# Agenda Planning Commission

City of Decatur, AL May 21. 2013

Time: 3:15 PM City Council Chambers

Commissioners: Gil Aldrich, Chairman; Tracy Tubbs, Vice Chairman; Em Barran, Secretary; Gary Borden; Chuck Ard; Eddie Pike; Collis Stevenson; Joseph Wynn; Nell Standridge

1. CALL MEETING	TO ORDER	
2. APPROVAL OF	MINUTES April 23, 2013	
3. PUBLIC HEARIN	NG	
		PAGE/MAP
ZONINGS AND RE	ZONINGS	
A. 1270-13	Rezoning (North of Red Bank Road SE and west of Indian Hills Road SE)	1/5 see attachment
AMENDMENTS		
A. ZTA 219-13	Site Plan Review	1/6-7 see attachment
B. SRA 013-13	Timing for Subdivision Improvements	1/8-13 see attachment
4. CONSENT APP	ROVALS	
CERTIFICATES		
A. 3209-13	Certificate to Subdivide (North side of Deer Springs Road and west of Joe Davis Drive SW)	2/14-16
B. 3210-13	Certificate to Consolidate (South of 9 <sup>th</sup> Street SE and on the west side of 5 <sup>th</sup> Avenue SE)	2/17-19
C. 3211-13	Certificate to Subdivide	2/21-22

(South of Red Bank Rd. SE and west of Indian Hills Road SE)

#### **BOND REVIEWS**

A. Almon Place Add. # 4

B. Almon Place Add. # 5

C. Release of Bond for Walmart Neighborhood Market 3/23-24

#### **END CONSENT AGENDA**

#### **5. NEW BUSINESS**

#### **RESOLUTION**

A. Deerfoot Resolution Amendment 4/25-26

#### **SET FOR PUBLIC HEARING**

A. ZTA 220-13 (to B-5)

B. ZTA 221-13 (to M-1)

4

see attachment
4

see attachment

#### **PUBLIC HEARING**

# AGENDA ZONING COMMITTEE MEETING May 14, 2013 11:00 AM CITY HALL ANNEX – 308 CAIN ST. NE

#### **REZONING REQUEST 1270-13**

Applicant: Jeremiah Frost Zoning: R2 and R6 Owner: Lloyd Nix Acreage: 8.79

Request: This is a request to rezone an 8.79 acre tract from R2 and R6 to R1E

Location: North of Red Bank Rd. SE and west of Indian Hills Rd. SE

Recomm: Approval. This is in conformance with the Long Range Plan and adjacent zoning.

#### **ZONING TEXT AMENDMENT 219-13**

Applicant: The City of Decatur

Owner: NA

Zoning: NA

Acreage: NA

Request: This is a request to amend the Zoning Ordinance to make provisions in the site

plan review section to allow for erosion and sediment control as required by the Alabama Department of Environmental Management. A comparison of the

existing requirements and the new requirements is attached.

Location: NA

Recomm: Approval

#### **Subdivision Regulation Amendment**

#### **SRA 013-13**

Applicant: Planning Department

Request: This amendment impacts the timing of the installation of all subdivision improvements,

the bonding procedures and it also addresses new ADEM requirements for erosion and sediment control – (see handout for comparison of existing regulations and the proposed

changes to those regulations)

Recomm: The Planning Department and the Subdivision Committee recommend approval and

acceptance of the proposed Subdivision Regulation amendments

#### **END PUBLIC HEARING**

#### **CONSENT AGENDA**

#### Minutes Subdivision Committee May 14, 2013

#### **Certificates**

#### 3209-13 Certificate to Subdivide

Applicant: Barbara Eaton Zoning: Outside Corp Limits
Owner: Same Acreage: 17.38 acres

Request: Subdivide 17.38 acres into two tracts of 10.43 acres and 6.95 acres

Location: North side of Deer Springs Road and west of Joe Davis Drive SW

Conds: 1. Show ROW for Deer Spring Road

2. Provide a sealed and stamped survey for recording

3. Payment of recording fees

4. Provide flood note and show flood zone

5. Label all private drives6. Confirm Hartselle water

Pt of Info: Any relocation of utilities will be at the owner's expense

Recomm: Approval with stated conditions

#### 3210-13 Certificate to Consolidate

Applicant: Joe Hudson Zoning: RD- Redevelopment

Owner: Same Acreage: .58 acres

Request: Consolidate south half of Lot 8 and Lots 10, 12, 14, & 16 of Block 124 of the Decatur

Land Improvement and Furnace Company, Addition No. 4 into one tract of .58 acres

Location: South of 9<sup>th</sup> Street SE and on the west side of 5<sup>th</sup> Avenue SE

Conds: 1. Payment of recording fees

Provide a stamped and sealed survey for recording

Pt of Info: Any relocation of utilities will be at the owner's expense

Recomm: Approval with stated conditions

#### 3211-13 Certificate to Subdivide

Applicant: Dan David Zoning: Outside Crop Limits

Owner: Same Acreage: 16 acres

Request: Subdivide 16 acres into two tracts of 10.5 acres and 5.5 acres

Location: South of Red Bank Rd. SE and west of Indian Hills Road SE

Conds: 1. Payment of recording fees

Provide a stamped and sealed survey for recording
 County Engineer's approval required prior to recording

4. Show ROW on Red Bank Rd.

5. Show flood zone and include flood note

Pt of Info: Any relocation of utilities will be at the owner's expense

Recomm: Approval with stated conditions

#### **Bond Review**

#### Almon Place, Addition No. 4

Applicant: H. M. Nowlin Zoning: R-5, SF Patio Homes

Owner: Same Acreage: 11.16 acres

Request: Bond review for the completion of all public improvements (sidewalks). (LOC #3257

Renasant Bank - Expiration: 7/26/13 - Amount: \$39K)

Location: South of Naples Drive and west of Castle Gate Blvd.

Recomm: Extend the bond for one year or until such time as construction build out requires completion.

#### Almon Place, Addition No. 5

Applicant: H. M. Nowlin Zoning: R-5, SF Patio Homes

Owner: Same Acreage: 11.09 acres

Request: Bond review for the completion of public improvements (sidewalks). (LOC #3257

Renasant Bank – Expiration: 7/16/13 Amount \$40K)

Location: South of Sorrento Place and west of Castle Gate Blvd.

Recomm: Extend the bond for one year or until such time as construction build out requires completion.

#### **Walmart Neighborhood Market**

Applicant: Walmart Zoning: RD - Redevelopment

Owner: Same Acreage:

Request: Bond review for the completion of ROW improvements

Location: South of 8<sup>th</sup> Street SE and west of 6<sup>th</sup> Avenue SE

Recomm: Release the performance bond. All improvements are in place and complete.

#### **END CONSENT AGENDA**

#### **New Business**

#### **Deerfoot Estates – Resolution 002-13**

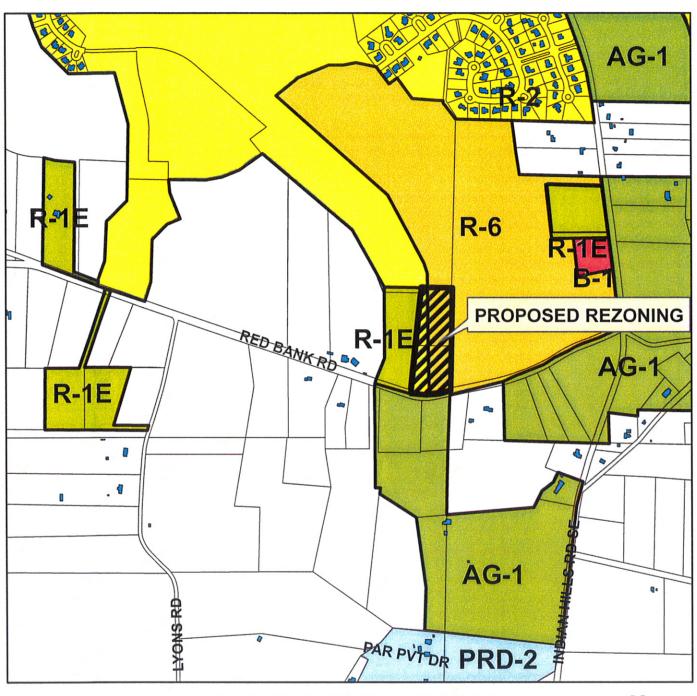
The Planning Department recommends that Resolution 001-11, approved by the Planning Commission in November, 2011 be amended to prohibit building permits on the existing 25 acre tract currently under the ownership of BB&P, LLC. (See attached Resolution).

#### **Set for Public Hearing**

ZTA 220-13 (to B-5)

ZTA 221-13 (to M-1)

### **REZONING REQUEST NO.1270-13** FROM R-2 AND R-6 TO R-1E



### Legend



# **LOCATION MAP**

PREPARED BY THE CITY OF DECATUR PLANNING DEPARTMENT



**APPLICANT: JEREMIAH FROST** 





SUBJECT PROPERTY

**PROPERTY ZONED R2 AND R-6** 

Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. This map is provided without warranty of any kind, either expressed or implied.

(1)	ORDINANCE NO.	

#### Zoning Text Amendment ZTA 219-13 Site Plan Review

BE IT ORDAINED by the City Council of the City of Decatur, Alabama as follows:

Section 1. That the *CODE OF DECATUR, ALABAMA*, is hereby amended by adding to Article VII, Section 25-163(6) Erosion and Sediment Control – Minimum Requirements.

#### Section 25-163. Site Plan

A site plan shall be prepared and sealed by a registered professional engineer licensed in the State of Alabama and show the following:

- (1) Ingress and egress to the property
- (2) Building footprints (including any covered walk ways or entrances)
- (3) Traffic circulation within the boundaries of the property including drive through plans.
- (4) Drainage plans will include 2 foot contours and proposed grading plan, drainage piping and inlets designed for a 10 year event (calculations required if requested by the City Engineer), capacities of downstream drainage piping, curb and gutter in the parking lot(s) and a five (5) ft. wide sidewalk along collector streets.
- (5) Storm water detention facilities to include the following:
  - a. NO detention will be required for new development sites less than one (1) acre;
  - NO detention will be required for redevelopment sites which increase the net impervious area by less than 2,500 SF;
  - For sites between 1 to 25 acres provide detention for a minimum of a 10 year storm event along with calculations to show the effect of a 25 and a 100 year storm;
  - d. For sites greater than 25 acres, provide detention for a 25 year storm with calculations to show effect of 100 year storm.
- (6) 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 (Alabama Department of Environmental Management) website. The CBMPP willdescribe 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.

- (7) Number of parking spaces proposed (as established by the Zoning Ordinance or by applicant whichever is greater)
- (8) Landscaping (15 parking space or greater will require compliance with the landscaping ordinance see section 25-16 of this chapter.)
- (9) Lighting (more than 50 spaces will require compliance with the lighting requirements see section 25-16 of this chapter.)
- (10)Dumpster location
- (11)Loading and unloading
- (12)A boundary survey prepared by a registered land surveyor licensed in the State of Alabama that depicts all structures, known easements, ROW's, existing drainage facilities, existing utilities, blue line streams, current FEMA 100-yr floodplain, and wetlands.

Section 2. This Ordinance shal required by law.	ll take effect immedi	ately upon its approval and pu	ublication as
ADOPTED this	day of	2013.	

Resolution	#
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# SRA 013-13 (Timing for Subdivision Improvements)

**BE IT RESOLVED** by the Planning Commission of the City of Decatur, Alabama that the <u>Subdivision</u> Regulations are hereby amended as follows:

Section III.B. Definitions - Terms Defined

The following definitions are hereby added:

ADEM. Alabama Department of Environmental Management

**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).

**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.

Ratification Form. Mortgage lender acknowledges subdivision of land.

**Title Opinion.** A written "Title Opinion" 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.

Section IV.A.1 is hereby amended to read as follows:

Section 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.

The purpose of layout approval is to give the Applicant and his Engineer an opportunity to confer with the Subdivision Committee and the Planning Commission regarding the proposed subdivision in order to more effectively utilize the developer's time and money. The layout plan should show all the land that is proposed for development and a general idea of the street layout, drainage plans and proposed zoning. If the proposed subdivision is to be developed in phases, these phases must be shown and a proposed construction schedule included.

The Applicant should also consult with parties interested in or affected by the development (e.g. lending and mortgage institutions and/or adjoining property owners. The Morgan County Engineer should also be consulted if the proposed subdivision is in the Police Jurisdiction.

Section IV.A.2 is hereby amended to read as follows:

#### 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 with regard to the completion of public improvements, required engineering certifications etc.
- The Applicant shall submit a completed layout applications and 25 copies of the Layout Plat (see Section VIII.A) to the Planning Department 21 days prior to the monthly Planning Commission meeting.
- 3. The Planning Department will set up a subdivision file and will start processing the subdivision application.
- 4. The Layout Plat will be submitted to the Subdivision Committee for their review and comments. The Committee will submit a recommendation to the Planning Commission for their review and action at the next scheduled meeting. The applicant or their representative should plan to attend the meeting of the Subdivision Committee and the Planning Commission where their application will be discussed.
- 5. The Planning Commission may hold a public hearing regarding the subdivision. The Planning Commission will consider only those layout plats which have been reviewed by the Subdivision Committee. The Planning Commission may approve the layout, approve the layout with conditions, or disapprove the layout. All Planning Commission action shall be recorded in the Planning Commission minutes.
- 6. The Applicant and/or their representative shall be notified of the action taken by the Planning Commission.

#### Section IV.B General is hereby amended to read as follows:

#### Section IV.B Preliminary Plat Review/Approval

#### General

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 Joe Wheeler) before submission of the preliminary plat application to the Planning Department.

Paragraph 1 of the Subsection entitled Steps in Obtaining Preliminary Plat Approval of Section IV.B is hereby amended to read as follows:

1. The Applicant shall submit a \$100 + \$5.00 per lot application fee, a completed and signed Preliminary Plat Application, (Appendix 1) 25 copies of the Preliminary Plat (Section VIII.B), five (5) sets of construction drawings as specified in Section VIII.B.1 of the Subdivision Regulations, and a completed Ratification form signed by the mortgage lender acknowledging the construction of the subdivision. These items shall be submitted to the Planning Department no later than 5:00 p.m. CST, twenty-one (21) days prior to the Planning Commission meeting where it is to be considered.

#### Section IV.C General is hereby amended to read as follows:

#### 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 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.

Paragraph 6 of the Subsection entitled Steps in Obtaining Final Plat Approval of Section IV.C is hereby amended to read as follows:

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.

#### Section V. Minor Subdivisions

#### Section V.A. Minor Subdivision Review/Approval is here by amended to read as follows:

#### 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.

# Paragraph 5 of the Subsection entitled Steps in Obtaining Approval of Section V.A is hereby amended to read as follows:

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. 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.

#### Section VI Design Standards – is hereby amended by adding the following:

#### 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.

Section VII.A Required Improvements - General - is hereby amended to read as follows:

#### 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.

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.

Paragraph 8 of the Subsection entitled Sidewalks of Section VII.K is hereby amended to read as follows:

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 (2) years from recording of the final plat, whichever comes first.

Section VIII.B Preliminary Plat/Construction Plans – is hereby amended with the following addition:

Erosion and Sediment Control Certificate as discussed in Section VI.K

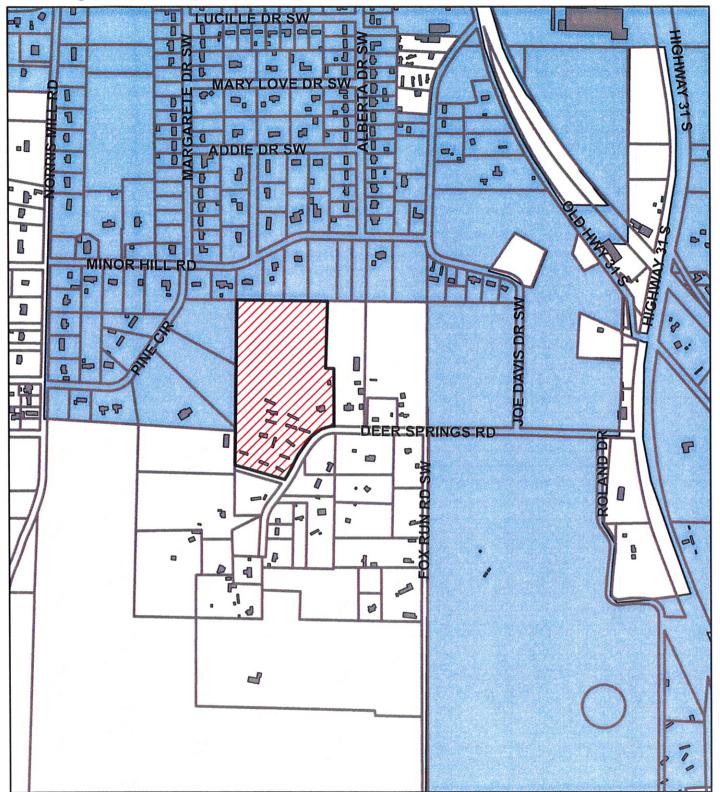
Subparagraph (b) of Paragraph 3 of the Subsection entitled Final Plat (Major or Minor Subdivision Plats) of Section VIII is hereby amended to read as follows:

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)

Subparagraph (1) of Paragraph 2. Steps in Obtaining Approval - contained in Subsection B entitled Certificate to Subdivide Review/Approval of Section IX is hereby amended to read as follows:

(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 map of the property (a survey will be required before recording the Certificate to Subdivide in the Office of the Judge of Probate), a fee sufficient to cover the cost of recording the Certificate to Subdivide, and a copy of the deed showing property ownership. 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.



# **LOCATION MAP**

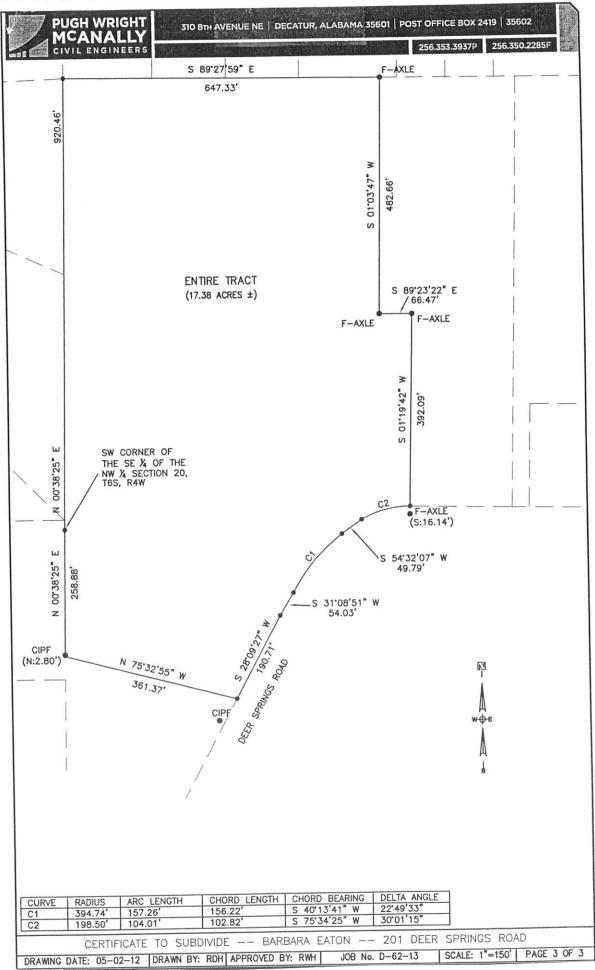
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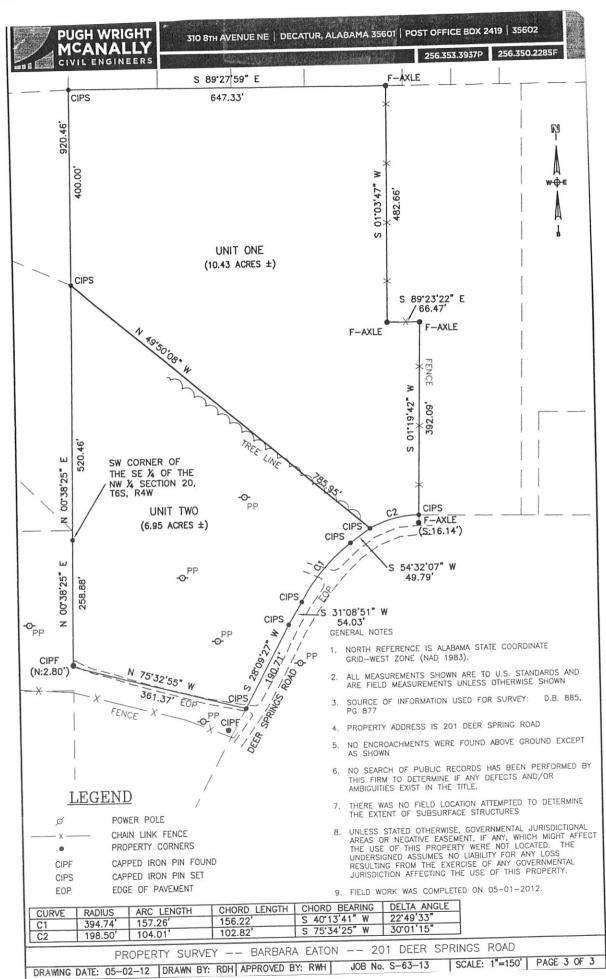


bldg corplim **APPLICANT: BARBARA EATON** 











### Legend

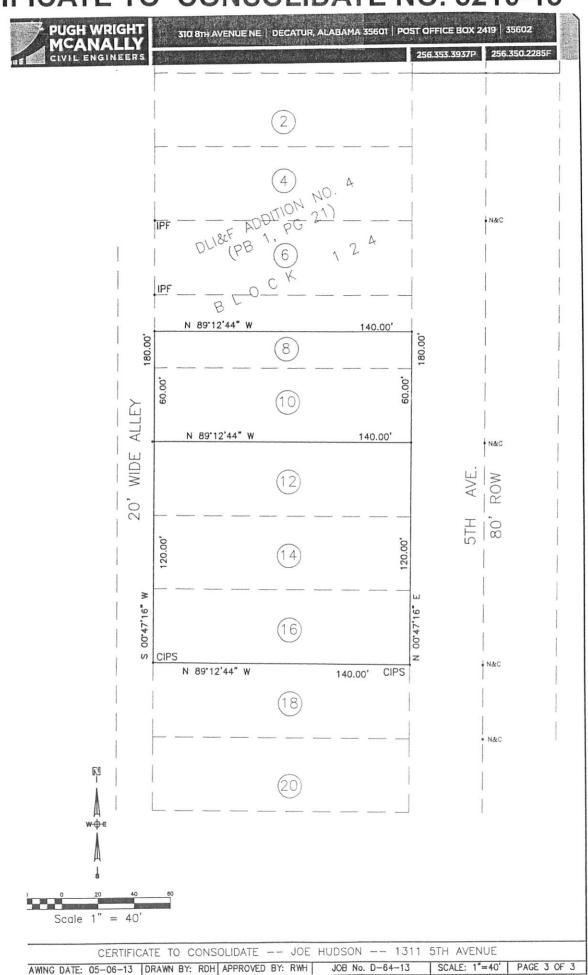
# **LOCATION MAP**

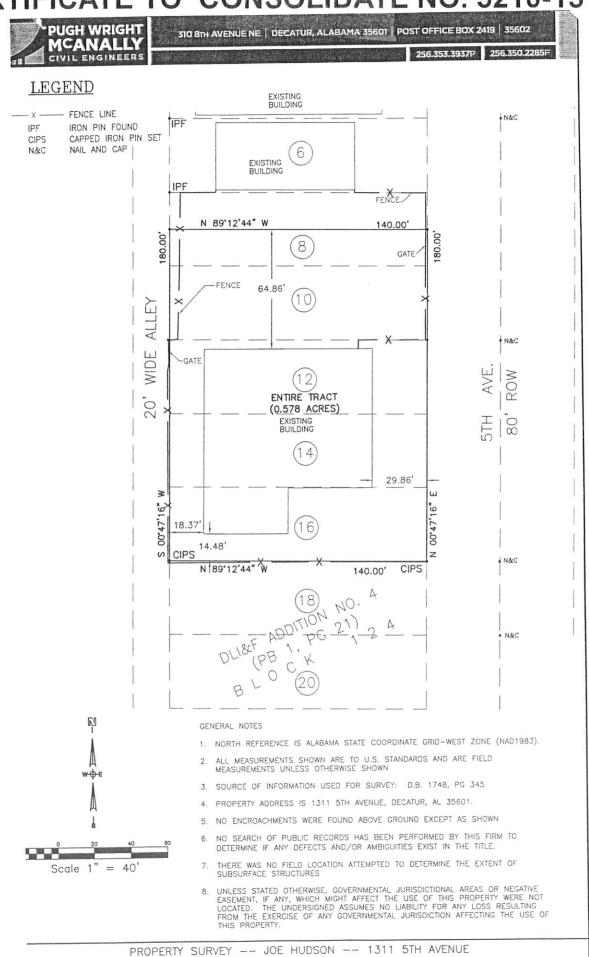
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SUBJECT PROPERTY

**APPLICANT: JOE HUDSON** 



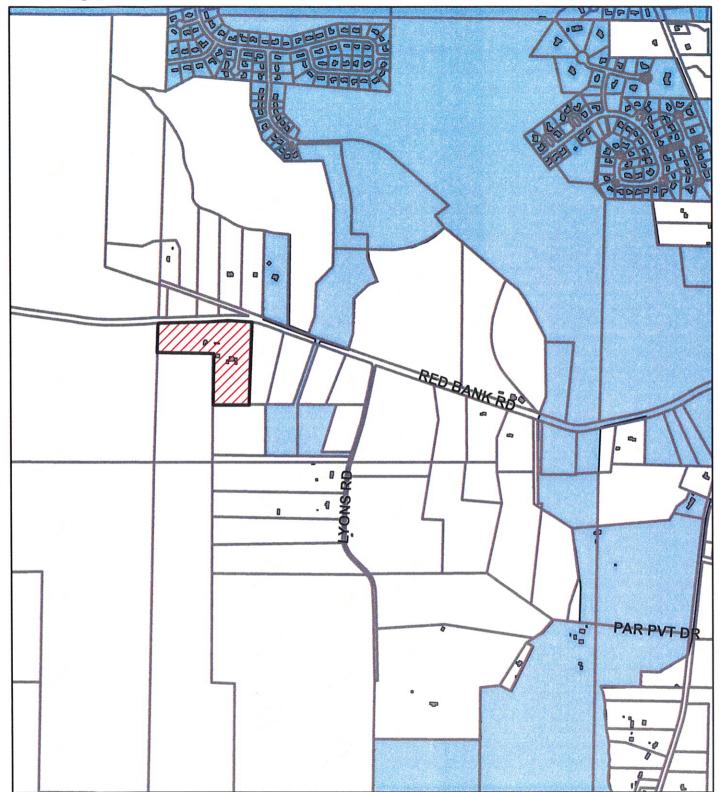




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SCALE: 1"=40' | PAGE 2 OF 2

JOB No. S-65-13



### Legend

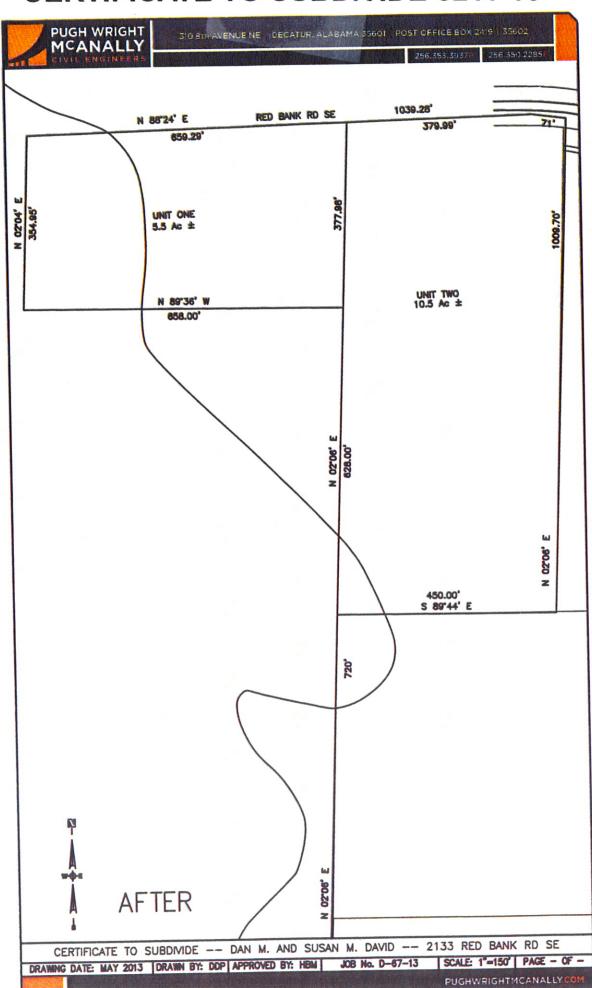


# **LOCATION MAP**

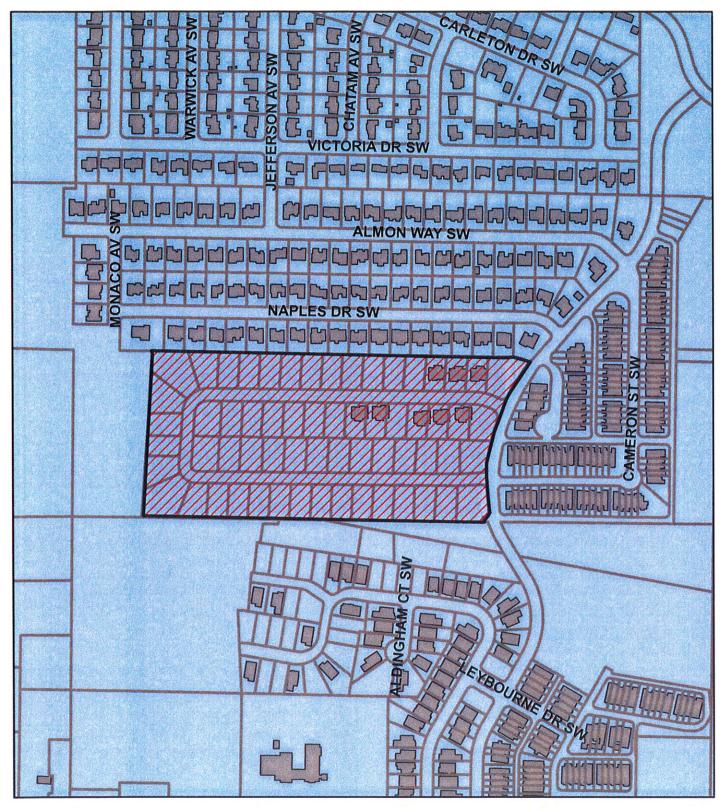
**APPLICANT: DAN DAVID** 



## **CERTIFICATE TO SUBDIVIDE 3211-13**



#### **BOND REVIEW ALMON PLACE SUBDIVISION NO. 4 AND 5**



# Legend

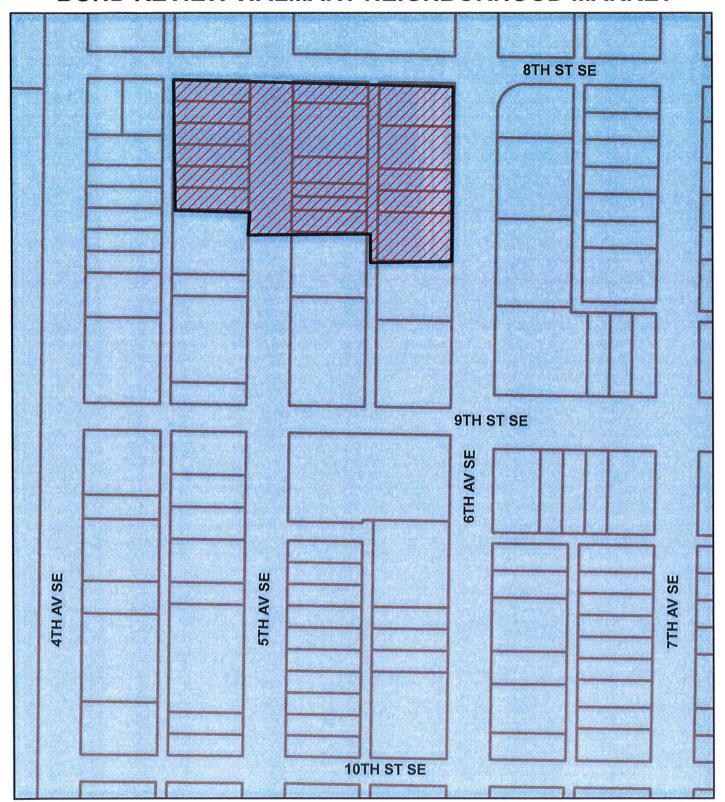
# **LOCATION MAP**



bldg corplim APPLICANT: BROWN, ALMON AND NOWLIN DEV. CO. LLC



### **BOND REVIEW WALMART NEIGHBORHOOD MARKET**



# **LOCATION MAP**

Legend

**APPLICANT:WALMART** 

corplim







#### Community Planning & Economic Developement

#### RESOLUTION NO. 001-2013

**BE IT RESOLVED** by the Planning Commission of the City of Decatur, Alabama that the required public improvements (completion of road improvements) for the construction of the Walmart Neighborhood Market in Decatur, Alabama which are secured by a Performance Bond (No. 09091380 TR #8364) in the amount of \$70,000.00 are completed.

**BE IT FURTHER RESOLVED**, that the surety securing the required public improvements is hereby released.

ADOPTED this	day of
	Gil Aldrich - Chairman Decatur City Planning Commission
STATE OF ALABAMA ) MORGAN COUNTY )	
county in said state, hereby certify that of Decatur Planning Commission, is signed acknowledged before me on this day that	the undersigned authority, a notary public in and for said Gil Aldrich, whose name as Chairman of the City of d to the foregoing instrument and who is known to me, at, being informed of the contents of the instrument, he in a same voluntarily on the day the same bears date.
Given under my hand and official seal th	nisday of, 2013.
	Notary Public

#### Resolution 002-13

(which amends Planning Commission Resolution 001-11 adopted November 21, 2011)

Developer: James Pruett

Managing Partner for BB&P, LLC

WHEREAS, various departments have made the Planning Commission aware that certain public improvements have not been completed in Deerfoot Estates and the approved Additions;

WHEREAS, there is inadequate bonding and surety to draw on to complete the public improvements;

WHEREAS, BB&P LLC through its Managing Partner Jim Pruett has stated in writing and in person to the City Departments that there will be no additional improvements made until there is a change in economic conditions;

WHEREAS, the Planning Commission deems that it is in the public interest to stop the issuance of building permits on those lots still under the control of BB&P LLC in Deerfoot Estates and the approved Additions and to stop the further subdivision of property on adjacent lots owned by BB&P LLC until acceptable arrangements are made to complete the necessary public improvements;

**THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Decatur, Alabama because the public improvements in Deerfoot Estates have not been accepted by the city, that no further building permits shall be issued for Lots in Deerfoot Estates Addition 4 presently owned by BB&P LLC which are shown by the Tax Assessor's Office to be as follows:

- Lot 10 of Deerfoot Addition 4 recorded in Book 2006 at page 8 -- address 2108 Covington Ln. SW
- Lot 9 of Deerfoot Addition 4 recorded in Book 2006 at page 8 -- address 2106 Covington Ln. SW
- Lot 6 of Deerfoot Addition 4 recorded in Book 2006 at page 8 -- address 2101 Covington Ln. SW
- Lot 2 of Deerfoot Addition 4 recorded in Book 2006 at page 8 -- address 2109 Covington Ln. SW
- Lot 1 of Deerfoot Addition 4 recorded in Book 2006 at page 8 -- address 2111 Covington Ln. SW

until acceptable arrangements are made to complete the necessary public improvements;

**BEIT FURTHER RESOLVED** by the Planning Commission that Parcel 02 08 34 2 000 004.000 consisting of approximately 25 acres as shown in the Tax Assessor's Office (Revenue Commissioner) owned by BB&P LLC shall not be further subdivided, nor shall any building permits be issued, until arrangements are made to complete the public improvements in Deerfoot Estates and the approved Additions in that the streets giving access to the property have not been accepted by the City for maintenance;

**BE IT FURTHER RESOLVED** by the Planning Commission that the Planning Department is hereby authorized to file the necessary documents in the Probate Office of Morgan County to give public notice of the Planning Commission action regarding the above listed parcels.

ADOPTED AND APPROVED this	day of	,2013
Gil Aldrich, Chairman City of Decatur Planning Commission		

Degreot Add #4

#### **RESOLUTION 001-11**

Developer: James Pruntt

WHEREAS, various departments have made the Planning Commission aware that certain public improvements have not been completed in Deerfoot Estates and the approved Additions;

WHEREAS, there is inadequate bonding and surety to draw on to complete the public improvements;

WHEREAS, BB & P LLC through its Managing Partner Jim Pruett has stated in writing and in person to the City Departments that there will be no additional improvements made until there is a change in economic conditions;

WHEREAS, the Planning Commission deems that it is in the public interest to stop the issuance of building permits on those lots still under the control of BB & P LLC in Deerfoot Estates and the approved Additions and to stop the further subdivision of property on adjacent lots owned by RB & P LLC until acceptable arrangements are made to complete the necessary public improvements;

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- c: Lot 1 of Deerfoot Addition 4 recorded in book 2006 at page 8-- address 2111 Covington Ln. SW

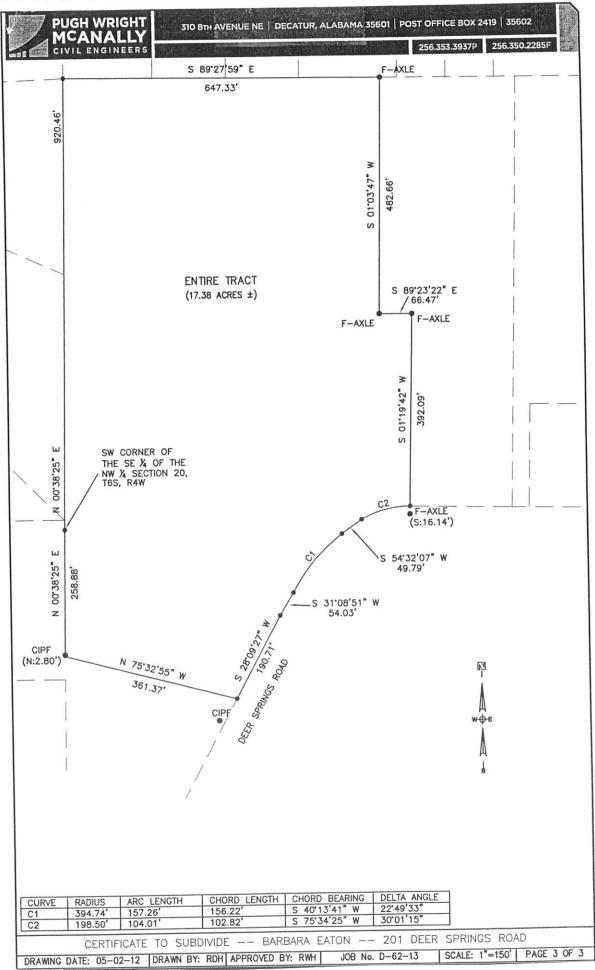
until acceptable arrangements are made to complete the necessary public improvements;

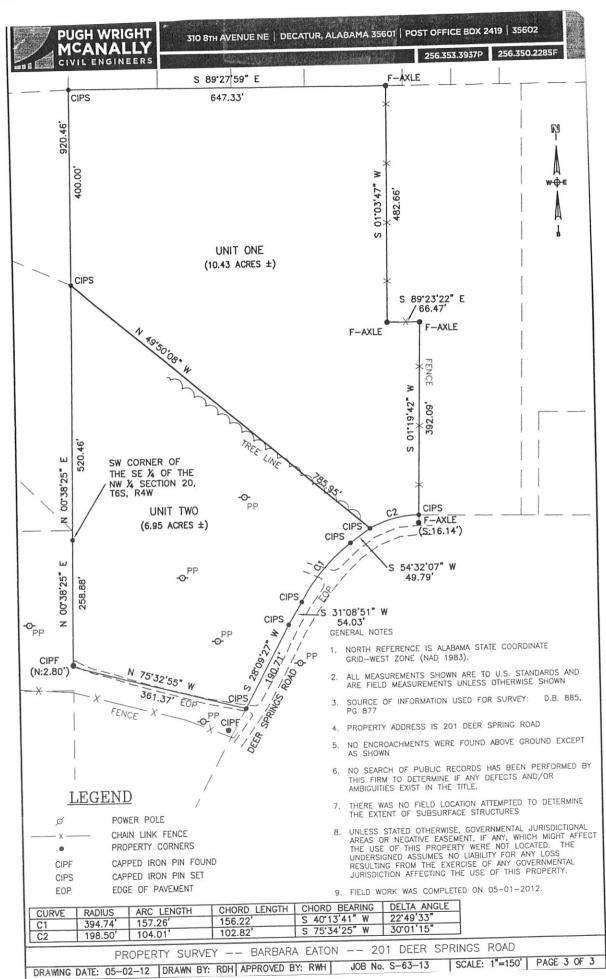
**BE IT FURTHER RESOLVED** by the Planning Commission that Porcel 02:08:34:2:000:004.000 consisting of approximately 25 acres as shown in the Tax Assessor's Office (Revenue Commissioner) owned by BB & P LLC shall not be further subdivided until arrangements are made to complete the public improvements in Deerfoot Estates and the approved Additions in that the streets giving access to the property have not been accepted by the City for maintenance;

**BE IT FURTHER RESOLVED** by the Planning Commission that the Planning Department is hereby authorized to file the necessary documents in the Probate Office of Morgan County to give public notice of the Planning Commission action regarding the above listed parcels.

ADOPTED AND APPROVED this 22nd day of November 2011.

Gil Aldrich, Chairman







### Legend

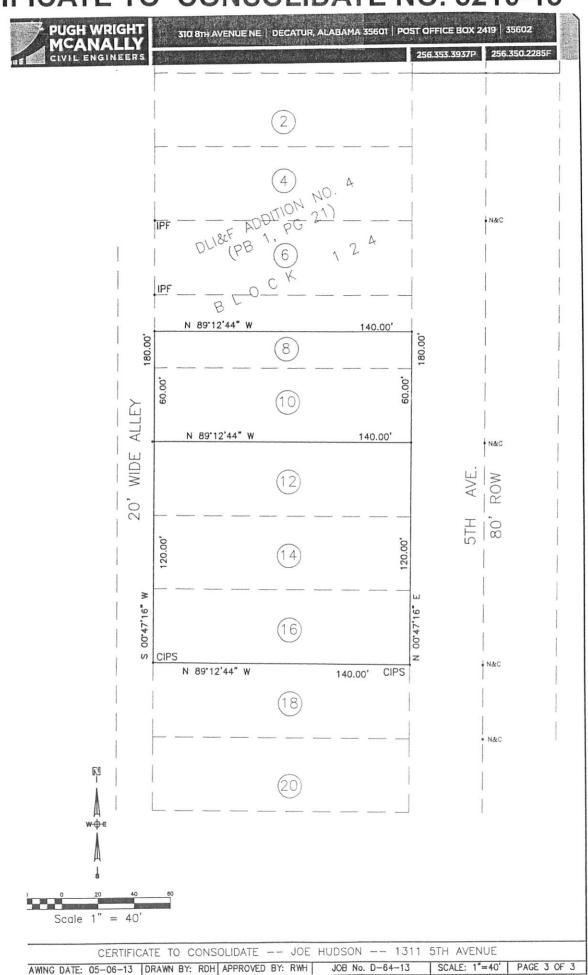
# **LOCATION MAP**

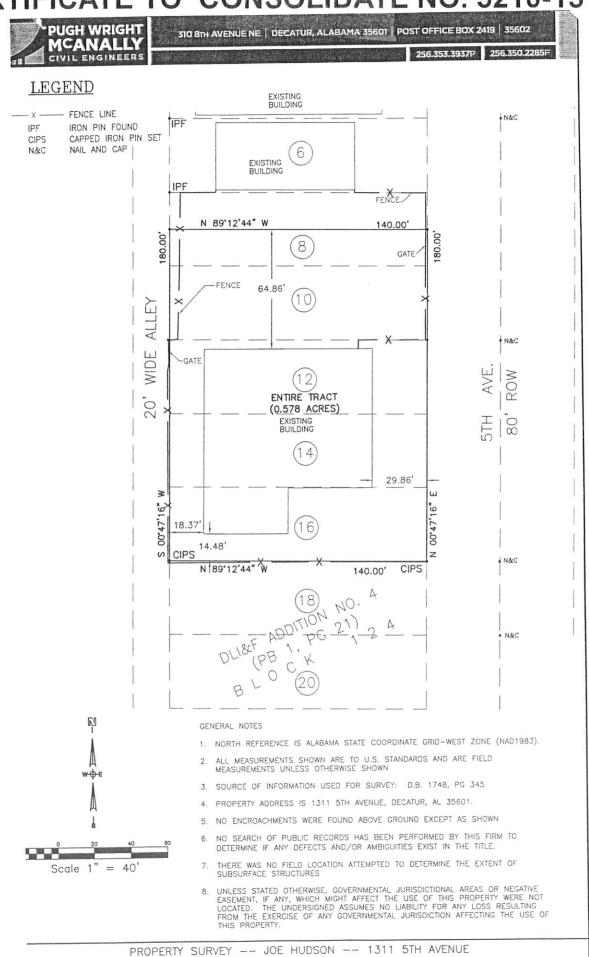
bldg corplim

SUBJECT PROPERTY

**APPLICANT: JOE HUDSON** 



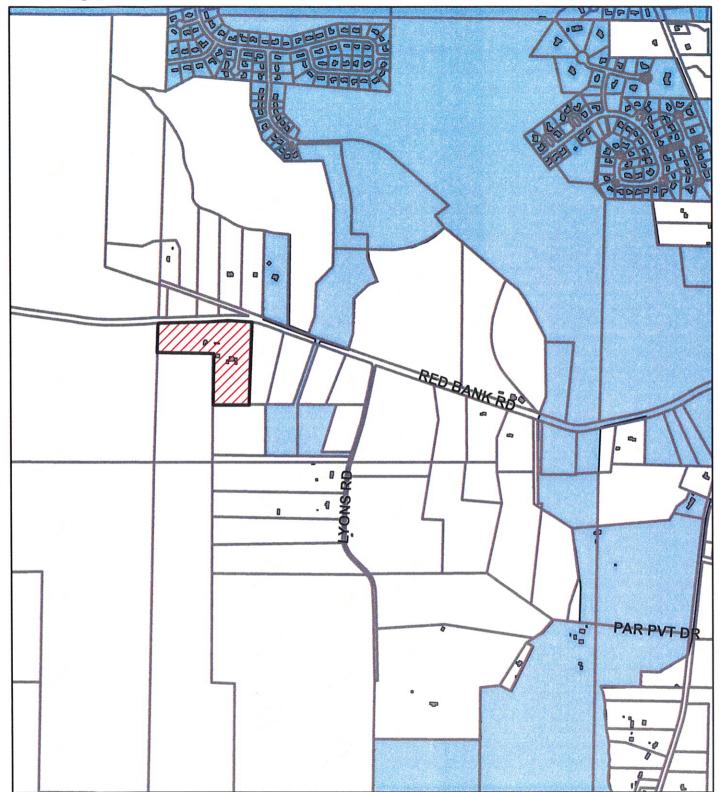




RAWING DATE: 05-06-13 | DRAWN BY: RDH | APPROVED BY: RWH |

SCALE: 1"=40' | PAGE 2 OF 2

JOB No. S-65-13



### Legend

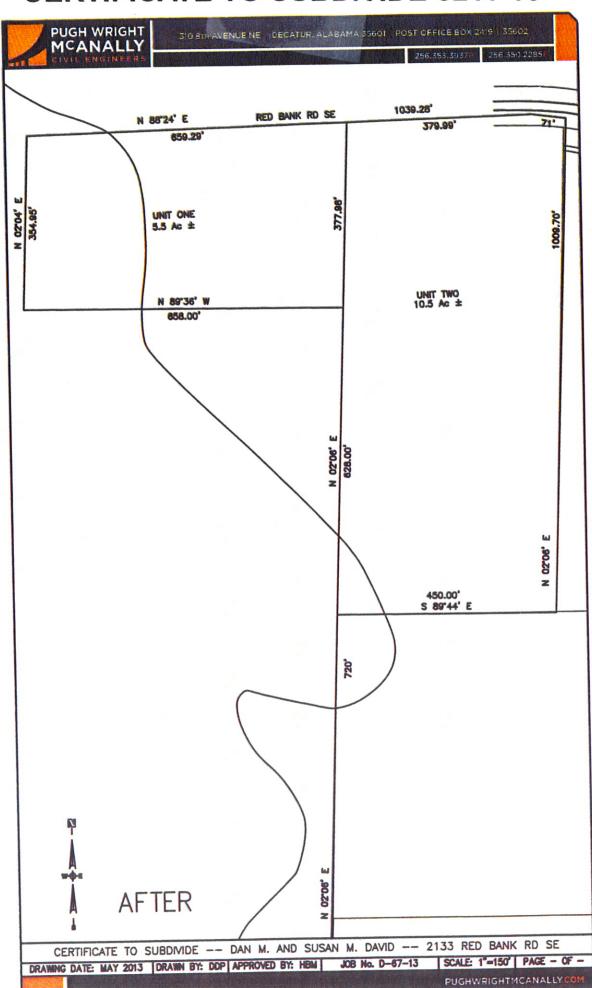


# **LOCATION MAP**

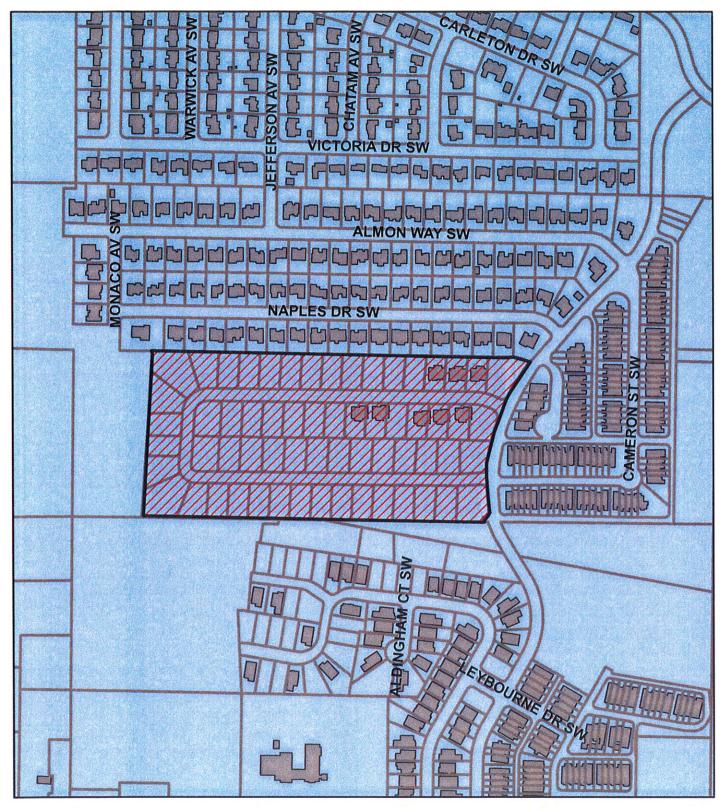
**APPLICANT: DAN DAVID** 



## **CERTIFICATE TO SUBDIVIDE 3211-13**



#### **BOND REVIEW ALMON PLACE SUBDIVISION NO. 4 AND 5**



# Legend

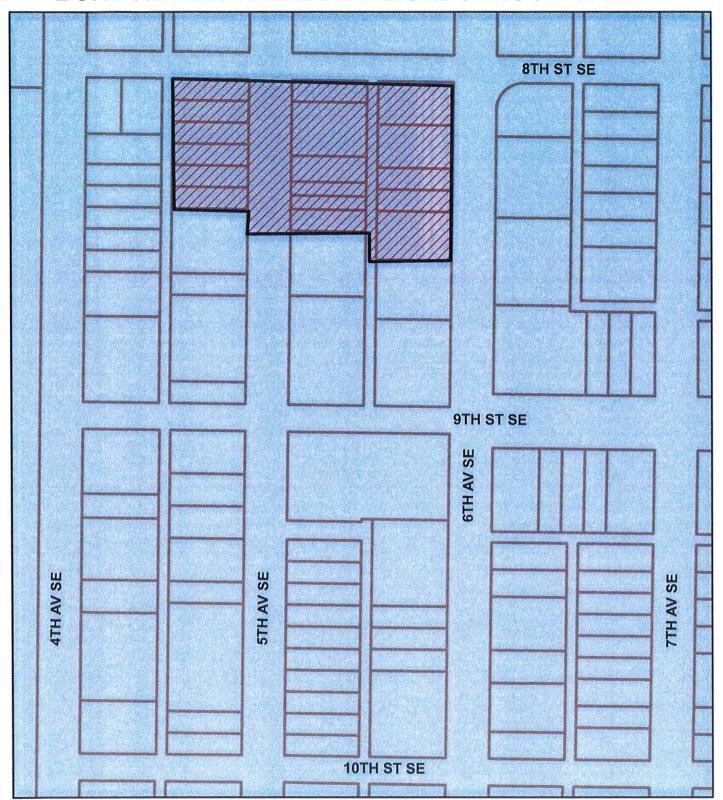
# **LOCATION MAP**



bldg corplim APPLICANT: BROWN, ALMON AND NOWLIN DEV. CO. LLC



## **BOND REVIEW WALMART NEIGHBORHOOD MARKET**



# **LOCATION MAP**

Legend

**APPLICANT:WALMART** 

corplim



DRAWING NOT TO SCALE







#### Community Planning & Economic Developement

### RESOLUTION NO. 001-2013

**BE IT RESOLVED** by the Planning Commission of the City of Decatur, Alabama that the required public improvements (completion of road improvements) for the construction of the Walmart Neighborhood Market in Decatur, Alabama which are secured by a Performance Bond (No. 09091380 TR #8364) in the amount of \$70,000.00 are completed.

**BE IT FURTHER RESOLVED**, that the surety securing the required public improvements is hereby released.

ADOPTED this	day of
	Gil Aldrich - Chairman Decatur City Planning Commission
STATE OF ALABAMA ) MORGAN COUNTY )	
county in said state, hereby certify that of Decatur Planning Commission, is signe acknowledged before me on this day the	, the undersigned authority, a notary public in and for said Gil Aldrich, whose name as Chairman of the City of d to the foregoing instrument and who is known to me, at, being informed of the contents of the instrument, he in e same voluntarily on the day the same bears date.
Given under my hand and official seal the	hisday of, 2013.
	Notary Public

#### Resolution 002-13

(which amends Planning Commission Resolution 001-11 adopted November 21, 2011)

Developer: James Pruett

Managing Partner for BB&P, LLC

**WHEREAS**, various departments have made the Planning Commission aware that certain public improvements have not been completed in Deerfoot Estates and the approved Additions;

WHEREAS, there is inadequate bonding and surety to draw on to complete the public improvements;

WHEREAS, BB&P LLC through its Managing Partner Jim Pruett has stated in writing and in person to the City Departments that there will be no additional improvements made until there is a change in economic conditions;

WHEREAS, the Planning Commission deems that it is in the public interest to stop the issuance of building permits on those lots still under the control of BB&P LLC in Deerfoot Estates and the approved Additions and to stop the further subdivision of property on adjacent lots owned by BB&P LLC until acceptable arrangements are made to complete the necessary public improvements;

**THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Decatur, Alabama because the public improvements in Deerfoot Estates have not been accepted by the city, that no further building permits shall be issued for Lots in Deerfoot Estates Addition 4 presently owned by BB&P LLC which are shown by the Tax Assessor's Office to be as follows:

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- Lot 1 of Deerfoot Addition 4 recorded in Book 2006 at page 8 -- address 2111 Covington Ln. SW

until acceptable arrangements are made to complete the necessary public improvements;

**BEIT FURTHER RESOLVED** by the Planning Commission that Parcel 02 08 34 2 000 004.000 consisting of approximately 25 acres as shown in the Tax Assessor's Office (Revenue Commissioner) owned by BB&P LLC shall not be further subdivided, nor shall any building permits be issued, until arrangements are made to complete the public improvements in Deerfoot Estates and the approved Additions in that the streets giving access to the property have not been accepted by the City for maintenance;

**BE IT FURTHER RESOLVED** by the Planning Commission that the Planning Department is hereby authorized to file the necessary documents in the Probate Office of Morgan County to give public notice of the Planning Commission action regarding the above listed parcels.

ADOPTED AND APPROVED this	day of	,2013.
Gil Aldrich, Chairman City of Decatur Planning Commission		

Degreot Add #4

#### **RESOLUTION 001-11**

Developer: James Pruntt

WHEREAS, various departments have made the Planning Commission aware that certain public improvements have not been completed in Deerfoot Estates and the approved Additions;

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- Lot 2 of Deerfoot Addition 4 recorded in book 2006 at page 8—address 2109 Covington Ln. SW
- c: Lot 1 of Deerfoot Addition 4 recorded in book 2006 at page 8-- address 2111 Covington Ln. SW

until acceptable arrangements are made to complete the necessary public improvements;

**BE IT FURTHER RESOLVED** by the Planning Commission that Porcel 02:08:34:2:000:004.000 consisting of approximately 25 acres as shown in the Tax Assessor's Office (Revenue Commissioner) owned by BB & P LLC shall not be further subdivided until arrangements are made to complete the public improvements in Deerfoot Estates and the approved Additions in that the streets giving access to the property have not been accepted by the City for maintenance;

**BE IT FURTHER RESOLVED** by the Planning Commission that the Planning Department is hereby authorized to file the necessary documents in the Probate Office of Morgan County to give public notice of the Planning Commission action regarding the above listed parcels.

ADOPTED AND APPROVED this 22nd day of November 2011.

Gil Aldrich, Chairman

SECTION	R2	R1E
USES PERMITTED	From R2 Section	From General Residential Requirements
	There is hereby created an R-2 Residential District for those areas so designated by this chapter and the zoning map of the City, which R-2 Districts shall allow: Single family dwellings. (See also regulations common to all "R" Districts, listed in Section 25-10)	There are hereby created a "R" Residential District (Residential) for those areas so designated by this chapter and the zoning map of the City, which "R" Districts shall allow: Accessory structures; gardens; playgrounds; parks; public buildings; including public schools and libraries.
5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	District Requirement  R" Districts shall allow: Accessory structures;	From R1E
	gardens; playgrounds; parks; public buildings; including public schools and libraries.	There is hereby created an R-1E Residential Estate District (Large lot open space district) for those areas so designated by this chapter and the zoning map of the City of Decatur, Alabama, which R-1E Districts shall allow single family large lot or estate residences subject to use regulations common to all "R" zoning districts as set forth in section 25-10 hereof, and further subject to the following requirements and conditions.
		(1) Purpose: The R-1E district is intended to provide areas for single-family development in an open space setting or where topography, utility capacities and/or natural amenities limit the use of the land. Provisions are made for those uses necessary and incidental to single family living.
		(2) Permitted Uses: In addition to those uses permitted in section 25-10 the following uses shall be permitted:  a. Church and parsonage b. Horses shall be permitted on lots of five (5) acres or more at a rate of two for the first five (5) acres, and one (1)

## COMPARE R2 TO R1E

SECTION	R2	R1E
		for each additional acre thereafter. c. Accessory buildings and uses including stables, corrals, barns, private garages, tack rooms, hay barns, a guest house with no kitchen facilities, and other buildings and uses customarily appurtenant to a permitted use
USES PERMITTED ON APPEAL	Residential District Requirements These uses shall also be permitted on appeal: Customary home occupations; public utilities, general hospitals for humans, except primary for mental cases; semi-public buildings; golf courses; municipal, county, state or federal use; clubs located on and embracing within its sole possessory right, one tract or parcel of land not less than twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board	From General Residential Requirements  These uses shall also be permitted on appeal: Customary home occupations; public utilities, general hospitals for humans, except primary for mental cases; semi-public buildings; golf courses; municipal, county, state or federal use; clubs located on and embracing within its sole possessory right, one tract or parcel of land not less than twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code.
	under and pursuant to the Alcoholic Beverage Licensing Code.	From R1E  Uses permitted on appeal. In addition to those uses permitted on appeal in section 25-10 a barn shall be permitted on appeal on tracts of five (5) acres or more where a residential structure is planned.
USES PROHIBITED	From R2 Section  Uses prohibited: Any use not permitted, or permitted on appeal, is prohibited  From Residential District Requirements Uses prohibited: Except as expressly permitted,	From General Residential Requirements  Uses prohibited: Except as expressly permitted, or permitted on appeal, the following uses are prohibited in all residential districts, including without limitation planned residential development districts, specialty and restricted residential districts: ("R" Districts): All buildings,

## COMPARE R2 TO R1E

SECTION	R2	R1E	
	or permitted on appeal, the following uses are prohibited in all residential districts, including without limitation planned residential development districts, specialty and restricted residential districts: ("R" Districts): All buildings, structures and units constructed off-site (except for modular homes as in section 25-2) without regard to whether or not such building, structures or units are designed and built in compliance with state or federal standards, including without limitation, mobile homes, manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses, including parking lots and parking areas in connection with any of these uses, not specifically permitted	structures and units constructed off-site (except for modular homes as in section 25-2) without regard to whether or not such building, structures or units are designed and built in compliance with state or federal standards, including without limitation, mobile homes, manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses, including parking lots and parking areas in connection with any of these uses, not specifically permitted.  From R1E  Uses prohibited - Any use not permitted or permitted on appeal, is prohibited.	
MINIMUM LOT SIZE	From R2 Section	(3) Area, yard and bulk requirements a. Minimum lot area- One (1) acre or five (5) acres if	
	<ul> <li>(2) Specific requirements:</li> <li>a. Minimum lot area: Ten thousand</li> <li>(10,000) square feet.</li> <li>b. Maximum building area: None</li> <li>specified</li> </ul>	horses are to be kept. g. Maximum stories - Two and a half (2 1/2).	
MINIMUM From R2 Section YARD SIZE		b. Minimum width front building line- One hundred (150) feet.	
79.2	c. Minimum front yard setback: Thirty-five (35) feet d. Minimum rear yard setback: Forty (40) feet	<ul> <li>c. Minimum front yard - Setback fifty (50) feet.</li> <li>d. Minimum rear yard - Setback sixty (60) feet.</li> <li>e. Minimum side yard - Setback twenty-five (25) feet.</li> </ul>	
	e. Minimum side yard setbacks: Eight (8) feet f. Minimum feet at building line: Seventy (70) feet		

## COMPARE R2 TO R1E

SECTION	R2	R1E
MAXIMUM BUILDING AREA	Maximum coverage - None specified	h. Maximum coverage - None specified
MAXIMUM HEIGHT	From R2 Section G, Maximum building height: Thirty-five (35) feet. h. Maximum height in stories: Two and one half (2 1/2).	f. Maximum height - Fifty (50) feet.
OFF STREET PARKING	From R2 Section  (1) General requirements.  a. Off-street parking and vehicle access shall be provided as set forth in section 25-16 hereof	Off Street parking - Two spaces per dwelling unit.
OFF STREET LOADING AND UNLOADING	b. A carport, porte-cochere, porch or structure part thereto, attached to or situated within five feet of the main structure as defined in section 25-2 thereof, shall be considered as a part of the main building and shall be subject to the setback and side yard requirements of the district in which it is located.	

## Compare R-6 to R1E

#### R-6 Single Family semi attached R<sub>1</sub>E From General Residential Requirements From General Residential Requirements Uses Permitted There are hereby created a "R" Residential District There are hereby created a "R" Residential District (Residential) for those areas so designated by this chapter (Residential) for those areas so designated by this and the zoning map of the City, which "R" Districts shall allow: chapter and the zoning map of the City, which "R" Districts shall allow: Accessory structures; gardens; Accessory structures; gardens; playgrounds; parks; public playgrounds; parks; public buildings; including public buildings; including public schools and libraries. schools and libraries. From R6 From R1E There is hereby created an R-6 Residential District (single-There is hereby created an R-1E Residential Estate family semi-attached) for those areas so designated by this chapter and the zoning map of the City of Decatur, Alabama, District (Large lot open space district) for those areas which R-6 Districts shall allow single-family semi-attached so designated by this chapter and the zoning map of the City of Decatur, Alabama, which R-1E Districts residences, subject to use regulations common to all "R" Districts as set forth in section 25-10 hereof, except that shall allow single family large lot or estate residences accessory structure side yard setback requirements shall be subject to use regulations common to all "R" zoning districts as set forth in section 25-10 hereof, and the same as required in section 25-10.2(2)(D) for the main structure, and the rear yard setbacks would remain at the further subject to the following requirements and minimum of five (5) feet for accessory structures, and further conditions subject to the following requirements and conditions: Purpose: The R-1E district is intended to provide areas for single-family development in an open space setting or where topography, utility capacities and/or natural amenities limit the use of the land. Provisions are made for those uses necessary and incidental to single family living. Permitted Uses: In addition to those uses permitted in section 25-10 the following uses shall be permitted: Church and parsonage a.

Horses shall be permitted on lots

b.

of five (5) acres or more at a rate
of two for the first five (5) acres,
and one (1) for each additional
acre thereafter.
c. Accessory buildings and uses including stables,
corrals, barns, private garages, tack rooms, hay barns,
a guest house with no kitchen facilities, and other
buildings and uses customarily appurtenant to a
permitted use

### Uses Permitted On Appeal

### From General Residential Requirements

Uses Permitted on appeal: Customary home occupations; public utilities general hospitals for humans, except primary for mental cases; semi-public buildings; golf courses; municipal, county, state or federal use; clubs located on and embracing within its sole possessory right, one tract or parcel of land not less than twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code.

### From General Residential Requirements

These uses shall also be permitted on appeal: Customary home occupations; public utilities, general hospitals for humans, except primary for mental cases; semi-public buildings; golf courses; municipal, county, state or federal use; clubs located on and embracing within its sole possessory right, one tract or parcel of land not less than twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code.

#### From R1E

Uses permitted on appeal. In addition to those uses permitted on appeal in section 25-10 a barn shall be permitted on appeal on tracts of five (5) acres or more where a residential structure is planned.

#### Uses Prohibited

#### From General Residential Requirements

Uses prohibited: Except as expressly permitted, or permitted on appeal, the following uses are prohibited in all residential districts, including without limitation planned residential development districts, specialty and restricted residential districts: ("R" Districts): All buildings, structures and units constructed off-site (except for modular homes as in section 25-2) without regard to whether or not such building, structures or units are designed and built in compliance with state or federal standards, including without limitation, mobile homes, manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses, including parking lots and parking areas in connection with any of these uses,

#### From General Residential Requirements

Uses prohibited: Except as expressly permitted, or permitted on appeal, the following uses are prohibited in all residential districts, including without limitation planned residential development districts, specialty and restricted residential districts: ("R" Districts): All buildings, structures and units constructed off-site (except for modular homes as in section 25-2) without regard to whether or not such building, structures or units are designed and built in compliance with state or federal standards, including without limitation, mobile homes, manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses,

	not specifically permitted.  From R6  (3) Uses prohibited. Any use not permitted, or permitted on appeal, is prohibited.	including parking lots and parking areas in connection with any of these uses, not specifically permitted.  From R1E Uses prohibited - Any use not permitted or permitted on appeal, is prohibited.
General Requirements	<ul> <li>(A) Single-family semi-attached dwellings shall not form long, unbroken lines of row housing. No more than eight (8) contiguous units shall be allowed.</li> <li>(B) Each single-family semi-attached dwelling unit shall be constructed on its own lot.</li> <li>(C) No unit located in an R-6 District shall be located closer than twenty (20) feet to a dedicated exterior street or exterior lot line on the perimeter of one district.</li> <li>(D) Maximum density (exclusive of public ROW) shall not exceed twelve (12) dwelling units per acre per development.</li> <li>(E) No unit within an R-6 District shall have direct access to an existing major thoroughfare as defined by the zoning ordinance or comprehensive plan; or a major thoroughfare as shall be defined by future plans adopted by the planning commission of the City of Decatur.</li> </ul>	
Yard and Setback Requirements Specific Requirement s	<ul> <li>(A) Minimum lot size: 2,000 square feet.</li> <li>(B) Minimum lot size at building line: 20 feet.</li> <li>(C) Minimum front yard setback: 25 feet.</li> <li>(D) Minimum side yard setbacks applicable only at unattached ends and to exterior lots of a development: 10 feet (one-story); 12 feet (two-story).</li> <li>(E) Minimum rear yard setback: 20 feet.</li> <li>(F) Maximum height in stories: 2 1/2.</li> <li>(G) Maximum building height: 35 feet.</li> <li>(H) Off-street parking spaces per unit: 2.</li> </ul>	<ul> <li>(3) Area, yard and bulk requirements</li> <li>a. Minimum lot area- One (1) acre or five (5) acres if horses are to be kept.</li> <li>b. Minimum width front building line- One hundred (150) feet.</li> <li>c. Minimum front yard - Setback fifty (50) feet.</li> <li>d. Minimum rear yard - Setback sixty (60) feet.</li> <li>e. Minimum side yard - Setback twenty-five (25) feet.</li> <li>f. Maximum height - Fifty (50) feet.</li> <li>g. Maximum stories - Two and a half (2 1/2).</li> <li>h. Maximum coverage - None specified</li> <li>i. Off Street parking - Two spaces per dwelling unit.</li> </ul>

# PROPOSED AMENDMENTS TO SITE PLAN REVIEW REQUIREMENTS SUB-SECTION 7 OF SECTION 25-163 OF ARTICLE VII

SECTION CURRENT		PROPOSED AMENDMENTS
25-163	Sec. 25-163. Site plan.	Section 25-163. Site Plan
	A site plan shall be prepared and sealed by a registered professional engineer licensed in the state and show the following:  (1) Ingress and egress to the	A site plan shall be prepared and sealed by a registered professional engineer licensed in the State of Alabama and show the following:
	(1) Ingress and egress to the property. (2) Building footprints (including any covered walk ways or entrances). (3) Traffic circulation within the boundaries of the property including drive through plans. (4) Drainage plans will include two-foot contours and proposed grading plan, drainage piping and inlets designed for a ten-year event (calculations required if requested by the city engineer), capacities of downstream drainage piping, curb and gutter in the parking lot(s) and a five-foot-wide sidewalk along collector streets. (5) Storm water detention facilities to include the following: No detention will be required for new development sites less than one (1) acre; No detention will be required for redevelopment sites which increase the net impervious area by less than two thousand five hundred (2,500) square feet; For sites between one (1) to twenty-five (25) acres, provide detention for a minimum of a ten-year storm event along with calculations to show the effect of a twenty-five- and a one-hundred-year storm; For sites greater than twenty-five (25) acres, provide detention for a twenty-five-year-storm with calculations to show effect of one hundred-year storm.  (6) Number of parking spaces proposed (as established by the zoning ordinance or by applicant, whichever is greater).  (7) Landscaping (fifteen (15)	
	parking space or greater) will require compliance with the landscaping ordinance; see section 25-16 of this chapter.	preparing a Construction Best Management Practices Plan(CBMPP) using good engineering practices that will result in specific
	(8) Lighting (more than fifty (50) spaces) will require compliance with the lighting requirements; see section	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

# PROPOSED AMENDMENTS TO SITE PLAN REVIEW REQUIREMENTS SUB-SECTION 7 OF SECTION 25-163 OF ARTICLE VII

SECTION	CURRENT	PROPOSED AMENDMENTS
	25-16 of this chapter.  (9) Dumpster location.  (10) Loading and unloading.  (11) A boundary survey prepared by a registered land surveyor licensed in the state that depicts all structures, known easements, ROW's, existing drainage facilities, existing utilities, blue line streams, current FEMA one hundred-year floodplain, and wetlands.	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 (Alabama Department of Environmental Management) 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.
	or pookega/2012/may/COMPARISON OF ZONIN	<ul> <li>(7) Number of parking spaces proposed</li> <li>(as established by the Zoning Ordinance or by applicant whichever is greater)</li> <li>(8) Landscaping (15 parking space or greater will require compliance with the</li> </ul>

# PROPOSED AMENDMENTS TO SITE PLAN REVIEW REQUIREMENTS SUB-SECTION 7 OF SECTION 25-163 OF ARTICLE VII

SECTION	CURRENT	PROPOSED AMENDMENTS
SECTION	CURRENT	PROPOSED AMENDMENTS  landscaping ordinance see section 25-16 of this chapter.)  (9) Lighting (more than 50 spaces will require compliance with the lighting requirements see section 25-16 of this chapter.)  (10) Dumpster location  (11) Loading and unloading  (12) A boundary survey prepared by a registered land surveyor licensed in the State of Alabama that depicts all structures, known easements, ROW's, existing drainage
		facilities, existing utilities, blue line streams, current FEMA 100-yr floodplain, and
		wetlands.

## **COMPARISON OF CHANGES TO THE SUBDIVISION REGULATIONS**

## MAY 21, 2013

SECTION	CURRENT	PROPOSED
III.B.	These terms are not currently defined	Section III.B. Definitions – Terms Defined The following definitions are hereby added: ADEM. Alabama Department of Environmental Management 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). 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.  Ratification Form. Mortgage lender acknowledges subdivision of land.
		<i>Title Opinion.</i> A written "Title Opinion" 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.
IV.A.1	Major Subdivision Procedures  Layout Plat Review/Approval	Section IV - Major Subdivision Procedures A. Layout Plat Review/Approval

SECTION	CURRENT	
	. General	
	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

#### **PROPOSED**

#### 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.

The purpose of lavout approval is to give the Applicant and his Engineer an opportunity to confer with the Subdivision Committee and the Planning Commission regarding the proposed subdivision in order to more effectively utilize the developer's time and money. The layout plan should show all the land that is proposed for development and a general idea of the street layout, drainage plans and proposed zoning. If the proposed subdivision is to be developed in phases, these phases must be shown and a proposed construction schedule included.

The Applicant should also consult with parties interested in or affected by the development (e.g. lending and mortgage institutions and/or adjoining property owners. The Morgan County Engineer should also be consulted if the proposed subdivision is in the Planning Jurisdiction.

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	resolve major factors into a workable and profitable plan.	
IV.A.B	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.  The Applicant shall have a	Section IV.B General is hereby amended to read as follows: Section IV.B Preliminary Plat Review/Approval General 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 Joe Wheeler) before submission of the preliminary plat application to the Planning Department.
	preliminary plat plan prepared by a certified engineer containing all plans and data as specified in the Subdivision Regulations, Sec VIII.B	
IV.B.1	2. Steps in Obtaining Preliminary Plat Approval (see chart)	Section IV.B.1 Steps in Obtaining Preliminary Plat Approval is hereby amended to read as follows:

SECTION	CURRENT	PROPOSED
	a) The Applicant shall submit \$100.00 + \$5.00 per lot application fee 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 of the Subdivision Regulations, to the Planning Department no later than 5:00 p.m., CST, 21 days prior to the Planning Commission meeting at which it is to be considered.	1. The Applicant shall submit a \$100 + \$5.00 per lot application fee, a completed and signed Preliminary Plat Application, (Appendix 1) 25 copies of the Preliminary Plat (Section VIII.B), five (5) sets of construction drawings as specified in Section VIII.B.1 of the Subdivision Regulations, and a completed Ratification form signed by the mortgage lender acknowledging the construction of the subdivision. These items shall be submitted to the Planning Department no later than 5:00 p.m. CST, twenty-one (21) days prior to the Planning Commission meeting where it is to be considered.
IV.C	1. General	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 a portion of the plat that was granted preliminary approval, but a plan for the completion of the entire area	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.
	granted preliminary approval must be submitted to and approved by the Planning Commission.	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
	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 officer of the Planning Commission (Chairman, Vice-Chairman or	Probate. 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

SECTION	CURRENT	PROPOSED
SECTION	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.	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.
IV.C.6	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. The Planning Director, or his designated representative, will then review the plat for conformity with the Planning Commission recommendations and	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

SECTION	CURRENT	PROPOSED
	conditions. If all the conditions have been met, and all the appropriate signatures (see Section VIII.B & C) are present, the Planning Commission Certificate is signed by the Chairman, or another officer of the Planning Commission if the Chairman is unavailable.	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.
V.A	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.	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	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

SECTION	CURRENT	PROPOSED
	recorded.	recorded.
prior to the constructure, and nor Certificates of issued until succession has	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	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.
	G The state of the	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.
V.A.5	signatures (see Section VIII.C) have been obtained, the applicant shall return the plat to the Planning Department. 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.	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. 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.
V	This section does not currently exist	K. Erosion and Sediment Control – Minimum Requirements  Construction which disturbs one
		Construction which disturbs one acre or more of ground surface

SECTION	CURRENT	PROPOSED
SECTION	CURRENT	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,

SECTION	CURRENT	PROPOSED
		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.
VII.A.7	A. General	A. General
	The Subdivider 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	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

SECTION	CURRENT	PROPOSED
	such required improvements.  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.	such required improvements. 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.
VII.K.7 and 8	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 should be built and completed with all the public improvements in a subdivision (Streets, drainage, et.), but if necessary a separate bond with surety may be signed for 100% of the cost of installing all the sidewalks in the subdivision for no more than three years. No extensions of this three-year limit shall be permitted.	<ol> <li>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.</li> <li>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 (2) years from recording of the final plat, whichever comes first.</li> </ol>
VIII.C.3b	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	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

SECTION	CURRENT	PROPOSED
	incorporated in the bond or letter of	and shall be incorporated in the
	credit and shall not, in any event,	bond or letter of credit and shall
	be more than three (3) year from	not, in any event, be more than
	the date of final approval.	two (2) years from recording of
		the final plat with the exception of
		sidewalks (see Section VII.K)
IX.B.2.(1)	(1) The Applicant or his	(1) The Applicant or his
	designated representative shall	designated representative shall
	submit the original and two copies	submit the original and two copies of
	of a Certificate to Subdivide (see	a Certificate to Subdivide (see
	sample, Appendix 1), a letter	sample, Appendix 1), a letter
	requesting the Certificate to	requesting the Certificate to
	Subdivide, a map of the property (a	Subdivide, signed by the property
	survey will be required before	owner, a map of the property (a
	recording the Certificate to	survey will be required before
	Subdivide in the Office of the Judge	recording the Certificate to
	of Probate), and a fee sufficient to	Subdivide in the Office of the Judge
	cover the cost of recording the	of Probate), a fee sufficient to cover
	Certificate to Subdivide. The	the cost of recording the Certificate
	Planning Commission may require	to Subdivide, and a copy of the deed
	a public hearing for a Certificate to	showing property ownership. The
	Subdivide. If a public hearing is	Planning Commission may require a
	required, the owner or his	public hearing for a Certificate to
	designated representative will be	Subdivide. If a public hearing is
	required to provide a list of	required, the owner or his
	adjoining property owners as shown	designated representative will be
	in the county tax assessor's office.	required to provide a list of adjoining
	This information shall be submitted	property owners as shown in the
	to the Planning Department no later	County Tax Assessor's office. This
	than 5:00 PM CST, 21 days prior to	information shall be submitted to the
	the Planning Commission meeting.	Planning Department no later than
		5:00 PM CST, 21 days prior to the
		Planning Commission meeting.