

MONTGOMERY
SUBDIVISION REGULATIONS

February 28, 1985
City of Montgomery
Alabama

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A RESOLUTION PROVIDING REGULATIONS GOVERNING THE SUBDIVISION OF LAND

Be it resolved by the Montgomery City Planning Commission, that regulations governing the subdivision of land within the corporate limits of the City of Montgomery and within the police jurisdiction of Montgomery are hereby prescribed and adopted as follows:

Section I. Authority and Jurisdiction

A. Enabling Legislative Acts

These regulations are adopted by the Montgomery City Planning Commission under authority of Act No. 480 of the 1961 Alabama Legislature, which refers to Chapter 16, Title 37, the 1940 Code of Alabama, as recompiled in 1958, and especially sections 797 and 803 thereof, both inclusive, which sections of said code, insofar as they are applicable, are hereby made a part hereof to the same extent as if they were set out in full.

B. Limits of Jurisdiction

From and after the effective date hereof, these regulations shall govern all subdivision of land within the corporate limits of the City of Montgomery and its police jurisdiction. Any owner of land within the area governed by these regulations wishing to subdivide land shall submit to the Planning Commission a plat of the subdivision which shall conform at least to the minimum requirements and procedures set forth in these regulations.

C. Penalty Clause

Whoever being the owner, or agent of the owner, of any land located within a subdivision as defined herein, transfers or sells such land without first recording an approved plat, in the office of the Probate Judge of Montgomery County, shall forfeit and pay a penalty of two hundred (\$200) dollars for each lot or parcel so transferred or sold. The City of Montgomery may enjoin such transfer, or sale, or agreement, by action or injunction brought in any court for equity jurisdiction, or may recover the same penalty by a civil action in any court of competent jurisdiction.

Section II. Procedures

A. Pre-Application Procedure

1. The subdivider may present a basic street layout, such layout to be the topographic map of the area to be subdivided and may be in the nature of a freehand sketch. If this step is requested by the subdivider, the data requirements shall be the same as for request for preliminary approval of a subdivision and at this time the adjoining property owners shall be notified of the fact that such proposed subdivision is before the Commission for consideration. The basic lot sizes shall be given, but lots need not be shown on the basic street layout. The name of the subdivision shall be given, but the street names need not be assigned at this time.
2. Upon receiving favorable consideration by the Planning Commission, the subdivider may then proceed to prepare the preliminary plat for submission.
3. Favorable consideration by the Planning Commission under no circumstances shall be construed as preliminary or tentative approval.

B. Procedure for Conditional Approval of Preliminary Plat

1. On reaching conclusions informally as described in Section 2, Part A, regarding his general program and objectives, the subdivider shall cause to be prepared a preliminary plat together with other supplementary material as deemed necessary by the Planning Commission and specified in Section III.
2. Six (6) copies of the preliminary plat and supplementary material specified shall be submitted with the names of surrounding property owners, if not previously furnished, to the Planning Controls Director at least twenty (20) days prior to the meeting of the Planning Commission at which the preliminary plat is to be considered.
3. Within ten (10) days after the next meeting of the Planning Commission after the submission of the preliminary plat and other materials in conformity with these regulations, and discussions with the subdivider on any desired changes and the kind and extent of improvements to be made by him, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or its disapproval and the reasons therefor.
4. The action of the Planning Commission shall be noted on two (2) copies of the preliminary plat, referenced, and attached to any conditions determined. One (1) copy may be returned to the subdivider if requested and the other copy retained by the Planning Commission.
5. Conditional approval of the preliminary plat shall not constitute approval of the final plat. However, it shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for the approval of the Planning Commission, and for recording upon the fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any.
6. The subdivider shall not begin any construction without first notifying the City Engineer, City Traffic Engineer, Water Works and Sanitary Sewer Engineer or County Engineer as appropriate and obtaining proper approval.

C. Short Form Procedure for Conditional Approval of Preliminary Plat

A Subdivision having five (5) lots or less with lots fronting a previously dedicated street, and the platting of said subdivision does not affect any major operation of utility installation, may be subdivided under the short form subdivision procedure prescribed as follows:

1. The pre-application procedure, as described in Section II, Part A, shall be performed.
2. The design standard and data of the filing plat of the short form subdivision shall be identical when applicable to those of the long form subdivision plats.
3. Six (6) copies of the preliminary plat and supplementary materials specified shall be submitted to the Planning Commission.
4. Conditional approval shall be given to the subdivider by the Director of the Planning Controls Division. The action of the Planning Controls Director shall be noted on two (2) copies of the preliminary plat referenced, and attached to any conditions determined. One (1) copy shall be returned to the subdivider, if requested, and the other copy retained by the Director of the Planning Controls Division.
5. After obtaining conditional approval from the Director of the Planning Controls Division, the subdivider may then proceed to prepare the final plat.
6. The preliminary submission procedures, as prescribed in Section II, Part B, of these regulations, shall be omitted in the short form submission subdivision procedure.

7. Acting on his own responsibility, a subdivider may dispense with subparagraphs (1) through (7) inclusive and submit a plat for final approval to the Planning Commission.

D. Procedure for Approval of Final Plat

1. The final plat to be prepared as specified in Section III, shall 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 which he proposes to record and develop at the time; all of this provided, however, that such portion conforms to all requirements of these regulations.
2. Certification of conformance is required before recording the Final Plat of all or part of a proposed subdivision. The Planning Commission will require certification by the City Engineer to the effect that all of the improvements required herein have been completed to his satisfaction and in accordance with the approved Preliminary Plat and these regulations; or that the developers of the subdivision have furnished satisfactory performance bond guaranteeing the installation of the improvements within the time specified in the bond by the City Engineer.

In lieu of the above certificate, further security or assurance may be furnished as is satisfactory to the City Engineer guaranteeing the installation of these improvements within the time specified in the surety and in accordance with the specifications approved by the City Engineer.

When security, in the form of a cashiers or certified check is given as such security, a letter of addition assurance guaranteeing that the improvements will be installed as per the plans and in the time specified will be required.

3. The final plat and other supplementary material required for approval shall be submitted to the Planning Commission at least twenty (20) days prior to the meeting at which the final plat is to be considered.
4. Within ten (10) days after the next meeting of the Planning Commission, after the submission of the final plat and supplementary materials required for approval, including any necessary surety, the Planning Commission shall express its final actions.
5. Ten (10) copies of the final plat shall be submitted, and upon approval, two (2) signed copies shall be returned to the subdivider;; two (2) copies retained in the files of the Planning Commission; and one (1) copy distributed to each of the following agencies: City Building Department, City Engineer, City Water Works and Sanitary Sewer Board, and City Fire Department.
6. The approval of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public ways or space shown on the plat.
7. After approval by the Planning Commission, the City Engineer, the Traffic Engineer and the Water Works and Sanitary Sewer Board Engineer will sign a copy of the plat to be retained in the office of Planning Controls Division. The Executive Secretary of the Commission will sign all ten (10) copies of the final plat, and five (5) of these will be returned to the subdivider who shall have the same signed by the County Engineer and have recorded in the office of the Montgomery County Probate Judge. The Probate Office will keep two (2) copies for recording and properly stamp the other three (3) copies, showing book and page number of said recording. The subdivider shall return two (2) of the stamped copies of the final plat to the office of the Planning Commission.
8. Approval of Final Plat (*Deleted May 13, 2004 by Resolution No. 1-2004*)

9. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission.

E. Schedule of Subdivision Fees

1. All subdivision plats submitted to the City Planning Commission for approval must be accompanied by cash or a check made payable to the City of Montgomery, Alabama, for the amount specified in the following schedule:

PRELIMINARY PLAT

Residential Zones:	\$50.00 plus \$1.00 per lot
All other Zones:	\$50.00 plus \$3.00 per lot

FINAL PLAT

Residential Zones:	\$100.00 plus \$1.00 per lot
All other Zones:	\$150.00 plus \$3.00 per lot

2. Each filing of a preliminary plat, whether or not a preliminary plat for the same property had been filed previously, shall be subject to the same requirements and fees as specified for filing the preliminary plat.
3. Resubdivisions and replats may be submitted for final approval at first submission provided no new streets are proposed or included. Fees will be the same as if the property had never been platted.
4. Each filing of a final plat, whether or not a final plat for the same property has been filed previously, shall be subject to the same requirements and fees as specified for filing of the final plat.

Section III. Requirements for Plats and Supplementary Data

A. Pre-application and Preliminary Approval

1. Sketch Plan: Two (2) copies shall show, in sketch form, the proposed layout of the streets and other features in relation to existing conditions. A sketch plan may be a freehand sketch made directly on a print of the topographic survey. The sketch plan shall include existing topographic data listed as is necessary for the consideration of the proposed sketch plan.
2. General Subdivision Information: At the request of the Planning Commission or Director of the Planning Controls Division, two (2) copies shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the sketch above. This information may include data on existing covenants, land characteristics, available community facilities and utilities, and information describing the proposed subdivision such as number of residential lots, typical lot widths and depths, minimum floor area in structures, business areas, play grounds, park areas and other public areas, proposed protective covenants, and proposed utilities and street improvements.
3. Data required as a basis for the preliminary plat in A (1) above shall include the following information and other pertinent data as required to support the preliminary design of the proposed development:
 - (a) Boundary lines: Bearings, if available, and distances.
 - (b) Easements: Location, width, and purposes of existing easements.

- (c) Significant contour data at such an interval (maximum two (2) feet) as required to determine preliminary design of the proposed improvements and other dependant features.
- (d) Other conditions on the tract, water courses, existing structures, and other significant features.
- (e) Titles and Certificates: Title under which the proposed subdivision is to be recorded or known with name of designer and owner.
- (f) A vicinity map showing the relationship of the subdivision site to the surrounding area.
- (g) Scale; area in acres data; north arrow; date of survey; date of plat; and the section, township and range in which the subdivision is located.
- (h) The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate phonetically the name of any other subdivision or street in Montgomery County, Alabama.
- (i) Two (2) copies of a draft of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- (j) For all Planned Unit Developments, subdivisions consisting of more than 50 dwelling units, and for any subdivision when deemed appropriate by the Planning Commission; a comprehensive traffic analysis, which must be approved by the Planning Commission, indicating the probate effect of the proposed subdivision on traffic patterns and capacities of adjacent streets in the immediate area.

B. Plat and Data for Final Approval

1. The final plat shall be drawn to a scale of not more than 100 feet to the inch. The final plat shall show the following:
 - (a) Sufficient data to readily determine and reproduce this plat on the ground. The dimensions of each lot shall be shown. Lot dimensions on curves shall be chord distances. The beginning and the ending of curves shall be shown and curved property lines that are not boundary lines of curved streets shall be given. Curve data for curved property lines that are not boundary lines of curved street shall be given. Building lines adjacent to streets shall be shown. Also to be provided are bearings and distances to the nearest established street lines or official monuments, section lines accurately tied to the lines of the subdivision by distances and bearings, and bearings and distance to a section corner or to an immediately adjacent plat which is tied to a section corner.
 - (b) Tract boundary lines: Right-of-way lines of streets, easements, and other right-of-way and property lines of residential lots and other sites.
 - (c) All dimensions must be accurate to the one-tenth (1/10) of a foot, and all angles accurate to the nearest minute of angle.

- (d) Name and right-of-way width of each street or other right-of-way.
- (e) Title, name, and location of subdivision; north arrow, date, and scale; and the section, township and range number.
- (f) Locations, dimensions, and purpose of any easements and any areas to be dedicated to public use, or sites for other than residential use, with notes stating their purpose and limitations.
- (g) Lots or sites numbered in numerical order and blocks designated either alphabetically or numerically.
- (h) Accurate location, material of, and description of monuments and markers, other than lot corners.
- (i) That subdivider is the land owner and dedicates streets, right-of-way, easements and sites for public use.
- (j) Certification by either professional engineer and/or land surveyor for the applicant stating that the plat is true and correct and was prepared from an actual survey of the property made under his supervision on the ground, and that corner irons and other markers have been placed.
- (k) Engineering drawings of construction plans shall bear the signature, seal, and registration number of a professional engineer.
- (l) A certificate by the owner of the land joining in and signing the Surveyor's Certificate and adopting the map as true and correct, together with proper acknowledgement thereto.
- (m) If property requires a septic tank, add the following blocks:

CERTIFICATE OF APPROVAL BY THE MONTGOMERY COUNTY HEALTH DEPARTMENT

The undersigned as authorized by the Montgomery County Health Department, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Montgomery County, Alabama, this the ____ day of _____ 20__.

 James R. Reynolds
 Director, Division of Environmental Health
 Montgomery County Health Department.

CERTIFICATE OF COMMITMENT TO INSTALL PUBLIC SANITARY SEWER

I do hereby certify that as the owner of this property, I shall and am committed to the installation of Public Sanitary Sewer and shall install same as it becomes available to this property or upon demand from the City of Montgomery, whichever occurs first and will advise and make known to any successive owner of said property that the same requirements shall apply.

 Owner's Signature

NOTARY PUBLIC

Sworn to and subscribed before me this the _____ day of _____ 20_____.

_____ My commission expires _____

Notary Public

(m) A certificate shall read as follows:

This plat was submitted to the City Planning Commission of Montgomery, Alabama, on _____ and is approved according to the Code of Alabama 11-52-32.

By: _____
Thomas M. Tyson, Jr., Executive Secretary

2. Protective Covenants: Protective covenants, if any, shall be shown on the final plat.

C. Plat and Data for Planned Unit Developments

In addition to the data described above, in the case of Planned Unit Developments the Planning Commission shall be furnished a final development plan at the time of the filing of the preliminary plat. Such final development plan shall include, but not limited to:

1. Comprehensive and detailed plans which include streets, utilities, lots or building sites, site plans, and elevations for all buildings as intended to be located, constructed, and used in detailed plans for other uses and improvements on the land as related to the buildings;
2. Evidence of provision for operation and maintenance of such areas, improvements, facilities, and services as will be common for use by some or all of the occupants of the development, but will not be provided, operated, or maintained at general expense; and
3. A comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area.

Section IV. Design Standards

A. Streets

1. The arrangement, character, extent, width, grade and location of all streets shall conform, when reasonable, to the Master Plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets.
2. Where such is not shown in the Master Plan, the arrangements of streets in a subdivision shall either;
 - (a) Provide for continuation or appropriate projection of existing principal streets in surrounding areas; or,
 - (b) Conform to a plan for a neighborhood approved by or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance of conformance to existing streets impracticable.
3. Minor streets shall be so laid out their use by through traffic will be discouraged.
4. Where a subdivision abuts or contains existing or proposed arterial streets, the Planning Commission may require marginal access streets, reverse frontage with screen planting

contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as maybe necessary for adequate protection of residential properties and to afford separation of through and local traffic.

5. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to it and to use the intervening land on both sides as for park purposes in residential districts, or for commercial or industrial requirements of approach grades and future grade separations.
6. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.
7. Street intersections shall be as nearly at right angles as practicable.
8. Streets rights-of-way and pavement widths shall be as shown in the Master Street Plan and where not shown therein shall be no less than as follows:

<u>Street Type</u>	<u>Right-of-way (in feet)</u>	<u>Number of Lanes</u>		<u>Street Width (back of curb to back of curb)</u>
		<u>Parking</u>	<u>Travel</u>	
Arterial	80 min.	-0-	4 – 12 ft.	49 ft.
*Collector	60 min.	2 – 8 ft.	2 – 12 ft.	41 ft.
*Minor Collector	54 min.	2 – 8 ft.	2 – 9 ft.	35 ft.
*Minor	40 min.	2 – 7.6 ft.	1 – 12 ft.	28 ft.

*Note: All existing street sections under construction at the time of the adoption of these regulations shall be extended to a logical point of transition and shall be subject to approval by the City Engineer

9. Half streets shall be prohibited.
10. Dead-end streets may be platted where the Planning Commission deems desirable and where the land adjoins property not subdivided, in which case the streets shall be carried to the boundaries thereof
11. Dead-end streets, designed to be so permanently, shall not be longer than 600 ft. and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 80 ft., and a street right-of-way diameter of at least 100 ft.
12. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission.
13. Street grades, wherever feasible, shall not exceed the following grades with the allowance for reasonable vertical curves:

<u>Street Type</u>	<u>Present Grade</u>
Arterial	6%
Collector	8%
Minor	10%

14. No street grade shall be less than one-half percent (0.5%)

B. Easements

1. Easements as required shall be provided.

2. Where a subdivision is traversed by a water course, drainage way, natural channel, or stream, there shall be an easement conforming substantially to the limits of such water course, plus additional width as necessary to accommodate future construction and maintenance as recommended by the City Engineer.

C. Blocks

1. The length, widths, and shapes of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of building use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) Needs of convenient access, circulation, control and safety of street traffic.
 - (d) Limitations and opportunities of topography.
2. The maximum block length shall be eighteen hundred (1800) feet, and the desirable maximum length is twelve hundred (1200) feet.
3. Pedestrian walkways or cross walks, not less than seven (7) feet wide, all of which shall be paved with concrete, may be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities. Such walkways shall be dedicated to the City or County of Montgomery, Alabama, for public use.
4. When feasible, all trees of major growth in the subdivision shall be preserved.

D. Lots

1. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. Minimum lot sizes shall at least conform to the minimum requirements of the Zoning Ordinance. In areas without sanitary sewers, the minimum lot shall be determined in accordance with subdivision criteria of the Health Department as reflected by percolation tests. Lots for commercial or industrial use shall be of sufficient size to permit off-street parking of motor vehicles incidental to the proposed use, as well as necessary off-street loading and unloading of trucks.
3. Corner lots for residential use shall have an extra width to permit appropriate building setback from both streets.
4. Each lot shall front upon a public street.
5. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages to topography and orientation. A planting screen reservation of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
6. Side lot lines shall be substantially at right angles or radial to street lines. This requirement does not apply to mobile dwelling subdivisions.

E. Public Sites and Open Spaces

1. Where a site for a public school building is deemed suitable by the Planning Commission and the proper school authority in a subdivision, such site shall be reserved for public usage. The subdivider shall allow a period of forty-five (45) days from the date of submittal of the preliminary plat during which time the proper school authority is required to make known the intention of acquiring the said site. If such notification is affirmative, the Planning Commission shall then set the period of time upon consulting the subdivider and the school authority for such acquisition.
2. Dedication to public use: There shall be no reserve strips.

F. General Suitability

1. The Planning Commission shall not approve the subdivision if it is determined that in the best interest of the public the site is not suitable for development purposes of the kind proposed.
2. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy; nor for such other uses as may increase danger to health, life, or property; or aggravate erosion of flood hazard.

Section V. Required Improvements

A. General Requirements

All improvements required under these regulations shall be constructed in accordance with the City of Montgomery Specifications of Construction; and/or the specifications of the Water Works and Sanitary Sewer Board of the City of Montgomery; Traffic Engineering Department Specifications; and under the supervision of the City Engineer, City Traffic Engineer, and/or Manager of the Water Works and Sanitary Sewer Board and to their satisfaction. All sewers, drains, water lines, gas mains, street lights, cable television, and telephone and electrical conduits shall be installed and earth backfill compacted before streets, sidewalks, or alleys are paved, with water and sewer connections provided for each lot. All sanitary and storm sewers shall be of sufficient size to provide for future extension to serve the tributary area.

B. Street and Road Improvements

All roadways shall comply with the following standards as hereafter defined:

1. Jurisdiction shall include the corporate limits and police jurisdiction of the City of Montgomery, Alabama, as now or hereafter established.
2. All roadways shall be provided with pavement with curb and gutters, and constructed in accordance with the City of Montgomery, Alabama, Specifications of Construction. Curb to curb distance shall be as required in Section IV, Part A, Paragraph (8) of these regulations. Pavement without curb and gutters will not be permitted, and neither will curb and gutters without paving.
3. The City Planning Commission may grant variances to the requirements of this section if it is shown that: (a) compliance therewith will cause extraordinary hardship on the developer; (b) that all lots to be developed are in excess of three (3) acres in area; (c) all streets involved are of a minor nature; and (d) that no through streets are to be developed connecting with other complying subdivisions. No variance may be granted that permits a roadway that has less than the following minimum standards: (a) twenty- four (24) feet in width; (b) a gravel surface; (c) a thickness as recommended and approved by the City Engineer and City Traffic Engineer; and (d) suitable shoulders and side ditches shall be provided.
4. Where street construction changes from curb and gutter section to ditch section; or where street construction changes from ditch section to curb and gutter section; inlets, storm sewers, and side drains shall be provided to take care of storm water, in accord with the requirements of the City Engineer and the County Engineer when construction extends into the County's jurisdiction.

C. Sidewalks

The street cross-section of all streets shall provide for the installation of paved sidewalks adjacent to and within the street right-of-way as required in the minimum standards as follows:

1. Both sides of arterial streets and highways.
2. Once side of secondary (collector) streets.
3. One side of minor streets.
4. In pedestrian easements.
5. In the case of a permanent turn-around at the end of a dead-end street, the sidewalk shall be extended to the curb line of the paved cul-de-sac (turn around).

Cul-de-sacs for future street extensions shall have sidewalks around one side to the street property line in accordance with engineering requirements.

Sidewalks where required shall be a minimum of five (5) feet wide in residential areas and a minimum of seven (7) feet wide in a business area, and shall be placed adjacent to the property line except in pedestrian easements.

Sidewalks shall have depressed curbs or other appropriate measures to accommodate the physically handicapped, in accordance with Engineering requirements.

The requirements of this section may be waived by the Planning Commission in rural areas when the Commission is satisfied that the sidewalks would not serve a useful purpose.

D. Sanitary Facilities

1. Sanitary sewers shall be laid in all streets, service connections installed to property lines, and connections made to trunk line sewers. Data and improvements shall be provided in each subdivision as prescribed in the following:
 - (a) Two (2) copies of the sewer plan, designed by a registered civil engineer showing the proposed sewer plan and profile, shall be submitted to and approved by the Engineer of the Water Works and Sanitary Sewer Board prior to beginning installation of the sewer system. The plan shall be prepared from an actual engineering survey and shall include, but is not limited to, the following information and data:
 - (1) Station at each manhole;
 - (2) Property or lot lines and present owners if sewer is on private property;
 - (3) Lot and block number;
 - (4) Invert elevation at each manhole;
 - (5) Grade of sewer between manholes expressed in percent; and
 - (6) Bench mark elevation and description at least once at each one thousand (1,000) linear feet interval along the sewer line. Whenever possible, U. S. C. and G. S. data shall be used.
 - (b) Prior to the beginning of construction, the engineer shall set construction stakes as follows, and shall furnish the construction foreman with a cut sheet showing the cut to flow line of the pipe:
 - (1) An offset tack line with hubs not over fifty (50) feet apart. Under wet conditions, the hubs shall be set not over twenty-five (25) feet apart.
 - (2) Each hub shall have a guard stake showing the station on one side and the cut to flow line of pipe on the other.
 - (3) Cuts shall be calculated and marked to the nearest one-hundredth of a foot.
 - (4) Stakes shall be set at each point where a wye is required or indicated on the cut sheet by station number.
 - (c) A qualified sewer contractor shall be employed by the developer to install the sewer. The installation shall be done under the direction and according to Specifications of the Water Works and Sanitary Sewer Board, and shall conform exactly to the approved plan with no exception unless approved by the Engineer of said Board. The developer shall hold the sewer contractor responsible to his obligations until the completed project has been given final approval and acceptance by the Water Works and Sanitary Sewer Board.
 - (d) All manhole castings shall be adjusted to the finished surface of paving and all manholes shall be left free of dirt, asphalt, and other debris.

- (e) Upon completion of the project, the developer shall supply the Water Works and Sanitary Sewer Board Engineer with two (2) copies of the plan and profile drawing certified by the project engineer showing the sewer as built with exact location of each service connection (lateral) indicated. Each service (lateral) indicated on the plans shall be located and marked with detectable markers approved by the Water Works and Sanitary Sewer Board Engineer.
 - (f) Final Approval: The project will not be accepted by the City until the developer has complied with all requirements of the Water Works and Sanitary Sewer Board.
 2. Septic tank systems may be permitted in the police jurisdiction whenever it is determined by the Health Department that sanitary sewerage is not available and upon securing the approval for such installation from the Health Department. This approval is contingent upon compliance with the subdivision criteria of the Health Department.

E. Storm Drainage

Storm sewers or drains shall be provided in each subdivision. They shall be designed to carry not less than the storm water from a maximum projected rainfall to occur once in twenty-five (25) years, with runoff factor of ninety percent (90%) for pavements and buildings and a variable runoff factor depending on the topography of the ground for other areas. All drainage facilities and appurtenances shall meet the specifications for street paving and storm sewer as set forth by the Engineering Department of the City of Montgomery.

F. Water Mains

Water main plans will be reviewed and approved by the Water Works and Sanitary Sewer Board and the Montgomery Fire Department, and will be laid provided, but not limited to, the following conditions being met:

1. That the streets have been graded to an approved line acceptable to the private project engineer and to the City Engineer.
2. Construction on all sanitary sewers and storm sewers, including catch basins, etc., has been completed.
3. The private project engineer has established a definite curb line and grade on the street.

G. Performance Bond and Supervision

1. The subdivider shall be responsible for the installation of all the required improvements listed in Section V hereof, and shall also be responsible for the maintenance of pavement, curb and gutter, sidewalks, and the drainage system in the subdivision for a period of one (1) year.

If the subdivider wishes to proceed with the filing of the plat prior to completing the required improvements, he shall file with the City Engineer a performance bond which is available to the City (or in appropriate cases, the County) and in sufficient amount to assure such improvements, said bond to be executed with a surety satisfactory to the City Engineer and County Engineer if such improvements extend into the County's jurisdiction.

A bond shall be required for the maintenance requirements conditioned to cover faulty material, unskilled workmanship, or faulty plans, etc. The bond shall be effective for one (1) year from the date of final approval by the City Engineer and in the amount set by the Engineer.

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

For those utilities determined to be optional by the City Engineer, all underground work within the paving limits consisting of ducts, conduit, street intersections, etc., shall be installed and all earth backfill compacted before paving is laid. In subdivisions where gas shall be an optional utility, gas mains shall be installed at street intersections.

H. Monuments

Iron pins of no less than thirty (30) inches long, nor less than three-fourths (3/4) inches in diameter, shall be set flush with the ground at every lot corner.

I. Street Identification Signs and Marker

The subdivider shall be responsible for the installation of all street identification signs and/or markers in compliance with the design standard as set forth by the City Traffic Engineering Department; and no sign shall be installed without first receiving approval from the City's Traffic Engineer.

Section VI. Non-Residential Subdivision

A. Procedure

The procedure for filing and receiving review of non-residential plats or development plans shall be the same as specified in Section II.

B. Minimum Design Standards

The minimum design standards for non-residential plats shall be the same as specified in Section IV, unless specifically altered in the following paragraphs of this section.

C. Commercial Development Plan

1. This subsection refers to the development plan called for in the Zoning Ordinance for Central Business (Zones B-1-a and B-1-b), Individual Stores (Zone B-2), Highway Commercial (Zone B-3), Local Business Areas (Zone B-4), and Community Business Areas (Zone B-5).
2. A development plan for the purpose of this section shall include, but is not limited to, the following plans, designs, specifications, and information:
 - (a) Site plan with grades of contours;
 - (b) Preliminary floor plans of all buildings and structures;
 - (c) Location and size of all utilities, existing and proposed;
 - (d) All curb-cuts, driveways, parking areas, loading areas, and types of construction materials for same;
 - (e) All pedestrian walks, malls, yards, and open areas;
 - (f) Location, height, and material of all walks, fences, and screen planting;
 - (g) Location, size, character, height, and orientation of all signs; and
 - (h) A traffic analysis showing the effect of the proposed development on neighboring streets.
3. The plat or development plan shall conform to the Zoning Ordinance with respect to any and all requirements for area, building coverage, parking, and loading-unloading facilities, as well as the type of uses permitted or limited.
4. Before granting approval to any development plan for a planned commercial district, the Planning Commission shall receive a report from the Planning Controls Director that the development plan conforms with all requirements of City codes and that the plan will be consistent with the general health, safety and welfare of the City.

D. Industrial Development Plan

1. This subsection refers to the development plan called for in the Zoning Ordinance for Industrial Districts (Zones M-1, M-2, and M-3).
2. A development plan for this purpose shall include, but is not limited to, the following plans, designs, specifications, and information:
 - (a) Site plan with grades or contours;

- (b) Building site locations;
 - (c) Location and size of all utilities, existing and proposed;
 - (d) All curb-cuts, driveways, parking areas, and types of construction material for same;
 - (e) All pedestrian walks, yards, and open spaces;
 - (f) Location of all railroad tracks and spurs;
 - (g) Location, height, and material of all walks, fences, and screen planting;
 - (h) Location, size, character, height and orientation of all signs; and
 - (i) A traffic analysis showing the effect of the proposed development on neighboring streets.
3. The plat or development plan shall conform to the Zoning Ordinance with respect to any and all requirements for area, building coverage, parking, and loading-unloading facilities, as well as the type of uses permitted or limited.
 4. Before granting approval to any development plan for a planned industrial district, the Planning Commission shall receive a report from the Planning Controls Director, the City Engineer, the Health Officer, and the Traffic Engineer that the development plan conforms with all requirements of City codes and that the plan will be consistent with the general health, safety, and welfare of the City.

E. Office Development Plan

1. This subsection refers to the Development Plan called for in the Zoning Ordinance for Office Districts (Zones O-0, O-1 and O-2).
2. A Development Plan for the purpose of this section shall include, but is not limited to, the following plans, designs, specifications, and information:
 - (a) Site plan with grades and contours;
 - (b) Preliminary floor plans of all buildings and structures;
 - (c) Location and size of all utilities, existing and proposed, including storm sewers;
 - (d) All curb-cuts, driveways, parking areas, loading areas, and types of construction for same;
 - (e) All pedestrian walks, malls, yards, and open spaces;
 - (f) Location, height, and material of all walks, fences, and screen planting;
 - (g) Locations, size, character, height, and orientation of all signs; and
 - (h) A traffic analysis showing the effect of the proposed development on neighboring streets.

Section VII. Residential Subdivisions

A. Procedure

The procedure for filing and receiving review of residential plats or development plans shall be the same as specified in Section II.

B. Minimum Design Standards

The minimum design standards for residential plats shall be the same as specified in Section IV, unless specifically altered in the following paragraphs of this section.

C. Residential Development Plan

1. This subsection refers to the development plan called for in the Zoning Ordinance for Mobile Dwelling Parks (Zone R-99-p), Mobile Dwelling Subdivisions (Zone R-99-s), Patio-Garden Homes (Zones PGH-35 and PGH-40), Townhouses (Zones R-20-t and R-24-t) and Group Housing Projects located in (Zones R-60-m, R-65-m, and R-75-m).
2. A development plan for the purpose of this section shall include, but is not limited to, the following plans, designs, specifications, and information:

- (a) Site plan with grades of contours;
- (b) Preliminary floor plans of all buildings and structures;
- (c) Location and size of all utilities, existing and proposed;
- (d) All curb-cuts, driveways, parking areas, loading areas, and types of construction materials for same;
- (e) All pedestrian walks, malls, yards, and open areas;
- (f) Location, height, and material of all walks, fences, and screen planting;
- (g) Location, size, character, height, and orientation of all signs; and
- (h) A traffic analysis showing the effect of the proposed development on neighboring streets.

D. Planned Unit Developments

1. The Planned Unit Development is intended to provide flexible land use and design regulations to allow small-to-large scale neighborhoods or portions thereof to be developed that permit a variety of residential types, containing both individual building sites and common property which are planned and developed as a unit. Planned Unit Developments are intended specifically to encourage innovations in residential development to enable the growing housing demands to be met by greater variety in type, design, and siting of dwellings, and by the conservation and more efficient use of land in such developments. The Planning Commission may allow appropriate commercial and/or office uses as specified in the City of Montgomery Zoning Ordinance, if in the opinion of the Planning Commission the requested commercial/ office facilities would significantly enhance the amenities of the development.
2. The standards and requirements of these regulations may be modified in the case of a Planned Unit Development which, in the judgment of the Planning Commission, provides adequate public space and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.
3. The standards and requirements of these regulations may be modified in the case of a Non-Residential Planned Unit Development meeting the standards set forth in the Zoning Ordinance; which, in the judgment of the Planning Commission provides adequately for the service, circulation, light, and air needs of the tract when fully developed.

E. Conditions

In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so varied or modified.

Section VIII. Variances

Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the Master Plan or these regulations.

Section IX. Definitions

For the purpose of these regulations, certain words used herein are defined as follows:

A. Subdivision:

The division, development, or redivision of a lot, tract, or parcel of land, regardless of how it is to be used, into two (2) or more lots either by plat or by meets and bounds description; or the division or redivision of land involving the dedication of a new park, playground, street, or other public right-of-way or facility; or the vacation, realignment or any other change in existing streets, alleys, easements, recreational areas, water areas, or other public improvements or facilities; and when appropriate to the context, shall relate to the act or process of subdividing or to the land subdivided.

For the purpose of these regulations, the following are excepted:

1. Any subdivision of land for agricultural purposes, provided no lot thereby produced has an area of less than ten (10) acres and an average width of four hundred (400) feet; and where no new streets, roads, or other right-of-ways are involved.
2. The sale or exchange of land between owners of adjoining properties, provided that additional lots are not thereby created and that the lots created are not reduced below the minimum sizes required by this regulation or the Zoning Ordinance. This includes the splitting of a lot into two parts, provided both parts are used to increase the size of the adjoining lots.
3. The division or sale of land by judicial decree.

B. Streets and Alleys:

The term "street" means a way for vehicular traffic, whether designated as a street, highway thoroughfare, parkway, throughway, road, avenue, boulevard, land place, or however otherwise designated.

1. Arterial streets and highways are those which are used primarily for fast or heavy traffic.
2. Collector streets are those which carry traffic from minor or neighborhood streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
3. Minor streets are those which are used primarily for access to the abutting properties.
4. Marginal access streets are minor streets which are parallel to, and adjacent to, arterial streets and highways, and which provide access to abutting properties and protection from through traffic.
5. Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

C. Subdivider:

Any person or corporation or duly authorized agent who undertakes the subdivision of lands defined herein.

D. Master Plan:

A comprehensive plan, which may consist of several maps, data, and other descriptive matter for the physical development of the county, or any portion thereof, including any amendments, extensions, or addition thereto recommended by the Planning Commission; indicating the general location of major roads, parks, or other public open spaces, public building sites, routes for public utilities, zoning districts, or other similar information.

E. Lot:

A portion of a subdivision intended as a unit for transfer of ownership, or for development, or both. In determining the area and dimensions of a lot no part of the right-of-way of a road or crosswalk may be included.

F. Lot Width:

The width of the lot at the building line measured parallel to the street right-of-way line.

G. Block:

A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the subdivider may determine the outline of the block.

H. Building Line:

This minimum horizontal distance between the street right-of-way line, or the street center line where appropriate, and the building or any project thereof except:

1. Steps, terraces, and open fire escapes.
2. Balconies, canopies, or cornices projecting not more than three (3) feet beyond the main building wall.
3. Offset or overlapping portions of the second floor of the building that do not extend more than three (3) feet beyond the main wall of the building.

I. Crosswalk:

A right-of-way within a block dedicated to public use, seven (7) feet or more in width, with concrete paved walk intended primarily for pedestrians and from which motor propelled vehicles are excluded, and which is designed to improve or provide access to adjacent roads or lots.

J. Planning Commission:

Wherever the term "planning commission" or "commission" is used in these regulations, it shall be deemed to refer to the City Planning Commission of Montgomery, as prescribed in Alabama laws.

K. Comprehensive Traffic Analysis:

As used in these regulations the term "comprehensive traffic analysis" shall be deemed to consist of the following:

1. The current capacity of existing public streets adjacent to the development.
2. Current traffic counts on these streets.
3. Developer's estimate of the amount of traffic that will be generated by the proposed development. Information required in (1) and (2) above shall be limited to the information which is available to the developer through City, County, and State agencies.

L. Word Usage:

Words used in the present tense include the future tense.

Words used in the singular number include the plural, and words used in the plural number include the singular.

The word "shall" is mandatory and not merely directory.

The word "may" shall be deemed as permissive.

Section X. Severability Clause

If any section, subsection, sentence, clause, or phrase of this regulation is for any reason held to be unconstitutional, void, or invalid; the validity of the remaining portions of this regulation shall not be affected thereby. It is the intent of the Planning Commission in adopting these regulations that no portion hereof or provision of the regulations contained herein, shall become inoperative or failed by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provisions of these regulations.

APPROVED:

Thomas M. Tyson, Jr.
Chairman, Montgomery Planning Commission

Sworn and subscribed to before me this 28th day of February, 1985.

Helen H. Rahn
Notary Public