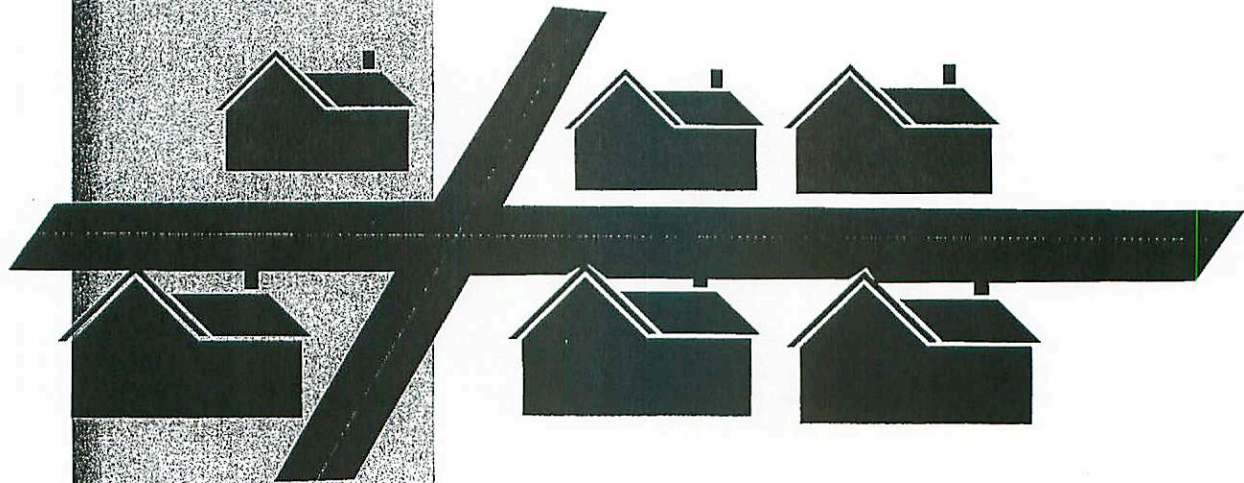


Waverly, Alabama Subdivision Regulations December 2001



Prepared by James Wright and Associates, Inc. - June 1977
Updated by East Alabama Regional Planning and Development Commission - December 2001

WAVERLY, ALABAMA
SUBDIVISION REGULATIONS

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INTRODUCTION

The primary objective of the Town Planning Commission in all its studies and plans is to help the town grow in a proper manner and to the best interests of the general public. An important phase of urban growth is the creating of building lots. For this reason, the business of the Town Planning Commission, in approving land subdivision plats, is equally important.

These regulations are presented for a dual purpose. They contain the rules and regulations of the Town Planning Commission regarding their role in the approving of land subdivision plats. They also strive to explain the regulations, as well as show some suggestions of what constitutes good subdivision design. They are a working manual for both the Town Planning Commission and the subdivider.

Who is affected by these regulations? Anyone who divides land into smaller parcels, or changes the size or shape of existing lots.

What happens if unauthorized lots are sold?

1. A state law has been broken (Title 11, Chapter 52, Section 33 of the Code of Alabama, 1975, as amended).
2. Some cloud on the title to the lots will exist.
3. A building permit to build any structure thereon will be withheld.

How does the subdivider go about having his subdivision approved?

The Town Planning Commission meets at regular intervals. The Town Clerk can tell you when and where the regular meetings of the Planning Commission are held.

The Planning Commission needs to know in advance, the business it is to consider or transact. Make application a week in advance of the Planning Commission meeting, through the Town Clerk, for your business to be placed on the agenda. Place necessary information or plats in Clerk's hands also.

Your application to the Planning Commission may be of any of the following three steps, depending upon the extent and nature of your proposed subdivision. Step 1 may be omitted by the applicant but the 2nd and 3rd steps must be taken. The requirements for final approval are discussed in a subsequent section. The steps in the formal review and approval process are outlined in greater detail in Article III of these Regulations.

PRE-APPLICATION ADVICE

Early and informal consultation with the Planning Commission on subdivisions involving new streets or other complexities. This step is not required by the Planning Commission but is for the convenience of the subdivider. The primary intent of this step is to help the subdivider determine

potential issues that may arise during the formal review process, so that they can be addressed in the initial application.

PRELIMINARY APPLICATION

Practical necessity indicates the mandatory need for this step for subdivisions involving new streets and the installation of public utilities. In this step, the Planning Commission must conduct a formal public hearing on the application for the benefit of the public and neighboring property owners. Issues identified during the public hearing may result in special conditions that must be satisfied by the subdivider. Once a preliminary plat is approved by the Planning Commission, the subdivider may begin construction work on the proposed development.

FINAL APPROVAL

Final approval by the Planning Commission must be obtained for all plats before they are recorded in the Probate Office. The "final plat" serves as an as-built plan for the subdivision, showing all lot boundaries and improvements as they were actually constructed. Although a subdivision may be constructed after the Planning Commission grants preliminary plat approval, no lots may be sold, leased, transferred, or recorded until after the Planning Commission has approved the final plat.

ARTICLE I

PREAMBLE

SECTION 1 - PURPOSE

It is with the intent of creating a climate conducive to the orderly and progressive growth of the Town of Waverly, Alabama; a climate of mutual and reasonable understanding, with prompt and just consideration to the various interests involved in subdivision work, that these procedures and requirements have been established.

Community interest requires the regulation and control of development to insure reasonable protection of property values, and to promote a healthy environment for the citizens of Waverly.

These regulations are designed, intended, and should be administered in a manner to:

1. Implement the Comprehensive Plan.
2. Promote conservation and preservation of Waverly's historic resources.
3. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
4. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that the cost of improvements which primarily benefit the whole community be borne by the whole community.
5. Provide the best possible design for each tract of land being subdivided.
6. Establish adequate and accurate records of all land subdivision.

The regulations contained herein have been formulated and adopted for the purpose of promoting the health, safety, and the general welfare of the people of the Town of Waverly, Alabama.

SECTION 2 - AUTHORITY

The Waverly Subdivision Regulations were prepared and adopted by the Waverly Planning Commission pursuant to the authority granted under Title 11, Chapter 52, Article 2, Sections 30 through 36 inclusive, of the Code of Alabama (1975), as amended. A copy of these regulations shall be certified to the Probate Judges of Chambers, Lee, and Tallapoosa County, Alabama.

SECTION 3 - TITLE

These regulations shall be known as the "Official Subdivision Regulations of the Town of Waverly, Alabama." They also may be referenced as the "Waverly Subdivision Regulations."

SECTION 4 - JURISDICTION

Extent of Planning Jurisdiction. From and after the effective date hereof, these regulations shall govern the subdivision of all land located in the Town of Waverly, Alabama, and, in addition, shall govern the subdivision of land within five (5) miles of the corporate limits of the Town of Waverly, Alabama except where there are contiguous borders with another town. When there is another town within five (5) miles and its borders are not contiguous with Waverly's, these regulations shall govern one-half ($\frac{1}{2}$) the distance from Waverly's to the other town.

Compliance with Waverly Subdivision Regulations. Any owner of land within the limits of said subdivision jurisdiction wishing to subdivide land shall submit to the Planning Commission a plat of the subdivision which shall conform to the minimum requirements set forth in these regulations. No plat of a subdivision lying within such territory or part thereof shall be filed or recorded in the office of the Probate Judge, and no subdivider may proceed with improvement or sale or lots in a subdivision until such subdivision plat shall have been approved by the Planning Commission and such approval entered in writing on the plat by the secretary of the Planning Commission and said plat is filed for record in the office of the Probate Judge of Chambers, Lee, or Tallapoosa Counties.

Compliance with Waverly Zoning Ordinance. All proposed subdivisions also shall comply with all applicable requirements of the Waverly Zoning Ordinance for the zoning district(s) within which the proposed subdivision will be located. If a proposed subdivision does not lie within the Town limits of Waverly, the Planning Commission may require provisions for minimum lot size and width as may be required by the Chambers, Tallapoosa, or Lee County Health Department for proper sanitary on-site sewage treatment.

Compliance with County subdivision regulations. All subdivisions shall also comply with the applicable requirements of any County subdivision regulations that have been duly adopted by Chambers, Tallapoosa, or Lee County, as administered by the County Engineer. However, the requirement for subdivision approval by the County Engineer shall in no way diminish, waive, or otherwise lessen the requirements of the Waverly Subdivision Regulations. Where the requirements of any such duly adopted County subdivision regulations conflict with the requirements of the Waverly Subdivision Regulations, the more strict requirements, whether of the Town or the County shall govern.

SECTION 5 - SCOPE

Any owner of land lying within the area of jurisdiction of these regulations who wishes to divide such land into two (2) or more lots, sites, or divisions, for the purpose, whether immediate or future, of sale or building development, or who wishes to re-subdivide for this purpose, shall submit a plan of such proposed subdivision to the Waverly Planning Commission for approval, and shall obtain such approval prior to the filing of his subdivision plat for record. Any such plat or subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in Article V of these standards, and shall be presented in the manner specified in the following sections of this Article. No plat of a subdivision of land within the area of planning jurisdiction of the Town of Waverly shall be filed or recorded by the Probate Judge without prior approval of the Planning Commission as specified herein.

In order to secure review and approval of a proposed subdivision by the Planning Commission, the prospective subdivider shall, prior to making any street improvements or installations of utilities, submit to the Planning commission a preliminary plat as provided in Article III.. After approval of said preliminary plat, he may proceed with the preparation of the final plat and other documents required in connection therewith as specified in Article III.

ARTICLE 1
GENERAL

SECTION 1.01

The purpose of these regulations is to provide a fair and equitable process for the subdivision of land. The regulations shall be applied in a consistent and uniform manner. The regulations shall be applied to all subdivisions of land, whether the land is owned by a private individual or a public entity. The regulations shall be applied to all subdivisions of land, whether the land is located within the city limits or outside the city limits. The regulations shall be applied to all subdivisions of land, whether the land is located within the city limits or outside the city limits. The regulations shall be applied to all subdivisions of land, whether the land is located within the city limits or outside the city limits.

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SECTION 1.02

When these regulations are applied to a subdivision, the following provisions shall apply. The regulations shall be applied to all subdivisions of land, whether the land is owned by a private individual or a public entity. The regulations shall be applied to all subdivisions of land, whether the land is located within the city limits or outside the city limits.

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ARTICLE II

DEFINITIONS

SECTION 1 - GENERAL

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. Words of the masculine gender include the feminine, and words of the feminine gender include the masculine. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure." The word "lot" includes the words "plot" or "parcel." The word "shall" is mandatory. The word "may" is permissive. The word "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."

Where any word specifically defined in the Waverly Zoning Ordinance is used within these regulations, but is not specifically defined herein, then the specific definition contained in the Waverly Zoning Ordinance shall apply. If a word used and defined in the Waverly Zoning Ordinance bears a different or conflicting definition within these Subdivision Regulations, then the word shall be used and interpreted within each code in accordance with the specific definition contained therein.

Any words specifically defined in a subsequent section or article of these Regulations shall carry that meaning within the context of the specific section or article within which it is defined.

Any lingering confusion or questions regarding the definition of a term used in these regulations shall be decided by the Planning Commission.

SECTION 2 - SPECIFIC DEFINITIONS

When used in these regulations, the following words and phrases shall have the meaning given in this section:

- 2.1 **ALLEY** shall mean a minor public way having a narrow right-of-way and affording a secondary means of access to service abutting properties.
- 2.2 **APPLICANT** shall mean the owner of land proposed to be subdivided or his/her representative. Any applicant who is not the legal owner of a property shall possess written authorization to act in that capacity signed by all persons holding title to the property.

- 2.3 **BLOCK** shall be a tract or parcel of land entirely surrounded by public highways or streets, other than alleys.
- 2.4 **BOND** shall mean a security for the construction of specific public improvements in an amount and form satisfactory to the Town of Waverly. A bond may include a cash deposit, surety bond, collateral, property, or instrument of irrevocable credit as may be required by the Town of Waverly Planning Commission in accordance with these regulations.
- 2.5 **BUILDING** shall be any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels.
- 2.6 **BUILDING SETBACK LINE** shall mean a line parallel to the property line in front of which no structure may be erected.
- 2.7 **COMPREHENSIVE PLAN** shall mean any part or element of the Comprehensive or Land Use Plan of the Town of Waverly or its environs. This may include, but is not limited to: Community Facilities, Sketch Thoroughfare Plan, Land Development Plan, Capital Improvements Plan, Zoning Ordinance, Subdivision Regulations, etc.
- 2.8 **CORNER LOT** shall be a lot abutting upon two (2) or more streets at their intersection, as distinguished from a double frontage lot.
- 2.9 **DEVELOPER** (See definition for Subdivider).
- 2.10 **DOUBLE FRONT LOT** shall be a lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
- 2.11 **EASEMENT** shall mean a grant of rights by a property owner for use of a strip of land for specified purposes.
- 2.12 **ESCROW** shall mean a cash deposit to the Town of Waverly in lieu of an amount required and still in force on a performance or maintenance bond. Such a cash payment shall be deposited by the Town Clerk in a separate earmarked account.
- 2.13 **FINAL PLAT** shall mean a plat of a tract of land which meets the requirements of these regulations and is in form for recording in the office of the Probate Judges of Chambers, Lee or Tallapoosa Counties.
- 2.14 **FRONTAGE** shall mean that portion of a property line which is coterminous with a street or other public right-of-way line.

- 2.15 **GROUP DEVELOPMENT** shall mean a development comprising two or more structures, built on a single lot, tract, or parcel of land, and designed for occupancy by separate families, firms, or other enterprises.
- 2.16 **GOVERNING BODY** shall mean the Mayor and the Town Council of the Town of Waverly, Alabama.
- 2.17 **HALF-STREET** shall mean a street which does not meet the minimum right-of-way widths set forth in these regulations.
- 2.18 **HARDSHIP** shall be an unusual condition or defect in an individual property, which prohibits the property owner(s) from enjoying the same property rights and privileges which are granted to others similarly zoned. A hardship exists only when it is not self-created, or when it is not merely economic in nature.
- 2.19 **HEALTH DEPARTMENT** shall mean the Chambers, Lee or Tallapoosa County Health Departments and the State of Alabama health Department, as may be applicable to the property in question.
- 2.20 **LOT** shall mean a parcel or division of land intended for transfer of ownership or for building development.
- 2.21 **MANUFACTURED HOME SUBDIVISION** shall mean any tract of land privately or publically owned, which has been subdivided into two or more lots for occupation by manufactured homes; and is or will be owned on a fee simple basis by the occupants of said manufactured homes.
- 2.22 **MONUMENT** shall mean any permanent object set into the ground to indicate the limit or boundary of a lot.
- 2.23 **OPEN SPACE** shall be any land either publicly or privately owned in either single or common ownership, which is designed and designated to remain permanently undeveloped and used for recreation, conservation, or preservation.
- 2.24 **OWNER'S ENGINEER** shall mean the engineer or land surveyor registered and in good standing with the State Board of Registration of Alabama, who is the agent in his professional capacity of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.
- 2.25 **PLANNED UNIT DEVELOPMENT** or **P.U.D.** shall mean a predominantly residential development on single contiguous land tract which is designed and constructed as a single unit.

- 2.26 **PLANNING COMMISSION** shall mean the Planning Commission of the Town of Waverly, Alabama.
- 2.27 **PRELIMINARY PLAT** shall mean a tentative plan or proposed subdivision submitted to the Waverly Planning Commission for its consideration and approval. Approval of a preliminary plat by the Waverly Planning Commission shall not imply or constitute approval of a final plat.
- 2.28 **PROBATE JUDGE** shall mean the Judge of Probate of Chambers, Lee, or Tallapoosa County Alabama.
- 2.29 **RESUBDIVISION** shall mean a change in a map of an approved or recorded subdivision plat, if such change affects any street layout on such plat or area reserved thereon for public use, or any lot line. Such terms shall also include any changes that would affect any plat legally recorded prior to the adoption of these or any subsequently adopted subdivision regulations, unless otherwise exempted under the definition of a subdivision.
- 2.30 **SIDEWALK** shall mean a walkway constructed and dedicated for use by pedestrians.
- 2.31 **SINGLE TIER LOT** shall mean a lot which backs upon an arterial street, a railroad, or a physical barrier and to which access to or from the rear of the lot is usually prohibited.
- 2.32 **STREET** shall mean a right-of-way which has been dedicated and accepted by the Town of Waverly as a means of public access. The term street shall be interpreted to include the terms road and highway. Streets shall be further classified as follows:
- A. **Arterials** - Those streets designed and used for high speed or heavy volume traffic and which provide a means for such traffic to either bypass the Town or travel expeditiously through the Town. Also used to a certain extent to connect collectors to major trip attractors.
 - B. **Collectors** - Those streets which are designed and constructed primarily to conduct traffic from minor streets to major streets in residential and business areas. Collectors shall include the principal entrance streets of a large residential development and streets for circulation in such a development.
 - C. **Cul-De-Sac** - A short street designed and constructed to have one end permanently closed; the closed end terminated by a vehicular turnaround.
 - D. **Freeways** - Those streets which are used primarily for high speed or heavy volume traffic, and which are divided by a median with full control of access and no crossings at grade.

- E. **Marginal Access Streets** - Minor streets which are parallel to an adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
 - F. **Minor Streets** - Those streets used primarily for access to abutting properties.
- 2.33 **SUBDIVIDER** shall mean the person(s) or corporation(s) engaged in the process of creating a subdivision or having completed a subdivision of said land.
- 2.34 **SUBDIVISION** shall mean the division of a lot, tract, or a parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development. Such term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. However, the term subdivision within the context of these regulations shall not include any adjustment or change to a common property line between any two (2) adjoining divided lots of record, provided that the total area of land involved will not either increase the number of parcels that can be legally created from either of the affected lots or result in the creation of a substandard lot.
- 2.35 **SKETCH THOROUGHFARE PLAN** shall mean that element of the official comprehensive plan of the Town of Waverly, which sets forth the freeways and arterial and collector streets in the Town of Waverly, provides for their approximate alignment, minimum right-of-way and paving width, and is to be used as a guide for all future development.
- 2.36 **TOWN** shall mean the Town of Waverly, Alabama.
- 2.37 **TOWN CLERK** shall mean the duly designated Clerk of the Town of Waverly, Alabama.
- 2.38 **TOWN COUNCIL** shall mean the Governing Body of the Town of Waverly, Alabama.
- 2.39 **TOWN ENGINEER** shall mean the duly designated Engineer of the Town of Waverly, Alabama.
- 2.40 **TOWN SPECIFICATIONS** shall mean all construction specifications which have been adopted by the Town Council or as required by the Town Planning Commission and all utility departments.
- 2.41 **VARIANCE** shall mean a minor departure from the strict letter of the Regulations as it applies to a particular piece of property.
- 2.42 **ZONING ORDINANCE** shall mean the officially adopted code and map of the Town of Waverly, which provides for the creation and delineation of districts, specifies permitted uses

in each district, and promulgates specific requirements for such factors as lot size and width, building coverage, flood conditions, population density, and the use of land and structures.

ARTICLE III

ADMINISTRATIVE PROCEDURES AND APPROVAL PROCESS

SECTION 1 - ADMINISTRATION

The Waverly Planning Commission is hereby authorized and directed to adopt, administer, and amend these Regulations. Final approval of plats and other supporting plans and documentation shall be the responsibility of the Planning Commission, as prescribed by Alabama law. The Zoning Enforcement Officer is hereby authorize and directed to enforce all provisions of these subdivision regulations.

SECTION 2 - GENERAL PROCEDURES

The Waverly Planning Commission recognizes the complexity of the subdivision design, review, and approval process, and desires to make the process as expedient and easy as possible, without compromising the quality of approved developments. This Section provides an outline of the recommended and mandatory steps involved in the subdivision design, review, and approval process. It has been designed to serve as a general procedural checklist and to help Subdividers understand the essential relationships between various steps in the process. Additional submission and procedural requirements for specific steps in the review and approval process are explained in detail in subsequent Sections of this Article.

- 2.1 *Subdivider develops design scheme.* The subdivision design, review, and approval process begins with the initial development of a design scheme for a proposed subdivision. At this point in the process, no formal action by the Subdivider or the Town is required. However, the Subdivider should consult the Town's Comprehensive Plan, Zoning Ordinance, and Subdivision Regulations to understand the process and ensure that the applicable requirements can be satisfied. The Subdivider may desire to select a qualified engineer, architect, or surveyor to assist with the development of design plans, but it is not necessary to begin preparing formal plans at this point in the process.
- 2.2 *Pre-application conference.* The purpose of a pre-application conference is to help the applicant understand the review process, consider potential public concerns, and prepare a successful application. A general discussion of the Town's code requirements with Town staff *prior* to submission of a formal application can help the Subdivider reduce subdivision plan preparation costs and negotiate the review process more efficiently. In no instance shall a pre-application conference be conducted or accepted in lieu of a required formal application, and the procedural recommendations resulting from the conference are not binding upon the Subdivider, unless and until they are specifically required by the Planning Commission. No formal application or fee shall be required for a pre-application conference. However, applicants are strongly encouraged to bring a simple or crude conceptual sketch of the proposed subdivision to the conference to serve as a basis for discussion.

- 2.3 *Obtain and complete formal application.* Once the Subdivider fully understands the process and the applicable design requirements that must be satisfied, a formal application for Preliminary Plat review and approval can be prepared and submitted. At this point, the Subdivider may wish to utilize the services of a qualified professional engineer, architect, or surveyor to assist in the preparation of a Preliminary Plat and all required supporting documents. The Subdivider also should initiate the process of obtaining approval from the proper cognizant authorities for required infrastructure and services as may be needed or required to support the proposed subdivision. Once the necessary supporting documents, plans, permits, and materials have been prepared or secured in accordance with these Regulations, the Subdivider may submit the required Preliminary Plat application form and fees.
- 2.4 *Review of Preliminary Plat application.* When the Subdivider submits a formal application for Preliminary Plat review and approval, the Zoning Enforcement Officer must review the application for completeness. Where the Subdivider has participated in a voluntary pre-application process, the Zoning Enforcement Officer may be able to complete this review more quickly than would be possible if the Zoning Enforcement Officer is totally unfamiliar with the proposed subdivision. Once the Zoning Enforcement Officer verifies that the application is complete and that all necessary supporting documents, plans, permits, and materials have been submitted, the application will be deemed complete and the formal review and approval process can be initiated. No application for Preliminary Plat review and approval shall be deemed complete unless accompanied by both the required fee paid in full and by the names and mailing addresses of the owners of all lands immediately adjoining the subdivision site boundaries as their names appear upon the plats in the county tax assessor's office and their names appear in the directory of the municipality or the county.
- 2.5 *Review scheduled and public hearing advertised.* Once the application for Preliminary Plat review and approval has been accepted by the Town of Waverly as complete, the application will be scheduled to be received by the Planning Commission at the conclusion of the required public hearing. The required public hearing shall be conducted at next available regularly scheduled meeting that will occur not less than fifteen (15) days after the date that the application has been formally accepted as complete by the Zoning Enforcement Officer. The Town of Waverly will post a notice of the scheduled hearing in four conspicuous places in the Town and will send copies of the notice by registered or certified mail to the addresses of all abutting land owners at least six (6) days prior to the scheduled date of the hearing. During this notification period, the Zoning Enforcement Officer may conduct a staff review of the Preliminary Plat and consult with other supporting staff to ensure compliance of the Plat with the applicable codes, ordinances, and regulations of the Town.
- 2.6 *Preliminary Plat review hearing.* The Planning Commission shall conduct a formal public hearing prior to approval of a Preliminary Plat. The Planning Commission may stipulate specific rules of conduct for the public hearing in order to ensure adequate, fair, and balanced opportunities for public comments to be heard. At the hearing, the Planning Commission

shall formally receive the complete application for Preliminary Plat review and approval and shall receive public comments regarding the proposed subdivision. The Planning Commission may debate issues raised by the public comments, but also shall afford the Subdivider an opportunity to respond to specific public concerns regarding the proposed subdivision. The Planning Commission also may request additional information from the Subdivider during the public hearing in order to address concerns raised by the public regarding the conformity of the proposed subdivision plan with the requirements of applicable Town codes, ordinances, and regulations. If the requested information cannot be provided at the hearing, the Planning Commission may for one time only continue the public hearing at a later date, not to exceed the next regular meeting, to provide the Subdivider with the additional time needed to provide the requested information. After all public comments and necessary additional information about the proposed subdivision have been received, the Planning Commission shall close the hearing. The closing of the required public hearing by the Planning Commission shall constitute the official receipt of the Preliminary Plat by the Planning Commission, thereby triggering the statutory thirty (30) day deadline for a final decision on the submitted Preliminary Plat. The Planning Commission shall maintain a written record of the comments received and issues discussed during the public hearing.

- 2.7 *Planning Commission decision on Preliminary Plat.* The Planning Commission shall decide to approve or deny the Preliminary Plat within thirty (30) days of the date that the public hearing was closed. The Planning Commission may place specific conditions upon the approval of a Preliminary Plat as may be deemed appropriate and necessary to ensure compliance with these Regulations or any other laws, codes, ordinance, or regulations enforced by Federal agencies, the State of Alabama, Chambers and/or Lee County, and the Town of Waverly. The specific grounds for approval or disapproval by the Planning Commission shall be duly recorded in the minutes of the Planning Commission, and shall be provided to the public upon request. If the Planning Commission fails to approve or deny the Preliminary Plat within the required thirty (30) day period, the Preliminary Plat shall be deemed to have been approved in accordance with Title 11, Chapter 52, Section 32 (a) of the Code of Alabama, 1975, as amended, unless the Subdivider has provided the Planning Commission with written consent for an extension of the required thirty (30) day review deadline. Once the deadline for a formal decision from the Planning Commission has lapsed, a certificate to that effect shall be issued by the Planning Commission on demand by the Subdivider.
- 2.8 *Review and approval of Preliminary Plat by County Engineer.* Once the Planning Commission has formally approved the Preliminary Plat or has issued a certificate stating that the deadline for a final decision on the Preliminary Plat has lapsed, the Subdivider must submit the approved Preliminary Plat to the appropriate County Engineer for review and approval in accordance with Title 11, Chapter 52, Section 30 (b) of the Code of Alabama, 1975, as amended. The County Engineer, or in his/her absence, the acting County Engineer, shall review the Preliminary Plat for compliance with the applicable County subdivision regulations, and may require such additional conditions or Preliminary Plat approval as may

be necessary to ensure proper compliance with the applicable County Subdivision Regulations.

- 2.9 *Securing of performance bond and initiation of construction work.* Once the County Engineer has formally approved the Preliminary Plat, the Subdivider must comply with any applicable requirements for a performance bond as required in Article VI of these Regulations and as may be stipulated by the approved Preliminary Plat. Once a performance bond has been secured to the satisfaction of the Town, the Subdivider may begin work constructing the subdivision improvements as shown on the approved Preliminary Plat. If, during the process of constructing the subdivision improvements, circumstances arise that require a significant change in the subdivision design including, but not necessarily limited to, alterations in lot dimensions or sizes, changes to planned subdivision build-out schedules, or changes in the locations or nature of planned infrastructure improvements or street design, the Subdivider shall appear before the Planning Commission and request formal approval of said changes *prior* to actual construction. If the proposed changes require the issuance of a variance, a proper application for variance shall be forwarded to the Planning Commission for review and approval.
- 2.10 *Inspection and review of construction work.* During and throughout the construction process, the Subdivider shall provide adequate opportunities for inspection of the construction work by the Zoning Enforcement Officer to verify compliance with the Preliminary Plat and any applicable laws, codes, ordinances, and regulations. The Zoning Enforcement Officer may be accompanied by such other cognizant public officials as may be necessary to ensure compliance with the applicable laws, codes, ordinances, and regulations. However, approval of any or all site inspections shall in no way constitute, imply, or substitute for formal approval of a Final Plat.
- 2.11 *Release of performance bond.* Once construction of all improvements shown on the Preliminary Plat has been completed and duly inspected and approved by the Town, the Subdivider may request formal release of any required performance bond in accordance with Article VI of these Regulations. If, however, an inspection of required improvements reveals that the improvements were not constructed in accordance with the Preliminary Plat or any specific changes to the Preliminary Plat that were formally approved by the Planning Commission, then the Town shall be authorized to undertake remedial work or may complete the defective improvement in accordance with the approved Preliminary Plat, and the Subdivider shall not seek nor receive reimbursement of the performance bond funds necessary to cover the Town's costs for said remedial work. Where the Planning Commission has approved a Preliminary Plat for a subdivision, the Subdivider must complete all construction work in accordance with the provisions of this Section and submit a Final Plat to the Town for approval by the Planning Commission within the deadline prescribed by the Planning Commission under the terms of Section 4.6 of this Article.

- 2.12 *Final Plat review and approval.* Before the Subdivider may sell or transfer ownership of any lots within a subdivision, a Final Plat shall be approved by the Planning Commission and duly recorded. Said Final Plat shall show all improvements as they have been built and approved by the Town. The Final Plat also shall note any deviations from the approved Preliminary Plat. The Planning Commission shall review the Final Plat for completeness and issue approval for official recording or request specific changes prior to official recording. No Final Plat shall be filed or recorded in the office of the County Probate Judge until such time as the Planning Commission has officially approved and certified said Final Plat. No sale or transfer of land within the subdivision shall occur until a Final Plat has been approved and certified by the Planning Commission and duly recorded by the Subdivider in the office of the County Probate Judge.
- 2.13 *Recording of Final Plat.* Once the Planning Commission has approved and signed the Final Plat, the Subdivider shall file and record said Plat in the office of the County Probate Judge. Once the Final Plat has been officially recorded, the Subdivider may sell or transfer lots or land within the subdivision, and the review and approval process is complete.

SECTION 3 - PRE-APPLICATION CONFERENCES

All pre-application conferences shall be governed by the following procedures.

- 3.1 *Timing.* A voluntary pre-application conference may be arranged between the applicant and the Zoning Enforcement Officer for any subdivision application. Such a conference shall occur at least twenty-four (24) hours prior to the submission of a formal application for Preliminary Plat review and approval. Pre-application conferences for subdivisions consisting of fifty (50) or more lots or involving non-residential or mixed land uses shall occur at least five (5) regular business days prior to the submission of a formal application for Preliminary Plat review and approval. All persons who desire to relocate one or more boundary lines between two or more adjoining lots of record are strongly encouraged to request a pre-application conference, to ensure that the proposed lot line adjustment will not create a nonconforming lot or structure.
- 3.2 *Scope of Consultation.* Any discussions and recommendations that result from a pre-application conference shall be non-binding on both the Subdivider and Town, and shall not represent or constitute an indication of the Town's predisposition in favor of or against a formal application. Subjects that may be discussed during a pre-application conference include, but shall not be limited to:
- A. general code requirements that must be addressed in the application or preliminary plat;
 - B. general application review procedures and time frames;

- C. additional permits or reviews that may be required for the proposed subdivision;
- D. potential justifications for any variances that may be needed for the proposed subdivision;
- E. any potential complications that could arise during the review process, due to the nature of the proposed subdivision or known conditions of the subdivision site; and
- F. questions regarding the potential consistency or compatibility of the proposed subdivision plan with the Comprehensive Plan or any other code, plan, or ordinance administered by the Town. Questions of this nature may require joint consultation with other Town officials or administrators.

SECTION 4 - PRELIMINARY PLAT APPROVAL

- 4.1 *Timing and number of plat prints required.* The application for Preliminary Plat approval, including six (6) prints or copies of the subdivision plans, shall be submitted to the Planning Commission at least fifteen (15) days prior to the date of the Planning Commission meeting at which it will be received.
- 4.2 *Consultation with other government entities during plat review.* The Planning Commission, before its formal public hearing and review, may transmit prints of the Preliminary Plat to any Town or county department for review and recommendation in relation to specific service problems.
- 4.3 *Contents of and attachments to the Preliminary Plat.* The preliminary plat, which shall meet the minimum standards of design and the general requirements for the construction of public improvements set forth in these regulations, shall be composed of a preliminary sketch plan of the subdivision and prepared using an indelible ink at a scale of not more than one (1) inch equals one hundred (100) feet. The Preliminary Plat shall show the following:
 - A. A locus map showing the general location of the development site in relation to nearby streets, highways, and other major points of reference;
 - B. A title block identifying the proposed name of the subdivision, the total amount of acreage to be divided, the names, mailing addresses, and business and fax telephone numbers of the property owners and the plat preparer, the plat preparer's official certification or license seal, the preparation date of the plat, the tax map and lot number(s) as well as the deed book and page number of the subdivision property, the plat sheet or page number, a approximate north arrow, and a graphic scale;
 - C. The location of existing and platted or proposed property lines (including bearings and dimensions for all property lines), streets, municipal boundaries, buildings,

watercourses, sewers, culverts, drain pipes, water mains, and any proposed or existing public utility easements located within or not more than fifty (50) feet from the boundaries of the subdivision site;

- D. The right-of-way boundaries of any railroads within or adjacent to the subdivision, or located within two hundred (200) feet of an intersection between a subdivision street and any street crossing the railroad at grade;
- E. The proposed names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks, common or public open space lands, reservations, intersection sight triangles, lot lines, and building lines;
- F. A detailed street plan which includes:
 - 1. Location of all existing and proposed streets within the subdivision and adjacent to it;
 - 2. Widths of existing and proposed rights-of-way;
 - 3. Clear identification of right-of-way location and width for any street which is considered as part of the Transportation Facilities Plan;
 - 4. Street names which are subject to approval by the Planning Commission,
 - 5. Sketches of proposed typical street cross-sections and center-line profiles, including associated drainage improvements;
 - 6. Complete curve data for the center-line of each street.
- G. Preliminary sketch plans of proposed utility layouts (sewer, water, gas, and electricity) and associated easements showing feasible connections, where possible, to existing and proposed utility systems;
- H. The boundaries of any areas of special flood hazard or floodways, as may be required by Town of Waverly Zoning Ordinance or other applicable Flood Hazard Area Regulations; and
- I. A statement of the proposed land use of the lots.
- J. A statement of all proposed easements or common open space lands to be platted within the subdivision, including a description of the provisions to be filed for management and control of any proposed common open space lands within the subdivision as required by Article IV, Section 7 of these Regulations.

- K. A stormwater drainage and management plan as required in Article IV, Section 6 of these Regulations.
 - L. A listing of the names and mailing addresses of all owners of land immediately adjoining the subdivision site as their names appear upon the plats contained in the County Tax Assessor's office and as their addresses appear in the directory of the municipality or on the tax records of the municipality or county.
 - M. Tentative block and lot numbers;
 - N. Building setback lines along each street;
 - O. The required filing and review fee paid in full.
- 4.4 *Additional information that may be required.* The Planning Commission may require topography sketches of the property for subdivision at contour intervals of not less than five (5) feet. They may also require supplemental data including: existing and proposed covenants, land characteristics, on-site septic system disposal permits from the County Health Department, and other required or necessary permit approvals.
- 4.5 *Record-keeping.* One (1) copy of the Preliminary Plat and all supporting documents shall be retained in the Planning Commission files, and one (1) copy shall be returned to the Subdivider at the time of approval or disapproval, with the specific notations of any changes or modifications required.
- 4.6 *Expiration of Preliminary Plat approval.* The Town of Waverly desires and supports quality growth and development, and invests a significant level of paid and volunteer staff time assisting developers in preparing, reviewing, and approving development proposals. In recognition of the public investment, in terms of both time and cost, involved in the efficient and expeditious review of a Preliminary Plat, the Town expects a good faith commitment from the Subdivider to efficient and expeditious construction of the proposed subdivision improvements in accordance with the approved Preliminary Plat. Therefore, approval of the Preliminary Plat shall expire twelve (12) months from the date of such approval, unless a Final Plat in conformance with the requirements of these Regulations is submitted. However, the Planning Commission may authorize an eighteen (18) or twenty-four (24) month deadline for submission of a Final Plat, as may be appropriate for very large subdivisions in excess of fifty (50) total lots. Where circumstances beyond the specific control of the Subdivider occur that require an extension of the Preliminary Plat approval expiration deadline, the Subdivider may apply to the Planning Commission for an extension not to exceed six (6) months. Where a Preliminary Plat approval has expired as stipulated in this Section, the Town may compel the Subdivider to abandon work on the subdivision until such time as the Planning Commission approves a new Preliminary Plat, or—where substantial work in compliance with the Preliminary Plat has been completed—the Town may

exercise its rights under Article VI of these Regulations to complete the subdivision improvements in accordance with the approved Preliminary Plat utilizing the funds secured by performance bond.

SECTION 5 - FINAL PLAT

- 5.1 *Final Plat required.* Upon completion of the proposed subdivision improvements shown on the Preliminary Plat, the Subdivider shall prepare a Final Plat showing the finished condition of the required improvements as they exist on the land. Construction work on the subdivision shall not be deemed complete until all of the subdivision improvements shown on the Preliminary Plat have been properly inspected and approved by the Town of Waverly. The final plat shall conform to the Preliminary Plat as approved and/or modified by approval of the Planning Commission.
- 5.2 *Timing and number of plat prints required.* The original drawing of the Final Plat, along with three (3) copies (black and white or blue line prints), together with any street profiles or other plans which may be required by the Planning Commission shall be submitted at least fifteen (15) days prior to the date of the Planning Commission meeting at which it will be received.
- 5.3 *Contents of and attachments to the Final Plat.* The Final Plat shall be prepared by a licensed or certified engineer, architect, landscape architect, or land surveyor. The final plat for a minor subdivision, consisting of not more than ten (10) lots or parcels, may be drawn on sixteen (16) pound or heavier rag vellum. Final Plats for all other subdivisions shall be drawn on film. All Final Plat sheets shall measure twenty-four (24) by thirty-six (36) inches in size and shall be drawn using an indelible ink at a scale of not more than one hundred (100) feet to the inch. Where necessary, the Final Plat may be comprised of several sheets, accompanied by an index or cover sheet showing the entire subdivision. When more than one (1) sheet is required a key plan shall be provided as a reference for the component drawings. The Final Plat shall contain all of the following information:
- A. Name and location of subdivision;
 - B. Name of owner and designer;
 - C. North point, graphic scale, preparation date (including revision dates), and primary control points, which shall be tied to land lot corner, street intersections, or, where possible, the Alabama State Plane Coordinate System;
 - D. Location, width, and name of all streets, roads and alleys and other rights-of-way;
 - E. Location of all blocks, streets, and lot lines, with all lot numbers in numerical order;

- F. Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every road line, lot line, boundary line, block line, and building line, whether curved or straight, with accurate dimensions, bearings, or deflection angles, and radii, arcs, and central angles of all curves. The length of all dimensions shall be to the nearest one hundredth (1/100) of one (1) foot, and bearings of all angles to the nearest one (1) minute;
 - G. Minimum building setback lines on all lots and other sites;
 - H. Location, dimensions, and purpose of all easements;
 - I. Location and description of all monuments and iron pins;
 - J. Name and location of adjoining subdivisions, roads, and the ownership of adjoining unsubdivided property.
 - K. Location and description of drainage facilities.
- 5.4 *Required certifications.* The following certifications shall be presented along with the final plat;
- A. Certification showing that the applicant is the legal owner of the land, and that the formally dedicates all street, rights-of-way and any other sites for public use;
 - B. Certification by a registered surveyor or engineer of the accuracy of the survey and plat, and the placement of all required monuments;
 - C. Certification by the Town Engineer that the Subdivider has compiled with one of the following alternatives:
 - 1. Installed all improvements according to the requirements of these regulations, or,
 - 2. Posted a surety bond in the amount sufficient to assure the completion of all required improvements.
 - D. Certification of approval to be signed by the Chairman or Secretary of the Planning Commission;
 - E. A certification from the Town Clerk indicating that sufficient bond has been posted;
 - F. A certification of approval by the County Health Department.

- 5.5 *Review and approval.* The Planning Commission shall review the Final Plat for completeness and issue approval for official recording or request specific changes prior to official recording. Where the Planning Commission has identified errors or omissions in the Final Plat, said Plat must be revised in accordance with the Planning Commission's requirements before it may be filed or recorded by the Subdivider. No lots or portion of the subdivision site may be sold or transferred until the Final Plat has been officially recorded.
- 5.5 *Record-keeping.* When the Final Plat has been approved by the Planning Commission, the original tracing, with the approval of the Planning Commission certified thereon and all other required certifications properly signed, shall be returned to the Subdivider for filing with the Probate Judge as the official plat of record. An additional copy of the Final Plat shall be returned to the Subdivider for his/her records, and one (1) copy shall be retained in the records of the Planning Commission. The Planning Commission must consider a final plat within thirty (30) days after meeting at which it was received. Failure of the Planning Commission to act on a Final Plat submission within these thirty (30) days shall be considered an approval of same. If the plat is disapproved, grounds for such disapproval shall be stated in writing in the official minutes of the Planning Commission.
- 5.6 *Limitations of Final Plat approval.* Approval of a Final Plat by the Planning Commission shall not constitute acceptance by the Town of Waverly of any dedicated street or other public way or ground. After approval of the Final Plat and the construction of streets shown thereon, the Planning Commission shall recommend to the Governing Body that it accept the dedicated public roads and assume their perpetual maintenance.

SECTION 6 - VIOLATION PROCEDURES

Where a violation of the requirements of these Regulations has been identified, either by complaint or by Town staff inspection, the following procedures shall be followed.

- 6.1 *Investigation.* If a complaint is received regarding an alleged violation of these Regulations, the Zoning Enforcement Officer shall investigate the complaint and document the extent of the violation.
- 6.2 *Initial notification of violation.* Once a violation has been confirmed and documented by investigation, the Zoning Enforcement Officer shall issue a stop work order (if applicable) and/or prepare a letter to the owner of record of the property stating the nature of the violation, the date that the violation was verified, and requiring that the property owner cure the violation within a specified number of days from the date that the letter was mailed. The deadline for correction of the violation shall be established by the Zoning Enforcement Officer with due consideration and respect for the nature of the violation, the amount of work necessary to correct the violation, and the need for expeditious remedy of the violation to prevent undue public impacts. However, in no instance shall the deadline for correction of the violation be less than fifteen (15) days nor more than thirty (30) days from the date that

the letter was mailed. The letter also shall state that the owner must correct the violation, or the Town will issue a citation. Finally, the letter shall afford the offending property owner an opportunity to schedule a meeting with the Zoning Enforcement Officer within five (5) business days to discuss objections to the violation or to make special arrangements to cure the violation. Such notification letter shall be sent to the property owner via certified mail, return receipt requested. The Town may, at the discretion of the Zoning Enforcement Officer, send a copy of the letter to the Subdivider or tenant of the property (as the case may be) by first class mail.

- 6.3 *Re-inspection.* The Zoning Enforcement Officer shall, at the expiration of the prescribed deadline for correction of the violation, re-inspect the property for compliance with the notification of violation.
- 6.4 *Notice of citation.* If, upon re-inspection, the Zoning Enforcement Officer confirms that the violation has not been cured as ordered, the Zoning Enforcement Officer shall prepare a notice of citation, which shall be sent to the offending property by certified mail, return receipt requested. The notice shall state the date upon which the initial violation was confirmed, the nature of the violation (including references to the specific code provisions that have been violated), the required corrective measures, the dates upon which the initial notification of violation was sent and received, the time frame afforded to the property owner for correction of the violation, the date that the failure to correct the violation was confirmed, and the amount of the applicable fine, which shall be calculated from the date of citation and full payment of which shall constitute an additional remedial action for correction of the violation. The notice also shall require the property owner to fully correct the violation within ten (10) days of the date of citation, or the owner will be required to appear before the Municipal Court, at a time and date to be determined by the Municipal Court, to answer the charge of violation as explained in the notice of citation.
- 6.5 *Court action.* If the Zoning Enforcement Officer confirms that the violation has not been cured within the time frame specified in the notice of citation, the Zoning Enforcement Officer shall file a written complaint for relief of the violation with the Municipal Court.

SECTION 7 - VARIANCES

Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations due to unusual topographic or other conditions beyond the control of the subdivider, it may vary the regulations so that substantial justice may be done and the public interest secured, provided, however, that such variation will not have the effect of nullifying the intent or purpose of the Subdivision Regulations, Zoning Ordinance, Sketch Thoroughfare Plan, or other elements of the Waverly Comprehensive Plan. Any variation thus authorized is required to be entered in writing in the minutes of the Planning Commission and the reason which justified the departure to be set forth. A variance can only be granted after a formal public hearing has been

conducted. Public notice of such hearing shall be given in accordance with the procedures specified in Section 2.5 of this Article.

SECTION 8 - EXPERIMENTAL SUBDIVISIONS

The Planning Commission may waive, vary, or modify the standards and requirements of these regulations if, in its judgement, an unusual or experimental subdivision might serve to advance or implement the goals and objectives of the Comprehensive Plan and would be a complementary enhancement of an existing neighborhood. Special attention may be given to experimental subdivisions which are related to affordable housing design in an effort to provide quality housing for lower income families. Experimental subdivisions may also be used to encourage infill development in areas of the Town where traditional subdivision design investment costs serve as a disincentive for neighborhood improvement or redevelopment. Before considering an experimental subdivision design, the subdivider shall submit to the Planning Commission a formal written proposal stating the nature of the subdivision design and a cost-benefit study of the proposed design concept.

ARTICLE IV

DESIGN STANDARDS

SECTION 1 - CONFORMITY TO COMPREHENSIVE PLAN AND OTHER CODES

All proposed subdivisions shall be consistent with the goals and objectives for community development outlined in the Waverly Comprehensive Plan.

- 1.1 *Scattered or premature development discouraged.* Subdivisions within the Town of Waverly should be supported by adequate public facilities and infrastructure. While the Town of Waverly welcomes and desires growth and development, the Planning Commission must guard against scattered and premature development that would frustrate or conflict with the Town's coordinated development plan for public facilities and services. Therefore, it shall be the responsibility of all subdividers to consult the Waverly Comprehensive Plan *prior* to submitting an application for subdivision review and approval to ensure that their proposed subdivisions are located in areas that are currently served or planned to be served by essential public facilities, including but not necessarily limited to, municipal water, sewer, natural gas, and adequate street access and stormwater drainage. In addition, proposed subdivisions should be scaled (in terms of the number of lots created) or phased (in terms of project build-out schedules) as may be needed to avoid overtaxing basic Town services, including but not necessarily limited to, fire protection, police protection, municipal water, municipal sewer, and schools.
- 1.2 *Future land use map consistency.* All proposed uses of land within new subdivisions shall be generally consistent and compatible with the uses specified on the Future Land Use map contained in the Waverly Comprehensive Plan.
- 1.3 *Future public street or facility sites.* Where a proposed subdivision will be located in an area or location identified in the Comprehensive Plan or shown on an accompanying map as a future site for a needed public facility or street, the Subdivider shall make reasonable efforts to notify the Planning Commission *prior* to the submission of a Preliminary Plat. The Town of Waverly shall be afforded a reasonable opportunity to work with a Subdivider during the planning and design of proposed new subdivisions to address community improvement needs shown in the Comprehensive Plan, either through an agreement to purchase or reserve land for needed future public facilities or by incorporating certain public improvements directly into the proposed subdivision, where it can be clearly shown that the future owners of land within the subdivision would receive a disproportionate benefit from expedited construction of the planned public facility improvements.
- 1.4 *Flood prone areas.* Land subject to flooding or land deemed by the Comprehensive Plan to be unsuitable for urban usage due to unmitigable environmental constraints, should not be

platted for residential occupancy, nor for any other uses which may increase danger to health, life, or property, aggravate erosion, or increase flood hazard.

- 1.5 *Compliance with applicable laws, codes, and ordinances.* Although the requirements contained in these regulations apply specifically to subdivisions, development plans also must comply with applicable Federal and State laws (including, but not necessarily be limited to, Section 404 of the Clean Water Act, the National Pollutant Discharge Elimination System [NPDES] permit requirements for land disturbance activities as administered by the Alabama Department of Environmental Management, the Americans with Disabilities Act of 1990, Part 77 of the Federal Aviation Regulations, and required curb cut approvals from the Alabama Department of Transportation for access to State highways), and with other related local codes and ordinances enforced by the Town and Chambers, Lee, or Tallapoosa County. Such related codes and ordinances may include, but are not necessarily limited to, the Waverly Zoning Ordinance, the Building Code, and the Health Regulations administered by the County Health Department. It shall be the responsibility of all subdividers to consult the appropriate governing or administrative authorities *prior* to the preparation and submission of a Preliminary Plat to ensure compliance of the planned subdivision with all other applicable laws, codes, and ordinances. Where the requirements of these regulations conflict with the specific requirements of other applicable codes and ordinances, the requirement imposing the higher or stricter standard shall govern.

SECTION 2 - STREET PLAN

2.1 GENERAL

The arrangement, character, extent, location, and grade of all streets shall be laid out according to good land planning principles and shall be integrated with all existing and planned streets. New streets shall consider topographical conditions, orientation of vistas, public convenience and safety, and the proposed uses of land to be served by them.

The proposed street system shall also be coordinated with the street system of the surrounding area. However, the number of streets converging upon any one point which would tend to promote congestion shall be held to a minimum. Creation of multiple street intersections shall be in conformity with a plan for the most advantageous development of the entire neighboring area.

Sufficient proposed streets shall be provided to create normal circulation of traffic within the vicinity. Land abutting a proposed subdivision shall not be left land-locked by such proposed subdivision. Street design shall provide connections to abutting properties at intervals not to exceed the maximum block length of twelve hundred (1200) feet.

In addition, if in the opinion of the Planning Commission it is desirable to provide street access to an adjoining property, said street shall extend by dedication to the boundary of such

property. A temporary turn-around, as defined in design standards for street cul-de-sac, shall be provided for these streets. Minor streets shall be so laid out that their use by through traffic in the subdivision will be discouraged.

Subdivisions which abut or have included within the proposed area to be subdivided any arterial street shall provide the following:

- a) A marginal access street, or
- b) Reverse frontage with screen planning contained in a non-access reservation along the rear property lines, or
- c) Deep lots with rear service drives, or
- d) Other treatment which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic.

Intersections of minor subdivision streets with major and arterial streets shall be held to a minimum.

2.2 PRIVATE RESERVE STRIPS

Private reserve strips controlling access to streets shall be permitted only where the street is a boundary between two different land uses.

2.3 SUITABILITY OF THE LAND

Land subject to flooding or land deemed to be topographically unsuitable for urban usage, shall not be platted for residential occupancy, nor for any other uses which may increase danger to health, life, or property, aggravate erosion, or increase flood hazard.

2.4 HALF-STREETS

Where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. New half-streets or half-alleys shall be prohibited.

2.5 CUL-DE-SAC

Streets designed to have one (1) end permanently closed shall be provided at the closed end with a turn-around having a minimum right-of-way diameter of one hundred (100) feet, and a minimum roadway diameter of eighty (80) feet. Such streets will not exceed six hundred (600) feet in length.

2.6 STREET INTERSECTIONS

Street intersections with centerline offsets of less than one hundred and twenty-five (125) feet shall not be permitted.

2.7 MINIMUM STREET RIGHT-OF-WAY WIDTHS

In developed or vacant areas, the Planning Commission shall have the discretion of identifying or classifying streets.

The widths of rights-of-way for the various streets (arterial streets, collector streets, minor streets, and alleys) are indicated below. Widths shall not be less than as follows:

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY</u>
Major Arterial	120 feet
Minor Arterial	80 feet
Collector Street	60 feet
Minor Street and Cul-de-sac	50 feet
Alleys	20 feet
Controlled Access Highway	200 feet

In cases where topography or other physical conditions make a street of the required minimum width specified in this subparagraph impracticable or overly burdensome on sensitive environmental features, the Planning Commission may modify the above requirements. Where the minor or collector streets of the proposed subdivision will serve nonresidential uses, the Planning Commission may increase the required minimum street widths by an additional ten (10) feet on each side of the roadway in order to ensure safe access and increased curb radii for large vehicles traveling into and out of necessary off-street parking areas. The Planning Commission also may require greater right-of-way widths for minor streets or cul-de-sacs as may be needed to adequately accommodate seeded shallow "V" swales, where the Subdivider elects to use such measures to satisfy the applicable stormwater drainage requirements of these Regulations.

2.8 ADDITIONAL WIDTH ON EXISTING ROADS

Subdivisions that adjoin existing roads shall dedicate additional right-of-way to meet the above minimum road width requirements.

- a) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing road.

- b) When the subdivision is located on only one side of an existing road, one-half (½) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

2.9 MINIMUM ROADWAY WIDTHS

The minimum widths for the various classifications of streets shall be as follows:

<u>STREET TYPE</u>	<u>WIDTH (Measured from edge to edge)</u>
Arterial Street	As required
Collector Street	As required
Minor Street and Cul-de-sac	26 feet
Alleys	16 feet

2.10 STREET GRADES

Street grades shall not exceed the following unless otherwise recommended and approved by the City Engineer.

<u>STREET TYPE</u>	<u>GRADE</u>
Arterial Street (Major and Minor)	4%
Collector Street	8%
Minor Street	10%
Marginal Access Street	10%

Minimum grades of all roadways shall not be less than 0.5 of one percent.

Surface cross-drainage shall not be permitted on any street.

2.11 ALIGNMENT AND VISIBILITY

- a) Minimum Radii of horizontal curves shall be not less than one hundred (100) feet.
- b) There shall be a tangent of one hundred (100) feet provided between all reverse curves.
- c) **ANGULAR BREAKS** in right-of-way alignment of more than two (2) degrees are not permitted.
- d) **VISIBILITY.** Clear horizontal visibility, measured along the centerline, shall be provided for at least six hundred (600) feet on freeway and arterial streets; three

hundred (300) feet on collector streets; and at least two hundred (200) feet on minor access and rear service.

- e) Where an existing road or other right-of-way falls within a proposed subdivision tract and the subdivider proposes to abandon this right-of-way, the Planning commission shall review this proposal in light of its effect on neighboring properties, and forward its recommendations to the Town Council prior to its taking legal action on the matter.
- f) Where there are roads and rights-of-way in existence and are proposed to be retained, they must be designed so as to eliminate all bends, crooks, and other undesirable hazardous conditions.

2.12 INTERSECTIONS

- a) **SUBMISSION OF A GRADING PLAN** showing existing conditions and a detailed design for intersections which are unusual or located on difficult terrain may be required by the Planning Commission.
- b) **ACUTE ANGLES** at street intersections are to be avoided; in no case will an angle of less than sixty (60) degrees be permitted.
- c) **MINIMUM RADII OF INTERSECTIONS**
 - 1. **PROPERTY LINES** at arterial and major street intersections shall be rounded with a radius of twenty-five (25) feet. An increased radius shall be required when the angle of intersection is less than ninety (90) degrees.
 - 2. **ROADWAY AND CURB** intersections shall be made concentric and shall be rounded by a radius of not less than ten (10) feet.
- d) **SITE LINES**

Nothing shall be erected, placed, or grown in such a manner as to limit or obstruct traffic visibility at a street intersection or railroad crossing. A clear sight triangle shall be maintained upon each corner lot. Such sight triangle beginning at the intersection of the right-of-way centerlines and running along each said centerline a distance of fifty (50) feet along any minor street and a distance of one hundred (100) feet along any collector or arterial street. The third leg of the triangle shall be formed by connecting the endpoints of the other two legs of the triangle. Within such sight triangle, no obstruction to vision between a height of thirty (30) inches and a height of ten (10) feet above the average grade of each street or railroad along the centerline

thereof shall be placed, erected, or grown. The requirements of this provision shall not be deemed to prohibit the erection of any necessary retaining wall.

e) **INTERSECTIONS NEAR RAILROAD CROSSINGS**

Railroad right-of-ways, where so located as to affect access to a proposed subdivision, shall be shown on the Preliminary Plat. The centerline of streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall be a distance of at least two hundred (200) feet from the nearest railroad right-of-way. Greater minimum separation distances between arterial and collector intersections and railroad rights-of-way shall be determined by the Planning Commission and the Town Engineer with due consideration of the peak traffic volumes and the minimum distance required for future separation of grades by means of appropriate approach gradient.

2.13 ALLEYS

- a) Alleys may be required in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking facilities consistent with zoning requirements.
- b) Alleys are not permitted in residential districts, except when the Planning Commission determines special conditions warrant a secondary means of access.

2.14 NAMES

Names for proposed new streets should be selected carefully to prevent confusion with existing streets. All proposed names for streets in new subdivisions must be reviewed and approved by the Town. All streets shall be named in accordance with the following requirements.

- a) *Approval.* Street names and address numbers shall be subject to the approval of the Planning Commission and shall be consistent with established Town policies and ordinances.
- b) *Duplication of names.* Street names shall not duplicate either phonetically or by spelling, an existing Town street or road.
- c) *Continuity of names.* Any street or road which is a continuation, an approximation, or logical continuation of any existing dedicated street or road or shall bear the same name.

SECTION 3 - BLOCKS

Blocks within proposed subdivisions should be designed to provide reasonable, but not excessive public street frontage for all lots located within each block. The design and orientation of blocks within a development should relate to both established development patterns in the neighborhood and the specific environmental and topographical constraints of the development site. Proposed subdivision blocks also should be designed to minimize excessive, and potentially hazardous or conflicting, property access demands on major highways and thoroughfares adjoining or providing access to the subdivision, such as arterials and collectors. At the same time, blocks should be designed to reinforce and extend the street network patterns in adjoining developed areas. Specifically, subdivision blocks should be designed with due regard to the following considerations.

- a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- b) Zoning Ordinance and Health Department requirements as to lot sizes and dimensions.
- c) Needs for convenient access, circulation, control, and safety of street traffic both within the planned development and between the proposed development and adjoining areas and neighborhoods.
- d) Topographical limitations and opportunities.

Block lengths shall not be less than four hundred (400) feet nor more than twelve hundred (1200) feet and shall normally be wide enough to allow two (2) tiers of lots of appropriate depth.

Pedestrian crosswalks not less than ten (10) feet wide may be required across streets where deemed essential in blocks over eight hundred (800) feet long by the Planning Commission to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and community facilities.

SECTION 4 - LOTS

- 4.1 The lot size, width, depth, shape, and orientation, and the minimum building setback line shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- 4.2 Lot areas shall conform to the requirements of the Zoning Ordinance and the requirements of the County Health Department. In cases where requirements conflict, the greater requirements shall govern.
- 4.3 Unless the proposed development is within the Central Historical Zoning District, the following lot size and area requirements shall govern:

- a) Residential lots shall contain not less than fifty (50) feet of frontage along a public or private street dedicated for public use and constructed in accordance with all applicable Town street standards.
 - b) The width of residential lots shall not be less than fifty (50) feet at the building setback line.
 - c) Residential lots shall have a depth of not less than 120 feet and a lot area of not less than 10,000 square feet.
- 4.4 Corner lots for residential use shall have extra fifteen (15) feet width to permit appropriate building orientation and setback from both streets.
- 4.5 Each lot shall be provided with access to and frontage upon a dedicated street right-of-way of not less than fifty (50) feet in width.
- 4.6 Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation.
- 4.7 Side lot lines shall normally be at right angles to streets, except on curves where they shall be radial.
- 4.8 Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading for the use contemplated.

SECTION 5 - EASEMENTS

- 5.1 Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary, and shall not be less than a total of twenty (20) feet wide, unless otherwise approved by the engineering department of the specific utility.
- 5.2 Where a subdivision is traversed by an existing or proposed water course, drainage way, channel or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage way. The width of such drainage easement or right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.
- 5.3 Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement jogs or off-sets, and to facilitate the use of easements for power distribution, telephone services, drainage, water, and sewer services.

SECTION 6 - STORMWATER DRAINAGE AND MANAGEMENT

Stormwater drainage and flooding are important considerations in subdivision design. Stormwater runoff causes soil erosion and results in increased contamination and sedimentation of public waters. Flooding represents a serious hazard to lives and property. In addition, Waverly has numerous streams which drain into important surface water resources and public water supplies. The integrity and quality of these water resources must be maintained to sustain these local benefits. Therefore, it is important for all subdivisions to include appropriate stormwater drainage facilities, as required by this section. The Town may request assistance from the Natural Resource Conservation District or other qualified experts in evaluating the applicant's proposed measures to comply with these requirements.

- 6.1 *ADEM permit required.* Major construction projects or land disturbing activities that fall within the requirements of the Clean Water Act must be approved by the Alabama Department of Environmental Management prior to development. Applicants subject to this requirement shall provide evidence that a stormwater discharge permit has been issued by ADEM prior to the issuance of a zoning permit by the Enforcement Officer.
- 6.2 *Drainage plan required.* A drainage plan shall be prepared and submitted by the owner's Engineer, Architect, Landscape Architect, or Surveyor for each proposed subdivision. Such plan shall consider the ultimate or saturated upstream development, as may be contemplated by the Waverly Comprehensive Plan, of the major drainage channel(s) in which the proposed subdivision is located. Adequate provisions shall be made to provide drainage easements needed within the subdivision, taking into consideration the saturated development of the tributary area. The plan also shall incorporate appropriate best management practices to minimize soil erosion and sedimentation impacts both during (short-term) and after (long-term) construction. The Planning Commission may waive or reduce the requirements for a drainage plan for residential subdivisions of ten (10) or fewer lots, provided that the Subdivider can document that adequate stormwater drainage facilities exist to serve the proposed development and any potential future resubdivision of the site.
- 6.3 *Design Requirements.* Stormwater management measures shall be designed in accordance with all applicable Best Management Practices for the proposed type of construction activity. Appropriate short-term (during construction) and long-term (after construction is complete) measures shall be applied to minimize potential erosion of disturbed soils on the development site. All slopes on the development site in excess of ten (10) percent grade shall be permanently stabilized through the use of natural vegetation (preferably native vegetation), retaining walls, terracing, or a combination, as may be appropriate. Each subdivision shall contain adequate stormwater management facilities (detention or retention basins, drainage ways, storm drains, etc.) to accommodate on-site and safely release or transmit the runoff that would be generated by a twenty-five (25) year storm event, without causing an increase or surge in the volume and velocity of off-site peak stormwater runoff over the pre-development state.

- 6.4. *Creative and innovative polluted runoff management practices.* Subdivision drainage plans should, to the greatest feasible extent, incorporate creative and innovative design to minimize the impacts of polluted runoff on the environment. Such design features may include, but are not limited to, undisturbed natural buffers between impervious surfaces and adjoining streams and drainageways, maximum retention of existing mature trees on building lots, the use of seeded shallow "V" drainage swales (with stabilized cut slopes not to exceed a ten [10] percent grade) rather than concrete curb and gutter, the use of porous pavement surfaces for parking lots, service roads, alleys, and cul-de-sacs, the use of crushed gravel or turf parking areas for small parking lots or spillover parking areas, and the creation of wetlands for stormwater detention and retention, and other practices as may be appropriate to address on-site stormwater drainage needs. Such creative and innovative design features should be used in the following development settings;
- A. where they will be compatible with existing off-site stormwater management infrastructure improvements serving the drainage basin, and
 - B. where appropriate to adequately and safely accommodate the stormwater runoff that would be generated by the proposed level of impervious surfaces without the need for excessive perpetual maintenance.
- 6.5. *Tie-in required.* All proposed drainage improvements shall tie into any existing man-made or natural drainageways along the existing public streets adjoining the development site. Under no conditions shall stormwater drainage be emptied into the sanitary sewer system or vice-versa.
- 6.6. *Stormwater management on privately owned common open space lands.* Where any stormwater management improvements are to be constructed on common open space lands within the development, such improvements shall be subject to special maintenance provisions as required in Section 7 (Common Open Space Requirements) of this Article. The Town of Waverly shall assume no responsibility or liability for the continued, maintenance, improvement, or repair of privately owned stormwater management facilities.
- 6.7. *Conditions for requirement of curb and gutter.* Concrete curbs and gutters may be required the Planning Commission on both sides of all new streets within the Town limits where any of the following conditions have been determined to exist:
- A. The topography, extensiveness of impervious surfaces, and/or soils in the vicinity of the proposed subdivision site are not generally conducive to the use of stabilized drainage ditches or swales due to the degree of erosion and sedimentation that would occur during a design storm event or the potential for standing water within proposed draining ditches or swales.

- B. Alternative stormwater drainage measures would not be compatible with existing curb and gutter improvements serving or adjoining the proposed subdivision site.
 - C. Adequate right-of-way width is not available to accommodate alternative stormwater drainage measures.
 - D. Alternative stormwater drainage measures will not provide sufficient protection to the improved street surface subbase from excessive water intrusion.
- 6.8 *Curb and gutter standards.* When required, concrete curbs and gutters shall be a minimum of eighteen (18) inches lateral total dimension. Concrete curbs shall have a minimum strength of three thousand (3,000) pounds per square inch. Storm sewers and drainage structures shall be designed and installed where curbs and gutters are required in accordance with good engineering practice. Adequate drainage facilities for collector streets may be achieved through the use of a standard concrete vertical curb with spill gutter. Concrete rolled curbs may be used to provide drainage facilities for minor streets. Additional drainage structures may be required by the Planning Commission, as may be recommended by the Town Engineer.
- 6.9 *Additional drainageway improvements.* Adequate provision shall be made in all street improvements for culverts, pipes, headwalls, drains, and drop inlets. Required storm pipes shall be designed to maintain a water flow velocity equal to or greater than three (3) feet per second. No pipe used for storm drainage shall be less than fifteen (15) inches in inside diameter. At a minimum, storm pipe inlets or drains shall be located in all sump locations not designed as detention or infiltration facilities and at all low points on vertical sag curves. A manhole or inlet with access shall be placed at maximum distances of eight-hundred (800) feet and at all changes in pipe size, grade, or alignment on straight runs, and at all storm pipe intersections, except roof drains.
- 6.10 *Alternative drainageway improvements.* Subdividers may seek approval from the Planning Commission to utilize creative and innovative stormwater management features, as referenced in Section 6.4 above, in lieu of concrete curbs and gutters. Subdividers also may request special permission to utilize inverted street surface crowns to satisfy stormwater drainage needs for cul-de-sac streets and alleys that do not exceed six hundred (600) feet in length and are specifically designed to maintain a constant slope of not more than six (6) percent nor less than one (1) percent in grade. Where inverted surface crowns are utilized and adequately tied into existing or proposed stormwater drainage facilities along adjoining streets, all curb and gutter requirements for stormwater drainage along such cul-de-sacs and alleys may be waived. All requests to utilize creative and innovative stormwater management measures must be submitted in writing, and must be accompanied by appropriate documentation to justify that the conditions stated in subparagraphs A and B of Section 6.4 above exist and are applicable to the proposed subdivision.

- 6.11 *Areas subject to flooding.* Low areas subject to periodic flooding shall not be developed or subdivided unless and until the Planning Commission establishes that:
- A. The nature of the land use (i.e., recreational areas) would not lend itself to damage by water inundation to an appreciable extent;
 - B. The area may be filled or improved in such manner to prevent such periodic inundation; or
 - C. Minimum floor elevations be required to prevent damage to building and structures.

SECTION 7 - COMMON OPEN SPACE REQUIREMENTS

Within subdivisions where common open space is required or will be provided by a Subdivider, the following requirements shall apply:

- 7.1 *Access to common open space.* Open space should be distributed throughout the development so that all lots within the subdivision shall have either direct access or access from an improved public right-of-way or easement to such areas. Common open space lands shall be designed to permit access for maintenance without the need to cross private lands. Where common or public waterfront open space is provided within a proposed subdivision, such lands shall be afforded convenient vehicular and pedestrian access from all lots within the subdivision. Such access may be provided through a combination of streets and greenbelt easements.
- 7.2 *Minimum size of subdivision.* No subdivision containing fewer than twenty-five (25) lots or units shall contain common open space lands, unless such common lands are deemed necessary by the Planning Commission to provide and maintain required stormwater management improvements or are desired to provide adequate access to water amenities, as recommended by this Section.
- 7.3 *Improvements prohibited from inclusion in common open space.* Common open space shall not include public or private streets, driveways, private yards, patios, parking areas, or utility easements, where the utilities within the easement would interfere with reasonable active or passive recreation uses. Sidewalks, playgrounds, and other outdoor recreational facilities, and ponds or lakes may be constructed within common open space lands, where adequate provisions are made for continued private maintenance of any such improvements.
- 7.4 *Management agreement for control and maintenance of common areas.* The Town of Waverly shall bear no responsibility or liability for the continued maintenance, repair, or improvement of privately owned common open space lands. No lot or structure in a subdivision containing common or shared open space shall be sold until a corporation, association, property owner's group or similar entity has been formed. Such corporation shall possess the

right to assess all the properties which are jointly owned with interests in the common areas and facilities in the entire development, or in the tract which is a part of the entire development, to meet the expense of such entity. The corporation also shall be vested with authority to control, and the duty to regularly maintain (either directly or by contract), all of said mutually owned features of the development or tract portion thereof. In addition, the homeowner's association bylaws or rules shall contain provisions authorizing the local government to maintain said open space at the association's expense and upon fifteen (15) days advance written notice, if the association has not properly maintained any or all open space entrusted to it. Such entity shall operate under recorded conditions, covenants, and restrictions which may include compulsory memberships of all owners of lots and/or dwelling units, and flexibility of assessments to meet the changing costs of maintenance, repairs, and services. The Subdivider or developer shall submit evidence of compliance with these requirements to the Planning Commission prior to approval of a Final Plat.

SECTION 8 - NON-RESIDENTIAL SUBDIVISION

Non-residential subdivisions shall be reviewed and processed by the Planning Commission in accordance with appropriate sections of the Zoning Ordinance.

SECTION 9 - VACATING A STREET

No street may be vacated unless such action is recommended by the town Planning Commission to the Town Council and approved by the Town Council.

ARTICLE V

REQUIRED IMPROVEMENTS

The subdivider is required to install or construct the improvements hereinafter described prior to having released the bond or other securities which guarantee installation of such required improvements.

All improvements required shall be constructed in accordance with the standards set forth in these regulations, and under the inspection of an authorized officer and the engineering department of the respective utility.

All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement and any street, sidewalk, or other required pavement.

1.1 STREETS AND ALLEYS

On all streets and alleys within the jurisdiction of these regulations, a suitable hard surface type of roadway meeting the requirements of the Town's specifications or as recommended by the Alabama State Highway Department shall be provided.

1.2 CURBS AND GUTTERS

Standard approved type curbs and gutters shall be placed on both sides of all new streets. Additional curb and gutter design requirements are specified in Article IV, Section 6 of these Regulations.

1.3 PEDESTRIAN AND BICYCLE LANES IN RESIDENTIAL SUBDIVISIONS

Provisions shall be made for pedestrian and bicycle traffic in the form of area provided for a trail system within the subdivision for pedestrian and bicycle circulation. Sidewalks shall be placed on both sides of all streets in the Central Historical District and shall be six (6) feet wide, and constructed according to city specifications. All sidewalks and other pedestrian access improvements shall be designed and constructed in accordance with the applicable requirements of the Americans with Disabilities Act of 1990, as amended.

1.4 WATER MAINS

The design and specifications of the distribution system shall meet the Waverly water system requirements. Water mains shall be extended the full length or width of the pavement. If a well is required for each lot, the location construction, and use of such a well shall meet Health Department requirements. If a well is to serve more than one lot, a public water system is required. The design and specifications of such distributions system shall meet

health Department specifications and shall be installed under inspection of the town Water Department.

1.5 FIRE PLUGS

Fire plugs shall be installed along each street every 1,000 feet, or at the ends and center of each block. The water supply and pressure shall be sufficient to adequately serve the potential needs of the intended land use. The Planning Commission may, at the recommendation of the Fire Chief, require a Subdivider to construct a fire pond within large subdivisions--consisting of at least twenty-five (25) lots--that, in the opinion of the Fire Chief, lack adequate nearby water supplies for fire suppression. The size of any required fire pond may be determined by consulting National Fire Protection Association Codebook 1231, *Water Supplies for Suburban and Rural Fire Fighting*.

1.6 SANITARY SEWERS

Sanitary sewers shall be installed in each subdivision where community-wide sewerage service is available. All sanitary sewer lines shall be installed in such a manner as to serve adequately all lots. Septic tanks may be permitted in lieu of sewer lines wherever sanitary sewerage will not be available within a reasonable period of time. 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 sewerage system as indicated by percolation tests.

1.7 STORM SEWERS AND DRAINAGE

Storm sewers and drainage structures shall be designed and installed where curbs and gutters are required in accordance with good engineering practice. All such improvements shall be constructed in compliance with the specifications outlined in Article IV, Section 6 of these Regulations.

1.8 PROPERTY MARKERS

All lot corners shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and twenty-four (24) inches long, and driven so as to be flush with the finished grade.

1.9 OVERSIZE FACILITIES

The Town Council may participate in the cost of "oversize" improvements within a subdivision, if in its judgment such oversized improvements are necessary to serve large

areas of land not in the subdivision, and if the cost of such oversize improvements is an unreasonable burden on the subdivider.

1.10 STREET TREES

Developers shall be required to plant street trees where none exist or the original trees have been severely damaged by construction.

Street trees protect against excessive heat and glare and enhance the attractiveness and value of abutting property. The Planning Commission will assist the subdivider in the location of trees and species to use under varying conditions.

It is recommended that trees be planted five (5) feet inside (or behind) property lines where they will be less subject to injury, decrease the chances of motor accidents, and enjoy favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be approved by the Planning commission since the public inherits the care and maintenance of such trees.

1.11 PUBLIC INFRASTRUCTURE CONNECTIONS REQUIRED

Where public water and sewer are within three hundred feet (300), the subdivider shall connect with same.

ARTICLE VI

DEVELOPMENT

Section 6.01. The purpose of this article is to provide for the orderly development of the City of Waverly and to protect the health, safety and general welfare of the community. This article shall be construed to be consistent with the Comprehensive Zoning Ordinance and the Subdivision Map Act.

Section 6.02. The City of Waverly hereby declares that the public interest requires that the subdivision of land be regulated in order to protect the health, safety and general welfare of the community.

Section 6.03. The City of Waverly hereby declares that the public interest requires that the subdivision of land be regulated in order to protect the health, safety and general welfare of the community.

Section 6.04. The City of Waverly hereby declares that the public interest requires that the subdivision of land be regulated in order to protect the health, safety and general welfare of the community.

Section 6.05. The City of Waverly hereby declares that the public interest requires that the subdivision of land be regulated in order to protect the health, safety and general welfare of the community.

Section 6.06. The City of Waverly hereby declares that the public interest requires that the subdivision of land be regulated in order to protect the health, safety and general welfare of the community.

Section 6.07. The City of Waverly hereby declares that the public interest requires that the subdivision of land be regulated in order to protect the health, safety and general welfare of the community.

ARTICLE VI

PERFORMANCE BONDS

Improvement responsibilities and assurances may be required by the Town to ensure the proper installation of required subdivision improvements prior to approval of a Final Plat. The nature and duration of any arrangement requiring the documentation of improvement responsibilities and assurances shall be structured to achieve this goal without adding unnecessary costs to the developer. Before construction activities in accordance with an approved Preliminary Plat may be undertaken, or as a condition of Preliminary Plat approval, the Town may approve and shall accept the following assurances, when required by the Planning Commission.

1. *Value of improvement assurance.* The furnishing of a performance assurance in an amount determined by the Town Engineer not to exceed one-hundred twenty (120) percent of the estimated or projected cost of proper construction or installation for the required improvements.
2. *Extensions.* The time allowed for the installation of the improvements for which the performance assurance has been secured may be extended by the Planning Commission by resolution, provided that the applicant has demonstrated a good faith effort to complete the improvements in accordance with the approved construction schedule and that the need for the extension is caused by factors beyond the exclusive control of the developer.
3. *Review and release.* Upon substantial completion of all required improvements, the developer may notify the Town Engineer, in writing, that such substantial completion has taken place. The Town Engineer, or his/her designated agent, shall be afforded an opportunity to inspect all improvements to assure compliance with applicable standards. The Town Engineer shall prepare and file a report on the status of the affected improvements. If approved, the Town Engineer may notify the developer in writing that the specified improvements satisfy all applicable requirements. If only partially approved, or disapproved, the Town Engineer shall notify the developer in writing regarding any deficiencies concerning specified improvements, and shall indicate any corrective action to be taken. If, however, an inspection reveals that the improvements were not constructed in accordance with the Preliminary Plat or any specific changes to the Preliminary Plat that were formally approved by the Planning Commission and the developer has not corrected the deficiency, then the Town shall be authorized to undertake remedial work or may complete the defective improvement in accordance with the approved Preliminary Plat, the Town's cost for which shall be paid in full by the performance bond. The Town also may utilize the funds secured by the performance bond to complete subdivision improvements shown on the approved Preliminary Plat where the developer has abandoned or failed to complete the improvements. Where the Town has undertaken such remedial work activities, the developer shall not seek nor receive reimbursement of the performance bond funds necessary to cover the Town's costs for the remedial work. Where partial approval is granted, the developer may be

released from financial liability for only those portions of the improvements that have been satisfactorily completed and approved.

4. *Performance and maintenance mechanisms.* Performance and maintenance assurances may be provided by a variety of means including, but not necessarily limited to, the following.
 - A. *Security bond.* The applicant may obtain a security bond payable to the Town, which has been countersigned by a surety bonding agent licensed to do business in the State of Alabama.
 - B. *Cash.* The applicant may deposit cash, or other instrument readily convertible into cash at face value, either with the Town or in an escrow account with a bank approved by the Planning Commission. Any accrued interest on the cash principal shall be payable to the Subdivider.
 - C. *Letter of Credit.* The applicant may provide an irrevocable letter of credit from a bank or other reputable institution approved by the Planning Commission. The letter of credit shall bind the developer and the bank, together with their heirs, executors, administrators, and successors to the Town of Waverly.
 - D. *Property.* The applicant may provide as an assurance land or other real property to which clear title can be verified and validated by an affidavit. The market value of any property offered as an assurance substitute for a performance bond shall be established by an independent appraiser selected by the Planning Commission, the cost for which shall be reimbursed in full to the Town by the applicant. Where any question remains regarding the true market value of any property offered as a security, the Planning Commission may require a review appraisal conducted by an independent appraiser selected by the Planning Commission. The cost for any such review appraisal shall be reimbursed in full to the Town by the applicant. When property is offered as a security for proposed improvements, the applicant shall:
 - 1) Execute an agreement with the trustee, when it is not the Planning Commission, instructing the trustee to release the property to the Town in the case of default. The agreement shall also state that the property may be released only upon the consent of the Planning Commission. The agreement shall be placed on file with the Planning Commission.
 - 2) File with the Planning Commission an affidavit affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is to be placed into trust.
 - 3) Execute and file with the Planning Commission an agreement stating that the property to be placed into trust as an improvement guarantee will not be used

for any other purpose or pledged as a security in any other matter until it is released by the Planning Commission

- 4) Not request any release of title until all improvements secured by the property have been completed in satisfaction of the Town as stipulated in this section.

5. *Final acceptance of dedicated streets.* The Town Council may withhold final acceptance of any privately constructed, dedicated right-of-way for a period of one (1) year to ensure that the street has been properly designed and constructed to withstand normal wear and tear. During said one-year waiting period, the developer shall be responsible for all street maintenance costs. In addition, the Town Council may require the developer to correct any construction deficiencies that emerge within the one-year waiting period as a condition to final acceptance of said street.

ARTICLE III

GENERAL PROVISIONS

SECTION 1. PURPOSE AND SCOPE

The purpose of these regulations is to provide a framework for the subdivision of land in the Waverly area. These regulations shall apply to all subdivisions of land within the Waverly area, except as otherwise provided. The regulations shall be interpreted in a manner that is consistent with the public health, safety, and general welfare of the community. The regulations shall be subject to periodic review and amendment by the governing body.

The regulations shall apply to all subdivisions of land, whether the land is owned by a private individual or a public entity. The regulations shall not apply to subdivisions of land that are exempt from subdivision regulations under applicable law. The regulations shall be subject to the provisions of the zoning ordinance. The regulations shall be subject to the provisions of the subdivision map act.

SECTION 2. DEFINITIONS

The following definitions shall apply to these regulations unless otherwise specified. "Subdivision" means the division of land into two or more lots, blocks, or other units of land. "Lot" means a parcel of land that is bounded by a street, a public right-of-way, or a natural boundary. "Block" means a group of lots that are bounded by streets on two opposite sides. "Public right-of-way" means a street, alley, or other public way that is dedicated to public use.

ARTICLE VII

LEGAL PROVISIONS

SECTION 1 - VIOLATIONS AND PENALTIES

- 1.1 *Illegal sale or transfer of lots.* A violation of these Regulations shall occur in accordance with Title 11, Chapter 52, Section 33 of the Code of Alabama, 1975, as amended where the owner or agent of the owner of any land located within a subdivision subject to the requirements of these Regulations transfers, sells, agrees to sell, or negotiates to sell any land within a subdivision for which no Final Plat has been approved by the Planning Commission and duly filed and recorded in the office of the County Probate Judge. Any such violation shall be punishable by a fine of one hundred dollars (\$100.00) for each lot or parcel of land so transferred or sold or agreed or negotiated to be sold, and the description of such 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 such penalties. The Town also may enjoin such transfer or sale or agreement by a civil action for injunction brought in any court of competent jurisdiction or may recover the same penalty provided in this section by a civil action in any court of competent jurisdiction.
- 1.2 *Failure to comply with Regulations.* Any failure to comply with the applicable requirements of these Regulations or failure to construct subdivision improvements in accordance with an approved Preliminary Plat shall constitute a violation of these Regulations under Title 11, Chapter 52, Section 83 of the Code of Alabama, 1975, as amended. Any such violation shall be punishable by a fine of up to five hundred dollars (\$500.00) and or imprisonment of not more than six (6) months, as provided in accordance with Title 11, Chapter 45, Section 9 of the Code of Alabama, 1975, as amended. Where such a violation has been confirmed to exist by the Zoning Enforcement Officer, the violation shall be cured in accordance with the administrative procedures outlined in Article III, Section 6 of these Regulations.

SECTION 2 - RESTRICTIVE COVENANTS AND BYLAWS

Subdivision bylaws, covenants, and deed restrictions may be imposed upon the lots within the subdivision by the Subdivider when the Final Plat is recorded. Once any such subdivision bylaws, covenants, and deed restrictions have been recorded, they can be administered only by the Subdivider, the homeowners' association of the subdivision, or the owners of land within the subdivision, as may be applicable, and they may be enforced only by private legal action through a court of competent jurisdiction. The Town of Waverly and the Waverly Planning Commission is in no way liable for and assumes no responsibility to approve, enforce, amend, or administer any duly adopted or recorded subdivision bylaws, covenants, and deed restrictions. Furthermore, advance knowledge by the Planning Commission prior to Final Plat approval that any such subdivision bylaws, covenants, and deed restrictions will be imposed by the Subdivider shall in no way constitute implied authority or responsibility to approve, enforce, amend, or administer any

subsequently adopted or recorded restrictive covenants or bylaws. Finally, no such authority shall be implied by the granting of Final Plat approval for any subdivision within which special bylaws, covenants, or deed restrictions have been or will be imposed.

SECTION 3 - SEVERABILITY AND SEPARABILITY

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

SECTION 4 - ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

The Planning Commission may adopt, readopt, amend, or repeal these Regulations by a majority vote of the members at a meeting where a quorum is present. Before adoption, a public hearing, as described by law, shall be held thereon. Procedures for public notification and conduct of such public hearing shall be in accordance with the provisions of Article V Sections 2.5 and 2.6 of these Regulations, with the exception that the specific notice to adjoining property owners and Subdivider shall not be required. Following its adoption, a full and complete copy of the amendment shall be published, certified, and recorded in compliance with Title 11, Chapter 52, Section 8 of the Code of Alabama, 1975, as amended. In addition, a copy of the adopted amendment shall be certified by the Planning Commission to the Probate Judge of Chambers, Lee, or Tallapoosa County.

SECTION 5 - REPEAL OF FORMER REGULATIONS

These Regulations are the official Subdivision Regulations for the Town of Waverly. All other conflicting municipal subdivision regulations adopted prior to the adoption or amendment of this ordinance are hereby repealed; provided that nothing herein shall be construed as repealing or modifying those approvals, permits, or variances issued in good faith compliance with any previous local ordinance hereinafter repealed by these Regulations.

SECTION 6 - INTERPRETATION OF CONFLICTING REQUIREMENTS

Whenever the requirements of this ordinance conflict or are in any way inconsistent with the requirements of any other lawfully adopted statutes, rules, regulations, ordinances, the most restrictive, or that imposing higher standards, shall govern, unless otherwise specifically stated in these Regulations. No certificate of zoning compliance or plat approval shall be issued or considered valid for any use or activity which is or would be otherwise illegal under the terms of any applicable local, State, or Federal Law.

SECTION 7 - EFFECTIVE DATE

These Subdivision Regulations shall supersede all previous Subdivision Regulations and shall take effect five (5) days from the date of final posting by the Town, in accordance with Title 11, Chapter 45, Section 8 of the Code of Alabama, 1975, as amended.

AMENDED REGULATIONS FOR THE CITY OF WAVERLY, MISSOURI, IN CONNECTION WITH THE REVISIONS OF THE SUBDIVISION REGULATIONS OF THIS CITY.

THE CITY OF WAVERLY, MISSOURI, HAS ADOPTED THE FOLLOWING AMENDED REGULATIONS FOR THE CITY OF WAVERLY, MISSOURI, IN CONNECTION WITH THE REVISIONS OF THE SUBDIVISION REGULATIONS OF THIS CITY.

SECTION 1. The purpose of these regulations is to provide for the orderly and efficient subdivision of land in the City of Waverly, Missouri, and to protect the public health, safety and general welfare of the community.

SECTION 2. The City of Waverly, Missouri, hereby declares that it is in the public interest to have these regulations adopted and to have them enforced.

SECTION 3. The City of Waverly, Missouri, hereby authorizes the City Engineer to issue permits for the subdivision of land in accordance with these regulations.

SECTION 4. The City of Waverly, Missouri, hereby authorizes the City Engineer to take such action as may be necessary to enforce these regulations.

SECTION 5. The City of Waverly, Missouri, hereby authorizes the City Engineer to take such action as may be necessary to enforce these regulations.

[Handwritten signature]
City Engineer

[Handwritten signature]
City Engineer

[Handwritten signature]
City Engineer

[Handwritten signature]
City Engineer

RESOLUTION NO. 2001-3

A RESOLUTION ADOPTING SUBDIVISION REGULATIONS FOR THE TOWN OF WAVERLY, ALABAMA, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING ALL CONFLICTING REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Title 11, Chapter 52, Code of Alabama, 1975, as amended, authorizes the Planning Commission to enact Subdivision Regulations to govern the subdivision of all lands within the corporate limits of the Town of Waverly, Alabama and within a five (5) mile radius of the Town Limits; and

WHEREAS, the Town of Waverly, Alabama desires to exercise its powers to regulate subdivisions in accordance with Alabama law; and

WHEREAS, the Planning Commission has prepared Subdivision Regulations for the Town; and

WHEREAS, the Planning Commission conducted a formal public hearing on the proposed new Subdivision Regulations on November 29, 2001 in accordance with the requirements of Title 11, Chapter 52, Section 31 of the Code of Alabama, 1975, as amended;

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF WAVERLY, ALABAMA:

SECTION 1. That the Waverly Planning Commission hereby adopts the December 2001 Waverly Subdivision Regulations, pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended on this 29th day of November, 2001.

SECTION 2. That all conflicting regulations adopted previously by the Planning Commission, be repealed.

SECTION 3. That the aforementioned Subdivision Regulations shall become effective five (5) days from the date of final posting in accordance with Section 11-45-8 of the Code of Alabama, 1975, as amended.

ATTEST:

L. DeLene Gawley
Town Clerk
Town of Waverly

Caryl Stubb
Planning Commission Member

Alvin B. Williams
Planning Commission Member

Rusty Atkins
Planning Commission Member

Walter Ingram
Planning Commission Member

Carlton Nellis
Planning Commission Chairman
Town of Waverly

Dan Hill
Planning Commission Member

Planning Commission Member

Planning Commission Member

Planning Commission Member

CERTIFICATION OF ADOPTION

I hereby certify that the attached ordinance was duly adopted by the Waverly Planning Commission in regular session assembled on the 29th day of November, 2001, and is recorded in the official minutes of the Waverly Planning Commission.

L. DeLene Cawley
Town Clerk

Official Seal

CERTIFICATION OF PUBLICATION

I, L. DeLene Cawley, Town Clerk for the Town of Waverly, Alabama, hereby certify that these Subdivision Regulations were posted in three public places within the Town, one of which was in the office of the Mayor, and two other public places, beginning on the 4th day of December 2001, in accordance with the provisions of Code of Alabama (1975) Section 11-45-8.

Dec. 4, 2001
Date

L. DeLene Cawley
Town Clerk

Official Seal

APPENDIX A

FORMS & CERTIFICATES

FORM 1 - OWNER'S CERTIFICATE

OWNER'S CERTIFICATE AND DEDICATION. We, the undersigned (name of owner) do hereby certify that we are the owners of and the only person(s) having any right, title, or interest in the land shown on the Plat of (name of subdivision), and that the Plat represents a correct survey of the above described property made without consent, and that we hereby dedicate to the public use all the streets as shown on said Plat. The easements as shown on the Plat are created for the installation and maintenance of public utilities. We hereby guarantee a clear title to all lands so dedicated from ourselves and our heirs or assigns forever, and have cause the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate.

RESTRICTIONS: (if any, follow here)

Witness _____ hand _____ this _____ day of _____, _____.

Witness _____

FORM 2 - SURVEYOR'S CERTIFICATE

SURVEYOR'S CERTIFICATE. I, _____, the undersigned, do hereby certify that I am a professional land surveyor or civil engineer and that the annexed map of (name of subdivision) consisting of _____ sheets, correctly represents a survey made under my supervision on the _____ day of _____, _____; and that all of the monuments shown hereon actually exist and their positions are correctly shown.

Signature: _____

Witness: _____

FORM 3 - CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify: (1) that streets, utilities, and other improvements have been installed in an acceptable manner according to Town specifications in the subdivision entitled _____ or, (2) that a security bond in the amount of \$_____ has been posted with the Planning Commission to assure completion of all required improvements in case of default.

_____, _____
Date

Town Street Superintendent or Other Approving Agents

FORM 4 - CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat for _____ subdivision has been found to comply with the Subdivision Regulations for Waverly, Alabama with the exception of such variances, if any, as are noted in the minutes of the Planning Commission, and that it has been approved for recording in the office of the Probate Judge of Chambers, Lee or Tallapoosa Counties.

Date

Secretary, Planning Commission

FORM 5 - PERFORMANCE BOND

KNOW ALL MEAN BY THESE PRESENTS:

That we, _____ as Principal and the undersigned Surety, are held and firmly bound unto the Town of Waverly, Alabama, hereafter called the town in the full sum of _____ dollars (\$ _____), for the payment of which, well and truly to be made, we, and each of us, bind ourselves jointly and severally, by these presents.

Dated this _____ day of _____ A.D., _____.

The conditions of this obligation are such that,

WHEREAS, PRINCIPAL has submitted to the Planning Commission a preliminary plat for subdivision of a tract of land described as follows:

AND, WHEREAS, PRINCIPAL shall, within _____ months from the date of approval of the final plat of the subdivision, faithfully install complete improvements and utilities in the subdivision according to requirements of ordinances, approved plans, specifications, subdivision rules and regulations of the town and pay all bills for contractors, subcontractors, labor and materials incurred in completion thereof; and shall hold harmless and indemnify the Town and all interest property owners against liability, loss or damage by reason of failure of **PRINCIPAL** to faithfully perform the conditions hereof, then this obligation shall be null and void, otherwise to remain in full force and effect; **PROVIDED**, however, that actions upon this bond by contractors, subcontractors, laborers or material men shall be limited to six months from and after completion of the improvements and utilities above referred to.

Signed, sealed and delivered the day and year first above written.

Principal

ATTEST:

Secretary

BY: _____

ATTEST:

Secretary

BY: _____

Approved as to form and legality this _____ day of _____, A.D., _____.

ATTEST:

Clerk

Mayor

FORM 6 - TOWN COUNCIL ACCEPTANCE OF PUBLIC DEDICATION

BE IT RESOLVED by the Town Council of the Town of Waverly, Alabama, that the dedication shown on the attached plat of (name of subdivision) are hereby accepted.

Adopted by the Town Council of the Town of Waverly, Alabama this _____ day of _____, _____.

Mayor

ATTEST

Clerk

FORM 7 - CERTIFICATE OF APPROVAL OF THE FINAL PLAT BY THE PLANNING COMMISSION (to be placed on the plat)

Pursuant to the Waverly Subdivision Regulations, all the requirements for approval have been fulfilled. This final plat was given Final Approval by the Town of Waverly Planning Commission on _____
_____, _____.

Secretary

Date

**TOWN OF WAVERLY
VIOLATION COMPLAINT**

Date of complaint: _____ Complaint received by: _____

Form of Complaint: _____ Citizen _____ Public Official _____ Inspector

Name of Person Filing Complaint: _____ Telephone: _____

Nature of Complaint: _____

Location: _____

Probable violation of Article _____ Section _____, of the Waverly Subdivision

Regulations, described as follows: _____

Referred for inspection to: _____

Date of inspection: _____

Inspection findings: _____

_____ Violation found _____ No violation found _____ Other: _____

Initial action following discovery of violation: _____

Notice of Violation sent on: _____

_____ Other _____

Follow-up inspection due on _____

Notes: _____

TOWN OF WAVERLY
NOTICE OF VIOLATION

Date of notice

Name of Property Owner
Mailing address
Town, State, Zip

Dear (Name of property owner) :

On (Date of investigation), I investigated and confirmed a violation of the Waverly Subdivision Regulations on your property located at (Street address of subject property). The nature of this violation is (Description of the violation), which violates Article (Cite article number), Section (Cite section and subparagraph number) of the Subdivision Regulations. I am writing to request that you take action to correct this violation on or before (Specify date by which the violation must be corrected), in order to avoid the issuance of a formal citation and penalty. If you feel that this notice has been issued in error or you feel that an extension to the deadline is necessary, please arrange a meeting with me on or before (Date - five business days after the date of notice). I will be happy to discuss this problem with you in greater detail.

Thank you for your help in addressing this problem. The Town of Waverly appreciates your cooperation.

Sincerely,

(Signature of Enforcement Officer)
Enforcement Officer

TOWN OF WAVERLY
NOTICE OF CITATION

Date of citation

Name of Property Owner
Mailing address
Town, State, Zip

Dear (Name of property owner):

On (Date upon which initial violation was confirmed), I investigated and confirmed a violation of the Waverly Subdivision Regulations on your property located at (Street address of subject property). The nature of this violation is (Description of the violation), which violates Article (Cite article number), Section (Cite section and subparagraph number) of the Subdivision Regulations. Our records show that the Notice of Violation was sent to you on (Date that the notice was mailed) and received by you on (Date of receipt by property owner) explaining the nature of this violation and requesting that you correct the problem on or before (Deadline for correction of violation specified in the notice of the violation).

On (Dated of re-inspection), I performed a follow-up investigation to determine whether or not the violation had been corrected in accordance with the Notice of Violation. My inspection of the property revealed that the violation has not been corrected in accordance with the Subdivision Regulations. Therefore, the Town of Waverly is hereby issuing this Citation to you for failure to correct a violation of the Subdivision Regulations. To correct this violation, you must (Specify corrective measures including the amount of the fine that must be paid by the property owner) on or before (Ten days after the date of citation). If this violation is not corrected in full by the aforementioned date, the Town of Waverly will be obligated to file a written complaint with the Municipal Court for relief. If such a complaint is filed, you will be required to appear before the Municipal Court, at a time and date to be determined by the Court, to answer the charge of violation as explained in this Citation. If you have any questions regarding this violation or the subsequent actions that the Town will take, please do not hesitate to contact me at (Specify contact number and/or e-mail address) during the hours of (Specify business hours).

We appreciate your efforts to resolve this violation as soon as possible. Thank you for your cooperation.

Sincerely,

(Signature of Enforcement Officer)
Enforcement Officer

TOWN OF WAVERLY, ALABAMA
SUBDIVISION APPLICATION

Property owners in the Town of Waverly who wish to subdivide property within the Town and within the Town's extraterritorial planning jurisdiction must complete a Subdivision Application form. To request Planning Commission approval of a proposed subdivision plan, please complete the following application and return the form with all necessary supporting documents to Town Hall. Incomplete applications will not be processed. For additional information, please call the Town of Waverly Enforcement Officer at (334) 887-6453 during regular business hours.

Applicant Information:

Name of Applicant: _____

Mailing Address: _____

Business Hours Telephone #: (_____) _____

Fax # (If available): (_____) _____

NOTE: *If the applicant is NOT the owner of the subject property, then the application MUST be accompanied by a letter signed by the owner authorizing the applicant to submit the application.*

Consulting Engineer Information: (If same as applicant, complete only first three lines)

Name of Lead Consultant: _____

Name of Consulting Firm: _____

Professional Trade Affiliation: [] *Engineer* [] *Surveyor* [] *Architect*

Mailing Address: _____

Business Hours Telephone #: (_____) _____

Fax # (If available): (_____) _____

Property Summary Information:

Owner(s) of Record: _____

Street Address of Subject Property: _____

Is Subject Property Located Within the Town Limits of Waverly? [] *Yes* [] *No*

Tax Map & Lot Number of Subject Property: _____

Zoning Classification of Subject Property: _____

Size of Subject Property in Acres: _____

Size in Acres of Smallest Lot to be Created: _____

Total Number of New Lots to be Created: _____

Is Subject Property Located Within 300 Feet of a Town Water or Sewer Main?

[] *Yes* [] *No*

Uses to be Allowed in Subdivision: [] *Residential* [] *Industrial* [] *Commercial*

Is Property Located Within a 100-Year Floodplain? [] *Yes* [] *No*

Supporting Information:

Please submit the following items with the Subdivision Application form:

- [] *Full payment of the required Application Fee.*
- [] *Six prints or copies of a preliminary plat of the proposed subdivision satisfying all requirements of Article V, Section 4.3 of the Waverly Subdivision Regulations.*
- [] *A listing of the names and mailing addresses of all owners of land immediately adjoining the proposed subdivision property as their names may appear upon the plats contained in the County Tax Assessor's office and as their addresses appear in the directory of the municipality or on the tax records of the municipality or county.*
- [] *A complete list of all local, state, and federal permits or approvals that have been applied for or secured by the applicant for the proposed subdivision as of the date of filing of this application.*

Certifications:

Applicant:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, Town Engineer, or Planning Commission to determine the compliance of the proposed property construction or improvement activities with the Subdivision Regulations and Zoning Ordinance of the Town of Waverly.

Date

Applicant's Signature

Property Owner:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, Town Engineer, or Planning Commission to determine the compliance of the proposed property construction or improvement activities with the Subdivision Regulations and Zoning Ordinance of the Town of Waverly.

Date

Property Owner's Signature

----- **FOR TOWN OF WAVERLY USE ONLY** -----

Enforcement Officer's Information:

Date Filed: _____

Received By: _____

Application Fee Received: \$ _____ Cash Check # _____

Date Reviewed and Deemed Complete: _____

Enforcement Officer's Signature: _____

Public Hearing Date: _____

Date Public Hearing was Closed (if Different from Above): _____

Planning Commission Action on Preliminary Plat: Approved Denied

Date of Final Action by Planning Commission: _____

Planning Commission Findings and/or Special Conditions of Approval:

Planning Commission Chair's Signature: _____