

**CITY OF RAINBOW CITY, ALABAMA**

**SUBDIVISION REGULATIONS**



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**SUBDIVISION REGULATIONS**

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Appendix A - Planning Commission Resolution

## **SUBDIVISION REGULATIONS**

### **ARTICLE I. IN GENERAL**

#### **Sec. 1. Purpose.**

- (a) It is with the intent of creating a climate conducive to the orderly and progressive growth of the City of Rainbow City, 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.
- (b) 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 Rainbow City.
- (c) These regulations are designed, intended, and should be administered in a manner to:
  - Implement the Land Use Plan.
  - Provide neighborhood conservation by preventing the development of slums and blight.
  - Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
  - 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.
  - Provide the best possible design for each tract of land being subdivided.
  - Establish adequate and accurate records of all land subdivision activity.
- (d) 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 City of Rainbow City, Alabama.

#### **Sec. 2. Title**

These regulations shall be known as the "Official Subdivision Regulations" of the City of Rainbow City, Alabama.

### **Sec. 3. Authority**

Pursuant to the authority granted by Code of Alabama (1975) Article 2, Sections 11-52-30 through 11-52-54 inclusive, of the Code of Alabama which provisions are hereby made a part of these regulations, the following regulations are hereby adopted by the Planning Commission for the City of Rainbow City, Alabama. A copy of these regulations shall be certified to by the Probate Judge of Etowah County, Alabama.

### **Sec. 4. Jurisdiction**

- (a) From and after the effective date hereof, these regulations shall govern the subdivision of all land located in the City of Rainbow City, Alabama, and, in addition, shall govern the subdivision of land within three (3) miles of the corporate limits of the City of Rainbow City, Alabama except where there are contiguous borders with another municipality. When there is another municipality with a planning commission within five (5) miles and its borders are not contiguous with Rainbow City's, these regulations shall govern one-half (1/2) the distance from Rainbow City to the other municipality.
- (b) 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 of lots in a subdivision until such subdivision plat shall have been approved by the Planning Commission and the County Engineer(s), 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 Etowah County, Alabama.

### **Sec. 5. Scope**

- (a) 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 provided, however, it shall not apply to any division of land into parcels of five (5) acres or more where no new street is involved and on which no more than one single family dwelling is located, or who wishes to re-subdivide for this purpose, shall submit a plan of such proposed subdivision to the Rainbow City 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 IV of these standards, and shall be presented in the manner specified in the following sections of this Article. If a subdivision does not lie within the force and effect of an existing zoning ordinance, the Planning Commission shall require provisions for minimum front, side, rear yards, and use requirements based upon standards of the zoning ordinance and Health Department Regulations. No plat of a subdivision of land within the area of planning jurisdiction of the City of Rainbow City shall be filed or recorded by the Probate Judge without the prior approval of the Planning Commission as specified herein.

- (b) 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.

## **Sec. 6. Administration**

The Rainbow City Planning commission is hereby authorized and directed to administer and coordinate these regulations. Final approval of plats and other data shall be the responsibility of the Planning Commission as prescribed by law. The Building Inspector is hereby authorized and directed to enforce all provisions of these subdivision regulations.

## **Sec. 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 variance 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 Rainbow City 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.

## **Sec. 8. Penalties for transferring lot in unapproved subdivisions.**

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded or filed in the office of the appropriate county probate office, shall forfeit and pay a penalty of one hundred dollars (\$100.00) per Alabama Code 11-52-33 for each lot or parcel so transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction for such penalties or from the remedies herein provided. The municipal corporation may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

**Sec. 9. Severability and Separability.**

Should any article, section, sub-section, or provision of these Subdivision Regulation 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.

**Sec. 10. Amending Regulations.**

Any article, section, sub-section, or provision of these Subdivision Regulations proposed for amending shall be published as provided by law for the publication of subdivision regulations. Before adoption, a public hearing, as described by law, shall be held thereon. Following its adoption, a copy of the amendment shall be certified by the Planning Commission to the Probate Judge of Etowah County.

## ARTICLE II. DEFINITIONS

### Sec. 11. In 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. 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 "shall" is mandatory. The word "may" is permissive.

### Sec. 12. Specific Definitions.

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

*alley.* A minor public way having a narrow right-of-way and affording a secondary means of access to service abutting properties.

*block.* A tract or parcel of land entirely surrounded by public highways or streets, other than alleys.

*building.* Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels.

*building setback line.* A line parallel to the property line in front of which no structure may be erected.

*city.* The City of Rainbow City, Alabama.

*city clerk.* The duly designated Clerk of the City of Rainbow City, Alabama.

*city council.* The Governing Body of the City of Rainbow City, Alabama.

*city engineer.* The duly designated Engineer of the City of Rainbow City, Alabama.

*city specifications.* All construction specifications which have been adopted by the City Council or as required by the City Planning Commission and all utility departments.

*corner lot.* A lot abutting upon two (2) or more streets at their intersection.

*double front lot.* A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.

*easement.* A grant of rights by the property owner for use of a strip of land for specified purposes.

*final plat.* 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 Judge of Etowah County, Alabama.

*group development.* 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.

*governing body.* The Mayor and the City Council of the City of Rainbow City, Alabama.

*half-street.* A street which does not meet the minimum right-of-way widths set forth in these regulations.

*hardship.* An unusual situation on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the City. A hardship exists only when it is not self-created, or when it is not economic in nature.

*health department.* The Etowah County Health Department and the State of Alabama Health Department.

*lot.* A parcel of land intended for transfer of ownership or for building development.

*manufactured home.* A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electric systems contained therein. If constructed on or after June 15, 1976 the unit bears a seal certifying compliance with the Mobile home Construction and Safety Standards of the U.S. Department of Housing and Urban Development.

*modular home.* A dwelling constructed on-site in accordance with the International Building Code Congress. It is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home is not a mobile home in that the latter is constructed in a plant in accordance with the Mobile home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and does not meet the construction standards of the Standard Building Code.

*monument.* Any permanent object serving to indicate a limit to mark a boundary.

*open space.* Any land either public or privately owned which is designed as being permanently undeveloped and used for recreation, conservation or preservation.

*owner's engineer.* 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.

*planning commission.* The Planning Commission of the City of Rainbow City, Alabama.

*preliminary plat.* A tentative plan or proposed subdivision submitted to the Rainbow City Planning Commission for its consideration.

*probate judge.* The Judge of Probate of Etowah County, Alabama.

*sidewalk.* A walkway constructed for use by pedestrians.

*single tier lot.* A lot which backs upon an arterial street, a railroad, or a physical barrier and to which access from the rear or the lot is usually prohibited.

*sreet, marginal access streets.* Minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

*street, minor street.* Those streets used primarily for access to abutting properties.

*street, arterials.* Those streets used for moving fast or heavy traffic and which provide a means to either bypass the City or be routed expeditiously through the City. Also used to a certain extent to connect collectors to major trip attractors.

*street, freeway.* Those streets which carry traffic from minor streets to major streets in residential and business areas and include the principal entrance streets of a residential development and streets for circulation in such a development.

*street, cul-de-sac.* Short streets designed to have one and permanently closed; the closed end terminated by a vehicular turn-around.

*subdivider.* The person(s), or corporation(s) engaged in the process of creating a subdivision or having completed a subdivision of said land.

*subdivision.* 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, or subdividing or re-subdividing provided; however, it shall not apply to any division of land into parcels of five (5) acres or more where no new street is involved and on which no more than one single family dwelling is located. Also, when appropriate to the context, this term relates to the process of subdividing land or the land or territory being subdivided, including changing of lot size, private or public streets and alleys, and extension of major

utility systems. A division of land five acres or more for agricultural purposes not involving a new street and not involving the construction of any dwelling shall not be deemed a subdivision.

*sketch thoroughfare plan.* That element of the official comprehensive plan of the City of Rainbow City, which sets forth the freeways, major and collector streets in the City of Rainbow City, provides for their approximately alignment, minimum right-of-way and paving width, and is to be used as a guide for all future development.

*zoning ordinance.* The officially adopted zoning ordinance and map of the City of Rainbow City which provides for delineation of districts, permitted uses in each district and for controls of such factors as lot coverage, flood conditions, population, density, and the use of land and structures.

## **ARTICLE III. PROCEDURE FOR PLAT APPROVAL**

### **Sec. 13. In General**

The procedure for review and approval of a subdivision plat consists of two (2) separate steps. The initial step is the preparation and submission to the Planning Commission of a preliminary plat of the proposed subdivision. The second step is the preparation and submission to the Planning Commission of a final plat, together with required certificates. This final plat becomes the instrument to be recorded in the Office of the Probate Judge, when signed by the Secretary of the Planning commission.

### **Sec. 14. Preapplication.**

The subdivider is encouraged to consult early and informally with the Planning Commission to obtain advice and assistance before he begins to prepare the Preliminary Plat.

- (1) The subdivider shall provide the Building Department with a list of all adjacent property owners name(s) and mailing addresses as listed at the tax office at the Etowah County Courthouse. A public hearing must be held at the time the preliminary plat is presented to the Planning Commission.

### **Sec. 15. Preliminary plat review and approval.**

- (a) The application for preliminary plat approval, including four (4) prints of the subdivision plan, shall be submitted to the Planning Commission at least fourteen (14) days prior to the Planning Commission's regularly scheduled meeting.
- (b) The Planning Commission, prior to its review, shall transmit prints of the preliminary plat to the City Engineer, Fire Chief, and any other appropriate city or county government or official for review and recommendations in relation to specific service problems.
- (c) 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 at a scale of not more than one inch equals 100 feet showing the following:
  - (1) Name and location of subdivision;
  - (2) Names and addresses of owner and designer; with the designer being a competent engineer, architect, landscape architect, or land surveyor;
  - (3) North point, graphic scale, and date;
  - (4) Amount of acreage to be divided;

- (5) Topographic information shall be shown on the map at a 5' contour interval.
- (6) Street Plan, which includes:
  - (a) Location of all existing and proposed streets within the subdivision and adjacent to it,
  - (b) Widths of existing and proposed right-of-way,
  - (c) Clear identification of right-of-way location and width for any street which is considered as part of the Sketch Thoroughfare Plan,
  - (d) Street names which are subject to approval by the Planning Commission,
  - (e) Sketches of proposed typical street cross-sections and center-line profiles,
  - (f) Complete curve data for the center-line of each street,
  - (g) Proposed drainage.
- (7) Subdivisions that adjoin existing roads shall dedicated additional right-of-way to meet the 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 of the required right-of-way, measured from the center line of the existing roadway, shall be provided.
  - (c) The proposed size/dimensions of the driveway drainage pipe shall be shown on plat for each lot.
  - (d) Fifteen (15) feet drainage easement shall be shown between each lot with seven and one-half (7.5) feet on each property line.
- (8) Blocks and lots with dimensions shown for all lot lines;
- (9) Tentative block and lot numbers;
- (10) Building setback line along each street;
- (11) Plans for proposed utility layouts showing feasible connections to existing or proposed utility systems. All proposed water supply and/or sewage disposal systems shall meet the approval of the Health Department.

- (12) All proposed culverts and drainage calculations;
  - (13) Location, width, and purpose of all easements;
  - (14) Location and dimension of land to be dedicated or reserved for parks, open space or other public use;
  - (15) Any portion of the land in the subdivision subject to periodic inundation by storm drainage, overflow, or ponding shall be clearly shown and identified on the plat;
  - (16) The names of adjacent subdivisions and recorded book and page number.
- (d) The Planning Commission may require topography sketches of the property for subdivision. They may also require supplemental data including: existing and proposed covenants, land characteristics, number and size, of lots.
  - (e) The aforementioned officials shall review the preliminary plat and construction plans for compliance with these regulations and shall within fourteen (14) days report their findings and recommendations to the Planning Commission.
  - (f) Within thirty (30) days after the first regularly scheduled meeting of the Planning Commission which is held after the submission of the preliminary plat, the Planning Commission shall review the Plat and indicate its approval, disapproval, or approval subject to any required modifications. If a plat is disapproved, the reasons for such disapproval shall be stated in writing. If approved subject to modifications, the nature of the required modifications shall also be indicated in writing. Failure of the Planning Commission to consider any preliminary plat within these thirty (30) days shall be considered as approval of same as submitted.
  - (g) One (1) copy of the preliminary plat 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.
  - (h) Approval of the preliminary plat by the Planning Commission shall not constitute acceptance of the final plat, except when the final plat is completed during the specified time in accordance with the layout shown on the preliminary plat.
  - (i) Approval of the preliminary plat shall lapse unless a final plat in conformance therewith is submitted within twelve (12) months from the date of such approval, unless an extension of time is specifically applied for by the subdivider and expressly granted by the Planning Commission.

**Sec. 16. Final Plat.**

- (a) The final plat shall conform to the preliminary plat as approved; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposed to record and develop at that time; provided, however, that such portion conformed to all of the requirements of these standards.
- (b) At least ten (10) days prior to the meeting at which it is to be considered, the subdivider shall submit the original drawing of the 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.
- (c) The plat shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet, on sheets twenty (20) by twenty-four (24) inches. When more than one (1) sheet is required, a key plan shall be provided for reference for the component drawing.
- (d) The final plat shall give the following information:
  - (1) Name and location of subdivision;
  - (2) Name of owner and designer;
  - (3) North point, graphic scale, and date;
  - (4) Location, width, and name of all streets, roads and alleys and other rights-of-way;
  - (5) Location of all blocks and lot lines with all lot numbers in numerical order;
  - (6) 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. 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;
  - (7) Location, dimensions, and purpose of all easements;
  - (8) Location and description of all monuments and iron pins;
  - (9) Name and location of adjoining subdivisions, roads, and the ownership of adjoining unsubdivided property.
  - (10) Location and description of drainage facilities.
- (e) The following certifications shall be presented along with the final plat:
  - (1) Certification showing that the applicant is the legal owner of the land, and that he formally dedicates all street, rights-of-way and any other sites for public use;

- (2) Certification by a registered surveyor or engineer of the accuracy of the survey and plat, and the placement of all required monuments;
  - (3) Certification by the County Engineer that the subdivider has compiled with one of the following alternatives:
    - a. Installed all improvements according to the requirements of these regulations, or,
    - b. Posted a surety bond, with no expiration date on it, in the amount (of 125%) sufficient to assure the completion of all required improvements.
  - (4) Certification of approval to be signed by the Chairman or Secretary of the Planning Commission;
  - (5) A certification from the City Enforcement Officer indicating that sufficient bond has been posted;
  - (6) A certification of approval by the Etowah County Health Department, only if septic tanks are required.
  - (7) No permits will be issued in subdivision until a copy of the recorded plat is given to the Building Department.
- (f) When the plat has been approved by the Planning Commission, one (1) copy with the approval of the Planning Commission certified thereon shall be returned to the subdivider to be used for filing with the Probate Judge as the official plat of record. The original tracing containing all required certifications shall be returned to the subdivider for his 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 its first regularly scheduled meeting which is held ten (10) or more days after the submission of the final plat. 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.
- (g) Approval of a final plat by the Planning Commission shall not constitute acceptance by the public of the dedication of any street or other public way or ground. After approval of the final plat and the construction of streets shown thereon, the Planning Commission may recommend to the Governing Body that it accept these public roads and take over their perpetual maintenance.

## **ARTICLE IV. DESIGN STANDARDS**

### **Sec. 17. Conformity to land use plan.**

- (a) All proposed subdivisions shall conform to the Rainbow City Land Use Plan and Zoning Regulations.
  - (1) The population densities established by the Zoning Ordinance and the Land Use Plan shall be observed by the subdivider and developer.
  - (2) All thoroughfares in the Sketch Thoroughfare Plan shown crossing or bordering a proposed subdivision are required to be provided for in the location and at the right-of-way width designated on the Sketch Thoroughfare Plan.
  - (3) Clearly noted on the preliminary plat should be all the improvements the owner proposes to make pursuant to the development of the subdivision. These improvements shall relate to drainage, utilities, and other improvements necessary to permit development of the subdivision.

### **Sec. 18. Street Plan.**

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.

- (f) Subdivisions which abut or have included within the proposed area to be subdivided any freeway or arterial street shall provide the following:
- (1) A marginal access street, or
  - (2) Reverse frontage with screen planning contained in a non-access reservation along the rear property lines, or
  - (3) Deep lots with rear service drives, or
  - (4) Other treatment which may be necessary to provide for the adequate protection of properties and to afford separation of through and local traffic.
  - (5) Intersections of minor subdivision streets with major and arterial streets shall be held to a minimum.

*Private reserve strips.* Private reserve strips controlling access to streets shall be prohibited.

*Suitability of the land.* Land subject to flooding or land deemed by the Planning Commission 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.

*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.

*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 eight (80) feet. Such streets will not exceed six hundred (600) feet in length.

*Street Intersections.* Intersections involving more than four basic street lights or approaches shall be prohibited.

*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 WIDTHS</u>
Arterial Street	120 feet
Collector Street	60 feet*

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY WIDTHS</u>
Minor Street and Cul-de-Sac	50 feet*
Alleys	20 feet

\* In addition, a ten (10) foot easement on both sides of the street is required for utility easements and access.

In cases where topography or other physical conditions make a street of the required minimum width impracticable, the Planning Commission may modify the above requirements. Through proposed neighborhood or local business areas, the road widths may be increased ten (10) feet on each side to provide for movement of vehicles into and out of necessary off-street parking areas without interferences to traffic.

**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 (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

*Pavement Widths.* The minimum pavement widths for the various classifications of streets shall be as follows:

<u>STREET TYPE</u>	<u>WIDTH</u> (Measured from edge to edge or inside face of curb) as required
Arterial Street	
Collector Street	32 feet
Minor Street and Cul-de-Sac	24 feet
Half Street	20 feet
Alley, One Way	10 feet
Alley, Two Way	20 feet

*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	6%
Collector Street	9%
Minor Street	14%
Marginal Access Street	14%

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

Surface cross-drainage shall not be permitted except upon approval by the City Engineer.

## **Sec. 19. Street Construction Standards.**

### **(a) *Site Preparation.***

#### **(1) Clearing**

- (a) Clearing shall consist of the felling, trimming, and cutting of trees into sections and the satisfactory disposal of the trees and other vegetation designated for removal, including downed timber, snags, brush, and rubbish occurring in the areas to be cleared.
- (b) Trees, stumps, roots, brush, and other vegetation in areas to be cleared shall be cut flush with or below the original ground surface, except such trees and vegetation as may be indicated or directed to be left standing.
- (c) Clearing shall also include the removal and disposal of structures that obstruct, encroach upon, or otherwise obstruct the work. Over excavation required for the removal of subsurface structures shall be replaced with structural fill compacted to specification requirements stated below.

#### **(2) Grubbing**

- (a) Grubbing shall consist of the removal and disposal of stumps, roots larger than 3 inches in diameter, and matted roots from the designated grubbing areas.
- (b) Over excavation and depressions made by grubbing shall be replaced and filled with structural fill compacted to specification requirements stated below.

#### **(3) Topsoil Stripping**

- (a) Where present, all topsoil shall be stripped and removed from all construction areas.

(4) Proofrolling

(a) Fill Areas

- (1) Any areas that are to receive fill shall be observed and evaluated by a Geotechnical Engineer provided by the developer with a report to the City. The evaluation shall include the proofrolling of the subgrade soils by a fully loaded triaxel dump truck, or other pneumatic tire-mounted construction equipment approved by the Geotechnical Engineer. The air pressure in rubber-tired equipment used for proof-rolling shall be greater than 80 psi. Proof-rolling consists of repeated passes of the equipment over the exposed sub-grade soils. The proof-rolling equipment shall be provided and operated by the Developer.
- (2) Each area to receive fill shall be proof-rolled immediately prior to fill placement in that area. Areas that have been proofrolled and have been subjected to rain or other wetting shall be inspected by the Geotechnical Engineer prior to fill placement. The Geotechnical Engineer may order an additional proof-roll. The Geotechnical Engineer shall report to The City after each subsequent proofroll or re-inspection after the initial inspection.
- (3) Disturbed sub-grades resulting from excessive construction traffic, improper construction drainage, or other causes shall be undercut and replaced to the required depth. Areas that have been proofrolled and then disturbed by construction traffic must be re-graded and proof-rolled again.

(b) Undercutting

- (1) Any areas deemed by the Geotechnical Engineer to behave poorly under proofrolling loads shall be undercut to suitable soils prior to placement of any structural fill material. All material deemed unsuitable to substantially support the embankment shall be removed to a suitable depth and replaced with stable material or rock as directed by the Engineer.

(5) Subgrade Stabilization

- (a) In areas where soft soils are encountered to depths of **3 feet or greater**, the Geotechnical Engineer may require subgrade

stabilization to reduce the required undercutting. Stabilization could include the use of a woven geotextile (AMOCO 2002 or equivalent) and **8 to 12 inches** of crushed stone, geogrid and **6 inches** of crushed stone, or **18 inches** of crushed stone. The stabilization shall be performed under the guidance of the Geotechnical Engineer provided by the Owner/Developer with a copy of all reports to the City of Rainbow City.

(b) *Fill Soil Testing.*

(1) Suitable Soil Fill Material

- (a) Soil fill material shall be free from organic material and inorganic debris. The fill material shall be free of rocks greater than **6 inches** in diameter.
- (b) Select soil fill shall exhibit a Liquid Limit of less than 50 (as determined by AASHTO T 89), and a Plastic Limit of less than 30 (as determined by AASHTO T 90), and shall have a maximum dry density of no less than **100 pounds per cubic foot** (as determined by AASHTO T 99). Select soils shall be used in the upper **2 feet** of subgrade (as discussed below).
- (c) Proposed soil samples shall be provided to the Geotechnical Engineer for evaluation of the suitability of the material by laboratory testing. Laboratory testing of fill samples should include representative samples for every **500 linear feet** of the proposed roadway. In deep fills, the testing frequency may be increased. Test reports shall be provided to the City of Rainbow City prior to fill placement being started. All testing and reporting shall be done at the Owner's/Developer's expense.

(2) Compaction Requirements

- (a) The following table shows the compaction requirements for fill soils:

DEPTH	DENSITY	MOISTURE
BELOW FINAL	PERCENTAGE*	CONTENT**
SUBGRADE		

<5 feet	95%	Within 2% of OMC
2 to 5 feet	98%	Within 2% of OMC
0 to 2 feet	100%	Within 2% of OMC

\*Density percentage is the percent of maximum dry density, as determined by AASHTO-T-99.

\*\*Optimum Moisture Content (OMG) is moisture content at maximum dry density, as determined by AASTO-T-99.

(b) Once final subgrade elevation is reached, the developer's Geotechnical Engineer may require field **California Bearing Ratio (CBR)** testing to compare actual CBR values with laboratory CBR values used in design of the roadway. Field CBR testing shall be conducted in accordance with ASTM D 4429 or by using a dual-mass dynamic cone penetrometer (U.S. Army Corps of Engineers Penetrometer) and correlating the dynamic cone penetrometer values to CBR. Field CBR testing shall be performed every **500 feet**.

(c) The CBR values may require a thicker pavement and base build-up than the minimum thickness contained in these specifications.

(3) Compaction Testing

(a) Compaction testing of each lift shall be conducted on each drive lane every 100 feet. Adjacent drive lanes shall have compaction test staggered 50 feet. All compaction requirements shall be met prior to placement of subsequent fill lifts. The Geotechnical Engineer or his representative shall conduct compaction testing. The Geotechnical Engineer provided by the Developer shall certify to the **City** that all compaction tests meet these requirements.

(4) Fill Placement

(a) All fill shall be placed in horizontal lifts, not to exceed **8 inches** loose measure. Any fill being added to widen an existing embankment or slope shall be notched into the existing bank a minimum of **10 feet** (horizontal distance). The benching should begin at the bottom of the slope and then filled from the bottom to the top in horizontally placed lifts.

(c) *Evaluation of Cut Areas.*

(1) Proofrolling

- (a) Cut areas that are at final subgrade elevation shall be observed and evaluated by the Geotechnical Engineer. The Evaluation shall include the proofrolling of the subgrade soils by a fully loaded tandem axle dump truck, or other pneumatic tire-mounted construction equipment approved by the Geotechnical Engineer. The air pressure in rubber-tired equipment shall be greater than 80 psi. Proofrolling consists of repeated passes of the equipment over the exposed subgrade soils. The proofrolling equipment and Geotechnical Engineer shall be provided by the Owner/Developer.

(2) Undercutting of Cut Areas

- (a) Any areas deemed by the Geotechnical Engineer to behave poorly under proofroll loads shall be undercut to suitable soils prior to placement of any structural fill material. In areas where soft soils are encountered to depths of 3 feet or greater, the Geotechnical Engineer may require subgrade stabilization. Stabilization could include the use of geotextile fabric and crushed stone, geogrid and crushed stone, or only crushed stone.
- (b) Cut subgrades shall have **Plastic Indices (PI)** of less than 30. In areas where PI's of 30 or greater are encountered at subgrade elevation, stabilized roadbed shall be constructed. The stabilized roadbed shall be constructed by scarification or otherwise loosening of the upper foot of the exposed subgrade soils, and then blending in approximately **6 inches** of ALDOT #4 crushed stone aggregate. The subgrade soils mixed with the aggregate shall then be compacted.

(d) *Field CBR of Exposed Cut Areas*

- (1) Once final subgrade elevation is reached, the Geotechnical Engineer or the City's representative may require field California Bearing Ratio (CBR) testing to compare actual CBR values with CBR values used in design of the roadway. Field CBR testing shall be conducted using ASTM D-4429 or by using a dual-mass dynamic cone penetrometer (U.S. Army Corps of Engineers Penetrometer) and correlating the dynamic cone penetrometer values to CBR. Field CBR testing shall be performed every **500 feet**.

(e) *Right-of-Way and Pavement Widths*

- (1) The Rainbow City Planning Commission shall determine the classification of all City Streets. All streets shall meet the following minimum requirements for right-of-way and pavement widths:

STREET CLASSIFICATION	RIGHT-OF-WAY WIDTH	PAVEMENT WIDTH (measured from edge to edge)
Arterial Street	120 feet	As required
Collector Street	60 feet	32 feet
Minor Street	50 feet	24 feet with 2'0" valley gutters or 24 feet with two 2'0" curb & gutter
Alley	20 feet	10 Ft. one way; 20 Ft. two way
Cul-de-sac	100 feet	40' Radius

\* In addition, a ten (10) foot easement on both sides of the street is required for utility easements.

- (2) **Subdivisions** that adjoin existing roads shall dedicated additional right-of way to meet the above minimum street width requirements.
- (3) The entire right-of-way shall be provided where any part of the **subdivision** is on both sides of the road.
- (4) When a **subdivision** is located on only one side of an existing road, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided. The entire roadway width shall be paved unless the Planning Commission gives approval to the contrary.
- (5) Right-of-way for any street, road or avenue which, in the opinion of the Planning Commission, is or might become a major arterial highway shall be no less than one hundred twenty (120) feet in width.
- (6) A minimum of four foot shoulders shall be constructed.
- (f) *Base Course Construction*
- (1) Material requirements

- (a) All roadway base courses shall consist of ALDOT #825 Crushed Aggregate Base, Type A or B. Crushed Aggregate shall be hard, durable crushed limestone, and shall meet requirements stated in ALDOT specifications 301 and 825. Samples of the crushed aggregate material shall be provided to the Geotechnical Engineer for laboratory testing and evaluation for use as crushed aggregate base. Alternatively, the grain size gradation distribution of the proposed material shall be verified by the ALDOT approved crushed aggregate supplier and provided to the Geotechnical Engineer for review.

(2) Compaction Requirements

- (a) Base course layers shall be compacted to **100% of maximum dry density** (as determined by **AASHTO T 180**) with moisture content of **no less than 5%**. Base course compaction testing shall be conducted on each drive lane every **100 feet**. Adjacent drive lanes shall have compaction tests staggered every **50 feet**. All compaction requirements shall be met prior to placement of subsequent fill lifts. The Geotechnical Engineer or his representative shall conduct compaction testing. Crushed aggregate base courses shall be placed in lifts not to exceed **8 inches** loose measure. **A minimum of ninety-five (95%) percent** compaction for **base and subgrade** material is required in accordance with **ASTM 0698 (Standard Proctor Density)**. The City will require compaction test results, as directed by the Planning Commission, performed by a licensed testing laboratory at Owner's/Developer's expense.

(3) Minimum Thickness

- (a) For design and construction purposes, the minimum base course thickness shall be **6 inches** of compacted graded aggregate or approved equivalent on all road beds. **Additional thickness** may be required by the Geotechnical Engineer depending on laboratory determined subgrade PI and/or field CBR. **Eight (8) inches** of compacted graded aggregate shall be required for commercial collector streets.

(g) *Asphalt Layer Construction*

- (1) Approved Asphalt Mixes

(a) Asphaltic pavements shall consist of **ALDOT 429 Improved Bituminous Pavements** sections. This shall include the requirements provided in **ALDOT Specification Section 410 (Bituminous Plant Mix Pavements)**. **Bituminous Concrete Binder Layers** shall meet all requirements **ALDOT Section 429**. Bituminous concrete **Wearing Surface Layers** shall meet all requirements in **ALDOT Section 429**. The Developer will furnish weight tickets from the **asphalt plant** certifying that the plant mix is the type required for each layer.

(2) Compaction Requirements

(a) All asphalt layers shall be compacted to **94%** of the **Theoretical Maximum Density (AASHTO-209)**.

(3) Tack Coat

(a) A tack coat shall be furnished between consecutive asphaltic concrete layers. Tack coat shall meet all requirements in **ALDOT Section 405**.

(h) *Pavement Thickness*

(1) Minimum Pavement Section

(a) The minimum pavement section that shall be placed shall be as follows:

Wearing Surface:

**1-1/2 inch thick layer, 3/4 inch maximum** aggregate size Improved Bituminous Concrete Wearing Surface, **ALDOT 429-A**, or other approved mix design.

Binder Layer:

**1-1/2 inch thick layer, 1-1/2 inch maximum** aggregate size Improved Bituminous Concrete Binder layer, **ALDOT 429-B**.

Base Course:

**6 inch** compacted thickness, **ALDOT 825-A** or **825-B** Crushed Aggregate Base Course or an approved soil aggregate base that meets the Alabama

Department of Transportation Specifications.

(b) The minimum section is based upon a subgrade CBR of no less than 4. The subgrade CBR can either be laboratory or field determined, and shall be determined by the Geotechnical Engineer. If the subgrade CBR is less than 4 as determined by field testing, this minimum section shall be modified by the Geotechnical Engineer.

(i) *Course Aggregate for Binder and Seal Gradation.*

(1) **The course aggregate in seal shall be composed of crushed gravel having three (3) or more fractured faces or slag. No limestone shall be allowed.**

(2) Course and fine aggregates shall be blended to produce a suitable mix, which will blend with the type and amount of liquid asphalt being used.

(3) Bitumen Content will be between 3/5% and 6.5% for binder and 4.7% to 9% for seal.

(4) Bitumen will be asphalt Cement, Grade AC-20 or AC-30.

(5) Gradations and bitumen content of Asphalt plant mix shall be certified by a licensed testing laboratory.

(j) *Traffic Considerations.*

(1) The full pavement section should be constructed before being let to traffic. Construction traffic should be limited, and heavily loaded dump trucks shall not pass over incomplete pavement sections. Damaged pavements resulting from construction traffic will require removal and replacement. Replacing pavements damaged by construction traffic shall be the responsibility of the Owner/Developer.

(k) *Pavement Overlay Sections*

(1) Prior to the design and/or construction of a pavement overlay section, the Geotechnical Engineer shall conduct a pavement condition survey. The purpose of the survey is to identify and rate the distress of the pavement. The Geotechnical Engineer shall determine the necessary pavement overlay based upon asphalt condition, thickness in-place, and anticipated future traffic.

(l) *Special Considerations for Trench Backfill*

- (1) Utility trenches that are located beneath pavement sections shall be backfilled using crushed stone.
- (2) Failure to properly compact trench backfill can result in settlement of trench backfill, resulting in pavement distress. Any settlement shall be repaired prior to acceptance.

(m) *Drainage Structures*

- (1) Pipes (crossdrain and sidedrain) shall be designed based on the drainage areas affected. Design shall be by an Engineer licensed in the State of Alabama. Drainage pipe shall be **Concrete Roadway Pipe** of a class determined by fill height, with **minimum size being 15 inch**. Certifications will be furnished by the Developer that the pipe meets **ALDOT Spec's**, as required by **SEC.530**. No plain cone pipe will be used. Installation will be in accordance with said specifications.
- (2) Culverts shall be designed by a licensed engineer and constructed in accordance with **ALDOT SEC.524**, latest edition, and **ALDOT Standard Drawings**.
- (3) **The City of Rainbow City will not accept any responsibility for damage to adjacent property due to redirection of drainage or inadequate drainage facilities.**

(n) *Slopes*

- (1) All rock slopes outside the ditch area may be **1:1**, or as determined by the City Engineer. All soil (dirt) slopes outside the trench area shall be **3:1 or flatter**, or as determined by the City Engineer.

(o) *Grassing*

- (1) All graded or bare areas outside the paved roadway will be grassed with a permanent grass mixture in accordance with current **ALDOT SPEC'S, SECTION 652**. Solid sod may be substituted for seeding. Appropriate amounts of fertilizer and lime will be required.

(p) *Cul-de-sacs*

- (1) Streets designed to have one end permanently closed shall be provided with a turn-around having a minimum right-of-way radius of fifty (50) feet and a minimum pavement radius of forty (40) feet. If, in the opinion of the Planning Commission, it is desirable to provide street access to an adjoining property due to the probability of future extension of said street, then said street shall extend by dedication to the boundary of such property. **A temporary turn-around, or cul-de-sac** shall be provided for these streets. The Planning Commission, after consultation with appropriate department head(s), shall determine what type of base and surface materials shall be permitted for such temporary turn-around. In addition, at such time said street may be extended, the temporary turn-around shall be removed and the extension of the street shall conform to the requirements contained within these regulations.
- (2) Temporary turn-arounds or temporary cul-de-sacs shall be allowed only if they are part of a master plan to develop future roads. All temporary turn-arounds and temporary cul-de-sacs shall be constructed to the same design standards and specifications as roads / streets, except for the provisions requiring asphalt.

(q) *Geotechnical Engineering*

- (1) All references to Geotechnical services and testing in these standards shall be provided by the Owner/Developer at the Owner's/Developer's expense. Copies of all reports shall be furnished to the City of Rainbow City Building Department. A representative of the City shall be provided the opportunity to observe all testing. Any testing which the City has not been afforded the opportunity to observe will not be accepted. The City reserves the right to verify all testing at its expense.

(r) *Required Improvements*

- (1) General
  - (a) The Owner/Developer 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.
  - (b) The improvements required shall be constructed in accordance with the standards set forth in these regulations and subject to the inspection of the Building Inspector or his duly authorized representative and the City Engineer.

- (c) All water mains, sanitary sewers and laterals, fire hydrants, and storm sewers shall be installed in such a manner to minimize the probability of the future cutting of the pavement of any street, sidewalk or other required pavement.
- (2) Streets and Alleys
  - (a) On all streets and alleys within the jurisdiction of these regulations, a suitable hard surface permanent type of pavement shall be constructed in accordance with the City of Rainbow City's design and construction standards outlined in these regulations.
- (3) Centerline Striping
  - (a) The final wearing surface shall be striped with a permanent traffic stripe in accordance with **ALDOT SPEC. 586 and 857** and applied in accordance with **SEC. 701**. Stop bars shall be placed in accordance with **SEC. 703**.
- (4) Sidewalks
  - (a) Sidewalks shall be placed on both sides of all streets in a commercial subdivision and may be required in residential subdivisions in the vicinity of community facilities including but not limited to churches, schools, recreational areas, civic centers, etc., as well as in other areas where the Planning Commission deems such necessary to insure public safety and welfare. Sidewalks, when required, shall be a minimum of four feet (4') wide in residential areas and seven feet (7') wide in commercial areas and shall be constructed on 3,000 pound mix concrete and be four (4) inches in thickness.
- (5) Curbs and Gutters
  - (a) Standard approved type curbs and gutters shall be placed on both sides of all new streets within the corporate limits of the City of Rainbow City in accordance with the City of Rainbow City Specifications for curbs and gutters. (See Appendix for typical illustrations.)
- (s) *Guarantee of Completion of Improvements*
  - (1) The Owner/Developer shall be responsible for the provision of all required improvements to any subdivision. This may be accomplished by either the

full installation of all required improvements by the Developer at the time that the final plat is to be submitted to the Rainbow City Planning Commission or by the provision of a financial guarantee of performance.

(2) Subdivision Improvement Bond

(a) Acceptance of Bond – the bond must be approved by the City Planning Commission and ratified by the Mayor.

(b) Value of Bond – the bond shall not be less than 125% of the cost of the improvement.

(3) Failure to Complete Work

(a) If within twelve (12) months after filing said bond the Owner/Developer has not completed all necessary improvements, or if, in the opinion of the Planning Commission, said improvements have not been satisfactorily installed, the bond shall be used by the City of Rainbow City to complete the improvements in satisfactory fashion, or the City may take such steps as it may deem necessary to require performance under the bond.

(t) *Guarantee Against Faulty Material*

(1) Final approval of street improvements shall be granted only in accordance with one of the following provisions:

(a) In any case in which the Planning Commission and/or the City Council may have reasonable doubt concerning the stability or proper construction of any improvement required herein, the Planning Commission subject to the Mayor's ratification, or the City Council may require a maintenance bond for five (5) years for street construction maintenance and one (1) year for sewer lines and facilities. This bond shall be in cash or made by a surety company authorized to do business in the State of Alabama.

(b) The Developer shall provide to the City Clerk and the Building Official a letter or statement in which said developer shall agree to maintain backfill to the level of finished grade and to maintain improvements located thereon or therein of any excavation of fill which has been made in connection with the installation of improvements; and such letter or statement shall be binding to the Developer for a period of one (1) year after the acceptance of such improvements by the City of Rainbow City.

(u) *Waivers*

(1) Hardship

- (a) When the Planning Commission finds that unusual hardships or practical difficulties may result from strict compliance with these standards, or that the purposes of these standards may be served to a greater extent by an alternative proposal, the Planning Commission may waive certain provisions required by these regulations so that substantial justice may be done and the public interest secured. Such waiver, however, have the effect of nullifying the intent or purposes of these regulations. The Planning Commission shall not approve a waiver unless it shall make findings based upon the evidence presented to it in each specific case that the following criteria are met:
- (i) The granting of the waiver will not be detrimental to the public health, safety, or general welfare or be injurious to other property.
  - (ii) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.
  - (iii) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are enforced.
  - (iv) The waiver will not in any manner interfere with the provisions or purposes of the comprehensive development regulations of the City. In approving a waiver, the Planning Commission may impose such reasonable conditions as may be necessary to substantially secure the purpose of these standards. A written request for a waiver shall accompany the application for plat approval.
- (b) Any appeal of the Planning Commission's decision to grant or deny a request for a waiver shall be made to the Rainbow City Board of Adjustment in accordance with the provisions of Article VI of the Rainbow City Zoning Ordinance.

**Sec. 20. Alignment and Visibility.**

- (a) Minimum center radii of horizontal curves shall be not less than one hundred (100) feet.
- (b) Angular Breaks in right-of-way alignment of more than two (2) degrees are not permitted.
- (c) Clear horizontal visibility measured along the centerline shall be provided for at least six hundred (600) feet on arterial streets; three hundred (300) feet on collector streets; and at least two hundred (200) feet on minor access and rear service.
- (d) 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 neighborhood properties, and forward its recommendations to the Governing Body prior to its taking legal action on the matter.
- (e) Where there are road and rights-of-way in existence with undesirable hazardous conditions and are proposed to be retained, they must be redesigned so as to eliminate all bends, crooks, and other such conditions.

**Sec 21. 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) Local and collector streets shall have clear sight line triangle of seventy-five (75) feet (150 feet for arterial streets) from the point of centerline of intersections of street; this shall be indicated on all plans. No building or other obstructions higher than thirty-six (36) inches shall be permitted in this area.

**Sec. 22. 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, 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.
- (c) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the City Engineer.

**2.4 NAMES.**

- (a) No street name shall be used which will duplicate by spelling or sound or otherwise be confused with the name of existing streets. Street names are subject to the approval of the Planning Commission.
- (b) Subdivision names and apartment project names shall not duplicate or be confused with existing names.
- (c) Subdivision and apartment project names are subject to approval by the Planning Commission.

**Sec. 23. Blocks.**

The lengths, widths, and shapes of blocks shall be determined with due regard to:

- (a) Provision of adequate building sites suitable to the special needs of the type of 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; and
- (d) Limitation and opportunities of topography.

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. In blocks over eight-hundred (800) feet in length, the Planning Commission may require one (1) or more public crosswalks of not less than ten (10) feet in width to extend entirely across the block at locations deemed necessary.

## **Sec. 24. Lots.**

- (a) *Lot size, width, depth, shape, and orientation.*\* The minimum building setback line shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

\* Residential lots shall not be less than seventy five (75) feet wide at the minimum building setback line.

- (b) *Area.* 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.
- (c) *Corner Lots.* Corner lots for residential use shall have extra fifteen (15) foot width to permit appropriate building orientation and setback from both streets.
- (d) *Street Access.* Each lot shall be provided with access to a public street and front upon a dedicated street right-of-way of not less than fifty (50) feet in width.
- (e) *Double frontage and reverse frontage lots.* These lot types shall be avoided, except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation.
- (f) *Side lot lines.* Side lot lines shall normally be at right angles to streets, except on curves where they shall be radial.
- (g) *Depth and width of properties.* 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.

## **Sec. 25. Easements.**

- (a) *Utility easements.* Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary, and shall be less than a total of sixteen (16) feet wide, unless otherwise approved by the engineering department of the specific utility.
- (b) *Storm Drainage.* Where a subdivision is traversed by an existing or proposed water course, drainageway, 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 drainageway. 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.

- (c) *Lots and easements.* 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.

**Sec. 26. Drainage and Inundation.**

- (a) A drainage plan shall be made for each subdivision in accordance with the procedures set forth in Section 315, Stormwater Management Plan, of the Rainbow City Zoning Ordinance, as amended.
- (b) The storm and sanitary sewer plans shall be worked out prior to the development of the other utility plans. Engineering consideration shall give preferential treatment to these gravity flow improvements, as opposed to other utilities and improvements. Off-premises drainage easements and improvements may be required to handle the runoff of subdivisions into a natural drainage channel. But under no condition shall storm drainage be emptied into the sanitary sewer system or visa versa.
- (c) Low areas subject to periodic inundation shall not be developed or subdivided unless and until the Planning Commission establishes that:
  - (1) The nature of the land use (i.e., recreational areas) would not lend itself to damage by water inundation to an appreciable extent; or
  - (2) The area may be filled or improved in such manner to prevent such periodic inundation; or
  - (3) Minimum floor elevations be required to prevent damage to building and structures.

The Planning Commission may require whatever additional engineering information it deems necessary to make a decision on subdivision and other development which contains an area of questionable drainage. Lakes, ponds, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or if such area constitutes a necessary part of the drainage control system. Sewers shall be designed in accordance with good, accepted engineering practice.

**Sec. 27. Non-Residential Subdivision.**

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

**Sec. 28. Vacating a Street.**

No street may be vacated unless such action is recommended by the Planning Commission to the Governing Body and approved by the Governing Body.

## ARTICLE V. REQUIRED IMPROVEMENTS

### Sec. 29. In General.

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.

- (a) All improvements required shall be constructed in accordance with the standards set forth in these regulations, and under the inspection of the City Engineer.
- (b) 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.

*Sidewalks.* Sidewalks may be required by the Planning Commission on at least one side of a street within one-half (1/2) mile of schools, parks, and other public facilities. Sidewalks may be required along both sides of a major street or highway. When required by the Planning Commission, sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date. In single family residential areas, concrete sidewalks shall be a minimum of four (4) feet wide and four (4) inches thick. In multi-family or group housing developments, sidewalks shall be a minimum of five (5) feet wide and four (4) inches thick. In commercial areas, sidewalks shall be a minimum of ten (10) feet wide and four (4) inches thick.

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

*Streets signs.* The Subdivider shall provide for street signs within the subdivision; the type to be approved by the City Engineer. Two (2) street signs are required for each four-way intersection and one (1) street sign at each three-way intersection or as required by the Planning Commission.

*Curbs and Gutters.* Concrete curbs and gutters of a minimum of eighteen (18) inches lateral total dimension shall be required on both sides of all new streets within the city limits and within a three (3) mile radius of the city with a provision that subdivision developers developing subdivisions within the city limits or the three (3) mile radius may request permission to omit curbs and gutters by request to the Planning Commission with accompanying documentation as to substantiating reasons that the omission of said curbs and gutters is justifiable.

*Water Supply System.* Water mains properly connected with the community water supply system shall be constructed in such a manner as to adequately serve for domestic use all lots shown on the subdivision plat. The size of water mains, the location and type of valves and hydrants, the amount of soil cover over the pipes, and other features of installation shall be approved by the Rainbow City Utility Board and shall conform to accepted standards of good practice for municipal water systems. Water distribution systems shall be certified by the Rainbow City Fire Department as to their adequacy for fire protection. They shall meet or exceed the minimum standards set by the National Board of Fire Underwriters.

*Fire Plugs.* Fire plugs shall be installed along each street every five hundred (500) 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.

*Sanitary Sewers.* Sanitary sewers shall be installed in each subdivision. All sanitary sewer lines shall be installed in such a manner as to adequately serve 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 State Health Department.

Where septic tanks are required, 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.

*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. Additional drainage structures may be required by the Planning Commission as recommended by the City Engineer.

*Monuments.* Concrete monuments or iron pins incased in concrete four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top shall be set at all major corners in the exterior boundaries of the subdivision or sections thereof and at all points where the street right-of-way lines intersect the exterior boundaries of the subdivision or sections thereof. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

All other lot corners and points of curve in street right-of-way shall be marked with iron pipe with cross sectional area not less than 0.2 square inches and eighteen (18) inches long and driven so as to be flush with the finished grade.

*Oversized Facilities.* The Governing Body may participate in the cost of "oversized" improvements within a subdivision, if in its judgement, such oversized improvements are necessary to serve large areas of land not in the subdivision, and if the cost of such oversized improvements is an unreasonable burden on the subdivider.

*Street Trees.* Although not required by these standards, the planting of street trees is considered a duty of the subdivider as well as good business practice. 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.

*In General.* Where a public water and sewer main is within three hundred (300) feet, the subdivider shall connect with same.

*Miscellaneous Subdivision or Tract Development.* Other types of subdivision or tract development may be allowed by the Planning Commission when such subdivisions or developments come under the provisions of these regulations and are in keeping with their purpose and intent, and meet the general requirements specified in Section 1 of this Article.

- (c) Large Tracts or Parcels. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical future re-subdivision.
- (d) Group Housing Developments. A comprehensive housing development, including the large-scale construction of housing units together with necessary drives and ways of access, may be approved although the design of the project does not include standard streets, lot and subdivision arrangements, if departure from the foregoing standards of the Article can be made without destroying their intent.
- (e) Commercial and Industrial Subdivisions. Subdivision of land for commercial or industrial purposes shall conform to the provisions of these regulations and street development shall conform to the Major Street Plan. Lot sizes shall be large enough to provide for necessary off-street parking and loading requirements.
- (f) One Lot Sell-Off Provision. When a residential lot is being subdivided out of a large tract of land, the Secretary of the Planning Commission may approve such subdivision only if the following conditions are met:
  - (1) Only one lot is being subdivided and no other lots have been previously sold from the tract.
  - (2) No conflict exists with the proposed subdivision and the Major Street Plan.
  - (3) Three (3) copies of the Final Plat are provided which meet the requirements as indicated in Article III, Section 16.

## ARTICLE VI. GUARANTEES

### Division 1. Guarantee of Completion of Improvements

#### Sec. 29. In General.

The subdivider shall be responsible for the provision of all required improvements to the subdivision. This may be accomplished by either the full installation of all required improvements by the developer at the time that the final plat is to be submitted to the Planning Commission or by the provision of a financial guarantee of performance. The guarantee of performance by the subdivider shall be in the form of one of the following:

- (a) Subdivision Improvement Bond
- (b) Irrevocable letter of credit provided by the bank of the subdivider to the City.
- (c) Cashier check made to the City for deposit. The money will be released only on signature of a legal representative of the City government.

*Acceptance of Guarantee.* Acceptance of the guarantee offered by the subdivider must be approved by the Building Official.

*Value of Guarantee.* The guarantee should be of an amount sufficient to cover the total cost of installing all improvements, including grading, surfacing of the streets, and installation of all required utilities and fees encountered during execution of improvements for each block of said subdivision.

*Failure to Complete Work.* A reasonable time period shall be set by the Planning Commission in which the required improvements must be completed. If at the end of the set period the subdivider has not completed all necessary improvements, or if in the opinion of the Planning Commission said improvements have not been satisfactorily installed, the financial guarantee shall be used by the City to complete the improvements in satisfactory fashion. However, the City may take such steps as may be necessary to require performance under the guarantee or the Commission may grant an extension to the time period.

*Release From Guarantee.* If the subdivider is unable to proceed with development of the subdivision, release of obligation from the guarantee may be initiated by the subdivider in a letter of request to the Planning Commission. If the Planning Commission approves such request, then the guarantee will be released by the Building Official.

## Division 2. Guarantee Against Faulty Material

### Sec. 30. In General.

Final approval of street improvements shall be granted and streets accepted for maintenance by the City of Rainbow City in accordance with one of the following provisions:

**Criteria for acceptance:** All street improvements shall be built according to Rainbow City Road spec's. Said streets shall be completed and in place for a period of one year and shall, upon inspection following such period of time, be found to be free from defective workmanship or material and free from sink-holes or other settling.

**Ditches:** All ditches must be free and clear of all debris, have adequate perimeter vegetation growing and cleared so that water should be able to flow freely and in the intended direction.

**Procedure:** The sub-divider / developer shall notify the Building Department of the completion of said improvements in writing after all said improvements are completed. The one year time period for the City acceptance does not begin until three (3) days after the Building Department receives notice of final improvements. Upon the expiration of the one (1) year time period from the date of completion, the sub-divider / developer shall make application to the Rainbow City Planning Commission for acceptance of the street improvements by the City of Rainbow City. The Planning Commission shall review said application for acceptance at the next regular scheduled meeting of the Planning Commission that is at least fourteen (14) days after receipt of said application and shall determine whether the subject street improvements meet the stated criteria. Said application will then be sent to the City Council with the Planning Commission's recommendation either to accept the street(s) or deny the application. The City Council will make the final decision whether the City of Rainbow City will accept street improvements.

**Streets:** No new streets will be accepted for maintenance by The City without following this section.

**Guaranty Bond:** In situations where the sub-divider / developer desires to commence development of other improvements, the sub-divider / developer shall post with the City of Rainbow City a guaranty bond in an amount equal to one hundred twenty five percent (125%) of the anticipated cost of street and utility improvements. Said bond will guarantee the City that said street and utility improvements will be installed in a workmanlike manner, be free from defects caused by faulty material or workmanship, and remain in acceptable condition for a period of at least one year from completion. The sub-divider / developer shall keep 10% of said guaranty bond effective for a period of at least one year past the date of completion of the street improvements. Upon expiration of the one year period past the date of completion of the street improvements, the City may require the sub-divider / developer to make any repairs deemed necessary by the City's civil engineer and

/ or City Inspector. Said repairs will be made at the sub-divider's / developer's own cost. In the event the sub-divider / developer fails or refuses to make the necessary repairs within ninety (90) days after demand is made upon them, then the City of Rainbow City shall make such repairs as are reasonably necessary and recover the cost thereof. This paragraph is in addition to the two preceding paragraphs in the Section and in no way relieves an applicant from his/her responsibility to comply with all provisions of the Section.

***Acceptance of Partial Streets.*** Notwithstanding compliance with the requirements of this Section, the City may refuse acceptance of a street or streets (partial or whole) in a subdivision until all streets included in the street plan shown on the final plat have been built and found to meet the stated criteria.

**Sec. 30A.**

After one (1) year has past from the date of the final paving is completed, it shall be the subdivider's responsibility to request to the Planning Commission acceptance of said streets. The request shall be submitted in writing to the Building Department at least two (2) weeks prior to the regular scheduled meeting of the Planning Commission. The City Council shall not accept any streets (or roads) that are not brought before the Planning Commission.

**APPENDIX A**

**PLANNING COMMISSION RESOLUTION TO ADOPT SUBDIVISION REGULATIONS**