

SUBDIVISION REGULATIONS

RAINSVILLE, ALABAMA



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Related Documents:

City of Rainsville Comprehensive Plan, 2016

City of Rainsville Land Use Strategy Map 2016

City of Rainsville Zoning Ordinance, 2018

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

TOP OF ALABAMA REGIONAL COUNCIL OF GOVERNMENTS
5075 Research Drive, NW
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Abstract: These regulations establish procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof; defining certain terms used herein; providing for the method of administration and amendment; requiring the installation of certain improvements; providing penalties for violation; allowing for conflicting ordinances; and for other purposes.

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Section 1.1. Title.

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

Section 1.2 Purpose.

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

Section 1.3 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 authority granted to the City by the Code of Alabama.
- (b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, water, sewerage disposal and streets.
- (c) The existing and proposed public improvements shall conform to and be properly related to the adopted proposals and policies in the Comprehensive Plan of the City of Rainsville, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, Zoning Ordinance, Comprehensive Plan of the City of Rainsville.
- (d) Approval of a subdivision plat shall be considered an amendment to the City of Rainsville's Comprehensive Plan and as such shall be approved, by no less than six (6) members of the Planning Commission.

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Section 2.1 Authority.

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

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 Rainsville.
- (b) Any owner of land, which lies within the area of jurisdiction, who wishes to divide or re-subdivide 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 DeKalb County Probate Judge.
- (e) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

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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 Article. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations."

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

Section 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 re-presentative. Consent shall be required from the legal owner of the premises.

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

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

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

City - the City of Rainsville, Alabama, together with its subdivision jurisdiction.

City Clerk - the duly designated Clerk of the City of Rainsville, Alabama.

City Council - the City Council of the City of Rainsville, Alabama.

City Engineer - the duly designated Engineer of the City of Rainsville, Alabama.

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

Collector Street - see Street, Collector.

Comprehensive Plan - the Comprehensive Plan for development of the 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.

Corner Lot - a lot which occupies the interior angle at the inter-section of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case, the owner shall be required to specify which the front is.

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

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

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

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

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

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

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

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

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

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

Floodway - the natural channel and the portion of the flood plain along the channel which must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights up-stream. 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 Insurance Administration (FIA) or Flood Boundary and Floodway Map of the City of Rainsville. 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.

Immediate Family - For the purposes of these subdivision regulations, the following definition shall apply: Immediate Family Member shall mean spouse, son, daughter, mother, father, grandparent, grandchildren, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law and daughter-in-law.

Land Subject to Flood - for the purposes of these regulations, land subject to flood shall be considered all land located within the geographic area subject to flooding on the Flood Boundary and Floodway Map of the City of Rainsville.

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

Governing Body - the Mayor and the City Council of the City of Rainsville, 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 hard-ship exists only when it is not self-created.

Health Department - DeKalb County Health Department.

High Density - those single family residential zoning districts in which the density is between 5,000 square feet and 10,000 square feet per dwelling unit, including multi-family residential zones.

Improvement Guarantee - any form of security including a cash deposit, surety, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council. All bonds shall be approved by the City Council 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 single family residential zoning districts in which the lot size is equal to or greater than one dwelling unit per 15,000 square feet lot.

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

Medium Density - those single family residential zoning districts in which the density is between 10,000 and 15,000 square feet per lot.

Minor Subdivision - any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or

the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Zoning Ordinance or these regulations.

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

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

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

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

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

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

Planning Commission - shall mean the Planning Commission of the City of Rainsville, Alabama.

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

Probate Judge - shall mean the Judge of Probate of DeKalb County, Alabama.

Public Hearing Officer - For the purposes of these subdivision regulations, the following definitions shall apply: the Public Hearing Officer shall be the Administrative Officer of the Rainsville Planning Commission or his duly authorized representative. The Public Hearing Officer shall be authorized by the Rainsville Planning Commission to approve conveyances of land among immediate family members when all the provisions of these regulations are met and when the applicant requests that the approval procedure be conducted by the Public Hearing Officer.

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

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

Restrictive Covenants – A written agreement imposed in a deed by the seller upon the buyer of land, to do, or refrain from doing, certain things. Such restrictive covenant is recorded in the public record, runs with the land, and is binding upon the property owners, his successor and assignees.

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 - a walkway constructed for use by pedestrians.

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

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

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

- (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.

- (e) **Marginal Access Streets** – a service road, either residential or nonresidential that runs parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through traffic.
- (f) **Cul-de-sac**– a Cul-de-sac, is a street or passage closed at one end. It is also called a Dead end street that is a typically paved of circular movement both in and out.
- (g) **Loop** – a circular or semi-circular road designed around landscaped green space or a rain garden, with outlets that begin and end on the same road. The green space shall not count the open space requirement for a conservation subdivision. A one-way loop street can be used as an alternative to the Cul-de-sac.

Structure – anything constructed or erected that requires rigid and permanent location on or attachment to the ground; including, but not limited to, buildings, signs, towers, monuments, statue, and walls; but not including telephone and other utility poles, overhead wires, retaining walls and terrace walls, wire fences, and any other thing less than three feet in height.

Subdivider - any person who:

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

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

Subdivision Jurisdiction - the territorial jurisdiction of the City of Rainsville Planning Commission over the subdivision of land including all land located in the corporate limits.

Subdivision, Major - see Major Subdivision.

Subdivision, Minor - see Minor Subdivision.

Thoroughfare Plan - the Thoroughfare Plan, prepared as an element of the Land Use Plan.

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

Zoning Ordinance - the official Zoning Ordinance of the City of Rainsville, Alabama.

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

From and after the date of filing a copy of these regulations with the Probate Judge, no subdivision plat of land within the platting jurisdiction, as defined in Article 3, shall be filed or recorded until it shall have been submitted to and approved by the Planning Commission of the City of Rainsville, and such approval entered in writing on the plat by the Planning Commission Chairman. The Probate Judge, upon receipt of a copy of these regulations, shall not thereafter file or record a plat of a subdivision of land located within the platting jurisdiction, as defined herein, without the approval of such plat as required herein. No street 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 an administrative agent or department of the City of Rainsville for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in these regulations have been complied with and the same has been approved by the Planning Commission.

Section 4-2. Approval Not Acceptance.

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

Section 4-3. General Procedure.

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

1. Minor Subdivision
 - (a) Sketch Plat (optional)
 - (b) Final Subdivision Plat

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

4-3-2 Official Submission Dates. For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the Planning Commission at which the public hearing on plat approval, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

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

4-4-3 Sketch Plat Requirements. A Sketch Plat, if submitted, shall be drawn at an approximate scale of one (1) inch to two hundred (200) feet and shall show the tentative street layout, approximate rights-of-way widths, lot arrangements, the location of the nearest water and sewer lines (if any), water courses, existing

structures, total acres, approximate number of lots, adjoining streets, north point, tract boundary, and proposed use of land.

4-4-4 Classification. Tentative classification of the Sketch Plat shall be made at the time of review at the regularly scheduled meeting of the Planning Commission as to whether the subdivision is a major or minor subdivision as defined in Article 3 of these regulations. Subsequent to the approval by the Planning Commission, the applicant may proceed directly to the filing of an application for approval of a Final Plat, as provided in these regulations, if classified as a minor subdivision; and if classified as a major subdivision, the applicant must first file an application for approval of a Preliminary Plat, as provided in these regulations before filing for final plat approval.

4-4-5 Concurrence of Sketch Plat. After reviewing and discussing the Sketch Plat, the Planning Commission will advise the applicant of the specific changes or additions, if any, it will require in the layout and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the subdivision plat. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. Said approval shall constitute authorization to prepare and submit a Preliminary Plat in the case of a major subdivision and a Final Plat in the case of a minor subdivision.

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 two hundred dollars (\$200.00) to cover the cost of advertising and administration; and;
3. Be accompanied by at least three (3) sets of black or blue line prints of the proposed subdivision prepared in accordance with the requirements of the subdivision regulations; and;
4. Be submitted to the Planning Commission Secretary or City Clerk at least fifteen (15) days prior to a regularly scheduled meeting.

4-5-2 Public Hearing. The Planning Commission shall hold a public hearing on

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

4-5-3 Preliminary Approval. After the Planning Commission has reviewed the Preliminary Plat and construction plans, and 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 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 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 and Subdivision Regulations rendering the plat non-conforming, 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 of such size as is acceptable for filing in the Office of the Probate Judge, but shall not exceed twenty-four by thirty-six (24 x 36) inches. The Preliminary Plat shall show the following:

1. Name of owner of record.
2. Proposed name of subdivision, date, north point, scale, and location.
3. Name and seal of registered land surveyor.
4. Name of licensed Home Builder Contractor hired by the Developer, along with current certification. If the Developer is a licensed Contractor and will be performing all requirements necessary as set forth by these regulations, a current license and certification must be presented. If at any time during construction of the development or improvements required by these regulations, the Contractor is replaced, the new Contractor must present a current license and certification before any work is initialized.
5. Vicinity map showing location of the subdivision.
6. Exact boundaries of the tract of land being subdivided, shown with bearings and distances.
7. Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, as their names appear on the plats in the County tax assessor's office and their addresses appear on the tax records of DeKalb County.
8. Wooded areas, marshes, and any other conditions affecting the site.
9. The location of existing streets, buildings, water courses, railroads, transmission lines, sewers, culverts and drainpipes, water mains, jurisdiction lines, and any public utility easements on and adjacent to the tract being subdivided.
10. Proposed streets and alleys, rights-of-way, and street names.

11. Proposed easements, including location, widths and purposes.
12. Proposed lot lines with bearings and distances and lot and block numbers.
13. Proposed minimum building setback lines.
14. Proposed parks, school sites, or other public open spaces, if any.
15. Zoning classifications, both on the land to be subdivided and any adjoining lands.

Site data:

- (a) Acreage in total tract.
- (b) Smallest lot size.
- (c) Total number of lots.
- (d) Linear feet in streets.

4-5-8 Construction Plans. At the time of submission of the Preliminary Plat, the applicant shall also submit Construction Plans for all required improvements. All plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction plans shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Preliminary Plat. Construction plans shall be prepared by a Registered Engineer. The following construction plans shall be included:

1. Street plan containing the following information:
 - (a) Location of all proposed and existing streets or rights-of-way in or adjacent to the subdivision.
 - (b) Width of existing and proposed rights-of-way and easements.
 - (c) Street names.
 - (d) Plan and profile of all streets, showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals ten (10) feet vertical.
 - (e) Cross sections of proposed streets at a minimum of one hundred (100) feet stations.
 - (f) Curve data for the centerline of each street: Delta, Tangent, and Radius.
 - (g) Location of sidewalks and crosswalks (if any).
2. Storm Drainage Plan containing the following information:
 - (a) Location of proposed drainage ways, streams, and ponds in the

- subdivision.
- (b) Topography at two (2) foot contour intervals.
 - (c) Location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets, and top elevations of head walls, etc., showing details on Drainage Plan, including conduit schedule.
 - (d) Construction details of typical manholes, connections, and other drainage structures proposed.
 - (e) Area of land contributing runoff to each drainage structure along with run-off calculations of each area and drainage calculations for each drainage structure and drainage ditch.
 - (f) Location of easements and rights-of-way for drainage ways, and maintenance access thereof.
 - (g) Typical cross sections of each drainage way.
 - (h) Direction of water flow throughout the subdivision and compatibility with existing city or natural drainage.
3. Sanitary Sewer Plan containing the following information:
- (a) Location and size of all existing and proposed sewers in the subdivision and tie points of the subdivision. Location of sewer laterals.
 - (b) Direction of flow of each sewer line.
 - (c) Location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds, and treatment plants, if any.
 - (d) Construction details of typical manholes, connections, and other sewage structures proposed.
 - (e) Plan and profile of sewage system.
4. Water Distribution Plan containing the following information:
- (a) Location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.
 - (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 Rainsville and the applicable Water Board or Water System. A fire hydrant shall be located no further than 1,000 LF from the center of each lot. All fire hydrants shall be placed on a water

line at least six (6) inches in diameter. Water mains shall be looped along all roads in subdivisions where possible. Dead end water lines are permitted only along dead-end roads. Dead end water lines that do not support a fire hydrant shall be at least three (3) inches in diameter and shall be provided with a flushing capability at the end as approved by the applicable Water Board or Water System. In addition, the Water Board or Water System shall approve the placement of all gate valves, air release valves, meters and any other appurtenances they may require.

5. Electric Distribution Plan containing the following information:
 - (a) Location of all poles or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision.
6. Letter of approval from the appropriate municipal, county, or state department or agency concerned with the approval of 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 Section 4-1 of the regulations, 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 as defined herein, nor shall any permit be issued by an administrative agent or department of the City for the construction of any building or other improvement requiring a permit upon any land concerning which a plat is required to be approved unless and until the Final Plat has been approved by the Planning Commission of the City of Rainsville, Alabama.

4-6-1 Application Procedure and Requirements. Following the approval of the

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

1. Be made on forms available at the Office of the Administrative Officer.
2. Be accompanied by the original tracing, and three (3) black or blue line prints of the plat.
3. Comply in all respects with the Preliminary Plat, as approved, except for minor modifications not altering the design of the subdivision.

4. Be presented to the Secretary of the Planning Commission or City Clerk at least fifteen (15) calendar days prior to a regularly scheduled meeting.
5. Be submitted within one (1) year of the date of Preliminary Plat approval.
6. Be accompanied by an Improvement Guarantee, if required, in a form satisfactory to the City Attorney and in an amount established by the Planning Commission upon recommendation of the City Engineer.

4-6-2 Public Hearing. The Planning Commission may hold a public hearing on the Final Plat. Notice of such public hearing shall be sent to all adjoining landowners by registered mail as their names appear upon the plats in the DeKalb County Tax Assessor's Office. Such notice shall be sent at least five (5) days prior to the date of the public hearing. Any plat submitted to the Planning Commission shall contain the names and addresses of all persons to whom notices of a public hearing shall be sent.

4-6-3 Vested Rights. No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission. All requirements, conditions, or regulations adopted by the Planning Commission applicable to the subdivision or on all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission. Where the Planning Commission has required the installation of improvements prior to signing of the Final Plat, the Planning Commission shall not modify the conditions set forth in final approval.

4-6-4 Signing and Recording of Final Plat.

1. Signing of Plat:

- (a) When an Improvement Guarantee is required, the Chairman of the Planning Commission shall endorse approval on the plat after the guarantee has been approved by the City of Rainsville and all the conditions of the regulations 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 Rainsville 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 shall sign the original-tracing. The original tracing will be returned to the applicant's engineer.
- (b) It shall be the responsibility of the applicant to file the plat with the Office of the Probate Judge within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the applicant shall submit to the Administrative Officer a reproducible and three (3) copies of the recorded plat.

4-6-5 Final Plat Requirements. The Final Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The Final Plat, as submitted for approval, shall be prepared in ink on linen or a suitable permanent Mylar reproducible. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge, but shall not exceed twenty-four by thirty-six (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 of DeKalb County. The "point of beginning" as referred to in the written description shall be so indicated.
3. Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, block line, and minimum building set-back line, whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arcs and chords.
4. The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name.
5. The exact position of the permanent monuments shall be indicated on the plat by a small circle "o".
6. Streets and alleys, rights-of-way, and street names.
7. Rights-of-way or easements, including location, widths, and purposes.

8. If any portion of the land being subdivided is subject to flooding, as depicted on the Flood Boundary and Floodway Map for the City of Rainsville, the limits of such land shall be shown.
9. Lot lines and lot and block numbers.
10. Minimum building setback lines. In the instance of double frontage lots, the direction the building fronts shall be clearly indicated.
11. The following endorsements, dedications, and certificates shall be placed on the Final Plat, If the utility is providing service to the subdivision (see Appendix 1 for sample certificates):
 - (a) Registered Surveyor's Certificate and Description of Land Platted.
 - (b) Dedication.
 - (c) A notary's Acknowledgement of the Dedication Certificates referred to in "b".
 - (d) A Certificate of Approval by the Sand Mountain Electric Cooperative.
 - (e) A Certificate of Approval by the Section-Dutton Water Board, or Northeast Alabama Water District for those areas of Rainsville served by those providers .
 - (f) A certificate of approval by DeKalb-Cherokee Gas District
 - (g) A certificate of approval by Farmers Telecommunications Cooperative (a.k.a. Farmerstel/FTC
 - (h) A Certificate of Approval by the Rainsville sanitation and Sewer Board.
 - (i) A Certificate of Approval by the City Engineer of the City of Rainsville.
 - (j) A Certificate of Approval by the Planning Commission of the City of Rainsville.
 - (k) A Certificate of Approval by the DeKalb County Health Department (if septic tanks and/or wells are necessary).
 - (l) A Certificate of Approval by the Fire Chief of the City of Rainsville.

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. Land Conveyance Among Immediate Family Members.

4-7-1 Purpose: The Land Conveyance Among Immediate Family Members is an alternate and abbreviated subdivision process that provides reasonable provisions permitting a single division of a lot or parcel for the sale or gift to a member of the immediate family of the property owner, including the family member's spouse, subject only to any express requirement contained in the Code of Alabama.

4-7-2 Definitions. For the purposes of this article, the following definitions shall apply:

Immediate Family Member shall mean spouse, son, daughter, mother, father, grandparent, grandchildren, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law and daughter-in-law.

Public Hearing Officer shall be the Administrative Officer of the Rainsville Planning Commission or his duly authorized representative. The Public Hearing Officer is authorized by the Rainsville Planning Commission to approve conveyances of land among immediate family members when all the provisions of these regulations are met and when the applicant requests that the approval procedure be conducted by the Public Hearing Officer.

4-7-3 General Requirements.

- (1) The Public Hearing Officer may grant applicable conveyances of land among immediate family members, but is not mandated to do so.
- (2) Each lot must have frontage on a public paved street or road and conform to all applicable zoning standards for the district in which they are located.
- (3) The following documents must be presented to the Public Hearing Officer in order to qualify for consideration as land conveyance among immediate family members.
 - A. A notarized statement certifying to the family relationship of the parties involved in the land conveyance.
 - B. A survey of the subject property indicating the boundary of the entire parcel and the lots to be transferred to other family members certified by

a land surveyor licensed to practice in the State of Alabama and licensed with the City of Rainsville.

C. A copy of a recorded deed for all necessary rights-of-way and easements as required by the City Engineer.

(4) A public hearing on family land conveyance shall be held prior to approval of said land conveyance. If the proposed family land conveyance meets all of the provisions of these regulations, the applicant may request that the required public hearing be held by the Public Hearing Officer; otherwise the Planning Commission shall hold a public hearing prior to granting approval. In either case, the owners of land immediately adjoining the surveyed land shall be notified by registered mail at least five (5) days in advance of the public hearing as to the time and place of such public hearing.

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 Rainsville Zoning Ordinance, building and housing codes, and all other applicable laws of the appropriate jurisdiction.
- (c) The Land Use Plan of the City of Rainsville including the Transportation Plan.
- (d) The special requirements and rules of the DeKalb County Health Department and/or appropriate state agencies.
- (e) The rules and standards of the Alabama Department of Transportation (ALDOT) if the subdivision or any lot contained therein abuts a state highway.
- (f) The standards and regulations adopted by all boards, commissions, agencies, and officials of the City of Rainsville.
- (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 of these regulations.

Section 5-2. General Requirements.

5-2-1 Plats Straddling Municipal Boundaries. Whenever access to the sub-division 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 an amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

5-2-2 Character of Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse soil formations or topography, utility easements, or other features which will reasonably be harmful to the safety,

health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Planning Commission, upon recommendation of the 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.

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

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

5-2-5 Waterbodies and Watercourses. If a tract being subdivided contains a waterbody, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the waterbody 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 waterbody 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 of 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.

In order to be accepted by the City of Rainsville for maintenance, all subdivision streets and roads and adjoining driveways must meet the following requirements and specifications:

5-3-1 Continuation of Adjoining Street System. Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the Planning Commission for reasons of topography or design. However, the creation of street intersections of three or more streets converging together shall not be permitted.

5-3-2 Access to Adjacent Properties. Land abutting a proposed subdivision shall not be left landlocked 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 Solar Access. Wherever practical, streets shall be oriented east to west to facilitate utilization of sunlight and the protection of access to sunlight in the future.

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; however, in certain instances, private streets may be approved by the Planning Commission provided they are constructed in accordance with these regulations.

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 a proposed street duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix, street, avenue, boulevard, drive, place, court, etc. 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 street unless such street is:

1. An existing state or county highway; or
2. A Street shown upon a plat approved by the Planning Commission and recorded in the DeKalb County Office of the Probate Judge. Such street or highway must be suitably improved as required by the rules, regulations, specifications, or orders, of the City of Rainsville or be secured by an Improvement Guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations.

5-3-10 Road and Driveway Specifications. In order to be accepted by the City of Rainsville for maintenance, all subdivision streets and roads and adjoining driveways must meet the following requirements and specifications.

Roads shall be graded and improved, and conform to 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.

(a) **Dwelling Density:** All such streets and roads must have a minimum of two (2) permanent dwellings located adjacent to the subdivision street or road.

(b) **Right-of-Way:** A minimum right-of-way width of sixty feet (60') must be dedicated to the City of Rainsville. Upon the acceptance by the City of Rainsville of such road or street, the developer or other petitioner for acceptance will be required to furnish, at his or her own expense, a copy of the recorded deed or subdivision plat showing the

proper right-of-way dedication. All cul-de-sacs shall be designed with a minimum right-of-way radius of sixty (60) feet and a minimum transition radius of twenty-five (25) feet. The pavement within the cul-de-sac shall have a radius of fifty (50) feet.

(c) Grading: Only suitable material shall be used in the construction of embankments. No brush, roots, stumps, heavy vegetation or other unsuitable materials shall be placed in embankments. All unsuitable materials shall be disposed of and the entire right-of-way brought to a suitable and pleasing appearance to the eye.

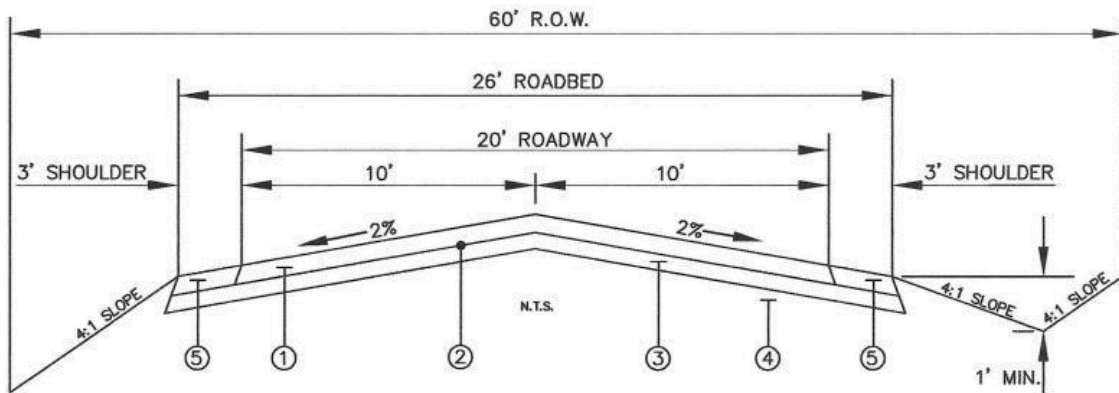
Embankments shall be constructed in uniform layers of not more than eight (8) inches depth loose measurements and shall be compacted to a minimum of ninety-five percent (95%) of the theoretical maximum density and within plus or minus two (2) percent of the optimum moisture content in accordance with the specifications of ASTM D-698. The theoretical maximum density is the density obtained from laboratory test (standard proctor). Test results shall be provided to the City, prior to the placement of the next corresponding layer. Appropriate equipment will be required to keep each layer of embankment properly shaped and compacted with proper moisture content.

Cut sections will be graded to a depth free of stumps, roots, and unsuitable soil before placing the road or street base. The roadbed and embankments shall be constructed in keeping with the Typical Section drawing attached hereto as Exhibit "A" and specifically as follows:

Subgrade width:	26 feet minimum
Depth of ditch: from finished shoulder grade:	1.0 foot minimum
Slopes of cuts, fills, and back slopes:	4:1 ratio minimum
Paved surface width:	20 feet minimum
Slope of paved surface from center:	2% grade

Exhibit "A": See next page.

TYPICAL SECTION
TO BE USED ON ALL NEW
RESIDENTIAL STREETS
CITY OF RAINSVILLE, ALABAMA



- ① REQUIRED MINIMUM 2" COMPACTED THICKNESS (220 LBS/SY) OF HOT MIX ASPHALT WEARING SURFACE LAYER (20 FT. WIDE)
- ② REQUIRED MINIMUM PRIME COAT APPLIED IN ACCORDANCE WITH SECTION 401 OF THE CURRENT EDITION OF THE ALDOT STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION (21 FT. WIDE)(0.22 TO 0.25 GALLONS/SY)
- ③ REQUIRED BASE COURSE – 6" OF CHERT OR 5" OF CRUSHED AGGREGATE (26.0' WIDE) ●
- ④ REQUIRED COMPACTED SUBGRADE ●
- ⑤ REQUIRED TOPSOIL (SHALL BE SEEDED & MULCHED)

GENERAL NOTES:

- 1.) HDPE OR CONCRETE PIPE MAY BE USED.
- 2.) MINIMUM SIZE ROADWAY PIPE SHALL BE 15" DIAMETER OR A CONCRETE ARCH PIPE WITH A SPAN OF 17" AND A RISE OF 13".
- 3.) BOTTOM OF DITCH SHALL BE A MINIMUM OF 1 FT. IN DEPTH FROM FINISHED SHOULDER GRADE.
- 4.) ANY CHANGES IN DESIGN SHALL BE APPROVED BY CITY ENGINEER.

● NOTE: BASE COURSE AND SUBGRADE SHALL BE COMPACTED TO A MINIMUM OF 95% OF THEORETICAL MAXIMUM DENSITY AND WITHIN +/- 2% OF THE OPTIMUM MOISTURE CONTENT IN ACCORDANCE WITH THE SPECIFICATIONS OF ASTM D-698. THE THEORETICAL MAXIMUM DENSITY IS THE DENSITY OBTAINED FROM LABORATORY TEST (STANDARD PROCTOR). TEST RESULTS SHALL BE PROVIDED TO THE CITY, PRIOR TO THE PLACEMENT OF THE NEXT CORRESPONDING LAYER.

EXHIBIT "A"

(d) Drainage: All drainage shall be approved by the City Engineer or a Licensed Professional Engineer acceptable to, or chosen by the City of Rainsville. Such approval shall be sought by the developer or petitioner prior to the beginning of construction of the street or road.

It is recommended that all drainage pipe be reinforced concrete (class 3 or better). High density polyethylene pipe meeting the requirements of ASTM D 335D cell classification 3244230C or ASTM D1248 Type III, Class C, Cat. 4 Grade P33 may also be used. All structures having twenty (20) square feet or more of end area must be approved by the City Engineer or a Licensed Professional Engineer acceptable to or chosen by the City of Rainsville prior to installation

(e) Base Course: The top twelve (12) inches of subgrade shall be shaped and rolled to ninety-five percent (95%) density prior to placement of the base material. Base material shall consist of a minimum of six (6) inches of pit mixed chert or a minimum of five (5) inches of compacted crushed aggregate base. Base materials are to be approved by the City Engineer or a Licensed Professional Engineer acceptable to or chosen by the City of Rainsville prior to placement on the roadway. The base is to fully cover the 26' width of the roadway and slopes to conform with front roadway slopes. The base course shall be compacted to a minimum of ninety-five (95) percent of the theoretical maximum density and within plus or minus two (2) percent of the optimum moisture content in accordance with the specifications of ASTM D-698. The theoretical maximum density is the density obtained from laboratory test (standard proctor). Test results shall be provided to the City, prior to the placement of the next corresponding layer.

(f) Pavement: Paving the driving surfaces of all city roads and city subdivision streets shall be completed in two (2) courses.

1. First Course: A primer coat applied in accordance with Section 401 of the current Alabama Department of Transportation Standard Specifications, as amended, but in no instance at a greater or lesser density than 0.22 to 0.25 gallons per square yard.

2. Second Course: Hot mix asphalt pavement applied in accordance with Section 424 of the current Alabama Department of Transportation

Standard Specifications, as amended, but in no instance at a lesser density than two hundred twenty pounds (220 lbs.) per square yard or two inches (2") or more in thickness, after compacting and placed on top of the first course.

(g) Driveways: The property owner or the developer shall connect all driveways from the existing city road to the property line of each subdivision lot or parcel. If a drain tile and/or excavation of a ditch are needed, the City Engineer must be notified in advance of such work or installation being performed. The City Engineer will then determine the proper size of such needed drain tile, the proper grade of such ditch and other matters regarding this work. When a tile is placed and backfilled, a headwall shall be constructed according to Alabama Department of Transportation Special Drawing No. HW-614-SP at each end of the tile for safety reasons and to prevent washing or erosion of fill into the ditch, as directed by the City Engineer. Driveways, either concrete or asphalt must connect to existing street.

(h) Concrete Driveways: Concrete surfacing of driveways must be a minimum depth (thickness) of four inches (4") on the 60 feet (60') right-of-way for streets. Such driveway surfacing must be performed without causing damage or interruption to the existing paving surface of the City Street. All such driveways shall be level with, on grade with, or at an elevated grade up from the grade of the pavement surface of the existing road or street, except where the driveway has an overall downward grade from the road or street and toward the house. When the overall grade of such a driveway from the road or street and toward the house is downward, a minimum rise or slope of six inches (6") will be required where the concrete pour crosses the drain tile or between the property owners' line and the City road or street. A break or expansion joint shall be installed in the poured concrete at the drain tile and at the owner's property line.

(i) Utilities: All underground utilities shall be installed under the roadbed and stubbed out to the right-of-way line of the road at each and every lot of a subdivision or other development prior to placement of the base and pavement for a street or road. All pipe lines shall be buried and covered to a minimum depth of thirty inches (30"). All excavations within the right-of-way of a street or road shall be backfilled by tamping and compacting such backfill in six inch (6") layer intervals. All surplus material

shall be removed from the street or road right-of-way and the finished excavation lay flush and level with the surrounding ground.

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 Schedule I, Design Standards, at the end of Article 5 of these regulations.
2. All streets shall be properly integrated with the existing and proposed system of thoroughfares as established in the Land Use 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 is encouraged where such use will result in a more desirable layout. However, combined with an interconnected network of streets and roads provides both visual pleasure along with better traffic flow alternatives.
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 access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering

areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

5-3-13 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 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-five (25) feet; and a minimum curb radius at an intersection involving a collector street shall be at least thirty-five (35) 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. Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet.

5-3-14 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.

5-3-15 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 Plat approval. Names shall be sufficiently different in sound and in spelling from other road names in the City of Rainsville 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.

5-3-16 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.

5-3-17 Cul-de-sacs. Permanent dead end streets shall be provided with a cul-de-sac having a roadway diameter of at least one hundred (100) feet, and a right-of-way diameter of at least one hundred twenty (120) feet and a minimum transition of 25'. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension of an important street.

Section 5-4. Blocks.

1. 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, or waterways.
2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length. Wherever practical, blocks along arterials, major thoroughfares and collector streets shall be not less than eight hundred (800) feet in length.
3. In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of

blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or community facilities. 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 5-5. Lots. Residential lots shall comply with the following requirements:

1. Lot dimensions shall be not less than the requirements of the zoning district in which they are located and the requirements of the County Health Department. In cases where requirements conflict, the greater requirement shall govern.
2. Each lot shall front upon a dedicated street having not less than a sixty (60) foot right-of-way.
3. Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.
4. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off street parking and loading for the use contemplated.
5. Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation.

Section 5-6. Easements. Utility and other easements shall be provided as follows:

1. Easements for Utilities. Except where alleys are provided for the purpose, the Planning Commission may require easements not exceeding ten (10) feet in width for poles, wires, conduits, storm and sanitary sewers, gas, and water mains, or other utility lines on each side of the common rear lot lines and alongside lot lines if necessary or advisable in the opinion of the Planning Commission. An easement of twenty (20) feet shall be provided around the perimeter of a subdivision, where no easement of at least ten (10) feet exists adjacent to the subdivision property line.
2. Where a subdivision is traversed by an existing or proposed water course, drainage way, channel, or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage way. The width of such drainage easement or

right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.

TABLE 5.1

SCHEDULE 1					
DESIGN STANDARDS					
	Major Thoroughfare	Collector Street	Minor Street	Cul-de-sac ●	Marginal Access Street
Minimum Right-of-Way Width	80'	60'	60' ◊	120'	60'
Maximum Grade	6.0%	8.0%	12.0%	12.0%	12.0%
Minimum Grade	0.5%	0.5%	0.5%	0.5%	0.5%
Minimum Radius of Curves**	1000'	500'	200'	25' ▲	200'
Minimum Tangent Length Between Reverse Curves	200'	100'	100'	*	100'
Minimum Grades Within 100' of Center Line Intersections	5%	5%	5%	*	5%
Minimum Distance Between Center Line Offsets at Street Jogs	*	125'	125'	*	125'
Minimum Pavement Width	48'	40'	20'	100' ■	20'

* No standard or not applicable.

** All roadway curves shall have a minimum of two (2) feet of asphalt pavement widening on the inside of the curve. The transition shall take place over a distance of forty-eight (48) linear feet prior to the Point of Curvature (P.C.) and forty-eight (48) linear feet after the Point of Tangency (P.T.). This shall provide for a transition of one (1) inch of width per two (2) linear feet of roadway length. This minimum width requirement will allow the City to adjust the required width on a case by case basis, if deemed necessary.

◆ Amended by Ordinance 03-20-2017.

● Applies only to minor streets.

▲ Transition radii.

■ Required 50' radius.

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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 Rainsville 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.

It is the expressed intent of the City of Rainsville to maintain the integrity of the City's streets and to eliminate the paved streets in subdivisions from being cut, trenched, or otherwise excavated following pavement installation. Consequently, and anticipating the development of subdivisions that will require several kinds of utilities normally or capable of being located underground; and with consideration of potential future additions or extensions to such subdivisions and utilities; the City of Rainsville shall require the use of underground duct vaults, sleeves, or conduit systems to be installed crossing under roads for both public and private utility uses.

In order to prevent such street pavement disruptions, Subdivision developers must adequately plan and provide for all utilities, present and future.

6-1-1 Streets, and Alleys. After water, sewer and other underground utilities have been installed by the applicant, the applicant may 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, cul-de-sacs, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission and the City of Rainsville, and shall be incorporated into the construction plans required to be submitted for plat approval

6-1-2 Curbs and Gutters. Standard approved type curbs and gutters may be placed, at the option of the developer, on both sides of all new streets within the planning jurisdiction of these regulations in accordance with the City specifications.

6-1-3 Sidewalks. Sidewalks shall be placed on both sides of all streets in a commercial subdivision and may also be required wherever deemed necessary by the Planning Commission.

Sidewalks, when required, shall be constructed within the dedicated non-pavement right-of-way and in accordance with accepted engineering

specifications and standards and shall have a minimum layer of four (4) inches of concrete:

1. Four (4) feet wide in residential areas.
2. Six (6) feet wide in commercial areas.

6-1-4 Pedestrian Accesses. The Planning Commission may require facilitating pedestrian access, from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least ten (10) feet in width. Easements shall be indicated on the plat.

6-1-5 Sewerage Facilities. The applicant shall install sanitary sewer facilities in a manner prescribed by the City of Rainsville construction standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, and standards of the City of Rainsville.

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 provided approval is received from the State and County Health Department.

6-1-6 Water Facilities.

1. General Requirements:

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

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 the applicant.
- (d) Water lines which run through sleeves crossing under roads and streets to provide water to both sides of a street shall be located in such a way to supply water to at least two (2) adjacent lots

6-1-7 Fire Hydrants. Fire hydrants **shall** be required for all subdivisions. Fire hydrants shall be located no more than **one thousand (1000)** feet apart and from a fire hydrant to the farthestmost building line of the farthestmost lot as measured along the street right-of-way. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat.

6-1-8 Drainage and Storm Sewers.

- 1. General Requirements.** The Planning Commission shall not approve any plat or subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by acceptable engineering methods as approved by the 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.
- 2. Natural of Storm Water Facilities.**
 - (a) Location.** The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements in accordance with the construction standards and specifications of the City of Rainsville.
 - (b) 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 Rainsville.
 - (c) Accommodation of Upstream Drainage Areas.** A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside 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.

(d) 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 incidental to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such manner as the Planning Commission may determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage water course or facility.

(e) 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 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.

(f) Floodway Areas.

Streams depicted on flood boundary and floodway map. Land located within the subdivision jurisdiction of the city which abuts on, or is bisected by a stream, segment of a stream, or other water body for which the 100-year floodway fringe are depicted on the flood boundary and floodway map shall be subdivided in accordance with the following regulations:

- (1) Except as provided in (4) below, any portion of a proposed subdivision lot which lies within a floodway and an area within 50 feet of the boundary of the floodway shall be designated as a drainage easement on the final plat. The area within the

regulatory floodway shall be further identified by the word "floodway." The portion of the lot lying outside the floodway and easement area shall be of such size and configuration as will permit construction of a residence without encroaching upon the floodway easement. The following note shall be set forth on the margin of the final plat in 14-point type or larger:

Note: "No filling or construction shall be allowed in the portion of this subdivision designated as "floodway" without the written permission of the Rainsville Planning Commission."

- (2) Land lying outside the floodway but within the floodway fringe shall be depicted on the preliminary and final plat by means of hatching or shading. There shall be a note on the margin of the final plat indicating that land so hatched or shaded is located in the floodway fringe, and that no house or other structure for human habitation may be built thereon unless the lowest floor (including basement, if any) is constructed at an elevation not less than one foot above the base flood elevation. Each lot or portion of a lot lying within the floodway fringe shall contain a note on the final plat indicating the minimum first floor elevation for any habitable structure to be built thereon, which elevation shall be one foot above base flood elevation or higher. The base flood elevation shall be determined by reference to flood profiles and other data in flood insurance study or best available data.
- (3) For developments located within the subdivision jurisdiction of the city that abut on, or are bisected by, a stream, segment of a stream or other water body, base flood elevation data shall be generated for all subdivision proposals, including the placement of mobile home parks and subdivisions, which is greater than 50 lots or five acres, whichever is less.
- (4) Channelization by variance: In the event that a developer requests a variance, according to Article 9 of these regulations, to channelize, straighten, narrow, or relocate a floodway, the following procedure shall be employed:
 - a. The developer's engineer shall submit to the city engineer designs of the proposed change to the floodway channel,

together with supporting data such as cross sections, profiles, engineering calculations, and the like, demonstrating that the proposed change will accommodate the base flood and will not have the cumulative effect, when combined with all other existing and anticipated development, of increasing the water surface elevation along any significant reach of the stream by more than one foot or, of causing other adverse effects upon any part of the drainage system on account of increased stream velocity, eddy action or other phenomena.

- b. The developer's engineering report and design shall be submitted to the city engineer, who shall submit written comments upon it to the city planning commission prior to the commission's action on the variance concurring with, or taking exception to, the said engineering report and design. After verifying the accuracy of the plans, profiles, and calculations, the city engineer shall forward them to the Federal Emergency Management Agency with a request that the flood boundary and floodway map be amended, if and when, the proposed channel improvements are constructed.
- c. No subdivision proposing to alter the regulatory floodway shall be approved until certified by the Federal Emergency Management Agency as the proposed change will accommodate the base flood and will not have the cumulative effect, when combined with all other existing and anticipated development, of increasing the water surface elevation along any significant reach of the stream by more than one foot or of causing other adverse effects upon any part of the drainage system on account of increased stream velocity, eddy action or other phenomena.

Approval by the city Planning Commission of any plat of a subdivision involving the channelizing, straightening, or relocation of such a stream shall not be construed to constitute an amendment of the flood insurance rate map or the flood boundary and floodway map.

d. Maintenance bond requirements.

Prior to the release of any performance bond (or the approval of the final plat of subdivision, where no performance bond was provided), a maintenance bond shall be provided to the planning commission to provide warranty against defect in the manufacture, construction or installation of improvements. The amount of the maintenance bond shall be five percent of the total cost of improvements and shall be available for 12 months following the completion of improvements and the application by the owner for acceptance by the city.

3. Dedication of Drainage Easements.

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

(b) **Drainage Easements.**

- (1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- (2) 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.
- (3) The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing water courses, to a distance to be determined by the Planning Commission.

- (4) Low-lying lands along water courses 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 drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density, nor for computing the area requirement of any lot.

6-1-9 Signs. The applicant shall deposit a fee as prescribed by the City Council to the City Clerk for each required sign within the subdivision. One street sign shall be required for each intersection.

6-1-10 Oversize Facilities. The governing body may participate in the cost of oversized improvements within a subdivision, if in its judgment, such oversized improvements are necessary to serve large areas of land not in the subdivision, and if the cost of such oversize improvements is an unreasonable burden on the applicant.

6-1-11 Utilities. The applicant is encouraged to place all utilities underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the Preliminary Plat. Easements centered on rear and/or side lot lines shall be provided for utilities (private and municipal); such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements. Easements shall be indicated on the plat.

6-1-12 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 Rainsville. 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 as the percentage of his land developed and so served.

6-1-13 Widening and Realignment of Existing Roads. Where a subdivision borders an existing narrow road or when the Thoroughfare Plan indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to dedicate such additional areas for widening or realignment of such roads. Such roads and streets shall be dedicated by the applicant to the full width as required by these subdivision regulations. Land reserved for any road 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 Rainsville.

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 Plat, and as approved by the Planning Commission and to dedicate same to the City of Rainsville 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 Surety Bond. The applicant shall obtain a surety from a surety bonding company authorized to do business in the State of Alabama. The surety shall be payable to the 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 surety 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 funds are to be deposited, shall be subject to the approval of the Planning Commission. The amount of the deposit shall be at least equal to the cost as estimated by the applicant and approved by the 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 any property when the value of such property is sufficiently unstable and when it believes that the property will be unusually difficult to sell, or for other reasons such as will inhibit the Planning Commission from exchanging the property for a sufficient amount of money to complete the required improvements.

When property is offered as an Improvement Guarantee, the applicant shall:

1. Execute an agreement with the trustee, when it is not the Planning Commission, instructing the trustee to release the property to the City in the case of default. The agreement shall also state that the property may be released only upon consent of the Planning Commission. The agreement shall be placed on file with the Planning Commission.
2. File with the Planning Commission an affidavit affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is to be put in trust.
3. Execute and file with the Planning Commission an agreement stating that the property to be placed in trust as an Improvement Guarantee will not be used for any other purpose or pledged as a security in any other matter until it is released by the Planning Commission, or

7-2-4 Other. The applicant may offer as a guarantee any other security provided the alternate method is approved as to form by the City Attorney and is acceptable by the Planning Commission and City Council.

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, 7-2-3, or 7-2-4 of these regulations, the Planning Commission shall declare whatever security has been pledged as a guarantee' to be forfeited. Where the Planning Commission is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Planning Commission shall use them, or receipts from their sale, if that be necessary, to finance the completion of contracted improvements or the 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. Improvements, 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 surety company shall be severally and jointly liable for completing the improvements according to specifications.

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

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

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

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

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

Section 7-5. Reduction of Guarantees.

In those cases where Improvement Guarantees have been made under Subsections 7-2-1, 7-2-2, 7-2-3, or 7-2-4 of these regulations, the amount of the guarantee may be reduced upon acceptance, in compliance with these regulations, of the dedication of a portion of the required improvements. An Improvement Guarantee shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall an Improvement Guarantee be reduced below twenty-five percent (25%) of the principal amount.

Section 7-6. Maintenance of Improvements.

The applicant shall be required to file a maintenance bond with the City Council, prior to dedication, 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 Rainsville and dedication of same to the City of Rainsville.

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

Where an Improvement Guarantee has been required for a subdivision, no certificate of occupancy for any building in 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 dedicated to the City.

Section 7-8. Release of Guarantee.

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

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Section 8-1. Interpretation.

In their interpretation and application, the provision 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 regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or imposes 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. Separability.

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment 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 Rainsville, Alabama, adopted as amended, are hereby repealed except as to such sections expressly retained herein.

Section 8-6. Amendments.

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

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 lay-out 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 small building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

Section 8-9. Vacation of Plats.

1. 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.
2. Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivisions. The City Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
3. 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.
4. 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.

1. 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.
2. 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 DeKalb County Probate Judge's Office.
3. 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.

4. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivision or sold in violation of the provisions of these regulations.

Section 8-11. Penalties and Civil Enforcement.

As authorized by the Code of Alabama 1975, Section 11-52-33:

- (a) Where the regulation of a subdivision development is the responsibility of the municipal planning commission, if the owner or agent of the owner of any land located within a subdivision conveys, transfers, or sells any land by reference to or exhibition of or by other use of a plat of a subdivision before the plat has been approved by the appropriate commission, department, or agency of any municipality requiring such approval and recorded or filed in the office of the appropriate county probate office, the owner or agent shall forfeit and pay a penalty of **one hundred dollars (\$100) for each lot or parcel so transferred** and the description of the 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 the penalties or from the remedies provided in this section.
- (b) The municipality may enjoin the conveyance, transfer, or sale by a civil action for injunction brought in any court of competent jurisdiction or may recover the same penalty provided in this section by a civil action in any court of competent jurisdiction.
- (c) Where the county commission is responsible for regulation of subdivision development within the territorial jurisdiction of a municipal planning commission, enforcement of the subdivision regulations of the county shall be as provided in Chapter 24, and any penalties assessed against a developer for failure to comply with the subdivision regulations of the county shall be as provided therein.
- (d) Nothing in this section shall impair, impede, or prohibit any person or entity from entering into any otherwise valid and enforceable contract for the purchase or sale of any lot within any proposed subdivision prior to its approval.

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:

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

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 4 and to show the entire tract to be subdivided with necessary improvements and as many parcels as he cares to show but must include at least two parcels. Then, from time to time, as prospective buyers express interest in lots sized to their required specifications, and following informal discussions with the Planning Commission if the applicant so requests, the applicant shall submit directly at a regular meeting of the Planning Commission an amendment to the approved final subdivision plat for approval. Regular procedural requirements of the Planning Commission following receipt of a final subdivision plat shall then apply. A 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, blocks, and parcels shall be suitable in area and dimensions to the types of development anticipated.
2. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to arterials, major thorough-fares, or collector streets so designated on the City of Rainsville Land Use Plan in such a way that the number of intersections with such arterials, major thoroughfares, or collectors shall be minimized.
3. Street rights-of-way and pavement shall be adequate and in accordance with **Schedule I** to accommodate the type and volume of traffic anticipated to be

generated thereon. Curb radii at driveway intersections shall be at least twenty-five (25) feet.

4. The applicant shall insure that the non-residential subdivision as a whole may be self-sufficient with regard to providing necessary off street parking.
5. With respect to physical improvements, special requirements may be imposed by the Planning Commission with the advice of the City Engineer within the non-residential subdivision.
6. Every effort shall be made to protect adjacent residential areas from potential nuisance from the non-residential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

Section 9-5. Experimental Subdivisions:

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

1. The use of unusual materials in constructing required improvements.
2. A new or untried design concept in the Rainsville area. Special attention may be given to experimental subdivisions which are related to low-cost housing design or energy consumption. The Planning Commission shall require the applicant to provide a written proposal stating the nature of the experiment and cost-benefit study following the implementation of same.

9-5-1 Conditions: In granting Variances, modifications, and approval for experimental subdivisions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified, or approved. These may include, without being limited to: personal, surety, performance, or maintenance bonds; affidavits, covenants; or other legal instruments.

Section 9-6. Comprehensive Group Housing Development:

A comprehensive group housing development including the construction of two or more buildings together with the necessary drives and ways of access and which is not subdivided into 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.

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

ADOPTED this the _____ day of: _____, _____.
MONTH YEAR

PLANNING COMMISSION FOR THE
CITY OF RAINSVILLE, ALABAMA

BY: /s/ _____
Chairman

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Example of (a)

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED

STATE OF ALABAMA)

COUNTY OF DEKALB)

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

(Insert Legal Description)

And that the plat or map contained hereon is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and its number and showing the streets, alleys and public grounds and giving the bearings, length, width, and name of the streets, said map further shows the relation of the land so platted to the Government Survey, and that permanent monuments have been placed at points marked thus (0) as hereon shown

WITNESS my hand this the ____ day of _____, _____
Month Year

(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 Rainsville, DeKalb County, Alabama, and that the (Streets, Drives, Alleys, etc.) as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of:

Witness

Witness

Witness

Witness

In any case that the developer and the land owner are not one and the same, two or more Dedication Certificates may appear on the plat in order to allow for the owner's signature to be fixed to said Plat. In which case, one of the following notary's acknowledgements must appear for each Dedication Certificate
(See example c-1 and c-2).

Example of (c-1)

ACKNOWLEDGEMENT

STATE OF ALABAMA)

COUNTY OF DEKALB)

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

GIVEN under my hand and official seal this the ____ day of _____, _____.
Month Year

Notary Public

Example of (c-2)

ACKNOWLEDGEMENT

STATE OF ALABAMA)

COUNTY OF DEKALB)

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 the _____ day of _____, _____.
Month Year

Notary Public

Example of (f)

CERTIFICATE OF APPROVAL BY the DeKalb-Cherokee Gas District

The undersigned, as authorized by the DeKalb-Cherokee Gas District,
hereby approved the within plat for the recording of the same in the Probate
Office of DeKalb County, Alabama, this the _____ day of _____, _____.
Month Year

DeKalb-Cherokee Gas District

Example of (g)

CERTIFICATE OF APPROVAL BY THE Farmers Telecommunications Cooperative

The undersigned, as authorized by the Farmers Telecommunications Cooperative,
hereby approved the within plat for the recording of the same in the Probate
Office of DeKalb County, Alabama, this the _____ day of _____, _____.
Month Year

Farmers Telecommunications Cooperative

Example of (h)

CERTIFICATE OF APPROVAL BY THE RAINSVILLE SANITATION and SEWER BOARD

The undersigned, as authorized by the Sanitation and sewer Board of the City of Rainsville, Alabama, hereby approved the within plat for the recording of the same in the Probate Office

of the DeKalb County, Alabama, this the _____ day of _____, of _____.
Month Year

Sanitation and Sewer Board,
City of Rainsville, Alabama

Example of (i)

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

The undersigned, as City Engineer of the City of Rainsville, Alabama, here-by approved the within plat for the recording of same in the Probate Office of DeKalb County, Alabama, this the

_____ day of _____, of _____.
Month Year

City Engineer
City of Rainsville, Alabama

