

# **SUBDIVISION REGULATIONS CITY OF CHICKASAW, ALABAMA**



Prepared by:  
*South Alabama Regional Planning Commission*  
110 Beauregard Street  
Mobile, AL 36633



# **CITY OF CHICKASAW, ALABAMA**

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## **SUBDIVISION REGULATIONS**

**ADOPTED  
JULY 6, 2015**

*PROVIDED BY THE SOUTH ALABAMA REGIONAL PLANNING COMMISSION*

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**ARTICLE 1**  
**AUTHORITY, PURPOSE, JURISDICTION & TITLE**

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SECTION 1 AUTHORITY

These subdivision regulations are adopted pursuant to the authority granted the Planning Commission of the City of Chickasaw by Section 11-52-30, *et seq.*, of the Code of Alabama.

SECTION 2 PURPOSE

The purpose of these regulations is to promote the health, safety, convenience, order, prosperity, and general welfare of the residents; to lessen congestion in the street; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to facilitate the adequate provision of water, sewerage, and enhance the ecological and aesthetic environments of present and future residents and to effect the coordinated and efficient development of the City of Chickasaw, Alabama.

SECTION 3 JURISDICTION

From and after the date of adoption, these regulations shall govern each and every subdivision of land in the City of Chickasaw's planning jurisdiction.

SECTION 4 TITLE

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

## **ARTICLE 2**

### **INTERPRETATION, POLICY & EXEMPTIONS**

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#### **SECTION 1 INTERPRETATION**

In interpreting and applying the provisions of these regulations they shall be held to be the *minimum requirements* for the promotion of the public health, safety, and general welfare for the City of Chickasaw, Alabama. Whenever the provisions of these regulations require higher standards than are required in any other applicable statute, ordinance or regulation, the provisions of these regulations, such other applicable statutes, ordinances or regulations shall govern.

#### **SECTION 2 POLICY**

##### **§ 2.1**

A subdivision of land is defined as the division of a lot, tract, or parcel of land into two (2) or more lots, tracts, or parcels or other divisions of land for the purpose of immediate or future sale or building development. The term subdivision includes the process of re-subdividing land.

##### **§ 2.2**

These regulations shall govern all subdivisions of land within the planning jurisdiction of the City of Chickasaw, Alabama. It is hereby declared to be the policy of City of Chickasaw to consider the subdivisions of land and the subsequent development of the subdivided land as subject to the control of the City of Chickasaw Planning Commission.

##### **§ 2.3**

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, water, sewerage disposal and streets.

##### **§ 2.3**

Any owner of land, which lies within the area of jurisdiction of the City of Chickasaw Planning Commission, who wishes to subdivide or re-subdivide such land into two (2) or more lots, parcels, plats, or other divisions of land for the purpose, whether immediate or future, of sale or of building development, including but not limited to, the installation of facilities for the provision of water and sewage disposal serving rental units or lots, and for the rental of lots for the placement of dwelling units, shall submit to the City Planning Commission for approval, a plat of the subdivision, which shall conform to the minimum requirements set forth in these regulations.

##### **§ 2.4**

Every plat of land that is a subdivision shall be prepared, presented for approval and recorded as required by these regulations.

No subdivider shall proceed with any improvements or with the installation of utilities in a subdivision until such subdivision plat shall have been reviewed and granted Preliminary Plat approval by the City of Chickasaw Planning Commission.

**§ 2.5**

No building permit and no certificate of occupancy shall be issued for any parcel of land created by subdivision; and no subdivider shall proceed with the sale or rental of lots or the erection of buildings, excluding required public improvements and utility structures, within a subdivision until such subdivision plat shall have been granted Final Plat approval entered in writing on the plat and signed by the Chairman of the Chickasaw Planning Commission and recorded in the Office of the Probate Judge of Mobile County, Alabama.

**SECTION 3 EXEMPTIONS**

Notwithstanding the preceding paragraph, the following subdivisions are exempt from the provisions of these regulations:

- (a) Subdivision of land by testamentary or intestate provisions.
- (b) Subdivision of land by court order including, but not limited to, judgments of foreclosure.
- (c) Family division of land
- (d) The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses.
- (e) The division of land wherein the size of each and every resulting parcel of land equals or exceeds twenty (20) acres including public rights-of-way and involves no street or other public improvements.
- (f) The construction or development of roads or buildings on private property to be used for agricultural purposes.

Owners of exempt subdivisions shall not be required to submit a plat to the City Planning Commission nor pay any of the required fees. Exemption from the requirement for approval to subdivide does not constitute exemption from the requirements of other applicable regulations including but not limited to zoning regulations and Health Department requirements. Documentation to substantiate any claim of exemption shall be submitted to the Planning Commission. Any subdivider who appears to be circumventing the intent and substance of these Regulations may be required to submit a plat for review and approval by the Planning Commission and shall be subject to the penalties under Enforcement of these Regulations found in Article 12 of these Subdivision Regulations

**ARTICLE 3  
DEFINITIONS**



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## SECTION 1 USAGE

For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular number; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".

## SECTION 2 WORD INTERPRETATION

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

## SECTION 3 WORDS & TERMS DEFINED

*Adverse Affect:* the potential for harm or damage to downstream areas where receiving systems and facilities are deemed inadequate to satisfactorily accommodate runoff from upstream development.

*Abutting/contiguous property:* Any property that is immediately adjacent to touching or separated from such a common border by a right-of-way, alley or easement.

*Accessory structure:* A detached, subordinate building or structure, located on the same building site with the main structure, the use of which is incidental to that of the main structure.

*Agent:* a person, firm or corporation who is empowered to act for a principal on matters which come within the scope of designated activities.

*ALDOT:* The Alabama Department of Transportation

*Alley:* a drive serving the rear or side of properties which also abut a street.

*Applicant:* The owner or his designated representative of land proposed to be subdivided. Consent shall be required from the legal owner of the premises.

*Arterial Street:* see Street, Arterial

*Base Flood:* The flood having a one (1) percent chance of being equaled or exceeded in any given year.

*Base Flood Elevation:* The elevation for which there is a one (1) percent chance in any given year that flood levels will equal or exceed it.

**Block:** a division or parcel of land entirely surrounded by public highways, streets, alleys, or other rights-of-way - where platting is incomplete or disconnected, block outline may be determined by subdivider.

**Buffer:** see Screened Planting Strip

**Building:** Any enclosed structure intended for shelter, housing or enclosure of persons, animals or chattels.

**Building Area:** that portion of a lot occupied by the main building, including porches, carports and other structures attached to the main building.

**Building Height:** the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the main height between eaves and ridge for gable, hip and gambrel roofs. (see *Figure 3.1*)

**Figure 3.1**

The diagram illustrates four methods for measuring building height from the grade level:

- Mansard Roof:** The height is measured from the grade to the highest point of the roof structure, which is the top of the second-story roof.
- Pitched Roof:** The height is measured from the grade to the highest point of the roof structure, which is the ridge of the roof.
- Flat Roof with Parapet Wall:** The height is measured from the grade to the top of the parapet wall, which is the highest point of the roof structure.
- Flat Roof with Mechanical Appurtenance:** The height is measured from the grade to the top of the mechanical appurtenance, which is the highest point of the roof structure.

**Building Line:** See Setback Line

**City:** The City of Chickasaw, Alabama.

**City Council:** the governing body of the City of Chickasaw, Alabama.

**Collector Street:** see Street, Collector

**Comprehensive Plan:** shall mean the entire collection of zoning maps, zoning ordinance, master plan, land use maps and guidelines adopted by Chickasaw City Council.

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Corner Lot: see Lot, Corner

Crosswalk: a designated transverse right-of-way across a public street for the purpose of protection of pedestrians crossing to the other side of the street.

Cul-de-sac: a minor street designed to have one end permanently closed, the closed end being terminated with a vehicular turnaround.

Curb or Curbline: shall mean the vertical face of a concrete curb nearest the center of the street or, where no curb exists, the edge of the traveled way.

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

Development: Includes, but is not limited to, the design work of lot layout, the construction of drainage structures, the construction of buildings and public use areas, the planning and construction of public streets and public roads, and the placement of public utilities.

Differential Runoff: the difference between the rate and volume of stormwater runoff from a particular parcel or project in its undeveloped or natural condition and that of the same property after development.

Double Frontage Lot: see Lot, Double Frontage or Through Lot

Dwelling/Dwelling Unit: Any covered structure intended for the shelter, housing or enclosure of persons.

Easement: a restricted area on privately owned land, the use of which is reserved for a specific purpose or public utility, such right of use to run with the land in perpetuity unless the governing body, by resolution, assents to the vacation of such easement upon a finding that there is no public need therefor.

Engineer: one who is licensed to practice as a Professional Engineer in his qualified field of expertise by the Alabama Licensing Board for Engineers and Land Surveyors. A qualified engineer undertaking the design and inspection of construction within subdivisions may be referred to herein as the Project Engineer.

Final Plat: A plat of a tract of land which meets the requirements of these regulations and is in proper form for recording in the Office of the Probate Judge of Mobile County, Alabama.

Flood or Flooding: A general and temporary condition of partial or complete inundations of normally dry land areas from:

- (a) the overflow of inland or tidal waters
- (b) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Areas: Land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to a community.

Floodplain: Those area defined by the U.S. Geological Survey or the U.S. Army Corps of Engineers as subject to flooding once in 100 years, based on topography.

Floodway: The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one (1) foot above the predevelopment conditions.

Floor Area:

Front Yard: see Yard, Front

Hardship: An unusual situation on the part of an individual property owner which will not permit the full utilization of property which is given to others within the county. A hardship exists only when it is not self-created.

Highway: a road or street that forms a part of the existing or projected Federal Aid Highway System, the State road system or the County road system.

Interstate: Main function to accommodate significant high-speed, long-distance traffic and function as freight and commerce transportation corridors.

Lot: A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The following describes the types of lot configurations: (see *Figure 3.2*)

Lot, Corner: a lot situated at the junction of, and abutting on, two or more intersecting streets.

Lot, Double Frontage or Through Lot: a lot which abuts a public way on both front and rear or a lot which extends all the way through the block.

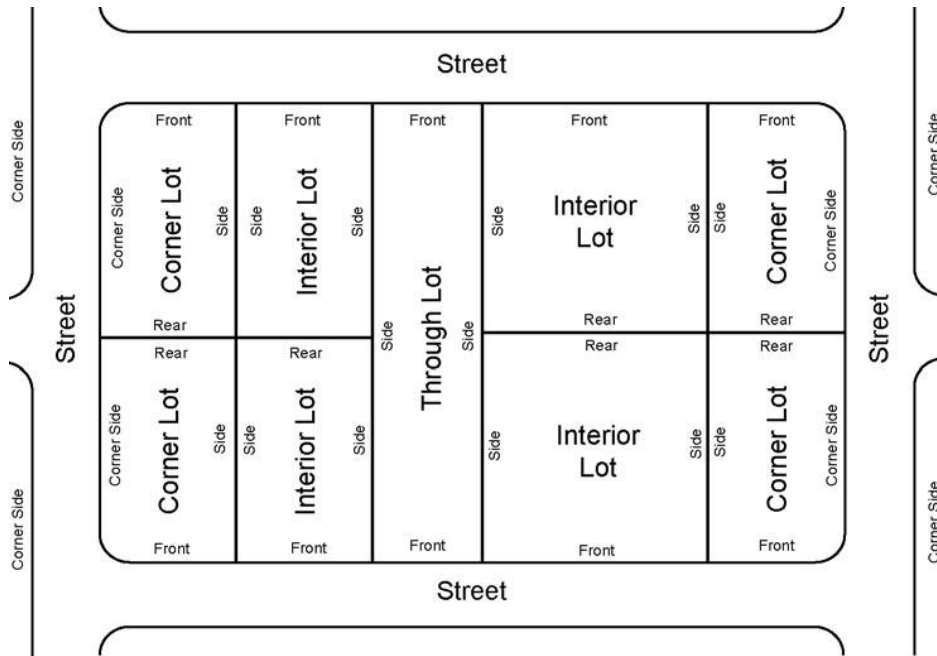
Lot, Flag: A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, Improved: a lot with buildings or structures.

Lot, Interior: a lot other than a corner or through lot, bounded by two interior side lot lines.

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

**Figure 3.2**



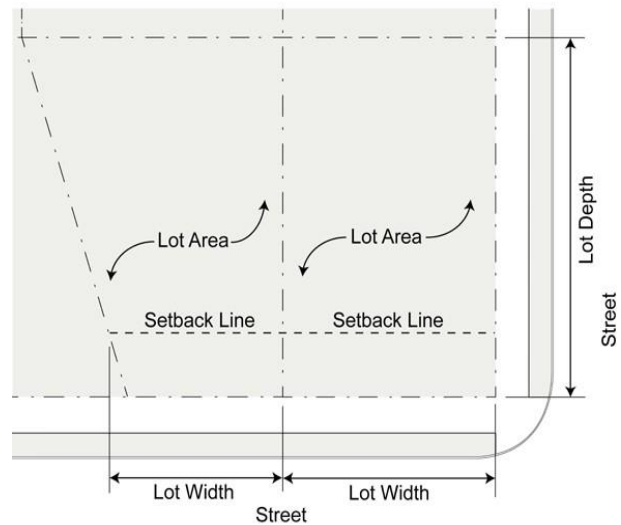
Lot Area: The total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet. (see *Figure 3.3*)

**Figure 3.3**

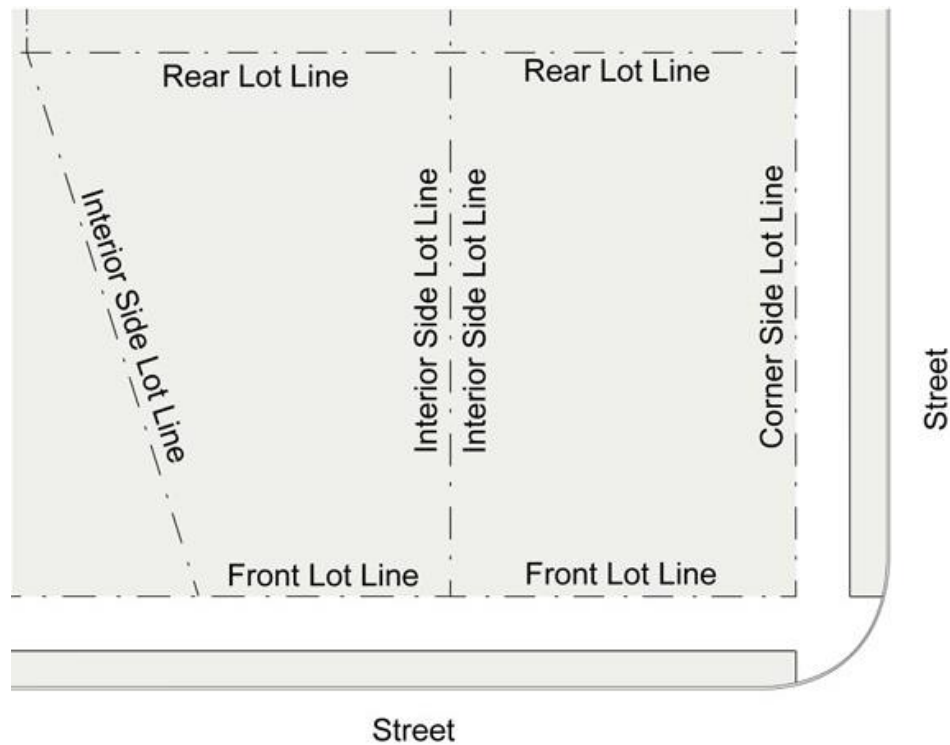
Lot Building Coverage: That portion of the lot that is or may be covered by buildings, accessory buildings, and other structures covered by a roof.

Lot Depth: The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth. (see *Figure 3.2*)

Lot Line: A line of record, bounding a lot, which divides one lot from another lot or from a public or private street or any other public or private space and includes: (see *Figure 3.4*)



*Figure 3.4*



*1. A front lot line:* the lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street. A front lot line for a through lot is both lot lines that abut a street.

*2. A rear lot line:* the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

*3. An interior side lot line:* a lot line that is perpendicular or approximately perpendicular to the front lot line and abuts another lot.

*4. A corner side lot line:* a lot line that is perpendicular or approximately perpendicular to the front lot line and which is the longer street-abutting lot line of a corner lot.

*5. A street lot line:* a lot line that abuts a street.

*Lot Width:* Lot width is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line. (see *Figure 3.3*)

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Probate Judge of Mobile County.

Major Street: see Street, Arterial

Major Subdivision: see Subdivision, Major.

Master Plan: The master plan for the physical development of the planning of Chickasaw as adopted by the Chickasaw Planning Commission.

Minor Street: see Street, Minor

Minor Subdivision: see Subdivision, Minor

Monument: a permanent object which serves to indicate a limit or to mark a boundary.

Official Maps and Plans: the maps and plans prepared as a part of the Comprehensive Plan.

Open Space: Any parcel or area of land or water that is unimproved, not occupied by any structures or impervious surfaces. Designated or reserved for use and enjoyment of general public.

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

Non-Residential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Parkway: a road or street that forms a part of an existing or proposed Parkway System.

Planning Commission: the Planning and Zoning Commission of the City of Chickasaw, Alabama.

Preliminary Plat: A tentative plan of the complete proposed subdivision submitted to the Chickasaw Building Official and Planning Commission for consideration.

Principal Structure: A building in which the primary use of the lot on which the building is located is conducted.

Probate Judge: The Judge of Probate of Mobile County, Alabama.

Rear Yard: see Yard, Rear

Recorded Plat: A Plat of a proposed subdivision meeting the conditions of the Final Plan approval, if any; and containing signatures on all of the required certifications and signature blocks.

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

Roadway, Traveled Way or Street Surface: that part of a street or highway available for use by vehicular traffic - the portion from face of curb to face of curb.

Screened Planting Strip: that portion of the street right-of-way between curb and the property line exclusive of the area occupied by sidewalks.

Secondary Street: see Collector Street

Setback Line: The minimum allowable horizontal distance between the street right-of-way line and the building, except for steps or terraces with no canopy, open fire escapes, roof overhangs, balconies, canopies or cornices projecting no more than two (2) feet beyond the main wall, offset or overlapping projections of second floors that project no more than three (3) feet beyond the main floor of the building.

Side Yard: see Yard, Side

Sidewalk: shall mean all of a street available for pedestrian traffic, exclusive of vehicular traffic upon the traveled way.

Single Tier Lot: See Lot, Single Tier

Site Plan: The development plan for one or more lots on which is shown the existing and/or proposed conditions of the lot(s).

State Specifications: shall mean the latest revision of the Alabama Highway Department Specifications for Roads and Bridges.

Stormwater Management: The process of ensuring that the magnitude and frequency of stormwater runoff do not increase the hazards associated with flooding and that water quality is not compromised by untreated stormwater flow.

Street: The full right-of-way of a thoroughfare which affords the principal means of access to abutting property. Functionally classified by the Alabama Department of Transportation or ALDOT, by a hierarchical system based on street function and volume, see the following types of streets below:

Street, Arterial: a highway or street of considerable continuity which is used primarily for moving large volumes of traffic through or around the city; sometimes called a major street.

Street, Collector: a street which carries traffic from minor or neighborhood streets to a system of arterial streets.



Street, Minor: a neighborhood street or a street used primarily to provide access to abutting property.

Street, Sidewalk: an inner sidewalk system design with homes fronting a continuous sidewalk shared by adjoining properties. Back side of homes front the alley or street.

Subdivider: Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) is directly or indirectly controlled by, or under direct, or indirect, common control with any of the foregoing.

Subdivision: as the division of a lot, tract, or parcel of land into two (2) or more lots, tracts, plats, parcels or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Such term includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Subdivision, Major: A subdivision not classified as a minor subdivision, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new streets, drainage or other public improvements.

Subdivision, Minor: A subdivision containing not more than four (4) lots, including remnant parcels, fronting on an existing publicly maintained street, and not involving any new street or road or the extension of public facilities, or the creation of any public improvements.

Surface Drainage: a stormwater drainage system consisting of gutters, culverts and open channels.

Tract: A lot. The term “tract” is used interchangeably with the term “lot”, particularly in the context or subdivision, where a “tract” is subdivided into several lots, parcels, sites, units, plots, tracts or interests.

Undeveloped Lot: see Lot, Undeveloped

Waterside Yard: see Yard, Waterside

Wetlands: Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions or otherwise delineated by the Army Corp of Engineers. Wetlands generally include swamps, marshes, bogs and similar areas.

Yard, Front: A yard extending the full width of the building site across its front, with required depth measured at right angles to the front street line of the building site.

Yard, Rear: A yard extending the full width of the building site across its rear, with required depth measured at right angles to the rear line of the building site.

Yard, Side: A yard extending from the rear line of the front yard to the front line of the rear yard, with required width measured at right angles to the adjacent side lines of the building site.

Yard, Waterside: A yard abutting any body of water which may be either a rear yard or side yard, depending upon the orientation of the principal building on the lot.

## **ARTICLE 4 SUBDIVISION PLAT REVIEW & PROCEDURE**

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### **SECTION 1 GENERAL PROCEEDURE**

The procedure for review and approval of subdivision by the Chickasaw Planning Commission ultimately results in the approval and recording of a final plat of the subdivision.

Where a proposed subdivision contains no more than four (4) lots and does not require dedication of any land to the public or installation of any public improvements, the Preliminary Plat shall be considered and labeled as the Final Plat and the Planning Commission may consider and act upon this as the Final Plat at the initial hearing.

### **§ 1.1 Classification of Subdivision**

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, the subdividing owner or the authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes two (2) steps for a minor subdivision and three (3) steps for a major subdivision:

1. **Minor Subdivision** [four (4) or less lots]
  - a. Sketch Plan
  - b. Preliminary/Final Plat
  
2. **Major Subdivision** [five (5) or more lots]
  - a. Sketch Plan
  - b. Preliminary Plat
  - c. Final Plat

The procedure for obtaining subdivision approval is as follows:

### **§ 1.2 Application Procedure**

The owner of land shall:

- (a) Be made of Preliminary Plat forms available at the office of the City Building Official and on the city's website;
  
- (b) Be accompanied by the required application fee according to the current schedule of fees established by the City Council for the particular category of application.
  
- (c) Be submitted to the Building Official at least fifteen (15) days prior to a regularly scheduled meeting of the Planning Commission.

### **§ 1.3 Sketch Plan Requirements**

The applicant shall file an application for approval of a Sketch Plan. The Sketch Plan is intended to be a relatively simple "sketch" or "drawing" of the proposed subdivision, submitted so that the subdivider may begin the approval process by meeting with and discussing the feasibility of the proposal with the City of Chickasaw Building Official and Planning Commission prior to incurring engineering and surveying costs. The subdivider

shall be present at the Planning Commission meeting either personally or through a representative in order to discuss, answer questions, and explain the submission. The requirements stated for preparation of the Sketch plan are minimal requirements.

The Sketch Plan must:

- contain at least a diagram showing the location and ownership of the land proposed to be subdivided
- note the location of all adjoining property, its ownership and the nature of its improvements
- location of all existing buildings and named public streets providing direct access to the land proposed to be subdivided.

#### **§ 1.4 Presentation and approval of the Preliminary Plat**

The Preliminary Plat is intended to be a detailed presentation covering the engineering plans for the construction of all improvements. The Preliminary Plat must first be submitted and reviewed by the Building Official or his/her designee, who shall certify to the Planning Commission whether the Preliminary Plat meets the subdivision regulations. Should the Preliminary Plat be determined by the Building Official or his/her designee to be acceptable, the applicant shall file an application for approval of the Preliminary Plat with the Planning Commission. The subdivider shall present three (3) copies of the preliminary plat and accompanying documents at a regular meeting of the Planning Commission, and shall be present either personally or through a representative in order to discuss, answer questions, and explain the submission. As noted above, the requirements stated for preparation of the preliminary plat are minimal requirements.

Should the Preliminary Plat be determined by the Building Official or his/her designee to be deficient in any regard, the Building Official or his/her designee shall detail the deficiency to the Planning Commission along with a recommendation that the Preliminary Plat be disapproved. Notice of the recommendation of the Building Official or his/her designee shall be sent to the owner or developer whose name and address appears on the submitted Preliminary Plat by registered or certified mail at least 10 days before the recommendation shall be presented to the Planning Commission for action.

#### **§ 1.5 Public Hearing and Notices**

Prior to the approval of the preliminary plat, the Planning Commission shall first hold a public hearing. Notice of such public hearing shall be sent to all immediately adjoining landowners by certified mail as their names appear upon the plats of the Mobile County Tax Assessor's Office. Such notices shall be sent at least five (5) days prior to the date of the public hearing. Any plat submitted to the Planning Commission shall contain the name and address of all person to whom notice of a public hearing shall be sent

#### **§ 1.6 Approval or Disapproval**

The Planning Commission will receive public comments at the public hearing. The Planning Commission will review the plant and shall act on the preliminary plat at the meeting at which it is presented, either by:

- granting approval as submitted or
- conditionally approve with changes required by the Planning Commission that shall become a part of the preliminary plat

- or disapprove the preliminary plat.

If the Planning Commission disapproves the preliminary plat, the reasons for such action shall be stated in writing upon the records of the Commission, and reference shall be made to the specific section(s) of the regulations with which the preliminary plat does not comply. If approved subject to modifications, the nature of the required modifications shall be indicated.

In the event that the Planning Commission needs further information in order to properly consider the preliminary plat, they may reject the presentation until the further information is provided, and may consider the preliminary plat as being presented at the meeting at which the additional information is provided.

**§ 1.7 Approval Within Thirty Days**

The Planning Commission must act on the preliminary plat within thirty (30) days after it submitted at the public hearing. The 30-day time period starts from the date on which the Commission holds the public hearing. The failure of the Planning Commission to act on the preliminary plat within the thirty (30) day time period shall otherwise be deemed to have been approved, and a certificate to that effect shall be issued by the Commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period. If the Commission disapproves a plat, the grounds for such action shall be stated in the record.

**§ 1.8 Expression of Approval**

The approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the layout as submitted on the preliminary plat. The Planning Commission files shall retain one copy of the Preliminary plat.

**§ 1.9 Effective Period**

Approval of the preliminary plat shall be effective for a period not to exceed one (1) year and shall thereafter expire and be considered null and void, unless a petition of an extension of time is submitted to and subsequently approved by the Planning Commission.

**§ 1.10 Changes or Modifications**

Any change of modification to a preliminary plat shall be submitted to the Planning Commission for approval and may be subject to additional fees and a public hearing if deemed necessary by the Planning Commission.

**SECTION 2 PRELIMINARY PLAT CONTENT**

The Preliminary Plat shall contain the following information:

1. Name and address of owner of record and subdivider.
2. Name and registration number of surveyor and date.
3. North Point, graphic scale of not less than 1 inch equals 100 feet.

4. Vicinity map showing location and acreage of the subdivision and name of subdivision, if applicable.
5. Exact boundary lines of the tract by bearing and distance.
6. Names and addresses of owners of record of immediately adjoining land with their approximate acreage as their names appear upon the plats in the office of the county tax assessor and their addresses appear in the directory of the county or on the tax records of the county; *\*Public streets, alleys and right-of-ways are not considered immediately adjoining land; therefore, property owners across or opposite of the proposed subdivision shall be indicated on the plat and notified via certified mail as well.*
7. The location of existing streets, buildings, easements, including drainage, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on the tract being subdivided and on adjacent land within 100 feet of the tract being subdivided, including the size and width of each.
8. Proposed lot lines with bearings and distances, square footage or acreage of each and lot and block number.
9. Indication of zoning district boundaries if such exist. Otherwise indicate the proposed use of all land within the subdivision as well as any restrictions on the lots.
10. Proposed minimum building setback lines shown and labeled on each lot.
11. Location of wooded areas, marshes, and any other conditions affecting the site; streams, lakes, and swamps and land subject to flooding within or adjacent within 100 feet of the proposed subdivision subject to inundation by the 100-year flood as defined herein, or subject to periodic inundation by storm drainage overflow or ponding.
12. Special flood hazard areas and/or coastal high hazard areas as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, a statement to that effect
13. U.S. Army Corps of Engineers wetlands jurisdictional determination if the proposed subdivision contains wetlands or is within 100 feet of a wetland as determined from the Generalized Wetland Map.
14. **If subdivision is considered minor, where no improvements are proposed,** Space on the plat for approval of the City of Chickasaw Planning Commission and authorization for the recording of said plat by the judge of probate.  
**If subdivision is considered major, where the installation of any public improvements are proposed, proceed with the following:**
15. Preliminary plans of proposed utility layouts (sewer, water, gas and electricity) including pipe sizes and the location of valves and fire hydrants, and showing feasible connections where possible to existing and proposed utility systems.
16. Preliminary plan of all drainage facilities.

17. Proposed rights-of-way or easements including location, widths, purposes, and street names; typical street cross-sections and center-line profiles; location of required sidewalk and crosswalks, if applicable.
18. Proposed subdivision layout using contours of vertical intervals of not more than five (5) feet and including streets, alleys and easements with both dimensions and proposed street names; lot lines; land to be reserved or dedicated for public uses; proposed parks, school sites, or other public open spaces, if any and any land to be used for purposes other than single family dwellings.
19. Any other information that may be considered necessary by the committee for full and proper consideration of the proposed subdivision.
20. Inscription stating "Not for Final Recording."

### **§ 2.1 Approvals**

No Preliminary Plat shall be approved by the Planning Commission until each utility affected has submitted a letter to the Planning Commission as to whether all provisions affecting the service to be provided by such utility are reasonable and adequate. No development may proceed until all required local, state and federal permits have been received and submitted to the Building Official or his/her designee including but not limited to: NPDES permit; Section 4091 and 404 Clean Water Act permit; Coastal Area Management Program permit; Alabama Department of Transportation access permit, and; Mobile County Highway Department access permit.

### **§ 2.2 Effective Period of Preliminary Approval**

The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval of the subdivision must have been obtained from the Chickasaw Planning Commission, although the plat need not yet be signed and filed with the Probate Judge. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the applicant shall be required to resubmit a new plat for preliminary approval subject to all subdivision regulations and filing fees. However, upon written request from the applicant stating the reasons for such request, the Planning Commission upon advice from the City Building Official, may extend the effective period of the approval up to twenty-four months.

### **§ 2.3 Resubmission of Preliminary Plat**

The Planning Commission shall not consider, for a period of twelve (12) months, a Preliminary Plat which has been submitted for approval after Planning Commission disapproval, unless the applicant has complied with the Planning Commission's required changes and/or additions. Applications for approval of a Preliminary Plat which has been previously disapproved shall be submitted in accordance with the requirements found in *Article 4* of these Subdivision Regulations.

## **SECTION 3 FINAL PLAT PRESENTATION & APPROVAL**

Within one (1) year of the date of preliminary plat approval, the subdivider shall submit to the Chickasaw Building Official and Planning Commission the final plat for its approval in accordance with the following procedure:

### **§ 3.1 Application Procedure and Requirements**

The applicant shall:

- (a) Be made of Final Plat forms available at the office of the City Building Official and on the city's website;
- (b) Be accompanied by the required application fee according to the current schedule of fees established by the City Council for the particular category of application.
- (c) Be submitted to the Building Official at least fifteen (15) days prior to a regularly scheduled meeting of the Planning Commission.
- (d) Comply in all respects with the Preliminary Plat, as approved, except for minor modifications not altering the design of the subdivision.
- (e) Be accompanied by a surety bond, if required, in a form satisfactory to the City Attorney and in an amount sufficient to guarantee the actual construction and installation of such approved public streets, roads, drainage structures and public utilities.
- (f) Be accompanied by a transmittal letter listing all of the drawings, letters, attachments and other information submitted for the application.

### **§ 3.2 Final Plat Review**

After the Building Official or his/her designee has reviewed the Final Plat, the Building Official or his/her designee shall certify to the Planning Commission whether the Final Plat meets the subdivision regulations. If the Final Plat meets the subdivision regulations, it shall be approved by the Planning Commission.

The Planning Commission shall approve or disapprove a plat within thirty (30) days after such plat has been duly received by the Planning Commission; otherwise such plat shall be deemed approved unless the owner or his agent waives such requirement and consents to a time extension.

Should the Final Plat be determined by the Building Official or his/her designee to be deficient in any regard, the Building Official or his/her designee shall detail the deficiency to the Planning Commission along with a recommendation that the Final Plat be disapproved. Notice of the recommendation of the Building Official or his/her designee shall be sent to the owner or developer whose name and address appears on the submitted Final Plat by registered or certified mail at least ten (10) days before the recommendation shall be presented to the Planning Commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear upon the plats in the office of the county tax assessor and their addresses appear in the directory of the county or on the tax records of the county and to each utility affected thereby.

### **§ 3.3 Final Plat Requirements**



The Final Plat shall be prepared by a licensed engineer or land surveyor and shall conform to the conditions of the tentatively approved preliminary plat. It shall show sufficient detailed data to readily determine and to accurately reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line. The plat shall be clearly drawn on any acceptable polyester or cloth tracing sheet (not larger than 24 x 36 inches in size) at a scale of not less than one hundred (100) feet to the inch and shall contain the following information:

1. Name and address of owner of record and subdivider and name and registration number of surveyor and/or engineer and date.
2. Name of subdivision, north point, graphic scale of not less than 1 inch equals 100 feet and date.
3. Vicinity map showing location and acreage of the subdivision.
4. Names of owners of record of adjoining land with their appropriate acreage.
5. Location of streams, lakes, and swamps and land subject to flood as determined from past history of flooding and as delineated by the U.S.G.S. or U.S. Army Corps of Engineers.
6. 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 bearing and distance to a section corner or to an immediately adjacent plat which is tied to a section corner.
7. Municipal and county lines shall be accurately tied to the liens of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
8. Location of land dedicated to a neighborhood park or open space area for subdivisions exceeding fifty (50) lots.
9. Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest one-tenth (1/10) foot and angles to the nearest minute.
10. Exact location, widths, and names of all streets and alleys within and immediately adjoining the new subdivision.
11. Street right-of-way lines showing angles of deflection, angles of intersection, radii, and lines of tangents.
12. Location of all utilities and drainage facilities as well as easements for such facilities.
13. Lot lines with dimensions to the nearest one-tenth (1/10) foot and bearings to the nearest minute.
14. Lots numbered numerically and blocks lettered alphabetically.
15. Each lot shall have a house number.
16. Indication of zoning district boundaries if such exist. Otherwise indicate the proposed use of and restrictions on each lot within the subdivision. These restrictions to be recorded on or with the plat.
17. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for the public use.
18. Accurate location, material, and description of all monuments and markers.
19. Minimum building front yard setback lines.

20. Certifications showing:

- a. Notarized proof of ownership of the land.
- b. Surveyor's attest to the accuracy of the survey.
- c. Lot restrictions, trusteeships and/or protective covenants.
- d. Dedication of streets, rights-of-way and other sites.
- e. Compliance with applicable Board of Health Codes and Ordinances.
- f. Granting of all easements included in the plat.
- g. Engineer's attest that all improvements have been installed in accordance with the requirements of the subdivision regulations or that a bond in sufficient amount to assure the proper installation of such improvements has been accepted by the City of Chickasaw.
- h. Space on the plat for approval of the City of Chickasaw Planning Commission and authorization for the recording of said plat by the judge of probate.
- i. Special flood hazard areas and/or coastal high hazard areas as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect.

**§ 3.4 Final Plat Resubmission**

The Planning Commission shall not consider a Final Plat which has been resubmitted for approval after Planning Commission disapproval, unless the applicant has complied with the Planning Commission's required changes and/or additions. Applications for approval of a Final Plat which has been previously disapproved shall be submitted in accordance with the requirements set forth in *Article 4* of these Subdivision Regulations.

**SECTION 4 OFFICIAL RECORDING**

No Plat or description of land subdivided shall be filed in the Probate Records until such plat shall have been finally approved by the Planning Commission.

- Upon determination that the Final Plat should be approved and that the installation of all required improvements has been satisfactorily completed in accordance with City specifications and approved by the City Engineer or that an acceptable financial guarantee has been provided for the satisfactory completion of all required improvements, the original Final Plat tracing shall be signed by the Chairman of the Planning Commission. The original Final Plat tracing and five (5) blue or black line copies shall then be submitted to the offices of the Planning Department for signature of the City Building Official.
- Following signature, the original Final Plat tracing will be returned to the subdivider for recording at the office of the judge of probate of Mobile County.

**ARTICLE 5**  
**MINIMUM DESIGN STANDARDS & REQUIREMENTS**

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**SECTION 1 SUITABILITY OF LAND**

The planning commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind

proposed. The design and improvements of all subdivisions and developments shall meet all state and county health department requirements and proof thereof shall be submitted.

## SECTION 2 LAND SUBJECT TO FLOODING

Land subject to flooding or inadequately served by drainage facilities will not be acceptable for subdivision unless the subdivider agrees to make such improvements as will render the land fit for occupancy in conformity with the National Flood Insurance Program. Fill may not be used to raise land in areas subject to flood and/or excessive erosion, unless the fill proposed does not restrict the natural flow of water, advance erosion, and unduly increase flood heights.

- A. To insure proper development in flood-prone areas, the commission shall require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the sites will be free from the danger of flooding.
- B. If a stream flows through or adjacent to the proposed subdivision, the plat shall provide for an easement or right-of-way along the stream for a floodway. For the smaller streams, the plat shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of houses shall be high enough to be above the regulatory flood. The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased.
- C. Approval will not be given for streets within a subdivision which would be subject to excessive inundation or flooding.

## SECTION 3 CONFORMANCE WITH EXISTING PLANS

Proposed improvements in all subdivision developments within the Chickasaw planning jurisdiction shall be in conformance with existing approved plans, maps, ordinances, and design standards of the City of Chickasaw and/or the Chickasaw Planning Commission.

## SECTION 4 STREET PLANS

The proposed street layout shall be coordinated with the exiting street system of the surrounding area. Where possible, proposed streets shall be the extension of existing streets.

All proposed streets in any subdivision, including apartments, Cityhouses, condominiums, patio homes, etc., whether such streets shall be private or dedicated for public use, shall be paved and adequately drained. This requirement is not subject to modification by the Chickasaw Planning Commission. The subdivider shall construct streets in the subdivision in conformance with good engineering practices to the standards prescribed herein or by the state or county highway department, whichever is more restrictive.

The Chickasaw Planning Commission may require the posting of a maintenance bond on all street improvements for a period of two (2) years. This bond shall be in an amount equal to ten (10)

percent of the total street improvements in the subdivision or of specified street improvements in the subdivision.

**SECTION 5 DESIGN STANDARDS & REQUIREMENTS**

1. The full width of the right-of-way shall be graded including the subgrade of the areas to be paved. This requirement may be modified for the purpose of preserving the natural beauty of the area.
2. A base course consisting of at least eight (8) inches of sandclay mixture with one hundred (100) percent compaction shall be laid on a soundly prepared subgrade.
3. A prime coat shall be sprayed uniformly over the base course.
4. An approved type-wearing surface in conformance with State Highway Standard 416-A one and one-half (1 ½) inches thick compacted shall be laid over the prime coat.
5. A certified engineer designated by the City must determine if curbs and gutters should be required for a subdivision. If such certified engineer designated by the City determines that curbs and gutters should be required, they must be in conformance with the Chickasaw City Standards for Roadway Improvements and Drainage. A curbless and gutterless street may be permitted if the designer can show that soils, terrain, on-street parking needs, and overall site design warrant such an approach.

The following design standards shall be considered minimum requirements and shall specifically apply to residential subdivisions. The requirements for non-residential subdivisions shall be such as the Planning Commission deems appropriate for the type of development and use contemplated but in no event shall they be less than the requirements for residential subdivisions.

	<u>Major Street</u>	<u>Collector Street</u>	<u>Local Street</u>	<u>Cul-de-Sac <sup>1</sup> (Turnaround)</u>	<u>Alley</u>
<u>Minimum Right-of-Way</u>	<u>100'</u>	<u>50'</u>	<u>40'</u>	<u>40'</u>	<u>20'</u>
<u>Minimum Pavement</u>	<u>As re- quired</u>	<u>35'</u>	<u>25'</u>	<u>25'</u> <u>(80' Diam.)</u>	<u>10'</u>
<u>Maximum Grade <sup>2</sup></u>	<u>3%</u>	<u>3%</u>	<u>3%</u>	<u>3%</u>	<u>3%</u>
<u>Minimum Angle of Intersection</u>	<u>80</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>
<u>Minimum Intersection Offset</u>	<u>150'</u>	<u>150'</u>	<u>150'</u>	<u>150'</u>	<u>150'</u>
<u>Minimum Curb Radius at Intersection</u>	<u>40'</u>	<u>30'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>
<u>Curve Radius</u>	<u>300'</u>	<u>250'</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>
<u>Minimum Reverse Curve Tangent</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>

<sup>1</sup> *Cul-de-sacs shall not be longer than 600 feet measured from the intersecting street to the center of the turnaround.*

<sup>2</sup> *May vary with topography subject to planning commission approval based on recommendation of city engineer.*

**§ 3.1 Railroads & Major Thoroughfares**

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

(a) In residential districts, a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way, arterial or expressway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited";

(b) In areas proposed for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites;

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

**SECTION 6 SIDEWALKS**

If sidewalks are installed they shall comply with the following standards:

<i>Type of Subdivision</i>	<i>Sidewalk Width</i>	<i>Sidewalk Thickness</i>
<b>Low Density Residential</b>	4 feet	4 inches
<b>High Density Residential</b>	5 feet	4 inches
<b>Commercial</b>	8 feet	4 inches
<b>Industrial</b>	8 feet	4 inches

1. All materials used and construction methods employed for building sidewalks shall comply with the requirements listed under Section 618 of the Standard Specifications for Highway Construction, 1992, of the Alabama Department of Transportation.

2. All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall be graded and seeded in a manner that will enhance the appearance of the environment.

## SECTION 7 BLOCKS

Blocks shall be arranged to assure maximum use of the topographic features of the land.

1. Blocks shall not be less than four hundred (400) feet nor more than twelve hundred (1200) feet in length, except as the planning commission considers necessary to secure efficient use of land or desired features of street patterns. In blocks over eight hundred (800) feet in length, the planning commission may require one or more public cross walks of not less than ten (10) feet in width to extend entirely across the block at locations deemed necessary.
2. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major streets, limited access highways, railroads or where prevented by topographical conditions or size of the property, in which case the planning commission will approve a single tier of lots of minimum depth.

## SECTION 8 LOTS

Residential lots shall comply with the following requirements:

1. The size, shape, and orientation of lots shall be such as the planning commission deems appropriate for the type of development and use contemplated and shall properly relate to the topography of the land and character of the surrounding development. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon an existing or proposed street or road which has a right-of-way not less than fifty (50) feet in width.
2. Where central water and sanitary sewer systems are reasonably accessible, the subdivider shall connect to such systems and provide connections to each lot. Where such systems are not accessible, alternate methods of water supply and sewage disposal must be used; provided that such systems meet all applicable public health regulations.
3. Size of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

## SECTION 9 OTHER REQUIREMENTS

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds, parks for local or neighborhood use and other public service areas. In all subdivisions, due regard shall be shown for all natural features such as large trees, water courses,

historical spots, and similar community assets which, if preserved, will add attractiveness and value to the property.

1. In subdivisions of fifty (50) or more lots or twenty (20) or more acres in size, the subdivider shall provide suitable recreation land of at least (5) percent of the total area of land to be subdivided. In the event the subdivision is to be developed in sections, appropriate agreement shall be made with the planning commission to assure the dedication of the required land.
2. Where public sites have been set aside within an element of the Chickasaw Comprehensive Plan or when such features are recommended as essential by the local governing body or planning commission, such sites shall be reserved in written agreement by the subdivision for acquisition by the proper public body by purchase or other means for a period of one (1) year from the date of the recording of the subdivision after which if the acquisition has not been accomplished, the reservation shall become null and void.
3. Reserve strips and/or easements controlling the access to streets shall be prohibited except where this control is definitely placed in the hands of the City of Chickasaw under conditions approved by the planning commission.
4. Easements having a minimum width of ten (10) feet and located along the side or rear lot lines shall be provided as is necessary for utility lines and underground mains and cables. Where subdivision is traversed by a watercourse, drainage way, channel or stream there shall be provided a stormwater or drainage right-of-way of adequate width to accommodate normal runoff.
5. Whether it is provided by means of open ditches, closed storm drains, or curbs and gutters, the subdivision shall have an adequate stormwater collection system.
6. Storm sewers and drainage structures shall be designed and installed as required in accordance with good engineering practice. The minimum pipe diameter of storm drains shall be fifteen (15) inches. In no case shall stormwater empty into the sanitary sewer system.
  - a) Where a storm sewer system is reasonably accessible to the subdivision, the subdivider shall connect with such network and install all drainage structures necessary to convey the water to the storm drainage system.
  - b) Where a storm drainage system is not accessible, the subdivider shall install all drainage structures necessary to convey the water to a location acceptable to the city. All open drainage ditches shall either be paved with a material acceptable to the city or be designed and stabilized in a manner acceptable to the city engineer.
7. Water, sewer and gas utilities shall be installed underground in the street right-of-way by the subdivider before any street base is applied unless special conditions require otherwise.



- a) Water mains for both domestic use and fire protection shall be properly connected with a central water system or with an alternate water supply approved by the county health officer. The line shall be constructed in such a manner as to serve adequately all lots shown on the subdivision plat.
  - b) Where a public water supply is within reasonable distance of the subdivision, as determined by the planning commission, the subdivider shall connect with same. The design and specifications of the distribution system shall meet the city water system requirements. If a well is required for each lot, the location, construction, and use of such well shall also meet the county health department requirements. If a well is to serve more than one lot, a public water system shall be required. The design and specifications of such distribution system shall meet the county health department specifications, and shall be installed under inspection of the utilities department.
  - c) Fire hydrants shall be installed along each street at a maximum interval of six hundred (600) feet, or at the ends and center of each block. The water supply and pressure shall be sufficient to provide adequate fire protection as well as the future needs of the intended land use.
  - d) A public sanitary sewer system shall be installed when the cost of installing such a system does not exceed two hundred (200) percent of the cost of installing individual septic tanks on all lots in the subdivision. Where lots cannot be economically connected with a sewerage system, they must contain adequate area for the installation of septic tank and disposal fields as approved by the county health officer.
  - e) Where a public sanitary sewer system is not available, and a private system is installed, it shall be constructed in accordance with requirements of a public system and with appropriate permits from the Alabama Department of Environmental Management. If septic tanks are installed, special approval must be obtained from the county health department. Lot size shall not be less than the minimum standard and of satisfactory size for the proper installation of a septic tank sewage system as indicated by percolation tests.
  - f) When gas mains and/or electric lines are connected with central distribution systems, the lines shall be installed in such a manner as to serve adequately all lots shown on the subdivision plats.
8. Street lighting shall be installed at all intersections. If additional lighting consistent with safety and other community needs is deemed necessary, the planning commission may require the subdivider to present a street lighting plan developed in conjunction with the utility company having jurisdiction within the area.

9. Appropriate permanent type street name signs shall be placed at all intersections within the subdivision. The developer may select signs which will be in keeping with the theme of the development subject to approval of the building inspector.
10. Right-of-way and property line monuments shall be placed in each subdivision.
  - a) Concrete monuments three and one-half (3 ½) inches square and two (2) feet long shall be driven flush with the grade at the intersection of all street rights-of-way and radius points.
  - b) Iron pins one-half (1/2) inch in diameter and two (2) feet long shall be driven flush with the grade at each lot corner and at each point where the property line changes direction.

#### SECTION 10 INSPECTION OF IMPROVEMENTS

The subdivider is required to install or construct the improvements herein described prior to having released the bond or other surety which guarantees installation of such required improvements. All improvements required shall be constructed in accordance with the standards set forth in these regulations, or as required by the Chickasaw Building Official or his duly authorized representative, the state or county highway department, and the department of the respective utility.

1. All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other required pavement.
2. When all required improvements are installed, the subdivider shall call for a final inspection. The Building Official or his duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications. To determine if the streets are installed to minimum design standards, the city shall select an independent testing laboratory to make the necessary tests. These tests shall be conducted at the expense of the subdivider.

## **ARTICLE 6 DRAINAGE**

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### **SECTION 1 GENERAL POLICY**

The main objective of drainage design shall be the safety of the traveling public with the protection of the City of Chickasaw and private property consistent with good engineering practice.

### **SECTION 2 DRAINAGE & STORM SEWERS**

(a) *General Requirements.* The responsible Design Engineer shall not submit any plat of a subdivision which does not appear to make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system.

The applicant shall submit a design narrative and complete drainage calculations, including but not limited to, assumptions, maps, and computations for each inlet, pipe, or ditch section. The design data and calculations shall be prepared, sealed and submitted by a licensed, professional engineer in the State of Alabama. The design narrative shall summarize the assumptions, calculations, and results of the design. Adequate provision shall be made for the disposal of storm waters into existing channels, pipes, or body of water.

All subdivisions shall be provided with adequate storm drainage facilities. Any areas subject to periodic flooding caused by poor drainage facilities will not be accepted unless the developer or subdivider makes necessary provisions to eliminate such flooding.

Low-lying lands along existing watercourses subject to flooding or overflowing during a storm event up to and including the 100 year storm shall be preserved and retained in their natural state within a common area, except where improvements are warranted as may be proposed by the applicant and approved by the Planning Commission.

(b) *Accommodation of Upstream Drainage Areas.* A culvert or other drainage facility shall, in each case, be large enough to accommodate potential developed property runoff from its entire upstream drainage area, whether inside or outside the subdivision.

(c) *Effect on Downstream Drainage Areas.* The Design Engineer shall also review the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the City Engineer or his/her designee, may withhold approval of the subdivision until provision has been made for the necessary downstream improvement.

### SECTION 3 DRAINAGE DESIGN REQUIREMENTS

(a) Inlets shall be provided so that surface water is not carried across any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point.

(b) The drainage system(s) shall accommodate flows from at least a 25 year frequency design storm. Bridges and box culverts shall accommodate a minimum of a 50 year frequency design storm, unless the City Engineer, or his/her designee, requires a 100 year frequency design storm.

(c) On any single drainage structure requiring 20 square feet or more of end area, a special design drawing will be required for approval. All roadway cross drain pipes shall be reinforced concrete and have a minimum size of 18 inches in diameter, or an equivalent arch pipe. Only pipe that meets specifications equaling Alabama State Highway Department Specifications or Mobile County Standards will be acceptable. Pipes other than cross drain pipes may utilize other ALDOT approved materials. Concrete box culverts

used shall be designed and constructed according to the latest edition of the ALDOT Standards and Specifications for Road and Bridge Construction.

(d) The method of determining storm runoff shall be based on acceptable engineering practice and/or these standards.

(e) *Headwalls and Riprap.* A concrete headwall shall be required on all pipe culverts. Special types of headwalls, rip-rap, and other materials may be required by the City Engineer of his/her designee when deemed necessary for erosion control, protection of existing downstream drainage facilities, and roadside safety.

### **§ 3.1 Plan Requirements**

The Design Engineer shall submit detailed drainage plans to the County for review and approval. Said plans shall be prepared by a Professional Engineer licensed in the State of Alabama and shall contain the following information.

(a) Topography map of proposed developed areas.

(b) Existing and proposed contours at 2 foot intervals.

(c) Existing drainage system, including, but not limited to, pipes, culverts, inlets, ditches, and ponds.

(d) Proposed drainage system, including pipes, culverts, junction boxes, inlets, ditches, detention facilities, and an outline of the on-site drainage areas for each inlet and ditch cross-section.

(e) Structure location, type and size, and the Inlet and Outlet Flow line Elevation.

(f) Cross-section of each ditch section.

(g) Other pertinent information necessary for review of the drainage plans as may be required by the City Engineer, or his/her designee.

### **§ 3.2 Construction Requirements**

(a) All pipes shall be placed in excavated trenches to the line and grade shown on the plans. The maximum width of the excavated trenches shall not exceed the outside diameter of the pipe by more than 1.5 feet on either side of the pipe.

(b) Material used for backfilling pipe trenches shall consist of small diameter uniform material and shall be free of large rock or other unsuitable material. The backfill material shall be placed in uniform 8 inch lifts and mechanically compacted to 95% of relative density. The backfill shall be placed uniformly on each side of the pipe and all pipe shall be laid in accordance with City standards.

(c) A minimum of 12 inches cover shall be placed over each pipe 48 inches or less in diameter and 24 inches or more of cover shall be placed on all larger diameter pipes.

(d) When a battery of pipes is used, a clear spacing of ½ the pipe diameter or span shall be provided between adjacent pipes.

(e) The maximum cover allowed, pipe class, and strength requirements shall be in accordance with the manufacturer's recommendation.

(f) A structure suitable for maintenance and inspection access shall be provided at least every 300 feet for continuous pipes of 24 inches in diameter or less and at least every 400 feet for larger continuous pipes, and at each angle point and at each change in grade.

#### SECTION 4 DRAINAGE EASEMENTS

(a) *General Requirements.* Where a subdivision or development of land is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water or drainage easement conforming substantially to the lines of such water course, and of such width and construction or both as will be adequate for the purpose.

(b) *Drainage Easements.* Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the Preliminary and Final plat.

## **ARTICLE 7 EROSION & SEDIMENTATION PLANS**

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#### SECTION 1 GENERAL POLICY

During construction accelerated erosion will occur during storm water runoff with a proportionate increase in visible erosion, scour and siltation both within and outside of the construction site. The following provisions impose requirements on persons engaged in land disturbing activities which require planning and implementation of effective sedimentation controls for subdivision development sites.

(a) *Construction Requirements.* An erosion and sedimentation control plan shall be a part of the construction plans and shall be filed with the City Engineer, or his/her designee prior to the commencement of any land-disturbing activity including but not limited to tree cutting and root removal.

(b) *Protection of Property.* Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property, including roadways, from damage by such activities.

(c) *More Restrictive Rules Shall Apply.* Whenever there is a conflict between Federal, State, or Local Laws, Ordinances, Rules and Regulations, Orders, and Decrees the more restrictive provision shall apply.

## SECTION 2 CONTROL OBJECTIVES

The basic control objectives which should be considered in developing and implementing an erosion and sedimentation control plan are to:

(a) *Identify Critical Areas.* On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

(b) *Limit Exposed Areas.* All land-disturbing activities should be planned and conducted to minimize the size of the area to be exposed at any one time.

(c) *Limit Time of Exposure.* All land-disturbing activities should be planned and conducted to limit exposure to the shortest feasible time.

(d) *Control Surface Water.* Surface water runoff originating upgrate of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

(e) *Control Sedimentation.* All land-disturbing activities should be planned and conducted so as to minimize off-site sedimentation damage.

(f) *Manage Stormwater Runoff.* When the increase in the peak rates and velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause damaging accelerated erosion of the receiving ditch or channel stream, plans should include measures to control both the velocity and rate of release so as to minimize accelerated erosion and increased sedimentation of the ditch or stream channel.

## SECTION 3 DESIGN REQUIREMENTS

(a) *Mandatory Standards.* No land-disturbing activity subject to these provisions and requirements shall be undertaken except in accordance with the following mandatory requirements.

1. No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property where applicable unless a buffer zone is provided along the boundary of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under a lake, natural watercourse, or adjacent property.

2. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within the shortest feasible time of feasible grading, be planted or otherwise provided with ground cover, devices, or structures.

(b) *Design and Performance Standards.* Erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide control from the calculated peak rates of runoff from a 25 year storm event. Runoff rates may be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area. Persons engaged in planning, designing, installing and maintaining sedimentation control measures may use generally accepted references on the subject following standard engineering and/or practices such as the Alabama Soil Conservation Service manual for standards and specifications for erosion control. All plans will be subject to review by the City.

(c) *Permanent Downstream Protection of Stream Banks And Channels.* Provision may be required for the permanent protection of on-site or adjacent stream banks and channels from the erosive effects of increased velocity and volume of storm water runoff resulting from certain land-disturbing activities. These can include, but are not limited to, slope paving, rip rap, energy dissipaters, solid sodding, and grassing.

(d) *Borrow and Waste Areas.* When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained shall be considered a part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

(e) *Access And Haul Roads.* Temporary access and haul roads, other than public roads, constructed or used in connection with land-disturbing activity shall be considered a part of such activity.

(f) *Operations in Lakes or Natural Watercourses.* Land-disturbing activity in connection with construction, in, on, over, or under a lake or natural water course shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided.

### **§ 3.1 Plan Requirements**

The design Engineer shall submit an erosion and sediment control plan for review and approval. Said plan shall be prepared by a Professional Engineer licensed in the State of



Alabama. If the City determines, upon review of such plan that a significant risk of off-site sedimentation or erosion exists, it will require a revised plan to be prepared.

Erosion and sediment control plans shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to describe adequately the proposed development of the site and the measures planned to meet the Basic Control Objectives. Plan content may vary to meet the needs of specific site conditions. Large and/or complex sites shall include the proposed stages of construction and the proposed erosion and sediment control measures proposed to be used in each different stage of construction.

#### SECTION 4 INSPECTIONS & MAINTENANCE

(a) *Notification.* The applicant shall notify the City Building Official or his/her designee as soon as the initial BMP's have been installed so that an inspection of the BMP's can be made. Such Inspection shall be made within two (2) working days of said notice. No land disturbing activities, except those necessary to install the BMP's shall take place until after the inspection is complete and no additional BMP's are required.

(b) *Inspection.* The City may perform periodic inspections of the BMP's on the job site. Upon finding that erosion and sedimentation is taking place; or that the proposed BMP's are not installed, installed incorrectly, or not operating properly, the applicant will be notified verbally and in writing that all work affecting the BMP's in question shall be immediately suspended until proper, adequate, and functioning BMP's are installed.

(c) *Responsibility for maintenance.* The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sedimentation control measures and facilities after site development is completed shall lie with the landowner, until such time adequate vegetative cover and site stabilization is achieved. Maintenance of these facilities lies with the landowner until assumed by other parties.

## **ARTICLE 8 STORM WATER DETENTION**

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### SECTION 1 GENERAL POLICY

Developments which produce an increase in the amount of storm water runoff will be required to construct storm water management facilities. The developer shall submit, detailed engineering calculations and plans to the City including historical runoff, developed runoff, stormwater facility details, method of discharge, and other information as required for review. The developer shall also include the method of maintenance for the detention pond after the development is completed.

Post development release rates shall not exceed pre-development rates. Provisions shall be made to address 100 year storm events to ensure that detention facilities survive such events. Detention facilities shall be owned, operated and maintained by development entities and shall not be accepted for maintenance by the City Council.

### SECTION 2 MINIMUM REQUIREMENTS & DESIGN

(a) *Liability.* The design criteria establish minimum elements of design which must be implemented with good engineering and good workmanship. Use of the information contained herein for placement of any structure or use of land, shall not constitute a representation, guarantee, or warranty of any kind by the City of Chickasaw, its offices or employees, of the practicability, adequacy or safety and shall not create liability upon or cause action against any such public body, office, or employee for any damage that may result pursuant thereto.

(b) *Engineer's Seal.* All plans and specifications submitted for review and/or approval shall be prepared by, or under the direct supervision of a registered professional engineer, licensed in the State of Alabama, and shall meet the minimum standards and requirements of the City, and other applicable authorities. Each of the plan, profile and special drawing sheets for a project shall bear a legible stamp of the Professional Engineer in charge. If the name or license number is not clear, the signature and number shall be added. It is imperative that the professional design engineer be qualified in the area of drainage per the State of Alabama registration laws.

(c) *Pre-design Conference.* The developer and the consulting engineer are encouraged to contact the City for a pre-design conference at the conceptual stage of the project. Such conference would be mutually beneficial to outline the complexity and scope of design, applicability of criteria and elimination of possible items of conflict during the review process. Subsequent conferences, during the preparation of plans may be arranged by the consulting engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.

(d) *Method of Evaluation.* Differential runoff evaluation consists of determination of rates of runoff before and after development, determination of required volume of detention and verification of adequacy of discharge and control structures. Design should be based on a 25 year storm, a 24 hour event, or greater if required by the Planning Commission. This shall be based on sound engineering criteria and computations shall be submitted to the City for review.

(e) *General Location.* Detention facilities shall be located within the parcel limits of the project under consideration. No detention or ponding will be permitted within public road rights-of-way. Location of detention facilities immediately upstream or downstream of the project, will be considered by special request if proper documentation is submitted with reference to practicality, feasibility and proof of ownership or right-of-use of the area proposed.

(f) *Common Ground Projects.* It is preferred that detention facilities be always located in common ground. Projects developed under these procedures shall establish (in the recorded plat) maintenance and access easements for the detention facilities and include provisions for maintenance in the Trust Indentures.

(g) The entire reservoir area of the open channel shall be seeded, fertilized and mulched, sodded, paved, or lined prior to final plat approval by the City.

(h) The hydraulic elevations resulting from channel detention shall not adversely affect adjoining properties.

(i) *Permanent Lakes.* Permanent lakes with fluctuating volume controls may be used as detention areas provided that the limits of maximum ponding elevations are no closer than thirty (30) feet horizontally from any building and less than two (2) feet below the lowest sill elevation of any building.

1. Maximum side slopes for the fluctuating area of permanent lakes shall be one (1) foot vertical to three (3) feet horizontal (3:1) unless proper provisions are included for safety, stability and ease of maintenance.
2. Maximum fluctuation from permanent pool elevation to maximum ponding elevation shall be three (3) feet.
3. Special consideration is suggested to safety and accessibility for small children in design of permanent lakes in residential areas.
4. Viability of the permanent impoundment shall be considered. An acceptable guideline is to make the area of the permanent pool no greater than one-tenth the size of the tributary drainage area. It is suggested that the minimum depth of twenty-five percent (25%) of the permanent pool area be no less than eight (8) feet. Allowances for silting under denuded soil conditions (during construction) for a period no less than one year is also recommended.
5. The entire fluctuating area of the permanent reservoir shall be seeded, fertilized and mulched, sodded or paved prior to release of surety if required by the City. Any area susceptible to or designed as overflow by higher design intensity rainfall, as indicated previously, shall be sodded or paved.

(j) *Other Methods.* Other methods of detention such as seepage pits, french drains, etc. are discouraged. If other methods are proposed, proper documentation of soils data, percolation, geological features, etc. will be needed for review and consideration. Infiltration controls (including grass-lined ditches) will be needed if the project runoff volume, for the set of 1 year, exceeds the pre-development runoff volume.

(k) *Verification of Adequacy.* Analysis of all elements of design is always performed by the registered professional engineer. The following outline is provided to ascertain that certain critical elements of design are in workable compliance with the aims of design:

1. volume of retention for the total project
2. tributary (Q) peak runoff to basin
3. balanced maximum outflow rate from the low-flow structure
4. ratios of inflow to outflow
5. sizing of the overflow facilities

6. stability of dikes
7. safety features
8. maintenance features

For projects up to 200 acres, routing calculations shall be submitted in legible tabulated form. Proof of adequacy of volume of retention and sizing computations for low-flow structures shall also be submitted. Features of stability and safety may also need to be documented if the scope of the project requires special attention in this area of design.

Projects over 200 acres in area shall provide documented verification of adequacy according to scope and complexity of design.

(l) *Control Structures.* Detention facilities shall be provided with obvious and effective control structures. Plan view and sections of the structure with adequate detail shall be included in plans.

1. The maximum overflow opening or emergency spillway shall be designed to accept the total peak runoff of the improved tributary area during the 100 year storm.
2. Proper engineering judgment shall be exercised in analysis of secondary routing of discharge of greater intensity than the basic design storm in order to avoid economic losses or damage downstream. Review with the maximum probable precipitation event is recommended.
3. When existing downstream pipe sizing, outside the developers control jurisdiction, is inadequate, an evaluation for undersizing of pipes may be undertaken by the City upon receipt of written request from the engineer specifying the run or runs desired to be undersized. Applicant shall submit a plan/profile view and appropriate calculations of the entire undersized system (if less than 600 feet in length), or a minimum of 600 feet. No undersizing will be allowed if the requested undersizing will affect the performance of an existing structure.

### SECTION 3 PLAN REQUIREMENTS

The Design Engineer shall submit detailed plans for review and approval. Said plans shall be prepared by a Professional Engineer licensed in the State of Alabama and shall contain, the following information:

- (a) Topography map of the proposed detention facility area(s);
- (b) Existing and proposed contour lines at 2 foot intervals;
- (c) All proposed pipes, control structures, headwalls, riprap, junction boxes, including location, size, flow line elevations;
- (d) Detailed drawings of the control structure(s);

- (e) Cross sections of each storm water facility.

#### SECTION 4 EASEMENTS

Two types of easements shall be provided in plans for detention facilities.

(a) *Maintenance Easement.* All detention reservoirs with the exception of parking lot and roof detention shall be enclosed by a maintenance easement. The limits of the easement shall extend ten (10) feet beyond the maximum anticipated ponding area for a base flood event.

(b) *Drainage Easement.* A minimum fifteen (15) foot wide drainage easement shall be provided within the reservoir area connecting the tributary pipes and the discharge system along the best possible routing of a piping system for possible future elimination of detention.

#### SECTION 5 MAINTENANCE

Detention facilities are to be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be partially or fully operational prior to the clearing of the vegetation. Silt and debris connected with early construction shall be removed periodically from the detention area and control structure in order to maintain close to full storage capacity.

The responsibility for maintenance of the detention facilities in subdivision projects, if such has been required, shall remain with the developer until such time as applicable escrows are released. Upon release of escrows the maintenance responsibility shall be vested in the Trustees of the subdivision, by virtue of the trust indenture. The indenture of trust shall clearly indicate resident responsibility for maintenance in cases of projects without common ground. These maintenance requirements do not imply that any drainage structures or systems are or will become the maintenance responsibility of City of Chickasaw. A letter from the owner/developer indicating responsibility for maintenance of all drainage structures or systems shall be submitted and will become part of the official record that will run with the land.

## **ARTICLE 9**

### **REQUIREMENTS FOR NON-RESIDENTIAL SUBDIVISIONS**

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In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

- (a) Proposed nonresidential street layout, blocks, and parcels shall be suitable in area and dimensions to the types of development anticipated.
  
- (b) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to expressways, arterial, or collector streets in such a way that the number of intersections with such expressways, arterial, or collectors shall be minimized.
  
- (c) Street rights-of-way and pavement shall be adequate and in accordance with *Section 3: Design Standards* to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at driveway intersections shall be at least 25 feet.

(d) The applicant shall insure that the nonresidential subdivision as a whole may be self-sufficient with regard to providing necessary off-street parking. The applicant may make parking self-sufficiency a requirement of individual lots.

(e) With respect to physical improvements, special requirements may be imposed by the Planning Commission with the advice of the City Building Official, or his/her designee, within the nonresidential subdivision.

(f) Every effort shall be made to protect adjacent residential areas from potential nuisances from nonresidential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential developments and provision for a permanently landscaped buffer strip when necessary.

## **ARTICLE 10 PENALTIES & VARIANCES**

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### **SECTION 1 PENALTIES**

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded in the records of the office of the judge of probate of Mobile County, Alabama, shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred to be sold or agreed or negotiated to be sold; and the description of such lot or by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

The City of Chickasaw, Alabama may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

### **SECTION 2 VARIANCES**

Variances, modifications and waivers may be granted under the following conditions:



- A. Hardship - Where the Planning Commission finds that extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other conditions beyond the control of the subdivider, it may vary the regulations so that substantial justice may be done and the interest secured; provided, however, that such variance will not have the effect of nullifying the purpose and intent of the regulations, the Zoning Ordinance or the Comprehensive Plan. Any variance granted must be entered upon the minutes and the reason for the variance specified therein.
- B. Sale or Exchange - The sale or exchange between or among owners of adjoining lots is exempt from these regulations provided that no new lots are thereby created and that no lot is reduced below the minimum size otherwise required by the provisions herein or by provisions of the Zoning Ordinance.
- C. Conditions- In granting variances and modifications provided herein, the Planning Commission may require such conditions as will, in its judgment, secure the objectives and interest of the City.

## **ARTICLE 11 AMENDMENTS & VALIDITY**

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### SECTION 1 AMENDMENT PROCEDURE

For the purpose of providing for the public health, safety and general welfare, the Planning Commission may from time to time amend the provisions imposed by these regulations. Any article, section, subsection, or provision of these Subdivision Regulations proposed for amendment shall be subject to a public hearing. Said public hearing shall be advertised a minimum of fifteen (15) days prior to the date of the hearing. Notice of the public hearing shall be published in a newspaper of general circulation published in the City or posted in four (4) public places, one of which shall be at the City Hall and shall contain the time, place and description of the proposed amendment. Following its adoption, the amendment shall be published as provided by law for the publication of ordinances. A copy of the amendment shall be certified by the City of Chickasaw to the Probate Judge of Mobile County.

The adoption of any amendment to these subdivision regulations shall be by resolution of the Planning Commission carried by the affirmative votes of a majority of the members of the commission.

## SECTION 2    VALIDITY

The requirements and provisions of these regulations are severable, and should any section or part thereof be declared by any court of competent jurisdiction to be unconstitutional or invalid, the decision of the court shall not affect the validity of the regulations as a whole or any section or part thereof other than the section or part so declared to be unconstitutional or invalid.

# **ARTICLE 12 ADMINISTRATION & ENFORCEMENT**

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## SECTION 1    GENERAL

Regulation of the subdivision of land and the attachment of reasonable conditions to the development of land is an exercise of valid police power. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, and improvement of the land so as to conform to the physical and economical development of the incorporated areas of the City and to the safety and general welfare of future property owners.

## SECTION 2    ADMINISTRATION

The City Building Official is appointed by the City of Chickasaw and acts as their authorized agent in the interpretation and enforcement of the plans, specifications and requirements of these regulations. The City Building Official shall determine the amount, quality, and acceptability of the work as specified in these regulations.

## SECTION 3    ENFORCEMENT

### **§ 3.1    General**

It shall be the duty of the City Building Official to enforce these regulations and to bring to the attention of the City Attorney, any violations or lack of compliance with these regulations.

**§ 3.2 Violations & Penalties**

No owner, or agent of the owner, of any parcel of land that lies, either in part or whole, within the planning jurisdictions of the City of Chickasaw may transfer or sell any part of this land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded with or filed with the Mobile County probate office. Any such action by the owner, or agent of the owner, shall after 30 days written notice constitute a violation of these regulations and result in an assessment to the owner a penalty of up to five hundred dollars (\$500.00) for each lot or parcel so transferred or sold or agreed or negotiated to be sold; furthermore, each such violation shall constitute a separate offense for each day past thirty days after the date that the owner, or agent of the owner, was officially notified by the City of Chickasaw of noncompliance with these regulations until such noncompliance has been rectified to the satisfaction of the Planning Commission. Notice to said owner or agent of the owner shall be deemed sufficient if hand-delivered or mailed by certified or registered mail as evidenced by return receipt to the address listed for the owner in the Probate or Tax Revenue office of Mobile County, Alabama. In the alternative, the municipal corporation may enjoin such transfer or sale or agreement by civil action by injunction brought in any court of competent jurisdiction and may recover the penalty fees by the same action. The description of such a 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 any penalties or remedies herein prescribed.

**ARTICLE 13**  
**ADOPTION & EFFECTIVE DATE**

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These Subdivision Regulations are approved and adopted by the City of Chickasaw Planning Commission. They shall take effect and be in force from and after the date of adoption and publication as required by law.

**ADOPTED THE \_\_\_\_\_th DAY OF \_\_\_\_\_, 20\_\_.**

The Chickasaw Planning Commission

BY: \_\_\_\_\_  
Chair

ATTEST: \_\_\_\_\_  
City Clerk



# **Appendix I**

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## **OFFICIAL FORMS**

**PROCEDURES FOR PLAT APPROVAL  
CHICKASAW PLANNING COMMISSION**

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1. Sketch Plan Review - Step One
  - Two (2) prints as required in Article 4.
  - Ten (10) days prior to Planning Commission meeting. (The Planning Commission meets regularly on the first Monday of each month.)
  - No application form or fees required.
  
2. Preliminary & Final Plat Review - Step Two
  - **Three (3) prints and 1 reproducible mylar or linen plat with all required statements, certificates, and signatures**
  - Fifteen (15) days prior to Planning Commission meeting. (The Planning Commission meets regularly on the first Monday of the each month.)
  - Adjacent property owners and their addresses listed, as their names appear upon the plats of the Mobile County Tax Assessor's Office. Such notices shall be sent at least five (5) days prior to the date of the public hearing.
  - Filing, Review and Hearing fee
    - Preliminary Plat: \$150.00 plus \$5.00 per lot or unit
    - Final Plat: \$ 50.00 plus \$5.00 per lot or unit(See Appendix II of these regulations for a schedule of fees)
  - A public hearing will be scheduled with at least 15 days notice of said hearing.
  
3. Final Plat Review - Step Three
  - **Three (3) prints and 1 reproducible mylar or linen plat with all required statements, certificates, and signatures**
  - Ten (10) days prior to regular meeting (The Planning Commission meets regularly on the first Monday of each month.)
  - Adjoining subdivisions and streets as recorded
  - Within one year of preliminary plat approval

- If required improvements are complete, signed statement to that effect **and** Filing and Engineering Inspection fee of \$50.00 plus \$5.00 per lot or unit (See Appendix II of these regulations for other fees as applicable)
  - If required improvements are **not** complete, Surety Bond or other guarantee of construction of improvements
  - Copies of Federal and State permits, if required
- C. Appropriate application forms, checklists and other required documentation must be completed and submitted with the plat. (See attached forms.)



**APPLICATION**  
**FOR PRELIMINARY SUBDIVISION PLAT APPROVAL**  
**CHICKASAW PLANNING COMMISSION**

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Application Number \_\_\_\_\_ Date \_\_\_\_\_

Name of Subdivision (if applicable) \_\_\_\_\_

Name of Applicant/Owner \_\_\_\_\_

Address \_\_\_\_\_  
(Street or P.O. Box) (City) (State) (Zip)

Name of Local Agent/Engineer, if other than Applicant \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_  
(Street or P.O. Box) (City) (State) (Zip)

Name of Land Surveyor \_\_\_\_\_ Alabama Registration Number \_\_\_\_\_

Phone \_\_\_\_\_

Subdivision Location \_\_\_\_\_

Total Acreage \_\_\_\_\_ Number of Lots (Units) \_\_\_\_\_

Average Lot Size \_\_\_\_\_

Water Source \_\_\_\_\_

Sewer Source \_\_\_\_\_

Description of proposed subdivision as **SECTION (SEC)**\_\_\_\_, **TOWNSHIP (TSHP)**\_\_\_\_,  
**RANGE**\_\_\_\_, **MAP BOOK**\_\_\_\_, **PAGE NO.**\_\_\_\_, **DATED**\_\_\_\_, **SLIDE NO.**\_\_\_\_



**CHECKLIST**  
**FOR PRELIMINARY PLAT APPROVAL**  
**CHICKASAW PLANNING COMMISSION**

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An application for Preliminary Plat Review shall include the following information, unless said requirement(s) is waived by the Building Official. Additional information may be required for the full and proper consideration of the Planning Commission.

Subdivision Name \_\_\_\_\_ Number \_\_\_\_\_ Date \_\_\_\_\_

1.    \_\_\_ Three (3) copies of plat submitted 15 days prior to meeting.
2.    \_\_\_ Application forms completed.
3.    \_\_\_ Fees paid.
4.    \_\_\_ Sheet size not more than 24" x 36"
5.    \_\_\_ Public Hearing notices sent.
6.    \_\_\_ Construction Plans submitted.
7.    \_\_\_ Review by Public Works Director, if applicable.
8.    \_\_\_ Review by Building Official and City Engineer.
9.    \_\_\_ All requirements shown on plat.
  - a.    \_\_\_ Scale not less than 1" = 100'
  - b.    \_\_\_ Date, North Arrow
  - c.    \_\_\_ Name and address of owner(s) of record
  - d.    \_\_\_ Legal Description with Block & Lot Number(s)
  - e.    \_\_\_ Name and registration number of surveyor
  - f.    \_\_\_ Vicinity Map showing location

- g. \_\_\_ Names and addresses of immediately adjoining or opposite landowners.
- h. \_\_\_ Topography at two-foot contour intervals
- i. \_\_\_ Exact boundaries showing bearings and distances
- j. \_\_\_ Location of existing streets, water courses, railroads, major transmission lines, drainage structures and public utility easements on proposed subdivision and on adjacent and opposite land
- k. \_\_\_ Indication of zoning district boundaries
- l. \_\_\_ Wooded areas, marshes, other unique features shown
- m. \_\_\_ Proposed ROW and/or easements including location, purpose, widths and street names
- n. \_\_\_ Proposed minimum building setback lines
- o. \_\_\_ Proposed open spaces, school sites or other public or common areas
- p. \_\_\_ Proposed lot lines with bearings and distances and lot and block numbers
- q. \_\_\_ Proposed name of subdivision and acreage
- r. \_\_\_ Flood Hazard Zone notation
- s. \_\_\_ Wetland boundary notation

**APPLICATION**  
**FOR FINAL SUBDIVISION PLAT APPROVAL**  
**CHICKASAW PLANNING COMMISSION**

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Application Number \_\_\_\_\_ Date \_\_\_\_\_

Name of Subdivision \_\_\_\_\_

Name of Applicant/Owner \_\_\_\_\_

Address \_\_\_\_\_  
(Street or P.O. Box) (City) (State) (Zip)

Name of Local Agent/Engineer, if other than Applicant \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_  
(Street or P.O. Box) (City) (State) (Zip)

Name of Land Surveyor \_\_\_\_\_ Alabama Registration Number \_\_\_\_\_

Phone \_\_\_\_\_

Subdivision Location \_\_\_\_\_

Total Acreage \_\_\_\_\_ Number of Lots (Units) \_\_\_\_\_

Average Lot Size \_\_\_\_\_

Water Source \_\_\_\_\_

Sewer Source \_\_\_\_\_

Date of Approval of Preliminary Plat \_\_\_\_\_

Conditions, Restrictions or Other Requirements Placed on Preliminary Plat (Use back of page if more space is required)

Attached is a check in the amount of \$50.00 for a filing fee plus \$5.00 per lot or unit in the development. TOTAL \$ \_\_\_\_\_

\_\_\_\_\_  
Signed

\_\_\_\_\_  
(Name of Applicant or Agent)

**CHECKLIST**  
**FOR FINAL SUBDIVISION PLAT APPROVAL**  
**CHICKASAW PLANNING COMMISSION**

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Subdivision Name \_\_\_\_\_ Number \_\_\_\_\_ Date \_\_\_\_\_

1.    \_\_\_ One (1) clear, reproducible mylar or linen plat with required documentation and signatures and three (3) copies of same submitted 10 days prior to meeting.
2.    \_\_\_ Application forms completed.
3.    \_\_\_ Fees paid.
4.    \_\_\_ Within one (1) year of preliminary plat approval.
5.    \_\_\_ Surety bond, if required, to guarantee installation of improvements.
6.    \_\_\_ All requirements shown on plat:
  - a.    \_\_\_ Scale not less than 1" = 100'
  - b.    \_\_\_ Sheet size not more than 24" x 36"
  - c.    \_\_\_ Name, north arrow, scale, location
  - d.    \_\_\_ Legal description
  - e.    \_\_\_ Adjoining subdivisions and streets with reference to recorded plats by record name.
  - f.    \_\_\_ Permanent monuments, boundaries, bearings, distances
  - g.    \_\_\_ Streets, alleys, rights-of-way and street names
  - h.    \_\_\_ Location, widths and purposes of all easements
  - i.    \_\_\_ Lot lines and lot and block numbers\_
  - j.    \_\_\_ Parks, school sites or other public open spaces, if any
  - k.    \_\_\_ Topography or elevations as required

7. \_\_\_\_\_ Endorsements, dedications, and certificates:
- a. \_\_\_\_\_ Owner
  - b. \_\_\_\_\_ Registered Surveyor
  - c. \_\_\_\_\_ Notary Public
  - d. \_\_\_\_\_ Electric utility
  - e. \_\_\_\_\_ Water utility
  - f. \_\_\_\_\_ Sewer utility
  - g. \_\_\_\_\_ Health Department
  - h. \_\_\_\_\_ Coastal Area Management Program (if applicable)
  - i. \_\_\_\_\_ City Engineer
  - j. \_\_\_\_\_ City Planning Commission
  - k. \_\_\_\_\_ Flood Hazard Zone notation
  - l. \_\_\_\_\_ Developer's Engine





**DEDICATION**

---

I/We (land owner or developer, address), as proprietor(s), have caused the land embraced in the within plat to be surveyed, laid out and platted to be known as (Subdivision Name), a part of (Section Call Out), Chickasaw, Alabama, and that the (Streets, Drives, Alleys, Easements, etc.) as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Property Owner

*Commentary*

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

**ACKNOWLEDGMENT**

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**STATE OF ALABAMA** )

)

**COUNTY OF MOBILE** )

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

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(Month) (Year)

---

NOTARY PUBLIC

**ACKNOWLEDGMENT**

---

**STATE OF ALABAMA** )

)

**COUNTY OF MOBILE** )

I, \_\_\_\_\_, a Notary Public in and for said County, in said State, hereby certify that (owner's name), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, executed the same voluntarily.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(Month) (Year)

---

NOTARY PUBLIC

**CERTIFICATE OF APPROVAL BY THE (insert name of electric utility)**

---

The undersigned, as authorized by the (name of electric utility) hereby approves the within plat for the recording of same in the Probate Office of Mobile County, Alabama,

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(Month) (Year)

---

(Electric utility authorized signature)

## CERTIFICATION OF FLOOD HAZARD ZONE

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This is to certify that we have consulted the Federal Insurance Administration Flood Hazard Boundary Map, Panel No. \_\_\_\_\_, dated \_\_\_\_\_ and found that the above described property (does, does not) lie (wholly, partly) in an identified flood hazard zone.

---

Engineer/Surveyor for the Applicant

**CERTIFICATE OF APPROVAL BY THE**  
(Insert name of water and/or sewer, if available, utility)

---

The undersigned, as authorized by the (name of water and/or sewer utility) hereby approves the within plat for the recording of the same in the Probate Office of Mobile County, Alabama, this

the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(Month) (Year)

\_\_\_\_\_  
(Water and/or Sewer Utility authorized signature)

**CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER**

---

The undersigned, as County Engineer of Mobile County, Alabama, hereby approves the within plat for the recording of same in the Probate Office of Mobile County, Alabama,

this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(Month) (Year)

---

Mobile County Engineer



**CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION**

---

The within plat of \_\_\_\_\_ ,  
(Subdivision Name)

Mobile County, City of Chickasaw, Alabama, is hereby approved by the Chickasaw Planning Commission,

this the \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ .  
(Month) (Year)

**THE CHICKASAW PLANNING COMMISSION**

\_\_\_\_\_  
Chair



**CERTIFICATE OF REGISTERED PROFESSIONAL ENGINEER**

---

I \_\_\_\_\_ a registered Professional Engineer,  
registered in the State of Alabama, registration number \_\_\_\_\_, hereby  
certify that I have reviewed this plat and that it is in compliance with the Drainage Design  
requirements of the Chickasaw Subdivision Regulations.

\_\_\_\_\_  
Engineer / Date

\_\_\_\_\_  
Firm

# **Appendix II**

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## **SCHEDULE OF FEES**

**Appendix II**  
**SCHEDULE OF FEES**

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A.	Sketch Plan Review	No Fee
B.	Residential Subdivisions (MINOR)	
	<b>Preliminary Plat*</b>	
	Filing fee.....	\$ 50.00
	Preliminary site inspection fee .....	\$ 5.00/lot or unit
	Public Hearing fee .....	.\$ 100.00
C.	Residential Subdivisions (MAJOR)	
	<b>Preliminary and Final Plat*</b>	
	Filing fee.....	\$ 50.00
	Preliminary site inspection fee .....	\$ 5.00/lot or unit
	Public Hearing fee .....	\$100.00
	<b>Final Plat</b>	
	Filing fee.....	\$ 50.00
	Engineering inspection fee .....	\$ 5.00/lot or unit
	Additional inspection by Engineer (if required).....	\$3.00/lot or unit
D.	Nonresidential Subdivisions	
	<b>Preliminary Plat*</b>	
	Filing fee.....	\$ 50.00
	Preliminary site inspection fee .....	\$100.00
	Public Hearing fee .....	\$100.00
	<b>Final Plat</b>	
	Filing fee.....	\$ 50.00
	Engineering inspection fee .....	\$100.00
	Additional inspection by Engineer (if required) .....	\$ 50.00

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*\*Full payment of all fees is required for resubmission of plats denied by the Planning Commission. Any resubmission of denied plats must be in compliance with the requirements of Section 4 of these Subdivision Regulations.*

