

SUBDIVISION REGULATIONS
OF
THE CITY OF
GUNTERSVILLE, ALABAMA



GUNTERSVILLE PLANNING COMMISSION
SEPTEMBER 8, 1998

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GUNTERSVILLE PLANNING COMMISSION

GUNTERSVILLE BUILDING OFFICIAL
EDWARD W. CRABTREE

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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 Guntersville, 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 Strategic Growth 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 Guntersville 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 the 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 in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
- (h) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land; and to insure accurate legal descriptions and monumentation of subdivided land;

- (i) To insure public facilities are available and will have a sufficient capacity to serve the proposed subdivision;
- (j) To prevent the pollution of air, soil, and water; 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 Strategic Growth Plan of the City of Guntersville 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 and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.
- (c) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Strategic Growth Plan of the City of Guntersville, 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, Strategic Growth Plan, and land use plan of the City of Guntersville.
- (d) Approval of a subdivision plat shall be considered an amendment to the City of Guntersville Strategic Growth Plan and as such shall be approved by the Planning Commission.

Section 1-3. Title

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

ARTICLE II

AUTHORITY AND JURISDICTION

Section 2-1. Authority

By authority of Resolution of the Planning Commission of the City of Guntersville, Alabama (hereinafter referred to as "Planning Commission"), said Resolution dated September 8, 1998 and adopted pursuant to the powers and jurisdictions vested through Title 11, Article II, Section 11-52-30 through 11-52-36 inclusive, of the 1975 Code of Alabama as amended, the Planning Commission does hereby exercise the power and authority to review, approve, and disapprove plats for subdivision within the Subdivision Jurisdiction of the City of Guntersville.

By the same authority, the Planning Commission does hereby exercise the power and authority to pass and approve the development of platted subdivisions of land already recorded in the Office of County Probate Judge if such plats are entirely or partially undeveloped. The plat shall be considered to be entirely or partially undeveloped if:

- (a) said plat has been recorded with the Office of the Probate Judge without a prior approval by the Planning Commission, or
- (b) said plat has been approved by the Planning Commission where the approval has been granted more than three (3) years and no lots have been sold and/or no improvements have been made adjacent to a recorded right-of-way and the subdivision regulations have been amended or revised incorporating more stringent development standards.

In the case of either (a) or (b) above, the applicant shall submit to the Planning Commission a Certified Plat or a Preliminary and Final Plat in accordance with these regulations and shall install improvements within the requirements of these regulations prior to the sale of lots.

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 Guntersville, Alabama, and in addition, for the purpose of extending the extraterritorial planning jurisdiction of the Planning Commission of the City of Guntersville, Alabama, to within one-half (1/2) mile of the corporate limits of the City. The jurisdiction is to include all land under same ownership that is contiguous to the one-half mile jurisdiction; as permitted by Section 11-52-30, Code of Alabama, 1975, as supplemented and amended.
- (b) Any owner of land, which lies within the area of jurisdiction, who wishes to divide or resubdivide such land into two (2) or more lots, sites, or divisions, for the purpose, whether immediate or future, of sale or building development, shall submit to the Planning Commission a plat of the subdivision, which shall conform to the minimum requirements set forth in these regulations, for approval.
- (c) No subdivider shall proceed with improvements or installation of utilities in a subdivision until such subdivision plat shall have been granted Preliminary Plat approval by the Planning Commission.
- (d) No subdivider shall proceed with the sale of lots or erection of buildings, excluding public utility structures, within a subdivision until such subdivision plat shall have been granted Final Plat approval entered in writing on the plat and signed by the Chairman of the Planning Commission and recorded in the Office of the County Probate Judge and certified copies of the recorded plat are filed with the Administrative Officer except as provided herein.
- (e) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

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 present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".

A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure" and includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

Section 3-2. Words and Terms Defined

Administrative Officer - the person appointed by the Governing Body to administer and enforce these regulations.

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

Applicant - the owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

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

Bond - See Improvement Guarantee

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

Building Setback Line - a line parallel to the property line in front of which no structure may be erected.

Bulk Plane - An imaginary inclined plane rising over a lot, drawn at a specified angle from the vertical, the bottom side of which is coincidental with the lot line(s) of the lot, and which together with other bulk regulations and lot size requirements, delineates the maximum bulk of any improvement which may be constructed on the lot. No portion of any structure may extend beyond the angle of bulk plane.

Certified Plat (Minor Subdivision) - A certified plat shall be defined as either:

- a. The division of a tract of land of legal record into lots of not less than 10 acres (435,600 sq. feet) each, for the purpose of selling said lots but not for the development of same, provided such subdivision shall not require any new street or road to meet road frontage requirements for all lots created, or the extension of water or sewer facilities or the creation of any public improvements; OR
- b. The division of a tract of land into no more than 4 lots all fronting on an existing paved public road and not requiring the construction or extension of any new roads or streets, municipal facilities or public improvements except sidewalks; OR
- c. The division of land owned by one or more individuals and/or corporations into homogeneous land use areas which constitute the General Plan of a Planned Unit Development district for the purpose of subsequent subdivision and development as provided for in the enabling ordinance for the Planned Unit Development district; OR
- d. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots or tracts resulting are not reduced below the minimum sizes required by the Zoning Ordinance; OR
- e. Instruments correcting surveying data or other details of previously recorded subdivision plat.

City - The City of Guntersville, Alabama, together with its subdivision jurisdiction.

City Clerk - The duly designated Clerk of the City of Guntersville, Alabama.

City Council - The City Council of the City of Guntersville, Alabama.

City Engineer - The duly designated Engineer of the City of Guntersville, Alabama.

City Specifications - All construction specifications which have been adopted by the Governing Body or as required by the Planning Commission and all utility departments.

Collector Street - See Street, Collector

Corner Lot - A lot which occupies the interior angle of two (2) street rights-of-way boundaries. The street right-of-way forming the least frontage shall be deemed the front of the lot except where the two (2) boundaries are equal, in which case the owner shall be required to specify which boundary is the front.

County - Shall mean Marshall County to be the competent jurisdiction for procedural activities related to subdivision of land and/or development activities.

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

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

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

Developer - The legal or beneficial owner or owners of all the land proposed to be included in a given development, or the authorized agent thereof. In addition, the holder of an option or contract to purchase, a lessee having a remaining term of not less than thirty (30) years, or other persons having an enforceable proprietary interest in such land shall be deemed to be a developer for the purpose of these Regulations.

Development - The act of combining raw lands, roads, utilities, buildings, financing and promotion into a completed operating property with "permanent" improvements.

Development, substantial completion of - Completion and acceptance by the responsible agency of all streets, roads, alleys, curbs and gutters, surface drainage measures for prevention of soil erosion and private property, parks and open space, and utilities (which shall be stubbed out to ownership tracts where appropriate); AND certification indicating that all required improvements have been installed or that sufficient bond exists to cover all costs of completion of the improvements; AND additional certificates and dedications necessary to insure adequate access for public protection and utilities as well as conformance to applicable plans and ordinance requirements.

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

Double Front Lot - A lot having frontage on two (2) nonintersecting streets as distinguished from a corner lot.

Drainageway - A natural or artificial depression that carries surface water to a larger watercourse or outlet such as a river, lake, or bay.

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

Escrow - A deposit of cash with the local government in lieu of an amount required and still in force on a performance of maintenance bond.

Final Plat - A plat of a tract of land which meets the requirements of these regulations and is in the proper form recording in the Office of the Probate Judge.

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

Floodplain - Those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from 100-year flood frequency events. Floodplains shall include all areas of the City which are designated as floodplain by the Federal Insurance Administration, by the United States Geological Survey or by the State of Alabama. Areas designated as floodplains by the Federal Insurance Administration shall not have their base flood elevations altered without prior approval from the Federal Insurance Administration.

Floodway - The natural channel and the portion of the flood plain along the channel which must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream. For the purposes of these regulations, the areas included in the floodway are designated by the United States Department of Housing and Urban Development (HUD), Federal Emergency Management Agency or Community Map. Along other small streams and drainage channels land lying within twenty-five (25) feet horizontal distance of the top of the banks shall be considered to be within a floodway, unless the developer demonstrates to the Planning Commission that a lesser distance, but not less than ten (10) feet, is adequate.

Land Subject to Flood - For the purposes of these regulations, land subject to flood shall be considered all land located within the geographic area subject to flooding as identified on maps prepared by the Federal Emergency Management Agency.

Floor Area Ratio - Determine the FAR by dividing the gross floor area of all buildings on a lot by the area of that lot.

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

Governing Body - The Mayor and the City Council of the City of Guntersville, Alabama.

Hardship - An unusual situation on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the City. A hardship exists only when it is not self-created.

Health Department - Shall mean the County Health Department of the appropriate jurisdiction.

High Density - Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 7,500 square feet.

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 Governing Body. All bonds shall

be approved by the Governing Body whenever a bond is required by the regulations.

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.

Low Density - Those residential zoning districts in which the density is equal or less than one dwelling unit per 15,000 square feet.

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.

Medium Density - Those residential zoning districts in which the density is between 10,000 and 15,000 square feet per dwelling unit.

Mini-Warehousing Establishment - A completely enclosed building without loading docks and consisting of individual, small, self contained units that are leased or owned for dead storage of business and household goods, or contractors' supplies.

Minor Subdivision - See Certified Plat

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

Noise Impact District (Noise Exposure District) - An overlay district or districts established for the general purpose of controlling conflicts between land uses and noise generated by aircraft and to protect the public health, safety and welfare from the adverse impacts associated with excessive noise. It is the intent of this district to regulate the height of man-made structures and land uses within designated existing or projected airport noise impact areas by requiring acoustical performance standards which meet or exceed those specified in the Alabama Statewide Uniform Building Code.

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

Open Space - Shall be any land either publicly or privately owned which is designated as being permanently

developed and used for recreation, conservation, or preservation.

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

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

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

Planning Commission - Shall mean the Planning Commission of the City of Guntersville, Alabama.

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

Probate Judge - Shall mean the County Judge of Probate for the appropriate competent jurisdiction.

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

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

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

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

Setback - The distance between a building and the street line nearest thereto.

Sidewalk - Walkway constructed for use by pedestrians.

Single Tier Lot - A lot which backs upon an arterial street, a railroad, a physical barrier, or a residential or

nonresidential use, and to which access from the rear of the lot is usually prohibited.

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

Strategic Growth Plan - A Strategic Growth 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.

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

- a. Arterials - 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 arterials. They may perform an additional function by also serving abutting residential, commercial, or industrial property. Major thoroughfares should be designed to serve as city-wide routes providing access to inter-city arterials.
- 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 is usually dependent upon the form taken by land subdivision, whether the subdivision is residential in nature, or a planned commercial, office, or industrial development.

- 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.

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

Subdivision - Shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. It shall include all divisions of land involving the dedication of a new street or a change in existing streets.

Subdivision Jurisdiction - The territorial jurisdiction of the City of Guntersville Planning Commission over the subdivision of land including all land located in the corporate limits and all land lying within one-half (1/2) mile of the corporate limits of the City and not located in any other municipality or its territorial jurisdiction.

Subdivision, Major - See Major Subdivision

Subdivision, Minor - See Certified Plat

Thoroughfare Plan - The Thoroughfare Plan, prepared as an element of the Strategic Growth Plan.

Watercourse - A definite channel with bed and banks within which concentrated water flows, either continuously or intermittently.

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

Zoning Ordinance - The official Zoning Ordinance of the City of Guntersville, Alabama.

ARTICLE IV

APPROVAL OF SUBDIVISION PLATS

Section 4-1. Approval of Subdivision Plats Required - Effects of Non-Compliance

From and after the date of filing a copy of these regulations with the Probate Judge, no subdivision plat of land within the planning jurisdiction of the City of Guntersville shall be filed or recorded until it shall have been submitted to and approved by the Planning Commission of the City of Guntersville, and such approval entered in writing on the plat by the Chairman of the Planning Commission. The Probate Judge, upon receipt of a copy of these regulations, shall not thereafter file or record a plat of a subdivision of land located within the planning jurisdiction without the approval of such plat as required herein. No street shall be accepted and maintained by the City nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land, nor shall any permit be issued by the Administrative Officer, or his agent, or any department of the City of Guntersville 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 plat has been approved by the Planning Commission and a copy of the recorded plat is on file with the Administrative Officer as required herein.

Section 4-2. Approval Not Acceptance

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

Section 4-3. General Procedure

- 4-3-1. Classification of Plats. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for erection of a structure in such proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure approval for such proposed subdivision in accordance with the following procedure, which includes one (1) required step for a certified plat and two (2) required steps for a major subdivision:

- (1) Certified Plat (Minor Subdivision)
 - (a) Sketch Plat (optional)
 - (b) Final Certified 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, the date of the regular scheduled meeting of the Planning Commission, or the continuation meeting thereof, at which the proposed plat is first presented for the approval shall constitute the official submittal date of the plat and the statutory period required for formal approval or disapproval of the plat shall begin as provided herein.

4-3-3. Requirements for Plat Submittal. The Administrative Officer shall refuse to review any plat submitted for approval, and shall refuse to place said plat on the agenda of the Planning Commission unless all the following requirements are met:

- a. the plat conforms to the existing zoning regulations for the property proposed to be subdivided with respect to minimum lot size and all other dimensional requirements; and
- b. the plat and all accompanying information are complete, and all information called for in these Regulations has been presented by the established deadline for such submittals.

Notwithstanding any provisions herein to the contrary, the Administrative Officer may refuse to permit the placement of more than one plat for the same property on the same agenda, and may decline to review and/or place on the Commission's agenda any plat that proposes to subdivide the same property as a plat already submitted and not yet disposed of by the Planning Commission.

Any appeal of the decision of the Administrative Officer shall be to the Chairman of the Planning Commission, whose decision may be appealed to the whole Planning Commission at a regularly scheduled and advertised meeting. The Planning Commission's determination shall be the final administrative determination the matter.

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 Administrative Officer the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, water, and similar matters, as well as the availability of existing services. The Administrative Officer shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.
- 4-4-2. Application Procedure. Sketch plats, and relevant supporting materials, shall be submitted to the Secretary of the Planning Commission no less than thirty (30) calendar days prior to a regular commission meeting to be scheduled on the agenda of that meeting. Applications for sketch plat review shall include nine (9) copies of the proposed plat and a sketch vicinity map which shall be at the same scale as the Official Zoning Map. Other information which describes physical and legal aspects of the property and the surrounding environs may be submitted with the application. The applicant is encouraged to appear at the Planning Commission meeting for review of the sketch plat and supporting information. (Sketch plat review is not a mandatory requirement for subdivision approval. However, this step is recommended of all applications for Certified Plat approval.)
- 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 proposed use of land.
- 4-4-4. Classification. Classification of the sketch plat as preliminary to application for either a certified plat or a major subdivision, as defined herein, shall be made by the Planning Commission as the first order of business during the scheduled review time. Applications which do not meet all requirements for a certified plat shall be classified as a major subdivision.
- 4-4-5. Concurrence of Sketch Plat. Following review of the sketch plat, the Planning Commission will advise the

applicant of specific changes or additions, if any, which will be required as prerequisite to consideration for preliminary and/or final approval of the subdivision plat. Recommendations made for the record by the Planning Commission shall constitute informal authorization to proceed with the subdivision application. However, prior to granting subsequent approval the Planning Commission may require additional modifications to the preliminary plat and/or final plat to ensure compliance with these subdivision regulations.

Section 4-5. Submission of Preliminary Plat

The procedure for obtaining Preliminary Plat approval is as follows:

- 4-5-1. 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 Administrative Officer; and
 - (2) Be accompanied by a filing fee, payable to the City Clerk, in the amount of twenty-five dollars (\$25.00) plus five dollars (\$5.00) per lot to cover the cost of advertising and administration; plus the applicant shall be responsible for the cost of all engineering reviews; and
 - (3) Be accompanied by at least three (3) complete sets of black or bluelined prints of the proposed subdivision and nine sets of the plat and site plan drawings prepared in accordance with the requirements of the subdivision regulations, and;
 - (4) Be submitted to the Planning Commission Secretary or City Clerk at least thirty (30) days prior to a regularly scheduled meeting.
 - (5) At the discretion of the Planning Commission, complete sets of the Preliminary Plat may be submitted in digital format.
- 4-5-2. Public Hearing. The Planning Commission shall conduct a public hearing on all proposed preliminary plats. Formal notice of the scheduled public hearing shall be sent by registered mail to all adjoining land owners of record. It is the responsibility of the applicant for preliminary plat approval to provide the Secretary of the Planning Commission with the correct names and addresses of all adjoining land owners as they appear in the current records of the County Tax Assessor. Formal notices shall be postmarked no less than five (5) calendar days prior to the date of the scheduled public hearing. Any change or modification to a Preliminary Plat submitted to the Planning Commission for public hearing may require a subsequent noticed public

hearing if deemed necessary by the Planning Commission.

- 4-5-3. 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, conditional approval, or disapproval and the reasons therefore accompanying the plat and one (1) copy that 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.
- 4-5-4. 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 on the subdivision must have been obtained from the Planning Commission, although the plat need not yet be signed and filed with the Probate Judge. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the applicant shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations and filing fees.
- 4-5-5. Zoning Regulations. Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Ordinance rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within the one (1) year period.
- 4-5-6. 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.

4-5-7. Preliminary Plat Requirements. The Preliminary Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet and the sheets shall be numbered in sequence if more than one (1) sheet is used. The sheet size shall be acceptable for filing in the Office of the Probate Judge but shall not exceed twenty four by thirty six (24" x 36") inches. The Preliminary Plat shall fulfill the following requirements:

1. Preliminary plats shall be so designated and will contain the name of the proposed subdivision OR the words "Resubdivision of..." if the proposed subdivision, or any portion thereof, is a part of any previously approved subdivision of legal record.
2. The name, address and Deed Book and Page of record of the legal owner AND the name and address of the agent or agents acting for the legal owner.
3. North point referenced to a line established in the U.S. Public land survey, date and scale.
4. A caption giving the location of the subdivision by government lot, quarter and section, township, range, city, county and state including sufficient description to clearly define the lands; AND lot and block and subdivision name and parcel number(s) and legal Plat Book and Page of all portions which are a part of previously approved subdivision(s) of legal record.
5. The name, address, and seal of the registered land surveyor preparing the plat or map.
6. A vicinity map at the same scale as the Official Zoning Map of the City of Guntersville which shall show the location of the proposed subdivision and all existing and approved roads within twelve hundred (1200) feet of the exterior boundaries of the proposed subdivision.
7. The exact length and bearing of the exterior boundaries of the tract of land being subdivided. Distances will be provided to the nearest hundredth of a foot and bearings to the

nearest second to achieve a positional accuracy of 1:10,000, corresponding to third order accuracy.

8. Dimensions and area in acres or square feet of all proposed lots and other land areas and the bearings of the respective sides. All lots and blocks shall be numbered.
9. Radii, central angle, arc distance, chord lengths, and points of tangency of all curves.
10. The name, address, and legal Deed Book and Page of the ownership for all adjacent parcels as they appear in the current records of the County Tax Assessor's Office.
11. Wooded areas, wetlands, unstable soils or slopes and any other adverse condition affecting the site.
12. The location, widths, and names of all existing or platted streets, alleys, pedestrian ways or other public ways and easements, jurisdiction lines, railroad and utility rights-of-way, parks, cemeteries, drainage ditches, water courses, culverts and drain pipes, water mains, bridges, and other permanent or temporary buildings or structures, and other public places on or adjacent to the tract of land being subdivided.
13. The location, widths, and names of all proposed streets, alleys, pedestrian ways or other public ways and easements.
14. The location, widths, purposes, and names of all existing or proposed public rights-of-way and easements.
15. Required and proposed minimum building setback lines.
16. Land intended to be dedicated to parks, school sites, open space, or other public use, or to be reserved by deed covenant for use of all property owners in the subdivision with conditions, if any, of such dedication or reservations. Private property to be held in common and NOT dedicated for public use shall be so indicated.

17. Zoning classification of the land to be subdivided and the zoning classification of all adjoining tracts of land.
 18. Flood plain district limits including the contour line of the floodway, the flood profile elevation (100 year flood).
 19. Site information including:
 - (a) Acreage in total tract
 - (b) Smallest lot size
 - (c) Total number of lots
 - (d) Linear feet in streets
 20. Contours at vertical intervals of not more than five (5) feet.
 21. State Plane Coordinates shall be indicated on the Preliminary Plat.
- 4-5-8. Construction Plans. At the time of submission of Preliminary Plat, the applicant shall also submit Construction Plans for all required improvements. Plans shall meet the minimum standards of design general requirements for the construction of public improvements as set forth in these regulations. Construction Plans shall be drawn at a scale of 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 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 100' 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 (5) 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, inlets, junction boxes and other drainage structures proposed.
 - (e) Area of land contributing run-off to each drainage structure along with run-off calculations of each area and drainage calculations for each drainage structure along drainage ditch.
 - (f) Location of easements and rights-of-way for drainageways and maintenance access thereof.
 - (g) Typical cross sections of each drainageway.
 - (h) Direction of water flow throughout subdivision and compatibility with existing City or natural drainage.
- (3) Sanitary Sewer Plan containing the following information:
- (a) Location, size, invert and top elevations of all existing and proposed sewers in the subdivision and tie-points of the subdivision. Location of sewer laterals.
 - (b) Direction of flow of each sewer line.

- (c) Location of each manhole and other sewerage system appurtenances including lift stations, oxidation ponds, and treatment plants, if any.
 - (d) Show construction details of typical manholes, connections, and other sewage structures proposed.
 - (e) Plan and profile of sewage system.
- (4) Water Distribution Plan containing the following information:
- (a) Location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.
- (5) Electric Distribution Plan containing the following information:
- (a) Location of all poles and streetlights or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision.
 - (b) Street lighting in new developments is the responsibility of the developer along with the initial purchase cost and installation cost related to street lighting

The Electric Board of Guntersville will be responsible for the labor portion for maintaining the lights and the City will be responsible for the replacement bulbs and photocells. Major replacement items such as globes and posts or poles will be the responsibility of the developer.

The City of Guntersville provides the energy used in accordance with current policies and therefore the lights shall be placed in a manner which will provide lighting to public roads and rights of way.

Lights must be placed at distances of no less than 300 feet and no greater than 350 feet apart. If there is an exception it must be approved by the City inspector and also the Electric Board. Final location approval must be given by the City.

Light poles must be constructed of fiberglass, metal, or concrete and must have a fixture mounting height between 12 and 25 feet. The developer shall provide one replacement pole for every 4 poles that are installed or 1 extra pole whichever is greater.

Light fixtures must be either 175 watt mercury vapor or 100 watt high pressure sodium. All lights must have an attached photocell control. Post top fixtures must have an attached weather proofing globe. The developer must provide replacement globes to the Electric Board in the amount of 1 globe for every 4 installed or two globes whichever is greater

The Electric Board will assist the developer in the electrical connections for the street lighting..

- (6) Letter of approval from the appropriate municipal, county or state department or agency concerned with the approval of 1-5 above. It shall be the responsibility of the applicant to provide the Planning Commission with the letter of approval prior to the Planning Commission's approval of the Preliminary Plat.

Section 4-6. Submission of the Final Plat

In accordance with these Subdivision Regulations, no street shall be accepted and maintained by the City nor shall any street lighting, water, storm sewer, or sanitary sewer be extended to or connected with any subdivision of land as defined herein, nor shall any permit be issued by an administrative agent or any department of the City for the construction of any building or other improvements requiring a permit unless and until a subdivision plat has been approved by the Planning Commission and the filing requirements described herein have been satisfied.

- 4-6-1. Application Procedure and Requirements. Following approval of the Preliminary Plat and within the time limits herein established, the applicant shall file with the Secretary of the Planning Commission an application for final approval of the proposed subdivision plat. The application shall:

- (1) Be made on forms available at the Office of the Administrative Officer.

- (2) Be accompanied by the original tracing, and nine (9) black or blue line prints of the plat. The Planning Commission, at its discretion, may allow magnetic media filing of required prints of the Final 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 thirty (30) calendar days prior to a regularly scheduled meeting.
- (5) Be submitted within one (1) year of the date of Preliminary Plat approval.
- (6) If improvements are not completed and approved by various municipal departments, be accompanied by an improvement guarantee, if required, in a form satisfactory to the City Attorney and in an amount established by the Planning Commission upon recommendation of the City Engineer.
- (7) If improvements are completed at time of final plat, certificates from the municipal departments having jurisdiction stating that all streets shown on the plat have been graded, drained, and surfaced with an asphalt or concrete driving surface in accordance with the typical street sections shown in Appendix II and equal to or exceeding the regulation of the Alabama State Highway Department specifications (1985 edition) as hereinafter set out:

Base Course: Crushed aggregate base course plant mix shall be in accordance with Section 301 of the specifications. All materials shall be in accordance with Section 825, type B, 100 percent compaction.

Asphalt Paving: Bituminous binder layer shall be 2 inches thick and placed in accordance with Section 414 of specifications. Bituminous pavement shall be one inch thick and placed in accordance with Section 416, mix A of the specifications (siliceous aggregate).

Sub Grade: Top 6 inch sub-grade,
100 percent compaction. Below top
6 inches, 95 percent.

Curb and Gutter: Except where
otherwise specified, all streets
must be installed with concrete
curb and gutters with the curb
having a height of 6 inches and
backside having a distance of 12
inches from the curb. Said
improvements shall be made in
accordance with the requirements of
the Guntersville Street Department,
and have the written approval of
the building inspector.

4-6-2. Public Meeting. The Planning Commission shall
consider the final plat at a public meeting. The
purpose of the final plat is to provide an accurate
and legal record or survey of the subdivision. It is
in effect an "as-built" drawing. It will be approved
if any conditions attached to the preliminary
approval have been fulfilled, and the city engineer
certifies that all required improvements have been
completed or are bonded.

4-6-3. Vested Rights. No vested rights shall accrue to any
plat upon final approval until:

- (1) The plat is signed by the Chairman of the
Planning Commission; and
- (2) The signed plat is recorded with the Probate
Judge; and
- (3) Certified copies of the recorded plat are filed
with the Administrative Officer as herein
provided.

Final approval of a subdivision plat is subject to all
requirements for installation of improvements,
conditions, or subdivision regulations adopted by the
Planning Commission prior to the time of signing of
the final plat by the Chairman of the Planning
Commission. The Planning Commission shall not modify
conditions to final approval of a subdivision plat.

4-6-4. Signing and Recording of the 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 Guntersville and all the 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 satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City of Guntersville as shown by a certificate signed by the City Engineer and Administrative Officer that the necessary improvements have been accomplished and accepted into the City's maintenance program.

(2) Recording of Plat

- (a) The Chairman of the Planning Commission will sign the original tracing of the subdivision plat and return the tracing to the applicant engineer.
- (b) The applicant is responsible for filing the plat with the County Probate Judge and to file a reproducible and five (5) copies of the recorded plat with the Administrative Officer within thirty (30) days of the date of signature unless a specific time extension for filing has been granted by the Planning Commission during final plat approval. No permits for construction of buildings or other improvements shall be issued by the City unless the recording requirements are completed as herein provided.

4-6-5. Final Plat Requirements. The Final Plat shall be prepared by a registered land surveyor, shall meet or exceed minimum technical standards for land surveying in the State of Alabama, and shall be clearly and legibly drawn at a convenient scale of not less than 1:100. The Final Plat, as submitted for approval, shall be prepared in ink on linen or a suitable permanent mylar reproducible. The sheet size shall be

acceptable for filing with the County Probate Judge, 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. This shall include the radius, central angle, point of tangency, tangent distance, and arcs and chords.
- (4) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name.
- (5) The exact position of the permanent monuments shall be indicated on the plat by small circle "o".
- (6) Streets and alleys, rights-of-way, and street names.
- (7) Rights-of-way or easements, including location, widths, and purposes.
- (8) Lot lines and lot and block numbers.
- (9) Minimum building setback lines. In the instance of double frontage lots, the direction of the building fronts shall be clearly indicated.
- (10) Parks, school sites, or other public open spaces, any.
- (11) All dimensions should be to the nearest one-hundredth (1/100) of a foot and angles within plus or minus one (1) second.
- (12) The following endorsements, dedications, and certificates shall be placed on the Final Plat (See Appendix I for sample certificates):
 - (a) Registered Surveyor's Certificate and Description of Land Platted.

- (b) Dedication.
- (c) A notary's Acknowledgement of the Dedication Certificates referred to in "b" above.
- (d) A Certificate of Approval by Guntersville Electric Board or other applicable authority.
- (e) A Certificate of Approval by the Water and Sewer Board of the City of Guntersville or other applicable authority.
- (f) A Certificate of Approval by the Marshall County Gas District.
- (g) A Certificate of Approval by the City Engineer of the City of Guntersville.
- (h) A Certificate of Approval by the Planning Commission of the City of Guntersville.
- (i) A Certificate of Approval by The Marshall County Health Department if septic tanks and/or wells are necessary for development.
- (j) Any restrictions and/or special notations as may be required by other sections of these regulations, i.e., NEF Zone Contours.

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

4-6-6. Engineering Plan. At the time of Final Plat approval, the applicant shall also submit an engineering plan, or "as-built" plan, giving details of construction and locations of the improvements which have been installed. The primary purpose of the engineering plan is to provide the City with a record of the location, size, and design of underground utilities for the City's use in the course of maintaining such improvements. If the installation of improvements is completed under an improvement guarantee the engineering plan shall be submitted to the City upon request of release of the improvement guarantee by the applicant.

Section 4-7. Submission of Certified Plat (Minor Subdivision)

4-7-1. Application Procedure. Based upon Planning Commission approval of the sketch plat (optional), the applicant

shall file an application for approval of a Certified Plat. The application shall be:

- (1) Made on forms available at the Office of the Administrative Officer; and
- (2) Accompanied by a filing fee, payable to the City Clerk for the City of Guntersville, in the amount of twenty-five dollars (\$25.00) plus five dollars (\$5.00) per adjoining landowner to cover the costs of advertising, official notification and administration; the applicant shall be responsible for the cost of all engineering reviews; and
- (3) Accompanied by at least nine(9) sets of blackline or blueline prints of the proposed subdivision prepared in accordance with the requirements of the certified plat regulations. At the discretion of the Planning Commission, complete sets of the proposed subdivision may be submitted on magnetic media; and
- (4) Submitted to the Recording Secretary for the Planning Commission or the Administrative Officer no less than thirty (30) days prior to a regularly scheduled meeting of the Planning Commission.

4-7-2. Layout Requirements. The Certified Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet and the sheets shall be numbered in sequence if more than one (1) sheet is used. The sheet size shall be acceptable for filing in the Office of the Probate Judge but shall not exceed twenty-four by thirty-six (24 x 36) inches. The Certified Plat shall meet the following requirements:

- (1) Certified plats shall be so designated and will contain the name of the proposed subdivision OR the words "Resubdivision of.." if the proposed subdivision, or any portion thereof, is a part of any previously approved subdivision of legal record.
- (2) The name, address and Deed Book and Page of record of the legal owner AND the name and address of the agent or agents acting for the legal owner.
- (3) A caption giving the location of the subdivision by government lot, quarter and section,

township, range, city, county and state including sufficient description to clearly define the lands; AND lot and block and subdivision name and parcel number(s) and legal Plat Book and Page of all portions which are a part of previously approved subdivision(s) of legal record.

- (4) North point referenced to a line established in the U.S. Public land survey, date and scale. The property shown on a plat or map may be drawn to any scale provided that the dimensions and other information shown thereon are legible.
- (5) A vicinity map at the same scale as the Official Zoning Map of the City of Guntersville and shall show the location of the proposed subdivision and all existing and approved roads within twelve hundred (1200) feet of the exterior boundaries of the proposed subdivision.
- (6) The name, address, and seal of the registered surveyor preparing the plat or map.
- (7) The exact length and bearing of the exterior boundaries of the tract of land being subdivided. Distances will be provided to the nearest hundredth of a foot and bearings to the nearest second to achieve a positional accuracy of 1:10,000, corresponding to third order accuracy. State Plane Coordinates shall be indicated on the Plat.
- (8) Dimensions and area in acres or square feet of all lots and other land areas and the bearings of the respective sides. All lots and blocks shall be numbered where this provision is appropriate.
- (9) Approximate radii, central angle, arc distance, chord lengths, and points of tangency of all curves.
- (10) The name, address, and legal Deed Book and Page of the ownership for all adjacent parcels as they appear in the current records of the County Tax Assessor's office.
- (11) Zoning classification of the land to be subdivided and the zoning classification of all adjoining tracts of land.
- (12) The location, widths and names of all existing or platted streets, alleys, pedestrian ways or

other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, drainage ditches, water courses, bridges, and other permanent or temporary buildings or structures, and other public places on or adjacent to the tract of land being subdivided.

- (13) Land intended to be dedicated to public use, or to be reserved by deed covenant for use of all property owners in the subdivision with conditions, if any, of such dedication or reservations. Private property held in common and NOT dedicated for public use shall be so indicated.
- (14) Flood plain district limits, including the contour line of the floodway, the flood profile elevation (100 year flood) and the contour line two (2) feet above the vertical distance of the flood profile elevation.
- (15) Wooded areas, wetlands, unstable soils or slopes and any other adverse condition affecting the site.
- (16) The Certified Plat shall be accompanied by the following executed endorsements at the time of submittal:
 - (a) Registered Surveyor's Certificate and description of land platted.
 - (b) Notarized dedication.
 - (c) A Certificate of Approval executed by the City Engineer for the City of Guntersville.
 - (d) Any restrictions and/or special notations which may be required by other provisions of these regulations.
 - (e) Certification by the Administrative Officer that the property and the Certified Plat has been inspected and reviewed and that it is found to be compliant with zoning restrictions and subdivision regulations.
 - (f) A Certificate of Approval form for execution following favorable action by the Planning Commission for the City of Guntersville.

4-7-3. Public Hearings. The Planning Commission shall conduct a public hearing on all proposed certified

plats. Formal notice of the scheduled public hearing shall be sent by registered mail to all adjoining land owners of record. It is the responsibility of the applicant for certified plat approval to provide the Secretary of the Planning Commission with the correct names and addresses of all adjoining land owners as they appear in the current records of the County Tax Assessor. Formal notices shall be postmarked no less than five (5) calendar days prior to the date of the scheduled public hearing. Any change or modification to a Preliminary Plat submitted to the Planning Commission for public hearing may require a subsequent noticed public hearing if deemed necessary by the Planning Commission.

4-7-4. Vested Rights. Final approval of a certified plat is subject to all requirements for installation of improvements, conditions, or subdivision regulations adopted by the Planning Commission prior to the time of signing of the final plat by the Chairman of the Planning Commission. The Planning Commission shall not modify conditions to final approval of a certified plat. No vested rights shall accrue to any certified plat upon final approval until:

- (1) the plat is signed by the Chairman of the Planning Commission; and
- (2) the signed plat is recorded with the Probate Judge; and
- (3) certified copies of the recorded plat are filed with the Administrative Officer as herein provided.

4-7-5. Signing and Recording of the Certified Plat. The owner or his authorized agent is responsible for filing the approved certified plat as follows:

- (1) The Chairman of the Planning Commission will sign the original tracing of the certified plat and return the tracing to the owner or owner's engineer or agent.
- (2) The owner shall file the plat with the County Probate Judge and file a reproducible and five (5) copies of the recorded plat with the Administrative Officer within thirty (30) days of the date of signature unless a specific time extension for filing has been granted by the Planning Commission during plat approval. No permits for construction or buildings or other improvements shall be issued by the City unless

the recording requirements are completed as
herein provided.

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, or 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 Guntersville Zoning Ordinance, building and housing ordinances, and all other applicable laws of the appropriate jurisdiction.
- (c) The Strategic Growth Plan of the City of Guntersville.
- (d) If applicable, the special requirements and rules of the Marshall 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 herein abuts a state highway.
- (f) The standards and regulations adopted by all boards, commissions, agencies, and officials of the City of Guntersville.
- (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 Article I, Section 1-1 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 City Engineer 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 boundary lines.

- 5-2-2. Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse soil formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Planning Commission, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

Land within the Floodway District shall not be platted for residential occupancy or building sites. 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 floor level above flood 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 providing the proposed fill does not restrict the flow of water and unduly increase flood heights or violate wet lands per U. S. Army Corps of Engineers.

- 5-2-3. Subdivision Name. The proposed name of the subdivision shall not duplicate, or 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 Guntersville shall be observed.
- 5-2-5. Waterbodies and Watercourses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of

adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for, safe maintenance of the water body is so placed that it will not become a 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 it has access, provisions shall be made for installation of a culvert or other structure or design approved by the City Engineer.

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 (3) or more streets converging together shall not be permitted.
- 5-3-2. Access to Adjacent Properties. Land abutting a proposed subdivision shall not be left land-locked by such proposed subdivision. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to an adjoining property, proposed streets shall be extended by dedication and paved to the boundary of such property and a temporary turnaround shall be provided, if deemed necessary by the Planning Commission
- 5-3-3. Marginal Access Streets. Where, in the opinion of the Planning Commission, development which abuts, or has included within the proposed area, any arterial or major thoroughfare 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 Streets. There shall be no private streets platted in a subdivision where abutting properties

will be sold, whether immediately or in the future, to the public. Private streets may be allowed in Planned Unit Developments (PUD's) where a private long-term maintenance agreement has been reviewed and approved by the City Attorney.

5-3-5. Private Reserve Strips. Private reserve strips controlling access to streets shall be prohibited.

5-3-6. 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 centerline of the existing street, shall be provided.

5-3-7. 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.

5-3-8. 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.

5-3-9. Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from, an existing public street including, but not limited to the following:

- (a) an existing federal, state or county highway; or
- (b) a street shown upon a plat approved by the Planning Commission and of legal record in the Office of the County Probate Judge. 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 rights-of-way meeting or exceeding the minimum requirements of these subdivision regulations.

Within a General Business District permitted uses and special exceptions shall be located only on frontage roads to arterials and major thoroughfares or have access through areas not zoned for residential or agricultural purposes.

5-3-10. Grading and Improvement Plan. Roads shall be graded and improved and conform to the City of Guntersville construction standards and specifications and shall be approved as to design and specifications by the City Engineer and Planning Commission in accordance with the construction plans required to be submitted prior to final plat approval.

5-3-11. Topography and Arrangement.

- (1) Roads shall be related appropriately to the topography. Minor streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the Design Standards (Section 5-4) of these regulations. (See Appendix II for street sections.)
- (2) All streets shall be properly integrated with the existing and proposed system of thoroughfares as established in the Strategic Growth 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 streets 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 and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

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 (per typical sections in Appendix II):

- | | |
|------------------------|----------|
| (1) Four-lane Arterial | 120 feet |
| (2) Collector Street | 60 feet |
| (3) Minor Street | 50 feet |

5-4-2 Pavement Widths. Pavement width shall be not less than the following (per typical sections in Appendix II):

- | | |
|------------------------|---------|
| (1) Four-lane Arterial | 60 feet |
| (2) Collector Street | 36 feet |

(3) Minor Street 26 feet

5-4-3. Street Grades. Street grades shall not exceed the following unless otherwise approved by the City Engineer and approved by the Planning Commission:

- (1) Major Thoroughfare 8%
- (2) Collector Street 8%
- (3) Minor Street with Bituminous Pavement 14%
- (4) Minor Street with Concrete Pavement 14%
- (5) Marginal Access Street 14%
- (6) 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 and Major Thoroughfares (streets).
- (7) Minimum grades of all streets shall not be less than one-half (1/2) of one percent (1%).
- (8) Surface cross-drainage shall be concrete and conform to the City of Guntersville 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 200 feet
- (2) Minor Street 100 feet
- (3) Cul-De-Sac 50 feet
- (4) Alleys: Residential (Special Cases) 35 feet
Commercial As Necessary

5-4-5. Tangents. Tangents of less than one hundred (100) feet provided between reverse curves shall be approved by the City Engineer on all streets.

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. of eighty (80) feet or more in width, minimum sight distance shall be six hundred (600) feet, measured between points five (5) feet above the centerline of the road.

- (2) 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 five (5) feet 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 one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.
- (2) Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred twenty five (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) minor streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet.
- (4) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a five percent (5%) grade at a distance of fifty (50) feet, measured from the nearest right-of-way line of the intersecting street.

- (5) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- (6) The cross-slopes on all streets, including intersections, shall be five percent (5%) or less.
- (7) Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet.

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 Arterials. 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 as submitted shall not indicate any names upon proposed streets. The Planning Commission shall approve all roads at the time of preliminary approval. Names shall be sufficiently different in sound and in spelling from

other road names in the City of Guntersville so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name. Developer shall coordinate preliminary street names with manager of emergency 911 services and the Postmaster. Names must be coordinated and addresses assigned by the City Building Official.

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 three to one (3:1).

5-4-12. Railroads, Arterials. 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 normal depth of 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 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 a 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 dead-end streets shall not exceed twelve hundred (1200) feet in length, and shall be provided with a turnaround having a roadway

diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) feet. Temporary dead-end 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 the type of development contemplated, but block length in residential areas shall not exceed two thousand two hundred (2,200) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length. Wherever practical, blocks along arterials, major thoroughfares, and collector streets shall be not less than eight hundred (800) feet in length.
- c. In long blocks, 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 along 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 requirements:

- 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 not less than a fifty (50) foot right-of-way.

- 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 re-subdivision.
- 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 on curves where they shall be radial.
- g. All residential lots shall have an area of at least seven thousand five hundred (7,500) square feet except in PUDs. 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 or sewer is not provided. In such case, said lot shall be not less than twenty thousand (20,000) square feet in area.
- h. All residential lots shall have a minimum width at the building line of sixty (60) 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 single-tier lots shall be one hundred and twenty-five (125) feet. All other lots shall be a minimum of one hundred (100) feet in depth. 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 and not less than one hundred and twenty (120) feet in depth. In no case less than minimum required in 5-6(g)(1).
 - (2) Public water or sewer is not provided. In such case, said lot shall be not less than one hundred (100) feet in width and not less than

one hundred and fifty (150) feet in depth. In no case less than required in 5-6(g) (2).

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 exceeding ten (10) 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 10 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 lines 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 sanitary sewer plans shall be worked out prior to the development of the other utility plans. Engineering considerations shall give preferential treatment to these gravity flow improvements, as opposed to other utilities and improvements. Off-premise drainage easements and improvements may be required to handle the runoff of subdivisions into a natural drainage channel. But under no condition shall storm drainage be emptied into the 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 not 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 the drainage control system. Such park land will be subject to approval by the City Council.

Section 5-9. Soil Erosion and Sedimentation

Developments must meet all ADEM requirements for storm water permit. Upon completion of curb installation and backfill, a siltscreen must be installed during construction phase at back of curb to help prevent soil erosion and sediment deposits on streets. The minimum height requirement for the siltscreen is twenty-four (24) inches. Installation of the siltscreen shall be as per Best Management Plan.

Section 5-10. Wet Lands

Development must meet all requirements of applicable government regulations regarding wetlands and the Clean Water Act. Delineation of wetlands must be made by a qualified professional, approved by the U. S. Army Corps of Engineers, on final plat. Mitigation, if required, shall be done by developer before construction plans are approved by the Planning Commission.

ARTICLE VI

REQUIRED IMPROVEMENTS

Section 6-1. Improvements

Approval of the Final Plat shall be subject to the installation of the improvements and utilities hereinafter designated and satisfactorily completed in accordance with the City of Guntersville 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.

- 6-1-1. Street 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 widths 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 Guntersville, 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 all new streets within the area of jurisdiction of these regulations in accordance with the City specifications. Subdivisions where the minimum lot size is thirty-five thousand (35,000) square feet or more will not be required to install standard curb and gutter. (See Appendix II for curb section detail).
- 6-1-3. Sidewalks
 - (1) Sidewalks shall be included within the dedicated nonpavement right-of-way of all roads as shown in Schedule II.
 - (2) Sidewalks shall be provided 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. (See Appendix II for sidewalk detail).

SIDEWALKS REQUIRED

Development Density Residential			
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Nature of Road	Low	Medium	High
	E-1, E-2 RS-1, RS-2, RS-3	RM-1, RM-2, PUD	None
<u>Minor Street</u>	Optional*	One Side 4 Feet Wide	Both Sides 5 Feet Wide
<u>Collector Street</u>	One Side 4 Feet Wide	Both Sides 5 Feet Wide	Both Sides 5 Feet Wide

* Optional at the direction of the Planning Commission but where provided, four (4) 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. Neighborhood Recreation Areas

Recreation Standards - The Planning Commission shall require that land be reserved for Neighborhood Parks where such reservations would be appropriate as determined by the Planning Commission. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access, for the particular purposes envisioned by the Planning Commission. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes". The Planning Commission may refer such proposed reservations to the City of Guntersville official or department in charge of parks and recreation for recommendation. The applicant shall dedicate all such recreation areas to the City of Guntersville as a condition of final subdivision plat approval.

Size of Neighborhood Parks - Land reserved for recreation purposes shall be equal to six (6) percent of the gross subdivided area. In general, land reserved for neighborhood park purposes shall be a minimum of five (5) acres to assure facility development. When the dedication of land involves an area of less than five (5) acres, the recreation area shall be located at a suitable location on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. If, in the opinion of the Planning Commission, the subdivided area is adequately served

by existing public recreational facilities, this requirement may be waived.

Recreation Sites - Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have a total frontage on one (1) or more streets of at least fifty (50) feet.

Alternative Procedure - Where, with respect to a particular subdivision, the reservation of land required pursuant to this section does not equal the percentage of total land required to be reserved in Section 2, the Planning Commission may accept a cash payment in lieu of land reservation of an amount equal to seven hundred and fifty dollars (\$750.00) per acre.

This alternative procedure must be approved by the Planning Commission. Cash payments shall be placed in a Neighborhood Park Improvement Fund to be established by the City Council. Such deposit shall be used by the City of Guntersville for improvement of a neighborhood park, playground, or recreation area including the acquisition of property. Such deposit must be used for facilities that will be actually available to and benefit the persons in said subdivision and be located in the general neighborhood of the subdivision.

6-1-6. Sewerage Facilities

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

Sanitary sewers shall be provided where a public sanitary sewerage system is reasonably accessible as determined by the Planning Commission and the Water and Sewer Board. Individual disposal systems shall be used in instances where no public sanitary sewerage system is available providing approval is received from the State and County Health Department.

6-1-7. 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 the specifications of the City of Guntersville. All water mains shall be at least six (6) inches in diameter.
- (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 applicant.

6-1-8. Fire Hydrants. Fire hydrants shall be required for all subdivisions. Fire Hydrants shall be located no more than five hundred (500) feet apart. To eliminate future street openings, all underground utilities for fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

6-1-9. Drainage and Storm Sewers

- (a) General Requirements. The Planning Commission shall not approve any plat or subdivision which does not make adequate provision for storm or floodwater runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by acceptable engineering methods as approved by the City Engineer. Inlets shall be provided so that surface water is not carried for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and basins shall be used to intercept flow at that point.
- (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 appropriate width, and shall be constructed in accordance with the construction standards and specifications of the City of Guntersville.

- (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 Guntersville.
- (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 City Engineer shall determine the necessary size of the facility based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.
- (4) Effect on Downstream Drainage Areas. The City Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such manner as the Planning Commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

- (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 fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined by the City Engineer. The fill must not be in violation of U. S. Army Corps of Engineers regulations for wetlands and development must have proper permits, if required. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer. Areas of extremely poor drainage should be discouraged from development.
- (6) Floodway Areas. The Planning Commission may when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodway of any stream or drainage course. These floodway areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

(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 of such width and construction or both as will be adequate

for the purpose. Whenever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(2) Drainage Easements.

- (a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) 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) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the plat.
- (c) 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 Planning Commission.
- (d) 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.

- 6-1-10. Signs. The applicant shall deposit eighty-five Dollars (\$85.00) to the City Clerk for each required sign within the subdivision.
- 6-1-11. 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.
- 6-1-12. Utilities. The applicant is required to place all utilities underground, except as provided below. The preliminary or certified plat shall specify whether proposed utilities are to be placed underground or aboveground, including electric service, telephone lines, and cable television lines. All utility facilities existing and proposed throughout the subdivision shall be shown on the Preliminary Plat. Easements centered on rear and/or side lot lines shall be provided for utilities (private and municipal); such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements. Easements shall be indicated on the plat. Applicants are encouraged to be knowledgeable of City and utility company street lighting standards.

The Planning Commission may, by majority vote, permit the installation of aboveground electric, cable television, or telephone service if it concludes that one or more of the following conditions are met:

- (a) Aboveground service would enhance the public safety.
- (b) Aboveground service would be in the interest of preservation of the character of the area or adjacent areas, and/or the Planning Commission desires to pursue this goal for the area under development
- (c) The City Engineer certifies that installation of underground utilities is not good engineering practice due to physical attributes particular to the land being developed
- (d) As a variance pursuant to Chapter IX of these Subdivision Regulations

- 6-1-13. Bridges. Bridges of primary benefit to the applicant as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the City of Guntersville. 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. Said cost shall be charged to the applicant pro rata the percentage of his land developed and so served.
- 6-1-14. Widening and Realignment of Existing Roads. Where a subdivision borders an existing narrow road or when the Strategic Growth 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 Guntersville.
- 6-1-15. Bikeways. The Planning Commission may, at its discretion, require the installation of bikeways. Curb cuts and ramps shall be installed on streets where bikeways are required by these regulations. Bikeways shall be a minimum of four (4) feet in width and placed adjacent to the sidewalk on one side of the street. Construction shall be approved by the City Engineer.

Section 6-2. Permanent Reference Points

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

6-2-1 Monument Specifications.

- (a) Cadastral Control Monuments of concrete not less than seven (7) inches square or eight (8) inches in diameter, containing a ferrous rod not less than 0.75 inches in diameter and not less than forty-eight (48) inches in length and which shall be imbedded in the center of the concrete for its full length,

and marked on the top with a brass cap not less than three (3) inches in diameter.

- (b) Boundary Monuments of concrete not less than four (4) inches square or five (5) inches in diameter, containing a ferrous rod not less than 0.50 inches in diameter and not less than thirty (30) inches in length and which shall be imbedded in the concrete for its full length, and marked on the top with a cross, brass cap, aluminum cap, or other durable material securely imbedded. These monuments shall be placed not more than 1,400 feet apart along any straight boundary line.
- (c) Property Monuments of ferrous pipe or round or square ferrous bars not less than 0.50 inches in diameter and not less than eighteen (18) inches in length weighing not less than 3.65 pounds per lineal foot. Any durable metal or concrete monument may be used in lieu of ferrous pipes provided that they are uniform within the platted area and have permanent magnets embedded near the top and the bottom.

6-2-2. Cadastral Reference Points. A minimum of two (2) cadastral control monuments shall be placed at accessible locations within the subdivision and shall be referenced by course and distance from an accepted corner of the government survey of Marshall County or previously placed and accepted cadastral control monuments which are not contiguous to the subject subdivision boundary. At the discretion of the Administrative Officer these monuments may also serve as subdivision boundary monumentation. Cadastral monuments shall appear on the final plat, together with the description in bearings and distances to an accuracy of 1:10,000, of their location from the reference monuments.

6-2-3. Subdivision Boundary Monumentation. The external boundaries of a subdivision shall be monumented in the field with boundary monuments which shall be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along the meander line, said points to be not less than twenty (20) feet back from the bank of any river, stream, or major drainage way; except that when such corners fall within a street, or proposed future street, the monuments shall be placed on the side line of the street. The monuments shall be

spaced so as to be within sight of each other and shall be placed not more than 1,400 feet apart in any straight line.

- 6-2-4. Internal Block Monumentation. Boundary monuments shall be placed at all internal boundaries, corners, and points not referenced above and at all block corners, at each end of all curves, at the point where a curve changes radius, and at all angle points in any line for the purpose of providing horizontal control within the interior of the subdivision.
- 6-2-5. Individual Ownership Lot Monumentation. The corners of all lots not previously marked, outlots, parks and public access and land dedicated to the public shall be monumented in the field by property monuments. Witness corners shall be established not less than twenty (20) feet back from the bank of the river, stream, or major drainage way for lot lines that extend to rivers, streams or major drainage ways.
- 6-2-6. Accuracy. Land surveys within the City Limits shall be at an accuracy of at least 1:10,000, and beyond the city limits an accuracy of not less than 1:7,500 is required. Calculations shall be presented upon request.

ARTICLE VII

ASSURANCE FOR COMPLETION 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 City Engineer, 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 Guntersville 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 an amount sufficient to cover the entire cost, as estimated by the applicant and approved by the City Engineer, 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 bank with which the bonds 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 City Engineer of installing all required improvements. Interest accrued shall be payable to the applicant.

In the case of an escrow account, the applicant shall file with the Planning Commission an agreement between the financial bank and himself guaranteeing the following:

- (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 bank 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 City Engineer of the installation of all contracted improvements. The County Assessor shall establish the value of any property so used and, in so doing, shall take into account the likelihood of a decline in the value of said property during the guarantee period. The Planning Commission shall retain the right to reject the use of land and 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 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. This affidavit must be filed and recorded with the Probate Judge.

- (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.

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.
- 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 Subsections 7-2-1, 7-2-2 or 7-2-3 of this ordinance, the Planning Commission shall declare whatever security has been pledged as a guarantee to be forfeit. Where the Planning Commission is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Planning Commission shall use them, or receipts from their sale if that be necessary, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities shall be returned to the applicant, bonding company, or crediting institution, as is appropriate.

Section 7-4. Improvement Requirements

- 7-4-1. Inspection and Certification. The City Engineer and the Administrative Officer shall regularly inspect for defects in the construction of the required improvements. The applicant shall pay to the City an inspection fee of fifty dollars (\$50.00) per lot, and the subdivision plat shall not be signed by the Chairman of the Planning Commission unless such fee has been paid at the time of application. These fees

shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by an improvement guarantee, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

Upon completion of these improvements, the City Engineer shall certify to the Planning Commission that the improvements meet plans and specifications.

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

- (a) that all required improvements are completed satisfactorily; the statement must be signed by all utilities, departments, etc. that signed the original plat;
- (b) that these improvements are in compliance with the minimum standards specified by the Planning Commission and the City Council for their construction;
- (c) that the applicant knows of no defects from any cause in those improvements;
- (d) and that these improvements are free and clear of any encumbrances or liens.

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

- 7-4-2. Change Orders to Require Approval. The City Engineer and/or Administrative Officer shall endorse all engineering and materials change orders to improvements specified in the final subdivision plat as approved by the Planning Commission. The Administrative Officer shall take appropriate action to ensure compliance with approved plans and

specifications and the developer shall be notified when unauthorized changes to the plans are detected. As provided for in Section 7-3-2, noncompliant improvements will not be accepted and neither the Planning Commission nor the Board of Zoning Adjustment shall be empowered to grant post-installation variances for non-compliant improvements.

Section 7-5. Reduction of Guarantees

In those cases where improvement guarantees have been made under Subsection 7-2-1, 7-2-2, or 7-2-3 of these regulations, the amount of the guarantee may be reduced upon acceptance, in compliance with these regulations, of a portion of the required improvements. An improvement guarantee shall be reduced upon actual acceptance of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall an improvement guarantee be reduced below twenty-five percent (25%) of the principal amount.

Section 7-6. Maintenance of Improvements

The applicant shall be required to file a maintenance bond with the City Council, prior to acceptance, in an amount considered adequate by the City Engineer 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 Guntersville.

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

Where an improvement guarantee has not been given for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the 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 percent (10%) be less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission for the plat have been fully completed and accepted by the City.

Section 7-8. Release of Guarantee

Upon acceptance, in accordance with these regulations of the final portion of improvements, the City shall authorize

the release of the remaining portion of the improvement guarantee.

Section 7-9. Additional Rules for Subdivision Improvement Guarantees

When the Planning Commission is requested to accept an improvement guarantee for improvements expected to cost more than \$10,000.00, then the following rules shall apply.

1. The amount of the guarantee shall be based upon one of the following:
 - a. the sum of the monetary consideration for all signed contracts for improvements into which the developer has entered, provided that contracts for all improvements indicated by the construction plans for said improvements have been executed; or
 - b. where no such contracts have been executed, the sum of the estimates of the costs of all improvements indicated by the construction plans, as estimated by a registered professional civil engineer paid by the City on a consulting basis; or
 - c. where some, but not all such contracts have been executed, by the sum of the monetary consideration for all such contracts plus estimates of the cost of all improvements not yet contracted for, said estimates to comply with all provisions of Section 7-9 (1) (b).
2. All costs of developing construction estimates for improvement guarantees shall be borne by the developer, who shall reimburse the City at its cost for said services. Failure to reimburse the City within 30 days of the Planning Commission meeting at which the Final Plat is approved shall void the Final Plat, and the Chairman shall not sign the Final Plat.
3. For purposes of determining a value for the improvement guarantee, the value of the improvements calculated pursuant to Section 7-9 (1) above shall be reduced by the value of improvements already installed and inspected by the City.
4. All requests by developers to post Subdivision Improvement guarantees shall be made in writing at least thirty (30) calendar days prior to the meeting of the Planning Commission at which the Final Plat relating to said guarantees is to be considered.
5. In addition to the monetary amounts required in Section 7-9 (1), any developer desiring to post an improvement

guarantee shall add to the cost of improvements an administrative expense of ten percent (10%) of the value of the improvements to be guaranteed. This amount shall be included in the improvement guarantee.

6. The improvement guarantee shall be valid for a period not to exceed two (2) years, and provide that the City shall have not less than ninety (90) days after expiration of the instrument of guarantee to make a demand against said guarantee for unfinished or noncompliant improvements.

7. The developer agrees with the City that the city shall hire a State-licensed contractor to complete the work and a registered professional engineer to supervise any construction that is undertaken with proceeds from an improvement guarantee. The administrative fee of ten percent (10%) of the value of the improvements, as required in Section 7-9 (4) above, will be used to pay the professional fees of the individuals hired in this capacity.

8. All improvement guarantees required to be posted to the Planning Commission as a condition of the granting of a Final Plat must be posted and accepted within 30 days after the Planning Commission meeting at which the Final Plat is approved. Failure to meet this deadline shall automatically void the Final Plat.

Section 7-10. Bonding of Sidewalk Improvements

Notwithstanding any of the provisions of Section 7-1 through and including 7-8 herein, any developer may post a separate bond guaranteeing the construction of sidewalks required by the Planning Commission or these regulations. Said bond shall be valid for not less than two (2) years. The developer may specify, by notation on the Final Plat, that individual home builders are required to construct said sidewalks adjacent to their building sites as a condition precedent to issuance of the Certificate of Occupancy, thereto. Twenty-three (23) months after Final Plat is granted, however, the City shall call the sidewalk bond and complete any sidewalks not yet constructed or are in disrepair or are nonconforming to requirements set forth in Article 6-1-3 of the City of Guntersville Subdivision Regulations, returning all unspent funds to the developer. In no event, however, shall the posting of a sidewalk bond in lieu of construction of sidewalks prevent the acceptance of all other improvements, or the issuance of Certificates of Occupancy pursuant to Section 7-7 herein.

Section 7-11. Consumer Protection

- (1) No building permit or Certificate of Occupancy shall be granted or issued if any applicant or his authorized agent shall have violated any

federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts of interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

- (2) With respect to said lot or parcel of land, in the event a building permit or Certificate of Occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a Certificate of Occupancy be prejudiced by any such revocation.

ARTICLE VIII

GENERAL PROVISIONS

Section 8-1. Interpretation

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

Section 8-2. Conflict with Public and Private Provisions

8-2-1. Public Provisions. The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulations, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or 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 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. Severability.

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such 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 of 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 in these regulations.

Section 8-5. Reservations and Appeals

Upon the adoption of these regulations according to law, the Subdivision Regulations of the City of Guntersville, Alabama, adopted September 8, 1987, 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, sub-section, or provision imposed by these subdivision regulations. Prior to adoption of any amendment (or amendments), a public hearing shall be held by the Planning Commission in the manner prescribed by law. Following its adoption, a copy of the amendment shall be certified by the Planning Commission to the Probate Judge of Marshall 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 the 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 street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Planning Commission by the same procedure, rules and regulations as for a subdivision.

8-8-2. Procedure for Subdivisions Where Future Resubdivision is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller 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 a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- (B) Such an instrument shall be 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 the 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 the 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 Administrative Officer to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.
- (B) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of such subdivision has been approved by the Planning Commission, in accordance with the provisions of these regulations, and filed with the Probate Judge of Marshall 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 requirements contained in these regulations.
- (D) No building permit shall be issued for the construction of any building or structure located on a lot or plat 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 Marshall County, shall forfeit and pay a penalty of one hundred dollars (\$100.00) 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 action for injunction brought in any court of equity 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 that:

- (A) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (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.
- (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 are carried out;
- (D) The variances will not in any manner vary the provisions of the Zoning Ordinance, Strategic Growth 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 judgment, 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 (2) 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 shall then apply. A two-hundred dollar (\$200.00) 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 adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed non-residential street layout, lots 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 extend to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to arterials, major thoroughfares, or collector streets so designated on the City of Guntersville Land Use Plan in such 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 subdivision, 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 City Engineer within the non-residential subdivision.
- (6) Every effort shall be made to protect adjacent residential areas from potential nuisance from the non-residential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

Section 9-5. Experimental Subdivisions

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

- A. The use of unusual materials in constructing required improvements.
- B. A new or untried design concept in the Guntersville 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 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 (2) or more buildings together with the necessary drives and ways of access and which is not subdivided into the customary lots, blocks, and streets may be approved by the Planning Commission if in the opinion of the Commission any departure from the foregoing regulations can be made without destroying the intent of the regulations. Plans for all such developments shall be submitted to and approved by the Planning Commission whether or not such plat is to be recorded and no building permits shall be issued until such approval has been given.

ARTICLE X

EFFECTIVE DATE

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

ADOPTED THIS THE 8 DAY OF SEPTEMBER, 1998.

PLANNING COMMISSION FOR THE CITY
OF GUNTERSVILLE, ALABAMA

BY: MIKE REAVES
Chairman

APPENDIX I

SAMPLE CERTIFICATES

Example of (a)

STATE OF ALABAMA)
)
COUNTY OF MARSHALL)

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED

I, (name of surveyor), a registered Surveyor of Guntersville, Alabama, hereby certify that I have surveyed the property of the (name of company of proprietor), a (corporation or proprietor), situated in the City of Guntersville, Marshall County, Alabama and described as follows:

(Insert Legal Description)

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

WITNESS my hand this the ____ day of _____, 19____,

(Name of Surveyor)

Registration # _____

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 Guntersville, Marshall 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
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_____ 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)

COUNTY OF MARSHALL)

STATE OF ALABAMA

ACKNOWLEDGEMENT

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

GIVEN under my hand and official seal this ____ day of
_____, 19____ .

Notary Public

Example of (c-2)

STATE OF ALABAMA)
)
COUNTY OF MARSHALL)

ACKNOWLEDGEMENT

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

GIVEN under my hand and official seal this ____ day of
_____, 19____.

Notary Public

Example of (d)

CERTIFICATE OF APPROVAL BY THE GUNTERSVILLE ELECTRIC BOARD

The undersigned as authorized by the Guntersville Electric Board of the City of Guntersville, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Marshall County, Alabama, this ____ day of _____, 19____.

Guntersville Electric Board
City of Guntersville, Alabama

Example of (e)

CERTIFICATE OF APPROVAL BY THE WATER AND SEWER BOARD

The undersigned, as authorized by the Water and Sewer Board of the City of Guntersville, Alabama, hereby approved the within plat for the recording of the same in the Probate Office of Marshall County, Alabama, this the _____ day of _____, 19____.

Water and Sewer Board
City of Guntersville, Alabama

Example of (f)

CERTIFICATE OF APPROVAL BY THE MARSHALL COUNTY GAS DISTRICT

The undersigned, as authorized by the Marshall County Gas District, hereby approved the within plat for the recording of same in the Probate Office of Marshall County, Alabama, this the ____ day of _____, 19____.

Marshall County Gas District

Example of (g)

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

The undersigned, as City Engineer of the City of
Guntersville, Alabama, hereby approved the within plat for
the recording of same in the Probate Office of Marshall
County, Alabama, this the _____ day of _____, 19____.

City Engineer
City of Guntersville, Alabama

Example of (h)

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

The within plat of (Subdivision Name), Marshall County, Alabama, is hereby approved by the Planning Commission of the City of Guntersville, Alabama, this the ____ day of _____, 19____.

Planning Commission for the
City of Guntersville, Alabama

Chairman

Example of (i)

**CERTIFICATE OF APPROVAL BY THE MARSHALL COUNTY HEALTH
DEPARTMENT**

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

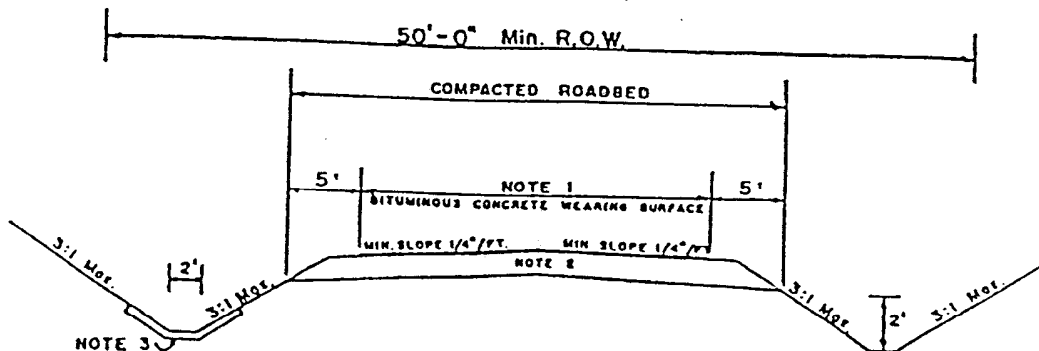
Health Officer
Marshall County, Alabama

CERTIFICATE OF APPROVAL OF ADMINISTRATIVE OFFICER

The undersigned, as Administrative Officer for the City of Guntersville, hereby certifies that the property and the certified plat has been inspected and reviewed and that it is found to be compliant with zoning restrictions and Subdivision Regulations, this the ____ day of _____, 19____.

Administrative Officer
City of Guntersville, Alabama

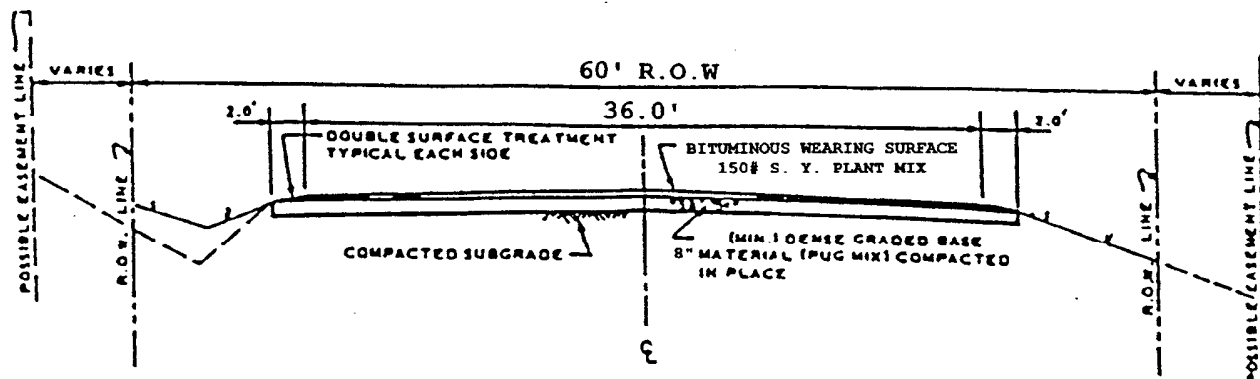
APPENDIX II STREET SECTIONS



TYPICAL SECTION FOR RESIDENTIAL STREETS

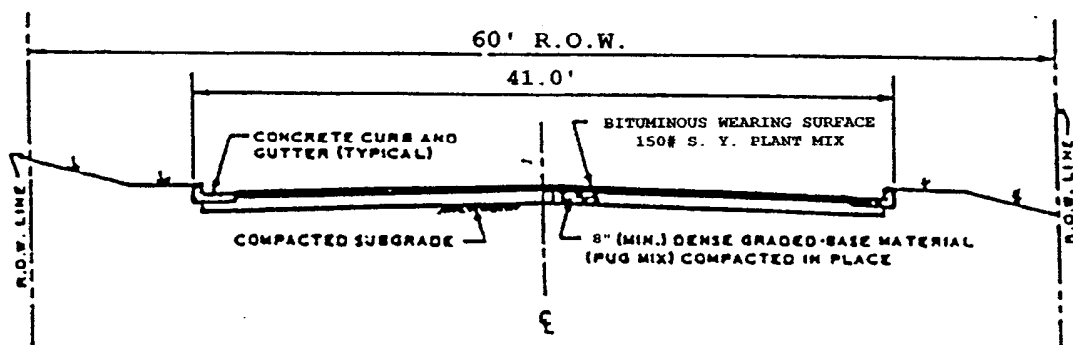
GENERAL NOTES

1. Bituminous Concrete Wearing Surface (Ref. AHD 416) should be varied by street type:
Residential - 26 ft. width - 120 lbs/sy
Collector - 36 ft width - 150 lbs/sy
2. Crushed Aggregate Base Course (Ref. AHD 301 & 825) thickness should be varied by street type:
Residential - 6" compacted thickness
Collector - 8" compacted thickness - in two (2) 4" layers
3. A plain concrete ditch liner of 6" thickness is required for ditch grades less than 1%. A reinforced (6x6-6/6WWM) concrete ditch liner is required for grades of 5% or more.
4. Construction materials, equipment and procedures shall be in general accord with Alabama State Highway Department Specifications for Highways and Bridges, latest edition.
5. The roadway shall be cleared and grubbed, stripped and unsuitable material excavated to the satisfaction of the Engineer prior to placing and compaction embankments.
6. Subgrade shall be compacted to not less than 100% proctor density as established by AASHTO T-99. Embankment shall be placed in layers not to exceed six inches compacted thickness and compacted to not less than 95% proctor density.
7. Base Course shall be Crushed Aggregate, placed in 2 layers; each layer shall be compacted to not less than 100% proctor density as established by AASHTO T-180, Method C Specifications, or 85% solid volume, whichever provides the greater density.
8. Subgrade, embankment, and base course material shall be placed at optimum moisture, not to exceed 2% deviation.
9. The Owner, or the Owner's Engineer shall furnish composite records of tests and inspection to the City Engineer prior to application for final inspection. The tests and inspections shall be performed by an accepted testing laboratory. Density tests for earthwork and base material shall be performed on each layer or lift for each 1,200 square yards surface area. Three concrete test cylinders shall be tested for each day's pour, or each 50 C.Y. or increment thereof, whichever is the greater requirements.
10. Concrete shall be Class A 5% air entrainment with a minimum Compressive Strength of 3,000 P.S.I. in 28 day
11. Seeding for season as required by ALDOT Section 652 is required to be established on all areas disturbed during construction.

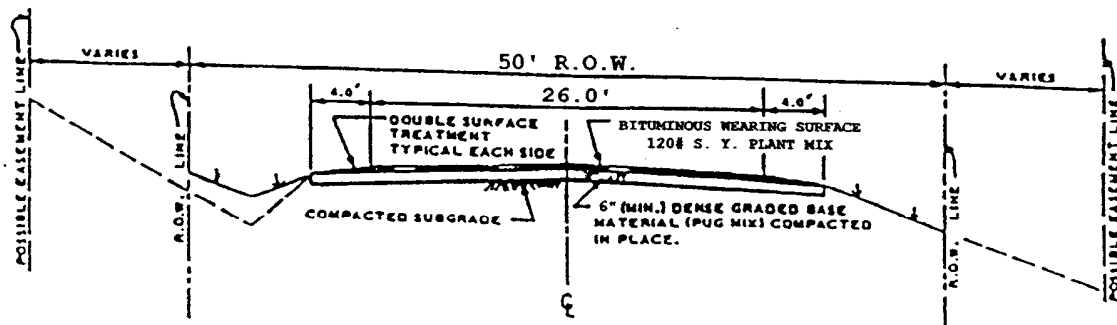


NOTE: ADDITIONAL EASEMENTS MAY BE REQUIRED FOR DRAINAGE AND UTILITIES DEPENDING ON THE TOPOGRAPHY, CROSS SECTIONS OR PROFILE OF THE STREET.

COLLECTOR STREET WITHOUT CURB AND GUTTER

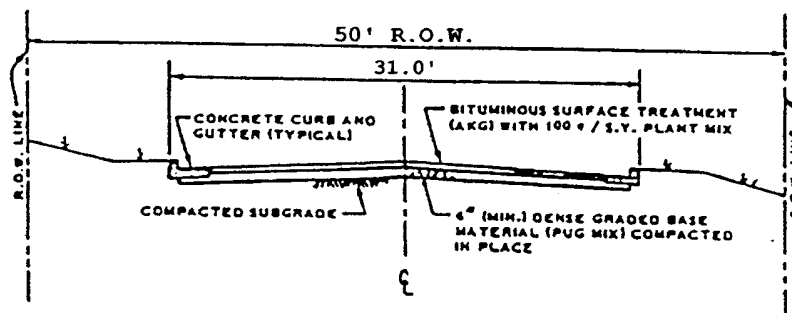


COLLECTOR STREET WITH CURB AND GUTTER

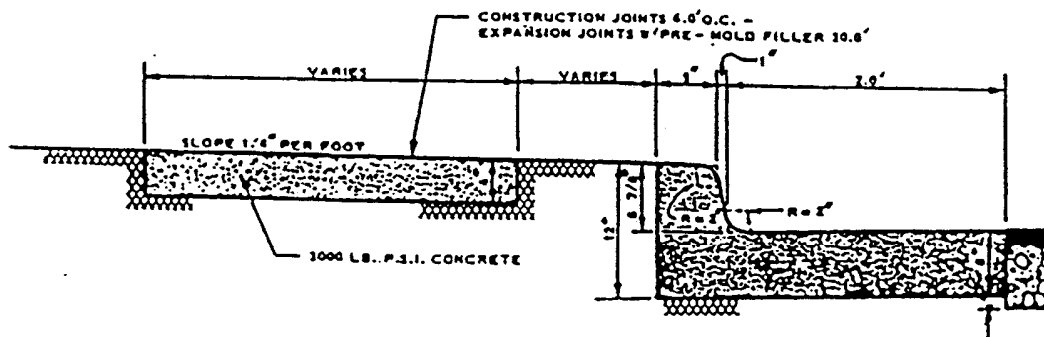


NOTE: ADDITIONAL EASEMENTS MAY BE REQUIRED FOR DRAINAGE AND UTILITIES
DEPENDING ON THE TOPOGRAPHY, CROSS SECTIONS OR PROFILE OF THE STREET

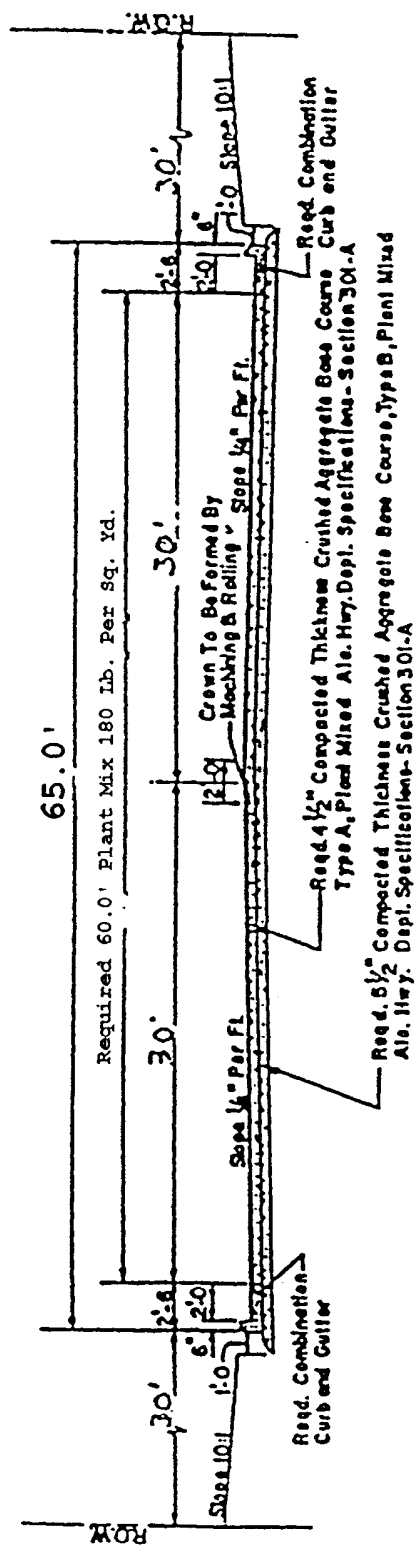
MINOR STREET WITHOUT CURB AND GUTTER



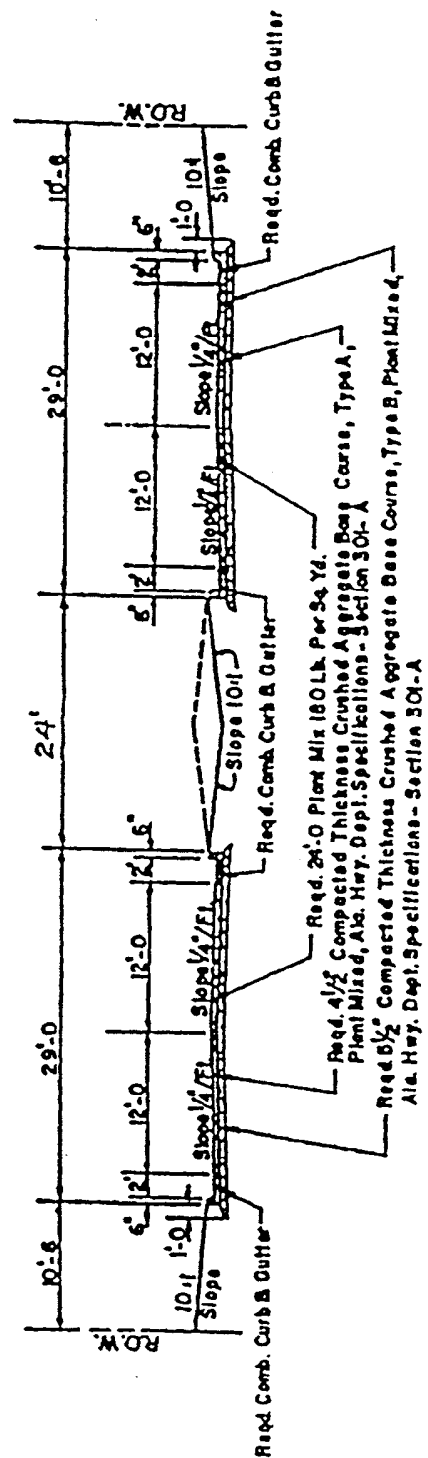
MINOR STREET WITH CURB AND GUTTER



NON-MOUNTABLE CURB AND GUTTER WITH SIDEWALK



TYPICAL SECTION FOR FOUR LANE ARTERIAL STREETS - NO MEDIAN - 120' R.O.W.



TYPICAL SECTION FOR FOUR LANE ARTERIAL STREETS- GRASSSED MEDIAN- 120' R.O.W

APPENDIX III

SUBDIVISION RECORD PRELIMINARY PLAT CHECKLIST

Name of Subdivision _____
Location _____
Owner _____
Address _____
Telephone _____
Agent _____
Address _____
Telephone _____
Surveyor _____
Address _____
Telephone _____
Date submitted for preliminary approval _____

CHECKLIST

- _____ Deed book and page of record of the legal owner.
- _____ Date, north point, scale.
- _____ Caption - location by quarter section, township, range, city, county, state.
- _____ Acreage subdivided.
- _____ Vicinity map.
- _____ Exact length and bearing of the exterior boundaries of the tract.
- _____ Location of existing physical features on the property and adjoining properties.
- _____ Names of adjacent subdivisions.
- _____ Names and addresses of record owners of adjoining land.

- ____ Names, locations, width, dimensions of proposed streets, alleys, easements, parks, rights-of-way and other open spaces, reservations, lot lines and building lines.
- ____ Dimensions and area in acres of all proposed lots and bearings of respective sides.
- ____ Lot and block numbers; smallest lot size, total number of lots.
- ____ Profiles of streets where required; linear feet in streets.
- ____ ADEM permit applied for if greater than 5 acres.
- ____ Contours where required.
- ____ Zoning classifications.
- ____ Construction plans of proposed utility layouts, sewer, water and electricity.
- ____ Sponsor transmits construction plans to Water, Electric, Sanitary and Health Departments for review and approval.
- ____ Conforms to general requirements and minimum standards of design.
- ____ One copy of preliminary plat retained by Planning Commission.

Approved _____ (date) for construction, subject to following modifications: _____

Variances granted: _____

Disapproved: _____ (date) for following reasons: _____

Signed: _____
Secretary of Planning Commission

**SUBDIVISION RECORD
FINAL PLAT APPROVAL
CHECKLIST**

Name of Subdivision _____
Location _____
Zoning District _____
Owner _____
Address _____
Telephone _____
Preliminary approval granted _____ (date)
Submitted for final approval _____ (date)

CHECKLIST

- _____ Plat submitted in triplicate, original and two prints.
- _____ Plat submitted within one year of preliminary approval.
- _____ Scale not less than 1" = 100' and on sheets 24" by 36".
- _____ Primary control points and "ties" to same.
- _____ Tract boundary lines and vicinity map.
- _____ Right-of-way lines of streets, easements and other rights-of-way.
- _____ Bearings of property lines and engineering data to locate all lines including radii, angles, arcs, central angles of all curves.
- _____ Name and right-of-way width of each street or other right-of-way.
- _____ Location, dimensions and purposes of any easements.
- _____ Number identify each lot or site and block numbers.
- _____ Purpose for which sites other than residential lots are dedicated or reserved.
- _____ Minimum and maximum building setback on all lots and other sites.
- _____ Location and description of monuments.

- ____ Names of record owners of adjoining unplatted land.
- ____ Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- ____ Certification by surveyor as to accuracy of survey and plat.
- ____ Certification of title showing that applicant is the land owner.
- ____ Statement by owner dedication streets, easements or rights-of way and any sites for public use.
- ____ Title, scale, north point and date.
- ____ Certificate for approval by the Planning Commission.
- ____ Certificate for recording by the Probate Judge.
- ____ Certificates of approval by: Electric, Water, Sewer, Gas Departments.
- ____ Any restrictions and/or special notations as may be required by other sections of these regulations.