

RESOLUTION

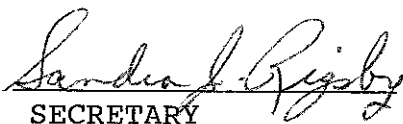
WHEREAS, The Planning Commission of the Town of Gurley, Alabama, has heretofore caused to be drafted regulations to govern all subdivision of land within the corporate limits of the Town of Gurley, Alabama, and

WHEREAS, Section 11-52-31, Code of Alabama, provides for the adoption of said regulations by the Planning Commission within the State of Alabama:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Gurley, Alabama, as follows:

1. That the planning Commission of the Town of Gurley, Alabama, hereby adopts comprehensive amendments to govern all subdivision of land within the corporate limits of the Town of Gurley, Alabama, said comprehensive amendments to be included in a report entitled Subdivision Regulations for the Town of Gurley, Alabama.
2. That a certified copy of said report is hereby ordered to be filed in the Office of the Judge of Probate of Madison County, Alabama, together with a copy of this resolution.

ADOPTED THIS THE 23rd day of June, 1994.

  
SECRETARY

  
CHAIRMAN

Jacell Renee and Sandra Rigby whose names as Chairman and Secretary respectively, of the Planning Commission of the Town of Gurley, Alabama, are signed to the foregoing, and who are known to me and known to be such officers, acknowledged before me on this day that being informed of the contents of such, they, in their capacities as such officers with full authority, executed the same voluntarily on the day the same bears date as and for the act of said Commission.

Given under my hand and official seal this the 23rd day of June, 1994.

James L. Smith  
Notary Public (Seal)  
2-22-97

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GENERAL PROVISIONS

A.1 Title. These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of the Town of Gurley, Planning Commission.

A.2 Purposes. These regulations are adopted for the following purposes:

(1) To guide the future growth and development of the municipality and its planning jurisdiction in accordance with the Comprehensive Plan.

(2) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(3) To protect and conserve the value of land throughout the municipality and its planning jurisdiction and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

(4) To provide the most beneficial relationship between the uses of land and buildings and circulation of traffic throughout the municipality and its planning jurisdiction, having particular regard to the avoidance of congestion on the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets.

(5) To establish reasonable standards of design and procedures for subdivision(s), in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(6) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

ARTICLE I  
Authority, Jurisdiction and Definitions

Section 1.1 Authority

Under the authority of Title 11, Chapter 52, Section 30 through 36, inclusive, of the 1975 Code of Alabama, which sections are hereby made a part of these regulations, the Town of Gurley Planning Commission, at its meeting on 22 December 1987, adopted by resolution the following regulations. These regulations amend, not repeal, those regulations previously adopted by the Town Council in the Zoning Ordinance of the Town of Gurley. A copy of these regulations shall be certified to the Probate Judge of Madison County.

Section 1.2 Jurisdiction

From and after the date of adoption, these regulations shall govern all subdivision of land within the corporate limits of the municipality, **as defined.**

Any owner of land within the limits of said subdivision jurisdiction wishing to subdivide land shall submit to the Planning Commission a plat of the subdivision which shall conform to the minimum requirements set forth in Article II of these regulations. No plat of a subdivision lying within such territory or part thereof shall be filed or recorded in the office of the Probate Judge, and no subdivider may proceed with the sale of lots in a subdivision until such subdivision plat shall have been approved by the Planning Commission and such approval entered in writing on the plat by the Chairman and the Secretary of the Planning Commission. (See Article III, Requirements and procedure for Plat Approval).

Section 1.3 Definitions

1.3.1 Usage:

(1) For the purpose of these regulations, certain words, terms, and phrases shall be used, interpreted and defined as set forth in these regulations. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practice.

(2) 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; "shall" and "will" are always mandatory and "may" is permissive.

1.3.2 Words and Terms Defined:

- (1) Alley. A public or private way having a narrow right-of-way and affording a secondary means of access to abutting properties.
- (2) Applicant. The owner(s) of land proposed to be subdivided or developed or his representative. Consent shall be required from the legal owner(s) of the premises.
- (3) Base Flood. The flood having a one percent chance of being equalled or exceeded in any given year.
- (4) Block. A track of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of water or other physical barriers.
- (5) Buildings. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind.
- (6) Building Line. The line within a property which defines a minimum horizontal distance to be provided between a building and the adjacent property line.
- (7) City Plan. (See Comprehensive Plan)
- (8) Comprehensive Plan. Any legally adopted part or element of the Comprehensive Plan of the Town of



Gurley or its environs. This may include, but is not limited to: Zoning Ordinance, Subdivision Regulations, Major Street Plan, and Land Use Plan.

- (9) Construction Specifications. The specifications of the Town of Gurley as adopted by the governing body or promulgated by the Building Inspector of the Town of Gurley.
- (10) County. Madison County, Alabama.
- (11) County Commission. The County Commission of Madison County, Alabama.
- (12) Crosswalks. A strip of land dedicated for public use which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.
- (13) Cul-de-Sac. A local street with only one outlet and having an appropriate terminal for the convenient reversal of traffic movement.
- (14) Dedicated Street. An existing paved public road or street that has been accepted or opened as or otherwise has received the legal status of a public street or corresponds with a street shown on the official Comprehensive 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 the Town Council if within the Town or by the County Commission if within the planning jurisdiction after submission to the Planning Commission.
- (15) Developer. The owner(s) of land proposed to be subdivided or his representative. Consent shall be required from the legal owner(s) of the premises.
- (16) Easement. Authorization by a property owner(s) for the use by another, and for a specified purpose, of any designated part of his property.

- (17) Electric Department. Huntsville Utilities.
- (18) Engineer of Public Works. Depending upon jurisdiction, either the duly designated Engineer of Public Works of the Town of Gurley, Alabama, or the duly designated Engineer of Public Works of Madison County, Alabama.
- (19) 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 Madison County.
- (20) Governing Body. Depending upon jurisdiction, either the Town Council of the Town of Gurley, Alabama, or the County Commission of Madison County, Alabama.
- (21) Health Department. The Huntsville-Madison County Health Department.
- (22) Local Government. Depending upon jurisdiction, either the Town of Gurley, Alabama, or Madison County, Alabama.
- (23) Local Street. A street not classified in a higher system primarily providing access to abutting land and access to higher systems. Such street offers the lowest level of mobility, and service to through traffic is deliberately discouraged.
- (24) Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
- (25) Major Street Plan. The Major Street Plan as adopted by the Planning Commission as an element of the Town Comprehensive Plan.
- (26) Major Collector. A street of reasonable continuity that channels traffic between arterials, and from other collector streets to the arterial system. Such a street may sustain retail or other commercial establishments along its route and may carry relatively high traffic volumes.

- (27) Major Arterial. A street or highway of great continuity designed to accommodate the highest traffic volumes and longest length trips. Service to abutting land uses is subordinate to provision of travel service to major traffic movements. Major arterials carry the major portion of trips entering, leaving, or bypassing the urban area.
- (28) Minor Arterial. Streets and highways of considerable continuity interconnecting with and augmenting the principal arterial systems and providing service to moderate length trips at a somewhat lower level of mobility. The system places more emphasis on land access and distributes traffic to smaller geographic levels than those identified with the higher system. Minor arterials include all arterials not classified as major.
- (29) Minor Collector. A street which carries traffic from a number of local streets to the major collector/arterial system, between other collectors, and from activity centers to a street of higher classification. Minor collectors generally have lower traffic volumes, shorter trip lengths and fewer through trips than major collectors. Minor collectors include all collectors not classified as major.
- (30) Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.
- (31) Owner's Engineer. A civil engineer registered and in good standing with the State Board of Registration of Alabama and permitted to practice in the Town and County, who is the agent of the owner(s) of land that is proposed to be subdivided or that is in the process of being subdivided.

- (32) Owner's Land Surveyor. A land surveyor licensed and in good standing with the State Board of Engineers and Land Surveyors of Alabama and permitted to practice in the Town and County, who is an agent of the owner(s) of the land that is proposed to be subdivided or that is in the process of being subdivided.
- (33) Planning Commission. The Planning Commission for the Town of Gurley, Alabama.
- (34) Preliminary Plat. A tentative plan of a proposed subdivision submitted to the Planning Commission for its consideration.
- (35) Probate Judge. The Judge of Probate of Madison County, Alabama.
- (36) Ramp. Sloping way to connect two (2) different levels.
- (37) Rear Service Road. See Alley.
- (38) Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
- (39) Subdivider. The person(s), firm(s), or corporation(s), owning land in the process of creating a subdivision or having completed a subdivision of said land. Includes any agent of the subdivider.

- (40) Subdivision. Shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale of or future, of building development. Such terms includes resub-division and, when appropriate to the context, relates to the process of subdivision or to the land or territory subdivided. It shall include all division of land involving the dedication of a new street or a change in existing street. However, the following shall not be included within this definition or be subject to the requirements thereof:
- (a) When property is divided by probated family estates;
  - (b) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved and the extension of public utilities is not required.
  - (c) The public acquisition by purchase of strips of land for widening or opening of streets.
  - (d) The sale or gift of one portion of a parcel of land where no street right-of-way dedication is involved.
- (41) Sewer Department. Town of Gurley or Madison County, Alabama.
- (42) Town. The Town of Gurley, Alabama.
- (43) Town Clerk-Treasurer. The duly designated Clerk-Treasurer of the Town of Gurley, Alabama.
- (44) Town Council. The Town Council of the Town of Gurley, Alabama.
- (45) Water Department. The Town of Gurley or Madison County.
- (46) Zoning Ordinance. The Zoning Ordinance of the Town of Gurley, Alabama.

ARTICLE II  
GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN  
FOR THE  
SUBDIVISION OF LAND

Section 2.1 General Requirements.

(1) Conformance to Applicable Plans, Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following plans, rules and regulations:

(a) All applicable statutory provisions.

(b) All elements of the Comprehensive Plan for the Town of Gurley and its Planning Jurisdiction, including all streets, drainage systems, and parks shown on the Comprehensive Plan, or individual elements thereof, as adopted.

(c) The Town Zoning Ordinance and building and housing codes, if applicable.

(d) The requirements of the County and State Health Departments.

(e) The rules of the Alabama Highway Department if the subdivision abuts a state highway.

Section 2.2 Streets.

2.2.1 Relation to Adjoining Street System.

Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the Planning Commission for reasons of topography or design. Where, in the opinion of the Planning Commission, it is desirable to provide street access to adjoining property, proposed streets shall extend to the boundary of such property. Half streets and half alleys along the boundary of land proposed for subdivision will not be permitted.

2.2.2 Rights-of-Way Width.

The minimum width of proposed rights-of-way measured from property line to property line, shall be not less than the following:

- (1) Seventy (70) feet for major streets.
- (2) Sixty (60) feet for collector streets.
- (3) Fifty (50) feet for minor streets and cul-de-sacs.
- (4) Twenty (20) feet for alleys.

2.2.3 Conformance to Topographic Conditions and Street Grades.

In general, streets shall be planned to conform to existing topographic conditions. Street grades shall not exceed eight (8) percent for major streets and collector streets, nor fourteen (14) percent for minor streets. Street grades along the gutter shall not be less than one-half of one percent.

2.2.4 Street Intersections.

Submission of a grading plan showing existing and proposed contours at one (1) foot intervals and a detailed design for intersections which are unusual or located on difficult terrain, may be required by the Planning Commission.

(1) Acute Angles. Insofar as practical, acute angles at intersections shall be avoided.

(2) Rounding Street Corners. Curb radii at street intersections shall not be less than twenty (20) feet and where the angle of intersection is less than seventy-five (75) degrees the Planning Commission may require a greater curb radius. Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.

2.2.5 Curves in Streets. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs a curve of reasonably long radius shall be introduced, but in no case shall center line radius of curvature be less than one hundred (100) feet.

2.2.6 Dead End Streets. Streets designed to have one end permanently closed (cul-de-sac) shall be provided at the closed end with a turnaround with a minimum radius for the outside curb of fifty (50) feet, and a minimum driving surface radius of

thirty-five (35) feet. A "cul-de-sac" shall not be more than 600 feet in length, unless approved by the Planning Commission for specific reasons of topography or design.

2.2.7 Alleys. Alleys shall be provided to the rear of all lots to be used for business. Provision for alleys to the rear of residential lots is optional (see Article II, Section 2.6.2) except where, in the opinion of the Planning Commission, such alleys are advisable.

2.2.8 Street Improvements. All streets shall be graded and drained inside the corporate limits of the municipality. This work shall be performed in accordance with the minimum specifications of the municipal department having jurisdiction. (Refer to Article III, Section 3.2).

2.2.9 Utilities.

- (1) Where a public water system is accessible the subdivider shall install adequate water facilities as specified by the Planning Commission.
- (2) In low density developments, if a sewer system is not available, individual septic tanks may be used as approved by the Madison County Health Department and the Gurley Water Department if said subdivision is located within their jurisdiction.
- (3) Fire hydrants shall be required for all subdivisions on public water systems. Fire hydrants shall be located no more than 500 feet apart and within 250 of any structure.
- (4) Street lighting installation shall be required in accordance with design and specification standards



approved by Huntsville Utilities.

- (5) Where a public sewage system is accessible the subdivider shall install adequate sewage facilities as specified by the Planning Commission.
- (6) If a public sewage system is not available, individual septic tanks may be used as approved by the Madison County Health Department.

2.2.10. Requirements for Street Names.

1. No more than 13 spaces in the name.
2. A listing of street names shall be kept in the Planning Commission office.
3. There shall be no duplication of names of either the Town of Gurley or the County of Madison.
4. The street names are to be submitted with the lot lay-out or the preliminary plat.
5. Approval or disapproval shall be made by the Planning Commission.

Section 2.3 Blocks and Sidewalks.

2.3.1 Blocks. Blocks shall be not more than fifteen hundred (1500) feet in length. In blocks over eighty hundred (800) feet in length the Planning Commission may require public cross walks with a right-of-way not less than ten (10) feet in width and not closer to each other than five hundred (500) feet. Any block less than eight hundred (800) feet may require reapportionment of the proposed plat layout by the Planning Commission.

2.3.2 Sidewalks. The installation of paved sidewalks is required as a minimum standard, as follows:

(1) Both sides of major streets, highways, collector streets, and at least one side of local streets.

(2) Commercial areas.

(3) Sidewalks shall be a minimum of a 4 inch thick layer of concrete:

(a) Four (4) feet wide in residential areas.

(b) Six (6) feet wide in commercial areas.

(c) Sidewalks shall be constructed with curbed ramps, minimum of three (3) feet wide at intersections.

#### Section 2.4 Lot Arrangement and Size.

2.4.1 Lot Arrangement. Insofar as practical, side lot lines shall be at right angles to straight street lines with a minimum frontage of not less than seventy-five (75) feet in width. On curved street line frontage shall be not less than fifty (50) feet in width. In all cases lots shall be connected to public street systems.

2.4.2 Minimum Lot Sizes. The size and shape of residential lots shall be such as the Planning Commission deems appropriate for the type of building development contemplated. In no case, however, shall lot sizes and widths at the building line be less than the minimum standards established in the Zoning Ordinance of the Town of Gurley. Corner lots shall have extra width sufficient to permit establishment of a building line at least twenty (20) feet from the side street right-of-way line. The distance from the side street property line shall be measured from the street right-of-way paralleling the long dimension of the lot.

Section 2.5 Suitability of the Land.

Land which the Planning Commission has found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formations, or other features likely to be harmful to the safety, health, and general welfare of the future residents shall not be subdivided unless adequate methods approved by the Planning Commission are formulated by the developer for meeting the problems involved.

Section 2.6 Public Use and Service Areas.

2.6.1 Public Uses. Where a park, neighborhood recreational, open space, a school site, or other public use, shown on an official map or on a plan made and adopted by the Planning Commission, is located in whole or in part, in the proposed subdivision, the Planning Commission may require the dedication of such open space, provided that it is of not greater area than 15 percent of the gross area of the subdivision.

2.6.2 Easement for Utilities. Except where alleys are provided for this purpose, the Planning Commission may require easements, not exceeding ten (10) feet in width, for poles, wire, conduits, storm and sanitary sewers, gas, water, and heat mains, or other utility lines on each side of the common rear lot lines and along side lot lines if necessary or advisable in the opinion of the Planning Commission. All such easements shall provide, wherever possible, feasible and economical connection to existing or proposed utility layouts. To determine the feasibility of the utility service plans and of connections to existing utility systems, plans of the

proposed layout for utilities shall be required as provided in subsections 3.1.1 and 3.2.1.

2.6.3 Dedication to Public Use. There shall be no reserve strips except those which are conveyed to the government having jurisdiction.

Section 2.7 Building Restrictions.

No final plat of land within the force and effect of a zoning ordinance shall be approved unless the building restrictions to be established conform with the minimum requirements of such zoning ordinance. If the subdivision does not lie within the force and effect of an existing zoning ordinance, the Planning Commission may require provision for minimum requirements for the type of development based upon the zoning ordinance standards.

Section 2.8 Variances.

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

(a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property near to the subdivision in question.

(b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

(c) Because of the particular physical surroundings, shape or topographical conditions of the specific property, involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

(d) The variances will not have the effect of nullifying the intent or purpose of the Subdivision Regulations, Zoning Ordinance, Major Street Plan, or the elements of the Comprehensive Plan.

(e) This section shall not apply to those sections of this regulation that have their own provisions for waivers or modification of standards.

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

(3) Procedures. A petition for any such variance shall be submitted in writing by the subdivider for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied

upon by the petitioner.

Section 2.9 Re-Subdivision.

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved there on for public use, or any lot line, such parcel shall be approved by the Planning Commission by the same procedure, rules and regulations as for a subdivision.

ARTICLE III  
REQUIREMENTS AND PROCEDURE FOR PRELIMINARY  
AND FINAL PLAT APPROVAL

Section 3.1 Preliminary Plat Approval.

3.1.1 General Provisions.

To present undue hardship on the subdivider through possible plat revisions, the subdivision sponsor shall submit an application including a \$200.00 filing fee and a preliminary plat of the proposed subdivision at a scale not smaller than one hundred (100) feet to the inch shall first be submitted to the Planning Commission in triplicate and shall give the following information.

(1) The proposed subdivision name, the names and addresses of the owner(s) and of the designer of the plat, who shall be a professional engineer, architect, landscape architect, or land surveyor registered to practice in the State of Alabama.

(2) A vicinity sketch map on the plat showing the location of the subdivision in relation to the existing street system and the corporate limits of the municipality.

(3) Date, approximate north point, a graphic scale, and lot and block numbers.

(4) The location of existing and platted property lines, streets, buildings, water courses, railroads, sewers, bridges, culverts, drainpipes, water mains, and any public utility easements, both on the land subdivided and on the adjoining land; the names of adjacent subdivisions and the names and addresses of record owners of adjoining parcels of land as they appear on the current tax records.

(5) The names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, and building lines.

(6) Preliminary sketch plans of proposed utility layouts (sewer, water, electricity and gas) showing feasible connections, where possible, to existing and proposed utility systems.

(7) If the proposed subdivision does not lie within the

force and effect of the existing zoning ordinance, the preliminary plat shall be accompanied by a plan indicating the proposed use of the lots, and by the instrument to be used in establishing restrictions.

(8) Certificate of, or letter from the State and/or County Health Department indicating their approval when the proposed subdivision is not served by municipal sewer system.

(9) Certificate of approval from the Town for electric, water, sanitary, street and any other interested Municipal, County, or State Departments.

In certain cases it may be required by the Planning Commission to provide the following information for preliminary approval.

(a) Contours at vertical intervals of not more than five (5) feet.

(b) Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals 100 feet horizontal and one (1) inch equals 20 feet vertical.

3.1.2 Public Hearing. According to the Alabama State Code, Title 11, Chapter 52, Section 32, a hearing shall be held where land is proposed to be subdivided.

Preliminary application for subdivision approval shall establish a requirement for a hearing. Notice of the hearing stating the time, date, and place shall be mailed to the applicant and the adjoining property owners by registered mail not less than five (5) days prior to the hearing by the Secretary of the Planning Commission. No plat shall be acted upon by the Commission without affording a hearing thereon.

3.1.3 Appearance of Sponsor. The subdivision sponsor and/or his authorized representative and land surveyor will appear in person at the Planning Commission meeting when the hearing is held.

3.1.4 Review and Recommendations. The Planning Commission's review of the preliminary plat shall be governed



by the procedure set forth in Title 11, Chapter 52, Section 32, of the 1975 Code of Alabama. The sponsor shall transmit the proposed plat to the Electric, Water, Sanitary, Street, Health, Departments, of the applicable Town, City, or County Departments for review and recommendation in relation to specific service problems. A listing of the required departments can be obtained from the Municipal Planning Commission. The written approval of the preliminary plat shall not be deemed final acceptance, but rather an expression of approval of the layout as submitted on the preliminary plat; such approval shall not be noted on the preliminary plat. One copy of the preliminary plat shall be retained in the Planning Commission files.

Section 3.2 Final Plat Approval.

3.2.1 Street Signs. For subdivisions within the Town, the applicant shall deposit with the Town Clerk-Treasurer at the time of submission of the final plat a sum established by the Municipal Planning Commission for each intersection for street signs within the subdivision.

3.2.2 Application for Final Plat Review. The sponsor shall make application for final plat review a minimum of twenty-one (21) days in advance of the Planning Commission meeting and submit all necessary information to the Municipal Planning Commission. The final plat shall be submitted to the Planning Commission in triplicate, of which one copy shall be the original drawings. Unless this is done within one year of the Planning Commission's approval of preliminary plat, such approval shall lapse. The Planning Commission will consider approval of the final plat for record only after receipt of the following information with the final plat:

(1) Certificates from the Municipal Department having jurisdiction stating that:

(a) All streets shown on the plat have been graded, drained and surfaced with an asphalt or concrete driving surface equal to or exceeding the regulations of the Alabama State Highway Department Specifications, (1985 Edition) as hereinafter set out:

1. Base Course. Crushed aggregate base course plan mix shall be in accordance with Section 301 of the Specifications. All materials shall be in accordance with Section 825, Type B, 100 percent compaction.

2. Asphalt Pavement.

a. Bituminous Binder Layer shall be two (2) inches thick and placed in accordance with Section 414 of the Specifications.

b. Bituminous pavement shall be one (1) inch thick and placed in accordance with Section 416, Mix A of the Specifications, (siliceous aggregate).

3. Sub-Grade. Top six (6) inch sub-grade - 100 percent compaction. Below top six (6) inches - 95 percent.

4. Curb and Gutter. All streets must be installed with concrete curb and gutters with the curb having a height of six (6) inches and the backside having a distance of thirty (30) inches from the back of the curb. Said improvements shall be made in accordance with written approval of the Building Inspector.

(2) Drainage, water lines, sewer lines and electrical utilities (including telephone lines and T.V. cable lines), have been property installed and in sufficient size as determined by a registered civil engineer licensed to practice in Alabama.

(3) In lieu of (a) above, a performance bond will be required of the subdivision sponsor and the bond must be approved by the Town Council, whereby the Town is placed in an assured position to make these improvements and install these utilities without cost to the Town.

(4) Where no lot in the proposed subdivision contains less than 20,000 square feet and installation of public water supply and sewage disposal systems are unreasonable requests, the Planning Commission may approve the final plat if individual water supply and sewage systems are approved by the County Health Officer.

(5) A receipt of certification is required from a registered engineer or land surveyor that permanent reference monuments have been placed in the subdivision and that a satisfactory survey has defined such permanent monuments in relation to established section corners. These primary control points, tract boundary lines and the points of intersection of all street right-of-way lines shall be a minimum of 4 inches by 4 inches by 36 inches (4" x 4" x 36") or a 5" diameter x 36" stone or concrete marker substantially embedded with the upper surface exposed and flush with the ground.

(6) If deed restrictions or restrictive covenants are proposed, there must be furnished a plan showing the proposed use of and the restrictions on each lot, and instrument whereby such use of building and land use restrictions will be imposed.

3.2.3 Information Required on Final Plat. The final plat as submitted to the Planning Commission shall be drawn in black ink upon reproducible milar, submitted on sheets 24 inches wide by 36 inches long, to a scale of 100 feet equals one inch. When more than one sheet is required an index sheet of the same size shall be filed showing the entire subdivision with blocks lettered in alphabetical or numerical order. The final plat as submitted shall show:

(1) Names and lines of all streets, alley lines, lot lines, building lines, lots numbered in numerical order, reservation, easements, and areas to be dedicated to public use with notes stating their purpose and any restrictions.

(2) Sufficient data to determine readily and reproduce on the ground, the location, bearing and length of every street line, lot line, boundary line, block line, and building line.

(3) Names and location of adjoining subdivision(s) and streets.

(4) Date.

(5) Scale

(6) North Arrow.

(7) Name of Subdivision.

(8) The following endorsements, dedications and certificates:

(a) Certificate of title showing ownership.

(b) Certificate of dedication of streets, alleys and public areas from the owner to the public.

(c) Certificate of accuracy by an engineer or land surveyor licensed to practice in the State of Alabama. This certificate shall provide a written description of the property surveyed.

(d) Certificate for recording by the Probate Judge of the appropriate county.

(e) Certificate of approval by the Planning Commission.

(f) Certificate of approval by the Health Department, and Utility Systems.

3.2.4 Appearance of Sponsor. The Subdivision sponsor and/or his authorized representative and land surveyor shall appear in person at the next Planning Commission meeting after final plat approval has been submitted for presentation of final plat. It is the discretion of the Planning Commission to request the appearance of the subdivision sponsor and/or his representative to answer questions that may arise during the final review process.

3.2.5 Distribution of Copies of Final Plat. Upon approval of the plat, the original drawings shall be returned to the subdivider; one copy retained in the files of the Planning Commission; and one copy, upon which the authorized agency shall assign house numbers to each lot, shall be transmitted to the Administrative Officer.

3.2.6 Approval by the Planning Commission. Failure of the Planning Commission to approve or disapprove the final plat within thirty (30) days after submission shall be deemed approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission, and a letter transmitted to the subdivider stating the reason for such disapproval.

ARTICLE IV  
Saving Clause

Section 4.1 Severability and Separability.

Should any Article, Section, Subsection or provision of these Subdivision Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Subdivision Regulations as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

CHECKLIST  
FOR PRELIMINARY PLAT APPROVAL

NAME OF SUBDIVISION \_\_\_\_\_  
LOCATION \_\_\_\_\_ ZONING DISTRICT \_\_\_\_\_  
OWNER \_\_\_\_\_ PHONE \_\_\_\_\_  
OWNER'S ADDRESS \_\_\_\_\_  
SURVEYOR \_\_\_\_\_ PHONE \_\_\_\_\_  
SURVEYOR'S ADDRESS \_\_\_\_\_  
DATE OF SUBMITTAL \_\_\_\_\_

CHECK LIST

- \_\_\_\_\_ Date, North Point, Scale
- \_\_\_\_\_ Total Acreage.
- \_\_\_\_\_ Vicinity Map.
- \_\_\_\_\_ Location of Existing Features on the Property and Adjoining Property.
- \_\_\_\_\_ Names of Adjoining Subdivisions.
- \_\_\_\_\_ Names/Addresses of Owners of Record of Adjoining Land.
- \_\_\_\_\_ Names, Locations, Widths, Dimensions of Proposed Streets, Alleys, Sidewalks, Easements, Parks and Other Open Spaces, Reservation, Lot Lines and Building Lines.
- \_\_\_\_\_ Lot and Block Numbers.
- \_\_\_\_\_ Contours.
- \_\_\_\_\_ Preliminary Sketch of Proposed Utility Layouts, Sewer, Water and Electricity.
- \_\_\_\_\_ Reviewed and Approved by the Water/Sewer Board and the Madison County Health Department.
- \_\_\_\_\_ Reviewed and Approved by Huntsville Utilities or Applicable Electric Cooperative.
- \_\_\_\_\_ Conforms to General Requirements and Minimum Standards of Design.
- \_\_\_\_\_ Profiles of Streets Where Required.

\_\_\_\_\_ Three (3) copies of the Preliminary Plat retained by  
Gurley Planning Commission.

APPROVED \_\_\_\_\_ TO PROCEED TO FINAL PLAT.  
(Date)

SUBJECT TO THE FOLLOWING MODIFICATIONS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VARIANCES GRANTED: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISAPPROVED: \_\_\_\_\_ FOR THE FOLLOWING REASONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNED \_\_\_\_\_  
CHAIRMAN  
GURLEY PLANNING COMMISSION

CHECKLIST  
FOR FINAL PLAT APPROVAL

NAME OF SUBDIVISION \_\_\_\_\_

LOCATION \_\_\_\_\_ ZONING DISTRICT \_\_\_\_\_

OWNER \_\_\_\_\_ PHONE \_\_\_\_\_

OWNER'S ADDRESS \_\_\_\_\_

DATE PRELIMINARY APPROVAL GRANTED \_\_\_\_\_

DATE SUBMITTED FOR FINAL APPROVAL \_\_\_\_\_

CHECK LIST

\_\_\_\_\_ Original Plat Submitted, Along with Five (5) Prints.

\_\_\_\_\_ Plat Submitted Within One (1) Year of Preliminary Approval.

\_\_\_\_\_ Scale of 1" = 100' and on Sheets 24" x 36".

\_\_\_\_\_ Primary Control Points and "Ties" to Same.

\_\_\_\_\_ Tract Boundary Lines and Vicinity Map.

\_\_\_\_\_ Right-of-Way Lines of Streets, Easements, and other Rights-of-Ways.

\_\_\_\_\_ Bearings of Property Lines and Engineering Data to Locate All Lines Including Radii, Angles, Arcs, Central Angles of all Curves.

\_\_\_\_\_ Name and Right-of-Way Width of Each Street or Other Right-of-Way.

\_\_\_\_\_ Location and Dimensions of Sidewalks.

\_\_\_\_\_ Location, Dimensions Purposes of any Easements.

\_\_\_\_\_ Lot Numbers and Block Numbers.

\_\_\_\_\_ Purpose for Which Sites Other Than Residential Lots are Dedicated, Set Aside, or Reserved.

\_\_\_\_\_ Minimum Building Setback Shown on All Lots.

\_\_\_\_\_ Location and Description of Monuments.

\_\_\_\_\_ Names of Owners of Record of the Adjoining Land.

\_\_\_\_\_ Reference to Recorded Subdivision Plats of Adjoining Platted Land by Record Name, Date, and Number.



\_\_\_\_\_ Certification by Surveyor or Engineer as to Accuracy of Survey and plat.

\_\_\_\_\_ Certification of Title Showing That Applicant is the Land Owner.

\_\_\_\_\_ Statement by Owner Dedicating Streets, Easements, or Rights-of-Ways, and Sites for Public Use.

\_\_\_\_\_ Title, Scale, North Point and Date.

\_\_\_\_\_ Certificate of Approval by the Planning Commission.

\_\_\_\_\_ Certificate of Recording by the Probate Judge.

\_\_\_\_\_ Streets Constructed to Meet the Requirements of These Regulations and Conform to Adopted Street Construction Specifications of the Town of Gurley, Alabama.

\_\_\_\_\_ Sufficient Drainage, Utilities and Street Lights.

\_\_\_\_\_ Certificate of Approval of Appropriate Utility Departments.

\_\_\_\_\_ Percolation Data on all Lots Where Sanitary Sewer is Not Available.

\_\_\_\_\_ Certificate of Approval or Letter From the State Health Department for Sewage Disposal and Water Supply.

\_\_\_\_\_ Certificate from the Administrative Officer that all Improvements have been Installed, or that a Bond, Cashiers Check, Escrow Account, or Irrevocable Letter of Credit, has been Posted to Assure the Completion of the Required Improvements.

\_\_\_\_\_ Three (3) Prints of the Final Plat with Signed Certifications.

DATE APPROVED FOR RECORDING: \_\_\_\_\_

VARIANCES GRANTED: \_\_\_\_\_

DISAPPROVED: \_\_\_\_\_ FOR THE FOLLOWING REASONS: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
\_\_\_\_\_

SIGNED: \_\_\_\_\_  
CHAIRMAN  
GURLEY PLANNING COMMISSION

SUGGESTED FORMS FOR FINAL PLAT CERTIFICATION

**FORM 1 CERTIFICATION OF ENGINEER OR SURVEYOR**

(State of Alabama)  
(Madison County )

I, \_\_\_\_\_, being a Registered Civil Engineer or Licensed Registered Land Surveyor, hereby certify that I have surveyed the Property of \_\_\_\_\_, lying and being in Madison County, Alabama, and described as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

and that this plat is a true and correct plat showing the subdivision into which the property described is divided, giving the length and bearings of the boundaries of each lot and its number and showing the streets (alleys) and public grounds and giving the length, bearings, width and name of each street and said plat further shows the relationship of the land so so platted to the U.S. Geological survey.

Witness my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 1994.

By \_\_\_\_\_  
Alabama Registered Land  
Surveyor Number \_\_\_\_\_

**FORM 2 CERTIFICATION OF OWNERSHIP AND DEDICATION**

(State of Alabama)  
(Madison County )

I, (we), \_\_\_\_\_, do hereby certify that I am, (we are), the Owner(s) of the land shown on this plat and acknowledges this plat and allotment to be a free act and deed and dedicates to public use forever all areas shown or indicated on this plat as streets, alleys, parks, walks, easements and other public space as noted:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

1 3 HEALTH DEPARTMENT CERTIFICATION

(State of Alabama)  
( )  
(Madison County )

I hereby certify that the general lot layout shown on this plat has been approved by the Madison County Health Department for development with \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

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

Note: The blanks in the above certification statement shall be completed by the Health Official, or his representative, so as to indicate whether approval is based on use of individual sewage disposal or public sanitary sewer system and public water supply system or combination thereof.

0 4 CERTIFICATION OF APPROVAL OF STREETS AND UTILITIES

(State of Alabama)  
( )  
(Madison County )

I hereby certify that the streets and utilities have been constructed and installed in an acceptable manner and in accordance with the laws and specifications of the Town of Gurley, Alabama, the Water, Sewer, System of the Town of Gurley, Alabama, and the Electric Power Board of the City of Huntsville, Alabama.

Street Department \_\_\_\_\_ Date \_\_\_\_\_

Water, Sewer System \_\_\_\_\_ Date \_\_\_\_\_

Electric Power Board \_\_\_\_\_ Date \_\_\_\_\_

OR

that a Security Bond, Escrow Account, Certified Cashier's Check, or Irrevocable Letter of Credit, in the amount of \$ \_\_\_\_\_ has been posted with the Town of Gurley to assure completion of all required improvements in case of default.

Town Clerk \_\_\_\_\_ Date \_\_\_\_\_

Mayor \_\_\_\_\_ Date \_\_\_\_\_

FORM 5 CERTIFICATE OF APPROVAL OF PLANNING COMMISSION

(State of Alabama)  
( )  
(Town of Gurley )

I hereby certify that the subdivision plat shown hereon has been examined for compliance with the Subdivision Regulations of the Town of Gurley, Alabama by the Gurley Planning Commission and that the said Planning Commission has approved this plat.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman  
Gurley Planning Commission

FORM 6 CERTIFICATION OF RECORDING

(State of Alabama)  
( )  
(Madison County )

I hereby certify that this plat was recorded on \_\_\_\_\_  
in Plat Book No. \_\_\_\_\_, Page no. \_\_\_\_\_, in the  
Probate Office of Madison County, Alabama.

\_\_\_\_\_  
Probate Judge  
Madison County, Alabama