



PLANNING COMMISSION 101 TRAINING:

BASIC ZONING AND SUBDIVISION REGULATIONS

APRIL 2024



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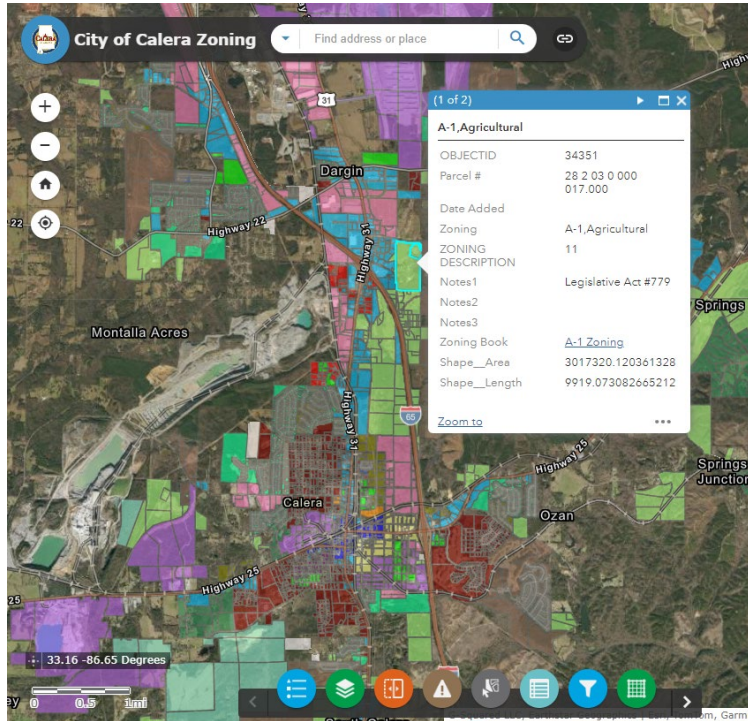
BASIC ZONING & SUBDIVISION REGULATIONS

ZONING



- What is zoning and how does it work?
- Zoning is one tool to achieve community goals such as:
 - **Public health, safety, and welfare** (police powers)
 - Natural resource protection
 - Community character and placemaking
 - Protection of public and private investments

ZONING



Zoning Ordinance



of the City of Calera, Alabama

Approved by the Planning Commission of the
City of Calera, Alabama on December 12, 2022

Adopted by the City Council of the City of
Calera, Alabama on February 6, 2023

- Zoning is one of several regulatory tools to achieve community goals and implement the Future Land Use Map found within the citywide Comprehensive Plan
- Zoning consists of an ordinance (text) and map
 - Zoning ordinance defines **what** land use regulations are
 - Zoning map defines **where** they apply

ZONING ORDINANCE

ARTICLE IV. - ZONING DISTRICTS, MAP, BOUNDARIES, AND ANNEXED PROPERTY

Sec. 1. - Establishment of districts.

In order to carry out the intent and purpose of this ordinance, the City of Pelham is hereby divided into the following districts, the names and purposes of which are set out below; the location, boundaries, and area of which are and shall be as shown and depicted upon the zoning map.

Residential Districts

A-1 agricultural district

E-1 estate residential district

R-1 single-family residential district

R-2 two-family residential district

R-G garden home residential district

R-T townhouse residential district

R-A apartment residential district

PUD planned unit development

Commercial Districts

O-I office and institutional district

B-1 neighborhood business district

B-2 general business district

B-3 warehouse business district

B-4 miniwarehouse district

PUD planned unit development

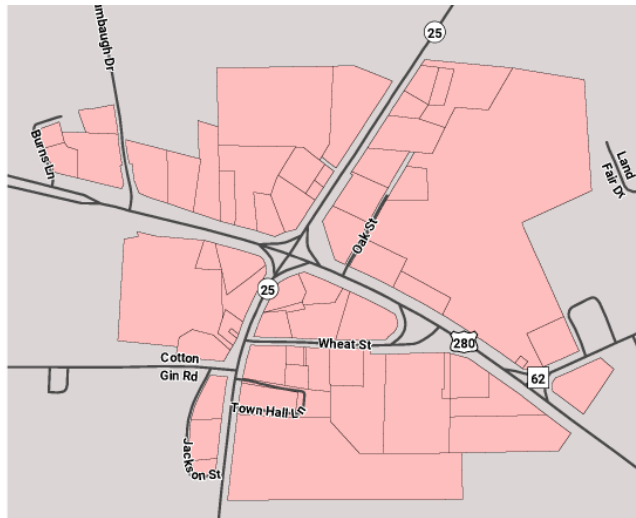
- Zoning regulates such things as land uses permitted, density or intensity of development allowed, and dimensions of lots and structures
- Most zoning ordinances in the region are based on Euclidean zoning, which is the separation of land uses by type—residential, commercial, retail, industrial, etc.—each into their own zones or areas within the city
- Examples include residential zones, commercial zones, industrial zones, mixed residential-commercial zones, and more

ZONING ORDINANCE

ARTICLE XV.1. – HARPERSVILLE TOWN CENTER OVERLAY DISTRICT

Section 1. - Intent.

1. The regulations in this Harpersville Town Center Overlay District (hereinafter referred to as the “Overlay District”) are designed for the following purposes:
 - a. To promote the general health, safety and welfare of the community;
 - b. To implement the vision for creating a mixed-use “Town Center” according to the Town of Harpersville Master Plan, adopted on September 20, 2021, and in the Harpersville Town Center document, adopted on August 15, 2022;
 - c. To promote small, incremental development, alongside larger developments;
 - d. To promote infill redevelopment and new development that results in a walkable, vibrant, and diverse Town Center; and to
 - e. To allow densities supportive of mixed-use development.



Section 2. - Applicability.

Overlay District boundaries are assigned according to the Boundary Map shown in Figure 1. The Overlay District includes all lots, parcels and tracts that are indicated as “Town Center” on the Future Land Use map in the adopted Town of Harpersville Master Plan.

- Other types of zoning districts exist, and within our region, the most common are overlay districts and floating districts
- An overlay district is “laid over” the base zoning district
 - In most cases, regulations from both the base zoning district and the overlay zoning will apply
 - But if there is a case where the base zoning and the overlay zoning conflict, then the stricter regulations will apply

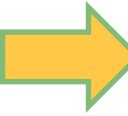
ZONING ORDINANCE

§5.20. PUD Planned Unit Development District

Intent. Planned Unit Development (PUD) is a method of development which permits more than one use to be developed on a tract of land, in part or whole, in accordance with an approved master development plan, the intent of which is to:

- Permit flexibility and consequently more creative and imaginative design to accommodate planned associations of uses developed as integral land use units such as industrial or office parks or complexes, commercial uses, service centers, residential developments of multiple or mixed housing, including multi-family dwellings, attached and detached single-family dwellings, or any appropriate combination of uses which may be planned, developed or operated as integral land use units;
- Permit higher densities of land in conjunction with provisions for functional open space and community services;
- Promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, circulation systems and utilities;
- Combine and coordinate uses, building forms, building relationship, and architectural styles within a PUD,
- Promote the preservation and enhancement of existing natural landscape features, their scenic qualities and amenities to the greatest extent possible, and utilize such features in a harmonious fashion;
- Except a development from the conventional zoning regulations regarding setbacks, minimum yard size, minimum greenbelts, off-street parking regulations, minimum floor areas, and other regulations so as to achieve the intent described herein;
- Provide the Commission and the Council the flexibility to negotiate and plan with the Developer multiple residential lot size categories and subsequent varying home sizes;

5.20.1. Application and Requirements for a PUD

- 
1. Submission of Application. In lieu of the provisions of [§2.9.3](#) Petition for Amendment herein, the owner (or the owner's duly appointed representative) of a tract of land shall submit an application for approval of a PUD to the Zoning Administrator a minimum of twenty-one (21) days prior to a regularly scheduled Commission meeting. At the time of submission of the application, a \$500 fee shall be paid by the applicant to defray the cost of processing the application.

- A floating district “floats” and is not applied to any specific property on the zoning map until a landowner applies for a rezoning to that particular district
- This is typically used for PUDs (planned unit developments) and other master planned areas

USE REGULATIONS

TYPES OF USE REGULATIONS

Permitted Use

Use is listed and allowed by right in all parts of the zoning district

Conditional or Special Exception Use

Use is listed for the district and is allowed if conditions are met

Prohibited or Unlisted Use

Use is expressly prohibited or unlisted



USE REGULATIONS


General guidelines:

- Conditional uses are assigned to the Planning Commission for approval
 - Ordinance should list specific conditional uses and decision criteria for granting or denying the conditional use permit
- Special exception uses are assigned to the Board of Zoning Adjustment for approval
- Communities will often, but not always, use either conditional uses or special exception uses
 - Some communities use both
- Supplemental use regulations apply to permitted uses – these place additional regulations on the use, but these are approved administratively (by staff)

CONDITIONAL USES

Table 5.2 Permitted Uses for Non-Residential Districts

	A-1	O&I	B-1	B-2	M-1	M-2	M-3
Airports	C				C		
Bakeries, Major					Y		
Bakeries, Minor				Y			
Banks or Financial Services		Y	Y	Y			
Bed and Breakfasts, §7.18	Y						
Broadcast Studio		Y					
Businesses or Professional Offices		Y	Y	Y	Y		
Business Support Services		Y	Y	Y	Y		
Campgrounds	Y			C			
Car Washes				Y			
Clinics		Y	Y	Y			
Commercial Parking		Y		Y			
Commercial Schools		Y		Y			
Convenience Stores			Y	Y			
Day Care Centers, §7.21		Y	Y	Y			
Entertainment, Indoor				Y			
Entertainment, Outdoor	C						

Y – The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to §2.6 Interpretation of Uses and §2.7 Unclassified Uses.
SE – Special Exception Use, requires approval by ZBA (see §2.8). May also be subject to district limitations.
C – Conditional Use, requires approval by the Commission (see §2.9). May also be subject to district limitations. 
 A use followed by a numeric cross-reference is also subject to the regulations referenced.
 A blank cell indicates that the use is not permitted.


Conditional use definition:

- A use that would not generally be appropriate throughout a zoning district without restriction(s), but which, if controlled as to number, location, area, size, traffic, noise, lighting or other impacts, would not be detrimental to public health.
- This use is permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with the provisions of this Ordinance.

CONDITIONAL USES

Table 5.2 Permitted Uses for Non-Residential Districts

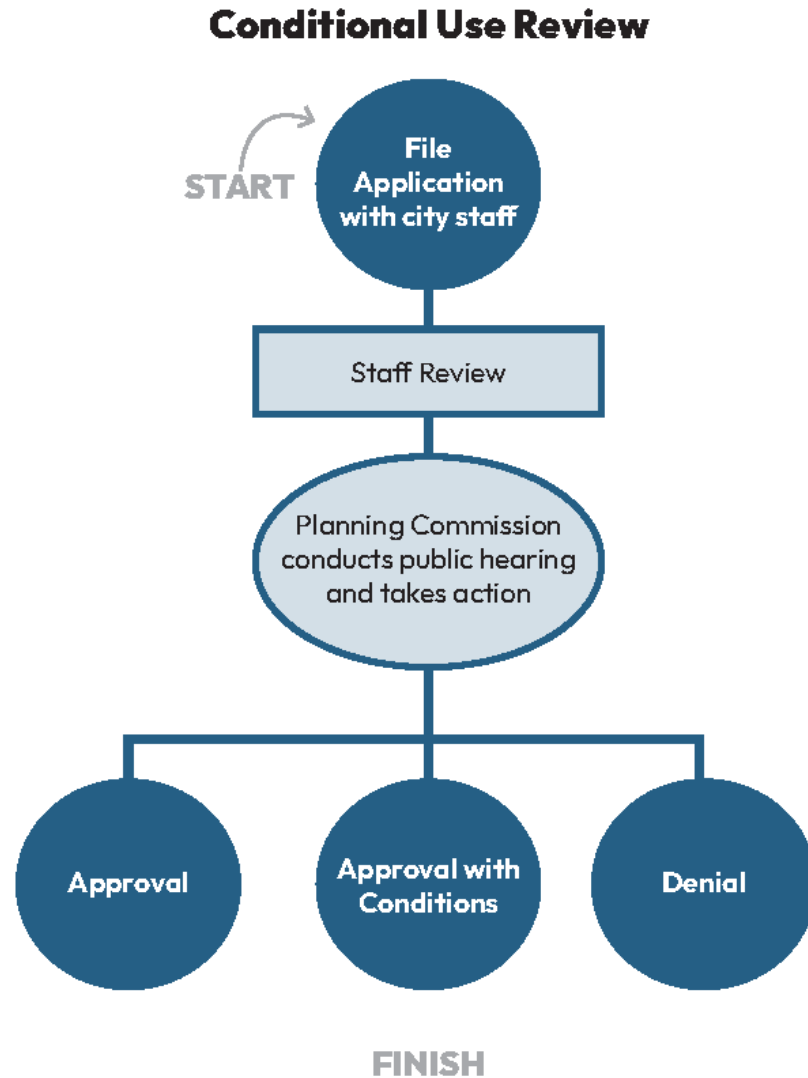
	A-1	O&I	B-1	B-2	M-1	M-2	M-3
Airports	C				C		
Bakeries, Major					Y		
Bakeries, Minor				Y			
Banks or Financial Services		Y	Y	Y			
Bed and Breakfasts, §7.18	Y						
Broadcast Studio		Y					
Businesses or Professional Offices		Y	Y	Y	Y		
Business Support Services		Y	Y	Y	Y		
Campgrounds	Y			C			
Car Washes				Y			
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Commercial Parking		Y		Y			
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C – Conditional Use, requires approval by the Commission (see §2.9). May also be subject to district limitations. 
 A use followed by a numeric cross-reference is also subject to the regulations referenced.
 A blank cell indicates that the use is not permitted.

Conditional use example:

- Campgrounds can only be permitted in the B-2 General Business District by obtaining a conditional use permit.
- An individual wishing to utilize land in this district for such a purpose would have to apply for a conditional use permit before the Planning Commission.

CONDITIONAL USES



- Conditional uses follow this process, with specific details provided in the zoning ordinance

SPECIAL EXCEPTION USES

Table 5.2 Permitted Uses for Non-Residential Districts

	A-1	O&I	B-1	B-2	M-1	M-2	M-3
<i>Agricultural Uses</i>							
Farms, §7.1	Y						
Farm Support Business	SE				Y		
Hobby Farms, §7.2	Y						
Livestock Sales and Auctions	SE						
Stables	Y						
<i>Residential Uses</i>							
Family Day Care Homes, §7.21	Y						
Home Occupations, §7.9	Y						
Live-Work/Upper Story Dwellings, §7.22			Y				
Manufactured, Modular Homes	SE						
Single-Family Detached Dwellings	Y						
<p>Y – The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to §2.6 Interpretation of Uses and §2.7 Unclassified Uses.</p> <p>SE – Special Exception Use, requires approval by ZBA (see §2.8). May also be subject to district limitations.</p> <p>C – Conditional Use, requires approval by the Commission (see §2.9). May also be subject to district limitations.</p> <p>A use followed by a numeric cross-reference is also subject to the regulations referenced.</p> <p>A blank cell indicates that the use is not permitted.</p>							

Special exception use definition:

- A use that would not generally be appropriate without restriction(s) throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health.
- This use is permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment.

SPECIAL EXCEPTION USES

Table 5.2 Permitted Uses for Non-Residential Districts

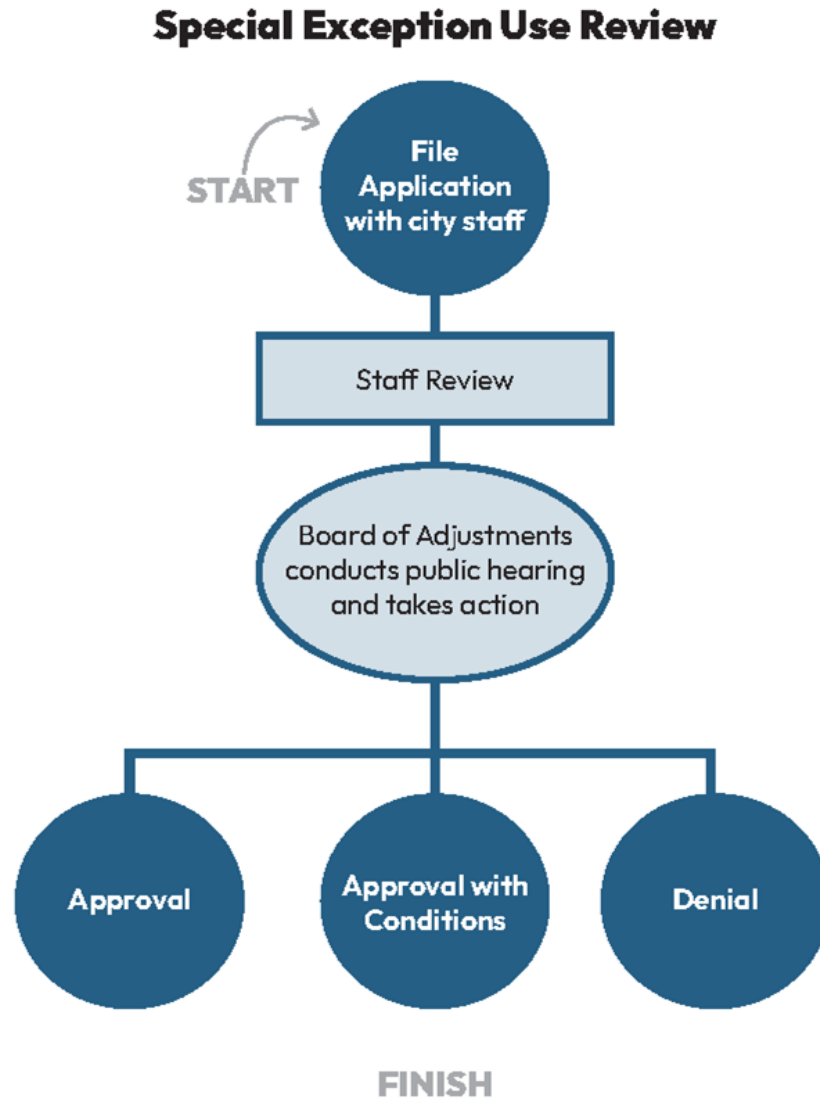
	A-1	O&I	B-1	B-2	M-1	M-2	M-3
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Special exception use example:

- Livestock sales and auctions can only be permitted in the A-1 Agriculture District by obtaining a special exception use permit.
- An individual wishing to utilize land in this district for such a purpose would have to apply for a special exception use permit before the Board of Zoning Adjustment.

SPECIAL EXCEPTION USES



- Special exception uses follow this process, with specific details provided in the zoning ordinance

DIMENSIONAL REGULATIONS

DIMENSIONAL REGULATIONS

Table 5-2 Area and Dimensional Regulations, Agriculture and Residential Districts

		<u>Minimum</u>	<u>Minimum</u>	<u>Minimum Yards</u>			<u>Maximum</u>
		<u>Lot Area</u>	<u>Lot Width</u>	<u>Front</u>	<u>Rear</u>	<u>Side</u>	<u>Building Height</u>
A-1		3 acres - per dwelling	n/a	75 ft	75 ft	25 ft	-
E-1		1 acre	150 ft	75 ft	75 ft	25 ft	-
E-2		20,000 sf	100 ft	50 ft	50 ft	15 ft	-
R-E		1 acre	150 ft	75 ft	75 ft	25 ft	-
R-1		15,000 sf	75 ft	35 ft	35 ft	10 ft	-
R-2		12,000 sf	60 ft	20 ft	25 ft	10 ft	-
R-3	Two-housing units	15,000 sf	60 ft	35 ft	35 ft	10 ft	-
	One housing unit	7,500 sf	60 ft	20 ft ¹	25 ft	10 ft	-
R-4		n/a	200 ft	35 ft	30 ft	25 ft	2 stories ²
R-T-4		n/a	26 ft	3	3	3	-
R-LSF		15,000 sf	⁴	5	5	5	-

¹ Front building setbacks for all lots that front a local street in the same block, may be reduced to five feet when vehicle access to said lots is from the rear of the lots, subject to approval by the Planning Commission as part of the preliminary plat approval process.

² Maximum building height for independent and assisted living facilities is three stories. Maximum building height for Senior Living/Retirement Community is three stories, unless approved for a taller height as part of a Conditional Use application.

³ See §5.09.03.

⁴ Average of the lots on the same block face or Seventy-five (75) feet, whichever is less.

- Each district also contains dimensional requirements
- These govern the **density** or **intensity** of land uses within the district
- Requirements can be **minimums** (lot area) or **maximums** (height)

DIMENSIONAL REGULATIONS

§5.15. B-3 Downtown District

Intent. This district is intended to promote the development and redevelopment of downtown Calera with a diverse mix of land uses that are consistent and compatible with the unique elements of the downtown area. The district regulations are designed to encourage the rehabilitation and re-use of existing historic and/or older buildings and structures to allow upper-story dwellings in mixed-use buildings.

5.15.1. Use Regulations. Refer to Table 5.3 Permitted Uses for B-3 and MXD Districts and the provisions herein:

1. Any existing single-family dwellings shall be permitted and may be altered or expanded though no new single-family dwellings shall be permitted.
2. Bed and breakfasts may be permitted in an existing dwelling.

5.15.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall apply (see also [§4.12 General Regulations](#) for Non-Residential Districts):

1. Minimum Yard Setbacks.

a. Front: All commercial and mixed-use buildings shall be located within ten (10) ft of the front lot line, with the exception of subsection 4 below.

- (1) Institutional buildings shall be located within twenty (20) ft of the front lot line.
- (2) No parking, gas pumps, drive-through facilities or other vehicular areas shall be permitted forward of the front building line.
- (3) Buildings shall be set back as necessary to accommodate a sidewalk of at least twelve (12) ft, measured from the curb to the front building line. Such setback may be in the form of an easement or may be dedicated as part of the adjoining street right-of-way.

b. Side: 0 ft and/or as required by the Building and Fire Codes

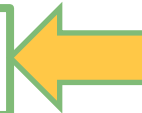
c. Rear: five (5) ft

- Requirements can also be a **range** (minimum and maximum)
 - Most common for setbacks

DIMENSIONAL REGULATIONS

Minimum Interior Livable Floor Area (in square feet)

		<u>One-story dwelling</u>	<u>Dwelling over one-story</u>	
			<u>First floor</u>	<u>Total Floor Area</u>
A-1		1,000	n/a	1,300
E-1		2,400	1,800	2,800
E-2		2,000	1,400	2,400
R-E		2,400	n/a	2,800
R-1		1,500	1,000	1,900
R-2		1,500	n/a	1,900
R-3	One housing unit	1,500	n/a	1,900
	Two housing units	2,000	1,600	2,600
R-4	Two-family dwelling	2,000	1,600	2,600
	Multi-family dwelling		1,000 per dwelling unit	
	Independent living facility		500 per dwelling unit	
	Assisted living facility		n/a	
	Senior Living/Retirement Community		500 per dwelling unit	
R-T-4		1,250	n/a	1,650
R-LSF		1,500	1,000	1,900



- For residential districts, minimum habitable/livable floor area is often specified
- This will vary by district
- This may vary within a district, for different dwelling types

VARIANCES

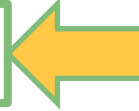
VARIANCES

Sec. 129-456. - Granting of variances.



The board shall not grant a variance to allow a structure or use in a district restricted against such structure or use except as specifically provided in the following subsections (1) and (2).

(1) The board may modify the strict application of the provisions of this chapter and cause a permit to be issued upon such reasonable conditions as it may prescribe in the following cases:



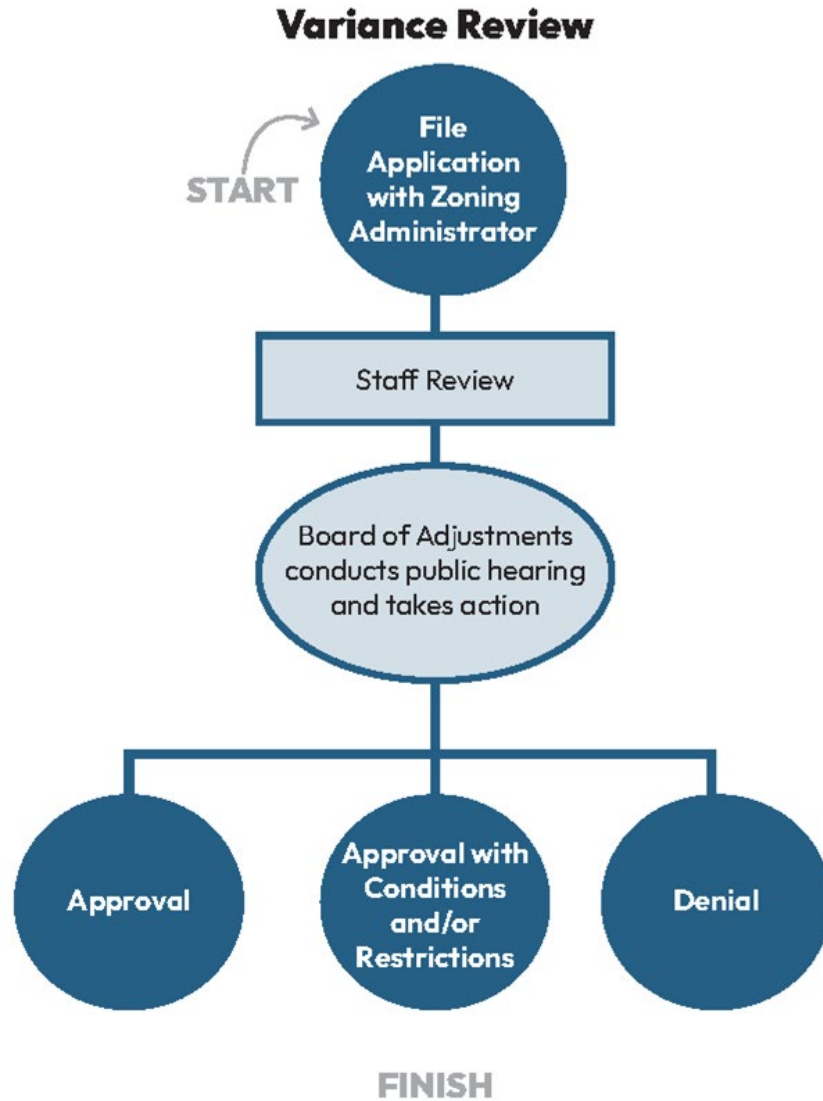
- a. The extension of a district for a distance of not more than 50 feet where the boundary line of a district divides a parcel held in single ownership on January 23, 1950;
- b. The determination of the proper district applicable to a particular parcel in cases of ambiguity or doubt arising from a difference between the streets as existing and established on the ground and the street layout as shown on the zoning map;
- c. The reconstruction of a building, the use of which is nonconforming, which has been destroyed, or partially destroyed, by fire, other casualty, the public enemy or an act of God, but no such variance may be granted which would violate, or be inconsistent with, the provisions of article XXII of this chapter;
- d. The erection, extension and use of a structure, or the use of a parcel not otherwise authorized or permitted by this chapter in any location, by a public service corporation for public utility purposes, which purposes are deemed by the board to be reasonably necessary for the public convenience or welfare;
- e. The reduction in the parking space requirements of this chapter whenever the character or use of a building or a parcel makes unnecessary the required number of parking spaces, or where such regulations would impose an unreasonable hardship, such as structural difficulties, upon the use of the premises;
- f. The erection or placement of a temporary commercial building on a parcel in a residential district to be used exclusively in connection with the construction of a residential development, which building may not be used in connection with such development for more than one year.

- A variance is a relief granted from the literal and strict application of zoning regulation
- This allows property to be used in a manner otherwise forbidden by the zoning ordinance
- Variances are generally related to the physical conditions of the parcel

VARIANCES

- A variance is granted only when a property owner shows an undue hardship created by unique circumstances that the property owner did not create. This includes the inability to meet setback requirements due to the shape, size, or topography of a parcel.
- The law is very clear that if the hardship is created by the property owner, a variance should not be granted. For example, a hardship is self-created if you buy a piece of property expecting to put a gas station on it, but local zoning laws prohibit gas stations in that zoning district. In essence, ignorance of local laws does not create undue hardships for property owners.
- Determinations made by Board of Zoning Adjustment may be appealed to circuit court within 15 days.

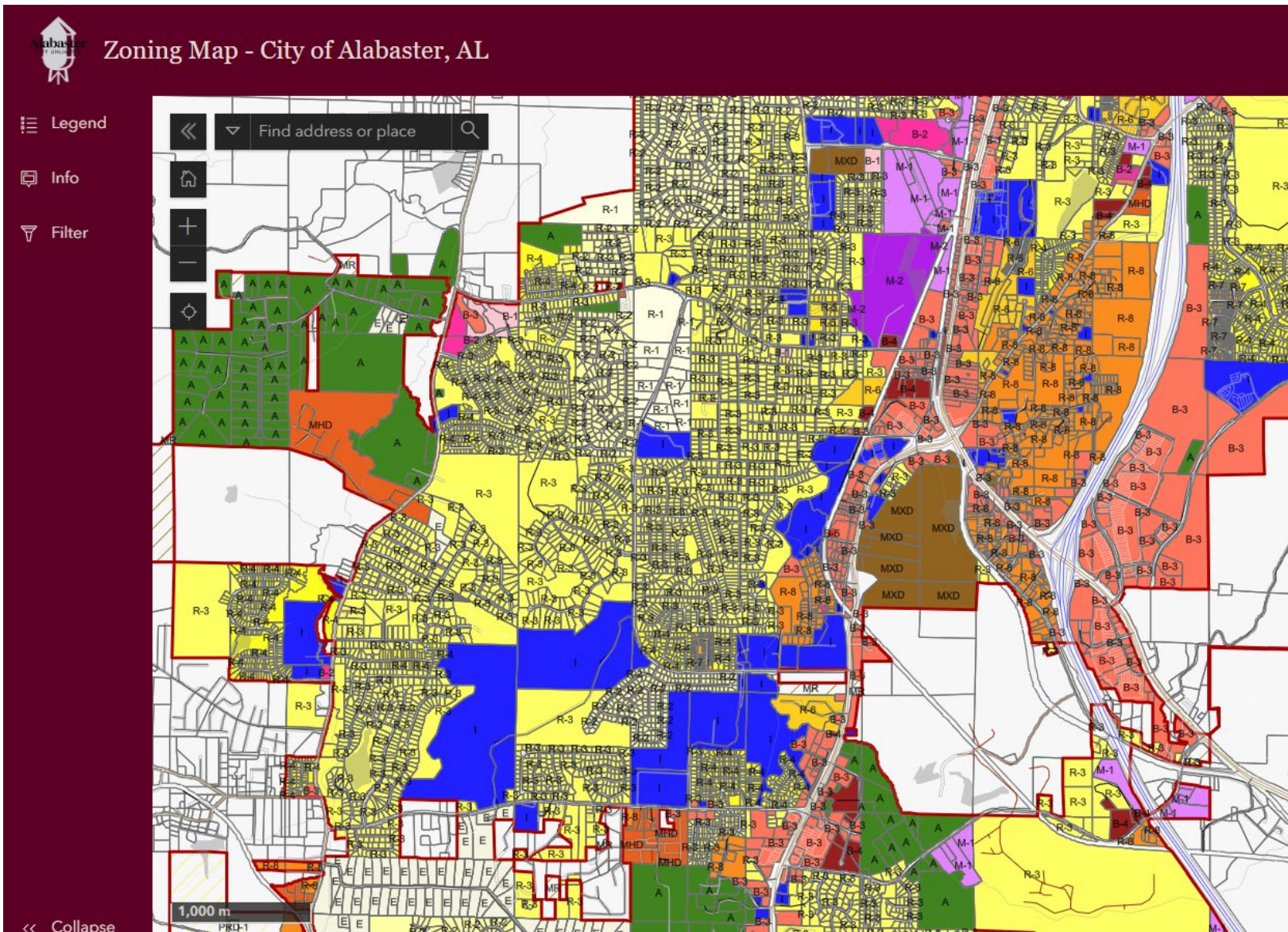
VARIANCES



- Variances follow this process, with specific details provided in the zoning ordinance

ZONING MAP

ZONING MAP




- What is a zoning map and how does it work?
 - Divides all land in the community into districts, for which the zoning ordinance (text) assigns allowable land uses and conditions for development
- Map and text go hand-in-hand, and both are needed

ZONING AMENDMENTS

ZONING AMENDMENTS

§2.10. Amendments to the Zoning Ordinance or the Zoning Map



The regulations and the number, area and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified or repealed by the Council; but, no amendment shall be considered, unless it is first submitted to the Commission for its review and recommendation. This body may, on its own initiative, propose changes, hold public hearings (public notice of which shall be given), for the consideration of any proposed amendment to the provisions of this Ordinance or to the official Zoning Map of Calera, Alabama.

- 2.10.1. Authority to Amend. Whenever the public necessity, convenience, general welfare or good zoning practices warrants such action, the Council, by favorable vote of a majority of the members, may amend the regulations or zoning district boundaries herein established, in accordance with the Code of Alabama, 1975, Section 11-52-78 or as same may be amended.
- 2.10.2. Authorized Petitioners. A petition for amendment of this Ordinance or the zoning district boundaries may be initiated by the Council, the Commission or by the owner or agent of such property owner.
- 2.10.3. Petition for Amendment
 1. A petition for amendment; when initiated by the property owner or by authorized agent of such owner, shall meet the application requirements of this Section.
 2. The application for rezoning shall be made on a form available from the Zoning Administrator and shall be filed with said official at least twenty-one (21) days prior to the Commission hearing. The applicant shall provide the information and materials described in Appendix A.

Note: When a petition for a zoning change is initiated by the City, rather than by property owner or his or her authorized agent, no Administrative Fee shall be required.

2 types of zoning amendments:

- Zoning map amendment
- Zoning text amendment

- They follow the same basic process, as outlined in AL Code of Law and local zoning ordinances

ZONING AMENDMENTS

§2.10. Amendments to the Zoning Ordinance or the Zoning Map

The regulations and the number, area and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified or repealed by the Council; but, no amendment shall be considered, unless it is first submitted to the Commission for its review and recommendation. This body may, on its own initiative, propose changes, hold public hearings (public notice of which shall be given), for the consideration of any proposed amendment to the provisions of this Ordinance or to the official Zoning Map of Calera, Alabama.

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2.10.2. Authorized Petitioners. A petition for amendment of this Ordinance or the zoning district boundaries may be initiated by the Council, the Commission or by the owner or agent of such property owner.

2.10.3. Petition for Amendment

1. A petition for amendment; when initiated by the property owner or by authorized agent of such owner, shall meet the application requirements of this Section.
2. The application for rezoning shall be made on a form available from the Zoning Administrator and shall be filed with said official at least twenty-one (21) days prior to the Commission hearing. The applicant shall provide the information and materials described in Appendix A.

Note: When a petition for a zoning change is initiated by the City, rather than by property owner or his or her authorized agent, no Administrative Fee shall be required.

- **Rezoning** is a type of zoning map amendment
 - May be initiated by a property owner or by the City government
- Definition of rezoning:
 - To change the zoning of an area, or parcel, from one zoning district to another for a new purpose or use

ZONING AMENDMENTS

2.10.4. City Council Action on Amendments

1. Notification and Adoption Requirement

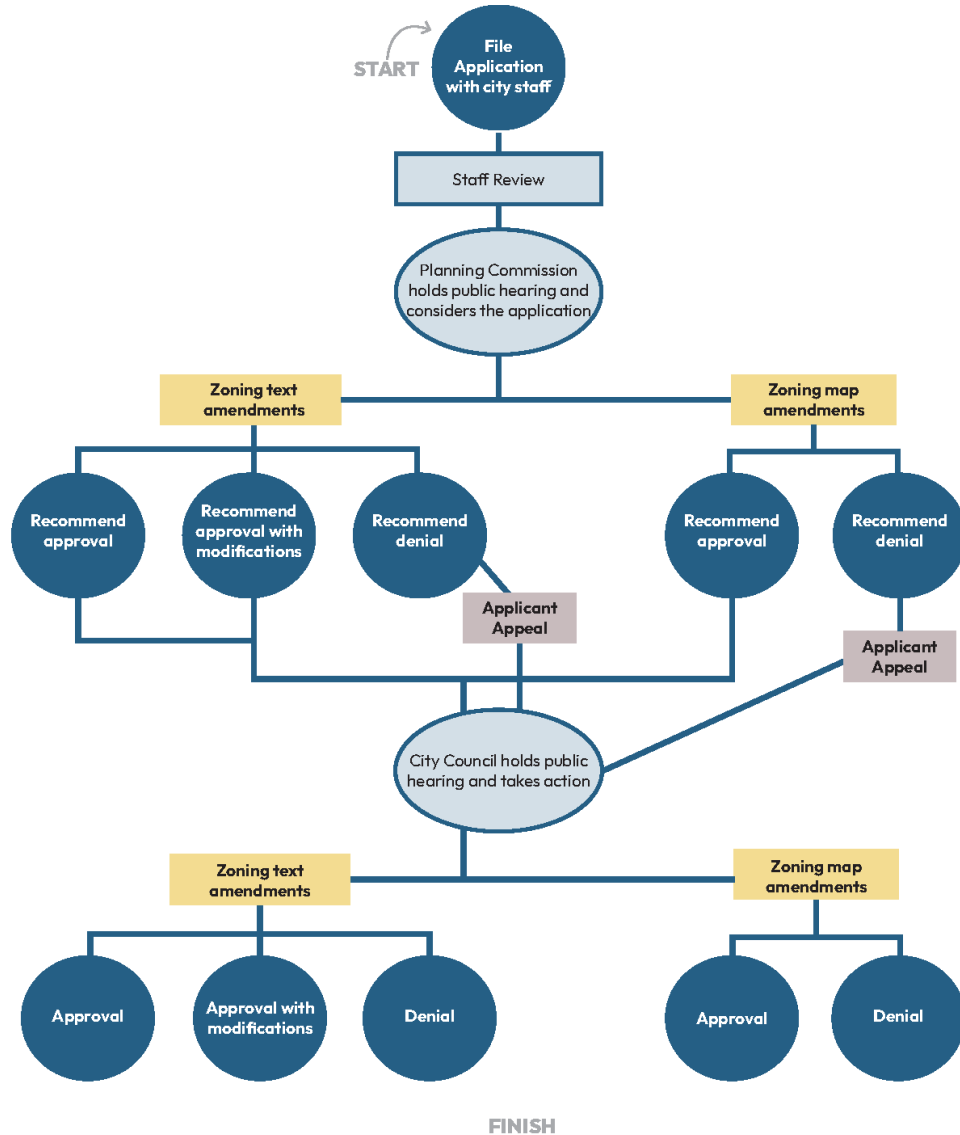
- a. Prior to adoption, a proposed amending ordinance shall be published in full for one insertion and an additional insertion of a synopsis of the proposed ordinance, one week after the first insertion, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was first published; both such insertions shall be at least fifteen (15) days in advance of its passage and in a newspaper of general circulation published within the City, or, if there is no such newspaper, then by posting the proposed ordinance in four (4) conspicuous places within the City, together with a notice stating the time and place that the ordinance is to be considered by the Council and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance.
- b. After such public hearing, the Council may adopt the proposed amending ordinance as recommended by the Commission or in such amended form as it deems best. However, if the Council makes substantial or material changes from the proposed amending ordinance as first advertised, the Council shall hold another public hearing on the proposed amending ordinance as changed, after giving notice as provided in Item a above.

- The zoning amendment process, including the associated public notification process, is laid out in Alabama Code of Law §11-52-78

- This process is also laid out in the local zoning ordinance

ZONING AMENDMENTS

Zoning Text and Map Amendment



- Zoning text or map amendments follow this process, with specific details provided in the zoning ordinance

ZONING AMENDMENTS

City Projects

The City of Pelham is committed to creating a vibrant and sustainable community that meets the needs and aspirations of our residents. One of the key ways we achieve this goal is through strategic investments in capital projects. These projects are carefully planned and executed to enhance our city's infrastructure, public spaces, and overall quality of life.

Plan Pelham

Our capital projects are closely aligned with the City of Pelham's Comprehensive Plan, [Plan Pelham](#). This plan serves as a roadmap for the future of our community and outlines our long-term vision for growth and development. It is the result of extensive research, public input, and collaboration among city officials, residents, and stakeholders.

DEVELOPMENT SERVICES & PUBLIC WORKS

Project Name	Project Description	Budget Amount	Funding Source	Status
Gateway Improvements	Signage, landscaping, and site improvements at 31N, 52/65, and 119/65.	\$182,350	General Fund	Planning/Design
US 31 Lighting	Replacement of Highway 31 corridor lighting with modern fixtures.	\$6,171,447	Bond proceeds	Planning/Design

Zoning amendments should be reviewed for consistency:

- With the adopted Future Land Use Map in the City's adopted Comprehensive Plan
- With other adopted policy documents, such as a Capital Improvement Plan (CIP)

SUBDIVISION REGULATIONS

SUBDIVISION REGULATIONS

Sec. 1.4. - Purpose.



The purpose and intent of these regulations is to establish objective, citywide standards for public improvements and the subdivision of land within the City of Bessemer. These regulations are based upon the following elements:

- (1) Proper, subdivision design criteria.
- (2) The impact of development upon adjacent property.
- (3) The definition of public and private development responsibilities.
- (4) Concern for the health, safety and welfare of the entire city.
- (5) Encouragement of an orderly and efficient development pattern.
- (6) Coordination with other applicable ordinances and plans.

- Subdivision regulations govern the division of land
- They apply regulations regarding:
 - Right-of-way and construction of new streets and sidewalks
 - Installation of infrastructure and utilities, e.g., water and sewer
 - Stormwater management

SUBDIVISION REGULATIONS

Sec. 4.2. - General procedure.



Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:

- (1) The preparation and submission to the planning and zoning commission of a preliminary plat of the proposed subdivision.
- (2) The preparation and submission to the planning and zoning commission of a final plat, with required certificates. This final plat becomes the document to be recorded in the office of Judge of Probate, Jefferson County, when duly signed by the chairman of the planning and zoning commission and by the city clerk.

- The state statutes for subdivision regulations are found in AL Code of Law § 11-52-31 and § 11-52-32
- The Planning Commission adopts and amends the subdivision regulations, and is the body that reviews and approves subdivision plats

SUBDIVISION PLAT REVIEW

(b) Notwithstanding any other provision of law, regulations adopted by a municipal planning commission may authorize administrative approval of a minor subdivision without a public hearing. A minor subdivision consists of the subdivision of land into not more than six lots or a reduction of the number of lots in an existing subdivision. The developer of a minor subdivision approved by the municipal planning commission shall not require any public improvements, the dedication of a public way, or the expenditure of any public funds, and the plan for the minor subdivision shall not conflict with the master plan, official zoning map, any zoning ordinance, or any other subdivision regulations. This subsection does not require a municipal planning commission to authorize approval of a minor subdivision without first holding a public hearing.

Subdivisions are classified either major or minor

- **Major subdivision:**
creates more than 6 lots
 - Goes through plat approval process
- **Minor subdivision:**
creates 6 or fewer lots
 - May be approved administratively (without a public hearing before the Planning Commission)

SUBDIVISION PLAT REVIEW

In general:

- A preliminary subdivision plat (plan showing how land will be subdivided) will either be approved, conditionally approved, or denied within a certain number of days
- The review of the preliminary plat includes the proposed physical layout of new development, connections with adjacent developments, public safety, adequacy of improvements, etc.
 - If conditionally approved, clear conditions should be attached
 - If denied, clear reasons should be given
 - Preliminary plat approval is effective for a certain period of time per local ordinances, e.g., 12 months

SUBDIVISION PLAT REVIEW

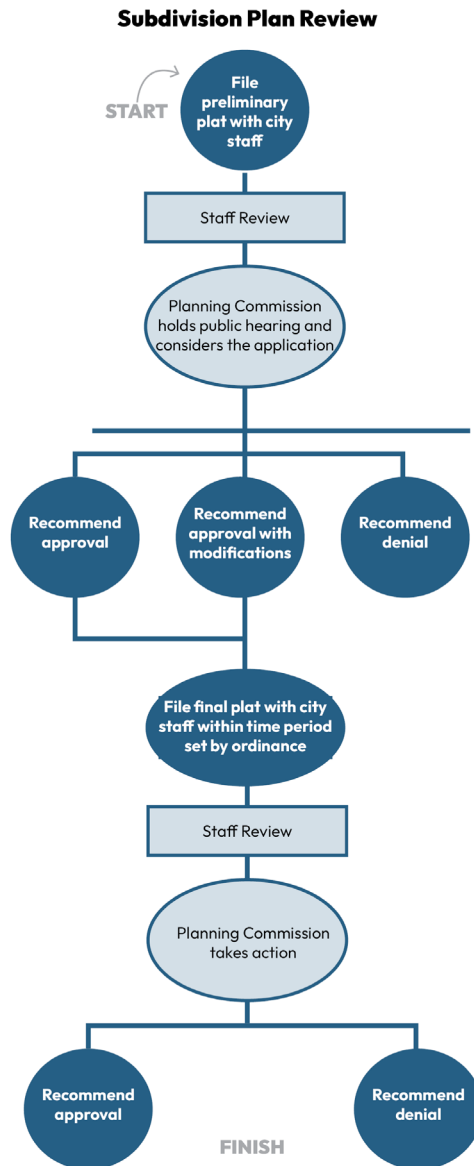
Sec. 4.3. - Preliminary plat.



- (1) *Application procedure.*
 - (a) Before preparing the preliminary plat for a subdivision, the subdivider should discuss with the building official the procedure for adoption of a subdivision plat and the design requirements. The building inspector shall also advise the subdivider to discuss the proposed subdivision with the city engineer.
 - (b) The application for approval of a preliminary plat shall be made on a form available from the building inspector (see appendix [1A]).
 - (c) The application, including five prints of the subdivision plan, shall be submitted to the building official at least 22 days prior to the planning and zoning commission's regularly scheduled meeting. A fee of \$100.00 is due at the time [of] submission.
- (2) *Contents.* The preliminary plat, which shall meet the minimum standards of design and the general requirements for the construction of public improvements set forth in these regulations, shall contain the following information:
 - (a) *[Vicinity sketch map.]* Vicinity sketch map, at a scale of one inch equal 2,000 feet showing the following:
 1. Name of subdivision.
 2. Names, addresses and telephone numbers of owner(s) and person(s) responsible for subdivision design.
 3. Description of property location by section, township, range, $\frac{1}{4}$, $\frac{1}{4}$ graphic scale, north arrow and date.

- Subdivision plat approval includes preliminary plat submission, public hearing, preliminary plat approval, and then final plat approval
- Subdivision regulations will list what contents are required for preliminary and final plat submission
- Subdivision regulations may require or encourage a series of meetings with staff or the Planning Commission

SUBDIVISION PLAT REVIEW



- Subdivision plat approval follows this process, with specific details provided in the local subdivision regulations

THANK YOU!

Regional Planning Commission of Greater Birmingham

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