

## Chapter 32 - SUBDIVISIONS

## ARTICLE I. - IN GENERAL

## Sec. 32-1. - Authority.

This chapter is adopted pursuant to the authority granted the town planning commission under Code of Ala. 1975, § 11-52-30 et seq.

(Ord. of 6-25-2007, § 1)

## Sec. 32-2. - Purpose.

The purpose of this chapter is to:

- (1) Promote the health, safety, convenience, order, prosperity, and general welfare of the residents;
- (2) Lessen congestion in the street;
- (3) Secure safety from fire, panic, and other dangers;
- (4) Provide adequate light and air;
- (5) Facilitate the adequate provision of water, sewerage, and enhance the ecological and aesthetic environments of present and future residents; and
- (6) Affect the coordinated and efficient development of the town.

(Ord. of 6-25-2007, § 2)

## Sec. 32-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning means

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

*Agent* means a person empowered to act for a principal on matters which come within the scope of designated activities.

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

*Arterial street* means a highway or street of considerable continuity which is used primarily for moving large volumes of traffic through or around the town, sometimes called a major street.

*Block* means 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.

*Building* is synonymous with "structure."

*Building setback line* means 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 feet beyond the main wall, offset or overlapping projections of second floors that project no more than three feet beyond the main floor of the building.

*Collector street* means a street which carries traffic from minor or neighborhood streets to a system of arterial streets.

*Comprehensive plan* means the entire collection of the master plan, land use maps and guidelines adopted by the town planning commission.

*Corner lot* means a parcel of land abutting upon two or more streets at their intersection.

*Crosswalk* means 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* means a minor street designed to have one end permanently closed, the closed end being terminated with a vehicular turn-around.

*Curb or curb line* means the vertical face of a concrete curb nearest the center of the street or, where no curb exists, the edge of the traveled way.

*Differential runoff* means 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* means a lot which abuts a public way on both front and rear or a lot which extends all the way through the block.

*Easement* means 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* means one who is licensed to practice as a professional engineer in his qualified field of expertise by the state licensing board for engineers and land surveyors. A qualified engineer undertaking the design and inspection of construction within subdivisions may be referred to in this chapter as the project engineer.

*Highway* means 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.

*Lot* means a parcel of land intended as a unit for transfer of ownership or for building development, or both, which fronts upon a public right-of-way, exclusive of any part of the right-of-way.

*Lot width* means the horizontal distance between side lines of the lot when measured parallel to the street right-of-way at the building setback line.

*Major street* means an arterial street as defined in this section.

*Marginal access street* means a minor street which is parallel and adjacent to a major street or highway and provides protected access to abutting properties.

*Minor street* means a neighborhood street or a street used primarily to provide access to abutting property.

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

*Official maps and plans* means the maps and plans prepared as a part of the comprehensive plan.

*Parkway* means a road or street that forms a part of an existing or proposed parkway system.

*Planting strip* means that portion of the street right-of-way between curb and the property line exclusive of the area occupied by sidewalks.

*Roadway, traveled way or street surface* means that part of a street or highway available for use by vehicular traffic or the portion from face of curb to face of curb.

*Secondary street* means a collector street as defined in this section.

*Sidewalk* means a paved, surfaced or leveled area paralleling and usually separated from the street, used as a pedestrian walkway.

*State specifications* means the latest revision of the state highway department specifications for roads and bridges.

*Street or street width* means the entire right-of-way, the perpendicular or radial distance between the boundaries of property abutting either side of such street.

*Structure* is synonymous with "building."

*Subdivision* means the division of a lot, tract, or parcel of land, for the purpose of sale or of building development, into two or more lots, tracts, parcels, sites or other division of land, whereas any lot or parcel resulting from such division has a gross area of less than five acres. The term subdivision includes the process of re-subdividing lands.

*Surface drainage* means a stormwater drainage system consisting of gutters, culverts and open channels.

(Ord. of 6-25-2007, §§ 5, 6)

#### Sec. 32-4. - Compliance required.

Every plat of land that is a subdivision shall be prepared, presented for approval and recorded as required by this chapter. No building permit and no certificate of occupancy shall be issued for any parcel of land created by subdivision unless a final plat of such subdivision has been approved and recorded as required by this chapter. In addition, no excavation of land and no construction of any public or private improvements shall take place or be commenced in subdivision unless done in conformity with this chapter.

(Ord. of 6-25-2007, § 3)

#### Sec. 32-5. - Jurisdiction.

This chapter shall govern all subdivisions of land within the subdivision jurisdiction of the town planning commission.

(Ord. of 6-25-2007, § 4)

#### Sec. 32-6. - Applicability.

The provisions of this chapter shall not apply to the resubdivision of land into three or less lots, tracts, or parcels where each of the lots, tracts, or parcels established by the resubdivision fronts on an existing public road. In addition, an owner of a tract of land may convey a portion of the tract to an adjoining owner without being subject to the provisions of this chapter, provided that no new lots are thereby created and that no lot is reduced below the minimum size otherwise required by the provisions in this chapter or by provisions of town zoning regulations.

(Ord. of 6-25-2007, § 8)

Sec. 32-7. - Adoption of amendments.

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.

(Ord. of 6-25-2007, § 13)

Sec. 32-8. - Chapter constitutes minimum requirements; stricter provision applies upon conflict.

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

(Ord. of 6-25-2007, § 14)

Sec. 32-9. - Planning commission approval required for 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.

(Ord. of 6-25-2007, § 9)

Sec. 32-10. - Variances and waivers.

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

- (1) *Hardship.* Where the planning commission finds that extraordinary hardship may result from strict compliance with this chapter 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 this chapter, town zoning regulations or the comprehensive plan. Any variance granted must be entered upon the minutes and the reason for the variance specified in this chapter.
- (2) *Experimental subdivisions.* The planning commission may waive, vary or modify the standards and requirements of this chapter if, in its judgment, an unusual or experimental subdivision might prove of considerable merit toward the use of unusual materials in constructing required improvements or a new or untried concept in the area which appears promising.
- (3) *Conditions.* In granting variances and modifications provided in this chapter, the commission may require such conditions as will in its judgment secure the objectives and interest of the town.

(Ord. of 6-25-2007, § 11)

Sec. 32-11. - Penalties and other remedies.

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 the county, shall forfeit and pay a penalty of \$100.00 for each lot or parcel so transferred to be sold or agreed or negotiated to be sold. 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 in this chapter provided. The town 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.

(Ord. of 6-25-2007, § 10)

Secs. 32-12—32-40. - Reserved.

## ARTICLE II. - PROCEDURE

### DIVISION 1. - GENERALLY

Sec. 32-41. - Presentation and approval of the sketch plan.

- (a) 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 planning commission prior to incurring engineering and surveying costs. The sketch plan must contain at least a diagram showing the location and ownership of the land proposed to be subdivided, noting the location of all adjoining property, its ownership and the nature of its improvements, and the location and name of all existing public streets providing direct access to the land proposed to be subdivided.
- (b) 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.

(Ord. of 6-25-2007, § 7.1)

Secs. 32-42—32-70. - Reserved.

### DIVISION 2. - PRELIMINARY PLAT

Sec. 32-71. - Intent.

The preliminary plat is intended to be a detailed presentation covering the engineering plans for the construction of all improvements.

(Ord. of 6-25-2007, § 7.2)

Sec. 32-72. - Submission.

The subdivider shall submit to the planning commission secretary of the town at least four copies of the proposed subdivision prepared in accordance with the plat requirements at least ten working days prior to a regularly scheduled meeting.

(Ord. of 6-25-2007, § 7.2.1)

## Sec. 32-73. - Fees.

In order to defray the town's costs in the course of review and approval and costs of revisions to maps and regulations, the subdivider shall pay to the town upon submission of application the filing fee set forth in the town fee schedule together with the total of all postage for certified letters to adjacent property owners. Upon filing of the final plat, the subdivider shall pay the actual cost of recordation charged by the county probate judge. Fees are not subject to refund or adjustment.

(Ord. of 6-25-2007, § 7.2.2)

## Sec. 32-74. - Public hearing and notices.

Prior to the approval of the preliminary plat, the planning commission shall hold a public hearing. Notice of the public hearing shall be sent to all adjoining landowners by registered mail as their names and addresses appear on the plats of the county tax assessor's office. The notices shall be sent at least five days prior to the date of the public hearing. Any plat submitted to the planning commission shall contain the name and address of all persons to whom notice of a public hearing shall be sent.

(Ord. of 6-25-2007, § 7.2.3)

## Sec. 32-75. - Review and determination by planning commission.

- (a) *Generally.* The planning commission will review the plat and decide approval, disapproval, or approval subject to minor modifications. 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 sections 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.
- (b) *Time within which commission review to be completed.* The planning commission shall approve or disapprove a plat within 30 days after the submission thereof to it, otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period.
- (c) *Approval does not constitute final acceptance.* 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.
- (d) *Effective period.* Approval of the preliminary plat shall be effective for a period not to exceed one 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.

(Ord. of 6-25-2007, §§ 7.2.4—7.2.7)

## Sec. 32-76. - 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.

(Ord. of 6-25-2007, § 7.2.8)

## Sec. 32-77. - Content.

The preliminary plat shall contain the following information:

- (1) Name and address of owner of record and subdivider and name and registration number of surveyor.
- (2) Proposed name of subdivision and its acreage.
- (3) North point, graphic scale of not less than one inch equals 100 feet and date.
- (4) Vicinity map showing location and acreage of the subdivision.
- (5) Exact boundary lines of the tract by bearing and distance.
- (6) Names and addresses of owners of record of adjoining land with their approximate acreage.
- (7) Existing streets, utilities and easements on and adjacent to the tract, including the size and width of each.
- (8) Proposed subdivision layout using contours of vertical intervals of not more than five 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; and any land to be used for purposes other than single-family dwellings.
- (9) Block letters and lot numbers.
- (10) Indication of zoning district boundaries if such exists and proposed use of all land within the subdivision as well as any restrictions on the lots.
- (11) 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.
- (12) Preliminary plan of all drainage facilities.
- (13) Minimum building front yard setback lines.
- (14) Typical street cross-sections and centerline profiles.
- (15) Location of streams, lakes, and swamps and land subject to flooding as determined from past history of flooding, and as delineated by the U.S.G.S. or U.S. Army Corps of Engineers.
- (16) Location of land dedicated for a neighborhood park or open space area for subdivisions exceeding 50 lots.
- (17) Soils in the area to be subdivided at a scale equal to that of the preliminary plat.
- (18) Any other information that may be considered necessary by the committee for full and proper consideration of the proposed subdivision.
- (19) Inscription stating "not for final recording."

(Ord. of 6-25-2007, § 7.2.9)

Secs. 32-78—32-97. - Reserved.

### DIVISION 3. - FINAL PLAT

Sec. 32-98. - Time for submission.

Within one year of the date of preliminary plat approval, the subdivider shall submit to the commission the final plat for its approval in accordance with the procedure set forth in this division. The subdivider shall submit the original tracing, and three copies of the plat to the secretary of the planning commission at least ten working days prior to a regularly scheduled

meeting,

(Ord. of 6-25-2007, § 7.3.1)

Sec. 32-99. - Corporate surety bond certificate required.

Prior to the approval of the final plat, a certificate must be obtained from the town clerk showing that a corporate surety bond has been posted to the town and in sufficient amount to assure the completion of the required improvements if necessary.

(Ord. of 6-25-2007, § 7.3.2)

Sec. 32-100. - Review by planning commission.

The planning commission shall approve or disapprove a plat within 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.

(Ord. of 6-25-2007, § 7.3.3)

Sec. 32-101. - Content.

The final plat 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 inches by 36 inches in size) at a scale of not less than 100 feet to the inch and shall contain the following information:

- (1) Name and address of the owner of record and the subdivider and name and registration number of the surveyor or engineer.
- (2) Name of subdivision, north point, graphic scale of not less than one 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 50 lots.
- (9) Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest one-tenth 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 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 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 town.
  - h. Space on the plat for approval of the town planning commission and authorization for the recording of said plat by the probate judge.

(Ord. of 6-25-2007, § 7.3.4)

Secs. 32-102—32-130. - Reserved.

### ARTICLE III. - DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

#### DIVISION 1. - GENERALLY

Sec. 32-131. - 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.

(Ord. of 6-25-2007, § 12.1)

Sec. 32-132. - Land subject to flooding.

- (a) 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 federal insurance program. Fill may not be used to raise land in areas subject to flood or excessive erosion, unless the fill does not restrict the natural flow of water, advance erosion, and unduly increase flood heights.
- (b) To ensure 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.
- (c) If a waterway flows through or adjacent to the proposed subdivision, the plat shall provide for an easement or right-of-way for a floodway. 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 floodway channel as adjacent areas become more highly developed and runoff rates are increased.
- (d) Approval will not be given for streets within subdivision, which would be subject to excessive inundation or flooding.

(Ord. of 6-25-2007, § 12.2)

#### Sec. 32-133. - Conformity to existing plan.

Proposed improvements in all subdivision developments within the town planning jurisdiction shall be in conformance with existing approved plans, maps, ordinances, and design standards of the town or the town planning commission.

(Ord. of 6-25-2007, § 12.3)

#### Sec. 32-134. - Inspection of improvements.

- (a) The subdivider is required to install or construct the improvements in this chapter 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 this chapter, or as required by the building inspector or his duly authorized representative, the state or county highway department, and the department of the respective utility.
- (b) 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.
- (c) When all required improvements are installed, the subdivider shall call for a final inspection. The building inspector 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 town shall select an independent testing laboratory to make the necessary tests. These tests shall be conducted at the expense of the subdivider.

(Ord. of 6-25-2007, § 12.9)

#### Sec. 32-135. - Planned unit developments.

A comprehensive group development including the large-scale construction of housing units together with necessary drives and ways of access, may be approved by the planning commission although the design of the project does not include standard width of streets, lots and other subdivision arrangements if the departure from the required standards contained in this chapter can be made without destroying their intent. A master plan for such comprehensive group development shall be submitted to the commission for approval, provided that approval of the master plan shall not constitute approval of individual plats for phased development of the master plan over a period of years.

(Ord. of 6-25-2007, § 12.4)

Sec. 32-136. - Blocks.

- (a) Blocks shall be arranged to ensure maximum use of the topographic features of the land.
- (b) Blocks shall not be less than 400 feet or more than 1,200 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 800 feet in length, the planning commission may require one or more public cross walks of not less than ten feet in width to extend entirely across the block at locations deemed necessary.
- (c) Blocks shall be wide enough to allow two 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.

(Ord. of 6-25-2007, § 12.6)

Sec. 32-137. - Lots.

- (a) 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 50 feet in width.
- (b) 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.
- (c) 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.

(Ord. of 6-25-2007, § 12.7)

Sec. 32-138. - Public service areas and natural features.

- (a) 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.
- (b) In subdivisions of 50 or more lots or 20 or more acres, the subdivider shall provide suitable recreation land of at least five 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.
- (c) Where public sites have been set aside in the town comprehensive plan or when such features are recommended as essential by the town council 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 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.

(Ord. of 6-25-2007, §§ 12.8.1,12.8.2)

Sec. 32-139. - Reserve strips and easements.

- (a) Reserve strips or easements controlling the access to streets shall be prohibited except where this control is definitely placed in the hands of the town under conditions approved by the planning commission.
- (b) Easements having a minimum width of ten 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, drainageway, channel or stream, there shall be provided a stormwater or drainage right-of-way of adequate width to accommodate normal runoff.

(Ord. of 6-25-2007, §§ 12.8.3, 12.8.4)

Sec. 32-140. - Stormwater collection system.

- (a) 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. 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 15 inches. In no case shall stormwater empty into the sanitary sewer system.
- (b) 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. 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 town.
- (c) All open drainage ditches shall either be paved with a material acceptable to the town or be designed and stabilized in a manner acceptable to the town engineer.

(Ord. of 6-25-2007, § 12.8.5)

Sec. 32-141. - Water, sewer, electric and gas utilities; fire hydrants.

- (a) Water, sewer, electric 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.
- (b) 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.
- (c) 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 town 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.
- (d) Fire hydrants shall be installed along each street at a maximum interval of 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.

- (e) Public sanitary sewer system shall be installed when the cost of installing such a system does not exceed 200 per cent of the cost of installing individual septic tanks on all lots in the subdivision. Where lots cannot be economically connected to a public sewerage system, they must contain adequate area for the installation of septic tank and disposal fields as approved by the county health officer.
- (f) 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 state 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.
- (g) When gas mains 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.

(Ord. of 6-25-2007, § 12.8.6)

#### Sec. 32-142. - Street lighting.

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.

(Ord. of 6-25-2007, § 12.8.7)

#### Sec. 32-143. - Street signs.

Appropriate permanent type street name signs shall be placed at all intersections within the subdivision. The developer may select signs that will be in keeping with the theme of the development subject to approval of the building inspector.

(Ord. of 6-25-2007, § 12.8.8)

#### Sec. 32-144. - Right-of-way and property line monuments.

Right-of-way and property line monuments shall be placed in each subdivision. Concrete monuments three and one-half inch square and two feet long shall be driven flush with the grade at the intersection of all street rights-of-way and radius points. Iron pins one-half inch in diameter and two feet long shall be driven flush with the grade at each lot corner and at each point where the property line changes direction.

(Ord. of 6-25-2007, § 12.8.9)

#### Secs. 32-145—32-171. - Reserved.

### DIVISION 2. - STREETS

#### Sec. 32-172. - Coordination with existing street system.

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

(Ord. of 6-25-2007, § 12.5)

## Sec. 32-173. - Paving and adequate drainage; maintenance bond.

- (a) All proposed streets in any subdivision or planned unit development, including apartments, townhouses, condominiums, patio homes, etc., whether such streets shall be private or dedicated for public use, shall be paved and adequately drained. The subdivider shall construct streets in the subdivision in conformance with good engineering practices to the standards prescribed in this chapter or by the state or county highway department, whichever is more restrictive.
- (b) The planning commission may require the posting of a maintenance bond on all street improvements for a period of two years. This bond shall be in an amount equal to ten percent of the total street improvements in the subdivision or of specified street improvements in the subdivision.

(Ord. of 6-25-2007, § 12.5)

## Sec. 32-174. - Grading.

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.

(Ord. of 6-25-2007, § 12.5.6)

## Sec. 32-175. - Minimum sign and design standards.

All subdivision streets shall conform to the following:

	Major Street	Collector Street	Local Street	Cul-de-Sac* (Turnaround)	Alley
Minimum right-of-way	100'	50'	50'	50'	30'
Minimum pavement	As required	35'	25'	25'	16'
				80' diameter	
Maximum grade**	3%	3%	3%	3%	3%
Minimum angle of Intersection	80'	60	60	60	60
Minimum intersection offset	150'	150'	150	150	150
Minimum curb radius at intersection	40'	30'	15'	15'	15'

Curve radius	300'	250'	100'	100'	100'
Minimum reverse curve tangent	100'	100'	100'	100'	100'

\*Cul-de-sacs shall not be longer than 600 feet measured from the intersecting street to the center of the turnaround.

\*\*May vary with topography subject to planning commission approval based on recommendation of town engineer.

(Ord. of 6-25-2007, § 12.5.1)

Sec. 32-176. - Materials and construction methods to comply with state standards.

All materials used and construction methods employed for building streets shall comply with the requirements listed under section 6.18 of the latest edition of the publication "Standard Specifications for Highway Construction," published by the state department of transportation.

(Ord. of 6-25-2007, § 12.5.2)

Sec. 32-177. - Paving and finishing.

- (a) *Grading.* 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.
- (b) *Base course.* A base course consisting of at least eight inches of sand and clay mixture with 100 percent compaction shall be laid on a soundly prepared subgrade.
- (c) *Prime coat.* A prime coat shall be sprayed uniformly over the base course.
- (d) *Surface.* An approved type-wearing surface in conformance with state highway Standard 429-A one and one-half inches thick compacted shall be laid over the prime coat.

(Ord. of 6-25-2007, § 12.5.3)

Sec. 32-178. - Curbs and gutters.

A certified engineer designated by the town must determine if curbs and gutters should be required for the subdivision. If such certified engineer designated by the town determines that curbs and gutters should be required, they must be in conformance with the town 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.

(Ord. of 6-25-2007, § 12.5.4)

Sec. 32-179. - Sidewalks.

If sidewalks are installed, they shall comply with standards in the table below. All materials used and construction methods employed for building sidewalks shall comply with the requirements listed under section 6.18 of the latest edition of the publication "Standard Specifications for Highway Construction," published by the state department of transportation.

Type of Subdivision	Width	Thickness
Low density residential	4 feet	4 inches
High density residential	5 feet	4 inches
Commercial	8 feet	4 inches
Industrial	8 feet	4 inches

(Ord. of 6-25-2007, § 12.5.5)