

TOWN OF WOODSTOCK, ALABAMA

SUBDIVISION REGULATIONS

Adopted December 11, 2007

**The Town Planning and Zoning Commission
for the Town of Woodstock**

TOWN OF WOODSTOCK SUBDIVISION REGULATIONS

ARTICLE I

PURPOSE, POLICY AND TITLE

1-1	PURPOSE
1-2	POLICY
1-3	TITLE
1-4	EFFECTIVE DATE

Section 1-1. PURPOSE

The subdivision regulations set out herein have been adopted pursuant to authority granted by Code of Alabama 1975, §11-52-1 et. seq. to establish procedures and standards for the design and development of proposed subdivisions or additions to existing subdivisions within the subdivision jurisdiction of the Town of Woodstock, Alabama, as defined by Article II, Section 2-2 of these subdivision regulations. These regulations shall be applicable to the development of any subdivision within the Town's subdivision jurisdiction, and shall include, at minimum, the minimum size of lots; the planning and construction of all public streets and roads, drainage structures, and proper placement of public utilities to be located in a subdivision. [Authority: Code of Alabama 1975, §11-52-1 et. seq.] Additionally, unless waived by the Town of Woodstock Council, these regulations shall also apply to the Town's plat approval for developments within the territorial jurisdiction of a municipal planning commission. [Authority: Code of Alabama 1975 §11-52-30(b)]

Section 1-2. POLICY

- a. It is hereby declared to be the policy of the Town of Woodstock, Alabama to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control and regulations of the Town of Woodstock pursuant to the authority granted to the Town by Code of Alabama 1975 §11-52-1 et seq.
- 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 menace. Except as exempted by these regulations, no land shall be subdivided until proper provision has been made for drainage, sewerage disposal, and streets, and approval has been granted in accordance with the procedures prescribed by Code of Alabama 1975, §11-52-1 et seq. and set out in these regulations.
- c. Prior to the actual sale, offering for sale, transfer, or lease of any lots for the purpose of

creating, establishing, or modifying a subdivision, any owner or developer of land which lies within the area of the Town's subdivision jurisdiction shall submit the plat of the proposed subdivision to the Town of Woodstock Planning Official for approval in accordance with the procedures as set out in these regulations (and as prescribed by Code of Alabama 1975, §11-52-1 et seq.)

d. No subdivider shall proceed with the sale of lots, lease of lots, or erection of buildings, excluding public utility structures, within a subdivision until the subdivision improvements are substantially complete and such a subdivision plat has been granted Final Plat Approval entered in writing on the plat and signed by the Town of Woodstock Planning Official or Town of Woodstock Building Official and recorded in the Office of the Probate Judge of the appropriate County in accordance with the procedures prescribed by Code of Alabama 1975, §11-24-1 et seq., and set out in these regulations.

e. Any violations of this policy may subject the owner or developer to penalties as set out in Article II, Section 2-3 of these regulations and Code of Alabama 1975, § 11-52-33.

Section 1-3. TITLE

The regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of the Town of Woodstock, Alabama.

Section 1-4. EFFECTIVE DATE

The regulations set out herein shall be in force and applicable to the development of all subdivisions in the subdivision jurisdiction of the Town of Woodstock Council from and after the date of adoption by resolution, and as provided in Article IX, Section 9-2. The Town hereby rescinds the previous resolution to allow the Bibb County Commission to enforce its regulations within the Town of Woodstock.

ARTICLE II

AUTHORITY, JURISDICTION AND AMENDMENTS

- 2-1 AUTHORITY
- 2-2 JURISDICTION
- 2-3 ENFORCEMENT/VIOLATIONS AND PENALTIES
- 2-4 AMENDMENTS
- 2-5 BOARD OF DEVELOPERS

Sections 2-1. AUTHORITY

Pursuant to the powers and jurisdiction granted by Code Alabama 1975, §11-24-1 et seq., the Town of Woodstock does hereby exercise the power and authority to review, approve, and disapprove plats for all subdivision within the subdivision jurisdiction of the Town of Woodstock, Alabama. The Town of Woodstock further does hereby exercise the authority to inspect any development within its subdivision jurisdiction to ensure that there are no violations of its rules and regulations.

Sections 2-2. JURISDICTION

From and after the effective date set out in Article I, Section 1-4, these regulations shall govern each and every subdivision of land in all areas of the Town of Woodstock within the jurisdiction of the municipal planning commission, the Town intends to enforce these subdivision regulations within the Town and up to 5 miles from the Town's limits pursuant to Alabama Code §11-52-30.

Sections 2.3. ENFORCEMENT/VIOLATIONS AND PENALTIES

It shall be the duty of the Town's Building Official or other designee to enforce the regulations and notify the Town of any violations or lack of compliance with these regulations. The Town Building Official or other designee shall coordinate with the Alabama Department of Public Health, county health agencies, Emergency 911, or any other state or local agency as is necessary to effectuate enforcement of these provisions.

VIOLATIONS / PENALTIES

Pursuant to Code of Alabama 1975, §11-52-33, any owner or developer who violates any provision of Code of Alabama 1975, §11-52-1 et seq. or any of the regulations set out herein shall be subject to a fine as provided by law.

The Town of Woodstock Council or Mayor is authorized to bring civil action in any court of competent jurisdiction to enjoin any action of an owner or developer which is in violation of the provisions of Code of Alabama 1975, §11-52-1 et seq., Code of Alabama 1975 § 11-24-1 et seq., or any of the regulations set out herein. In such action, the Town Council or the Mayor shall be entitled to seek an injunction and may recover penalties as set out in these regulations and Code of Alabama 1975, §11-52-6.

Any owner, agent of the owner, or developer violating any provision of these regulations or any rule or regulation made or promulgated by the Town of Woodstock relating to subdivision regulations or the subdivision of land shall be fined the maximum amount allowable under the Code of Alabama 1975 § 11-52-33. At the time of enactment of these regulations, the governing section of the Code of Alabama fixes fines at \$100. Should this provision change, this regulation shall automatically track such change and it shall be unnecessary to revise these regulations. The

change in the governing section of the Code of Alabama shall constitute sufficient notice of a change in the Town of Woodstock's policy on enforcement of these Regulations.

In addition, the Town may enjoin such transfer of sale or agreement to sell, by civil action in a Court of competent jurisdiction.

Section 2-4. AMENDMENTS

The Town of Woodstock may adopt amendments to increase the effectiveness of these regulations or expedite the approval of subdivision plats by majority vote of the Town Council.

Section 2-5. BOARD OF DEVELOPERS

As provided in Code of Alabama 1975, §11-24-1 (c), the Town of Woodstock may establish a board of developers to make suggestions to the Council regarding the contents of the subdivision regulations, suggest revisions to the subdivision regulations, and assist in resolving disputes between developers and the Council. If such a board is established, its procedures, policies, and authority shall be added as an amendment to the subdivision regulations of the Town of Woodstock upon approval of the Town of Woodstock Council.

ARTICLE III

DEFINITIONS

3-1 USAGE

3-2 DEFINITION OF TERMS

Section 3-1. USAGE

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in 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 "intend, arranged, or designed to be used or occupied".

Any reference to a manual or publication refers to the current or latest edition. References will be encountered mainly in the Design Standard section (Section 5-4).

Section 3-2. DEFINITION OF TERMS

3-2-1 **ACCESS:** Deeded portion or unlimited easement portion of property or lot that provides travel-way to a public town, county or state road. All access must have thirty (30) feet minimum width from the city, county or state road to the property.

3-2-2 **ADT (Average Daily Traffic):** Total volume of vehicles during a given time period, in whole days, as measured during a non-holiday weekday.

3-2-3 **APPLICANT:** The owner of the land proposed to be subdivided or a person designated in writing by the legal owner as his or her representative.

3-2-4 **ARTERIAL:** A road or street which connects areas that produce a large amount of trip generation. Arterials have a dual function to move traffic and to provide access to land uses, particularly the high trip-generating commercial activities.

3-2-5 **BLOCK:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or other boundary lines.

3-2-6 **BUILDING:** A roofed structure for the shelter, housing, or enclosure of persons.

3-2-7 **COLLECTOR STREET:** A route with a primary function to collect traffic from an area and move it to the arterial street system while also providing substantial service to abutting land use, and which typically does not have extensive continuity.

3-2-8 **CONSTRUCTION PLANS:** Plans detailing the design and requirements for the construction of public improvements. These plans shall detail such items as the location of all existing and proposed roads, plan and profiles of all roads, curve data, hydraulic data, etc.

3-2-9 **COUNTY:** The Counties of Tuscaloosa and/or Bibb, Alabama, or the County where any portion of a tract may be located.

3-2-10 **COUNTY COMMISSION:** The County Commission of Tuscaloosa County and/or Bibb County, Alabama, or appropriate County.

3-2-11 **COUNTY ENGINEER:** The duly designated Engineer of Tuscaloosa County and/or Bibb County, Alabama, or appropriate County.

3-2-12 **COUNTY PLANNER:** The duly designated Planner of Tuscaloosa County and/or Bibb County, Alabama, or appropriate County

3-2-13 **COUNTY SPECIFICATIONS:** All construction specifications which have been adopted by the County Commission or as required by the County Engineer and all utility departments.

- 3-2-14 CUL-DE-SAC: A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- 3-2-15 DAY: A calendar day.
- 3-2-16 DEDICATION: The transfer of property from private to public ownership.
- 3-2-17 DEVELOPER: The owner of land proposed to be subdivided or a person designated in writing by a legal owner as his or her representative.
- 3-2-18 DEVELOPER'S ENGINEER: The design professional, who shall be a Land Surveyor and, when required, a Civil Engineer, licensed and in good standing with the State Board Licensure for Professional Engineers and Land Surveyors of Alabama and permitted to practice in the County where the property is located, and who is originally responsible for coordinating and certifying as to the completeness and correctness of all information collected by his/her efforts or those of his/her agents and/or subcontractors and submitted for approval on behalf of the developer. In the event that the developer changes his engineer/surveyor, then this new engineer/surveyor shall be required to rectify all previously submitted documents and thereby accept responsibility for the completeness and correctness of same.
- 3-2-19 DEVELOPMENT: Includes but is not limited to, the design work of lot layout the construction of drainage structures, the construction of buildings or public use areas, the planning and construction of public streets and public roads, and the placement of utilities.
- 3-2-20 DOUBLE FRONT LOT: A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.
- 3-2-21 EASEMENT: A grant by the property owner of use, by the public, a corporation, or person (s) of a strip of land for specified purposes or as created by operation of law.
- 3-2-22 EXPRESSWAY OR FREEWAY: Facilities that accommodate a high volume of traffic through the prohibiting of ingress and egress except at controlled intervals. Freeways involve complete control of access while expressways permit at grade intersections at infrequent intervals. The expressway or freeway has only one function, to carry traffic.
- 3-2-23 FINAL PLAT: A plat of a tract of land which meets the requirements of these regulations and is in form for recording in the Office of the Probate Judge of either Tuscaloosa County or Bibb County, Alabama, or any County in which the territory of the Town of Woodstock may be located.
- 3-2-24 HARDSHIP: An unusual situation on the part of an individual property owner which will not permit the full utilization of property. A hardship exists only when it is not self-created.

- 3-2-25 HEALTH DEPARTMENT: Alabama State Department of Public Health of the applicable County.
- 3-2-26 IMMEDIATE FAMILY MEMBER: Includes the owner's husband, wife, children, brothers, sisters, parents, stepparents, step children, grandchildren, step grandchildren and grandparents or spouse's brothers, sisters, parents, stepparents, step children, grandchildren, step grandchildren and grandparents.
- 3-2-27 LICENSED ENGINEER: An engineer properly licensed and registered in the State of Alabama.
- 3-2-28 LICENSED LAND SURVEYOR: A land surveyor properly licensed and registered in the State of Alabama.
- 3-2-29 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, lease or rental, or for building development.
- 3-2-30 MARGINAL ACCESS: A service road or other treatment used to provide adequate protection of properties in cases where an arterial runs through or near a subdivided area.
- 3-2-31 MINOR ROAD OR STREET: A route used to connect collector roads in a road system and service only the residents of that road.
- 3-2-32 MONUMENT: A permanent object serving to indicate a limit or to mark a boundary.
- 3-2-33 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.
- 3-2-24 OWNER'S ENGINEER: 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 (see also "Developer's Engineer").
- 3-2-35 PERMANENT REFERENCE POINTS: The Minimum Technical Standards set out and required by the Alabama Society of Professional Land Surveyors.
- 3-2-36 PLANNING JURISDICTION: All areas within 5 miles of the Town limits.
- 3-2-37 PRIVATE SEWER SYSTEM: Any means of disposal, collection, or storage of sewage waste other than that owned and operated by a governmental entity, including but not limited to a septic tank system.

3-2-38 PROBATE JUDGE: The Judge of Probate of Tuscaloosa County or Bibb County, Alabama, or any other County where a portion of the land or tract is located.

3-2-39 RE-SUBDIVISION: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

3-2-40 ROAD OR STREET: A public right-of-way for vehicular traffic that affords the principal means of access to abutting property.

a. TOWN ROAD: Public road maintained by the Town.

b. COUNTY ROAD: Public road maintained by any county.

(i) DEEDED: A road deeded to and formerly accepted by the Town.

(ii) DEDICATED: A road dedicated or deeded to the Town for public use and **ACCEPTED BY THE TOWN** as a public road.

(iii) PRESCRIPTIVE: An open, defined roadway in continuous use by the public as a highway without let or hindrance for a period of twenty (20) years. This is a factual determination taking into consideration things such as use by the public and as a mail or school bus route, maintenance by the county, length of use, etc.

c. PUBLIC ROAD: Street or Road that has been

(1) Constructed for public use;

(2) Established by statutory proceedings; or

(3) Dedicated to and accepted by the Town for public use.

d. PRIVATE ROADS: Road not owned or maintained by the town, county, or state whether or not it has public access.

e. STATE ROAD: Public road owned or maintained by the State of Alabama.

3-2-41 SUB-DIVIDER: 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 develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) is employed by, or directly or indirectly controlled by, or under direct, or indirect common

control with any of the foregoing.

3-2-42 SUBDIVISION: Statutory definition found in Code of Alabama 1975 §11-52-1(6).

EXCLUSIONS: A subdivision shall not include any of the following:

- a. The parceling off or sale of tracts measuring 10 acres or more with a minimum of thirty feet (30) frontage access to a publicly maintained road or a 30 feet easement to a publicly maintained road.
- b. The parceling off for sale of plots in a cemetery intended for burial of the human bodies.
- c. The partitioning of a tract of land among heirs or claimants through a Sale of Division, when ordered by a court of competent jurisdiction for a purpose other than to avoid application of these regulations.
- d. The noncommercial conveyance by a property owner of one or more lots or tracts of land to an immediate family member or a direct lineal descendant, and not for the intent of resale or other development. A Family Subdivision Form must be filled out and filed along with a copy of the survey as divided with the Town Engineer or Building Official in the event of this exclusion.
- e. The conveyance of a portion of one property owner's previously un-platted land to an owner of directly abutting un-platted land, provided that no such conveyance shall reduce a parcel of land below the minimum area as required by any agency with jurisdiction over that piece of property (i.e. Tuscaloosa County Health Department or Bibb County Health Department). Furthermore, the instrument conveying said property must recite that the land conveyed is to form an integrated part of the grantee's property, is not a separate building lot, and shall not be approved in accordance with applicable subdivision regulations.
- f. The conveyance of a tract of land of any size to a public utility provided that the deed shall recite that the said tract shall be used solely as the site for a pumping station, electrical substation, switching facility, valve and/or metering facility, or other similar public utility service facility.
- g. Lots leased for mobile homes or modular structures not affixed to the realty and which has access to a public road as required by these regulations.

The term “subdivision” includes re-subdivision and, when applicable to the context, relates to the process by which the land or territory is subdivided.

3-2-43 SUBDIVISION JURISDICTION: (Same as Planning Jurisdiction) All areas of the Town of Woodstock and up to 5 miles of Town limits.

3-2-44 SURETY: Any certification of deposit, irrevocable letter of credit, cashier check, or other acceptable guarantees approved by the Town or their authorized agent.

3-2-45 TERRITORIAL JURISDICTION OF MUNICIPAL PLANNING COMMISSION: All land located in the municipality and all land lying within the planning jurisdiction outside the municipal limits as enforced by the municipality.

3-2-46 TOWN PLANNING OFFICIAL: Can also be the Town Building Official if so designated or any other official designated as Town Planner.

3-2-47 VARIANCE: Permission to depart from the literal requirements of these subdivision regulations by virtue of unique hardship due to special circumstances regarding property to be developed. A waiver of the strictest letter of the regulations upon substantial compliance without sacrificing the spirit and purpose of the regulations.

3-2-48 WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and defined banks. The definition shall also include other generally or specifically designated areas where flooding may occur. The flow of water need not to be on a continuous basis, but may be intermittent resulting from the surface runoff of precipitation.

3-2-49 WIDTH OF LOT: The mean horizontal distance between the two side lot lines.

ARTICLE IV

APPROVAL OF SUBDIVISION PLATS

4-1 APPROVAL OF SUBDIVISION PLATS REQUIRED

4-2 PRE-DESIGN REVIEW

4-3 FINAL PLAT PROCEDURES

Section 4-1. APPROVAL OF SUBDIVISION PLATS REQUIRED

From and after thirty (30) days from the date of the Town’s filing a certified copy of these regulations with the Probate Judge of either Bibb County or Tuscaloosa County, no subdivision plat of land within the platting jurisdiction, as defined in Article III of these regulations, shall be filed or recorded nor shall any lot be sold, offered for sale, transferred or

leased until the plat has been submitted to and approved by the Town Council pursuant to Code of Alabama 1975, § 11-52-1 et seq. The Probate Judge, upon receipt of a copy of these regulations and the Town's Resolution, shall not thereafter file or record a plat of a subdivision of land located within the Town's subdivision jurisdiction, as defined herein, without the approval of such plat in accordance with these regulations. No street or road shall be accepted and maintained by the Town, nor shall any utilities or county services be extended to the subdivision, unless and until the requirements set forth in these regulations have been complied with and the subdivision has been approved by the appropriate parties.

It is the responsibility of the developer to apply for subdivision approval unless the development meets one of the exclusions to these regulations pursuant to the definition of subdivision set out in Section 3-2-42. The developer shall be responsible for the construction, maintenance, and repair of all such development until and unless the roads are accepted by the Town or County pursuant to the laws of this state.

Section 4-2. PRE-DESIGN REVIEW

Whenever the subdivision of a tract of land is proposed within the jurisdiction of these regulations, the sub-divider shall consult early and informally with the Town's Engineer or Building Official which will contact any other appropriate agencies to attend a pre-design meeting. In addition to early and informal consultation, there shall be a minimum of one Pre-Design Conference between the subdivider, the Town Engineer and the Town Building Official, and any other individual as the Town Engineer and Town Building Official may require. The sub-divider shall submit sketch plans and data showing existing conditions within the site and its vicinity, and the proposed layout and development of the subdivision, and any restrictive covenants on the subdivision, if applicable. The purpose of this pre-design review is to afford the sub-divider an opportunity to avail himself to the advice and assistance of the Town Engineer and/or Building Official in order to facilitate the subsequent preparations and approval of plans.

Section 4-3. FINAL PLAT PROCEDURES

In accordance with the policy of the Town Council, no lot may be sold, offered for sale, or transferred and no utilities extended to, or connected with, any subdivision of land, as defined herein until the Final Plat has been approved by the Town.

4-3-1 SUBMISSION OF PLAT:

Following the pre-design review the developer, if he wishes to proceed with the subdivision, shall file with the Town Engineer and/or Town Building Official an application for approval of the Final Plat. This application includes the owners of the adjoining land as their names appear upon the plats in the office of the county tax assessor and their addresses appear in the directory of the county or on the tax records of the county. The application also includes the

name and address of each affected utility. The Town shall have fourteen (14) days to review the plat for compliance with the Subdivision Regulations. Notice of the recommendation of approval or disapproval of the plat shall be sent by registered or certified mail to the owner or developer whose name and address appear on the submitted plat, as well as to all adjoining land owners and affected utilities. The affected utilities shall be given at least ten (10) days to review the proposed plat and submit a written report as to whether all provisions affecting the service to be provided by the utility are reasonable and adequate. The application shall:

- (1) Be accompanied by the completed "Application for Final Plat Approval" as found in Appendix II;
- (2) Be accompanied by the original tracing, and two (2) black or blue-line prints of the plat.
- (3) Be accompanied by a surety bond, if the subdivision involves improvements, in a form meeting the Town's requirements, and in an amount sufficient to guarantee the actual construction and installation of such approved public streets, roads, drainage structures, public utilities, and traffic control. A performance bond will be required in cases where all construction and installation of required improvements have not been completed. The surety bond shall be in the amount of 150% of the estimated cost of construction and improvements as determined by the developer's engineer and as noted in the letter to the Town Engineer. A maintenance bond will be required in subdivisions which have already completed all improvements (including traffic control) prior to the approval (signing) of the final plat.

4-3-2 APPROVAL BY TOWN OF WOODSTOCK

The Town Engineer and Building Official shall not approve the Final Plat until one of the following conditions is met:

- (a) All required improvements have been installed and completed by the developer and a maintenance bond (for 10% of the cost of improvements) has been accepted by the Town.
- (b) Or, the only improvements remaining to be completed are final surface paving and shoulder dressing. Under this condition, a performance bond will be acceptable in an amount equal to one and one-half times the cost of uncompleted improvements (including traffic control signs).

4-3-3 BUILDING PERMITS

No permit for the construction or placement, or location, of buildings (houses or housing

units) in a subdivision shall be issued until the Final Plat has been recorded in the Probate Records of the county or counties where the tract is located. **See also the copy of the “Resolution of the Town Council Relating to Building Permits” as adopted by the Town of Woodstock.

4-3-4 ACCEPTANCE AND BONDING OF IMPROVEMENTS

No subdivision street nor drainage structures in the streets (curb and gutter, catch basins, flumes and pipes) will be accepted for maintenance by The Town of Woodstock until the same shall have been inspected and approved by the Town Building Official as well as Town Engineer and the acceptance thereof authorized by the Town Council.

When all improvements have been completed, including the final wearing surface, which shall be a minimum of 2 inches of corrugated asphalt, the developer or his engineer shall contact the Town Engineer or Building Official in writing requesting inspection for acceptance of the maintenance bond. When the Town Engineer reports to the Official that the subdivision is approved for maintenance bond, the Official shall contact the developer/developer’s engineer and request the maintenance bond (the form in Appendix V) and surety equal to ten percent (10%) of the total cost of the improvements. Upon receipt of the maintenance bond, the performance bond will be released. This maintenance bond shall be in effect for one year. At the end of the one year, the developer/his engineer shall contact the Town Planning Official in writing requesting inspection for acceptance of the subdivision by Town of Woodstock. If this inspection reveals deficiencies beyond those caused by normal wear and tear, the Town Building Official shall notify the developer or engineer of the findings of the Engineer, and shall afford the developer/engineer reasonable opportunity to correct the deficiencies. When the Town Engineer inspects and reports that the improvements are in compliance with the Subdivision Regulations, the Town Building Official will report such to the Town Council for acceptance by the Town for maintenance.

See also Article VI: 6-1-1 Subdivision Bond and 6-2 Inspection and Acceptance for Maintenance.

4-3-5 SIGNING AND RECORDING OF FINAL PLAT

(1) Signing of Plat

All plats shall be approved by the Town Council prior to recording in the Probate Office. The Town Planning Official and Town Engineer shall note and date the Town’s approval on the plat and sign said plat in his or her official capacity as required. NOTE: The county engineer’s signature is required on all plats in Tuscaloosa County, whether the subdivision is in an incorporated area or not. The Town Planning Official’s signature is required on all plats for subdivisions outside the jurisdiction of a municipal planning commission organized and functioning.

(2) Recording of Plat

Once a plat has been approved and such approval evidenced by the Town Building Official and Town Engineer's notation on the plat, it shall be recorded in the Office of the Probate Judge of Tuscaloosa or Bibb County, along with restrictive covenants, if any. The Town Planning Official shall be furnished two (2) copies of the Final Plat showing the Probate Judge's recording stamp.

4-3-6 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 on a suitable high quality reproducible material, and shall be tied to an accepted corner based on the U.S. Government Survey. The sheet size shall be of such size as is acceptable for filing at the Office of the Probate Judge.

The Final Plat shall show the following:

1. Tract boundary lines, right-of-way lines of streets, all easements and other rights-of-way, property lines of lots, with accurate dimensions, bearings, or deflection angles, radii, arcs, and central angles of curves.
2. The proper name and right-of-way of each street and other rights-of-way. Full right-of-way and centerline widths must be clearly depicted. No "Unnamed Public Road" descriptions will be allowed.
3. Location, dimensions, purposes and restrictions of any easements as well as the required easement statement as noted in 5-4-12 (a).
4. Number to identify each lot or building site.
5. Location of monuments.
6. Reference to recorded subdivision plats of adjoining platted land by Plat Book and Page Number.
7. Title, graphic scale, north arrow, name and registration number of subdivision land surveyor and engineer, date of plat, the quarter section or quarter sections in which the subdivision is located.
8. A detailed description of all restrictive covenants applicable to the subdivided property.

9. If building roads, a note from engineer stating that the road(s) conforms to current standards of the American Association of State Highway and Transportation Officials, hereinafter referred to as AASHTO. The following note shall be required on final plats with road improvements:

"I, _____ A REGISTERED ENGINEER, STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THAT THE DESIGN AND CONSTRUCTION OF ALL STRUCTURES, ROADWAYS, OR OTHER IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION MEETS OR EXCEEDS APPLICABLE AASHTO STANDARDS AS STATE IN THE 1990 EDITION OF 'A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS.'"

(ENGINEER'S NAME)
AL REG. NO.

10. The following endorsements, dedications, and certificates shall be placed on the Final Plat:
- (1) Licensed Land Surveyor's Certificate and Description of Land Platted (mentioned in #7 above);
 - (2) Licensed Engineer's Certificate of Engineering Design and Construction, if applicable;
 - (3) Dedication by owner
 - (4) A notary's Acknowledgment of the Dedication Certificate referred to in "3",
 - (5) A Certificate of Approval by the Town Engineer and Town Planning Official of the Town of Woodstock. The Town Engineer's signature is required on all plats in the Town and the Town's planning jurisdiction regardless of jurisdictions or corporate limits.
 - (6) A Certificate of Approval by the appropriate County Health Department;

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.

4-3-7 FINAL CONSTRUCTION PLANS

At the time of Final Plat approval, the applicant shall also submit the final construction plans (as-built drawings). Submittal shall be in the form of one digital copy and one hard copy with significant construction revisions noted and signed and stamped by a registered engineer.

**ARTICLE V
DEVELOPMENT STANDARDS**

- 5-1 MINIMUM STANDARDS
- 5-2 GENERAL REQUIREMENT
- 5-3 ROAD OR STREET PLAN
- 5-4 DESIGN STANDARDS

Section 5-1. MINIMUM STANDARDS

In addition to the requirements established herein, the following minimum requirements are established for all subdivision plats:

- (1) All applicable statutory provisions;
- (2) The special requirements and rules of the applicable County Health Department and/or appropriate state agencies.
- (3) The rules and standards of the Alabama Department of Transportation if the subdivision or any lot contained therein abuts a state highway;
- (4) The rules and standards of the Alabama Department of Environmental Management (ADEM) and any other appropriate state or federal agencies;
- (5) The standards and regulations adopted by all boards, commissions, agencies, and officials of the Town of Woodstock;
- (6) The rules and regulations as set forth by the Minimum Technical Standards as adopted by the Alabama Board of Licensure for Professional Engineers and Land Surveyors.
- (7) The rules and regulations that are part of the Federal Storm Water requirements.

Plat approval may be withheld if the subdivision is not in conformity with the above guidelines or the policy and purpose of these regulations as established in Article I of these regulations.

Section 5-2 GENERAL REQUIREMENTS

5-2-1 SUBDIVISION NAME

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The proposed name of the subdivision shall not be vulgar or crude. The Town Planning Commission

shall have final authority to reject the name of the subdivision. Such rejection shall be made before Final Plat Approval.

5-2-2 WATER-BODIES and WATER-COURSES

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn as to distribute the entire ownership of the water body among adjacent lots. The Town Council may approve an alternative plan provided the ownership of and responsibility for, safe maintenance of the water body is so placed that it will not become a Town responsibility. No public roadways will be approved which provide access across dams nor will any part of a lake dam be allowed on the public right-of-way, unless suitable safety measures are provided.

Section 5-3. ROAD OR STREET PLAN

The arrangement, character, extent, location, and grade of all roads shall be laid out according to good land planning principles and shall be integrated with all existing and planned roads. Consideration for the planning of new roads shall include topographical conditions, orientating to vistas, public convenience and safety, and the proposed uses of land to be served by them. All lots must have access as defined in Section 3-2-1 to a city, county or state road.

5-3-1 CONTINUATION OF ADJOINING ROAD SYSTEM

Proposed new roads shall extend existing roads or their projections at the same or greater width, but in no case less than the minimum required width as set forth in these regulations.

5-3-2 MARGINAL ACCESS ROADS

Where, in the opinion of the Town Engineer, development which abuts or has included within the proposed subdivided area any arterial, the Town Engineer may require a marginal access road or other treatment which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic.

5-3-3 ADDITIONAL WIDTH ON EXISTING ROADS:

Subdivisions that adjoin existing streets with inadequate right-of-way shall dedicate additional right-of-way to meet the minimum street 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.

5-3-4 ROAD NUMBERS/NAMES

Proposed roads, which are obviously in alignment with others existing and numbered, shall bear assigned name/number of the existing roads. The E911 Board shall approve road names and street addresses.

5-3-5 VACATING A ROAD OR EASEMENT

Vacation of a road or easement shall be in accordance with the procedures set out in Code of Alabama 1975, § 23-4-20 et seq for vacation by Town or vacation by abutting land owner.

Any person or persons desiring to vacate Town right-of-way shall retain an attorney who will contact the Town attorney for procedural instructions.

5-3-6 FRONTAGE ON IMPROVED ROADS

No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access of at least thirty (30) feet from:

- (a) an existing road maintained by the state, county or Town or
- (b) public road shown upon an approved plat recorded in the Tuscaloosa or Bibb County Probate Judge's office. Such street or highway must be suitably improved as required by the rules, regulations, specifications, or orders, or be secured by an improvement guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations.
- (c) private ingress and egress easements as set forth in these regulations [Section 5-4-12(b)].

5-3-7 TOPOGRAPHY AND ARRANGEMENT

All proposed roads shall be properly integrated with the existing system of roads.

- (1) All arterials 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.
- (2) Roads as defined in Section 3-2-40 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.

- (3) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or multiple access roads to the subdivision shall be encouraged where such use will result in a more desirable layout. The use of more than one access to a subdivision is recommended as Emergency Service is better provided in case one access is blocked. Public services such as mail delivery and trash pick-up are more efficient when streets are laid out to prevent backtracking.
- (4) Proposed roads 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 Town Engineer, such extension is not necessary or desirable for the coordination of the layout of the subdivision or with the existing layout of the most advantageous future development of adjacent tracts.
- (5) In business and industrial developments, the roads and other access ways shall be planned in connection with the grouping of buildings, location of rail and port facilities, and the provision of truck loading and maneuvering area, and walks and parking areas so as to minimize conflicts of movement among the various types of traffic, including pedestrian.

5-3-8 ACCESS TO ARTERIALS

Where a subdivision borders on or contains an existing or proposed arterial, the Town Council may require that access to such arterial be limited by one of the following means:

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

5-3-9 EXCESS RIGHT-OF-WAY OR EASEMENTS

Right-of-way or easement 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. It shall be the responsibility of the developer to obtain additional width on private easements if necessary due to construction requirements.

5-3-10 RAILROADS, ARTERIALS, AND MAJOR THOROUGHFARES

Railroad rights-of-way, arterials, and expressways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

Roads parallel to the railroad when intersecting a road that crosses the railroad at grade shall, to the extent practical, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

5-3-11 CUL-DE-SACS

Dead-end roads shall be provided with a turnaround having a right-of-way radius not less than fifty (50) feet and paved radius not less than forty (40) feet.

Section 5-4. DESIGN STANDARDS

The developer is required to seek the Town's acceptance of roads in the subdivision. The following design standards shall be considered minimum requirements for all subdivisions.

If the Town establishes separate requirements for non-residential subdivisions, they shall be such as the Town Council deems appropriate, but shall in no event be less than the requirements of residential subdivisions, unless the developer is granted a variance under the procedures set out in Article IX.

5-4-1 RIGHT-OF-WAY WIDTHS

Right-of-way should be of sufficient width to accommodate the construction of the roadway in its entirety, including adequate drainage and future maintenance without encroaching on adjacent properties. The Town of Woodstock has established a minimum right-of-way requirement of fifty (50) feet of width for Local Service Streets with curb and gutter or valley gutter and sixty (60) feet in width without curb and gutter, sixty (60) feet minimum width for Sub-collectors, and eighty (80) feet minimum width for Collectors. Additional width may be required for construction and/or maintenance. Dedicated right-of-way directly adjacent to the subdivision should be clearly labeled on the plat, as well as right-of-way outside the subdivision limits. Undedicated right-of-way outside of the subdivision should be labeled as "width varies."

In subdivisions containing lots with a minimum lot size of one (1) acre and where the roads will be constructed with twenty (20) feet wide roadways with shoulders four (4) feet in width, a minimum right-of-way of fifty (50) feet will be allowed.

The owner/developer shall be required to secure right-of-way from the proposed development along any existing road to a Town maintained road or as directed by the Town

Engineer. The Town of Woodstock will not accept rights-of-way which are not improved to present design specifications.

5-4-2 ROADWAY

Roadways shall be of a suitable width for two 12'-0" wide traffic lanes and with 8'-0" wide shoulders for streets constructed without curb and gutter. Streets constructed with curb and gutter shall be 31'-0" in width from back of curb to back of curb (See Typical Section). Streets constructed with valley gutter shall be 32'-0" in width from back of gutter (see Typical Section). In subdivisions containing lots with a minimum size of one (1) acre, the roadways may be constructed with a roadway width of twenty (20) feet with shoulders four (4) feet in width (see Typical Section).

In all cases the roadway cross section shall be shaped to properly drain. Cross slopes from centerline crown shall be from 1/4 to 1/2 inch per foot for roads with normal crown. Super-elevation for roads not in normal crown shall be in accordance with AASHTO.

The maximum rate of side slopes will be in accordance with AASHTO but in no case should it exceed the following: 4:1 front slope in cut sections and on fills up to 2 feet high, transition to a maximum of 2:1 in deep fill sections, 2:1 back-slopes except in solid rock; in rock the slope may be 1/4:1. Side ditches shall be provided of a width to adequately drain the roadway, a minimum depth of one foot below sub-grade shoulder will be required (see attached Typical Section).

All streets which are to be dedicated to the Town of Woodstock shall have a subbase which is well drained, stable and substantially free of organic material. All streets shall require a minimum 6" compacted thickness of an approved stone aggregate base. Fill sections of roadway shall be placed at a maximum of 8" layers and adequately rolled to obtain compaction. Compaction requirements shall be in accordance with the Alabama Department of Transportation (hereinafter referred to as ADOT) standard specifications. Compaction test results shall be submitted prior to the request for inspection.

5-4-3 PAVEMENT

All streets are to be paved with two surface treatments. A Type "AKG" Treatment (ADOT) shall be applied first, and a second layer consisting of a Bituminous Plant Mix Seal applied at a minimum of 2" compacted thickness.

If so desired, the Type AKG Treatment may be substituted with a layer of Bituminous Plant Mix Seal applied at a rate of 100 pounds per square yard. This alternative will still require the second layer of Plant Mix Seal with a minimum of 2" compacted thickness.

5-4-4 DRAINAGE

Roadway drainage structures, pipe culverts, and box culverts, shall be designed in accordance with the latest edition of the “Standards and Specifications for Road and Bridge Construction” of the Alabama Department of Transportation.

The inside diameter of pipe or culvert required shall be determined by using “Manning’s Equation”, with a flow based on size of drainage area, type terrain, and a 25 year storm event. In no case shall roadway pipe have an inside diameter less than 18 inches and in no case shall any side drain pipes have an inside diameter less than 18 inches. All roadway pipes will be a Class III reinforced concrete with a minimum cover of 1 foot compacted thickness. A bedding layer of Class II Rip Rap 2 feet in thickness below the flow-line and 10 feet in length extending from the end of the pipe and along the drainage ditch will be required on both the inlet and outlet sides of all roadway pipes.

All side drain pipes shall be of a type listed as acceptable according to the State specifications book published by the Alabama Department of Transportation, current at the time of construction.

5-4-5 GRADES

The Town of Woodstock recommends a maximum of 12% for grades. Grades of relatively short length may be increased up to 15 % upon approval of the Town Engineer.

5-4-6 SIGHT DISTANCE

All sight distances shall be in accordance with the latest edition of AASHTO. Minimum stopping sight distance for local service streets, both vertical and horizontal, based on height of eye 3.50 feet and distance of object 0.50 feet, shall be 200-275 feet.

5-4-7 INTERSECTIONS

Where applicable, the developer’s engineer will be responsible for the design and construction of road improvements intersecting county roads. Improvements intersecting state highways must be approved by the Alabama Department of Transportation. Individuals constructing driveways adjacent to county rights-of-way should contact the Bibb or Tuscaloosa County Public Works Department before driveway construction begins.

The location of intersections should be selected to avoid steep profile grades, short crest vertical curves, or sharp horizontal curves in order to insure adequate sight distance to the intersection. Where there is no practical alternate to such a location, the approach sight distance shall be in accordance with AASHTO standards.

All street intersections must be designed and constructed as to prevent water from running onto existing roads and intersections.

5-4-8 TRAFFIC AND STREET SIGNS

Traffic and street signs shall meet the requirements set forth in the current edition of the “Manual of Uniform Traffic Control Devices”. All Traffic Control Signs and Road Name signs shall be installed prior to the acceptance of maintenance by the appropriate county Public Works Department. Road names must be approved and placed clearly on the final plat. Traffic control in work areas shall be in accordance with Part IV of the latest edition of the MUTCD.

Temporary lane closures for construction purposes on existing county maintained roads must be approved in advance by the appropriate county Public Works Department. Approval may be obtained by submitting a traffic control plan accompanied by a letter identifying the responsible party, anticipated closure and duration of closure.

Traffic control signs and road name signs are considered subdivision improvements and will be the responsibility of the developer/engineer. Sign installation may be accomplished independently or may be contracted through the appropriate County Public Works Department. A copy of the plat depicting the location and type of traffic control should be submitted to the appropriate County Department. Upon review and approval of the traffic control plan and, if requested by the developer, a cost proposal will be supplied by the Town Engineer for sign installation. The Town has the right to require a developer to comply with traffic signage as required by the applicable county and/or the Town’s engineer.

5-4-9 EROSION CONTROL

National Pollutant Discharge Elimination System permits shall be the responsibility of the developer and shall be in accordance with the Alabama Department of Environmental Management. Erosion control shall be installed and maintained throughout construction as to prevent sedimentation of pipe culverts and ditches. A stand of grass shall be established along shoulders and back-slopes. Best management practices shall be required on all projects regardless of permitting requirements.

5-4-10 UTILITIES

Where applicable, the developer’s engineer will be responsible for the design and construction of utilities within the subdivision. Utility improvements or construction of any nature on existing county right-of-way must be approved by permit in advance. A copy of this permit may be obtained by contacting the Public Works Department of the applicable county. Construction shall be in accordance with the latest edition of the Alabama Department of Transportation Utility Manual.

There shall be no private sewer lines along public rights of way. All subdivisions which

are, at their closest point, within 2500 feet of an existing sewer line shall tie into the sewer and private sewer systems shall not be permitted in such subdivisions.

5-4-11 TURNOUTS

Where applicable, the developer's engineer will be responsible for the design and construction or road improvements intersecting county roads. Individuals constructing driveways in the Town rights-of-way will be required to obtain approval from the Town or the applicable county before driveway construction begins.

5-4-12 EASEMENTS

UTILITY AND DRAINAGE. Easements having a minimum width of twenty (20) feet and located along the side or rear lot lines shall be provided, as required for utility lines, and underground mains and cables. Storm drainage easements, including off-site easements, will be required when necessary for the control of surface drainage. Each final plat shall contain the following marginal note:

“Note: All easements shown on this plat are for public utilities, sanitary sewers, storm sewers, and storm ditches and may be used for such purposes to serve property both within and without this subdivision. No permanent structure or other obstruction shall be located within the limits of a dedicated easement.”

(b) **Private Access Easements.** Private access easements will be allowed for access to a county maintained road in conjunction with the following provisions:

- 1) Lots or parcels must be three (3.00) acres in size or greater. If all of the parent tract of land is not to be subdivided, the remainder of the parent tract must be designated as a lot or parcel of the subdivision should it be less than fifteen (15.0) acres in size.
- 2) No more than three (3) lots or parcels will be allowed using a common access easement as the source of ingress-egress, regardless if said easement existed prior to the new subdivision(s) being created, provided that such easement shall not be greater than twelve hundred (1200) feet in length.
- 3) Easements to said parcels must be thirty (30) feet in width minimum. If multiple easements are required, said easements must be at a minimum thirty (30) feet apart in distance between the adjoining margins of said easements.
- 4) A plat of the subdivision must be submitted to the Town of Woodstock Planning Official for approval in accordance with the rules and provisions as set forth in these regulations.
- 5) A gate must be placed at the entrance to the easement signifying that the road is not a

public road. Also, a sign must be placed at the entrance to the easement depicting its “private” status.

- 6) A statement or note must be placed upon the plat with the following verbiage:

The private access easement as shown on this map or plat does not constitute a dedication of same as a public right-of-way and will not be improved or maintained by the Town of Woodstock until such time that the depicted easement has been improved to the current subdivision standards effective on the date.

The above note must also be included within any documents of conveyance, i.e. deeds.

- 7) Written verification that private access easement has been obtained must be submitted with the final plat.

5-4-13 PRIVATE SUBDIVISIONS

- a. Improvements within proposed private subdivisions shall meet regular subdivision standards and the private status shall not be effective until final plat recording.
- b. A gate shall be established after construction to limit access. The gate shall be designed and constructed such that emergency vehicles can easily and quickly access the subdivision.
- c. The Private status of the subdivision shall be clearly stated on the recorded final plat and in all deeds.
- d. As long as the subdivision remains private, the roads, structures and drainage shall be maintained by the developer and/or property owners. This shall be stated to those who purchase a parcel(s) within the subdivision and shall be stated in writing on each property deed. The procedure for accomplishing this shall be outlined in a letter to the Town of Woodstock Planning Official for the file.
- e. A subdivision will not be considered as a “Private Subdivision” if the proposed development prevents access or “land locks” adjoining property.
- f. If a private subdivision is recorded in the Tuscaloosa or Bibb County Probate Office and the property owners (100%) at some future date desire to eliminate the private subdivision and substitute in its place a town maintained subdivision, the owners must petition the Town for tentative approval. If the Town gives tentative approval of the petition, the owners shall submit subdivision plans to the Town of Woodstock Planning Official including improvements and repairs that may be required according to the Town

of Woodstock Planning Official including improvements and repairs that may be required effective on the date of petition. It shall be the responsibility of the owners to prepare a revised final plat according to Section 4-3 for approval and recording to the Tuscaloosa or Bibb County Probate Office, or other county if appropriate.

5-4-14 NEIGHBORHOOD SUBDIVISIONS

These regulations seek to encourage sound innovations in residential planning developments. Therefore, if the owner/developer chooses to develop a neighborhood type subdivision, the following requirements shall apply:

- 1.) Open space which will amount to a total of not less than 20% of the gross land (area) to be developed is required. There shall be a Homeowner's Association which shall have an agreement for the maintenance of the common areas.
- 2.) Sidewalks shall be required and installed on at least one side of streets in these subdivisions. The developer shall install the sidewalks at the same time as the road is being constructed - the sidewalk shall be finished prior to the Town accepting the maintenance bond on the streets.

All sidewalks shall be a minimum of four (4') feet in width, four inches in thickness, of 3,000 pound (3,000 psi) concrete, and conforming to the concrete specifications of the Town Engineer. Each sidewalk shall have a minimum lateral drainage slope of one-fourth inch per foot. Curb ramps shall be provided at all intersections to meet ADA requirements. A median strip of grassed or landscaped areas at least two feet wide shall separate all sidewalks from adjacent curbs.

- 3.) The roadways in this type of development may be built using valley gutter streets with the following specifications: fifty (50) feet right-of-way with the roadway measuring twenty seven (27) feet in width from back of gutter to back of gutter (see Typical; Section). The minimum roadway pavement width (not including gutters) shall be twenty-two (22) feet; and thirty (30) inch valley gutters will meet minimum standards. Greater roadway pavement widths shall be required where projected traffic volumes warrant such wider facilities.

If the developer does not wish to build the roads using valley gutter as directed by the specifications above, the design specifications as noted in Sections 5-4-1 and 5-4-2 shall apply.

ARTICLE VI GUARANTEE OF COMPLETION OF IMPROVEMENTS

6-1 INSTALLATION OF REQUIRED IMPROVEMENTS

6-2 INSPECTION AND ACCEPTANCE FOR MAINTENANCE

SECTION 6-1. INSTALLATION OF REQUIRED IMPROVEMENTS

The sub-divider shall be responsible for the provision of all required improvements to the subdivision. This may be accomplished by either the full installation of all required improvements by the developer at the time the Final Plat is to be submitted to either the Town Council, or, if authorized by the Council, by the provision of a financial guarantee of performance under conditions set out in these regulations.

6-1-1 SUBDIVISION BOND

The appropriate bond must be filled out and filed with the Town Engineer at the time of acceptance. A copy of the Performance Bond and Maintenance Bond is found in Appendix IV and V.

For subdivisions which require improvements, in addition to the final plat, the developer shall submit two copies of the following to the Town Engineer:

1. A letter, written and signed by a professional engineer registered to practice in the State of Alabama, addressed to the Town Engineer stating the following information:
 1. Estimated cost of construction.
 2. Current stage of construction.
 3. Estimated cost on the remaining construction.
 4. Estimated date of construction completion.
 5. Name, address, and phone number of the developer or owner responsible for improvements.
2. a. If all improvements have been completed, a letter requesting an inspection for acceptance of the Maintenance Bond must accompany the final plat. Approval of the final plat under this procedure may require additional time for inspection.

or

b. If all improvements have not been completed at this time, prior to the signing of the plat, the applicant must post a Performance Bond (see Appendix IV) equal in amount to one and one-half time the cost of uncompleted construction improvements. The term "Performance Bond" as used in this section in construed to have any one of the following meanings:

1. A surety bond secured by a surety company authorized to engage in the making of surety bonds in and by the State of Alabama.

2. An individual bond signed by a person owning real property in Tuscaloosa or Bibb County with an unencumbered value equal to or greater than the sum required in this section.
3. A cashiers check deposited with the Town of Woodstock.
4. A subdivision lot. If a subdivision lot is used for surety the following will be needed:
 - a. A title insurance policy, mortgage coverage, in favor of the Town of Woodstock, Alabama for coverage in the amount of the bond.
 - b. A mortgage from the developer in favor of the Town of Woodstock, Alabama. A copy of a Performance Bond provided for the Town of Woodstock or any other incorporated area in the Town will be accepted.

No final plat which includes improvements shall be signed unless accompanied by the appropriate bond.

Section 6-2. INSPECTION AND ACCEPTANCE FOR MAINTENANCE

Upon completion of the improvements, the applicant shall file with the Town Engineer 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 Town of Woodstock Subdivision Regulations for their construction;
- (3) That the applicant knows of no defects from any cause in those improvements; and
- (4) That these improvements are free and clear of any encumbrances or liens.
- (5) Request acceptance of Maintenance Bond at this time.

If the Town Engineer or Building Official reports to the Town Planning Official, upon inspection, that any of the required improvements have not been constructed in accordance with the Town's adopted construction standards and specifications, the applicant shall be responsible for correcting any deficiencies. Wherever the cost of improvements is covered by a surety, the applicant and the Surety shall be severally and jointly liable for completing or paying the cost of the improvements according to specifications.

When the Town Engineer or Building Official inspects and reports that the subdivision is

in compliance and ready to be accepted for maintenance bond, the Planning Official shall issue a letter reflecting such to the owner/engineer and upon receipt and acceptance of the Maintenance Bond, the Performance Bond shall be released.

No subdivision streets, drainage structures, or other improvements of any kind will be maintained by the Town of Woodstock until the subdivision is accepted for maintenance by resolution of the Town of Woodstock Council.

Upon completion of all improvements, the engineer should request an inspection in writing through the Town Planning Official. Once the improvements have been inspected and approved, a Maintenance Bond shall be required in an amount equal to ten percent (10%) of the total cost of said improvements. The Maintenance Bond will not be accepted until the preliminary inspection verifies that all improvements for a period of one year following the acceptance of the maintenance bond. Prior to the end of the one year period, the developer's engineer shall notify the Town Planning Official in writing and request a final inspection.

If the inspection reveals deficiencies beyond those caused by normal wear and tear, the Town Planning Official will notify the responsible party of such deficiencies and shall afford said party reasonable opportunity to correct any deficiencies. Upon correction of deficiencies, the responsible party shall notify the Town Engineer in writing and request that the improvements be accepted for maintenance. If satisfied that all requirements have been met and any deficiencies have been corrected, the Town Planning Official will request that the Town Council accept said improvements for maintenance.

ARTICLE VII

VARIANCES

7-1 GENERAL

7-2 CONDITIONS

Section 7-1. GENERAL

A variance may be granted in circumstances where the developer demonstrates that extraordinary hardships or practical difficulties, such as commercial development, may result from strict compliance with these regulations. The request for variance should be sent to the Town Planning Official. The Planning Official shall review the application and the circumstances, and make a recommendation in writing to the Town Council, as to whether or not the variance should be granted. The report shall set out in detail the basis for the recommendation.

If the Town Planning Official (or the Engineer) recommends that the variance be granted, he or she may recommend that it be conditioned upon the developer complying with special

requirements as set out in the approval. Where the Town Planning Official has recommended to grant the variance, the Town Council shall vote on the request prior to any construction of the development.

If the Town Planning Official or Town Engineer recommends that the request for variance be denied, the developer may appeal that recommendation to the Town Council, which shall consider the issue at the next regularly scheduled Town Council meeting following notice of the recommendation. The Town Planning Official or his or her designee shall be present at the Town Council meeting and shall present his or her reasons for recommending that the variance not be granted. The Developer shall also be given an opportunity to be heard. A decision to grant the variance shall be made by recorded vote and shall require a majority of the membership of the Town Council.

In determining whether to grant the variance, the Town Engineer and the Town Council shall make a finding based upon the evidence presented to it in each specific case that:

- (a) The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property;
- (b) The conditions for which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
- (d) The variance will not in any manner vary the provisions of other adopted policies and regulations of the Town of Woodstock.

Section 7-2. CONDITIONS

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

The Town Council shall not grant any variance within the flood-way unless the developer submits a study prepared by a registered professional engineer certifying that no increase in the 100-year flood level would result from the proposed development.

Within other areas subject to flooding, variances shall only be issued upon a determination by the Town Council that the relief granted is the minimum necessary considering the flood hazard.

ARTICLE VIII

CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

8-1 PUBLIC PROVISIONS

8-2 PRIVATE PROVISIONS

8-3 ENCUMBRANCES

Section 8-1. PUBLIC PROVISIONS

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, the provisions of which are more restrictive or impose higher standards shall control.

Section 8-2. PRIVATE PROVISIONS

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, however, that where the provision of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restrictions, the requirements of these regulations shall govern. To the extent that any easement, covenant, or private agreement is not inconsistent with these regulations or any determinations made by the Town Council in approving a subdivision or in enforcing these regulations, such private provisions shall be operative and supplemental to these regulations and any determinations made thereunder.

Section 8-3. ENCUMBRANCES

The right-of-way that is to be used for said public or private road shall not be encumbered by any pre-existing restrictions or reservations on the land such as utility or drainage easements, that might limit the use of the right-of-way. Utility lines that cross the proposed right-of-way of said road in a transverse or perpendicular manner will be allowed, provided that prior approval must be attained from the Town of Woodstock Planning Official before the right-of-way will be allowed. Where an existing utility line will cross the proposed right-of-way, permission must also be granted from the utility company, in writing, stating their approval and the conditions for that approval. A copy of this letter must be sent to the Town Planning Official for verification.

ARTICLE IX

LEGAL PROVISIONS

9-1 SEVERABILITY

9-2 SAVINGS PROVISION
9-3 INCORPORATION BY REFERENCE

Section 9-1. SEVERABILITY

If any party or provision of these regulations is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined to its terms and shall not affect or impair the validity of the remainder of these regulations or their application to other persons or circumstances.

Section 9-2. SAVINGS PROVISION

Except as expressly provided in these regulations, these regulations shall have prospective application only and shall not be construed as abating, modifying, or altering any action, including any penalty, pending under any subdivision regulations in existence on the effective date of these regulations. These regulations shall not affect the rights or liability of any person, firm, or corporation, nor operate as a waiver of any right of the Town under any section or provision existing at the time of adoption of these regulations. Notwithstanding the foregoing, any application for plat approval made after the Town Council's adoption of these regulations which is pending on the effective date of these regulations shall be reviewed, approved, or disapproved in accordance with these regulations, provided that the owner or developer was given written notice at the time of application that these regulations would be utilized in the approval of the subdivision's design and development.

Section 9-3. INCORPORATION BY REFERENCE

Code of Alabama 1975, § 11-52-1 et seq. are attached hereto as Appendix VII, and are hereby specifically incorporated by reference and made a part of these regulations.

APPENDICES

Appendix I

FINAL PLAT CHECKLIST

FINAL PLAT CHECKLIST
(Developer's Engineer/Surveyor)

Name of Plat: _____

Developer: _____

Developer's Engineer/Surveyor: _____

Yes No N/A

1. The final plat has a signature space for the Town Engineer _____

2. Improvements _____

3. If "yes" to #2, then must have two (2) copies of the following _____

 a. A letter addressed to the Town Engineer stating the following: _____

 1. Estimated cost of construction _____

 2. Current stage of construction _____

 3. Estimated cost of remaining construction _____

 4. Estimated date of completion _____

 5. Name, address, and phone number of the developer
 or owner responsible for the improvements _____

 b. A performance bond equal in amount of one and one-half _____

 c. Engineer's statement that the improvements meet AASHTO _____

4. An original drawing on recordable-sized paper _____

5. Title, graphic scale, north arrow, name and registration number
of the subdivision engineer, together with the quarter section(s)
which the subdivision is located are provided. _____

6. The subdivision is tied to an accepted corner based on the
US Government Survey. _____

7. Tract boundary lines, right-of-way lines of streets, easements and other
right-of-way and property lines of lots, with accurate dimensions, bearings
or deflection angles, radii, arcs, and central angles of all curves have been provided. _____

8. Right-of-way width of each street has been provided. _____

9. The locations and dimensions of all easements, together with the statement
required by Section 5-4-12 (a) have been provided. _____

10. Number to identify each lot has been provided. _____

11. Source of Information/Title _____

**APPENDIX II
APPLICATIONS**

APPLICATION FOR FINAL PLAT APPROVAL

Date: _____

1. Name of Subdivision _____

2. Name of Applicant _____ Phone _____

Address _____

3. Owner of Record _____

Address _____

4. Engineer _____ Phone _____

Address _____

5. Land Surveyor _____ Phone _____

Address _____

6. Attorney _____ Phone _____

Address _____

7. Names and addresses of all adjoining land owners. (Names as they appear upon the plats in the office of the county tax assessor and addresses as they appear in the directory of the county or on the tax records of the county.)

8. Names and addresses of all affected utilities.

9. Subdivision Location: _____

10. Total Acreage _____ Number of Lots _____

11. Has the Commission granted any variance to the subdivision regulations concerning the property? _____
If so, describe _____

12. Date of pre-design review, if applicable. _____

13. Attach the original tracing of the final plat and (3) black or blue-line prints with all required signatures except the signature of the Town of Woodstock Planning Official and Town Engineer.

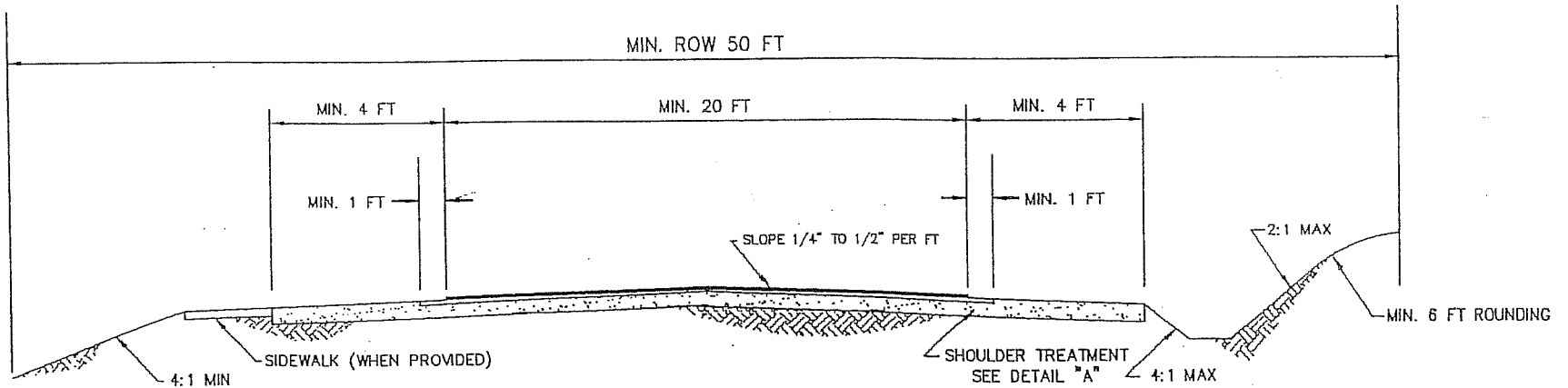
APPENDIX III

TYPICAL SECTIONS

TYPICAL STREET SECTION

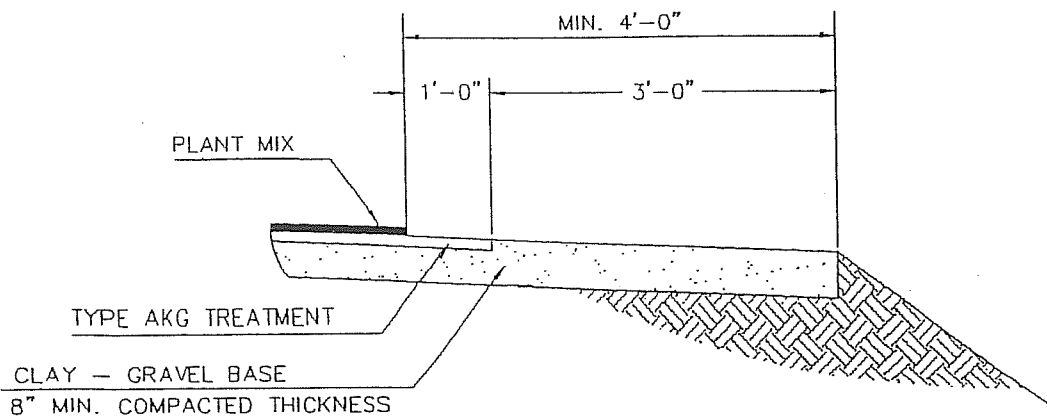
(WITHOUT CURB AND GUTTER)
(NORMAL CROWN)

PERMITTED ONLY IN
SUBDIVISIONS WHERE
LOT SIZE IS GREATER
THAN 1 ACRE



SUPERELEVATION SHALL BE
IN ACCORDANCE WITH AASHTO
STANDARDS

NOTE: THE ABOVE SLOPES ARE MAXIMUM SLOPES
BOTH CUT AND FILL SLOPES WILL DEPEND ON THE
STABILITY OF LOCAL SOILS AND ITS RESISTANCE TO
EROSION IF TERRAIN AND WIDTH OF RIGHT OF WAY WILL
PERMIT, FLATTER SLOPES ARE PREFERRED. ALL SLOPES
SHALL CONFORM TO AASHTO STANDARDS.

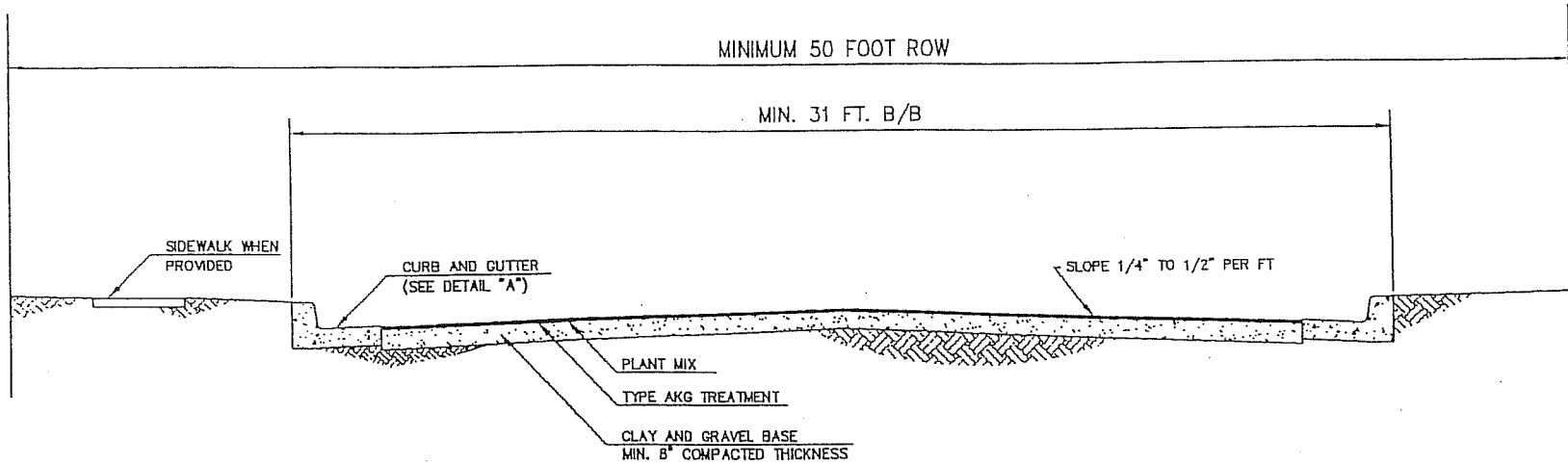


DETAIL "A"

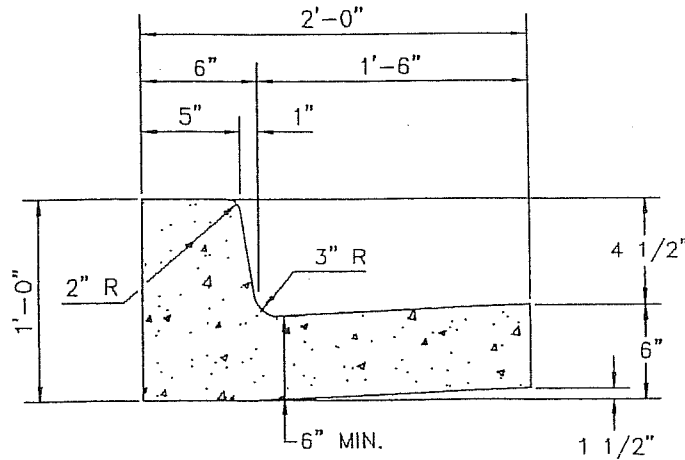
TYPICAL SHOULDER TREATMENT
WITHOUT CURB AND GUTTER

TYPICAL STREET SECTION

(WITH CURB AND GUTTER)
(NORMAL CROWN)



SUPERELEVATION SHALL BE
IN ACCORDANCE WITH AASHTO
STANDARDS



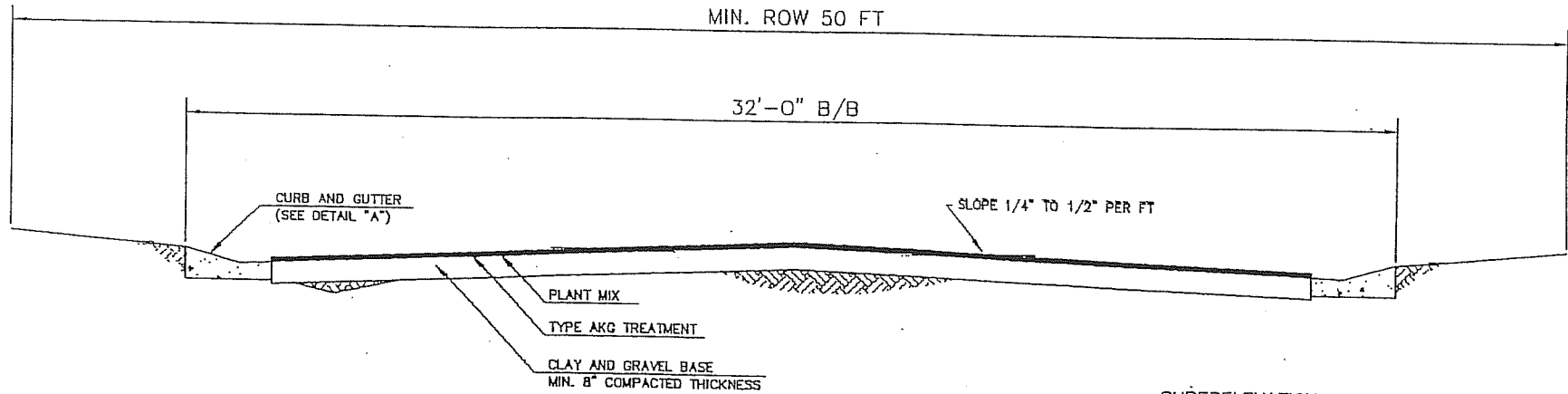
DETAIL "A"

TYPICAL COMBINATION CURB AND GUTTER

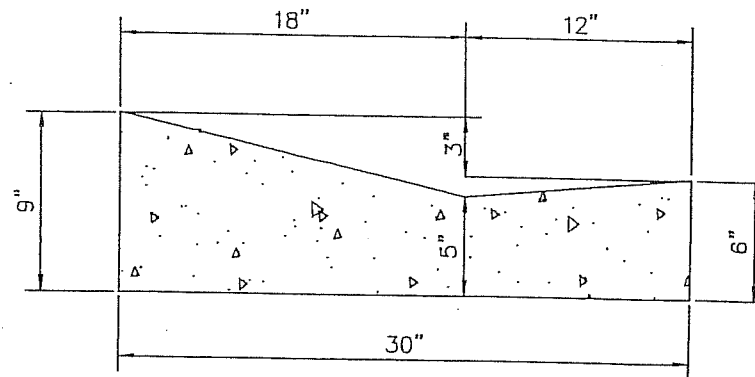
TYPICAL STREET SECTION

(WITH VALLEY GUTTER)

(NORMAL CROWN)



SUPERELEVATION SHALL BE
IN ACCORDANCE WITH AASHTO
STANDARDS



DETAIL "A"

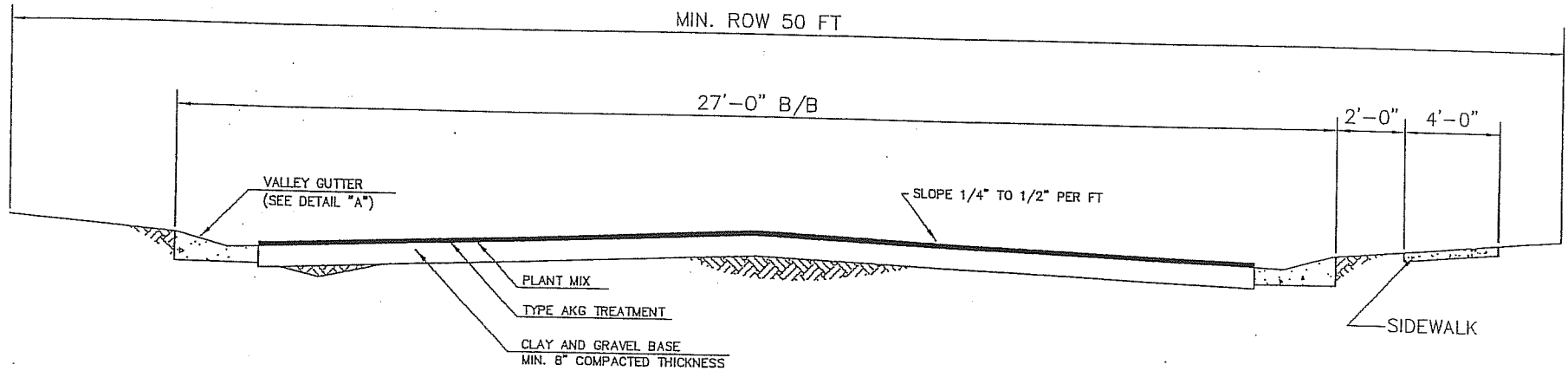
TYPICAL VALLEY GUTTER

NOTE: VALLEY GUTTER MAY BE SUBSTITUTED
FOR COMBINATION CURB AND GUTTER.
PAVEMENT WIDTH SHALL NOT BE
DIMINISHED.

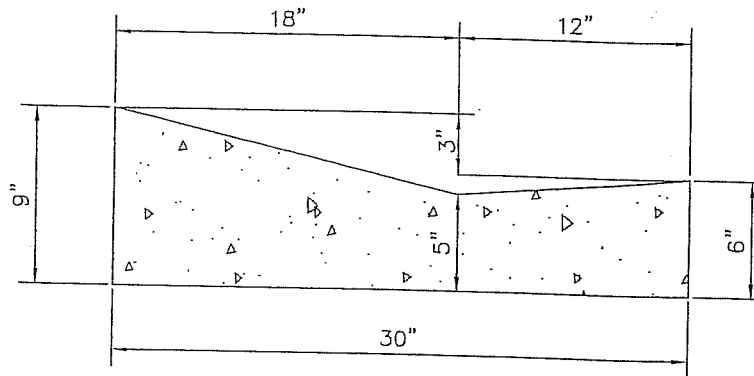
TYPICAL STREET SECTION

(WITH VALLEY GUTTER AND SIDEWALK)

SEE SECTION 5-4-14 NEIGHBORHOOD SUBDIVISIONS



SUPERELEVATION SHALL BE
IN ACCORDANCE WITH AASHTO
STANDARDS



DETAIL "A"

TYPICAL VALLEY GUTTER

APPENDIX IV

PERFORMANCE BOND

PERFORMANCE BOND

STATE OF ALABAMA)
COUNTY OF _____)

Know all men by these presents, That we, _____ as principal and (hereinafter called the "Developer") of _____ (hereinafter called the "Surety"), as surety, do hereby acknowledge ourselves indebted and firmly bond and held unto the Town of Woodstock, Alabama (hereinafter called the "Town"), a government organization, in the penal sum of _____ for the payment of which will and truly to be made in lawful money of the United States, we do hereby bind ourselves, our successors and assigns and personal representatives, jointly and severally, firmly by these presents.

BUT THE CONDITION OF THE FOREGOING OBLIGATION OR BOND IS THIS:

Whereas, the Developer is developing certain lands within the jurisdiction of the Town of Woodstock as a subdivision; and Whereas, on _____, 20_____, the Developer presented to the Town of Woodstock Planning Official and the Town of Woodstock Engineer for approval, a final plat of the subdivision known as _____ generally located in _____, such approval being required prior to recording such plat in the Probate Office of Tuscaloosa or Bibb County, Alabama; and Whereas, it is desired to place the Town in assured position of having these improvements made and utilities installed according to the specifications of the Town of Woodstock and without cost to the Town.

Now, therefore, if the Developer shall complete the construction and installation in the said subdivision (according to the specifications for such works as prescribed by the County) of the following streets, water lines and/or other drainage structures, to wit:

within a period of _____ days from the date of this instrument or within such extension of time as may be granted by the Town Council and endorsed hereon in writing, this obligation or bond shall be null and void, otherwise it shall remain in full force and effect.

In witness whereof, the Developer has executed or caused the within bond to be executed, and said surety has executed the same or caused same to be executed by its duly authorized officers on the _____ day of _____, 20_____.

Surety for Bond

Principal

Surety

APPENDIX V

MAINTENANCE BOND

MAINTENANCE BOND

STATE OF ALABAMA)
COUNTY OF _____)

Know all men by these presents, That we, _____ (hereinafter called the "Developer")
of _____, as principal, and _____
(hereinafter called the "Surety"), as Surety, do hereby
acknowledge ourselves indebted and firmly bound and held unto Town of Woodstock herein called
"Town", in the penal sum of _____, for the payment of which well and truly to be
made in lawful money of the United States, we do hereby bind ourselves, our successors and assigns
and personal representatives, jointly and severally, firmly by these presents.

BUT THE CONDITION OF THE FOREGOING OBLIGATION OF BOND IS THIS:

Whereas, the Developer has developed certain lands within the jurisdiction of the Town of
Woodstock as a subdivision; and

Whereas, the Developer has completed or has made bond insuring the completion of
construction of the subdivision or development known as _____ located
generally in _____, and the final plat of said subdivision has been approved by
the Town of Woodstock Planning Official and the Town of Woodstock Engineer; and

Whereas, request has been made to the Town Engineer to approve the final plat and request will
be made to the Town to accept the subdivision streets, drainage structures, and other improvements, for
maintenance by the Town; and

Whereas, such approval and acceptance will not be given until the Developer, or his contractor,
has furnished the Town a satisfactory bond, in an amount equal to ten percent (10%) of the construction
cost of said improvements, conditioned to maintain the streets, drainage structures, and other
improvements, for a period of one (1) year following their completion and acceptance by the Town.

Now, therefore, if the Developer shall maintain the street, drainage structures, and other
improvements constructed in and for the above subdivision for a period of one (1) year following the
date of acceptance by the Town of Woodstock Engineer, this obligation shall be null and void,
otherwise it shall remain in full force and effect.

In witness whereof, the Developer has executed, or caused the within bond to be executed, and
the Surety has executed the same, or cause the same to be executed, by its duly authorized officers, on
this the _____ day of _____, 20 ____.

Principal

Surety

APPENDIX VI

CODE OF ALABAMA, 1975 §11-52-1 et seq.

Section 11-52-1**Definitions.**

When used in this chapter, the following words or phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

- (1) MUNICIPALITY or MUNICIPAL. Cities or towns.
- (2) MAYOR. The chief executive of the municipality, whether the official designation of his office be mayor, city manager or otherwise.
- (3) COUNCIL. The chief legislative body of the municipality.
- (4) COUNTY COMMISSION. The chief administrative or legislative body of the county.
- (5) STREETS. Streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways.
- (6) SUBDIVISION. The division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Such term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §786.)

Section 11-52-30**Territorial jurisdiction of municipal and county planning commissions and county commissions as to subdivisions; approval of maps or plats of subdivisions.**

(a) The territorial jurisdiction of any municipal planning commission over the subdivision of land shall include all land located in the municipality and all land lying within five miles of the corporate limits of the municipality and not located in any other municipality; except that, in the case of any such nonmunicipal land lying within five miles of more than one municipality having a planning commission, the jurisdiction of each such municipal planning commission shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities; provided further, that in all counties having a population of 600,000 or more according to the 1950 federal census or any succeeding decennial federal census, the county planning and zoning commission shall be invested with such authority, except and unless the municipality or municipalities in question is/are actively exercising zoning jurisdiction and control within said police and/or five mile jurisdiction or, in the case of a municipality subsequently incorporated, within 180 days from the date of its incorporation; provided, further, that in all counties having a population of 600,000 or more inhabitants according to the 1950 federal census or any succeeding decennial federal census, the county commission of such county shall have the right and power to establish minimum specifications and regulations governing the lay-out, grading and paving of all streets, avenues and alleys and the construction or installation of all water, sewer or drainage pipes or lines in any subdivision lying wholly or partly in areas outside the corporate limits of any municipality in such counties and relating to subdivisions lying within the corporate limits of any municipality in such counties which has declined or failed to exercise zoning jurisdiction and control as provided in this section.

(b) No map or plat of any subdivision shall be recorded, and no property shall be sold referenced to such map or plat, until and unless it has been first submitted to and approved by the county engineer or, in his absence, by the acting county engineer of such county, who shall examine same for compliance with the specifications and regulations of the county commission of such county and, if it is in compliance, shall note his approval on such map or plat by noting thereon "approved," giving the date of such approval and signing same in his official capacity.

Where any subdivision lies within the extraterritorial planning jurisdiction of any municipality having exercised said extraterritorial jurisdiction, the requirement for approval of improvements in said subdivision by the county engineer shall in no way diminish, waive or otherwise lessen the requirements of such municipality. The more strict requirements, whether of the municipality or of the county, must be complied with by the developer. Approval by the county engineer shall in no way constitute approval in lieu of or on behalf of any municipality with respect to subdivisions lying within its extraterritorial planning jurisdiction. All such maps or plats must be first submitted to and approved by the municipal planning commission or other appropriate municipal agency exercising jurisdiction over any subdivision lying within the extraterritorial planning jurisdiction and, following such approval by such municipal planning commission, must then be approved by the county engineer or, in his absence, by the acting county engineer.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §797; Acts 1949, No. 421, p. 597; Acts 1959, No. 296, p. 868, §1.)

Section 11-52-31

Adoption, publication and certification of subdivision regulations by planning commission; provisions therein as to arrangement, etc., of streets, etc.; provisions as to completion of streets, mains, etc., and approval of subdivision plat.

The planning commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air and for the avoidance of congestion of population, including minimum width and area of lots. Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for a tentative approval of the plat previous to such installation, but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the commission may accept a bond with surety to secure to the municipality the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission. The municipality is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies.

All such regulations shall be published as provided by law for the publication of ordinances, and before adoption a public hearing shall be held thereon. A copy thereof shall be certified by the commission to the probate judge of the county in which the municipality and territory are located.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §798.)

Section 11-52-32**Procedure for approval or disapproval of plat by planning commission generally; legal effect of approval of plan; powers of planning commission as to subdivision zoning generally; approval or disapproval of plat by committee of planning commission in certain cities.**

- (a) The planning commission shall approve or disapprove a plat within 30 days after the submission thereof to it; otherwise, such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom notice of a hearing shall be sent, and no plat shall be acted on by the commission without affording a hearing thereon. Notice shall be sent to the said address by registered or certified mail of the time and place of such hearing not less than five days before the date fixed therefor. Similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear upon the plats in the county tax assessor's office and their addresses appear in the directory of the municipality or on the tax records of the municipality or county.
- (b) Every plat approved by the commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the municipal plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat.
- (c) The planning commission may, from time to time, recommend to the council amendments of the zoning ordinance or map or additions thereto to conform to the commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions. The commission shall have the power to agree with the application upon use, height, area or bulk requirements or restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the municipality. Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the zoning ordinance or map of the municipality.
- (d) The municipal planning commission of any Class 1 city may elect no fewer than three and no more than five persons who are members of such commission to serve while members thereof and at the pleasure of such commission as a committee to approve or disapprove in the name of such municipal planning commission any plat presented to such commission. Should any committee member so elected by the commission be unable for any reason to serve at any time as a member of said committee or should a vacancy occur at any time on the committee, the chairman of the commission shall appoint another member thereof to serve as a member of the committee until such time as the replaced member of the committee shall resume his duties or until the commission shall fill said vacancy by electing another of its members to serve on the committee. Such committee shall be governed by all the provisions of this article applicable to municipal planning commissions in regard to the approval or disapproval of any such plat and to all regulations adopted by such planning commission in regard thereto not inconsistent with the provisions of this article. Any plat submitted to such committee shall be considered as if submitted to the commission, and any approval or disapproval of any such plat by such committee shall be as if the same were approved or disapproved by the commission; provided, however, that any party aggrieved by any decision of such committee may within 15 days thereafter appeal therefrom to the full planning commission of such municipality by filing with such commission a

written notice of appeal specifying the decision from which the appeal is taken. In the case of such appeal, such committee shall cause a transcript of all papers and documents filed with the committee in connection with the matter involved in the appeal to be certified to the commission to which the appeal is taken and the commission shall, within 45 days from the taking of such appeal, in accordance with such reasonable regulations as it may from time to time adopt, make such investigation as it deems proper and either affirm the decision of such committee or render such decision as in the judgment of such municipal planning commission should have been rendered by such committee.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §799; Acts 1957, No. 477, p. 659; Acts 1959, No. 458, p. 1150; Acts 1988, 1st Ex. Sess., No. 88-923, p. 524, §1.)

Section 11-52-33**Remedies and penalty for transfer, sale, etc., of lands in subdivision prior to approval of plat thereof by planning commission.**

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been approved by the planning commission and recorded or filed in the office of the appropriate county probate office shall forfeit and pay a penalty of \$100.00 for each lot or parcel so transferred or sold or agreed or negotiated to be sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section.

The municipal corporation may enjoin such transfer or sale or agreement by a civil action for injunction brought in any court of competent jurisdiction or may recover the same penalty provided in this section by a civil action in any court of competent jurisdiction.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §800.)

Section 11-52-34**Municipality not to improve, grade, etc., streets in territory for which major street plan adopted by planning commission until street accepted, etc.**

The municipality shall not accept, lay out, open, improve, grade, pave, curb or light any street or lay or authorize water mains or sewers or connection to be laid in any street within any portion of territory for which the planning commission shall have adopted a major street plan unless such street shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to the adoption of such plan or unless such street corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by the planning commission or with a street on a street plat made by and adopted by the commission.

The council may, however, accept any street not shown on or not corresponding with a street on the official master plan or on an approved subdivision plat or an approved street plat; provided, that the ordinance or other measure accepting such street shall be first submitted to the municipal planning commission for its approval and, if approved by the commission, shall be enacted or passed by not less than a majority of the entire membership of the council or, if disapproved by the commission, shall be enacted or passed by not less than two thirds of the entire membership of the council. A street approved by the planning commission upon submission by the council or a street accepted by a two-thirds vote of the council after disapproval by the planning commission shall thereupon have the status of an approved street as fully as though it had been originally shown on the official master plan or on a subdivision plat approved by the commission or had been originally platted by the commission.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §801.)

Section 11-52-35**Buildings not to be erected or building permits issued in territory for which major street plan adopted until street providing access to proposed building accepted, etc.**

From and after the time when a planning commission shall have adopted a major street plan of the territory within its subdivision jurisdiction or part thereof, no building shall be erected on any lot within such territory or part nor shall a building permit be issued therefor unless the street giving access to the lot upon which such building is proposed to be placed shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to that time or unless such street corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by the planning commission or with a street on a street plat made by and adopted by the commission or with a street accepted by council after submission to the planning commission by the favorable vote required in Section 11-52-34.

Any building erected in violation of this section shall be deemed an unlawful structure, and the building inspector or other appropriate official may cause it to be vacated and have it removed.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §802.)

Section 11-52-36**Jurisdiction of planning commission as to subdivision plats in territory controlled under Section 11-52-31 exclusive; status of other existing platting or subdivision statutes.**

From and after the time when a planning commission shall have control over subdivisions as provided in Section 11-52-31, the jurisdiction of the planning commission over plats shall be exclusive within the territory under its jurisdiction, and all statutory control over plats or subdivisions of land granted by other statutes shall, insofar as in harmony with the provisions of this article, be deemed transferred to the planning commission of such municipality, and, insofar as said statutes are inconsistent with the provisions of this article, they are hereby repealed.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §803.)