

**SUBDIVISION REGULATIONS
OF THE CITY
OF ANNISTON, ALABAMA**

Adopted July 12, 1985

City Planning Commission, Anniston, Alabama

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ARTICLE I

PURPOSE, POLICY, AND TITLE

Section 1-1 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 City of Anniston, Alabama. These regulations are adopted for the following purposes:

- (a) To protect and provide for the public, health, safety and general welfare of the City.
- (b) To guide the future growth and development of the City, in accordance with the Master Plan.
- (c) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population.
- (d) To protect the character and the social and economic stability of all parts of the City of Anniston and to encourage the orderly and beneficial development of all parts of the City.
- (e) To protect and conserve the value of land throughout the City and the value of buildings and improvements upon land and to minimize the conflicts among the uses of land and buildings.
- (f) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.
- (g) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion on the street and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- (h) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure accurate legal descriptions and monumenting of subdivided land.
- (i) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

- (j) To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (k) To preserve the natural beauty and topography of the City and to insure appropriate development with regard to these natural features.

Section 1-2 Policy

- (a) It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the Master Plan of the City of Anniston for the orderly, planned, efficient, and economical development of the City.
- (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 available public facilities and improvements exist.
- (c) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Master Plan of the City of Anniston; and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, and Master Plan of the City of Anniston.
- (d) Approval of a subdivision plat shall be considered an amendment to the City of Anniston Master Plan and as such shall be approved by no less than six (6) members of the Planning Commission, except minor subdivisions, which are approved according to the requirements of Section 4-5 of these regulations.

Section 1-3 Title

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of the City of Anniston, Alabama.

ARTICLE II

AUTHORITY AND JURISDICTION

Section 2-1 Authority

By authority of Resolution 85-R-01 of the Planning Commission of the City of Anniston (hereafter referred to as "Planning Commission") adopted pursuant to the powers and jurisdiction vested through Title II, 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 subdivision within the Subdivision Jurisdiction of the City of Anniston

Section 2-2 Jurisdiction

- (a) From and after the effective date hereof, these regulations shall govern the subdivision of all land located in the City of Anniston, Alabama and in addition, shall govern the subdivision of the land within the three mile police jurisdiction of the City of Anniston, Alabama.
- (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, with the intent to convey for sale or building development purposes, either presently or in the future, more than one of such lots, 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. However, if it is the intent of the landowner in subdividing his property to convey only one lot and retain the remainder of his larger tract which was subdivided, then a subdivision is not created and the conveyance as herein described is not subject to the subdivision requirements.
- (c) 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, the Director of Public Works of the City of Anniston, the Calhoun County Health Department Officer, the Calhoun County Engineer and recorded in the Office of the Calhoun County Probate Judge

- (e) No building permit 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.

ARTICLE III

DEFINITIONS

Section 3-1 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 section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in 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 3-2 Words and Terms Defined

- 3-2-1** Alley- A public right-of-way primarily designed to serve as a secondary access to the side or rear to those properties whose principal frontage is on some other street.
- 3-2-2** Applicant- The owner of land proposed to be subdivided or his representative. Consent shall be required from legal owner of the premises.
- 3-2-3** Block- A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.
- 3-2-4** Bond- See Improvement Guarantee (3-2-32)
- 3-2-5** Building- Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
- 3-2-6** Building Setback Line- A line parallel to the property line in front of which no structure may be erected.
- 3-2-7** City- The City of Anniston, Alabama.
- 3-2-8** City Clerk- The duly designated Clerk of the City of Anniston, Alabama.
- 3-2-9** City Council- The City Council of the City of Anniston, Alabama.

- 3-2-10** City Specifications- All construction specifications which have been adopted by the Governing Body or as required by the Planning Commission and all utility departments.
- 3-2-11** Collector Street- See street, Collector (3-2-55 C).
- 3-2-12** 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.
- 3-2-13** Crosswalk- A public right-of-way ten (10) feet or more in width between property lines, which provides pedestrian access to adjacent properties.
- 3-2-14** Cul-De-Sac- A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- 3-2-15** Dedication- The transfer of property from private to public ownership.
- 3-2-16** Developer- The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.
- 3-2-17** Depth of Lot- The mean horizontal distance between the front and rear of lot lines.
- 3-2-18** Director of Planning- The person appointed by the Governing Body to administer and enforce these regulations.
- 3-2-19** Director of Public Works- The duly designated Engineer of the City of Anniston.
- 3-2-20** Double Front Lot- A lot having frontage on two (2) non-intersecting streets as distinguishing from a corner lot.
- 3-2-21** 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
- 3-2-22** Escrow- A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond.
- 3-2-23** Final Plat- A plat of a tract of land which meets the requirements of these regulations and is in form for recording in the office of the Probate Judge of Calhoun County, Alabama.

- 3-2-24** Flood- A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters; or the unusual and rapid accumulation of runoff of surface waters from any source.
- 3-2-25** Floodway- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. For the purposes of these regulations, the areas included in the floodway are designated by the Federal Emergency Management Agency Flood Boundary and Floodway Map for the City of Anniston, Alabama.
- 3-2-26** 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 Federal Emergency Management Agency Flood Boundary and Floodway Map for the City of Anniston, Alabama.
- 3-2-27** 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 customary streets and lots.
- 3-2-28** Governing Body- The City Council of the City of Anniston, Alabama.
- 3-2-29** 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 City. A hardship exists only when it is not self-created.
- 3-2-30** Health Department- Calhoun County Health Department.
- 3-2-31** High Density- Those residential zoning districts in which the density is between 6,000 and 10,250 square feet per dwelling unit.
- 3-2-32** Improvement Guarantee- Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Planning Commission.
- 3-2-33** 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
- 3-2-34** Low Density- Those residential zoning districts in which the density is equal or less than one dwelling unit per 12,750 square feet.

- 3-2-35** 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 extension of the local governmental facilities, or the creation of any public improvements.
- 3-2-36** Master Plan- Master plan for development of the City, 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.
- 3-2-37** Medium Density- Those residential zoning districts in which the density is between 10,250 and 12,750 square feet per dwelling unit.
- 3-2-38** Minor Subdivision- Any subdivision containing not more the three (3) lots fronting on an existing street, not involving any new street or road, or extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Zoning Ordinance, or these regulations.
- 3-2-39** Monuments- A permanent object serving to indicate a limit or to mark a boundary.
- 3-2-40** 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.
- 3-2-41** 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.
- 3-2-42** Owner- Any person, group of persons, firm of 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.
- 3-2-43** 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.
- 3-2-44** Planning Commission- Shall mean the Planning Commission of the City of Anniston, Alabama.
- 3-2-45** Preliminary Plat- Shall mean a tentative plan of the complete proposed subdivision submitted to the Planning Commission for its consideration.

- 3-2-46** Probate Judge- Shall mean the Judge of Probate of Calhoun County.
- 3-2-47** Registered Engineer- An engineer properly licensed and registered in the State.
- 3-2-48** Registered Land Surveyor- A land surveyor properly licensed and registered in the State.
- 3-2-49** 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.
- 3-2-50** Road, Dead End- A road or portion of a street with only one (1) vehicular-traffic outlet.
- 3-2-51** Setback- The distance between a building and the street line nearest thereto.
- 3-2-52** Sidewalk-Walkway-Walkway constructed for use by pedestrians.
- 3-2-53** Single Tier Lot- A lot which backs upon an arterial 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.
- 3-2-54** Sketch Plat- A sketch preparatory to the preparation of the preliminary plat (or Final Plat in the case of a 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.
- 3-2-55** Street- A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting property.
- a. Arterial- Arterial routes are heavy traffic carriers of the City 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.
 - b. Major Thoroughfares- Major thoroughfares perform the function of collecting traffic from residential, commercial or industrial streets and carrying it to the arterial. 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.

- c. 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 usually are dependent upon the form taken by land subdivision, whether the subdivision is residential in nature, or planned commercial, office or industrial development.
 - d. 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.
- 3-2-56** Subdivider- Any person(s), firm(s), or corporation(s), who owning and/or having an interest in land, causes it, directly or indirectly, to be divided into a subdivision.
- 3-2-57** Subdivision- Shall mean the division of a lot, tract, or parcel or land into two (2) or more lots, plats, sites, or other divisions 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 divisions of land involving the dedication of a new street or a change in existing streets.
- 3-2-58** Subdivision Jurisdiction- The territorial jurisdiction of the City of Anniston Planning Commission over the subdivision of land including all land located in the corporate limits and all land lying within three (3) miles of the of the corporate limits of the City and not located in any other municipality or its territorial jurisdiction.
- 3-2-59** Subdivision, Major- See Major Subdivision (3-2-35)
- 3-2-60** Subdivision, Minor- See Minor Subdivision (3-2-38)
- 3-2-61** Transportation Plan- The Transportation Plan, prepared as an element of the Master Plan.
- 3-2-62** Width of Lot- The mean horizontal distance between the two side lot lines.
- 3-2-63** Zoning Ordinance- The official Zoning Ordinance of the City of Anniston, Alabama.

ARTICLE IV

APPROVAL OF SUBDIVISION PLATS

Section 4-1 Approval of Subdivision Plats Required--Effect of Non Compliance

From and after the date of filing a copy of these regulations with the Probate Judge of Calhoun County, 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 City of Anniston, and such approval entered into writing 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 platting jurisdiction, as defined herein, without the approval of such plat as required herein. No street or drainage facilities shall be accepted and maintained by the City of Anniston nor shall any water, sewer, or any other utilities be extended to or connected with any subdivision of land, nor shall any permit be issued by an administrative agent or any other department of the City of Anniston 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 4-2 Approval Not Acceptance

The approval of a final plat by the Planning Commission shall not be deemed to constitute or effect the formal acceptance for maintenance by the City of Anniston of any street or other public utility line, or other facilities serving the subdivision.

Section 4-3 General Procedures

4-3-1 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

4-3-2- 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 final plat approval is requested including any adjourned date thereof, shall constitute the official submittal date of the final plat at which the statutory period required for formal approval or disapproval of the final plat shall commence to run.

Section 4-4 Submission of Sketch Plat

The procedure for obtaining Sketch Plat concurrence is as follows:

- 4-4-1 Discussion of Requirements-** Before preparing the Sketch Plat for a subdivision, the applicant should discuss with the Director of Planning 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 Director of Planning 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.
- 4-4-2 Application Procedures-** Whenever any subdivision of a tract of land is proposed to be made, the applicant may submit to the Secretary of the Planning Commission at least ten (10) calendar days prior to a regular 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, however, recommended for persons interested in receiving approval of minor subdivisions.
- 4-4-3 Sketch Plat Requirements-** A Sketch Plat, if submitted, shall be drawn at an approximate scale of 200 feet to one inch and shall show the tentative street layout, approximate right-of-way width, lot arrangements, the location of the nearest water and sewer lines, water courses, existing structures, total acres, approximate number of lots, adjoining streets, north point, tract boundary, and the proposed use of land.

4-4-4 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 subdivision 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 Plat, as provided in these regulations before filing for a final subdivision plat approval.

4-4-5 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 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 Plat in the case of a major subdivision and final subdivision plat in the case of a minor subdivision.

Section 4-5 minor subdivision Approval

A plat classified as a minor subdivision according to these regulations by the Director of Planning may be approved for immediate recordation without submission of the entire Planning Commission if the following conditions are met:

- (a) Approval by the Director of Planning and Director of Public Works.
- (b) The Plat contain all data requirements for submission of a final plat according to Section 4-7-4 of these regulations.

The Director of Planning and Director of Public Works may, if either deems advisable, withhold approval of a minor subdivision plat pending approval by the entire Planning Commission.

Section 4-6 Submission of Preliminary Plat

The procedure for obtaining Preliminary Plat approval is as follows:

4-6-1 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 Director of Planning; and,

- (2) Be accompanied by a filing fee payable to the City of Anniston, in the amount of twenty-five dollars (\$25.00) plus five dollars (\$5.00) per lot to cover the cost of advertising and administration; and,
- (3) Be accompanied by at least three (3) sets of black or blueline prints of the proposed subdivision prepared in accordance with the requirements of the subdivision regulations; and,
- (4) Be submitted to the Planning Commission Secretary at least twenty (20) day prior to a regularly scheduled meeting in order to accommodate an adequate period for advertising.

4-6-2 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 Calhoun County Tax Assessor's Office or as they appear in the Anniston City Directory. Such notices shall be sent at least five (5) days prior to the date of the public hearing. Any plat submitted by 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 the 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.

4-6-3 Preliminary Approval- After the Planning Commission has reviewed the Preliminary Plat and construction plans, any City 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, condition 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 City, the Planning Commission may obtain concurrence of the park or land reservation from the City 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.

4-6-4 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 of 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 null and void unless an extension of time is specifically applied for by the subdivider and expressly granted by

the Planning Commission. A plat receiving an extension of time for final approval or resubmittal of a new plat for preliminary approval shall be subject to all new zoning restrictions and subdivision regulations.

- 4-6-5 Zoning Regulations-** Every plat shall conform to the 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 rendering the plan nonconforming as to bulk or use, provided the final approval is obtained within the one-year period.
- 4-6-6 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.
- 4-6-7 Preliminary Plat Requirements-** The Preliminary Plat shall be prepared by a registered land surveyor in accordance with the minimum technical standards promulgated by the Alabama Society of Professional Engineers as the same may, from time to time, be amended, 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 of Calhoun County, 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 subdivision.
 - (5) Exact boundaries of the tract of land being subdivided, shown with angles or 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 as their addresses appear in the directory of the City of Anniston or on the tax records of Calhoun 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, right-of-ways, and street names.
- (10) Proposed right-of-ways or easement locations, widths and purposes.
- (11) Proposed lot lines with angles or 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:
 - (a) Acreage in total tract.
 - (b) Smallest lot size.
 - (c) Total number of lots.
 - (d) Linear feet in streets.

4-6-8 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 shall be prepared by a Registered Engineer. 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.
 - (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 one hundred (100) feet horizontal and one (1) inch equals ten (10) feet vertical.
 - (e) Cross sections of proposed streets at a minimum of 50 foot stations.
 - (f) Curve data for the centerline of each street: Delta, Tangent, and Radius.
 - (g) Location of all required sidewalks and crosswalks.
- (2) Storm Drainage Plan containing the following information:
- (a) Location of proposed drainageways, streams, and ponds in the subdivision.
 - (b) Topography at five-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) Show 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 of each drainage structure and drainage ditch.
 - (f) Location of easements and rights-of-way for drainageways and maintenance access thereof.
 - (g) Typical cross sections of each drainage way.

- (h) Direction of waterflow throughout subdivision and compatibility with existing city or natural drainage.
- (3) Sanitary Sewer Plans containing the following information:
 - (a) Location and size of all existing and proposed sewers in the subdivision. Location of lateral sewers.
 - (b) Direction of flow of each sewer line.
- (4) Water Distribution Plan containing the following information:
 - (a) Location and size of water distribution system including pipes, valves, fittings, hydrants, and high-pressure pumping equipment, etc.

Section 4-7 Submission of Final Plat

The procedure for obtaining Final Plat approval is as follows:

4-7-1 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 Director of Planning.
- (2) Be accompanied by 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 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 or as required in Section 4-6, Section 4-6-4.

- (6) Be accompanied by an improvement guarantee, if required, in a form satisfactory to the City of Anniston and in the amount established by the developer and approved by the Director of Public Works.

4-7-2 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.

4-7-3 Signing and Recording of Final Plat-

- (1) Signing of Plat
 - (a) 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 City of Anniston and all conditions of the resolution pertaining to the plat have been satisfied.
 - (b) 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 are satisfactorily completed. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the City of Anniston as shown by a certificate signed by the Director of Public Works that the necessary improvements have been accomplished and accepted by the City.
- (2) Recording of Plat
 - (a) The Chairman will sign the original tracing. The original will be returned to the applicant's engineer.
 - (b) 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. After the filing of the plat, the applicant shall submit to the Director of Planning two (2) copies of the recorded plat.

4-7-4 Final Plat Requirements- The Final Plat shall be prepared by a registered land surveyor in accordance with the minimum technical standards promulgated by the Alabama Society of Professional Engineers as the same may, from time to time, be amended, and shall be clearly and legibly drawn on 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 on suitable tracing paper or a suitable permanent Mylar reproducible. The sheet size shall be of such as is acceptable for filing in the Office of the Probate Judge of Calhoun County, but shall not exceed twenty-four by thirty-six (24 x 36) inches. The Final Plat shall show the following:

- (1) Name of Subdivision, north point, scale and location.
- (2) The relation of the land so platted to the Government Survey. 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 lines whether straight or curved. These 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 recorded 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 name.
- (7) Rights-of-way or easements, including location, widths, and purposes.
- (8) Lot lines and lot and block numbers.
- (9) Minimum building setback lines. In the instance of double frontage lots, the direction the building fronts shall be clearly indicated.
- (10) Parks, school sites or other public spaces, if any.
- (11) All dimensions should be to the nearest one-tenth (1/10) of a foot and angles within plus or minus one (1) minute.

- (12) The following endorsements, dedications, and certifications shall be placed on the Final Plat (see Appendix for sample certificates):
- (a) Registered Surveyors' 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 the Director of Public Works of the City of Anniston.
 - (e) A Certificate of Approval by the Planning Commission of the City of Anniston.
 - (f) A Certificate of Approval by the Calhoun County Health Department (if septic tanks and /or wells are necessary).
 - (g) A Certificate of Approval by the Calhoun County Engineer.
 - (h) Any registrations and/or special notations as may be required by other sections of these regulations.
 - (i) A Registered Surveyor's Certificate showing actual closure of the plat as submitted.

The above certificates shall be lettered or typed on the Final Plat in such a manner as to insure that said certifications will be legible on any prints made therefrom.

ARTICLE V
DEVELOPMENT STANDARDS

Section 5-1 Minimum Standards

The following planning and design standards shall be complied with, and no higher standard may be required by the Planning Commission, 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. Any higher standard required shall be reasonable and shall be limited to the minimum additional improvements necessary to protect the public health, safety of welfare. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations:

- (a) All applicable statutory provisions.
- (b) The City of Anniston Zoning Ordinance, building and housing ordinances, and all other applicable laws of the appropriate jurisdiction.
- (c) The Master Plan of the City of Anniston including the Transportation Plan.
- (d) The special requirements and rules of the Calhoun County Health Department and/or appropriate state agencies.
- (e) The rules and standards of the State Highway Department if the subdivision or any lot contained therein abuts a state highway.
- (f) The standards and regulations adopted by all boards, commissioners, agencies, and officials of the City of Anniston.
- (g) Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purpose of these regulations established in Section 1-1 and 1-2 of these regulations.

Section 5-2 General Requirements

5-2-1 Plats Straddling Municipal Boundaries- Whenever access to the subdivision is required across land in another local government, the Planning Commission may request assurance from the City Attorney that access is legally established, and from the Director of Public Works that the access road is adequately improved, or that an improvement

guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundaries lines.

- 5-2-2** Character of the Land- and which the Planning Commission finds 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 Director of Public Works to solve the problems created by unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

Land within the Floodway, as identified by the Federal Emergency Management Agency Flood Boundary and Floodway Maps for the City of Anniston and adopted by the City Ordinance 83-0-20, shall not be platted for residential occupancy or building sites unless certification is provided by a registered professional engineer demonstrating that structures or other encroachments built on these sites shall not result in any increase in flood levels during occurrence of the base flood discharge. Land outside the floodway but subject to flood may be platted for residential occupancy provided each lot contains a building site that may reasonably lend itself to construction of a flood level above the base floor elevation, or for such other uses which will not increase the danger to health, life, and property. Fill may not be used to raise land in the floodway. In other areas subject to flood, fill may be used provided the proposed fill does not restrict the flow of water and unduly increase flood heights.

- 5-2-3** Subdivision Name- The proposed name of the subdivision shall not duplicate, nor too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Planning Commission shall have final authority to designate the name of the subdivision which shall be determined at Preliminary Plat approval.

- 5-2-4** Population Densities- The population densities established by the Zoning Ordinance of the City of Anniston shall be observed.

- 5-2-5** Waterbodies and Watercourse- 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 City 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 the lot has access, provisions shall be made for installation of a culvert or other structure of design approved by the Director of Public Works.

Section 5-3 Street Plan

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.

- 5-3-1** 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. However, the creation of street intersections of three or more streets converging together shall not be permitted.
- 5-3-2** Future Street Arrangements- Where, in the opinion of the Planning Commission, it is desirable to provide for a street arrangement, in accordance with the Master Plan, which would permit the continued development of adjoining properties and provide for the public safety and free flow of traffic, the Planning Commission may, as a condition to the approval of a plat, require a street or streets to be dedicate to the adjoining property line. The intention of this section is to provide for the continued development of adjacent property in accordance with the Master Plan and the proper street arrangement of the subject property.
- 5-3-3** Marginal Access Streets- Where, in the option of the Planning Commission, development which abuts, or has included within the proposed area, any arterial or major thoroughfare as shown on the Master Plan, 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.
- 5-3-4** Private Reserve Strips- Private reserve strips controlling access to streets shall be prohibited.

5-3-5 Additional Width on Existing Roads- Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street 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, a minimum of one-half (1/2) of the required right-of-way, measured from the center line of the existing street shall be provided.

5-3-6 Street Names- Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. In no case shall the name of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix, street, avenue, boulevard, drive, place, court, etc. Street names are subject to the approval of the Planning Commission.

5-3-7 Vacating a Street or Easement- No 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.

5-3-8 Frontage on Improved Roads- No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from, an existing street unless such street is:

- (1) An existing state or county highway; or
- (2) A street shown upon a plat approved by the Planning Commission and recorded in the Calhoun County Probate Judge's Office. Such street or highway must be suitably improved as required by the rules, regulations, specifications, or orders, or be secured by an improvement guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations.

5-3-9 Grading and Improvement Plan- Roads shall be graded and improved and conform to the city of Anniston construction standards and specifications and shall be approved as to design and specifications by the Director of Public Works and Planning Commission in accordance with the construction plan required to be submitted prior to final plat approval.

5-3-10 Topography and Arrangement

- (1) Roads shall be related appropriately to the topography. Minor streets may be curved whenever possible to avoid conformity of lot appearance. All street shall be arranged so as to obtain as many as possible of the buildings sites at, or above, the grades of the street. 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 Design Standards (section 5-4) of these regulations.
- (2) All streets shall be properly integrated with the existing and proposed system of thoroughfares as established in the Master Plan.
- (3) All thoroughfares 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) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of street necessary to provide convenient and safe access to property.
- (5) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
- (6) 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.
- (7) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities and the provisions 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.

Section 5-4 Design Standards

The following design standards shall be considered minimum requirements and shall specifically apply to residential subdivisions. The requirements for non-residential subdivisions (See Section 9-4) shall be such as the Planning Commission deems appropriate for the type of development and use contemplated but in no event be less than the requirements of residential subdivisions.

5-4-1 Right-Of-Way Widths- Minimum street right-of-way widths shall be not less than the following:

- (1) Collector Street.....60 feet
- (2) Minor Street.....50 feet
- (3) Alleys.....10 feet
- (4) The center line of the street or alley shall correspond to the center line of the right-of-way.

5-4-2 Pavement Widths- Pavement widths shall be not less than the following:

- (1) Collector Street.....30 feet
(See Appendix II for detail)
- (2) Minor Street.....26 feet
(See Appendix II for details)
- (3) Alleys: Residential.....12 feet
Commerce.....20 feet

5-4-3 Street Grades- Street grades shall not exceed the following unless otherwise approved by the Director of Public Works and approved by the Planning Commission:

- (1) Collector Street.....12%
- (2) Minor Street with Bituminous Pavement.....14%
- (3) Minor Street with Concrete Pavement.....18%
- (4) Grades approaching intersections shall not exceed five percent (5%) for a distance of not less than fifty (50) feet on minor streets and one hundred (100) feet from the centerline of collectors.

- (5) Minimum grades of all streets shall not be less than one half of one percent.
- (6) Surface cross-drainage shall be concrete and conform to the City of Anniston standards.

5-4-4- Horizontal Curves- Where a centerline deflection angle occurs, a circular curve shall be introduced, having a centerline radius of not less than the following:

- (1) Collector Street.....300 feet
- (2) Minor Street.....100 feet
- (3) Alleys; Residential.....35 feet
Commercial.....As Necessary

5-4-5 Tangents- Tangents between reverse curves shall be a minimum of one hundred (100) feet.

5-4-6 Vertical Curves- All changes in street grades shall be connected by vertical curves of a minimum length equivalent to the following:

- (1) On roads with a R.O.W. less than eighty (80) feet in width, minimum sight distance shall be three hundred (300) feet measured between points 3.75 feet and 0.50 feet respectively above the centerline of the road.

5-4-7 Intersections- Street intersections shall be laid out as follows:

- (1) Streets shall be laid out 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 angles for at least (30) feet therefrom. Not more than two (2) streets shall intersect at any 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 major

thoroughfares their alignment shall be continuous. Intersections of major thoroughfares shall be at least eight hundred (800) feet apart. Where a city street intersects a state highway, the design standards of the State Highway Department shall apply.

- (3) Minimum curb radius at the intersection of two (2) streets shall be at least fifteen (15) 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 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 limited visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of public right-of-way to the extent deemed necessary to provide an adequate sight distance.

5-4-8 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.

5-4-9 Access to Arterial- Where a subdivision borders on or contains an existing or proposed arterial, the Planning Commission may require that access to such streets be limited by one of the following means:

- (1) The subdivision of lots so as to back onto the arterial and front onto a parallel minor street; no access shall be provided from the arterial, and screening shall be provided in a strip of land along the rear property line of such lots.
- (2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.
- (3) A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).

5-4-10 Road Names- The sketch plat, if submitted, should not indicate any names upon proposed streets. The Planning Commission shall review for approval all road names at the time of preliminary approval. Names shall be sufficiently different in sound and in spelling from other road names in the City of Anniston so as to not cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.

5-4-11 Excess Right-Of-Way- Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of two to one.

5-4-12 Railroads, Arterial, and Major Thoroughfares- Railroad rights-of-way, arterials, and major thoroughfares where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (1) In residential districts, a buffer strip at least 25 feet in depth in addition to the lot required in the district shall be provided adjacent to the railroad right-of-way, arterial, or major thoroughfare. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of residential structures, not including accessory structures, hereon is prohibited."
- (2) In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
- (3) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practical, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

5-4-13 Cul-de-sacs- Permanent deadend streets shall not exceed eight hundred (800) feet in length, and shall be provided with a turnaround having a roadway radius of at least forty (40) feet and a right-of-way radius of at least fifty (50) feet. Temporary deadend streets shall be provided with a turnaround having a forty (40) foot radius. Cul-de-sacs shall not be used to

avoid connection with an existing street or to avoid the extension of an important street.

Section 5-5 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, major thoroughfares, railroads, or waterways.
- b. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and type of development contemplated, but block lengths in residential areas shall not exceed one thousand two hundred (1,200) feet, nor be less than four hundred (400) feet in length. Wherever practical, blocks along arterials, major thoroughfares, and collector streets shall be not less than eight hundred (800) feet in length.
- c. In blocks of eight hundred (800) feet or more, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrianways 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 other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.

Section 5-6 Lots

Residential lots shall comply with the following:

- a. Lot dimensions shall be not less than the requirements of the zoning district in which they are located and the requirements of the County Health Department. In cases where requirements conflict, the greater requirement shall govern.
- b. Each lot shall front upon a dedicated street having no less than a fifty (50) foot right-of-way. However, private streets may be permitted as follows:

- (1) In subdivisions developed with no more than five (5) lots, with each lot having a lot size of not less than one (1) acre; and,
- (2) In planned residential developments, properly zoned Planned Residential (PR-1 or PR-2), where the characteristics of the development lends itself to the utilization of private streets, as approved by the Planning Commission.

In addition, no access to any future adjacent subdivision (s) shall be permitted from any private street authorized and developed pursuant to this section, unless specifically approved by the Planning Commission.

It is also provided that all maintenance of private streets authorized and developed pursuant to this section will be the sole responsibility of all property owners or developers of and within said subdivisions with private streets. Furthermore, at no time within the future for any reason will private streets become the responsibility for maintenance purposes of the City of Anniston unless said private street is constructed to the City standards and specifications for street construction and so dedicated and accepted by the City of Anniston as a public street. In addition, City services, excluding emergency vehicles will only be provided to the entrance of the private streets.

Subdivisions developed with private streets shall be so designated on the final plat as recorded in the Office of the Probate Judge of Calhoun County.

- c. 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 resubdivisions.
- d. 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.
- e. 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.
- f. Side lot lines shall be at right angles to streets, except where prohibited by terrain and except on curves where they are radial.

- g. All residential lots shall have an area of at least six thousand (6,000) square feet. Additional lot area is required when:
 - (1) A lot is served by public water but not public sewer. In such case, said lot shall be not less than fifteen thousand (15,000) square feet in area.
 - (2) Public water and is not provided. In such case, said lot shall not be less than twenty thousand (20,000) square feet in area.
- h. All residential lots shall be a minimum width at the building line of fifty (50) feet and a minimum width at the street line, of thirty-five (35) feet. Corner lots shall have an extra width of fifteen (15) feet to permit adequate setback from side streets. The minimum lot depth of all lots shall be one hundred (100) feet. Greater lot width and depth is required when:
 - (1) A lot is served by public water but not public sewer. In such case, said lot shall be not less than eighty (80) feet in width at the building line and not less than one hundred twenty (120) feet in depth.
 - (2) Public water and sewer is not provided. In such case, said lot shall not be less than one hundred (100) feet in width at the building line and not less than one hundred fifty (150) feet in depth.

Section 5-7 Easements

Utility and other easements shall be provided as follows:

- a. Easements for Utilities Except where alleys are provided for the purpose, the Planning Commission may require easements not less than fifteen (15) feet in width for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat 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 20 feet shall be provided around the perimeter of a subdivision, where no easement of at least 15 feet exists adjacent to the subdivision property line.

- b. Where a subdivision is traversed by an existing or proposed water course, drainageway, channel, or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with the line of such existing or planned drainageway. 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 5-8 drainage and Inundation

A drainage plan shall be made for each subdivision by the applicant's engineer, which plan shall take into consideration the ultimate or saturated development of the tributary area in which the proposed subdivision is located. Adequate provisions shall be made to provide drainage easements needed within the subdivision, taking into consideration the saturated development of the tributary area.

The storm and sanitary plans shall be worked out prior to the development of the other utility plans. Engineering considerations shall give preferential treatment to those gravity flow improvements, as opposed to other utilities and improvements. Off-premise drainage easements and improvements may be required to handle the run-off of subdivisions into a natural drainage channel. But under no condition shall storm drainage be emptied into sanitary sewer system—or vice versa.

Low areas subject to periodic inundation shall not be developed or subdivided unless and until the Planning Commission establishes that:

- a. The nature of the land use (i.e., recreational areas) would lend itself to damage by water inundation to an appreciable extent;
- b. The area may be filled or improved in such a manner to prevent such periodic inundation; or
- c. Minimum floor elevations be required to prevent damage to buildings and structures, on site or adjacent thereto.

The Planning Commission may require whatever additional engineering information it deems necessary to make a decision on subdivisions and other development which contains an area of questionable drainage. Lakes, ponds, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area, or if such area constitutes a necessary part of drainage control system. Such park land will be subject to approval by the City Council.

ARTICLE VI

REQUIRED IMPROVEMENTS

Section 6-1 Improvements

Approval of the Final Plat shall be subject to the installation of the improvements and utilities hereafter designated and satisfactorily completed in accordance with the City of Anniston specifications and standards, or the posting of an improvement guarantee with sufficient surety to secure the City the actual construction and installation of such improvements and utilities.

6-6-1 Streets and Alleys-- After sewer and water utilities have been installed by the applicant, the applicant shall construct curbs and gutters and shall surface, or cause to be surfaced roadways to the width prescribed in these regulations. 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 City of Anniston, and shall be incorporated into the construction plans required to be submitted for plat approval. (See Appendix II for Street Sections).

6-1-2 Curbs and Gutters-- Standard approved type curbs and gutters shall be placed on both sides of new streets in all subdivisions located in the City of Anniston as well as in the three mile police jurisdiction of the City of Anniston in accordance with the City of Anniston specifications. However, subdivisions developed with private streets only, consisting of no more than five (5) lots with said lots having lot sizes of one (1) acre or more will be permitted to be developed without curbs and gutters.

6-1-3 Sidewalks-- The installation of sidewalks is not mandatory but may be required by the Planning Commission in residential and non-residential developments where as a result of excessive traffic or other conditions not conducive to pedestrian safety their construction is warranted. When sidewalks are required by the Planning Commission, the following regulations shall apply:

- (1) Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads as shown in Schedule I.
- (2) Sidewalks shall be improved as required in these regulations. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

SCHEDULE I

SIDEWALKS REQUESTED

| NATURE OF ROAD | DEVELOPMENT DENSITY RESIDENTIAL | | |
|------------------|---------------------------------|-------------------------|---------------------------|
| | LOW (R-1) | MEDIUM (R-2) | HIGH (R-3) |
| Minor Streets | Optional* | One Side 5 feet wide | Both Sides 5 feet wide |
| Collector Street | One Side 5 feet wide | One Side 5 feet wide | Both Sides 5 feet wide |

*Optional at the direction of the Planning Commission but where provided, 5 feet minimum on either side of road with concrete curbs.

6-1-4 Pedestrian Accesses-- The Planning Commission may require, in order to facilitate 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.

6-1-5 Sewerage Facilities

General Requirements-- The applicant shall install sanitary sewer facilities in a manner prescribed by the City of Anniston Water Works and Sewer Board construction standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, and standards of the City of Anniston Water Works and Sewer Board.

Sanitary sewers shall be provided where a public sanitary sewerage system is reasonably accessible as determined by the Planning Commission and the Water Works and Sewer Board. 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.

6-1-6 Water Facilities

(1) General Requirements

- (a) Necessary action shall be taken by the applicant to extend the public water supply system capable of providing domestic water use and fire protection.
- (b) Where a public water main is accessible, the applicant shall install adequate water facilities (including fire hydrants) subject to specifications of the City of Anniston Water Works and Sewer Board.
- (c) 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.

6-1-7 Fire Hydrants – Fire hydrants shall be required for all subdivisions within the city limits of Anniston. Fire hydrants shall be located no more than one thousand (1000) 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.

6-1-8 Drainage and Storm Sewers

- (a) General Requirements – The Planning Commission shall not approve any plat or subdivision which does not make adequate provisions for storm or flood water run-off 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 Director of Public Works. Inlets shall be provided so that surface water is not carried for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowances shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

(b) Nature of Storm Water Facilities

- (1) 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 of approximate width, and shall be constructed in accordance with the construction standards and specifications of the City of Anniston.
- (2) 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 City of Anniston.
- (3) Accommodation of Upstream Drainage Areas – A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer 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.
- (4) Effect on Downstream Drainage Areas – The developer shall also study the effect of the 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 subdivision will overload an existing downstream drainage facility, the Planning Commission shall withhold approval of the subdivision until provision has been made for the improvement of said potential condition.
- (5) 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/developer 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 base flood (100 year) water surface elevation. In addition to the preceding, all development within the subdivision must comply with all requirements of the Flood Plain Management Regulations as adopted by the City of Anniston in

conjunction with the National Flood Insurance Program. Areas of extremely poor drainage should be discouraged from any development.

- (6) Floodway Areas – Refer to subsection 5-2-2 of these Subdivision Regulations for subdivision development of floodway areas.

(c) Dedication of Drainage Easements

- (1) General Requirements – Where a subdivision is traversed by a watercourse, drainageway, 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 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 flow.

(2) Drainage Easements

- (a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-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.
- (b) The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the developer and approved by the Director of Public Works.
- (c) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainageways. 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.

6-1-9 Oversize Facilities – The governing body may participate in the cost of oversized improvements within a subdivision, if in its judgement 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.

6-1-10 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 fifteen (15) feet wide. Proper coordination shall be established between the applicant and the applicable utility companies for establishment of utility easements. Easements shall be indicated on the plat. Applicants are encouraged to be knowledgeable of City street lighting standards.

6-1-11 Bridges – Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at full expense of the applicant without reimbursement from the City of Anniston. 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 City Council and the applicant pro rata as the percentage of his land developed and so served.

6-1-12 Widening and Realignment of Existing Roads –Where a subdivision borders an existing narrow road or when the Master Plan or zoning setback regulations indicate 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 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 purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the City in fee simple or an easement is granted to the City of Anniston.

Section 6-2 Permanent Reference Points

Prior to the approval of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements:

6-2-1 Subdivision Corner Tie – At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the U.S. Government survey. 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.

- 6-2-2** Monuments – Iron pipes or pins three-eighths of an inch ($3/8$ ") in diameter and two (2) feet in length shall be set at all points where street lines intersect the exterior boundaries of the subdivision, at the intersection of curves and tangents of the street lines and at all corners of the plat.
- 6-2-3** Property Markers – All lot corners not marked with a monument shall be marked with an iron pipe or pin not less than one-half ($1/2$) inch in diameter and twenty-four (24) inches long.
- 6-2-4** Accuracy – Land surveys shall be at an accuracy of at least 1:10,000.

ARTICLE VII

ASSURANCE FRO COMPLIANCE AND MAINTENANCE OF IMPROVEMENTS

Section 7-1 Completion of Improvements

Prior to Final Plat approval, the applicant shall complete in a manner satisfactory to the Planning Commission and the Director of Public Works, all improvements required in these regulations, specified in the final subdivision plat, and as approved by the Planning Commission and to dedicate same to the City of Anniston free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

Section 7-2 Methods of Guarantee

In lieu of requiring the completion of all improvements prior to Final Plat approval, the City 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:

7-2-1 Security Bond – The applicant shall obtain a security bond from a surety bonding company authorized to do business in the State of Alabama. The bond shall be payable to the City and shall be in the amount sufficient to cover the entire cost, as estimated by the applicant and approved by the Director of Public Works, of installing all contracted improvements. The duration of the bond shall be until such time as the improvements are accepted by the City; or

7-2-2 Cash – The applicant shall deposit cash or other instrument readily convertible into cash at face value, either with the City or in escrow with a bank. The use of any instrument other than cash and, in the case of an escrow account, the financial institution 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 Director of Public Works 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 institution and himself guaranteeing the following:

- (1) 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;
- (2) And that in the case of a failure on the part of the applicant to complete said improvements, then the financial institution shall immediately make the funds in said account available to the City for use in the completion of those improvements; or

7-2-3 Land or Other Property – The applicant may offer as a guarantee land or other property, including corporate stocks or bonds. The value of any such property shall be at least equal to the cost as estimated by the applicant and approved by the Director of Public Works of the installation of all contracted improvements. The Planning Commission shall retain the right to reject the use of land and/or other property when the value of such property is sufficiently unstable when it believes that the property will be unusually difficult to sell, or for other reasons such as will inhibit the Planning Commission from exchanging the property for a sufficient amount of money to complete the required improvements.

When property is offered as an improvement guarantee, the applicant shall:

- (1) Execute an agreement with the trustee, when it is not the Planning Commission, instructing the trustee to release the property to the City in the case of default. The agreement shall also state that the property may be released only upon consent of the Planning Commission. The agreement shall be placed on file with the Planning Commission.
- (2) File with the Planning Commission an affidavit affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is to be put in trust.
- (3) Execute and file with the Planning Commission an agreement stating that the property to be placed in trust as an improvement guarantee will not be used for any other purpose or pledge as a security in any other matter until it is released by the Planning Commission.
- (4) Provide the Planning Commission with one (1) appraisal of the subject property by an independent fee appraiser and also a review appraisal by an independent appraiser.

7-2-4 Letter of Credit – The applicant shall obtain a letter of credit from any bank or approved financial institute. The letter of credit shall bind the developer and the bank, together with their heirs, executors, administrators and successors, to the City of Anniston in an amount sufficient to cover the cost of all contracted improvements, as estimated by the developer and approved by the Director of Public Works,

Section 7-3 Time Limits

7-3-1 Deadline – Prior to the granting of Final Plat approval, 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.

If, at the end of the two (2) year deadline, the applicant requests and is grant an additional one (1) year extension by the Planning Commission, the amount of the bond or security guarantee will be reviewed to determine if the subdivision improvements construction costs have escalated, so as to cause an increase in the amount of the security bond or guarantee.

7-3-2 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 the subsections 7-2-1, 7-2-2, 7-2-3, or 7-2-4 of 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 building 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.

If, at the end of the two (2) year deadline and the one (1) year extension, if requested and granted, all of the required improvements are not commenced and if there are no lots sold, sales pending, or sales being negotiated, nor any structures constructed on any of the subdivided lots as per the approved final plat, the applicant, his successors, heirs or

administrators, may request that the Planning Commission void the guarantee or security, provided that first, an affidavit is signed by the applicant and approved by the Planning Commission, binding the applicant, his successors, heirs or administrators, to the construction of all required improvements prior to the future sale of any lots or the construction of any structures on any of the lots as per the approved final plat.

Section 7-4 Improvements, Inspections and Certification

The Director of Public Works or his representative shall regularly inspect for defects in the construction of the required improvements. If the Director of Public Works or his representatives finds upon inspection that any of the required improvements have not been constructed in accordance with the City'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 bonding company or financial institution shall severally and jointly liable for completing the improvements according to City specifications.

Upon completion of the required improvements, the applicant shall file with the Planning Commission, via the Director of Public Works, a statement stipulating the following:

- (a) That all required improvements are complete; and
- (b) That these improvements are in compliance with the minimum standards specified by the Planning Commission and the City Council for their construction; and
- (c) That the applicant knows of no defects from any cause in these improvements; and
- (d) 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 City.

Upon receipt of the completion statement from the applicant, the Director of Public Works or his designee shall certify, within 30 days, that all required improvements have been completed in the specific manner or provide a listing to the developer of the defects in these improvements.

If the Director of Public Works or his designee has certified that the contracted improvements are complete and free from defect, and upon receipt of

the statement and agreement detailed above, the City shall accept the dedication of any portion of the required improvements.

Section 7-5 Reduction of Guarantee

In those cases where improvement guarantees have been made under subsections 7-2-1, 7-2-2, 7-2-3, or 7-2-4 of these regulations, the amount of 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 by the ratio that the public improvements dedicated bears to the total public improvements for the plat. In no event shall an improvement guarantee be reduced below twenty-five (25%) of the original amount.

Section 7-6 Maintenance of Improvements

The applicant shall be required to file a maintenance bond with the City Council, prior to dedication, in the amount considered adequate by the Director of Public Works and in a form satisfactory to the City 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 City of Anniston and dedication of same to the City of Anniston. It shall be the applicant's responsibility to maintain the required improvements for the one (1) year period.

Section 7-7 Issuance of Building Permits and Certificates of Occupancy

Where an improvement guarantee has been required for a subdivision, no certificate of occupancy for any building in an unimproved portion of the subdivision shall be insured prior to the completion of the public improvements in that unimproved portion of the subdivision and dedication of same to the City, as required in the Planning Commission's final approval of the subdivision plat.

No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten (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 City.

Section 7-8 Release of Guarantee

Upon acceptance, in accordance with these regulations of the dedication of the final portion of the public improvements, the requirements for the improvement guarantee will have been satisfied.

ARTICLE VIII

GENERAL PROVISIONS

Section 8-1 Interpretation

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

Section 8-2 Conflict with Public and Private Provisions

8-2-1 Public Provisions – The subdivision 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.

8-2-2 Private Provisions – These subdivision 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 other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Planning Commission, or the City in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

Section 8-3 Separability

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 judgement shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgement shall have been rendered and shall not affect 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 8-4 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 to the City 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 City except as shall be expressly provided for these regulations.

Section 8-5 Reservations and Appeals

Upon the adoption of these regulations according to law, the Subdivision Regulations of the City of Anniston, Alabama, adopted February 14, 1957, as amended, are hereby repealed except as to such sections expressly retained herein.

Section 8-6 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 a manner prescribed by law. Following its adoption, a copy of the amendment shall be certified by the Planning Commission to the Probate Judge of Calhoun County.

Section 8-7 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 City. The applicant has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of land so as to conform to the physical and economical development of the City and to the safety and general welfare of the future owners in the subdivision and of the community at large.

Section 8-8 Resubdivision of Land

8-8-1 Procedure for Resubdivision – For any change in a map of an approved or recorded subdivision plat, if such change affects any 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, except minor subdivisions approved in accordance with Section 4-5 of these regulations.

8-8-2 Procedure for Resubdivisions 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 8-9 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 lot therein, by written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- (B) Such an instrument shall be approved by the Planning Commission, in like manner as plats of subdivisions. The Governing Body 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 recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, 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 owners of lots in such plat joining in the execution of such writing.

Section 8-10 Violations

- (A) It shall be the duty of the Director of Planning to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.
- (B) No owner, agent of the owner, or 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 Probate Judge of Calhoun County.
- (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 regulations contained in these regulations.
- (D) No building permit shall be issued by any official for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

Section 8-11 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 Probate Judge of Calhoun County, shall forfeit and pay a penalty of one hundred dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and 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 City may enjoin such transfer or sale or agreement by a civil action for injunction brought in any court of competent jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

ARTICLE IX

VARIANCES

Section 9-1 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 :

- (A) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property; and
- (B) 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 and,
- (C) 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; and,
- (D) The variance will not in any manner vary the provisions of the Zoning Ordinance, Master Plan, or other adopted plans, policies, and regulations of the City.

Section 9-2 Conditions

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

Section 9-3 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 9-4 Special Requirements for Non-Residential Subdivisions

9-4-1 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 in Article IV 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 fifty dollar (\$50.00) fee 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.

9-4-2 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 adopted 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 the 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 City of Anniston Master Plan in such a way that the number of intersections with such arterials, major thoroughfares, or collectors shall be minimized.

- (3) Street rights-of-way and pavement shall be adequate and in accordance with Section 5-4 to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at driveway intersections shall be at least 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. The applicant at his discretion may make parking self-sufficiency a requirement of individual lots.
- (5) With respect to physical improvements, special requirements may be imposed by the Planning Commission with the advice of the Director of Public Works 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 9-5 Experimental Subdivisions

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

- (A) The use of unusual materials in constructing required improvements.
- (B) A new or untried concept in the Anniston area which appears promising.

Special attention may be given to experimental subdivisions which are related to low-cost housing design in an effort to provide housing for lower income families. 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 the same.

9-5-1 Conditions – In granting variances, modifications, and approval for experimental subdivisions, the Planning Commission may require such conditions as will, in its judgement, 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 9-6 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 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.

Example of (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), City of Anniston, Calhoun 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

Property Owner

Witness

Property Owner

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 example c-1 and c-2)

Example of (c-1)

ACKNOWLEDGMENT

STATE OF ALABAMA)
)
COUNTY OF CALHOUN)

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, acknowledgment before me on this day that, being informed of the contents of the instrument, he as such officer and with full authority, executed that same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this _____ day of _____, 20_____.

NOTARY PUBLIC

Example of (c-2)

ACKNOWLEDGMENT

STATE OF ALABAMA)
)
CALHOUN COUNTY)

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 content of the instrument, executed the same voluntarily.

GIVEN under my hand and official seal this _____ day of _____, 20____.

NOTARY PUBLIC

Example of (d)

CERTIFICATE OF APPROVAL BY THE DIRECTOR OF PUBLIC WORKS

The undersigned, as Director of Public Works of the City of Anniston, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Calhoun County, Alabama, this the _____ day of _____, 20____.

Director of Public Works
City of Anniston, Alabama

Example of (e)

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

The within plat of (Subdivision Name), Calhoun County, Alabama, is hereby approved by the Planning Commission of the City of Anniston, Alabama, this the _____ day of _____, 20____.

PLANNING COMMISSION FOR THE
CITY OF ANNISTON, ALABAMA

Chairman

Example of (f)

CERTIFICATE OF APPROVAL BY THE CALHOUN COUNTY HEALTH DEPARTMENT

The undersigned, as authorized by the Calhoun County Health Department, Alabama, hereby approved the within plat for recording of same in the Probate Office of Calhoun County, Alabama, this the _____ day of _____, 20____.

Health Officer
Calhoun County, Alabama

Example of (g)

CERTIFICATE OF APPROVAL BY THE CALHOUN COUNTY ENGINEER DEPARTMENT

The undersigned, as authorized, by the Calhoun County Engineer Department, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Calhoun County, Alabama, this the _____ day of _____, 20____.

Engineer Officer
Calhoun County, Alabama

APPENDIX II

MINIMUM CONSTRUCTION STANDARDS AND SPECIFICATIONS

MINIMUM STREET CONSTRUCTION STANDARDS

The intent of these minimum standards is to establish a uniform policy and to improve the quality of street construction.

The standards, as indicated herein, are minimum acceptable standards for the construction of streets within the city limits and the three (3) mile jurisdiction thereto that is controlled by the City of Anniston, Alabama, Subdivision Regulations. These standards are in no way to prevent or discourage the construction of streets to the higher standards than those indicated herein. It is also noted that these standards are a minimum requirement based upon average subgrade conditions that may be encountered. There may be conditions when these minimum standards will have to be increased but in no case shall they be lowered.

The grades of a street in general shall be established to fit as nearly as possible the adjacent property. They shall be of such elevation as to be well drained. Subdrains will be installed as necessary to insure that the water table is maintained well below the base course.

Construction materials, equipment and procedures shall be in conformance with Alabama State Highway specifications for highway construction.

The roadway shall be cleared and grubbed, stripped and unsuitable material excavated to the satisfaction of the engineer prior to placing and compacting embankments.

Subgrade shall be compacted to not less than 100% proctor density as established by AASHTO T-99 specifications. Earth fill shall be placed in layers not to exceed six (6) inches compacted thickness.

Base shall be local chert with a minimum compacted thickness of not less than eight (8) inches, placed in two layers. Each layer will be compacted to not less than 100% proctor density as established by AASHTO T-180 Method C specifications.

Dense graded base with compacted thickness of six (6) inches may be substituted in place of local chert.

Subgrade, embankment and base course material shall be placed at optimum moisture or above but not to exceed 3% deviation.

The developer's engineer shall furnish the Public Works Department records of all tests and inspection reports prior to application of full inspection. The test and inspections shall be performed by an accepted testing laboratory. Density tests for earthwork and base material shall be performed at an interval of not less than one (1) test per 400 linear feet of proposed paving. Any job less than 400 linear feet, one (1) test will be required. Tests are to be taken at points where it may be evident that the least amount of compaction has been done.

Base course shall be tested for thickness after compaction has been completed.

A depth check shall be made for each 100 foot station in staggered sequence, i.e. centerline, left, right, centerline, etc.

A record of this depth check shall be submitted to the Public Works Department prior to or during the review of the base course and prior to approval for pavement construction.

Bituminous concrete paving is required for all new street construction. A bituminous concrete surface with a thickness of not less than two (2) inches shall be placed where a surface treatment is used. One and one-half (1 ½) inches of thickness may be substituted for two (2) inches and shall be in conformance with the Alabama Highway Department Standard Specifications for Highway Construction 1981 Edition Section 411-A or Section 416-A or a job mix formula obtained from the Public Works Department which may be used on selected jobs.

All special curbs, valley gutters, curb and gutters, inlets, junction boxes, driveway turnouts, i.e. etc, shall conform to the City of Anniston typical section specification sheet.

All tests shall be performed by a qualified and accepted testing laboratory.

The owner and/or the owner's engineer shall be responsible for having all tests made and for payment therefore.

The owner's engineer will be responsible for delivering test reports to the Public Works Department.

At the completion of the work and prior to final acceptance by the City, the owner's engineer will deliver to the Public Works Department any outstanding test reports and a letter to the effect that the work performed has been done in

accordance with approved construction plans and specifications and any approved changes during construction.

A final inspection of the work will be made by a representative of the Public Works Department accompanied by the owner's engineer prior to final acceptance by the City.

Necessary construction stakes to control alignment and grades shall be established by the developer's engineer or contractor personnel bearing his approval.