Commission shall decide to approve or deny the Preliminary Plat within thirty (30) days of the date that the public hearing was closed. The Planning Commission may place specific conditions upon the approval of a Preliminary Plat as may be deemed appropriate and necessary to ensure compliance with these Regulations or any other laws, codes, ordinance, or regulations enforced by Federal agencies, the State of Alabama, Etowah County, and the Town of Reece City. The specific grounds for approval or disapproval by the Planning Commission shall be duly recorded in the minutes of the Planning Commission, and shall be provided to the public upon request. If the Planning Commission fails to approve or deny the Preliminary Plat within the required thirty (30) day period, the Preliminary Plat shall be deemed to have been approved in accordance with Title 11, Chapter 52, Section 32 (a) of the Code of Alabama, 1975, as amended, unless the Subdivider has provided the Planning Commission with written consent for an extension of the required thirty (30) day review deadline. Once the deadline for a formal decision from the Planning Commission has lapsed, a certificate to that effect shall be issued by the Planning Commission on demand by the Subdivider.
- 2.8 *Review and approval of Preliminary Plat by County Engineer.* Once the Planning Commission has formally approved the Preliminary Plat or has issued a certificate stating that the deadline for a final decision on the Preliminary Plat has lapsed, the Subdivider must submit the approved Preliminary Plat to the County Engineer for review and approval in accordance with Title 11, Chapter 52, Section 30 (b) of the Code of Alabama, 1975, as amended. The County Engineer, or in his/her absence, the acting County Engineer, shall review the Preliminary Plat for compliance with the applicable County subdivision regulations, and may require such additional conditions or Preliminary Plat approval as may be necessary to ensure proper compliance with the applicable County Subdivision Regulations.

2.9 *Securing of performance bond and initiation of construction work.* Once the County Engineer has formally approved the Preliminary Plat, the Subdivider must comply with any applicable requirements for a performance bond as required in Article III, Section 13 of these Regulations and as stipulated by the approved Preliminary Plat. Once a performance bond has been secured to the satisfaction of the Town, the Subdivider may begin work constructing the subdivision improvements as shown on the approved Preliminary Plat. If, during the process of constructing the subdivision improvements, circumstances arise that require a significant change in the subdivision design including, but not necessarily limited to, alterations in lot dimensions or sizes, changes to planned subdivision build-out schedules, or changes in the locations or nature of planned infrastructure improvements or street design, the Subdivider shall appear before the Planning Commission and request formal approval of said changes *prior* to actual construction. If the proposed changes require the issuance of a variance, a proper application for variance shall be forwarded to the Planning Commission for review and approval.

2.10 *Inspection and review of construction work.* During and throughout the construction process, the Subdivider shall provide adequate opportunities for inspection of the construction work by the Zoning Enforcement Officer to verify compliance with the Preliminary Plat and any applicable laws, codes, ordinances, and regulations. The Zoning Enforcement Officer may be accompanied by such other cognizant public officials as may be necessary to ensure compliance with the applicable laws, codes, ordinances, and regulations. However, approval of any or all site inspections shall in no way constitute, imply, or substitute for formal approval of a Final Plat.

2.11 *Release of performance bond.* Once construction of all improvements shown on the Preliminary Plat has been completed and duly inspected and approved by the Town, the Subdivider may request formal release of any required performance bond in accordance with Article III Section 13.3 of these Regulations. If, however, an inspection of required improvements reveals that the improvements were not constructed in accordance with the Preliminary Plat or any specific changes to the Preliminary Plat that were formally approved by the Planning Commission, then the Town shall be authorized to undertake remedial work or may complete the defective improvement in accordance with the approved Preliminary Plat, and the Subdivider shall not seek nor receive reimbursement of the performance bond funds necessary to cover the Town's costs for said remedial work. Where the Planning Commission has approved a Preliminary Plat for a subdivision, the Subdivider must complete all construction work in accordance with the provisions of this Section and submit a Final Plat to the Town for approval by the Planning Commission within the deadline prescribed by the Planning Commission under the terms of Section 4.6 of this Article.

2.12 *Final Plat review and approval.* Before the Subdivider may sell or transfer ownership of any lots within a subdivision, a Final Plat shall be approved by the Planning Commission and duly recorded. Said Final Plat shall show all improvements as they have been built and approved by the Town. The Final Plat also shall note any deviations from the approved Preliminary Plat.

The Planning Commission shall review the Final Plat for completeness and issue approval for official recording or request specific changes prior to official recording. No Final Plat shall be filed or recorded in the office of the County Probate Judge until such time as the Planning Commission has officially approved and certified said Final Plat. No sale or transfer of land within the subdivision shall occur until a Final Plat has been approved and certified by the Planning Commission and duly recorded by the Subdivider in the office of the County Probate Judge.

2.13 *Recording of Final Plat.* Once the Planning Commission has approved and signed the Final Plat, the Subdivider shall file and record said Plat in the office of the County Probate Judge. Once the Final Plat has been officially recorded, the Subdivider may sell or transfer lots or land within the subdivision, and the review and approval process is complete.

SECTION 3 - PRE-APPLICATION CONFERENCES

All pre-application conferences shall be governed by the following procedures.

3.1 *Timing.* A voluntary pre-application conference may be arranged between the applicant and the Zoning Enforcement Officer for any subdivision application. Such a conference shall occur at least twenty-four (24) hours prior to the submission of a formal application for Preliminary Plat review and approval. Pre-application conferences for subdivisions consisting of fifty (50) or more lots or involving non-residential or mixed land uses shall occur at least five (5) regular business days prior to the submission of a formal application for Preliminary Plat review and approval. All persons who desire to relocate one or more boundary lines between two or more adjoining lots of record are strongly encouraged to request a pre-application conference, to ensure that the proposed lot line adjustment will not create a nonconforming lot or structure.

3.2 *Scope of Consultation.* Any discussions and recommendations that result from a pre-application conference shall be non-binding on both the Subdivider and Town, and shall not represent or constitute an indication of the Town's predisposition in favor of or against a formal application. Subjects that may be discussed during a pre-application conference include, but shall not be limited to:

- A. general code requirements that must be addressed in the application or preliminary plat;
- B. general application review procedures and time frames;
- C. additional permits or reviews that may be required for the proposed subdivision;
- D. potential justifications for any variances that may be needed for the proposed subdivision;
- E. any potential complications that could arise during the review process, due to the nature of the proposed subdivision or known conditions of the subdivision site; and

F. questions regarding the potential consistency or compatibility of the proposed subdivision plan with the Comprehensive Plan or any other code, plan, or ordinance administered by the Town. Questions of this nature may require joint consultation with other Town officials or administrators.

SECTION 4 - PRELIMINARY PLAT APPROVAL

4.1 *Timing and number of plat prints required.* The application for Preliminary Plat approval, including six (6) prints or copies of the subdivision plans, shall be submitted to the Planning Commission at least fifteen (15) days prior to the date of the Planning Commission meeting at which it will be received.

4.2 *Consultation with other government entities during plat review.* The Planning Commission, before its formal public hearing and review, may transmit prints of the Preliminary Plat to any Town or county department for review and recommendation in relation to specific service problems.

4.3 *Contents of and attachments to the Preliminary Plat.* The preliminary plat, which shall meet the minimum standards of design and the general requirements for the construction of public improvements set forth in these regulations, shall be composed of a preliminary sketch plan of the subdivision and prepared using an indelible ink at a scale of not more than one (1) inch equals one hundred (100) feet. The Preliminary Plat shall show the following:

- A. A locus map showing the general location of the development site in relation to nearby streets, highways, and other major points of reference;
- B. A title block identifying the proposed name of the subdivision, the total amount of acreage to be divided, the names, mailing addresses, and business and fax telephone numbers of the property owners and the plat preparer, the plat preparer's official certification or license seal, the preparation date of the plat, the tax map and lot number(s) as well as the deed book and page number of the subdivision property, the plat sheet or page number, a approximate north arrow, and a graphic scale;
- C. The location of existing and platted or proposed property lines, streets, municipal boundaries, buildings, watercourses, sewers, culverts, drain pipes, water mains, and any proposed or existing public utility easements located within or not more than fifty (50) feet from the boundaries of the subdivision site;
- D. The right-of-way boundaries of any railroads within or adjacent to the subdivision, or located within two hundred (200) feet of an intersection between a subdivision street and any street crossing the railroad at grade;

- E. The proposed names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks, common or public open space lands, reservations, intersection sight triangles, lot lines, and building lines;
- F. 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, unless otherwise authorized by the Town Engineer;
- G. Sketches of typical street cross-sections and centerline profiles including associated drainage improvements;
- H. Preliminary sketch plans of proposed utility layouts (sewer, water, gas, and electricity) and associated easements showing feasible connections, where possible, to existing and proposed utility systems;
- I. The boundaries of any areas of special flood hazard or floodways, as may be required by Town of Reece City Zoning Ordinance or other applicable Flood Hazard Area Regulations; and
- J. A statement of the proposed land use of the lots.
- K. A statement of all proposed easements or common open space lands to be platted within the subdivision, including a description of the provisions to be filed for management and control of any proposed common open space lands within the subdivision as required by Article III Section 7.4 of these Regulations.
- L. A stormwater drainage and management plan as required in Article III Section 6 of these Regulations.
- M. A listing of the names and mailing addresses of all owners of land immediately adjoining the subdivision site as their names appear upon the plats contained in the County Tax Assessor's office and as their addresses appear in the directory of the municipality or on the tax records of the municipality or county.
- N. The required filing and review fee paid in full.

4.4 *Additional information that may be required.* The Planning Commission may require topography sketches of the property for subdivision at contour intervals of not less than five (5) feet. They may also require supplemental data including: existing and proposed covenants, land characteristics, on-site septic system disposal permits from the County Health Department, and other required or necessary permit approvals.

4.5 *Record-keeping.* One (1) copy of the Preliminary Plat and all supporting documents shall be retained in the Planning Commission files, and one (1) copy shall be returned to the Subdivider at the time of approval or disapproval, with the specific notations of any changes or modifications required.

4.6 *Expiration of Preliminary Plat approval.* The Town of Reece City desires and supports quality growth and development, and invests a significant level of paid and volunteer staff time assisting developers in preparing, reviewing, and approving development proposals. In recognition of the public investment, in terms of both time and cost, involved in the efficient and expeditious review of a Preliminary Plat, the Town expects a good faith commitment from the Subdivider to efficient and expeditious construction of the proposed subdivision improvements in accordance with the approved Preliminary Plat. Therefore, approval of the Preliminary Plat shall expire twelve (12) months from the date of such approval, unless a Final Plat in conformance with the requirements of these Regulations is submitted. However, the Planning Commission may authorize an eighteen (18) or twenty-four (24) month deadline for submission of a Final Plat, as may be appropriate for very large subdivisions in excess of fifty (50) total lots. Where circumstances beyond the specific control of the Subdivider occur that require an extension of the Preliminary Plat approval expiration deadline, the Subdivider may apply to the Planning Commission for an extension not to exceed six (6) months. Where a Preliminary Plat approval has expired as stipulated in this Section, the Town may compel the Subdivider to abandon work on the subdivision until such time as the Planning Commission approves a new Preliminary Plat, or—where substantial work in compliance with the Preliminary Plat has been completed—the Town may exercise its rights under Article III Section 13.3 of these Regulations to complete the subdivision improvements in accordance with the approved Preliminary Plat utilizing the funds secured by performance bond.

SECTION 5 - FINAL PLAT

5.1 *Final Plat required.* Upon completion of the proposed subdivision improvements shown on the Preliminary Plat, the Subdivider shall prepare a Final Plat showing the finished condition of the required improvements as they exist on the land. Construction work on the subdivision shall not be deemed complete until all of the subdivision improvements shown on the Preliminary Plat have been properly inspected and approved by the Town of Reece City. The final plat shall conform to the Preliminary Plat as approved and/or modified by approval of the Planning Commission.

5.2 *Timing and number of plat prints required.* The original drawing of the Final Plat, along with three (3) copies (black and white or blue line prints), together with any street profiles or other plans which may be required by the Planning Commission shall be submitted at least fifteen (15) days prior to the date of the Planning Commission meeting at which it will be received.

5.3 *Contents of and attachments to the Final Plat.* The Final Plat shall be prepared by a licensed or certified engineer, architect, landscape architect, or land surveyor. The final plat for a minor

subdivision, consisting of not more than ten (10) lots or parcels, may be drawn on sixteen (16) pound or heavier rag vellum. Final Plats for all other subdivisions shall be drawn on film. All Final Plat sheets shall measure twenty-four (24) by thirty-six (36) inches in size and shall be drawn using an indelible ink at a scale of not more than one hundred (100) feet to the inch. Where necessary, the Final Plat may be comprised of several sheets, accompanied by an index or cover sheet showing the entire subdivision. When more than one (1) sheet is required a key plan shall be provided as a reference for the component drawings. The Final Plat shall contain all of the following information:

- A. Name and location of subdivision;
- B. Name of owner and designer;
- C. North point, graphic scale, preparation date (including revision dates), and primary control points, which shall be tied to land lot corner, street intersections, or, where possible, the Alabama State Plane Coordinate System;
- D. Location, width, and name of all streets, roads and alleys and other rights-of-way;
- E. Location of all blocks, streets, and lot lines, with all lot numbers in numerical order;
- F. Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every road line, lot line, boundary line, block line, and building line, whether curved or straight, with accurate dimensions, bearings, or deflection angles, and radii, arcs, and central angles of all curves. The length of all dimensions shall be to the nearest one hundredth (1/100) of one (1) foot, and bearings of all angles to the nearest one (1) minute;
- G. Minimum building setback lines on all lots and other sites;
- H. Location, dimensions, and purpose of all easements;
- I. Location and description of all monuments and iron pins;
- J. Name and location of adjoining subdivisions, roads, and the ownership of adjoining unsubdivided property.
- K. Location and description of drainage facilities.

5.4 *Required certifications.* The following certifications shall be presented along with the final plat;

- A. Certification showing that the applicant is the legal owner of the land, and that the formally dedicates all street, rights-of-way and any other sites for public use;
- B. Certification by a registered surveyor or engineer of the accuracy of the survey and plat, and the placement of all required monuments;
- C. Certification by the Town Engineer that the Subdivider has complied with one of the following alternatives:
 1. Installed all improvements according to the requirements of these regulations, or,
 2. Posted a surety bond in the amount sufficient to assure the completion of all required improvements.
- D. Certification of approval to be signed by the Chairman or Secretary of the Planning Commission;
- E. A certification from the Town Clerk indicating that sufficient bond has been posted;
- F. A certification of approval by the County Health Department.

5.5 *Review and approval.* The Planning Commission shall review the Final Plat for completeness and issue approval for official recording or request specific changes prior to official recording. Where the Planning Commission has identified errors or omissions in the Final Plat, said Plat must be revised in accordance with the Planning Commission's requirements before it may be filed or recorded by the Subdivider. No lots or portion of the subdivision site may be sold or transferred until the Final Plat has been officially recorded.

5.5 *Record-keeping.* When the Final Plat has been approved by the Planning Commission, the original tracing, with the approval of the Planning Commission certified thereon and all other required certifications properly signed, shall be returned to the Subdivider for filing with the Probate Judge as the official plat of record. An additional copy of the Final Plat shall be returned to the Subdivider for his/her records, and one (1) copy shall be retained in the records of the Planning Commission. The Planning Commission must consider a final plat within thirty (30) days after meeting at which it was received. Failure of the Planning Commission to act on a Final Plat submission within these thirty (30) days shall be considered an approval of same. If the plat is disapproved, grounds for such disapproval shall be stated in writing in the official minutes of the Planning Commission.

5.6 *Limitations of Final Plat approval.* Approval of a Final Plat by the Planning Commission shall not constitute acceptance by the Town of Reece City of any dedicated street or other public way or ground. The Town of Reece City may withhold acceptance of any dedicated street for a period of one (1) year from the date of completion to ensure that the dedicated street shall be found to be free from defective workmanship or material and free from sink holes or other settling. The Town Council may, in lieu of the waiting period, accept a one (1) year performance bond in a reasonable amount determined necessary by the Town Engineer to ensure adequate repair and improvement of any defects in the construction of said dedicated street that may occur during the bonding period. After approval of the Final Plat, the construction of streets shown thereon, and the successful expiration or execution of any required maintenance guarantee as specified in this Section, the Planning Commission shall recommend to the Town Council that it accept the dedicated public roads and assume their perpetual maintenance.

SECTION 6 - VARIANCES

Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, due to unusual topographic or other conditions beyond the exclusive control of the Subdivider, it may vary the regulations so that substantial justice may be done and the public interest secured. However, any such variance shall not have the effect of nullifying the intent or purpose of the Subdivision Regulations, Zoning Ordinance, Sketch Thoroughfare Plan or other elements of the Reece City Comprehensive Plan. Any variance thus authorized is required to be entered in writing in the minutes of the Planning Commission and the specific findings of fact which justify the variance also shall be duly recorded in the minutes.

SECTION 7 - VIOLATION PROCEDURES

Where a violation of the requirements of these Regulations has been identified, either by complaint or by Town staff inspection, the following procedures shall be followed.

- 7.1 *Investigation.* If a complaint is received regarding an alleged violation of these Regulations, the Zoning Enforcement Officer shall investigate the complaint and document the extent of the violation.
- 7.2 *Initial notification of violation.* Once a violation has been confirmed and documented by investigation, the Zoning Enforcement Officer shall issue a stop work order (if applicable) and/or prepare a letter to the owner of record of the property stating the nature of the violation, the date that the violation was verified, and requiring that the property owner cure the violation within a specified number of days from the date that the letter was mailed. The deadline for correction of the violation shall be established by the Zoning Enforcement Officer with due consideration and respect for the nature of the violation, the amount of work necessary to correct the violation, and the need for expeditious remedy of the violation to prevent undue public impacts. However, in no instance shall the deadline for correction of the violation be

less than fifteen (15) days nor more than thirty (30) days from the date that the letter was mailed. The letter also shall state that the owner must correct the violation, or the Town will issue a citation. Finally, the letter shall afford the offending property owner an opportunity to schedule a meeting with the Zoning Enforcement Officer within five (5) business days to discuss objections to the violation or to make special arrangements to cure the violation. Such notification letter shall be sent to the property owner via certified mail, return receipt requested. The Town may, at the discretion of the Zoning Enforcement Officer, send a copy of the letter to the Subdivider or tenant of the property (as the case may be) by first class mail.

- 7.3 *Re-inspection.* The Zoning Enforcement Officer shall, at the expiration of the prescribed deadline for correction of the violation, re-inspect the property for compliance with the notification of violation.
- 7.4 *Notice of citation.* If, upon re-inspection, the Zoning Enforcement Officer confirms that the violation has not been cured as ordered, the Zoning Enforcement Officer shall prepare a notice of citation, which shall be sent to the offending property by certified mail, return receipt requested. The notice shall state the date upon which the initial violation was confirmed, the nature of the violation (including references to the specific code provisions that have been violated), the required corrective measures, the dates upon which the initial notification of violation was sent and received, the time frame afforded to the property owner for correction of the violation, the date that the failure to correct the violation was confirmed, and the amount of the applicable fine, which shall be calculated from the date of citation and full payment of which shall constitute an additional remedial action for correction of the violation. The notice also shall require the property owner to fully correct the violation within ten (10) days of the date of citation, or the owner will be required to appear before the Municipal Court, at a time and date to be determined by the Municipal Court, to answer the charge of violation as explained in the notice of citation.
- 7.5 *Court action.* If the Zoning Enforcement Officer confirms that the violation has not been cured within the time frame specified in the notice of citation, the Zoning Enforcement Officer shall file a written complaint for relief of the violation with the Municipal Court.

ARTICLE VI LEGAL PROVISIONS

SECTION 1 - VIOLATIONS AND PENALTIES

- 1.1 *Illegal sale or transfer of lots.* A violation of these Regulations shall occur in accordance with Title 11, Chapter 52, Section 33 of the Code of Alabama, 1975, as amended where the owner or agent of the owner of any land located within a subdivision subject to the requirements of these Regulations transfers, sells, agrees to sell, or negotiates to sell any land within a subdivision for which no Final Plat has been approved by the Planning Commission and duly filed and recorded in the office of the County Probate Judge. Any such violation shall be punishable by a fine of one hundred dollars (\$100.00) for each lot or parcel of land so transferred or sold or agreed or negotiated to be sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town also may enjoin such transfer or sale or agreement by a civil action for injunction brought in any court of competent jurisdiction or may recover the same penalty provided in this section by a civil action in any court of competent jurisdiction.

- 1.2 *Failure to comply with Regulations.* Any failure to comply with the applicable requirements of these Regulations or failure to construct subdivision improvements in accordance with an approved Preliminary Plat shall constitute a violation of these Regulations under Title 11, Chapter 52, Section 83 of the Code of Alabama, 1975, as amended. Any such violation shall be punishable by a fine of up to five hundred dollars (\$500.00) and or imprisonment of not more than six (6) months, as provided in accordance with Title 11, Chapter 45, Section 9 of the Code of Alabama, 1975, as amended. Where such a violation has been confirmed to exist by the Zoning Enforcement Officer, the violation shall be cured in accordance with the administrative procedures outlined in Article 5 Section 7 of these Regulations.

SECTION 2 - RESTRICTIVE COVENANTS AND BYLAWS

Subdivision bylaws, covenants, and deed restrictions may be imposed upon the lots within the subdivision by the Subdivider when the Final Plat is recorded. Once any such subdivision bylaws, covenants, and deed restrictions have been recorded, they can be administered only by the Subdivider, the homeowners' association of the subdivision, or the owners of land within the subdivision, as may be applicable, and they may be enforced only by private legal action through a court of competent jurisdiction. The Town of Reece City and the Reece City Planning Commission is in no way liable for and assumes no responsibility to approve, enforce, amend, or administer any duly adopted or recorded subdivision bylaws, covenants, and deed restrictions. Furthermore, advance knowledge by the Planning Commission prior to Final Plat approval that any such subdivision bylaws, covenants, and deed restrictions will be imposed by the Subdivider shall in no way constitute implied authority or responsibility to approve, enforce, amend, or administer any

subsequently adopted or recorded restrictive covenants or bylaws. Finally, no such authority shall be implied by the granting of Final Plat approval for any subdivision within which special bylaws, covenants, or deed restrictions have been or will be imposed.

SECTION 3 - SEVERABILITY AND SEPARABILITY

Should any article, section, subsection, or provision of these Subdivision Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Subdivision Regulations as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

SECTION 4 - ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

The Planning Commission may adopt, readopt, amend, or repeal these Regulations by a majority vote of the members at a meeting where a quorum is present. Before adoption, a public hearing, as described by law, shall be held thereon. Procedures for public notification and conduct of such public hearing shall be in accordance with the provisions of Article V Sections 2.5 and 2.6 of these Regulations, with the exception that the specific notice to adjoining property owners and Subdivider shall not be required. Following its adoption, a full and complete copy of the amendment shall be published, certified, and recorded in compliance with Title 11, Chapter 52, Section 8 of the Code of Alabama, 1975, as amended. In addition, a copy of the adopted amendment shall be certified by the Planning Commission to the Probate Judge of Etowah County.

SECTION 5 - REPEAL OF FORMER REGULATIONS

These Regulations are the official Subdivision Regulations for the Town of Reece City. All other conflicting municipal subdivision regulations adopted prior to the adoption or amendment of this ordinance are hereby repealed; provided that nothing herein shall be construed as repealing or modifying those approvals, permits, or variances issued in good faith compliance with any previous local ordinance hereinafter repealed by these Regulations.

SECTION 6 - INTERPRETATION OF CONFLICTING REQUIREMENTS

Whenever the requirements of this ordinance conflict or are in any way inconsistent with the requirements of any other lawfully adopted statutes, rules, regulations, ordinances, the most restrictive, or that imposing higher standards, shall govern, unless otherwise specifically stated in these Regulations. No certificate of zoning compliance or plat approval shall be issued or considered valid for any use or activity which is or would be otherwise illegal under the terms of any applicable local, State, or Federal Law.

SECTION 7 - EFFECTIVE DATE

These Subdivision Regulations shall supersede all previous Subdivision Regulations and shall take effect five (5) days after the date of final posting by the Town, in accordance with Title 11, Chapter 45, Section 8 of the Code of Alabama, 1975, as amended.

RESOLUTION NO. 154

A RESOLUTION ADOPTING SUBDIVISION REGULATIONS FOR THE TOWN OF REECE CITY, ALABAMA, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING ALL CONFLICTING REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Title 11, Chapter 52, Code of Alabama, 1975, as amended, authorizes the Planning Commission to enact Subdivision Regulations to govern the subdivision of all lands within the corporate limits of the Town of Reece City, Alabama and within a five (5) mile radius of the Town Limits; and

WHEREAS, the Town of Reece City, Alabama desires to exercise its powers to regulate subdivisions in accordance with Alabama law; and

WHEREAS, the Planning Commission has prepared Subdivision Regulations for the Town; and

WHEREAS, the Planning Commission conducted a formal public hearing on the proposed new Subdivision Regulations on September 23, 2003 in accordance with the requirements of Title 11, Chapter 52, Section 31 of the Code of Alabama, 1975, as amended;

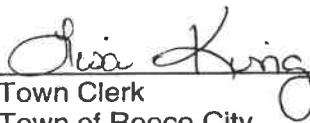
NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF REECE CITY, ALABAMA:

SECTION 1. That the Reece City Planning Commission hereby adopts the September 2003 Reece City Subdivision Regulations, pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended on this 23rd day of September, 2003.

SECTION 2. That all conflicting regulations adopted previously by the Planning Commission, be repealed.

SECTION 3. That the aforementioned Subdivision Regulations shall become effective five (5) days after the date of final posting by the town in accordance with Section 11-45-8 of the Code of Alabama, 1975, as amended.

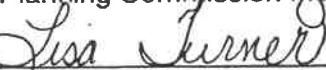
ATTEST:



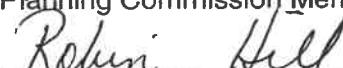
Lisa King
Town Clerk
Town of Reece City



Lisa King
Planning Commission Member



Lisa Turner
Planning Commission Member

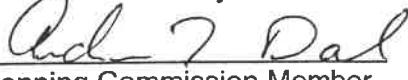


Robin Hill
Planning Commission Member

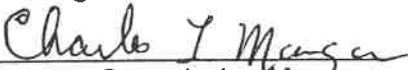


Louis Priney
Planning Commission Member

Planning Commission Chairman
Town of Reece City



Andie Dab
Planning Commission Member



Charles T. Mason
Planning Commission Member

Planning Commission Member

Planning Commission Member

CERTIFICATION OF ADOPTION

I hereby certify that the attached ordinance was duly adopted by the Reece City Planning Commission in regular session assembled on the 23rd day of September, 2003, and is recorded in the official minutes of the Reece City Planning Commission.



Lisa King
Town Clerk

Official Seal

CERTIFICATION OF PUBLICATION

I, Lisa King, Town Clerk for the Town of Reece City, Alabama, hereby certify that these Subdivision Regulations were posted on the 24th day of September, 2003, in accordance with the provisions of Code of Alabama (1975) Section 11-45-8.

9-24-03

Date



Lisa King
Town Clerk

APPENDIX A

FORMS & CERTIFICATES

OWNER'S CERTIFICATE

OWNER'S CERTIFICATE AND DEDICATION. We, the undersigned (name of owner) do hereby certify that we are the owners of and the only person having any right, title, or interest in the land shown on the Plat of (name of subdivision), and that the Plat presents a correct survey of the above described property made without consent, and that we hereby dedicate to the public use all the streets shown on said plat. The easements as shown on the plat are created for the installation and maintenance of public utilities. We hereby guarantee a clear title to all lands so dedicated from ourselves and our heirs or assignees forever, and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate.

RESTRICTIONS: (if any, follow here)

Witness _____ hand _____ this _____ day of _____, 20____.

WITNESS _____

SURVEYOR'S CERTIFICATE

SURVEYOR'S CERTIFICATE, I _____ the undersigned, do hereby certify that I am a professional land surveyor or civil engineer and that the annexed map of (name of subdivision) consisting of _____ sheets, correctly represents a survey made under my supervision on the _____ day of _____, 20 ____; and that all of the monuments shown hereon actually exist and their positions are correctly shown.

Signature: _____

License #: _____

Witness : _____

CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify: (1) that streets, utilities, and other improvements have been installed in an acceptable manner according to Town specifications in the subdivision entitled _____ or, that a security bond in the amount of \$_____ has been posted with the Town of Reece City to assure proper construction of all required improvements in case of default.

20 _____

Town Engineer
or other Approving Agents

CERTIFICATION OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat for _____ subdivision has been found to comply with the Subdivision Regulations for Reece City, Alabama, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission, and that it has been approved for recording in the office of the Probate Judge of Etowah County.

Chairman, Planning Commission

20 _____

ATTEST:

Secretary

By: _____

Approved as to form and legality this _____ day of _____ A.D., 20_____

Attorney

Approved by the Town Council of Reece City _____ day of _____ A.D., 20_____

ATTEST:

Clerk

Mayor

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS;

That we, _____ as Principal and the undersigned Surety, are held and firmly bound unto the Town of Reece City, Alabama, hereafter called the Town, in the full sum of _____ (\$ _____), for the payment of which, well and truly to be made, we, and each of us, bind ourselves jointly and severally, by these present.

Date this _____ day of _____ A.D., 20_____

The conditions of this obligation are such that,

WHEREAS, PRINCIPAL has submitted to the Planning Commission a Preliminary Plat for subdivision of a tract of land described as follows:

AND, WHEREAS, PRINCIPAL has, pursuant to the Subdivision Regulations of the Town of Reece City elected to title this bond in lieu of actual completion of improvements and utilities in the above subdivision.

NOW, THEREFORE, if the PRINCIPAL shall, within _____ month(s) from the date of approval of the Preliminary Plat of the subdivision, faithfully install complete improvements and utilities in the rules and regulations of the Town and pay all bills for contractors, subcontractors, labor and materials incurred in completion thereof; and shall hold harmless and indemnify the Town and all interest property owners against liability, loss, or damage by reason of failure of PRINCIPAL to faithfully perform the conditions hereof, then this obligation shall be null and void, otherwise to remain full force and effect; PROVIDED, however, that actions upon this bond by contractors, subcontractors, laborers or material men shall be limited to six months from and after completion of the improvements and utilities above referred to.

Signed, sealed and delivered the day and year first above written.

Principal

ATTEST:

Secretary

TOWN COUNCIL ACCEPTANCE OF PUBLIC DEDICATION

Be it Resolved by the Town Council of the Town of Reece City, Alabama, that the dedication shown on the attached plat of (name of subdivision) are hereby accepted.

Adopted by the Town Council of the Town of Reece City, Alabama, this _____ day of _____
_____, 20_____

Mayor

ATTEST:

Clerk

**CERTIFICATE OF APPROVAL OF THE FINAL PLAT BY THE PLANNING
COMMISSION (to be placed on the plat)**

Pursuant to the Reece City Subdivision Regulations all the requirements for approval have been fulfilled. This final plat was given Final Approval by the Town of Reece City Planning Commission on _____.

Secretary

Date: _____

**TOWN OF REECE CITY
VIOLATION COMPLAINT**

Date of complaint: _____ Complaint received by: _____

Form of Complaint: _____ Citizen _____ Public Official _____ Inspector

Name of Person Filing Complaint: _____ Telephone: _____

Nature of Complaint: _____

Location: _____

Probable violation of Article _____ Section _____, of the Reece City Subdivision

Regulations, described as follows: _____

Referred for inspection to: _____

Date of inspection: _____

Inspection findings: _____

_____ Violation found _____ No violation found _____ Other: _____

Initial action following discovery of violation: _____

Notice of Violation sent on: _____

_____ Other _____

Follow-up inspection due on: _____

Notes: _____

TOWN OF REECE CITY

NOTICE OF VIOLATION

Date of notice

Name of Property Owner
Mailing address
City, State, Zip

Dear (Name of property owner):

On (Date of investigation), I investigated and confirmed a violation of the Reece City Subdivision Regulations on your property located at (Street address of subject property). The nature of this violation is (Description of the violation), which violates Article (Cite article number), Section (Cite section and subparagraph number) of the Subdivision Regulations. I am writing to request that you take action to correct this violation on or before (Specify date by which the violation must be corrected), in order to avoid the issuance of a formal citation and penalty. If you feel that this notice has been issued in error or you feel that an extension to the deadline is necessary, please arrange a meeting with me on or before (Date - five business days after the date of notice). I will be happy to discuss this problem with you in greater detail.

Thank you for your help in addressing this problem. The Town of Reece City appreciates your cooperation.

Sincerely,

(Signature of Enforcement Officer)
Enforcement Officer

TOWN OF REECE CITY
NOTICE OF CITATION

Date of citation

Name of Property Owner

Mailing address

City, State, Zip

Dear (Name of property owner):

On (Date upon which initial violation was confirmed), I investigated and confirmed a violation of the Reece City Subdivision Regulations on your property located at (Street address of subject property). The nature of this violation is (Description of the violation), which violates Article (Cite article number), Section (Cite section and subparagraph number) of the Subdivision Regulations. Our records show that the Notice of Violation was sent to you on (Date that the notice was mailed) and received by you on (Date of receipt by property owner) explaining the nature of this violation and requesting that you correct the problem on or before (Deadline for correction of violation specified in the notice of the violation).

On (Dated of re-inspection), I performed a follow-up investigation to determine whether or not the violation had been corrected in accordance with the Notice of Violation. My inspection of the property revealed that the violation has not been corrected in accordance with the Subdivision Regulations. Therefore, the Town of Reece City is hereby issuing this Citation to you for failure to correct a violation of the Subdivision Regulations. To correct this violation, you must (Specify corrective measures including the amount of the fine that must be paid by the property owner) on or before (Ten days after the date of citation). If this violation is not corrected in full by the aforementioned date, the Town of Reece City will be obligated to file a written complaint with the Municipal Court for relief. If such a complaint is filed, you will be required to appear before the Municipal Court, at a time and date to be determined by the Court, to answer the charge of violation as explained in this Citation. If you have any questions regarding this violation or the subsequent actions that the Town will take, please do not hesitate to contact me at (Specify contact number and/or e-mail address) during the hours of (Specify business hours).

We appreciate your efforts to resolve this violation as soon as possible. Thank you for your cooperation.

Sincerely,

(Signature of Enforcement Officer)
Enforcement Officer

TOWN OF REECE CITY, ALABAMA

SUBDIVISION APPLICATION

Property owners in the Town of Reece City who wish to subdivide property within the Town and within the Town's extraterritorial planning jurisdiction must complete a Subdivision Application form. To request Planning Commission approval of a proposed subdivision plan, please complete the following application and return the form with all necessary supporting documents to Town Hall. Incomplete applications will not be processed. For additional information, please call the Town of Reece City Enforcement Officer at (256) 538-6521 during regular business hours.

Applicant Information:

Name of Applicant: _____

Mailing Address: _____

Business Hours Telephone #: (_____) _____

Fax # (If available): (_____) _____

NOTE: *If the applicant is NOT the owner of the subject property, then the application MUST be accompanied by a letter signed by the owner authorizing the applicant to submit the application.*

Consulting Engineer Information: (If same as applicant, complete only first three lines)

Name of Lead Consultant: _____

Name of Consulting Firm: _____

Professional Trade Affiliation: *Engineer* *Surveyor* *Architect*

Mailing Address: _____

Business Hours Telephone #: (_____) _____

Fax # (If available): (_____) _____

Property Summary Information:

Owner(s) of Record: _____

Street Address of Subject Property: _____

Is Subject Property Located Within the Town Limits of Reece City? [] Yes [] No

Tax Map & Lot Number of Subject Property: _____

Zoning Classification of Subject Property: _____

Size of Subject Property in Acres: _____

Size in Acres of Smallest Lot to be Created: _____

Total Number of New Lots to be Created: _____

Is Subject Property Located Within 300 Feet of a Town Water or Sewer Main?

[] Yes [] No

Uses to be Allowed in Subdivision: [] Residential [] Industrial [] Commercial

Is Property Located Within a 100-Year Floodplain? [] Yes [] No

Supporting Information:

Please submit the following items with the Subdivision Application form:

- [] *Full payment of the required Application Fee.*
- [] *Six prints or copies of a preliminary plat of the proposed subdivision satisfying all requirements of Article V, Section 4.3 of the Reece City Subdivision Regulations.*
- [] *A listing of the names and mailing addresses of all owners of land immediately adjoining the proposed subdivision property as their names may appear upon the plats contained in the County Tax Assessor's office and as their addresses appear in the directory of the municipality or on the tax records of the municipality or county.*
- [] *A complete list of all local, state, and federal permits or approvals that have been applied for or secured by the applicant for the proposed subdivision as of the date of filing of this application.*

Certifications:

Applicant:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, Town Engineer, or Planning Commission to determine the compliance of the proposed property construction or improvement activities with the Subdivision Regulations and Zoning Ordinance of the Town of Reece City.

Date

Applicant's Signature

Property Owner:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, Town Engineer, or Planning Commission to determine the compliance of the proposed property construction or improvement activities with the Subdivision Regulations and Zoning Ordinance of the Town of Reece City.

Date

Property Owner's Signature

----- FOR TOWN OF REECE CITY USE ONLY -----

Enforcement Officer's Information:

Date Filed: _____

Received By: _____

Application Fee Received: \$ _____ [] *Cash* [] *Check #* _____

Date Reviewed and Deemed Complete: _____

Enforcement Officer's Signature: _____

Public Hearing Date: _____

Date Public Hearing was Closed (if Different from Above): _____

Planning Commission Action on Preliminary Plat: [] Approved [] Denied

Date of Final Action by Planning Commission:

Planning Commission Findings and/or Special Conditions of Approval:

Planning Commission Chair's Signature: _____

