

ARTICLE V

DEVELOPMENT STANDARDS

Section 5-1. Minimum Standards

The following planning and design standards shall be complied with, and no higher standard may be required by the Planning Commission, except where because of exceptional and unique conditions of topography, location, shape, size, drainage, or other physical features of the site, minimum standards specified herein would not reasonably protect or provide for public health, safety or welfare. Any higher standard required shall be reasonable and shall be limited to the minimum additional improvements necessary to protect the public health, safety, or welfare. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- (a) All applicable statutory provisions
- (b) The City of Boaz Zoning Ordinance, building and housing ordinances, and all other applicable laws of the appropriate jurisdiction
- (c) The Land Use Plan of the City of Boaz including the Transportation Plan.
- (d) The special requirements and rules of the County Health Department and/or appropriate state agencies
- (e) The rules and standards of the State Highway Department if the subdivision or any lot contained therein abuts a state highway
- (f) The standards and regulations adopted by all boards, commissions, agencies, and officials of the City of Boaz
- (g) Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purpose of these regulations established in Article I of these regulations

Section 5-2. General Requirements

- 5-2-1 Plats Straddling Municipal Boundaries. Whenever access to the subdivision is required across land in another local government, the Planning Commission may request assurance from the City Attorney that access is legally established, and from the City Engineer that the access road is adequately improved, or that

an Improvement Guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

- 5-2-2 Character of Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse soil formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Planning Commission, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.
- 5-2-3 Subdivision Name. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Planning Commission shall have final authority to designate the name of the subdivision which shall be determined at Preliminary Plat approval.
- 5-2-4 Population Densities. The population densities established by the Zoning Ordinance of the City of Boaz shall be observed.
- 5-2-5 Waterbodies and Watercourses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for, safe maintenance of the water body is so placed that it will not become a City responsibility. No more than twenty-five percent (25%) of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure of design approved by the City Engineer.

Section 5-3. Street Plan

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 to vistas, public convenience and safety, and the proposed uses of land to be served by them.

- 5-3-1 Continuation of Adjoining Street System. Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the Planning Commission for reasons of topography or design. However, the creation of street intersections of three or more streets converging together shall not be permitted.
- 5-3-2 Access to Adjacent Properties. Land abutting a proposed subdivision shall not be left land-locked by such proposed subdivision. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to an adjoining property, proposed streets shall be extended by dedication and paved to the boundary of such property and a temporary turn-around shall be provided, if deemed necessary by the Planning Commission.
- 5-3-3 Marginal Access Streets. Where, in the opinion of the Planning Commission, development, which abuts, or has included within the proposed area, any arterial or major thoroughfare as shown on the Land Use Plan, may be required to provide a marginal access street or other treatment which may be necessary to ensure the adequate protection of properties, and to afford separation of through and local traffic.
- 5-3-4 Private Streets. There shall be no private streets platted in a subdivision where abutting properties will be sold, whether immediately or in the future, to the public.
- 5-3-5 Private Reserve Strips. Private reserve strips controlling access to street shall be prohibited.
- 5-3-6 Additional Width on Existing Roads. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements.

(1) The entire right-of-way shall be provided where

any part of the subdivision is on both sides of the existing street.

- (2) When the subdivision is located on only one side of an existing street, a minimum of one-half (1/2) of the required right-of-way, measured from the centerline of the existing street, shall be provided.

- 5-3-7 Street Names. Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. In no case shall the name of a proposed street duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix, street, avenue, boulevard, drive, place, court, etc. Street names are subject to the approval of the Planning Commission.
- 5-3-8 Vacating a Street or Easement. No street or easement may be vacated unless such action is submitted to, and approved by, the City Council. The City Council may request a study and recommendation by the Planning Commission before taking such action.
- 5-3-9 Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from, an existing street unless such street is:
- (1) an existing state or county highway; or
 - (2) a street shown upon a plat approved by the Planning Commission and recorded in the Probate Judge's office. Such street or highway must be suitably improved as required by the rules, regulations, specifications, or orders, of the City of Boaz or be secured by an Improvement Guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations.
- 5-3-10 Grading and Improvement Plan. Roads shall be graded and improved and conform to the City of Boaz construction standards and specifications and shall be approved as to design and specifications by the City Engineer and Planning Commission in accordance with the construction plans required to be submitted prior to Final Plat approval.

5-3-11 Topography and Arrangement.

- (1) Roads shall be related appropriately to the topography. Minor streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in Schedule I, Design Standards, of these regulations.
- (2) All streets shall be properly integrated with the existing and proposed system of thoroughfares.
- (3) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- (4) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (5) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
- (6) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- (7) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and

walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

5-3-12 Intersections. Street intersections shall be laid out as follows:

- (1) Streets shall be laid out so as 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. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.
- (2) Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 125 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where minor streets intersect major thoroughfares, their alignment shall be continuous. Intersections of major thoroughfares shall be at least eight hundred (800) feet apart. Where a city street intersects a state highway, the design standards of the State Highway Department shall apply.
- (3) Minimum curb radius at the intersection of two (2) minor streets shall be at least twenty (20) feet; and a minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet.
- (4) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a five percent (5%) grade at a distance of fifty (50) feet, measured from the nearest right-of-way line of the intersecting street.
- (5) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by

limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate site distance.

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

5-3-13 Perimeter Streets. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the applicant. The Planning Commission may authorize a new perimeter street where the applicant improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

5-3-14 Access to Arterials. Where a subdivision borders on or contains an existing or proposed arterial, the Planning Commission may require that access to such streets be limited by one of the following means:

- (1) The subdivision of lots so as to back onto the arterial and front onto a parallel minor street; no access shall be provided from the arterial, and screening shall be provided along the rear property line of such lots as specified in Subsection 5-3-17(1) of these regulations.
- (2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.
- (3) A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).

5-3-15 Road Names. The Sketch Plat as submitted shall not indicate any names upon proposed streets. The Planning Commission shall approval all roads at the time of Preliminary Plat approval. Names shall be sufficiently different in sound and in spelling from other road names in the City of Boaz so as not to cause confusion. A road which is, or is planned as, a continuation of an existing road shall bear the same name.

5-3-16 Excess Right-of-Way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one.

5-3-17 Arterials and Major Thoroughfares. Arterials and major thoroughfares where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (1) In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
- (2) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practical, be at a distance of at least one hundred and fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

5-3-18 Cul-de-sacs. Permanent deadend streets shall be provided with a turn-around having a roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) feet. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension of an important street.

Section 5-4. Blocks

- (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterials, major thoroughfares, railroads, or waterways.
- (b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the location and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length.

Wherever practical, blocks along arterials, major thoroughfares, and collector streets shall be not less than eight hundred (800) feet in length.

- (c) In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrianways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.

Section 5-5. Lots

Residential lots shall comply with the following requirements:

- (a) Lot dimensions shall be not less than the requirements of the zoning district in which they are located and the requirements of the County Health Department. In cases where requirements conflict the greater requirement shall govern.
- (b) Each lot shall front upon a dedicated street having not less than a fifty (50) foot right-of-way.
- (c) Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.
- (d) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for offstreet parking and loading for the use contemplated.
- (e) Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation.
- (f) Side lot lines shall be at right angles to streets, except on curves where they shall be radial.

Section 5-6. Easements

Utility and other easements shall be provided as follows:

- (a) Easements for Utilities. Except where alleys are provided for the purpose, the Planning Commission may require easements not exceeding ten (10) feet in width for poles, wires, conduits, storm and sanitary sewers, gas, and water mains, or other utility lines on each side of the common rear lot lines and along side lot lines if necessary or advisable in the opinion of the Planning Commission.
- (b) Where a subdivision is traversed by an existing or proposed water course, drainageway, channel, or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage-way. The width of such drainage easement or right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.

SCHEDULE I
DESIGN STANDARDS

	Major Thorough- fare	Collector Street	Minor Street	Cul-de-Sac	Marginal Access Street
Min. R.O.W. Width With Curb & Gutter	80'	60'	50'	50/80'	50'
Without Curb & Gutter	80'	60'	60'	60/80'	60'
Max. Grade	6.0%	8.0%	12.0%	12.0%	12.0%
Min. Grade	0.5%	0.5%	0.5%	0.5%	0.5%
Min. Radius of Curves	1000'	500'	200'	200'	200'
Min. Tangent Length Between Reverse Curves	200'	100'	100'	100'	100'
Max. Grades Within 75' of Center Line Intersections	5%	5%	5%	5%	5%
Min. Distance Between Center Line Offsets at Street Jogs	*	125'	125'	125'	125'
Min. Pavement Width	48'	32'	24'	24'	24'

* No standard or not applicable

ARTICLE VI
REQUIRED IMPROVEMENTS

Section 6-1. Improvements

Approval of the Final Plat shall be subject to the installation of the improvements and utilities hereinafter designated and satisfactorily completed in accordance with the City of Boaz specifications and standards, or the posting of an Improvement Guarantee with sufficient surety to secure the City the actual construction and installation of such improvements and utilities.

- 6-1-1 Streets and Alleys. After sewer and water utilities have been installed by the applicant, the applicant may construct curbs and gutters and shall surface, or cause to be surfaced roadways to the widths prescribed in these regulations. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission and the City of Boaz, and shall be incorporated into the construction plans required to be submitted for plat approval. (See Appendix II for Street Sections).
- 6-1-2 Curbs and Gutters. Standard approved type curbs and gutters may be placed, at the option of the developer, on both sides of all new streets within the area of jurisdiction of these regulations in accordance with the City specifications. (See Appendix II for curb section detail).
- 6-1-3 Sidewalks.
- (1) Sidewalks shall be included within the dedicated nonpavement right-of-way of all roads as shown in Appendix II.
 - (2) Sidewalks shall be improved as required in these regulations. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

SCHEDULE II
SIDEWALKS REQUIRED

Nature of Road	ZONING DISTRICT		
	Low (R-1)	Medium (R-2)	High (R-3, R-4, R-5 & R-6)
Minor Street	Optional*	One Side 4 Feet Wide	Both Sides 5 Feet Wide
Collector Street	One Side 4 Feet Wide	Both Sides 5 Feet Wide	Both Sides 5 Feet Wide

*Optional at the discretion of the Planning Commission but where provided, four (4) feet minimum on either side of road.

6-1-4 Pedestrian Accesses. The Planning Commission may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least ten (10) feet in width. Easements shall be indicated on the plat.

6-1-5 Sewerage Facilities

General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by the City of Boaz construction standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, and standards of the City of Boaz.

Sanitary sewers shall be provided where a public sanitary sewerage system is reasonably accessible as determined by the Planning Commission and the Board of the Water and Sewer Authority. Individual disposal systems shall be used in instances where no public sanitary sewerage system is available providing approval is received from the State and County Health Department.

6-1-6 Water Facilities

(1) General Requirements:

- (a) Necessary action shall be taken by the applicant to extend the public water supply system capable of providing domestic water use and fire protection.
- (b) Where a public water main is accessible, the applicant shall install adequate water facilities (including fire hydrants) subject to the specifications of the City of Boaz. All water mains shall be at least six (6) inches in diameter.
- (c) To facilitate the above, the location of all fire hydrants and all water supply improvements shall be shown on the Preliminary Plat, and the cost of installing same shall be included in the Improvement Guarantee to be furnished by the applicant.

6-1-7 Fire Hydrants. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than one thousand (1,000) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat.

6-1-8 Drainage and Storm Sewers

- (a) General Requirements. The Planning Commission shall not approve any plat or subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by acceptable engineering methods as approved by the City Engineer. Inlets shall be provided so that surface water is not carried for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

(b) Nature of Storm Water Facilities

- (1) Location. The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements in accordance with the construction standards and specifications of the City of Boaz.
- (2) Accessibility to Public Storm Sewers. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm water, subject to the specifications of the City of Boaz.
- (3) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall determine the necessary size of the facility based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.
- (4) Effect on Downstream Drainage Areas. The City Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such manner as the Planning Commission may determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage water course or facility.

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

(6) Floodway Areas. The Planning Commission may, when it deems necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodway of any stream or drainage course. These floodway areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

(c) Dedication of Drainage Easements

(1) General Requirements. Where a subdivision is traversed by a watercourse, drainage, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Whenever possible, it is desirable that the drainage

subdivision, if in its judgement, 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 applicant.

- 6-1-11 Utilities. The applicant is encouraged to place all utilities underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the Preliminary Plat. Easements centered on rear and/or side lot lines shall be provided for utilities (private and municipal); such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements. Easements shall be indicated on the plat.
- 6-1-12 Bridges. Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the City of Boaz. The sharing expense for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission, will be fixed by special agreement between the City Council and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of his land developed and so served.
- 6-1-13 Widening and Realignment of Existing Roads. Where a subdivision borders an existing narrow road or when the Thoroughfare Plan indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to dedicate such additional areas for widening or realignment of such roads. Such roads and streets shall be dedicated by the applicant to the full width as required by these subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the City in fee simple or an easement is granted to the City of Boaz.
- 6-1-14 Bikeways. The Planning Commission may, at its discretion, require the installation of bikeways. Curb cuts and ramps shall be installed on streets where bikeways are required by these regulations.

Bikeways shall be a minimum of four (4) feet in width and placed adjacent to the sidewalk on one side of the street. Construction shall be approved by the City Engineer.

Section 6-2. Permanent Reference Points

Prior to the approval of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements:

- 6-2-1 Subdivision Corner Tie. At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the government survey of the County. The subdivision corner shall be marked with a monument and shall appear on the map with a description of bearings and distances from the government survey corner to an accuracy of 1:10,000.
- 6-2-2 Monuments. Iron pipes or pins three-fourths of an inch (3/4") in diameter and three (3) feet in length shall be set at all points where the street lines intersect the exterior boundaries of the subdivision, at the intersection of curves and tangents along the street lines, and at all corners of the plat. The top of the monument shall have an indented mark to identify properly the location, and shall be set flush with the finished grade.
- 6-2-3 Property Markers. All lot corners not marked with a monument shall be marked with an iron pipe or iron pin not less than one-half (1/2) inch in diameter and twenty-four (24) inches long.
- 6-2-4 Accuracy. Land surveys within the City Limits shall be at an accuracy of at least 1:10,000.

ARTICLE VII

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Section 7-1. Completion of Improvements

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

Section 7-2. Methods of Guarantee

In lieu of requiring the completion of all improvements prior to Final Plat approval, the City may, at its discretion, enter into a contract with the applicant whereby the applicant shall guarantee to complete all improvements required by these regulations or otherwise specified by the Planning Commission, in a manner satisfactory to the Planning Commission. To secure this contract, the applicant shall provide, subject to the approval of the Planning Commission one of the following guarantees:

7-2-1 Security Bond. The applicant shall obtain a security bond from a surety bonding company authorized to do business in the State of Alabama. The bond shall be payable to the City and shall be in an amount sufficient to cover the entire cost, as estimated by the applicant and approved by the City Engineer, of installing all contracted improvements. The duration of the bond shall be until such time as the improvements are accepted by the City, or

7-2-2 Cash. The applicant shall deposit cash, or other instrument readily convertible into cash at face value, either with the City or in escrow with a bank. The use of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the Planning Commission. The amount of the deposit shall be at least equal to the cost as estimated by the applicant and approved by the City Engineer of installing all required improvements. Interest accrued shall be payable to the applicant.

In the case of an escrow account, the applicant shall file with the Planning Commission an agreement between the financial bank and himself guaranteeing the following:

- (1) That the funds of said escrow account shall be held in trust until released by the Planning Commission and may not be used or pledged by the applicant as security in any other matter during the period;
- (2) And that in the case of a failure on the part of the applicant to complete said improvements, then the bank shall immediately make the funds in said account available to the City for use in the completion of those improvements.

Section 7-3. Time Limits

7-3-1 Deadline. Prior to the granting of Final Plat approval, the applicant and the Planning Commission shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed two (2) years from the date of Final Plat approval. The Planning Commission shall have the power to extend that deadline for one (1) additional year where the applicant can present substantial reason for doing so.

7-3-2 Failure to be Accepted. If any portion of the required improvements shall fail to be accepted for dedication in compliance with these regulations within the allocated time period, either for reason of incompleteness or for reason of substandard construction, then the Planning Commission shall take the following action:

Where improvements have been guaranteed under Subsection 7-2 of these regulations, the Planning Commission shall declare whatever security has been pledged as a guarantee to be forfeited. Where the Planning Commission is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Planning Commission shall use them to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities shall be returned to the applicant, bonding company, or crediting institution, as is appropriate.

Section 7-4. Improvements, Inspection and Certification

The City Engineer and the Administrative Officer shall regularly inspect for defects in the construction of the required improvements. The applicant shall pay to the City an inspection fee of fifty dollars (\$50.00) per lot, and the subdivision plat

shall not be signed by the Chairman of the Planning Commission unless such fee has been paid at the time of application. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by an Improvement Guarantee, the applicant and the surety company shall be severally and jointly liable for completing the improvements according to specifications.

Upon completion of these improvements, the City Engineer shall file with the Planning Commission a statement either certifying that the improvements have been completed in the specific manner or listing the defects in those improvements.

Upon completion of the improvements, the applicant shall file with the Planning Commission a statement stipulating the following:

- (a) that all required improvements are complete;
- (b) that these improvements are in compliance with the minimum standards specified by the Planning Commission and the City for their construction;
- (c) that the applicant knows of no defects from any cause in those improvements;
- (d) and that these improvements are free and clear of any encumbrance or liens.

The applicant shall also file with the Planning Commission an agreement dedicating said improvements to the City.

If the City Engineer has certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed above, the City shall accept the dedication of those improvements. The City may, at its discretion, accept the dedication of any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

Section 7-5. Reduction of Guarantees

In those cases where Improvement Guarantees have been made under Section 7-2 of these regulations, the amount of the guarantee may be reduced upon acceptance, in compliance with these regulations, of the dedication of a portion of the required

improvements. An Improvement Guarantee shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall an Improvement Guarantee be reduced below twenty-five percent (25%) of the principal amount.

Section 7-6. Maintenance of Improvements

The applicant shall be required to file a maintenance bond with the City Council, prior to dedication, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of one (1) year after the date of their acceptance by the City of Boaz and dedication of same to the City of Boaz.

Section 7-7. Issuance of Building Permits and Certificates of Occupancy

Where an Improvement Guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the City, as required in the Planning Commission's final approval of the subdivision plat.

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

Section 7-8. Release of Guarantee

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

ARTICLE VIII

GENERAL PROVISIONS

Section 8-1. Interpretation

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

Section 8-2. Conflict with Public and Private Provisions

8-2-1 Public Provisions. The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

8-2-2 Private Provisions. These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement covenant or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determination of the Planning Commission, or the city in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

Section 8-3. Separability

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to

other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

Section 8-4. Saving Provision

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

Section 8-5. Reservations and Appeals

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

Section 8-6. Amendments

For the purpose of providing the public health, safety, and general welfare, the Planning Commission may from time to time amend any article, section, sub-section, or provision imposed by these subdivision regulations. Prior to adoption of any amendment (or amendments), a public hearing shall be held by the Planning Commission in the manner prescribed by law. Following its adoption, a copy of the amendment shall be certified by the Planning Commission to the Probate Judge's Office of the appropriate counties.

Section 8-7. Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this City. The applicant has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the City and to the safety and general welfare of the future owners in the subdivision and of the community at large.

Section 8-8. Resubdivison of Land

- 8-8-1 Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Planning Commission by the same procedure, rules and regulations as for a subdivision.
- 8-8-2 Procedure for Subdivisions Where Future Resubdivision is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots may eventually be resubdivided, Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

Section 8-9. Vacation of Plats

- (a) Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- (b) Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivisions. The City Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
- (c) Such an instrument shall be executed, acknowledged, or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- (d) When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

Section 8-10. Violations

- (a) It shall be the duty of the Administrative Officer to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.
- (b) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of such subdivision has been approved by the Planning Commission, in accordance with the provisions of these regulations, and filed with the Probate Judge's Office of the appropriate county.
- (c) The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
- (d) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivision or sold in violation of the provisions of these regulations.

Section 8-11. Penalties and Civil Enforcement

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded or filed in the office of the Probate Judge shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The City may enjoin such transfer or sale or agreement by action for injunction brought in any appropriate court or may recover the same penalty by a civil action in any appropriate court.

ARTICLE IX

VARIANCES

Section 9-1. General

Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property;
- (b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- (d) The variance will not in any manner vary the provisions of the Zoning Ordinance, Land Use Plan, or other adopted plans, policies and regulations of the City of Boaz.

Section 9-2. Conditions

In approving variances, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.

Section 9-3. Procedures

A petition for any such variance shall be submitted in writing by the applicant at the time when the Preliminary Plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and

all of the facts relied upon by the petitioner. The variance, if approved by the Planning Commission, shall become part of the official record of the Planning Commission and shall be noted on the Final Plat.

Section 9-4. Special Requirements for Non-Residential Subdivisions

In addition to the principles and standards of these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

- (1) Proposed non-residential street layout, blocks and parcels shall be suitable in area and dimensions to the types of development anticipated.
- (2) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to arterials, major thoroughfares, or collector streets so designated on the City of Boaz Land Use Plan in such a way that the number of intersections with such arterials, major thoroughfares, or collectors shall be minimized.
- (3) Street right-of-way and pavement shall be adequate and in accordance with Schedule I to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at driveway intersections shall be at least twenty-five (25) feet.
- (4) The applicant shall insure that the non-residential subdivision as a whole may be self-sufficient with regard to providing necessary off-street parking.
- (5) With respect to physical improvements, special requirements may be imposed by the Planning Commission with the advice of the City Engineer within the non-residential subdivision.
- (6) Every effort shall be made to protect adjacent residential areas from potential nuisance from the non-residential subdivisions, including the

provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

Section 9-5. Comprehensive Group Housing Development

A comprehensive group housing development including the construction of two or more buildings together with the necessary drives and ways of access and which is not subdivided into the customary lots, blocks, and streets may be approved by the Planning Commission if in the opinion of the Commission any departure from the foregoing regulations can be made without destroying the intent of the regulations. Plans for all such developments shall be submitted to and approved by the Planning Commission whether or not such plat is to be recorded and no building permits shall be issued until such approval has been given.

ARTICLE X

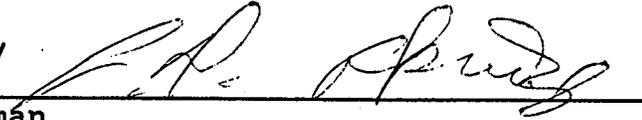
EFFECTIVE DATE

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

ADOPTED THIS THE 7TH DAY OF APRIL, 1992.

PLANNING COMMISSION FOR THE CITY OF BOAZ,
ALABAMA

BY: /s/



Chairman

Example of (c-1)

ACKNOWLEDGEMENT

STATE OF ALABAMA)
)
COUNTY OF (MARSHALL OR ETOWAH)

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

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

Notary Public

Example of (d)

CERTIFICATE OF APPROVAL
BY THE
(APPROPRIATE ELECTRIC UTILITY COMPANY)

The undersigned, as authorized by the (Appropriate Electric Utility Company), hereby approved the within plat for the recording of the same in Probate Office of (Marshall or Etowah) County, Alabama, this the ____ day of _____, 19 ____.

(Appropriate Electric Utility Company)

Example of (e)

CERTIFICATE OF APPROVAL BY THE WATER AND SEWER BOARD

The undersigned, as authorized by the Water and Sewer Board of the City of Boaz, Alabama, hereby approved the within plat for the recording of the same in the Probate Office of (Marshall or Etowah) County, Alabama, this the ____ day of _____, 19 ____.

Water and Sewer Board,
City of Boaz, Alabama

Example of (f)

CERTIFICATE OF APPROVAL BY THE BOAZ GAS BOARD

The undersigned, as authorized by the Boaz Gas Board, hereby approved the within plat for the recording of same in the Probate Office of (Marshall or Etowah) County, Alabama, this the ____ day of _____, 19 ____ .

Boaz Gas Board

Example of (g)

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

The undersigned, as City Engineer of the City of Boaz, Alabama, hereby approved the within plat for the recording of same in the Probate Office of (Marshall or Etowah) County, Alabama this the ____ day of _____, 19 ____ .

City Engineer
City of Boaz, Alabama

Example of (h)

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

The within plat of (Subdivision Name), (Marshall or Etowah) County, Alabama, is hereby approved by the Planning Commission of the City of Boaz, Alabama, this the ____ day of _____, 19 ____ .

PLANNING COMMISSION FOR
THE CITY OF BOAZ, ALABAMA

Chairman

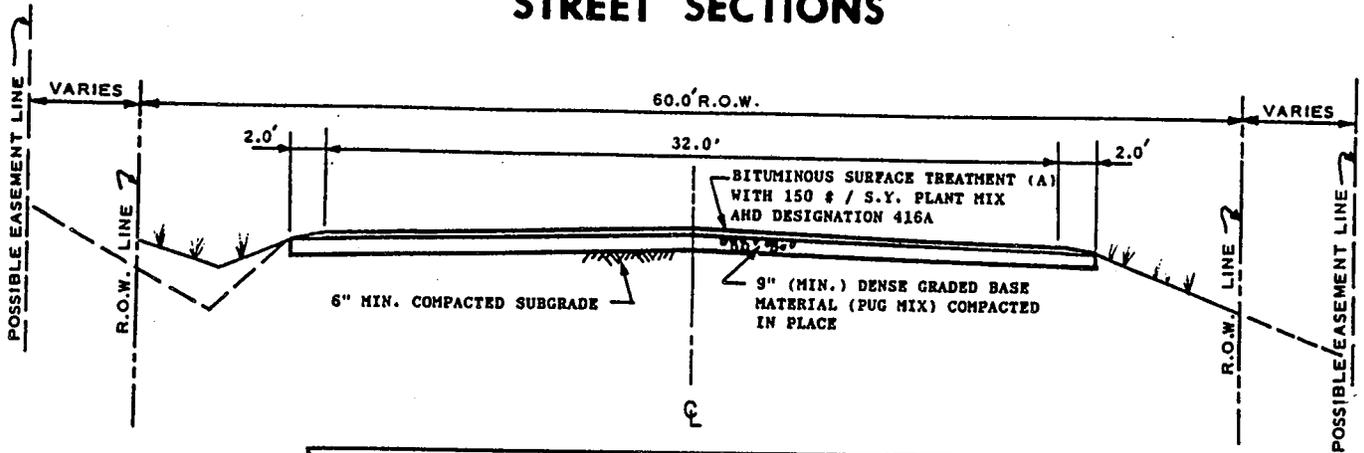
Example of (i)

CERTIFICATE OF APPROVAL BY THE MARSHALL OR ETOWAH COUNTY
HEALTH DEPARTMENT

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

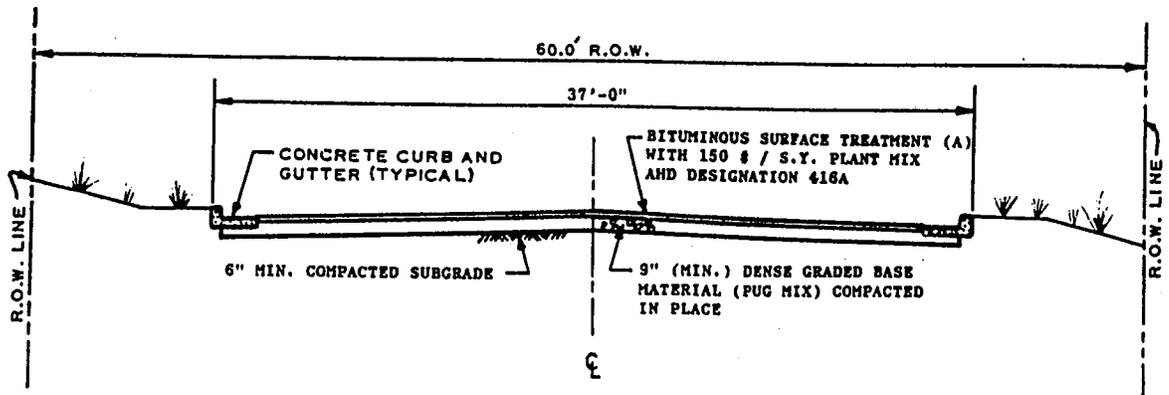
Health Officer

APPENDIX II STREET SECTIONS

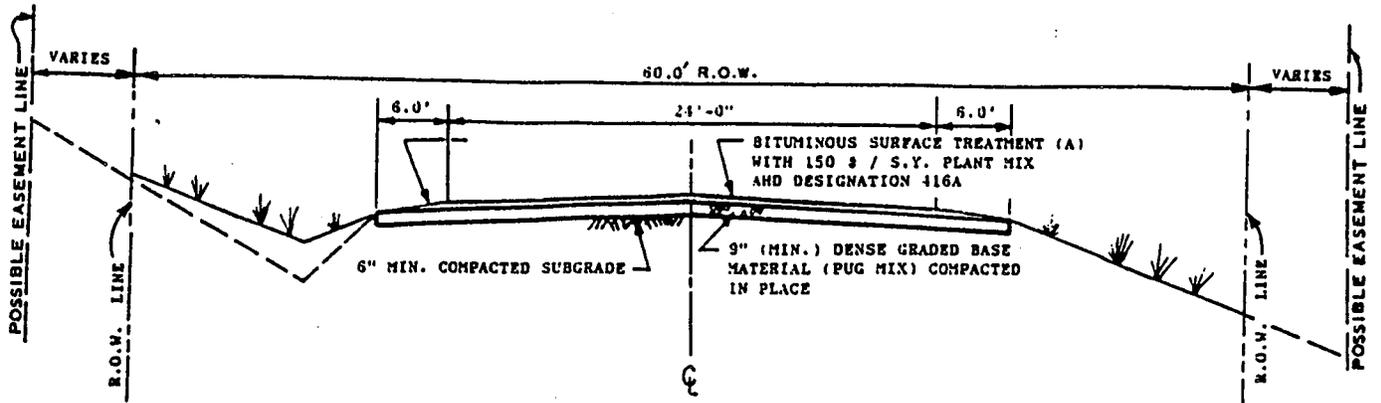


NOTE: ADDITIONAL EASEMENTS MAY BE REQUIRED FOR DRAINAGE AND UTILITIES DEPENDING ON THE TOPOGRAPHY, CROSS SECTIONS OR PROFILE OF THE STREET.

COLLECTOR STREET WITHOUT CURB AND GUTTER

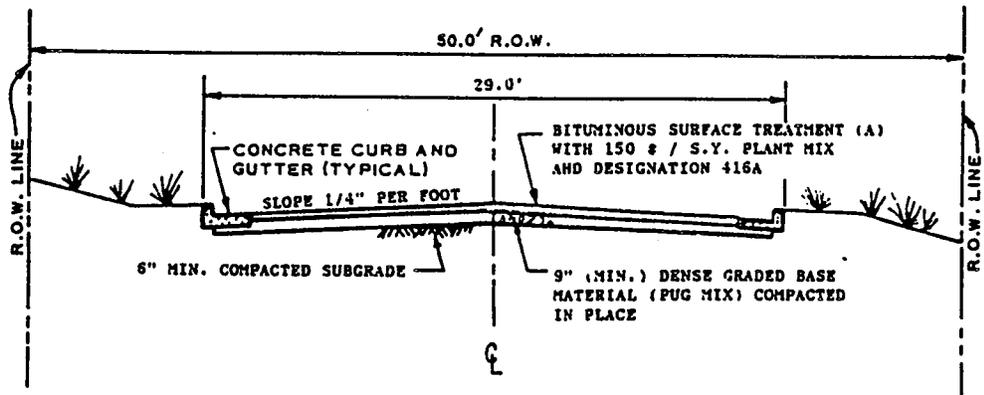


COLLECTOR STREET WITH CURB AND GUTTER

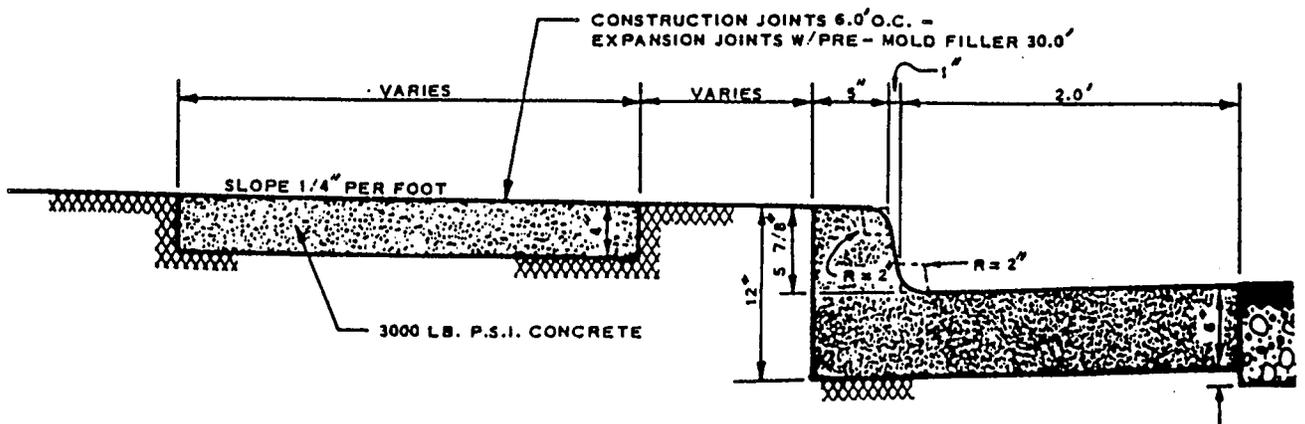


NOTE: ADDITIONAL EASEMENTS MAY BE REQUIRED FOR DRAINAGE AND UTILITIES DEPENDING ON THE TOPOGRAPHY, CROSS SECTIONS OR PROFILE OF THE STREET

MINOR STREET WITHOUT CURB AND GUTTER



MINOR STREET WITH CURB AND GUTTER



NON-MOUNTABLE CURB AND GUTTER WITH SIDEWALK