CITY OF MADISON
SUBDIVISION REGULATIONS
2016 REVISIONS
October 20, 2016

EFFECTIVE DATE: October 20, 2016. All Applications Submitted after October 20, 2016 must conform to these Regulations

Subdivision Regulations
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ARTICLE I
PURPOSE, POLICY, AND TITLE

Section I-I Purpose: The purpose of this regulation is to establish procedures and standards for the development and subdivision of real estate within the City of Madison, Alabama. These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the City;

2. To guide the future growth and development of the City, in accordance with the Comprehensive Plan.

3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population.

4. To protect the character and the social and economic stability of all parts of the City of Madison and to encourage the orderly and beneficial development of all parts of the City.

5. To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.

6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

8. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure accurate legal descriptions and monumenting of subdivided land.

9. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

10. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.

11. To preserve the natural beauty and topography of the City and to insure appropriate development with regard to these natural features.

Section l-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 Comprehensive Plan of the City of Madison for the orderly, planned, efficient, and economical development of the City.

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 available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

c. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan of the City of Madison; 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 ordinances, Comprehensive Plan, and Land Use Plan of the City of Madison.

d. Approval of a layout, preliminary, certified, or final subdivision plat shall require the affirmative votes of a majority of those present and voting, providing a quorum of the members is present.

Section I-3 Title: These regulations shall hereafter be known, cited, and referred to as the Subdivision Regulations of the City of Madison, Alabama.

ARTICLE II
AUTHORITY AND JURISDICTION
Section 2-l Authority:

By authority of Resolution 2006-03 of the Planning Commission of the City of Madison, Alabama (hereinafter referred to as "Planning Commission") adopted pursuant to the powers and jurisdictions vested through Title ll, Article II, Section ll-52-30 through ll-52-36 inclusive, of the l975 Code of Alabama as amended, the Planning Commission does hereby exercise the power and authority to review, approve, and disapprove plats for subdivision within the City of Madison.

By the same authority, the Planning Commission does hereby exercise the power and authority to pass and approve the development of platted subdivisions of land already recorded in the Office of the County Probate Judge if such plats are entirely or partially undeveloped. The plat shall be considered to be entirely or partially undeveloped if:

a. Said plat has been recorded with the Office of the Probate Judge without a prior approval by the Planning Commission, or

b. Said plat has been approved by the Planning Commission where the approval has been granted more than three years and no lots have been sold and/or no improvements have been made adjacent to a recorded right-of-way and the subdivision regulations have been amended or revised incorporating more stringent development standards.

In the case of either (a) or (b) above, the applicant shall submit to the Planning Commission a Certified Plat or a Preliminary and Final Plat in accordance with these regulations and shall install improvements within the requirements of these regulations prior to the sale of lots.

Section 2-2 Jurisdiction:

a. From and after the effective date hereof, these regulations, including Appendix I hereto, shall govern the subdivision of all land located in the City of Madison, Alabama,

b. Any owner of land, which lies within the area of jurisdiction, who wishes to divide or resubdivide such land into two 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 or other individual, corporation or other entity shall record, or attempt to record a plat subdividing lands within the City of Madison that has not been approved by the Planning Commission

d. 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.

e. 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 and certified copies of the recorded plat are filed with the Administrative Officer as provided herein. Subdividers may, however, enter into sales agreements for subdivision lots prior to Final Plat approval; provided that such contracts provide that the sale is contingent upon said approval.

f. 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.

g. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after January 15, 1973, and not in conformity with, the provisions of the subdivision regulations in effect at the time of the subdivision. This includes all "metes and bounds" division of land, unless division was made by a public entity or pursuant to the order of a court of competent jurisdiction, or, in the opinion of the City Attorney, exempt from the subdivision regulations for some other reason.

ARTICLE III
DEFINITIONS

Section 3-l 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 section. Unless the context clearly indicates to the contrary, words used in present tense include the future tense; words used in the plural number include the singular; the work "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:

Administrative Officer: The Director of Planning, Engineering and Building or his/her duly appointed deputies.

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.

Applicant: The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond: See Improvement Guarantee

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

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

Building Envelope: the buildable area of the lot outside of all required yard areas, easements, etc

Certified Plat: A Certified Plat shall be defined as either:

a. The division of a tract of land of legal record into lots of not less than l0 acres (435,600 sq. feet) each, for the purpose of selling said lots but not for the development of same, provided such subdivision shall not require any new street or road to meet road frontage requirements for all lots

created, or the extension of water or sewer facilities or the creation of any public improvements; OR

b. The division of a tract of land into no more than 4 lots all fronting on an existing paved public road and not requiring the construction or extension of any new roads or streets, municipal facilities or public improvements except sidewalks; OR

c. The division of land owned by one or more individuals and/or corporations into homogeneous land use areas which constitute the General Plan of a Planned Unit Development district for the purpose of subsequent subdivision and development as provided for in the enabling ordinance for the Planned Unit Development district; OR

d. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots or tracts resulting are not reduced below the minimum sizes required by the Zoning Ordinance; OR

e. Instruments correcting surveying data or other details of a previously recorded subdivision plat.

City: The City of Madison, Alabama.

City Clerk: The duly designated Clerk of the City of Madison, Alabama

City Engineer: The duly designated Engineer of the City of Madison, Alabama

City Specifications: All construction specifications which have been adopted by the Governing Body or as required by the Planning Commission and all utility departments.

Collector Street - See Street, Collector

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

Corner Lot: A lot which occupies the interior angle of two (2) street rights-of-way boundaries. The street right-of-way forming the least frontage shall be deemed the front of the lot except where the two (2) boundaries are equal, in which case the owner shall be required to specify which boundary is the front

County: Shall mean either Limestone County or Madison County as appropriate to the competent jurisdiction for procedural activities related to subdivision of land and/or development activities

Crosswalk: A public right-of-way ten (l0) feet or more in width between property lines, which provides pedestrian access to adjacent properties.

Cul-De-Sac: A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement

Dedication: The transfer of property from private to public ownership.

Developer: The legal or beneficial owner or owners of all the land proposed to be included in a given development, or the authorized agent thereof. In addition, the holder of an option or contract to purchase, a lessee having a remaining term of not less than thirty (30) years, or other persons having an enforceable proprietary interest in such land shall be deemed to be a developer for the purpose of these Regulations.

Development: The act of combining raw lands, roads, utilities, buildings, financing and promotion into a completed operating property with "permanent" improvements.

Development, substantial completion of : Completion and acceptance by the responsible agency of all streets, roads, alleys, curbs and gutters, surface drainage measures for prevention of soil erosion and private property, parks and open space, and utilities (which shall be stubbed out to ownership tracts where appropriate); AND certification indicating that all required improvements have been installed or that sufficient bond exists to cover all costs of completion of the improvements; AND additional certificates and dedications necessary to insure adequate access for public protection and utilities as well as conformance to applicable plans and ordinance requirements.

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

Double Front Lot: A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.

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 of law.

Escrow: A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond.

Final Plat: A plat of a tract of land which meets the requirements of these regulations and is in the proper form for recording in the Office of the Probate Judge.

Floodplain: Those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from l00-year flood frequency events. Floodplains shall include all areas of the City which are designated as floodplain by the National Flood Insurance Program (NFIP), Areas designated as floodplains shall not have their base flood elevations altered without prior approval from the appropriate federal authorities.

Floor Area Ratio: Determine the FAR by dividing the gross floor area of all buildings on a lot by the area of that lot.

Group Development: A development comprised of 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 where the land is not subdivided into the customary streets and lots.

Governing Body: The City Council of the City of Madison, Alabama

Hardship: An unusual situation on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the City.

A hardship exists only when it is not self-created.

Health Department: Shall mean the County Health Department of the appropriate jurisdiction.

High Density: Those residential zoning districts in which the minimum lot size is 7,500 square feet.

Improvement Guarantee: Any form of security including a cash deposit, or instrument of credit as provided in Sec. 7-2 of these regulations.

Layout Plat: A subdivision plat, along with maps, photos, studies and other materials that is prepared to facilitate the overall planning for a subdivision development.

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.

Low Density: Those residential zoning districts in which the density is equal or less than one dwelling unit per l5, 000 square feet.

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 extension of the local governmental facilities, or the creation of any public improvements.

Medium Density: Those residential zoning districts in which the density is between l0, 500 and l5, 000 square feet per dwelling unit.

Mini-Warehousing Establishment: A completely enclosed building without loading docks and consisting of individual, small, self-contained units that are leased or owned for dead storage of business and household goods, or contractors' supplies.

Minor Subdivision: See Certified Plat

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

Noise Impact District (Noise Exposure District): An overlay district or districts established for the general purpose of controlling conflicts between land uses and noise generated by aircraft and to protect the public health, safety and welfare from the adverse impacts associated with excessive noise.

Nonresidential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial.

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

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.

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.

Park: A publicly or privately owned area of land, usually with grass, trees, paths, sports fields, playgrounds, picnic areas, and other features for recreation and relaxation, or an area of land reserved and managed so that it remains unspoiled, undeveloped, and as natural as possible. Recreational areas on the campus of a school shall not be considered as parks for the purposes of implementing these regulations.

Planned Unit Development: Shall mean the use of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated.

Planning Commission: Shall mean the Planning Commission of the City of Madison, Alabama

Preliminary Plat: Shall mean a tentative plan of the complete proposed subdivision submitted to the Planning Commission for its consideration.

Probate Judge: Shall mean the Probate Judges for Madison and Limestone Counties

Project Engineer: The Registered Engineer whose seal appears on the construction drawings for the subdivision

Public Hearing Notice: A published or mailed notice, as provided in these regulations, concerning the details of a scheduled public hearing as provided by State law

Registered Engineer: An engineer properly licensed and registered in the State.

Registered Land Surveyor - A land surveyor properly licensed and registered in the State.

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.

Road, Dead-End: A road or a portion of a street with only one vehicular-traffic outlet.

Sidewalk - Walkway constructed for use by pedestrians.

Single Tier Lot: A lot which backs upon an arterial 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.

Sketch Plat: A required element of the Layout Plat depicting proposed streets, lot layout, and other general features of a proposed subdivision development as specified in these regulations.

Street: An improved, 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 Streets:** All streets depicted as "major roads" in the Comprehensive Plan

c. **Collectors:** These routes are important streets whose primary function is to 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 undesirably as major thoroughfares. *Major collectors* are identified in the Comprehensive Plan and are distinguished from collectors by greater volumes of traffic.

d. **Minor Streets: -** Minor streets comprise the remainder of the street system and have the primary function of servicing abutting land use. Through traffic should be stringently discouraged on these streets.

Arterials, Collectors, and Major Thoroughfares are all depicted on the Major Street Plan Map in the City's Comprehensive Plan and constitute the Major Street System. Minor Streets are not part of this system.

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, any interest, lot, parcel, site, unit, or plat in a subdivision, and

3. Who is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

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 divisions of land involving the dedication of a new street or a change in existing streets.

Subdivision Jurisdiction: Deleted

Subdivision, Major: See Major Subdivision

Technical Review Committee: A staff committee consisting of representatives of such municipal departments as shall be designated by the Director of Planning, Engineering and Building for the purpose of conducting staff reviews of development applications. Regulations governing the Technical Review Committee can be found in the City's Code of Ordinances.

Thoroughfare Plan: The Major Street Plan, prepared as an element of the Comprehensive Plan.

Water and Wastewater Board: The Water and Wastewater Board of the City of Madison, a public utility corporation

Width of Lot: The mean horizontal distance between the two side lot lines.

Zoning Ordinance: The official Zoning Ordinance of the City of Madison, Alabama

ARTICLE IV
APPROVAL OF SUBDIVISION PLATS

Section 4-l Approval of Subdivision Plats Required - Effects 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 planning jurisdiction of the City of Madison shall be filed or recorded until it shall have been submitted to and approved by the Planning Commission of the City of Madison, and such approval entered in writing on the plat by the Chairman of the Planning Commission.

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 City of Madison 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 the Administrative Officer, or his agent, or any department of the City of Madison 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 plat has been approved by the Planning Commission and a copy of the recorded plat is on file with the Administrative Officer as required herein.

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 Madison of any street or other public utility line, or other facilities serving the subdivision.

Section 4-3 General Procedure:

4-3-1 Classification of Plats: Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for 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 one required step for a Certified Plat and three (3) required steps for a Major Subdivision:

1. Certified Plat
    a. Final Certified Plat

2. Major Subdivision
    a. Layout Plat
    b. Preliminary Plat
    c. Final Subdivision Plat

4-3-2 Official Submission Dates: For the purpose of these regulations, the date of the regular scheduled meeting of the Planning Commission, or the continuation meeting

thereof, at which the proposed plat is first presented for approval shall constitute the official submittal date of the plat and the statutory period required for formal approval or disapproval of the plat shall begin on that date.

4-3-3 Requirements for Plat Submittal (Resolution 92-04): The Director of Planning, Engineering and Building shall refuse to review any plat submitted for approval, and shall refuse to place said plat on the agenda of the Planning and Zoning Commission, unless all the following requirements are met:

a. The plat conforms to the existing zoning regulations for the property proposed to be subdivided with respect to minimum lot size and all other dimensional requirements; and

b. The plat and all accompanying information are complete, and all information required establishing compliance with these regulations has been presented by the established deadline for such submittals.

Notwithstanding any provisions herein to the contrary, the Director of Planning, Engineering and Building may refuse to permit the placement of more than one plat for the same property on the same agenda, and may decline to review and/or place on the Commission's agenda any plat that proposes to subdivide the same property as a plat already submitted and not yet disposed of by the Planning Commission.

Any appeal of the decision of the Director shall be to the Chairman of the Planning Commission, whose decision may be appealed to the whole Planning Commission at a regularly scheduled and advertised meeting. The Planning Commission's determination shall be the final administrative determination on the matter.

Section 4-4 Submission of Layout:

4-4-1 Layout:

1. **Discussion of Requirements:** Before preparing the layout for a subdivision, the applicant should discuss with the Director of the Planning, Engineering and Building Department or his designated representative, the procedure and requirements for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services.

   The Director shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction.

2. Application Procedure. Prior to subdividing land, an owner of land or his representative shall file an application for approval of a layout; provided that in the case of resubdivision where an approved layout already exists and has not been significantly altered by the resubdivision, the applicant shall not be required to submit another application for layout approval.

   Where required the application for approval of a layout shall:

A. Be made on forms available at the office of the Director of the Planning, Engineering and Building Department.

B. Be accompanied by a minimum of three (3) copies of the required layout documents as described in these regulations and complying in all respects with these regulations.

C. Be accompanied by a vicinity map. For subdivisions within the city, the vicinity map shall show generally the proposed streets, proposed subdivision boundaries, and surrounding area of the land to be subdivided, and shall be drawn on the City of Madison Planning, Engineering and Building Department zoning maps scaled four hundred (400) feet to the inch.

D. Be presented to the Director of the Planning, Engineering and Building Department thirty days in advance of the meeting of the Planning Commission to allow time for review.

E. Be accompanied by one copy of the Sketch Plat that has been reviewed and signed by the City Engineer, or his authorized representative in words substantially as follows:

The Attached subdivision plat has been reviewed by the City Engineer for the City of Madison

_____	_____
Date	**City Engineer** **City of Madison, Alabama**

3. **Layout Requirements**: The following documents shall be submitted with the layout application. All maps shall be drawn to a convenient scale of not more than 100 feet to an inch, on maximum sheet size of 24" x 36". Each map shall be a separate document unless otherwise specified and shall contain the information as outlined below:
   A. Sketch Plat:
      i. Boundary lines of the subdivision

      ii. Topography at five (5) foot contour intervals or less for subdivisions within the city.

      iii. Location of existing and proposed improvements within two hundred (200) feet of the boundary of the proposed subdivision.

      iv. Approximate locations and widths of all existing and proposed rights-of-way.

      v. Approximate locations and dimensions of all proposed lots.

      vi. Approximate locations of all parcels of land to be set aside for parks

or other use by property owners in the proposed subdivision.

vii. Name of the proposed subdivision and of any adjoining subdivisions

viii. Approximate location of adjoining property lines or subdivision boundaries, and names of adjoining property owners or subdivisions.

ix. Approximate tie points to an accepted corner based upon the U.S. Government Public Lands Survey System which shall show the relationship to the Huntsville Meridian (include reference to deed book and page or applicable plat book and page).

B. Site Assessment Map.

i. To be at the same size and scale and contain the same information as the Sketch Plat.

ii. Approximate location, and indication of size and condition, of all natural hazards and sensitive environmental features found within the boundaries of the study area including but not limited to:

a. Geologic formations

b. Soil Classifications

c. Colluvium

d. Bluffs

e. Sinkholes

f. Caves

g. Solution features

h. Landslides (inactive and active)

i. Lineaments

j. Springs

k. Seeps

l. Streams (perennial, intermittent and wet weather)
   a. Wetlands

   b. Ground water recharge points

c. Endangered or threatened species habitats as determined by the Planning, Engineering and Building Department based on U.S. Fish and Wildlife Service documents.

iii. Approximate location, and indication of size and condition, of man-made hazards and features found within the boundaries of the study area including but not limited to:

a. Evidence of recent or ancient mining or quarry operations (above ground and under ground)

b. Spoils areas

c. Dump sites

d. Existing fill and excavation

e. Existing drainage retention or detention areas

f. Wells

g. Storage tanks (above ground and underground)

h. Historical and archeological features

C. **Site Assessment Report:** The Site Assessment Report shall include but not be limited to a written text and illustrations clearly describing:

i. Names and qualifications of all site assessment investigators

ii. Methods used in site assessment.

iii. Findings for all features noted on the Site Assessment Map or otherwise required for site assessment, including where appropriate, itemized descriptive lists of features identified on map, illustrations and photographs.

iv. Professional conclusions as to how the findings will impact the proposed improvements.

v. Recommendations for mitigating all located and described on-site hazards and sensitive environmental features.

vi. The following certification:

I,_____, the engineer of record do hereby certify that the information shown here on is complete and in compliance with all applicable regulations of the City of Madison, Alabama to the best of my knowledge

_____ _____

Date **Engineer of Record**

D. **Geotechnical Investigation and Testing Plan**: Where construction is proposed on lands or portions of land where colluvium, evidence of mine operations, Pennington, Pride or shaley Upper Bangor formations, dump sites or existing fill and excavation is present as indicated on the Site Assessment Map or when in the professional opinion of the geotechnical engineer of record, geotechnical testing should be performed, a "Geotechnical Investigation and Testing Plan" shall be submitted containing the following:

i. To be at the same size and scale and contain the same information as the Sketch Plat.

ii. Approximate location and description of all applicable subsurface explorations and tests including the location and description of any additional subsurface explorations and tests deemed necessary by the engineer of record

iii. Approximate location and dimension of all proposed access routes to be used in performing subsurface explorations including a clear description of all proposed clearing and grading necessary to accommodate said access. In no case shall clearing limits for testing access routes exceed fifteen feet in width.

iv. Location and description of all proposed erosion and sedimentation control measures to be installed prior to and maintained throughout the investigation and testing performance.

v. Location and description of all proposed measures to be taken to repair all areas disturbed during investigation and testing performance.

vi. The following certification:

I,_____, the engineer of record, do hereby certify that the information shown hereon is complete and correct and in compliance with all applicable regulations of the City of Madison Alabama to the best of my knowledge
_____ _____
Date **Engineer of Record**

4. **Study of Layout:** The Technical Review Committee shall consider the layout and render a report to the next regular meeting of the Planning Commission concerning the layout.

5. **Public Hearing**: The Planning Commission may hold a public hearing on the layout in the same manner as provided in Section 4-5-2 of these Regulations. However, without regard to a public hearing at layout, a public hearing as required for plats under Alabama Law shall be held prior to the Planning Commission granting preliminary approval.

6. **Review and Approval of Layout:** The Planning Commission shall study the layout, public comments, and the report of the Technical Review Committee, taking into consideration the requirements of the Subdivision Regulations. After reviewing and discussing the layout, public comments, if any, and report of the Technical Review Committee and other reports, as submitted by invited agencies and officials, the Planning Commission will advise the applicant of the specific changes and additions, if any, it will require. The Planning Commission may require additional changes as a result of further study of the subdivision in preliminary or final form.

7. Effective Period of Geotechnical Investigation and Testing Approval.

Approval of the layout requirements by the Planning Commission shall authorize the developer to perform the required geotechnical investigations and tests as proposed in an approved Geotechnical Investigation and Testing Plan. The authorization to perform said investigations and tests shall be effective for a period of one year. For any required geotechnical investigations and/or tests not completed within the period of time set forth herein, the developer shall be required to resubmit the "Geotechnical Investigation and Testing Plan" for reapproval subject to all new zoning restrictions and subdivision regulations.

4-4-2 Amendment of Layout Plat: The Layout Plat, or any section thereof, or any study or other document associated with the Layout Plat, may be amended only by the Planning Commission following a public hearing on the amendment. The public hearing shall be conducted and noticed as provided in Section 4-5-2 of these regulations. Should a request to amend a Layout Plat require the submission of additional information to support the request, then the Technical Review Committee shall notify the applicant what additional information is required. The request to amend a Layout Plat will not be considered complete until this information is received.

Section 4-5 Submission of Preliminary Plat: The procedure for obtaining Preliminary Plat approval is as follows:

4-5-l (a) **Application Procedure:** Based upon the approval of the Planning Commission of the Layout Plat, and consistent with said plat, 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);
3. Be accompanied by at least twelve (12) sets of blackline or blueline prints of the plat of proposed subdivision, and three (3) sets of blueline or blackline prints of all other supporting documents (e.g., construction drawings, detail sheets, etc.) prepared in accordance with the requirements of the subdivision regulations; and
4. Be submitted to the Planning Commission Secretary at least thirty (30) days prior to a regularly scheduled meeting.
5. Conform to the Alabama Society of Professional Land Surveyors' Minimum Technical Standards (Rules 1.01 – 1.07), provided that when there is a conflict between those standards and these Subdivision Regulations, these Subdivision Regulations shall control.

4-5-1(b) Technical Review: All plats submitted pursuant to this section shall be reviewed by the Technical Review Committee, and recommended changes shall be reported to the subdivider no less than thirteen calendar days prior to the Planning Commission meeting at which the plat is to be considered.

The subdivider will have until eight days prior to the Planning Commission meeting to make all changes requested by the Technical Review Committee, or to provide a written refusal to make such changes and the reasons for such refusal.

Failure to submit the corrected plat(s) or the reasons for refusal to correct said plats shall cause the Director of Planning, Engineering and Building to refuse to place the item on the agenda.

4-5-2 Public Hearing: The Planning Commission shall conduct a public hearing on all proposed preliminary plats. Formal notice of the scheduled public hearing shall be sent by certified mail to all adjoining land owners of record as they appear in the current records of the County Tax Assessor at the time of application submittal.

It is the responsibility of the applicant for preliminary plat approval to mail said notices and to provide the secretary of the Planning Commission with a:

1. a list, certified by a surveyor or attorney, of all such mailings, including addresses
2. a "Receipt for Certified Mail" for each piece of mail sent

The Public Hearing Notice shall be prepared by the Commission Secretary at least fifteen days prior to the Public Hearing and provided to the applicant. Formal notices shall be postmarked no less than seven (7) calendar days prior to the date of the scheduled public hearing.

Any change or modification to a Preliminary Plat submitted to the Planning Commission for public hearing may require a subsequent noticed public hearing if deemed necessary by the Planning Commission.

4-5-3 Preliminary Approval: After the Planning Commission has reviewed the Preliminary Plat and construction plans, 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 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.

4-5-4 Effective Period of Preliminary Approval: The approval of a Preliminary Plat shall be effective for a period of one 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 null and void, and the applicant shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations and filing fees.

4-5-5 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.

4-5-6 Resubmission of Preliminary Plat: The Planning Commission shall not consider, for a period of twelve (l2) 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.

4-5-7: 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 inch equals l00 feet and the sheets shall be numbered in sequence if more than one sheet is used.

The sheet size shall be acceptable for filing in the Office of the Probate Judge but shall not exceed twenty-four by thirty (24" x 30") inches. The Preliminary Plat shall be so designated and shall contain:

1. The name of the proposed subdivision OR the words "Resubdivision of.." if the proposed subdivision, or any portion thereof, is a part of any previously approved subdivision of legal record.
2. The name, address and Deed Book and Page of record of the legal owner AND the name and address of the agent or agents acting for the legal owner.
3. North point referenced to a line established in the U.S. Public land survey, date and scale.
4. A caption giving the location of the subdivision by government lot, quarter section, township, range, city, county and state including sufficient description to clearly define the lands; AND lot and block and subdivision name and parcel number(s) and legal Deed Book and Page of all portions which are a part of previously approved subdivision(s) of legal record.
5. The name, address and seal of the registered surveyor or engineer preparing the plat or map.
6. A vicinity map at the same scale as the Official Zoning Map of the City of Madison which shall show the location of the proposed subdivision and all existing and approved roads within twelve hundred (l200) feet of the exterior boundaries of the proposed subdivision.
7. The exact length and bearing of the exterior boundaries of the tract of land being subdivided. Distances will be provided to the nearest hundredth of a foot and bearings to the nearest tenth of a second of arc to achieve a positional accuracy of l: 5000, corresponding to third order accuracy.
8. Dimensions and area in acres of all proposed lots and other land areas and the bearings of the respective sides. All lots and blocks shall be numbered.
9. Approximate radii, central angle, arc distance, chord lengths, and points of tangency of all curves.
10. The name, address, and legal Deed Book and Page of the ownership for all adjacent parcels as they appear in the current records of the County Tax Assessor's Office.
11. Wooded areas, wetlands, unstable soils or slopes and any other adverse condition affecting the site.
12. Unless already approved during the Layout Approval process, a site assessment map drawn at the same scale as the plat, and including the location, size, and condition of all the following:

    a. geologic formations

    b. soils classifications

    c. colluviums

d. bluffs

e. sinkholes

f. caves

g. landslides (active and inactive)

h. lineaments

i. springs

j. seeps

k. streams (perennial, intermittent, wet weather)
l. wetlands

m. groundwater recharge points

n. vegetative communities, including the five most abundant tree and floral species for each community, in order of abundance and including the approximate age of each community

o. endangered and threatened species as determined by the US Fish and Wildlife Service

p. evidence of recent or ancient quarry operation spoils areas

q. dump sites (active, inactive, or covered/reclaimed)

r. existing fills and excavations

s. existing drainage retention and detention areas

t. wells, whether active or inactive, open or closed

u. storage tanks, regardless of contents, both above ground and underground

1. for the site assessment map (if applicable),

a. the names and qualifications of all site assessment investigators and analysts,

b. methods used in site assessment

c. findings for all features identified on the map, including itemized descriptions, illustrations and photographs,

d. professional conclusions concerning the impact of the findings on the proposed development, as well as the impact of the development on the natural features of the site

e. recommendations for mitigation of the impacts of development on the site

2. The location, widths and names of all existing or platted streets, alleys, pedestrian ways or other public ways and easements, jurisdiction lines, railroad and utility rights-of-way, parks, cemeteries, drainage ditches, water courses, culverts and drain pipes, water mains, bridges, and other permanent or temporary buildings or structures, and other public places on or adjacent to the tract of land being subdivided.

3. The location, widths and names of all proposed streets, alleys, pedestrian ways or other public ways and easements.

1. The location, widths, purposes and names of all existing or proposed public rights-of-ways and easements.

2. Required and proposed minimum building setback lines.

3. Land intended to be dedicated to parks, school sites, open space, or other public use, or to be reserved by deed covenant for use of all property owners in the subdivision with conditions, if any, of such dedication or reservations. Private property to be held in common and NOT dedicated for public use shall be so indicated.

4. Zoning classification of the land to be subdivided and the zoning classification of all adjoining tracts of land.

5. Flood plain district limits including the contour line of the floodway, the flood profile elevation (l00 year flood) and the contour line two (2) feet above the vertical distance of the flood profile elevation.

6. Noise Influence Zone limits including Day-Night Average Sound Level (Ldn) contour lines for areas exceeding 65 dBA based on the best available data from the most recent Federal Aviation Regulations Part 150 Noise Study of the Huntsville International Airport.

7. Site information including:

   a. Acreage in total tract

   b. Smallest lot size

   c. Total number of lots

   d. Linear feet in streets

8. Fire flows at each fire hydrant in the subdivision based on hydraulic modeling approved by the Madison Water and Wastewater Board.

4-5-8 Construction Plans: At the time of submission of the Preliminary Plat, the applicant shall also submit three complete sets of 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 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:

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.

c. Street names.

d. Plan and profile of all streets, showing natural and finished grades drawn to a scale of not less than one inch equals l00 feet horizontal and one inch equals 10 feet vertical.

e. Cross sections of proposed streets at a minimum of l00' stations.

f. Curve data for the centerline of each street: delta, tangent, and radius.

g. Location of all required sidewalks and crosswalks.

1. Storm Drainage Plan containing the following information:

a. Location of proposed drainage ways, streams, and ponds in the subdivision.

b. Topography at a minimum of two-foot contour intervals referenced to State Plane Coordinates and using a benchmark elevation established or approved by the Federal Emergency Management Agency.

c. Location, size, profiles, 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. Show 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 drainage ways and maintenance access thereof.

g. Typical cross sections of each drainage way.

h. Direction of waterflow throughout subdivision and compatibility with existing City or natural drainage.

i. An erosion control and groundwater protection plan, including precautions to prevent the introduction of pollutants into the municipal stormwater system, the sanitary sewer system, or into the groundwater table.

2. Sanitary Sewer Plan containing the following information:

a. Location and size of all existing and proposed sewers in the subdivision and tie-points

b. Direction of flow of each sewer line.

c. Location of each manhole and other sewerage system appurtenances including lift stations, oxidation ponds, and treatment plants, if any.

d. References to applicable Standard Construction Specifications of the Water and Wastewater Board with respect to construction of manholes, connections, and other sewage structures proposed.

e. Plan and profile of sewage system.

3. 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.

b. References to applicable Standard Construction Specifications of the Water and Wastewater Board with respect to construction of manholes, connections, and other sewage structures proposed.

4. Letter of approval from the appropriate municipal, county, or state department or agency concerned with the approval of 1-5 above. In addition, for all subdivisions subtending land which falls within 200 ft. of any MidSouth Gas Transmission

Pipeline or ATT Fiberoptic trunk line, the City shall send a certified letter to the appropriate utility owner notifying them of the project.

It shall be the responsibility of the applicant to provide the Planning Commission with the letter of approval and with construction drawings (to accompany the Preliminary Plat), accompanied by the appropriate endorsements of the referenced departments or agencies, prior to the Planning Commission's approval of the Preliminary Plat.

No Preliminary Plat shall be approved by the Planning Commission until the Water and Wastewater Board has received and approved the construction drawings accompanying the Preliminary Plat. (Reso. 97-5, 12-18-97)

4-9-5 Amendment of Preliminary Plat: Any amendment to the Preliminary Plat shall be submitted to the Planning Commission in the same manner and subject to the same requirements as a new Preliminary Plat.

Provided, however, that the Director of Planning, Engineering and Building may approve changes to the subdivision's construction drawings that do not require any changes to the Preliminary Plat document itself.

Section 4-6 Submission of the Final Plat: In accordance with these Subdivision Regulations, no street shall be accepted and maintained by the City nor shall any street lighting, water, storm sewer, or sanitary 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 any department of the City for the construction of any building or other improvements requiring a permit unless and until a subdivision plat has been approved by the Planning Commission and the filing requirements described herein have been satisfied.

4-6-l (a) Application Procedure and Requirements: Following approval of the Preliminary Plat and within the time limits herein established, the applicant shall file with the Secretary of the Planning Commission an application for final approval of the proposed 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 twelve (12) black or blueline 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 at least thirty (30) calendar days prior to a regularly scheduled meeting.

5. Be submitted within one 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

7. Be accompanied by a fee of $50 per lot to defray the cost of City Inspection, and $85 per street sign, with the number of street signs required determined by the Director of Public Works.
8. Be accompanied by a title opinion signed by an Alabama licensed attorney showing all fee, easement, and other ownership interests in the land to be subdivided

9. Conform to the Alabama Society of Professional Land Surveyors' Minimum Technical Standards (Rules 1.01–1.07), provided that when there is a conflict between those standards and these Subdivision Regulations, these Subdivision Regulations shall control.

4-6-1(b) Technical Review: All plats submitted pursuant to this section shall be reviewed by the Technical Review Committee, and recommended changes shall be reported to the subdivider no less than thirteen calendar days prior to the Planning Commission meeting at which the plat is to be considered.

The subdivider will have until eight days prior to the Planning Commission meeting to make all changes requested by the Technical Review Committee, or to provide a written refusal to make such changes and the reasons for such refusal.

Failure to submit the corrected plat(s) or the reasons for refusal to correct said plats shall cause the Director of Planning, Engineering and Building to refuse to place the item on the agenda.

4-6-2 Public Hearing: The Planning Commission shall conduct a duly noticed public hearing on the final plat. Formal notification of the public hearing shall be sent to all adjoining land owners in the same manner and subject to the same requirements as for Preliminary Plats (Sec. 4-5-2 of these Regulations).

4-6-3 Vested Rights: No vested rights shall accrue to any plat upon final approval until:

1. The plat is signed by the Chairman of the Planning Commission; and

2. The signed plat is recorded with the Probate Judge; and

3. Certified copies of the recorded plat are filed with the Administrative Officer as herein provided.

Final approval of a subdivision plat is subject to all requirements for installation of improvements, conditions, or subdivision regulations adopted by the Planning Commission prior to the time of signing of the Final Plat by the Chairman of the Planning Commission.

4-6-4 Signing and Recording of the Final Plat:

1. Signing of Plat

a. When an improvement guarantee is required, the Chairman of the Planning Commission shall endorse approval on the plat after the guarantee has been approved by the City Engineer 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 Madison as shown by a certificate signed by the City Engineer and Administrative Officer that the necessary improvements have been accomplished to the satisfaction of the City Engineer.

2. Recording of Plat

a. The Chairman of the Planning Commission will sign the original tracing of the Certified Plat and return the tracing to the owner or owner's engineer or agent, prepare a copy thereof for its records within one working day, and return the tracing to the City Engineer.

b. The applicant is responsible for filing the plat with the County Probate Judge and to file a reproducible and five (5) copies of the recorded plat with the Administrative Officer within thirty (30) days of the date of signature unless a specific time extension for filing has been granted by the Planning Commission during final plat approval.

   No permits for construction of buildings or other improvements shall be issued by the City unless the recording requirements are completed as herein provided.

4-6-5 Final Plat Requirements: The Final Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than l: l200. 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 acceptable for filing with the County Probate Judge, but shall not exceed twenty-four (24) by thirty (30) 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 lines whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arcs and chord

4. The names and locations of adjoining subdivisions and streets, with reference on 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, and direction the building fronts shall be clearly indicated.

10. Parks, school sites, or other public open spaces, if any

11. All dimensions should be to the nearest one-hundredth (1/100) of a foot and angles within plus or minus five seconds.

12. Minimum finished floor elevations for all lots intended for sale to the public, such that the principal structure on the lot is protected from first-floor flooding during the 100-year, type II storm.

13. The following endorsements, dedications, and certificates shall be placed on the Final Plat (See Appendix for sample certificates):

    a. Registered Surveyor's Certificate and Description of Land Platted.

    b. Dedication.

    c. A notary's Acknowledgement of the Dedication Certificates referred to in "b".

    d. A Certificate of Approval by Huntsville Utilities or other applicable authority.

    e. A Certificate of Approval by the Water and Wastewater Board or other applicable authority.

    f. A Certificate of Approval by the North Alabama Gas District.

    g. A Certificate of Approval by the City Engineer of the City of Madison.

h. A Certificate of Approval by the Planning Commission of the City of Madison.

i. A Certificate of Approval by applicable County Health Department if septic tanks and/or wells are necessary for development.

j. Any restrictions and/or special notations as may be required by other sections of these regulations, i.e., DNL Zone Contours

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

4-6-6 Engineering Plan: At the time of Final Plat approval, if applicable, the applicant shall also submit an as-built engineering plan, along with copies of all required ADEM permits, giving details of construction and locations of the improvements which have been installed.

The primary purpose of the as-built 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.

Said as-built plan shall be presented in an electronic file format compatible with the City's information systems, and a paper hard copy shall also be provided.

If the installation of improvements is completed under an improvement guarantee, the engineering plan, along with said ADEM permits, shall be submitted to the City upon request of release of the improvement guarantee by the applicant and/or the developer's request to accept the subdivision improvements into the City's maintenance program.

No improvements shall be accepted into the City's maintenance program until copies of ADEM permits and as-built engineering drawings, as required by this Section, have been received.

4-6-7 Amendment of Final Plat:
Any Final Plat may be amended by vacating same pursuant to the provisions of Sec. 8-9 of these regulations and reapplying for Final Plat approval.

Alternatively, when there is no more than one ***de minimis*** change requested for the Final Plat, the applicant may file a Scrivener's Affidavit effecting the change to the Planning Commission for approval.

If the Planning Commission finds the change to be ***de minimis*** and in conformance with these Regulations, it shall approve the change

Provided, however, that no such change shall be approved that affects property belonging to any person, corporation, or other entity that has not consented in writing to the filing of the Affidavit.

Section 4-7 Submission of Certified Plat (Reso. 99-1, 2-25-99):

Section 4-7 Submission of Certified Plat:

4-7-l: Application Procedure. Based upon Planning Commission approval of the Sketch Plat (optional), the applicant shall file an application for approval of a Certified Plat. The application shall be:

1. Made on forms available at the Office of the Administrative Officer; and Accompanied by a filing fee, payable to the City Clerk for the City of Madison, in the amount of twenty-five dollars ($25.00)

2. Accompanied by at least twelve (12) sets of blackline or blueline prints of the proposed subdivision prepared in accordance with the requirements of the Certified Plat regulations; and

3. Submitted to the Recording Secretary for the Planning Commission or the Administrative Officer no less than fifteen (15) days prior to a regularly scheduled meeting of the Planning Commission.

4. Conform to the Alabama Society of Professional Land Surveyors' Minimum Technical Standards (Rules 1.01 – 1.07), provided that when there is a conflict between those standards and these Subdivision Regulations, these Subdivision Regulations shall control.

4-7-2 Layout Requirements: The Certified 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 acceptable for filing in the Office of the Probate Judge but shall not exceed twenty-four by thirty (24" x 30") inches. The Certified Plat shall meet the following requirements:

1. Certified Plats shall be so designated and will contain the name of the proposed subdivision OR the words "Resubdivision of.." if the proposed subdivision, or any portion thereof, is a part of any previously approved subdivision of legal record.
2. The name, address and Deed Book and Page of record of the legal owner AND the name and address of the agent or agents acting for the legal owner.
3. A caption giving the location of the subdivision by government lot, quarter section, township, range, city, county and state including sufficient description to clearly define the lands; AND lot and block and subdivision name and parcel number(s) and legal Deed Book and Page of all portions which are a part of previously approved subdivision(s) of legal record.
4. North point referenced to a line established in the U.S. Public land survey, date and scale. The property shown on a plat or map may be drawn to any scale provided that the dimensions and other information shown thereon are legible.
5. A vicinity map at the same scale as the Official Zoning Map of the City of Madison and shall show the location of the proposed subdivision and all existing and approved roads within twelve hundred (l200) feet of the exterior boundaries of the proposed subdivision.
6. The name, address and seal of the registered surveyor or engineer preparing the plat or map.
7. The exact length and bearing of the exterior boundaries of the tract of land being subdivided. Distances will be provided to the nearest hundredth of a foot and bearings to the nearest tenth of a second of arc to achieve a positional accuracy of 1:5000, corresponding to third order accuracy.
8. Dimensions and area in acres of all lots and other land areas and the bearings of the respective sides. All lots and blocks shall be numbered where this provision is appropriate.
9. Approximate radii, central angle, arc distance, chord lengths, and points of tangency of all curves.
10. The name, address, and legal Deed Book and Page of the ownership for all adjacent parcels as they appear in the current records of the County Tax Assessor's office.
11. Zoning classification of the land to be subdivided and the zoning classification of all adjoining tracts of land.
12. The location, widths and names of all existing or platted streets, alleys, pedestrian ways or other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, drainage ditches, water courses, bridges, and other permanent or temporary buildings or structures, and other public places on or adjacent to the tract of land being subdivided.
13. Land intended to be dedicated to public use, or to be reserved by deed covenant for use of all property owners in the subdivision with conditions, if any, of such

dedication or reservations. Private property held in common and NOT dedicated for public use shall be so indicated.

14. Flood plain district limits, including the contour line of the floodway, the flood profile elevation (100 year flood) and the contour line two (2) feet above the vertical distance of the flood profile elevation.

15. Wooded areas, wetlands, unstable soils or slopes and any other adverse condition affecting the site.

16. Unless already approved at the Layout stage, a site assessment map drawn at the same scale as the plat, and including the location, size, and condition of all the following:

    a. geologic formations

    b. soils classifications

    c. colluviums

    d. bluffs

    e. sinkholes

    f. caves

    g. landslides (active and inactive)

    h. lineaments

    i. springs

    j. seeps

    k. streams (perennial, intermittent, wet weather)

    l. wetlands

    m. groundwater recharge points

    n. endangered and threatened species as determined by the US Fish and Wildlife Service

    o. evidence of recent or ancient quarry operations

    p. spoils areas

    q. dump sites (active, inactive, or covered/reclaimed)

r. existing fills and excavations

s. existing drainage retention and detention areas

t. wells, whether active or inactive, open or closed

u. storage tanks, regardless of contents, both above ground and underground

v. known historical and archaeological features

1. for the site assessment map (if required), the following items are required:
   a. the names and qualifications of all site assessment investigators and analysts,
   b. methods used in site assessment
   c. findings for all features identified on the map, including itemized descriptions, illustrations and photographs,
   d. professional conclusions concerning the impact of the findings on the proposed development, as well as the impact of the development on the natural features of the site
   e. Recommendations for mitigation of the impacts of development on the site.

18. The Certified Plat shall be accompanied by the following executed endorsements at the time of submittal:

    a. Registered Surveyor's or Engineer's Certificate and description of land platted.
    b. Notarized dedication.
    c. A Certificate of Approval executed by the City Engineer for the City of Madison.
    d. Any restrictions and/or special notations which may be required by other provisions of these regulations.
    e. Certification by the Administrative Officer that the property and the Certified Plat has been inspected and reviewed and that it is found to be compliant with zoning restrictions and subdivision regulations.
    f. A Certificate of Approval form for execution following favorable action by the Planning Commission for the City of Madison.

4-7-3 Public Hearing: The Planning Commission shall conduct a duly noticed public hearing on the certified plat. Formal notification of the public hearing shall be sent to all adjoining land owners in the same manner and subject to the same requirements as for Preliminary Plats (Sec. 4-5-2 of these Regulations).

4-7-4 Vested Rights: Final approval of a certified plat is subject to all requirements for installation of improvements, conditions, or subdivision regulations adopted by the Planning Commission prior to the time of signing of the Final Plat by the Chairman of the Planning Commission. The Planning Commission shall not modify conditions to final approval of a certified plat. No vested rights shall accrue to any certified plat upon final approval until:

1. The plat is signed by the Chairman of the Planning Commission; and

2. The signed plat is recorded with the Probate Judge; and

3. Certified copies of the recorded plat are filed with the Administrative Officer as herein provided.

4-7-5 Signing and Recording of the Certified Plat: The owner or his authorized agent is responsible for filing the approved Certified Plat as follows:

1. The Chairman of the Planning Commission will sign the original tracing of the Certified Plat and the City shall prepare a copy thereof for its records within one working day, and return the tracing to the Project Engineer.

2. The owner shall file the plat with the County Probate Judge and file a reproducible and five (5) copies of the recorded plat with the Administrative Officer within thirty (30) days of the date of signature unless a specific time extension for filing has been granted by the Planning Commission during plat approval.

   No permits for construction of buildings or other improvements shall be issued by the City unless the recording requirements are completed as herein provided.

ARTICLE V

DEVELOPMENT STANDARDS

Section 5-l 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 Madison Zoning Ordinance, building and housing ordinances, and all other applicable laws of the appropriate jurisdiction.

c. The Comprehensive Plan of the City of Madison including the Transportation Plan and Land Use Plan.

d. The special requirements and rules of the Madison 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 herein abuts a state highway.

f. The standards and regulations adopted by all boards, commissions, agencies, and officials of the City of Madison, including the City's adopted Public Improvements Construction Manual.

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 Section 1-1 of these regulations.

Section 5-2 General Requirements:

5-2-l 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 the 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.

Land within the Floodway District shall not be platted for residential occupancy or building sites.

Land outside the floodway but subject to flood may be platted for residential occupancy provided each lot contains a building site that may reasonably lend itself to construction of a floor level above flood elevation, or for such other uses which will not increase the danger to health, life, and property.

Fill may not be used to raise land in the floodway.

In other areas subject to flood, fill may be used providing the proposed fill does not restrict the flow of water and unduly increase flood heights.

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 Madison 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(a) 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..

This policy shall not apply to stub streets that provide frontage to no more than four lots.

5-3-1(b): The creation of street intersections of three or more streets converging together shall not be permitted.

5-3-1(c): All lots for sale to the public shall front on a paved public street meeting the minimum improvement requirements of these Regulations.

5-3-2 Access to Adjacent Properties: Property abutting a proposed subdivision shall not be left landlocked by such proposed subdivision.

When the Planning Commission staff determines that it is desirable to provide for street access to an adjoining property, the staff shall perform an evaluation pursuant to Ordinance No. 94-110.

The staff of the Planning Commission shall submit to the Planning Commission a written report of its findings and conclusions.

Such report shall summarize the staff's findings for each step of the evaluation as described in Section 5 of Ordinance 94-110, as may from time to time be amended.

The report shall also state any specific interests or concerns identified by the staff that may be impacted by the proposed subdivision (as described in Section 6 of Ordinance 94-110, as may from time to time be amended), as well as any existing facilities considered in the staff evaluation.

If the Planning Commission staff determines that it is recommended and justifiable, then The Planning Commission may require proposed streets to be extended by dedication and paved to the boundary of such property and a turnaround be provided, as a condition of approval of the preliminary and/or Final Plat of said subdivision.

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 require a marginal access street or other treatment which may be necessary to provide for 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 (including "spite strips") controlling access to streets shall be prohibited.

5-3-6 Additional Width on Existing Roads: If the subdivision adjoins existing streets that do not meet the minimum street width requirements, the Planning Commission staff may perform an evaluation pursuant to Ordinance No. 94-110.

The staff of the Planning Commission shall submit to the Planning Commission a written report of its findings and conclusions. Such report shall summarize the staff's findings for each step of the evaluation as described in Section 5 of Ordinance 94-110, as may from time to time be amended.

The report shall also state any specific interests or concerns identified by the staff that may be impacted by the proposed subdivision (as described in Section 6 of Ordinance 94-110, as may from time to time be amended), as well as any existing facilities considered in the staff evaluation.

If the Planning Commission staff determines that it is recommended and justifiable, then the Planning Commission may require the dedication of additional right-of-way to meet the

minimum street width requirements, as a condition of approval of the preliminary or final Plat of said subdivision.

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 proposed streets 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 Governing Body. The Governing Body may request a study and recommendation by the Planning Commission before taking such action.

5-3-9 Frontage on Improved Roads:

1. No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from, an existing public street, including, but not limited to the following:

    a. An existing federal, state or county highway, or

    b. A street shown upon a plat approved by the Planning Commission and of legal recorded in the Office of the County Probate Judge. Such street or highway must be suitably improved as required by the rules, regulations, specifications, or orders, OR be secured by an improvement guarantee required under these subdivision regulations, with the width and rights-of-way meeting or exceeding the minimum requirements of these subdivision regulations.

2. Within a General Business District permitted uses and special exceptions shall be located only on frontage roads to arterials and major thoroughfares as depicted on the City's Land Use Plan or have access through areas not zoned for residential or agricultural purposes.

5-3-10 Grading and Improvement Plan: Roads shall be graded and improved and conform to the City of Madison 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 the Design Standards (Section 5-4) of these regulations.

2. All streets shall be properly integrated with the existing and proposed system of thoroughfares as established in the Comprehensive Plan.

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.

Section 5-4 Design Standards: The following design standards shall be considered minimum requirements and shall specifically apply to residential subdivisions.

The requirements for non-residential subdivisions shall be such as the Planning Commission deems appropriate for the type of development and use contemplated but in no event be less than the requirements of residential subdivisions.

5-4-1 Right-of-Way Widths: Minimum street right-of-way widths shall be not less than the following:

MINIMUM STREET RIGHT-OFWAY WIDTHS		
1.	MAJOR STREET	60 FEET
2.	MINOR STREET	50 FEET
3.	MARGINAL ACCESS STREET (OR MAY BE INCLUDED IN RIGHT-OF-WAY OF ARTERIAL)	40 FEET
4.	CUL-DE-SAC STREETS IN RESIDENTIAL SUBDIVISIONS	40 FEET
5.	ALLEYS	20 FEET

5-4-2 Pavement Widths: Pavement width shall be not less than the following:

MINIMUM STREET PAVEMENT WIDTHS		
1.	MAJOR STREET	40 FEET
2.	MINOR STREET	26 FEET
3.	MARGINAL ACCESS STREET	12 FEET
4.	ALLEYS: RESIDENTIAL (SPECIAL CASES)	12 FEET
5.	COMMERCIAL	20 FEET

5-4-3 Street Grades: Street grades shall not exceed the following unless otherwise approved by the City Engineer and approved by the Planning Commission:

MAXIMUM STREET GRADES		
1.	COLLECTOR STREET	12%
2.	MINOR STREET WITH BITUMINOUS PAVEMENT	12%
3.	MINOR STREET WITH CONCRETE PAVEMENT	18%
4.	MARGINAL ACCESS STREET	12%

5. Grades approaching intersections shall not exceed five percent (5%) for a distance of not less than fifty (50) feet on minor streets and one hundred (100) feet from the centerline of Collectors and Major Thoroughfares.

6. Minimum grades of all streets shall not be less than one-half of one percent.

7. Surface cross-drainage shall be concrete and conform to the City of Madison standards.

5-4-4 Horizontal Curves: Where a centerline deflection angle occurs, a circular curve shall be introduced, having a centerline radius of not less than the following:

MINIMUM HORIZONTAL CURVES		
1.	COLLECTOR STREET	200 FEET
2.	MINOR STREET	100 FEET
3.	CUL-DE-SAC	100 FEET
4.	MARGINAL ACCESS	100 FEET
5.	ALLEYS (SPECIAL CASES)	35 FEET
6.	COMMERCIAL	AS NECCESSARY

5-4-5 Tangents: Tangents of less than one hundred (100) feet provided between reverse curves shall be approved by the City Engineer on all streets.

5-4-6 Vertical Curves: All changes in street grades shall be connected by vertical curves of a minimum length equivalent to the following:

1. On roads with a R.O.W. of eighty (80) feet or more in width, minimum sight distance shall be six hundred (600) feet, measured between points five (5) feet above the centerline of the road.

2. On roads with a R.O.W. less than eighty (80) feet in width, minimum sight distance shall be three hundred (300) feet measured between points five (5) feet above the centerline of the road.

5-4-7 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.
2. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom.
3. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.

4. 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.

5. Minimum curb radius at the intersection of two (2) minor streets shall be at least thirty-five (35) feet; and minimum curb radius at an intersection involving a collector street shall be at least thirty-five (35) feet with a deceleration lane, or fifty (50) ft without one.

6. 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 sight distance.

(6) The cross-slopes on all streets, including intersections, shall be five percent (5%) or less.

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

5-4-8 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.

5-4-9 Access to Major Roads: Where a subdivision borders on or contains an existing or proposed road depicted in the Major Street Plan in the Comprehensive Plan, the Planning Commission shall require that access to such streets be limited by one of the following means: (Ord. 96-6)

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 in a strip of land along the rear property line of such lots.

(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).

5-4-10 Road Names: The Sketch Plat as submitted shall not indicate any names upon proposed streets.

The Planning Commission shall approve all roads at the time of preliminary approval. Names shall be sufficiently different in sound and in spelling from other road names in the City of Madison 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.

5-4-11 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 two to one.

5-4-12 Railroads, Arterials, and Major Thoroughfares: Railroad rights-of-way, arterials, and major thoroughfares where so located as to affect the subdivision of adjoining lands shall be treated as follows:

1. In residential districts, a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way, arterial, or major thoroughfare.

   This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening.

   The placement of structures hereon is prohibited".

2. 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.

3. Streets parallel to the railroad when intersecting a street which crosses the railroad at a grade shall, to the extent practical, be at a distance of at least 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.

5-4-13 Cul-de-sacs: Permanent dead end streets shall not exceed eight hundred (800) feet in length, and shall be provided with a turnaround 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-sac length is measured from the intersection of the centerline of the cul-de-sac with the centerline of another street which is itself not a cul-de-sac, to the center of the bulb. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension of an important street.

However, cul-de-sac lengths of up to 1600 ft. may be permitted, provided that an emergency access easement is provided between a point within 200 ft. and the end of the cul-de-sac and an existing, unused stub street.

5-4-14: Temporary dead end streets shall be provided with a paved turnaround having a forty (40) foot radius.

5-4-15 Stub Streets:

a. The Planning Commission may require the connection to existing stub streets, and the creation of new stub streets, where it is found to be in the interest of traffic circulation, safety concerns, and the minimization of arterial traffic congestion.

b. All stub streets created within the subdivision shall have a 32 sq. ft. sign placed at the end of the street reading "Temporary Dead – End.

This street may be continued onto adjacent property in the future."

This sign will be fabricated and erected by the City's Public Works Department.

5-4-16 Emergency Access easements: Emergency Access easements are easements that provide emergency access between subdivisions.

a. Emergency Access easements may be required by the Planning Commission

b. Emergency Access easements shall be at least 30 ft. in width and centered on a property line.

c. Underground utilities may be placed in an emergency access easement.

However, any stormwater pipe placed in such an easement shall be subject to the approval of the City Engineer.

d. Drainage swales or ditches of any description shall be subject to approval by the City Engineer, EMA Director, and Fire Chief.

e. Emergency Access easements must be improved to carry the weight of emergency vehicles under all weather conditions.

f. No landscaping, fences, or other structures of any description, other than grass, may be placed in an emergency access easement.

The design of improvements within an emergency access easement is subject to approval of the City of Madison EMA Director, Fire Chief, and the Planning Commission.

g. The restrictions enumerated in Sec. 5-4-16(f) shall be recorded on the plat.

h. Emergency Access easements shall be permanently marked with easily visible monuments pursuant to rules adopted by the City of Madison EMA Director and Fire Chief.

i. Curbs bounding Emergency Access Easements shall be constructed to facilitate their use by emergency vehicles. Such curbs shall be subject to approval by the City of Madison EMA Director and Fire Chief.

j. Emergency Access easements shall not exceed 350 ft. in length

k. Emergency Access easements may include sidewalks and/or vehicular barriers, at the discretion of the Planning Commission. Design and construction of any barriers shall be subject to approval by the City Engineer, EMA Director, and Fire Chief.

Section 5-5 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 locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand two hundred (2,200) feet or twelve (12) times the minimum lot width required in the zoning district (whichever is less), 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 along where deemed essential to provide circulation or access to schools, playgrounds,

shopping centers, transportation, or other 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 5-6 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 off-street 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 arteries, 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.

g. All residential lots shall have an area of at least seven thousand five hundred (7,500) square feet.

   Additional lot area is required when:

   1. A lot is served by public water but not public sewer. In such case, said lot shall be not less than fifteen thousand (15,000) square feet in area.

   2. Public water or sewer is not provided. In such case, said lot shall be not less than twenty thousand (20,000) square feet in area.

h. All residential lots shall have a minimum width at the building line of sixty (60) and a minimum width, at the street line, of thirty-five (35) feet.

   Corner lots shall have an extra width of fifteen (15) feet to permit adequate setback from side streets.

   The minimum lot depth of single-tier lots shall be one hundred and twenty-five (125) feet.

All other lots shall be a minimum of one hundred (100) feet in depth.

Greater lot width and depth is required when:

1. A lot is served by public water but not public sewer. In such case, said lot shall be not less than eighty (80) feet in width and not less than one hundred and twenty (120) feet in depth.

2. Public water or sewer is not provided.

   In such case, said lot shall be not less than one hundred (100) feet in width and not less than one hundred and fifty (150) feet in depth.

5-7 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 of adequate width for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat 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 drainageway.

   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.

c. Where a subdivision discharges or is planned to discharge stormwater in an amount or concentration that exceeds the land's pre-development discharge, the City shall require the developer to acquire offsite drainage rights, in the form of perpetual unobstructed easements with widths adequate to accommodate the projected basinwide post-development flow.

   Such easements must extend continuously to an adequate existing drainage easement, city right-of-way, or a natural drainageway as depicted on the United States Geological Survey 30 x 60 Minute Quadrangle Map (1:100,000 Scale).

   Any such easement dedication must be approved by the City Engineer and City Attorney prior to approval of the Preliminary Plat.

d. Where land inside the Ldn 65+ airport noise zone is proposed to be subdivided, there may be required the dedication of avigation easements in such manner as prescribed by the Planning Commission.

The Airport Authority shall be notified by the Commission at least ten days prior to action on a preliminary or Certified Plat, and will be given the opportunity to make recommendations on the requirement of avigation easements within the plat.

Section 5-8 Drainage and Inundation: A drainage plan shall be made for each subdivision by the applicant's engineer, which plan shall take into consideration the ultimate or saturated development of the tributary area in which the proposed subdivision is located.

Adequate provisions shall be made to provide drainage easements needed within the subdivision, taking into consideration the saturated development of the tributary area.

Calculations shall be based on the City's adopted Comprehensive Plan, particularly Volume II (Drainage Master Plan), as may be modified from time to time.

The storm and sanitary sewer plans shall be worked out prior to the development of the other utility plans.

Engineering considerations shall give preferential treatment to these gravity flow improvements, as opposed to other utilities and improvements.

Off-premise drainage easements and improvements may be required to handle the runoff of subdivisions into a natural drainage channel, as specified in Sections 5-7 c and 6-1-9 of these Regulations.

But under no condition shall storm drainage be emptied into the sanitary sewer system-or vice versa.

The developer's engineer shall consult the City's Drainage Master Plan, the City's adopted stormwater management regulations, and the City's Public Improvements Construction specifications manual for further requirements, and shall abide by them.

All interpretations of the requirements found in these documents shall be made by the City Engineer.

Low areas subject to periodic inundation shall not be developed or subdivided unless and until the Planning Commission establishes that:

a. The nature of the land use (i.e., recreational areas) would not lend itself to damage by water inundation to an appreciable extent;

b. The area may be filled or improved in such a manner to prevent such periodic inundation; or

c. Minimum floor elevations be required to prevent damage to buildings and structures, on site or adjacent thereto.

The Planning Commission or City Engineer may require whatever additional engineering information it deems necessary to make a decision on subdivisions and other development which contains an area of questionable drainage.

Lakes, ponds, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area, or if such area constitutes a necessary part of the drainage control system.

Such park land will be subject to approval by the City Council.

Section 5-9 Erosion and Washing:

a. Upon completion of curb installation and backfill, a siltscreen must be installed at back of curb to help prevent erosion and washing mud on street, unless exempted by the Planning, Engineering and Building Director or his designee.

   The minimum height requirement for the siltscreen is twenty-four (24) inches. Installation of the siltscreen shall be as per manufacturer's instructions.

   All erosion control measures required by the City's Construction Specification Manual shall also be adhered to.

b. In the event that stormwater runoff is directed toward, or may enter, an opening in the ground that provides access to the groundwater table (e.g., well, sinkhole, etc.), the developer shall present a mitigation plan to ensure that no pollutants enter the groundwater table during construction.

   Additionally, the developer shall, in concert with the Water and Wastewater Board of the City of Madison, take steps to ensure that any such openings are protected from any future surface water infiltration.

   This may be accomplished by permanently closing such openings, or by taking other steps acceptable to the Board.

c. The erosion, sedimentation, surface water protection and related regulations of the Alabama Department of Environmental Management (ADEM) are hereby incorporated in this document by reference.

   Prior to the approval of any Preliminary Plat, the applicant shall demonstrate that they have applied for all required ADEM permits, and shall present the City with copies of said permits when received.

   No subdivision shall be accepted into the City's maintenance program until a copy of said permit has been filed with the City along with required "As-Built" drawings.

ARTICLE VI
REQUIRED IMPROVEMENTS

Section 6-l 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 Madison and Water and Wastewater Board specifications and standards, or the posting of an improvement guarantee with sufficient surety to indemnify the City for the actual construction and installation of such improvements and utilities.

6-1-1 Street and Alleys: After sewer and water utilities have been installed by the applicant, the applicant shall 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 Madison, 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 shall be placed on both sides of all new streets within the area of jurisdiction of these regulations in accordance with the City specifications.

Subdivisions where the minimum lot size is thirty-five thousand (35,000) square feet or more will not be required to install standard curb and gutter.

6-1-3 Sidewalks (Reso. 2001-03):

1. Sidewalks shall be included within the nonpavement right-of-way of all roads as shown in Schedule I.

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.

   However, in no case shall sidewalks be installed within 16" of the centerline of any water main or service line installed behind the curb.

3. In addition to the sidewalks required by Schedule I, five-ft. sidewalks may also be required by the Planning Commission on any public right-of-way physically adjoining the subdivision."

4. In the event that a waiver is granted by the Planning Commission to permit sidewalks within the subdivision on one side of the street only, a five foot wide sidewalk will be required.

SCHEDULE I SIDEWALKS REQUIRED				
NATURE OF ROAD	DEVELOPMENT DENSITY RESIDENTIAL			
	LOW R-1A, R-1B	MEDUIM R-2	HIGH R-3, R-3A, RZ	HIGH R4
MINOR STREET	BOTH SIDES 4 FEET WIDE	BOTH SIDES 4 FEET WIDE	BOTH SIDES 4 FEET WIDE	BOTH SIDES 5 FEET WIDE
COLLECTOR STREET	BOTH SIDES 4 FEET WIDE	BOTH SIDES 4 FEET WIDE	BOTH SIDES 4 FEET WIDE	BOTH SIDES 5 FEET WIDE
NON-DEDICATED DRIVES AND STREETS	N/A	N/A	BOTH SIDES 4 FEET WIDE	BOTH SIDES 4 FEET WIDE

6-1-4 Pedestrian Accesses:

a. **Requirement:** Whenever the Planning Commission staff determines that it is desirable to facilitate pedestrian access from the subdivision roads to schools, parks, playgrounds, other subdivisions, or other nearby roads, the staff shall submit to the Planning Commission a written report of its findings and recommendations with respect to such access opportunities.

   If the Planning Commission staff determines that provision of such access is recommended, or on its own initiative, the Planning Commission may require the dedication and improvement of pedestrian access public rights-of-way within the subdivision in locations approved by the Commission.

   This requirement shall not apply to existing subdivisions whose preliminary or Final Plats were approved prior to adoption of this regulation.

b. **Location:** The Planning Commission may require the creation of pedestrian access public rights-of-way that provide access to adjacent

   1. schools,
   2. public parks,
   3. greenways and trails as depicted in the Comprehensive Plan;
   4. neighborhoods,
   5. shopping areas,
   6. public lands,
   7. transportation or other community facilities, or

8. vacant parcels, held either publicly or privately, which could provide future neighborhood connection(s) to the above noted sites,

In addition, pedestrian accesses may be required to connect sites other than those noted above when there is evidence that a pedestrian would otherwise be forced to travel alongside a designated collector or arterial roadway, or other roadway that may be hazardous for pedestrian travel, in order to reach a destination, where such travel alongside a designated collector or arterial road may be avoided by construction of a pedestrian access.

(c) Design: While the city may exercise considerable discretion in determining the design of pedestrian accesses, the following minimum standards should be followed:

1. Unless approved otherwise by the Planning Commission, all pedestrian accesses shall be paved, and the paved portion of the pedestrian access may range from 4 to 10 feet in width, depending on the designed use.

   Factors to consider may include the length of the path and what the pathway is connecting to. Generally, pedestrian accesses that anticipate high use may be wider.

   Barriers shall be placed at the terminal ends of paths the design of which are adequate to restrict use by motor vehicles while allowing use by wheel chairs and other modes of travel.

2. Unless otherwise approved by the Planning Commission, five (5) feet of landscaping, generally divided equally between the two edges with some width variation to allow meander of pathways shall be required, and the entire pedestrian access will be entirely within a permanent public right-of-way deeded to and maintained by the City of Madison once the subdivision has been accepted into the City's maintenance program.

   For safety purposes, planting material in the landscape area is limited to three (3) feet in height or for trees; the mature height of the branches shall be higher than seven (7) feet when placed near the paved path.

   A note on the plat shall indicate the landscape, fence (if any) and building regulations for this area. The use of bark or other loose material shall be designed or located to keep the bark from being blown onto the paved path.

6-1-5 Neighborhood Recreation Areas: When deemed to be in the interest of the public, the Planning Commission may require the dedication of park land within the subdivision, subject to the criteria herein.

When Planning Commission staff determines that it is desirable to provide a neighborhood recreation area to meet the need for recreation facilities generated by the proposed subdivision, the staff shall perform an evaluation pursuant to Ordinance No. 94-110.

The staff of the Planning Commission shall submit to the Planning Commission a written report of its findings and conclusions. Such report shall summarize the staff's findings for each step of the evaluation as described in Section 5 of Ordinance 94-110, as may from time to time be amended.

The report shall also state any specific interests or concerns identified by the staff that may be impacted by the proposed subdivision (as described in Section 6 of Ordinance 94-110, as may from time to time be amended), as well as any existing facilities considered in the staff evaluation.

If the Planning Commission staff determines that it is recommended and justifiable, then the Planning Commission may require the dedication of property for park and/or recreation purposes as a condition of Final Plat approval.

If property is required to be dedicated, it shall be located as designated in the comprehensive plan or otherwise where appropriate, as determined by the Planning Commission.

In the application of Ordinance 94-110 to the analysis of the impacts and mitigation thereof of new development with respect to recreational needs of the City, the staff shall prepare a report that addresses the following questions according to the instructions specified.

Said report shall be prepared for any project for which a site plan certificate or other development order is required.

1. Does the project create the need for recreation?

a. Is it non-residential?

b. Is there any basis for a total waiver based on lack of impact?

c. Does developer propose to provide for recreation privately? If yes, will it be of a character and extent at least equal to City standards?

d. Is there any other reason that recreation impact should not be mitigated (e.g., doing so would conflict with another important public purpose)?

(If no to all above, continue. If yes to any one, waive requirement.)

2. Does sufficient recreational opportunity already exist?

a. Is there a park or a school with recreational facilities within one mile (radially) of every proposed unit? (Yes - go to 2b/No - go to 3)

b. If so, are the total numbers of acres of public recreational land in a one-mile radial area, centered on the project, equal to at least three per 1000 potential

residents in the area? (Draw a one-mile radius circle centered on the project. Project buildout population in the circle based on current zoning.

Exclude existing residents with access to private recreation facilities comparable to City standards.

Allow 18% for right-of-way for any area that has not been subdivided.

Determine total available public recreation land in the circle. If there are at least three acres per 1000 potential population, stop. If not, proceed to next step.)

3. What is the impact of the development?

a. Based on the Preliminary Plat or site plan, how many units are planned for the project? (If under 60 single family detached or 93 multifamily units, standards yield less than 0.5 ac. required donation, and impact shall be deemed insignificant.

   No dedication required. If not, continue to 3b)

b. If Preliminary Plat or site plan contains more than 59 single family or 92 multifamily units, calculate donation at 3 ac. /1000 residents of project. Use household size of 2.8 for single family detached, 1.8 for multifamily.

4. Size Threshold; Potential Assembly of Future Land:

a. If donation is to be required, is it at least 2 acres? (See answer to 3b above).

   Is there suitable access, either by a public street or by public access easement?

   If yes to both, require donation. The Planning Commission may require, in order facilitating pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements or public rights-of-way at least ten (10) feet in width.

   Easements shall be indicated on the plat. Location to be chosen by developer/landowner subject to Planning Commission approval.

   If it is not possible to provide adequate access, proceed to 4b.

b. Can a location be found where adjacent land is available adjacent for future assembly into larger parcel?

   (to qualify, adjacent land must be vacant, environmentally acceptable, zoned residential (including "residual land" zoned RC-1 or RC-2 but excluding land enjoying any vested development rights), and otherwise suitable for park development in the opinion of the Director of Parks and Recreation).

If no, stop - no dedication required. If yes, require donation adjacent to such suitable parcel.

If there is more than one suitable parcel, developer may decide on location of dedication subject to approval of the Planning Commission.

The developer or builder of any project for which a site plan certificate is required shall be required to submit sufficient information to the staff to permit a determination pursuant to these regulations.

The developer or builder of any project for which a site plan certificate is required may voluntarily prepare the report required in Section 1 of this regulation, to which staff will affix their comments and independent findings if different from the developer's report.

The staff, including the City Planner and Director of Parks and Recreation or their designees, will make a written recommendation to the Planning Commission on any project for which a site plan certificate is required with respect to any required recreational exaction and the reasons therefore, or the reasons for the recommended waiver thereof.

This recommendation shall be made available to the Planning Commission no later than the opening of the record of the public hearing or other public meeting on the proposed development.

6-1-6 Sewerage Facilities:

General Requirements: The applicant shall install sanitary sewer facilities in a manner prescribed by the City of Madison Water and Wastewater Board construction standards and specifications.

All plans shall be designed and approved in accordance with the rules, regulations, and standards of the City of Madison and the Board.

Sanitary sewers shall be provided where a public sanitary sewerage system is reasonably accessible as determined by the Water and Wastewater Board.

Individual disposal systems shall be used in instances where no public sanitary sewerage system is available, as determined by the Water and Wastewater Board, providing approval is received from the State and County Health Departments.

6-1-7 Water Facilities: The applicant, in accordance with the Water Main Extension Policy of the Water and Wastewater Board, will be responsible for bearing the cost of providing water service to the subdivision, unless exempted by the Water and Wastewater Board.

All potable water facilities shall be approved by the Board, whose approval of the subdivision construction plans submitted with the Preliminary Plat will be construed by the Planning Commission to certify both that 1) the on-site system is designed to standards and specifications acceptable to the Board, and 2) that there is sufficient capacity in the City's potable water system to serve the development.

6-1-8 Fire Protection:

a. **Fire Hydrants:** Fire hydrants shall be required for all subdivisions.

   Fire hydrants shall be located no more than five hundred (500) feet apart, measured as required by Insurance Services Office Standards.

   Fire hydrants shall be red in color, specifically, Sherwin-Williams Company, KEM 400 Custom Enamel, Red 11105 or equivalent approved by the City of Madison Fire Chief.

   To eliminate future street openings, all underground utilities for fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

   In the case of certain land uses where the need can be documented, the Planning Commission may require the spacing of fire hydrants closer than 500 ft.

b. **Fire Flow requirements:** The Preliminary Plat shall show minimum design fire flows at each fire hydrant (static pressure and volume); or, alternatively, the plat may show minimum fire flow data for all fire hydrants, such that no fire hydrant in the subdivision will have fire flow capabilities less than the indicated fire flows.

   Such fire flows shall be sufficient, in the judgment of the Fire Chief, to protect the structures intended to be constructed in the subdivision based on the Building and Fire Prevention Codes in effect at the time of Preliminary Plat approval.

6-1-9 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 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. The following level of service standards shall be observed in the design of the subdidivision's stormwater system:

SERVICE STANDARDS FOR DESIGN OF SUBDIVISION STORMWATER SYSTEM	
LOWEST FLOOR RESIDENTIAL	100 YEAR
REQUIRED YARDS	25 YEAR
LOCAL STREET AND DRAINAGE STRUCTURES AND DRIANAGE STRUCTURES SERVING TO COLLECT WATER FROM MORE THAN ONE SUBDIVISION	25 YEAR
OPEN CHANNELS	25 YEAR

All levels of service are based on a Type II 24-hour Storm.

c. 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 of appropriate width, and shall be constructed in accordance with the construction standards and specifications of the City of Madison.

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 Madison.

3. **Accommodation of Upstream Drainage Areas:** A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its 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 shall 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.

   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 it 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.

d. Dedication of Drainage Easements:

1. **General Requirements:** Where a subdivision is traversed by a watercourse, drainageway, 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 be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

Drainage Easements:

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

Easements shall be indicated on the plat.

Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

b. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the plat.

c. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing water courses, to a distance to be determined by the Planning Commission.

d. Low-lying lands along water courses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainageways.

Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density, nor for computing the area requirement of any lot.

6-1-10 Signs: All signs erected on public property within the plat of the subdivision shall meet all adopted City regulations, including, without limitation, the requirements of the Federal Highway Administration Manual on Uniform Traffic Control Devices, latest edition.

The City shall erect all such signs according to a plan prepared by the Public Works Director. The applicant shall pay to the City them sum of eighty-five dollars ($85.00) for each required sign within the subdivision.

6-1-11 Oversize Facilities: The City Council may participate in the cost of oversized improvements within a subdivision, if in its judgment such oversized improvements are necessary to serve large areas of land not in the subdivision, and if the cost of such oversize improvements is an unreasonable burden on the applicant.

6-1-12:

a. **Utilities:** The applicant is required to place all utilities underground, except as provided below.

The preliminary or Certified Plat shall specify whether proposed utilities are to be placed underground or above-ground, including electric service, telephone lines, and cable television lines.

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.

Applicants are encouraged to be knowledgeable of City and utility company street lighting standards.

b. The Planning Commission may, by majority vote, permit the installation of above-ground electric, cable television, or telephone service if it concludes that one or more of the following conditions are met:

1. above-ground service would enhance the public safety

2. above-ground service would be in the interest of preservation of the character of the area or adjacent areas, and/or the Planning Commission desires to pursue this goal for the area under development

3. the City Engineer certifies that installation of underground utilities is not good engineering practice due to physical attributes particular to the land being developed

4. as a variance pursuant to Article IX of these Subdivision Regulations

6-1-13 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 Madison.

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 prorata as the percentage of his land developed and so served.

6-1-14 Widening and Realignment of Existing Roads: Where a subdivision borders an existing narrow road, the Planning Commission staff shall perform an evaluation pursuant to Ordinance No. 94-110.

The staff of the Planning Commission shall submit to the Planning Commission a written report of its findings and conclusions.

Such report shall summarize the staff's findings for each step of the evaluation as described in Section 5 of Ordinance 94-110, as may from time to time be amended.

The report shall also state any specific interests or concerns identified by the staff that may be impacted by the proposed subdivision (as described in Section 6 of Ordinance 94-110, as may from time to time be amended), as well as any existing facilities considered in the staff evaluation.

If the Planning Commission staff determines that it is recommended and justifiable, then the Planning Commission may require the dedication of such areas for widening or realignment of such roads as a condition of approval of the Final Plat of said subdivision.

Such rights-of-way for roads and streets shall be dedicated by the applicant to the full width as required by these Subdivision Regulations.

Property reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance, whether the property is to be dedicated to the City in fee simple or an easement is granted to the City of Madison.

6-1-15 **Bikeways, Greenways, and Single-or-Multi-Purpose Trails:**

a. The Planning Commission may, at its discretion, require the installation of bikeways, greenways, and single-or-multi-purpose trails within any proposed subdivision. The location of such facilities shall be consistent with the Greenway Trails Element of the City's Comprehensive Plan, and may be dedicated voluntarily by the developer, or may be required pursuant to the provisions of Ordinance 94-110.

   In the event that the developer does not wish to donate a facility depicted on the Greenways Trails Element Map within the plat of the subdivision, and an evaluation performed pursuant to Ordinance 94-110 does not support involuntary exaction, the City may acquire the facility through voluntary purchase or eminent domain.

b. Curb cuts and ramps shall be installed on streets where such facilities are required by these regulations or by the Comprehensive Plan.

   Specifications for such facilities shall be consistent with the Comprehensive Plan and City regulations.

Section 6-2 Permanent Reference Points: Prior to the approval of the Final Plat, permanent reference points shall have been placed flush with the ground where practicable and in accordance with the following requirements:

6-2-1 Monument Specifications:

a. Cadastral Control Monuments of concrete not less than seven (7) inches square or eight (8)inches in diameter, containing a ferrous rod not less than 0.75 inches in diameter and not less than forty-eight (48) inches in length and which shall be

imbedded in the center of the concrete for its full length, and marked on the top with a brass plug not less than three (3) inches in diameter.

b. Boundary Monuments of concrete not less than four (4) inches square or five (5) inches in diameter, containing a ferrous rod not less than 0.50 inches in diameter and not less than thirty (30) inches in length and which shall be imbedded in the concrete for its full length, and marked on the top with a cross, brass plug, aluminum plug, or other durable material securely imbedded.

   These monuments shall be placed not more than 1,400 feet apart along any straight boundary line.

c. Property Monuments of ferrous pipe or round or square ferrous bars not less than 0.50 inches in diameter and not less than eighteen (18) inches in length weighing not less than 3.65 pounds per lineal foot.

   Any durable metal or concrete monument may be used in lieu of ferrous pipes provided that they are uniform within the platted area and have permanent magnets embedded near the top and the bottom.

6-2-2 Cadastral Reference Points: A minimum of two (2) cadastral control monuments shall be placed at accessible locations within the subdivision and shall be referenced by course and distance from an accepted corner of the government survey of Madison County or previously placed and accepted cadastral control monuments which are not contiguous to the subject subdivision boundary.

At the discretion of the Administrative Officer these monuments may also serve as subdivision boundary monumentation.

Cadastral monuments shall appear on the Final Plat, together with the description in bearings and distances to an accuracy of 1:10,000, of their location from the reference monuments.

6-2-3 Subdivision Boundary Monumentation: The external boundaries of a subdivision shall be monumented in the field with boundary monuments which shall be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along the meander line, said points to be not less than twenty (20) feet back from the bank of any river, stream, or major drainage way; except that when such corners fall within a street, or proposed future street, the monuments shall be placed on the side line of the street.

The monuments shall be spaced so as to be within sight of each other and shall be placed not more than 1,400 feet apart in any straight line.

6-2-4 Internal Block Monumentation: Boundary monuments shall be placed at all internal boundaries, corners, and points not referenced above and at all block corners, at each end of all curves, at the point where a curve changes radius, and at all angle points in any line for the purpose of providing horizontal control within the interior of the subdivision.

6-2-5 Individual Ownership Lot Monumentation: The corners of all lots not previously marked, outlots, parks and public access and land dedicated to the public shall be monumented in the field by property monuments. Witness corners shall be established not less than twenty (20) feet back from the bank of the river, stream, or major drainage way for lot lines that extend to rivers, streams or major drainage ways.

ARTICLE VII
ASSURANCE FOR COMPLETION AND MAINTENANCE

OF IMPROVEMENTS

Section 7-l Improvements:

a. **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 subdivision plat, and as approved by the Planning Commission and to dedicate same to the City of Madison free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

b. Improvements to be Dedicated to the Water and Wastewater Board: All sanitary sewer and potable water facilities (excluding easement and fee rights to real property), once constructed, accepted and dedicated to public use, shall become the property of the Water and Wastewater Board of the City of Madison.

Consequently, a separate dedication procedure shall be required for these improvements, and the Water and Wastewater Board shall prescribe the manner of said dedication. The Board's approval and acceptance of potable water and sanitary sewer facilities for a subdivision shall satisfy the requirements of this section with respect to those facilities.

Section 7-2 Method of Guarantee:

a. Guarantees for City Improvements: 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, the following guarantee:

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.

Such deposit shall be irrevocable by the applicant during the period of validity, and shall be payable to the City upon the applicant's failure to comply with any provisions of this article.

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.

Any such instrument (including a letter of credit) shall be valid for one month longer than the period allowed for construction of improvements under Section 7-3-1 below.

The amount of the cash deposited or the amount of any instrument other than cash accepted by the Planning Commission shall be at least equal to 120% of 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 that 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.

b. **Guarantees required by the Water and Wastewater Board:** The Water and Wastewater Board may elect to accept improvement guarantees, pursuant to the rules of the Board.

If the Board does choose to accept an improvement guarantee, the developer shall post the form of guarantee as agreed, separate and apart from any guarantee accepted by the City. The Board may choose to sign the Final Plat of the subdivision based on the posting of a guarantee acceptable to it.

Section 7-3 Time Limits:

7-3-1 Deadline: Prior to the granting of Final Plat approval, the applicant, the Planning Commission, and the Water and Wastewater Board shall agree upon a deadline for the completion of all required improvements, such deadline to be one year from the date of Final Plat approval, unless a longer period, not to exceed (two) years, is approved by the Planning Commission and the Water and Wastewater Board.

The Planning Commission, with the consent of the Water and Wastewater Board, shall have the power to extend that deadline for (one) additional year (up to a total of two years) 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 incompletion or for reason of substandard construction, then the Planning Commission shall take the following action:

Where improvements have been guaranteed under Section 7-2 of these regulations, the Planning Commission shall declare whatever security has been pledged as a guarantee to be forfeit.

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, or receipts from their sale if that be necessary, 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 Improvement Requirements:

7-4-1 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 any guarantor(s) shall be severally and jointly liable for completing the improvements according to specifications.

The Water and Wastewater Board shall conduct independent inspections of all infrastructure anticipated to be accepted by the Board, and shall notify the City Engineer of the status of these inspections and the acceptability of the work. Failure of the Water and Wastewater Board to approve the work within the time limits established under Section 7-3-1 above shall cause the applicant and any party guaranteeing acceptable completion of the work to be jointly and severally liable for completing the improvements according to specifications.

Upon completion of these improvements, the City Engineer and Water and Wastewater Board 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 standards specified by the Planning Commission and the City Council 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 encumbrances or lien.

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

This agreement shall specify that all improvements, including all interests in real property except for potable water and sanitary sewer infrastructure are dedicated to the City, and that all potable water and sanitary sewer infrastructure are dedicated to the Water and Wastewater Board.

If the project Engineer has certified that the contracted improvements are complete and free from defect, and said improvements have passed inspection by the City Engineering Inspector, 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. Improvements to be dedicated to the Water and Wastewater Board shall be accepted by the Board according to that Board's rules.

In no instance, however, will the Planning Commission grant acceptance to the infrastructure within any subdivision or part thereof until after the water and sanitary sewer systems within that subdivision or part of the subdivision have been accepted by the Water and Wastewater Board.

7-4-2 Change Orders to Require Approval: The City Engineer and Planning, Engineering and Building Director shall endorse all engineering and materials change orders to improvements specified in the subdivision construction plans as approved by the Planning Commission.

The Administrative Officer shall take appropriate action to ensure compliance with approved plans and specifications and the developer shall be notified when unauthorized changes to the plans are detected.

Noncompliant improvements will not be accepted and neither the Planning Commission nor the Board of Zoning Adjustment shall be empowered to grant post- installation variances for non-compliant improvements.

Engineering Change Orders relating only to sanitary sewer and potable water systems, which do not require relocation of easements or rights-of-way, shall be submitted to the Water and Wastewater Board for approval and shall not require Planning Commission action, provided, however, that such Change Orders must be reported to the City Engineer and shall be reflected on the As-built engineering drawings of the Subdivision that are presented to the City and the Water and Wastewater Board.

Section 7-5 Reduction of Guarantees: In those cases where improvement guarantees have been made under Subsection 7-2-l, 7-2-2, or 7-2-3 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 (but in no case less than 15% of the value of the improvements) and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of two years after the date of their acceptance by the City of Madison and dedication of same to the City of Madison.

The Water and Wastewater Board may require the posting of a maintenance bond and security therefor with the Board in order to assure the satisfactory condition of the sanitary sewer and potable water systems for a period of one year after their acceptance by the Board.

Failure of the developer to post any maintenance bond or security required by the Board may constitute cause for denial of acceptance by the Board of the improvements. Any and all maintenance bonds shall be secured in the same manner as that required for improvement bonds under Section 7-2 above.

Posting of any type of security other than cash shall be subject to approval by the Planning Commission or Water and Wastewater Board, as appropriate.

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.

Notwithstanding the above, no building permit shall be issued for any lot for which there is not both:

a. a live fire hydrant within 250 ft. of the lot, and

b. An all-weather surface road giving access to the lot from a dedicated street.

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.

Section 7-9 Additional Rules for Subdivision Improvement Guarantees: When the Planning Commission is requested to accept an improvement guarantee for improvements expected to cost more than $10,000.00, then the following rules shall apply:

1. The amount of the guarantee shall be based upon one of the following:

    a. the sum of the monetary consideration for all signed contracts for improvements into which the developer has entered, provided that contracts for all improvements indicated by the construction plans for said improvements have been executed; or

    b. where no such contracts have been executed, the sum of the estimates of the costs of all improvements indicated by the construction plans, as estimated by the City Engineer;

    c. Where some, but not all such contracts have been executed, by the sum of the monetary consideration for all such contracts plus estimates of the cost of all improvements not yet contracted for, said estimates to comply with all provisions of ss. 7-9 (1) (b).

2. All costs of developing construction estimates for improvement guarantees shall be borne by the developer, who shall reimburse the City at its cost for said services. Failure to reimburse the City within 30 days of the Planning Commission meeting at which the Final Plat is approved shall void the Final Plat, and the Chairman shall not sign the Final Plat.

3. For purposes of determining a value for the improvement guarantee, the value of the improvements calculated pursuant to Section 7-9 (1) above shall be reduced by the value of improvements already installed and inspected by the City.

4. All requests by developers to post Subdivision Improvement guarantees shall be made in writing at least 30 calendar days prior to the meeting of the Planning Commission at which the Final Plat relating to said guarantees is to be considered.

5. In addition to the monetary amounts required in ss. 7-9-(1), any developer desiring to post an improvement guarantee shall add 20% to the cost of improvements of the value of the improvements to be guaranteed to cover materials price increases, contingencies, administrative expenses and other expenses.

    This amount shall be included in the improvement guarantee.

6. The developer agrees with the City that the city shall hire a professional land developer, State-licensed contractor, or registered professional engineer to supervise any construction that is undertaken with proceeds from an improvement guarantee.

    The administrative fee of 20% of the value of the improvements, as required in Section 7-9 (4) above, will be used to defer the cost of the professional fee of the individual hired in this capacity.

7. All improvement guarantees required to be posted by the Planning Commission as a condition of the granting of a Final Plat must be posted and accepted within 30 days after the Planning Commission meeting at which the Final Plat is approved.

Failure to meet this deadline shall automatically void the Final Plat.

Section 7-10. Bonding of Sidewalk Improvements (Resolution 91-2) Not withstanding any of the provisions of this article, any developer may post a separate bond guaranteeing the construction of sidewalks required by the Planning Commission or these regulations within two years from the date of Final Plat approval.

Security for the bond, in the form of cash or a letter of credit shall be valid for at least twenty-five months from the date the security is received by the City.

The developer may specify, by notation on the Final Plat, that individual home builders are required to construct said sidewalks adjacent to their building sites as a condition precedent to issuance of the Certificate of Occupancy thereto.

If sidewalks are not completed within two years as guaranteed by the posted and secured bond, the City shall call the security for the sidewalk bond and complete any sidewalks not yet constructed, or which are in disrepair, or which are nonconforming to requirements set forth in Article 6-1-3 of the City of Madison Subdivision Regulations, returning all unspent funds to the developer.

Extensions of the time for completion of sidewalks for which a the city has accepted a sidewalk bond and security therefor may be granted, at the discretion of the Planning Commission, provided an acceptable bond and adequate security are posted for the extended period. In no event, however, shall the posting of a sidewalk bond in lieu of construction of sidewalks prevent the acceptance of all other improvements, or the issuance of Certificates of Occupancy pursuant to Section 7-7 herein.

ARTICLE VIII
GENERAL PROVISIONS

Section 8-1 Interpretation: *In their interpretation and application, the provisions 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 regulations, statute, or other provision of law.

Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

Additionally, adherence to these regulations shall not be required when land is to be divided and/or conveyed by court order, eminent domain, or other legal proceeding, nor shall the State of Alabama or any political subdivisions thereof, be required to comply with these regulations.

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 such provisions or agreements are not inconsistent with these regulations or other law or regulation, and impose stricter requirements than these regulations, the stricter requirements shall control.

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 judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

The 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 at the time of adoption of these regulations,

or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.

Section 8-5 Reservations and Appeals: Upon the adoption of these regulations according to law, all previous Subdivision Regulations of the City of Madison, Alabama, 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 of Madison County.

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 Resubdivision 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 will eventually be resubdivided into small building sites, the 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 of Madison County.

C. The subdivision of any lot or any parcel of land, by any means, 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.

A. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

E. It shall be a violation of these regulations to record, or attempt to record a plat subdividing lands within the City of Madison that has not been approved by the Planning Commission

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 of Madison County, shall forfeit and pay a penalty of one hundred dollars 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 court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

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 or diminution of economic value, if the strict letter of these regulations are carried out;

D. The hardship claimed has in no way been caused by the land owner;

E. The variances will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or other adopted plans, policies, and regulations of the City.

Section 9-2 Conditions: In approving variances, the Planning Commission may require such conditions as will, in its judgment, 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 Layout 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.

APPENDIX I
SAMPLE CERTIFICATES

Example of (a) SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED:

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED
STATE OF ALABAMA
COUNTY OF MADISON

I, (name of surveyor), a registered Engineer-Surveyor of Madison, Alabama, hereby certify that I have surveyed the property of the (name of company of proprietor), a (corporation or proprietor), situated in the City of Madison, Madison County, Alabama and described as follows:

(Insert Legal Description)
And that the plat or map contained hereon is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and its number and showing the streets, alleys and public grounds and giving the bearings, length, width, and name of the streets, said map further shows the relation of the land so platted to the Government Survey, and that permanent monuments have been placed at points marked thus (0) as hereon shown.

WITNESS my hand this the_____day of_____,20_____.

_____
(Name of Surveyor)
Registration # **_____**

Example of (b) DEDICATION:

DEDICATION

I/We (Land Owner or developer, address), as proprietor(s), have caused the land embraced in the within plat to be surveyed, laid out and platted to be known as (Subdivision Name), a part of (Section Call Out), City of Madison, Madison County, Alabama, and that the (Streets, Drives, Alleys, Easements etc.) as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of:

_____	_____
Witness	**Property Owner**
_____	_____
Witness	**Property Owner**

In any case that the developer and the land owner are not one and the same, two or more Dedication Certificates may appearon the plat in order to allow for the owner's signature to be fixed to said Plat.

In which case one of the following notary's Acknowledgements must appear for each Dedication Certificate (See example c-1 and c 2).

Example of (c-1) Acknowledgment:

ACKNOWLEDGEMENT
STATE OF ALABAMA
COUNTY OF MADISON

I,_____, Notary Public in and for said County, in said State, hereby certify that (individual's name), whose name as (title) of the (corporation 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 the instrument, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this_____day Of_____,20_____.

Example of (c-1) Acknowledgment:

ACKNOWLEDGEMENT
STATE OF ALABAMA
COUNTY OF MADISON

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 the instrument, executed the same voluntarily.

GIVEN under my hand and official seal this_____day Of_____,20_____.

NOTARY PUBLIC

Example of (d) CERTIFICATE OF APPROVAL BY THE HUNTSVILLE UTILITIES

CERTIFICATE OF APPROVAL BY THE HUNTSVILLE UTILITIES

The undersigned, as authorized by the Huntsville Utilities of the City of Huntsville, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Madison County, Alabama, this_____day of_____,20_____.

_____
Huntsville Utilities
City of Huntsville, Alabama

Example of (e) CERTIFICATE OF APPROVAL BY THE WATER AND SEWER BOARD

CERTIFICATE OF APPROVAL BY THE WATER AND SEWER BOARD

The undersigned, as authorized by the Water and Sewer Board of the City of Madison, Alabama, hereby approved the within plat for the recording of the same in the Probate Office of Madison County, Alabama, this the_____day of_____,l9_____.

_____
Water and Wastewater Board
City of Madison, Alabama

Example of (f) CERTIFICATE OF APPROVAL BY THE NORTH ALABAMA GAS DISTRICT:

CERTIFICATE OF APPROVAL BY THE NORTH ALABAMA GAS DISTRICT

The undersigned, as authorized by the North Alabama Gas District, hereby approved the within plat for the recording of same in the Probate Office of Madison County, Alabama, this the_____day Of_____,20_____.

_____
North Alabama Gas District

Example of (g) CERTIFICATE OF APPROVAL BY THE CITY ENGINEER:

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

The undersigned, as City Engineer of the City of Madison, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Madison County, Alabama, this the _____day of _____,20____.

_____
City Engineer
City of Madison, Alabama

Example of (h) CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

The within plat of (Subdivision Name), Madison County, Alabama, is hereby approved by the Planning Commission of the City of Madison, Alabama, this the _____ day of _____,20_____.

Planning Commission for
the City of Madison, Alabama

_____
Chairman

Example of (i) CERTIFICATE OF APPROVAL BY THE MADISON COUNTY HEALTH DEPARTMENT

CERTIFICATE OF APPROVAL BY THE MADISON COUNTY HEALTH DEPARTMENT

The undersigned, as authorized by the Madison County Health Department, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Madison County, Alabama, this the _____day of_____,20_____.

_____
Health Officer
Madison County, Alabama