

February 1947

Under the authority of Title 37, Article 3, Sections 797 to 803, inclusive, of the 1940 Code of Alabama, which sections are hereby made a part of these regulations, the Montevallo Town Planning Commission, at its regular meeting on May 13, 1946, adopted by resolution the following regulations, a copy of which has been certified to the Probate Judge of Shelby County.

SECTION 12.

From and after the date of adoption these regulations shall govern all subdivision of land within the corporate limits of the Town of Montevallo and the area outside the corporate limits which is included within the Police Jurisdiction Limits.

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 Article III of 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 the 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 (see Article IV, Procedure for Plat Approval).

ARTICLE II - DEFINITIONSSECTION 21.

As used in these rules or regulations, the following words or phrases shall have the following meaning or definition:

- a. "Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes re-subdivision, and, when appropriate to the context, relates to the process of subdividing and to the land or territory subdivided.
- b. "Lot" shall mean the parcel of land intended for transfer of ownership or for building development.
- c. "Commission" shall mean the Planning Commission of the Town of Montevallo, Alabama
- d. "Council" shall mean the Town Council of the Town of Montevallo, Alabama
- e. "Highway" shall mean a road or street that forms a part of the existing or projected Federal Aid System or the State Highway System.
- f. "Parkway" shall mean a road or street that forms a part of the existing or proposed parkway system.
- g. "Major Street" shall mean a highway or street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.
- h. "Secondary Street" shall mean a street supplementary to the major street system and primarily a means of intercommunication between this system and smaller areas or among smaller areas.
- i. "Minor Street" or "Local Service Street" shall mean a street primarily for access to abutting properties.
- j. "Alley" shall mean a service road or street serving the rear or side of properties abutting also on other streets.
- k. "Dead End Street" shall mean a street having no outlet at one end.
- l. "Street Width" or "Street" shall mean the right of way or shortest distance between the two property lines of a street.
- m. "Roadway", "Traveled Way", or "Street Surface" shall mean the portion of the street available for vehicular traffic.

ARTICLE III - GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN FOR THE SUBDIVISION OF LANDSECTION 31. CONFORMITY TO THE TOWN, COUNTY, OR REGIONAL PLAN

All proposed subdivisions shall conform to any Town, County, or Regional Plan and to the Town Zoning Ordinance. Whenever a tract to be subdivided embraces any part of a Highway, Major Street, Secondary Street, Minor Street or Parkway, so designated on any Town, County, or Regional Plan, such part of such proposed public way shall be platted by the subdivider in the same location and at the same width as indicated on such Town, County, or Regional Plan.

SECTION 32. STREET LAYOUT

32.1 Relation to Adjoining Street System. Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the Planning Commission for reasons of topography or design. Where, in the opinion of the Planning Commission, it is desirable to provide street access to adjoining property, proposed streets shall extend to the boundary of such property. Half streets along the boundary of land proposed for subdivision will not be permitted.

32.2 Street Widths. The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the duly adopted Major Street Plan attached hereto and made a part of these regulations. If not shown on such plan then they shall be not less than eighty (80) feet for Major Streets, sixty (60) feet for Secondary Streets and fifty (50) feet for Local Service Streets or Minor Streets. Alleys serving business lots shall not be less than twenty (20) feet; alleys serving residential lots, not less than sixteen (16) feet.

32.3 Conformance to Topographic Conditions and Street Grades. In general, streets shall be planned to conform to existing topographic conditions. The maximum grade on Major Streets shall be seven (7) percent. The maximum grade on other streets may exceed seven (7) percent but not twelve (12) percent where, in the opinion of the Planning Commission the best subdivision is thereby secured. Street grades along the gutter shall not be less than one-half of one percent.

32.4 Street Intersections. Insofar as practical, acute angles at street intersections shall be avoided. Where an acute angle of less than seventy-five (75) degrees occurs between streets at their intersection, the Planning Commission may require the property lines to be rounded or otherwise set back to permit curb construction of desirable radius without curtailing the sidewalk at the street corner to less than normal width. Submission of a grading plan showing existing and proposed contours at one (1) foot intervals and detailed design for the intersection may be required by the Planning Commission.

32.5 Curves in Streets. Where a deflection angle of more than then (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On all streets, except Minor Streets, the center line radius of curvature shall not be less than 300 feet; on Minor Streets, not less than 100 feet.

32.6 Dead End Streets. Streets designed to have one end permanently closed (cul de sac) shall be provided at the closed end with a turnaround with a minimum right-of-way radius of fifty (50) feet, and a minimum driving surface radius of thirty-five (35) feet. A "Cul de sac" shall not be more than six hundred (600) feet in length unless approved by the Planning Commission for specific reasons of topography or design.

32.7 Street Names. Proposed streets obviously in alignment with existing and named streets shall bear the names of existing streets. In no case shall the name of the proposed streets duplicate existing street names irrespective of the suffix used.

32.8 Alleys. Alleys shall be provided along the rear of all lots to be used for business. Alleys along the rear of residential lots will not be permitted except where, in the opinion of the Planning Commission, such alleys are advisable. (See Section 35.2)

32.9 Street Improvements. Street improvements shall be required as set forth in Sub-section 42.2, a & b.

SECTION 33. BLOCKS

Blocks shall not be more than twelve hundred (1200) feet in length. In blocks over eight hundred (800) feet in length the Planning Commission may require one or more public cross walks not less than ten (10) feet in width.

SECTION 34. LOTS

34. 1 Lot Arrangement. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved lines. Each lot must front upon a street which is not less than forty (40) feet in width and which is connected with the public street system.

34. 2 Minimum Lot Sizes. The size and shape of residential lots shall be such as the Planning Commission deems appropriate for the type of building development contemplated. In no case, however shall lot sizes and widths at the building line be less than the minimum standards established by the Zoning Ordinance of the Town of Montevallo. In the area outside the force and effect of the Zoning Ordinance no lot shall be platted which contains less than 6000 square feet or which is less than sixty (60) feet wide at the building line, except as indicated in Section 38, Variances. Corner lots shall have extra width sufficient to permit establishment of a building line at least fifteen (15) feet from the side street property line. Business lots shall be of sufficient size to permit off-street parking of automobiles used by the patrons of the various establishments.

SECTION 35. PUBLIC USE AND SERVICE AREAS.

35. 1 Public Uses. Where a park, neighborhood recreational open space, school site, or other area for public use, shown on an official map or on a plan adopted by the Planning Commission, is located in whole or in part in the proposed subdivision, the Planning Commission shall seek to secure the reservation of the necessary land for such use.

35.2 Easements for Utilities. Except where alleys are provided for the purpose, the Planning Commission may require easements, not exceeding six (6) feet in width, for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains, or other utility lines on each side of the common rear lot lines and along side lot lines if necessary or advisable in the opinion of the Planning commission.

35.3 Dedication to Public Use. There shall be no reserve strips except those which are conveyed to the government having jurisdiction.

SECTION 36. COMPREHENSIVE GROUP HOUSING DEVELOPMENTS.

A comprehensive group housing development including the construction of two or more buildings together with the necessary drives and ways of access and which is not subdivided into the customary lots, blocks, and streets may be approved by the Planning Commission if in the opinion of the Commission any departure from the foregoing regulations can be made without destroying the intent of the regulations. Plans for all such developments shall be submitted to and approved by the Planning Commission whether or not such plat is to be recorded and no building permit shall be issued until such approval has been given.

SECTION 38. VARIANCES.

Where a subdivider can show that a provision of these General Requirements and Minimum Standards of Design, would cause an unnecessary hardship if strictly adhered to or where, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Planning Commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Planning Commission and the reason on which the departure was justified set forth.

ARTICLE IV - PROCEDURE FOR PLAT APPROVAL

SECTION 41. PRELIMINARY PLAT APPROVAL

41. 1 To prevent undue hardship on the subdivider through possible required plat revisions, a preliminary plat of the proposed subdivision at a scale of one hundred (100) feet to the inch or larger shall first be submitted to the Planning Commission in duplicate at least ten (10) days prior to the date of the next regular meeting and shall give the following information:

(a) The subdivision name, the names and addresses of the owners and of the designer of the plat, who

shall be a professional engineer, architect, landscape architect, or land surveyor registered to practice in the State of Alabama.

(b) Date, approximate north point, and a graphic scale.

(c) The location of existing and platted property lines, streets, buildings, water courses, railroads, sewers, bridges, culverts, drainpipes, water mains, and any public utility casements, both on the land subdivided and on the adjoining land; the names of adjacent subdivisions, and the names and addresses of record owners of adjoining parcels of land as they appear on the current tax records.

(d) The names, locations, widths, and other dimensions of proposed streets, alleys, casements, parks, and other open spaces, reservations, lot lines, and building lines.

(e) Contours at vertical intervals of not more than five (5) feet when required by the Planning Commission.

(f) Profiles of all streets with natural and finished grades drawn to a horizontal scale of one (1) inch equals 20 feet or larger when required by the Planning Commission and such plans as may be specifically required under Sub-section 32.4.

(g) Preliminary sketch plans of proposed utility layouts (sewer, water, and electricity) showing feasible connections, where possible, to existing and proposed utility systems.

(h) If the proposed subdivision does not lie within the force and effect of an existing zoning ordinance, the preliminary plat shall be accompanied by a plan indicating the proposed use of the lots and by the instrument to be used in establishing restrictions.

41.2 The Planning Commission's review of this preliminary plat shall be governed by the procedure set forth in Title 37, Article 3, Section 799, of the 1940 Code of Alabama. The Planning Commission, in its review, shall transmit the proposed plat to the Electric Department, Water Department, Sanitary Department, Health Department, and any other interested city or county department for review and recommendation in relation to specific service problems. The approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the layout as submitted on the preliminary plat; such approval shall not be noted on the preliminary plat. One copy of the preliminary plat shall be retained in the Planning Commission's files.

SECTION 42. FINAL PLAT APPROVAL.

42.1 The final plat shall be submitted to the Planning Commission in triplicate, of which one copy shall be the original drawings, and unless this is done within one year of the Planning Commission's approval of the preliminary plat, such approval will lapse.

42.2 The Planning Commission will consider approval of the final plat for record only:

(a) After receipt of a certificate from the Town Engineer or any duly authorized official appointed by the Town Council, that all streets shown on the plat have been properly graded and improved with an all-weather driving surface not less than twenty-seven (27) feet wide with adequate shoulders to maintain this surface, and that all necessary drainage structures (including those needed for access drives to each lot) have been properly installed, and that the sewers and water lines have been properly installed in sufficient size acceptable to the Town Department, or

(b) After receipt of a performance bond, approved by the Town Council, whereby the town is placed in an assured position of having these improvements made and utilities installed without cost to the Town or in such lesser amount as the Town Council may approve, or

(c) Where no lot in the proposed subdivision contains less than 15,000 square feet and where in the opinion of the Planning Commission, the installation of water supply and sewage disposal systems would be an unreasonable requirement, the Planning Commission may approve the final plat if individual water supply and sewage disposal systems approved by the County Health Officer have been or will be installed.

(d) After receipt of a certificate from a registered engineer or land surveyor that permanent reference monuments of suitable size and material have been placed in the subdivision and that a satisfactory survey defines such permanent monuments in relation to located section corners of the coordinate system of the State of Alabama.

(e) If the subdivision lies outside the force and effect of an existing zoning ordinance and if any deed restrictions or restrictive covenants are proposed, there must be furnished a plan showing the proposed use of and the restrictions on each lot within the subdivision. In addition there must be furnished copies of the provisions and instruments whereby such use or building restrictions will be imposed and these restrictions are to be recorded with the plat in the office of the Probate Judge of Shelby County.

42.3 The final plat as submitted to the Planning Commission shall be drawn in black ink upon tracing cloth to scale of one inch equals 100 feet or larger and shall show:

(a) The names and lines of all streets, alley lines, lot lines, and building lines, lots numbered in numerical order, reservations, easements, and areas to be dedicated to public use with notes stating their purpose and any limitations.

(b) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, block line, and building line whether straight or curved.

(c) The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.

(d) The date, title including the name of the subdivision, scale and north point.

(e) The following endorsements, dedications, and certificates: (1) a certificate of title showing ownership of land; (2) a certificate of dedication of streets, alleys, and public areas from the owner to the government agency having jurisdiction; (3) a certificate of accuracy by an engineer or land surveyor registered to practice in the State of Alabama; (4) a certificate of approval by the Planning Commission; and (5) a certificate of recording by the Probate Judge.

42.4 Upon approval of the plat the original drawings shall be returned to the subdivider; one copy retained in the files of the Planning Commission; and one copy, upon which the Planning Commission shall assign house numbers to each lot, shall be transmitted to the Town Clerk.

42.5 Failure of the Planning Commission to approve or disapprove the final plat within 30 days after submission shall be deemed approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission, and a letter transmitted to the subdivider stating the reasons for such disapproval.

ARTICLE V - SAVING CLAUSE

SECTION 51.

Should any Article, Section, Sub-section 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.

Filed in office of the Probate Judge of Shelby County on the 24th. day of March, 1948 and recorded in Deed Book 133 at pages 156 - 161 on this the 26th. day of March, 1948.

L. C. Walker
Judge of Probate