

**TOWN OF MOUNDVILLE
SUBDIVISION REGULATIONS**

#2010-02

EFFECTIVE DATE

April 28, 2010

TOWN OF MOUNDVILLE SUBDIVISION REGULATIONS

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TOWN OF MOUNDVILLE SUBDIVISION REGULATIONS

ARTICLE I AUTHORITY AND JURISDICTION

Section 1-1 Authority and Enactment

These regulations are adopted by the Town of Moundville Planning Commission under the authority of Title 11, Chapter 52, Code of Alabama, 1975.

Section 1-2 Jurisdictions

From and after the effective date hereof, these regulations shall govern all subdivision of land within the corporate limits of the Town of Moundville and within the jurisdiction of the Planning Commission. Any owner of land within the area governed by these regulations wishing to subdivide land shall submit to the Planning Commission a plat of the subdivision which shall conform to the minimum requirements and procedures set forth in these regulations.

Section 1-3 Responsibility

It shall be the responsibility of the developer to obtain all necessary permits from all required applicable federal or state agencies prior to construction.

Section 1-4 Penalties

Whoever, being the owner or agent of the owner, of any land located within a subdivision as defined herein, transfers, or sell such land without first recording an approved plat in the Office of the Probate Judge of Hale or Tuscaloosa County, shall pay a penalty of \$100, the amount set by law.

The Town of Moundville 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, or any other legal remedy prescribed by law.

ARTICLE II DEFINITIONS

Section 2-1 As used in these rules or regulation, the following words or phrases shall have the following meaning or definition:

- (1) *Adjoining Property Owner or Owners* shall mean the individual or individuals owning property adjoining the tract of land proposed for subdivision development. If the owner of such adjoining property is a corporation, the term shall apply to the officers and agents of such corporation who shall be identified on preliminary plats as adjoining property owners. Owners of property located across streets, alleys, water courses, drainage easements, and other rights-of-way adjoining the proposed subdivision are owners and shall be so identified and shown on all preliminary plats.
- (2) *Alley* shall mean a service road serving the rear or side of premises otherwise abutting on other streets.
- (3) *Approved Plat* shall mean a plat conforming to the requirements of these regulations which has received the approval of the Planning Commission and has the signature of those officials authorized to sign the plat under the requirements of this regulation.
- (4) *Building Line* shall mean an indication, on the final plat, denoting the limits upon which buildings may be erected on a platted lot.
- (5) *Town Council* shall mean the Moundville Town Council.
- (6) *Density Requirements* shall mean the standards of population density adopted by the town Council in the Zoning Ordinance.
- (7) *Engineer* shall mean a registered or professional engineer in good standing with the State Board of Registration in Alabama.
- (8) *Final Plat* shall mean a drawing compiled in accordance with all of the requirements of Article IV of these regulations.

- (9) *Lot* shall mean a parcel of land intended for transfer of ownership or for building development.
- (10) *Lot Width* shall mean the distance between the side lot lines measured at the building line.
- (11) *Major Street Plan* shall mean any official plan of the Planning commission showing the location of existing and planned roadways designed to service the Town of Moundville and its environs.
- (12) *Master Plan* shall mean the comprehensive plan of the development or series of contiguous developments duly adopted by the Planning Commission.
- (13) *Planning Commission* shall mean the Planning Commission of the Town of Moundville.
- (14) *Preliminary Plat or Development Plan* shall mean a drawing of the proposed design of a subdivision compiled in accordance with all of the requirements of Article VI of these regulations.
- (15) *Roadway or Traveled Way or Street Surface* shall mean the portion of the street available for vehicular traffic.
- (16) *Street* shall mean the entire platted or proposed public way for vehicular and pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, place, or however otherwise designated, excepting, however, an alley. A subdivider shall not be required to dedicate more than one hundred feet for the right-of-way of a street by the requirements of these regulations.
 - A. *Major Street or Arterial* shall mean a highway or street that forms a part of the existing or proposed Major Arterial System as shown on the Major Street Plan. Such streets have a minimum right-of-way width of eighty (80) feet. (In the event the Major Street Plan designates such roads as requiring a width of more than one hundred

(100) feet, the Planning commission shall so inform the subdivider and the agency responsible for the acquisition of the required right-of-way and shall seek to secure such right-of-way through dedication, purchase or other agreement.)

- B. *Highway* shall mean a road or street that forms a part of the existing or projected Federal, State, or County Highway System.
 - C. *Secondary Street* shall mean a street supplementary to the major street system and primarily a means of intercommunication between this system and smaller areas. Such streets may be required for entrance roads for large subdivisions and shall have a minimum right-of-way of eighty (80) feet.
 - D. *Minor Street* or *Local Street* shall mean a street designed for access to abutting properties. Such streets shall have a minimum right-of-way of fifty (50) feet where curb and gutter is provided, and sixty (60) feet if curb and gutter is not to be provided and constructed.
 - E. *Cul-de-sacs* or *Dead-end Streets* shall mean streets having no outlet at one end. Such streets shall have a minimum right-of-way width of fifty (50) feet, excepting that the termination of the street shall have a minimum right-of-way of fifty (50) feet and a turning area radius of forty (40) feet.
 - F. A subdivisions with dead end streets will have a dead end street sign at the entrance to the subdivision.
- (17) *Subdivision* shall mean the division of a lot, tract, or parcel of land into two or more lots, plots, sites, or other divisions of land, whether described by metes and bounds or by any other description, for the purpose, whether immediate or future, of sale or of building development. It includes re-subdivisions

and, when appropriate to the context, relates to the process of subdividing the land or territory subdivided.

- (18) *Surveyor* shall mean a qualified Registered Land Surveyor in good standing with the State Board of Registration of Alabama.
- (19) *Temporary cul-de-sac* shall mean a cul-de-sac to give access to future subdivisions adjoining the subdivision property. Such temporary cul-de-sacs shall have a minimum right-of-way radius of fifty (50) feet and a paved turning area with a radius of at least forty (40) feet.
- (20) *Town Building Inspector* shall mean the official or his duly appointed representative charged with the enforcement of the town's codes and this regulation.
- (21) *Town Engineer* shall mean a Registered or Professional Engineer in good standing with the State Board of Registration of Alabama who is employed by the town and charged with the enforcement of the town's codes and this ordinance.
- (22) *Utilities* shall mean the distribution systems for water, gas, electricity, telephone, cable, and collection system for sanitary sewer.
- (23) *Variance* shall mean an approved variation from the minimum standards required by this regulation. Such variances shall be approved only upon application as outlined in these regulations and upon a favorable vote of two-thirds (2/3) of a quorum of the Zoning Board of Adjustment.
- (24) *Zoning Ordinance* shall mean the duly adopted zoning ordinance and all amendments thereto as officially adopted by the Moundville Town Council.

ARTICLE III MINIMUM STANDARDS OF SUB-DIVISION DESIGN

Section 3-1. Conformity to the Town, County, or Regional Plan.

All proposed subdivisions shall conform to any Town, County, or Regional Plan and to the Zoning Ordinance of the Town of Moundville. Whenever a tract to be subdivided embraces any part of a public street or easement so designated on any Town, County, or Regional Plan, no sub divider shall be required by these regulations to dedicate more than one hundred (100) feet for a right-of-way.

Section 3-2. Street Layout.

With relation to adjoining street systems, proposed new streets that shall extend existing streets or their projection, shall be the same or greater width, but in no case less than the minimum required width. Where it is desirable to provide street access to adjoining property, proposed streets shall extend to the boundary of such property, and a temporary cul-de-sac shall be provided at the property line, if in the opinion of the Planning Commission, it is needed.

3-2.1 *Intersection with Major Streets.* Insofar as practical, the number of intersections of subdivision streets with the major street system shall be held to a minimum.

3-2.2 *Street Widths.* Subdivisions along existing dedicated, or platted streets where rights-of-way are smaller than street widths required by the Major Street Plan, shall provide additional rights-of-way so as to secure the required right-of-way standard.

3-2.3 *Conformance to Topographic Conditions and Street Grades.* In general, streets shall be planned to conform to existing topographic conditions. The maximum grade on Major Streets shall be seven percent (7%). The maximum grade on secondary or minor streets may

exceed seven percent (7%) but not twelve percent (12%).

- 3-2.4 *Street Intersections.* Insofar as practical, acute angles at street intersections shall be avoided. Where subdivision streets intersect at angles less than seventy (70) degrees or greater than one hundred and ten (110) degrees, a detailed plan of the intersection shall be submitted. The Town Engineer shall work with the developer and his engineer to obtain the most efficient and least hazardous design possible.
- 3-2.5 *Curves in Streets.* Where a deflection angle of more than ten (10) degrees in the alignment of a major street occurs, the center line radius of curvature shall not be less than three hundred (300) feet. On secondary or minor streets, the centerline radius of curvature shall not be less than one hundred (100) feet.
- 3-2.6 *Centerline Misalignment.* Centerline misalignments in minor or secondary streets with center line offset of less than one hundred and fifty (150) feet offset shall not be permitted.
- 3-2.7 *Private Streets.* There shall be no private streets platted in any subdivision. All subdivided lots shall have access to a dedicated public street.
- 3-2.8 *Cul-de-sacs (Dead End Streets).* A street with a "cul-de-sac shall not be greater than twelve hundred (1200) feet in length unless approved by the Planning Commission for specific reasons of topography or design.
- 3-2.9 *Street Names.* All proposed streets obviously in alignment with existing numbered streets shall bear the same number as those of such existing streets. All proposed streets which fit the existing street numbering grid of the Town shall be the appropriate street numbers of the grid system.

3-2.10. *Alleys.* Alleys may be provided along the rear of all lots to be used for business. Alleys along the rear of residential lots will not be permitted except where, in the opinion of the Planning Commission such alleys are advisable.

3-2.11. *Street Improvements.* Street improvements shall be required as set forth in Section 42 hereof.

Section 3-3 Blocks.

Blocks shall not be more than twelve hundred (1200) feet in length.

Section 3-4 Lots.

3-4.1. *Lot Arrangement.* Side lot lines shall be perpendicular to straight street lines or radial to curved lines unless topography or other special conditions are such that better lot design can be provided by a different side lot line locations.

3-4.2. *Minimum Lot Sizes.* In areas restricted by the Zoning Ordinance, lot sizes and widths at the building line shall meet the standards established by the Zoning Ordinance. In the areas outside the force and effect of the Zoning Ordinance not serviced by sewers, minimum size lots shall meet or exceed the minimum requirements of the County and State Health Departments.

3-4.3 *Building Lines.* Lots platted in the Town of Moundville limits shall have setback lines indicated on both the preliminary and final plats, that are equal to or greater than the minimum requirements of the Zoning designation in which they are located.

Except as provided in Subsection 3-4.4, the following regulations shall apply to lots platted in the police jurisdiction and outside the Corporate Limits. Such lots shall have minimum setback lines, indicated on the final plat, which shall be equal to or greater than the

requirements for zoning designation within the Town. Buildings on all such lots shall comply with the minimum side line requirements for its zoning designation, unless otherwise authorized by the Planning Commission.

Building on all such lots shall comply with all front and side lot setback regulations required in its zoning designation.

Corner lots shall not have less than a thirty (30) foot setback from the street right-of-way on the property lines abutting the streets.

The Planning Commission reserves the right to require a setback line of a greater depth than stated above if the character of the surrounding development or the location of a major street may be jeopardized by the use of minimum setback requirements.

Section 3-5. Public Use and Service Areas.

3-5.1 *School and Recreation Areas.* In subdividing tracts of forty (40) or more acres in size, the subdivider is encouraged to dedicate, negotiate, or sell or otherwise offer a suitable sized portion of his subdivision to the appropriate school board or recreation department for their review and possible purchase prior to the development of detailed subdivision plans. In all such cases, the secretary of the Planning commission shall confer with the officials of the school and recreation boards prior to the presentation of the preliminary subdivision plat to the Planning commission.

3-5.2 *Easements for Utilities.* Except where streets or alleys are provided, easement of fifteen (15) feet or more in width for utilities shall be provided, unless otherwise required by the Town Engineer.

3-5.3 *Dedication to Public Use.* There shall be no reserve strips except those which are conveyed to and accepted by the government having jurisdiction.

Section 3-6. Building Restrictions

If the subdivision lies outside the force and effect of an existing zoning ordinance or duly adopted zoning plan, deed restrictions or restrictive covenants shall be recorded showing the proposed use of and the restrictions on each lot within the subdivision. One copy of such use and building restrictions imposed on each lot and recorded in the office of the Probate Judge of Hale County or Tuscaloosa County, Alabama as appropriate, denoting the book and page where recorded, shall be furnished to the Planning Commission.

Section 3-7. Group Housing Developments

Group housing developments which are not subdivided into the customary lots, blocks, and streets shall be submitted to the Planning Commission for their approval whether they are to be recorded or not. Proposed developments shall meet the minimum requirements for the design and improvement contained in this regulation and shall conform to the density requirements of the zoning ordinance, the subdivision regulations, or other parts of the Master Plan.

No building, occupancy, septic tank, water or sewerage tap or other improvement or construction permit shall be issued until the Planning Commission has approved the preliminary plat and the town engineer and Building Inspector have approved, in writing, the building plan.

Section 3-8. Non-Residential Subdivisions

3-8.1 Subdivisions designed for non-residential use shall be reviewed and platted in accordance with the following requirements and procedures:

- (1) A preliminary plat shall be presented showing all pertinent information required under Sections 6-1.1 and 6-1.2 (page 22) of this regulation. Such preliminary plat shall include all of the land proposed for non-residential use

and shall show preliminary proposals for drainage, utility, traffic control, street layout and building setback lines for the entire tract.

- (2) Upon preliminary approval of the design and master improvement proposals, a detailed plan and profile of proposed improvements shall be drawn and presented for the review of the Planning Commission, the Town Engineer, and the Town Building Inspector.
- (3) Once sections 1 and 2 above have been completed, the subdivider shall make a final plat of the proposed section of the tract to be developed, designating the location of exterior lot lines, street and alley locations, utility and drainage easements, building setback lines and entrances and exits to the area unless it is serviced by a frontage road. Prior to the recording of such master plat, the Building Inspector shall certify that all improvements have been installed and completed in accordance with the general specifications of the Town.

The Building Inspector and the Chairman of the Planning Commission may sign a final plat for an individual or series of lots meeting the conditions outlined in 1 and 2 above. Otherwise, the final plat shall be presented to and approved by the Planning Commission prior to the sale or development of such lots or building sites.

ARTICLE IV MINIMUM IMPROVEMENT STANDARDS

Section 4-1 Conformity to the Town and County Specifications

All proposed subdivisions shall conform to any existing or hereafter adopted standards of improvements for streets, grading, utility provisions or drainage.

Before final acceptance of the required improvements by the filing and recording of an approved and signed subdivision plat, the Building Inspector or his authorized representative shall inspect the

improvements and shall certify, in writing, his approval to the subdivider and the Planning Commission.

4-1.1 Variance from Minimum Improvements Standards.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties and substantial hardships or injustices, the Planning Commission may vary or modify such requirements so that the subdivider is allowed to develop his/her property in a reasonable manner, but so, at the same time, the public welfare and interest of the Town are protected and the general intent and spirit of these regulations are preserved.

In granting variances and modifications, the Planning Commission may require such conditions as shall, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. Any variance or modification thus authorized is required to be entered in writing in the minutes of the Planning Commission and the reason which justified the departure to be set forth.

In areas outside the Planning jurisdiction, where, in the opinion of the Planning Commission, the proposed subdivision will be predominantly rural in nature and not likely to be annexed by the Town of Moundville, the Planning Commission may permit a variance from the requirements of Article IV, Minimum Improvement Standards, provided that the County Engineer of Hale or Tuscaloosa County, as appropriate, approves the subdivision and certifies that the improvements meet the minimum standards of that county.

Section 4-2 Street Improvements

4-2.1 All streets to be dedicated to the Town or Counties shall be paved and improved according to any of the cross sections shown on the following page. Provided, however:

- (1) That any street or portion of a subdivision street with a grade in excess of five percent (5%) shall be with curbs and gutters or other appropriate means of controlling storm water run-off.
- (2) All streets and alleys shall be graded to their full width by the Subdivider so that pavements and sidewalks may be constructed on the same level plain. Deviations from this requirement, due to special topographical conditions, will be allowed with the approval of the Planning Commission.
- (3) Grading adjacent to streets shall be provided in accordance with one of the suggested cross-sections. Side walks shall be provided.

4-2.2 All sidewalks shall be a minimum of five (5) feet in width, four (4) inches in thickness of three-thousand (3000) PSI concrete with a minimum 6" X 6" reinforcing wire mesh.

- (1) Twelve (12) inch compacted base meeting compaction of the standard Proctor density for the sub-grade material.

4-2.3 The following improvements in proposed subdivisions shall be paved at a minimum thickness of 1 ½ inches of asphalt.

- (1) The proposed common parking area or areas of group housing projects.
- (2) Alleys and loading and unloading areas in commercial or industrial districts.
- (3) Public crosswalks and alleys so designated in residential subdivisions.

4-2.4 Minimum test data for street improvements shall be provided to the Town Engineer showing that minimum standards for compaction and compressive strength of concrete are met.

- (1) For compaction, test data must show that the minimum Proctor density is achieved for each six (6) inch lift every one hundred (100) feet of roadway.
- (2) Compressive strength of concrete must be determined for each eight (8) cubic yards poured in place.

Section 4-3 Drainage Facilities

All city drainage ordinances will be observed. Notwithstanding, the subdivider shall provide all necessary drainage facilities to insure the proper and prompt run-off of all surface water and that no lot or portion thereof within the proposed subdivision is under water according to the following provisions.

4-3.1 All drainage structures and facilities shall be designed and sized to meet the run-off of the drainage area which they serve using the proper run-off factor to meet the zoning classification of the drainage area. A design storm of ten (10) year, twenty-four (24) hour shall be used. All drainage pipe in the traveled roadway will be standard reinforced concrete. Outside the traveled roadway, standard reinforced concrete or metal corrugated pipe with a bituminous coating may be used. All drainage facilities and appurtenances shall meet the specifications for street paving and storm sewers as set forth by the Town of Moundville. The size of pipe openings to be provided shall be determined by Manning's Equation or accepted engineering practices, but in no case shall the pipe be less in carrying capacity than a round pipe eighteen (18) in diameter.

4-3.2 In connection with the design and construction of any subdivision to be approved by the Planning commission, the developer shall construct collector sanitary sewer within the streets of the subdivision or within platted sanitary sewer easements so that the same connect with existing or may be connected with future collecting or trunk line sewers. Collector sanitary sewer and easement are required where they can presently be utilized.

- (1) Where sewer is not currently available, the Planning Commission shall require a sanitary sewer system easement be recorded in the final plat to allow for future potential sewer expansion.
- (2) All sewer lines shall be properly sized and installed such that infiltration and inflow of storm water does not occur.
- (3) Minimum testing requirements:
 - a. All manholes must be pressure tested to a minimum of ten (10) pounds of water per square inch (PSI) for ten (10) seconds.
 - b. All sewer lines must be pressure tested and video inspected for the entire length of the line. Proof of passage of all testing requirements must be provided to the Town Engineer.
- (4) New sewers may not be connected to the town sewer without prior authorization in writing from the Town Engineer.
- (5) Clean-out and back-flow prevention valves shall be installed for each lot immediately beyond the property line (owner's side) and shall be the responsibility of the property owner.

- (6) Prior to approving the subdivision plan, the Town Engineer and the Building Inspector shall approve, in writing to the developer, the design, grade and drainage characteristics of the proposed sanitary sewer and all such designs, and the construction thereof.
- (7) Service lines shall be stubbed out to the back of the curb to serve each platted lot to prevent future street cuts and where the sewer is in an easement not in the street, wyes or sewer stubs shall be provided. All such stubs and wyes shall be indicated on the preliminary plan. All sewer stub outs shall terminate in the vertical with clean out brought to grade. Clean out shall remain after connection to building sewer and construction complete.

Plans and profiles, showing the sewer as built, shall be furnished to the Town Engineer and Building Inspector prior to the Town accepting the same for maintenance.

Section 4-4 PUBLIC UTILITIES

- 4-4.1 All extension of water mains and water services to new lands or other real estate development shall conform to the design specifications, construction and standards of the municipality and shall be inspected and approved by the Town Engineer and Building Inspector prior to the Town accepting the same for maintenance.
- 4-4.2 All gas, telephone, cable, and power services shall be installed in accordance with regulation or specification which may be prescribed by the Alabama Public Service Commission or other government agencies having

regulating power over such installations, and as directed by the Planning Commission.

- 4-4.3 All utilities shall be properly mounted on appropriate poles and directed to individual lots or provided as underground services.

Section 4-5 Street Signs

The subdivider of property within the zoning jurisdiction of the Town of Moundville shall provide traffic control signs and street signs indicating the appropriate street number or name of each street within the subdivision. Signs must be standard signs approved by the Town Engineer, the Chief of Police, 911, and the Post Office. All signage must be shown on the construction plans.

Section 4-6 Monuments and Markers

All new subdivisions containing ten (10) or more lots shall be required to place monuments as indicated below. All phases of one development shall be added together for purposes of determining the applicability of this section. Each phase of a subdivision containing ten (10) or more lots shall be subject to the placement of monuments as indicated below. All new subdivisions containing less than ten (10) lots shall provide location for a minimum of two (2) lot corners.

Implementation of this section requires that at least two monuments be erected in the subdivision, referenced to the subdivision itself, at least 300 feet apart. Easements or other means shall be provided for permanent sight distance between the monuments, and public access to the monuments

The monuments erected under this section shall be permanent minimum 4" X 4" concrete monuments 36" long or other monuments accepted by the Town Engineer, set below the ground in an approved protective box, and identified by a minimum of three (3) permanent reference points.

Relative to the nearest recoverable GLO monument the location and coordinates of monuments shall be shown on the final plat and prior to recording of the final plat, there must be recorded in the book, a location or site map of each such monument, the coordinates of each, and sufficient field and office records to establish the probable accuracy of the information supplied.

Control for monuments established under this section shall meet National Geodetic Survey third-order requirements: one part in 10,000 and an angular closure of not greater than 8 seconds per turn.

Section 4-7 Control Measure Priority

Whenever the provisions of these regulations and those of some other regulation, ordinance, or statute apply to the same subject matter, that control measure requiring the highest, or more strict, standard shall govern.

ARTICLE V PROCEDURE AND SUBMISSION

Section 5-1 Application for Approval of Plats

5-1.1 Application for approval.

Developers shall submit to the Planning Commission an application for preliminary consideration and approval of a subdivision on forms provided by the Commission. All information required therein must be provided before the subdivision approval process can commence.

5-1.2 To obtain approval of a proposed subdivision, the Subdivider shall submit to the Planning Commission:

1. A Preliminary Plat
2. Construction plans, including but not limited to plans and profiles of all roadways, sewers, water lines and other utility locations; topography and drainage.
3. Final Plat upon completion of construction.
4. As-Built drawings of the subdivision showing all

improvements.

5-1.3 The Subdivider shall also submit five (5) copies of any request for variances from sections in Articles III and IV along with material to support his claim for relief from appropriate sections. If no requests for variances are presented with plats, plans or specifications, it shall be deemed that the minimum requirements of Articles III and IV will be met and that the subdivision shall be platted and improved accordingly.

Section 5-2 Preliminary Plat

5-2.1 The Subdivider shall apply and submit five (5) copies of the Preliminary Plat to the Planning Commission 10 days prior to a regularly scheduled meeting (first Thursday of each month) of the Planning Commission. The Planning Commission shall forward one copy to the Town Building Inspector, one copy to the Town Engineer, and to the appropriate County Health Department, all of whom shall submit their written recommendations, if any, to the Planning Commission by the time of its initial hearing on said Preliminary Plat.

5-2.2 To defray the costs of review and notifying interested parties of the Preliminary Plat, A fee of five hundred dollars (\$500) shall be paid by the Subdivider at the time of filing the Preliminary Plat. Monies shall be made payable to the Town of Moundville and be received by the Town Clerk. Interested parties shall be given prior notice by mail or telephone at least five days before the hearing on the preliminary Plat, in accordance with the provisions of *Title 11, Chapter 52, Article 2, Paragraph 32, Code of Alabama 1975.*

5-2.3 The Planning Commission shall approve, approve conditionally, or disapprove such Preliminary Plat within thirty (30) days following its regularly scheduled meeting. If approved conditionally, the conditions and reasons

therefore shall be stated. If any of the requirements are modified or waived, the reasons for such shall be specified in the minutes of the Planning Commission. If the Planning commission should disapprove the Preliminary Plat, the reasons for such action shall be stated in the minutes and, if possible, recommendations made on the basis of which the proposed Subdivision would be approved. A preliminary plat which has been disapproved by the Planning Commission shall not be reconsidered for a period of one year from the time of the ruling disapproving the plat, unless all such reasons for disapproval are removed in the re-submission.

5-2.4 The approval of a preliminary plat shall not be deemed as final acceptance, but rather an expression of approval of the layout as submitted on the preliminary plat. Final approval of the Preliminary Plat will be withheld by the Planning commission until appropriate approval of all plans and profiles have been received from the Engineering, Health, and other departments under the requirements of this regulation. Preliminary approval of a proposed subdivision shall lapse within one (1) year.

Section 5-3 Plans and Profiles of Proposed Improvements

Plans and profiles of proposed improvements shall be presented to the Town Engineer, the Building Inspector, County Health Department and Planning Commission for review and approval prior to the initiation of construction on the proposed subdivision. Final approval of the preliminary plat shall be withheld until certificates from the Town Engineer, the Building Inspector and the appropriate County Health Department indicating their approval have been received.

5-3.1 The Engineer and Building Inspector shall review all plans and profiles of subdivisions granted preliminary design approval by the Planning Commission within twenty days of the Planning Commission meeting within which the

plans were received. The plans shall conform to the minimum requirements stated in Articles III and IV.

5-3.2 The County Health Department shall review all plans for private water supply and sewerage disposal within twenty (20) days following the Planning Commission meeting where the plans were received. Proposed water supply and sewerage disposal systems shall conform to minimum standards of the State and County Health Departments and the Town's Water Works Department.

The Developer shall provide documentation of approval by appropriate County Health Department for all private water and sewerage disposal.

Section 5-4 Final Plat Procedures

A final plat will be considered by the Planning commission once approval to all segments of the preliminary plat has been so certified by appropriate agencies. The subdivider shall file five (5) copies of the final plat with the Planning Commission. The final plat will be presented at the next regularly scheduled meeting of the Planning Commission.

- (1) Approval or disapproval of the final plat shall take place within thirty (30) days after the date of its submittal unless the Subdivider agrees to an extension of that time. If the final plat is disapproved, the grounds for refusal shall be stated in the records of the Planning Commission. The disapproval of a final plat carries with it the stipulation that it or another plat containing all or a portion of the property cannot be resubmitted for a minimum period of one year, unless the reason for disapproval shall have been removed.
- (2) Approval of the final plat will not be given until the Planning Commission is notified by the Town Engineer and the Building Inspector that either:
 - a. All required improvements have been installed and

completed by the Subdivider and all as-built plans submitted as required by rules or ordinances; and

- b. A surety document payable to the Town of Moundville in an amount equal to one and one-half (1 ½) times the estimated cost of all such improvements and approved by the Building Inspector have been filed. In the event the only improvements remaining to be completed are surface paving and shoulder dressing, a bond will be acceptable with an individual, who is otherwise qualified, as surety thereon. In the event, however, required sewers, curb and gutter work, drainage structures, or base, have not been satisfactorily installed and completed, such bond shall be made with a surety company authorized to engage in the making of surety bonds in and by the state of Alabama.
- (3) No permit for the construction of houses or housing units in the Subdivision shall be issued until the Planning Commission has given approval of the Final Plat.
 - (4) When application is made for Final Plat approval, the Subdivider shall pay an additional fee to defray the expense of investigation, hearing, and acting upon the Final Plat, of \$20.00 for each lot in the subdivision.
 - (5) The Final Plat shall be filed for record in the Office of the Probate Judge of the appropriate county, Hale or Tuscaloosa, along with restrictive covenants if required.
 - (6) In any case where a Final Plat differs substantially from the previously approved Preliminary Plat, in street or in the handling of surface water, drainage, or in lot size, then the Planning Commission shall require an additional Preliminary plat submission either before or as a condition to approval of the Final Plat. An additional \$500 required.

- (7) Where the Subdivider owns land adjacent to that shown on the final Plat, drainage easements, or proposed easements, crossing said adjacent lands, necessary to serve the land in the Final Plat, shall be indicated on the Preliminary Plat, and the Planning Commission may require dedication of such easements.
- (8) Five (5) copies of the recorded final plat shall be made showing the Plat Book, and Page Number where the Final Plat is recorded. These final copies shall be submitted to the Planning Commission. [Two copies to Planning Commission, one copy to Town Engineer, one copy to Building Inspector, and one copy to Town of Moundville]
- (9) No street will be accepted for maintenance by the Town of Moundville until the same shall have been approved by the Town Engineer and the Building Inspector and the acceptance thereof authorized by the Moundville Town Council.
 - (a) The developer shall, after a one year maintenance period, request by written notice to the Town of Moundville for the acceptance of streets and utilities. The Town Engineer and the Water and Sewer Superintendent will conduct an inspection and give a recommendation to the Council for acceptance of maintenance or list any improvements that need to be corrected before maintenance is accepted.
 - (b) Upon receiving a concurrence from the Town Engineer and the Water and Sewer Superintendent, the Town of Moundville will then pass a resolution as a regularly scheduled council meeting authorizing the acceptance of the maintenance for the utilities and streets within the subdivision.

- (10) The Subdivider, or Contractor doing the construction work for the Subdivider, shall file a bond with the Town Clerk, to be approved by the Town Engineer and Building Inspector, in an amount equal to ten percent (10%) of the construction costs of the subdivision improvements, conditioned to maintain the streets, sanitary sewers, and drainage structures for a period of one (1) year following the completion and acceptance of all the improvements in the subdivision. The surety on such bond shall be a Surety Company authorized to do bonding business in and by the State of Alabama. Such provision of maintenance may be contained in the bond conditioned on completing the work, provided an approved Surety Company has executed the same survey.

Section 5-5 Small Subdivisions and Re-Subdivisions

In a case where an existing subdivision lot or lots is re-subdivided, and meets the requirements of the Moundville Zoning Ordinance for size, setbacks, etc., and no improvements are required, and present no other engineering problems in the opinion of the Building Inspector, the preliminary plat procedure may be omitted and the final plat procedure take effect.

Where a proposed subdivision is of such small size or contains so few lots as to present no engineering problems, no required improvements, and few, if any design problems the Planning commission may waive the filing of the Preliminary Plat, and require four (4) copies of the vicinity sketch showing addresses of adjoining property owners, plus four (4) copies of the Final Plat and two (2) reproducible copies of said Final Plat, and may approve the final Plat at the time of the initial hearing.

Section 5-6 PLANNED UNIT DEVELOPMENT (found in Section 5-6 page 41 of the Town of Moundville Zoning Ordinance.)

ARTICLE VI PLAT REQUIREMENTS

Section 6-1 Preliminary Plat Requirements

6-1.1 For each preliminary plat presented to the Planning Commission for approval shall contain the following information:

- (1) Date, North Point, Graphic Scale, and Subdivision Name. The Graphics Scale shall not be less than one hundred (100) feet to the inch. No subdivision may bear the same or phonetically similar name to an existing or proposed subdivision. If the original name given a subdivision is changed, the preliminary plat must be resubmitted along with the fee for a preliminary plat. Total acreage to be subdivided and total acreage under the ownership of the subdivider shall be shown.
- (2) Contours shall be shown at intervals of not more than five (5) feet. In areas where the existing slope is less than three percent (3%) on one or more acres, contour intervals of two (2) feet or less shall be required.
- (3) Names and addresses of owners and of the designer of the plat, who shall be a Professional Engineer or Land Surveyor registered to practice in the State of Alabama.
- (4) Names and addresses of record of owners of all adjoining parcels of land as they appear on the current tax records.
- (5) Location and widths of rights-of-way of proposed or existing streets, alleys, and easements. In rural and generally un-platted areas, the subdivision designer shall include a statement showing the Deed Book and Page Number of deeds granting rights-of-way of that portion of rural roads located

between the proposed subdivision and the nearest street or highway with an established right-of-way of fifty (50) feet or more.

- (6) The names, locations, widths, and other dimensions of existing, or proposed parks, recreation reserves, open spaces or other public property.
- (7) Location and dimensions of existing or proposed storm and sanitary sewerage lines and all associated easements.
- (8) Proposed lot lines, lot and block numbers, dimensions and acreage.
- (9) Number of Section, Township, and Range with a minimum of one tie to a recognized existing quarter section corner within or close to the proposed subdivision.
- (10) If any portion of the land of, or immediately adjacent to, the proposed subdivision is subject to inundation by a 100 year flood, such fact and portion of the subdivision so situated shall be shown and identified as to the location of the high-water line or contour. If any portion of the land, on which lots are planned in the proposed subdivision, is subject to temporary flooding from surface water due to the lay of the land or poor drainage, such areas shall be so indicated on the plat, and the Planning Commission reserves and shall have the right to disapprove residential subdivisions, or parts thereof, which are subject to flooding by either high waters from any river or creek, or by undue accumulation of surface water, which, without proper drainage, renders the area, lot or lots unsuitable or unsafe for residential building and habitation.

- (11) Proposed location for street signs shall be shown on the preliminary plat.
- (12) Vicinity map showing the general location of the subdivision in relation to existing and proposed major streets, public sites, (especially park and school sites) and other subdivisions.
- (13) Existing zoning classification of proposed subdivision.
- (14) Street cross-section showing proposed construction and statements concerning types of material to be used in construction.
- (15) All subdivision developers are encouraged to provide open space for use as playgrounds, parks, family recreation areas.

Section 6-2 Final Plat

The final plat shall be an original drawing on a heavy reproducible material of a permanent nature and shall be tied to an accepted corner based on the U.S. Government Survey, which shows the relationship to the Huntsville Base Line and the Huntsville Meridian. This plat shall also show the following:

- (1) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of way, and property lines of lots, with accurate dimensions, bearings, or deflection angles, radii, arcs, and central angles of all curves.
- (2) Name and right-of-way width of each street and other rights-of-way.
- (3) Locations, dimensions, and purposes of any easements.

- (4) Number to identify each lot or building site.
- (5) Purpose for which sites, other than residential lots, are dedicated or reserved, it being understood that any reservations or areas for other than residential purposes shall be subject to the proper zoning thereof or being restricted by covenants.
- (6) The minimum building setback line on all lots and other sites.
- (7) Location of monuments.
- (8) Reference to recorded subdivision plats of adjoining platted land by Plat Book and page number.
- (9) Title, graphic scale, north arrow, name and registration number of subdivision designer, and date, together with the quarter section or quarter sections in which the subdivision is located.
- (10) Space for the approval of the Town Engineer , the Building Inspector, the Moundville Planning Commission Chairman, and if, either is involved, the County Health Department or County Engineer.
- (11) Certificates and acknowledgements for designer and owner as required in Section 35-2-51 of the Code of Alabama, 1975.
- (12) Final plats shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet, except where in the opinion of the Town Engineer and Building Inspector, this would be impractical. Then said plat could be drawn to a scale of not less than one (1) inch equals two hundred (200) feet and shall be of a size sufficient to be recorded in the plat books of Hale County or Tuscaloosa County; If a subdivision plat, drawn at the minimum scale, will not fit the plat book, the Civil Engineer or Land

Surveyor shall draw an appropriate number of drawings with a ten percent (10%) overlap to include all of the subdivisions at a minimum scale of one (1) inch equals one hundred (100) feet.

- (13) A statement to the fact that the plat designer has closed each lot or parcel and that each lot or parcel mathematically closes to a closure of not less than one to five thousand.

ARTICLE VII AMENDMENTS

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

ARTICLE VIII SAVING CLAUSE

Should any Article, Section, Subsection or provision of these Subdivision Regulations, as declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Subdivision Regulations as a whole or any part so declared to be invalid or unconstitutional.

ARTICLE IX EFFECTIVE DATE

These regulations shall be effective and supersede all formal Subdivision Regulation of the Town of Moundville upon their adoption date.

Adopted this 22nd day of April 2010.

Moundville Planning Commission

Ronald E. Seale

Donald E. Seale, Chairman

Attest:

Oddie P. Kipp
Planning Commission Secretary

Adopted this 22nd day of April, 2010

Moundville Town Council

Joshua Wyatt
Joshua Wyatt, Mayor

Attest:

Carol Townsend
Carol Townsend,
Moundville Town Clerk