



# **Town of Franklin, Alabama Subdivision Regulations**

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Town of Franklin Subdivision Regulations Prepared By

# SCADC

SOUTH CENTRAL ALABAMA  
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## FOREWORD

A subdivision is defined as the development and division of a lot, tract, or parcel of land into **two (2) or more lots, plats, sites**, or otherwise for the purpose of establishing or creating a subdivision through the **sale, lease, or building development of the lot or lots**. Further explanation of the definition and any exemptions from these subdivision regulations can be found in Section 2.3 of these regulations.

Any individual who plans to develop and/ or divide a parcel of land in the Town should consult with the Building Official early in the planning phase of the development to assure compliance with these regulations.



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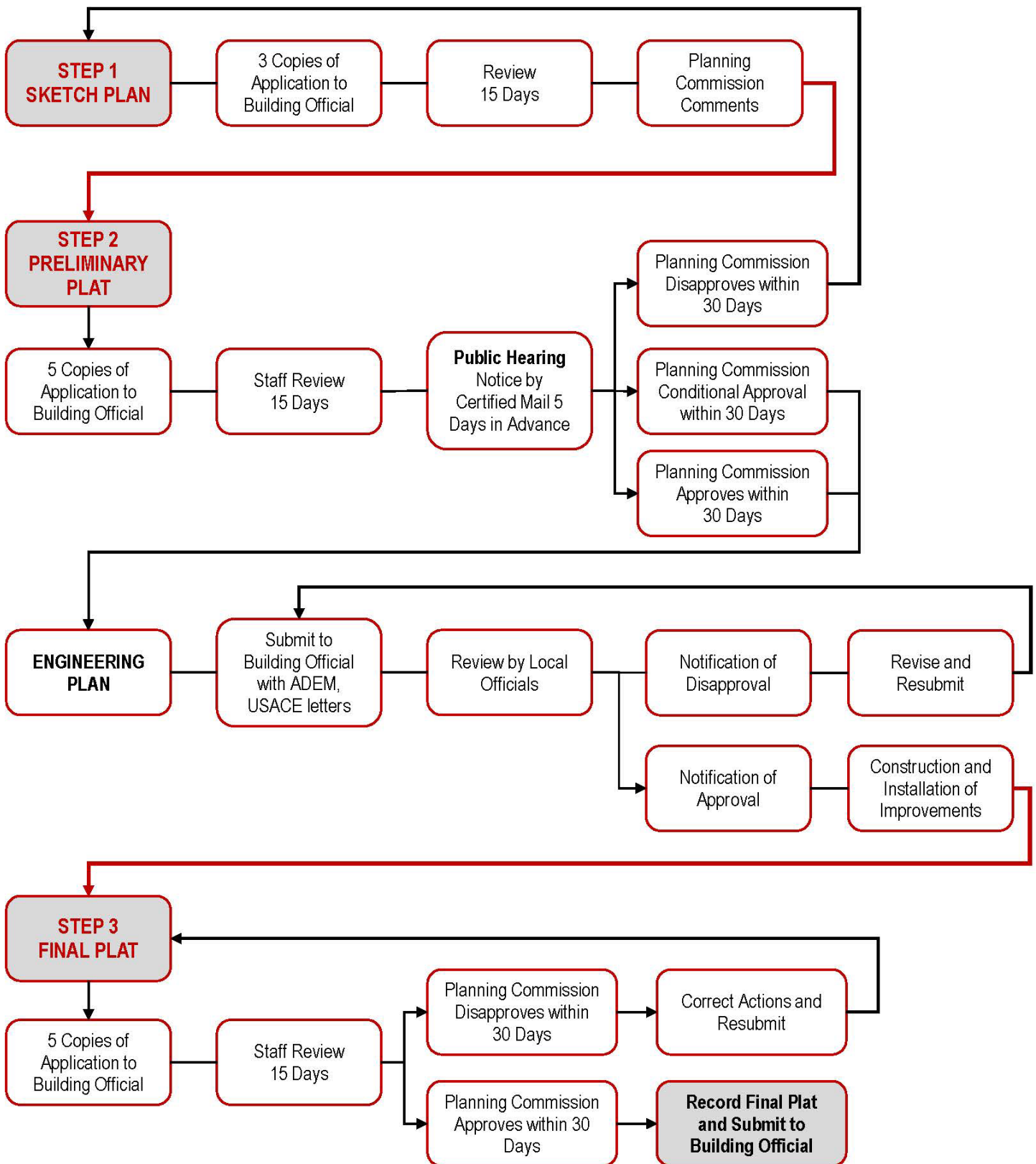
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# TOWN OF FRANKLIN SUBDIVISION PROCESS

This is only a summary flowchart of the subdivision process.  
See Article IV: Application Procedures of the Town of Franklin Subdivision Regulations for details and requirements.





## TOWN OF FRANKLIN SUBDIVISION PROCESS

The subdivision process is comprised of three basic steps: (1) sketch plan; (2) preliminary plat; and (3) final plat. There are, however, many requirements within each step. The following is a summary of the three steps in the subdivision process and general requirements. See Article IV: Application Procedures of the Town of Franklin Subdivision Regulations for details and requirements.

### STEP 1: SKETCH PLAN

1. Highly recommended by not required except for:
  - A phased subdivision
  - A commercial subdivision
2. Submit **two (2) copies** of the application to the building official, **and upload an electronic copy in a PDF format via the Town's website**, a minimum of 15 days prior to planning commission meeting.
3. Neither the Subdivider nor the Planning Commission shall be bound by the Sketch Plan. It is expressly understood that favorable consideration by the Building Official regulations at the Sketch Plan stage of the process shall under no circumstances be construed as preliminary or tentative approval.

### STEP 2: PRELIMINARY PLAT

1. Submit **two (2) paper copies** to the building official **and upload an electronic copy in a PDF format via the Town's website** a minimum of 15 days prior to planning commission meeting.
2. **Requires a Public Hearing.** Notice of the time and place at which a preliminary plat will be considered shall be sent to the subdivider and to the person(s) identified on the plat as the owner(s) of the land. The owners of all abutting property shall also be notified by certified mail of the hearing at least five (5) days prior to hearing.
3. The Planning Commission has **30 days** to approve, approve with conditions, or disapprove a preliminary plat.
4. Preliminary Plat approval is good for 18 months.
5. Following approval of the preliminary plat, an **ENGINEERING PLAN** is required to be submitted to the building official, with appropriate letters from the Alabama Department of Environmental Management and the U.S. Army Corps of Engineers, prior to the construction or installation of any improvements.
6. Building Official shall notify developer of approval or disapproval of engineering plan.

### STEP 3: FINAL PLAT

1. Submit **one paper copy** to the building official **and upload an electronic copy in a PDF format via the Town's website** a minimum of 15 days prior to planning commission meeting.
2. The Planning Commission has **30 days** to approve, approve with conditions or disapprove a final plat.
3. Following approval of the final plan by the Planning Commission, the developer is required to have the subdivision recorded with the Macon County Probate Office within 180 days.
4. Copies of the recorded plat and as-built drawings are provided to the Building Official

### SMALL SUBDIVISIONS AND RESUBDIVISIONS

A subdivision having five (5) lots or less with lots fronting a previously dedicated street, and the platting of said subdivision does not affect any major operation of utility installation, may be subdivided under the final plat procedure at the initial hearing. Certification and requirements pertaining to development plans or construction shall not apply, except for lot drainage plans and Health Department certifications. Applications under this provision shall be filed together with maps and all other matter at least 10 days prior to a regular meeting of the Planning Commission.

# ARTICLE 1: GENERAL

## Section 1.1 Purpose

Land subdivision is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility, in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is for the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards.

The following subdivision regulations guiding the Planning Commission are designed to provide for the harmonious development of the Town of Franklin and the surrounding region by securing a coordinated layout and plan for traffic flow and transportation needs for the community, for the proper provision of water supply for domestic and fire protection, for requirements for clean air, provision for quality recreational opportunities, adequate stormwater drainage, proper selection and installation of domestic sanitary sewer service, and other sanitary facilities.

## Section 1.2 Authority

These Subdivision Regulations are adopted under the authority of Title 11, Chapter 52, §§11-52-30 through 11-52-36, inclusive, of the Code of Alabama, 1975, as amended.

## Section 1.3 Title

These Subdivision Regulations, and all subsequent amendments, shall be known as the Subdivision Regulations of the Town of Franklin, Alabama. They may also be cited as the Franklin Subdivision Regulations.

## Section 1.4 Jurisdiction

On and after the effective date hereof, these subdivision regulations shall apply to all subdivisions and development of land, as defined herein, located within the corporate limits of the Town of Franklin and within one-and-a half (1.5) miles of the corporate limits of the Town of Franklin, Alabama, except where there are contiguous borders with another municipality. Where there is another municipality, having established a planning commission, whose extraterritorial planning jurisdiction boundaries would overlap the areas outside Franklin that are governed by these regulations, then these regulations shall govern only those areas that are located one-half (1/2) the distance from Franklin to the other municipality.

## Section 1.5 Policy

- a. Orderly Development. It is hereby declared to be the policy of the Franklin Planning Commission to consider the subdivision of land the initial and principal step in carrying out the general purpose of the Franklin Land Use Plan: to guide and accomplish a coordinated, adjusted and harmonious development of the land within the subdivision jurisdiction which will, in accordance with existing and future needs, best promote the public health, safety, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.
- b. Public Safety and Services. Land to be subdivided should be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land should not be subdivided until or unless adequate provision is made for drainage, water supply, sanitary sewage, fire protection, and access, as well as other improvements required by these regulations; and unless adequate community facilities, including schools, parks, and recreation areas, are available in reasonable proximity to the subdivision.
- c. Correlation with Other Development Measures. A proposed subdivision should be correlated with the Franklin Land Use Plan and with capital budgets and public improvements programs of the governing body of the Town of Franklin. It is intended that these regulations shall supplement the provisions and standards

contained in the building, housing and related codes, zoning ordinance, and other measures governing development.

### **Section 1.6 Application**

Any owner of land within the limits of said subdivision jurisdiction wishing to subdivide land shall submit to the Franklin Planning Commission a plat of the subdivision, which shall conform to the minimum requirements set forth in these subdivision 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 of Macon County, and no subdivider shall proceed with improvement or sale of land until such approval is entered in writing on the plat by the Chairman of the Franklin Planning Commission.

### **Section 1.7 Administration**

These Subdivision Regulations shall be administered by the Franklin Planning Commission. The Town Clerk of the Town of Franklin shall be the official responsible for such administration, as outlined in Article III: Administration.

### **Section 1.8 Penalties**

As prescribed in §33, Title 11, Code of Alabama, 1975, as amended, whoever being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded in the records of the Office of the Judge of Probate of Macon County, shall forfeit and pay a penalty of \$100.00 for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The Town of Franklin 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.

It shall be the duty of the Town Clerk of the Town of Franklin to enforce the provision of these regulations, and to bring to the attention of the Franklin Planning Commission any violations of, or lack of compliance with, these regulations.

### **Section 1.9 Application Fees**

A schedule of application fees for all approvals and public hearings required under these regulations shall be established by separate resolution. This fee schedule shall be computed so as to recover all costs incurred by the Town in reviewing and processing subdivision-related requests and shall be revised as necessary by the Town Council.

After filing an application with the Planning Commission for review, if the applicant, engineer, and/or owner requests withdrawal of the subdivision application at any time before the application is acted on by the Planning Commission, and if said application is withdrawn from consideration before being acted on by the Planning Commission, any subsequent requests by the applicant, engineer, and/or owner for review of the same or similar application will be treated as a new application; therefore, the fee schedule as set out above will apply as if it were a new application; provided, however, that the foregoing shall not apply to withdrawal requests made by the Planning Commission.

The testing of materials and workmanship shall be done under the direction of the Town Clerk. The developer will provide the Town Clerk tests as requested and performed by a duly licensed and registered engineer or testing laboratory approved by the Town. The cost of such testing shall be borne solely by the developer.

### **Section 1.10 Amending these Subdivision Regulations**

These regulations may from time to time be amended by the Franklin Planning Commission. Such amendments shall be published as provided by law for the publication of ordinances. Before the adoption of any amendment, the Planning Commission shall hold at least one public hearing thereon, notice of time and place of which shall

be given by publication in a newspaper of general circulation in the Town or posted in four public places, one of which shall be the Town Hall. Said public hearing shall be advertised a minimum of 15 days prior to the date of the hearing. The adoption of any such amendment shall be by resolution of the Planning Commission carried by the affirmative votes of not less than six members of the Planning Commission. Following its adoption, the amendment shall be published as provided by law for the publication of ordinances. An attested copy of the amendment shall be certified to the Town Council and to the Probate Judge of Macon County, Alabama.



## ARTICLE II: DEFINITIONS

### Section 2.1 Purpose and Word Usage

For the purpose of interpreting these subdivision regulations, certain words or terms are herein defined. In the event that a term is not listed in this Article; or is not defined in the Zoning Ordinance of the Town of Franklin, or §§11-52-30 through 11-52-36 of the Code of Alabama, 1975, as amended; then the said term shall have its customary dictionary definition. If a term is listed and defined in this Article as well as in the Franklin Zoning Ordinance, then the definition listed in these subdivision regulations shall take precedence.

Words used or defined in one tense shall include other tenses and derivative forms. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular. The word *person* shall include a firm, corporation, association, organization, trust or partnership. The word *lot* shall include the meanings of the words *plot* and *parcel*. The word *shall* is mandatory and not directory. The word *may* is permissive. The masculine gender shall include the feminine, and the feminine gender the masculine. The words *zoning map or zoning maps* refer to the Zoning Map(s) of the Town of Franklin, Alabama. The words *governing body* refer to the Town Council of Franklin, Alabama. The words *Planning Commission* refer to the Franklin Planning Commission. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration or table, the text shall take precedence.

### Section 2.2 Interpretation

The Town Clerk of the Town of Franklin is hereby authorized to make a final determination of any term used in these regulations. In case of a dispute over such interpretation a written appeal of the Town Clerk's determination may be filed with the Franklin Planning Commission. Such appeal must be filed within 15 days of such determination.

### Section 2.3 Definitions

When used in these subdivision regulations, the following terms shall have the meanings herein ascribed:

*Administrator or Administrative Officer.* The official of the Town of Franklin charged with the responsibility of administering and enforcing these regulations.

*Alley.* A narrow service way dedicated to public use providing a secondary public means of access to abutting properties and not intended for general traffic circulation.

*Applicant.* One individual, entity or agency that is legally authorized to submit subdivision plats for review and apply for any form of subdivision approval or waiver with respect to a development site.

*Application for Development.* The application forms and all accompanying documents required by these regulations or other regulations for the approval of a subdivision plat or site plan.

*Block.* A tract or parcel of land entirely surrounded by streets, streams, railroad right-of-way, parks, or other public spaces, or by a combination thereof.

*Building.* Any structure built for the support, shelter, or enclosure of persons, animals, property of any kind, and includes any structure.

- a. *Building Area.* The portion of the lot occupied by the main building, including porches, carports, accessory building, and other structures.
- b. *Building Line.* A line shown on a plat indicating the minimum allowable distance between any structure and a lot line, as established by requirements of the developer and/or the Town of Franklin Zoning Ordinance and these regulations.
- c. *Building Setback.* The line, generally parallel to a lot line or road right-of-way line, indicating the minimum horizontal distance between the lot line and the face of the building, as required by the Zoning Ordinance. In those cases where the Building Line and the Building Setback are not identical, the

greater of the two shall take precedence. Platting required building setback lines is discouraged as they may change with amendments to the Zoning Ordinance; thereby complicating enforcement.

*Building Official.* The officer, designated person, or the duly authorized representative charged with the administration of the Town of Franklin development regulations and building codes.

*Build-to Line.* A line contiguous or parallel to the property line to which the facade(s) of the main and/or accessory structure(s) shall extend.

*Comprehensive Plan.* Any officially adopted part or element of the general comprehensive plan of the Town of Franklin or its environs. Includes a Land Use Plan.

*County.* Macon County, Alabama.

*Dedication.* The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

*Developer.* The legal or beneficial owner(s) of a lot or parcel or any land proposed for inclusion in a development, including the holder of an option, contract to purchase, or a lease.

*Development.* The division of a parcel of land into two or more parcels (See Subdivision); the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which an approved development plan is required pursuant to these regulations or other codes and ordinances of the Town.

*Drainage Facilities.* Structural and nonstructural elements designed to collect stormwater runoff and convey it away from structures and through the roadway right-of-way in a manner which adequately drains sites and roadways and minimizes the potential for flooding and erosion.

*Easement.* Authorization by a property owner of the use by another and for a specified purpose of any designated part of their property. No easement shall be recognized under these regulations that has not been created through valid legal instruments and recorded in the Office of the Judge of Probate of Macon County, except those established by the Town through continuous and historic use.

*Engineering Plan.* Plans prepared by a registered engineer showing details of the design and construction of required improvements in a proposed subdivision.

*Erosion.* The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.

*Erosion Control.* Measures and actions are to be taken to control potential erosion and sedimentation problems.

*Family.* One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, rooming house, or hotel, as herein defined.

*Final Plat or Plan Approval.* The official action of the Franklin Planning Commission taken on a preliminarily approved plat, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements installed or guarantees properly posted for their completion; or approval conditioned upon the posting of such guarantees.

*Final Plat or Plan.* The map or plan or record of all or a portion of a subdivision, and any accompanying materials presented for final approval and recording as required in these regulations.

*Flood or Flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland water and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

*Floodplain or Flood-Prone Area.* Any land area susceptible to being inundated by water from any source (see *Flooding*).

*Floodproofing.* Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

*Floodway.* The channel of a river, stream, or other watercourse, and those portions of the floodplain joining the channel that are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.

*Grade.* The slope of land or a built feature such as a street, specified in percentage terms.

*Grand Tree.* Any tree, whether on public or private property which has a diameter at breast height (DBH) of thirty-two (32) inches or greater, or a circumference at 4½ feet above ground level of 100 inches or more.

*Group Development.* A development comprising two or more structures built on a single lot, tract, or parcel of land and designed for occupancy by separate facilities, firms, businesses, or other enterprises.

*Hardship.* An unusual situation on the part of an individual property owner, which will not permit the full utilization of property that is given to other owners within the community. A hardship exists only when it is not self-created.

*Health Department.* The Macon County and State of Alabama Health Departments.

*100 Year Flood.* Flood created by a 100-year storm event, a storm having a 1 percent chance of being equaled or exceeded in any given year.

*100 Year Floodplain.* The area of land inundated as a result of the 100-year rainfall event.

*Immediate Family Member.* As defined in *Code of Alabama, 1975, Section 5-26-3*, the term “immediate family member means a spouse, child, sibling, parent, grandparent, or grandchild. This includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

*Improvement.* Any built or constructed immovable item that becomes part of, placed upon, or is affixed to, real estate.

*Lot.* A parcel of land occupied by, or designated to be developed for, one building or principal use and the accessory buildings or uses customarily incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by these Regulations for such building, use, or development.

- a. *Corner Lot.* A lot abutting two or more streets at their intersection. If the two streets form an angle of more than 135 degrees, as measured at the point of intersection of their center lines, the lot shall not be considered a corner lot.
- b. *Double Frontage Lot.* A lot, other than a corner lot, which has frontage on more than one street.
- c. *Flag Lot.* Any lot, established after the effective date of these regulations, which does not comply with the definition of Lot Width provided in these regulations.
- d. *Lot Area.* The area contained within the boundary lines of a lot.
- e. *Lot Depth.* The distance between the midpoints of the front and rear lot lines.
- f. *Lot Frontage.* Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured at each such line.
- g. *Lot Line.* A line bounding a lot which divides one lot from another or from a street or any other public or private space.
- h. *Lot Line, Front.* In cases where the lot fronts on only one street, the lot line adjacent to the street. For corner lots, the side meeting minimum width requirements. For double frontage lots and corner lots meeting width requirements on both frontages, the property owner may choose one as the front lot line for the purposes of setbacks and placement of accessory structures.
- i. *Lot Line, Rear.* That lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line.
- j. *Lot Line, Side.* Any lot line other than a front or rear lot line.



- k. *Lot of Record.* Any validly recorded lot, which complies with all currently applicable laws, ordinances, and regulations.
- l. *Lot Width.* The distance between side lot lines measured at the right-of-way.
- m. *Nonconforming Lot of Record:* Any lot, validly recorded in the public records of Macon County, which complied with all applicable laws, ordinances, and regulations in effect on the recording date.
- n. *Single Tier Lot.* A lot that backs upon a limited access highway, a railroad, a physical barrier, residential or nonresidential use and to which access from the rear of the lot is usually prohibited.

*Major Street Plan.* The plan for the street system of the Town of Franklin, including the official Major Street Plan Map, as adopted by the Planning Commission and which may be an element of the Comprehensive Plan.

*Master Drainage Plan.* Shall mean any drainage plan or element thereof which has been approved by the Town Engineer and adopted by the Planning Commission.

*Monument.* A permanent object serving to indicate a limit to or mark a boundary.

*Open Space.* Any parcel or area of land or water, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.

*Owner.* The person or persons having legal title to a lot or parcel of land.

*Planning Commission.* The Franklin Planning Commission created by the Town of Franklin under the authority of the Code of Alabama, 1975, as amended.

*Preliminary Plat or Plan.* A map and related materials indicating the proposed layout of a development submitted for preliminary approval in accordance with these regulations.

*Preliminary Plat or Plan Approval.* The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Commission and the applicant.

*Probate Judge.* The Judge of Probate for Macon County, Alabama.

*Public Improvement.* Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

*Public Open Space.* An open space area conveyed or otherwise dedicated to the Town or another public body or agency for recreational or conservation purposes for the public at large.

*Registered Engineer.* An engineer properly licensed and registered in the State of Alabama.

*Registered Land Surveyor.* A land surveyor properly licensed and registered in the State of Alabama.

*Reserve Strip.* A strip of land, smaller than a lot, and retained in private ownership as a means of controlling access to land dedicated or intended to be dedicated to street or other public use.

*Resubdivision.* A combination, recombination, or splitting of previously recorded lots or tracts of contiguous land for the purpose of creating additional lots or enlarging existing ones.

*Right-of-Way.* A strip of land used or intended to be used for passage of the general public, and occupied or intended to be occupied by a street, road, bicycle path, crosswalk, utilities, railroad or similar facility; and dedicated to the governing body in fee simple, or by other legal means such as prescription.

*Roadway.* The portion of a right-of-way intended for use by vehicular traffic.

*Sidewalk.* A paved path provided for pedestrian use, and usually located at the side of a road and within the street right-of-way.

*Sketch Plat or Plan.* A sketch preparatory to the preparation of a Preliminary Plat or Final Plat to enable the applicant to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

*Special Flood Hazard Area.* The land in the floodplain subject to a 1 percent or greater chance of flooding in any given year.

*State.* The State of Alabama.

*Street.* Any street, highway, thoroughfare, throughway, avenue, boulevard, road, parkway, viaduct, drive, land, place, or other right-of-way provided for vehicular traffic and travel.

- a. *Arterial.* A major street intended mainly to carry through traffic and to connect major activity centers in the Town and its planning jurisdiction.
- b. *Collector.* A street intended to carry traffic from local streets to arterial streets.
- c. *Cul-de-sac.* A local street with only one outlet, and having the closed end terminated by a vehicular turn-around.
- d. *Local.* A street intended mainly to provide access to adjoining property and uses, providing access to and from individual lots.
- e. *Marginal Access.* A service road that runs parallel to a major street, generally an arterial. Its purpose is to separate through from local traffic, and to provide access to abutting properties.
- f. *Minor Streets.* Those that are used primarily for access to the abutting properties.

*Structure.* Anything constructed or erected that requires rigid and permanent location on or attachment to the ground; including, but not limited to, buildings, signs, towers, monuments, statues, and walls; but not including telephone and other utilities poles, overhead wires, retaining walls and terrace walls, wire fences, and any other thing less than three feet in height.

*Subdivider.* Any person who, having an interest in land, causes it directly or indirectly, to be divided into a subdivision as defined herein.

*Subdivision.* As defined in Code of Alabama 1975, § 11-24-1(a)(4), the development and division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or otherwise for the purpose of establishing or creating a subdivision through the sale, lease, or building development of the lot or lots.

EXCLUSIONS: A subdivision shall not include any of the following:

- a. The construction or development of roads or buildings on private property to be used for agricultural purposes. See, Code of Alabama 1975, § 11-24-1(a) (4);
- b. The public acquisition by purchase or donation of strips of land for the widening or opening of streets;

*Subdivision Jurisdiction.* All land located within the corporate limits of the Town of Franklin and within one-and-a-half (1.5) miles of the corporate limits of the Town of Franklin and not located within the corporate limits of any other Town or within the subdivision jurisdiction of any other Town having a Planning Commission.

*Subdivision Regulations.* The Subdivision Regulations of the Town of Franklin, Alabama.

*Surface Drainage.* A drainage system consisting of culverts and open ditches.

*These Regulations or Standards.* The Franklin Subdivision Regulations together with all applicable design and construction requirements, all of which constitute the comprehensive development regulations of the Town of Franklin, Alabama.

*Town.* The Town of Franklin, Alabama.

*Town Attorney.* The license attorney designated by the Town Council to furnish legal assistance in the administration and enforcement of these regulations.

*Town Clerk.* The duly designated Clerk of the Town of Franklin, Alabama.

*Town Council.* The Town Council of the Town of Franklin, Alabama.

*Town Engineer.* The registered engineer designated by the Town of Franklin to furnish engineering assistance in the administration and enforcement these regulations.

*Tree.* All wooded vegetation, whether occurring naturally or planted, which has one erect perennial stem or trunk at least 9½ inches in circumference at a point 4 ½ feet above ground level.

*Water Supply.* The system made up of water sources, treatment, and conveyance systems to provide potable water to the community.

*Watercourse.* Any depression serving to give direction to a flow of water, having a bed and well-defined banks and that it shall, upon the rule or order of the Town of Franklin also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

*Watershed.* The land area from which surface water runoff flows and ultimately drains to a particular water course or body of water.

*Zoning Ordinance.* The Zoning Ordinance of the Town of Franklin, Alabama.

## **ARTICLE III: Administration**

### **Section 3.1 Enforcement, Violations, and Penalties**

3.1.1 For the purpose of generally enforcing and administering these Subdivision Regulations, the Planning Commission shall be deemed the administrative division of the Town. The Building Official (or Designated Representative, *see Definitions*) shall serve as the Council's and the Commission's representative for the direct administration and enforcement of these Subdivision Regulations. He shall review plats, plans, specifications, designs, and other information required by these Regulations to assure conformance with all provisions thereof. He shall inspect or cause to have inspected the construction of all public improvements within a subdivision to assure conformance with the approved plans and specifications. Such inspections shall be made before, during, and after the construction of the work.

Any violations or lack of compliance of these Regulations noted or discovered by the Building Official shall be brought to the attention of the Town Attorney and the Planning Commission. All corrective actions deemed necessary by the Planning Commission shall be taken prior to Final Acceptance by the Town.

3.1.2 No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer to sell any such parcel before a final plat of such subdivision has been approved in accordance with the provisions of these regulations by the Planning Commission, and filed with the Judge of Probate of the appropriate county according to where the subdivision is located. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from these penalties.

3.1.3 The penalty for transferring a lot in an unapproved subdivision shall be one hundred (\$100.00) dollars for each lot or parcel so transferred or sold. The Town of Franklin may enjoin such transfer or sale or agreement by action for injunction brought in any court or equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

### **Section 3.2 Conflicts with Other Laws**

Whenever the provisions of these regulations impose more restrictive standards that are required in or under any other ordinance, the regulations contained herein shall prevail. Whenever the provisions of any other ordinance require more restrictive standards than are required herein, the requirements of such regulations shall prevail.

### **Section 3.3 Guarantee of Completion of Improvements**

#### **3.3.1 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 subdivider at the time the final plat is submitted to the Planning Commission, or by the provision of a financial guarantee of performance.

#### **3.3.2 Financial Guarantee of Performance**

The guarantee of performance by the subdivider shall be in the form of a Subdivision Improvement Bond or an Irrevocable Letter of Credit, and shall meet the following requirements:

1. Bond or Irrevocable Letter of Credit must be approved by the Building Official and Town Attorney and shall be made payable to the Town of Franklin, Alabama.
2. Bond or Irrevocable Letter of Credit must be in an amount not less than 100 percent of the total cost to cover installation of all required utilities and fees encountered in the completion of improvements. The estimated cost shall be approved by the Building Official.
3. The Improvement Bond shall be filed with the Town Clerk.

4. The bond shall be made by a surety company doing business in the State of Alabama and approved by the Planning Commission.

3.3.3 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, improvements have not been satisfactorily installed, the bond shall be used by the Town to complete the improvements in satisfactory fashion, or the Town may take such steps as may be necessary to require performance under the bond.

3.3.4 Guarantee Against Faulty Materials

If, in the opinion of the Building Official or the Town Council, there is reasonable doubt concerning the stability or proper construction of any improvement made under these Regulations, the Planning Commission may require a maintenance bond for from two years to five years. This bond shall be in cash or a cashier's check or made by a surety company doing business in Alabama. Such maintenance bond shall be in addition to the one year's maintenance bond described elsewhere herein.

If, at any time during the prescribed maintenance period, defects within those items covered by the bond become apparent, the Developer will, at the request of the Town Building Official, immediately cause to have all such defects repaired to the satisfaction of the Town Council.

3.3.5 Final Completion and Acceptance

Upon completion of all work, where the work has proceeded under bond, the developer's engineer shall submit to the Town a certificate stating that the work has been entirely completed, and that it conforms in all respect to the final plat and plans for required improvements and to the specifications set by these regulations. On completion of all the work the Developer will furnish two original copies and upload an electronic copy to the Town's website of as-built drawings of the improvements to the Town.

Upon receipt of this certificate of completion, the Building Official shall have a final inspection made of the completed construction on the site. In the event that the improvements are incomplete or do not conform to the requirements of these Regulations and the plans and specifications, the Building Official shall notify the developer and the developer's engineer so that corrective measures may be instituted within the life of the construction contract and within the tenure of the contractor's performance bond. Once improvements are approved by the Building Official, the plat shall be submitted to the Planning Commission for approval.

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 applicable Probate Judge(s) as the official plat of record. 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 the meeting at which the final plat is introduced. 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 final plat by the Planning Commission shall not constitute acceptance by the public of the dedication of any street or other public improvement. After approval of the final plat and the construction of public improvements thereon the Building Official may recommend to the Town Council that it accept these public improvements and take over their perpetual maintenance.

The developer shall provide the Planning Commission a copy of any subdivision restrictive covenants.

### **Section 3.4 Conformity to Town Plan**

All proposed subdivision plans shall be consistent with the goals and objectives of the adopted *Town of Franklin Retail Market Analysis and Land Use Plan* and to the *Franklin Zoning Ordinance*. Whenever a tract to be subdivided embraces any part of a highway, major street, secondary street, or parkway so designated, 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 plan.

### **Section 3.5 Deviations and Variances**

Where the Planning Commission finds that unusual hardship may result from strict compliance with these regulations, it may approve deviations or a variance to these regulations so that substantial justice may be done, provided that such deviation or variance shall not have the effect of nullifying the intent or purpose of these regulations.

The Planning Commission shall not approve deviations unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the deviation will not be detrimental to the public safety, health or welfare or injurious to other property.
- b. The conditions upon which the request for a deviation is based are unique to the property for which the deviation is sought and are not applicable generally to other property.
- c. Because of the particular physical surroundings, shape or topographical conditions of the property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

A petition for such deviation shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration by the Planning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

Any deviation thus authorized shall be entered in writing in the minutes of the Planning Commission with the reason which justified the departure to be set forth.

#### **3.5.1 Special Conditions**

In granting a variance, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives, standards, or requirements of these regulations. These may include, without being limited to: personal, security, performance, or maintenance bonds; affidavits, covenants, or other legal instruments.

The Planning Commission shall not grant any variance within the 100-year floodplain(s) unless the developer submits a study prepared by a registered professional engineer certifying that no increase in the 100-year flood level would result from the proposed development.

Within other areas subject to flooding, variances shall only be granted upon determination by the Planning Commission that the relief granted is the minimum necessary considering the flood hazard.

#### **3.5.2 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 provides adequate public spaces and improvements for circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to achievement of the plan.

### **Section 3.6 Vacation of Plat or Map**

Any plat or map, whether or not executed and recorded as provided in these regulations, may be vacated by the owner, his executor, administrator or guardian of the lands at any time before the sale of any lot therein by a written instrument declaring the same to be vacated, executed, acknowledged and recorded in like manner as conveyances of land which declaration, being duly recorded, shall operate to destroy the force and effect of the recording of the plat or map so vacated and to divest all public rights in the streets, alleys and public grounds and all dedications laid out or described in such plat or map.

When lots have been sold, the plat or map may be vacated, in the manner herein provided by all the owners of lots in such plat or map joining the execution of such writing, as prescribed by law.

### **Section 3.7 Public Use and Service Areas**

#### **3.7.1 Public Uses**

Where a park, neighborhood recreational open space, a school site, or other areas 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.

#### **3.7.2 Easements for Utilities**

Except where alleys are provided for the purpose, the Planning Commission may require easements not exceeding ten (10) feet in width for poles, wires, conduits, storm and sanitary sewer, gas, water, or other utility lines on each side of the common rear lot line and along side lot lines if necessary or advisable in the opinion of the Planning Commission, and unless wider easements are required in the opinion of the Building Official.

#### **3.7.3 Dedication to Public Use**

There shall be no reserve strips except these which are conveyed to the government having jurisdiction.

#### **3.7.4 Suitability of the Land.**

Land which the Planning Commission has found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formation, or other features likely to be harmful to the safety, health, and general welfare of the future residents shall not be subdivided unless adequate methods approved by the Planning Commission are formulated by the developer for meeting the problems involved.

#### **3.7.5 Building Restrictions**

No final plat of land within the force and effect of the Franklin Zoning Ordinance shall be approved unless the building restrictions to be established conform with the minimum requirements of such zoning ordinance.

### **Section 3.8 Comprehensive Group Housing Development**

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 development shall be submitted to and approved by the Planning Commission whether or not such plat is to be recorded and no building permits shall be issued until such approval has been given.

### **Section 3.9 Mobile Home Subdivisions**

All provisions of the Subdivision Regulations shall apply to the development of mobile home subdivisions, including the preliminary and final plat requirements. In addition, all minimum requirements of the Alabama State Health Department pertaining to mobile home use shall be met.

### **Section 3.10 Mobile Home Parks**

Development of mobile home parks on parcels of land will be allowed. Any and all public improvements which are expected to be dedicated will be constructed in accordance with these Subdivision Regulations. All minimum requirements of the Alabama State Public Health Department pertaining to mobile home use shall be met.

### **Section 3.11 Non-Residential Subdivisions and Planned Unit Developments**

A non-residential subdivision and Planned Unit Developments (PUDs) shall be subject to all the sketch plan, preliminary plat and final plat content and approval process as outlined in these Regulations for a residential subdivision.

### **Section 3.12 Severability and Separability**

If any section, clause or portion of these regulations shall be held by a court of competent jurisdiction to be invalid or unconstitutional, such findings shall not affect any other section, clause or portion of these regulations.

### **Section 3.13 Adoption, Amendment, and Repeal of Regulations**

#### **3.13.1 Adoption**

The Planning Commission may adopt, readopt, amend, or repeal these Subdivision Regulations by an affirmative vote of at least six members of the planning commission. These Subdivision Regulations 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 full and complete copy of the Franklin Subdivision Regulations shall be published, certified, and recorded in compliance with Title 11, Chapter 52, Section 8 of the *Code of Alabama, 1975, as amended*. In addition, a copy of the Franklin Subdivision Regulations shall be certified by the Planning Commission to the Probate Judge of Macon County.

#### **3.13.2 Amendment**

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 full and complete copy of the amendment shall be published, certified, and recorded in compliance with Title 11, Chapter 52, Section 8 of the *Code of Alabama, 1975, as amended*. In addition, a copy of the amendment shall be certified by the Planning Commission to the Probate Judge of Macon County.

#### **3.13.3 Repeal of Former Regulations**

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





## Article IV: Application Procedures

### Section 4.1 Purpose

The purpose of this article is to establish an orderly and expeditious procedure for reviewing and acting upon applications for subdivision approval in accordance with these regulations. The procedure for review and approval of a subdivision plat consists of three (3) separate steps. The initial step is the preparation and submission of a Sketch Plan of the proposed subdivision to the Building Official for advice and review. The preparation and submission of a Sketch Plan by the applicant is optional, except in the case in which a subdivision is planned to be constructed in phases. The second step is the preparation and submission of a Preliminary Plat of the proposed subdivision for the Planning Commission approval. The third and final step is the preparation and submission to the Planning Commission of a Final Plat together with all required certificates. This Final plat becomes the instrument to be recorded in the Office of the Judge of Probate when duly signed by the Planning Commission

### Section 4.2 Sketch Plan

Whenever a subdivision is proposed within the jurisdiction of these regulations, it is recommended that the subdivider or developer contact the Building Official and submit a Sketch Plan in accordance with these regulations. When a subdivision is proposed to be constructed in phases, a Sketch Plan is required. The Building Official may require consultation with other Town departments. In this way the developer can obtain the advice and assistance of the Building Official and other Town departments and facilitate the subsequent preparation and review of the preliminary subdivision plat.

#### 4.2.1 Information Required

The subdivider must present a Sketch Plan containing all information listed below. Two (2) copies of the Sketch Plan shall be submitted to the Building Official and an electronic copy shall be uploaded on the Town's website. Copies may be distributed to other Town departments to obtain comments and suggestions.

- a. A completed application and a deed and/or completed Authorization to Act as Applicant Form.
- b. A vicinity map, to scale, showing the location of the proposed subdivision and its relationship to the surrounding area.
- c. Survey data showing the dimensions and bearings of the boundaries of the subdivision; section and corporate lines; and contours at five (5) foot intervals based on National Geodetic Survey Sea Level Datum, unless required by the Building Official to submit contours at lesser intervals. In some cases, the Building Official may require spot elevations in sufficient number to provide necessary drainage information.
- d. The title or name under which the proposed subdivision is to be recorded; the name and address of the owner or owners; and the name and seal of the registered land surveyor or engineer responsible for the plat.
- e. Notations giving the scale of the drawing(s), true north arrow, datum, benchmarks, bearing base, and date.
- f. The location of existing streets, buildings, railroads, bridges, sanitary sewers, drainage facilities, water mains, and any public utility easements on both the land being subdivided and on the adjoining land. Aerial photos, the Town's available digital files and similar sources may be used to determine the location of these facilities and structures.
- g. The names and/or County Road Numbers, locations, right-of-way widths and other dimensions of proposed streets, alleys, easements, open spaces, and reservations.
- h. Lot lines, lot numbers, tabulations stating gross and net acreage of the subdivision, acreage of existing and proposed public areas within the subdivision, number of residential lots, and area of each lot.
- i. The location of water courses, 100-year floodplains, wetlands, waters of the United States, wooded areas, buildings or structures, and other significant natural and built features on the tract.

- j. Sites to be reserved or dedicated for parks, recreation areas, schools or other public uses; sites, if any, for multi-family dwellings, commercial uses, churches, industry, or other uses exclusive of single-family dwellings.
- k. Implementation of any portion of the Major Streets, Water and/or Sewer Plans planned by public authorities for construction on or adjacent to the tract.
- l. Preliminary plans of proposed drainage, storm water management, and utility layouts along with approximate locations of valves and fire hydrants and similar facilities; and showing feasible connections, when possible, to existing and proposed utility and drainage systems.
- m. Any area within or adjacent to the proposed subdivision subject to inundation by the 100-year flood as defined in these regulations, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the plat.

#### 4.2.2 Miscellaneous

The Sketch Plan is optional, and it is intended to serve as an initial step in the subdivision process. Subsequent meetings may be called between Town staff and the developer to discuss required corrections, impacts and/or issues resulting from the proposed subdivision. This step is included in the review process because it allows the subdivider and local officials to discuss the proposed subdivision in an informal setting, and to correct any design errors and/or problems during the early stages of the project.

Staff shall be allowed a review period for Sketch Plans of not less than fifteen (15) days prior to the regular submission date for preliminary plats to be considered by the Planning Commission.

Upon receiving consideration by the Building Official, the subdivider may proceed to prepare the preliminary plat for the subdivision. However, neither the subdivider nor the Planning Commission shall be bound by the Sketch Plan; and it is expressly understood that favorable consideration by the Building Official regulations at the Sketch Plan stage of the process shall under no circumstances be construed as preliminary or tentative approval.

### **Section 4.3 Preliminary Plat**

The purpose of the preliminary plat is to provide a basis for plans for the construction of the subdivision and its improvements. To this end, during preparation of the preliminary plat the subdivider should consult with the Building Official and other officials and agencies concerned with the subdivision of land and the improvements placed thereon.

#### 4.3.1 Filing and Review

The subdivider shall file with the Building Official two paper copies and upload an electronic copy to the Town's website of the preliminary plat together with the attendant items required herein, with written application for approval at least fifteen (15) days prior to the Planning Commission meeting at which it is to be considered. Prior to Planning Commission review, the preliminary plat shall be reviewed by the Building Official; Water and Sewer Administrator, Public Safety Departments; the County Health Officer and County Engineer, as appropriate; and other appropriate officials. The review shall take into consideration, in addition to the requirements set out in these regulations, conformance of the subdivision design to the Franklin Land Use Plan and the particular requirements and conditions affecting installation of improvements.

#### 4.3.2 Information Required

The preliminary plat shall provide scale of drawing, not to exceed 1 inch = 100 feet, stated and shown graphically or other appropriate scale as approved by the Building Official; and the sheet size shall not be larger than 24 inches by 36 inches. Where necessary the plat may be presented on several sheets accompanied by an index sheet showing the entire subdivision. In addition to all information required for the Sketch Plan, the preliminary plat shall provide names of adjoining subdivisions; and the names and mailing address of the owners or record of the adjoining parcels of land as they appear on the current tax records in the Office of the Revenue Commissioner of the appropriate and applicable county.

For projects having a gross site area of one (1) acre or more, the applicant may submit a Project Engineer's Statement in lieu of the utility plans specified in the preceding paragraph. This statement shall be signed and sealed by a registered professional engineer in the State of Alabama. It shall attest to the adequacy of available utilities to service the subdivision and declare that storm water runoff from the site can and will be managed in accordance with Town of Franklin regulations. The Building Official shall furnish blank copies of the Project Engineer's Statement upon request; the wording of such statement shall not be altered in any way by the applicant.

In those cases where a request for reduced street improvements is being made in accordance with these regulations, profiles of all proposed streets, and such other information as required by the Building Official to determine whether or not the proposed development meets the requirements of these regulations.

#### 4.3.3 Town Specifications

All sanitary sewers, storm sewers and drainage facilities, water lines, street grading and paving, fire protection and related improvements shall be designed by a registered engineer to meet the requirements of the Town of Franklin, Alabama.

#### 4.3.4 Notice and Hearing

Preliminary plats shall be considered by the Planning Commission at a public hearing. Notice of the time and place at which a preliminary plat will be considered shall be sent to the subdivider and to the person(s) identified on the plat as the owner(s) of the land. The owners of all abutting property shall also be notified by certified mail of the hearing at least five (5) days prior to such hearing.

#### 4.3.5 Preliminary Plat Approval

The Planning Commission shall approve, approve conditionally, or disapprove such preliminary plat within thirty (30) days after the submission thereof. If approved conditionally, the conditions and reasons therefore shall be stated; and if necessary, the Planning Commission may require the subdivider to submit a revised preliminary plat. If any of the requirements are modified or waived, the reasons for such shall be specified. If the Planning Commission should disapprove the preliminary plat, the reasons for such action shall be stated and, if possible, recommendations made on the basis of which the proposed Subdivision would be approved. One (1) copy of the preliminary plat as acted upon by the Planning Commission shall be retained in its office, and one (1) copy returned to the subdivider.

#### 4.3.6 Effect of Approval

Approval of a preliminary plat shall not constitute acceptance of the plat of the proposed subdivision but shall be deemed only as an expression of approval of the plan submitted as a guide to preparation of the final plat, which final plat will be submitted for approval and recorded upon fulfillment of the requirements of these regulations and the conditions of tentative approval. Approval of a preliminary plat shall be effective for eighteen (18) months, unless, upon application by the subdivider, the Planning Commission grants an extension. If the final plat has not been submitted for final approval within this time limit, the preliminary plat shall again be filed for tentative approval; provided, however, that if a final plat of a part of the subdivision shall have been submitted and approved within the 18-month period, the tentative approval of the preliminary plat shall automatically be extended for a period of eighteen (18) months from the date of approval of such final plat of part of the subdivision, and the same automatic extension shall govern in subsequent cases of submission of a final plat of part of the subdivision; provided, further, that at any time after the expiration of the initial 18-month period during which the preliminary plat approval is effective, the Planning Commission may notify the subdivider of changes it will require to meet new or changed conditions. A corrected preliminary plat with all conditions fulfilled shall be submitted prior to the construction or installation of any improvements.

Approval of the preliminary plat and Engineering Plan and receipt of a permit from the Building Official shall constitute authorization, subject to obtaining the necessary State and Federal permits, that the subdivider may proceed with the construction of any improvements in accordance with applicable Town codes, regulations and specifications approved by the Building Official; and with the staking of the lots in preparation for the final plat. The subdivider shall not begin any construction without first notifying the Building Official, the applicable utility departments, and the County Engineer if appropriate.

#### **Section 4.4 Engineering Plan**

The purpose of the Engineering Plan is to provide information, including drawings and specifications, for the construction or installation of the improvements. To this end, the subdivider should consult with the Building Official and, if applicable, with the appropriate Water Board, the appropriate County Engineer, the appropriate County Health Department, and other appropriate authorities that may be concerned with construction or installation of improvements.

##### **4.4.1 Filing and Review**

After approval of the preliminary plat and prior to the construction or installation of any of the improvements, the subdivider shall prepare and submit to the Building Official and to other officials or agencies concerned, the necessary copies of the Engineering Plan. The Engineering Plan shall be reviewed by the appropriate authorities, and the review shall take into consideration, in addition to the requirements set out in these regulations, conformance with the applicable standards and regulations of the Town of Franklin and of other agencies concerned.

Copies of the ADEM and U.S. Army Corps of Engineers letters of approval must accompany the filing of the final Engineering Plans. If the property to be developed does not fall within the jurisdiction of the Corps of Engineers, a letter from that agency or a statement to this effect must be filed with the Engineering Plan.

##### **4.4.2 General Form**

The Engineering Plan shall show accurately, and in sufficient detail for their construction or installation, the design of all proposed improvements in the subdivision. At a minimum it shall provide the following information:

- a. Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision.
- b. Typical cross sections of the proposed grading, roadways, and sidewalks.
- c. The location, sizes, and invert elevations of existing and proposed sanitary sewer and drainage facilities; the location and sizes of existing and proposed water lines; and any other data relating to utilities and drainage facilities that may be necessary to complete their installation.
- d. The location and results of soil percolation tests if individual sewage disposal systems are proposed.
- e. An acceptable erosion and sedimentation control plan.
- f. An overall grading plan and/or drainage calculations shall be required for pre and post-construction stormwater runoff with retention/detention plans if necessary.

##### **4.4.3 Action on Engineering Plan**

The Building Official and other officials and agencies concerned shall notify the subdivider of the approval or disapproval of the Engineering Plan. In the case of approval, specific changes, if any, required to be made shall be stated. In the case of disapproval, the grounds for such disapproval shall be stated.

## Section 4.5 Final Plat

The purpose of the final plat, together with all the information and attendant items required herein, is to provide an accurate record of street and property lines and other elements being established on the land, and the condition of their use. The final plat shall conform substantially to the preliminary plat as approved.

### 4.5.1 Submission and Review

The final plat shall provide scale of drawing, not to exceed 1 inch = 100 feet, stated and shown graphically or other appropriate scale as approved by the Building Official; and the sheet size shall not be larger than 24 inches by 36 inches. Where necessary the final plat may consist of several sheets, accompanied by an index sheet showing the entire subdivision. The subdivider shall file with the Building Official one paper copy, along with an electronic copy uploaded to the Town's website, of the final plat together with the attendant items required herein, with written application for approval at least fifteen (15) days prior to the Planning Commission meeting at which it is to be considered.

### 4.5.2 Information Required

The final plat shall contain the following information:

- a. A diagram to scale showing the general location of the subdivision.
- b. Primary control points approved by the Building Official or County Engineer, as appropriate; or description and ties to such control points; to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- c. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way; property lines of lots and other sites with accurate dimensions; bearings, tangent distances, radii, central angles, arc lengths, and degrees of all curves; and the location and description of all monuments. All survey data shall be according to the Minimum Technical Standards for Land Surveying in the State of Alabama, October 26, 1990, or latest edition as published by the Alabama Society of Professional Land Surveyors. At least two (2) corners of the subdivision shall be referenced to the State Plane Coordinate System if an established and proven point is within one half (½) mile of the subdivision.
- d. Title, scale, north point, and date.
- e. Name and right-of-way width of each street or other public right-of-way.
- f. Numbers to identify each block and lot; and the area of each lot.
- g. The location, dimensions, and purpose of any easements.
- h. The purpose for which sites other than residential lots may be used.
- i. Names of owners of record of adjoining land.
- j. Certification of title showing that the applicant is the owner of the land within the subdivision.
- k. Statement by the owner dedicating street rights-of-way and any sites for public use.
- l. Statement by a registered land surveyor certifying that the plat meets the requirements of the Minimum Technical Standards for Land Surveying in the State of Alabama, October 26, 1990, or latest edition, as published by the Alabama Society of Professional Land Surveyors.
- m. Space for certificate of approval by the Building Official and, if appropriate, the County Engineer.
- n. Certificate of acceptance by the Town Council of any land, right-of-way, or easements dedicated to the Town.
- o. Certificate by the Building Official and/or applicable utility managers that the subdivision meets all the requirements for required street and utility improvements.
- p. Certificate by the County Health Officer when individual sewage disposal and/or water systems are to be installed.
- q. Existing structures shall be located on the plat and fully dimensioned so that conformance with any applicable regulations can be verified.
- r. Note prohibiting structures on easements. Access shall not be restricted by ungated fences.

### 4.5.3 Attendant Items

The final plat shall be accompanied by the following items, as appropriate:

- a. A copy of the protective covenants, if any, as they are to be recorded. If the subdivision contains common open space, retention ponds or other amenities for the use of the residents of the

- subdivision, provisions shall be made for a homeowner or residents association or other means for maintaining the common open space or other amenity.
- b. A statement signed by the Building Official that the subdivider has complied in full with one of the following alternatives:
    1. All streets shown on the plat have been graded and improved; and all sewage, water, and drainage facilities have been installed in accordance with the requirements of these regulations, with the action of the Planning Commission in giving tentative approval to the subdivision, and in accordance with Town specifications.
    2. An engineering estimate of the costs of any required improvements yet to be constructed must be submitted prior to the submission of the performance bond.
    3. A performance bond with commercial surety in an amount equal to one and one-half (1½) times the estimated cost of all improvements, approved as to form by the Town Attorney and with surety satisfactory to the Planning Commission, securing the design and installation of these improvements, utilities, and facilities within the period fixed by the Planning Commission.
    4. An irrevocable letter of credit drawn on an approved bank and payable to the Town, in an amount adequate for the completion of all improvements, utilities, and facilities.
    5. An assessment petition, approved by the Town Attorney, whereby the Town is placed in an assured position to make these improvements and to install these utilities and facilities at any time and without any cost to the Town.
  - c. Receipt of a certificate from a registered land surveyor that permanent monuments of suitable size and material have been placed for each lot corner in the subdivision, and that a satisfactory survey defines such permanent monuments in relation to located section corners or fractional corners of the Survey of Public Lands.
  - d. Copies of any and all applicable Federal and State permits required for construction of the development shown on the final plat.

#### **Section 4.6 Recording of Final Plat**

Approval of the final plat by the Planning Commission shall be null and void if such final plat is not recorded in the office of the Judge of Probate of the applicable county within one hundred eighty (180) days after the date of approval, unless an application for an extension of time is made in writing and is granted by the Planning Commission during this one hundred eighty (180) day period.

#### **Section 4.7 Copies of Recorded Plat**

The applicant shall file with the Building Official one copy and upload an electronic copy via the Town's website in a PDF format of the final plat as recorded in the Office of the Judge of Probate of the applicable county.

#### **Section 4.8 Combined Preliminary and Final Plat**

A subdivider may submit a combined request for both preliminary plat and final plat approval. In such cases all requirements for both Preliminary and final plat approval must be met.

#### **Section 4.9 Street and Utility Maintenance**

No street or utility facility as shown on the final plat shall be accepted for maintenance by the Town unless the developer shall fully comply with all requirements imposed by this Section. The requirements for obtaining an acceptance of the dedication of streets and utilities are as follows:

- a. All streets and utilities shall be installed as platted or mapped and in accordance with Town specifications.
- b. Upon completion of such streets and utilities, the Building Official shall conduct inspections to determine compliance with the terms of this Section. If said streets and utilities are in compliance, the Building Official shall issue a Certificate of Approval.
- c. The developer shall submit a deed, in form as approved by the Town Attorney, granting to the public the premises intended for public streets and utilities and assenting to the maintenance of all streets and utilities for a period of one (1) year from the date of acceptance and the dedication thereof by the Town Council.

- d. The Town Council shall acknowledge its acceptance of the dedication of such streets and utilities by a formal resolution recognizing them as dedicated streets and utilities.
- e. Upon expiration of one (1) year from the date of such acceptance by the Town Council, the Town of Franklin shall be responsible for each street and utility that has been accepted by the Town Council.

## **Section 4.10 Private Subdivisions**

### **4.10.1 General**

A private subdivision is one in which road systems and utilities are not dedicated to the public.

Improvements within a proposed private subdivision shall meet regular subdivision standards and the private status shall not be effective until final plat recording.

One (1) or more gates may be established after construction to limit access.

The Private status of the subdivision shall be clearly stated on the recorded final plat.

A subdivision will be considered as a “Private Subdivision” if the proposed development prevents access or “land locks” adjoining property(s).

### **4.10.2 Maintenance**

As long as the subdivision remains private, the roads, structures, and drainage shall be maintained by the developer and/or property owners. This shall be clearly stated to those who purchase a parcel(s) within the subdivision and shall be stated in writing on each property deed. The procedure for accomplishing this shall be outlined in a letter to the Building Official for record purposes.

### **4.10.3 Conversion**

If a private subdivision is recorded with the Macon County Probate Office and one hundred (100) percent of the property owners at some future date desire to eliminate the private subdivision and substitute in its place a Town maintained subdivision, the owners must petition the Town of Franklin for tentative approval. If the Town gives tentative approval of the petition, the owners shall submit subdivision plan to the Planning Commission including improvements and repairs that may be required according to Franklin’s Subdivision Regulations effective on the date of the petition. It shall be the responsibility of the owners to prepare the revised final plat according to the standards set forth in these regulations and to record to the Macon County Probate Office.

## **Section 4.11 Non-Residential Subdivisions and Planned Unit Developments**

A non-residential subdivision shall be subject to all the sketch plan, preliminary plat and final plat content and approval process as outlined in these Regulations for a residential subdivision. The applicant shall display that the proposed street-block-lot parcel pattern of the non-residential subdivision is specifically adapted to its anticipated uses, and considers other uses in the vicinity.

## **Section 4.12 Planned Unit Development**

A Planned Unit Development (PUD) is intended to provide flexible land use and design regulations to allow small-to-large scale neighborhoods or portions thereof to be developed that permit a variety of residential types, containing both individual building sites and common property which are planned and developed as a unit. Planned Unit Developments are intended specifically to encourage innovations in residential development to enable the growing housing demands to be met by greater variety in type, design, and siting of dwellings, and by the conservation and more efficient use of land in such developments. The Planning Commission may allow appropriate commercial and/or office uses as specified by the Town of Franklin Zoning Ordinance, if in the opinion of the Planning Commission the requested commercial/office facilities would significantly enhance the amenities of the development. A Planned Unit Development shall be subject to the sketch plan, preliminary plat and final plat content and approval process as outlined in these Regulations for a residential subdivision.



**Section 4.13 Small Subdivisions and Resubdivisions**

A subdivision having five (5) lots or less with lots fronting a previously dedicated street, and the platting of said subdivision does not affect any major operation of utility installation, may be subdivided under the final plat procedure at the initial hearing. Certification and requirements pertaining to development plans or construction shall not apply, except for lot drainage plans and Health Department certifications. Applications under this provision shall be filed together with maps and all other matter at least 10 days prior to a regular meeting to the Planning Commission.

## **Article V: General Requirements and Minimum Design Standards**

### **Section 5.1 General**

Unless otherwise required herein, all construction of proposed subdivision improvements within the Town of Franklin or its specified jurisdiction shall be in accordance with the Standard Specifications of the State of Alabama Highway Department latest edition. Said Standard Specifications shall be considered a part of these subdivision regulations as though bound herein. Installation of public utilities, including but not limited to water, sewer, power, telephone, television cable, and gas, shall be in accordance with the respective utilities standard specifications. Coordination with each utility shall be the responsibility of the Developer, and installation shall be at the Developer's expense.

### **Section 5.2 Streets**

#### **5.2.1 General**

1. The arrangement, character, extent, location, and grade of all streets shall conform, when reasonable, to a plan with good land planning principles and shall be integrated with all existing and planned streets. Land abutting a proposed subdivision shall not be land-locked by the proposed subdivision.
2. The proposed street system shall 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. The street pattern shall be in conformity with a plan for the most advantageous development of the entire community.
3. 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. Local streets shall be so laid out that their use by through traffic in the subdivision will be discouraged.
4. Subdivisions which abut or have included within the proposed area to be subdivided any arterial streets shall provide for the adequate protection of properties and afford separation of through and local traffic.
5. Intersections of minor subdivision streets with major and arterial streets shall be held to a minimum.

#### **5.2.2 Street Plan**

1. All streets shall be designed along contour elevations which will result in minimum grades and greatest visibility whenever practicable with consideration given to the anticipated use of the land. Grades of streets shall conform as closely as possible to the original topography.
2. The proposed street layout shall be made according to sound land planning principles for the type of development proposed.
3. All subdivisions shall include two or more ingress/egress streets to ensure emergency access at all times.
4. Local and collector streets shall be laid out to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
5. Existing streets and right-of-way which are proposed to be retained shall be incorporated into the street system so as not to cause hazardous conditions.
6. Proposed streets shall be extended to the boundary line of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Building Official and Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
7. Where a proposed subdivision has no frontage on an existing public road or public right-of-way, the subdivider must provide and dedicate to the Town a suitable right-of-way for ingress

and egress. This connecting road becomes a part of the street system of the proposed subdivision and is subject to all regulations regarding streets.

8. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, or for efficient provision of utilities. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T and L shaped turnabout shall be provided on all temporary dead-end streets, with notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
9. When a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the design standards of these regulations. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited to 600 feet in length.
10. Streets shall be laid out so as to intersect as nearly as possible at right angles and in no case at an angle of less than 75 degrees. Property lines at street intersections shall be rounded with a radius of twenty (20) feet. The Town will permit comparable cut offs or chords in lieu of rounded corners.
11. Intersections involving more than four (4) basic street legs or approaches shall be prohibited. Merging lanes, deceleration lanes, "Y" intersections, and traffic circles are not included in this prohibition but are considered as being parts of one street leg or approach.
12. Opposing intersections shall be placed opposite each other where practical or placed at a minimum of 125 feet apart, except where the intersected street has separated dual drives without median breaks at either intersection.
13. Minimum curb radius at all intersections shall be at least 15 feet unless a different figure is expressly approved by the Building Official because of special topographical consideration or sound engineering practices.

### 5.2.3 Horizontal and Vertical Alignment

1. Grades of all roads shall comply with accepted engineering practice. Road grades shall not exceed eight (8) percent or be less than a half percent (0.5). The Planning Commission may permit some variation for these grade requirements if such variation would not adversely affect the safety and general welfare of the public. Grades of major collector and arterial streets shall not exceed five (5) percent.
2. Grades approaching intersections shall not exceed three (3) percent grade for a distance of not less than 50 feet from the center line of said intersection.
3. Roads shall be graded to a minimum line of seven (7) feet back of the curb line with a slope of one-half (1/2) inch per foot.
4. All roads shall be crowned in the center and have a minimum one-fourth (1/4) inch per foot of slope.
5. Vertical curves shall be used at all changes of grade exceeding one (1) percent and shall be designed with equal tangents in order to avoid hazardous profiles.
6. Minimum radii of horizontal curves shall not be less than 400 feet on arterial streets, 200 feet on collector streets, and 100 feet on local streets. There shall be a tangent of 100 feet provided between all reverse curves on arterial and collector streets and 50 feet on local streets.
7. Intersections should be planned and located to provide as much sight distance as possible. In achieving a safe, highway design, as a minimum, there should be sufficient sight distance for the driver on the local or collector street to cross an arterial without requiring approaching traffic to reduce speed.

8. Both passing sight and stopping sight distances will be designed in accordance with acceptable engineering standards.

#### 5.2.4 Rights-of-Way

1. Where a subdivision abuts on, or contains, an existing or proposed arterial street or expressway, the Planning Commission may recommend marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
2. Reserve strips controlling access streets shall be prohibited except where their control is given to the Town.
3. The Planning Commission shall determine the classification of Town streets. Minimum widths of rights-of-way are as follows:

<u>Street Classifications</u>	<u>Minimum Right-of-Way Width</u>
Alley	20 feet
Local	60 feet
Collector	60 feet
Arterial or Commercial/Industrial	80 feet
Designated Highways	100 feet
Cul-de-sac	50 feet (radius)

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

- a. The entire right-of-way shall be provided where any part of the subdivision is located on both sides of the existing streets.
- 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. The entire roadway width shall be paved, unless the Planning Commission gives written approval to the contrary.

#### 5.2.5 Pavement and Street Section

1. Streets shall be graded to a minimum line of seven (7) feet back of the curb line with a rise of not less than eight (8) inches or more than fifteen (15) inches from the flow line of the gutter.
2. After the roadway is cleared and graded to subgrade, the subgrade shall be processed and compacted for a minimum depth of six (6) inches at a minimum density of 95 percent standard proctor. Greater depths may be required by the Building Official, depending on existing subgrade conditions and future traffic projections. The total width of compacted subgrade shall extend one (1) foot beyond the back of curb on each side of the pavement.
3. After the subgrade is tested and accepted, a minimum of eight (8) inches of compacted aggregate base material shall be placed at a minimum density of 100 percent standard proctor. The base material shall be in accordance with the Alabama Highway Department (A.H.D.) Specifications, Section 820. The base width shall be at least six (6) inches beyond each back of curb. Testing of the compacted subgrade and the compacted base shall be done by a licensed soils testing laboratory approved by the Building Official. The Developer shall pay for all testing expenses, shall have tests performed as required by the Building Official, and shall provide the Building Official with copies of the test results. No further construction shall be allowed until the subgrade and base are accepted.
4. The accepted, compacted base shall be saturated to its full width with an asphalt tack coat applied at a rate of 0.20-0.25 gallons per square yard and shall be in accordance with A.H.D., Section 405.
5. The bituminous concrete base course shall be a minimum of one and a half (1 ½) inches, compacted thickness of ALDOT approved H.M.A. job mix design and approved by the

- Building Official, or the Town's building/engineering consultant. The minimum application rate shall be 165 pounds per square yard.
6. The final bituminous concrete layer shall be a minimum of one (1) inch compacted thickness of bituminous concrete wearing surface of an ALDOT-approved H.M.A. job mix design and approved by the Building Official, or the Town's building/engineering consultant. The application rate shall be 110 pounds per inch per square yard of asphalt.
  7. Based upon expected use or other special consideration, the Building Official may require additional thicknesses of base, bituminous concrete base or wearing surface. The developer shall follow the requirements of the Building Official in such cases.
  8. The minimum pavement widths back of curb to back of curb for the various classifications of streets shall be as follows; unless specified otherwise on the Major Thoroughfare Plan:

<u>STREET TYPE</u>	<u>MINIMUM PAVEMENT WIDTH</u>
Arterial Street	40 feet
Residential Collector Street	36 feet
Commercial Collector Street	36 feet
Local Street	27 feet
Alley	12 feet
Cul-de-sac (radius)	35 feet

9. The Developer may be allowed to use an alternate paving material, such as portland cement concrete. The developer shall submit the paving design, a typical section, and a formal request to use the design to the Building Official. The alternate pavement shall have at least the design life and capacity as the standard paving structure.
10. The developer shall not be required to pave any major arterial street. Additional right-of-way, pavement width or pavement may be required to promote public safety and convenience, or to ensure adequate access, circulation and parking in high-density residential, commercial or industrial areas, but no additional right-of-way or paving shall be required from a developer in connection with existing streets or highways which meet the above standards. Where a subdivision abuts on or contains an existing street of inadequate right-of-way width, additional right-of-way in conformity with the above standards shall be required for new subdivision. In the event additional right-of-way is required, the developer shall acquire same for dedication to the Town.
11. Sidewalks, shall be a minimum of five (5) feet wide in residential and seven (7) feet wide in commercial areas. The cross-section for a sidewalk shall be in accordance with the Town's standard details.

### **Section 5.3 Sidewalks**

#### **5.3.1 General**

Adequate facilities for pedestrian circulation are important for public safety and convenience. They also can provide an attractive aesthetic environment in residential subdivisions, especially when they are located in or adjacent to a commercial or municipal development setting. The Town of Franklin maintains a public sidewalk network, and desires continued expansion of this network commensurate with the growth and development of the Town. Therefore, the Planning Commission may require subdividers to provide sidewalks or other pedestrian facilities within proposed subdivisions.

#### **5.3.2 Where Sidewalks Are Required**

1. Where the proposed subdivision contains more than ten (10) lots.
2. Where the lots in the proposed subdivision are five (5) acres or less in size.
3. Where the external boundaries of the proposed subdivision lie within a one (1) mile radius of any public school, park or other major public use facility.
4. Where the external boundaries of the proposed subdivision lie within a one-half (1/2) mile radius of any planned group of commercial or industrial development.

5. Where the proposed subdivision adjoins or is otherwise served by an existing street or highway that provides public sidewalks.
6. Where the proposed subdivision includes a mix of land uses or includes common recreational improvements.
7. Where it is reasonable to expect that the future residents of the proposed subdivision might not have adequate access to personal vehicular transportation modes.

#### 5.3.3 Where Other Pedestrian Facilities Are Required

In lieu of concrete sidewalks, alternative pedestrian facilities may be required to ensure pedestrian access that is more compatible with rural developments. Alternative pedestrian facilities may include walking trails, multi-use trails or pathways. Instances in which alternative pedestrian facilities are required are as follows:

1. Where the proposed subdivision contains five (5) to ten (10) lots.
2. Where the lots in the proposed subdivision are more than five (5) acres in size.
3. Where the external boundaries of the proposed subdivision lie within a one (1) mile radius of any public school, park or other major public use facility.
4. Where the external boundaries of the proposed subdivision lie within a one-half (1/2) mile radius of any planned group of commercial or industrial development.
5. Where the proposed subdivision adjoins or is otherwise served by an existing street or highway that provides public sidewalks.
6. Where the proposed subdivision includes a mix of land uses or includes common recreational improvements.
7. Where it is reasonable to expect that the future residents of the proposed subdivision might not have adequate access to personal vehicular transportation modes.

#### 5.3.4 Where Provided

1. Where required by the Planning Commission, sidewalks or other pedestrian facilities shall be provided along both sides of arterial and collector streets.
2. Where required by the Planning Commission, sidewalks or other pedestrian facilities may be provided along only one side of any minor street within a subdivision.
3. Where required and approved by the Planning Commission, alternative pedestrian facilities may be located on dedicated easements that do not follow existing streets to maintain the rural character of the Town.

#### 5.3.5 Surface and Width Requirements

All sidewalks shall be constructed using a concrete surface at least two (2) inches thick. The Planning Commission may approve an asphalt surface for sidewalks along minor streets only, where the soil and drainage conditions are adequate to ensure long-term surface stability. Alternative pedestrian facilities may be constructed of asphalt, crushed aggregate or other building material as approved by the Planning Commission. Minimum widths for sidewalks shall be as follows:

1. Five (5) feet for all sidewalks in single family residential subdivisions.
2. Five (5) feet for all sidewalks in multi-family or group housing developments.
3. Eight (8) feet for sidewalks in non-residential development or adjacent to non-residential uses in mixed use developments.
4. A minimum of five (5) feet for all alternative pedestrian facilities or greater widths as required by the Planning Commission depending on the planned volume of residents to be served.

#### 5.3.6 Distance from Right of Way Line

When required by the Planning Commission, sidewalks shall be located not less than one (1) foot from private property lines to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures that may be placed along the property line at a later date.

### 5.3.7 Compliance with ADA Requirements

All sidewalks and pedestrian facilities shall be designed in accordance with the applicable requirements of the Americans with Disabilities Act of 1990, as amended.

## **Section 5.4 Storm Drainage and Erosion Control**

### 5.4.1 General

1. Drainage and grading plan shall be made for each subdivision by the Developer's Engineer, which plan shall take into consideration the ultimate or saturated development of the tributary area in which the proposed subdivision is located. On-site storm water detention measures may be required by the Planning Commission.
2. 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-premises drainage easements and improvements may be required to handle the run-off of subdivisions into a natural drainage channel.
3. 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.
4. The Town of Franklin will not approve development of one site that causes an adverse effect on adjacent property. In some cases, storm water retention or improvement of existing downstream drainage facilities may be required. The applicant is urged to contact the Building Official for a preliminary discussion on this matter prior to plan submittal.
5. Drainage area and peak flow estimates must be provided for each drainage facility, as well as profiles for all new storm sewers and open ditches, with outlet velocities. Structural capabilities for all new culverts and storm sewer pipes shall be provided.

Any new culvert or storm sewer pipe under the jurisdiction of the Alabama Highway Department or the County Engineering Department shall be approved by that authority. Copies of this approval shall be provided at the time of submittal of the preliminary plat.

Catch basins and drop inlets shall be constructed if deemed necessary by the Building Official.

No street shall shed surface run-off water onto any lot.

Storm drainage facilities shall be designed by a professional engineer, registered in the State of Alabama. The engineer's seal shall be on all drawings.

6. All development in the Town shall be in compliance with all applicable laws, ordinances and regulations.

### 5.4.2 Design Requirements

1. Storm drainage facilities shall be provided in each subdivision. They shall be designed to carry not less than the storm water from a maximum projected rainfall from a 25-year storm, with run-off factor of 90 percent for pavements and buildings and a variable runoff factor depending on the topography of the ground for other areas. All drainage facilities and related appurtenances shall meet the specifications for street paving and storm sewer as set forth by the Building Official. The Building Official may require a more restrictive design (i.e., 25 or 100 year design) for such facilities as major drainageways. Design calculations shall be based on future probable development of the entire drainage area to be served or developed.
2. Water will not be permitted to run down any street more than 500 feet without proper drainage structures to intercept surface water.
3. If outlet velocities are greater than five (5) feet per second, some type of energy dissipation will be required. If rip-rap is used, then Class II rip-rap shall be required.

4. All roadway cross drain pipes shall be a minimum inner diameter of 15 inches, and all side drainage pipe shall be a minimum size of 15 inches. All roadway cross drain pipe shall be Class 3 reinforced concrete pipe.
5. All off-project drainage, draining onto the subdivision, shall be shown on contour maps showing the areas in acres that the subdivision will have to accommodate.
6. A minimum velocity of two (2) feet per second shall be maintained in all drainageways, and scouring velocities shall be considered in the design of natural swales and ditches.

#### 5.4.3 Drainage Easements

1. Where a subdivision is traversed by an existing or proposed watercourse, 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 and shall be approved by the Building Official.
2. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road.
3. Where required by the Building Official, the Developer shall obtain a Discharge Permit(s) from adjacent property owner(s) on a form prescribed by the Building Official.

#### 5.4.4 Construction Requirements and Erosion Protection

1. The Developer shall have all drainage structures and facilities constructed in accordance with the details and specifications of the Building Official.
2. Before construction of drainage facilities, the Building Official shall be notified no less than 24 hours in advance of any phase of operation to be started.

No drainage structure will be covered up until approval is given by the Building Official.

3. Storm sewers and drainageways shall be installed to the grades and elevations shown on plans which have been reviewed by the Building Official. Such plans shall bear the signature of the Building Official.
4. Wherever possible, storm water shall be conveyed in closed conduit manufactured of materials acceptable to the Building Official. Where open channels are used for drainageways, the channel shall be concrete-lined. No natural-lined channels will be allowed unless specifically approved by the Building Official. Design notes, construction techniques and other considerations shall be submitted to the Building Official for review.
5. An erosion and sedimentation control plan shall be a part of the construction plans and filed with the Town of Franklin prior to the commencement of any land-distributing activity. Determination of the requirement for an erosion and sedimentation control plan shall be made by the Building Official.
6. Whenever there is a conflict between Federal, state or local laws, ordinances, rules and regulations, orders, and decrees, the more restrictive provision shall apply.
7. Erosion and sedimentation control measures, structures, and devices shall be so planned, designed and constructed as to provide control from the calculated peak rates of run-off from a ten-year frequency storm. Run-off rates may be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other accepted calculation procedures. Run-off computations shall be based on rainfall data published by the National Weather Service for the area.
8. A combination of storage and controlled release of storm water run-off may be required for highway construction; commercial, industrial, educational, and institutional developments of one acre or more; for multi-family residential developments of five (5) acres or more; and, for single-family developments often (10) acres or more.
9. Detention storage and controlled release will not be required in those instances where the person planning to conduct the activity can demonstrate that the storm water release will not



- cause an increase in accelerated erosion or sedimentation of the receiving ditch, stream channel, or other drainage facility, taking into consideration any anticipated development or the watershed in question.
10. When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained shall be considered part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and or disposing of the waste, these areas shall be considered a separate land-disturbing activity.
  11. Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.
  12. Land-disturbing activity in connection with construction, in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relation of a stream, where relocation is an essential part of the proposed activity shall be planned and executed so as to minimize changes in stream flow characteristics, except when justification for significant alterations to flow characteristics is provided.
  13. The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sedimentation control measures and facilities, after site development is completed, shall lie with the landowner, until such time adequate vegetative cover and site stabilization is achieved as determined by the Building Official.
  14. Persons engaged in planning, installing, and maintaining sedimentation control measures may use generally accepted references on the subject following standard engineering and/or agricultural practices. All plans will be subject to review by the Building Official.
  15. Whenever the Building Official determines, that significant sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land- disturbing activity or the person responsible for maintenance will be required to take additional protective action.

## **Section 5.5 Water Distribution and Sanitary Sewer**

### **5.5.1 General**

Water and Sanitary Sewer system shall be provided by the Developer in each subdivision if the Planning Commission determines that existing facilities are reasonably accessible. Installation of the facilities shall be in accordance with the specifications and requirements of the appropriate utility provider.

### **5.5.2 Water System**

1. The water distribution system shall be sized based on specifications of the Town of Franklin and be of suitable size and capacity to accommodate the required placement of a fire hydrant within 1,000 feet of each residence or other structure a residential area, and within 500 feet of each structure within industrial or commercial areas.
2. Water mains and fire hydrants shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk or other public improvement.
3. Plans and specifications shall be prepared by a registered engineer licensed in the State of Alabama. Specifications shall be in accordance with the Town of Franklin requirements. Pipe materials, meter and connection types, and brands shall conform to the Town of Franklin criteria or that of the utility provider.
4. Upon completion of the project, the Developer shall furnish the Building Official with two (2) sets of as-built drawings showing lateral locations a water main offsets from a permanent reference datum, which is either the curb line or the front lot line.
5. All costs for installation of the water distribution system and appurtenances shall be borne by the Developer. Where the Developer is required to install larger lines of facilities than necessary to serve his development in order to provide for future development, the difference

in costs between installing facilities adequate for the subdivision and the oversize lines shall be negotiated.

6. All service taps shall be made, service line shall be installed to the property line and referenced, and the full number of meters and boxes for the subdivision shall be delivered to the Franklin Town Hall. If building permits are issued before the Developer completes the project, the Developer shall request meters and boxes and install same at his own expense. For the remaining lots, the utility provider shall install meters and boxes for a fee established by said provider as building permits are issued. For any and all lots, no Certificates of Occupancy shall be issued before and until the meter and box are installed and the fee paid.

#### 5.5.3 Sanitary Sewer System

1. Sanitary sewers shall be installed in each subdivision as approved by the Building Official of the Town of Franklin. In the absence of available public sewer lines, septic tanks may be permitted upon approval by the Macon County Health Department.
2. Lot size shall not be less than the minimum standard and of satisfactory size for the proper installation of an on-site sewerage disposal system if required by the Macon County Health Department. No building permit shall be issued until written approval has been given by the Macon County Health Department.

#### 5.5.4 Construction

1. A qualified general contractor shall be employed by the developer to install the water and sewer lines. The installation shall be done under the inspection of the Building Official and utility provider and shall conform exactly to the approved plans and specifications with no exception unless approved by the same. A professional representative may inspect the work at the option of the Town or utility provider.

The developer shall hold the contractor responsible until the completed project has been given final approval and acceptance by the Town Engineer.

2. All manhole castings shall be adjusted to the finished surface of paving and all manholes shall be left free of dirt, asphalt, and other debris.

### **Section 5.6 Easements**

The Developer shall dedicate any and all easements for water and sanitary sewer lines which are installed on private property. Such easements shall be shown on the plat, shall be in the actual location of the installed line, and shall be dedicated for perpetual use by the Town or utility provider.

### **Section 5.7 Other Utilities**

#### 5.7.1 General

The Developer shall be responsible for coordinating with the power, phone, gas, and other utilities to provide service for the subdivision, and shall pay any and all fees, service charges, or other costs levied by the utilities and associated with the installation of same. Street lights maybe required by the Planning Commission.

#### 5.7.2 Construction

Installation shall be in accordance with the respective utilities specifications and procedures. Such work shall not conflict with the installation or location of water or sewer lines, paving, sidewalks, or other improvements. The developer shall secure and provide the Building Official with an acceptance or approval statement from each and every utility that installation is satisfactory and complete. Final approval of the subdivision will not be given until all statements are submitted.

#### 5.7.3 Easements

Utility easements shall be platted as required.

## **Section 5.8 Inspection**

### **5.8.1 General**

All improvements within the subdivision shall be inspected by the Building Official or designated representative. Such inspection shall be to assure conformance with the approved plans and specifications. The Inspector shall not direct or supervise the Developer's personnel. The Developer shall be solely responsible for the correctness and completeness of the work. The improvements shall be in strict accordance with the approved plans and specifications, and no changes shall be made without the written permission of the Building Official. The Developer shall give the Building Official at least forty-eight (48) hours notice before any separate segment of the improvement begins. No underground work shall be covered before the Building Official views and accepts the work.

## **Section 5.5 Streets, Lots and Blocks**

### **5.9.1 Streets**

1. Street names, subdivision names and apartment project names shall be sufficiently different in sound and in spelling from other street names in the Town so as not to cause confusion. The Building Official shall consult the Postmaster before approval is given by the Planning Commission. Proposed streets obviously in alignment with existing and named streets shall bear the names of existing streets.
2. The subdivider shall deposit with the Town at the time of final plat approval the sum of fifty (\$50.00) dollars for each street sign required by the Town.
3. The Town shall install all street signs before issuance of certificates of occupancy for any residences on the streets approved.
4. Applications for all new accesses to streets within the Town shall be made to the Building Official. The proposed location, width, drainage structure, traffic condition, sight distance and surfacing shall be included in the access application.
5. Entrances shall be located at points affording maximum sight distances and minimum grades. Entrances shall not be less than ten (10) feet nor more than twenty (20) feet in width, measured at the right-of-way line. Entrances shall be located so that the curb openings are a minimum of five (5) feet from the nearest edge of a street drainage inlet and fifty (50) feet from the corner radius. More restrictive requirements may be required by the Building Official for commercial and industrial entrances.
6. Commercial and industrial entrances shall not be more than thirty-five (35) feet nor less than twenty-four (24) feet in width measured at the right- of-way line. The radius to increase the opening shall not be less than fifteen (15) but not more than twenty five (25) feet. Larger radius to accommodate truck traffic may be required by the Building Official. The distance between openings shall be a minimum of one hundred fifty (150) feet and the distance from opening to corner radius shall be fifty (50) feet.

### **5.9.2 Lots**

1. Lot dimensions shall conform to the requirements of the Zoning Ordinance if within the corporate limits of the Town of Franklin. If the subdivision is not located in the corporate limits all residential lots shall comply with requirements of the Macon County Health Department as determined by the availability of particular utilities.
2. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance and these regulations.
3. Side lot lines shall normally be at right angles to streets, except on curves where they shall be radial.
4. Additional depth may be required on lots which back up to major streets, or other conflicting land uses.
5. Where easements for public utilities, storm or sanitary sewers are contemplated, the lot lines shall be located in such manner as to facilitate the construction of such improvements and maintenance thereof.

6. Lot areas and widths shall meet or exceed minimum zoning and health requirements in the area in which the property is located.
7. Corner lots shall provide at least the same minimum setback on the side as required on the front by the zoning ordinance. Lot lines shall be substantially at right angles to the streets except on curves where they shall be radial. Where the distance between rear lot corners or double-tiered lots would be less than ten (10) feet the radial lines shall be deviated so that the distance between rear lot comers will be a minimum of the ten (10) feet.
8. 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.
9. All lots for detached houses shall abut a public street.
10. Where driveway access from an arterial street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit the possible traffic hazard on such street.
11. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial streets.
12. A monument shall be placed at all lot comers, and at all changes of direction of a public right-of-way, including the beginning and end of a curve or radius.
13. Monuments shall be of iron pipe not less than three-fourths (3/4) inches in diameter and 24 inches long, and driven so as to be flush with the finished grade.
14. All markers shall be established on the ground prior to approval of the final plat.
15. All markers shall be verified before issuance of a certificate of occupancy.

#### 5.9.3 Blocks

1. 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 crosswalks with not less than a ten (10) foot right-of-way. Blocks shall be a minimum of four hundred (400) feet in length.
2. Where blocks are over eight hundred (800) feet in length, the Planning Commission may require a pedestrian walkway to traverse the block. The easement shall be a minimum of ten (10) feet in width and the sidewalk shall be a minimum of five (5) feet in width.

### **Section 5.10 Street Trees**

Mature street trees (in excess of ten [10] inches diameter breast height [dbh]) are an important visual icon for small, rural communities such as Franklin and an attractive amenity for residential neighborhoods. The planting and retention of street trees considered a duty of the subdivider as well as good business practice. Therefore, the Town of Franklin urges all subdividers to retain as many existing mature trees within or along a proposed subdivision site as is possible. It is further recommended that new trees be planted five (5) feet inside (or behind) property lines where they will enjoy favorable conditions for growth and be less subject to injury from automobile accidents or excessive trimming to protect above-ground utility lines. If trees are to be planed 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.

### **Section 5.11 Miscellaneous**

Other types of subdivision developments may be allowed by the Planning Commission when such subdivisions or developments come under the provisions of these regulations and are in keeping with their purpose and intent, and meet the general requirements and standards as specified in this article.

#### Section 5.11.1 Manufactured Home Subdivisions

The subdivision of a parcel of land into lots for a manufactured home subdivision, which are intended for sale or transfer shall be subject to the provisions and intent of these regulations, and other regulatory policies, plans, and regulations of the Town.

Section 5.11.2 Large Tracts or Parcels

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical future resubdivision.

Section 5.11.3 Group Housing Developments

A comprehensive housing development, including the large-scale construction of housing units together with necessary drives and ways of access, may be approved although the design of the project does not include standard streets, lot[s] and subdivision arrangements, if departure from the foregoing standards of the article can be made without destroying their intent.

Section 5.11.4 Commercial and Industrial Subdivisions

Subdivision of land for commercial or industrial purposes shall conform to the provisions of these regulations and street development shall conform to the major street plan. Lot sizes shall be large enough to provide for necessary off-street parking and load requirements.

Section 5.11.5 Innovative Subdivisions

It is the purpose of this section to provide for the unified development of tracts of land that are suitable in size, location and character for the uses and buildings proposed. To that end, the Planning Commission may modify requirements of these regulations, provided such modifications maintain the purpose of the regulations.

Building groups such as shopping centers and industrial parks, as well as single-family residential projects using innovative building types and arrangements, may be designed and developed under this section.

## Article VI: Legal Status Provisions

### Section 9.1 Repeal of Previous Subdivision Regulations

Any and all subdivision regulations of the Town of Franklin existing prior to the adoption of these regulations are hereby repealed in their entirety.

### Section 9.2 Interpretation and Purpose

In their interpretation and application, the provisions of these regulations shall be considered minimum requirement adopted for the promotion of the public health, safety, morale, convenience, order, prosperity, and general welfare of the community. Where other ordinances, rules, statutes, regulations, or other provisions of law heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. These regulations shall not lower the restriction of plats, deeds, covenants, or private contracts, if such are greater than the provisions of these regulations.

### Section 9.3 Severability Clause

If any Section, subsection, clause, provision, or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other Section, subsection, clause, provision, or portion of these regulations which is not in and of itself invalid or unconstitutional.

### Section 9.4 Effective Date

These regulations shall take effect and be in force from and after the date of adoption and publication as required by law.

ADOPTED and APPROVED by the Planning Commission of the Town of Franklin, Alabama, following a public hearing, on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Chair  
Planning Commission

ATTEST:

\_\_\_\_\_  
Secretary  
Planning Commission



**Appendix A**  
**Sample Certificates**





**A-1  
SURVEYOR'S CERTIFICATE**

STATE OF ALABAMA        )  
COUNTY OF MACON        )

I, (name), hereby certify that I, or individuals under my supervision, have surveyed the property situated in Macon County, State of Alabama, and described as follows:

(Insert Legal Description)

I also certify that the attached plat map(s) and/or drawing(s) is a true and complete survey showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and easements and its number and showing the streets, alleys, and public grounds and giving the bearings, length, width and name of the streets, said map(s) and/or drawing(s) further show the relation of land so platted to the Government Survey, and that all monuments and lot corner pins are set as shown.

WITNESS my hand this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Registered Surveyor

(SEAL, if any)

\_\_\_\_\_  
Registration/License #

**A-2**

**DEDICATION CERTIFICATE**

(COMMENTARY: In any case that the developer and the land owner(s) are not one and the same, then two or more Dedication Certificates are necessary.)

STATE OF ALABAMA        )  
COUNTY OF MACON        )

I/We, (owner or developer name), (mailing address), being all the owners and lien holders of the lands herein platted, do hereby voluntarily consent to the execution of the said plat and do dedicate the (streets, drives, alleys, easements, etc.) public grounds as shown hereon to the public use forever.

Signed and sealed in the presence of:

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Property Owner)

---

**For Corporations:**

**ACKNOWLEDGEMENT**

STATE OF ALABAMA        )  
COUNTY OF MACON        )

I, (name of notary), a Notary Public in and for said County, in said State, hereby certify that (individual's name), whose name as (title) of (corporation name), is signed to the forgoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, and as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

**For Property Owner(s):**

**ACKNOWLEDGEMENT**

STATE OF ALABAMA            )  
COUNTY OF MACON         )

I, (name of notary), a Notary Public in and for said County, in said State, hereby certify that (owner(s)'s name), whose name is signed to the forgoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, and as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_

**A-3  
UTILITY CERTIFICATES**

(COMMENTARY: Each applicable utility shall require a separate certificate.)

**CERTIFICATE OF APPROVAL BY THE (insert the name of the appropriate water, sewer, electricity, natural gas, etc. utility provider/company)**

The undersigned, as authorized by the (name of utility company) hereby approve the within plat for the recording of same in the Probate Office of Macon County, Alabama, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Name and Title)

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**A-4  
MACON COUNTY HEALTH DEPARTMENT  
CERTIFICATE OF APPROVAL**

The undersigned, as authorized by the Macon County Health Department, State of Alabama, hereby approve the within plat for the recording of same in the Probate Office of Macon County, Alabama, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Name and Title)

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**A-5  
BUILDING OFFICIAL  
CERTIFICATE OF APPROVAL**

The undersigned, as Building Official of the Town of Franklin, Alabama, hereby approve the within plat for the recording of same in the Probate Office of Macon County, Alabama, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Building Official  
Town of Franklin, Alabama

**A-6**  
**FRANKLIN PLANNING COMMISSION**  
**CERTIFICATE OF APPROVAL**

BE IT RESOLVED that the within plat of (subdivision name), Town of Franklin, Macon County, Alabama, is hereby approved by the Planning Commission of the Town of Franklin, Alabama, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chair, Planning Commission  
Town of Franklin, Alabama

ATTEST:

\_\_\_\_\_  
Secretary, Planning Commission  
Town of Franklin, Alabama



**Appendix B**  
**Sample Applications and Application Checklists**





**B-1  
APPLICATION FOR SKETCH PLAN APPROVAL**

Name of Development \_\_\_\_\_

**General Information:**

Owner \_\_\_\_\_

Address \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Email: \_\_\_\_\_

Applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Email: \_\_\_\_\_

Engineer or Surveyor \_\_\_\_\_

Address \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Email: \_\_\_\_\_

**Development Data:**

Location \_\_\_\_\_

Existing Zoning \_\_\_\_\_

Proposed Use \_\_\_\_\_

Number of Lots \_\_\_\_\_

Total Acreage \_\_\_\_\_

Minimum Lot Size \_\_\_\_\_

Linear Feet of New Street \_\_\_\_\_

Water Supply: \_\_\_\_\_ Public System \_\_\_\_\_ On Lot System \_\_\_\_\_

Sewerage System: \_\_\_\_\_ Public System \_\_\_\_\_ On Lot System \_\_\_\_\_

## Sketch Plan Checklist

\_\_\_\_\_ Deed

\_\_\_\_\_ Authorization to Act as Applicant

**Two (2) copies of the following must be submitted with application and an electronic copy in a PDF format must be uploaded on the Town’s website.**

The following is a reference checklist and not a comprehensive listing. Refer to Section 4.2 of the Franklin Subdivision Regulations for additional or more detailed information.

<b>Name</b>		<b>Location of Natural Features</b>	
	Name for Recording		Water Courses
	Name and Address of Owner(s)		Wetlands
	Registered Engineer / Surveyor Seal		Waters of the United States
<b>Vicinity Map</b>			Wooded Areas
	Scale		Buildings or Structures
	Location of Proposed Subdivision		Other Significant Natural/Built Features
	Relationship to Surrounding Area	<b>Lot Information</b>	
	Adjacent Subdivisions		Lot Lines
<b>Notations</b>			Lot Numbers
	Scale		Acreage of Subdivision
	True North Arrow		Acreage of Existing Public Areas
	Datum		Acreage of Proposed Public Areas
	Benchmarks		Number of Lots
	Bearing Base		Area of Each Lot
	Date	<b>Proposed Infrastructure and Facilities</b>	
<b>Survey Data</b>			Proposed Street Locations
	Dimensions / Bearings of Boundaries		Street Names
	Section and Corporate Lines		Rights of Way Dimensions
	Contours at Five (5) Foot Intervals		Street Dimensions
	100-Year Flood Plain		Alleys
	Any Area Subject to Periodic Inundation		Easements
<b>Existing Infrastructure and Facilities</b>			Preliminary Drainage Plan
	Existing Streets and Bridges		Preliminary Stormwater Management
	Existing Railroads		Utility Layouts
	Existing Buildings		Approx Location of Valves and Hydrants
	Existing Sanitary Sewer		Connections to Existing Facilities
	Existing Drainage Facilities		Connections to Existing Drainage System
	Existing Water Mains		Open Spaces
	Any Public Utility Easements		Site Reservations for Public Uses
	Public Utility Easements on Adjoining Land		Site Reservations for Non-Residential Uses
			Any Implementation of Major Street Plan
			Any Implementation of Public Works Plan

**Sketch Plan Tracking System (For Town Use Only)**

Name of Subdivision: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Date of Scheduled Planning Commission Review: \_\_\_\_\_

**Distribution:**

\_\_\_\_\_ Building Official

\_\_\_\_\_ Water and Sewer Administrator

\_\_\_\_\_ Police Department

\_\_\_\_\_ Fire Department

\_\_\_\_\_ Macon County Health Department

\_\_\_\_\_ Macon County Engineering

Comments:

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**Action of Planning Commission:**

\_\_\_\_\_ Approved

\_\_\_\_\_ Disapproved

Comments:

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**B-2  
APPLICATION FOR PRELIMINARY PLAT APPROVAL**

I, \_\_\_\_\_, hereby make application for preliminary plat approval by the Town of Franklin Planning Commission for the subdivision as listed below.

Signature: \_\_\_\_\_

Name of Development \_\_\_\_\_

Owner \_\_\_\_\_

Address \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Email: \_\_\_\_\_

Applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Email: \_\_\_\_\_

Engineer or Surveyor \_\_\_\_\_

Address \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Email: \_\_\_\_\_

**Development Data:**

Location \_\_\_\_\_

Existing Zoning \_\_\_\_\_

Proposed Use \_\_\_\_\_

Number of Lots \_\_\_\_\_

Total Acreage \_\_\_\_\_

Minimum Lot Size \_\_\_\_\_

Linear Feet of New Street \_\_\_\_\_

Water Supply: \_\_\_\_\_ Public System \_\_\_\_\_ On Lot System \_\_\_\_\_

Sewerage System: \_\_\_\_\_ Public System \_\_\_\_\_ On Lot System \_\_\_\_\_

## Preliminary Plat Checklist

\_\_\_\_\_ Deed

\_\_\_\_\_ Authorization to Act as Applicant

\_\_\_\_\_ Names of Adjacent Subdivisions

\_\_\_\_\_ Names and Mailing Addresses of Adjoining Land Owners

**Two (2) copies of the following must be submitted with application and an electronic copy in a PDF format must be uploaded on the Town's website. The preliminary plat shall provide scale of drawing, not to exceed 1 inch = 100 feet, stated and shown graphically or other appropriate scale as approved by the Building Official; and the sheet size shall not be larger than 24 inches by 36 inches.**

The following is a reference checklist and not a comprehensive listing. Refer to Section 4.3 of the Franklin Subdivision Regulations for additional or more detailed information.

<b>Name</b>		<b>Location of Natural Features</b>	
	Name for Recording		Water Courses
	Name and Address of Owner(s)		Wetlands
	Registered Engineer / Surveyor Seal		Waters of the United States
<b>Vicinity Map</b>			Wooded Areas
	Scale		Buildings or Structures
	Location of Proposed Subdivision		Other Significant Natural/Built Features
	Relationship to Surrounding Area	<b>Lot Information</b>	
	Adjacent Subdivisions		Lot Lines
<b>Notations</b>			Lot Numbers
	Scale		Acreage of Subdivision
	True North Arrow		Acreage of Existing Public Areas
	Datum		Acreage of Proposed Public Areas
	Benchmarks		Number of Lots
	Bearing Base		Area of Each Lot
	Date	<b>Proposed Infrastructure and Facilities</b>	
<b>Survey Data</b>			Proposed Street Locations
	Dimensions / Bearings of Boundaries		Street Names
	Section and Corporate Lines		Rights of Way Dimensions
	Contours at Five (5) Foot Intervals		Street Dimensions
	100-Year Flood Plain		Alleys
	Any Area Subject to Periodic Inundation		Easements
<b>Existing Infrastructure and Facilities</b>			Preliminary Drainage Plan
	Existing Streets and Bridges		Preliminary Stormwater Management
	Existing Railroads		Utility Layouts
	Existing Buildings		Approx Location of Valves and Hydrants
	Existing Sanitary Sewer		Connections to Existing Facilities
	Existing Drainage Facilities		Connections to Existing Drainage System
	Existing Water Mains		Open Spaces
	Any Public Utility Easements		Site Reservations for Public Uses
	Public Utility Easements on Adjoining Land		Site Reservations for Non-Residential Uses
			Any Implementation of Major Street Plan
			Any Implementation of Public Works Plan

**Preliminary Plat Tracking System (For Town Use Only)**

Name of Subdivision: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Date of Scheduled Planning Commission Review: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

**Distribution:**

\_\_\_\_\_ Building Official

\_\_\_\_\_ Water and Sewer Administrator

\_\_\_\_\_ Police Department

\_\_\_\_\_ Fire Department

\_\_\_\_\_ Macon County Health Department

\_\_\_\_\_ Macon County Engineering

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Action of Planning Commission:**

\_\_\_\_\_ Approved

Distribution of Copies : \_\_\_\_\_ Planning Commission

\_\_\_\_\_ Building Official

\_\_\_\_\_ Subdivider

\_\_\_\_\_ Approved Conditionally

Distribution of Copies : \_\_\_\_\_ Planning Commission

\_\_\_\_\_ Building Official

\_\_\_\_\_ Subdivider

\_\_\_\_\_ Disapproved

Distribution of Copies : \_\_\_\_\_ Planning Commission

\_\_\_\_\_ Building Official

\_\_\_\_\_ Subdivider





**B-3  
APPLICATION FOR FINAL PLAT APPROVAL**

I, \_\_\_\_\_, hereby make application for final plat approval by the Town of Franklin Planning Commission for the subdivision as listed below.

Signature: \_\_\_\_\_

Name of Development \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Date of Preliminary Plat Approval: \_\_\_\_\_

*The final plat must be submitted for approval within 18 months of preliminary plat approval by the Franklin Planning Commission.*

Fee: \_\_\_\_\_

**Two (2) copies of the following must be submitted with application and an electronic copy in a PDF format must be uploaded on the Town’s website. The final plat shall provide scale of drawing, not to exceed 1 inch = 100 feet, stated and shown graphically or other appropriate scale as approved by the Building Official; and the sheet size shall not be larger than 24 inches by 36 inches.**

The following is a reference checklist and not a comprehensive listing. Refer to Section 4.5 of the Franklin Subdivision Regulations for additional or more detailed information.

<b>General Information</b>	
	Name for Recording
	Name and Address of Owner(s)
	Certification of Title of Property
	Subdivision Title, Scale, North Point and Date
	Scale Diagram for General Location
	Covenants, With Maintenance Provisions for Common Spaces or Other Amenities
<b>Surveying and Engineering Information</b>	
	Control Points and Ties
	Tract Boundary Lines
	Right of Way Lines of Streets, Easements, Etc.
	Bearings of Property Lines
	Engineering Data to Locate All Lines including Radii, Angles, Arcs and Degree of All Curves
	Registered Land Surveyor Statement That Plat Meets Minimum Technical Standards for Land Surveying in the State of Alabama, October 1990, or Latest Edition
<b>Lot and Street Information</b>	
	Name and Right of Way of Each Street or Other Public Right of Way
	Numbers to Identify Each Block and Lot
	Area of Each Lot
	Location, Dimensions and Purpose of Any Easement
	Land Use of Non-Residential Lots
	Location and Dimensions of Existing Structures

<b>Certificates, Permits, Statements and Notes</b>	
	Owner's Dedication of Street Rights of Way and Any Other Sites for Public Use
	Certificate of Approval by Building Official (unsigned until approved)
	Certificate of Approval by County Engineer, if necessary (unsigned until approved)
	Certificate of Public Works Director Approval of Streets and Utilities
	Certificate by County Health Officer for Individual Sewage Disposal and/or Installation of Water Systems
	Note Prohibiting Structures on Easements, with Access Not Denied by Ungated Fences
	Certificate From Registered Engineer Verifying Monuments
	Copies of Any and All Applicable Federal and State Permits Required For Construction of the Development Shown on the Final Plat

**In Addition to the Items Previously Listed, A Statement Signed by the Building Official Signifying That the Subdivider Has Complied In Full With One of the Following Alternatives Will Accompany the Final Plat At The Time Of Submission**

	A certificate from the Building Official that all streets shown on the plat have been graded and improved; and all sewage, water and drainage facilities have been installed in accordance with Town specifications
	An engineering estimate of the costs of any required improvements yet to be constructed must be submitted prior to the submission of the performance bond
	A performance bond with commercial surety in an amount equal to one and one-half (1 ½) times the estimated cost of all improvements, approved as to form by the Town Attorney and with surety satisfactory to the Planning Commission, securing the design and installation of these improvements, utilities, and facilities with the period fixed by the Planning Commission.
	An irrevocable letter of credit drawn on an approved bank and payable to the Town, in an amount adequate for the completion of all improvements, utilities, and facilities.
	An assessment petition, approved by the Town Attorney, whereby the Town is placed in an assured position to make these improvements and to install these utilities and facilities at any time and without cost to the Town.

**Final Plat Tracking System (For Town Use Only)**

Name of Subdivision: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Date of Scheduled Planning Commission Review: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

**Distribution:**

_____ Building Official	_____ Approved	_____ Disapproved
_____ Water and Sewer Administrator	_____ Approved	_____ Disapproved
_____ Police Department	_____ Approved	_____ Disapproved
_____ Fire Department	_____ Approved	_____ Disapproved
_____ Macon County Health Department	_____ Approved	_____ Disapproved
_____ Macon County Engineering	_____ Approved	_____ Disapproved

**Action of Planning Commission:**

\_\_\_\_\_ Approved

\_\_\_\_\_ Approved Conditionally

\_\_\_\_\_ Disapproved

**Receipt of Recorded Plat: \_\_\_\_\_ Date**

Recorded plat must be received within 180 days of final plat approval by the Town of Franklin Planning Commission. One mylar, five blue line or sepia prints, and an electronic copy must be submitted.

**Distribution of Recorded Plat:**

\_\_\_\_\_ Building Official  
 \_\_\_\_\_ Water and Sewer Administrator  
 \_\_\_\_\_ Police Department  
 \_\_\_\_\_ Fire Department  
 \_\_\_\_\_ Macon County Health Department  
 \_\_\_\_\_ Macon County Engineering



**Appendix C**  
**Resolution for the Adoption**  
**Of Town of Franklin Subdivision Regulations**



**RESOLUTION OF THE TOWN OF FRANKLIN, ALABAMA  
FOR THE ADOPTION OF SUBDIVISION REGULATIONS**

Pursuant to the powers and jurisdictions vested through §11-52-31, Chapter 52, Title 11, the Code of Alabama, 1975, as amended:

**WHEREAS**, the Planning Commission of the Town of Franklin, Macon County, Alabama, has declared its intent to consider the subdivision of land in order to regulate the minimum size of lots, the planning and construction of all public streets, public roads, and drainage structures, and require the proper placement of public utilities; and

**WHEREAS**, the Planning Commission has formulated Subdivision Regulations with the express purpose of establishing procedures and standards for the development and subdivision of real estate within the Town of Franklin and its immediate surrounding environs; and

**WHEREAS**, the document entitled Town of Franklin Subdivision Regulations and all illustrations and descriptive matter included herein comprise the Subdivision Regulations of the Town of Franklin;

**NOW, THEREFORE, BE IT KNOWN AND ORDANED** that the Planning Commission of the Town of Franklin, Macon County, Alabama, hereby adopts the Town of Franklin Subdivision Regulations in order to guide the orderly, planned, efficient, and economical growth and development of the Town.

**ADOPTED and APPROVED** by the Planning Commission of the Town of Franklin, Alabama, following a public hearing, on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Planning Commission Chair  
Town of Franklin

\_\_\_\_\_  
Planning Commission Member

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Planning Commission Member

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Planning Commission Member

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Planning Commission Member

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Planning Commission Member

**Certification**

I, \_\_\_\_\_, Secretary of the Planning Commission of Franklin, Alabama, hereby certify that the above subdivision regulations were posted in four public places within the Town, one of which was in the office of the Mayor, and three other public places, in accordance with the provisions of the Code of Alabama, 1975, as amended, Section 11-45-8.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of the Planning Commission



