

SUBDIVISION REGULATIONS

Adopted the 14th day of January, 1970

Updated through December 2015

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ARTICLE I. - PURPOSE AND TITLE

[Sec. 1. - Purpose.](#)

[Sec. 2. - Title.](#)

Sec. 1. Purpose.

It is with the intent of creating a climate conducive to the orderly and progressive growth of the City of Jacksonville, 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.

Also, 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 Jacksonville.

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

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

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

Sec. 2. Title.

These regulations shall be known as the "Official Subdivision Regulations of the City of Jacksonville, Alabama, 1969", and may be so cited.

ARTICLE II. - AUTHORITY AND JURISDICTION

[Sec. 1. - Authority.](#)

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Sec. 1. Authority.

Pursuant to the authority granted by Title 37, Article 3, Sections 797 through 803, inclusive, of the 1940 Code of Alabama (recompiled 1958, which provisions are hereby made a part of these regulations, the

following regulations are hereby adopted by the Planning Commission for the City of Jacksonville, Alabama, at its meeting on Jan. 14, 1970. These Subdivision Regulations amend, not repeal, those regulations previously adopted by the Planning Commission. A copy of these regulations shall be certified to the Probate Judge of Calhoun County, Alabama.

Sec. 2. Jurisdiction.

From and after the effective date hereof, these regulations shall govern the subdivision of all land located in the City of Jacksonville, Alabama, and, in addition, shall govern the subdivision of land within one and one-half (1.5) miles of the corporate limits of the City of Jacksonville, Alabama.

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 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 Calhoun County, Alabama.

Sec. 3. Scope.

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

In order to secure review and approval of a proposed subdivision by the Planning Commission, the prospective subdivider shall, prior to making any street improvements or installations of utilities, submit to the Planning Commission a preliminary plat as provided in Article IV. 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 IV.

Sec. 4. Administration.

The Jacksonville 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.

ARTICLE III. – DEFINITIONS

[Sec. 1. - General.](#)

[Sec. 2. - Specific definitions.](#)

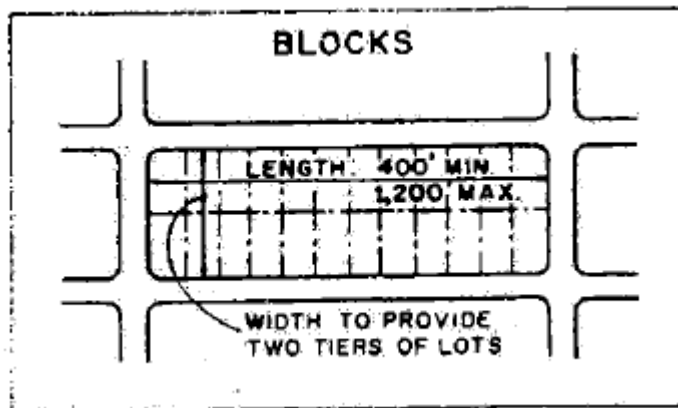
Sec. 1. General.

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. 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.

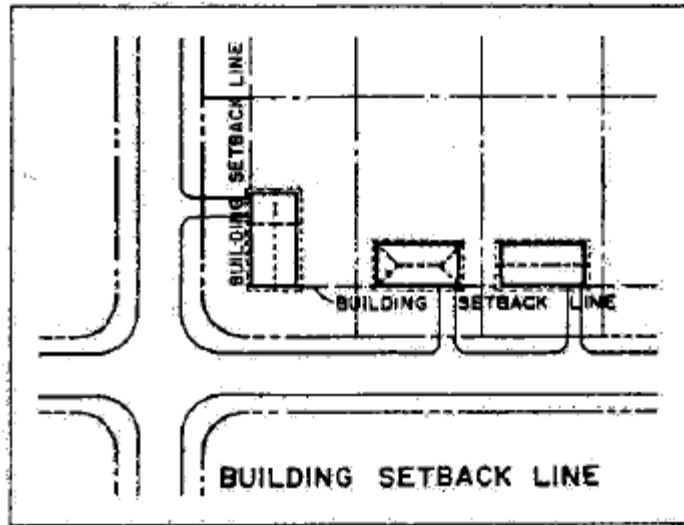
Sec. 2. Specific definitions.

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

- 2.01 *Alley* shall mean a minor public way having a narrow right-of-way and affording a secondary means of access to service abutting properties.
- 2.01.1 *Approved private street* shall be a street which shall be constructed in accordance with the City specifications and which is to be serviced and maintained by the property owners pursuant to a written agreement between said owners, approved by the Planning Commission and recorded in the Probate Office of Calhoun County, Alabama.
- 2.02 *Block* shall mean a tract or parcel of land entirely surrounded by public highways or streets, other than alleys.



2.03 *Building setback line* shall mean a line parallel to the property line in front of which no structure may be erected.



2.04 *City* shall mean the City of Jacksonville, Alabama.

2.05 *City Clerk* shall mean the duly designated Clerk of the City of Jacksonville, Alabama.

2.06 *City Council* shall mean the City Council of the City of Jacksonville, Alabama.

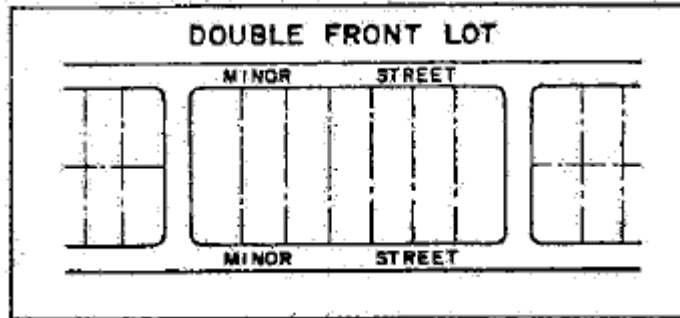
2.07 *City Engineer* shall mean the duly designated Engineer of the City of Jacksonville, Alabama.

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

2.09 *Comprehensive Plan* shall mean any part or element of the Comprehensive Plan of the City of Jacksonville or its environs. This may include, but is not limited to: Community Facilities, Sketch Thoroughfare Plan, Land Development Plan, Capital Improvements Plan, Zoning Ordinance, Subdivision Regulations, etc.

2.10 *Corner lot* shall mean a lot abutting upon two (2) or more streets at their intersection.

- 2.11 *Double front lot* shall mean a lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.
- 2.12 *Easement* shall mean a grant of rights by the property owner for use of a strip of land for

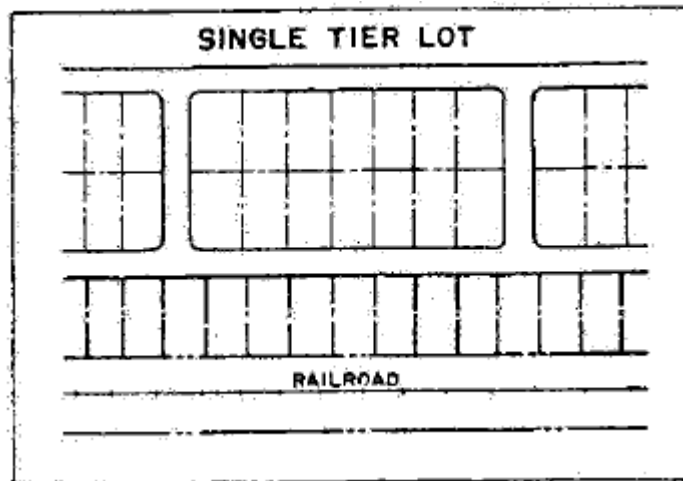


specified purposes.

- 2.13 *Final plat* shall mean a plat of a tract of land which meets the requirements of these regulations and is in form for recording in the office of the Probate Judge of Calhoun County, Alabama.
- 2.14 *Group development* shall mean a development comprising two or more structures, built on a single lot, tract, or parcel of land, and designed for occupancy by separate families, firms, or other enterprises.
- 2.15 *Governing body* shall mean the Mayor and City Council of the City of Jacksonville, Alabama.
- 2.16 *Half-street* shall mean a street which does not meet the minimum right-of-way widths set forth in these regulations.
- 2.17 *Hardship* shall mean 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.
- 2.18 *Health department* shall mean the Calhoun County Health Center and the State of Alabama Health Department.
- 2.19 *Lot* shall mean a parcel of land intended for transfer of ownership or for building development.
- 2.19.1 *Minor Subdivision* is a subdivision that:
- A) consists of no more than six (6) lots.
 - B) combines previously recorded lots for the purpose of creating a larger lot.
 - C) allows adjoining property owners to relocate an interior lot line, provided no additional lots are created or none of the lots affected are reduced below the minimum size yard requirements of the zoning district in which the lots are located.
 - D) amends a recorded plat solely to correct omissions or errors in descriptions, dimensions or notations. All owners of lots in the subdivision shall submit a written authorization for the amendment to the Planning and Building Department. After finding that the amendment will not affect any public improvements, covenants or restrictions, nor have a material

adverse effect on property rights of other owners of adjoining properties, the Planning and Building Department may approve an amended Final Plat for immediate recording.

- 2.20 *Monument* shall mean any permanent object serving to indicate a limit to or mark a boundary.
- 2.21 *Open space* shall mean any land either publicly or privately owned which is designated as being permanently undeveloped and used for recreation, conservation, or preservation.
- 2.22 *Owner's engineer* shall mean the engineer or land surveyor registered and in good standing with the State Board of Registration of Alabama who is the agent in his professional capacity of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.
- 2.23 *Planning Commission* shall mean the Planning Commission of the City of Jacksonville, Alabama.
- 2.24 *Preliminary plat* shall mean a tentative plan of proposed subdivision submitted to the Jacksonville Planning Commission for its consideration.
- 2.25 *Probate Judge* shall mean the Judge of Probate of Calhoun County, Alabama.
- 2.26 *Sidewalk* shall mean a walkway constructed for use by pedestrians.
- 2.27 *Single tier lot* shall mean a lot which backs upon an arterial street, a railroad, a physical barrier, or a residential or non-residential use, and to which access from the rear of the lot is usually prohibited.



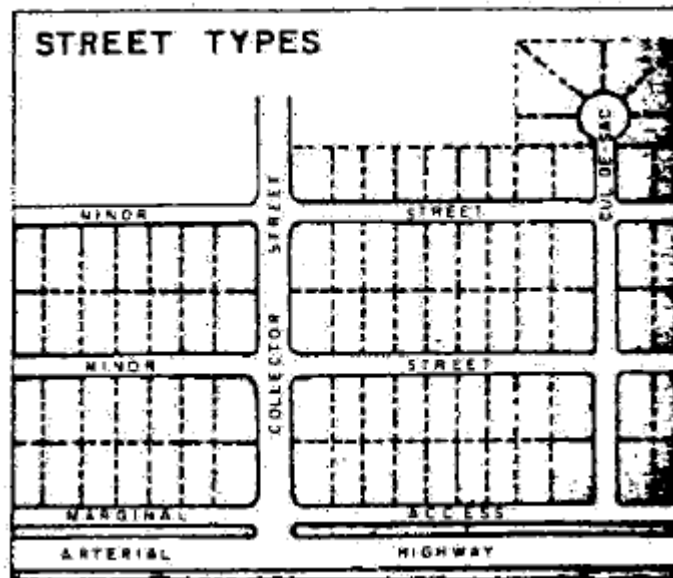
- 2.28 *Streets* shall be classified as follows:

Arterial, are those which are used primarily for moving fast or heavy traffic.

Collector and secondary, shall mean a street which carries traffic from minor streets to the system of major streets.

Cul-de-sac, shall mean a short street designed to have one end permanently closed; the closed end terminated by a vehicular turn-around.

Marginal access, shall be a street which is parallel with and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic. *Minor*, are used primarily to provide access from abutting properties to collector streets.



- 2.29 *Subdivider* shall mean the person(s), firm(s), or corporation engaged in the process of creating a subdivision or having completed a subdivision of said land.
- 2.30 *Subdivision* shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of subdividing or resubdividing. Also, when appropriate to the context, this term relates to the process of subdividing or to the land or territory being subdivided, including changing of lot size, private or public streets and alleys, and extension of major utility locations. A division of land for agricultural purposes not involving a new street and not involving the construction of any dwelling shall not be deemed a subdivision.
- 2.31 *Thoroughfare plan, sketch*, shall mean the Jacksonville Sketch Thoroughfare Plan, prepared as an element of the Comprehensive Plan.
- 2.32 *Zoning Ordinance* shall mean the official Zoning Ordinance of the City of Jacksonville, Alabama.

ARTICLE IV. - PROCEDURE FOR PLAT APPROVAL

- [Sec. 1. - General.](#)
- [Sec. 2. - Pre-application.](#)
- [Sec. 3. - Preliminary plat approval.](#)
- [Sec. 4. - Final plat.](#)

Sec. 1. 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 duly signed by the secretary of the Planning Commission.

Sec. 2. Pre-application.

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. This will enable him to become familiar with the Sketch Thoroughfare Plan and other official plans which might affect the area.

Sec. 3. Preliminary plat approval.

- I. The application for Preliminary Plat approval, including six (6) prints of the subdivision plan, shall be submitted to the Planning Commission at least sixteen (16) days prior to the Planning Commission's regularly scheduled meeting.
- II. A fee of twenty-five (25) dollars plus five (5) dollar per lot proposed on the Preliminary Plat and a one hundred fifty (150) dollar deposit shall be required.
- III. The Planning Commission, before its review, shall transmit prints of the preliminary plat to the electrical department, water department, sewer department, health department, fire department, and any other city or county department for review and recommendations in relation to specific service problems.

Prior to approval of the preliminary plat, the Planning Commission shall afford a public hearing. Notice of such hearing shall be sent to all adjoining land owners as their names appear upon the plats in the Calhoun County tax assessor's office. Notice of the public hearing shall be sent at least five (5) days prior to the date of the hearing.

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 give the following information:

1. Vicinity Sketch Map at a scale of one inch equals eight hundred (800) feet showing the following:
 - a. Name and location of subdivision;
 - b. Names of owner and designer;
 - c. North point, graphic scale, and date;
 - d. Boundaries and approximate dimensions;
 - e. Amount of acreage to be subdivided;
 - f. Major traffic arteries, utilities, and community facilities (major shopping areas, schools, parks, hospitals, churches) which are pertinent to the proposed design.
2. Preliminary Sketch Plan of subdivision at a scale of not more than one (1) inch equals one hundred (100) feet showing the following:
 - a. Name and location of subdivision;

- b. Names and addresses of owner and designer;
- c. North point, graphic scale, and date;
- d. Amount of acreage to be subdivided;
- e. Topography at a five (5) foot contour interval unless a closer interval is required by the Planning Commission;
- f. Street plan which includes:
 - (1) Location of all existing and proposed streets within the subdivision and adjacent to it;
 - (2) Widths of existing and proposed rights-of-way;
 - (3) Clear identification of right-of-way location and width for any street which is considered as part of the Sketch Thoroughfare Plan;
 - (4) Street names which are subject to approval by the Planning Commission;
 - (5) Plan and profile of all streets;
 - (6) Typical cross-section of proposed streets;
 - (7) Complete curve data for the center-line of each street;
- g. Blocks and lots with dimensions shown for all lot lines;
- h. Building setback line along each street;
- i. Plans of proposed utility layouts showing feasible connections to existing or proposed utility systems. When such connections are not practical, all proposed individual water supply and/or sewage disposal systems shall meet the approval of the health center;
- j. All proposed culverts;
- k. Location, width, and purpose of all easements;
- l. Location and dimension of land to be dedicated or reserved for parks, open space or other public use;
- m. 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;
- n. The existing zoning classification of subdivision and all contiguous land. If the proposed subdivision does not lie within the force and effect of the existing zoning ordinance, the preliminary plat shall be accompanied by a plan indicating the proposed use of the lots and a copy of the instrument to be used in establishing restrictions;
- o. 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.

Within the thirty (30) days after the first regularly scheduled meeting of the Planning Commission which is held ten (10) or more days 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.

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.

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 substantial accordance with the layout shown on the preliminary plat.

Approval of the preliminary plat shall lapse unless a final plat in substantial 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. 4. Final plat.

The final plat shall conform substantially 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 conforms to all of the requirements of these standards.

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, done in black drawing ink, 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.

The plat shall be drawn to a scale of one (1) inch equals one hundred (100) feet, on sheets not larger than twenty-four (24) by thirty-six (36) inches. When more than one (1) sheet is required, an index sheet of the same size shall be filed as a key, showing the entire subdivision, with the sheets in alphabetical order.

The final plat shall give the following information:

1. Vicinity Sketch Map at a scale of one inch equals eight hundred (800) feet showing the site in relation to its surroundings. The map submitted with the preliminary plat may be used.
2. Final Plat of the subdivision including the following:
 - a. Name and location of subdivision;
 - b. Name of owner and designer;
 - c. North point, graphic scale and date;
 - d. Location, width, and name of all streets, roads and alleys and other rights-of-way;
 - e. Location of all blocks and lot lines with all lot numbers in numerical order;

- f. Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every road line, lot line, boundary line, block line, and building line, whether curved or straight, and including the radius, central angle, and tangent distance, and the length of curve for the center line of all curved roads and property lines which are not the boundary of the property being subdivided. The length of all dimensions shall be to the nearest one hundredth (0.01) of one (1) foot, and bearings of all angles to the nearest one (1) minute;
- g. Location, dimensions, and purpose of all easements;
- h. Location and description of all monuments and iron pins;
- i. Name and location of adjoining subdivisions, roads, and the location and ownership of adjoining unsubdivided property.

The following certifications shall be presented along with the final plat: (See Appendix A for forms)

1. Certification showing that the applicant is the legal owner of the land, and that he formally dedicates all streets, 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 of approval by the city or county health officer when individual sewage disposal or water systems are to be installed.
4. Certification by the Street Superintendent that the subdivider has complied with one of the following alternatives:
 - a. Installed all improvements according to the requirements of these regulations, or,
 - b. Posted a surety bond in an amount sufficient to assure the completion of all required improvements.
5. Certification of approval to be signed by the Secretary of the Planning Commission.
6. A Certification from the City Clerk indicating that sufficient bond has been posted.

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 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.

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 accepts these streets as public roads and take over their perpetual maintenance.

REQUIREMENTS FOR PLATS TO BE SUBMITTED

<u>Vicinity Sketch Map</u> (scale 1" = 800')	Preliminary Plat	Final Plat
Name and Location	X	X
Owner and Designer	X	X
North Point, Graphic Scale, Date	X	X
Boundaries, Approximate Dimensions, and Acreage of Site	X	X
Major Traffic Arteries and Utilities	X	X
Community Facilities	X	X
Subdivision Plan (scale 1' = 100 max)		
Name and Location	X	X
Owner and Designer	X	X
North Point, Graphic Scale, Date	X	X
Location of Streets	X	X
Street Names	X	X
Lot Lines	X	X
Lot Numbers	X	X
Setback Lines	X	X
Existing Utilities	X	
Proposed Utilities	X	
Proposed Culverts	X	
Dimensions (lots, roads)	X	X
Angles and Bearings, monuments		X
Contours at 5-foot intervals	X	
Present Zoning	X	
Adjoining Property Names, Addresses	X	X
Total Acreage of Subdivision	X	
Certificates as Required		X
Proposed improvements requested of the City (utility extensions)	X	

ARTICLE IV-A - PROCEDURE FOR MINOR SUBDIVISION PLAT APPROVAL

[Sec. 1. Purpose](#)

[Sec. 2. General](#)

[Sec. 3. Plat Approval](#)

Sec. 1. Purpose.

The purpose of this article is to allow the Planning and Building Department a streamlined review and approval process of a Minor Subdivision as defined in Article III – Definitions (2.19.1) and described in Section 2 herein.

Sec. 2. General

A Minor Subdivision shall not require any public improvements, dedication of public rights-of-way, vacation or relocation of existing easements, or the expenditure of any public funds and shall not conflict with the Comprehensive Land Use Plan, Zoning Map, Zoning Ordinance or Subdivision Regulations. A Minor Subdivision does not require a public hearing or approval by the Planning Commission. However, approval must be obtained through the Planning and Building Department.

Sec. 3. Plat Approval.

- I. The plat shall be drawn to a scale not smaller than one (1) inch equals one hundred (100) feet, on a sheet not larger than twenty-four (24) by thirty-six (36) inches. When more than one (1) sheet is required, an index sheet of the same size shall be filed as a key, showing the entire subdivision, with the sheets in alphabetical order.
- II. The plat shall meet the minimum standards for the practice of surveying and shall contain the following information:
 1. Vicinity Map at a scale of not smaller than one inch equals eight hundred (800) feet showing the site in relation to its surroundings.
 2. Plat of the subdivision shall including the following information:
 - a. Name and location of subdivision;
 - b. Name(s) and address(es) of owner(s) and surveyor;
 - c. North point, graphic scale and date;
 - d. Location, width, and name of all existing streets, alleys and other rights-of-way;
 - e. Location of all blocks and lot lines with all lot numbers in numerical order;
 - f. Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every road line, lot line, boundary line, block line, and building line, whether curved or straight, and including the radius, central angle, and tangent distance, and the length of curve for the center line of all curved roads and property lines which are not the boundary of the property being subdivided. The length of all

dimensions shall be to the nearest one hundredth (0.01) of one (1) foot, and bearings/angles to the nearest one (1) second;

- g. Location, dimensions, and purpose of all easements;
- h. Location and description of all monuments and iron pins;
- i. Name and location of adjoining subdivisions and the location and ownership of adjoining unsplit property.
- j. The amended final plat shall be clearly marked and labeled as follows:

This plat amends the previous plat of (name of subdivision) as recorded in Plat Book _____ Page _____ in the office of the Probate Judge of Calhoun County.

III. The following certificates shall be included on the plat: (See Appendix A for forms).

- 1. Form 2 – Surveyor’s Certificate.
- 2. Form 3 – Water and Sewerage Systems Certificate
- 3. Form 11 – Owner’s Certificate.
- 4. Form 12 – Approval for Recording a Minor Subdivision Certificate.
- 5. Form 13 – Approval by the County Engineer Certificate.

IV. The application for Minor Subdivision Plat approval, including six (6) prints of the subdivision plat, shall be submitted to the Planning and Building Department at least seven (7) days prior to the regularly scheduled Staff Review Meeting.

V. A fee of twenty-five (25) dollars plus five (5) dollar per lot proposed on the plat shall be required.

ARTICLE V. - DESIGN STANDARDS

[Sec. 1. - Conformity to Comprehensive City Plan.](#)

[Sec. 2. - Street plan.](#)

[Sec. 3. - Blocks.](#)

[Sec. 4. - Lots.](#)

[Sec. 5. - Easements.](#)

[Sec. 6. - Drainage and inundation.](#)

[Sec. 7. - Non-residential subdivision.](#)

[Sec. 8. - Vacating a street.](#)

Sec. 1. Conformity to Comprehensive City Plan.

All proposed subdivisions shall conform to any Comprehensive City, County, or Regional Plan and Zoning Regulations.

- 1.1 The population densities established by the Zoning Ordinance and the Land Development Plan shall be observed by the subdivider and developer.

- 1.2 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.
- 1.3 To insure development of the community in substantial conformity with the general principles set forth in the official plans and maps of the City of Jacksonville, the Planning Commission may require that the subdivider dedicate open spaces for parks, schools, fire stations, playgrounds, and any other use essential to the welfare of the community. However, no more than ten percent of the total subdivision may be required by donation. If additional area over ten (10) percent of a proposed subdivision is necessary to fulfill the requirements of the community, the additional area shall be offered for sale to the city at its fair market value. Such offer shall extend for a period of not less than ninety (90) days from the date of receipt by the city of such written offer.
- 1.4 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. Also, clearly noted on the preliminary plat should be all the improvements the owner proposes to request the City of Jacksonville to make, relative to off-premise improvements necessary to the development of the subdivision. These improvements shall relate to drainage improvements necessary to carry runoff to a major drainage channel, and also all extensions of water mains, sewers, and other utility extensions.

Sec. 2. Street plan.

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

The proposed street system shall also be coordinated with the street system of the surrounding area. However, the number of streets converging upon any one point which would tend to promote congestion shall be held to a minimum. Creation of multiple street intersections shall not be permitted. The street pattern shall be in conformity with a plan for the most advantageous development of the entire neighboring area.

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

In addition, if in the opinion of the Planning Commission it is desirable to provide street access to an adjoining property, said street shall extend by dedication to the boundary of such property. A temporary turn-around, as defined in design standards for street cul-de-sac, shall be provided for these streets. Minor streets shall be so laid out that their use by through traffic in the subdivision will be discouraged.

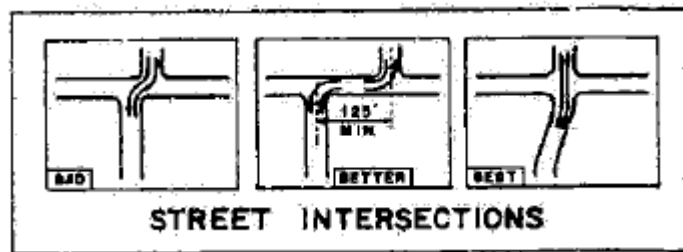
Subdivisions which abut or have included within the proposed area to be subdivided any freeway or arterial street shall provide the following:

- (a) A marginal access street, or

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

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

- 2.2 *Private reserve strips.* Private reserve strips controlling access to streets shall be prohibited.
- 2.3 *Land subject to flooding.* Land subject to flooding, or land deemed to be topographically unsuitable for urban usage, shall not be platted for residential occupancy, nor for any other uses which may increase danger to health, life, or property, aggravate erosion, or increase flood hazard.
- 2.4 *Half-streets.* Where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. New half-streets or half-alleys shall be prohibited.
- 2.5 *Cul-de-sacs.* Streets designed to have one end permanently closed shall be provided at the closed end with a turn-around having a minimum right-of-way diameter of one hundred (100) feet, and a minimum roadway diameter of eighty (80) feet. Such streets will not exceed six hundred (600) feet in length.
- 2.6 *Street intersections.* Street intersections with centerline offsets of less than one hundred and twenty-five (125) feet shall not be permitted.



- 2.7 *Minimum street right-of-way widths.* In developed or vacant areas, the Planning Commission shall have the discretion of identifying or classifying streets.

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

STREET TYPE	RIGHT-OF-WAY
Arterial Street	120 feet
Collector Street	60 feet
Minor Street and Cul-de-sac	50 feet
Alleys	20 feet
Marginal access	(included in R/W of arterial)

Where the minimum widths stated above are inadequate to properly construct, install, and/or maintain the street and utilities, additional appropriate easements shall be provided.

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 shall 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.

2.8 *Minimum roadway widths.* The minimum pavement widths for the various classifications of streets shall be as follows:

STREET TYPE	PAVEMENT WIDTH (measured from pavement edge to pavement edge, not including gutter)
Arterial street	as required
Collector Street	29 feet
Minor Street and Cul-de-sac	23 feet
Alleys	20 feet
Cul-de-sac	77 feet 938.5 ft. radius)
Marginal access	as required
Topographically limited	as provided in Section 2.14 below

2.9 *Street grades.* Street grades shall not exceed the following unless otherwise recommended and approved by the Street Superintendent.

STREET TYPE	GRADE
Arterial street	4%
Collector Street	12%
Minor Street and Cul-de-sac	14%
Marginal access	7%
Cul-de-sac	Same as street to which attached
Topographically limited	as provided in Section 2.14 below

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

Surface cross-drainage on streets shall be kept to a minimum.

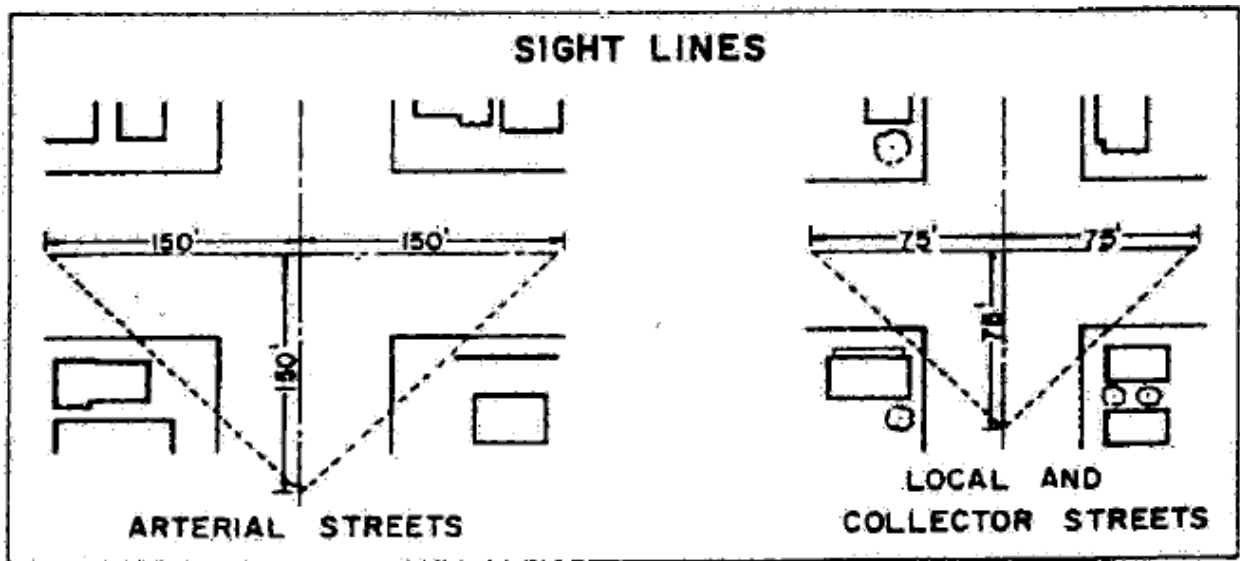
Except for topographically limited streets as provided in Section 2.14 below, vertical curves shall be constructed so as to afford a minimum sight distance being measured from the driver's eyes (4½ feet above pavement surface) to an object four (4) inches high on the pavement surface.

2.10 *Alignment and visibility.*

- (a) Except for topographically limited streets as provided in Section 2.14 below, alignment and visibility shall be provided as follows:
 - (1) Minimum radii of horizontal curves shall be not less than one hundred (100) feet.
 - (2) There shall be a tangent for one hundred (100) feet provided between all reverse curves.
 - (3) Angular breaks in right-of-way alignment of more than two (2) degrees are not permitted.
 - (4) Visibility. Clear horizontal visibility, measured along the centerline, shall be provided for at least six hundred (600) feet on freeway and arterial streets; three hundred (300) feet on collector streets; and at least two hundred (200) feet on minor streets and marginal access streets.
- (b) Where an existing road or other right-of-way falls within a proposed subdivision tract and the subdivider proposes to abandon this right-of-way, the Planning Commission shall review this proposal in light of its effect on neighboring properties, and forward its recommendations to the Governing Body prior to its taking legal action on the matter.
- (c) Where there are roads and rights-of-way in existence and are proposed to be retained, they must be designed, where feasible, so as to meet the requirements of paragraph (a) above.

2.11 *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) *Sight lines.* Local and collector streets shall have a clear sight triangle of seventy-five (75) feet (150 feet for arterial streets) from the point of intersection; this shall be indicated on all plans. No buildings or other obstructions higher than thirty-six (36) inches shall be permitted in this area.



2.12 *Alleys.*

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

2.13 *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.

Subdivision and apartment project names are subject to approval by the Planning Commission.

2.14. *Topographically limited streets.*

- (a) *Definition.* A topographically limited street is hereby defined to be a public street or an approved private street where, in the opinion of the Planning Commission, the topographical and geographical features of the land upon which is or is to be constructed make normal street construction impracticable and where property along said street is restricted by recorded covenants so as to not allow subdivision into lots of less than three (3) acres in size.

(b) *Construction requirements.*

- (1) The roadway pavement width shall be a minimum of twelve (12) feet for one-way streets and twenty (20) feet for two-way streets, and does not have to be curbed and guttered so long as other appropriate provisions have been made for proper drainage of surface waters.
- (2) Where feasible, graded shoulders of at least four (4) feet shall be provided on each side.
- (3) All driveway turnouts shall be paved.
- (4) A paved turnout shall be provided for access of mail trucks to mailboxes. On one-way streets, a paved turnout shall be provided at least every quarter (1/4) mile and at each fire hydrant.
- (5) If necessary, additional easements and rights-of-way for emergency and sanitation vehicles access and utilities service may be required.
- (6) If considered appropriate, a street consisting of an eighteen (18) foot (two-way) or ten (10) foot (one-way) wide paved roadway with a two (2) foot valley curb on each side may be installed in lieu of item (1) above.

(Mo. of 4-16-1985; Mo. of 10-21-1986; Mo. of 12-20-1994)

Sec. 3. Blocks.

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

- (a) Provisions 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, circulations, control, and safety of street traffic; and,
- (d) Limitations and opportunities of topography

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

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

Sec. 4. Lots.

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

- 4.3 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.
- 4.4 Corner lots for residential use shall have an extra fifteen (15) foot width to permit appropriate building orientation and setback from both streets.
- 4.5 Each lot shall be accessed by having a fifty (50) foot minimum frontage upon a dedicated public street right-of-way or an approved private street right-of-way, except that lots not less than twenty (20) acres in size may be accessed by means of a private easement (improved or unimproved), provided, however, no lot shall be further subdivided without having first obtained the approval of the Planning Commission in accordance with the provisions of these Subdivision Regulations.
- 4.6 Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation.
- 4.7 Side lot lines shall normally be at right angles to streets, except on curves where they shall be radial.

Sec. 5. Easements.

- 5.1 Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary, and shall not be less than a total of fifteen (15) feet wide, unless otherwise approved by the engineering department of the specific utility.
- 5.2 Where a subdivision is traversed by an existing or proposed water course, 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.
- 5.3 Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement jogs or off-sets, and to facilitate the use of easements for power distribution, telephone service, drainage, water, and sewer services.

Sec. 6. Drainage and inundation.

A drainage plan shall be made for each subdivision by the Owner's Engineer, which plan shall take into consideration the ultimate or saturated development of the tributary area in which the proposed subdivision is located. Adequate provisions shall be made to provide drainage easements needed within the subdivision, taking into consideration the saturated development of the tributary area.

The storm and sanitary sewer plans shall be worked out prior to the development of the other utility plans. Engineering considerations shall give preferential treatment to these gravity flow improvements, as opposed to other utilities and improvements. Off-premise 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 vice versa.

Low areas subject to periodic inundation shall not be developed or subdivided unless and until the Planning Commission establishes that:

- (a) The nature of the land use (i.e., recreational areas) would not lend itself to damage by water

- inundation to an appreciable extent;
- (b) The area may be filled or improved in such a manner to prevent such periodic inundation; or
- (c) Minimum floor elevations be required to prevent damage to buildings and structures.

The Planning Commission may require whatever additional engineering information it deems necessary to make a decision on subdivisions 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.

Routine Maintenance

- A. All stormwater Best Management Practices (BMP's) shall be maintained according to the measures outlined in the most recent version of The City of Jacksonville Stormwater Plan and Illicit Discharge and Connection Ordinance, as required by the Subdivision Regulations and as approved in the permit.
- B. The person(s) or organization(s) responsible for maintenance shall be designated in the drainage plan of the subdivision plat approved by the Jacksonville Planning Commission. Options include.
 - 1. Property owner.
 - 2. Homeowner's association, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements.
 - 3. Private contractor under contract with the owner.
- C. Maintenance agreements shall specify responsibilities for financing maintenance.

Nonroutine Maintenance

Nonroutine maintenance includes maintenance activities that are expensive but infrequent, such as pond dredging or major repairs to stormwater structures.

- A. Nonroutine maintenance shall be performed on an as-needed basis based on information gathered during regular inspections.
- B. If nonroutine maintenance activities are not completed in a timely manner or as specified in the approved plan, The City of Jacksonville may fine the owner an appropriate amount to cover the cost of the city providing maintenance.

Inspections

- A. The person(s) or organization(s) responsible for maintenance shall inspect Stormwater BMP's on a regular basis as outlined in the plan.
- B. Authorized representatives of The City of Jacksonville may enter at reasonable times to conduct on-site inspections or routine maintenance.
- C. For BMP's maintenance by the property owner or homeowner's association, inspection and maintenance reports shall be filed with The City of Jacksonville, as provided for in the Stormwater Plan and Illicit Discharge and Connections Ordinance.
- D. Authorized representatives of The City of Jacksonville, may conduct inspections to confirm the information in the reports.

Sec. 7. Non-residential subdivision.

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

Sec. 8. Vacating a street.

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

ARTICLE VI. - REQUIRED IMPROVEMENTS

[Sec. 1. - General.](#)

Sec. 1. 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.

All improvements required shall be constructed in accordance with the standards set forth in these regulations, and under the inspection of the Street Superintendent or his duly authorized representative and the engineering department of the respective utility.

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

- 1.1 *Streets and alleys.* On all streets and alleys within the jurisdiction of these regulations, a suitable hard surfaced permanent type of pavement shall be constructed in accordance with the City of Jacksonville's construction specifications.
- 1.2 *Sidewalks.* 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 schools and other community facilities. Sidewalks, when required, shall be a minimum of four (4) feet wide in residential areas and six (6) feet wide in business areas, and shall be constructed according to City specifications.
- 1.3 *Curbs and gutters.* Standard approved type curbs and gutters shall be placed on both sides of all new streets within the area of jurisdiction of these regulations in accordance with the City specifications.
- 1.4 *Water mains.* The design and specifications of the distribution system shall meet the Jacksonville water system requirements. Water mains shall be extended the full length or width of the pavement. If a well is required for each lot, the location, construction, and use of such a well shall meet Health Department requirements. If a well is to serve more than one lot, a public water system is required. The design and specifications of such distribution system shall meet Health Department specifications, and shall be installed under inspection of the City Water Department.
- 1.5 *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.
- 1.6 *Sanitary sewers.* Sanitary sewers shall be installed in each subdivision. All sanitary sewer lines shall be installed in such a manner as to serve adequately all lots.

Septic tanks may be permitted in lieu of sewer lines wherever sanitary sewerage will not be available within a reasonable period of time. Special approval must be obtained from the State Health Department.

Lot size shall not be less than the minimum standard and of satisfactory size for the proper installation of a septic tank sewage system as indicated by percolation tests.

- 1.7 *Storm sewers and drainage.* Storm sewers and drainage structures shall be designed and installed as required in accordance with good engineering practice. In no case shall the size of pipe used for storm drainage be less than twelve (12) inches in diameter. The subdivider shall provide Portland cement concrete or asphaltic concrete curb, the face of which shall be not less than six (6) inches in height, with backfill sloping toward the curb and higher than the curb to ensure drainage of surface water into the storm drainage system.
- 1.8 *Property markers.*
- (a) Concrete monuments four (4) inches in diameter or four (4) inches square and three (3) feet long with a flat top shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, at the intersection of curves and tangents along the street lines, and at all corners of the plat. The top of the monument shall have an indented cross to identify properly the location, and shall be set flush with the finished grade.
 - (b) All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and twenty-four (24) inches long, and driven so as to be flush with the finished grade.
- 1.9 *Oversize facilities.* The Governing Body may participate in the cost of "oversize" 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 oversize improvements is an unreasonable burden on the subdivider.
- 1.10 *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.
- Street trees protect against excessive heat and glare, and enhance the attractiveness and value of abutting property. The Planning Commission will assist the subdivider in the location of trees and species to use under varying conditions.
- It is recommended that trees be planted five (5) feet inside (or behind) property lines where they will be less subject to injury, decrease the chances of motor accidents, and enjoy favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be approved by the Planning Commission since the public inherits the care and maintenance of such trees.
- 1.11 *General.* Where a public water or sewer is within three hundred feet (300 feet), the subdivider shall connect with same.
- 1.12 *Street signs.* The subdivider shall deposit twenty-five (25) dollars with the City Clerk for each required street sign within his subdivision, or he may provide his own signs which must be approved by the Governing Board prior to final approval. One street sign will be required for each intersection.

ARTICLE VII. - GUARANTEE OF COMPLETION OF IMPROVEMENTS

Sec. 1. - General.

Sec. 1. 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.

- 1.1 *Subdivision improvement bond.* The guarantee of performance by the subdivider shall be in the form of a Subdivision Improvement Bond and shall meet the following requirement:
 - (a) *Acceptance of bond.* Bond must be approved by the Governing Body.
 - (b) *Value of bond.* The bond should be of an amount sufficient to cover the total cost of installing all improvements, including grading, paving of the streets, and installation of all required utilities and fees encountered during execution of improvements.
- 1.2 *Failure to complete work.* If within twelve (12) months after filing said bond 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 bond shall be used by the City to complete the improvements in satisfactory fashion, or the City may take such steps as may be necessary to require performance under the bond.

ARTICLE VIII. - GUARANTEE AGAINST FAULTY MATERIAL

Sec. 1. - General.

Sec. 1. General.

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

- 1.1 Said street improvements shall have been 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.
- 1.2 Following otherwise satisfactory completion of such work, the subdivider shall post with the City of Jacksonville a guaranty bond in an amount equal to ten (10) percent of the street and utility improvement cost for the street for which acceptance is sought. Said bond will guarantee the City that said street has been installed in a workmanlike manner, that same is free from defects caused by faulty material or workmanship, and that said street will remain in acceptable condition for a period of at least one (1) year. Said guaranty bond shall be effective for a period of one year. If at the end of the one (1) year period the street is found to have settled or be otherwise unacceptable because of faulty workmanship or material, said defective street shall be repaired at the cost of the subdivider up to the amount of the guaranty bond, and upon his failure or refusal to do so within ninety (90) days after demand is made upon him by the Governing Body, then the City of Jacksonville shall make such repairs as are reasonable necessary, and recover the cost thereof.

ARTICLE IX. – VARIANCES

[Sec. 1. - Hardship.](#)

[Sec. 2. - Experimental subdivisions.](#)

[Sec. 3. - Comprehensive group housing development.](#)

[Sec. 4. - Conditions.](#)

Sec. 1. Hardship.

Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations due to unusual topographic or other conditions beyond the control of the subdivider, it may vary the regulations so that substantial justice may be done and the public interest secured, provided, however, that such variation will not have the effect of nullifying the intent or purpose of the Subdivision Regulations, Zoning Ordinance, Sketch Thoroughfare Plan, or other elements of the Jacksonville Comprehensive Plan. Any variance 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. 2. Experimental subdivisions.

The Planning Commission may waive, vary, or modify the standards and requirements of these regulations if, in its judgment, an unusual or experimental subdivision might prove of considerable merit toward:

- (a) The use of unusual materials in constructing required improvements.
- (b) A new or untried design concept in the Jacksonville area which appears promising.

Special attention may be given to experimental subdivisions which are related to low cost housing design in an effort to provide housing for lower income facilities. The Planning Commission shall require the subdivider to provide a written proposal stating the nature of the experiment, and cost-benefit study following the implementation of same.

Sec. 3. Comprehensive group housing development.

- (a) A comprehensive Group Housing Development to be constructed on a plot of ground of at least four (4) acres, including construction of two (2) or more buildings, together with the necessary drives and access ways, 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, departure from the foregoing regulations can be made without destroying the intent of the regulations.
- (b) Plans for all such developments shall be submitted to be approved by the Planning Commission whether or not such plat is to be recorded. No building permits shall be issued until such approval has been given.

Sec. 4. Conditions.

In granting variances, modifications, and approval for experimental subdivisions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified, or approved. These may include, without being limited to: personal, surety, performance, or maintenance bonds; affidavits; covenants; or other legal instruments.

ARTICLE X. - 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 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 from 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.

ARTICLE XI. - SEVERABILITY AND SEPARABILITY

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.

ARTICLE XII. - 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 ordinances. 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 Calhoun County.

ARTICLE XIII. - EFFECTIVE DATE

These Subdivision Regulations shall supersede all previous Subdivision Regulations and shall take effect and be in force from and after the date of their adoption.

Adopted this the 14th day of January, 1970.

Updated through July, 2015.

APPENDIX A. – CERTIFICATES

- FORM 1. - OWNER'S CERTIFICATES
- FORM 2. - SURVEYOR'S CERTIFICATE
- FORM 3. - CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS
- FORM 4. - CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES
- FORM 5. - CERTIFICATE OF APPROVAL FOR RECORDING
- FORM 6. - PERFORMANCE BOND
- FORM 7. - MORTGAGE RELEASE
- FORM 8. - CITY COUNCIL ACCEPTANCE OF PUBLIC DEDICATION
- FORM 9. - SEPTIC TANK CERTIFICATION
- FORM 10. - CERTIFICATE OF CITY CLERK
- FORM 11. - OWNERS' CERTIFICATES
- FORM 12. - APPROVAL FOR RECORDING A MINOR SUBDIVISION CERTIFICATE
- FORM 13. - APPROVAL BY THE COUNTY ENGINEER CERTIFICATE

FORM 1. - OWNER'S CERTIFICATES

OWNER'S CERTIFICATE AND DEDICATION. We, the undersigned (name of owner) do hereby certify that we are the owners of and the only person having any right, title, or interest in the land shown on the Plat of (name of subdivision), and that the Plat represents a correct survey of the above described property made with our consent, and that we hereby dedicate to the public use all the streets as shown on said plat. The easements as shown on the plat are created for the installation and maintenance of public utilities. We hereby guarantee a clear title to all lands so dedicated from ourselves and our heirs or assigns forever, and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate.

RESTRICTIONS: (if any, follow here)

Witness _____ hand _____ this _____ day of _____, 20_____.

Witness _____

FORM 2. - SURVEYOR'S CERTIFICATE

I, _____ the undersigned, do hereby certify that I am a registered land surveyor in the State of Alabama and that this plat of (*name of subdivision*) consisting of _____ sheets, correctly represents a survey made under my supervision on the _____ day of _____, 20_____; and that all of the monuments shown hereon actually exist and their positions are correctly shown. I further certify that all parts of this survey and drawing have been completed in compliance with the Standards of Practice for Surveying in the State of Alabama.

Signature: _____

Alabama Registration No. _____

Witness: _____

FORM 3. - CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS

I hereby certify that the water supply and sewage disposal systems either existing and/or proposed for *(name of subdivision)* fully meets the requirements of the Alabama Department of Public Health, and are hereby approved.

RESTRICTIONS AND CONDITIONS OF APPROVAL: (if any, follow here)

This _____ day of _____ 20 _____.

Authorized Representative
Calhoun County Health Department

FORM 4. - CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

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

_____ 20 _____.

City Street Superintendent
Or other
Approving Agents

FORM 5. - CERTIFICATE OF APPROVAL FOR RECORDING

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

_____ 20 _____.

Secretary, Planning Commission

FORM 6. - PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

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

Dated this _____/_____/_____ day of _____, A.D., 20_____.

The conditions of this obligation are such that,

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

AND, WHEREAS, PRINCIPAL has, pursuant to the Subdivision Regulations of the City of Jacksonville, elected to file this bond in lieu of actual completion of improvements and utilities in the above subdivision.

Note, THEREFORE, if the PRINCIPAL shall, within one (1) year from the date of approval of the final plat of the subdivision, faithfully install complete improvements and utilities in the subdivision according to requirements or ordinances, approved plans, specifications, subdivision rules and regulations of the City and pay all bills for contractors, subcontractors, labor and materials incurred in completion thereof; and shall hold harmless and indemnify the City and all interested property owners against liability, loss or damage by reason of failure of PRINCIPAL to faithfully perform the conditions hereof, then this obligation shall be null and void, otherwise to remain in full force and effect; PROVIDED, however, that actions upon this bond by contractors, subcontractors, laborers or materialmen shall be limited to six months from and after completion of the improvements and utilities above referred to.

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

Principal

ATTEST:

Secretary By: _____

ATTEST:

Secretary By: _____

Approved as to form and legality this _____ day of _____ A.D., 20_____

Attorney

Approved by the City Council of Jacksonville this _____ day of _____ A.D., 20_____

ATTEST:

Clerk Mayor

FORM 7. - MORTGAGE RELEASE

RELEASE OF MORTGAGE: In consideration of the platting of the property shown on the annexed map of (name of subdivision), and other good and valuable considerations, receipt of which is hereby acknowledged _____ do hereby release, relinquish and forever discharge a certain mortgage made by _____ / _____ / _____ and dated the _____ day of _____, 20_____, to _____ which is recorded in Book _____ of Mortgages at Page _____ of the records of Calhoun County, State of Alabama, insofar as the same covers all property dedicated for streets, alleys, parks, boulevards, easements or other public use, as shown on said map.

Witness _____ hand _____ this _____ day of _____, 20_____.

Signature: _____

Witness: _____

FORM 8. - CITY COUNCIL ACCEPTANCE OF PUBLIC DEDICATION

Be it Resolved by the City Council of the City of Jacksonville, Alabama, that the dedications shown on the attached plat of (name of subdivision) are hereby accepted.

Adopted by the City Council of the City of Jacksonville, Alabama, this _____ day of _____, 20_____.

Mayor

ATTEST:

Clerk

FORM 9. - SEPTIC TANK CERTIFICATION

(Applicable only where septic tanks are to be used)

I, _____ / _____ / _____ a registered engineer in the State of Alabama, certify that a soil survey of _____ subdivision has been completed by (name of testing laborator) on (date) and that this test shows that a soil to be sufficiently porous to permit septic tanks for each lot shown on the plat.

Registration Number

Signature

FORM 10. - CERTIFICATE OF CITY CLERK

CERTIFICATE OF CITY CLERK: I _____/_____/_____, Clerk of the City of Jacksonville, State of Alabama, hereby certify that I have examined the records of the said City and find that all deferred payments or unmatured installments upon special assessments have been paid in full, and that there is no special assessment procedure now pending against the land as shown on the plat of (name of subdivision).

Dated this _____/_____/_____ day of _____, 20_____.

Clerk

Witness

FORM 11. - OWNER'S CERTIFICATES

(I/We), _____ the undersigned, do hereby certify that (I am/we are) the owner(s) of and the only person(s) having any right, title, or interest in the land shown on this plat of (name of subdivision), and that this plat represents a correct survey of the described property made with (my/our) consent. (I/We) hereby guarantee a clear title to all lands so dedicated from (myself/ourselves) and (my/our) heirs or assigns forever, and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate.

RESTRICTIONS: (if any, follow here)

Witness (my/our) hand(s) this _____ day of _____, 20_____.

FORM 12. – APPROVAL FOR RECORDING A MINOR SUBDIVISION CERTIFICATE

I hereby certify that this plat of (*name of subdivision*) has been found to comply with the Subdivision Regulations for Jacksonville, Alabama, and that it has been approved for recording in the office of the Probate Judge of Calhoun County.

This _____ day of _____, 20____.

Planning, Development & Stormwater Director

FORM 13. – APPROVAL BY THE COUNTY ENGINEER CERTIFICATE

I the undersigned, as County Engineer of the County of Calhoun, Alabama, hereby approve this plat of (*name of subdivision*) for recording in the office of the Probate Judge of Calhoun County, Alabama,

This _____ day of _____, 20____.

Calhoun County Engineer

**APPENDIX B. - PRELIMINARY AND FINAL PLAT REVIEW AND APPROVAL
FORM
GENERAL REQUIREMENTS**

Name of Subdivision _____

Name of Owner(s) _____

Date Submitted _____ Checked by _____

Required Number of Copies of Plat Submitted _____

Topographic Map Required: Yes _____ No _____

Location of Subdivision (Section, Range, Leir) _____

Has Plat Been Prepared at the Appropriate Scale: Yes _____ No _____

Present Zoning Classification of Area _____

GENERAL PLATTING REQUIREMENTS	Preliminary Plat		Final Plat	
	Yes	No	Yes	No
1. Is the Subdivision laid out to conform with the approved master plan of the area?	_____	_____	_____	_____
2. Does the street pattern discourage through traffic?	_____	_____	_____	_____
3. Do the street intersect at as nearly 90° angles as Possible?	_____	_____	_____	_____
4. Are the number of streets converging at one point Kept to a minimum?	_____	_____	_____	_____
5. Have provisions been made for principal local streets To be continued in adjacent subdivisions without Creating hazardous jogs or angles in the thorough-Fare patterns?	_____	_____	_____	_____
6. If cul-de-sacs are shown, do they:				
a. Have adequate turn around facilities? (100 feet Diameter minimum)	_____	_____	_____	_____
b. Remain a conventional length of not more than 600 feet?	_____	_____	_____	_____
7. Are blocks a normal size (approximately 1,000 feet In length?	_____	_____	_____	_____
8. If a block is excessively long (1200 feet), has a pedestrian crossing been provided in the middle of The block?	_____	_____	_____	_____

GENERAL PLATTING REQUIREMENTS	Preliminary Plat		Final Plat	
	Yes	No	Yes	No
1. Has due consideration been given by the subdivider regarding dedication of that portion of land necessary for public use? (school sites, Park sites, etc.)	_____	_____	_____	_____
2. Have all necessary easements for utilities been checked to determine whether they meet the requirements of the utility company?	_____	_____	_____	_____
3. Have the locations, widths, and other dimensions of proposed street, alleys, lots, easements, and other open spaces been clearly shown?	_____	_____	_____	_____
4. Are all blocks and lots properly numbered?	_____	_____	_____	_____
5. Do all streets and courts shown on the plat bear tentative names?	_____	_____	_____	_____
6. List of names of streets, courts, or boulevards shown on the plat.				
a. _____				
b. _____				
c. _____				
d. _____				
Do any of the tentative names listed conflict with any existing street names?	_____	_____	_____	_____
7. Is the accurate location and description of all monuments clearly shown? (Permanent monuments of natural stone or concrete should be set to finish grade at such critical points as will enable any skilled surveyor to lay out correctly any lot in the subdivision.)	_____	_____	_____	_____
8. Has the length of lines of all lots, the length and bearing of the lines of the streets, alleys, and easements, the length of all arcs, and radii, the points of curvature, and the tangent bearings in the case of covered lines been checked by the Street Superintendent?	_____	_____	_____	_____
9. Do all necessary signatures appear on the plat?	_____	_____	_____	_____
10. Is the north point, date, scale, and name of the firm which designed the plat clearly shown?	_____	_____	_____	_____

ZONING ORDINANCE REQUIREMENTS	Preliminary Plat		Final Plat	
	Yes	No	Yes	No
1. Does the zoning classification of all parcels of land Appear on the plat?	___	___	___	___
2. Are all lots delineated of adequate size to meet the requirements of the appropriate zoning classification?	___	___	___	___
3. Will a performance bond (to run to the city) be Required?	___	___	___	___
4. Performance bond set at \$_____.	___	___	___	___

APPROVAL GRANTED

- | | | | | |
|----------------------|-----|-----|-----|-----|
| 1. Preliminary Plat: | ___ | ___ | | |
| 2. Final Plat: | | | ___ | ___ |

LIST OF ALL SUGGESTED REVISIONS OR CHANGES

1. _____

2. _____

3. _____

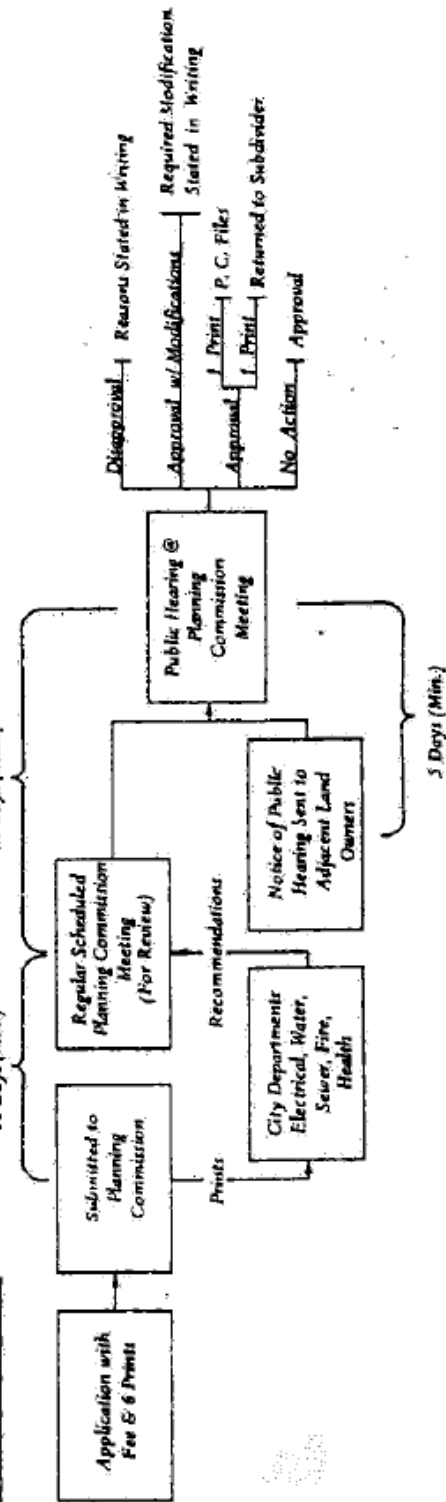
4. _____

PROCEDURE FOR PLAT APPROVAL

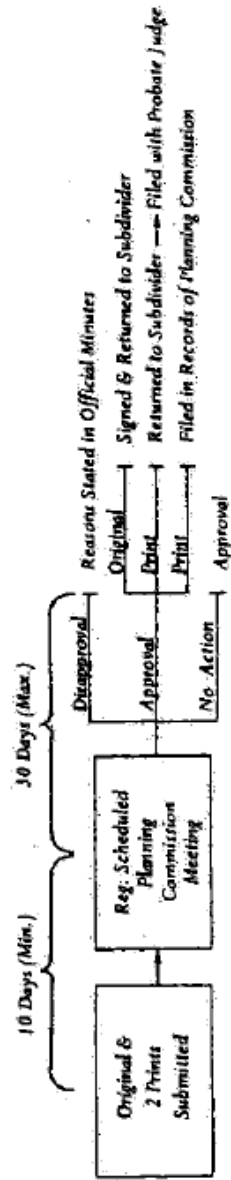
PRE-APPLICATION CONFERENCE

SUBDIVIDER ENCOURAGED TO CONSULT WITH PLANNING COMMISSION TO OBTAIN ADVICE AND ASSISTANCE BEFORE HE BEGINS PREPARATION OF PRELIMINARY PLAT.

PRELIMINARY PLAT



FINAL PLAT (TO BE SUBMITTED WITHIN 12 MONTHS OF PRELIMINARY APPROVAL)



**[APPENDIX C. - SUBDIVISION APPLICATION POLICY]
POLICIES REGARDING SUBDIVISIONS
JACKSONVILLE PLANNING COMMISSION**

The following policies regarding subdivision applications are hereby adopted:

General

A transmittal letter to accompany the plats should be submitted at the time application is made at the City Clerk's Office. The letter should identify the following: owner, developer, engineer, surveyor, responsible party to answer questions regarding the plat, and the nature of the request.

The application, transmittal letter, fees and required number of prints are due 10 days prior to the Planning Commission meeting in accordance with the Subdivision Regulations.

Final Plat

All improvements must be in place and complete by the date of the application and plat submission.

Six final plat prints and six as-built utility drawings are required to be considered complete.

After the final plat is recorded in the Calhoun County Probate Judge's Office, notification of recordation information (book and page number) shall be provided by the developer in writing, to the Planning Commission.

One copy of the recorded plat shall be provided by the developer to the Planning Commission within two months of the date of final plat approval. ADOPTED the 19th day of May, 1987.

**[APPENDIX D. - ACCESS TO PROPOSED STREETS FROM ADJOINING
PROPERTY]
POLICY REGARDING SUBDIVISIONS
JACKSONVILLE PLANNING COMMISSION**

The Commission adopts the following as its policy in regards to the preferred method of providing access ("proposed streets") to adjoining property in approving subdivisions:

Require the present subdivider to dedicate a right-of-way for the proposed street (labeled on the plat as a "dedicated public street right-of-way"), but not improve it at this time. If future development occurs on the adjoining property, then that adjoining developer would have to pave, curb and gutter the street.

Positive Points:

1. Allows the parcel to remain undisturbed, and, if properly done, would appear as an extension of the adjacent lots and be protected by a full curb and gutter across its entrance.
2. Places the costs of improvement upon the adjoining property developer who would reap the benefits.
3. Avoids unnecessary dead-end streets.
4. Provides access when needed for future development without the necessity of condemnation proceedings.

Negative Points:

1. Might encourage political pressure from future developer to have City improve street from original subdivision street to adjoining property.

The Planning Commission reserves the right to consider alternative measures. ADOPTED, this the 19th day of March, 1991.

[APPENDIX E. - SUBDIVISION APPLICATIONS AND PLANS]

**POLICY OF THE PLANNING COMMISSION OF THE CITY OF JACKSONVILLE CONCERNING
SUBMISSION OF APPLICATIONS AND PLANS FOR SUBDIVISIONS**

WHEREAS, the City of Jacksonville has adopted certain rules, regulations, specifications, and requirements for subdivision development within the jurisdiction of the Planning Commission, and;

WHEREAS, these rules, regulations, specifications, and requirements are made available to all interested parties, and;

WHEREAS, all applications and plans for subdivision development must meet the minimum objective requirements as set forth in said rules, regulations, specifications, and requirements prior to approval by the Planning Commission, and;

WHEREAS, there are an increasing number of applications and plans being presented for Planning Commission staff review which fail to meet such minimum objective requirements, and;

WHEREAS, in the past, staff comments concerning such failures to meet minimum requirements have been provided to the developers, who would then attempt to amend, replace, and/or supplement the application and plans to meet such minimum requirements before the next Planning Commission meeting immediately following the staff review, thereby depriving the Planning Commission the benefit of full staff review of the amended application and plans, and;

WHEREAS, Planning Commission staff review and comments are for the purpose of assisting the Planning Commission members in determining whether the minimum objective requirements for approval have been met and advising the Planning Commission as to any subjective determinations which it may need to consider, i.e., fire plug placement, street width, street names, open space, location and size of easements, etc., and;

WHEREAS, review of incomplete applications and plans result in wasted time and effort on the part of staff members and Planning Commission members and delays approval of the developers' application,

IT IS HEREBY RESOLVED THAT the following shall be the policy of the Planning Commission concerning submission of applications and plans for subdivision approval:

1. All applications and plans (preliminary and final) for subdivision approval shall be delivered to the City Planner's Office at City Hall at least 10 days prior to the Planning Commission meeting at which approval is desired.
2. As of said deadline, it shall be deemed that the developer desires the application and plans, as delivered, to be considered by the Planning Commission, without further amendment, replacement, or supplement.
3. All applications and plans timely received by the City Planner's Office shall be reviewed by staff at its regularly scheduled review session and staff comments shall be made available to the developer or its agent so that the developer may be prepared to assist the Planning Commission in determining any subjective issues raised by staff.
4. In the event the Planning Commission determines that any application and/or plan, as delivered by the deadline, fails to meet the minimum requirements as set forth the Subdivision Regulations, the Planning Commission shall either deny approval or, at the request of the developer, table consideration until the next scheduled meeting so as to allow the developer to correct any such

failure and to present amended or replacement application and/or plans by the deadline for the next meeting to allow adequate staff review thereof.

5. Any subjective issues raised by staff or Planning Commission members shall be openly discussed at the meeting and resolved prior to approval of the subdivision. Approval may be granted subject to the developer presenting amended plans for review by an appropriate staff member as to any such subjective issue so resolved.

6. A developer desiring to amend, replace, or supplement any application or plan shall deliver to the City Planner's Office the same number of complete sets of applications and plans, properly collated and stapled, as required for initial application, including 8½" X 14" size prints of the revised plat.

ADOPTED by the Planning Commission of the City of Jacksonville on this the 18th day of November, 2003, to be effective as of January 1, 2004.

CODE COMPARATIVE TABLE
ORDINANCES

This is a chronological listing of the amendments to the Subdivision Regulations. The Subdivision Regulations were originally adopted on January 14, 1970

Date	Section	Section herein
4-16-1985		Art., V, § 2
10-21-1986 (Mo.)		Art., V, § 2
12-20-1994 (Mo.)		Art., III, § 2
		Art., V, § 2
11-19-2014 (Mo.)		Art., V, § 6
7-23-2015 (Mo.)		Art., III, § 3
		Art., IV, § 3
		Art., IV-A
		Appx. A, Form 2
		Appx. A, Form 3
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***Note-** The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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