

<b>CITY OF DECATUR, ALABAMA.....</b>	<b>2</b>
SECTION I.....	2
<b>I. AUTHORITY AND JURISDICTION.....</b>	<b>2</b>
SECTION II.....	3
<b>II. GENERAL PROVISIONS.....</b>	<b>3</b>
SECTION III.....	4
<b>III. DEFINITIONS.....</b>	<b>4</b>
SECTION IV.....	13
<b>IV. MAJOR SUBDIVISION PROCEDURES.....</b>	<b>13</b>
MAJOR SUBDIVISION PLAT - LAYOUT APPROVAL FLOW CHART.....	18
MAJOR SUBDIVISION PLAT - PRELIMINARY APPROVAL FLOW CHART.....	19
MAJOR SUBDIVISION PLAT - FINAL APPROVAL FLOW CHART.....	20
SECTION V.....	21
<b>V. MINOR SUBDIVISIONS.....</b>	<b>21</b>
MINOR SUBDIVISION APPROVAL FLOW CHART.....	23
SECTION VI.....	24
<b>VI. DESIGN STANDARDS.....</b>	<b>24</b>
SECTION VII.....	31
<b>VII. REQUIRED IMPROVEMENTS.....</b>	<b>31</b>
SECTION VIII.....	34
<b>VIII. PLATS AND DATA.....</b>	<b>34</b>
SECTION IX.....	45
<b>IX. VARIANCES.....</b>	<b>45</b>
CERTIFICATE TO SUBDIVIDE APPROVAL FLOW CHART.....	49
SECTION X.....	50
<b>X. SEVERABILITY AND SEPARABILITY.....</b>	<b>50</b>
SECTION XI.....	50
<b>XI. CORRECTIONS/AMENDMENTS.....</b>	<b>50</b>
SECTION XII.....	50
<b>XII. EFFECTIVE DATE.....</b>	<b>50</b>
<b>APPENDIX 1.....</b>	<b>51</b>
<b>XIII. APPLICATION SAMPLES AND FORMS.....</b>	<b>51</b>
<b>APPENDIX II.....</b>	<b>76</b>
<b>SCHEMATIC OF DESIGN REQUIREMENTS FOR WASTEWATER SYSTEMS, SEWERS, STREETS,     DRAINAGE, ELECTRIC*, GAS*AND WATER*.....</b>	<b>76</b>
<b>APPENDIX III.....</b>	<b>89</b>
<b>XIV. EXAMPLE OF STREET CLASSIFICATIONS.....</b>	<b>89</b>
<b>APPENDIX IV.....</b>	<b>90</b>

# CITY OF DECATUR, ALABAMA

## SECTION I

### I. AUTHORITY AND JURISDICTION

#### A. *Authority*

1. By authority of Resolution No. 004-95, September 26, 1995 the Planning Commission of Decatur, Alabama (hereinafter referred to as "Planning Commission") adopted pursuant to the powers and jurisdiction vested through Chapter 52 of Title II of the Code of Alabama and other applicable laws, statutes, ordinances, and regulations of the State of Alabama, the Planning Commission does hereby exercise the power and authority to review, approve, and disapprove plats for subdivision of land within the corporate limits of the municipality (or unincorporated areas of the county) which show lots, blocks, or sites with or without new streets or highways.
2. 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 Judge of Probate, if such plats are entirely or partially undeveloped. The plat shall be considered to be entirely or partially undeveloped if:
3. Said plat has been recorded with the Probate Judge's office without a prior approval by the Planning Commission, or
4. Said plat has been approved by the Planning Commission where the approval has been granted more than three (3) years prior to granting a building permit, on the partially or entirely undeveloped land and/or the zoning regulations, either bulk or use, for the district in which the subdivision is located, have been changed subsequent to the original final subdivision approval.

#### B. *Jurisdiction*

1. From and after the date of adoption these regulations shall govern all subdivision of land located within the corporate limits of the City of Decatur, as now and hereafter established and all land located within three miles of the corporate limits of the City of Decatur, Alabama, as now and hereafter established, except as otherwise excluded by operation of law. Any owner of land within the limits of said subdivision jurisdiction wishing to subdivide land shall submit to the Planning Commission such data, information, drawings, plans, specifications, and other details and matters hereinafter required including but not limited to, a plat of subdivision which shall conform to the minimum requirements set forth in these regulations. No plat of a subdivision lying within such territory or part thereof, shall be filed or recorded in the Office of the Probate Judge, and no subdivider shall proceed with improvements or obtain building permits for structures or sale of lots until such subdivision plat, or a Certificate to Subdivide shall have been approved by the Planning Commission and such approval entered in writing on the plat by an officer of the Planning Commission.

## SECTION II

### II. GENERAL PROVISIONS

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Decatur, Alabama (the municipality).

#### A. *Policy*

1. It is hereby declared to be the policy of the municipality to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the municipality pursuant to the official master plan of the municipality for the orderly, planned, efficient, and economic development of the municipality.
2. 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 provision has been made for adequate public facilities and improvements such as drainage, water, sewerage, and capital improvements like schools, parks, recreation facilities and transportation facilities.
3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Master Plan, Official Map, and the capital budget and program of the municipality, 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, Master Plan, Official Map and Land Use Plan, and capital budget and program of the municipality.

#### B. *Purposes.*

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the municipality.
2. To guide the future growth and development of the municipality in accordance with the Master 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 municipality and to encourage the orderly and beneficial development of all parts of the municipality.
5. To protect and conserve the value of land throughout the municipality 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, public and semi-public utilities, 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 municipality, 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 re-subdivisions, in order to further the orderly layout and use of land; and to insure proper 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 municipality 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 municipality and to insure appropriate development with regard to these natural features.
12. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Zoning Ordinance of the Municipality.
13. To promote affordable housing.

**C. *Conditional Approvals by the Planning Commission***

Conditional approvals by the Planning Commission shall lapse and reapplication will be required if the conditions have not been met within one year from the date of conditional approval.<sup>1</sup>

## **SECTION III**

### **III. Definitions**

#### **A. *Usage***

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth below.

1. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense.
2. Words used in the plural number include the singular.
3. The word "herein" means "in these regulations".
4. The phrase "these regulations" mean "Subdivision Regulations of the City of Decatur, Alabama".

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<sup>1</sup> Amended by Planning Commission Resolution 010-05 dated September 20, 2005

5. The word “person” includes a corporation, a partnership, and an incorporated association of persons such as a club, or any other legal entity.
6. The word “shall” is always mandatory.
7. A “building” or “structure” includes any part thereof.
8. The words “used” or “occupied” as applied to any land or building shall be construed to include the word “intended, arranged, or designed to be used or occupied.”
9. That which is “adjacent” may be separated by some intervening object.
10. That which is “adjoining” must touch in some part.
11. That which is “contiguous” must touch entirely on one side.<sup>2</sup>

## **B. Terms Defined**

**ADEM.** Alabama Department of Environmental Management<sup>3</sup>

**ADT (Average Daily Traffic).** The average number of cars per day that pass over a given point.

**Aggressive Soils.** Soils that may be corrosive to cast iron and ductile iron pipe. These soils represent approximately five percent (5%) of the soils found within the United States and include dump areas, swamps, marshes, alkaline soils, cinder beds, polluted river bottoms, etc., which are considered to be potentially corrosive.

**Alley.** A public or private right-of-way primarily designed to serve as secondary access to the side 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.

**Application for Development.** The application form and all accompanying documents required by ordinance for approval of a subdivision plat or site plan.

**Approving Authority.** The Planning Commission, unless a different agency is designated by ordinance.

**Aisle.** The traveled way by which cars enter and depart parking spaces.

**Berm.** A mound of soil, either natural or manmade, used to obstruct views and/or water.

**Bikeway.** A pathway designed to be used by bikers.

**Bicycle Lane.** A lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

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

**BMP.** Best Management Practices. A term used to define methods or techniques found to be the most effective and practical means in achieving an objective (such as erosion and sediment control).<sup>4</sup>

**Board of Adjustment.** The Zoning Board of Adjustment established pursuant to Section 25-4 of the Code of Decatur.

**Bond.** Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Planning Commission. All bonds shall be approved by the Planning Commission whenever a bond is required by these regulations.

**Buffer.** An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

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

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<sup>2</sup> Amended by Planning Commission Resolution 010-05 dated September 20, 2005

<sup>3</sup> Amended by Planning Commission Resolution 004-13 dated May 21, 2013

<sup>4</sup> Amended by Planning Commission Resolution 004-13 dated May 21, 2013

**Building and Zoning Inspector.** The person designated by the City of Decatur to enforce the Zoning Ordinance.

**Capital Improvements Program.** A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual City of Decatur's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

**Caliper.** The diameter of a tree trunk measured in inches, six (6) inches above ground level for trees up to four (4) inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter.

**Capped System.** A completed water supply and/or sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

**Cartway.** The actual road surface area from curblines to curblines, which may include travel lanes, parking lanes, & deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved or hard surface width.

**CBMPP.** Construction Best Management Practices Plan – designed to protect water quality through erosion and sediment control. Construction which disturbs one acre or more will be required to prepare a CBMPP plan and obtain a permit from ADEM prior to any site construction, grading or clearing activity.<sup>5</sup>

**Centerline Offset of Adjacent Intersections.** The gap between the centerline of roads adjoining a common road from opposite or same sides.

**Certificate to Subdivide.** Any subdivision containing not more than three (3) lots fronting on an existing, improved street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance, or these regulations.

**Channel.** The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

**Channelization.** The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

**City Attorney.** The licensed attorney designated by the City of Decatur to furnish legal assistance for the administration of these regulations.

**City Engineer.** The licensed engineer designated by the City of Decatur to furnish engineering assistance for the administration of these regulations.

**Cluster Development.** A development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is then preserved as open space and recreational land.

**Collector.** Main interior streets. Feeds traffic from local streets to arterials. Should not form a continuous system as it will then act as an arterial. Unique to residential areas.

**Common Open Space.** Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents.

**Conventional Development.** Development other than planned development.

**Construction Plan.** The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat. (See Section VIII.B.2)

**Cul-de-sac.** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Culvert.** A structure designed to convey a water course not incorporated in a closed drainage system under a road or pedestrian walk.

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<sup>5</sup> Amended by Planning Commission Resolution 004-13 dated May 21, 2013

**Curb.** A vertical or sloping edge of a roadway.

**Cushions.** Supportive or protective bedding materials placed underneath piping.

**Dedication.** An act transmitting property or interest thereto and including acceptance by a governmental agency.

**Density.** The permitted number of dwelling units per gross acre of land to be developed.

**Design Flood.** The relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood experience and flood potential and is the basis of the delineation of the floodway, the flood hazard area, and the water surface elevations.

**Design Standards.** Standards that set forth specific improvement requirements.

**Detention Basin.** A man-made or natural water collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

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

**Development.** A planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

**Development Regulation.** Zoning, subdivision, site plan, official map, flood plain regulation, or other governmental regulation of the use and development of land.

**Director of Planning.** The officer, as appointed by the City of Decatur, to coordinate and administer with the Building Director and the City Engineer these regulations.

Acting as custodian of minutes and official records of the City Planning Commission and assisting other public boards and commissions as may be required to further the intent and implementation of these regulations.

**Divided Street.** A street having an island or other barrier separating moving lanes.

**Drainage.** The removal of surface water or groundwater from land by drains, grading, or other means.

**Drainage Facility.** Any component of the drainage system.

**Drainage System.** The system through which water flows from the land, including all watercourses, waterbodies and wetlands.

**Driveway.** A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

**Drop Manhole.** A manhole provided for inspection and maintenance of sewers where an incoming sewer is considerably higher than the outgoing.

**Dry Lines.** See Capped System.

**Easement.** A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any structures.

**Environmental Constraints.** Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

**Erosion.** The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

**Expressway/Freeway.** Limited Access Road. Moves high volumes of traffic at high speeds. Signals at major intersections only. Generally at grade. No parking.

**Final Plat.** The final map of all or a portion of a subdivision which is presented for final approval.

**Final Approval.** The official action of the Planning Commission taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantee.

**Frontage Street.** Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

**Frontage.** That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

**General Community Plan.** Any legally adopted part or element of the General Community Plan of the City of Decatur or its environs. This may include, but is not limited to the Zoning Ordinance, Airport Obstruction Zoning Ordinance, Subdivision Regulations, International Fire Code, Community Facilities Plan, Major Street Plan, Capital Expenditures Plan and the Land Use Plan. This may otherwise be referred to or known as the Master Plan, or Comprehensive Plan.<sup>6</sup>

**Governing Body.** The chief legislative body of the municipality, (i.e., City Council or other Board as designated by municipal ordinance).

**Grade.** The slope of a street, or other public way, specified in percentage (%) terms. (See Section VI.B.7)

**Ground Cover.** A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.

**Gutter.** A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.

**Health Department and Health Officer.** The agency and person designated to administer the health regulations of the City of Decatur. This can be a State, County, or Federal agency.

**Historic District.** An area related by historical events or themes, by visual continuity or character, or by some other special feature that helps give it a unique historical identity. May be designated a historic district by local, state, or federal government and given official status and protection.

**Historic Site.** A structure or place of historical significance. May be designated.

**Impervious Surface.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**Impoundment.** A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

**Improvement.** Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

**Improved Street.** A right-of-way dedicated for public use either by formal plat and formal governmental acceptance or by prescription; and subsequently, built and/or maintained at some level by grading, surface treatment, paving, and/or curbing and drainage by a government agency.

**Island.** In street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing or lighting.

**Lateral Sewers.** Pipes conducting sewage from individual buildings to larger pipes called trunk or interceptor sewers that usually are located in street rights-of-way.

**Layout.** A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

**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.

**Lot Area.** The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

**Lot, Corner.** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

**Lot Frontage.** That portion of a lot extending along a street line.

**Main.** In any system of continuous piping, the principal artery of the system to which branches may be connected.

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<sup>6</sup> Amended by Planning Commission Resolution 008-03 dated August 19, 2005

**Maintenance Guarantee.** Any security which may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time.

**Major Arterial.** A freeway, or expressway, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

**Major Drainage Plan.** See Master Drainage Plan.

**Major Street Plan.** See Master Street Plan.

**Major Subdivision.** All subdivisions of land not classified as minor subdivisions or certificates to subdivide. Also, any subdivision that would require any new street.

**Master Drainage Plan.** Shall mean any drainage plan or element thereof which has been approved by the City Engineer and adopted by the Planning Commission.

**Master Plan.** A comprehensive long range plan intended to guide the growth and development of a community or region. Includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, and land use.

**Master Street Plan.** Shall mean the major street plan as adopted by the Planning Commission as an element of the Master Plan.

**Marginal Access Street.** A service street that runs parallel to a higher-order street which, for purposes of safety, provides access to abutting properties and separation from through traffic. May be designed as a residential access street or subcollector as anticipated daily traffic dictates.

**Median.** That portion of a divided highway separating lanes of traffic proceeding in opposite directions.

**Minor Arterial.** Main feeder streets. Occasionally will form neighborhood boundaries, but should not penetrate into the neighborhood. Some signals; some parking.

**Minor Street.** See Local Street.

**Minor Subdivision.** Any subdivision containing more than three (3) lots, fronting on an existing improved street, not involving any new street or road, not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Master Plan, official map, zoning ordinance, or these regulations.

**Mulch.** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.

**NARCOG (North Alabama Regional Council of Governments).** The agency performing A-95 review of all federal grant-in-aid projects required to be reviewed by Regional and State Planning Commissions to insure the projects conform to Regional and State needs; the planning agency established to carry on regional or metropolitan comprehensive planning.

**Off-Premise.** Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

**Onsite Sewage Disposal System.** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device serving public or private facilities.

**Open Space.** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**Ordinance.** Any legislative action, however denominated, of the City of Decatur which has the force of law, including any amendment or repeal of any ordinance.

**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 registered and in good standing with the State Board of Registration of Alabama who is the agent of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

**Pavement.** See Cartway.

**Perc Test.** (Percolation Test). A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

**Performance Guarantee.** Any security that may be accepted by a municipality as a guarantee that the improvements required as part of an application for development are satisfactorily completed as required by State law.

**Perimeter Street.** Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

**Planning Commission.** Shall mean the City Planning Commission of the City of Decatur, Alabama.

**Planning Department.** Shall mean the duly designated Planning Staff of the City of Decatur, Alabama.

**Planning Director.** See Director of Planning.

**Plat.** A map or maps of a subdivision or site plan stamped by a registered land surveyor.

**Police Jurisdiction.** The territorial jurisdiction over the subdivision of land including all land located in the corporate limits, and all land lying within three (3) miles of the corporate limits of the city and not located in any other municipality or its territorial jurisdiction.

**Potable Water.** Water suitable for drinking or cooking purposes.

**Pre-Application Conference.** An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally.

**Preliminary Approval.** The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Commission and the applicant.

**Preliminary Plan.** Shall mean a set of engineering drawings which meet the requirements of these regulations for a proposed subdivision submitted for approval by the Planning Commission.

**Pervious Surface.** A surface that permits full or partial absorption of storm water.

**Probate Judge.** Shall mean the Judge of Probate of the county wherein the property being subdivided or consolidated is located.

**Public Improvement.** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City of Decatur's responsibility is established. All such improvements shall be properly bonded.

**Ratification of Plat Form.** Mortgage lender acknowledges subdivision of land.<sup>7</sup>

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

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

**Residential Density.** The number of dwelling units per gross acre of residential land area including streets, easements, and open space portions of a development.

**Retaining Wall.** A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

**Retention Basin.** A pond, pool, or basin used for the permanent storage of water runoff.

**Right-of-Way.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**Road Right-of-Way Width.** The distance between property lines measured at right angles to the center line of the street.

**Road Dead-End.** A road or a portion of a street with only one (1) vehicular-traffic outlet.

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<sup>7</sup> Amended by Planning Commission Resolution 004-13 dated May 21, 2013

**Sale or Lease.** Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

**Screening.** Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one (1) directional arrow with the name of the establishment with "For Patrons Only" or like limitation, not over two (2) square feet in area, which shall be non-illuminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

**Sedimentation.** A deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

**Setback.** The distance between the street right-of-way line and the front line of a building.

**Septic System.** A system with a septic tank used for the decomposition of domestic wastes.

**Sewer.** Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

**Shade Tree.** A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

**Shoulder.** The graded part of the right-of-way that lies between the edge of the main pavement (main traveled way) and the curbline.

**Sidewalk (area).** A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way or easement.

**Sight Triangle.** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**Site Plan.** An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

**Stabilized Turf or Earth.** Turf, or earth (soil), strengthened usually by the mixing of cement or lime with the original material to achieve increased strength, thereby reducing shrinkage and movement.

**Streets.** Shall mean a way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, through way, road, avenue, boulevard, lane, place or however otherwise designated. (See Section VI.B)

**Arterial or Major Streets** are those which are used primarily for fast or heavy traffic.

**Collector Streets** are those which carry traffic from minor streets to the system of arterial and major streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

**Local Streets** are those which are used primarily for access to the abutting properties.

**Residential Access Streets** are those that have the sole purpose of providing frontage for service and access to private lots. These streets carry only traffic having either destination or origin on the street itself. The elimination of through traffic and the geometric design of the street are a means to promote safety and to create a desirable residential neighborhood.

**Marginal Access Streets** are minor streets which are parallel to and adjacent to arterial and major streets; and which provide access to abutting properties and protection from through traffic.

**Streets Classification.** For the purpose of providing for the development of the streets, highways, roads, and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated in the Thoroughfare Plan of the City of Decatur and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City of Decatur and its present and estimated

future traffic volume and its relative importance and function as specified in the Master Plan of the City of Decatur. The required improvements shall be measured as set forth for each street classification on the Thoroughfare Plan.

**Street Furniture.** Man-made, aboveground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters, and phone booths.

**Street Hardware.** The mechanical and utility systems within a street right-of-way, such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, and parking meters.

**Street Loop.** A street that has its only ingress and egress at two points on the same subcollector or collector street.

**Storm Water Detention.** A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

**Stub Street.** A portion of a street for which an extension has been proposed and approved. May be permitted when development is phased over a period of time, but only if the street in its entirety has been approved in the preliminary plan.

**Subdivision.** Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, or combined into one or more lots parcels, sites, units, plots, or interests for the purpose of offer, sale, ground lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. (See Certificate to Subdivide).

**Major Subdivision.** All subdivisions of land not classified as Minor Subdivisions or Certificates to Subdivide. Also, any subdivision that would require any new street.

**Minor Subdivision.** Any subdivision containing more than three (3) lots, fronting on an existing improved street, not involving any new street or road, not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Master Plan, Official Map, Zoning Ordinance, or these regulations.

**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, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

**Subdivision Agent.** Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

**Subdivision and Site Plan Committee.** A committee appointed by the Chairperson of the Planning Commission for the purpose of reviewing, commenting, and making recommendations with respect to subdivision and site plan applications.

**Subdivision Plat.** The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted to the County Clerk or Recorder of Deeds for filing.

**Subgrade.** The natural ground lying beneath a road.

**Temporary Improvement.** Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

**Title Opinion.** A written "Title Opinion" certified to by a licensed attorney that all names shown on the final plat includes all owners as of the date of signing, and that the owners of the property are one and the same as those signing the plat.<sup>8</sup>

**Topsoil.** The original upper layer of soil material to a depth of six inches which is usually darker and richer than the subsoil.

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<sup>8</sup> Amended by Planning Commission Resolution 004-13 dated May 21, 2013

**Trip.** A single or one-way vehicle movement to or from a property or study area. “Trips” can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

**Unimproved Street.** A right-of-way platted and/or dedicated and accepted by local government for public use; however, not opened, constructed, or maintained for public use.

**USC&GS.** United States Coast and Geodetic Survey.

**Variance.** A waiver from compliance with a specific provision of the Zoning Ordinance or the Subdivision Regulations granted to a particular property owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the ordinance.

**Zoning Ordinance.** Shall mean the Zoning Ordinance of the City of Decatur, Alabama.

## SECTION IV

### IV. Major Subdivision Procedures

#### A. *Layout Plat Review/Approval*

##### 1. **General**

A pre-design conference is mandatory prior to layout submission with the developer, his engineer, and the Planning and Engineering Departments in order to ascertain the existence of any plans, policies or projects which would affect the design of the subdivision. There will also be discussion regarding the timing and completion of the public improvements, planning deadlines, and required engineering certifications.<sup>9</sup>

The purpose of layout approval is to give the Applicant and Engineer an opportunity to confer with the Subdivision Committee and the Planning Commission as to the proposed subdivision, in order to more effectively utilize engineering time, money and effort. Layout plan review can also give the City a general idea of the overall plan an applicant and their engineer have for an area. The layout plan should show all land that is proposed for development and a general idea of street layout, drainage plans, and proposed zoning. If the proposed subdivision plat is planned to be developed in sections, these sections must be shown and a proposed schedule included. It is important to remember that layout plan review is an optional, but useful, step and may be required by the Planning Commission if not initiated by the applicant.

The Applicant should also consult with parties interested in or affected by the development (i.e., lending and mortgage institutions and/or adjoining property owners and the Morgan County Commission if the proposed subdivision is in the Police Jurisdiction). Also, it would be advisable to engage a Land Planning Specialist to help resolve major factors into a workable and profitable plan.

##### 2. **Steps in Obtaining Layout Approval**

1. The Applicant will set up a pre-design meeting with his Engineer and the Planning and Engineering Departments to discuss the requirements of the Subdivision Regulations

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<sup>9</sup> Amended by Planning Commission Resolution 004-13 dated May 21, 2013

with regard to the completion of public improvements, required engineering certifications etc.<sup>10</sup>

2. The Applicant shall submit a completed layout application and 25 copies of the Layout Plat (see Section VIII.A) to the Planning Department 21 days prior to the monthly Planning Commission meeting.<sup>11</sup>
3. The Planning Department will set up a subdivision file and will start processing the subdivision application.
4. The Layout Plan will be submitted to the Subdivision Committee for their review and comments. The committee will submit a recommendation to the Planning Commission for action at their next meeting. A representative or the Applicant's Engineer should attend the meetings of the Subdivision Committee and Planning Commission where his client's subdivision is discussed.
5. The Planning Commission may hold a public hearing regarding the subdivision. The Planning Commission will consider only those layouts which have been reviewed by the Subdivision Committee. The Planning Commission may approve layout, approve layout with conditions, or disapprove layout. All Commission action shall be recorded in the Planning Commission minutes.
6. The Applicant or their Engineer will be notified of the action taken by the Planning Commission.

## **B. *Preliminary Plat Review/Approval***

### **General**

After conclusions have been reached and agreed upon, and layout approval granted, the Applicant must formally make application for Preliminary plat approval. At a minimum, conditional Preliminary plat approval is mandatory before the subdivision can be reviewed for final approval. Preliminary plat approval can be granted for a portion of the subdivision plat granted layout approval if it is shown and planned for on the layout plat. Preliminary plat approval shall be tentative in nature and shall in no way constitute a waiver of the requirements to be met for Final Plat approval; and shall lapse if final plat approval is not obtained within one year, unless such period of time is extended by the Planning Commission. Preliminary plat approval is also required prior to any grading or other improvements to the subdivision.

A pre-construction conference with Planning, Engineering and Utilities will be scheduled to review preliminary construction drawings and discuss the timing and completion of the subdivision improvements. Preliminary construction drawings must be approved and signed off by the City Engineer and the appropriate Utility Provider (Decatur Utilities or

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<sup>10</sup> Amended by Planning Commission Resolution 004-13 dated May 21, 2013

<sup>11</sup> Amended by Planning Commission Resolution 004-13 dated May 21, 2013

Joe Wheeler Utilities) before submission of the preliminary plat application to the Planning Department.<sup>12</sup>

The Applicant shall have a preliminary plat plan prepared by a certified engineer containing all plans and data as specified in the Subdivision Regulations, Sec VIII.B

### **Steps in Obtaining Preliminary Plat Approval (see chart)**

1. The Applicant shall submit \$100.00 + \$5.00 per lot application fee<sup>13</sup> and a completed Preliminary Plat Application, (Appendix 1) 25 copies of the Preliminary Plan (Section VIII.B) and 5 sets of construction plans, as specified in Section VIII.B.1 of the Subdivision Regulations, and a completed Ratification form signed by the mortgage. These items shall be submitted to the Planning Department no later than 5:00 p.m., CST, 21 days prior to the Planning Commission meeting where it is to be considered.
2. The Planning Department will update the subdivision file and start the preliminary application processing procedures.
3. The preliminary plat plan will be submitted to the Subdivision Committee for their review and comments. The committee, with input from the Planning Department, will review the plat for conformance to the layout plat, Subdivision Regulations, Zoning Ordinance, and other land regulating policies of this city. The committee will submit a recommendation to the Planning Commission for action at their next meeting. A representative or the Applicant's engineer should attend the meetings of the Subdivision Committee and the Planning Commission at which his client's subdivision is discussed.
4. The Planning Commission shall hold a public hearing regarding the subdivision. The Planning Commission shall consider only those Preliminary Plat Plans which have been reviewed by the Subdivision Committee. The Planning Commission may approve the Preliminary Plat Plan; approve the Preliminary Plat Plan with conditions; or disapprove the Preliminary Plat Plan. All Commission action shall be recorded in the Planning Commission Minutes.
5. The Applicant will obtain the required signatures of all utility service providers and municipal departments after they have reviewed and approved the proposed construction plans. These signatures, as well as, an amended and approved set of construction plans will be returned to the Planning Department before a Final Plat is signed by the Chairman of the Planning Commission.
6. Applicant's Engineer will be notified of the action taken by the Planning Commission.

### **C. *Final Plat Approval***

#### **General**

After preliminary plat approval has been obtained the next step is final plat approval. The Final Plat shall conform to the Preliminary Plat as approved. Final Plat approval may be obtained for the portion of the plat that was granted preliminary approval.

Final Plat approval of a subdivision by the Planning Commission is required prior to the recording of the plat in the Office of the Judge of Probate. Final approval of a plat by the Planning Commission shall be indicated by the signature of an

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<sup>12</sup> Amended by Planning Commission Resolution 004-13 dated May 21, 2013

<sup>13</sup> Amended by Planning Commission Resolution 001-2000 dated June 27, 2000

officer of the Planning Commission (Chairman, Vice-Chairman or Secretary) on the plat (please see sample signature boxes Section VIII.C). It is not legal to “transfer or sell, or agree to sell or negotiate to sell” any land shown as a portion of said subdivision until the plat is recorded.

If the proposed subdivision is located within the Police Jurisdiction of the City of Decatur, Final plat approval must also be obtained from the Morgan County Commission. Final plat approval from the Morgan County Commission shall be indicated by the signature of the Morgan County Engineer on the plat.

Final Plat approval is also required prior to the construction of any structure, and no building permit will be issued until such time as the subdivision has been recorded in the Office of the Judge of Probate.

A written “Title Opinion” will be required for all plats prior to the final plat being recorded. The “Title Opinion” shall be certified to by a licensed attorney that all names shown on the final plat include all owners as of the date of signing, and that the owners of the property are one and the same as those signing the plat.<sup>14</sup>

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<sup>14</sup> Amended by Planning Commission Resolution 004-13 dated May 21, 2013

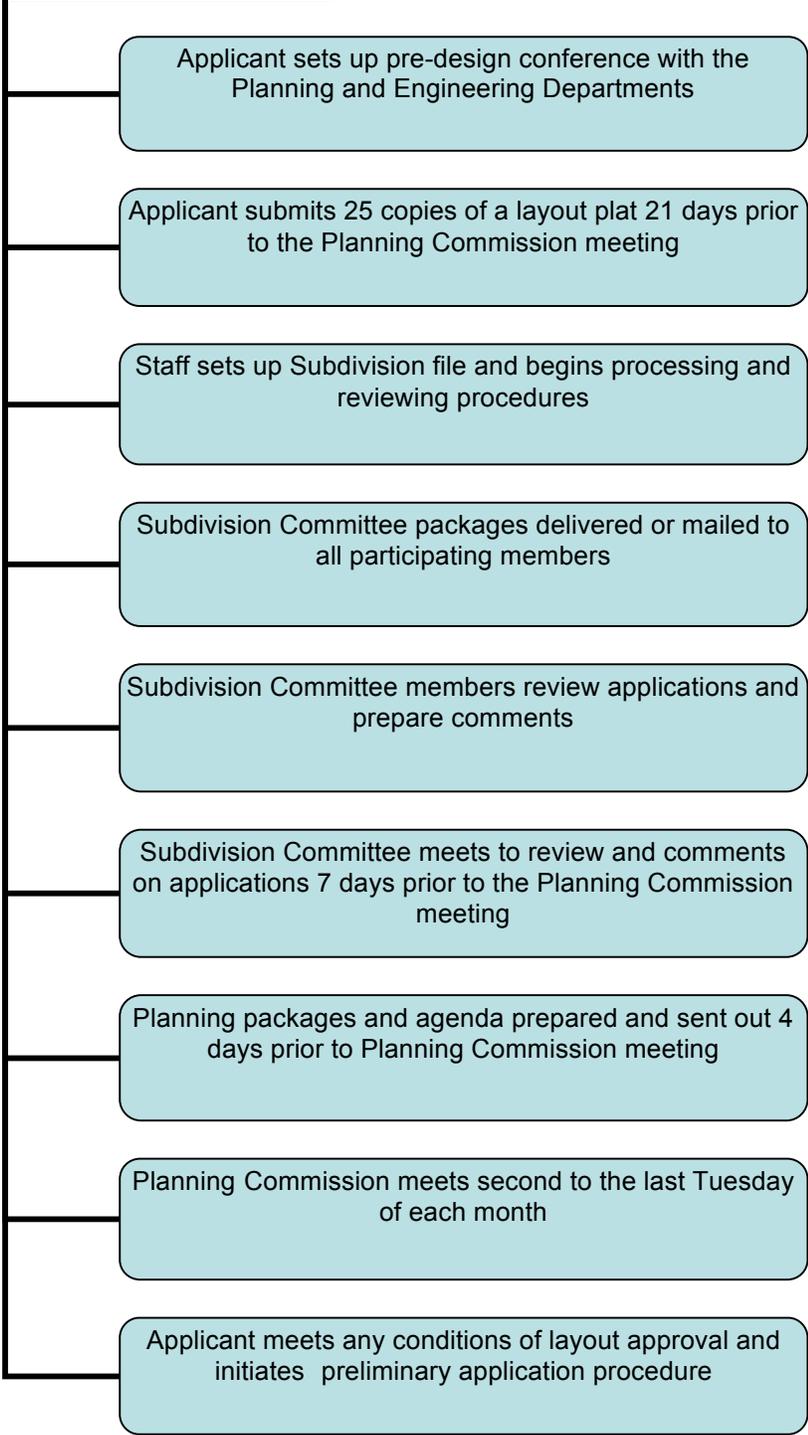
### **Steps in Obtaining Final Plat Approval (see chart)**

1. After preliminary plat approval has been granted and all conditions of preliminary plat approval met, the Applicant's Engineer shall submit a completed Final Plat approval application (see Appendix I) and 25 copies of a final subdivision plat (Section VIII.C) to the Planning Department no later than 5:00 p.m. CST, 21 days prior to the Planning Commission meeting.
2. The Planning Department will update the subdivision file, and start the final plat application processing procedures.
3. The Final Plat will be submitted to the Subdivision Committee for review and comments. The committee, with input from the Planning Department, will review the plat for conformance to the layout and preliminary plats, Subdivision Regulations, Zoning Ordinance, and other land regulation policies of this city.
4. The committee will submit a recommendation to the Planning Commission for action at their next meeting. The Planning Commission will vote to approve, conditionally approve, or disapprove the Final Plat. A representative of the Applicant's engineer should attend those meetings of the Subdivision Committee and Planning Commission at which his client's subdivision is to be discussed.
5. The applicant will obtain the required signatures of all utility service providers and municipal departments after they have reviewed and approved the proposed subdivision.
6. After all the appropriate signatures (see Section VIII.C) have been obtained, the applicant shall return the plat to the Planning Department with a set of approved and signed construction drawings (see Section VIII.B), unless previously provided at the preliminary stage, and the Title Opinion prepared by a licensed attorney. The Planning Director, or his designated representative, will review the plat for conformity with the Planning Commission recommendations and conditions. If all the conditions have been met, and all the appropriate signatures (see Section VIII.B & C) are present, the Planning Commission Certificate Block will be signed by the Chairman or another Officer of the Planning Commission if the Chairman is unavailable.
7. The Planning Director, or his designated representative, will obtain the plat recording fee from the applicant and record the Final Plat in the Office of the Judge of Probate.<sup>15</sup>

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<sup>15</sup> Amended by Planning Commission Resolution no. 003-99 dated December 28, 1999

**Major Subdivision Plat  
Layout Approval Flow Chart**



## Major Subdivision Plat Preliminary Approval Flow Chart

Applicant sets up pre-construction conference with the Planning, Engineering Departments and the appropriate Utility provider (Decatur Utilities or Joe Wheeler Utilities) to review and obtain approval of construction drawings (Section IV.B)

Applicant submits 25 copies of the preliminary plat (Section VIII.B), 5 sets of construction drawings (Section VIII.B.1), completed Preliminary Application Form (Appendix 1), Ratification of Plat form & application fee 21 days prior to the Planning Commission meeting

Staff updates subdivision file and continues the processing and review procedures.

Place on Subdivision Committee and Planning Commission agendas

Subdivision Committee agenda and packages delivered 15 days prior to the Planning Commission meeting.

Subdivision Committee members review applications and prepare comments.

Subdivision Committee meets to review and comment on applications 7 days prior to the Planning Commission meeting

Planning Commission packages and agendas prepared and sent 4 days prior to the Planning Commission meeting

Planning Commission meets second to the last Tuesday of each month

Applicant meets any conditions of preliminary approval and initiates final application procedure.

## Major Subdivision Plat Final Approval

Applicant submits 25 copies of final plat (Section VIII.C) and a completed Final Approval Application form 21 days prior to the Planning Commission meeting

Staff updates subdivision file and continues processing and reviewing procedure

Place on Subdivision Committee and Planning Commission agendas

Subdivision Committee agenda & packages delivered 15 days prior to the Planning Commission meeting

Subdivision Committee members review applications and prepare comments

Subdivision Committee meets to review and comment on applications 7 days prior to the Planning Commission meeting

Planning Commission packages and agenda prepared and sent out 4 days prior to Planning Commission meeting

Planning Commission meets second to the last Tuesday of each month

Applicant meets any conditions of final plat approval

Applicant returns final plat with all signatures, except Planning Commission Chairman and the Title Opinion to the Planning Department

Planning Director, or his designated representative, confirms that all conditions of layout, preliminary & final approval have been met

Applicant obtains Letter of Credit or Surety Bond if required, and gives to the Planning Department. Planning staff obtains applicant's signature on subdivision bond form agreement.

After all conditions are confirmed completed, Planning staff obtains Planning Commission Chairman or Officer's signature on the final plat

Planning Department makes copies of Final signed plat

Planning Department records final plat in the Office of the Judge of Probate

When subdivision is completed, applicant gives Planning Department 2 sets of signed "as built" drawings and a set of recorded restrictive covenants, if applicable

## SECTION V

### V. Minor Subdivisions

#### A. *Minor Subdivision Review/Approval*

##### **General**

The purpose of Minor Subdivision approval is to streamline the subdivision requirements for the applicant and his engineer when a proposed subdivision meets certain specific criteria (See Definitions Section III.B). Minor subdivision approval is a one-step plat approval procedure and can be obtained only if all lots in the subdivision front on an improved public street. A complete Minor Subdivision application must include a final subdivision plat and a topographic map or drainage plan (see Section VIII.B.2) and the Planning Commission shall require a public hearing.

Final plat approval of a subdivision by the Planning Commission is required prior to the recording of the plat in the Office of the Probate Judge. Final approval of a plat by the Planning Commission shall be indicated by the signature of an officer of the Planning Commission (Chairman, Vice-Chairman, or Secretary) on the plat (please see sample signature boxes, Section VIII.C). It is not legal to “transfer or sell, or agree to sell or negotiate to sell” any land shown as a portion of said subdivision until the plat is recorded.

Final plat approval is also required prior to the construction of any structure, and no building permits or Certificates of Occupancy will be issued until such time as the plat of subdivision has been recorded in the Office of the Judge of Probate.

A written “Title Opinion” will be required for all plats prior to the final plat being recorded. The “Title Opinion” shall be certified to by a licensed attorney that all names shown on the final plat include all owners as of the date of signing, and that the owners of the property are one and the same as those signing the plat.<sup>16</sup>

##### **Steps in Obtaining Approval**

1. The Applicant’s engineer shall submit a \$100 plus \$5.00 per lot application fee<sup>17</sup> and a completed Minor Subdivision application, (Appendix 1) 25 copies of a Final Minor Subdivision plat prepared by a registered engineer or a registered land surveyor, (see Section VIII.C) and five drainage plans or topographic maps which references benchmarks on file in the City Engineer’s office as established by the City of Decatur (see Section VIII.B.2). A public hearing shall be required by the Planning Commission and all names and addresses of adjoining property owners as shown in the County Tax Assessor’s office will be required. A Minor Subdivision Plat will also include signature blocks (see Section VIII.C). This information shall be submitted to the Planning Department no later than 5:00 PM (CST), 21 days prior to the Planning Commission meeting at which the application will be considered.

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<sup>16</sup> Amended by Planning Commission Resolution No. 004-13 dated May 21, 2013

<sup>17</sup> Amended by Planning Commission Resolution No. 003-99 dated December 28, 2000

2. The Planning Department will set up a subdivision file and start the Minor Subdivision approval procedure.
3. The Minor Subdivision Plat will be submitted to the Subdivision Committee for review and comments. The committee, with input from the Planning Department, will review the plat for conformance with the Subdivision Regulations, Zoning Ordinance, and other land use regulations (i.e., Long Range Plan, Master Drainage and street plans etc.). The committee will submit a recommendation to the Planning Commission at their next meeting. The Planning Commission will vote to approve, approve conditionally, or disapprove the Minor Subdivision Plat. A representative or the Applicant's engineer should attend those meetings of the Subdivision Committee and Planning Commission at which his client's subdivision is to be discussed.
4. The Applicant will obtain the required signatures of all utility service providers and municipal departments after they have reviewed and approved the proposed minor subdivision.
5. After all the appropriate signatures (see Section VIII.C) have been obtained, the applicant shall return the plat to the Planning Department with a "Title Opinion" prepared by a licensed attorney.<sup>18</sup> The Planning Director, or his designated representative, will then review the plat for conformity with the Planning Commission recommendations and conditions. If all the conditions have been met, and all the appropriate signatures (see Section VIII.C) are present, the Planning Commission certificate shall be signed by the Chairman or another officer of the Planning Commission if the Chairman is unavailable.
6. The Planning Director, or his designated representative will obtain the plat recording fee from the applicant and record the Final plat in the office of the Judge of Probate.<sup>19</sup>

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<sup>18</sup> Amended by Planning Commission Resolution 004-13 dated May 21, 2013

<sup>19</sup> Amended by Planning Commission Resolution 003-99 dated December 28, 1999

## Minor Subdivision Final Plat Approval

Applicant submits 25 copies of a final plat, a Minor Subdivision Plat Application, 5 copies of a drainage/topographic plan and a \$100 + \$5.00 per lot application fee to the Planning Department 21 days prior to the Planning Commission meeting

Staff sets up subdivision file and starts the processing procedure

Place on Subdivision Committee and Planning Commission agendas

Subdivision Committee agenda and packages delivered 15 days prior to the Planning Commission meeting

Subdivision Committee meets to review and comment on applications 7 days prior to Planning Commission meeting

Planning Commission meets second to the last Tuesday of each month

Applicant meets any conditions of minor plat approval, obtains all signatures required on plat, except Planning Commission Chairman, and returns to the Planning Department for their review and signature from the Planning Commission Chairman

Planning Department makes copies of Final signed plat

Planning Department records final plat in the Office of the Judge of Probate

**SECTION VI**

**VI. Design Standards**

**A. *Conformity to General Community Plan***

- 1. All proposed subdivisions shall conform to the City Zoning Ordinance and the General Community Plan and all major sections thereof, i.e., the Land Use Plan, Major Street Plan, Community Facilities Plan, etc. EXAMPLES:
- 2. Densities shall be established by the Zoning Ordinance and the Land Use Plan.
- 3. All thoroughfares as shown crossing or bordering a proposed subdivision on the Major Street Plan shall be required to be provided in the location and at the right-of-way width designated thereon.
- 4. All sites for parks, schools, and other public facilities as shown on the Community Facilities Plan as located within a proposed subdivision shall be offered for sale to the City at a price not to exceed fair market value of the land prior to development, except as otherwise provided or required by the Planning Commission.
- 5. All off-premise improvements necessary to the development of the subdivision shall be clearly noted in the Preliminary Plan. These improvements shall relate to such items as drainage, extension of water mains, sewers, street access and other such improvements.

**B. *Streets***

**General**

- 1. The arrangement, character, extent, width, grade and location of all streets shall conform to the General Community Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
  - ◆ Paved access should be provided to all developed parcels.
  - ◆ Street system design should discourage through traffic on local residential streets.
  - ◆ The layout of a local street system should not create excessive travel lengths.
  - ◆ Local street systems should be logical and understandable; the street system should be easily “read” by the user.
  - ◆ Local circulation systems and land development patterns should not detract from the efficiency of adjacent major streets.
  - ◆ The local circulation system should not have to rely on extensive traffic regulations or control devices to function efficiently and safely.
  - ◆ Traffic generators such as schools, churches, or neighborhood shops within residential areas should be considered in the local circulation pattern.
  - ◆ Residential streets should clearly communicate their local function and place in the street hierarchy.

- ◆ The local street system should be designed for a relatively uniform low volume of traffic. Collectors, however, should be planned to accommodate peak periods of demand.
  - ◆ To discourage excessive speeds, streets should be designed with curves, changes in alignment, and short lengths. Further, streets should not be designed to be wider than is necessary.
  - ◆ Conflict points between pedestrians and vehicles should be minimized.
  - ◆ Consistent with safety and livability, a minimum area should be devoted to streets.
  - ◆ The number of intersections should be minimized.
  - ◆ Local street layout should permit economical development of land and efficient lot layout.
  - ◆ Local streets should be responsive to topography and other natural features from the standpoint of both economics and amenity.
  - ◆ Residential areas should provide for public transit service where appropriate.
  - ◆ Streets should be designed to accommodate local emergency services.
  - ◆ Pedestrian movements, nonmotorized vehicle (i.e., bicycle) movements, and truck deliveries should be accommodated.
  - ◆ The residential street should enhance the community's visual image.
2. Where such is not shown in the General Community Plan, the arrangement of streets in a subdivision shall either:
- ◆ Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - ◆ Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
3. Local streets shall be so laid out that their use by through traffic will be discouraged.
4. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
5. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
6. A tangent shall be introduced between reverse curves on arterial and collector streets as approved by the City Engineer.

7. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 200 feet for minor and collector streets, and of such greater radii as the City Engineer shall determine for special cases.
8. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.
9. Property lines at street intersections shall be rounded with a radius of twenty feet, or of a greater radius where the Planning Commission may deem it necessary. The Planning Commission may permit comparable cut-offs or chords in place of rounded corners.
10. **Streets divided by medians**, or street furniture shall provide a minimum of 20' of paved travelway on each side of the median or street furniture.<sup>20</sup>
11. **Unusable Reserve Strips** - Unusable reserve strips abutting public street rights-of-way are prohibited.
12. **Street Jogs** - Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
13. **Minimum Street Right-of-Way Widths\*** (please see Appendix III) - In undeveloped or vacant areas, the Planning Commission shall have the discretion of identifying or classifying a street to be a "Collector Street."

Street right-of-way widths shall be as shown on the Master Street Plan and where not shown thereon shall not be less than as follows: A sample of which can be found in Appendix III.

<u>Street Type</u>	<u>Right-of-Way</u>	<u>Easements</u>
Freeways	210 Feet	10 feet either side
*Arterial Streets	120 Feet	10 feet either side
*Major Streets	80 Feet	10 feet either side
Collector Streets	60 Feet	10 feet either side
Local Streets	50 Feet	15 feet either side
Residential Access Streets	44 Feet	24.5 feet either side
Alleys	20 Feet <sup>21</sup>	

14. **Minimum Roadway Widths**

<u>Street Type</u>	<u>Pavement Width (Measured from Curb Faces)</u>
Freeways	As required
Arterial Streets	64 Feet (total)
Major Streets	48 Feet
Collector Streets	44 Feet
Local Streets	31 Feet
Residential Access Streets	31 Feet
Marginal Access Streets	26 Feet
Alleys (curb not required)	16 Feet

<sup>20</sup> Amended August 19, 2003 by Planning Commission Resolution 008-03

<sup>21</sup> Amended by Planning Commission number 002-99 dated December 28, 1999

- The amount of right-of-way deemed reasonable to be required by dedication shall not exceed eight (115) feet in width. It is also deemed reasonable that an additional twenty (20) foot set back to be required along proposed Freeways, Arterial Streets and Major Streets, in addition to that set back required in the Zoning Ordinance.
- See Section VIII - "Required Improvements" for pavement participation required of a subdivider.

15. **Street Grades**

Street grades shall not exceed the following unless otherwise recommended and approved by the City Engineer.

<u>Street Type</u>	<u>Percent Grade</u>
Freeways	3.0%
Arterial Streets	5.0%
Major Streets	7.0%
Collector Streets	8.0%
Local Streets	10.0%
Residential Access Streets	10.0%
Marginal Access Streets	10.0%

Minimum grade of any gutter shall not be less than 0.75% unless otherwise approved by the City Engineer.

Cross drains are not permitted on Freeways, Arterial Streets, Major Streets, or Collector Streets unless recommended by the City Engineer. Vertical curves shall be such as to prevent abrupt change and shall be as approved by the City Engineer.

16. **Half Streets**

Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

17. **Cul-de-sacs** (Dead-End Streets)

Streets designed to have one end permanently closed shall not exceed:

18. 750 feet in length, shall be provided at the closed end with a turnaround having a minimum roadway (pavement) diameter of 96 feet, and a minimum right-of way diameter of 115 feet and shall have a maximum density of 30 single-family dwelling units.<sup>22</sup>

**C. Alleys**

1. Alleys shall be provided in Commercial and Industrial Districts, except that the Planning Commission may waive this requirement where other definite and assured provision is

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<sup>22</sup> Amended by Planning Commission Resolution Number 008-03, dated August 19, 2003

made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

2. Provisions for alleys along the rear of residential lots is optional except where, in the opinion of the Planning Commission, such alleys are advisable. All alleys in the City should be public alleys.
3. Alley intersections and changes in alignment shall be avoided, but where necessary corners shall be cut off sufficiently to permit safe vehicle movement.
4. Dead-end alleys shall be avoided where possible; but if unavoidable, the alley shall be provided with adequate turnaround facilities at the dead-end, as determined by the City Engineer.

**D. *Easements***

1. Easements across lots or centered on rear or side lot lines shall be provided for drainage, utilities, telecommunications, and other uses as determined by the Planning Commission where necessary and their width shall be as determined by the appropriate department(s).
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, or if such a proposed drainage way is reflected in an adopted Master Drainage Plan, there shall be provided a storm-water drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage ways. 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.
3. Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement jogs or offsets and to facilitate the use of easements for power distribution, telephone service, drainage, water and sewer services.

**E. *Blocks***

1. The length, width, and shapes of blocks shall be determined with due regard to:
2. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
3. Zoning Ordinance and Health Department requirements as to lot sizes and dimensions.
4. Needs for convenient access, circulation, control and safety of street traffic.
5. Limitation and opportunities of topography.
6. Block length shall not exceed 2,000 feet and shall normally be wide enough to allow for two tiers of lots of appropriate depth.

**F. *Lots***

1. The lot size, width, depth, shape, and orientation, and the minimum building setback line shall be appropriate with the location of the subdivision and for the type of development and use contemplated.

2. Minimum lot dimensions must meet the requirements of the Zoning Ordinance or the requirements of the Health Department. In such cases where requirements may conflict, the larger requirement shall govern.
3. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate for off-street parking and loading for the uses contemplated.
4. Corner lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.
5. Each lot must front upon a dedicated street whose right-of-way is not less than 50 feet in width and which is connected with the public street system unless otherwise provided by the City Planning Commission or these regulations.
6. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or so as to overcome specific disadvantages of topography and orientation. The subdivider shall put in a planting screen easement of not less than 10 feet in width, and across which there shall be no right of access along the line of lots abutting such a traffic artery or other disadvantageous feature.
7. Side lot lines shall be substantially at right angles to streets except on curves where they shall be radial.
8. Any restriction pertaining to any lot shall be noted on the lot on the recorded plat or a specific reference to a footnote stated within the boundaries of the lot.

**G. *Public Sites and Open Spaces***

1. Where a proposed park, playground, school, or other public use shown in the General Community Plan is located in whole or in part in a subdivision, the Planning Commission may request the dedication or reservation of such areas within the subdivision in those cases in which the Planning Commission deems such requirements to be reasonable.
2. Where deemed essential by the Planning Commission upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments not anticipated in the General Community Plan, the Planning Commission may request the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes.

**H. *Names***

**Streets**

No street name shall be used which will duplicate by spelling or sound or otherwise be confused with the names of existing streets, except where a proposed street is an extension of an existing street in which case the proposed street shall bear the name of the existing street. In this situation, no street name shall be repeated more than once. Street names are subject to the approval of the Planning Commission.

## **Subdivisions**

Subdivision names and apartment project names shall not duplicate or be confused with existing names. Subdivision and apartment project names are subject to approval by the Planning Commission.

### **I. *Drainage and Inundation***

1. A drainage plan shall be made for each subdivision by the Applicant's Engineer which shall take into account the ultimate or saturated development of the tributary area in which the proposed subdivision is located. Adequate provisions shall be made within each subdivision to provide drainage facilities needed within the subdivision taking into account saturated development of the tributary area. The storm and sanitary sewer plan shall be made prior to other utility plans. Engineering considerations in subdivisions and other development shall give preferential treatment to these gravity-flow improvements as opposed to other utilities and improvements. (See Appendix II)
2. The requirements for the land being subdivided as specified by the Master Drainage Plan of the City of Decatur must be met in the drainage plan.
3. Off-premise drainage easements and improvements shall be required to handle the runoff of subdivisions into a natural drainage channel as determined by the City Engineer.
4. Low areas subject to periodic inundation shall not be developed or subdivided unless and until the City Engineer may establish that:
5. The nature of the land use (i.e., recreational areas) will not lend itself to damage by water to an appreciable extent.
6. The area may be filled or improved through such a manner to prevent such periodic inundation.
7. Minimum floor elevations may be established to prevent damage to buildings and structures.
8. The City Engineer or the Planning Commission may require whatever additional engineering information is deemed necessary to make a decision on subdivision and other developments in an area of questionable drainage.
9. Lakes, ponds, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park, or if such area constitutes a necessary part of the drainage control system, as determined by the City of Decatur.
10. Sewers shall be designed in accordance with good, accepted engineering practice.

### **J. *Building Restrictions***

1. If a subdivision does not lie within the force and effect of an existing Zoning Ordinance, the Planning Commission may require provisions for minimum front, side, and rear yard requirements based upon the standards of the Zoning Ordinance and Health Department regulations.

## **K. *Erosion and Sediment Control – Minimum Requirements***

Construction which disturbs one acre or more of ground surface within the city limits of Decatur will require a general permit for storm water runoff control. This permit will be obtained from ADEM (Alabama Department of Environmental Management) by the owner/developer of the property. A copy of the approved permit will be submitted to the City Engineering Department prior to beginning site construction, grading or clearing activity. The owner/developer, along with his construction plans, will be responsible for preparing a Construction Best Management Practices Plan (CBMPP) using good engineering practices that will result in specific strategies to protect water quality. The CBMPP must use the basic design principles available in the *Alabama Handbook for Erosion Control, Sediment Control and Storm Water Management on Construction Sites and Urban Areas* (Alabama Handbook) and other recognized best management practices (BMP) documents. The Alabama Handbook, such may be amended from time to time, can be downloaded from the ADEM website. The CBMPP will describe in detail the use of silt fences, hay bales, rip rap siltation basins or other means to be used for erosion control.

All construction plans will include by notation in the project notes, requirements for the contractors to provide erosion control, for preventing fuel or hazardous chemical spills and over use of pesticides, fertilize, or herbicides. Waste material such as asphalt, petroleum products, sealants, concrete, etc., will not be left on site in contact with storm water runoff.

Any information provided by the public as to betterment of the proposed BMP or as to the failure of an operating BMP can be addressed to the City Engineering Department for consideration or correction.

Any owner/developer of a site one acre or larger which does not conform to these regulations is subject to a stop-work order and/or a fine of not more than \$500 per day.

Once an owner/developer has been notified by the City Engineering Department that his/her BMP is not meeting the requirements of these regulations, the owner/developer will have 10 working days to correct the problem before fines become effective. The fine will be enforced each day thereafter that the BMP is not corrected. The owner/developer will be responsible for the correction and for notifying the City Engineering Department when the corrections are made.

Maintenance of any detention or retention facilities and any other post construction water quality measures will have to be maintained on a continuing basis.<sup>23</sup>

## **SECTION VII**

### **VII. Required Improvements**

#### **A. *General***

The Applicant is required to install or construct the improvements hereinafter described prior to receiving approval of his Final Plat or prior to the releasing of bonds or other securities which guarantee such required improvements.

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<sup>23</sup> Amended by Planning Commission Resolution #004-13 dated May 21, 2013

All improvements required under these regulations shall be constructed in accordance with City of Decatur specifications and under the inspection of the appropriate departments of the City of Decatur.

All water mains, sanitary sewers with laterals, and storm sewers shall be installed as necessary to minimize the future cutting of any street, sidewalk, or other required pavement.

All public improvements, except sidewalks, shall be completed within two (2) years from recording of the final plat OR one (1) year from the issuance of the first Certificate of Occupancy – whichever comes first.<sup>24</sup>

**B. *Streets and Alleys***

On all streets and alleys a suitable hardsurfaced permanent type of pavement shall be constructed in accordance with City of Decatur specifications (see Appendix II).

**C. *Curbs and Gutters***

Standard “L” type curb and gutters shall be placed on both sides of all streets in accordance with the City specifications unless otherwise waived by the Planning Commission. (See Appendix II)

**D. *Water Mains***

The design and specifications of the water distribution system shall meet Decatur Utilities requirements or in areas served by West Morgan East Lawrence Water Authority the Authority’s requirements. If a well is to serve more than one (1) lot, a public water system is required. The design and specifications of such a system shall meet the requirements of and shall be installed under the Regulation of the Alabama Department of Environmental Management. (See Appendix II)<sup>25</sup>

**E. *Sanitary Sewers***

The design and specifications of the sanitary sewer system shall meet Decatur Utilities requirements. If a private sewage treatment system is required for a lot, said system shall meet the specifications and requirements of the Health Department. (See Appendix II)

**F. *Storm Sewers and Drainage***

Storm sewers and drainage structures shall be designed and installed as required by the City Engineer in accordance with good engineering practices and the Master Drainage Plan of the City of Decatur. (See Appendix II)

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<sup>24</sup> Amended by Planning Commission Resolution 004-13 dated May 21, 2013

<sup>25</sup> Amended by Planning Commission Resolution 009-04 dated April 20, 2004

**G. *Electric***

The design and specification of the electric distribution system shall meet Decatur Utilities or Joe Wheeler Electric Co-op requirements, whichever is applicable.

**H. *Gas***

The design and specification of the natural gas distribution system shall meet Decatur Utilities requirements.

**I. *Oversize Facilities***

The City of Decatur, or the appropriate Department of the City of Decatur may participate in the cost of “oversized” improvements within a subdivision (i.e., streets, water or sewer mains, drainage facilities, etc.) if it is judged that such oversized improvements are necessary to serve large areas of land not in the subdivision, and if the cost of such oversized improvements is an unreasonable burden on the Subdivider. For example, the Subdivider shall not be required to pay the cost of any freeway, arterial street, or major street, but shall participate in the cost of these improvements in the amount that a “collector street” would cost if situated where such freeway, arterial street, or major street is located.

**J. *Property/Survey Markers***

Permanent property/survey markers shall be located on the ground at all angles in the boundaries of the land platted and at all intersections of the streets and alleys with the boundaries of the land platted and all intersections of streets, intersections of alleys, or of streets and alleys. Such property/survey markers shall be so constructed and set in the ground as required by the City Engineer.

**K. *Sidewalks***

The intent of a sidewalk system is to provide a pleasant, safe, and efficient pedestrian access alternative. Sidewalks should be structurally and visually continuous and link residential subdivisions with schools, commercial centers, community facilities, jobs, local shopping and high density areas.<sup>26</sup>

Sidewalks shall be designed and installed as indicated in the drawing found in Appendix II on page 79 of these regulations and be in full compliance with ADA requirements. Sidewalks shall be provided by the Subdivider subject to the provisions listed below.

1. Sidewalks shall be required on both sides of all new public streets, **except** in residential areas having a density of one dwelling unit or **less** per acre, excluding alleys.
2. New sidewalks shall be a minimum of four (4) feet in width with no obstructions such as mailboxes, streetlights, utility poles, guy wires, and fire hydrants.
3. Sidewalks shall be located no less than two (2) feet from the back of the curb within Right of Way dedicated to the city.

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<sup>26</sup> Amended by Planning Commission Resolution Number 011-2009 dated July 21, 2009

4. Where sidewalks are replaced or adjoin an existing sidewalk, they shall be of similar color and texture.
5. Where sidewalks are replaced due to breakage, utility cuts, or age, they shall be upgraded or replaced with similar material and brought into compliance with ADA requirements.
6. Sidewalks shall be four (4) inches in depth except at vehicular crossings which should be six (6) inches in depth and at vehicular crossings sidewalks should be reinforced with wire mesh or equivalent and be handicapped accessible. Concrete should be 3000-psi minimum compressive strength at 28 days. (See Appendix II)
7. Where unique site characteristics make it necessary or desirable to deviate from these regulations alternate proposals for biking and pedestrian access shall be presented to the Planning Commission for approval.
8. Sidewalks for individual lots shall be constructed and completed before any Certificate of Occupancy (CO) will be issued and are the responsibility of the home builder. This statement to be shown as a "plat note" on all final plats. Sidewalks shall be required on both sides of all collector streets and must be completed by the Developer during the first phase of development OR within two (2) years from recording of the final plat, whichever comes first.<sup>27</sup>

## SECTION VIII

### VIII. Plats and Data

#### A. *Layout Plat*

The Applicant's Engineer shall submit the following required information to the Planning Department prior to the review by the Planning Commission of such layout, plan or plat for approval action (See Section IV).

#### **General**

The following information is required for general subdivision layouts:

1. Existing Covenants
2. Land characteristics
3. Available community facilities and utilities
4. Number of residential lots
5. Typical lot width, depth, and area
6. Price range of lots
7. Price range of dwellings (if known)
8. Proximity to business areas, playgrounds, parks, schools, and other public areas
9. Proposed utilities and street improvements

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<sup>27</sup> Amended by Planning Commission Resolution #004-13, dated May 21, 2013

**Sketch Plan (showing the following)**

- 10. Name of subdivision or other identification
- 11. Topography at five foot, or closer, contour intervals
- 12. Boundary lines of the proposed subdivision
- 13. Location of all streets within subdivision boundary
- 14. Adjoining development: property lines, streets, water courses
- 15. Adjoining land either owned, optioned, or planned for ownership or subdivision

**B. Preliminary Plat/Construction Plans**

The Applicant's Engineer shall submit the following required information to the Planning Department prior to the review by the Planning Commission of such preliminary plan or plat for action (see Section IV).

- 1. General  
The following information is required for Preliminary Plan of subdivisions:
  - a) Name of:
    - (1) Subdivision
    - (2) Subdivider
    - (3) Owner's Engineer
    - (4) Adjacent Subdivisions
    - (5) Adjacent land owners and addresses
  - b) Date, acreage, northpoint and scale. Scale shall not be less than one inch equals 100 feet.
  - c) Easements - location, width, and purpose of all easements.
  - d) Public Land - Location and dimensions of land to be dedicated or reserved for parks, open space, or other public use.
  - e) Lots and Blocks - Lot and block numbers. Dimensions and bearings of all lot lines; size of lot in square feet.
  - f) Building setback lines shall be shown along all streets.
  - g) Street furniture within the Public Right of Way and the dimensions of the Right of Way around it.<sup>28</sup>

**Construction**

- 1. Periodic Inundation – Any area within or adjacent to the proposed subdivision subject to periodic inundation shall be clearly shown and identified on the Preliminary Plan
- 2. Street plan shall conform to the Major Thoroughfare Plan of the City of Decatur and contain the following information:
  - a) Location
  - b) Width of existing and proposed rights-of-way
  - c) Street names
  - d) Topography at five foot contour intervals unless a closer contour interval is required by the City Engineer
  - e) Plan and profile of all streets, showing natural and finished grades

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<sup>28</sup> Amended by Planning Commission Resolution No. 010-05, dated September 20, 2005

- f) Typical cross sections of proposed streets.
  - g) Curve data for the centerline of each street: Delta, T, and R
  - h) Location of all required sidewalks and crosswalks
  - i) Certificate executed as shown at the end of this section.
3. Storm Drainage Plan shall conform to the Master Drainage Plan of the City of Decatur and contain the following information: (This will also be required with a Minor Subdivision Plat).
- a) Location of proposed drainage ways, streams, and ponds in the subdivision
  - b) Location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets and top elevations of head walls, etc.
  - c) Area of land contributing runoff to each drainage structure
  - d) Location of easements and rights-of-way for drainage ways and maintenance access thereof
  - e) Typical cross sections of each drainage way
  - f) Direction of waterflow throughout subdivision
  - g) Certificate executed as shown at the end of this section
  - h) Reference established benchmark location as established by the City of Decatur and on file in the City Engineer's office.
4. Sanitary Sewer Plan shall contain the following information:
- a) Location and size of all existing and proposed sewers in the subdivision and tie-points of the subdivision. Location of sewer laterals.
  - b) Direction of flow of each sewer line
  - c) Location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds and treatment plants
  - d) Profile of sewage system including inverts existing and proposed surface grade
  - e) Certificate executed as shown at the end of this section
5. Septic tank plans shall contain the information required by the appropriate County Health Department.
- a) Certificate executed as shown at the end of this section
6. Water distribution plan shall contain the following information:
- a) Location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.
  - b) Certificate executed as shown at the end of this section provided the water distribution system is to be served by the City of Decatur Water System.
  - c) Certificate executed as shown at the end of this section provided the water system is not to be served by the City of Decatur Water System, but is to have a distribution system:
  - d) Certificate executed as shown at the end of this section provided individual wells are proposed for each lot:

7. Electric Distribution Plan shall contain the following information:
  - a) Location of all poles or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision, and where necessary to abutting property.
  - b) Required easements, including anchor easements for guy wires.
  - c) Certificate executed as shown at the end of this section.
  
8. Gas Distribution Certificate executed as shown at the end of this section.
  
9. Erosion and Sediment Control Certificate as discussed in Section VI.K<sup>29</sup>

## Examples of Required Certificates

### Ex. b.9 CITY ENGINEER CERTIFICATE FOR STREET DESIGN

I, \_\_\_\_\_, the City Engineer of the City of Decatur, Alabama concur in the design of the street system and design as shown on this drawing.

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Engineer, City of Decatur, Alabama

### Ex. c.7 CITY ENGINEER CERTIFICATE FOR STORM DRAINAGE

I, \_\_\_\_\_, the City Engineer of the City of Decatur, Alabama concur in the design of the Storm Drainage System as shown on this drawing.

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Engineer, City of Decatur, Alabama

### Ex. e.1 SEPTIC TANKS

It is permissible to install septic tanks which meet the requirements of the County Health Department until a public sanitary sewer system is available.

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Health Department Official

<sup>29</sup> Amended by Planning Commission Resolution #004-13, dated May 21, 2013

**Ex. f.2 WATER DISTRIBUTION SYSTEM**

The Water Distribution System shown in these plans meets design requirements of West Morgan & East Lawrence County Water System.

\_\_\_\_\_ Date

\_\_\_\_\_ West Morgan & East Lawrence Water System <sup>30</sup>

Or

The Water Distribution System shown in these plans meets design requirements of Decatur Utilities; however, this subdivision will not be served by Decatur Utilities.

\_\_\_\_\_ Date

\_\_\_\_\_ Engineering Department Decatur Utilities

**Ex. f.4 WELLS**

Wells developed according to requirements of the Alabama Department of Environmental Management are acceptable until an approved public water supply is available.

\_\_\_\_\_ Date

\_\_\_\_\_ Department Official

**Ex. of d.5, f.2, g.3, h.1**

**CERTIFICATE OF APPROVAL BY DECATUR UTILITIES**

The system shown in these plans meets the requirements of Decatur Utilities for:

- Wastewater Collection
- Water Distribution
- Electric Distribution
- Gas Distribution

or will be designed by Decatur Utilities for:

- Wastewater Collection
- Water Distribution
- Electric Distribution
- Gas Distribution

\_\_\_\_\_ Date

\_\_\_\_\_ Decatur Utilities Engineering Department

<sup>30</sup> Amended April 20, 2004 by Planning Commission Resolution 009-04

**Ex. of g.3**

**IF ELECTRIC SERVED BY JOE WHEELER ELECTRIC CO-OP**

The electric distribution system shown in these plans meets the requirements of Joe Wheeler Electric Membership Co-op or will be designed by Joe Wheeler Electric Membership Co-op.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Engineering Department  
Joe Wheeler Electric Membership Co-op

**C. *Final Plat (Major or Minor Subdivision Plats)***

Subject to the provisions of Section IV of these regulations, the Final Plat will be considered for approval by the Planning Commission provided the following requirements are met, which requirements are conditions precedent to such final approval of said plat:

**General**

The Final Plat, as submitted to the Planning Department, shall be drawn in black ink upon mylar, or equal, on sheets 24" wide x 36" long at an appropriate scale of not smaller than 1:1200 and show the following information:

1. The location of all streets; alleys; lot lines; lots numbered in consecutive order; block numbers; reservations; easements; street furniture; street names; and areas to be dedicated to public use with notes stating their purpose and any limitations.<sup>31</sup>
2. 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 building line whether straight or curved.
3. The exact position of the permanent boundary/survey marker shall be indicated on the plat by a small circle "O". The character and description of said monuments.
4. The names and locations of adjoining subdivisions and streets.
5. Date, title, including the name of the subdivision, scale and north point.
6. The relation of the land so platted to the Government Survey.
7. The "point of beginning" as referred to in the written description shall be so indicated.
8. All curved boundary lines, lot lines, street centerlines and right-of-way lines on the plat shall be given a curve number and sufficient data shall be given to enable the re-establishment of the curves. This curve data shall include the following: point of curve (PC), point of tangency (PT), intersection angle (Delta), length of tangent (T), length of radius (R), and the degree of curve (D). A curve data box shall be shown on each Final Plat as shown below:

\_\_\_\_\_  
<sup>31</sup> Amended by Planning Commission Resolution No. 010-05, dated September 20, 2002

**CURVE DATA**

<b>CURVE NUMBER</b>	<b>DELTA</b>	<b>T</b>	<b>R</b>	<b>D</b>

- 9. All dimensions shall be shown in feet and decimals thereof or in the metric system if required by State or County law.
- 10. In the case of double frontage lots, the direction the house or building shall front shall be clearly indicated.
- 11. The following endorsements, dedications, and certificates shall be placed on the Final Plat:
  - a) Surveyor's Certificate and Description of Land Platted
  - b) Dedication
  - c) A Notary's Acknowledgment of the Dedication Certificates
  - d) A Certificate of Approval by the Decatur Utilities or Joe Wheeler Electric Co-op or West Morgan East Lawrence Water Authority.
  - e) A Certificate of Approval by the City Engineer of the City of Decatur
  - f) A Certificate of Approval by the Planning Commission of the City of Decatur
  - g) A Certificate of Approval by the \_\_\_\_\_ County Health Department (if septic tanks are necessary)
  - h) A Certificate of Approval by the Alabama Department of Environmental Management (if wells are necessary)
  - i) A Certificate of Approval by the Morgan County Engineer<sup>32</sup>

**2. Examples of Required Certificates**

**Example of k.1**

**SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED**

State of Alabama  
County of Morgan

I, (name of Surveyor), a registered Land Surveyor of Decatur, Alabama hereby certify that I have surveyed the property of the (name of company or proprietor), a (corporation or proprietor), situated in the City of Decatur, Morgan 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 boundary/survey markers

<sup>32</sup> Amended March 3, 2001 by Planning Commission Resolution

have been placed at points marked thus (O) as hereon shown.

WITNESS my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Registration #

\_\_\_\_\_  
(Name of Surveyor)

**Example of k.2**

**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 Decatur, Morgan County, Alabama, and that the (streets, drives, alleys, etc.) as signed and sealed in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Property Owner

NOTE: In any case that the developer and the landowner are not one and the same, two or more Dedication Certificates may appear on 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 Acknowledgments must appear for each Dedication Certificate (see example k.3).

**Example of k.3**

**ACKNOWLEDGMENT**

STATE OF ALABAMA  
COUNTY OF MORGAN

I, \_\_\_\_\_, a 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\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**Example of k.3a**

**ACKNOWLEDGMENT**

STATE OF ALABAMA  
COUNTY OF MORGAN

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, 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 k.4**

**CERTIFICATE OF APPROVAL BY DECATUR UTILITIES**

The undersigned, as authorized by the City of Decatur, hereby approves the within plat for the recording of the same in the office of the Probate Judge this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Decatur Utilities

Approval applies to:

- Gas
- Water
- Electric
- Waste Water

**Example of k.5**

The undersigned as authorized by West Morgan & East Lawrence Water System, hereby approve the within plat for recording in the Office of the Probate Judge of Morgan County, Alabama.

\_\_\_\_\_  
Date

\_\_\_\_\_  
West Morgan & East Lawrence Water System<sup>33</sup>

**Example of k.5**

**CERTIFICATE OF APPROVAL BY THE CITY ENGINEER**

The undersigned, as City Engineer of the City of Decatur, Alabama, hereby approved the within plat for the recording of same in the Office of the Probate Judge this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
City Engineer, City of Decatur, Alabama

<sup>33</sup> Amended by Planning Commission Resolution Number 009-2004, dated April 20, 2004

**Example of k.6**

**CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION**

The within plat of (subdivision name), Morgan County, Alabama, is hereby approved by the Planning Commission of the City of Decatur, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PLANNING COMMISSION FOR THE CITY OF  
DECATUR, ALABAMA

\_\_\_\_\_  
Officer of the Planning Commission

**Example of k.7**

**CERTIFICATE OF APPROVAL BY THE \_\_\_\_\_ COUNTY HEALTH DEPARTMENT**

The lot(s) on this plat are subject to approval or deletion by the (name of County) County Health Department. The approvals may contain conditions pertaining to the onsite sewage treatment system that restrict the use of the lot (s) or obligate the owners to special maintenance and reporting requirements. These conditions are on file with the said Health Department, and are made a part of this plat as if set out hereon.

\_\_\_\_\_  
County Health Representative<sup>34</sup>

**Example of k.8**

**CERTIFICATE OF APPROVAL BY THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

The undersigned, as authorized by the Alabama Department of Environmental Management, hereby approve the within plat for the recording of same in the Probate Office of \_\_\_\_\_ County, Alabama this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
ADEM Representative

**Ex. of k.9**

**CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER**

The undersigned, as County Engineer of Morgan County, Alabama, hereby approved the within plat for the recording of same in the Office of the Probate Judge this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Engineer  
Morgan County, Alabama

<sup>34</sup> Amended by Planning Commission Resolution No. 001-2000 dated June 27, 2000

Ex. of k.12

OFFICE OF THE JUDGE OF PROBATE

STATE OF ALABAMA  
COUNTY

I hereby certify that this Plat or Map was filed in this office for record this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M, and recorded in Book \_\_\_\_\_ of Plats and Maps, Page \_\_\_\_\_ Recording \_\_\_\_\_ paid.

\_\_\_\_\_  
Judge of Probate

**(Continued from Section VIII C Final Plat)**

3. That all improvements and utilities required, as set forth in Section VIII hereof, have been satisfactorily completed and installed in accordance with plans and specifications approved at the preliminary plan approval stage, proof of which shall be evidenced by the dedication and acceptance of the improvements and utilities required for public use and maintenance by the City Council. Said improvements shall be built to the specifications of the Preliminary Plat as approved by the Planning Commission and shown and dedicated on the Final Plat to the City of Decatur free and clear of all liens and encumbrances on the property. No improvements shall be recommended to the City Council for acceptance for Public Use and Maintenance without the approval and recommendation of the City Engineer. In the case of Subdivisions outside the City Limits of Decatur but within the Planning Jurisdiction, improvements must be accepted by the County Commission at the recommendation of the County Engineer which shall be evidenced by the Signature of the County Engineer on the Final Subdivision Plat. The Planning Commission in its sole discretion may waive the requirements that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, and provide that, as an alternative the applicant post a bond secured by an insurance company licensed by the State of Alabama, or a cash bond, or an irrevocable letter of credit from an approved lending institution, as approved by the City Attorney or his designated representative. The amount of the bond shall be estimated by the developer's registered professional engineer and approved by the City Engineer and the County Engineer if outside the City Limits and by the Local Utilities Engineer. The amount of the bond shall be at a minimum 150% of the estimated cost of the satisfactory construction, installation, and dedication of the uncompleted portion of the required public improvements.

a) Such bond or letter of credit shall comply with all statutory requirements and shall be satisfactory to the local government as to form, sufficiency, and manner of executions set forth in these regulations. A bare signature bond will not be accepted by the local government.

b) The period within which required improvements must be completed shall be specified by the Planning Commission in the recommendation to grant final approval of the subdivision plat and shall be incorporated in the bond or letter of credit and shall not, in any event, be more than two (2) years from recording of the final plat with the exception of sidewalks (see Section VII.K).<sup>35</sup>

c) If the improvements are not completed, as determined by the city engineer, within the period specified by the Planning Commission, the applicant or principal and its surety shall be deemed to be in default. With the consent of the Planning Commission, the bond or the letter of credit shall be extended by the lending institution, forfeited, invoked

<sup>35</sup> Amended by Planning Commission Resolution #004-13, dated May 21, 2013

or drawn upon as the case may be, to complete the improvements as specified by the final subdivision plat.

d) Existing subdivisions that have received final plat approval of the Planning Commission prior to August 26, 1997 but have not yet had their public improvements accepted for public use and maintenance by the local government may offer such improvements for acceptance for public use and maintenance when all required public improvements have been completed and constructed in accordance with the standard and specifications as stated in the Subdivision Regulations.

e) Unless otherwise specified, all required improvements shall be made by the applicant, at his expense, without reimbursement by the local government or any district herein.

f) Acceptance of formal offers of dedication of street, public areas, easements, and parks for public use and maintenance shall be in accordance with the procedure established by the local government. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the local government of any street, easement, or park shown on said plat. The Planning Commission may require said plat to be endorsed with appropriate notes to this effect.

g) Prior to acceptance of the public improvements in a subdivision by the City of Decatur the applicant shall provide a Maintenance Bond to assure the satisfactory condition of the required improvements for a period of one (1) year after the acceptance by the City of Decatur and dedication of same to the City of Decatur. The Maintenance Bond shall be secured by an insurance company licensed by the State of Alabama, or a cash bond, or an irrevocable letter of credit from an approved lending institution, as approved by the City Attorney or his designated representative. The amount of the bond shall be 5% of the cost of all the public improvements, excluding the cost of improvements installed by Decatur Utilities, in the subdivision to be accepted as determined by the applicant's engineer and approved by the City.

4. Where no lot in the proposed subdivision contains less than the minimum amount of area and where, in the opinion of the Planning Commission, the installations of water supply or sewage disposal systems would be an unreasonable request, the Planning Commission may approve the Final Plat if individual water supply or sewage disposal systems approved by the County Health Officer and or Alabama Department of Environmental Management have been or will be installed.

5. If the subdivision lies outside the force and effect of an existing zoning ordinance, or if any deed restrictions or restrictive covenants are proposed, there must be furnished a plan showing the proposed use of land or the restrictions, if any, on each lot and instruments whereby such use of building restrictions will be imposed and these restrictions are to be recorded on or with the Plat.<sup>36</sup>

## SECTION IX

### IX. Variances

Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations it may vary the regulations so that substantial justice may be done and the public

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<sup>36</sup> Amended by Planning Commission Resolution No. 010-05, dated September 20, 2005

interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the General Community Plan or these regulations.

**A. *Experimental Subdivisions***

The Planning Commission may waive, vary, or modify the standards and requirements of these regulations, if, in its judgment, an unusual or experimental subdivision plan provides for adequate public spaces and improvements (i.e., circulation, recreation, light, air and service needs) to the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

**B. *Certificate to Subdivide/Consolidate Procedures***

**Certificate to Subdivide Review/Approval**

1. General

A certificate to subdivide can be issued in certain cases of subdivision or consolidation of land resulting in not more than three lots and meeting some specific criteria (see definition of Certificate to Subdivide, Section III.B). A Certificate to Subdivide should not be used in place of a minor subdivision plat. The purpose of a Certificate to Subdivide is to allow for the adjustment of lot lines or the transfer of a small number of lots.

A Certificate to Subdivide must be signed by an officer of the Planning Commission and recorded in the Office of the Judge of Probate prior to the transfer, sale, or agreement to sell any lot created by said certificate. Approval of a Certificate to Subdivide is good for one year from the date of approval or conditional approval by the Planning Commission. If all conditions have not been met within one year of submission to the Planning Department, said Certificate to Subdivide must be resubmitted.

2. Steps in Obtaining Approval

- (1) The Applicant or his designated representative shall submit the original and two copies of a Certificate to Subdivide (see sample, Appendix 1), a letter requesting the Certificate to Subdivide, signed by the property owner, a copy of the property owner's deed,<sup>37</sup> a map of the property (a survey will be required before recording the Certificate to Subdivide in the Office of the Judge of Probate), and a fee sufficient to cover the cost of recording the Certificate to Subdivide. The Planning Commission may require a public hearing for a Certificate to Subdivide. If a public hearing is required, the owner or his designated representative will be required to provide a list of adjoining property owners as shown in the County Tax Assessor's office. This information shall be submitted to the Planning Department no later than 5:00 PM CST, 21 days prior to the Planning Commission meeting.

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<sup>37</sup> Amended by Planning Commission Resolution #004-13, dated May 21, 2013

- (2) The Planning Department will assign a file number to the Certificate to Subdivide and start the application procedure, and place it on the Planning Commission agenda.
- (3) The Certificate to Subdivide will be submitted to the Subdivision Committee for its review and comments. The committee, with input from the Planning Department, will review the request for conformance with the Subdivision Regulations, Zoning Ordinance, and other land use regulations (i.e., long range plan, master drainage plan, master street plan etc.). The Subdivision Committee will submit a recommendation to the Planning Commission for action at their next meeting. The Planning Commission will vote to approve, approve conditionally or disapprove the Certificate to Subdivide. The Applicant, or his designated representative should attend those meetings of the Subdivision Committee and Planning Commission at which the application is to be discussed.
- (4) If the Certificate to Subdivide is conditionally approved, the applicant is responsible for meeting the conditions of approval and providing the Planning Department with documentation that the conditions have been met. **Conditions imposed by the Planning Commission which effect the future use of the land must be capitalized within the body of the certificate.**
- (5) When the Certificate to Subdivide is approved, the applicant will furnish the Planning Department a survey prepared by a registered land surveyor of the newly subdivided land, unless the property is a portion of a major or minor subdivision already on record with the Judge of Probate.
- (6) After all conditions have been met and the survey submitted to the Planning Department, they will obtain the signature of an Officer of the Planning Commission and record the Certificate to Subdivide in the Office of the Judge of Probate.

### 3. Corrections

- a) The applicant may submit a "Corrective Certificate" to the Planning Department which correct scrivener's, errors or omissions in a certificate that has been properly approved by the Planning Commission. The Planning Director shall have the authority to review said corrective certificate and have it signed by an officer of the Planning Commission for recording in the Office of the Judge of Probate.

### C. *Conditions*

In granting variances, modifications, and approval for experimental subdivisions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied, modified, or approved. These may include, without being limited to: personal, security, performance, or maintenance bonds; affidavits, covenants, or other legal instruments.

**D. *Gated neighborhoods with private streets shall be permitted as a platted subdivision provided that:***

1. All private streets must be constructed to City Standards as stated in the Subdivision Regulations or as approved by the Planning Commission.
2. Homeowners Associations, or other entity as approved by the Planning Commission, shall be responsible for maintenance of all streets within the subdivision. Also, provisions for construction and maintenance shall be made for utilities and drainage. However, if utilities are public, then they shall be maintained publicly.
3. Provisions for “acceptable” access by all public safety and emergency agencies and essential services (i.e., police, fire, trash and garbage, water, sewer, gas, electric, post office, telecable, telephone) shall be made prior to Planning Commission approval of the plat.
4. Adequate review and consideration so that the creation of private streets (gated neighborhoods) shall not create a barrier to the extension of major thoroughfares, and thus impede traffic flow in critical “cross” (east/west, north/south) City locations.
5. Even though “private streets” are permitted, the Zoning Ordinance shall be adhered to regarding the measurement of all setbacks from rights-of-way, and all other district regulations and standards, just as if the streets were “public.”<sup>38</sup>

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<sup>38</sup> Amended by Planning Commission Resolution No. 004-98, dated August 25, 1998

**Certificate to Subdivide  
Approval Flow Chart**

Applicant submits original & 2 copies of Certificate to Subdivide, Application form, copy of property deed (Section IX & Appendix 1) to the Planning Department 21 days prior to the Planning Commission meeting.

Staff sets up Certificate to Subdivide file and starts processing and review

Places on Subdivision Committee and Planning Commission meeting agendas

Subdivision Committee agenda and packages delivered 15 days prior to Planning Commission meeting

Subdivision Committee meets to review and comment on applications 7 days prior to Planning Commission meeting

Planning Commission packages and agenda prepared and mailed out 4 days prior to the Planning Commission meeting

Planning Commission meets second to the last Tuesday of each month

Applicant meets any conditions of approval

Planning Department follows up on conditions placed on Certificate to Subdivide and confirms completion

Planning Department gets signature of Planning Commission Officer

Planning Department records signed Certificate in the Office of the Judge of Probate

Planning Department returns recorded Certificate to the Applicant

## SECTION X

### X. Severability and Separability

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

## SECTION XI

### XI. Corrections/Amendments

- A. The Planning Commission shall have the authority to correct typographic or syntax errors in the Subdivision Regulations of the City of Decatur.
- B. Amendments to the Appendices of the Subdivision Regulations
- C. The Planning Commission shall have the authority to amend the appendices of the Subdivision Regulations of the City of Decatur.

## SECTION XII

### XII. Effective Date

These Subdivision Regulations shall take effect and be in force from and after the date of adoption. Subdivision Regulations heretofore adopted are hereby repealed.

ADOPTED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

PLANNING COMMISSION OF THE  
CITY OF DECATUR, ALABAMA

BY \_\_\_\_\_

Gil Aldrich, Chairman

Attest: \_\_\_\_\_

Em Barran, Secretary

## APPENDIX 1

### XIII. (APPLICATION SAMPLES AND FORMS)

## GENERAL PROCEDURES FOR SUBMITTING APPLICATIONS TO THE PLANNING DEPARTMENT

### IMPORTANT:

- \* ALL APPLICATIONS SUBMITTED TO THE PLANNING DEPARTMENT MUST BE ORIGINALLY TYPED
- \* ALL APPLICATIONS MUST BE COMPLETED IN THEIR ENTIRETY. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.
- \* VACATION APPLICATIONS MUST BE SUBMITTED IN WRITING AND ELECTRONICALLY (DIGITAL), ON AN EDITABLE CD (NO SCANNED IMAGES) OR EMAILED – MUST BE COMPATIBLE WITH MICROSOFT WORD (2003 OR LATER).
- \* REZONING APPLICATIONS MUST BE SUBMITTED IN WRITING AND THE LEGAL DESCRIPTION MUST BE SUBMITTED IN ELECTRONIC (DIGITAL) FORM – OR ON AN EDITABLE CD (NO READ ONLY IMAGES) OR EMAILED – MUST BE COMPATIBLE WITH MICROSOFT WORD (2003 OR LATER)

### IMPORTANT DUE DATES:

- \* ALL APPLICATIONS DUE 21 DAYS PRIOR TO THE PLANNING COMMISSION MEETING \_\_\_\_\_

### IMPORTANT MEETING DATES:

- \* SUBDIVISION COMMITTEE WILL MEET ON \_\_\_\_\_  
AT 1:15 P.M.- ***City Hall Annex – 308 Cain St. NE***
- \* PLANNING COMMISSION WILL MEET ON \_\_\_\_\_  
AT 3:15 P.M. IN THE CITY COUNCIL CHAMBERS,  
FIRST FLOOR, CITY HALL
- \* CITY COUNCIL HEARING, IF APPLICABLE \_\_\_\_\_

Should you have any questions concerning your application, please do not hesitate to contact the Planning Department at (256) 341-4720. Our mailing address is:

City of Decatur, Planning Department  
P. O. Box 488  
Decatur, AL 35602-0488

We are located in the City Hall Annex – 308 Cain St. NE – (old Social Security Building)

# SUBDIVISION APPLICATION PROCEDURE DECATUR, ALABAMA

## **A. GENERAL**

The Applicant's Engineer shall submit the following required information to the Planning Department prior to the review by the Planning Commission of such layout, plan or plat for approval action. (Layout - 21 days, Preliminary - 21 days, Final - 21days). These instructions are intended only as a guide; the Applicant's Engineer must comply with the Subdivision Regulations of the City of Decatur as amended.

## **B. LAYOUT (See Subdivision Regulations Sections III, IV, V, VI, VII, VIII & IX))**

The following items constitute a full and complete application for layout approval:

1. Layout Approval Application
2. Sketch Plan, (25 copies) showing the following:
  - a. Name of Subdivision
  - b. Topography at five foot contour intervals
  - c. Boundary lines of the proposed subdivision
  - d. Location of all streets within the subdivision
  - e. Adjoining development: property lines, streets, water courses, etc.
  - f. Adjoining land either owned, optioned, or planned for ownership or subdivided
  - g. If more than one zoning classification is planned, indicate zoning district boundaries

## **C. PRELIMINARY (See Subdivision Regulations Section III, IV, V, VII, VIII & IX)**

The following items constitute a full and complete application for preliminary approval:

1. Preliminary Plan Approval Application form
2. Construction plans and specifications for the following: (5 sets)
  - a. Streets
  - b. Storm Drainage
  - c. Sanitary Sewer
  - d. Signature Page
3. Preliminary Plat (25 copies)
4. Plot Plan showing location, name and address of all adjacent landowners and names of all adjacent subdivisions.
5. Application Review Fee - \$100 + \$5.00 per lot
6. Ratification form signed by the mortgage lender, if applicable

- e. Fee for notification of adjoining property owner for the current cost of postage for the notification by the Planning Department by "Certified Letter, Return Receipt Requested."
- f. Legal description of proposed subdivision (to be shown on plat)

**D. FINAL PLAT** (See Subdivision Regulations Section IV, VII, VIII and IX)

The following items constitute a full and complete application for final plat approval:

1. Final Plat Approval Application Form
2. Original and 25 copies of the final plat
3. All improvements constructed and approved by the City of Decatur; or a surety bond for 150% of the estimated cost of construction
4. Cost for all street signs paid to City Clerk (\$91.00 each).
5. Title opinion prepared by a licensed attorney
6. You will be asked to provide two sets of "as built" construction drawings to the Planning Department prior to acceptance by the City Council

# APPLICATION FOR LAYOUT APPROVAL

Gentlemen:

I hereby petition the City of Decatur for Layout approval of the following proposed subdivision:

\_\_\_\_\_  
Signature of Applicant

**NAME OF SUBDIVISION:** \_\_\_\_\_

## DESCRIPTION OF PROPERTY:

Nearest street intersection: \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plat \_\_\_\_\_

Drawings attached: \_\_\_\_\_

## ZONING:

Present zoning: \_\_\_\_\_ District

Required zoning: \_\_\_\_\_ District

If zoning change is required, give status of change: \_\_\_\_\_

\_\_\_\_\_  
Flood Plain zoning & current flood zone information: \_\_\_\_\_

## SUPPORTING DATA:

Existing use of land: \_\_\_\_\_

Proposed use of land: \_\_\_\_\_

Is this your entire tract or landholding in this area? \_\_\_\_\_ Yes \_\_\_\_\_ No

## OTHER INFORMATION:

Name, title, full address and phone number of:

**Property Owners:** \_\_\_\_\_

\_\_\_\_\_  
**Subdivision Architect/Developer:** \_\_\_\_\_

**Requested by:** \_\_\_\_\_  
\_\_\_\_\_

**General Subdivision Information:**

A. Existing Covenants \_\_\_\_\_ Yes (if yes, attach one copy) \_\_\_\_\_ No

B. Land Characteristics (i.e., flat, wooded, some swamp)

\_\_\_\_\_  
\_\_\_\_\_

C. Available community facilities and utilities

1. Public Schools (name)

Elementary \_\_\_\_\_

Jr. High School \_\_\_\_\_

Sr. High School \_\_\_\_\_

2. Decatur Fire Protection \_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_ Miles to Fire Station No. \_\_\_\_\_.

3. Electric \_\_\_\_\_ Decatur \_\_\_\_\_ Other (Name) \_\_\_\_\_

4. Sanitary Sewer \_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_ Decatur \_\_\_\_\_ Other (Name) \_\_\_\_\_

5. Water System \_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_ Decatur \_\_\_\_\_ Other (Name) \_\_\_\_\_

6. Gas System \_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_ Decatur \_\_\_\_\_ Other (Name) \_\_\_\_\_

D. Number of Residential Lots \_\_\_\_\_  
If more than one zoning classification, please indicate number of lots in each zoning.

E. Typical Lot Width \_\_\_\_\_  
Depth \_\_\_\_\_  
Area \_\_\_\_\_

F. Price Range of Lots \_\_\_\_\_

G. Price Range of Dwellings \_\_\_\_\_

H. Are there any assessments against said property? \_\_\_\_\_ Yes          \_\_\_\_\_ No  
If Yes, how much \$ \_\_\_\_\_

I certify the above information is correct, and that all requirements as contained in the Decatur, Alabama Subdivision Regulations up to, but not including Section IX, have been met.

\_\_\_\_\_  
Applicant

**PRELIMINARY PLAN APPROVAL APPLICATION**

**Planning Commission for the  
City of Decatur, Alabama**

Date \_\_\_\_\_

Gentlemen:

I hereby petition the City of Decatur for preliminary approval of the following plan:

**NAME OF SUBDIVISION:** \_\_\_\_\_

**DESCRIPTION OF PROPERTY:**

Nearest street intersection \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plat \_\_\_\_\_

Drawings attached: \_\_\_\_\_

Names and addresses of all adjoining property owners: \_\_\_\_\_

**ZONING:**

Present zoning: \_\_\_\_\_ District

Required zoning: \_\_\_\_\_ District

If zoning change is required give status of change: \_\_\_\_\_

**SUPPORT DATA:**

Was this plan given Layout approval? Yes \_\_\_\_\_ No \_\_\_\_\_

Existing use of land: \_\_\_\_\_

Proposed use of land: \_\_\_\_\_

**OTHER INFORMATION:**

Name, title, full address and phone number of:

Mortgage Lender: \_\_\_\_\_

Property owners: \_\_\_\_\_

\_\_\_\_\_

Owner's Engineer: \_\_\_\_\_

Petitioner for approval: \_\_\_\_\_

I certify the above information is correct, and that all requirements as contained in the Decatur, Alabama Subdivision Regulations up to, but not including, Section IX have been met.

\_\_\_\_\_  
Applicant

## MAJOR SUBDIVISION STATUS SHEET & CHECKLIST FOR LAYOUT APPROVAL

**SUBDV.NAME** \_\_\_\_\_

**CTRL#** \_\_\_\_\_ **SECTION/TOWNSHIP/RANGE** \_\_\_\_\_

**APPLICANT'S NAME** \_\_\_\_\_

**APPLICANT'S ADDRESS** \_\_\_\_\_

**APPLICANT'S PHONE #** \_\_\_\_\_ **RELATED FILES** \_\_\_\_\_

**PROPERTY ADDRESS** \_\_\_\_\_

**TAX PARCEL ID#** \_\_\_\_\_

Responsible Party	Completed	APPLICATION REQUIREMENTS
Plan. Tech.		Submission checklist complete and attached
Plan Tech.		Pre Design conference scheduled
Plan. Tech.		Distribute layout plan to Subdivision Committee a. City Engineer (1)                      b. Building Dept. (1)                      c. DU (3) d. Public Works (1)                      e. Health Dept. (1)                      f. Planning (1) g. Post Office (1)                      h. E-911 (1)                      i. Telecable (1) j. Bell South (1)                      k. City Schools (1)                      l. Police (1)
Plan. Tech.		Planning Dept. review and comments
Plan. Dept.		Field Check
Plan. Tech.		Subdivision Committee Review Date _____
Secretary		Notify Subdivision Committee Members
Secretary		Attach Subdivision Committee meeting minutes
Secretary		Mail applicant copy of Subdivision Minutes
Plan. Tech.		Planning Commission Meeting Date _____
Secretary		OPTIONAL: Public Hearing Scheduled by Planning Commission – notify adjacent property owners by registered letter 7 days prior to meeting
Secretary		Names & addresses of extra handbills sent out, if applicable
Plan. Tech.		Planning Commission Action: Approved _____ Denied _____ Conditional/Tabled _____
Secretary		Attach Planning Commission Minutes
Secretary		Mail applicant copy of Planning Commission Minutes with conditions

**MAJOR SUBDIVISION STATUS SHEET & CHECKLIST FOR  
PRELIMINARY APPROVAL**

SUBDV.NAME \_\_\_\_\_

<b>Responsible Party</b>	<b>Completed</b>	<b>APPLICATION REQUIREMENTS</b>
Plan. Tech.		Submission checklist complete and attached
Plan. Tech.		Collect plat application fee (\$100 + \$5.00 per lot)
Plan. Tech.		Ratification form signed by mortgage lender
Plan. Tech.		Confirm plan shows names & addresses of adjacent land owners
Plan. Tech / Draftsman		Run legal description of proposed subdivision
Plan. Tech.		Distribute preliminary plan to Subdivision Committee: a. City Engineer (1)      b. Building Dept. (1)      c. DU (3) d. Public Works (1)      e. Health Dept. (1)      f. Planning (1) g. Post Office (1)      h. E-911 (1)      i. Telecable (1) j. Bell South (1)      k. City Schools (1)      l. Police (1)
Plan. Tech.		Planning Dept. review and comments
Plan. Dept.		Field Check
Plan. Tech.		Subdivision Committee Review Date _____
Secretary		Notify Subdivision Committee Members
Secretary		Attach Subdivision Committee meeting minutes
Secretary		Mail applicant copy of Subdivision Minutes
Plan. Tech.		Planning Commission Meeting Date _____
Secretary		REQUIRED: Public Hearing Scheduled by Planning Commission – notify adjacent property owners by registered letter 7 days prior to meeting
Plan. Tech./ Secretary		Collect fee for certified letters to notify adjacent property owners (\$5.32 each)
Secretary		Names & addresses of extra handbills sent out, if applicable
Plan. Tech.		Check for duplicate street names a. Check with E-911 for duplicate names in County _____
Plan. Tech.		Planning Commission Action: Approved _____ Denied _____ Conditional/Tabled _____
Secretary		Attach Planning Commission Minutes
Secretary		Mail applicant copy of Planning Commission Minutes with conditions
Plan. Tech.		Put street names on Rolodex (cover card with blue jacket to indicate new unaccepted street)
Plan. Tech.		Put signed construction drawings in tube file & log in plat book

**MAJOR SUBDIVISION STATUS SHEET & CHECKLIST FOR**  
**FINAL APPROVAL**

*SUBDV.NAME* \_\_\_\_\_

<b>Responsible Party</b>	<b>Completed</b>	<b>APPLICATION REQUIREMENTS</b>
Plan. Tech.		Submission checklist complete and attached
Plan. Tech.		Distribute final plan to Subdivision Committee: a. City Engineer (1)      b. Building Dept. (1)      c. DU (3) d. Public Works (1)      e. Health Dept. (1)      f. Planning (1) g. Post Office (1)      h. E-911 (1)      i. Telecable (1) j. Bell South (1)      k. City Schools (1)      l. Police (1)
Plan. Tech.		Planning Dept. review and comments
Plan. Dept.		Field Check if needed
Plan. Tech.		Subdivision Committee Review Date _____
Secretary		Notify Subdivision Committee Members
Secretary		Attach Subdivision Committee meeting minutes
Secretary		Mail applicant copy of Subdivision Minutes
Plan. Tech.		Planning Commission Meeting Date _____
Plan. Tech.		Planning Commission Action: Approved _____ Denied _____ Conditional/Tabled _____
Secretary		Attach Planning Commission Minutes
Secretary		Mail applicant copy of Planning Commission Minutes with conditions
Plan. Tech.		All improvements constructed or surety bond/LOC posted for unfinished improvements
Plan. Tech.		Title opinion complete and accurate
Plan. Tech.		Cost for street signs paid to City Clerk (\$91.00/sign) Amounts received _____ (Receipt in file)
Plan. Tech.		Conditions Met and final approval granted
Plan. Tech.		Final Plat Signed
Plan. Tech.		Make 9 copies of final plat and distribute: a. Dept. Address File (1)      b. Thomas Abstract (1) c. Copy attached to bond (1)      d. City Engineering (1) e. Police Department Locator (1)      f. Decatur Utilities (2) g. Bldg. Dept. with Addresses (1)      h. Bell South (1)
Plan. Tech.		Plat Recording fee collected _____ Plat Recorded _____

# APPLICATION FOR MINOR SUBDIVISION

Gentlemen,

I hereby petition the City of Decatur for Minor Subdivision approval of the following proposed subdivision.

\_\_\_\_\_

Signature of Applicant



Name of Subdivision: \_\_\_\_\_

## Description of Property:

Names and addresses of all adjoining property owners:  
(Certified letter fee for notification of each adjoining property owner will be required).

\_\_\_\_\_  
\_\_\_\_\_

Nearest street intersection: \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plat \_\_\_\_\_

Metes and Bounds: \_\_\_\_\_

Drawings Attached \_\_\_\_\_

## Zoning:

Present Zoning \_\_\_\_\_ Required Zoning \_\_\_\_\_

If rezoning is required, give status of change. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## Supporting Data:

Existing Use of Land: \_\_\_\_\_

Proposed Use of Land: \_\_\_\_\_

Name, Title, Full Address and Phone No. of Property Owner: \_\_\_\_\_

\_\_\_\_\_

Mortgage Lender: \_\_\_\_\_

Subdivision Developer/Applicant (Requested by) \_\_\_\_\_

---

**Application for Minor Subdivision con't.**

**General Information:**

**Existing Covenants:** Yes \_\_\_\_\_ No \_\_\_\_\_ (If yes, please attach a copy)

**Land Characteristics** - Please check description that applies: \_\_\_\_\_ Flat \_\_\_\_\_ Wooded  
Swamp \_\_\_\_\_ Other \_\_\_\_\_

**Available Community Facilities:**

- a. Public Schools \_\_\_\_\_  
Elementary \_\_\_\_\_  
Jr. High \_\_\_\_\_  
High School \_\_\_\_\_

**Decatur Fire Protection:** Yes \_\_\_\_\_ No \_\_\_\_\_

Miles to nearest Fire Station: \_\_\_\_\_

**Electric:** \_\_\_\_\_ Decatur Utilities \_\_\_\_\_ Other (please specify)

**Sanitary Sewer:** Yes \_\_\_\_\_ No \_\_\_\_\_ If Yes, \_\_\_\_\_ Decatur Utilities  
Other \_\_\_\_\_ (please specify)

**Gas System:** Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, \_\_\_\_\_ Decatur Utilities  
Other \_\_\_\_\_ (please specify)

**Number of Residential Lots:** \_\_\_\_\_

Typical Lot Width: \_\_\_\_\_  
Depth: \_\_\_\_\_  
Area: \_\_\_\_\_

Price Range of Lots: \_\_\_\_\_

Price Range of Dwellings: \_\_\_\_\_

Are there any assessments against this property? \_\_\_\_\_ Yes (If yes, how much?)  
\_\_\_\_\_ No

I hereby certify that all changes, as agreed upon in the Minor Subdivision Approval, have been so made and that all requirements as contained up to and including Section IX of the Subdivision Regulations of Decatur, Alabama have been met.

## MINOR SUBDIVISION STATUS SHEET & CHECKLIST

**SUBDV.NAME** \_\_\_\_\_

**CTRL#** \_\_\_\_\_ **SECTION/TOWNSHIP/RANGE** \_\_\_\_\_

**APPLICANT'S NAME** \_\_\_\_\_

**APPLICANT'S ADDRESS** \_\_\_\_\_

**APPLICANT'S PHONE #** \_\_\_\_\_ **RELATED FILES** \_\_\_\_\_

**PROPERTY ADDRESS** \_\_\_\_\_ **TAX PARCEL ID#** \_\_\_\_\_

Responsible Party	Completed	APPLICATION REQUIREMENTS
Plan. Tech.		Minor subdivision application submitted a. Application Fee (\$100 + \$5 per lot) Amt. Paid _____ b. Original + 25 copies of a final subdivision plat c. 5 copies of a drainage/topo plan d. List of adjoining property owners with addresses e. Fee for certified letters
Plan. Tech.		Place on Subdivision Committee agenda
Plan. Tech.		Distribute plat to Subdivision Committee a. City Engineer (1)      b. Building Dept. (1)      c. DU (3) d. Public Works (1)      e. Health Dept. (1)      f. Planning (1) g. Post Office (1)      h. E-911 (1)      i. Telecable (1) j. Bell South (1)      k. City Schools (1)      l. Police (1)
Plan. Tech.		Planning Dept. review and comments
Plan. Tech.		Legal Description check
Plan. Dept.		Field Check
Plan. Tech.		Subdivision Committee Review Date _____
Secretary		Notify Subdivision Committee Members
Secretary		Attach Subdivision Committee meeting minutes
Secretary		Mail applicant copy of Subdivision Minutes
Plan. Tech.		Planning Commission Meeting Date _____
Secretary		Public Hearing Scheduled by Planning Commission – notify adjacent property owners by registered letter 7 days prior to meeting
Secretary		Attach Planning Commission Minutes
Secretary		Mail applicant copy of Planning Commission Minutes with conditions
Plan. Tech.		Planning Commission Action: Approved _____ Denied _____ Conditional/Tabled _____
Plan. Tech.		Fees paid, if applicable a. Street signs (\$91.00/sign) _____



## PROCEDURE FOR CERTIFICATE TO SUBDIVIDE/CONSOLIDATE DECATUR, ALABAMA

Submit to the Decatur City Planning Department, P. O. Box 488, Decatur, AL 35602 (or deliver to 308 Cain St. NE) the following information twenty-one (21) days prior to review by the Planning Commission (next to the last Tuesday of each month):

1. Letter from owner(s) or their authorized representative requesting the subdivision (or consolidation) by Certificate (see example letter) and a copy of the property owners deed verifying ownership.
2. The original and two copies of the "Certificate to Subdivide/Consolidate" (see sample certificate).
3. A plat plan drawn by a registered engineer or a land surveyor if available; and a metes and bounds description from the most current abstract or deed (must include original and adjoining boundaries). **A SURVEY WILL BE REQUIRED BY THE PLANNING COMMISSION BEFORE RECORDING THE DOCUMENT.**
4. Recording and Processing Fees:

<u>No. of Pages</u>	<u>amount</u>
1	\$ 9.00
2	12.00
3	15.00
4	18.00
5	21.00
6	24.00
7	27.00
8	30.00

**Certified Letters – current fee per adjoining property owner will be required**  
(if Planning Commission requires a public hearing)

\* Amount based on recording fees of \$3.00 per page, \$6.00 per instrument

5. After Planning Commission has approved the certificate and all conditions have been met, the Planning Department will record the certificate in the Office of the Probate Judge and return the original certificate to the applicant.

## 6. CHECKLIST

Upon submission the application will be reviewed based upon the following criteria:

1. Do all proposed lots have direct access to publicly dedicated and accepted, and opened streets?
2. Do all proposed lots have direct access to publicly dedicated and accepted water and sewer mains?
3. If public sewer main is available, do all proposed lots meet minimum standards for a private septic system according to the State of Alabama Public Health standards?
4. No public improvements, streets, drainage, water, sewer are required.
5. Preferably, a certificate should be little more than the "adjustment" of lot lines between existing lots in a platted subdivision.
6. That portion of lots fronting existing public streets, will require "formal dedication" of property as public right-of-way of if such has never been granted, to be determined by the City Engineer.
7. Major existing drainage ways will require "formal dedication" of drainage easements, whose widths will be determined by the City Engineer.
8. Definition of Certificate to Subdivide:

"Any subdivision containing not more than three (3) lots fronting on an existing, improved street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance, or these regulations."

Page 5, Subdivision Regulations of the City of Decatur, Alabama, Revised January 1996.

**REQUEST FOR SUBDIVISION BY CERTIFICATE  
SAMPLE LETTER**

Date \_\_\_\_\_

Decatur City Planning Commission  
P. O. Box 488  
Decatur, AL 35602

Ladies and Gentlemen:

I, \_\_\_\_\_, the owner, do herewith request that  
the property described in the attached Certificate to Subdivide be subdivided as stated  
herein.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

# CERTIFICATE TO SUBDIVIDE

STATE OF ALABAMA)

MORGAN COUNTY )

## KNOW ALL MEN BY THESE PRESENTS THAT:

The Decatur City Planning Commission does hereby certify that it has received a request from \_\_\_\_\_, the owner of the following described real estate, situated in Morgan County, Alabama, to wit:

(INSERT CURRENT LEGAL DESCRIPTION)

for permission to convey, hold, sell, purchase, or otherwise treat said property in one unit(s) or parcel(s) as follows, to-wit:

(INSERT NEW LEGAL DESCRIPTION)

It is further certified that the Decatur City Planning Commission has determined that the conveyance, holding, selling, purchasing, leasing and otherwise treating the said property in one unit(s) or parcel(s) as the subdivision of land contained in the Subdivision Regulations of the City of Decatur, and the above aforesaid is in harmony and conformity with the general requirements and minimum standards of design for described units may be conveyed without destroying the intent of said regulations and in conformity with the general requirements and minimum standards, as aforesaid, and the said Planning Commission does hereby authorize and approve the conveyance of deed, lease, mortgage, or other form of conveyance of said above described units by said owner and by any other person having an interest therein or being a successor in title thereto; provided, however, that said units as hereinabove particularly described and designated may not hereafter be conveyed without further approval of the Planning Commission, except in the footages and frontages as herein approved for the conveyance of said units and as complete units as hereinabove described.

IN WITNESS WHEREOF, the Decatur City Planning Commission has caused this certificate to be issued and executed by its Chairman on this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

DECATUR CITY PLANNING COMMISSION

BY: \_\_\_\_\_  
Its Chairman



**CERTIFICATE TO SUBDIVIDE  
EXTRATERRITORIAL JURISDICTION**

**(STATE OF ALABAMA)  
(COUNTY OF MORGAN)**

KNOW ALL MEN BY THESE PRESENTS THAT:

The Decatur City Planning Commission does hereby certify that it has received a request from (Name of Property Owner(s)), the owners of the following described real estate, situated in Morgan County, Alabama, to wit:

(DESCRIPTION INSERTED HERE)

for permission to convey, hold, sell, purchase, or otherwise treat said property in \_\_\_\_\_ units or parcels as follows, to-wit:

(DESCRIPTION FOR EACH UNIT INSERTED HERE)

It is further certified that the Decatur City Planning Commission has determined that the conveyance, holding, selling, purchasing, leasing and otherwise treating the said property in \_\_\_\_\_ units or parcels as aforesaid is in harmony and conformity with the general requirements and minimum standards of design for the subdivision of land as contained in the Subdivision Regulations/Standards of both (the more stringent shall apply) the City of Decatur, and Morgan County, Alabama, and the above described units may be conveyed without destroying the intent of said regulations/standards and in conformity with the general requirements and minimum standards, as aforesaid, and the said Decatur City Planning Commission and the Morgan County Engineer do hereby authorize and approve the conveyance of deed, lease, mortgage, or other form of conveyance of said above described units by said owner and by any other person having an interest herein or being a successor in title thereto; provided, however, that said units as hereinabove particularly described and designated may not hereafter be conveyed without further approval of the Decatur City Planning Commission and the Morgan County Engineer, except in the footages and frontages as herein approved for the conveyance of said units and as complete units as hereinabove described.

IN WITNESS WHEREOF, the Decatur City Planning Commission has caused this certificate to be issued and executed by its Chairman on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

DECATUR CITY PLANNING COMMISSION

APPROVAL (MORGAN COUNTY COMMISSION)

BY: \_\_\_\_\_  
Its Chairman

BY: \_\_\_\_\_  
Morgan County Engineer

**See Notary next page**

STATE OF ALABAMA )  
 )  
MORGAN COUNTY )

I, \_\_\_\_\_, a Notary Public in and for said County in said State hereby certify that \_\_\_\_\_, whose name as Chairman of the Decatur City Planning Commission is signed to the foregoing certificate and who is known to me, acknowledged before me on this day that being informed of the contents of the certificate, he, in his capacity as Chairman of the Decatur City Planning Commission executed the same voluntarily for and as the act of said Planning Commission and with full authority.

GIVEN under my hand and the seal of my office, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF ALABAMA )  
COUNTY OF MORGAN )

I, \_\_\_\_\_, a Notary Public in and for said County in said State hereby certify that \_\_\_\_\_, whose name as the Morgan County Engineer is signed to the foregoing certificate and who is known to me, acknowledged before me on this day that being informed of the certificate, he in his capacity as the Morgan County Engineer executed the same voluntarily for and as required for areas within the Decatur City Planning Commission extraterritorial jurisdiction.

Given under my hand and the seal of my office, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

## CERTIFICATE TO SUBDIVIDE STATUS SHEET & CHECKLIST

CERT. # \_\_\_\_\_ CTRL# \_\_\_\_\_ SECTION/TOWNSHIP/RANGE \_\_\_\_\_

APPLICANT'S NAME \_\_\_\_\_

APPLICANT'S ADDRESS \_\_\_\_\_

APPLICANT'S PHONE # \_\_\_\_\_ RELATED FILES \_\_\_\_\_

PROPERTY ADDRESS \_\_\_\_\_ TAX PARCEL ID# \_\_\_\_\_

Responsible Party	Completed	APPLICATION REQUIREMENTS
Plan. Tech.		Submission checklist complete and attached
Plan. Tech.		Copy of deed.
Plan. Tech.		Amount paid for recording and processing fees \$ _____
Plan. Tech.		Locate on certificate map –prepare sheet for subdivision package
Plan. Tech.		Identify zoning classification _____
Plan. Tech.		Check for assessments (City Clerk)
Plan. Tech.		Legal Description check
Plan. Dept.		Field Check
Plan. Tech.		Subdivision Committee Review Date _____
Secretary		Attach Subdivision Committee meeting minutes
Secretary		Mail applicant copy of Subdivision Minutes
Plan. Tech.		Planning Commission Meeting Date _____
Secretary		Planning Commission Minutes Attached
Plan. Tech.		Planning Commission Action: Approved _____ Denied _____ Conditional/Tabled _____
Secretary		Mail applicant copy of Planning Commission minutes, if there are conditions to be met
Plan. Tech.		Conditions Met _____
Plan. Tech.		Signature by Planning Commission Chairman
Plan. Tech.		Record in Office of Probate Judge _____
Secretary		Signed original to applicant when approved Sent to: _____
Secretary		Copy to Minute Book
Secretary		Copy to City Clerk (include original document of Easements or ROWs)
Secretary		Copy to Certificate file

Secretary		Scan to laser fiche file
Plan. Tech.		Assign address when applicable
GIS Tech.		Update City property maps
Plan. Tech.		Maps update review
Plan. Tech.		Close File/Check

**RATIFICATION OF PLAT**

**THE STATE OF ALABAMA**

**COUNTY OF MORGAN**

**KNOW ALL MEN BY THESE PRESENTS**

**WHEREAS,** \_\_\_\_\_, were the grantees in that certain warranty deed filed of record in the Office of the Judge of Probate of Morgan County, Alabama in Book \_\_\_\_\_ at Page \_\_\_\_\_, and

**WHEREAS,** \_\_\_\_\_, provided mortgages on property described in the plat recorded in Map Book \_\_\_\_\_ at Page \_\_\_\_\_ the mortgages being filed of record in the Office of the Judge of Probate of Morgan County, Alabama in Book \_\_\_\_\_ at Page \_\_\_\_\_; and

**WHEREAS,** the property known as \_\_\_\_\_ " the map of which is dated \_\_\_\_\_ and was filed on \_\_\_\_\_ in the Office of the Judge of Probate of Morgan County, Alabama, in Map Book \_\_\_\_\_ at Page \_\_\_\_\_ encompasses or lies within the property described in the deed and mortgages referred to above, and

**WHEREAS,** \_\_\_\_\_ and \_\_\_\_\_ did not execute said plat and are desirous of ratifying said plat;

**OR**

**WHEREAS,** \_\_\_\_\_ were owners of the property encompassed by or lying within the property boundaries of the above described Plat at the time that Plat was recorded and failed to sign such plat, but now desire to ratify such Plat;

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

That the undersigned, \_\_\_\_\_ hereby acknowledge, ratify, confirm and consent to all the terms and conditions of that certain plat known as " \_\_\_\_\_ " dated \_\_\_\_\_, and filed for record in the Office of the Judge of Probate of Morgan County, Alabama in Map Book \_\_\_\_\_ at Page \_\_\_\_\_ and acknowledge that part of the property conveyed to the undersigned,

\_\_\_\_\_ constitutes a portion of the property contained in the above referenced plat," \_\_\_\_\_.

**EXECUTED** this \_\_\_\_\_ day \_\_\_\_\_, of 20\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**THE STATE OF ALABAMA  
COUNTY OF MORGAN**

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that \_\_\_\_\_ are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that being informed of the contents of the instrument; they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this \_\_\_\_\_, day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**THE STATE OF ALABAMA  
COUNTY OF MORGAN**

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that \_\_\_\_\_ are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that being informed of the contents of the instrument; they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this \_\_\_\_\_, day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

City of Decatur  
City of Decatur Planning Department  
P.O. Box 488  
Decatur, Alabama 35602

## **APPENDIX II**

### **XIV. SCHEMATIC OF DESIGN REQUIREMENTS FOR WASTEWATER SYSTEMS, SEWERS, STREETS, DRAINAGE, ELECTRIC\*, GAS\*AND WATER\***

\*These systems to be designed in conjunction with Decatur Utilities.

#### **GENERAL DESIGN REQUIREMENTS FOR WASTEWATER SYSTEM**

##### **MATERIALS**

- Mains – PVC per ASTM D-3034 SDR35
  - Ductile Iron when: 1) Pipe is exposed (ie ditch crossing)
    - 2) Clearance <2.5 feet under storm drain pipes
    - 3) Cover < 2.5 feet in traffic area
  - Other material on case by case basis
- Service laterals – PVC Schedule 40 per ASTM D – 2665
- Manholes – Precast concrete per ASTM C-478

##### **SIZE**

- Public mains shall be 8 inch or larger
- Service laterals for residential lots to be 4 inch minimum

##### **TESTING**

- Camera, low pressure air test, and deflection mandrel are typically used.

##### **ALIGNMENT/ GRADE**

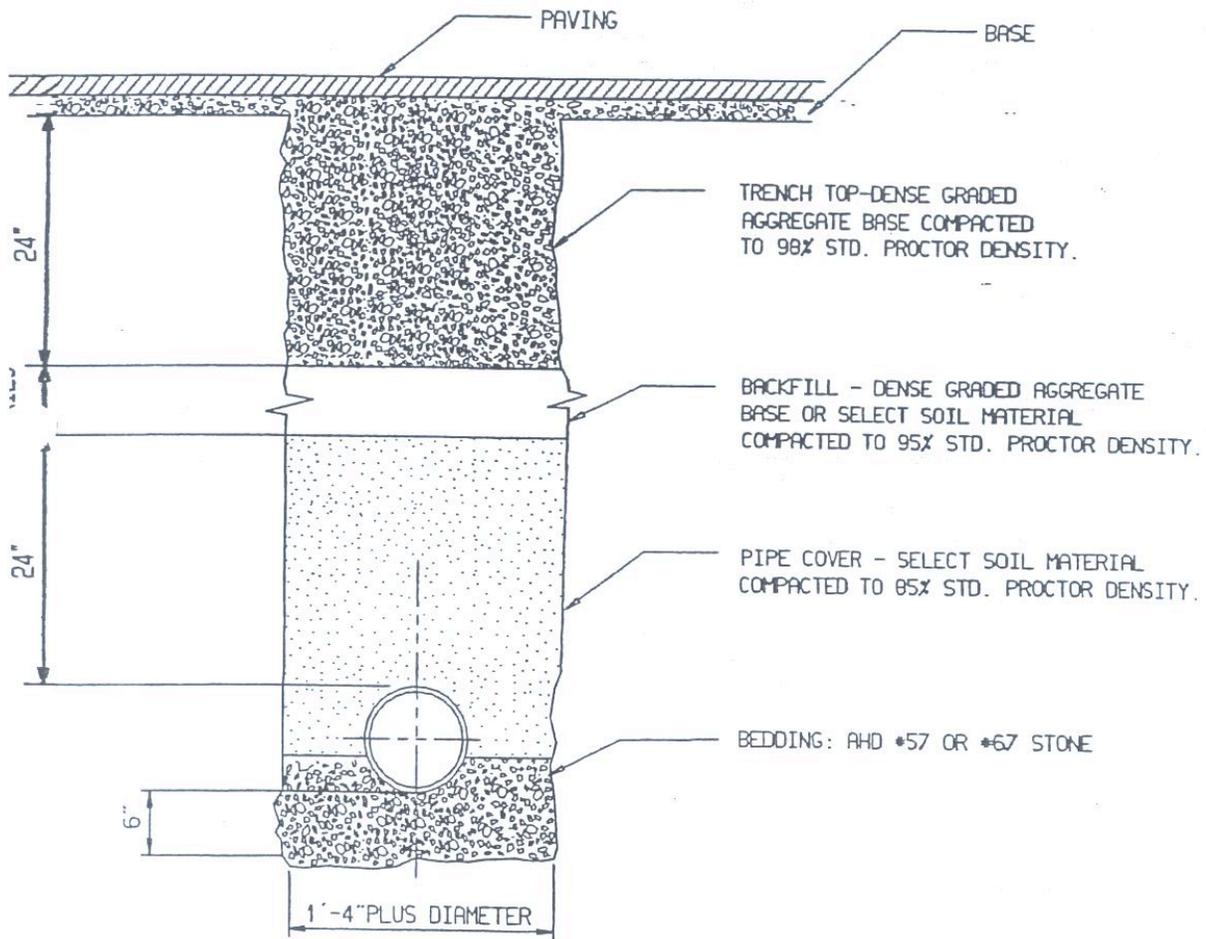
- Depth of cover > 4 feet is desirable
- Drop through manholes 0.1 feet minimum, 0.2 desirable, 1.0 maximum
- Manhole spacing 400 feet maximum
- Manholes required at line intersections, and at each change of size, grade or alignment
- Minimum slopes 0.4 % for 8 inch pipe, 0.22% for 12 inch pipe (based on 2 ft. / second flow velocity)
- Match crowns for different sized pipes
- Service laterals connections: 4 inch connects into main pipe, 6 inch and over connect to manhole

##### **OTHER**

- Manhole pads required for manholes back of curb
- Access roads required for manholes not accessible from streets / alleys

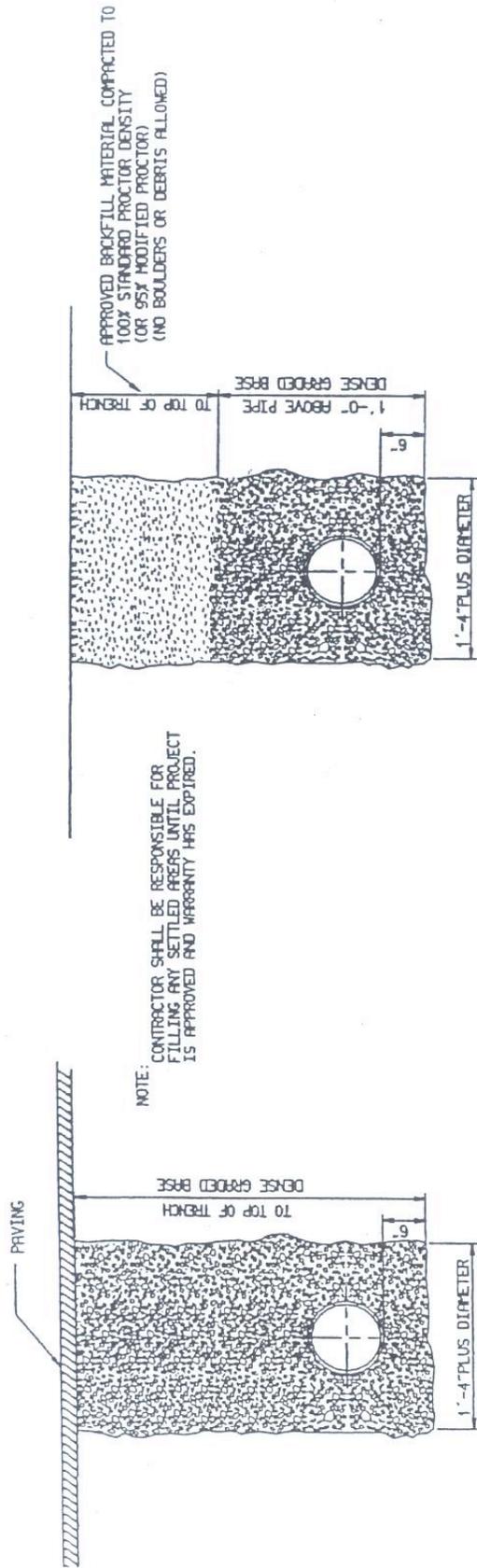
##### **GENERAL**

- Public main must abut tract it is to serve
- A service lateral shall serve only one tract.
- Mains shall be located in rights-of-way or easements
- Additional specifications can be obtained at Decatur Utilities.



CLASS "B" BEDDING  
(NEW ROADWAY)

NOTE:  
BACKFILL SHALL BE PLACED AND COMPACTED WITHIN 2%  
OF OPTIMUM MOISTURE.



CLASS "B" BEDDING  
(UNDER PAVED AREA)

CLASS "C" BEDDING  
(NOT UNDER PAVED AREA)

BEDDING AND BACKFILL FOR PVC PIPE

NOT TO SCALE

NOTE: SEWER MAINS AND SEWER SERVICES UNDER PROPOSED OR EXISTING STREETS SHALL BE BEDDED WITH DENSE GRADED BASE OR APPROVED SUBSTITUTE MATERIAL. TRENCH BACKFILL SHALL BE COMPACTED TO 100% STANDARD PROCTOR DENSITY AND BE APPROVED BY CITY ENGINEER.

## **GENERAL NOTES**

### **1. SPECIFICATIONS**

CONSTRUCTION MATERIALS, EQUIPMENT AND PROCEDURES SHALL BE IN ACCORDANCE WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION'S STANDARDS FOR HIGHWAYS AND BRIDGES, 1992 EDITION.

### **2. SUBGRADE**

THE ROADWAY SHALL BE CLEARED AND GRUBBED, STRIPPED AND UNSUITABLE MATERIAL EXCAVATED TO THE SATISFACTION OF THE ENGINEER PRIOR TO PLACING AND COMPACTING EMBANKMENTS.

### **3. DENSITY**

- A. SUBGRADE SHALL BE COMPACTED TO NOT LESS THAN 100 % STANDARD PROCTOR DENSITY AS ESTABLISHED BY AASHTO –T-99 SPECIFICATIONS. EARTH FILL SHALL BE PLACED IN LAYERS NOT TO EXCEED SIX INCHES COMPACTED THICKNESS.
- B. BASE COURSE SHALL BE DENSE GRADED AGGREGATE, PLACED IN 2 LAYERS; EACH LAYER SHALL BE COMPACTED TO NOT LESS THAN 100% PROCTOR DENSITY AS ESTABLISHED BY AASHTO-T-180, METHOD C SPECIFICATIONS, OR 85% SOLID VOLUME, WHICHEVER PROVIDES THE GREATER DENSITY.
- C. SUBGRADE, EMBANKMENT, AND BASE COURSE MATERIAL SHALL BE PLACED AT OPTIMUM MOISTURE, NOT TO EXCEED 2% DEVIATION.

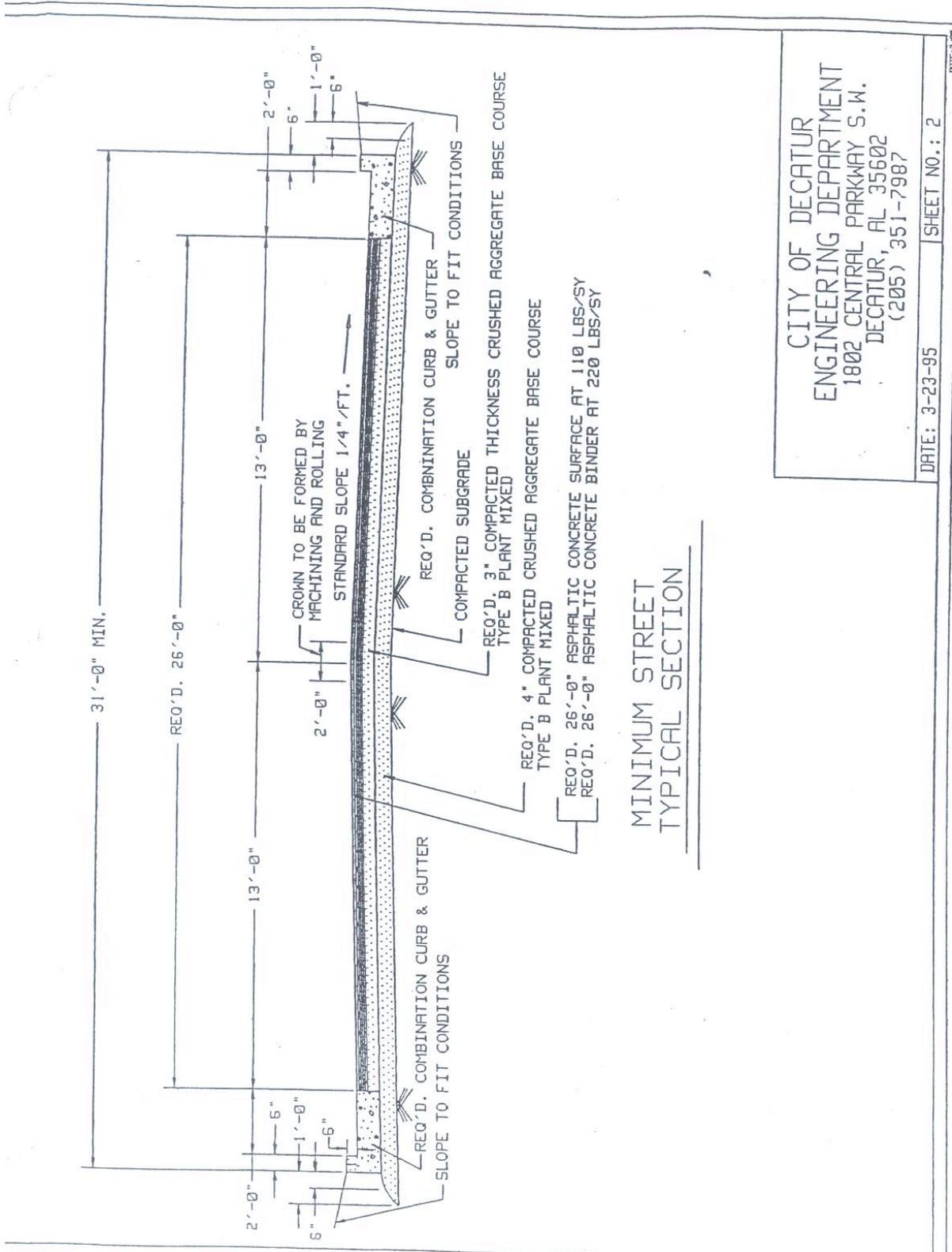
### **4. MATERIALS**

- A. BASE: SECTION 825 OF SPECIFICATIONS.
- B. CONCRETE: 3000 PSI MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS AND IN ACCORDANCE WITH ACI MANUAL OF CONCRETE PRACTICE, LATEST EDITION.
- C. ASPHALT: SECTION 414 BINDER, SECTION 416 SURFACE.

### **5. TESTING**

THE OWNER, OR THE OWNER'S ENGINEER SHALL FURNISH COMPOSITE RECORDS OF TESTS AND INSPECTIONS TO THE CITY ENGINEER PRIOR TO APPLICATION FOR FINAL INSPECTION. THE TESTS AND INSPECTIONS SHALL BE PERFORMED BY AN ACCEPTED TESTING LABORATORY. DENSITY TESTS FOR EARTHWORK AND BASE MATERIAL SHALL BE PERFORMED ON EACH LAYER OR LIFT OFR EACH 1,200 SQUARE YARDS SURFACE AREA. THREE CONCRETE TEST CYLINDERS SHALL BE TESTED FOR EACH DAY'S POUR, OR EACH 50 C.Y. OR INCREMENT THEREOF, WHICHEVER IS GREATER.

CITY OF DECATUR ENGINEERING DEPARTMENT 3/23/95



MINIMUM STREET  
TYPICAL SECTION

CITY OF DECATUR  
ENGINEERING DEPARTMENT  
1802 CENTRAL PARKWAY S.W.  
DECATUR, AL 35602  
(205) 351-7987

DATE: 3-23-95

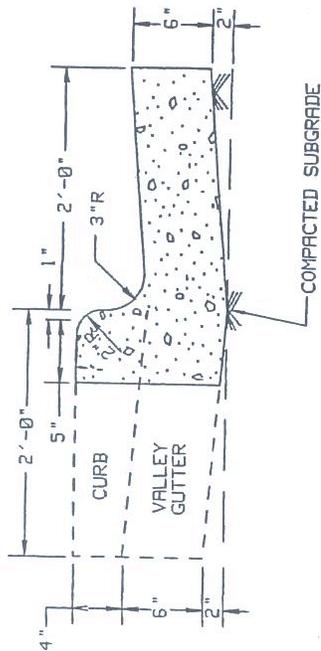
SHEET NO.: 2

DATE: 3-23-95







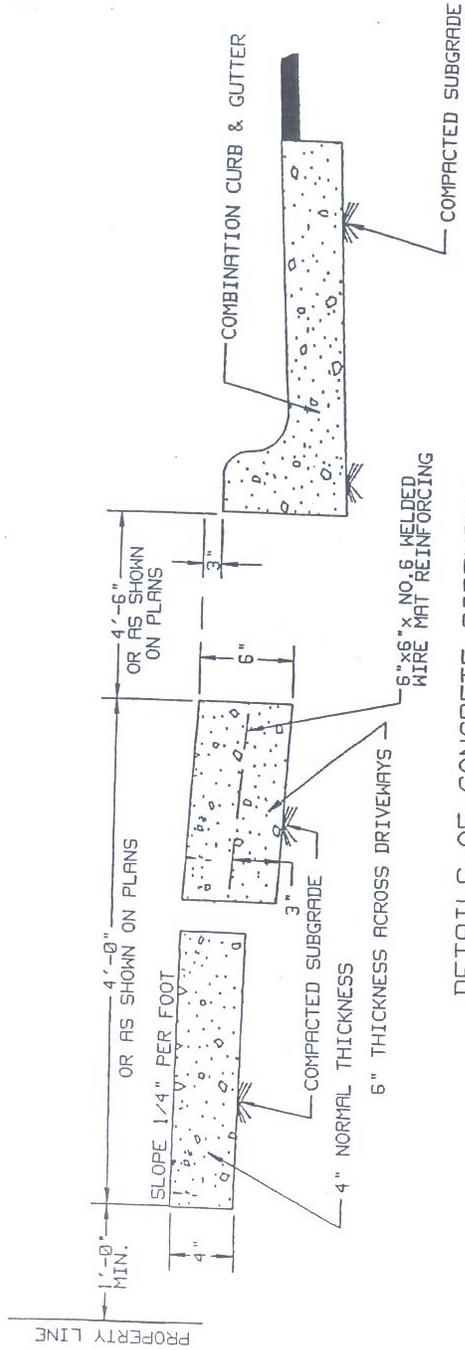


TYPICAL SECTION  
COMBINATION CONCRETE CURB & GUTTER

CITY OF DECATUR  
ENGINEERING DEPARTMENT  
1802 CENTRAL PARKWAY S.W.  
DECATUR, AL 35602  
(205) 351-7987

DATE: 3-23-95 SHEET NO.: 5

DATE: 3-23-95



DETAILS OF CONCRETE SIDEWALK

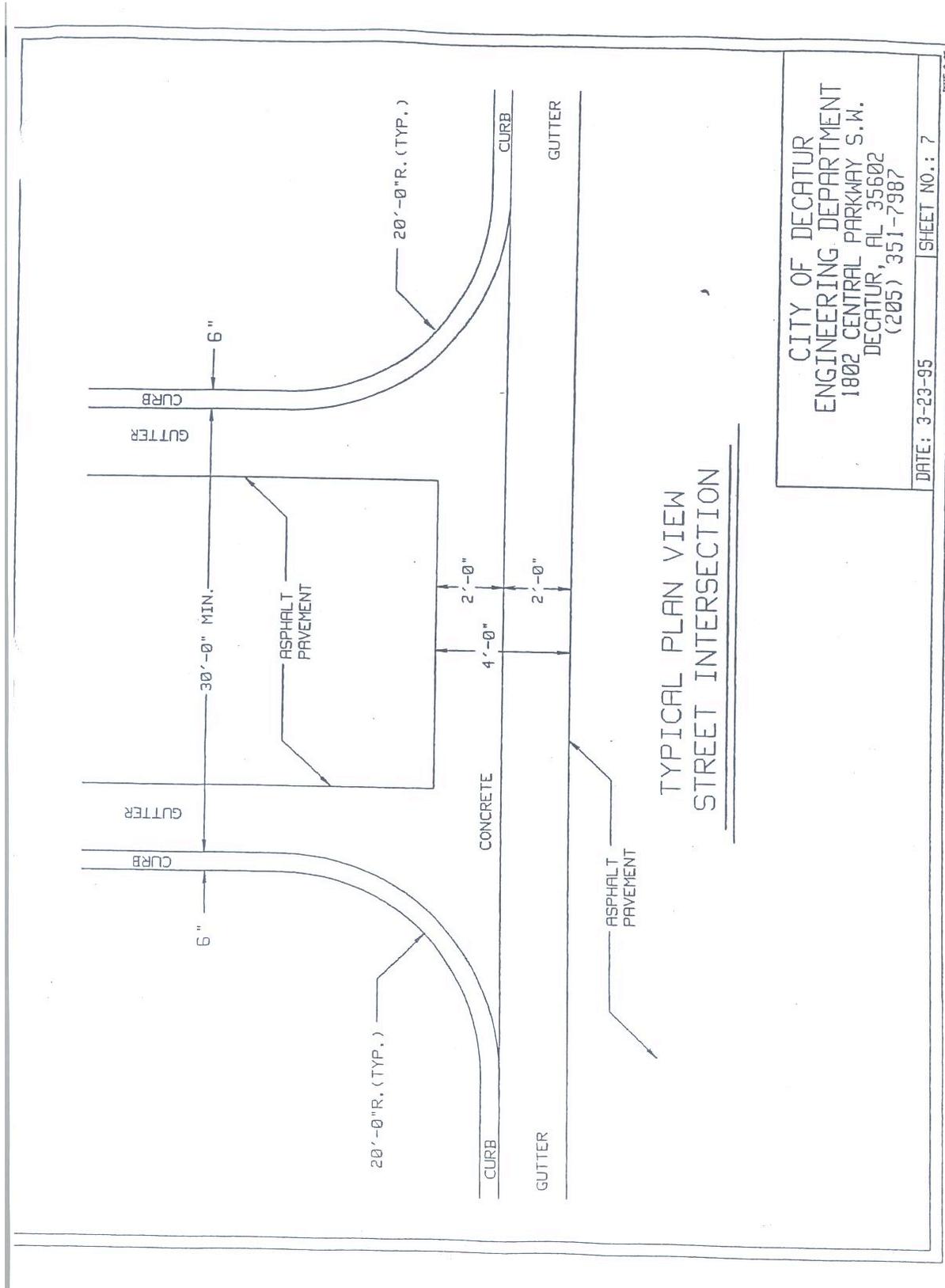
NOTES:

1. CUT 1/2" TRANSVERSE DUMMY JOINTS AT 6'-0" O.C.
2. PROVIDE 3/4" TRANSVERSE PREMOLDED BITUM. EXPANSION JOINTS AT 30'-0" O.C.

CITY OF DECATUR  
 ENGINEERING DEPARTMENT  
 1802 CENTRAL PARKWAY S.W.  
 DECATUR, AL 35602  
 (205) 351-7987

DATE: 3-23-95 SHEET NO.: 6

E2-35



TYPICAL PLAN VIEW  
STREET INTERSECTION

CITY OF DECATUR  
ENGINEERING DEPARTMENT  
1802 CENTRAL PARKWAY S.W.  
DECATUR, AL 35602  
(205) 351-7987

DATE: 3-23-95 SHEET NO.: 7

## DRAINAGE

When a proposed subdivision requires any drainage structures such as storm drain pipe or flumes, the developer's engineer shall submit with drawings to the City Engineer the drainage calculations used to size the proposed drainage structures. The City Engineer must approve the proposed drainage plans prior to the issuance of a building permit. The following guidelines are intended to assist the developer and his engineer with regard to drainage calculations.

Most subdivision work in the City of Decatur will be for small watersheds, i.e. less than 50 acres. For such watersheds the Rational Method may be used to size drainage structures. For larger watersheds the SCS TR -55 method may be used.

The rational formula for run-off is:

$$Q=CIA$$

Where:

Q= runoff flow taken as cubic feet/sec (CFS)  
C= runoff coefficient which varies with soil type, slope, and land use (see table)  
I= adjusted intensity in inches/hours which depends on the time of concentration and the design storm

And A= watershed area in acres.

Design storms for various improvements shall be as follows:

<u>Drainageway</u>	<u>Storm Event</u>
Minimum Standard	10 year
Collectors	25 year
Main Channels	50 year
Flood Control	100 year

$$\text{Time of concentration, } t_c = 0.0078[(L^{3/2})/(H^{1/2})]^{0.770}$$

Where:

$t_c$  = time of concentration (minutes)  
H = height of the most remote point above the outlet (feet)

And

L= maximum length of travel (ft.)

Nomographs for time of concentration are available in stormwater management manuals.

Rainfall intensity – duration curves are also available in stormwater management manuals. For a 5 minute time of concentration and a 10 year design storm the adjusted intensity shall be no less than 7.3 inches/ hour.

Storm drain pipes in new developments shall be reinforced concrete pipe. Where such pipe may be going under roadways or driveways it shall be at least Class III pipe. Designers shall use slopes which provide for self-cleansing flow wherever possible. If outfall ditches take storm drainage from new drainage structures, the flow velocity shall be checked, and if necessary rip rap or some other means must be employed to prevent outfall velocities in excess of 5 feet/ sec.

### Rational Method Run-off Coefficients

Ordinary Residential Areas	0.6
Paved Areas and Roof Surfaces	0.9
Parks, Golf Course	0.2
Pasture, flat (0 – 5% slopes)	0.1
Pasture, rolling (5- 10 % slopes)	0.3
Timber, flat (0 – 5% slopes)	0.15
Timber, rolling (5 – 10% slopes)	0.20
Timber, hilly (. 10% slopes)	0.25

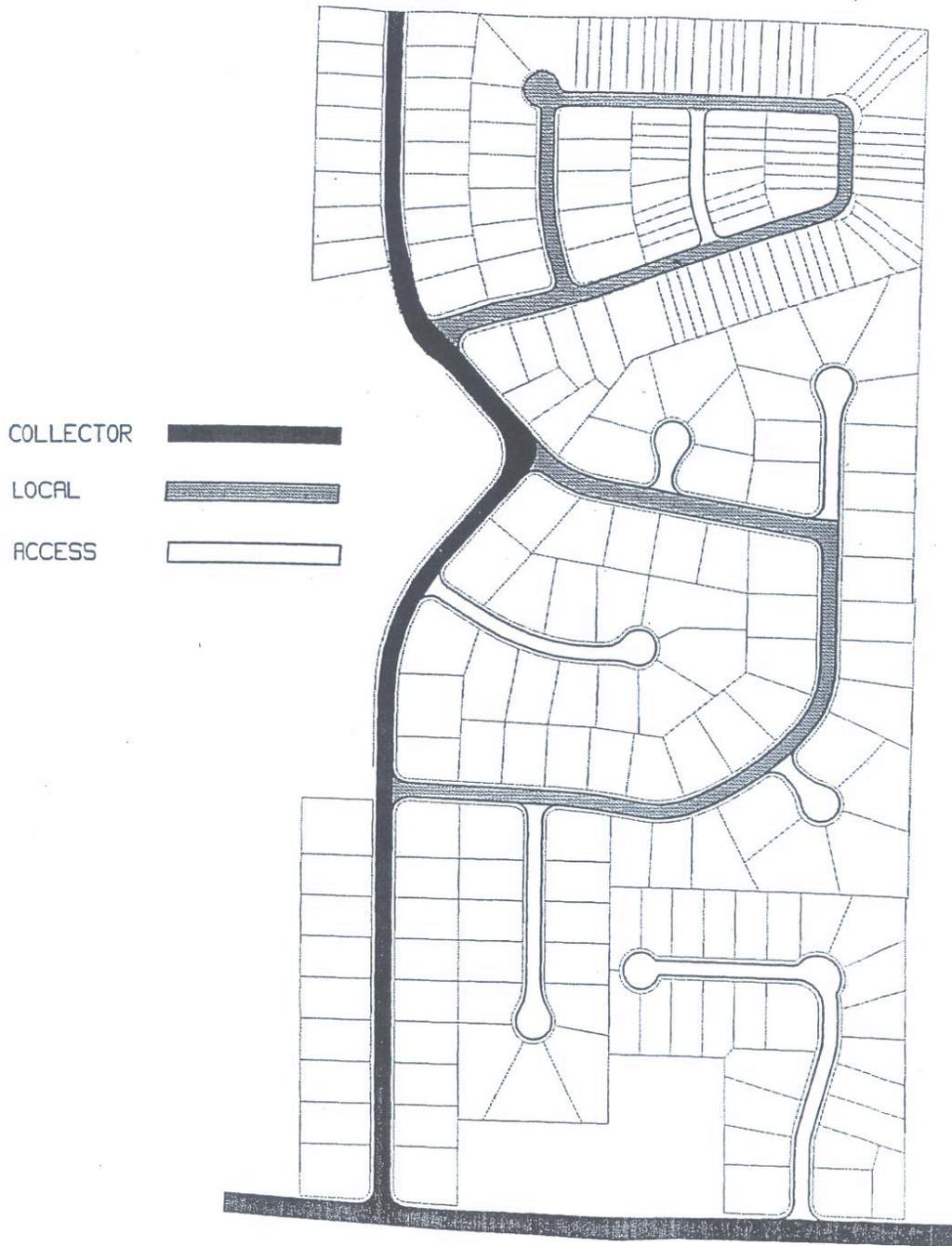
Design flows shall be based on full development of the watershed except in the most remote and rural areas of the city.

### References

1. Concrete Pipe Design Manual, American Concrete Pipe Association, 1990
2. Stormwater Management Manual, City of Huntsville, Al. 1991
3. Drainage Manual, Alabama Department of Transportation.

# APPENDIX III

## XV. EXAMPLE OF STREET CLASSIFICATIONS



EXAMPLE OF STREET CLASSIFICATIONS

## APPENDIX IV

When any application other than a Major or Minor Subdivision as defined in the Subdivision Regulations of the Code of Decatur is presented to the Planning Commission for its approval and there is an existing need for dedication of an easement or right-of-way in relation to the application, the applicant or developer shall be responsible for the cost and preparation of the appropriate document(s) dedicating the easement or right-of-way to the City of Decatur. This document shall be a separate legal instrument from the Certificate to Subdivide. However, if the need for the easement or right-of-way is a speculative need, the service provider requesting that such easement or right-of-way be dedicated shall absorb the cost of preparing the appropriate document(s).<sup>39</sup>

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<sup>39</sup> Amended July 29, 1997 by Planning Commission Resolution 006-97