

# **Owens Cross Roads Planning Commission**

## **Subdivision Regulations of Owens Cross Roads, Alabama**

**Adopted  
- June 26, 2008 -**

**Including revisions through  
- June 26, 2008 -**

**Top of Alabama Regional Council of Governments**

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## **ARTICLE I. GENERAL PROVISIONS**

### **Section 1.1 Title**

These regulations shall hereafter be known, cited, and referred to as the Subdivision Regulations of the Town of Owens Cross Roads, Alabama.

### **Section 1.2 Purpose**

The purpose of this regulation is to establish procedures and standards for the development and subdivision of real estate within the subdivision jurisdiction of the Town of Owens Cross Roads in an effort to, among other things, insure proper legal description, identification, monumentation, and recordation of real estate boundaries; further the orderly layout and appropriate use of the land; provide safe, convenient, and economic circulation of vehicular traffic; provide suitable building sites which are readily accessible to emergency vehicles; assure the proper installation of streets and utilities; promote the eventual elimination of unsafe or unsanitary conditions arising from undue concentration of population; and help conserve and protect the physical and economic resources of the Town of Owens Cross Roads.

### **Section 1.3 Policy**

(a) It is hereby declared to be the policy of the Town of Owens Cross Roads to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town pursuant to the authority granted to the Town by the Code of Alabama.

(b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, water, sewerage disposal and streets.

(c) The existing and proposed public improvements shall conform to and be properly related to the adopted proposals and policies in the Comprehensive Plan of the Town of Owens Cross Roads, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, Zoning Ordinance, Comprehensive Plan of the Town of Owens Cross Roads.

(d) Approval of a subdivision plat shall be considered an amendment to the Town of Owens Cross Roads' Comprehensive Plan and as such shall be approved by no less than six (6) members of the Planning Commission.

### **Section 1.4 Authority**

By authority of the Planning Commission of the Town of Owens Cross Roads, Alabama (hereinafter referred to as "Planning Commission") adopted pursuant to the powers and jurisdictions vested through Title 11, Article II, Section 11-52-30 through 11-52-36 inclusive, of the 1975 Code of Alabama as amended, the Planning Commission does hereby exercise the power and authority to review, approve, and disapprove plats for the division of real estate within the subdivision jurisdiction of the Town of Owens Cross Roads.

### **Section 1.5 Jurisdiction**

(a) From and after the effective date hereof, these regulations shall govern the subdivision of all land located in the Town of Owens Cross Roads.

(b) Any owner of land, which lies within the area of jurisdiction, who wishes to divide or resubdivide such land into two (2) or more lots, sites, or divisions, for the purpose, whether immediate or future, of sale or building development, shall submit to the Planning Commission a plat of the subdivision, which shall conform to the minimum requirements set forth in these regulations, for approval.

(c) No subdivider shall proceed with improvements or installation of utilities in a subdivision until such subdivision plat shall have been granted Preliminary Plat approval by the Planning Commission.

(d) No subdivider shall proceed with the sale of lots or erection of buildings, excluding public utility structures, within a subdivision until such subdivision plat shall have been granted Final Plat approval entered in writing on the plat and signed by the Chairman of the Planning Commission and recorded in the Office of the Madison County Probate Judge.

(e) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

### **Section 1.6 Interpretation**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

### **Section 1.7 Conflict with Public and Private Provisions**

(a) *Public provisions.* The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(b) *Private provisions.* These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or private agreement or restriction, the requirements of these regulations shall govern.

### **Section 1.8 Severability**

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not effect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

### **Section 1.9 Saving Provision**

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right



of the Town under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the Town except as shall be expressly provided for in these regulations.

#### **Section 1.10 Reservations and Appeals**

Upon the adoption of these regulations according to law, any prior Subdivision Regulations of the Town of Owens Cross Roads, Alabama, adopted as amended, are hereby repealed except as to such sections expressly retained hereby.

#### **Section 1.11 Amendments**

For the purpose of providing the public health, safety, and general welfare, the Planning Commission may from time to time amend any article, section, subsection, or provision imposed by these subdivision regulations. Prior to adoption of any amendment (or amendments), a public hearing shall be held by the Planning Commission in the manner prescribed by law. Following its adoption, a copy of the amendment shall be certified by the Planning Commission to the Probate Judge of Madison County.

#### **Section 1.12 Conditions**

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this Town. The applicant has the duty of compliance with reasonable conditions imposed by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the Town and to the safety and general welfare of the future owners of the subdivision and of the community at large.

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## ARTICLE III. DEFINITIONS

### Section 2.1 Usage

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Article. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations;" the word "regulations" means "these regulations." A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure" and includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

### Section 2.2 Words and Terms Defined

*Administrative officer.* The person appointed by the Governing Body to administer and enforce these regulations.

*Alley.* A public right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.

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

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

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

*Building setback line.* A line parallel to the property line in front of which no structure may be erected.

*Town.* The Town of Owens Cross Roads, Alabama.

*Town Clerk.* The duly designated Clerk of the Town of Owens Cross Roads, Alabama.

*Town Council.* The Town Council of the Town of Owens Cross Roads, Alabama.

*Town Engineer.* The duly designated Engineer of the Town of Owens Cross Roads, Alabama.

*Town specifications.* All construction specifications which have been adopted by the Town or as required by the Planning Commission and all utility departments.

*Collector street.* See Street, Collector.

*Comprehensive Plan.* The comprehensive plan for development of the Town, prepared and adopted by the Planning Commission, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan or parts thereof.

*Corner lot.* A lot which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are



equal, in which case, the owner shall be required to specify which is the front.

*Crosswalk.* A public right-of-way ten (10) feet or more in width between property lines, which provides pedestrian access to adjacent properties.

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

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

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

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

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

*Easement.* A grant by the property owner of use, by the public, a corporation, or person(s) of a strip of land for specified reasons, or as created by operation of law.

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

*Final plat.* A plat of a tract of land which meets the requirements of these regulations and is in a form for recording in the Office of the Probate Judge of Madison County.

*Flood.* An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.

*Floodway.* The natural channel and the portion of the flood plain along the channel which must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream. For the purposes of these regulations, the areas included in the floodway are designated by the Federal Emergency Management Agency (FEMA) of the United States Department of Homeland Security on the most recent edition of the Flood Insurance Rate Map (FIRM) of the Town of Owens Cross Roads. Along other small streams and drainage channels, land lying within twenty-five (25) feet horizontal distance of the top of the banks shall be considered to be within a floodway, unless the developer demonstrates to the Planning Commission that a lesser distance, but not less than ten (10) feet, is adequate.

*Land subject to flood.* For the purposes of these regulations, land subject to flood shall be considered all land located within the geographic area subject to flooding on the Flood Insurance Rate Map of the Town of Owens Cross Roads.

*Group development.* A development comprising two (2) or more structures, built on a single lot, tract, or parcel of land, and designed for occupancy by separate families, firms, or other enterprises, and the land is not subdivided into the customary streets and lots.

*Governing body.* The Mayor and the Town Council of the Town of Owens Cross Roads, Alabama.

*Hardship.* An unusual situation on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the Town. A hardship exists only

when it is not self-created.

*Health Department.* Madison County Health Department.

*Improvement guarantee.* Any form of security including a cash deposit, surety, collateral, or instrument of credit in an amount and form satisfactory to the Town Council.

*Lot.* A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

*Major subdivision.* All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new streets or extensions of the local governmental facilities, or the creation of any public improvements.

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

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

*Nonresidential subdivision.* A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with Section 9-4 of these regulations.

*Open space.* Shall be any land either publicly or privately owned which is designated as being permanently developed and used for recreation, conservation, or preservation.

*Owner.* Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

*Owner's engineer.* Shall mean the engineer or land surveyor registered and in good standing with the State Board of Registration of Alabama who is the agent in his professional capacity of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

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

*Planning Commission.* Shall mean the Planning Commission of the Town of Owens Cross Roads, Alabama.

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

*Probate Judge.* Shall mean the Judge of Probate of Madison County, Alabama.

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

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



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

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

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

*Sidewalk.* A walkway constructed for use by pedestrians.

*Single tier lot.* A lot which backs upon a street, a railroad, a physical barrier, or a residential or non-residential use, and to which access from the rear of the lot is usually prohibited.

*Sketch plat.* A sketch preparatory to the preparation of the preliminary plat (or Final Plat in the case of minor subdivision) to enable the applicant to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

*Street.* A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting property.

(1) *Arterials.* Arterial routes are heavy traffic carriers of the Town and function to move intra-city and inter-city traffic. The streets which comprise the arterial system may also serve abutting property; however, their major function is to carry traffic.

(2) *Major thoroughfares.* Major thoroughfares perform the function of collecting traffic from residential, commercial, or industrial streets and carrying it to the arterials. They may perform an additional function by also serving abutting residential, commercial, or industrial property. Major thoroughfares should be designed to serve as city-wide routes providing access to inter-city arterials.

(3) *Collectors.* These routes are important streets whose primary function is to collect traffic from an area and move it to a major thoroughfare or arterial while also providing substantial service to abutting land use. Typically, they should not have extensive continuity, or they may be used undesirably as major thoroughfares. Their development in new growth areas is usually dependent upon the form taken by land subdivision, whether the subdivision is residential in nature, or a planned commercial, office, or industrial development.

(4) *Minor streets.* Minor streets comprise the remainder of the street system and have the primary function of servicing abutting land use. Through traffic should be stringently discouraged on these streets.

*Subdivider.* Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, an interest, lot, parcel, site, unit, or plat in a subdivision, and who (3) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

*Subdivision.* Shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development, It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to



the land or territory being subdivided. It shall include all subdivisions of land involving the dedication of a new street or a change in existing streets.

*Subdivision Jurisdiction.* The territorial jurisdiction of the Town of Owens Cross Roads Planning Commission over the subdivision of land including all land located in the corporate limits.

*Subdivision, major.* See Major Subdivision.

*Subdivision, minor.* See Minor Subdivision.

*Thoroughfare plan.* The Thoroughfare Plan, prepared as an element of the Land Use Plan.

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

*Zoning Ordinance.* The official Zoning Ordinance of the Town of Owens Cross Roads.

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## ARTICLE III. PROCEDURES

### Section 3.1 Approval Required

From and after the date of filing a copy of these regulations with the Probate Judge, no subdivision plat of land within the platting jurisdiction, as defined in Article III, shall be filed or recorded until it shall have been submitted to and approved by the Planning Commission of the Town of Owens Cross Roads, and such approval entered on the plat by the Planning Commission Chairman. The Probate Judge, upon receipt of a copy of these regulations, shall not thereafter file or record a plat of a subdivision of land located within the planning jurisdiction, as defined herein, without the approval of such plat as required herein. No street shall be accepted and maintained by the Town nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land, nor shall any permit be issued by an administrative agent or department of the Town of Owens Cross Roads for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in these regulations have been complied with and the same has been approved by the Planning Commission.

### Section 3.2 Approval Not Acceptance

The approval of a plat by the Planning Commission shall not be deemed to constitute or affect the formal acceptance for maintenance by the Town of Owens Cross Roads of any street or other public utility line, or other facilities serving the subdivision.

### Section 3.3 General Procedure

(a) *Classification of subdivisions.* Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, 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, which includes basically one (1) step for a minor subdivision, and two (2) steps for a major subdivision.

- (1) *Minor Subdivision*
  - a. Sketch Plat (optional)
  - b. Final Subdivision Plat
- (2) *Major Subdivision*
  - a. Sketch Plat (optional)
  - b. Preliminary Plat
  - c. Final Subdivision Plat

(b) *Official submission dates.* For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the Planning Commission at which the public hearing on plat approval, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.



### **Section 3.4 Procedure for Sketch Plats**

The procedure for obtaining Sketch Plat concurrence is as follows:

(a) *Discussion of requirements.* Before preparing the sketch plat for a subdivision, the applicant should discuss with the Administrative Officer the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, water and similar matters, as well as the availability of existing services. The Administrative Officer shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

(b) *Application procedure.* Whenever any subdivision of a tract of land is proposed to be made, the applicant may submit to the Secretary of the Planning Commission or the Town Clerk at least ten (10) calendar days prior to a regularly scheduled meeting, three (3) copies of a Sketch Plat of the proposed subdivision together with a sketch vicinity map and any other data which will convey his intentions as to the proposed layout and type of development. The applicant may appear at the regularly scheduled meeting of the Planning Commission to discuss the proposed subdivision and become familiar with the application of the regulations affecting the land to be subdivided. This procedure is not mandatory and does not require formal application or fee. The procedure is, however, recommended for persons interested in receiving approval of minor subdivisions.

(c) *Sketch plat requirements.* A Sketch Plat, if submitted, shall be drawn at an approximate scale of one (1) inch to two hundred (200) feet and shall show the tentative Street layout, approximate rights-of-way widths, lot arrangements, the location of the nearest water and sewer lines (if any), water courses, existing structures, total acres, approximate number of lots, adjoining streets, north point, tract boundary, and proposed use of land. The Sketch Plat as submitted shall not indicate any names upon proposed streets. The Planning Commission shall approve all roads at the time of Preliminary Plat approval.

(d) *Classification.* Tentative classification of the Sketch Plat shall be made at the time of review at the regularly scheduled meeting of the Planning Commission as to whether the subdivision is a major or minor subdivision as defined in Article III of these regulations. Subsequent to the approval by the Planning Commission, the applicant may proceed directly to the filing of an application for approval of a Final Plat, as provided in these regulations, if classified as a minor subdivision; and if classified as a major subdivision, the applicant must first file an application for approval of a Preliminary Flat, as provided in these regulations before filing for final plat approval.

(e) *Concurrence of sketch plat.* After reviewing and discussing the Sketch Plat, the Planning Commission will advise the applicant of the specific changes or additions, if any, it will require in the layout and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the subdivision plat. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. Said approval shall constitute authorization to prepare and submit a Preliminary Flat in the case of a major subdivision and a Final Plat in the case of a minor subdivision.

### **Section 3.5 Procedure for Preliminary Plats**

The procedure for obtaining Preliminary Plat approval is as follows:

(a) *Application procedure.* Based upon the approval of the Planning Commission of the Sketch Plat (optional), the applicant shall file an application for approval of a Preliminary Plat. The application shall:



- (1) Be made on forms available at the Office of the Administrative Officer; and
- (2) Be accompanied by a filing fee, payable to the Town Clerk, according to the current schedule of fees established by the Town Council for the category of application. This fee shall be non-refundable irrespective of the disposition of the application; and
- (3) Be accompanied by an original and at least three (3) sets of prints, whether of black or blue line or other method of reproduction, of the proposed subdivision prepared in accordance with the requirements of the subdivision regulations; and
- (4) Be submitted to the Planning Commission Secretary or Town Clerk at least fifteen (15) days prior to a regularly scheduled meeting.

(b) *Public hearing.* The Planning Commission shall hold a public hearing on the Preliminary Plat. Notice of such public hearing shall be sent to all adjoining landowners by registered mail as their names appear upon the plats in the County Tax Assessor's Office. Such notices shall be sent at least five (5) days prior to the date of the public hearing. Any plat submitted to the Planning Commission shall contain the names and addresses of all persons to whom notices of a public hearing shall be sent. Any change or modification to a Preliminary Plat shall be submitted to the Planning Commission for approval and may be subject to public hearing, if deemed necessary by the Planning Commission.

(c) *Preliminary approval.* After the Planning Commission has reviewed the Preliminary Plat and construction plans, and any Town recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. One (1) copy of the proposed Preliminary Plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat and one (1) copy shall be retained by the Planning Commission. Before the Planning Commission approves a Preliminary Plat showing park reservation or land for other local government use proposed to be dedicated to the Town, the Planning Commission may obtain concurrence of the park or land reservation from the Town Council. The approval of the Preliminary Plat shall not be deemed final acceptance but rather an expression of approval of the layout as submitted on the Preliminary Plat.

(d) *Effective period of preliminary approval.* The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time, final approval on the subdivision must have been obtained from the Planning Commission, although the plat need not yet be signed and filed with the Probate Judge. Any plat not receiving final approval within the period of time set forth herein shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations and filing fees.

(e) *Zoning Regulations.* Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Ordinance and Subdivision Regulations rendering the plat non-conforming, provided that final approval is obtained within the one (1) year period.

(f) *Resubmission of preliminary plat.* The Planning Commission shall not consider, for a period of twelve (12) months, a Preliminary Plat which has been resubmitted for approval after Planning Commission disapproval, unless the applicant has complied with the Planning Commission's required changes and/or additions. Any resubmission shall be subject to a public hearing.

(g) *Preliminary plat requirements.* The Preliminary Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge, but shall not exceed twenty-four by thirty-six (24 x 36) inches. The Preliminary Plat shall show the following:

- (1) Name of owner of record.
- (2) Proposed name of subdivision, date, north point, scale, and location.
- (3) Name and seal of registered land surveyor.
- (4) Vicinity map showing location of the subdivision.
- (5) Exact boundaries of the tract of land being subdivided, shown with bearings and distances.
- (6) Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, as their names appear on the plats in the County tax assessor's office and their addresses appear on the tax records of Madison County.
- (7) Wooded areas, marshes, and any other conditions affecting the site.
- (8) The location of existing streets, buildings, water courses, railroads, transmission lines, sewers, culverts and drainpipes, water mains, jurisdiction lines, and any public utility easements on and adjacent to the tract being subdivided.
- (9) Proposed streets and alleys, rights-of-way, and street names.
- (10) Proposed easements, including location, widths and purposes.
- (11) Proposed lot lines with bearings and distances and lot and block numbers.
- (12) Proposed minimum building setback lines.
- (13) Proposed parks, school sites, or other public open spaces, if any.
- (14) Zoning classifications, both on the land to be subdivided and any adjoining lands.
- (15) Site data, including:
  - a. Acreage in total tract.
  - b. Smallest lot size.
  - c. Total number of lots.
  - d. Linear feet in streets.

(h) *Construction plans.* At the time of submission of the Preliminary Plat, the applicant shall also submit Construction Plans for all required improvements. All plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction Plans shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Preliminary Plat. Construction Plans must bear the seal of a professional engineer registered in the State of Alabama and each sheet must be signed and dated. The



following construction plans shall be included:

(1) Street plan containing the following information:

- a. Location of all proposed and existing streets or rights-of-way in or adjacent to the subdivision.
- b. Width of existing and proposed rights-of-way and easements.
- c. Street names.
- d. Plan and profile of all streets, showing natural and finished grades drawn to a scale of not less than one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical.
- e. Cross sections of proposed streets at a minimum of one hundred (100) feet stations.
- f. Curve data for the centerline of each street: Delta, Tangent, and Radius.
- g. Location of sidewalks and crosswalks (if any).

(2) Storm Drainage Plan containing the following information:

- a. Location of proposed drainage ways, streams, and ponds in the subdivision.
- b. Topography at one (1) foot contour intervals.
- c. Location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets, and top elevations of head walls, etc., showing details on Drainage Plan, including conduit schedule.
- d. Construction details of typical manholes, connections, and other drainage structures proposed.
- e. Area of land contributing run-off to each drainage structure along with run-off calculations of each area and drainage calculations for each drainage structure and drainage ditch. Drainage calculations must clearly indicate that the post-development runoff will not exceed the pre-development runoff.
- f. Location of easements and rights-of-way for drainage ways, and maintenance access thereof.
- g. Typical cross sections of each drainage way.
- h. Direction of water flow throughout the subdivision and compatibility with existing city or natural drainage.

(3) Sanitary Sewer Plan containing the following information:

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

- b. Direction of flow of each sewer line.
  - c. Location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds, and treatment plants, if any.
  - d. Construction details of typical manholes, connections, and other sewage structures proposed.
  - e. Plan and profile of sewage system.
- (4) Water Distribution Plan containing the following information location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.
- (5) Electric Distribution Plan containing the following information location of all poles or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision.
- (6) Letter of approval from the appropriate municipal, county, or state department or agency concerned with the approval of (1) – (5) above. It shall be the responsibility of the applicant to provide the Planning Commission with the letter of approval prior to the Planning Commission's approval of the Preliminary Plat.

### **Section 3.6 Procedure for Final Plats**

(a) *Approval required.* In accordance with Section 4.1 of the regulations, no Street shall be accepted and maintained by the Town nor shall any street lighting, water or sewer be extended to or connected with any subdivision of land as defined herein, nor shall any permit be issued by an administrative agent or department of the Town for the construction of any building or other improvement requiring a permit upon any land concerning which a plat is required to be approved unless and until the final plat has been approved by the Planning Commission of the Town of Owens Cross Roads, Alabama.

(b) *Application procedure and requirements.* Following the approval of the Sketch Plat in the case of a minor subdivision (optional), or of the Preliminary Plat in the case of a major subdivision, the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Commission an application for final approval of a subdivision plat. The application shall:

- (1) Be made on forms available at the Office of the Administrative Officer.
- (2) Be accompanied by the original tracing, and three (3) black or blue line prints of the plat.
- (3) Comply in all respects with the Preliminary Plat, as approved, except for minor modifications not altering the design of the subdivision.
- (4) Be presented to the Secretary of the Planning Commission or Town Clerk at least fifteen (15) calendar days prior to a regularly scheduled meeting.
- (5) Be submitted within one (1) year of the date of Preliminary plat approval.



(6) Be accompanied by an Improvement Guarantee, if required, in a form satisfactory to the Town Attorney and in an amount established by the Planning Commission upon recommendation of the Town Engineer.

(c) *Public hearing.* The Planning Commission may hold a public hearing on the Final Plat. Notice of such public hearing shall be sent to all adjoining landowners by registered mail as their names appear upon the plats in the Madison County Tax Assessor's Office. Such notice shall be sent at least five (5) days prior to the date of the public hearing. Any plat submitted to the Planning Commission shall contain the names and addresses of all persons to whom notices of a public hearing shall be sent.

(d) *Vested rights.* No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission. All requirements, conditions, or regulations adopted by the Planning Commission applicable to the subdivision or on all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission. Where the Planning Commission has required the installation of improvements prior to signing of the Final Plat, the Planning Commission shall not modify the conditions set forth in final approval.

(e) *Signing and recording of final plat*

(1) When an Improvement Guarantee is required, the Chairman of the Planning Commission shall endorse approval on the plat after the guarantee has been approved by the Town of Owens Cross Roads and all the conditions of the regulations pertaining to the plat have been satisfied.

(2) When installation of improvements is required, the Chairman of the Planning Commission shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the Town of Owens Cross Roads as shown by a certificate signed by the Town Engineer and Administrative Officer that the necessary improvements have been accomplished and accepted into the Town's maintenance program.

(3) The Chairman shall sign the original tracing. The original tracing will be returned to the applicant's engineer.

(4) It shall be the responsibility of the applicant to file the plat with the Office of the Probate Judge within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the applicant shall submit to the Administrative Officer a reproducible and three (3) copies of the recorded plat.

(e) *Final plat requirements.* The Final Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The Final Plat, as submitted for approval, shall be prepared in ink on linen or a suitable permanent Mylar reproducible. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge, but shall not exceed twenty-four by thirty-six inches. The Final Plat shall show the following:

(1) Name of subdivision, north point, scale, and location.

(2) The relationship of the land so platted to the Government Survey of Madison County. The "point of beginning" as referred to in the written description shall be so indicated.



- (3) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, block line, and minimum building setback line, whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arcs and chords.
- (4) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name.
- (5) The exact position of the permanent monuments shall be indicated on the plat by a small circle "O".
- (6) Streets and alleys, rights-of-way, and street names.
- (7) Rights-of-way or easements, including location, widths, and purposes.
- (8) If any portion of the land being subdivided is subject to flooding, as depicted on the Flood Boundary and Floodway Map for the Town of Owens Cross Roads, the limits of such land shall be shown.
- (9) Lot lines and lot and block numbers.
- (10) Minimum building setback lines. In the instance of double frontage lots, the direction the building fronts shall be clearly indicated.
- (11) The following endorsements, dedications, and certificates shall be placed on the Final Plat. The certificates shall be lettered or typed on the Final Plat in such a manner as to insure that said certificates will be legible on any prints made there from (see Appendix I for sample certificates).
- a. Registered Surveyor's Certificate and Description of Land Platted.
  - b. Dedication.
  - c. A notary's acknowledgement of the Dedication Certificates referred to in "b".
  - d. A Certificate of Approval by Huntsville Utilities.
  - e. A Certificate of Approval by the Owens Cross Roads Water Authority.
  - f. A Certificate of Approval by the Owens Cross Roads Sewer Board.
  - g. A Certificate of Approval by the Town Engineer of the Town of Owens Cross Roads.
  - h. A Certificate of Approval by the Planning Commission of the Town of Owens Cross Roads.
  - i. A Certificate of Approval by the Madison County Health Department (if septic tanks and/or wells are necessary).
- (f) *Engineering plan.* At the time of Final Plat approval, the applicant shall also submit an engineering plan, or "as built" plan, giving details of construction and locations of the improvements which have been installed. The primary purpose of the engineering plan is to provide the Town with a record of the

location, size, and design of underground utilities for the Town's use in the course of maintaining such improvements. If the installation of improvements is completed under an Improvement Guarantee, the engineering plan shall be submitted to the Town upon request of release of the Improvement Guarantee by the Applicant.

### **Section 3.7 Special Procedures and Requirements for Non-Residential Subdivisions**

(a) *General procedural requirements.* It is recognized that the applicant, in creating non-residential subdivisions, faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Planning Commission shall be upon street layout and block arrangement. Generally, the procedural requirements shall be for the applicant to follow the regular procedure outlined above and to show the entire tract to be subdivided with necessary improvements and as many parcels as he cares to show but must include at least two parcels. Then, from time to time, as prospective buyers express interest in lots sized to their required specifications and following informal discussions with the Planning Commission if the applicant so requests, the applicant shall submit directly at a regular meeting of the Planning Commission an amendment to the approved final subdivision plat for approval. Regular procedural requirements of the Planning Commission following receipt of a final subdivision plat shall then apply. A fee in an amount established by the Town Council to cover advertising and administrative costs of a Public Hearing shall accompany this application. Subsequent Public Hearings may be held at the discretion of the Planning Commission.

(b) *Other special requirements.* In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

- (1) Proposed non-residential street layout, blocks, and parcels shall be suitable in area and dimensions to the types of development anticipated.
- (2) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to arterials, major thoroughfares, or collector streets so designated on the Town of Owens Cross Roads Land Use Plan in such a way that the number of intersections with such arterials, major thoroughfares, or collectors shall be minimized.
- (3) Streets rights-of-way and pavement shall be adequate and in accordance with Schedule I to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at driveway intersections shall be at least twenty-five (25) feet.
- (4) The applicant shall insure that the non-residential subdivision as a whole may be self-sufficient with regard to providing necessary off street parking.
- (5) With respect to physical improvements, special requirements may be imposed by the Planning Commission with the advice of the City Engineer within the non-residential subdivision.
- (6) Every effort shall be made to protect adjacent residential areas from potential nuisance from the non-residential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.



### **Section 3.8 Resubdivision of Land**

(a) *Procedure for resubdivision.* For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Planning Commission by the same procedure, rules and regulations as for a subdivision.

(b) *Procedure for subdivisions where future resubdivision is indicated.* Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into small building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

### **Section 3.9 Vacation of Plats**

(a) Any plat or any part of any plat may be vacated by the owner of the premises at any time before the sale of any lots therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

(b) Such an instrument shall be provided by the Planning Commission in like manner as plats of subdivisions. The Town Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.

(c) Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public alleys, and playgrounds, and all dedications laid out or described in such plat.

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



## ARTICLE IV. DEVELOPMENT STANDARDS

### Section 4.1 Compliance Required

(a) The following planning and design standards shall be complied with, except where because of exceptional and unique conditions of topography, location, shape, size, drainage, or other physical features of the site, minimum standards specified herein would not reasonably protect or provide for public health, safety, or welfare. In addition to the requirements established herein, all subdivisions shall comply with the following laws, rules, and regulations:

- (1) All applicable statutory provisions.
- (2) The Town of Owens Cross Roads Zoning Ordinance, building and housing codes, and all other applicable laws of the appropriate jurisdiction.
- (3) Adopted plans of the Town of Owens Cross Roads including any adopted comprehensive plan, land use plan or transportation plan.
- (4) Any special requirements and rules of the Madison County Health Department and/or appropriate state agencies.
- (5) The rules and standards of the Alabama Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
- (6) Any standards and regulations adopted by all boards, commissions, agencies, and officials of the Town of Owens Cross Roads.

(b) Approval may be withheld if a subdivision is not in conformity with the above laws, rules and regulations or the policy and purpose of these regulations as established in Article I of these regulations.

### Section 4.2 General Requirements

(a) *Subdivisions crossing municipal boundaries.* Whenever access to the subdivision is required across land in another local government, the Planning Commission may request assurance from the Town Attorney that access is legally established, and from the Town Engineer that the access road is adequately improved, or that an Improvement Guarantee has been duly executed and is sufficient in an amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

(b) *Character of land.* Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse soil formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Planning Commission, upon recommendation of the Town Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

(c) *Floodway / land subject to flood.* Land within any floodway shall not be platted for occupancy or building sites. All areas within any floodway within the proposed subdivision must be included within a designated drainage easement. Land outside the floodway may be platted for occupancy in accordance

with the provisions of the Flood Damage Prevention Ordinance of the Town of Owens Cross Roads.

(d) *Subdivision and street names.* The proposed name of any subdivision or street shall not duplicate, nor too closely approximate phonetically, the name of other subdivision or street in the area covered by these regulations. The Planning Commission shall have final authority to designate the name of subdivision and streets which shall be determined at Preliminary Plat approval.

(e) *Population densities.* The population densities established by the Zoning Ordinance of the Town of Owens Cross Roads shall be observed.

(f) *Water bodies and watercourses.* If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for, safe maintenance of the water body is so placed that it will not become a Town responsibility. No more than twenty-five percent (25%) of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure of design approved by the Town Engineer.

(g) *Oversize facilities.* The governing body may participate in the cost of oversized improvements within a subdivision if, in its judgment, such oversized improvements are necessary to serve large areas of land not in the subdivision, and if the cost of such oversize improvements is an unreasonable burden on the applicant.

(h) *Signs.* The applicant shall deposit a fee as prescribed by the Town Council to the Town Clerk for each required sign within the subdivision. One street sign shall be required for each intersection.

#### **Section 4.3 Street Plan**

(a) *Generally.* The arrangement, character, extent, location, and grade of all streets shall be laid out according to good land planning principles and shall be integrated with all existing and planned streets. New streets shall consider topographical conditions, orientation to vistas, public convenience and safety, and the proposed uses of land to be served by them. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission and the Town of Owens Cross Roads, and shall be incorporated into the construction plans required to be submitted for plat approval.

(b) *Continuation of adjoining street system.* Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the Planning Commission for reasons of topography or design.

(c) *Access to adjacent properties.* Land abutting a proposed subdivision shall not be left land-locked by such proposed subdivision. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to an adjoining property, proposed streets shall be extended by dedication and paved to the boundary of such property and a temporary turnaround shall be provided, if deemed necessary by the Planning Commission.

(d) *Access to arterials.* Where development abuts, or has included within the proposed subdivision area, any arterial, the Planning Commission may require a marginal access street or other treatment which may be necessary to provide for the adequate protection of properties and to afford separation of through and local traffic.



(c) *Private Streets.* There shall be no private streets platted in a subdivision where abutting properties will be sold, whether immediately or in the future, to the public; however, in certain instances, private streets may be approved by the Planning Commission provided they are constructed in accordance with these regulations.

(f) *Private reserve Strips.* Private reserve strips (spite strips) controlling access to streets shall be prohibited.

(g) *Additional width on existing roads.* Subdivisions that adjoin existing streets with inadequate right-of-way shall dedicate additional right-of-way to meet the minimum street right-of-way width requirements.

(1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

(2) When the subdivision is located on only one side of an existing street, minimum of one-half (1/2) of the required right-of-way, measured from the centerline of the existing street, shall be provided.

(h) *Widening and realignment of existing roads.* Where a subdivision borders an existing narrow road or when the Thoroughfare Plan indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to dedicate such additional areas for widening or realignment of such roads. Such roads and streets shall be dedicated by the applicant to the full width as required by these subdivision regulations. Land reserved for any road purpose shall not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the Town in fee simple or an easement is granted to the Town of Owens Cross Roads.

(i) *Street names.* Street names shall be sufficiently different in sound and in spelling from other street names in the Town of Owens Cross Roads so as not to cause confusion. In no case shall the name of a proposed street duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix (street, avenue, boulevard, drive, place, court, etc.). A street which is, or is planned as, a continuation of an existing road shall bear the same name.

(j) *Vacating a street or easement.* No previously dedicated street or easement may be vacated unless such action is submitted to, and approved by, the Governing Body. The Governing Body may request a study and recommendation by the Planning Commission before taking such action.

(k) *Frontage on improved roads.* No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from:

(1) An existing state, county or local highway or street; or

(2) A street shown upon a plat approved by the Planning Commission and recorded in the office of the Probate Judge of Madison County. Such street or highway must be suitably improved as required by the rules, regulations, specifications, or orders of the Town of Owens Cross Roads or be secured by an Improvement Guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations.

(l) *Grading and improvement plan.* Roads shall be graded and improved and conform to the Town of Owens Cross Roads construction standards and specifications and shall be approved as to design and specifications by the Town Engineer and Planning Commission.

(m) *Topography and arrangement*

(1) Roads shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the *Engineering Design Standards of the Town of Owens Cross Roads*.

(2) All streets shall be properly integrated with the existing and proposed system of thoroughfares and streets

(3) All arterial and collector streets shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

(4) All local streets shall be laid out to conform as much as possible to the topography and to permit efficient drainage and utility systems.

(5) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

(6) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(n) *Intersections*. Street intersections shall be configured as follows:

(1) Streets shall be configured so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angle for at least one hundred (100) feet there from. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.

(2) Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 125 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where minor streets intersect arterials or collectors, the alignment shall be continuous. Intersections of minor streets with arterials shall be separated by a distance of at least eight hundred (800) feet. Where a minor street intersects a state highway, the design standards of the Alabama Department of Transportation shall apply.

(3) The minimum curb radius at the intersection of two (2) minor streets shall be at least twenty (20) feet. The minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet.



- (4) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a five percent (5%) grade at a distance of fifty (50) feet, measured from the nearest right-of-way line of the intersecting street.
- (5) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the applicant shall remove such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- (o) *Perimeter Streets.* Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the applicant, the Planning Commission may authorize a new perimeter street where the applicant improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.
- (p) *Excess right-of-way or easement.* Right-of-way or easement widths in excess of the standards designated in these regulations shall be required whenever, due to topography or sound engineering practice, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three horizontal to one vertical.
- (q) *Cul-de-sacs.* Permanent dead end streets shall not exceed six hundred (600) feet in length, and shall be provided with a turnaround having a roadway diameter of at least eighty (80) feet, and a right-of-way diameter of at least one hundred (100) feet. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension of an important street.
- (r) *Curbs and Gutters.* Standard approved type curbs and gutters shall be placed on both sides of all new streets within the area of jurisdiction of these regulations in accordance with the Town specifications. The Planning Commission may waive this requirement in accordance with the procedures for variances contained in these regulations.
- (s) *On-street parking.* On-street parking is an area of the roadway that permits parked vehicles. On-street parking may be either designated (indicated by striping or other markings) or undesignated (areas where parking is permitted but not specifically designated with markings), but in either case, on-street is only permitted in areas where the street is designed for such use. Only designated on-street parking is permitted in non-residential areas.
- (t) *Bridges.* Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the Town of Owens Cross Roads. The sharing expense for the construction of bridges not of primary benefit to the applicant, as determined by the Planning Commission, will be fixed by special agreement between the Town Council and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of his land developed and so served.

#### **Section 4.4 Sidewalks and Pedestrian Access**

- (a) *Sidewalks.* Sidewalks shall be placed by the developer on both sides of all streets in a subdivision and may also be required elsewhere as deemed necessary by the Planning Commission. Sidewalks, when required, shall be constructed within the dedicated non-pavement right-of-way and in accordance with accepted engineering specifications and the following standards:

- (1) Four (4) feet wide in residential areas;
- (2) Six (6) feet wide in commercial areas;
- (3) Pedestrian ramps are required at all intersections. Intersections with standing curb shall have curb ramps that meet ADA standards. These ramps shall be installed prior to final plat approval.

(b) *Pedestrian access.* The Planning Commission may require, in facilitating pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least ten (10) feet in width. Easements shall be indicated on the plat.

#### **Section 4.5 Blocks**

(a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterials, railroads or waterways where single tier lots are desired to separate residential development from through vehicular traffic of non-residential land uses.

(b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length. Wherever practical, blocks along arterials and major thoroughfares shall be not less than eight hundred (800) feet in length.

(c) Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.

(d) In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or community facilities.

#### **Section 4.6 Lots**

Residential lots shall comply with the following requirements:

- (1) Lot dimensions shall be not less than the requirements of the zoning district in which they are located and the requirements of the Madison County Health Department. In cases where requirements are in conflict, the greater requirement shall govern.
- (2) Each lot shall front upon a dedicated street having no less than a fifty (50) foot right-of-way.
- (3) Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.
- (4) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off street parking and loading for the use contemplated.
- (5) Double frontage lots shall be avoided, except where essential to provide separation of



residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation.

#### **Section 4.7 Easements**

Utility and other easements shall be provided as follows:

(1) *Easements for utilities.* Except where alleys are provided for the purpose, the Planning Commission may require easements not exceeding ten (10) feet in width for poles, wires, conduits, storm and sanitary sewers, gas, and water mains, or other utility lines on each side of the common rear lot lines and along side lot lines if necessary or advisable in the opinion of the Planning Commission. An easement of twenty (20) feet shall be provided around the perimeter of a subdivision, where no easement of at least ten (10) feet exists adjacent to the subdivision property line.

(2) Where a subdivision is traversed by an existing or proposed water course, drainage way, channel, or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage way. The width of such drainage easement or right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.

#### **Section 4.8 Utilities and Drainage**

(a) *Sewerage facilities.* The applicant shall install sanitary sewer facilities in a manner prescribed by the Town of Owens Cross Roads construction standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, and standards of the Town of Owens Cross Roads. Sanitary sewers shall be provided where a public sanitary sewerage system is reasonably accessible as determined by the Planning Commission and the Town Council. Individual disposal systems shall be used in instances where no public sanitary sewerage system is available provided approval is received from the State and County Health Department.

(b) *Water facilities.* General Requirements:

(1) Necessary action shall be taken by the applicant to extend the public water supply system capable of providing domestic water use and fire protection.

(2) Where a public water main is accessible, the applicant shall install adequate water facilities (including fire hydrants) subject to the specifications of the Waterworks Board of the Town of Owens Cross Roads. All water mains shall be at least six (6) inches in diameter.

(3) To facilitate the above, the location of all fire hydrants and all water supply improvements shall be shown on the Preliminary Plat, and the cost of installing same shall be included in the Improvement Guarantee to be furnished by the applicant.

(c) *Fire hydrants.* Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than one thousand (1,000) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat.

(d) *Drainage and storm sewers*

(1) *General requirements.* The Planning Commission shall not approve any plat or subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by acceptable engineering methods as approved by the Town Engineer. Inlets shall be provided so that surface water is not carried for a distance of more than four hundred (400) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

(2) *Location.* The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements in accordance with the construction standards and specifications of the Town of Owens Cross Roads.

(3) *Accessibility to public storm sewers.* Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm water, subject to the specifications of the Town of Owens Cross Roads.

(4) *Accommodation of upstream drainage areas.* A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside of the subdivision. The Town Engineer shall determine the necessary size of the facility based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

(5) *Effect on downstream drainage areas.* The Town Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incidental to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such manner as the Planning Commission may determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage water course or facility.

(6) *Areas of poor drainage.* Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined by the Town Engineer. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the Town Engineer. Areas of extremely poor drainage should be discouraged from development.

(7) *Floodway.* The Planning Commission may, when it deems it necessary for the health, safety, and welfare of the present and future population of the area and necessary to the conservation of



water, drainage, and sanitary facilities, prohibit the subdivision of, or construction upon, any portion of the property which lies within the floodway of any stream or drainage course. Floodway areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

*(e) Dedication of drainage easements.*

(1) *General requirements.* Where a subdivision is traversed by a watercourse, drainage, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Whenever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flows.

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

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

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

(5) Low-lying lands along water courses subject to flooding or overflowing during storm periods, whether included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density, nor for computing the area requirement of any lot.

(f) *Utilities.* The applicant is encouraged to place all utilities underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the Preliminary Plat. Easements centered on rear and/or side lot lines shall be provided for utilities (private and municipal); such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements. Easements shall be indicated on the plat.

#### **Section 4.9 Permanent Reference Points**

Prior to the approval of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements and the latest edition of the Standards for Practice for Land Surveying in the State of Alabama.

(1) *Subdivision corner tie.* At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the government survey of the County. The subdivision corner shall be marked with a monument and shall appear on the map with a description of bearings and distances from the government survey corner to an accuracy of 1:10,000.

(2) *Monuments.* Iron pipes or pins three fourths of an inch ( $3/4$ "") in diameter and three (3) feet in length shall be set at all points where the street lines intersect the exterior boundaries of the subdivision, at the intersection of curves and tangents along the street lines, and at all corners of the plat. The top of the monument shall have an indented mark to identify properly the location, and shall be set flush with the finished grade.

(3) *Property markers.* All lot corners not marked with a monument shall be marked with an iron pipe or iron pin not less than one-half ( $1/2$ ) inch in diameter and twenty-four (24) inches long.

(4) *Accuracy.* Land surveys within the Town limits shall be at an accuracy of at least 1:10,000.

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## ARTICLE V. ASSURANCE FOR COMPLETION AND MAINTENANCE

### Section 5.1 Completion of Improvements

Prior to Final Plat approvals the applicant shall complete, in a manner satisfactory to the Planning Commission and the Town Engineer, all improvements required in these regulations, specified in the Final Plat, and as approved by the Planning Commission and to dedicate same to the Town of Owens Crossroads free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

### Section 5.2 Methods of Guarantee

In lieu of requiring the completion of all improvements prior to Final Flat approval, the Town may, at its discretion, enter into a contract with the applicant whereby the applicant shall guarantee to complete all improvements, required by these regulations or otherwise specified by the Planning Commission, in a manner satisfactory to the Planning Commission. To secure this contract, the applicant shall provide, subject to the approval of the Planning Commission, one of the following guarantees.

(1) *Surety Bond.* The applicant shall obtain a surety from a surety bonding company authorized to do business in the State of Alabama. The surety shall be payable to the Town and shall be in an amount sufficient to cover the entire cost, as estimated by the applicant and approved by the Town Engineer, of installing all contracted improvements. The duration of the surety shall be until such time as the improvements are accepted by the Town.

(2) *Cash.* The applicant shall deposit cash or other instrument readily convertible to cash at face value, either with the Town or in escrow with a bank. The use of any instrument other than cash and, in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the Planning Commission. The amount of the deposit shall be at least equal to the cost as estimated by the applicant and approved by the Town Engineer of installing all required improvements. Interest accrued shall be payable to the applicant. In the case of an escrow account, the applicant shall file with the Planning Commission an agreement between the financial bank and himself guaranteeing the following:

a. That the funds of said escrow account shall be held in trust until released by the Planning Commission and may not be used or pledged by the applicant as security in any other matter during that period;

b. And that in the case of a failure on the part of the applicant to complete said improvements, then the bank shall immediately make the funds in said account available to the Town for use in the completion of those improvements.

(3) *Other.* The applicant may offer as a guarantee any other security provided the alternate method is approved as to form by the Town Attorney and is acceptable by the Planning Commission and Town Council.

### Section 5.3 Time Limits

(a) *Deadline.* Prior to the granting of Final Plat approvals the applicant and the Planning Commission shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed two (2) years from the date of Final Plat approval. The Planning Commission shall have the power to

extend that deadline for one (1) additional year where the applicant can present substantial reason for doing so.

(b) *Failure to be accepted.* If any portion of the required improvements shall fail to be accepted for dedication in compliance with these regulations within the allocated time period, either for reason of incompleteness or for reason of substandard construction, then the Planning Commission shall take the following action: Where improvements have been guaranteed under these regulations, the Planning Commission shall declare whatever security has been pledged as a guarantee to be forfeited. Where the Planning Commission is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Planning Commission shall use them, or receipts from their sale, if that be necessary, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities shall be returned to the applicant, bonding company, or crediting institution, as is appropriate.

#### **Section 5.4 Improvements, Inspection and Certification**

(a) The Town Engineer and the Administrative Officer shall regularly inspect for defects in the construction of the required improvements. The applicant shall pay to the Town an inspection fee of fifty dollars (\$50.00) per lot, and the subdivision plat shall not be signed by the Chairman of the Planning Commission unless such fee has been paid at the time of application. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the Town's construction standards and specifications, the applicant shall be responsible for completing the improvements. Whenever the cost of improvements is covered by an Improvement Guarantee, the applicant and the surety company shall be severally and jointly liable for completing the improvements according to specifications.

(b) Upon completion of these improvements, the Town Engineer shall file with the Planning Commission a statement either certifying that the improvements have been completed in the specific manner, or listing the defects in those improvements.

(c) Upon completion of the improvements, the applicant shall file with the Planning Commission a statement stipulating the following:

- (1) That all required improvements are complete;
- (2) That these improvements are in compliance with the minimum standards specified by the Planning Commission and the Town for their construction;
- (3) That the applicant knows of no defects from any cause in those improvements;
- (4) And that these improvements are free and clear of any encumbrances or liens.

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

(d) If the Town Engineer has certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed above, the Town shall accept the dedication of those improvements. The Town may, at its discretion, accept the dedication of any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.



## **Section 5.5 Reduction of Guarantees**

In those cases where Improvement Guarantees have been made under of these regulations, the amount of the guarantee may be reduced upon acceptance, in compliance with these regulations, of the dedication of a portion of the required improvements. An Improvement Guarantee shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall an Improvement Guarantee be reduced below twenty-five percent (25%) of the principal amount.

## **Section 5.6 Maintenance of Improvements to be Dedicated**

The applicant shall be required to file a maintenance bond with the Town Clerk, prior to dedication, in an amount considered adequate by the Town Engineer and in a form satisfactory to the Town Attorney, in order to assure the satisfactory condition of the required improvements for a period of one (1) year after the date of their acceptance by the Town of Owens Cross Roads and dedication of same to the Town of Owens Cross Roads.

## **Section 5.7 Maintenance of Common Areas and Non-Public Improvements**

(a) Areas within a subdivision that are to be held in common and are not to be dedicated to the public, and facilities which are not within the public right-of-way such as detention ponds and other storm water management facilities, sidewalks, lighting, landscaping, etc., require ongoing maintenance. The responsibility to properly maintain these areas and improvements lies with the affected property owner(s) and/or homeowners association.

(b) The establishment of a homeowners association is required in those instances in which areas or facilities are to be held in common. As a condition of final plat approval, the developer must submit a copy of the recorded articles of incorporation of the homeowners association. Provisions to collect dues from the owners of the lots of record in the subdivision must be provided for in an amount sufficient to carry out perpetual maintenance of the common areas or facilities. The articles of incorporation must provide for the establishment of a board of directors to oversee maintenance and direct the proper expenditure of funds.

(c) The developer shall be responsible for the all maintenance of common areas or facilities until such time as a board of directors is seated and control is turned over to the homeowners association.

## **Section 5.8 Issuance of Building Permits and Certificate of Occupancy**

(a) Where an Improvement Guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the Town, as required in the Planning Commission's final approval of the subdivision plat.

(b) No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission for the plat have been fully completed and dedicated to the Town.

### **Section 5.9 Release of Guarantee**

Upon acceptance, in accordance with these regulations, of the dedication of the final portion of improvements, the Town shall authorize the release of the remaining portion of the Improvement Guarantee.

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## **ARTICLE VI. VIOLATION AND PENALTY**

### **Section 6.1 Violations**

- (a) It shall be the duty of the Administrative Officer to enforce these regulations and to bring to the attention of the Town Attorney any violations or lack of compliance herewith.
- (b) No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of such subdivision has been approved by the Planning Commission, in accordance with the provisions of these regulations, and filed with the Madison County Probate Judge's Office.
- (c) The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
- (d) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivisions or sold in violation of the provisions of these regulations.

### **Section 6.2 Penalties and Civil Enforcement**

Whoever, being the owner or agent of the owner of any land located within a subdivision transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of, or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded or filed in the office of the Madison County Probate Judge shall be subject to a fine as provided by the Code of Alabama for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any appropriate court or may initiate any appropriate action or procedure to prevent the unlawful subdivision of land and to prevent the occupancy of such subdivision of land and to recover any penalties, fees and expenses related thereto.

## ARTICLE VII. VARIANCES

### Section 7.1 General

Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided, the Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the Variance will not be detrimental to the public safety, health, or injurious to other property;
- (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- (4) The variance will not in any manner vary the provisions of the Zoning Ordinance, Land Use Plan, or other adopted plans, policies, and regulations of the Town of Owens Cross Roads.

### Section 7.2 Conditions

In approving variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

### Section 7.3 Procedures

A petition for any such variance shall be submitted in writing by the applicant at the time when the Preliminary Plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The variance, if approved by the Planning Commission, shall become part of the official record of the Planning Commission and shall be noted on the Final Plat.

### Section 7.4 Experimental Subdivisions

(a) The Planning Commission may waive, vary, or modify the standards and requirements of these regulations if, in its judgment, an unusual or experimental subdivision might prove of considerable merit toward:

- (1) The use of unusual materials in constructing required improvements.
- (2) A new or untried design concept in the Owens Cross Roads Area.

(b) Special attention may be given to experimental subdivisions which are related to low-cost housing design or energy consumption. The Planning Commission shall require the applicant to provide a written



proposal stating the nature of the experiment and cost-benefit study following the implementation of same.

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

### **Section 7.5 Comprehensive Group Housing Development**

A comprehensive group housing development including the construction of two or more buildings together with the necessary drives and ways of access and which is not subdivided into the customary lots, blocks, and streets may be approved by the Planning Commission if, in the opinion of the Commission, any departure from the foregoing regulations can be made without destroying the intent of the regulations. Plans for all such developments shall be submitted to and approved by the Planning Commission, whether or not such plat is to be recorded and no building permits shall be issued until such approval has been given.

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### ARTICLE VIII. EFFECTIVE DATE

These Subdivision Regulations shall take effect and be in force from and after the date of the adoption.

ADOPTED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2007.

Planning Commission for the Town of Owens  
Cross Roads, Alabama

By: \_\_\_\_\_ /s/\_\_\_\_\_  
Chairman

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## APPENDIX I. SAMPLE CERTIFICATES

Sample A:

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

STATE OF ALABAMA  
COUNTY OF MADISON

I, (name of surveyor), a registered Engineer/Surveyor of \_\_\_\_\_, Alabama, hereby certify that I have surveyed the property of the (name of company of proprietor), a (corporation of proprietor), situated in the Town of Owens Cross Roads, Madison County, Alabama, and described as follows:

(Insert Legal Description)

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

WITNESS my hand this the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

(Name of Surveyor)

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

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Sample B:

### DEDICATION

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

Signed and sealed in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

In any case that the developer and the land owner are not one and the same, two or more Dedication Certificates may appear on the plat in order to allow for the owner's signature to be fixed to said plat. In which case, one of the following notary's acknowledgements must appear for each Dedication Certificate (See samples C1 and C2).

Sample C1:

### ACKNOWLEDGEMENT

STATE OF ALABAMA)

COUNTY OF MADISON)

I, \_\_\_\_\_, Notary Public in and for said County, in said State, hereby certify that (individual's name), whose name as (title) of the (corporation name), is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this — day of \_\_\_\_\_, 19\_\_.

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



Sample C2

ACKNOWLEDGEMENT

STATE OF ALABAMA  
COUNTY OF MADISON

I, \_\_\_\_\_, a Notary Public in and for said County, in said State hereby certify that (owner's name), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, executed the same voluntarily.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

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

Sample D:

CERTIFICATE OF APPROVAL BY THE HUNTSVILLE UTILITIES

The undersigned, as authorized by the Huntsville Utilities hereby approved the within plat for the recording of the same in the Probate Office of Madison County, Alabama, this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Huntsville Utilities

Sample E:

CERTIFICATE OF APPROVAL OF THE WATERWORKS BOARD OF THE  
TOWN OF OWENS CROSS ROADS

The undersigned, as authorized by the Waterworks Board of the Town of Owens Cross Roads, hereby approved the within plat for the recording of same in the Probate Office of Madison County, Alabama, this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Waterworks Board of the Town of Owens Crossroads

Sample F:

CERTIFICATE OF APPROVAL BY THE TOWN ENGINEER

The undersigned, as Town Engineer of the Town of Owens Cross Roads, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Madison County, Alabama, this the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Town Engineer  
Town of Owens Cross Roads, Alabama

Sample G:

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

The within plat of (Subdivision Name), Madison County, Alabama is hereby approved by the Planning Commission of the Town of Owens Cross Roads, Alabama, this the \_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Planning Commission for the  
Town of Owens Cross Roads, Alabama

\_\_\_\_\_  
Chairman



Sample H:

CERTIFICATE OF APPROVAL BY THE MADISON COUNTY HEALTH DEPARTMENT

The undersigned, as authorized by the Madison County Health Department, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Madison County, Alabama, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Health Officer

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