

SUBDIVISION REGULATIONS

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CULLMAN

ALABAMA

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ARTICLE 1. GENERAL PROVISIONS

Section 1.01 Short Title

These Regulations are hereafter known, cited and referred to as the Cullman Subdivision Regulations.

Section 1.02 Purpose

Community interest requires the regulation and control of development to ensure reasonable protection of property values, to obtain utilization of property, and to promote the health, safety, and general welfare of the citizens of the City of Cullman, Alabama, hereinafter referred to as “the City”.

These Regulations have been formulated and adopted with the intent of creating a climate conducive to the orderly and progressive growth of the City and are applied to accomplish the following purposes:

- To guide the development of the City in accordance with the Master Plan, which includes these Regulations
- To secure safety from flood and other dangers
- To assure that public facilities, services and utilities are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that community will be required to bear no more than its fair share of the cost of providing the facilities and services by requiring the development provide its fair share of capital facilities needs generated by the development
- To assure adequate provisions for access and mobility
- To establish reasonable standards of design and procedures for subdivisions and resubdivisions to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land
- To assure the adequacy of drainage facilities and safeguard water quality
- To secure the durability of public infrastructure and thereby reduce long-term maintenance costs
- To preserve the natural beauty and topography of Cullman

Section 1.03 Authority

These regulations are adopted by the Planning Commission for the City of Cullman, Alabama, hereinafter referred to as “the Commission,” under authority of Title II, Chapter 52, Article 2 of the 1975 Code of Alabama, as amended.

Section 1.04 Jurisdiction

§1.04.01 From and after the effective date hereof, these regulations govern the subdivision of all land within the City.

Any owner of land within the limits of the subdivision jurisdiction wishing to subdivide land must submit to the Commission a subdivision plat that conforms to the minimum requirements in these regulations. No plat of a subdivision lying within this territory or part thereof may be filed or recorded with the Probate Judge, and no subdivider may sell or offer to sell lots in a subdivision until its subdivision plat has been approved by the Commission and the plat is filed for recording with the Probate Judge.

§1.04.02 Exemptions. Subdivisions resulting from court ordered, in testamentary or intestate provisions are exempt from these regulations.

Section 1.05 Requirements Held Minimum, Conflicting Provisions

In their interpretation and application, these Regulations are held to be minimum requirements for the promotion of the public health, safety and general welfare. Wherever any provision of these Regulations imposes restrictions different from those imposed by any other provision of these Regulations or any other ordinance, rule, regulation, easement, covenant, or other provision of law, whichever provisions are more restrictive or impose higher standards will control, including for example the standards of the Americans with Disabilities Act (ADA).

Section 1.06 Self-Imposed Restrictions

If the subdivider places restrictions on any of the land contained in a subdivision greater than those required by the Zoning Ordinance or these Regulations, the Commission may require those restrictions be indicated on the subdivision plat or may require that restrictive covenants be recorded with the Probate Judge in a form approved by the City Attorney and recording information shown on the subdivision plat.

Section 1.07 Severability and Separability

Should any article, section, sub-section or provision of these Subdivision Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision does 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.

Section 1.08 Saving Provision

These Regulations are not to be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person, firm or corporation; or as waiving any right of the City under any section or provision existing at the time of adoption of these Regulations; or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the municipality except as expressly provided in these Regulations.

Section 1.09 Amending Regulations

The Commission may from time to time amend these Regulations. These Regulations and amendments thereto may be recommended to be changed and amended by the Commission after a public hearing by

giving due notice as required by law and subsequently approved by the Commission. Following its adoption, a copy of the amendment is certified by the Commission to the Probate Judge.

Section 1.10 Remedies

§1.10.01 General

- A. No owner or agent thereof of any parcel of land located in a proposed subdivision may transfer or sell any part of the parcel before a Final Plat of the subdivision has been approved by the Commission and recorded with the Probate Judge.
- B. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease or development is prohibited.
- C. No Building Permit or Certificate of Occupancy may be issued for the construction or occupation of any structure on a lot or plat subdivided or sold in violation of these Regulations, nor does the City have any obligation to extend any utility services to any parcel created in violation of these Regulations.
- D. No grading, excavation or other disturbance of land and no construction of any public or private improvements for the purpose of constructing a subdivision may take place or be commenced except in conformity with these Regulations.

§1.10.02 Penalties for transferring lot in unapproved subdivisions

- A. Any owner or agent of the owner of any land located within a subdivision, who transfers or sells any land by use of a subdivision plat, before the plat has been approved by the Commission and recorded or filed with the Probate Judge, must forfeit and pay a penalty of one hundred dollars for each lot or parcel so transferred, sold or agreed or negotiated to be sold; the description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the sale, transfer, agreement or negotiation does not exempt the transaction from such penalties or from the remedies in this Section.
- B. The City may enjoin the transfer or sale or agreement by action of injunction brought in any court or equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.
- C. If, after notice in writing, an owner or agent of the owner continues to develop or sell any land or parcel, the owner will be fined one hundred dollars per day for each day that he continues the development or the sale of land or any parcel thereof.

Section 1.11 Administrative Appeals

§1.11.01 In accord with the notice and hearing procedures set forth in [§3.03 Preliminary Plat](#), the Commission hears and decides on appeals by any party aggrieved or adversely affected, where it is alleged that:

- A. There is an error in any action, including any written order, requirement, decision, interpretation or determination, by the Subdivision Official or other official responsible for enforcing these Regulations, OR
- B. Any particular provision of these regulations conflicts with another federal, state or local law.

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§1.11.02 Appeals must be filed in writing, including all justifications, with the Commission at the time of Preliminary Plat submission or no later than 15 days from the date of the determination being appealed.

§1.11.03 Findings

- A. For appeals of an administrative action, the appellant must identify the provision of these Regulations in question, describe the relief requested and present to the Commission evidence that the official's action conflicts with the provision. Any relief provided by the Commission may not be contrary to or have the effect of nullifying the intent of these Regulations.
- B. For appeals regarding a conflict between these Regulations and another law, the appellant must identify the provision of these Regulations and the provision of the federal, state or local law considered to be in conflict, describe the relief sought and demonstrate the conflict between the provisions. In the event the Commission determines the provision of these Regulations does conflict with another federal, state or local law, relief granted by the Commission may be only that necessary to enable compliance with that other law while preserving the intent of these Regulations.

ARTICLE 2. DEFINITIONS

Section 2.01 General Definitions

Certain terms used in these Regulations have the meanings defined by this Article. In the event that a term is not listed in this Article; or is not defined elsewhere in the City Zoning Ordinance, the City Code, or Sections 11-52-30 through 11-52-36 of the 1975 Code of Alabama, as amended; then the conventional meaning of that term applies.

In the interpretation of these Regulations, the provisions and rules of this Section will be observed and applied, except where the context clearly requires otherwise.

Words used or defined in one tense or form include other tenses and derivative forms. Words in the singular include the plural; and words in the plural include the singular. The masculine gender includes the feminine; and the feminine gender includes the masculine. The word "must" is mandatory. The word "may" is permissive. The word "person" includes an individual, firm, association, organization, partnership, trust, company, or corporation.

In case of any conflict between the text of these Regulations and any caption, illustration, figure, or other graphic material, the text will govern.

Section 2.02 Specific Definitions

When used in this Regulation, the following words and phrases will have the meaning given in this section:

§2.02.01 AFFORDABLE HOUSING. Housing in which the monthly rent or mortgage will not exceed 30% of the monthly income of those families earning 80% or less of the area median income.

§2.02.02 ALLEY. A minor public way having a narrow right-of-way and affording a means of access to abutting properties.

§2.02.03 APPLICATION. Any application required to be filed and accepted prior to start of construction or development including, but not limited to, an application for the approval of a subdivision plat or for acceptance of a Development Plan.

§2.02.04 BEST MANAGEMENT PRACTICES. Methods found to be the most effective and practical means in achieving an objective, such as managing stormwater runoff and preventing or minimizing pollutants, as defined by the *Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas*.

§2.02.05 BLOCK. A tract or parcel of land entirely surrounded by public highways, streets, or a combination of streets, other than alleys, public land, public parks, cemeteries, railroad rights-of-way, bodies of water or watercourses, or any other barrier to the continuity of development.

§2.02.06 BUFFER. A means of providing separation, as further defined by the Zoning Ordinance.

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- §2.02.07 BUILDING SETBACK LINE. A line parallel to the property line in front of which no structure may be erected and no component may extend over, under, above, and beyond, except approved fallout shelters. (See Appendix C for Illustration)
- §2.02.08 CITY. The City of Cullman, Alabama, including its planning jurisdiction.
- §2.02.09 CITY CLERK. The duly designated Clerk of the City of Cullman, Alabama.
- §2.02.10 CITY COUNCIL. The City Council of the City of Cullman.
- §2.02.11 CITY ENGINEER. The person designated by the Planning Commission to perform the requirements of City Engineer as outlined in these Regulations.
- §2.02.12 CITY SPECIFICATIONS. All construction specifications adopted by the City Council or as required by the Commission and all utility departments.
- §2.02.13 CORNER LOT. A lot abutting two or more streets at their intersection.
- §2.02.14 CROSS ACCESS. A driveway providing access between two or more abutting lots so that a driver need not enter the public thoroughfare system to access one of the sites from the other. Cross access is privately maintained and does not include ALLEY.
- §2.02.15 CUL DE SAC. A short street designed to have one end permanently closed, the closed end terminated by a vehicular turn around. (See Appendix C for illustration)
- §2.02.16 DEAD END STREET. A LOCAL STREET with only one outlet with or without a vehicular turnaround.
- §2.02.17 DEVELOPMENT. Any of the following activities:
- A. The improvement of one lot or more abutting lots for any purpose involving:
 - 1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building regardless of the number of occupants or tenure; or
 - 2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features;
 - B. A subdivision of land.
 - C. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- §2.02.18 DRAINAGE FACILITIES. Structural and nonstructural elements designed to collect stormwater runoff and convey it away from structures and through the roadway right-of-way in a manner that adequately drains sites and roadways and minimizes the potential for flooding and erosion.
- §2.02.19 DOUBLE FRONTAGE LOT. A lot having frontage on two non-intersecting streets, as distinguished from a corner lot. (See Appendix C for Illustration)

- §2.02.20 EASEMENT. A grant of rights by the property owner to a grantee of a strip of land for specified purposes.
- §2.02.21 ENGINEER or REGISTERED ENGINEER. A professional engineer registered and in good standing with the State of Alabama Board of Registration for Professional Engineers and Surveyors.
- §2.02.22 FINAL PLAT. A plat of land which meets the requirements of these Regulations and is in form for recording with the Probate Judge.
- §2.02.23 FINAL PLAT APPROVAL. The official action of the Commission taken on a preliminarily approved plat, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements installed, or guarantees properly posted for their completion; or approval conditioned upon the posting of such guarantees.
- §2.02.24 FIRE LANES. Those designated areas which may be required by the City Fire Code and Cullman Fire Department for access to structures for fire protection.
- §2.02.25 FREEWAY. A limited access highway with no at-grade crossings as indicated on the MAJOR STREET PLAN.
- §2.02.26 GRADING. The movement of dirt, top soil, grass, native material, landscaping or other forms of surface material which will result in a difference of six inches or greater from the original elevation.
- §2.02.27 GRADING PLAN. A map of a proposed development defining existing and proposed elevations, watercourses, vegetative cover and drainage patterns, including five foot or smaller contours, spot elevations, and flow arrows. The plan also describes the limits and depths of excavations, fills and removal of native vegetation.
- §2.02.28 HALF STREET. A street that does not meet the minimum right-of way or pavement widths of these Regulations.
- §2.02.29 HARDSHIP. An unusual condition of a property that will not permit the reasonable use of the property without relief from the strict application of these regulations. A hardship exists only when it is not self-created or when it is not economic in nature.
- §2.02.30 HEALTH DEPARTMENT. The Cullman County Health Department or Alabama Department of Public Health.
- §2.02.31 HIGHWAY. A street that is part of the Federal Aid Highway System or the State Highway System.
- §2.02.32 INDUSTRIAL ACCESS. A street designed and intended specifically for access to properties developed for industrial use.
- §2.02.33 LAND SURVEYOR or REGISTERED LAND SURVEYOR. A land surveyor registered and in good standing with the State of Alabama Board of Registration for Professional Engineers and Surveyors.
- §2.02.34 LOT. A parcel of land Intended for transfer of ownership or for building development.
- §2.02.35 LOT SPLIT. A subdivision of a previously recorded lot into two lots on an existing street, not involving any construction or extension of streets, public improvements or public facilities

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- §2.02.36 MAINTENANCE BOND. Financial security filed by the developer with the City to secure structural integrity of all required improvements as well as the functioning of the improvements for an initial period of time.
- §2.02.37 MAJOR STREET PLAN. The major street plan of the City prepared as an element of the Comprehensive Plan, pursuant to §11-52, Article 3, Code of Alabama, 1975.
- §2.02.38 MASTER PLAN or CULLMAN MASTER PLAN. Any legally adopted part or element of the Comprehensive or Master Plan of the City of Cullman and its environs. This may include, but is not limited to: Zoning Ordinance, Subdivision Regulations, Community Facilities Plan, Major Street Plan, Capital Improvements Plan, Land Use or Development Plan and Downtown Plan.
- §2.02.39 MAYOR. The elected Chief Official of the City of Cullman, Alabama.
- §2.02.40 MONUMENT. Any permanent object serving to indicate a limit to or mark a boundary.
- §2.02.41 OPEN SPACE. Any land either publicly or privately owned which is designated as being permanently undeveloped and used for recreation, conservation, or preservation.
- §2.02.42 OWNER'S ENGINEER. The Engineer or Land Surveyor registered, licensed 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.
- §2.02.43 PAVEMENT WIDTH. The width of that portion of a street or alley as measured from the inside vertical face of a masonry curb, the center line of a valley gutter, or the edge of the pavement where no curbs or gutters exist.
- §2.02.44 PEDESTRIAN PASSAGE. A walkway that provides access across the middle of a block or from a cul-de-sac to an adjacent street. A PEDESTRIAN PASSAGE may be within a public right-of-way or easement. PEDESTRIAN PASSAGES may also be designed to accommodate bicycle access.
- §2.02.45 PERFORMANCE BOND. Financial security filed by the subdivider with the City to assure the construction of all required improvements at a specified time in the future.
- §2.02.46 PLANNING COMMISSION or COMMISSION. The Planning Commission for the City of Cullman, Alabama.
- §2.02.47 PLANTING STRIP. The portion of the street between the curb and sidewalk.
- §2.02.48 PRELIMINARY PLAT. A tentative plan of a proposed subdivision submitted to the Commission for preliminary approval in accordance with these Regulations.
- §2.02.49 PRELIMINARY PLAT APPROVAL. The conferral of certain rights prior to final approval after specific elements of a Development Plan have been agreed upon by the Commission and the subdivider.
- §2.02.50 PROBATE JUDGE. The Judge of Probate of Cullman County, Alabama.
- §2.02.51 PUBLIC IMPROVEMENT. Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply

and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

- §2.02.52 RESERVE STRIP. A strip of land, smaller than a lot, and retained in private ownership as a means of controlling access to land dedicated or intended to be dedicated to street or other public use.
- §2.02.53 RESURVEY or RESUBDIVISION. A MINOR SUBDIVISION that involves changing of lot boundaries but where no additional lots are created, including combining multiple lots.
- §2.02.54 REVERSE FRONTAGE LOT. A DOUBLE FRONTAGE LOT that backs upon a major street and to which access from the rear of the lot is usually prohibited. (See Appendix C for illustration)
- §2.02.55 SHARED ACCESS. A driveway, alley or other access facility connecting two or more contiguous sites to a public street.
- §2.02.56 SIDEWALK. A walkway located between the curb line or edge of pavement and the adjacent property line constructed of concrete four inches thick.
- §2.02.57 SIGNIFICANT CHANGE. Any alteration in a subdivision plat following tentative approval of the PRELIMINARY PLAT including but not limited to the following: any change in the number of proposed lots; a change of more than five percent in the square footage of proposed nonresidential uses; a change to the street layout; a change to drainage patterns; any change resulting in a SIGNIFICANT INCREASE IN TRAFFIC GENERATION; or a request to alter or delete a condition attached to the approved PRELIMINARY PLAT.
- §2.02.58 SIGNIFICANT INCREASE IN TRAFFIC GENERATION. An increase in the trip generation—due to a change in the use of a property, including land, structures, or facilities, or an expansion of the size of structures or facilities—exceeding ten percent on arterials streets, 15% on collector streets and 25% on local streets.
- §2.02.59 SKETCH PLAT. A plat conveying intentions of the subdivider with respect to the layout of any proposed subdivision that is reviewed administratively.
- §2.02.60 STREET. Any street, avenue, boulevard, road, parkway or other right-of-way provided for vehicular travel, including the following:
 - A. ARTERIAL STREET. A minor or major arterial street used primarily for moving fast or heavy traffic or that distributes traffic to and from COLLECTOR STREETS as designated on the MAJOR STREET PLAN. (See Appendix C for illustration)
 - B. COLLECTOR STREET. A street which carries traffic from LOCAL STREETS to the system of ARTERIAL STREETS.
 - C. LOCAL STREET. A street used primarily for access to abutting properties.
 - D. MARGINAL ACCESS STREET. A street which is parallel and adjacent to an ARTERIAL STREET and which provides access to abutting properties and protection from through traffic. (See Appendix C for Illustration)
- §2.02.61 STREET STUB: A street that extends to the property line of adjacent property and is intended to continue on adjacent property when it is developed.

§2.02.62 SUBDIVIDER. The person(s), firm(s), and/or corporation(s) having an interest in land that is the subject of an application for subdivision.

§2.02.63 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. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided, including changing of lot size, private or public streets, alleys, and extension of major utility location.

- A. MAJOR SUBDIVISION. Any subdivision not classified as a MINOR SUBDIVISION, including but not limited to a subdivision of six or more lots, or any size subdivision requiring a new street, extension of public facilities, or construction of any public improvements.
- B. MINOR SUBDIVISION: Any subdivision not involving any new street, extension of public facilities or construction of public improvements, and not adversely affecting the remainder of the parcel or abutting property including LOT SPLITS and RESURVEYS; subdivisions creating not more than five lots all fronting on an existing street; and subdivisions creating plots of ten or more acres for the purpose of selling or conveying (such as to family members) said lots but not for development of the same.

§2.02.64 SUBDIVISION OFFICIAL. The official designated by the City Council to administer and enforce these regulations, or his/her designee.

§2.02.65 SURETY. A legally-binding agreement with the City by which a developer assures the construction of improvements required by these Regulations. See also PERFORMANCE BOND.

§2.02.66 SWALE. A constructed watercourse shaped or graded in earth materials and stabilized with vegetation, for the conveyance of stormwater runoff.

§2.02.67 TRAVELWAY. That portion of a public right-of-way available for vehicular traffic.

§2.02.68 VALLEY GUTTER. A concrete channel with a “V”-shaped profile installed at roadside to capture and convey stormwater runoff.

§2.02.69 ZONING ORDINANCE. The Zoning Ordinance for the City of Cullman, Alabama, as amended.

Section 2.03 Abbreviations Used in these Regulations

§2.03.01 AASHTO: American Association of State Highway and Transportation Officials

§2.03.02 ADEM: Alabama Department of Environmental Management

§2.03.03 ALDOT: Alabama Department of Transportation

§2.03.04 CAD: computer-aided drafting

§2.03.05 FEMA: Federal Emergency Management Administration

§2.03.06 FHWA: Federal Highway Administration

§2.03.07 ft: Feet

§2.03.08 PDF: Portable document format

§2.03.09 max.: maximum

§2.03.10 min.: minimum

§2.03.11 mph: miles per hour

§2.03.12 MUTCD: Manual on Uniform Traffic Control Devices

§2.03.13 sf: square feet

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ARTICLE 3. PROCEDURE

Section 3.01 General

Whenever any subdivision is proposed, before any grading work begins and before any permit for the erection of a structure in a proposed subdivision is granted, the subdivider must apply for and secure approval in accordance with these Regulations.

§3.01.01 The general procedure for review and approval of a subdivision plat consist of three steps:

- A. The initial step is the preparation and submission to the Subdivision Official of a Sketch Plat.
- B. The second step is the preparation and submission to the Planning Commission of a Preliminary Plat. However, Minor Subdivisions may not require Preliminary Plat approval as described in §3.01.02.
- C. The third step is the preparation and submission to the Commission of a Final Plat. This Final Plat is to be duly signed by the Secretary of the Commission after its acceptance by that body and then recorded in the office of the Probate Judge within thirty days of the Commission's actions.

§3.01.02 Minor Subdivisions. Minor Subdivisions do not require Preliminary Plat approval but must receive Final Plat approval. Prior to accepting a Final Plat application, the Subdivision Official holds a Pre-Application Conference (see [§3.02 Pre-Application Conference](#)) with the subdivider. If the Subdivision Official finds no street, drainage or other improvements are required and that the proposed subdivision is in conformance with the Master Plan, Zoning Ordinance and these Regulations, the subdivider may file a Final Plat application.

If the Subdivision Official finds that any improvements are necessary for the proposed subdivision to comply with these Regulations, the proposed subdivision is considered a Major Subdivision subject to the procedure outlined in §3.01.03. However, if the required improvements are limited solely to widening of a half street, a Preliminary Plat is not required but the subdivider must submit a Sketch Plat ([§3.02](#)) prior to Final Plat application. Upon receipt of City findings and recommendation on the Sketch Plat, the subdivider may proceed with preparation and submittal of a Final Plat ([§3.05](#)) application.

§3.01.03 Major Subdivisions. Major Subdivisions require Preliminary and Final Plat approvals by the Commission. Prior to submitting a plat application for Commission consideration, a Pre-Application Conference with the subdivider and Subdivision Official is encouraged for all major subdivisions and is required when the subdivision involves any of the following:

- A. Six or more residential lots are to be created
- B. multiple phases of development
- C. frontage on an arterial street
- D. unusual or sensitive environmental conditions (e.g., topographic, hydrologic, geologic, etc.)
- E. exceptions, modifications or waivers from these Regulations

Upon receipt of City findings and recommendations on the Sketch Plat, the subdivider may proceed with preparation and submittal of a Preliminary Plat (§3.03) application. The Preliminary Plat will be reviewed and a public hearing held by the Commission on the Preliminary Plat application. Upon Commission approval of the Preliminary Plat, the subdivider may proceed with either construction of the subdivision or posting of a Performance Bond in accordance with §3.04 Construction of Improvements. Upon completion of improvements or acceptance by the City of a Performance Bond, the subdivider may then submit a Final Plat (§3.05) application.

Section 3.02 Pre Application Conference

The purpose of Pre-application Conference is to acquaint the subdivider with the regulations governing land subdivision, procedures for approval, and other agencies or officials who must approve one or more elements of a subdivision plat. Neither the Subdivider nor the Commission are bound by considerations delivered during the Pre-Application Conference.

§3.02.01 Sketch Plat Review. Sketch Plat review is conducted by the Subdivision Official. The Subdivision Official will transmit copies of the Sketch Plat to all pertinent City departments, County and State agencies and other officials and agencies, as may be applicable, for review and recommendation. The Subdivision Official reports findings and recommendations to the subdivider in writing within 30 days of submission of the Sketch Plat. Upon receipt of these findings and recommendations, the subdivider may prepare and submit a Preliminary Plat application. Neither the Subdivider nor the Commission are bound by considerations delivered during Sketch Plat Review.

§3.02.02 Sketch Plat Requirements. The following information should be included.

- A. Vicinity sketch at a scale of 1" =800'
- B. Layout Plans
 - 1) Boundary line of proposed subdivision or group housing development
 - 2) Location of all streets within the proposed subdivision
 - 3) Topography at five foot Intervals
 - 4) Adjoining development: property lines, roads, and water courses
 - 5) Name of subdivision or group housing development
 - 6) Approximate acreage
 - 7) Zoning classification of proposed subdivision and the surrounding properties
 - 8) Location of all existing utilities and easements
 - 9) Location of all existing and proposed community facilities
 - 10) Restrictions or covenants

Section 3.03 Preliminary Plat

§3.03.01 Purpose. The purpose of the Preliminary Plat is to provide a basis for construction of a proposed subdivision and its improvements. Commission approval of the Preliminary Plat is **tentative** and **revocable**. It is to be considered only as approval of the design, with the understanding that the Commission; City, County and other officials and agencies will examine the grades of streets, the types of improvements, the layout of drainage and sewer and water systems, and may modify any engineering or construction details submitted by the subdivider whenever required for the protection of the public interest.

§3.03.02 Procedure

- A. The preliminary plat application must be submitted to the Subdivision Official at least 21 days prior to the Commission's regularly scheduled meeting, along with 15 copies of the preliminary plat. A required fee must accompany the application.
- B. Upon receipt of a complete application, the Subdivision Official transmits copies to all applicable City departments and the County Road Superintendent if applicable. The plats are submitted to City Departments at least 15 days prior to the Commission meeting at which it is to be considered and must be returned to the Commission ten days prior to the scheduled meeting date. These departments will, upon review, give a letter listing recommendations relating to specific service requirements for approval.

The subdivider must submit the proposed plat to the Health Department and provide a record of its approval, approval with conditions or disapproval to the Subdivision Official prior to the Commission meeting.

- C. Prior to approval of the preliminary plat, the Commission will hold a hearing thereon. Notice of the hearing is sent to all adjoining land owners as their names appear on the plats in the Cullman County Tax Assessor's Office or as they appear in the Cullman City Directory. Notice of the public hearing is sent at least five days prior to the hearing date. Adjoining land owners may waive notice if the waiver is in writing and under oath.
- D. The approval of the preliminary plat is not deemed final acceptance but rather an expression of approval of the layout as submitted on the preliminary plat. Preliminary approval is required prior to any grading or other improvements to the subdivision. The subdivider may not begin construction without obtaining excavation, building, and other permits as the City may require.

Commission approval of the preliminary plat does not constitute acceptance of the final plat, except when the final plat is completed during the specified time in substantial accordance with the layout shown on the preliminary plat.

- E. Within 30 days after the hearing, the Commission will review the plat and indicate its approval, disapproval, or approval subject to any required modifications. If a plat is disapproved, the reasons for each disapproval will be recorded in the minutes. If approved subject to modifications, the nature of the required modifications will also be recorded in the minutes. Failure of the Commission to consider any preliminary plat within these 30 days will be

considered approval of same as submitted, unless the same shows on its face that it violates one or more sections of these regulations.

§3.03.03 Duration of Approval. Preliminary Plat approval remains in effect for 24 months unless extended by the Commission. Subdivisions, the Final Plats of which are not submitted within this time, must be re-submitted for Preliminary Plat approval as new subdivisions subject to zoning and subdivision regulations in effect at the time of re-submission. A corrected Preliminary Plat with all conditions fulfilled must be submitted prior to the construction or installation of any improvements. However, if a Final Plat of a part of the subdivision is submitted and approved within the 24 month period, Preliminary Plat approval is automatically extended for 12 months from the date of approval of the Final Plat of that part of the subdivision.

§3.03.04 Fees. To partially defray costs of filing a Preliminary Plat application, notifying interested parties, investigation, and holding a hearing on a Preliminary Plat, a fee, as set from time to time by the Council, must be paid to the City by the subdivider at the time of filing of the application.

§3.03.05 Preliminary Plat Requirements

The Preliminary Plat must indicate the proposed future development, including the proposed street and drainage pattern. The preliminary plat must clearly note what improvements the owner proposes to make off-premise pursuant to the development of the subdivision, including drainage, utilities, and other improvements. It must also note improvements the owner proposes to request the City Council to make, if any, relative to off-premise improvements necessary to the development of the subdivision, including drainage, improvements necessary to carry storm water runoff to a major drainage channel, extension of water mains, sewers, and other improvements.

The preliminary plat must be clearly and legibly drawn, may not be smaller than 11 inches by 17 inches, nor at a scale smaller than 1" = 100'.

The preliminary plat must contain the following information:

A. General

- 1) Date, north point scale, and 1" = 800' vicinity sketch map
- 2) Name of Subdivision owner, Subdivider, and Engineer
- 3) Width, location, and purpose of all easements
- 4) Public land-location and dimension of land to be dedicated or reserved for parks, open space, or other public use
- 5) Lot number and block number clearly identifying each parcel
- 6) Dimensions of all lots and location of all existing structures
- 7) Building setback line located along each street
- 8) Any portion of land in or adjacent to the subdivision subject to periodic flooding by storm drainage, overflow, or ponding

- 9) Zoning classification
- 10) Proposed use of the lots and a copy of the document used in establishing restrictions
- 11) The names of adjacent subdivisions and the names and addresses of the record owners of adjoining properties as they appear on current tax records
- 12) Topography at five foot or smaller intervals as required by the Commission

B. Street Plan

- 1) Location of all existing and proposed public ways, drives, and easements in or adjacent to the proposed subdivision. In addition, the names of existing or proposed public ways must be identified.
- 2) Widths of existing and proposed rights-of-ways
- 3) Clear identification of location and width of rights-of-ways of any street adopted as part of the Major Street Plan.
- 4) Street names which are subject to approval by the Commission and City Council
- 5) Topography at five foot contour intervals unless a closer contour interval is required by the Commission
- 6) Plan and profile of all streets
- 7) Location of all sidewalks and crosswalks
- 8) Typical cross sections of proposed streets or as recommended by the City Engineer
- 9) Curve data for the centerline of each street: delta, tangent, and radius

C. Storm Drainage and Erosion Control Plan

- 1) Location of proposed drainage ways, streams, and ponds in the subdivision
- 2) Location, size, and invert elevations of proposed drainage structures including profiles of the storm drainage system, culverts, bridges, pipes, drop inlets, and top elevations of headwalls and any other data as may be required by the Commission
- 3) Area of land contributing runoff to each drainage structure
- 4) Location of easements and rights-of-way for drainage ways and maintenance as recommended by the City Engineer
- 5) Typical cross sections of each drainage way
- 6) Direction of water flow throughout the subdivision
- 7) Stormwater drainage calculations, including all assumptions made along with pre- and post-development delineation maps
- 8) Erosion and Sediment Control Plan showing all Best Management Practices (BMPs) for controlling pollutants leaving the site through stormwater runoff.
- 9) Letter of certification of engineering sufficiency signed by the owner's engineer

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- 10) Letter of certification signed by the owner's engineer ensuring installation in accordance with the approved plat
- D. Sanitary Sewer Plan, when applicable
- 1) Location and size of all existing and proposed sewers in the subdivision, the points of the subdivision and location of sewer laterals
 - 2) Direction of flow of each sewer line
 - 3) Location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds, treatment plants
 - 4) Profiles of sewage system
 - 5) Letter of certification of engineering sufficiency signed by the owner's engineer
- E. Septic System Plan, if applicable, must be submitted to the Health Department or other authority having jurisdiction
- 1) Location and capacity of all septic tanks proposed within the subdivision
 - 2) Soil type according to Cullman County soil survey
 - 3) Depth of soil, if less than six feet
 - 4) Location of percolation test holes and results of percolation tests
 - 5) Location of tile fields and minimum lengths of tile runs
 - 6) Letter of certification of engineering sufficiency signed by the owner's engineer
- F. Water Distribution Plan
- 1) Location and size of the water distribution system including pipes, valves, fittings, high pressure pumping equipment, and other data as may be required by the Commission
 - 2) Location of all fire hydrants
 - 3) Letter of certification signed by the owner's engineer that the distribution system meets the requirements of the municipal water system
 - 4) Water systems not to be served by the Cullman Water System must have a notation of the same on the certificate of the owner's engineer and will be subject to approval by the Water Department and [§5.04 Water System](#)
- G. Electrical Distribution Plan
- 1) Location of all poles or subsurface facilities serving each lot or parcel of land within the subdivision and where necessary to abutting property
 - 2) All required easements, including anchor easements for guy wires
 - 3) Letter of certification signed by owner's engineer that the plan meets electrical requirements, and whether the system will be installed by the Cullman Electric Cooperative (REA) and/or Cullman Power Board

Section 3.04 Construction of Improvements

Before the Final Plat is approved, the subdivider must complete all improvements required by these Regulations (see [Article 6 Construction of Improvements, Bonding](#)) or provide a financial guarantee of performance of the same as provided for in this section. All public improvements must be dedicated to the City free and clear of all liens and encumbrances.

Installation must conform substantially to the preliminary plat as approved and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat proposed to be recorded for final plat, provided, however, that such portion conforms to all the requirements of these Regulations.

After completion of the above, the subdivider may proceed with final plat.

Section 3.05 Final Plat

Final approval will be considered only for subdivisions or portions of subdivisions that meet the requirements of §3.04 Construction of Improvements.

§3.05.01 Purpose. The purpose of the Final Plat is to provide an accurate record of street and property lines and other elements being established on the land and the conditions of their use. The final plat must conform substantially to the approved preliminary plat. All inspections and testing must be completed and approved by the Subdivision Official prior to the Final Plat being placed on the agenda for Commission action.. A Final Plat may include only that portion of the approved Preliminary Plat, which the Subdivider proposes to record and develop at that time. If it is submitted in portions, each portion must individually conform to all requirements of these Regulations.

§3.05.02 Procedure. Final plat approval must be obtained by the subdivider as the preliminary plat or portions of it are constructed or included in the surety bond.

- A. At least 21 days prior to the hearing at which it is to be considered, the subdivider must submit 15 drawings and three Mylar copies, together with any street profiles or other plans which may be required by the Commission.
- B. Upon receipt of Final Plat application, the Subdivision Official transmits prints of the Final Plat application to all other City departments, County and State agencies and other officials and agencies, as may be applicable, for review and recommendations. Prior to the Commission hearing, the Subdivision Official will notify the subdivider of any errors or omissions if the application is considered "incomplete." However, failure to notify the applicant does not relieve the applicant from compliance with any requirement of these Regulations.
- C. If the Final Plat is for a Minor Subdivision for which improvement of only a half street is involved, an engineering plan must be submitted prior to or at the time of Final Plat application. The engineering plan need not include all of the materials normally required for Major Subdivisions but must include all those materials necessary to determine compliance of the street improvements with these Regulations, as determined by the Subdivision Official.
- D. Within 30 days after the hearing, the Commission must indicate its approval, disapproval, or approval subject to any required modifications. If a plat is disapproved, the reasons for such

disapproval must be indicated in writing. If approved subject to modifications, the nature of the required modifications must be indicated in writing. Failure of the Commission to approve, approve with conditions, or disapprove any Final Plat within these 30 days will be considered as approval of same as submitted; provided, however, that the subdivider may waive this requirement and consent to an extension of such period.

- E. When the final plat has received final approval by the Commission, the following sequence of events will take place:
- 1) Three copies of the plat will be executed by the Secretary of the Commission
 - 2) City Clerk will have the Probate Judge execute three copies within 30 days and file one for record. Approval of the Final Plat by the Commission is null and void if the plat is not recorded with the Probate Judge within 12 months after the date of approval unless application for an extension of time is made in writing and granted by the Commission during the 12-month period.
 - 3) One original executed copy is returned to the City Clerk

§3.05.03 Approval of a final plat by the Commission does not constitute acceptance of the dedication of any street or other public way or ground. After approval of the final plat and the construction of streets shown thereon, the Commission may recommend to the City Council that it accept these streets as public roads and take over their perpetual maintenance.

§3.05.04 Final Plat Requirements

The plat must be drawn to a scale not smaller than one inch equals 100 ft, on sheets not larger than 24 x 36 inches and inked on lines on Mylar. When more than one sheet is required, an Index sheet of the same size must be filed as a key, showing the entire subdivision, with the sheets in alphabetical order. The final plat must include the following Information:

- A. General
- 1) Name and location of subdivision
 - 2) Name of owner, subdivider, and subdivider's engineer
 - 3) North point, graphic scale and date
 - 4) Plan of all streets and names of all streets, roads and alleys, and other rights of way
 - 5) Location of all blocks and lot lines with all block and lot numbers in numerical order
 - 6) Building setback lines along each street
 - 7) Sufficient data to readily determine and reproduce on the ground the location, bearing, and length of every road line, boundary line, block line, and building line, whether curved or straight, and including the radius, central angle, and tangent distance, and the length of curve for the center line of all curved roads and property being subdivided. The length of all dimensions must be to the nearest one tenth of one foot, and bearing of all angles to the nearest one minute.
 - 8) Location, dimensions, and purpose of all easements
 - 9) Location and description of all property markers

- 10) Changes made from the preliminary plat must be submitted as supporting documentation with the final plat.

B. Letters of Certification

- 1) Certification of approval by the Health. Department when individual sewage disposal or water systems are to be installed
- 2) Certification by a registered engineer that all improvements have been installed in accordance with the requirements of these Regulations
- 3) Certification by the City Clerk that all bonds and fees identified or referenced in these regulations have been received, including:
 - a) Cash or surety bond in an amount equal to 150% of the current costs (as established by the City Street Department and/or City Engineer) to assure completion of all street improvements
 - b) Cash or surety bond in the amount of ten percent of the cost of streets and utilities to cover faulty materials, workmanship, or plans, as established by each City department
 - c) Fee for recording the Final Plat
 - d) Fees for streets, traffic control signs or signals, recording, and current assessments
- 4) Certification of completion of improvements from the Electric, Water & Sewer, Gas, and Street Departments (City or County, as applicable)

C. Certifications when presented for approval: (See Appendix for forms)

- 1) A signed and notarized certification on the plat showing that the applicant is the legal owner of the land and formally dedicates all streets, rights-of-way and any other sites for public use. Restrictions or restrictive covenant must be included.
- 2) Certification with seal and registration number by a registered surveyor attesting to the accuracy of the survey and plat and the placement of all required monuments
- 3) Unsigned certification for the Cullman Planning Commission, Probate Judge, City Engineer and other applicable City, County or State departments or agencies

D. The following notation:

“Approval of this plat does not constitute acceptance of any streets by the City, which may only be secured through passage of an ordinance by the City Council.”

Section 3.06 Combined Preliminary and Final Plat

A subdivider may submit a combined request for both Preliminary Plat and Final Plat approval. In such cases all requirements for both Preliminary and Final Plat approval must be met.

Section 3.07 Issuance of Permits

Building permits may be issued for a subdivision under construction provided the extent of street improvements is adequate for vehicular access by the prospective builder and by police and fire

equipment. However, no Building Permit may be issued for the final two lots, or ten percent of lots, whichever is greater, within a subdivision until all public improvements have been accepted by the City.

Where a Performance Bond has not been required, no Certificate of Occupancy may be issued prior to recording of the Final Plat.

Section 3.08 Vacation of Public Rights-of-Way

§3.08.01 Vacation of public rights-of-way may be initiated by the owners of abutting property or by the City in accordance with §23-4-2 and §11-49-6 of the Code of Alabama, 1975, as amended. In making its determination regarding a vacation, the Council, on receipt of a recommendation from the Commission, will take into consideration the following criteria:

- A. Vacation of the right-of-way will better serve the public good than changing the right-of-way and/or the public way it contains
- B. The right-of-way is no longer needed for the public use it was originally created to serve
- C. The public benefit received from the right-of-way is insufficient to justify maintenance costs of the right-of-way
- D. Future development or other changes in the surrounding area will not increase public use or need for the right-of-way.

§3.08.02 Following approval by the Council of a right-of-way vacation, a resurvey must be submitted and approved by the Commission to combine the vacated right-of-way with adjoining lots.

Section 3.09 Plat Submittal Requirements

	Preliminary Plat	Final Plat
Vicinity Sketch Map (Scale 1" =800')		
Name and Location	X	X
Owner and Designer	X	X
North Point, Graphic Scale, Date	X	X
Boundaries, Approximate Dimensions, and Acreage of Site	X	X
Major Traffic Arteries and Utilities	X	X
Community Facilities	X	X
Subdivision Plan (Scale 1" = 100' minimum)		
Subdivision fee paid	X	X
Name and Location	X	X
Owner, Subdivider, and Engineer	X	X
North Point, Graphic Scale, Date	X	X
Street, Right-of-way and Easement Layout	X	X
Street Plans and Profiles		X
Street Names	X	X
Typical Street Cross Section	X	
Block and Lot Lines	X	X
Block and Lot Numbers and Location of all Existing Structures	X	X
Setback Lines	X	X
Existing Utilities and Possible Connections	X	
Proposed Improvements requested of the City (utility extensions)	X	
Proposed Culverts and Storm Drainage	X	X
Dimensions (lots, roads)		X
Angles and Bearings, Monuments		X
Contours at required Intervals	X	
Present Zoning	X	
Adjoining Property Names	X	
Letters of Certification as Required		X
Location of Proposed Open Spaces	X	
Areas of Periodic Inundation	X	
Letters from City Departments	X	
Street and Traffic Sign fees paid		X
Recording Fees paid and bonds posted		X

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ARTICLE 4. DESIGN STANDARDS

The design standards of this Article are the minimum standards allowable for development. All subdivisions must also conform to all applicable State and local regulations. Standards above the minimum may be required by the Planning Commission or the Subdivision Official. Detailed construction specifications and engineering requirements may be obtained from the Subdivision Official. The Commission may not grant any exception from the requirements of this Section unless recommended by the Subdivision Official.

Section 4.01 General Standards

The following standards are applicable to all development, including both residential and nonresidential subdivisions.

§4.01.01 Conformity to City Plans

- A. All proposed subdivisions must conform to the Cullman Master Plan and Zoning Regulations.
- B. Residential densities established by the Zoning Ordinance must be observed.
- C. Whenever, a tract to be subdivided embraces any part of a street, so designated on any city, county, or regional plan, such part of such proposed public way must be platted by the subdivider in the same location and at the same width as indicated on the city, county, or regional plan.
- D. To ensure development of the community in accordance with the general principles set forth in the official plans and maps of the City of Cullman, the Commission may require that the subdivider dedicate adaptable land for parks, schools, fire stations, playgrounds, or any other purpose essential to the welfare of the community. However, no more than ten percent of the total subdivision may be required by donation.

If additional area over the ten percent of a proposed subdivision is necessary to fulfill the requirements of the community, the additional area must be offered for sale to the City at fair market value. The City and Subdivider may agree as to the fair market value. Such offer will extend for a period of not less than 90 days nor more than 180 days from the date of receipt by the City of the written offer.

Wherever a park, recreational space, school site, or other areas for public use shown on an official map or plan adopted by the Commission is located, in whole or in part, within the proposed subdivision, the Commission will seek to secure reservation of the necessary land for such use. Such reservation will remain in effect only during the duration of the preliminary proposal to afford the appropriate government agency the opportunity to coordinate acquisition of the area with the development of the proposed subdivision.

§4.01.02 Land Subject to Flooding or Other Hazard. Land subject to flooding or deemed to be topographically unsuitable for development may not be platted for residential occupancy or any other use that may increase danger to health, life, or property; aggravate erosion; or increase flood hazard.

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- A. Areas subject to periodic inundation may not be developed or subdivided unless and until the Commission establishes that:
 - 1) The nature of the land use (e.g., recreational areas) would not lend itself to damage by water inundation to an appreciable extent.
 - 2) The area may be filled or improved in such a manner as to prevent such periodic inundations, where permitted in accordance with all applicable local and state laws
 - 3) Minimum floor elevations will be provided that prevent damage to any structures.
- B. Land area within the 100-year floodplain must be clearly marked on all subdivision plats. These areas may not be developed in any way that reduces the floodplain's capacity to store and convey water.

§4.01.03 Street Plan

- A. General
 - 1) The arrangement, character, extent, location, and grade of all streets must be laid out according to good land planning principles and integrated with all existing and planned streets. New streets must consider topographical conditions, orientation to vistas, public convenience, safety, and the proposed uses of land to be served by them.
 - 2) The proposed street system must conform to the Manual on Uniform Traffic Control Devices and be coordinated with the street system of the surrounding area. The number of streets converging upon any one point which would tend to promote congestion must be held to a minimum. Intersections of three or more streets are discouraged and may not be permitted.
 - 3) The street pattern must be in conformity with a plan for the most advantageous development of the entire neighboring area while protecting public safety and welfare.
 - 4) Sufficient proposed streets must be provided to create normal circulation of traffic within the vicinity. Land abutting a proposed subdivision may not be landlocked by the proposed subdivision.
 - 5) Streets must intersect as nearly at right angles as possible and in no case intersect at an angle of less than 60 degrees.
 - 6) Minor streets should be laid out so that their use by through traffic is discouraged.
 - 7) Where an existing street or other right-of-way falls within a proposed subdivision and the subdivider proposes to abandon this right- of-way, the Commission will review the proposal in light of its effect on neighboring properties and forward its recommendations to the City Council prior to its taking legal action on the matter.
- B. Connectivity. The street layout of a subdivision must provide for access to the existing street network and continuation and connection of streets between adjacent properties where necessary for the convenient movement and circulation of traffic, effective police and fire protection, access by public service vehicles, and efficient provision of utilities; and in accordance with the policies of the Master Plan.

- 1) Existing streets that abut a subdivision must be continued, and the continuations must be in alignment with and at least as wide as the existing street unless a reduced width is approved by the Commission.
- 2) The street layout must provide stub streets for future continuation into unsubdivided lands where necessary to meet the purposes of this §4.03.02.
- 3) If the adjacent property is undeveloped, the right-of-way to be continued must extend to the property line and a temporary turnaround provided. The temporary turnaround must comply with the dimensional requirements for turnarounds in [§4.03.06 Dead End Streets, Cul-De-Sacs](#). The area necessary for the temporary turnaround outside the normal right-of-way must be contained within an easement, which will automatically dissolve when the street is extended and approved by the City. The Commission may limit the length of temporary dead-end streets in accordance with §4.03.06. The paving or improvement of right-of-way to the boundary with the adjoining property may not be required. The intention is that the paving and utilities be extended far enough to serve the subdivision lots; and the right-of-way and/or easements extended so that the streets and utilities can be extended into adjoining property as needed.

At the terminus of all stub streets, a sign must be installed with the words “STREET TO BE EXTENDED BY AUTHORITY OF THE CITY OF CULLMAN” to inform existing and prospective property owners.

- C. Subdivisions and Arterial Street and Highways. Wherever a proposed subdivision contains or abuts an arterial street or highway, one of the following conditions must be met:
- 1) A marginal access street must be provided parallel to the highway or arterial street for access to abutting property
 - 2) Lots abutting the highway or arterial street must have reverse frontage with screen planting provided in a non-access reservation along the highway or arterial street
 - 3) Lots may front on the highway or arterial street but must have access from the rear of the lot, which may be in the form of an alley or rear service drive, or from a lesser street, if applicable
 - 4) Other treatment which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic.
- D. Reserve Strips. Reserve strips controlling access to streets are prohibited unless their control is placed with the Council under conditions approved by the Commission.
- E. Half-Streets. Where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half must be platted. New half-streets or half-alleys are prohibited.
- F. Dead End Streets, Cul-De-Sacs

For the purposes of these standards, the length of a dead end street is measured from the centerline of the street from which it takes access to the center of the turnaround at the end of the street, or in the absence of a turnaround, to the end of the pavement.

- 1) Streets designed to have one end permanently closed may not be longer than 600 ft.

- 2) New dead end streets of 150 ft or less in length do not require a vehicular turnaround.
 - 3) Dead end streets of 151-600 ft in length must have a cul-de-sac turnaround unless a hammerhead or similar turnaround is approved by the Subdivision Official for dead end streets with low traffic volumes.
 - 4) Cul-de-sacs must terminate with a minimum right-of-way diameter of 100 ft and a minimum paved diameter of 80 ft. {See Appendix C for illustration}
 - 5) In no case may a subdivision be approved that prevents the construction of a permanent cul-de-sac or turnaround required as part of a tentatively approved plat on abutting land.
- G. Multi-phase Developments. In the case of a street that is to be continued as part of a subsequent phase of development, the Commission may require construction of a temporary turnaround, as required for stub streets in [§4.01.03.B Connectivity](#). If a preliminary plat for the phase of development in which the street would be continued has not been submitted within two years of recording of the phase containing the temporary turnaround, the Commission may require a permanent turnaround be constructed or a bond posted for same.

§4.01.04 Street Design Standards

- A. The Commission has the authority to classify streets if a classification has not been previously established.
- B. Adequate widths must be provided to accommodate roadway construction and utility location.
- C. The subdivider must provide additional lanes and/or right-of-way if it is determined by the Subdivision Official that acceleration/deceleration or other street improvements are necessary and require right-of-way widths greater than the minimum widths provided in Table 4-1.
- D. Travel lane widths should be kept to the lowest allowable dimension to foster safe travel speeds. Wider lanes may be necessary to account for higher design speeds, horizontal curves or other circumstances as approved by the Subdivision Official.
- E. Minimum right-of-way widths for streets and alleys are as follows:

Table 4-1 Minimum Right-of-Way Widths	
Street Types	Minimum Right-of-Way
Major Arterial	120 ft
Minor Arterial	100 ft
Collector Street	60 ft
Minor Street	50 ft
Alleys	20 ft
Marginal Access Street	(included in ROW of arterial)

- F. In cases where topography or other physical conditions make the minimum right-of-way width impracticable, the Commission may modify the above requirements.
- G. Additional Width Required on Existing or Planned Dedicated Streets. Subdivisions that adjoin existing or planned dedicated roads must dedicate and develop additional right-of-way to meet the minimum requirements of this Section.

- 1) The entire right-of-way with improvements must be provided where any part of the subdivision is on both sides of the existing planned or dedicated street.
- 2) When the subdivision is located on only one side of an existing, planned, or dedicated street, one-half of the required right-of-way measured from the center line of the existing travelway, must be provided and improved with curb and gutter.

H. Minimum Pavement Widths. Street pavement widths must comply with Table 4-2:

Table 4-2 Travelway and Lane Widths		
Specifications are based on two-lane street sections. The Commission, upon a recommendation by the Subdivision Official, may require a median, on-street parking, turn lane, acceleration or deceleration lanes, or additional travel lanes where trips generated by anticipated uses or where City, County or regional plans require increased design requirements.		
Street Types	Travelway Width ¹	Travel or Turn Lane Width
Arterial Street	50 ft	11-12 ft
Collector Street	40 ft	11-12 ft
Minor Street	26 ft	10-11 ft
Alleys	20 ft	n/a
Industrial Access	28 ft	13 ft
¹ Travelway width is measured from face-of-curb to face-of-curb or centerline to centerline of valley curbs. In the absence of curbs, travelway is measured from edge-of-pavement to edge-of-pavement. Where additional travel lanes (including turn, acceleration, and deceleration lanes) are required by the Commission, travelway width must be adjusted by adding lane widths as shown. Where provided, on-street parallel parking lanes must be at least 8.5 ft wide; and on-street angled parking lanes must be as approved by the Subdivision Official.		

I. Street Grades

- 1) Street grades may not be less than 0.5% and may not exceed the grades indicated in Table 4-3 unless otherwise recommended by the City Engineer and/or County Road Superintendent and approved by the Commission. Waivers for minor dead-end streets with low traffic volumes may be considered by the Subdivision Official when submitted in writing.

Table 4-3 Maximum Street Grades	
Street Type	Grade
Arterial Street	6%
Collector Street	8%
Minor Street and Cul-de-sac	10%
Marginal Access Street	10%

- 2) Grades approaching intersections may not exceed five percent for a distance of not less than 100 feet from the center line of the intersection.

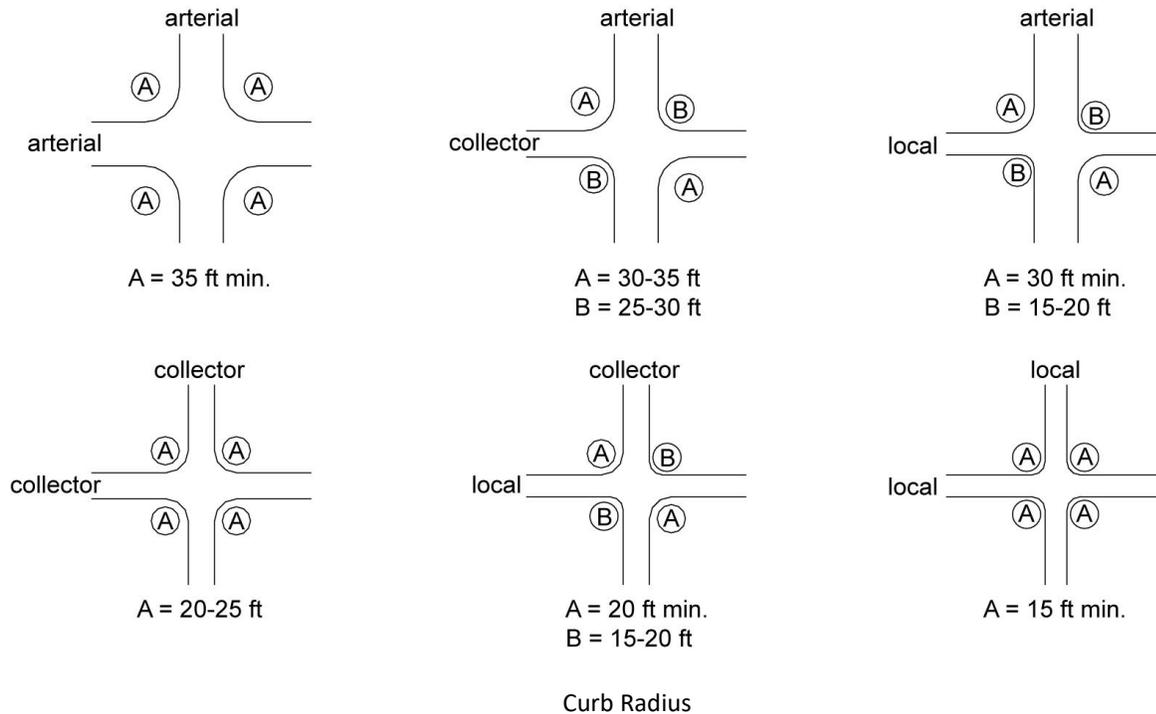
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- 3) Surface cross-drainage is prohibited unless recommended by the City Engineer and Streets Superintendent and approved by the Commission.
- J. Alignment and Visibility. Horizontal and vertical curves, stopping sight distance and intersection sight distance must be in accordance with AASHTO Geometric Design of Highways and Streets, latest edition, and as follows:
- 1) Vertical curves must be designed to prevent abrupt change as approved by the City Engineer and Street Superintendent.
 - 2) Minimum radii of horizontal curves must be at least 100 feet.
 - 3) There must be a tangent provided between all reverse curves as required by City Engineer.
 - 4) Angular breaks in right-of-way alignment of more than two degrees are prohibited.
 - 5) Clear horizontal visibility, measured along the center line, must be provided in accordance with the applicable standards of the ALDOT.
 - 6) Where existing streets or rights-of-way are to be retained, they must be redesigned to eliminate all bends, crooks and other undesirable hazardous conditions.

§4.01.05 Street Intersection Design Standards

- A. Submissions of a Grading Plan showing existing conditions and a detailed design for any intersections that are unusual or located on difficult terrain may be required by the Commission.
- B. Intersections must be separated from one another as required in [§4.01.07 Access Management](#).
- C. Curb radii at intersections must be in accordance with Table 4-4 and the following:
 - 1) Curb radii at intersections must be sized to provide safe right-turning movements appropriate to the traffic volume, travel speed, width and other characteristics of the streets involved. Larger radii are required along streets with higher design speeds and at intersections where frequent turns by large vehicles are expected. On minor streets, especially in residential areas, the smallest curb radius should be used to slow vehicular turning movements (while still accommodating turning movements by emergency vehicles) and to provide short crossing distances for pedestrians.
 - 2) Property line corners at street intersections must be rounded by an arc, the minimum radius of which is ten feet. In nonresidential areas, a chord may be substituted for the arc.

Street from which right turn is taken	Receiving Street (street on to which right turn is taken)		
	Local	Collector	Arterial
Minor	15 ft min.	15-20 ft	15-20 ft
Collector	20 ft min.	20-25 ft	25-30 ft
Arterial or Highway	30 ft min.	30-35 ft	35 min.

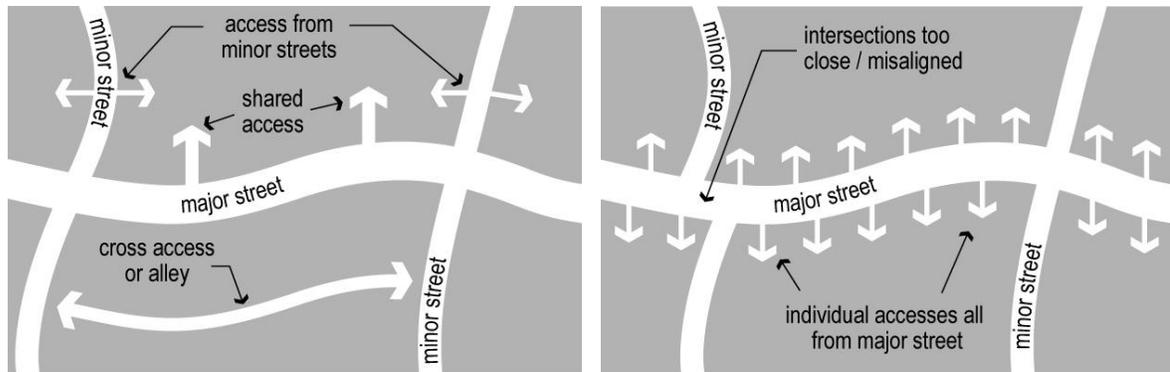


- D. Acute angles at street intersections should be avoided; in no case will an angle of less than 60 degrees be permitted.
- E. All geometric design for vehicular safety must be in accordance with the latest revision of the AASHTO Policy on Geometric Design of Highways and Streets, including intersection sight distance requirements. No obstruction, between a height of thirty inches and eight feet above grade level, is permitted in this area. (See Appendix C for Illustration)

§4.01.06 Alleys

- A. Alleys may be required in commercial and industrial developments where it is determined by the Commission that alleys will be necessary in providing safe access to abutting sites in accordance with the provisions of [§4.01.07 Access Management](#).
- B. Alleys may be approved by the Commission in medium and higher density residential developments for rear access and as alternative locations for above-ground utilities, garbage pick-up, and/or mail service.
- C. Dead end alleys should be avoided, but if unavoidable, must be provided with adequate turn around facilities at the dead end and should not extend over 600 ft from a street.

§4.01.07 Access Management. The purposes of this section are to promote the overall safety of motorists, bicyclists, and pedestrians; to reduce interference with through traffic by other vehicles entering, leaving, and crossing streets; to assure safe access to and from streets by emergency vehicles; and to preserve the traffic capacity of streets.



Encouraged access pattern

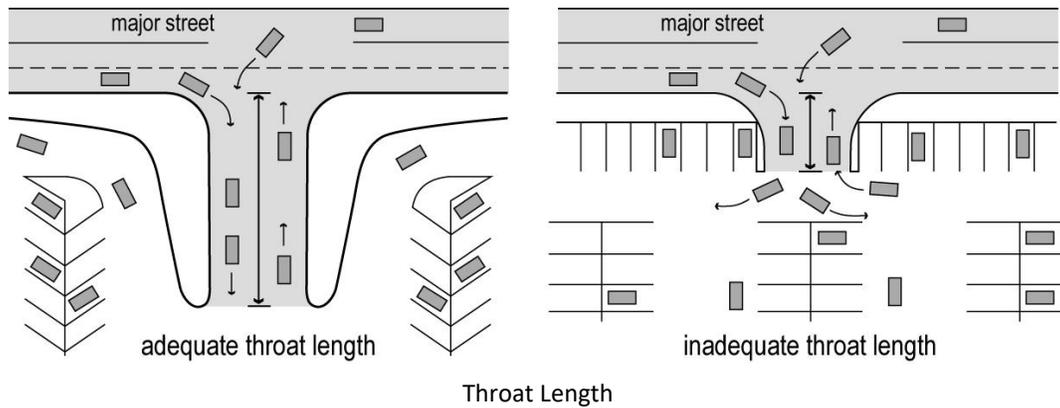
Discouraged access pattern

- A. General Conditions and Requirements. The location and design of vehicular accesses from existing or proposed streets must be specified in an Access Plan submitted as part of the Engineering Plan. No curbs or rights-of-way may be cut, paved, or otherwise altered until a permit for the access has been secured from the City and/or any other governmental agency owning or controlling the street right-of-way.
- 1) Approval for Specific Use. Accesses approved under these Regulations are approved only for the use specified in the Preliminary Plat. Changes in use that would increase traffic or change the types of vehicles accessing the site require a new approval of access. When a site existing at the time of these standards is redeveloped so as to create a “significant increase in trip generation”, the existing access(es) must be brought into conformity with these requirements.
 - 2) Prohibition of Unsafe Access. Notwithstanding any other provisions of these Regulations, an access, which demonstrates a potential danger to the public and/or which could affect the safe, efficient flow of traffic, may be denied following a recommendation from the Subdivision Official, based on commonly accepted and applied traffic engineering principles.
- B. Guidelines. The Commission uses the following as a guide to manage the number, spacing and design of access points along public streets. The Commission may require strict adherence to these provisions.
- 1) Access to a corner lot should be placed on the street of lesser classification or lower average daily traffic, except as otherwise specified herein.
 - 2) The number and location of access points must be in accordance with Table 4-5.
 - 3) Lots along an existing or proposed alley must be designed to and must have access from the alley. In the case of an existing unopened or substandard alley, construction of an access along the alley may not be required but the site must nonetheless be designed so that access may be constructed once the alley is opened or deficiencies corrected.

Table 4-5 Driveway Spacing			
Use and Street Type	Minimum Spacing		Max. number of driveways per frontage length
	from intersection ¹	from other driveways	
All Uses			
Arterial streets and highways	150 ft	100 ft	1 per 150 ft
Single family and duplex dwellings			
Collector Streets	100 ft	25 ft	1 per 100 ft
Local Streets	60 ft	10 ft	1 per 60 ft ²
All other Uses			
Collector Streets	125 ft	75 ft	1 per 125 ft
Local Streets	75 ft	50 ft	1 per 75 ft
¹ Where the frontage of an existing corner lot is less than the required distance, a driveway may nonetheless be approved by the Subdivision Official provided it is as far as practical from the intersection. Lots to be subdivided should have frontages of a length to accommodate required driveway spacing. ² For interior lots less than 60 ft in width, one driveway may be approved, if in the opinion of the Subdivision Official, the driveway will not adversely affect safety and movement on the street. Townhouse (attached dwelling) developments must normally have shared access to the side or rear of building groups.			

- 4) Minimum separation distance may be reduced, provided that, if approved by the Subdivision Official, the following conditions exist, based on commonly accepted and applied traffic engineering principles: shared access is not possible; exceptional topographic or site conditions exist at the driveway location (such as in-place utility or drainage features) which would make strict application of the standard exceptionally and/or practically difficult or unduly harsh; application of this Section would conflict with other provisions of these Regulations; and where the reduction would not compromise the safe, efficient flow of traffic.
- 5) Access Easements. The Commission may require shared access easements or other conditions that require multiple lots to have one or a limited number of shared accesses to arterial or collector streets, including use of alleys, shared driveways or marginal access streets.
- 6) Where private access easements are used, the subdivision plat must state that the easements run with the land and that transfer of lots is subject to the provision of such easements, which must provide for a guaranteed, unrestricted right of access to all other owners providing such easements and that the owners of lots subject to the easement must execute an agreement specifying responsibility for construction and perpetual maintenance of the easements and drives. The agreement must specify that the parties thereto must hold the City harmless from liabilities resulting from unsafe conditions on private access easements. Copies of the agreements will be filed with the City Clerk. Construction on private access easements may not commence until all agreements are filed. Amendments to such agreements must also be filed with the City Clerk.

- 7) Adequate throat length (see illustration above) must be provided to prevent traffic entering a premises from backing up onto the public street. A minimum length may be required by the Subdivision Official when anticipated traffic volumes and commonly accepted and applied traffic engineering principles justify the need for longer throat length.



C. Turn Lanes, Medians.

- 1) Approval of access to an arterial or collector street may be conditioned upon the provision of a left-turn lane. The requirement and design of each turn lane, including the paved approach, bay, and departure tapers, is determined from the recommendations of a traffic study and approved by the Subdivision Official based on commonly accepted and applied traffic engineering principles.
- 2) Right and left turn lanes at intersections may be required by the Subdivision Official based upon existing or required traffic studies. This may require dedication of additional right-of-way widths on existing or proposed streets. Storage length is determined from the applicable traffic study.
- 3) Two-way left-turn lanes may not be used in low and medium density residential areas and are discouraged in previously undeveloped areas. However, they may be necessary in previously developed areas where a median is impractical due to the location and frequency of existing driveways.
- 4) Medians are recommended to control access and turning movements between intersections on collector and arterial streets, particularly for subdivisions in previously undeveloped areas. Where a median is proposed, access to lots fronting on the street should be coordinated with median openings. Minimum spacing between median openings is determined by the Subdivision Official.

§4.01.08 Blocks and Lots

- A. The lengths, widths, and shapes of blocks must be determined with due regard to:
 - 1) Provision of adequate building sites suitable to the type of use contemplated.
 - 2) Zoning Ordinance and Health Department requirements for lot sizes and dimensions
 - 3) Needs for convenient access, circulations, control, and safety of street traffic

4) Limitations and opportunities of topography

- B. Where the proposed subdivision is adjacent to or contains a major street, the long dimensions of the blocks must be parallel or approximately parallel to the major street.
- C. Block lengths must not be less than 400 ft nor more than 1200 ft and must normally be wide enough to allow two tiers of lots of appropriate depth.
- D. The lot size, width, depth, shape, orientation, and building setback lines must be appropriate for the location of the subdivision and for the type of development and use contemplated. (See Appendix C for illustration)
- E. Lot area and dimensions must conform to any applicable zoning regulations and requirements of the Health Department or other authority having jurisdiction
- F. Each lot must front upon a dedicated street that meets minimum standards including a right-of-way width of at least 50 ft.
- G. Double frontage and reverse frontage lots must be avoided, except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation. A planted buffer at least ten feet wide and across which there may be no right of access must be provided along the lot line along the arterial street. (See Appendix C for Illustration)
- H. Side lot lines should be at right angles to streets, except on curves where they should be radial, or as approved by the Commission.

§4.01.09 Easements

- A. Easements across lots or centered on rear or side lot lines must be provided for utilities and drainage where necessary and must normally be privately held and maintained.
- B. No structure may be constructed or placed across, on or within a required easement.
- C. Required easements must be a minimum of 15 ft wide or larger as required by the Commission.
- D. Where a subdivision is traversed by an existing or proposed water course, drainageway, channel, or stream, there must be provided a storm drainage easement or right-of-way conforming substantially to the lines of the drainageway. The width of the drainage easement or right-of-way must be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.
- E. Lots and easements must be arranged in a manner as to eliminate unnecessary easement jogs or off-sets and to facilitate the use of easements for power distribution, telephone service, drainage, water, and sewer services.

§4.01.10 Drainage and Inundation

- A. A drainage plan must be made for each subdivision by the Owner's Engineer, which must take into consideration the ultimate or saturated development of the tributary area in which the proposed subdivision is located and provide for such structures and devices as may be required to handle the peak runoff from a 50-year storm event. Post-development stormwater

runoff resulting from the 50-year return period, 24-hour duration, Type II storm distribution may not exceed the pre-development stormwater runoff. Adequate provisions must be made to provide drainage easements needed within the subdivision, taking into consideration the saturated development of the tributary area.

The storm and sanitary sewer plans must be approved prior to the development of the other utility plans. Engineering considerations must give preferential treatment to these gravity flow improvements, as opposed to other utilities and improvements. Off-premise drainage easements and improvements may be required to handle the runoff of subdivisions into a natural drainage channel. Under no condition may storm drainage be emptied into the sanitary sewer system or vice versa.

To the extent practicable, no subdivision or part thereof may shed storm runoff, either as surface runoff or an outfall from storm sewerage structures, onto any adjacent land unless such runoff is contained within an existing drainage easement, ditch, structure or right-of-way and provided further, that such existing drainage easement, ditch, structure or right-of-way provides outfall to an established drainage channel, or other mitigation measures are provided, all as approved by the Subdivision Official.

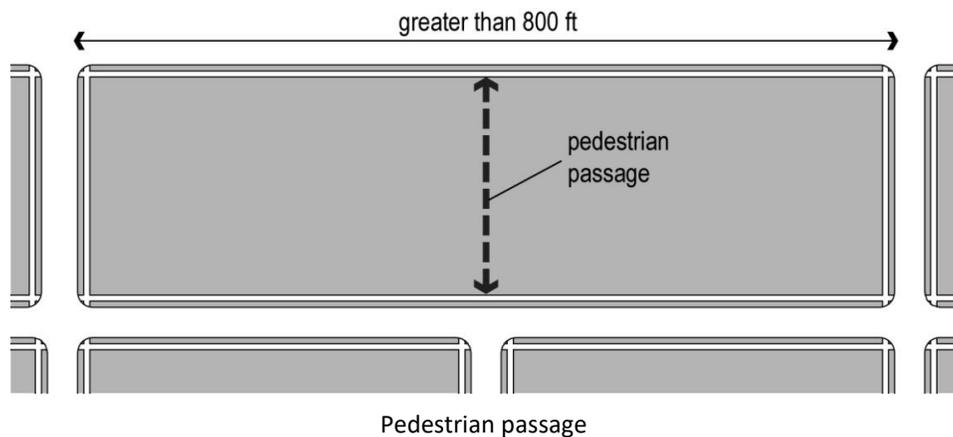
- B. The Commission may require any additional engineering information it deems necessary to make a decision on subdivisions and other development that contains an area of questionable drainage. Lakes, ponds, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area, or if the area constitutes a necessary part of the drainage control system, and adequate access to the site is provided.

§4.01.11 Sidewalks, Pedestrian Facilities. Sidewalks must be placed on both sides of all streets in a commercial, public and semi-public type subdivision and high density residential subdivisions, including lots of 10,000 sf and less and any duplex, triplex, attached dwelling or multifamily development. The Commission may require sidewalks in other residential subdivisions or industrial development and on bridges. The Commission may, in accordance with the following guidelines, modify this requirement. Where required, sidewalks must be of the width required by the Zoning Ordinance. Where not required, pedestrian facilities may be provided at the option of the subdivider provided minimum design and construction requirements are satisfied.

A. Guidelines

- 1) Whenever land to be subdivided embraces any part of a sidewalk or pedestrian facility so designated on a City Sidewalk Master Plan, the facility must be provided as part of the subdivision.
- 2) Whenever land to be subdivided embraces an existing public street without sidewalks, such facilities must be provided by the subdivider along the applicable portion of the existing street as required in this Section.
- 3) Sidewalks should be provided on at least one side of streets within 1,000 ft of an existing or planned school, library, park, place of assembly or commercial area.

- 4) Sidewalks should be provided along streets that presently or in the future will contain uses that are specifically intended to serve children or the aged.
- 5) Pedestrian facilities should be placed along collector streets to provide a safe walking environment, adequately separated from higher speed vehicular traffic, connecting one or more subdivisions to nearby destinations.
- 6) Sidewalks may not exceed five percent grade unless the Subdivision Official finds that this grade is not practicable given the topography of the site and proposed street grades.
- 7) A permanently dedicated greenway, walking trail, pedestrian passage or similar pedestrian facility may be required as an alternative to or in addition to sidewalks to provide pedestrian access to nearby commercial centers, schools, parks, or places of assembly. In such cases, the pedestrian facility should be located so as to be accessible to the greatest number of users within the proposed development.
- 8) Pedestrian passages may be required where deemed essential to blocks over 800 ft long by the Commission to provide circulation or access to schools, playgrounds, shopping centers, bus stops and other community facilities. See also §4.01.11.C Pedestrian Passages.



- 9) Cul-de-sacs within medium or high density residential subdivisions may be required to provide a permanent pedestrian passage to nearby streets or community destinations. The passage may be an alternative to or in addition to sidewalks within the subdivision. In determining whether a passage should be required, the Commission considers the degree to which the passage would increase the safety and convenience of pedestrians in reaching such destinations compared to other feasible pedestrian routes within the subdivision.
- B. A planting strip must be provided between the back of curb and sidewalk, except where the Commission determines that topography; tree preservation or conservation; right-of-way characteristics; or other conditions dictate that this requirement be modified or waived.
 - C. Pedestrian Passages. Where required, pedestrian passages must be provided as follows:
 - 1) The easement or right-of-way containing the passage must be at least ten feet wide and the width of the walkway must be at least five feet in residential areas and six feet in

nonresidential areas. The design and surface material of the passage will be as approved by the Subdivision Official.

- 2) If located in a right-of-way, the passage is subject to acceptance by the City.
 - 3) If located within a private easement, maintenance will be the responsibility of the developer, property owner or property owners' association.
- D. Fee-in-lieu. At its discretion, the Commission may accept a fee-in-lieu for required sidewalk improvements on existing or proposed local streets if it determines either:
- 1) installation of sidewalks in the particular location is unnecessary at the time of the development of the subdivision but accommodation must be provided for installation at a later date OR
 - 2) installation of sidewalks on adjoining, existing streets—carried out under the direction of the City—would be of greater benefit to both the proposed subdivision and surrounding development than the normally required installation of sidewalks within the proposed subdivision

If a fee-in-lieu is approved by the Commission, all applicable streets within the proposed subdivision must nonetheless be designed and constructed to allow installation of sidewalks at a later date. The fee-in-lieu must be equal to the cost of sidewalk improvements that would otherwise have been required.

§4.01.12 Driveways. Driveways must comply with the requirements in the Zoning Ordinance and the following:

- A. Pavement Markings, Signage. Driveways with more than one ingress or egress lane must have the pavement surface marked in accordance with the requirements of the Manual on Uniform Traffic Control Devices, latest edition. The pavement markings and signage must be continually maintained by the owner in good condition and visible to drivers at all times.
- B. Within ten feet of the edge of pavement, driveway grade must not exceed six percent.

§4.01.13 Fire Lanes. Fire Lanes may be required by the Fire Code of the State of Alabama or the Cullman Fire Department.

§4.01.14 Building Restrictions. If the subdivision does not lie within the force and effect of an existing Zoning Ordinance, the Commission may require provision for minimum setback lines, frontage, side, and rear yards, based upon the standards of the Zoning Ordinance and Health Department Regulations.

§4.01.15 Naming and Numbering Systems. No street name or number may be used which duplicates by spelling or sound or otherwise be confused with the name of existing streets. Streets must conform to the Street Naming and Numbering Manual. Street names and numbers are subject to approval by the Commission and City Council.

Subdivision names and apartment project names may not duplicate or be confused with existing names and are subject to approval by the Commission and City Council.

Section 4.02 Residential Subdivision Standards

The following standards apply to all residential development and subdivisions.

§4.02.01 **Connectivity. External Access to Residential Subdivisions.** Residential subdivisions must provide access points to the existing street network, in accordance with the following guidelines, based upon the number of lots or dwelling units contained within the subdivision, including the total number of lots or dwelling units projected for multi-phased subdivisions. In applying these guidelines, the Commission takes into consideration the arrangement and capacity of the existing street network and constraints that would make strict adherence to these guidelines impractical or unduly harsh including but not limited to steep topography, hydrology, geology, and railroads.

- A. 100-149 lots or dwelling units—at least two separate access points, one of which may be a stub street
- B. 150-249 lots or dwelling units—at least two separate access points, excluding any stub streets
- C. 250-399 lots or dwelling units—at least three separate access points, one of which may be a stub street
- D. 400 or more lots or dwelling units—at least three separate access points, excluding any stub streets

§4.02.02 **Blocks and Lots**

- 1) Residential lots where not served by public sewer and water systems must be at least 15,000 sf in area, 100 ft wide at the building line and 150 ft deep.
- 2) Residential lots served by the public water system but not by a public sewer system must be at least 15, 000 sf in area or as required by the authority having jurisdiction.
- 3) The width of a lot along its front lot line may not be more than 25% narrower than its width at the front building line, except that when located along a curve or cul-de-sac, the lot width at the front lot line must be proportionate to the lot width at the front building line, based on the radius of the curve and distance from its center point, as determined by the Subdivision Official.

§4.02.03 **Multifamily and Condominium Housing Developments.** A multifamily or condominium housing development to be constructed on a site of at least four acres, including construction of one or more buildings, together with necessary drives and access ways, and which is not subdivided into customary lots, block and streets, may be approved by the Commission, if in its opinion, departure from the foregoing regulations can be made without destroying the intent of the regulations.

- A. In addition to the above, the developer must provide comprehensive and detailed plans that include streets, utilities, lots or building sites, site plans, and elevations for all buildings.
- B. Evidence must be provided, in a form approved by the City Attorney, of provision for operation and maintenance of common areas, improvements, facilities, and services.

- C. A comprehensive traffic analysis must be provided indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area.
- D. Private drives must meet the minimum standards for a minor street and may not exceed 600 ft in length. If the development has only one access to a public street, a turnaround must be provided as required by the Fire Department.

Section 4.03 Nonresidential Subdivision Standards

The following applies to any development containing commercial, industrial or other nonresidential uses and any combination of nonresidential and multifamily uses on the same block.

§4.03.01 Procedure. The procedure for filing, review and approval of nonresidential plats or Development Plans is as specified in [Article 3](#). Before approving the Development Plan, the Commission must receive a report from the Subdivision Official that the Development Plan conforms to all requirements of city codes and that the plan will be consistent with the health, safety and general welfare of the City.

Commission approval of a nonresidential Development Plan does not constitute approval of any signage shown on the Development Plan. The Building Official must approve all signage in accordance with the City Sign Ordinance.

§4.03.02 Connectivity. External Access to Nonresidential Development. Nonresidential and mixed-use developments must provide sufficient external access to accommodate the ultimate traffic volume anticipated.

§4.03.03 Blocks and Lots.

- A. Depth and width of properties reserved or laid out for commercial and industrial purposes must be adequate to provide for off-street parking and loading for the use contemplated.
- B. All lots must be at least 25 ft wide along the front lot line. This does not apply to lots of record in the Downtown Commercial Historic District and similarly designed lots without vehicular access along the front lot line.

§4.03.04 Additional Standards

- A. Adequate space must be provided for loading, unloading, off-street parking, vehicular circulation, and any required buffers, stormwater management facilities and/or on-site sanitary sewerage facilities.
- B. Where practicable, stormwater detention and retention facilities should be integrated into the design of parking, landscaping and open space areas.

§4.03.05 Commercial Development Plan. This subsection refers to the Development Plan required by the Zoning Ordinance.

- A. The Development Plan must include, but not be limited to, the following plans, designs, specifications, and Information:
 - 1) Site plan with grades or contours
 - 2) Preliminary floor plans of all structures

- 3) Location and size of all utilities, existing and proposed
- 4) All curb-cuts, driveways, parking areas, loading areas, and types of construction materials for same
- 5) All pedestrian facilities, yards, and open areas, including outdoor storage or work areas
- 6) Location, height, and material of all walks, fences, and screen planting
- 7) Location, size, character, height, and orientation of all signs
- 8) Traffic analysis, showing the effect of the proposed development on neighboring streets

§4.03.06 Industrial Development Plan. This subsection refers to the Development Plan required by the Zoning Ordinance.

- A. The Development Plan must include but not be limited to, the following plans, designs, specifications, and information:
 - 1) Site plan with grades or contours
 - 2) Building site locations
 - 3) Location and size of all utilities, existing and proposed (including stormwater, sanitary sewer, water distribution, and electrical)
 - 4) All curb cuts, driveways, parking areas, and types of construction material for same
 - 5) All pedestrian facilities, yards, and open spaces, including outdoor storage or work areas
 - 6) Location of all railroad tracks and spurs
 - 7) Location, height, and material of all walks
 - 8) Location, size, character, height, and orientation of all signs
 - 9) Traffic analysis, showing the effect of the proposed development on the neighboring streets

City of Cullman
Subdivision Regulations

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ARTICLE 5. REQUIRED IMPROVEMENTS

The subdivider is required to install or construct the improvements hereinafter described prior to approval of the final plat or prior to having released the Performance Bond guaranteeing installation of the required improvements.

All required improvements must be constructed in accordance with these Regulations, City of Cullman specifications and under the inspection of the City Engineer and the engineering department of any concerned utility or public agency.

All street improvements must be in accordance with the most recent edition of the ALDOT Standard and Special Drawings for Highway Construction. When there is a conflict between the design requirements of these Regulations and the ALDOT standards, the more restrictive requirements governs. However, the Commission may authorize the use of an alternate design or the design of an improvement not included within the ALDOT standards upon a favorable recommendation by the Subdivision Official.

Section 5.01 Streets and Alleys

§5.01.01 Procedures.

- A. Before construction of streets and drainage improvements, the Subdivision Official must be notified no less than 24 hours in advance of any phase of operation to be started.
- B. The base must be inspected and installed under the direction of the Subdivision Official.
- C. All water lines, sanitary sewers, laterals, drains, storm sewers, and other underground structures must be installed before streets, sidewalks, or alleys are paved.
- D. No paving may be installed until the base course and type of paving and material are approved by the Subdivision Official and submittal of a certification from a geotechnical engineer stating that the base course has passed proof-roll testing.
- E. In all cases in which the Subdivision Official has reasonable doubt concerning the stability or proper construction of any street or alley, he may require, after the installation of the binder course, that the seal course be delayed for a minimum of six months.
- F. No special drainage structure may be covered up until approval is given by the Subdivision Official.

§5.01.02 Pavement. On all streets and alleys, a suitable hard surfaced permanent type of pavement must be constructed in accordance with City specifications.

§5.01.03 Street markings must be applied after the binder is installed, must comply with the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD) and must consist of reflective beading and thermoplastic application.

Section 5.02 Sidewalks

Sidewalks, when required, must conform to the widths required by the Zoning Ordinance and must be constructed of concrete according to City specifications. All sidewalks must be ramped at each intersection and/or at other points as required for compliance with the Americans with Disabilities Act.

Section 5.03 Curbs and Gutters

Vertical curb and gutter are required on both sides of all streets serving nonresidential and high density residential developments. The Commission must expressly approve the use of swales or valley gutters in other residential developments after a recommendation by City Engineer or County Engineer, when applicable, and the Street Department.

Section 5.04 Water System

Where a public water supply is available to the subdivision, the subdivider must connect such system at his expense. The design and specifications of the distribution system must be extended the full length or width of the pavement. Water connections must be provided for each lot and extend from the main supply line to the property line.

If a well is required for each lot, the location, construction, and use of the well must also meet requirements. If a well is to serve more than one lot, a public water system is required. The design and specifications of such distribution system must meet State Health Department specifications and be installed under inspection of the Water Department.

Section 5.05 Fire Hydrants

Fire hydrants must be installed along each street at the developer's expense as required by the State and Local Fire Code and City Fire Marshal. The water supply and pressure must be sufficient to adequately serve the potential needs of the intended land use. Hydrants must be installed in the planting strip or, in the absence of a planting strip, other location as determined by the City Fire Marshal.

Section 5.06 Sanitary Sewers

Where a public sanitary sewer system is available to the subdivision, the subdivider must install a sanitary sewer system meeting City specifications and must connect the system at his expense to the public sanitary sewer. Stub-outs must be provided for each lot and must extend from the sewer line to points outside the roadway.

Where a public sanitary sewer system is not available, the subdivider must either construct a private sewer system or provide septic tanks for each lot. If a private system is installed, it must be constructed in accordance with the requirements of a public system. If septic tanks are installed, special approval must be obtained from the State Department of Public Health or other authority having jurisdiction.

Section 5.07 Storm Sewers and Drainage

Storm sewers and drainage structures must be designed and installed as required in accordance with good engineering practice. Storm drainage pipes must be at least 12 inches in diameter. Pipe joints must be sealed properly to prevent infiltration. The subdivider must provide either:

§5.07.01 Portland cement concrete (or equivalent material), the face of which must be at least six inches in height with backfill sloping toward the curb and higher than the curb to ensure drainage of surface water into the storm drainage system; or

§5.07.02 Properly constructed drainage swales with the valley line of the swale at least six feet from the edge of the roadway surface. Where possible, the slopes of the swale should be in a ratio of at least 3 to 1; but in no case may they exceed a ratio of 2 to 1. Where the grade of the roadway exceeds five percent, the Commission may require the developer to stabilize the swales with rip-rap or an equivalent material approved by the Subdivision Official.

§5.07.03 Swales. Where provided, swales must meet the following design criteria:

- A. Swales may be trapezoidal or parabolic, with a bottom width of 2-10 ft. Maximum slope is 3:1.
- B. Grass height must be maintained at 3-6 inches.
- C. The minimum length for any swale is 50 ft.

§5.07.04 Maintenance of Detention Facilities

- A. The property owner or designated representative must submit a covenant setting forth their obligations to maintain the detention facility, which must be approved by the City Engineer and the City Attorney before being recorded. A certificate of occupancy may not be issued until the covenant has been recorded. The covenant must run with the property until the detention facility is no longer required. Release of the covenant may occur only after approval of the City Engineer, City Attorney and the City Council.
- B. The Building Official enforces the provisions of these maintenance restrictions, and has the power and authority to cause the facility to be properly maintained. Under such condition, the City has the right to place a lien on the property until the City's obligation has been terminated.

Section 5.08 Property Markers

§5.08.01 All subdivision boundaries and lot corners must be marked in accordance with the current requirements of the *Standards of Practice for Surveying in the State of Alabama*.

Section 5.09 Oversize Facilities

The City Council may participate in the cost of "oversize" improvements within a subdivision, if in its judgment such oversized improvements are necessary to serve large areas of land not in the subdivision, and if the cost of such oversize improvements is an unreasonable burden on the subdivider.

Section 5.10 Trees

§5.10.01 Tree Preservation. Although not required by these standards, the preservation of existing trees is recommended for all subdivision development.

§5.10.02 Street Trees. Street trees protect against excessive heat and glare, provide shade, contribute to stormwater management and enhance the attractiveness and value of abutting property. Street trees are required within the planting strip of new streets and streets being modified as part of development as follows:

- A. A planting strip of at least five feet in width must be reserved adjacent to the curb to accommodate root growth.

- B. On residential streets, trees must be provided in the planting strip at a spacing of 40-50 ft along the street frontage.
- C. On nonresidential and mixed use streets, trees must be provided at a spacing of 50-70 ft along the street frontage. Where on-street parking is provided, the sidewalk should extend to the curb with required trees planted in landscape areas of at least five feet in width and five feet in length. On street frontages without on-street parking, street trees are located within a planting strip.
- D. Species of street trees must be approved by the City Arborist.

Section 5.11 Street Signs

The subdivider must pay to the City Clerk the purchase cost and erection charge of all street signs and posts within a subdivision prior to final approval. Street signs and posts are required for each intersection and must comply with the Street Naming and Numbering Manual. The subdivider must also pay the cost for traffic control signs or signals for each intersection as required by the City.

Section 5.12 Lighting Systems

Subdivider or individually designed lighting systems must be approved by the Commission. Street lights must be provided to subdivisions of four or more lots in accordance with City Ordinance 2018-34.

Section 5.13 Utilities

The Developer is encouraged to place all utilities underground. All above-ground utilities, however, must be placed on rear or side property lines of lots along easements provided for this purpose.

Natural gas service must be provided to subdivisions of four or more lots in accordance with City Ordinance 2018-34.

All underground work consisting of primary sewers, waterlines, gas mains, and electrical and telephone conduits must be installed and earth backfill compacted before paving is laid.

For those utilities determined to be optional by the City Engineer, after consultation with each utility's engineers, all underground work within the paving limits, consisting of ducts, conduit, and street intersections must be installed and all earth backfill compacted before paving is laid. In subdivisions where gas is an optional utility, gas mains must be installed at street Intersections.

ARTICLE 6. CONSTRUCTION OF IMPROVEMENTS, BONDING

The subdivider is responsible for the provision of all required improvements to the subdivision.

Section 6.01 Performance Bond

The subdivider will be responsible for the installation of all required improvements listed in Article V of these regulations as follows:

§6.01.01 Following Preliminary Plat approval and prior to Final Plat recording, the subdivider must execute a Subdivision Agreement as provided in Appendix C and file the Agreement with the City Clerk. The subdivider must provide a Performance Bond to insure fulfillment of the Agreement. The Performance Bond must be by certificate of deposit or other form as approved by the City Attorney. The bond amount must be 150% of the estimated cost of all public improvements.

The certificate must be solely in the name of the City of Cullman and signed by the Mayor or City Clerk. A schedule of estimated costs for all items to be bonded must be submitted by the subdivider for review by the Subdivision Official. This schedule must clearly describe the items, quantities, unit cost and total cost of the remaining improvements. Bonds will be retained until the Council accepts dedication by way of adoption of a resolution and maintenance bonds have been filed pursuant to [§6.02 Maintenance Bond](#).

§6.01.02 Temporary Improvements. The subdivider must build and pay for all costs of any and all required temporary improvements and maintain such improvements for a period specified by the Commission. Prior to construction, the subdivider must execute a separate Subdivision Agreement and surety for temporary improvements. The agreement and surety must ensure that the temporary facilities will be properly installed, maintained and removed.

§6.01.03 Time Limit for Construction. Required improvements must be completed within 24 months after filing of the Performance Bond. If the subdivider has not completed all necessary improvements, or if in the opinion of the Commission, the improvements have not been satisfactorily installed, the bond will be used by the City to complete the improvements in satisfactory fashion, or the City may take steps as necessary to require performance under the bond. The Commission may extend, upon written request by the subdivider, the performance period for an additional 12 months. In such case, the Commission may require the Performance Bond be recalculated and reposted.

In the event unavoidable delays prevent the paving of streets, the Commission may allow the subdivider to post a bond for completion of the streets provided that they have an acceptable all-weather base and that sewers, drains, water lines, storm sewers, and all other underground structures have been installed. The bond must be in an amount equal to 150% of the current cost of paving improvements and must be for the period of time established by the Commission. During the bonding period, should erosion or faulty workmanship evidence itself, the same must be repaired by the subdivider before paving is commenced.

§6.01.04 Inspection. The Subdivision Official will provide for inspection of required improvements during construction and certify their satisfactory completion. The subdivider must reimburse the City for any outsourced engineering fees encountered in conducting inspections.

- A. If the Subdivision Official finds upon inspection that any of the required improvements have not been constructed in accordance with the approved construction plans, the subdivider will be responsible for compliant remedial construction of the improvements.
- B. Wherever the cost of improvements is covered by a Performance Bond, the subdivider and the bonding company are severally and jointly liable for completing the improvements according to required specifications.

§6.01.05 Failure to Complete Work. If within twelve months after filing a Performance Bond, the subdivider has not completed all necessary improvements, or if in the opinion of the Commission, the improvements have not been satisfactorily installed, the bond will be used by the City to complete the improvements in satisfactory fashion, or the City may take such steps as necessary to require performance under the bond.

Section 6.02 Maintenance Bond

§6.02.01 The subdivider will be responsible for the maintenance of pavement, curb and gutter, sidewalks, and the drainage system in the subdivision for a period of one year from the Final Plat Approval or completion of construction, whichever comes later.

§6.02.02 A bond will be required for the maintenance of required improvements to cover faulty material, faulty workmanship, or faulty plans. The bond must be effective for one year from the date of final approval by the City Clerk and in the amount of ten percent of the cost of all streets and utilities.

Section 6.03 Guarantee of Completion of Street Improvements

Final approval of street improvements (e.g. pavement, curb, sidewalks, and drainage) is granted and streets accepted for maintenance by the City Council in accordance with one of the following provisions:

§6.03.01 Street improvements must have been completed and in place for a period of one year and must, upon inspection following the one-year period, be free from defective workmanship or material and from sinkholes or other settling.

§6.03.02 Following otherwise satisfactory completion of such work, the subdivider must post with the City a Maintenance Bond in an amount equal to ten percent of the street and utility improvement cost for the street. The bond will guarantee the City (or County, if applicable) that the street has been installed free from defects caused by faulty material or workmanship, and that the street will remain in acceptable condition for a period of at least one year. If at the end of the one-year period, the street is found to have settled or be otherwise unacceptable because of faulty workmanship or material, the defective street must be repaired at the cost of the subdivider up to the amount of the Maintenance Bond, and upon failure or refusal to do so within 90 days after demand is made by the City Council, then the City (or County, if applicable) may make repairs as reasonably necessary and recover the cost thereof.

ARTICLE 7. EXCEPTIONS

Section 7.01 Procedure

Any exception requested by the subdivider must be approved by the Planning Commission prior to approval of the Preliminary Plat.

Section 7.02 Limitation

Exceptions to these Subdivision Regulations must not have the effect of nullifying the intent or purpose of the Subdivision Regulations, Zoning Ordinance, Major Street Plan, or other elements of the Master Plan.

Section 7.03 Hardship

Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations due to unusual topographic or other conditions beyond the control of the subdivider, it may approve exceptions to the regulations so that substantial justice may be done and the public interest secured. Any approved exception must be entered in writing in the minutes of the Commission including justification for the exception.

Section 7.04 Experimental Subdivisions

§7.04.01 The Commission may approve exceptions to these regulations if, in its judgment, an unusual or experimental subdivision might prove of considerable merit toward:

- A. The use of unusual materials in constructing required improvements
- B. A new or untried design concept in the area which appears promising
- C. The preservation of sensitive environmental areas

§7.04.02 The subdivider must show that the subdivision concept cannot be achieved while complying with the part of these Regulations to be excepted from. The justification for the exception may not be solely economic in nature. The subdivision concept and relief requested must be found by the Commission to be within the spirit and intent of these Regulations.

§7.04.03 Special attention may be given to experimental subdivisions which are intended to produce affordable housing units. The subdivider must provide a written proposal stating the nature of the experiment and a cost benefit study detailing how the requirements to be excepted impact the overall cost of the development.

Section 7.05 Conditions

In granting any exception to these Regulations, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so excepted. These may include, without being limited to: personal, surety, performance, or maintenance bonds; affidavits; covenants; or other legal Instrument.

City of Cullman
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Appendix A State Enabling Legislation

Code of Alabama, 1975, Title II, Chapter 5, Article 2 (as amended as of November 2019)

Section 11-52-30 Territorial jurisdiction; approval of maps or plats; regulations; limits on exercise of powers.

(a) Except as otherwise provided herein, the territorial jurisdiction of any municipal planning commission 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 nonmunicipal land lying within five miles of more than one municipality having a municipal planning commission, the jurisdiction of each municipal planning commission shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities. Any alterations of a municipal planning commission based upon annexation or deannexation of property within the corporate limits of a municipality shall occur once a year on the first day of January and shall take effect for any annexations which were finalized on or before the preceding first day of October. 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 the authority, except and unless the municipality or municipalities in question are actively exercising zoning jurisdiction and control within the police 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 the county may 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 the counties and relating to subdivisions lying within the corporate limits of any municipality in the counties which has declined or failed to exercise zoning jurisdiction and control as provided in this section.

(b) A municipal planning commission, by resolution properly adopted no later than the first day of October of any year, may provide that, effective on the first day of January, the territorial jurisdiction of the municipal planning commission shall include all land lying within a radius less than the five miles permitted by this section. The resolution shall establish the territory within which the municipal planning commission will exercise jurisdiction to a boundary line equidistant from the corporate limits of the municipality, except, that in the case of any nonmunicipal land lying within the territorial jurisdiction of more than one municipality with a municipal planning commission exercising jurisdiction outside the municipal corporate limits, the jurisdiction of each municipal planning commission shall terminate at a boundary line equidistant from the respective corporate limits of each municipality. A copy of the resolution altering the territorial jurisdiction shall be forwarded to the county commission within five days of adoption. Additionally, nothing in this subsection shall be construed to alter the provisions of Article 5 of Chapter 49, which require a municipality to assume responsibility for roads annexed into the municipality under certain circumstances.

(c)(1) If a county commission has adopted subdivision regulations pursuant to Chapter 24, those subdivision regulations shall apply to the development of subdivisions within the territorial jurisdiction of a municipal planning commission outside the corporate limits of a municipality and shall be regulated and enforced by the county commission in the same manner and to the same extent as other subdivision development governed by the county's subdivision regulations. Notwithstanding the foregoing, a county commission and the municipal planning commission may enter into a written agreement providing that the municipal planning commission shall be

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responsible for the regulation and enforcement of the development of subdivisions within the territorial jurisdiction of the municipal planning commission under the terms and conditions of the agreement. In order to be effective, the agreement shall be approved by a resolution adopted by the county commission, the municipal governing body, and the municipal planning commission of the municipality, respectively.

(2) In those counties in which the county commission has adopted subdivision regulations pursuant to Chapter 24 and the municipal planning commission has been unsuccessful in reaching an agreement to exercise its jurisdiction as provided in subdivision (1), the governing body of the municipality and the municipal planning commission may override the county's enforcement of the regulation of subdivisions within the planning jurisdiction by fully complying with all of the following requirements:

a. The municipal governing body and the municipal planning commission shall each adopt separate resolutions expressing intent to exercise jurisdiction over the construction of subdivisions initiated after the effective date of the resolutions, despite the county commission's objections to the exercise of that authority.

b. The municipal planning commission shall at all times thereafter employ or contract with a licensed professional engineer who shall notify the county commission of the initiation of subdivisions; conduct inspections of the construction of the subdivision; and shall certify, in writing, the compliance with the subdivision regulations governing the development of the subdivision.

c. The county commission shall retain the authority to require a performance and maintenance bond from the developer, consistent with the requirements for the bonds in the county subdivision regulations, which shall be payable to the county.

d. The county commission shall retain the authority to execute on the bond to make necessary improvements to the public roads and drainage structures of the subdivision while it remains in the unincorporated area of the county.

e. The municipal governing body and the municipal planning commission exercising the authority granted in this subsection may thereafter withdraw their exercise of jurisdiction over future subdivisions located outside the corporate limits of the municipality after not less than six months' notice to the county commission. After withdrawal, the municipal planning commission of the municipality may not reinstate the authority granted in this subsection for 24 months after the effective date of its withdrawal.

(d) If a county commission has not adopted subdivision regulations pursuant to Chapter 24, the municipal planning commission shall have sole jurisdiction for the regulation and enforcement of the development of subdivisions within the territorial jurisdiction of the municipal planning commission.

(e) If the municipal planning commission accepts responsibility for the development of a subdivision within its territorial jurisdiction as provided in subsection (c), the county commission shall not accept any roads or bridges within the subdivision for county maintenance unless the county engineer certifies to the county commission that the road or bridge meets the minimum road and bridge standards of the county. This section shall not apply to any roads or bridges which the county has accepted for maintenance prior to October 1, 2012.

(f) If the county commission is responsible for the regulation and enforcement of a subdivision development within the territorial jurisdiction of a municipal planning commission outside the corporate limits of a municipality, the recording of any map or plat related to the subdivision shall be governed by Chapter 24.

(g) If the municipal planning commission is responsible for the regulation and enforcement of a subdivision

development within the territorial jurisdiction of the municipal planning commission outside the corporate limits of the municipality, no map or plat of any subdivision shall be recorded, and no property shall be sold referenced to the map or plat, until and unless it has been first submitted to and approved by the municipal planning commission, pursuant to Section 11-52-32 and its adopted procedures, and then certified by the county engineer or his or her designee as follows within 30 days of being submitted to the county engineer: "The undersigned, as County Engineer of the County of _____ of Alabama, hereby certifies on this _____ day of _____, 20____, that the _____ Planning Commission approved the within plat for the recording of same in the Probate Office of _____ County, Alabama."

(h) Approval by the county engineer pursuant to this subsection shall not constitute approval in lieu of or on behalf of any municipality with respect to subdivision development regulated and enforced by the municipal planning commission, wherein all maps or plats must be first submitted to and approved by the municipal planning commission or other appropriate municipal agency exercising jurisdiction over the subdivision.

(i) Nothing in this section shall be interpreted as allowing a municipal planning commission or a municipality to exercise the power of eminent domain outside of its corporate limits.

(j) Nothing in this section shall be interpreted as allowing a municipal planning commission or a municipality to levy taxes or fees outside of its corporate limits.

(k) Nothing in this section shall limit or impair the authority of a municipality to regulate the construction of buildings within the police jurisdiction of the municipality, including, but not limited to, the issuing of building permits, the inspection of building construction, and the enforcement of building codes.

(l) Nothing in this section shall be construed to grant the county commission or county engineer the authority to regulate subdivision development or approve maps or plats for any developments within the corporate limits of a municipality.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §797; Acts 1949, No. 421, p. 597; Acts 1959, No. 296, p. 868, §1; Act 2009-498, p. 921, §1; Act 2012-297, p. 637, §1; Act 2015-361, §1.)

Section 11-52-31 Adoption, publication, and certification of subdivision regulations; contents of regulations; bond.

(a) Except where the county commission is responsible for the regulation of subdivision regulations within the territorial jurisdiction of a municipal planning commission pursuant to Section 11-52-30, the municipal planning commission shall adopt subdivision regulations governing the subdivision of land within its jurisdiction. The 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. The 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 municipal planning commission may provide for a tentative approval of the plat previous to the installation, but any tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of the improvements and utilities prior to the final approval of the plat, the municipal planning commission may accept a bond with surety to secure to the municipality the actual construction and installation of the improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the municipal planning commission. The

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municipality is hereby granted the power to enforce the bond by all appropriate legal and equitable remedies.

(b) Notwithstanding any other provision of law, regulations adopted by a municipal planning commission may authorize administrative approval of a minor subdivision without a public hearing. A minor subdivision consists of the subdivision of land into not more than six lots or a reduction of the number of lots in an existing subdivision. The developer of a minor subdivision approved by the municipal planning commission shall not require any public improvements, the dedication of a public way, or the expenditure of any public funds, and the plan for the minor subdivision shall not conflict with the master plan, official zoning map, any zoning ordinance, or any other subdivision regulations. This subsection does not require a municipal planning commission to authorize approval of a minor subdivision without first holding a public hearing.

(c) All 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 municipal planning 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; Act 2012-297, p. 637, §1; Act 2015-460, §1.)

Section 11-52-32 Approval or disapproval of plat generally; legal effect of approval; powers of planning commission as to subdivision zoning; approval or disapproval of plat in certain cities.

(a) Except where the development of a subdivision within the territorial jurisdiction of a municipal planning commission is regulated by the county commission pursuant to Section 11-52-30, the municipal planning commission shall approve or disapprove a plat within 30 days after the submission thereof to it; otherwise, the plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the municipal planning commission on demand; provided, however, that the applicant for the municipal planning 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 municipal planning commission. Any plat submitted to the municipal planning 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 municipal planning commission without affording a hearing thereon. Notice shall be sent to the address by registered or certified mail of the time and place of the 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 municipal planning commission shall, by virtue of the 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 municipal planning commission, from time to time, may recommend to the governing body of the municipality amendments of the zoning ordinance or map or additions thereto to conform to the municipal planning commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions. The municipal planning 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 the requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the municipality. The 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 the municipal planning commission to serve while members thereof and at the pleasure of the municipal planning commission as a committee to approve or disapprove in the name of the municipal planning commission any plat presented to the municipal planning commission. Should any committee member so elected by the municipal planning commission be unable for any reason to serve at any time as a member of the committee or should a vacancy occur at any time on the committee, the chair of the municipal planning 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 or her duties or until the municipal planning commission shall fill the vacancy by electing another of its members to serve on the committee. The 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 plat and to all regulations adopted by the municipal planning commission in regard thereto not inconsistent with the provisions of this article. Any plat submitted to the committee shall be considered as if submitted to the municipal planning commission, and any approval or disapproval of any plat by the committee shall be as if the same were approved or disapproved by the municipal planning commission; provided, however, that any party aggrieved by any decision of the committee, within 15 days thereafter, may appeal therefrom to the full municipal planning commission of the municipality by filing with the municipal planning commission a written notice of appeal specifying the decision from which the appeal is taken. In the case of an appeal, the 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 municipal planning commission to which the appeal is taken and the municipal planning commission, within 45 days from the taking of the appeal, in accordance with the reasonable regulations as it may from time to time adopt, shall make an investigation as it deems proper and either affirm the decision of the committee or render the decision as in the judgment of the municipal planning commission should have been rendered by the 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; Act 2012-297, §1.)

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

(a) Where the regulation of a subdivision development is the responsibility of the municipal planning commission, if the owner or agent of the owner of any land located within a subdivision conveys, transfers, or sells any land by reference to or exhibition of or by other use of a plat of a subdivision before the plat has been approved by the appropriate commission, department, or agency of any municipality requiring such approval and recorded or filed in the office of the appropriate county probate office, the owner or agent shall forfeit and pay a penalty of one hundred dollars (\$100) for each lot or parcel so transferred and the description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or from the remedies provided in this section.

(b) The municipality may enjoin the conveyance, transfer, or sale by a civil action for injunction brought in any court of competent jurisdiction or may recover the same penalty provided in this section by a civil action in any court of competent jurisdiction.

(c) Where the county commission is responsible for regulation of subdivision development within the territorial jurisdiction of a municipal planning commission, enforcement of the subdivision regulations of the county shall be as provided in Chapter 24, and any penalties assessed against a developer for failure to comply with the subdivision regulations of the county shall be as provided therein.

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(d) Nothing in this section shall impair, impede, or prohibit any person or entity from entering into any otherwise valid and enforceable contract for the purchase or sale of any lot within any proposed subdivision prior to its approval.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, §800; Act 2012-297, p. 637, §1; Act 2014-332, p. 1226, §1.)

Section 11-52-33.1 Applicability and regulatory authority.

(a) Sections 11-52-1, 11-52-30, 11-52-31, 11-52-32, and 11-52-33 shall not affect any application for development or any subdivision filed prior to October 1, 2012.

(b) Additionally, in the event the municipal planning commission lawfully assumes the authority to exercise control over the development of subdivisions in an area where the county commission has previously exercised regulation of subdivision development, the municipal planning commission's regulatory authority shall not apply to a subdivision development which is already being regulated and enforced by the county commission pursuant to an application for plat approval submitted to the county commission by the developer prior to the date on which the municipal planning commission lawfully assumed responsibility for the development of subdivisions pursuant to this chapter.

(c) Nothing contained in Sections 11-52-1, 11-52-30, 11-52-31, 11-52-32, and 11-52-33 requires a municipality to assume responsibility for roads or infrastructure in subdivisions approved by the city engineer outside the municipal corporate limits or alters, amends, or supersedes the requirements relating to responsibility for road and bridge maintenance pursuant to Section 11-49-80.

(d) Nothing contained in Sections 11-52-1, 11-52-30, 11-52-31, 11-52-32, and 11-52-33 shall be construed to effect or limit the authority conferred by Sections 37-4-130 and 37-4-131.

(Act 2012-297, p. 637, §§2, 3.)

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.)

Appendix B Certificates

Form 1 - Owner's Certificate

OWNER'S CERTIFICATE AND DEDICATION. We, the undersigned (name of owner) do hereby certify that we are the owners of and the only persons having any right, title, or interest in the land shown on the plat of (name of subdivision, except commercial), and that the plat represents a correct survey of the above described property made with our consent, and that we hereby dedicate to the public use all the streets as shown on said plat. The easements as shown on the plat are created for the Installation and maintenance of public utilities. We hereby guarantee a clear title to all lands so dedicated for ourselves and our heirs or assigns forever, and have caused the same to be released from all encumbrances so that the title is clear.

RESTRICTIONS OR RESTRICTIVE (If so indicate)

Witness: _____
Property Owner _____

Witness: _____

STATE OF ALABAMA

ACKNOWLEDGEMENT

COUNTY OF CULLMAN

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

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

Notary Public

SEAL

Form 2 - Surveyor's Certificate

SURVEYOR'S CERTIFICATE. I, _____ the _____
undersigned do hereby certify that I am a professional land surveyor or civil engineer, registered with
the State of Alabama, and that the annexed map of _____ Subdivision
described as follows:

SEAL

(Insert Legal Description)

correctly represents a survey made under my supervision on the ____ day of
_____, 20 ____ and that all of the monuments shown thereon actually exist and
their positions are correctly shown.

Signature

REGISTRATION NUMBER:

Witness

SEAL

Form 3 - Subdivision Inspection & Acceptance Form

Project Name: _____

Location: _____

Reviewing Department: _____

Scope of Review: _____

_____ Acceptable without change

_____ Unacceptable for reason noted below:

_____ Acceptable with the following change:

I certify that on _____, I or my designated agent inspected the above named project and find the project meets the standards set by the City of Cullman and my Department and recommends the acceptance of the dedicated public areas and utilities by the City of Cullman subject to the comments above.

By: _____

Department: _____

Date: _____

Form 4 - Certification of Approval for Recording

I hereby certify that the subdivision plat for _____ subdivision has been found to comply with the Subdivision Regulations for Cullman, Alabama, with the exception of such variances, if any, noted in the minutes of the Planning Commission, and that it has been approved for recording in the Office of the Probate Judge of Cullman, Alabama.

_____, 20 ____

City of Cullman
Secretary, Planning Commission

OFFICE OF JUDGE OF PROBATE

STATE OF ALABAMA
COUNTY OF CULLMAN

I hereby certify that this Plat or Map was filed in this office for record this the ____ day of _____, 20 ____, at _____ o'clock __.M., and recorded in Book _____ of Plats and Maps, Page _____.

The recording fee of \$_____ Dollars has been paid.

This the ____ day of _____, 20 ____

Judge of Probate

Appendix C Illustrations

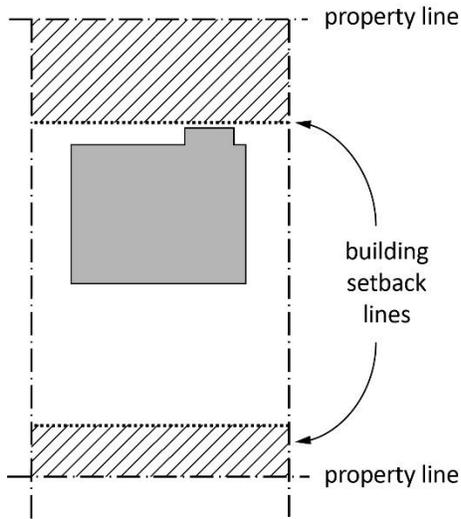


Figure 1: Building Setback Line

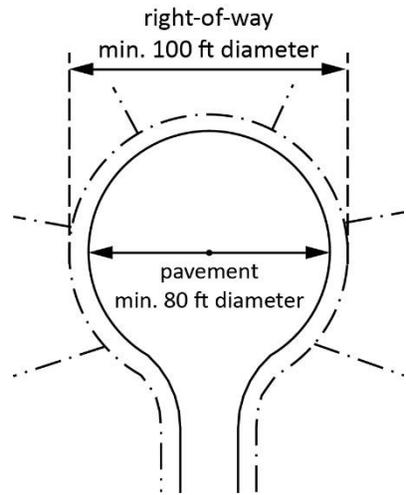


Figure 2: Cul-de-sac Minimum Dimensions

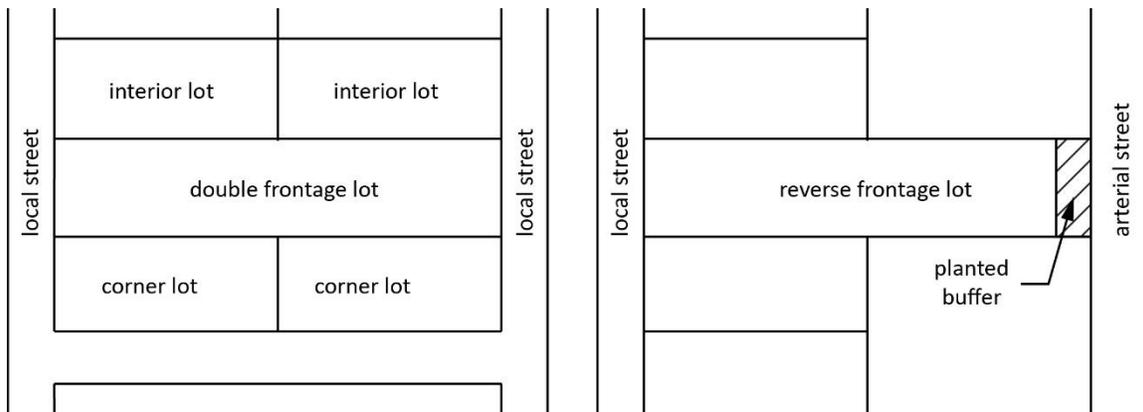


Figure 3: Double and Reverse Frontage Lots

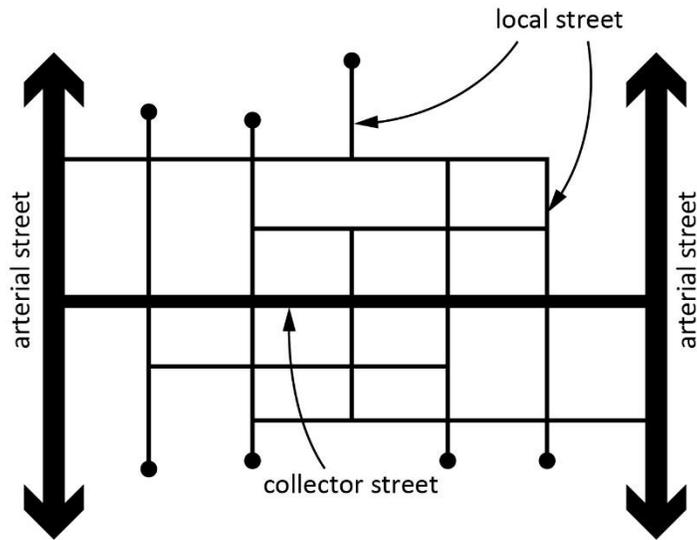


Figure 4: Street Hierarchy:
Arterial, Collector and Local Streets

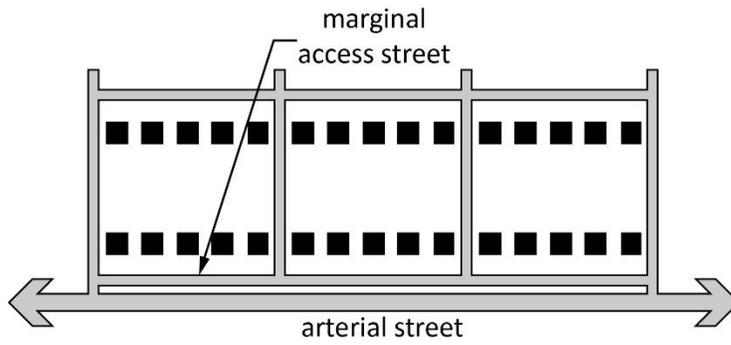


Figure 5: Marginal Access Street