

TOWN OF THORSBY
SUBDIVISION REGULATIONS

**Adopted by the Planning and Zoning
Commission
Town of Thorsby, Chilton County, Alabama**

June 10, 2010

Planning Commission

Chairperson

City/Town Council

Mayor

Approval Page

Planning Commission

The Planning and Zoning Commission of the Town of Thorsby has reviewed and approved these Subdivision Regulations. The Planning and Zoning Commission of the Town of Thorsby presents this to the City/Town Council for their review on the _____ day of _____, 2010.

A public hearing on these regulations was held on the _____ day of _____, 2010.

Chairperson

City/Town Council

The Thorsby City/Town Council has reviewed the submitted Subdivision Regulations for the Town of Thorsby.

The public hearing was held on these Subdivision Regulations on the _____ day of _____, 2010.

Mayor

Attest

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ARTICLE 1. GENERAL PROVISIONS

Section 1.1 Authority.

Under authority of Act No. 82-693, Acts of Legislature, State of Alabama, 1982 and as amended by Act No. 84-454, Acts of Legislature, State of Alabama, 1984 which is hereby made a part of these regulations, the Town of Thorsby Planning and Zoning Commission, hereafter referred to as the Commission, at its meeting on June 10, 2010 adopted by resolution the following regulations, a copy of which has been certified to the Probate Judge of Chilton County, Alabama.

Section 1.2 Jurisdiction

From and after the date of June 10, 2010, these regulations shall govern all subdivisions of land within all areas of the planning jurisdiction of the Town of Thorsby as now or hereafter established.

Section 1.3 Purposes

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety and general welfare of the citizens of the Town of Thorsby;
2. To guide the future growth and development of the City/Town in conjunction with the City/Town Master Plan and Zoning Ordinance;
3. To provide for adequate light, air, and privacy to secure safety from fire, flood, and other danger, and to prevent undue congestion of population;
4. To protect the character, social, and economic stability of the City/Town and to encourage the orderly and beneficial development of the City/Town;
5. To protect and conserve the value of land throughout the City/Town, and the value of buildings and improvements upon the land;
6. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic with particular regards to avoidance of congestion on thoroughfares and highways, pedestrian and bicycle accessibility, and to provide for the proper location and width of streets and buildings;
7. To establish reasonable standards of design and procedures for subdivision, re-subdivision, and development to further the orderly layout and use of land, and insure proper legal descriptions and monumenting of subdivided land;
8. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed development; and
9. To assure the adequacy of drainage facilities, to safeguard the water table and to preserve the natural beauty and topography of the City/Town and to insure appropriate development with regards to these natural features.

Section 1.4 Separability and Severability

The provisions of this Act are severable. Should any article, section, subsection, or provision of these regulations be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of these regulations as a whole or any part thereof other than the part declared to be invalid or unconstitutional.

Section 1.5 Amendments

The Commission may from time to time recommend amendments to these regulations. Changes to these regulations and amendments thereto may be proposed by the Commission after a public hearing by giving due notice as required by law. Thereafter, the Council shall consider for enactment such amendments.

Section 1.6 Penalties.

The Town of Thorsby shall initiate any appropriate action or procedure to prevent the unlawful subdivision of land and to prevent occupancy of such subdivision of land under the authority conferred by Section 13 Act No. 84-454, State of Alabama.

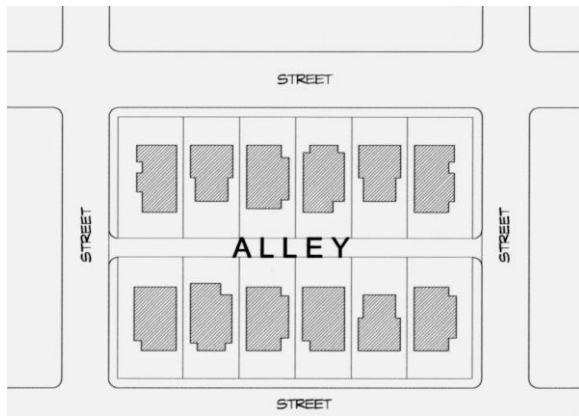
Section 1.7 Definitions.

Except as otherwise provided herein, all words and terms shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. The word ‘person’ includes a firm, corporation, association, organization, trust, partnership, or any other legal entity pursuing development under these regulations . The word ‘lot’ includes parcel, tract or plot. The word ‘building’ includes structure. The word ‘shall’ is mandatory. The word ‘may’ is permissive.

Access. A way or means of approach to provide vehicular or pedestrian entry or exit to a property.

Access Management. The process of providing and managing access to land development while preserving the flow of traffic with regard to motorist and pedestrian safety and traffic capacity/Town and speed.

Alley. Any right-of-way designed primarily for vehicular access to the back or sides of premises otherwise abutting a thoroughfare. Also referred to as a “mid-block alley”.



Applicant. The owner of land proposed to be subdivided or designated representative thereof, making an application for a subdivision.

Authorized Agent. The person appointed by the City/Town to administer and enforce the provisions of these regulations.

Block. A unit of land bounded by streets or a combination of streets, public land, public parks, cemeteries, railroad rights-of-way, watercourses, or any other barrier to the continuity of development.

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

Cartway. That area of road surface from curb line to curb line or between the edges of the paved or hard surface of the roadway, which may include travel lanes, parking lanes, and deceleration or acceleration lanes.

Condominium. A division of property or interest in property as defined by created under and subject to the “Alabama Uniform Condominium Act of 1991” and subsequent amendments and revisions.

Condominium Subdivision. A division of land based on condominium ownership. The term “subdivision”, wherever used herein, encompasses and includes condominium subdivision. Any condominium unit or portion thereof shall be equivalent to the term “lot” as used and

defined herein, for the purposes of determining compliance with the provisions and requirements of these regulations.

Commission - The Planning and Zoning Commission of the Town of Thorsby.

Construction Plan. A plan showing details of construction and design for subdivisions and improvements prepared in a manner meeting the requirements of these regulations.

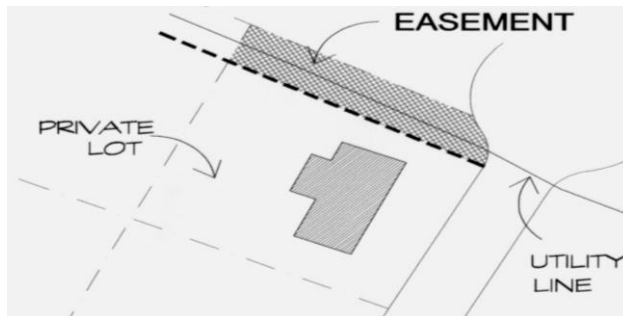
Curb or Curb Line. The inside vertical face of a masonry curb, the centerline of a valley gutter, inside edge of the ribbon curb or the edge of the pavement where no curbs or gutters exist.

Dedication. The deliberate assignment of land by its owners for any general or public uses, reserving to themselves no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Deed. A legal document conveying ownership of real property.

Design storm event. A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm water facility.

Easement. A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.



Engineer. A professional engineer currently licensed and in good standing by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors

Erosion and Sedimentation Plan. That portion of a Construction Plan, which provides details on the management of erosion and sedimentation during construction and after stabilization.

Estate Subdivision. A residential subdivision with a minimum lot size of two (2) acres and otherwise meeting the standards of the RE Zone.

Family Subdivision. A subdivision for the purpose of land conveyance among immediate family members.

Final Plat. See Plat, Final.

Frontage Road. A public or private drive that generally parallels a public thoroughfare. The frontage road provides access to private properties while separating them from an arterial thoroughfare. Also referred to as "Service Road".

Functional Classification. A system commonly used to group public thoroughfares into classes according to their purpose for moving vehicles and providing access.

Grading Plan. That portion of a Construction Plan, which provides details on grading and earthwork to be performed during construction.

Hardship. An unusual situation on the part of an individual property owner, which prohibits the enjoyment of full utilization of property as given to others within the City/Town. A hardship exists only when it is not self-created, or when it is not economic in nature.

Land-Disturbing Activity. Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing

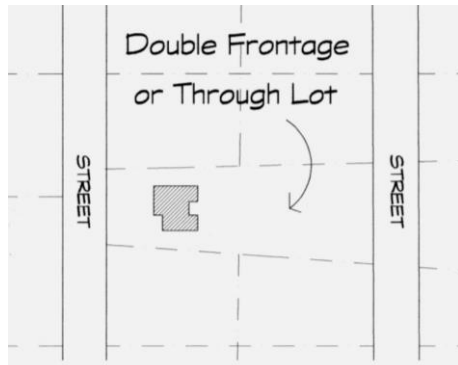
activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

Land Surveyor. See "Surveyor"

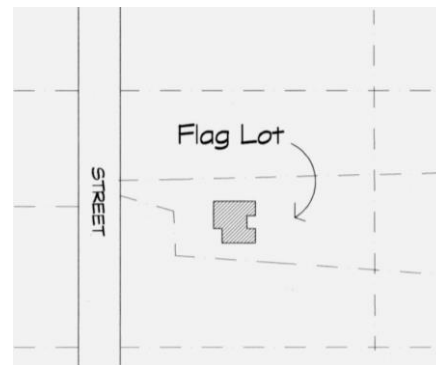
Large Lot Subdivision. See "Estate Subdivision".

Lot. A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision of record or survey map, or by metes and bounds.

Lot, Double-Frontage. A lot that fronts upon two parallel thoroughfares or thoroughfares that do not intersect at the boundaries of the lot.



Double Frontage Lot



Flag Lot

Lot, Flag. A lot not meeting minimum frontage requirements, but generally conforming to other dimensional requirements, where access to the public thoroughfare is by a narrow private right-of-way or driveway.

Lot Frontage. That portion of a lot extending along a thoroughfare right-of-way line.

Lot, Nonconforming. A lot not meeting the dimensional requirements of these regulations or the dimensional requirements of the Zoning District in which it is located and that existed prior to the effective date of these regulations.

Lot of Record. A lot or parcel that exists as shown or described on a plat or deed in the records of the Office of the Probate Judge.

Major Subdivision. Any proposed subdivision or resubdivision that is not an exempt or Minor Subdivision as determined by City/Town Planning Staff according to the provisions of Section 2.4.

Median. A physical barrier in a thoroughfare that separates traffic traveling in opposite directions.

Minor Subdivision. A subdivision of land into no more than three (3) lots where there are no roadways, drainage, or other improvements required.

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

Nonconforming Access. An access feature of a property that existed prior to the effective date of these regulations and that does not conform to the requirements therein.

Normal Maintenance. That work required to keep the existing facility in a state of good repair without adding to its physical makeup or changing its functional capacity.

Owner/Operator. Any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws

of this or any other state or country that holds property or performs land disturbance activities.

Parcel. A division of land comprised of one or more lots under contiguous ownership.

Plat. An accurate and detailed map of a subdivision of land.

Plat, Final. A completed subdivision plat in a form for approval and recording.

Plat, Preliminary. A tentative plat of a proposed subdivision for presentation to the Planning and Zoning Commission for its approval.

Private Access Easement. An easement provided for the development of a shared access drive that is not an alley.

Qualified Design Professional. Qualified Design Professional should have a sound understanding of the state and local laws and regulations related to erosion and sediment control and stormwater management. In addition, they must be competent in the principles of erosion and sediment control and stormwater management

Resurvey/Re-Subdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulation controlling subdivisions.

Ribbon Curb, Flush Curb. A flush concrete curb at the curb line of a thoroughfare provided for the safe conveyance of storm runoff.

Right-of-Way. Land reserved, used, or to be used for a thoroughfare, alley, walkway, drainage facility, or other public purpose.

Road, Private. Any thoroughfare for vehicular travel privately owned and maintained.

Road, Public. A thoroughfare under the jurisdiction of a public body.

Service Road. See "Frontage Road".

Shared Access (Drive). A driveway, alley, or other access facility connecting two or more contiguous sites to the public thoroughfare network.

Shared-Access Easement - An easement provided for the development of an alley and connecting from one thoroughfare to another.

Sight Triangle. A triangular-shaped area established at street intersections, in which there are restrictions on objects erected, placed, or planted, which would limit or obstruct the sight distance of motorists entering or leaving the intersection.

Stormwater Management Plan. That portion of a Construction Plan, which provides details on the control of stormwater runoff during and after construction.

Street, Half. A proposed thoroughfare, or any extension of an existing thoroughfare, along and roughly parallel to a property line such that less than the entire required right-of-way and street improvements, longitudinally, would be located on one property.

Street Stub. A portion of a thoroughfare intended to be used as an extension to an abutting property that may be developed in the future.

Subdivider or applicant. Any individual or legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or another.

Subdivision. The process and the result of any of the following:

A. The platting of land into lots, building sites, blocks, open space, public areas, or any other division of land;

B. Establishment or dedication of a thoroughfare or alley through a tract of land, by the owner thereof, regardless of area;

C. The re-subdivision of land heretofore subdivided (however, the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots and does not result in a nonconformity, shall not be considered a subdivision of land);

D. The platting of the boundaries of a previously unplatted parcel or parcels.

Subdivision, Family. See "Family Subdivision".

Subdivision, Minor. See "Minor Subdivision".

Substantial Enlargements or Improvements. A 10% increase in existing square footage or 50% increase in assessed valuation of a structure or land use.

Surety. Any surety bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable sureties as approved by the City/Town Council or its authorized agent.

Surveyor. A land surveyor currently licensed and in good standing by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors.

Temporary Access. Provision of direct access to a controlled access facility until that time when adjacent properties develop, in accordance with a shared access agreement or frontage road plan.

Thoroughfare. A public right-of-way for vehicular and pedestrian traffic designated as a street, highway, parkway, road, avenue, boulevard, or similar classification, excepting, however, an alley or driveway.

Utility. All public and private utilities which have electrical power, telephone, telegraph, water, gas, oil, petroleum, steam, chemicals, sewage, drainage, irrigation, or similar lines that are to be located, adjusted, or relocated within the rights-of-way of thoroughfares and highways under the jurisdiction of the City/Town, Chilton County or the Alabama Department of Transportation. Such utilities may involve underground, surface, or overhead facilities, either singularly or in combination.

Valley Curb, Valley Gutter. A "V"-shaped concrete channel at the curb line of a thoroughfare provided for the safe conveyance of storm runoff.

ARTICLE 2. PROCEDURES, PLANS AND PLAT REQUIREMENTS

Section 2.1 Subdivision, Resubdivision, and Exceptions

2.1.1 General Procedure.

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure. There are distinct procedures for a Minor Subdivision (§ 2.2), a Family Subdivision (§ 2.3), and a Major Subdivision (§ 2.4). The procedure for review and approval of a Major Subdivision plat consists of four steps. The initial step is the preparation and submission to the Commission of a layout plan of the proposed subdivision. The second step is the satisfactory completion of a preliminary plat. The third step is the satisfactory completion of a construction plan. The final step is the preparation of a final plat, together with all required certificates. The final plat becomes the instrument to be recorded in the Office of the Judge of Probate of Chilton County, Alabama, after being signed by the Chairperson of the Commission, City/Town Engineer, Mayor, City/Town Clerk, and Fire Chief. Copies of all submittals shall also be submitted as PDF files.

1. All subdivisions shall be subject to the provisions of these regulations and subject to approval in accordance with this Article.
2. All subdivisions shall be subject to the provisions of these regulations and subject to approval in accordance with the Town of Thorsby Design and Construction Specifications.
3. Each request for a preliminary plat or final plat shall be placed on the agenda of the Commission only after fulfilling the requirements of these regulations and the appropriate checklist. Plat checklists may be obtained from the City/Town Planning Staff.
4. A pre-application conference with the City/Town Staff is encouraged for all subdivisions to review, with the subdivider, the requirements for layout and the content requirements for preliminary plats, construction plans and final plats and to identify and provide preliminary recommendations on any elements of the proposed plat, which may be in conflict with these Subdivision Regulations.
5. No development activity or sale, rental, or lease of land subdivided shall proceed without a final plat filed with the Office of the Judge of Probate of Chilton County, Alabama. No development activity or sale, rental, or lease of land subdivided shall proceed without written approval in accordance with these regulations. No owner, or agent of the owner, of any lot located within a proposed subdivision, shall transfer, sell, agree to sell, or negotiate to sell any land by reference to or exhibition of a plat of a subdivision, or by any other use of a plat of subdivision, before such plat has been approved by the Town of Thorsby Planning & Zoning Commission and recorded with the County Probate Judge.
6. No subdivision plat or other land subdivision shall be filed with the Office of the Probate Judge until it has been approved by the Commission. All final plats shall be filed within one (1) year of the date of approval by the Commission. Failure to record the final plat within one (1) year of the date of the Commission approval shall void the approval of said final plat.
7. No construction of any building or structure shall be permitted without prior issuance of a zoning approval and building permit; and no zoning approval shall be issued (for a building permit) to construct any building or structure located on a lot or parcel subdivided or sold in violation of the provision of these regulations.
8. Incomplete submittals will not be placed on the Planning Commission agenda.

2.1.2 General Submittal Requirements

2.1.3 Exceptions to Required Approval.

The following subdivisions are exempt from any requirement for approval to subdivide. The City/Town may require documentation to substantiate a claim of exemption.

1. Subdivision of land by testamentary or in testate provisions;

2. Subdivision of land by court order including, but not limited to, judgments of foreclosure;
3. Subdivision of land, which existed prior to the effective date of these regulations as a single contiguous parcel and is not within a recorded subdivision and which involves no roadway, drainage, or other public improvements into no more than two parcels, including remnant parcels;
4. Subdivision of land wherein the size of each resulting portion of land equals or exceeds 5 acres and involves no roadway, drainage, or other public improvements; and
5. A final plat must be filed with the office of the Judge of Probate of Chilton County, Alabama and a copy shall be filed with the City/Town Clerk of the Town of Thorsby.

Section 2.2 Minor Subdivisions

2.2.1 Minor Subdivisions

A subdivision having three (3) lots or less with lots fronting an existing paved public road or street, and the platting of said subdivision does not involve roadway, drainage, or other public improvements, may be subdivided under minor subdivision final plat procedure. For the purpose of this article, the following definitions shall apply.

1. **Minor Subdivision.** A minor subdivision is the subdivision of land into no more than three (3) lots where there are no roadways, drainage or other improvements required
2. **Existing paved public road or street.** Existing paved public road or street shall mean one that has been accepted or opened as or otherwise has received the legal status of a public street or corresponds to a street on a subdivision plat approved by the planning commission or with a street on a street plat made by and adopted by the commission or with a street accepted by City/Town council after submission to the planning commission.

2.2.2 Minor Subdivision Application Process

Prior to subdividing land for the purpose of a Minor Subdivision, an owner of land or his representative shall file an application for approval of a layout plan. The application for approval of a layout shall:

1. Be made on forms available from City/Town staff.
2. Be accompanied by a minimum of one mylar, three paper copies and a pdf file of the required documents as described in these regulations and complying in all respects with these regulations.
3. Be accompanied by a vicinity map. The vicinity map shall show generally the proposed streets, proposed subdivision boundaries, and surrounding area of the land to be subdivided.
4. Be presented to the City/Town staff sufficiently in advance of the meeting of the planning commission to allow time for review.
5. The layout plan shall contain all elements outlined in the Minor Subdivision Final Plat Requirements (§2.2.5).

2.2.3 Minor Subdivision Review Procedure

Whenever any minor subdivision of land is proposed, and before any permit for the erection of a structure in such proposed subdivision shall be granted or before the transfer of any lot shall be authorized, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed minor subdivision in accordance with the following procedure.

1. Applications for approval of proposed Minor Subdivisions shall consist of a completed application form accompanied by layout plan and application fee.
2. The proposed minor subdivision shall be in accordance with the procedures for Minor Subdivision final review. However, any proposed Minor Subdivision may be referred by

City/Town Staff to the Commission for preliminary review and approval if, in the opinion of staff, the proposal should be more thoroughly or publicly reviewed.

3. The proposed Minor Subdivision Layout Plan shall be reviewed by the City/Town Engineer to insure that there are no roadways, drainage or other improvements required.

4. When the City/Town Engineer has completed his review of the layout plan and any deficiencies have been corrected, the subdivider may submit a Final Plat for approval.

2.2.4 Minor Subdivision Restrictions

1. Each resulting parcel in a proposed Minor Subdivision must have frontage on a public paved street or road and conform to all applicable zoning standards for the district in which they are located.

2. The resulting lots, parcels, or tracts comply with all applicable requirements of the Zoning Ordinances of the Town of Thorsby (ex. that lots meet setback, buffer, road frontage and lot size limitations).

3. All Lots must be within 1000 feet of a fire hydrant.

4. The existing lot, parcel, or tract shall not already be included in a recorded subdivision.

2.2.5 Minor Subdivision Final Plat Requirements

The subdivider shall submit a Final Plat for Planning Commission approval. The plat shall conform to the current standards for the practice of land surveying in the state of Alabama as defined by the Alabama Society of Professional Land Surveyors (ASPLS). The final plat submittal shall be legibly drawn on mylar film of reproducible quality. No plat or map shall have dimensions of less than 8.5 x 11 inches.

The final plat shall contain the following information, if applicable:

1. Title of Survey - each survey drawing shall state the type of survey it depicts (IE: Final Subdivision Plat)
2. Name of the Owner
3. North Arrow and North Datum reference
4. Scale: written or graphic
5. All boundary and lot line elements labeled
6. Referenced source information for survey (deeds, subdivision plats, etc)
7. Reference tie to the Government Survey, to Deed, or to Source information for survey
8. All changes in direction shall be shown by angles, bearings, or azimuths
9. All curves labeled with radii, arc distance, and central angle or radii, chords, point of tangency, and sub-tangent lengths.
10. Visible encroachments shall be shown
11. Visible evidence of easements or right-of-ways shall be noted and shown
12. Location and description of all monuments found or set including any witness monumentation
13. If dividing or redividing existing subdivided property, then the existing subdivision lot boundaries and recording information shall be shown
14. The name, street, mailing address and phone number of the surveyor shall be shown (including company info, if applicable) and signed, sealed and dated. The date when the field survey was performed shall be shown.
15. Lot numbers and lot areas in acres or square feet shall be shown for each Current Zoning Classification

2.2.6 Minor Subdivision Final Plat Certifications

In addition to the current standards, The following Notes, Certifications, and Signatures blocks shall be shown on the plat.

1. Certificate of Ownership/Survey

I, (Name of licensed Land Surveyor), a licensed land surveyor in the State of Alabama, and (Name of land owner) as owner(s) do hereby certify that the foregoing to be a true and correct map or plat of (name of subdivision), situated in (quarter section and section township and range of government survey), showing the subdivisions into which it is proposed to divide the same, giving the length and bearings of the boundaries of each lot and its number; showing the streets, alleys and public grounds and give the bearings, length, width and name of each street, as well as the number of each lot and block and showing the relation of the lands so platted or mapped to the government survey; and that the property is not subject to any mortgage.

Surveyor (Signature and Seal)	Date

Owner(s)	Date

If the property is subject to a mortgage add the following statement to the end of the above certification
 "except for the mortgage held by (Mortgage/Lien Holder)"and provide a place for the mortgage or lien holder or authorized agent thereof to sign and date the plat.

2. Certificate of Surveyor

"I hereby certify (or state) that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief"

Surveyor	
Surveyor Alabama License Number	Date

3. City/Town Notes

No certification is made by the Town of Thorsby, any employee, or any agent thereof that any lots or parcels shown on this plat are suitable for dwelling purposes, meets health department standards or regulations, or meets any other codes or regulations for development or site construction.

This is a minor plat only and does not constitute approval of any new street, roadway, or access to or from any lot or parcel shown. No approval is given or implied for any new drainage structures or improvements existing or proposed to be performed on this site.

4. Certificate of Approval for Recording

I, hereby certify that the subdivision plat shown herein has been examined for compliance with the current subdivision regulations by the Town of Thorsby Planning Commission and found it to conform the requirements thereof and is approved for recording.

Chairperson Thorsby Planning and Zoning Commission	Date
Secretary Thorsby Planning and Zoning Commission	Date
Mayor (Signature and City/Town Seal) Town of Thorsby	Date
Attest _____ City/Town Clerk	Date

2.2.7 Notary Requirements

A notary certification block shall be affixed to the plat and signed by a notary public for each signature for the surveyor, owner, and mortgage/lien holder shown.

2.2.8 Recording Minor Subdivision

Upon the approval of a final plat by the planning commission, the owner or his agent shall have the final plat recorded in the office of the Judge of Probate of Chilton County, Alabama prior to the sale of any lot in the subdivision.

Section 2.3 Family Subdivisions

A family subdivision is for the purpose of land conveyance among immediate family members. For the purpose of this article, the following definitions shall apply.

1. Immediate Family. Immediate family member shall mean spouse, son, stepson, daughter, stepdaughter, mother, stepmother, father, stepfather, grandparent, grandchildren, sister, stepsister, brother, stepbrother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law and daughter-in-law.

2. Existing paved public road or street. Existing paved public road or street shall mean one that has been accepted or opened as or otherwise has received the legal status of a public street or corresponds to a street on a subdivision plat approved by the planning commission or with a street on a street plat made by and adopted by the commission or with a street accepted by City/Town council after submission to the planning commission.

2.3.2 Family Subdivision Procedure. The following documents must be presented to the planning commission in order to qualify for consideration as land conveyance among immediate family members.

A. A notarized statement certifying to the family relationship of the parties involved in the land conveyance.

B. A copy of the original deed, as recorded in Probate, and a legal description of that tract.

C. A survey of the subject property indicating the boundary of the entire parcel and the lots to be transferred to other family members certified by a land surveyor currently licensed and in good standing by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors and licensed with the Town of Thorsby.

D. A copy of a recorded deed for all necessary rights-of-way and easements as required by the City/Town engineer.

2.3.3 Family Subdivision Restrictions

1. Each resulting parcel in a proposed Minor Subdivision must have frontage on a public paved street or road and conform to all applicable zoning standards for the district in which they are located.

2. The resulting lots, parcels, or tracts comply with all applicable requirements of the Zoning Ordinances of the Town of Thorsby (ex. that lots meet setback, buffer, road frontage and lot size limitations).

3. All Lots must be within 1000 feet of a fire hydrant.

4. The existing lot, parcel, or tract shall not already be included in a recorded subdivision.

2.3.4 Family Subdivision Final Plat Requirements

The subdivider shall submit a Final Plat for Planning Commission approval. The final plat shall conform to the current standards for the practice of land surveying in the state of Alabama as defined by the Alabama Society of Professional Land Surveyors (ASPLS). The final plat submittal shall be legibly drawn on mylar film of reproducible quality. No plat or map shall have dimensions of less than 8.5 x 11 inches.

The final plat shall contain the following information, if applicable:

1. Title of Survey - each survey drawing shall state the type of survey it depicts (IE: Final Subdivision Plat)

2. Name of the Owner

3. North Arrow and North Datum reference

4. Scale: written or graphic

5. All boundary and lot line elements labeled

- 6. Referenced source information for survey (deeds, subdivision plats, etc)
- 7. Reference tie to the Government Survey, to Deed, or to Source information for survey
- 8. All changes in direction shall be shown by angles, bearings, or azimuths
- 9. Location and description of all monuments found or set including any witness monumentation
- 10. If dividing or redividing existing subdivided property, then the existing subdivision lot boundaries and recording information shall be shown
- 11. The name, street, mailing address and phone number of the surveyor shall be shown (including company info, if applicable) and signed, sealed and dated. The date when the field survey was performed shall be shown.

2.3.5 Family Subdivision Final Plat Certifications

In addition to the current standards, The following Notes, Certifications, and Signatures blocks shall be shown on the plat.

1. Certificate of Surveyor

"I hereby certify (or state) that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief"

Surveyor

_____	_____
Surveyor Alabama License Number	Date

2. City/Town Notes

No certification is made by the Town of Thorsby, any employee, or any agent thereof that any lots or parcels shown on this plat are suitable for dwelling purposes, meets health department standards or regulations, or meets any other codes or regulations for development or site construction.

This is a minor plat only and does not constitute approval of any new street, roadway, or access to or from any lot or parcel shown. No approval is given or implied for any new drainage structures or improvements existing or proposed to be performed on this site.

3. Certificate of Approval for Recording

I, hereby certify that the subdivision plat shown herein has been examined for compliance with the current subdivision regulations by the Town of Thorsby Planning Commission and found it to conform the requirements thereof and is approved for recording.

_____	_____
Chairperson	Date
Thorsby Planning and Zoning Commission	
_____	_____
Secretary	Date
Thorsby Planning and Zoning Commission	
_____	_____
Mayor (Signature and City/Town Seal)	Date
Town of Thorsby	
Attest _____	_____
City/Town Clerk	Date

2.3.6 Notary Requirements

A notary certification block shall be affixed to the plat and signed by a notary public for each signature for the surveyor, owner, and mortgage/lien holder shown.

2.3.7 Recording Minor Subdivision

Upon the approval of a final plat by the planning commission, the owner or his agent shall have the final plat recorded in the office of the Judge of Probate of Chilton County, Alabama.

Section 2.4 Major Subdivisions

All Major Subdivisions shall be subject to review and approval by the Commission in accordance with the procedures of this Article

Section 2.5 Major Subdivisions Layout Plan

2.5.1 General Requirements.

Before preparing the layout plan for a major subdivision, the applicant should discuss with City/Town staff or his designated representative, the procedure and requirements for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. Staff shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction.

2.5.2 Application Procedure.

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

1. Be made on forms available from City/Town staff.
2. Be accompanied by a minimum of three copies and a pdf file of the required layout documents as described in these regulations and complying in all respects with these regulations.
3. Be accompanied by a vicinity map. The vicinity map shall show generally the proposed streets, proposed subdivision boundaries, and surrounding area of the land to be subdivided, and shall be drawn scaled 100 feet to the inch or another scale only as approved by City/Town staff and a maximum sheet size of "24 x 36".
4. Be presented to the City/Town staff sufficiently in advance of the meeting of the planning commission to allow time for review.
5. Be accompanied by a phasing plan for the proposed subdivision that includes:
 - A. Anticipated number of lots to be developed
 - B. Anticipated build out date
 - C. Anticipated schedule of completion of all infrastructure improvements

2.5.3 Layout Plan Content Requirements

The following documents shall be submitted with the layout application. All maps shall be drawn to a convenient scale of not more than 100 feet to an inch, on maximum sheet size of "24 x 36". Copies of all submittals shall also be submitted as PDF files.. Each map shall be a separate document unless otherwise specified and shall contain the information as outlined below:

1. Title Block
 - A. Name of the Subdivision
 - B. Name of the Owner
 - C. Name of the Subdivider
 - D. Name of Engineer (If Applicable)
 - E. Name of Surveyor
 - F. Date of Preparation
 - G. Revision Date(s) (If applicable)
 - H. Scale: 1" = _____ [Scale to be (1) inch equals one hundred (100) feet or another scale only as approved by the City/Town Planning Staff]
 - I. North Arrow
 - J. City/Town
 - K. County
 - L. State
 - M. The quarter-section, section, township, and range and parcel numbers from which the subdivision, resubdivision, or revision will be created.
 - N. Current Zoning Classification
2. Legend

3. Index Sheet, if more than one sheet required for the layout plan

4. Transportation

A. Approximate locations of roadways connecting to adjacent developed properties/roadways and future connections to adjacent undeveloped parcels

B. Approximate locations of sidewalks and pedestrian facilities

C. All major roadways adjoining or serving the site

5. Project Data

A. Boundary lines of the subdivision

B. Contour lines at 5-foot intervals.

C. Table that includes the total acres in the subdivision, and the approximate number of lots and roadway surface area

D. Approximate locations and dimensions and square footage of all proposed lots

E. Approximate locations of all parcels of land to be set aside for parks or other use by property owners in the proposed subdivision

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

G. Slope Map. When the slope of the property of the proposed subdivision falls entirely within the 0-10 percent slope category, the slope may be noted on the site assessment map. To be at the same scale and contain the same information as the sketch plat. (Delineation of existing slope categories of 0--10 percent, 10--15 percent, 15--25 percent, 25--35 percent, and 35 percent and greater

6. Utilities

A. Location of existing and proposed improvements within 500 feet of the boundary of the proposed subdivision

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

C. Other utilities affecting the site

7. Other Details

A. Location of construction entrance

B. Vicinity map showing the relationship between the subdivision and surrounding area

2.5.4 Coordination with Existing Plans.

The subdivider should review all City/Town Planning documents to locate greenways, street reservations or other improvements identified in the City/Town Comprehensive Planning Process. All thoroughfares in the major street plan shown crossing or bordering a proposed subdivision are required to be provided for in the location and at the right-of-way width designated on the major street plan.

2.5.5 Public Hearing

The planning commission may hold a public hearing on the layout plan. However, without regard to a public hearing at layout, a public hearing as required for plats under Alabama Law shall be held prior to the planning commission granting preliminary plat approval.

2.5.6 Review and Approval of Layout Plan

The planning commission shall study the layout, taking into consideration the requirements of the subdivision regulations and public comment. After reviewing and discussing the layout, public comments, and other reports, as submitted by invited agencies and officials, the planning commission will advise the applicant of the specific changes and additions, if any, it will require.

The planning commission may require additional changes because of further study of the subdivision in preliminary or final form.

Section 2.6 Major Subdivision Preliminary Plat

2.6.1 General Requirements

The subdivider shall prepare a preliminary plat for submission to the Commission in accordance with the requirements of this section. A checklist of these requirements may be obtained from the City/Town Clerk. The Commission shall establish regular meeting dates, times and the deadline for each regular meeting.

1. The subdivider shall submit three (3) sets of the preliminary plat, the vicinity sketch, and all design prints required to the City/Town Clerk at least 30 days prior to the regular scheduled meeting of the Commission. One of the three copies shall be marked original and the additional two copies stamped as copies. Copies of all submittals shall also be submitted as PDF files. The Clerk shall forward one (1) copy to the City/Town Engineer who shall submit written recommendations to the Commission by the time of its initial hearing on said plat. No landowner or subdivider shall proceed with improvements or sale of land subdivided without the written approval of the Commission.

2. The preliminary plat shall be prepared by a surveyor currently licensed and in good standing by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors. The plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth by the Alabama Society of Professional Land Surveyors' Standards of Practice for Surveying in the State of Alabama.

2.6.2 Fees and Notice

1. To partially defray costs of filing said application, notifying interested parties, investigation, and holding a hearing on a preliminary plat, a fee, as established by the City/Town Council, shall be paid to the Town of Thorsby by the subdivider at the time of filing of the application, together with the cost of giving legal notice. Application materials and fee information shall be provided by the City/Town Clerk.

2. Notice by mail to adjoining property owners shall be mailed fourteen (14) days prior to the hearing on the preliminary plat.

2.6.3 Preliminary Plat Approval Process

The Commission shall approve, approve conditionally or disapprove the preliminary plat within thirty (30) days of the date of its first public hearing. If the Commission by the end of the thirty (30) day period takes no action, then the preliminary plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission on demand unless the subdivider consents to an extension of this period.

If the preliminary plat is approved conditionally or disapproved, the reasons for conditional approval or disapproval shall refer specifically to those regulations with which the preliminary plat does not conform. On conditional approval, the Commission may require the submission of a revised preliminary plat. If the preliminary plat conforms to all standards, or if the Commission and the applicant agree to conditional approval, the subdivider may proceed with preparing construction plans and the final plat.

A preliminary plat and a final plat for the same development shall not be submitted to the Commission for action at the same meeting.

1. The subdivider shall furnish all plans and information necessary for a complete review and approval for the construction of the proposed improvements as requested by the City/Town Engineer. Such plans and information shall be furnished with the preliminary plat application and shall be certified by an engineer. The preliminary plat will be drawn on paper suitable for making copies and shall contain the information named in this Article. All maps shall be drawn to a convenient scale of not more than 100 feet to an inch, on maximum sheet size of "24 x 36.":

2. Following action by the commission, one (1) copy of the preliminary plat as acted upon by the Commission shall be retained in its office, one (1) copy forwarded to the City/Town Engineer, and one (1) copy returned to the subdivider. The approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the subdivision as proposed on the preliminary plat.

3. If the preliminary plat is approved, it is authorization that the subdivider may proceed with the development of the required construction plans. The approval is subject to the subdivider obtaining all necessary City/Town, County, State and Federal permits. Under the direction and supervision of the City/Town engineer, and/or other supervisory personnel required by the City/Town the subdivider may proceed with the staking of streets and lots in preparation for construction.

2.6.4 Preliminary Plat Content Requirements

Each map shall be a separate document unless otherwise specified and shall contain the information as outlined below:

1. Title Block

A. Name of the Subdivision

B. Name of the Owner

C. Name of the Subdivider

D. Name of Engineer

E. Name of Surveyor

F. Date of Preparation

G. Revision Date(s) (If applicable)

H. Scale: 1" = _____ [Scale to be (1) inch equals one hundred (100) feet or another scale only as approved by the City/Town Planning Staff]

I. North Arrow

J. City/Town

K. County

L. State

M. The quarter-section, section, township, and range and parcel numbers from which the subdivision, resubdivision, or revision will be created.

N. Current Zoning Classification

2. Legend

3. Index Sheet where more than one sheet is required to present preliminary plat

4. Transportation

A. The preliminary plat shall show the street names as approved by Chilton County EMA Addressing Division; the location, and width of all streets, alleys and sidewalks to be dedicated for public use.

B. Streets shall be tied to the property by dimension, angle and/or bearing, and shall be fully dimensioned showing angles of intersection; the radii, chords, point of tangency, sub-tangent lengths and central angles for all curvilinear streets and the radii of all rounded corners. The centerline of each proposed thoroughfare, with stationing to the nearest hundredth of a foot at points of intersection, points of tangency, points of curvature and street intersection, radii of curves, and lengths of curves.

C. The preliminary plat shall show the location of proposed streets connecting to adjacent developed properties/roadways and future connections to adjacent undeveloped parcels, or within the subdivision, with street names. Future connections or stub streets shall be labeled as future connections.

D. All new/additional right-of-way, exterior to the internal roadways of the proposed subdivision, required to serve the subdivision, must be dedicated by deed to the public entity with maintenance responsibility for the exterior roadway prior to final plat approval, and the recording information for all such right-of-ways must be shown on the final plat.

5. Project Data

A. The fully dimensioned boundaries of the property proposed for subdivision, including all bearings (or internal angles).

B. Contour lines at 2 foot intervals

C. Table that includes the total acres in the subdivision, number of lots, roadway surface area.

D. Table that shows by zoning classification the minimum required setback lines.

- D.1 Lot Frontage
- D.2 Front Setbacks
- D.3 Side yard
- D.4 Rear yard

E. Lot numbers, lot lines and front building lines, all fully dimensioned with angles (or bearings) and distances of non-parallel lot lines.

F. The area of each proposed/resulting lot, tract, or parcel in square feet, any lot, tract, or parcel greater than 2 acres may be shown as acres.

G. Common areas/designated open space, labeled and individually identified by sequential letters (e.g., "Common Area A"), with the respective area of each provided in square feet, any common areas/designated open space greater than 2 acres may be shown as acres.

H. For all non-residential developments the plat shall show parking lot location and anticipated capacities of parking areas and means of access, pedestrian circulation, driveway access point(s), and access points for parking lot(s) or parking area(s), as applicable.

6. Utilities

A. Boundaries and setbacks of any required or proposed reservations.

B. Proposed method of storm water management

C. Existing and/or proposed watercourses

D. Existing and/or proposed drainage channels and subsurface drainage structures

E. Easements, with dimensions, and designated as to type (Example: Public utility and access easement, drainage easement, walkway and public access easement, etc.).

- E.1 Public utility and drainage easement locations and sizes, whether they are to be located within or outside the subdivision.
- E.2 Existing and proposed public utility locations, sizes and types.
- E.3 Water lines.
- E.4 Fire hydrants,
- E.5 Sanitary sewers.
- E.6 Storm sewers.
- E.7 Culverts.
- E.8 Streetlights.
- E.9 Other utilities affecting the site

7. Supporting Details

A. Location of construction entrance

B. Vicinity map showing the relationship between the subdivision and surrounding area

C. The location and description of all adjoining properties and names and/or property owners adjoining, but not a part of, the subdivision.

D. The 100-Year Floodplain and any Floodway affecting the platted property, along with the FEMA/FIRM panel number(s) from which that information was obtained, and the date of issuance of same. Furthermore, if any portion of the platted property is in either of these designated flood zones, the respective boundaries of each applicable zone must be delineated on the plat, and the Base Flood Elevation for each lot affected by the 100-Year Floodplain must be provided.

E. Existing structures and buildings, including the exact locations and dimensions of historical structures and sites

F. Approximate size, type and location of any other surface or subsurface structures existing within or immediately adjacent to the subdivision.

G. For non residential uses a statement of the operational characteristics of any proposed business, office, industrial, institutional or utility operations, or of any other commercial or non-residential endeavor, such as may be necessary to fully identify the nature of the use(s) in question

2.6.5 Preliminary Plat Signature Requirements

The surveyor, owner, subdivider and mortgager, when applicable, must sign the preliminary plat before it will be accepted by the City/Town. Signatures on paper are to be made in blue, permanent ink and must be made directly on all three copies. The Civil Engineer, Architect, must be currently licensed and in good standing with the appropriate Board as a Professional (Land Surveyor / Civil Engineer/ Architect) in the State of Alabama. Signatures on adhesive paper/plastic will not be accepted.

1. Owner Signature Block

A. Name, address and telephone number.

B. Signature and date

C. Where such owner is designated as a partnership, corporation or other business venture, the names and addresses of all individual parties, officers and directors, and/or beneficial owners holding more than a five percent (5%) interest in the project shall be identified.

2. Subdivider Signature Block (If Other Than Owner)

A. Name, address and telephone number.

B. Signature and date

C. Where such subdivider is designated as a partnership, corporation or other business venture, the names and addresses of all individual parties, officers and directors, and/or beneficial owners holding more than a five percent (5%) interest in the project shall be identified.

3. Surveyor Signature Block

A. Name, address, telephone number and license number

B. Surveyor's seal shall be provided on all copies.

C. Signature and date

4. Engineer Signature Block (If Applicable)

- A. Name, address, telephone number and license number
- B. Engineer’s seal shall be provided on all copies.
- C. Signature and date.

5. Mortgagor Signature Block (If Applicable)

- A. Name, address and telephone number
- B. Signature of mortgagor’s authorized representative and date

2.6.6 Notary Requirements

One of the three copies shall be marked original and all signatures must be notarized.

A separate raised (embossed) seal or inked stamp is required for each signature on the original.

2.6.7 Preliminary Plat Certification Requirements

1. Certification of design signed by the surveyor preparing the plat, which contains the following:

State of Alabama

Chilton County

The undersigned, _____ (name) is currently licensed and in good standing with the Alabama Board of Licensure for Professional Engineers and Land Surveyors, and _____ (name) owner(s), hereby certify that this plat or map was made pursuant to a survey made by said surveyor and that said survey and this plat or map were made at the instance of said owner(s); that this plat or map is a true and correct map of land shown therein and known as or to be known as

“ _____ (plat name)”; showing subdivision into which it is proposed to divide said lands; giving the length and the angles of the boundaries of each lot and its number; showing the streets, alleys and public grounds; giving the length, width and name of each street, as well as the number of each lot and block; also showing the relations of the lands to the government survey; and that iron pins have been installed at all corners and curve points as shown and designated by small open circles on said plat or map. Said owner(s) further certify that they are the owner(s) of said property and that the same is not subject to any mortgage.

“I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the standards of practice for surveying in the State of Alabama to the best of my knowledge, information, and belief.”

By: _____ By: _____

Surveyor Owner

Surveyor

License Number. _____ Date: _____

Date: _____

The certification and signature block must contain a correct Mortgage Statement. The standard block provided above states that the property is not subject to any mortgage; however, wherever a property is subject to a mortgage, the text should be changed to read as follows:

“...the property is subject to a mortgage held by [name of Mortgage Company].”

Whenever there is a mortgage, a representative of the mortgage company shall also sign the plat.

Date: _____ By: _____
Mortgage Company Representative

2.6.8 Statements and Assurances Signature Blocks

1. Certification of approval of Subdivision Name and Street Names, which contains the following:

Subdivision name and street names approved by the Chilton County Land Development.	
_____	_____
Chilton County EMA Addressing Division	Date

2. Assurance of availability of Fire Service

Fire Service is available to this site.	
_____	_____
Fire Department	Date

3. Assurance of availability of Water Service

Water Service is available to this site.	
_____	_____
Water Authority	Date

4. Assurance of availability of Sewer Service

Sewer Service is available to this site.	
	Date

2.6.9 Electronic Submittal.

Submit a copy of the final plat, in digital format, to the City/Town Clerk, Formats required are to be in the Alabama West State Plane Coordinate System, NAD 83 datum, with feet as the unit of measure. Submission should be available as a PDF and in DXF, AutoCAD, or ESRI Shapefile formats.

2.6.10 Proposed Deed Restrictions and Covenants

Any proposed deed restrictions, covenants, and organizational documents shall accompany the layout plan at time of submittal. Submittal shall include articles of incorporation and bylaws creating a Homeowner’s or Condominium Association, as applicable, for residential subdivisions.

Section 2.7 Major Subdivision Construction Plan

2.7.1 General Requirements

A. Following approval of the preliminary plat, the subdivider shall seek staff approval of a construction plan, either for the development in its entirety or for sections thereof, in accordance with this Article and the Town of Thorsby Design and Construction Specifications.

B. Submit a copy of the construction plans, in digital format, to the City/Town Clerk electronically; the formats required are to be in the Alabama West State Plane Coordinate System, NAD 83 datum, with feet as the unit of measure. Submission should be available as a PDF and in .DXF, DWG. or .DGN or ESRI Shapefile formats.

2.7.2 Time Limit.

The construction plan shall be submitted within six (6) months after approval of the preliminary plat, unless an extension is given, in which event the construction plan shall be submitted within the time of the extension.

2.7.3 Construction Plan Approval

Upon receipt of the construction plan, the City/Town Engineer shall take action on behalf of the City/Town and shall notify the subdivider in writing within 60 days of such action. The action of the City/Town Engineer shall take one of the following forms:

1. Approval. The plan may be approved as submitted. All necessary approvals shall be obtained from the City/Town Engineer before improvements may be installed. Such approvals issued shall be valid for six (6) months, and extensions of approval and renewals of approved plans may be granted by the City/Town Engineer.

2. Conditions of Approval. The plan may be approved conditionally and the subdivider may be required to submit amendments to the plan before receiving full approval. If the subdivider does not submit an acceptable amended plan within ninety (90) days of submission of the original plan, the plan shall be deemed to be disapproved by the City/Town Engineer.

3. Disapproval. The plan may be disapproved and the City/Town Engineer shall state in writing such reasons for disapproval. The subdivider must submit a new construction plan to create the subdivision.

4. Approval of the Construction Plans and the subsequent acquisition of a Land Disturbance Permit is authorization that the subdivider may begin the development of the property. The

approval is subject to the subdivider obtaining all necessary County, State and Federal permits.

2.7.4 Land Disturbance Permit Required.

Land Disturbance Permits are issued by the City/Town upon presentation of proof of required County, State and Federal approvals of drawings and specifications and upon payment of required fees. The fee, as established by the City/Town Council, shall cover the administrative costs as well as the inspection required for the permit and shall be paid prior to issuance of the permit. Fee information shall be provided by the City/Town Clerk. Every Developer will be required to obtain a Land Disturbance Permit from the Town of Thorsby in the following cases:

1. Activities resulting in greater than one (1) acre of land disturbance;
2. Activities that result in the disturbance of less than one (1) acre if it is part of a larger common plan of development or sale of one (1) acre or more; or
3. Where land disturbance activities pose a threat to water, public health or safety as determined by the City/Town Engineer.

2.7.5 Erosion and Sediment Control and Stormwater Bond

The subdivider shall furnish a bond to ensure that the subdivider shall promptly and faithfully performs the activities described in the subdivider's erosion and sediment control and stormwater management plan. The plan must satisfy the Alabama Department of Environmental Management requirement that the potential problems related to erosion, sediment and stormwater will be adequately addressed. Details of bonding requirements are set out in Article 4 of the Town of Thorsby Subdivision Regulations.

2.7.6 General Construction Plan Content Requirements

1. The subdivider shall furnish all plans and information necessary for complete review and approval for the construction of the proposed improvements as requested by the City/Town Engineer. Such plans and information shall be furnished and shall bear the seal, signature, and license number of the professional engineer responsible for design. The construction plans shall be drawn on paper suitable for making copies and shall contain the information named in this Article. All maps shall be drawn to a convenient scale of not more than 100 feet to an inch, on maximum sheet size of "24 x 36." A copy of the approved preliminary plat shall be included with the construction plans. Each plan sheet shall be a separate document unless otherwise specified and shall contain the information as outlined below:

2. Title Block

A. Name of the Subdivision

B. Name of the Owner

C. Name of the Subdivider

D. Name of Engineer

E. Name of Surveyor

F. Date of Preparation

G. Revision Date(s) (If applicable)

H. Scale: 1" = _____ [Scale to be (1) inch equals one hundred (100) feet or another scale only as approved by the City/Town Planning Staff]

I. North Arrow

J. City/Town

K. County

L. State

M. The quarter-section, section, township, and range and parcel numbers from which the subdivision, resubdivision, or revision will be created.

N. Current Zoning Classification

3. Legend

4. Index Sheet where more than one sheet is required to present construction plans

5. Vicinity map showing the relationship between the subdivision and surrounding area

2.7.7 Plan View Content

The plan view shall include:

1. The name and width of each thoroughfare;
2. Streets tied to the property by dimension, angle and/or bearing, and shall be fully dimensioned showing angles of intersection; the radii, chords, point of tangency, sub-tangent lengths and central angles for all curvilinear streets and the radii of all rounded corners. The centerline of each proposed thoroughfare, with stationing to the nearest hundredth of a foot at points of intersection, points of tangency, points of curvature and street intersection, radii of curves, and lengths of curves.
3. All proposed drainage structures, including manholes, catch basins, junction boxes, pipe storm drains, swales, channel stabilization and other drainage facilities, including headwalls;
4. The size, type, and location of existing and proposed easements;
5. Location of bench marks with elevations referred to the USGS sea level datum;
6. Adjoining thoroughfares, drainage ways and structures affecting the design of the subdivision; and
7. Details of structures requiring special design and sounding if necessary

2.7.8 Profile View Content

The profile view shall include:

1. Proposed thoroughfare grades, designated by solid lines, with percent of grade and length of vertical curves and k-factor.
2. The elevations of proposed thoroughfare grades to tenths of a foot every 100 feet on uniform grades, every fifty feet on vertical curves, and at the centerline of all thoroughfare intersections. Sight distance shall be computed according to AASHTO, Policy on Geometric Design of Highways and Streets or the Town of Thorsby Design and Constructions Guidelines, whichever is required by the City/Town Engineer.
3. The elevations and grades, or typical cross sections of proposed swales not conforming to thoroughfare grades.
4. The elevations, lengths, and grades of other existing and proposed swales, drainage structures, manholes, headwalls, catch basins, junction boxes, pipe storm drains, and other drainage facilities.
5. Stationing, to be shown along the bottom of each sheet.
6. The original ground and final grade elevations, lettered at the proper station along the bottom of each sheet.
7. The profile and stationing of adjoining thoroughfares and all pertinent information on the alteration of all existing swales or drainage and cross section of any proposed swales.

2.7.9 Temporary Traffic Control Plan Content

The traffic control plan shall include the Developer's plans for handling traffic through highway or street work zones associated with subdivision construction. The degree of detail of the traffic control plan will depend on the project complexity and the relationship of traffic on existing streets with construction activity. The traffic control plan shall include, but not be limited to, the following items:

1. Signage
2. Construction schedule and hours of work
3. Flagging
4. Placement and design of barriers and barricades
5. Storage of equipment and materials
6. Construction entrances and controls
7. Roadway lighting
8. Movement of construction equipment
9. Length of project under construction at any one time
10. All temporary traffic control plans shall conform to elements set forth in the most recent version of the Manual of Uniform Traffic Control Devices (MUTCD), Part 6.

2.7.10 Stormwater Drainage Plan

The plan view and profile of all drainage improvements and all proposed easements, parks, storm sewers, swales, reserved areas, lot drainage and existing drainage areas designated in acres contiguous to the subdivision. The plan view and profile shall include as many sheets necessary to adequately show all improvements. Each sheet shall contain a plan view on the top half and a profile view on the bottom half of the page, and it shall show the page number and number of pages. Each sheet shall bear the engineer's seal, license number and signature. The detailed storm drainage and sanitary sewer plan shall show:

1. The proposed street plan and associated drainage system.
2. Designation of each drainage area and design flow for each storm drainage pipe or drainage facility.
3. Typical cross sections of each drainage way.
4. Lengths of pipes of drainage facilities, slopes, facility sizes, materials, locations of inlets, manholes, junction boxes, and all information relative to the comprehensive drainage system including as much as is practical of the offsite drainage systems affected by the proposed subdivision.
5. Where fill is to be placed within flood fringe areas, a grading plan showing final elevations.
6. Type, size and slope of storm drainage pipe, bedding details, direction of flow of each storm drainage line, and specifications for excavation, backfill, compaction and testing.
7. Engineering details of drainage structures, placed on detail sheets.

2.7.11 Grading, Erosion and Sediment Control and Stormwater Management Plan

The grading and erosion and sediment control and stormwater management plan shall be in compliance with the City/Town's Design and Construction specifications and all applicable county, state and federal guidelines, the most restrictive shall apply. The plan shall include:

1. All information shown shall be drawn at same sheet size and scale as the preliminary plan.

2. All existing and proposed improvements within 200 feet of the proposed subdivision, including but not limited to streets, drainage structures, ditches, manholes, utility lines, etc.
3. All existing contours indicated by broken (dashed) lines and all proposed contours indicated by solid lines at a minimum interval of two feet except where slopes exceed 15 percent in which case a minimum interval of five feet shall be shown.
4. The elevation of all known high water marks or flood lines as well as the elevation of all proposed structures, including finished floor elevations of all buildings
5. Bench mark, including elevation, relative to national geodetic vertical datum.
6. The slope of all proposed excavation and fill embankments
7. Approximate location, description and details of all proposed retaining structures for excavation and fill slopes in excess of two feet horizontal to one foot vertical.
8. Location, description and details of all temporary and permanent erosion and sedimentation control measures to be utilized including, but not limited to, silt fences, silt dikes, hay bale dikes, construction entrances, channel stabilization, siltation ponds, permanent ground cover types and application rates.

2.7.12 Transportation Plan

The construction plans shall include plan and profile view of all thoroughfares, paved rights-of-way, swales, culverts, and details of all drainage structures, and any other elements which are part of the physical improvements of the subdivision. The plan view and profile shall include as many sheets necessary to adequately show all improvements. Each sheet shall contain a plan view on the top half and a profile view on the bottom half of the page, and it shall show the page number and number of pages. The plan shall include:

1. All information shown shall be drawn at same sheet size and scale as the preliminary plat.
2. Location of existing or proposed streets adjacent to the subdivision, including all curb cuts, driveways, or intersections along both sides of boundary streets adjacent to the subdivision.
3. Widths of existing and proposed rights-of-way.
4. Street names.
5. Locations and specifications of all required traffic control devices and street name signs.
6. Topography at two-foot intervals unless a closer contour interval is required by the City/Town engineer. In cases where slopes exceed 15 percent, a minimum contour interval of five feet may be shown.
7. Location and description of all required sidewalks and off-street pedestrian/bicycle paths.
8. Horizontal curve data from of each proposed thoroughfare, with stationing to the nearest hundredth of a foot at points of intersection, points of tangency, points of curvature and street intersection, radii of curves, and lengths of curves.
9. Vertical curve data including grades, existing and proposed elevations, vertical point of curvature, vertical points of intersection and tangency, length of curve and K-Factor.
10. Design speed
11. If connecting to a County or State Highway include the signed approved plans for any required improvements or a signed statement that no improvements are required.

2.7.13 Testing

Before starting construction, necessary arrangements must be made between the subdivider and the City/Town Engineer for adequate laboratory and construction inspection to insure that the proposed improvements shall comply with the requirements of the City/Town and County. All testing shall be in accordance with the Design and Construction Specifications.

2.7.14 Developers Engineer's Inspection Certificate

Following inspection of all improvements as built, the developer's engineer shall, when required by the City/Town Engineer, mark any major deviations on the original tracing of the construction plan and certify it as-built and submit the revised construction plan to the City/Town Engineer for approval.

Section 2.8 Major Subdivision Final Plat

2.8.1 General Requirements

After substantial completion of the physical development of the subdivision, the subdivider shall submit final plat in accordance with the procedures contained in this Article.

1. The final plat is the "as built" plans for the subdivision. The subdivider shall prepare a final plat for submission to the Commission in accordance with the latest final plat checklist, which may be obtained from the City/Town Staff. The subdivider shall submit **one** Mylar original and three copies of a final plat to the City/Town Staff for review within the period in which the preliminary plat is valid. If the final plat is not submitted within this period, the preliminary plat expires. The final plat shall have been signed and executed by all necessary parties and shall be accompanied by the appropriate application form and fee.

2. The final plat shall be prepared by a surveyor currently licensed and in good standing by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth Alabama Society of Professional Land Surveyors' Standards of Practice for Surveying in the State of Alabama.

3. The final plat shall give sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every road line, lot line, boundary line, block line, easement, and building line, whether curved or straight, and including the radius, central angle, and tangent distance, and the length of curve for the center line of all curved roads and property lines which are not the boundary of the property being subdivided. The length of all dimensions shall be to the nearest one hundredth or .01 of one (1) foot, and bearing of all angles to the nearest second of arc.

4. All record drawings shall be submitted electronically, the formats required are to be in the Alabama West State Plane Coordinate System, NAD 83 datum, with feet as the unit of measure. Submission should be available as a PDF and in .DXF, DWG. or .DGN or ESRI Shapefile formats.

2.8.2 Time Limit

Final plats for all lots shown on the preliminary plat shall be submitted to the Commission for approval within 24 months of the date on which the preliminary plat was approved. If not submitted for final approval within such time, plat approval for the remaining lots on the preliminary plat shall be considered as having been voided unless the Commission agrees to an extension of time. Final plats shall be filed in the Office of the Probate Judge, Chilton County, Alabama, within one (1) year after approval by the Commission; if not filed within such time, said approval shall be considered as having been voided.

2.8.3 Fees and Notice

When application is made for approval of a subdivision under the provisions of this Section, a final plat fee, as established by the City/Town Council, shall be paid together with the cost of giving legal notice at the time of filing of the application. Application materials and fee information shall be provided by the City/Town Clerk.

2.8.4 Guarantee of Completion of Improvements

1. General. The subdivider shall be responsible for the provision of all required improvements to the subdivision. This may be accomplished either by the full installation of all required improvements by the developer at the time the final plat is to be submitted to the planning commission, or by the provision of a financial guarantee of performance.

2. The City/Town engineer shall provide a signed statement that affirming that the subdivider has complied with one of the following alternative:

A. All improvements shown on the plat have been installed in substantial compliance with the requirements of these regulations; or

B. Cash or a certified check drawn on an approved bank and payable to the City/Town in an amount adequate for the completion of all improvements utilities or facilities and fees encountered during execution of improvements.

3. Failure to complete work. If within twelve (12) months after filing said guarantee the subdivider has not completed all necessary improvements, or if in the opinion of the planning commission any improvements have not been satisfactorily installed, the guarantee shall be used by the City/Town to complete the improvements in satisfactory fashion, or the City/Town may take such steps as may be necessary to require performance under the guarantee. In the event of a default as provided herein, any irrevocable letters of credit or certificates of deposit may be redeemed on behalf of the City/Town by the City/Town clerk, president of the City/Town council or the mayor.

2.8.5 Final Plat Approval

The Commission shall act upon the final plat within thirty (30) days after it has been submitted during a public hearing for final approval. This approval and the date thereof shall be shown on the plat over the signature of the Commission Chairperson. If the Commission by the end of thirty (30) days takes no action, the plat shall be deemed to have been approved. Failure of the Commission to act thereon within such time shall be sufficient in lieu of written endorsement of approval. If the final plat is disapproved, grounds for this refusal shall be stated in writing. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan, ordinances, regulations or specifications with which the plat does not comply.

1. City/Town Staff, including the City/Town Engineer and other applicable reviewers, shall determine whether the development conforms to the approved preliminary plat and the conditions, if any, imposed during preliminary review.

2. Upon staff determination that the installation of all required improvements has been satisfactorily completed in accordance with City/Town specifications or that a performance bond, if required, in a form satisfactory to the City/Town attorney and in an amount established by the City/Town engineer based upon cost estimates of the engineer of record has been provided for the satisfactory completion of all required improvements, the staff shall forward the final plat for review and approval by the Commission.

3. Upon receipt of approvals by the City/Town Engineer, Commission, Chilton County EMA, Fire Chief and the Mayor as attested by the City/Town Clerk (refer to [§2.8.11](#). Final Plat Certificates Required), the subdivider shall record the plat at the Office of the Probate Judge of Chilton County; and the Record Plat shall be provided to the City/Town Clerk within fourteen (14) days of the recording date.

4. Upon determination that the final plat should not be approved, the Staff shall explain the deficiency in the plat to the subdivider with notice that a corrected plat may be resubmitted for approval.

5. All performance bonds submitted in lieu of construction shall be for 150% of estimated construction costs.

6. Approval of the final plat by the Planning Commission shall not constitute acceptance by the public of the dedication of any street or other public way or ground. After approval of the final plat and the construction of streets shown thereon, the Planning Commission may recommend to the City/Town Council that it accept these streets as public roads and take over their perpetual maintenance after being dedicated to the City/Town/Town.

2.8.6 Final Plat Content Requirements

The final plat shall be labeled as “Final Subdivision Plat” and contain the following information, if applicable:

1. Title Block

A. Name of the Subdivision

B. Name of the Owner

C. Name of the Subdivider

D. Name of Engineer

E. Name of Surveyor

F. Date of Preparation

G. Revision Date(s) (If applicable)

H. Scale: 1” = _____ [Scale to be (1) inch equals one hundred (100) feet or another scale only as approved by the City/Town Planning Staff]

I. North Arrow

J. City/Town/Town

K. County

L. State

M. The quarter-section, section, township, and range and parcel numbers from which the subdivision, resubdivision, or revision will be created.

2. Legend

3. Index Sheet where more than one sheet is required to present final plat

4. Transportation

A. The final plat shall show the street names as approved by Chilton County EMA Addressing Division; the location and width of all streets, alleys, sidewalks and pedestrian/bicycle paths to be dedicated for public use. Streets shall be tied to the property by dimension, angle and/or bearing, and shall be fully dimensioned showing angles of intersection; the radii, chords, point of tangency, sub-tangent lengths and central angles for all curvilinear streets and the radii of all rounded corners. The centerline of each proposed thoroughfare, with stationing to the nearest hundredth of a foot at points of intersection, points of tangency, points of curvature and street intersection, radii of curves, and lengths of curves

B. The final plat shall specifically state that the maintenance responsibility of all sidewalks and improvements between the curb and the lot line shall be the responsibility of the adjoining property owner.

C. The final plat shall show location of proposed streets connecting to adjacent developed properties/roadways and future connections to adjacent undeveloped parcels, or within the subdivision, with street names. Future connections or stub streets shall be labeled as future connections.

D. All new/additional right-of-way, exterior to the internal roadways of the proposed subdivision, required to serve the subdivision, shall be shown and the recording information for all such right-of-ways must be shown on the final plat.

5. Project Data

A. Table that includes the total acres in the subdivision, number of lots and roadway surface area

B. Table that shows by zoning classification the minimum required setback lines.

B.1 Lot Frontage

B.2 Front Setbacks

B.3 Side yard

B.4 Rear yard

B.5 Zoning Notations Block

B.6 All zoning variances related to the subdivision and/or subsequent development of the platted property shall be cited by Case Number.

B.7 The final plat must contain a restatement of any covenants filed in conjunction with the current zoning(s) of property, and/or any conditions attached to any variances granted on the property, that could affect how any subsequent property owner can use, develop, build on or access any portion of the subdivision in question (including the case number(s) from which those covenants/conditions are drawn)

B.8 On any plat where any of the foregoing zoning-related information is included, the following statement is also required: "All zoning information is certified to be accurate as of the date of this recording."

C. The boundaries of the property proposed for subdivision, including all bearings (or internal angles) and fully dimensioned as determined by an accurate field survey.

D. The location and description of all adjoining properties and references to recorded subdivision plats of adjoining platted land by map, book, volume and page number.

E. Lot numbers, lot lines and front building lines, all fully dimensioned with angles (or bearings) and distances of non-parallel lot lines.

F. The area of each proposed/resulting lot, tract, or parcel in square feet, any lot, tract, or parcel greater than 2 acres may be shown as acres.

G. Common areas/designated open space, labeled and individually identified by sequential letters (e.g., "Common Area A"), with the respective area of each provided in square feet, any common areas/designated open space greater than 2 acres may be shown as acres.

6. Utilities

A. All easements shall be tied to the property and fully dimensioned and designated as to type (Example: Public utility and access easement, or drainage easement. The final plat shall specifically state that the maintenance of all drainage easements shall be the lot owner's responsibility.

7. Supporting Details

A. The 100-Year Floodplain and any Floodway affecting the platted property, along with the FEMA/FIRM panel number(s) from which that information was obtained, and the date of issuance of same. Furthermore, if any portion of the platted property is in either of these designated flood zones, the respective boundaries of each applicable zone must be delineated on the plat, and the Base Flood Elevation for each lot affected by the 100-Year Floodplain must be provided.

B. Existing structures and buildings, including the exact locations and dimensions of historical structures and sites.

C. Boundaries and setbacks of any required or proposed reservations.

- D. Existing and/or proposed watercourses.
- E. Existing and/or proposed drainage channels, areas of surface inundation and subsurface drainage structures.
- F. Monuments. All existing monuments and all monuments to be installed are to include the material of which the monuments, corners, or other points are made and shall be noted at the representation thereof or by legend.

2.8.7 Declaration of Covenants, Easements, and Restrictions.

For residential subdivisions and subdivisions for commercial and/or mixed-use developments, the developer shall submit a "Declaration of Covenants, Easements and Restrictions". Such "Declaration" shall include articles of incorporation and bylaws creating a Homeowner's or Condominium Association, as applicable, for residential subdivisions. Such Association shall be responsible for enforcement of deed restrictions within the "Declaration" and for maintenance of all common areas and structures. For all applicable non-residential developments, the "Declaration" shall provide cross-access, parking, utility, maintenance and use easement agreements. For all applicable residential and non-residential subdivisions/developments, the "Declaration" shall establish an architectural review committee to oversee and enforce all applicable design restrictions being established by the "Declaration". All documents within the "Declaration" shall be prepared pursuant to all local, county, and state laws. The sufficiency of the document(s) shall be determined by the Commission upon a recommendation by the City/Town Attorney.

2.8.8 Notary Requirements

1. One of the five plats shall be Mylar and all signatures must be notarized.
2. A separate raised (embossed) seal or inked stamp is required for each signature on the originals.

2.8.9 Final Plat Signatures Required

1. Owner
 - A. Name, address and telephone number.
 - B. Signature and date (notary not necessary on paper submissions)
 - C. Where such owner is designated as a partnership, corporation or other business venture, the names and addresses of all individual parties, officers and directors, and/or beneficial owners holding more than a five percent (5%) interest in the project shall be identified.
2. Subdivider (if other than owner).
 - A. Name, address and telephone number.
 - B. Signature and date (notary not necessary on paper submissions).
 - C. Where such subdivider is designated as a partnership, corporation or other business venture, the names and addresses of all individual parties, officers and directors, and/or beneficial owners holding more than a five percent (5%) interest in the project shall be identified.
3. Mortgagor (If Applicable)
 - A. Signature of mortgagor's authorized representative and date (notary not necessary on paper submissions).
4. Engineer
 - A. Bear the seal, signature, and license number of the professional engineer responsible for the design.

2.8.10 Final Plat Certificates Required.

1. Certificate of Ownership

I (we) hereby certify that I am (we are) the owner(s) of the property shown hereon as of record in Book _____, Page _____, Chilton County, Alabama, and adopt the plan of subdivision of the property as shown hereon and dedicate all public ways and easements as noted. No lot(s) as shown hereon shall again be subdivided, resubdivided, altered or changed so as to produce less area than is hereby established until otherwise approved by the Town of Thorsby Planning and Zoning Commission, and under no condition shall such lot(s) be made to produce less area than is prescribed by the restrictive covenants as of record in Book _____, Page _____, Chilton County, Alabama, running with the title to the property. I (we) further certify that there are no liens on this property, except as follows: Book _____, Page _____, Chilton County, Alabama.

Owner(s) Date

2. Certificate of Survey

State of Alabama
Chilton County

The undersigned, _____ (name) is currently licensed and in good standing with the Alabama Board of Licensure for Professional Engineers and Land Surveyors, and _____ (name) owner(s), hereby certify that this plat or map was made pursuant to a survey made by said surveyor and that said survey and this plat or map were made at the instance of said owner(s); that this plat or map is a true and correct map of land shown therein and known as or to be known as “_____ (plat name)”;

showing subdivision into which it is proposed to divide said lands; giving the length and the angles of the boundaries of each lot and its number; showing the streets, alleys and public grounds; giving the length, width and name of each street, as well as the number of each lot and block; also showing the relations of the lands to the government survey; and that iron pins have been installed at all corners and curve points as shown and designated by small open circles on said plat or map. Said owner(s) further certify that they are the owner(s) of said property and that the same is not subject to any mortgage.

“I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the standards of practice for surveying in the State of Alabama to the best of my knowledge, information, and belief.”

Surveyor Alabama License Number Date

Owner(s) Date

5. Certificate of Approval of Septic Systems (If Applicable)

I hereby certify that:	
(1) The septic systems designated in _____ Subdivision have been installed in accordance with Chilton County Health Department specifications.	
_____	_____
Subdivider's Engineer	Date

6. Certificate of Approval of Streets and Drainage

I hereby certify that:	
The streets and drainage designated in _____ Subdivision have been installed in accordance with City/Town specifications, or	
A bond in the amount of \$_____ for streets and	
\$_____ for drainage has been posted with the Town of Thorsby, Alabama, to assure completion of such improvements.	
_____	_____
Subdivider's Engineer	Date

7. Certificate of Approval by Fire Department

I hereby certify that:	
The fire hydrants and other improvements affecting fire protection services designated in _____ Subdivision have been provided in accordance with City/Town specifications.	
_____	_____
Fire Chief	Date

8. Certificate of Approval for Recording

Approved by the Thorsby Planning and Zoning Commission, Chilton County, Alabama, with the exception of such conditions, if any, as are noted in the Commission minutes for the _____ day of _____, 20____, and this plat has been approved for recording in the Register’s Office of Chilton County.

Chairperson
Thorsby Planning and Zoning Commission

Date

9. Certificate of Administrative Approval

I hereby certify that all required approvals have been certified by the Commission and applicable City/Town departments for the final plat designated in

_____ Subdivision.

Mayor
Attest

Date

City/Town Clerk

Date

2.8.11 Recording

Upon the approval of a final plat by the planning commission, the owner or his agent shall have the final plat recorded in the Register’s Office of Chilton County prior to the sale of any lot in the subdivision.

2.8.12 Vacation of Public Lands

The vacation of public ways is a function of the City/Town Council. However, the effect of vacating public ways establishes new property lines of abutting properties in the centers of such vacated ways. The applicant shall therefore, within a reasonable time after the passage of the resolution assenting to the vacation thereof by the City/Town Council, submit a final plat indicating old property lines removed and establishing new ones, for the approval of the Commission.

2.8.13 Vacation of Plat or Map

Any plat or map, whether or not executed and recorded as provided in this article, may be vacated by the owner, executor, administrator or guardian of the lands at any time before the sale of any lot therein by a written instrument declaring the same to be vacated, executed, acknowledged and recorded in like manner as conveyances of land which declaration, being duly recorded, shall operate to destroy the force and effect of the recording of the plat or map so vacated and to divest all public rights in the thoroughfares, alleys, and public grounds and all dedications laid out or described in such

plat or map. When lots have been sold, the plat or map may be vacated, in the manner provided herein by all the owners of lots in such plat or map joining in the execution of such writing.

ARTICLE 3. DESIGN STANDARDS

All proposed subdivisions shall conform to any Comprehensive City/Town Plan, Major Street Plan, Access Management Plan, and/or Zoning Regulations.

Whenever a tract to be subdivided embraces any part of a thoroughfare so designated on any City/Town/Town, County, or regional plan, such part of such proposed public way shall be platted by the same width as indicated on such plan. The design standards of this Article are intended to ensure connectivity throughout the City/Town thoroughfare network to prevent unnecessary congestion on major thoroughfares and to ensure safe access and mobility for motorists, pedestrians, bicyclists, transit-users, and the handicapped.

All thoroughfares in the Major Street Plan shown crossing or bordering a proposed subdivision are required to be provided for in the location and at the right-of-way width designated on the Major Street Plan.

To insure development of the community in substantial conformity with the general principles set forth in the official plans and maps of the City/Town/Town, the Planning Commission may require that the subdivider reserve open spaces for parks, schools, fire stations, playgrounds, and any other use essential to the welfare of the community. (However, no more than 10 percent of total subdivision may be required for this purpose.) If additional area over ten (10) percent of a proposed subdivision is necessary to fulfill the requirements of the community, the additional area shall be offered for sale to the City/Town at its fair market value. Such offer shall extend for a period of not less than ninety (90) days from the date of receipt by the City/Town/Town.

The design standards of this Article, and those of the Town of Thorsby Design and Construction Specifications referenced herein, shall be the minimum standards allowable for development. Standards above the minimum may be required by the Commission or the City/Town Engineer. The Commission shall not grant any variance modification or waiver of the requirements of this Article unless recommended by the City/Town Engineer.

Section 3.1 Street Plan

3.1.1 Platting of Thoroughfares

All thoroughfares shall be platted in accordance with the applicable requirements of the Design and Construction Specifications and the requirements of this Section.

1. Minor Subdivisions and subdivisions that include only part of a block frontage of an existing thoroughfare shall not be required to provide all thoroughfare elements required in the Design and Construction Specifications. However, the Commission may require setbacks, easements or a combination thereof of sufficient width for the provision of such thoroughfare elements, as applicable (i.e. sidewalks, planting strips, curb/gutter, and on-street parking).

2. Subdivisions that include an entire block frontage of an existing thoroughfare shall be required by the Commission to provide the applicable elements described in the Design and Construction Specifications for such thoroughfare including but not limited to sidewalks, planting strips, curb/gutter, on-street parking, and turn lanes, as applicable.

3. All subdivisions, for which a turn lane or deceleration or acceleration lane is deemed necessary by the City/Town Engineer, Chilton County Engineer or ALDOT Division Engineer, in accordance with the Design and Construction Specifications, shall include such improvements.

4. All requirements shall be shown on construction plans and final plat.

3.1.2 Access Management

The thoroughfare layout shall be made according to good land planning and access management practices for the type of development proposed and shall be coordinated with the existing and planned

thoroughfare systems of surrounding areas. The following standards shall apply to all non-residential subdivisions:

1. Access points along thoroughfares shall be in accordance with Section 2.01 of the Design and Construction Specifications.
2. Access shall be provided by mid-block alleys or other shared access drives as permitted by the Commission and in accordance with the Design and Construction Specifications.
3. Adequate throat length shall be provided in accordance with the Design and Construction Specifications.
4. Nonconforming Access. Wherever land is to be subdivided for new development and whereupon there exists nonconforming access, such access shall be closed or otherwise brought into conformity with the requirements herein and in the Design and Construction Specifications.

3.1.3 Access to US, State Routes and Major Arterials

In subdivisions which border on or have included within the proposed area to be subdivided any expressway, major highway, or arterial street, access to lots abutting such major traffic arteries shall be provided in a manner such that the individual lots shall not have direct access to such expressway or arterial street.

3.1.4 Connectivity

All thoroughfares must provide for the continuation or appropriate projection of thoroughfares in surrounding areas. Refer to Figure 1 and Figure 2.

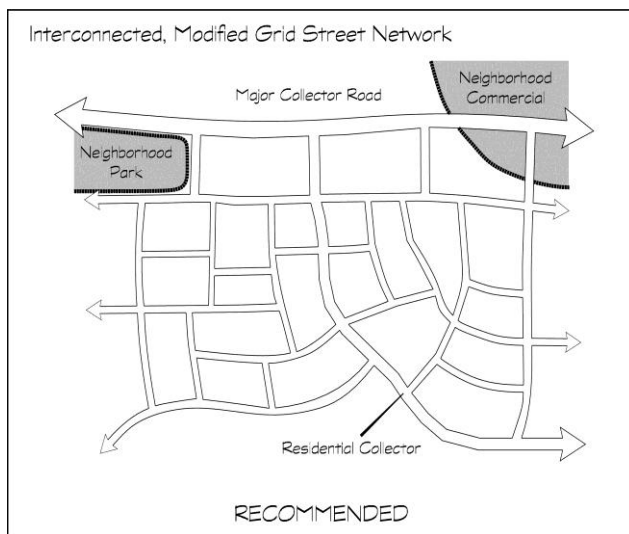


Figure 1

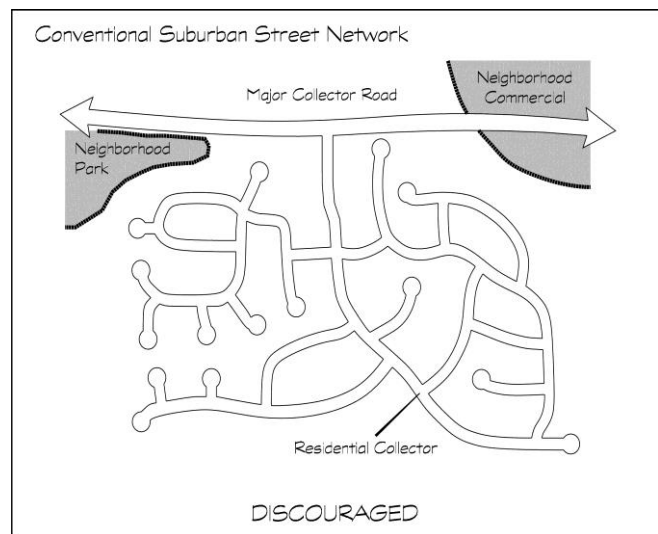


Figure 2

1. Internal thoroughfare networks shall be designed to disperse traffic flow among multiple thoroughfares. The number of dead-end thoroughfares shall be minimized to avoid undue congestion on internal collector roads. Refer to Figure 1 and Figure 2.

2. In Major Subdivisions, the Commission may require stub streets, where appropriate and feasible, to ensure opportunities to connect thoroughfares in proposed developments with thoroughfares created in the future development of adjacent properties. Such stub streets shall be constructed as roundabouts in accordance with the Design and Construction Specifications and shall provide an adequate right-of-way for the continuation of the thoroughfare to the property line or site boundary, where it may then be extended through adjacent development.

3. The platting of any land, the purpose of which is to deny access to rights-of-way is prohibited, except as otherwise provided herein.

3.1.5 Roadway Design

1. Thoroughfare driving lanes and right-of-way widths shall be in accordance with the Town of Thorsby Design and Construction Specifications. All public thoroughfares and access drives shall be designed and constructed in accordance with the Town of Thorsby Design and Construction Specifications.

2. Curb and gutter shall be provided on each applicable side of new thoroughfares and extensions to existing thoroughfares in RH and RP Zones.

3. Valley curbs, ribbon curbs and/or grass swales shall be provided on both sides of new thoroughfares and extension to existing thoroughfares in the RE, RL, and RM zones. If sidewalks are to be placed on thoroughfares with valley curbs or grass swales, the sidewalk shall be separated from the valley curb no less than five (5) feet. This separation is intended to prevent the parking of vehicles on or across sidewalks.

4. Street trees shall be planted according to the spacing and landscaping requirements of the Design and Construction Specifications.

Section 3.2 Sidewalks and Pedestrian/Bicycle Facilities

3.2.1 Requirements

1. Sidewalks shall be required on both sides of thoroughfares in all residential and commercial subdivisions

2. Sidewalks, pedestrian pathways, and or bicycle pathways shall be designed and constructed in accordance with the Design and Construction Specifications and shall be placed within the thoroughfare right-of-way or in an access and utility easement adjacent to the thoroughfare right-of-way line

3. All cul-de-sacs within medium density or higher residential subdivisions (RL, RM, RH, and RP) shall provide a permanent pedestrian path connecting adjoining thoroughfares and/or pedestrian paths. Such pedestrian paths shall be provided within an easement for such purposes and designed and built in accordance with the Design and Construction Specifications. Where topography precludes such design, the path may be constructed of a soft-surface material and shall be constructed in a manner approved by the City/Town Engineer to be permanent and sufficiently protected from erosion.

4. Sidewalks shall not be required on industrial properties except where such sidewalks would connect existing or planned sidewalks or pedestrian facilities on adjacent properties.

5. The City/Town Engineer shall be authorized to allow construction of a single paved sidewalk-bikeway in lieu of the required sidewalks on local residential streets only, the sidewalk-bikeway shall connect all properties and form an integrated bicycle and pedestrian system connecting common or dedicated open space. The sidewalk-bikeway shall be ten (10) feet in width, or such other appropriate dimension determined by the City/Town Engineer after consideration of site conditions, pedestrian and bicyclist needs, and the requirements of this section.

6. Substantial Enlargements and Improvements. Sidewalks shall be required at the time of any substantial enlargement or substantial improvement. No sidewalks shall be required to be constructed at the time of a substantial improvement when the substantial improvement is necessitated by damage sustained as the result of a hurricane, tornado, flood, sinkhole, fire, natural disaster or other act of God, and the permit applicant does not have property insurance which will cover the cost of constructing the sidewalk.

3.2.2 Exceptions

Sidewalks shall be required on both sides of thoroughfares in all residential and commercial subdivisions, with the exception of those subdivisions: The preliminary plats were approved prior to effective date of these regulations; or

1. The final plats of additional sections of a subdivision where sidewalks are not constructed in previously recorded sections;
2. That are located in an RE Residential Estate, or A-1 Agriculture Zone, a single paved sidewalk-bikeway shall be provide as outlined in §3.2.
3. That are Minor Subdivisions. An access and utility easement shall be required. If further subdivision takes place, then sidewalks for the entire subdivision shall be installed.
4. Where lots to be subdivided and developed front on only one (1) side of an existing thoroughfare, then sidewalks shall be required only on the side of the thoroughfare with lot frontage.
5. Where an approved a single paved sidewalk-bikeway in lieu of the required sidewalks is allowed.

Section 3.3 Alleys, Easements, and Half-Streets

3.3.1 Alleys

Alleys shall be permitted in medium and higher density residential developments to provide vehicular access to properties from local and collector streets and appropriate locations for utilities and garbage pick-up. Where approved, alleys shall be provided within easements no less than twenty (20) feet in width and shall include a pavement width of no less than fourteen (14) feet and no greater than eighteen (18) feet.

3.3.2 Easements

1. Shared-access easements shall be required in commercial or industrial districts where it is determined by the Commission that mid-block alleys will be desirable in providing safe access to contiguous sites in accordance with the Access Management Standards of the Design and Construction Specifications.
2. Where approved, alleys shall be provided within easements of no less than twenty-four (24) feet in width and shall include a pavement width of no less than eighteen (18) feet and no greater than twenty-four (24) feet in width.
3. Easements shall be not less than ten (10) feet in width except in cases of double-tiered lots where a width of five (5) feet from each tier will be permitted. Where there exists a stormwater ditch, creek or any other such watercourse, the easement shall be of sufficient width that such watercourse may be installed and maintained efficiently. The location of any stormwater ditch, creek or watercourse shall not be changed without the approval of the Commission upon recommendation of the City/Town Engineer.

3.3.3 Half Streets

Half streets shall not be permitted except in such cases where there exists a half street contiguous thereto. Half streets, however, shall not be permitted as an extension or continuation of an existing half street.

Section 3.4 Platting Requirements

3.4.1 Blocks

Blocks shall be laid out with special attention given to the type of the use contemplated and access management requirements of this Article.

1. Blocks shall be a maximum of 600 feet in length.
2. Width of blocks shall be not less than 300 feet.

3. Blocks with lots having double frontage on streets shall not be permitted.
4. The foregoing dimensions may be adjusted by the Commission where the type of use or nature of the topography requires such modification.

3.4.2 Lots

1. Lot sizes and configurations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. A resubdivision, or a subdivision in an area already subdivided, shall be compatible in character with the surrounding neighborhood.
2. Where easements for public utilities, storm or sanitary sewers are contemplated, the lot lines shall be located in such manner as to facilitate the construction of such improvements and the maintenance thereof.
3. Lot area and widths shall meet or exceed minimum zoning and health requirements in the area in which the property is located, but the Commission may impose greater requirements if it finds that a proposed subdivision, though meeting minimum zoning requirements, would impose an undue burden on the City/Town in furnishing public services to the area.
4. Lot lines shall be substantially at right angles to the streets except on curves where they shall be radial. Where the distance between rear lot corners on double tiered lots would be less than ten (10) feet. The radial lines shall be deviated so that the distance between rear lot corners will be a minimum of ten (10) feet.
5. Double-frontage residential lots shall be prohibited except upon approval by the Commission for single-family residential lots fronting on major thoroughfares. In such cases, the dwellings shall front on the lesser of the two thoroughfares.

3.4.3 Common Open Space Management and Ownership

For any subdivision, where a Common Open Space is required within the Zoning Ordinance, the following provisions shall be made for the design, management and ownership of the Common Open Space:

1. The Common Open Space(s) shall be located adjacent to the maximum practical number of dwellings. No less than twenty-five (25%) percent of the total required open space shall be provided in one (1) contiguous, passive recreation space available to residents of all dwellings, except where dedicated to the City/Town in accordance with §3.4.3(2) below. The minimum average width of the passive recreation space shall be forty (40) feet. The remainder of the required open spaces may include buffers, gardens, active recreation areas, playgrounds, ponds, stormwater retention/detention facilities, and/or any type of unimproved, natural preservation area (woodlands, wildlife habitats, etc.).
2. Ownership of Open Space. One of the following ownership alternatives shall be required:
 - A. A Common Open Space, serving as a passive recreational area for all residents, which, as required above, results in a contiguous area of no less than two (2) acres, may be requested to be dedicated to the City/Town for full ownership and perpetual maintenance. Such dedicated open space shall be incorporated into the City/Town/Town's Parks and Recreation System and be accessible to all residents of the City/Town/Town. Where the Applicant chooses this option, the space to be dedicated shall be arranged within the site so as to be conveniently accessible to residents of the development and surrounding neighbors, without causing undue congestion on adjacent thoroughfares. The City/Town shall have the right to refuse any dedication where the design, location, accessibility or other characteristic of the open space would minimize the benefits of the dedication to the City/Town Park system.
 - B. For Common Open Spaces less than two (2) acres and in all other situations where open spaces are not dedicated to the City/Town, a Homeowner's or Condominium Association, as applicable, representing residents of the development shall own the Common Open Space. Membership in the association shall be mandatory and automatic for all homeowners of the

development and their successors. The Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Common Open Space and any facilities located thereon shall be borne by the Association.

3. Management Plan. Where the Common Open Space shall be owned by an Association, the Applicant shall submit a Plan for Management of Open Space and Common Facilities that:

A. Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

B. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;

C. Provides that any changes to the Plan be approved by the Commission; and provides for enforcement of the Plan.

4. In the event the party responsible for maintenance of the Common Open Space fails to maintain all or any portion in reasonable order and condition, the City/Town may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Association, or to the individual property owners that make up the Association, and may include administrative costs and penalties. Such costs shall become a lien on all members' properties.

5. Legal Instrument for Protection of Open Space. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this Section, as well as any further restrictions the Applicant chooses to place on the use of the Open Space. The Open Space shall be protected in perpetuity by one of the following legal instruments:

A. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

B. An equivalent legal tool that provides permanent protection, if approved by the City/Town.

Section 3.5 Thoroughfare and Subdivision Names

3.5.1 Thoroughfare Names

Thoroughfare names for all subdivision plats shall be subject to approval of the Commission. Where adjacent to previously developed areas following a numeric, alphabetical or similar wayfinding naming convention, the Commission may recommend the extension of such naming convention where appropriate. Thoroughfare names shall be limited to 18 characters.

3.5.2 Subdivision Names

Subdivision names for plats shall be subject to the approval of the Commission and shall not duplicate the name of any plat already recorded in Chilton County.

Section 3.6 Traffic Control and Signs

Traffic Control during construction and the installation of traffic control signs, striping, and pavement markings shall be in accordance with the Design and Construction Specifications.

Section 3.7 Thoroughfare Inspection and Testing

3.7.1 Notification of Work.

It shall be the duty and responsibility of the Developer (or Contractor) to give notification to the City/Town Engineer or authorized agent, twenty-four (24) hours prior to starting each phase of construction and to notify the City/Town Engineer the day work is resumed after a delay for any reason. This includes all phases of construction, clearing, grading, drainage, gutters, inlets, base,

surfacing, and any work that pertains to thoroughfares or development. Failure to notify as specified may be grounds for nonacceptance.

3.7.2 Inspection

The Developer (or Contractor) shall be notified of any unacceptable work found by the City/Town Engineer or authorized agent.

3.7.3 Testing

Embankment density tests shall be required by the City/Town Engineer or authorized agent in accordance with the Testing and Inspections requirements of the Design and Construction Specifications. Additional tests may be required by the City/Town Engineer or authorized agent.

Section 3.8 Thoroughfare Acceptance Procedures

3.8.1 Initial Inspection

The Developer (or Contractor) shall notify the City/Town Engineer in writing when all work has been completed and shall request that inspection be made of the completed work. The Developer (or Contractor) shall indicate in writing what thoroughfares are to be inspected.

1. If the thoroughfares are rejected by the City/Town Engineer, a detailed report of the reasons for rejection shall be sent to the Developer (or Contractor).
2. If the work is found to be acceptable, the City/Town Engineer shall direct that an approval letter be sent to the Developer for the completed work.

3.8.2 Interim Maintenance

Interim maintenance is defined as the period between approval of completed improvements and acceptance of improvements for full maintenance by the City/Town. The subdivider shall be responsible for all maintenance of thoroughfares, curbs, gutters, sidewalks, drainage, surfacing, base, and other maintenance until all improvements have been accepted for full maintenance by the City/Town.

3.8.3 Full Maintenance

Full maintenance is defined as acceptance by the City/Town for all repair and maintenance to the thoroughfare.

1. The Developer/Subdivider must request in writing that the City/Town accept all thoroughfares for full maintenance.
2. The City/Town Engineer shall again inspect those streets and shall notify the Developer/Subdivider (or Contractor) in writing of any deficiency. After the deficiencies have been corrected, at the Developer's and/or Contractor's expense, another inspection shall be made, and, if the thoroughfares are satisfactory, the City/Town Engineer shall notify the City/Town Council in writing that the thoroughfares have been repaired satisfactorily and are satisfactory to be accepted for full maintenance.
3. If, after the one (1) year period, no deficiencies can be detected, then the City/Town will notify, in writing, the Developer (or Contractor) that the thoroughfares shall be accepted for full maintenance.

3.8.4 Private Subdivisions

1. Improvements within proposed private subdivisions shall meet regular subdivision standards and the private status shall not be effective nor shall the subdivision be legal until final plat recording.
2. A gate may be established after construction to limit access.
3. The private status of the subdivision shall be clearly stated on the recorded final plat.
4. As long as the subdivision maintains its private or condominium status, all thoroughfares, structures, and drainage shall be maintained by the Developer or a Homeowners or

Condominium Association. This shall be clearly stated to those who purchase a parcel(s) within the subdivision and shall be stated in writing on each property deed or conveyance of any interest therein. The procedure for accomplishing this shall be outlined in a letter by the owner(s) and/or Developer to the City/Town Clerk.

5. A proposal for a private subdivision shall not be considered or approved if the proposed development prevents access to or "land locks" adjoining property.

6. If a private subdivision is recorded in the County Probate Office and all of the property owners (100%) at some future date desire to eliminate it and substitute in its place a regular subdivision with City/Town-maintained thoroughfares, the owners must petition the City/Town Council for tentative approval. If the City/Town Council gives tentative approval of the petition, the owners shall submit subdivision plans to the Commission including improvements and repairs that are required to be made by the owners according to these Subdivision Regulations and other City/Town specifications effective on the date of the petition. The subdivision shall then be subject to the procedures for approval of a Major Subdivision as contained in Article 2 Procedures of these regulations.

ARTICLE 4. EROSION, SEDIMENTATION, STORMWATER AND GRADING

Section 4.1 Applicability

Erosion, sedimentation, stormwater runoff and grading during construction and after stabilization shall be in accordance with the provisions of this Article and the applicable requirements of the Design and Construction Specifications for land-disturbing activities. Such regulations shall not apply to silviculture, agriculture, or horticulture activities.

Section 4.2 Construction Requirements

Erosion and Sedimentation Control, Stormwater Management, and Grading Plans shall be made a part of any development construction plans that involve cutting, filling, grading, or other disturbances of the soil within the development or immediate thereto. Such plans shall be a part of the Construction Plan and shall be filed with the City/Town prior to the commencement of any land-disturbing activity. *The plans shall be in compliance with the latest edition of the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas.*

4.2.1 Inspections

Inspections shall be performed to ensure that vegetation, erosion and sediment control measures and other protective measures identified in the site plan are kept in good and effective operating condition.

1. Owner/Operator Inspections

A. Pre-Construction stormwater management BMPs must be inspected and certified that the BMPs are in accordance with the approved plans by an engineer on sites greater than one acre or part of a larger development.

B. Construction stormwater management BMPs must be inspected and certified that the BMPs are in accordance with the approved plans by an engineer *or other qualified design professionals* prior to granting building permit on sites with land disturbance activities greater than one (1) acre.

C. Post Construction BMPs must be inspected and certified that the BMPs are in accordance with the approved plans by an engineer prior to release of surety.

D. Final stormwater management BMPs must be inspected and certified that the BMPs are in accordance with the approved plans by an engineer prior to certificate of occupancy.

2. City/Town Inspections. City/Town inspections may include, but are not limited to, the following:

A. An initial inspection prior to storm water pollution prevention plan approval;

B. A bury inspection prior to burial of any underground drainage structure;

C. Erosion prevention and sediment control inspections as necessary to ensure effective control of erosion and sedimentation; and

D. A final inspection when all work, including installation of storm management facilities, has been completed.

E. Periodic inspections to ensure storm water facilities are being maintained.

Section 4.3 Protection of Property

Persons engaged in land-disturbing activities shall take all required measures to protect all public and private property, including roadways, from damage by such activities.

Section 4.4 Erosion and Sedimentation

Erosion and sedimentation can be somewhat effectively controlled, but cannot be completely eliminated, either during active construction or after stabilization, from both a technical and an

economic standpoint. Natural erosion during stormwater runoff has always occurred and will continue at low rates from well stabilized areas. It may cause stream turbidity, scour and sedimentation regardless of the control measures applied. During construction accelerated erosion will occur during stormwater runoff with a proportionate increase in visible erosion, scour, and siltation both within and outside of the construction site.

4.4.1 Standards, Objectives and Requirements.

1. More Restrictive Rules Shall Apply. Whenever there is a conflict between Federal, State, or Local Laws, Ordinances, Rules and Regulations, Orders, and Decrees, the more restrictive provisions shall apply.

2. Basic Control Objectives. The basic control objectives which should be considered in developing and implementing an erosion and sedimentation control plan are to:

A. Identify Critical Areas. On-site areas subject to severe erosion and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation are to be identified and receive special attention.

B. Limit Exposed Areas. All land-disturbing activities should be planned and executed so as to minimize the size of the area exposed at any one time.

C. Limit Time of Exposure. All land-disturbing activities should be planned and executed so as to limit exposure to the shortest feasible time.

D. Control Surface Water. Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during exposure.

E. Control Sedimentation. All land-disturbing activity should be planned and executed so as to minimize off-site sedimentation damage.

F. Manage Stormwater Runoff. When the increase in the peak rates and velocity of stormwater runoff resulting from a land-disturbing activity is sufficient to cause damaging accelerated erosion of the receiving ditch or channel stream, plans should include measures to control both the velocity and rate of release so as to minimize such erosion and sedimentation of the ditch or stream channel.

3. Mandatory Standards. No land-disturbing activity subject to these provisions shall be undertaken except in accordance with the following mandatory requirements.

A. No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property as applicable unless a buffer zone is provided along the boundary of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under the lake, natural watercourse, or adjacent property.

B. The angle for graded slopes and fills shall be no greater than the angle, which can be retained by vegetative cover or other adequate erosion control measures. In any event, slopes left exposed will, within the shortest feasible time of final grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

C. Whenever land-disturbing activity is undertaken on a tract comprising more than one acre, if more than one contiguous acre is uncovered, a ground cover sufficient to restrain erosion should be planted or otherwise provided within thirty (30) days on that portion of the tract upon which further active construction is not being undertaken, provided, that this activity shall not apply to cleared land forming the basin of a reservoir later to be inundated.

4.4.2 Design and Performance Standards

Erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide control from the calculated peak rates of runoff from a twenty-five year frequency storm. Runoff rates may be calculated using the procedures in the USDA's Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable

calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area.

4.4.3 Permanent Downstream Protection of Stream Banks and Channels

Provision may be required for the permanent protection of on-site or adjacent stream banks and channels from the erosive effects of increased velocity and volume of stormwater runoff resulting from certain land-disturbing activities.

1. A combination of storage and controlled release of stormwater runoff may be required for all sites.
2. Detention storage and controlled release will not be required in those instances where the person planning to conduct the activity can reasonably demonstrate that the stormwater release will not cause an increase in accelerated erosion or sedimentation of the receiving ditch, stream channel, or other drainage facility, taking into consideration any anticipated development of the watershed in question.

4.4.4 Borrow and Waste Areas

When the person conducting the land-disturbing activity is also the person conducting the borrow and waste activity, areas from which borrow is obtained shall be considered part of the land-disturbing activity where the borrow material is being used or from which the waste material is being originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

4.4.5 Access and Haul Roads

Temporary access and haul roads, other than public roads, constructed or used in connection with land-disturbing activity shall be considered part of such activity.

4.4.6 Operations in Lakes or Natural Watercourses

Land-disturbing activity in connection with construction, in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except where justification for significant alteration to flow characteristics is provided.

4.4.7 Responsibility for Maintenance

The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation control measures and facilities during the development of the site. The responsibility for maintaining all permanent erosion and sedimentation control measures and facilities, after site development is completed, shall lie with the landowner, until such time adequate vegetative cover and site stabilization is achieved as determined by the City/Town Engineer.

4.4.8 Standards for Erosion and Sedimentation Control Practices

Persons engaged in planning, designing, installing, and maintaining sedimentation control measures shall follow best management practices as approved by the City/Town Engineer.

4.4.9 Additional Measures

Whenever the City/Town Engineer determines that significant sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting such activity or the person responsible for maintenance will be required to take additional protective action.

4.4.10 Plan Requirement.

1. Whenever the area to be disturbed comprises more than one acre, a copy of the plan shall be filed with the City/Town a minimum of thirty (30) days prior to initiation of such activity. A copy of the plans shall be on file at the job site. If the City/Town, either upon review of such plan or on inspection of the job site, that a significant risk of off-site sedimentation or erosion exists, it will require a revised plan be prepared. Pending the

preparation of the revised plan, the work shall be suspended or restricted to conditions outlined by the City/Town.

2. Erosion and sedimentation control plans shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to describe adequately the proposed development of the site and the measures planned to meet the Basic Control Objectives. Plan content may vary to meet the needs of specific site conditions.

Section 4.5 Stormwater

Specifications for proposed improvements for stormwater drainage, retention and detention shall be submitted with the Construction Plan and Final Plat in accordance with the following requirements and as required by § 4.4.

4.5.1 Land Disturbance Activities

No land disturbance activities, whether by private or public action, shall be performed in a manner that will negatively affect stormwater quality whether by flow restrictions, increased runoff, or by diminishing channel or floodplain storage capacity. Re-development activities will be required to follow stormwater requirements.

4.5.2 Stormwater Quantity.

1. New development shall meet a stormwater quantity level of service defined by:

- A. Designing road catch basins and connecting culverts to convey the 25-year, 24-hour design storm runoff.
- B. Designing bridges, channels and cross-drains to pass the 100-year, 24-hour design storm runoff.

2. Stormwater infrastructure shall be designed in a way that:

- A. Critical service roads shall not be inundated by any water over the roadway under a 100-year, 24-hour design storm event.
- B. Other new roads shall be designed to have no more than one inch of road overtopping at the 100-year, 24-hour design storm event.

4.5.3 Drainage System

An adequate drainage system, including open ditches, pipes, culverts, intersectional drains, drop inlets, bridges and so forth, shall be provided for the proper drainage of all surface water and shall be completely separate from any sewage disposal system, regardless of the source of the sewage and shall be designed and constructed as required by the Design and Construction Specifications, the provisions of this Article, and all applicable requirements of the City/Town Engineer.

1. If necessary to prevent damage to property or to prevent overloading an existing downstream drainage system, drainage system design for new developments shall incorporate features, which limit the rate of runoff to no more than that which existed before development occurred.

2. Drainage system design shall result in safe, adequate, aesthetically pleasing and easily maintained facilities.

3. No subdivision or part thereof shall shed storm runoff water, either as surface runoff or an outfall from storm sewerage structures, on to any adjoining land unless such runoff is contained within an existing drainage easement, ditch, structure or right-of-way. And provided further, that such existing drainage easement, ditch, structure or right-of-way provides outfall to an established drainage channel, as approved by the City/Town Engineer.

4. Drainage must be confined to appropriate areas intended to receive stormwater runoff with adequate easements for replacement and maintenance.

4.5.4 Flood Areas.

A subdivision plat within an area subject to flooding shall be approved only in accordance with the requirements of Chilton County, Federal Flood Insurance Program guidelines, and the applicable requirements of the Design and Construction Specifications. The boundaries of floodway districts shall be those defined by the Federal Flood Insurance Program flood plain and floodway boundary maps and documents.

1. If necessary to prevent damage to property or to prevent overloading an existing downstream drainage system, drainage system design for new developments shall incorporate features, which limit the rate of runoff to less than that which existed before development occurred.

4.5.5 Dedication of Drainage Easements

Where a subdivision is traversed by a watercourse, drainageways, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width and construction or both as will be adequate for the purpose.

1. An Applicant may be required to dedicate, either in fee or by drainage or conservation easement of land, on both sides of existing watercourses to a distance determined by the City/Town Engineer.
2. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in the areas for dedication, shall be preserved in a natural state as drainageways, except where improvements may be deemed necessary by the City/Town Engineer.

4.5.6 Stormwater Detention and Retention

Developments, which produce an increase in the amount of stormwater runoff, shall be required to construct stormwater detention or retention ponds or other approved types of detention and/or retention devices.

1. When required, the Developer shall submit detailed engineering plans and calculations to the City/Town Engineer including historical runoff, developed runoff, detention and/or retention pond details, method of discharge, and other information as required for review. The Developer shall also include the method of maintenance for the ponds after completion.
2. Operation and Maintenance
 - A. The maintenance requirements for permanent detention and retention facilities shall be the responsibility of the owner/operator.
 - B. For residential developments that form a homeowners association or other management entity, that entity shall be responsible for long-term operation and maintenance of stormwater infrastructure located in drainage easements or open space.
 - C. The Town of Thorsby will have the authority to maintain facilities not properly maintained and to recover costs associated with the maintenance from the owner/operator.
 - D. Operation and maintenance plans for residential development shall be submitted and recorded with the final plat.
 - E. Operation and maintenance plans for non-residential development shall be submitted and recorded prior to the issuance of a Land-Disturbance Permit.
 - F. Upon approval of the stormwater management facilities by the City/Town, the facility owner/operator(s) shall demonstrate the ability to garner and apply the financial resources necessary for long-term maintenance requirements. The funding mechanism shall be in a form approved by the City/Town. The City/Town will only approve funding mechanism(s) for long-term maintenance responsibilities that can be demonstrated to be permanent or transferable to another entity with equivalent longevity.

G. Long term operation and maintenance provisions of the stormwater infrastructure shall be documented in the restrictive covenants.

H. Inspections of storm water management facilities shall be conducted annually by the owner/operator for serviceability and shall be documented in a report to be submitted to the City/Town. The owner/operator shall submit to the City/Town such report no later than the first day of July upon completion of construction, and then bi-annually during the life of the facility. The report shall include the facility's condition relative to the intent of the design and shall demonstrate that the owner/operator has fulfilled the funding mechanism requirement. Stormwater management facilities shall be inspected every five years from the time of construction by an engineer. The inspection shall include a certification by the engineer that the facility is functioning as intended or shall provide a schedule of repairs and maintenance activities necessary to meet the intended use of the facility.

I. The owner/operator of the storm water management facilities shall be required to execute an operation and maintenance agreement and record same along with the operations and maintenance plan with the Office of the Probate of Chilton County.

4.5.7 Grading

Grading shall not commence until a Land Disturbance Permit has been obtained through the submission and approval of the Construction Plan. All lots shall be graded in accordance with a grading plan approved by the City/Town Engineer, which shall incorporate the following minimum requirements, except when more stringent requirements are necessary and so specified by the City/Town Engineer:

1. All thoroughfares and alleys shall be graded in accordance with requirements of Articles II and III of the Design and Construction Specifications. Deviation from such requirements due to special topographical conditions will be allowed only with the express approval of the Commission.
2. No lot shall shed channeled surface runoff water on to any other lot, unless such runoff is contained within an easement provided, graded and dedicated for such purpose.
3. No street pavement shall shed surface runoff water on to any lot.

ARTICLE 5. UTILITIES

Section 5.1 General

After the effective date of these specifications, all utilities shall be provided underground and otherwise in accordance with the requirements of this Article and the specifications of the Design and Construction Specifications.

Section 5.2 Utility Services

1. A public utility easement shall be provided along all public and private streets and alleys by the property owner.
2. All public and private utility services installed after the effective date of the ordinance codified in this section shall be underground, including the conduit (raceway) from service equipment, except as provided in Sections 5.03, 5.04, and 5.06 herein. Such conduit (raceway) shall be placed underground to the curb line and/or utility right-of-way or easement, including but not limited to, electric, telephone, communication, exterior lighting and television cable.
3. Related equipment such as transformers, meters, etc., shall be above ground, within an alley right-of-way or easement, within the planting strip and/or the public utility easement, or within the required front yard setback or side yard setback adjacent to the street. Equipment placed in the street right-of-way shall be subject to all applicable laws and ordinances.

Section 5.3 Previously Approved Streets and Utilities

Where a subdivision fronts only on an existing public or private thoroughfare, or one shown on an approved Final Plat, then no undergrounding shall be required of existing utilities or new utilities proposed along the existing portion of the public or private thoroughfare, unless underground utilities already exist.

Section 5.4 Exemptions

The following items shall be exempt from complying with the provisions of this Article, except those noted with an asterisk (*). Items with an asterisk (*) shall be considered on a case-by-case basis for exemption by the Commission, based on a property's location and topography.

1. Any new preliminary or amended planned unit development application submitted to the Commission before the effective date of these regulations.
2. Any preliminary or revised preliminary subdivision plat application, submitted to the Commission before the effective date of these regulations.
3. Any residential lot or parcel greater than one acre in size.
4. Above-ground utility equipment installed, maintained, and utilized by utility companies for a period not to exceed thirty days in order to provide emergency utility services. The time limitation may be extended, if warranted, by the Commission.
5. Utility equipment utilized for street lighting purposes.
6. Utility equipment utilized exclusively for vehicular and pedestrian traffic control purposes.
7. Utility equipment appurtenant to underground facilities and which meet the requirements of § 5.2, such as service-mounted, pedestal-mounted, or pad-mounted transformers, terminal boxes, meters, cross boxes, cabinets, vaults, electronic enclosures, pedestals, flush-to-grade hand holes, splice closures.
8. Temporary utility equipment utilized or to be utilized exclusively in conjunction with construction projects, seasonal, or special event installations. Upon installation of permanent utility service, above-ground service shall be removed.

9. Fire hydrants, fireplugs, and other utility equipment utilized exclusively for firefighting purposes.

10. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building, or to an adjacent building or to the alley, without crossing any public street.

11. Antennas, associated equipment, and supporting structures, used by a utility for furnishing communication services.

12. Electrical distribution lines on major streets, electrical transmission lines, or switch gear.

13. Equipment installed by the utility, which should not be installed underground for engineering, safety, or environmental regulatory reasons.

14. *Utility lines with a length of less than three hundred feet and where utility lines have not been placed underground within the proposed new subdivision, on any property abutting the subdivision, or within any approved but not yet built abutting subdivision where a final plat has been approved.

15. *Utility lines where severe disruption of existing improvements, diminished quality of service, or undue difficulty in repair would occur.

16. *Utility lines where an affected adjoining property owner will not consent to modification of easements.

Section 5.5 Variance

A property owner and/or developer may apply for a variance by indicating why undergrounding utilities are not feasible in accordance with the procedures set forth in these Subdivision Regulations.

Section 5.6 Alleys

Where a residential subdivision will include alleys, utilities shall be below ground in these alleys rather than along the block frontages.

Section 5.7 Property Owner Responsibility

The property owner and/or developer installing, requesting, or requiring the construction of the improvement, and not the municipality or the utility, shall be responsible for the cost of placing utility lines underground and shall make the necessary arrangements with the serving utility companies. The utility shall have no obligation to underground facilities unless and until it receives full payment for costs to do so.

Section 5.8 Non-Conforming Utility Equipment

Any utility equipment approved or installed, and operating prior to the effective date of the ordinance codified in this section, may be maintained in its present condition and may be upgraded to conform to new technologies and regulatory requirements.

Section 5.9 Existing City/Town Franchises Not Affected

The provisions of this section do not and shall not be interpreted to waive any right enjoyed by the Town of Thorsby with respect to any franchisee, nor to waive the obligations created by any franchise. In the event that any provision of this section conflicts with any provision of a franchising agreement or ordinance, said franchise provision shall control.

Section 5.10 Relationship to Other Requirements

In case of conflict between the standards of this section and any other standards, rules, or regulations adopted by any other applicable City/Town or county department or agency, the provisions of this article shall control.

Section 5.11 Utility Appurtenances

Utility appurtenances where required, such as transformer installations, sewage pumping stations, water tanks, pressure-regulating stations, and other similar facilities shall be located and installed as approved by the City/Town Engineer.

Section 5.12 Water, Gas and Sanitary Sewer

Water, gas, and sanitary mains, and appurtenances if applicable, will be constructed prior to installation of paving with all mains being extended for service to all lots so that no subsequent cutting of pavement will be required to permit service to all lots.

5.12.1 Fire Hydrants

The Developer (or Contractor) shall install fire hydrants in accordance with the location, spacing requirements and fire flow required in the Design and Construction Specifications and reviewed and approved by the fire chief that has jurisdictional authority.

5.12.2 Sanitary Sewer

All proposed subdivisions located in the sewer service area, as defined by the City/Town Engineer, shall be provided with sanitary sewerage systems, where feasible, as approved by the City/Town Engineer and the State and/or County Health Department. Proposed subdivisions located within service areas of publicly operated sanitary sewer systems shall:

1. Be required to install a sanitary sewer system, including collector and lateral lines and necessary appurtenances serving all lots within the proposed development. Such construction shall be in accordance with the requirements of the City/Town Engineer; and
2. Be required to connect to such sanitary system, which is located adjacent to the proposed development. If proposed development is not located adjacent to a public sewer, the developer shall cap the system in accordance with requirements of the City/Town Engineer.

Section 5.13 Street Lighting

For Major Subdivisions, the Developer shall bear the financial responsibility for the original installation costs for the materials and labor for street lighting where required. This requirement shall apply to each side of an existing thoroughfare and/or intersection along which the subdivision shall front and shall apply to all portions of new thoroughfares or extensions to existing thoroughfares constructed for the purposes of the subdivision. Street lighting shall be located and of such size and specifications as required by the Design and Construction Specifications. The City/Town will not accept maintenance responsibility for residential street lighting. Maintenance on non residential installations must be arranged prior to construction.

Section 5.14 Permits

Permits for utility installation on existing or proposed rights-of-way. Any person, firm, or corporation wishing to place a utility facility within thoroughfare rights-of-way shall make application to the appropriate authority.

Section 5.15 Maintenance and Supervision

Where the subdivision contains sewers, sewage treatment plants, water supply systems or other facilities necessary or desirable for the welfare of the area, or that are of common use or benefit but cannot satisfactorily be maintained by an existing public agency, provisions shall be made which are acceptable to the agency having jurisdiction over the location and maintenance of such facilities for the proper and continuous operation, maintenance and supervision of such facilities.

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ARTICLE 6. REQUIRED IMPROVEMENTS, BOND

Section 6.1 Improvements

Prior to the approval of the final plat the subdivider shall have installed or constructed the required improvements, or posted bond as provided for in this Article and within the City of Pinson Design and Construction Guidelines.

6.1.1 Bond and Surety, Amount and Release

1. In the event the Commission may consider that the requirements set out in Article 3, 4 or 5 need not immediately be met by the subdivider, the requirements may be modified by the execution of a bond agreement with the subdivider. Such agreement shall state that the remaining improvements are to be installed and constructed within a specified length of time as determined by the City Engineer. All grubbing, clearing, grading, and storm drainage structures shall be constructed prior to execution of said agreement. A bond shall be required to insure the fulfillment of such agreement and shall be by cash, certified or cashier's check payable to the City. The applicant shall not be released from said bond except by a release in writing from the City and shall be subject to the administrative procedures established on behalf of the City Council.

2. A bond amount shall be set at one hundred fifty percent (150%) of the estimated cost of the improvements. A schedule of estimated costs for all items to be bonded shall be submitted by a registered engineer for review by the City Engineer. This schedule shall clearly describe the items, quantities, unit cost and total cost of the remaining improvements.

6.1.2 Maintenance Bond

1. The City Engineer shall secure from all Developers a statement in which said Developer shall agree to maintain all improvements for a period of one (1) year after the acceptance of such improvements by the City Council.

2. To assure such responsibility, the subdivider shall guarantee the maintenance of thoroughfares and drainage, erosion and sediment control measures and water distribution systems in a subdivision in a condition which meets all the requirements of these rules and regulations to the satisfaction of the Commission, by posting with the City a maintenance bond as required by the Commission to secure maintenance cash, certified or cashier's check payable to the City sufficient in amount, in the opinion of the Commission, to secure the aforesaid maintenance. Maintenance bonds shall be required prior to recording of final plat in County Probate Office.

6.1.3 Inspections and Acceptance

The City Engineer shall regularly supervise inspection for defects in the construction of the required improvements. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the subdivider shall be responsible for completing the improvements. Wherever a surety covers the cost of improvements, the subdivider and the surety company shall be severally and jointly liable for completing the improvements according to specifications.

1. Upon completion of the improvements, the subdivider shall file with the Commission a statement stipulating the following:

- A. That all required improvements are complete;
- B. That the improvements are in compliance with the minimum standards specified by the City for their construction;
- C. That the subdivider knows of no defects from any cause in those improvements; and
- D. That the improvements are free and clear of any encumbrance or lien.

2. The subdivider shall also file with the Commission an agreement dedicating said improvements to the City. Upon completion of the required improvements, the City Engineer shall file with the City Clerk a statement either certifying that those improvements have been completed in the specified manner, or listing the defects in those improvements. The City may, at its discretion, accept the dedication of any part of the required land and improvements, provided that all statements and agreements specified above have been received for that portion of the subdivision. If the City Engineer has certified that the required improvements are complete and free from defect, then upon receipt of all the statements and agreements detailed above, the Mayor shall, on behalf of the City/Town Council, accept the dedication of the specified land and improvements.

Section 6.2 Erosion/Sediment Control/Stormwater Management Bonds

Prior to the approval of the final plat the subdivider shall have installed or constructed the required improvements, or posted bond as provided for in this Article and within the City of Pinson Design and Construction Guidelines

6.2.1 Improvement Bond

Prior to the issuance of a Land Disturbance Permit the subdivider shall have installed or constructed all of the required erosion and sediment control and stormwater management plan improvements, or posted bond as provided for in §6.1.1.

6.2.2 Maintenance Bond

1. The City Engineer shall secure from all Developers a statement in which said Developer shall agree to maintain all improvements outlined in the required erosion and sediment control and stormwater management plan until final stabilization.

2. A bond amount shall be in of a sum as required to ensure maintenance until final stabilization. A schedule of estimated costs for all items to be bonded shall be submitted by a registered engineer or qualified design professionals for review by the City Engineer. This schedule shall clearly describe the items, quantities, unit cost and total cost of the maintenance activities.

3. To assure such responsibility, the subdivider shall guarantee the maintenance of erosion and sediment control and stormwater management measures in a subdivision in a condition which meets all the requirements of these rules and regulations to the satisfaction of the Commission, by posting with the City a maintenance bond consisting cash, certified or cashier's check payable to the City sufficient in amount, in the opinion of the Commission, to secure the aforesaid maintenance. Maintenance bonds shall be required prior to approval or recording of final plat in County Probate Office.

4. If the developer fails to maintain the erosion and sediment control and stormwater management measures the following actions will be followed by the Building Inspector or his designee.

A. Cease and Desist Orders. When an authorized employee of the Department finds that any person has violated or continues to violate this Article, or any erosion and sedimentation control plan submitted hereunder, the Building Inspector or his/her designee may issue an order to cease and desist all activity declared to be in violation of this Article, and direct those persons in noncompliance to:

A.1 Comply forthwith with all requirements of this Article, and any erosion and sedimentation control plan registered pursuant hereto; and/or

A.2 Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the violation.

B. Stop Work Orders. Failure to promptly undertake and complete, in a timely manner, whatever remedial and/or preventive actions are necessary, ordered or otherwise required in order for a work site to be brought into full compliance with this Article, or with the

relevant erosion and sedimentation control plan, shall subject the registrant, property owner and/or developer to issuance of an order requiring all work on the site , land disturbing activities, demolition, construction, etc., to be immediately halted pending the necessary corrective action.

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ARTICLE 7. VARIANCES

Section 7.1 Modifications, Variances, and Waivers

If it be determined that strict compliance with these regulations should result in extraordinary hardship to the subdivider due to unusual topography or conditions beyond the control of the subdivided, then the Commission may modify, vary or waive such requirements provided that such modification, variance, or waiver will not tend to injure or place the public health, safety or welfare in jeopardy, nor nullify the stated or implied intent or purpose of these regulations, and provided further that such modification, variance, or waiver and the reason therefore shall be entered upon the minutes of the Commission.

Section 7.2 Conditions of and Applications for Variances

7.2.1 In granting modifications, variances, or waivers, the Commission may attach such other reasonable conditions as will, in its judgment, justify such modifications, variances or waivers and still maintain substantially the objectives of these regulations.

7.2.2 Each and every modification, variance, or waiver of these regulations sought by a subdivider shall be specially applied for, in the numerical order of these regulations, in writing by the subdivider and submitted to the Commission which shall forward a copy of said application to the City/Town Engineer immediately following the passage of the tenth (10th) day prior to a regular scheduled meeting of the Commission. Any condition shown on the preliminary or final plat (or on engineering plans or data called for by Article II, which would require a modification, variance or waiver) shall constitute a ground for disapproval of the preliminary or final plat unless such special application for a modification, variance or waiver is made.

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ARTICLE 8. Revisions

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