

# **SUBDIVISION REGULATIONS**

## **CITY OF BOAZ, ALABAMA**

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## ARTICLE I

### PURPOSE, POLICY AND TITLE

#### Section 1-1. Purpose

The purpose of this regulation is to establish procedures and standards for the development and subdivision of real estate within the subdivision jurisdiction of the City of Boaz in an effort to, among other things, insure proper legal description, identification, monumentation, and recordation of real estate boundaries; further the orderly layout and appropriate use of the land; provide safe, convenient, and economic circulation of vehicular traffic; provide suitable building sites which are readily accessible to emergency vehicles; assure the proper installation of streets and utilities; promote the eventual elimination of unsafe or unsanitary conditions arising from undue concentration of population; and help conserve and protect the physical and economic resources of the City of Boaz.

#### Section 1-2. Policy

- (a) It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the authority granted to the City by the Code of Alabama.
- (b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, water, sewerage disposal and streets.
- (c) The existing and proposed public improvements shall conform to and be properly related to the adopted proposals and policies in the Comprehensive Plan of the City of Boaz; and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, Zoning Ordinance, Comprehensive Plan, and Land Use Plan of the City of Boaz.
- (d) Approval of a subdivision plat shall be considered an amendment to the City of Boaz's Comprehensive Plan and as such shall be approved by no less than six (6) members of the Planning Commission.

#### Section 1-3. Title

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

## ARTICLE II

### AUTHORITY AND JURISDICTION

#### Section 2-1. Authority

By authority of Resolution 80-1 of the Planning Commission of the City of Boaz, Alabama (hereinafter referred to as "Planning Commission") adopted pursuant to the powers and jurisdictions vested through Title 11, Article II, Section 11-52-30 through 11-52-36 inclusive, of the 1975 Code of Alabama as amended, the Planning Commission does hereby exercise the power and authority to review, approve, and disapprove plats for the division of real estate within City of Boaz.

#### Section 2-2. Jurisdiction

- (a) From and after the effective date hereof, these regulations shall govern the subdivision of all land located in the City of Boaz, Alabama.
- (b) Any owner of land, which lies within the area of jurisdiction, who wishes to divide or resubdivide such land into two (2) or more lots, sites, or divisions, for the purpose, whether immediate or future, of sale or building development, shall submit to the Planning Commission a plat of the subdivision, which shall conform to the minimum requirements set forth in these regulations, for approval.
- (c) No subdivider shall proceed with improvements or installation of utilities in a subdivision until such subdivision plat shall have been granted Preliminary Plat approval by the Planning Commission. All utilities shall be installed in accordance with regulations and procedures of the governing Board of each utility.
- (d) No subdivider shall proceed with the sale of lots or erection of buildings, excluding public utility structures, within a subdivision until such subdivision plat shall have been granted Final Plat approval entered in writing on the plat and signed by the Chairman of the Planning Commission and recorded in the Office of the County Probate Judge.
- (e) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

## ARTICLE III

### DEFINITIONS

#### Section 3-1. Usage

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Article. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural include the singular; the word "herein" means "in these regulations; the word "regulations means "these regulations".

A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure" and includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

#### Section 3-2. Words and Terms Defined

- 3-2-1 Administrative Officer - the person appointed by the Governing Body to administer and enforce these regulations.
- 3-2-2 Alley - a public right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.
- 3-2-3 Applicant - the owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.
- 3-2-4 Block - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways or boundary lines of municipalities.
- 3-2-5 Bond - see Improvement Guarantee (3-2-30)
- 3-2-6 Building - any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
- 3-2-7 Building Setback Line - a line parallel to the property line in front of which no structure may be erected.

- 3-2-8 City - The City of Boaz, Alabama.
- 3-2-9 City Clerk - the duly designated Clerk of the City of Boaz, Alabama.
- 3-2-10 City Council - the City Council of the City of Boaz, Alabama.
- 3-2-11 City Engineer - the duly designated Engineer of the City of Boaz, Alabama.
- 3-2-12 City Specifications - all construction specifications which have been adopted by the City or as required by the Planning Commission and all utility departments.
- 3-2-13 Collector Street - see Street, Collector (3-2-53 C.).
- 3-2-14 Comprehensive Plan - comprehensive plan for development of the City, prepared and adopted by the Planning Commission, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan or parts thereof.
- 3-2-15 Corner Lot - a lot which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front.
- 3-2-16 Crosswalk - a public right-of-way ten (10) feet or more in width between property lines, which provides pedestrian access to adjacent properties.
- 3-2-17 Cul-De-Sac - a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- 3-2-18 Dedication - the transfer of property from private to public ownership.
- 3-2-19 Developer - the owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.
- 3-2-20 Depth of Lot - the mean horizontal distance between the front and rear lot lines.
- 3-2-21 Double Front Lot - a lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.

- 3-2-22 Easement - a grant by the property owner of use, by the public, a corporation, or person(s) of a strip of land for specified reasons, or as created by operation by law.
- 3-2-23 Escrow - a deposit of cash with the City in lieu of an amount required and still in force on a performance or maintenance bond.
- 3-2-24 Final Plat - a plat of a tract of land which meets the requirements of these regulations and is in form for recording in the office of the Probate Judge.
- 3-2-25 Group Development - a development comprising two (2) or more structures, built on a single lot, tract, or parcel of land, and designed for occupancy by separate families, firms or other enterprises, and the land is not subdivided into the customary streets and lots.
- 3-2-26 Governing Body - the Mayor and the City Council of the City of Boaz, Alabama.
- 3-2-27 Health Department - County Health Department of the appropriate County.
- 3-2-29 Improvement Guarantee - a cash deposit, surety bond, or instrument of credit in an amount and form satisfactory to the City Council. All bonds shall be approved by the City Council whenever a bond is required by the regulations.
- 3-2-30 Lot - a tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
- 3-2-31 Major Subdivision - all subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new streets or extensions of the local governmental facilities, or the creation of any public improvements.
- 3-2-32 Minor Subdivision - any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Zoning Ordinance or these regulations.

- 3-2-33 Monument - a permanent object serving to indicate a limit or to mark a boundary.
- 3-2-34 Nonresidential Subdivision - a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with Section 9-4, of these regulations.
- 3-2-35 Open Space - shall be any land either publicly or privately owned which is designated as being permanently developed and used for recreation, conservation, or preservation.
- 3-2-36 Owner - any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
- 3-2-37 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.
- 3-2-38 Planning Commission - shall mean the Planning Commission of the City of Boaz, Alabama.
- 3-2-39 Preliminary Plat - shall mean a tentative plan of the complete proposed subdivision submitted to the Planning Commission for its consideration.
- 3-2-40 Probate Judge - shall mean the Judge of Probate of either Marshall or Etowah County, Alabama.
- 3-2-41 Registered Engineer - an engineer properly licensed and registered in the State.
- 3-2-42 Registered Land Surveyor - a land surveyor properly licensed and registered in the State.
- 3-2-43 Resubdivision - a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- 3-2-44 Road, Dead-End - a road or a portion of a street with only one (1) vehicular-traffic outlet.

- 3-2-45 Setback - the distance between a building and the property line nearest thereto.
- 3-2-46 Sidewalk - walkway constructed for use by pedestrians.
- 3-2-47 Single Tier Lot - a lot which backs upon a street, a railroad, a physical barrier, or a residential or non-residential use, and to which access from the rear of the lot is usually prohibited.
- 3-2-48 Sketch Plat - a sketch preparatory to the preparation of the preliminary plat (or Final Plat in the case of minor subdivision) to enable the applicant to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.
- 3-2-49 Street - a dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting property.
- a. Arterials - arterial routes are heavy traffic carriers of the City and function to move intra-city and inter-city traffic. The streets which comprise the arterial system may also serve abutting property; however, their major function is to carry traffic.
  - b. Major Thoroughfares - major thoroughfares perform the function of collecting traffic from residential, commercial, or industrial streets and carrying it to the arterials. Major thoroughfares should be designed to serve as city-wide routes providing access to inner-city arterials.
  - c. Collectors - these routes collect traffic from an area and move it to a major thoroughfare or arterial while also providing substantial service to abutting land use. Typically, they should not have extensive continuity, or they may be used as major thoroughfares.
  - d. Minor Streets - minor streets comprise the remainder of the street system and have the primary function of servicing abutting property. Through traffic should be stringently discouraged on these streets.

- 3-2-54 Subdivider - any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly sells, leases, or develops, or offers to sell, lease or develop, or advertises for sale, lease, or development, an interest, lot, parcel, site, unit, or plat in a subdivision, and who (3) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.
- 3-2-55 Subdivision - shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites or other division of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. It shall include all subdivisions of land involving the dedication of a new street or a change in existing streets.
- 3-2-56 Subdivision Jurisdiction - the City of Boaz corporate limits.
- 3-2-57 Subdivision, Major - see Major Subdivision (3-2-<sup>31</sup>~~33~~).
- 3-2-58 Subdivision, Minor - see Minor Subdivision (3-2-<sup>32</sup>~~35~~).
- 3-2-59 Thoroughfare Plan - the Thoroughfare Plan, prepared as an element of the Land Use Plan.
- 3-2-60 Width of Lot - the mean horizontal distance between the two side lot lines.
- 3-2-61 Zoning Ordinance - the official Zoning Ordinance of the City of Boaz, Alabama.

## ARTICLE IV

### APPROVAL OF SUBDIVISION PLATS

#### Section 4-1. Approval of Subdivision Plats Required-Effect of Non-Compliance

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

#### Section 4-2. Approval Not Acceptance

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

#### Section 4-3. General Procedure

4-3-1 Classification of Subdivisions - Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes basically one (1) step for a minor subdivision and two (2) steps for a major subdivision:

- (1) Minor Subdivision
  - (a) Sketch Plat (optional)

(b) Final Subdivision Plat

(2) Major Subdivision

(a) Sketch Plat (optional)

(b) Preliminary Plat

(c) Final Subdivision Plat

4-3-2 Official Submission Dates. For the purpose of these regulations, for both major and minor subdivisions, plat shall be considered to be finally submitted until all required information is presented at a public hearing. The continuance of a public hearing shall delay final submission until the date of the last public hearing dealing with the plat.

#### Section 4-4. Submission of Sketch Plat

The procedure for obtaining a Sketch Plat concurrence is as follows:

4-4-1 Discussion of Requirements. Before preparing the Sketch Plat for a subdivision, the applicant should discuss with the Administrative Officer the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, water and similar matters, as well as the availability of existing services. The Administrative Officer shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

4-4-2 Application Procedure. Whenever any subdivision of a tract of land is proposed to be made, the applicant may submit to the Secretary of the Planning Commission or the City Clerk at least ten (10) calendar days prior to a regularly scheduled meeting, three (3) copies of a Sketch Plat of the proposed subdivision together with a sketch vicinity map and any other data which will convey his intentions as to the proposed layout and type of development. The applicant may appear at the regularly scheduled meeting of the Planning Commission to discuss the proposed subdivision and become familiar with the application of the regulations affecting the land to be subdivided. This procedure is not mandatory and does not require formal application or fee. The procedure is, however, recommended for persons interested in receiving approval of minor subdivisions.

- 4-4-3 Sketch Plat Requirements. A Sketch Plat, if submitted, shall be drawn at an approximate scale of one hundred (100) feet to one (1) inch and shall show the tentative street layout, approximate right-of-way width, lot arrangements, the location of the nearest water and sewer lines, water courses, existing structures, total acres, approximate number of lots, adjoining streets, north point, tract boundary, and proposed use of land.
- 4-4-4 Classification. Tentative classification of the Sketch Plat shall be made at the time of review at the regularly scheduled meeting of the Planning Commission as to whether the subdivision is a major or minor subdivision as defined in Article III of these regulations. Subsequent to the approval by the Planning Commission, the applicant may proceed directly to the filing of an application for approval of a Final Plat, as provided in these regulations, if classified as a minor subdivision; and if classified as a major subdivision, the applicant must first file an application for approval of a Preliminary Plat, as provided in these regulations before filing for final subdivision plat approval.
- 4-4-5 Concurrence of Sketch Plat. After reviewing and discussing the Sketch Plat, the Planning Commission will advise the applicant of the specific changes or additions, if any, it will require in the layout and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the subdivision plat. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. Said approval shall constitute authorization to prepare and submit a Preliminary Plat in the case of a major subdivision and a Final Plat in the case of a minor subdivision.

Section 4-5. Submission of Preliminary Plat.

The procedure for obtaining Preliminary Plat approval is as follows:

- 4-5-1 Application Procedure. Based upon the approval of the Planning Commission of the Sketch Plat (optional), the applicant shall file an application for approval of a Preliminary Plat. The application shall:

- (1) Be made on forms available at the Office of the Administrative Officer; and

- (2) Be accompanied by a filing fee, payable to the City Clerk, in the amount of twenty-five dollars (\$25.00) plus five dollars (\$5.00) per lot to cover the cost of advertising and administration; and
- (3) Be accompanied by at least three (3) sets of black or blue line prints of the proposed subdivision prepared in accordance with the requirements of the subdivision regulations; and
- (4) Be submitted to the Planning Commission Secretary or City Clerk at least fifteen (15) days prior to a regularly scheduled meeting.

4-5-2 Preliminary Plat Requirements. The Preliminary Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge but shall not exceed twenty-four by thirty-six (24 x 36) inches. The Preliminary Plat shall show the following:

- (1) Name of owner of record
- (2) Proposed name of subdivision, date, north point, scale, and location
- (3) Name and seal of registered land surveyor
- (4) Vicinity map showing location of the subdivision
- (5) Exact boundaries of the tract of land being subdivided, shown with bearings and distances
- (6) Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, as their names appear on the plats in the County tax assessor's office and their addresses appear on the tax records of the appropriate County
- (7) Wooded areas, marshes, and any other conditions affecting the site

- (8) The location of existing streets, buildings, water courses, railroads, transmission lines, sewers, culverts and drainpipes, water mains, jurisdiction lines, and any public utility easements on and adjacent to the tract being subdivided
- (9) Proposed streets and alleys, rights-of-way, and street names
- (10) Proposed easements, including location, widths and purposes
- (11) Proposed lot lines with bearings and distances and lot and block numbers
- (12) Proposed minimum building setback lines
- (13) Proposed parks, school sites, or other public open spaces, if any
- (14) Zoning classifications, both on the land to be subdivided and any adjoining lands

Site data:

- (a) Acreage in total tract
- (b) Smallest lot size
- (c) Total number of lots
- (d) Linear feet in streets

4-5-3 Construction Plans. At the time of submission of the Preliminary Plat, the applicant shall also submit Construction Plans for all required improvements. All plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction Plans shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Preliminary Plat. Construction Plans shall be prepared by a Registered Engineer. The following construction plans shall be included:

- (1) Street plan containing the following information:
  - (a) Location of all proposed and existing streets or rights-of-way in or adjacent to the subdivision

- (b) Width of existing and proposed rights-of-way and easements
  - (c) Street names
  - (d) Plan and profile of all streets, showing natural and finished grades drawn to a scale of not less than one (1) inch equals fifty (50) feet horizontal and one (1) inch equals ten (10) feet vertical
  - (e) Cross sections of proposed streets at a minimum of 100' stations
  - (f) Curve data for the centerline of each street: Delta, Tangent, and Radius
  - (g) Location of all required sidewalks and crosswalks
- (2) Storm Drainage Plan containing the following information:
- (a) Location of proposed drainageways, streams, and ponds in the subdivision
  - (b) Topography at two-foot contour intervals
  - (c) Location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets, and top elevations of head walls, etc., showing details on Drainage Plan, including conduit schedule
  - (d) Construction details of typical manholes, connections, and other drainage structures proposed
  - (e) Area of land contributing run-off to each drainage structure along with run-off calculations of each area and drainage calculations for each drainage structure and drainage ditch
  - (f) Location of easements and rights-of-way for drainageways and maintenance access thereof

- (g) Typical cross sections of each drainageway
  - (h) Direction of waterflow throughout the subdivision and compatibility with existing city or natural drainage
- (3) Sanitary Sewer Plan containing the following information:
- (a) Location and size of all existing and proposed sewers in the subdivision and tie-points of the subdivision. Location of sewer laterals
  - (b) Direction of flow of each sewer line
  - (c) Location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds, and treatment plants, if any
  - (d) Construction details of typical manholes, connections, and other sewage structures proposed
  - (e) Plan and profile of sewage system
- (4) Water Distribution Plan containing the following information:
- (a) Location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.
- (5) Electric Distribution Plan containing the following information:
- (a) Location of all poles or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision
- (6) Letter of approval from the appropriate municipal, county, or state department or agency concerned with the approval of 1-5 above. It shall be the responsibility of the applicant to provide the Planning Commission with the letter of approval prior to the Planning Commission's approval of the Preliminary Plat.

- 4-5-4 Public Hearing. The Planning Commission shall hold a public hearing on the Preliminary Plat. Notice of such public hearing shall be sent to all adjoining landowners by registered mail as their names appear upon the plats in the County Tax Assessor's Office. Such notices shall be sent at least five (5) days prior to the date of the public hearing. Any change or modification to a Preliminary Plat shall be submitted to the Planning Commission for approval and may be subject to public hearing, if deemed necessary by the Planning Commission.
- 4-5-5 Preliminary Approval. After the Planning Commission has reviewed the Preliminary Plat and construction plans, and any City recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. One (1) copy of the proposed Preliminary Plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat and one copy shall be retained by the Planning Commission. Before the Planning Commission approves a Preliminary Plat showing park reservation or land for other local government use proposed to be dedicated to the City, the Planning Commission may obtain concurrence of the park or land reservation from the City Council. The approval of the Preliminary Plat shall not be deemed final acceptance but rather an expression of approval of the layout as submitted on the Preliminary Plat.
- 4-5-6 Effective Period of Preliminary Approval. The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval on the subdivision must have been obtained from the Planning Commission, although the plat need not yet be signed and filed with the Probate Judge. Any plat not receiving final approval within the period of time set forth herein shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations and filing fees.
- 4-5-7 Zoning Regulations. Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Ordinance rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within the one-year period.

- 4-5-8 Resubmission of Preliminary Plat. The Planning Commission shall not consider, for a period of twelve (12) months, a Preliminary Plat which has been resubmitted for approval after Planning Commission disapproval, unless the applicant has complied with the Planning Commission's required changes and/or additions. Any resubmission shall be subject to a public hearing.

Section 4-6. Submission of the Final Plat

In accordance with Section 4-1 of the regulations, no street shall be accepted and maintained by the City nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land as defined herein, nor shall any permit be issued by an administrative agent or department of the City for the construction of any building or other improvement requiring a permit upon any land concerning which a plat is required to be approved unless and until the Final Plat has been approved by the Planning Commission of the City of Boaz, Alabama.

- 4-6-1 Application Procedure and Requirements. Following the approval of the Sketch Plat in the case of a minor subdivision (optional), or of the Preliminary Plat in the case of a major subdivision, the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Commission an application for final approval of a subdivision plat. The application shall:

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

4-6-2 Final Plat Requirements. The Final Plat shall be prepared by a registered land surveyor and shall be clearly and legible drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The Final Plat, as submitted for approval, shall be prepared in ink on linen or a suitable permanent mylar reproducible. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge, but shall not exceed twenty-four by thirty-six (24 x 36) inches. The Final Plat shall show the following:

- (1) Name of Subdivision, north point, scale, and location
- (2) The relation of the land so platted to the Government Survey. The "point of beginning" as referred to in the written description shall be so indicated
- (3) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, block line, and minimum building setback line, whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arcs and chords.
- (4) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name.
- (5) The exact position of the permanent monuments shall be indicated on the plat by a small circle "o".
- (6) Streets and alleys, rights-of-way, and street names
- (7) Rights-of-way or easements, including location, widths, and purposes
- (8) Lot lines and lot and block numbers
- (9) Minimum building setback lines. In the instance of double frontage lots, the direction of the building fronts shall be clearly indicated
- (10) The following endorsements, dedications, and certificates shall be placed on the Final Plat (see Appendix I for sample certificates):

- (a) Registered Surveyor's Certificate and Description of Land Platted. The certificate shall state that the survey has been performed to meet the standards for practice of land surveying in the State of Alabama.
- (b) Dedication
- (c) A notary's Acknowledgement of the Dedication Certificates referred to in "b"
- (d) A Certificate of Approval by the appropriate electric utility.
- (e) A Certificate of Approval by the Water and Sewer Board of the City of Boaz or other applicable authority
- (f) A Certificate of Approval by the Boaz Gas Board
- (g) A Certificate of Approval by the City Engineer of the City of Boaz.
- (h) A Certificate of Approval by the Planning Commission of the City of Boaz
- (i) A Certificate of Approval by the appropriate County Health Department (if septic tanks and/or wells are necessary)

The above certificates shall be lettered or typed on the Final Plat in such a manner as to ensure that said certificates will be legible on any prints made therefrom.

4-6-3 Engineering Plan. At the time of Final Plat approval, the applicant shall also submit an engineering plan, or "as built" plan, giving details of construction and locations of the improvements which have been installed. The primary purpose of the engineering plan is to provide the City with a record of the location, size, and design of underground utilities for the City's use in the course of maintaining such improvements. If the installation of improvements is completed under an Improvement Guarantee, the engineering plan shall be submitted to the City upon request of release of the Improvement Guarantee by the applicant.

- 4-6-4 Public Hearing. The Planning Commission may hold a public hearing on the Final Plat. Notice of such public hearing shall be sent to all adjoining land-owners by registered mail as their names appear upon the plats in the County Tax Assessor's Office. Such notices shall be sent at least five (5) days prior to the date of the public hearing. Any plat submitted to the Planning Commission shall contain the names and addresses of all persons to whom notices of a public hearing shall be sent.
- 4-6-5 Vested Rights. No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission. All requirements, conditions, or regulations adopted by the Planning Commission applicable to the subdivision or on all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission. Where the Planning Commission has required the installation of improvements prior to signing of the Final Plat, the Planning Commission shall not modify the conditions set forth in final approval.
- 4-6-6 Signing and Recording of Final Plat.
- (1) Signing of Plat
    - (a) When an Improvement Guaranteed is required, the Chairman of the Planning Commission shall endorse approval on the plat after the guarantee has been approved by the City of Boaz and all the conditions of the resolution pertaining to the plat have been satisfied.
    - (b) When installation of improvements is required, the Chairman of the Planning Commission shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City of Boaz as shown by a certificate signed by the City Engineer and Administrative Officer that the necessary improvements have been accomplished and accepted into the City's maintenance program.

(2) Recording of Plat

- (a) The Chairman shall sign the original tracing. The original tracing will be returned to the applicant's engineer.
- (b) It shall be the responsibility of the applicant to file the plat with the Office of the Probate Judge within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the applicant shall submit to the Administrative Officer a reproducible and five (5) copies of the recorded plat.