

## ADMINISTRATIVE SUBDIVISION

Pursuant to AL Code §11-52

### A. Purpose.

A subdivision is the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, of lease, or of building development. The term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided(AL Code § 11-52-1).

### Administrative Subdivision

For the purposes of this section an Administrative Subdivision is a minor subdivision consisting of the subdivision of land into not more than six lots, or a reduction of the number of lots in an existing subdivision(AL Code § 11-52-31). A minor subdivision shall not consist of 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(AL Code § 11-52-31). Thus, a re-subdivision involving:

- Not more than six (6) contiguous lots
- Fronting on an existing street, and which requires no new roads nor public improvements
- No engineering service is required.
- Proposed lots shall not be part of a previously platted or proposed subdivision.
- No more than four (3) such administrative subdivisions have been submitted and approved under this provision by the same subdivider and/or representative, or relating to the same subdivider and/or property owner, and/or relating to the same property, within a five (5) year period.

qualifies as an Administrative Subdivision.

Except as otherwise specified, the re-subdivision, and the plat thereof, shall conform to all of the requirements of these regulations. Approval of a plat shall not be deemed to constitute or effect an acceptance by the City of any street or other open space shown upon the plat.

### B. Definitions

Certain terms used in these regulations shall have the meanings defined by this article. In the event that a term is not listed in this Article; or is not defined elsewhere in the Zoning Ordinance of the City of Riverside, the City of Riverside Code, or Sections 11-52-30 through 11-52-36 of the 1975 Code of Alabama, as amended, then the conventional meaning of such term shall apply. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes an individual, firm, association, organization, partnership, trust, company, or corporation.

For the purposes of these regulations, certain words and phrases used herein are defined as follows:

**Administrative Subdivision:** A minor subdivision consisting of the subdivision of land into not more than six lots, or a reduction of the number of lots in an existing subdivision.

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

**City Staff:** To include the Riverside Fire Chief, Police Chief, Water Superintendent, Building Inspector, and City Clerk.

**Easement:** Authorization by a property owner of the use by another and for a specified purpose of any designated part of his 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, except those established by the City through continuous and historic use, intended to accommodate utilities and/or drainage facilities; or to provide public access to pedestrian ways, bikeways, greenways, public parks and other public facilities.

**Lot:** A parcel of land occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses customarily incidental to such building, use or development.

**Parcel:** A distinct piece of land with unique, official boundaries, recorded for tax and ownership purposes in the County Probate Office and identified by a unique parcel number.

**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, enlargement of water supply and/or distribution facilities, sanitary sewage disposal and treatment.

**Purpose Statement:** A general statement indicating the reason for which a subdivision or resubdivision of property is necessary or requested.

**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, pedestrian way, crosswalk, utility, railroad or similar facility; and dedicated to public use through acceptance by the City Council in fee simple, or by other legal means such as prescription.

**Special Flood Hazard Area:** Any land area susceptible to being inundated by water from any source, with a chance to be inundated by a flood event and subject to inundation by the base flood and/or flood-related erosion hazards.

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

**Subdivision:** The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, of lease, or of building development. All subdivisions, including land condominiums, are also developments

### **C. Submission and Review.**

Submission shall include

- Administrative Subdivision Application
- Administrative Plat
- Copy of the unrecorded deed to the subject property.
- Authorization to Act as Applicant (form must be on file if the applicant is not the current property owner.)
- Payment of application fee.

A Preliminary Plat nor Engineering Plans are required to be submitted for an Administrative Subdivision Application.

#### **D. Plat Information Required.**

The plat shall be drawn on sheets measuring no more than twenty-four (24) by thirty-six (36) inches; and at a scale of one-inch equals two-hundred(200) feet or other appropriate scale as approved by the City, with all print being legible. One electronic (pdf) file shall be submitted (via email or thumb drive) along with the Administrative Subdivision application and other applicable documents. Alternatively, applicant may file hardcopies of the proposed plat and application with the Revenue & Inspections Department during regular operating hours.

The Administrative Plat shall contain the following information:

- a. Primary control points providing horizontal or vertical position data for the support or control of subordinate surveying, mapping, or construction layout purposes, or description and ties to such control points; to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- b. 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, chord 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, latest edition as published by the Alabama Society of Professional Land Surveyors.
- c. Title, scale, north point, and date. Using only existing and no new title and/or road names.
- d. Name and right-of-way width of each street or other public right-of-way. All right-of-way or boundary features should include appropriate deed references and/or notes identifying source of information.
- e. Numbers to identify each block and lot (Lot number revisions must be accompanied by "A", "1" or other designation indicating a revision; and the area of each lot.), gross acreage of the subdivision.
- f. The location, dimensions, and purpose of any easements.
- g. The purpose for which sites other than residential lots may be used.
- h. Names of owners of record of all abutting land (having a common boundary or bordering property that includes those that touch directly or are separated only by a street or alley.) and the Parcel PIN as shown on the St. Clair County Tax Assessors Map..
- i. Owner's signature block certifying title showing the applicant is the owner of the land within the subdivision.
- j. Statement by the owner dedicating street rights-of-way and any sites for public use.
- k. Registered land surveyor's signature block certifying the plat meets the requirements of the Minimum Technical Standards for Land Surveying in the State of Alabama, latest edition as published by the Alabama Society of Professional Land Surveyors.
- l. Existing structures shall be located on the plat and fully dimensioned so that conformance with any applicable regulations can be verified.
- m. Notated prohibition of structures in easements.
- n. The applicant shall be responsible for indicating the likely presence/absence and approximate extent(s) of all regulated waters that may be subject to the applicability of the City of Riverside Flood Damage Prevention Ordinance within the property boundaries. For administrative plats, the applicant may use National Wetlands Inventory data, FEMA Floodplain Maps and/or St. Clair County GIS to show the approximate boundaries of regulated waters on the subject property.

- o. Property less than 20 acres shall be accounted for and given a lot number and comply with all such requirements for lots. Property more than 20 acres shall be referenced in the notes by deed reference outlining the source property acreage and the remaining property acreage.
- p. Purpose statement.
- q. Signature blocks for the Planning Commission Chairman and Mayor certifying plat administrative subdivision approval.
- r. As necessary, signature blocks shall also be included for the County Engineer and County Health Department Official.

## **E. Approval**

Authority to grant final approval to administrative subdivision plats, pursuant to Section 52, Title 11, Code of Alabama 1975, shall be vested in the agreement of the Planning Commission Chairman and Mayor, with regard to the concerns or comments of Riverside Fire Chief, Police Chief, Water Superintendent, Building Inspector, and City Clerk.

Administrative Subdivision approval, when granted, shall be reported at the next regular meetings of the Planning Commission and of the City Council.

Granting authorities may require that an administrative subdivision be presented to the Planning Commission for further consideration for approval at the next regular meeting of the Planning Commission following the regular application for subdivision process. Plats establishing new roads or extending existing roads within the city limits, or owned/maintained by the City of Riverside, do not qualify for administrative subdivision and should be submitted for Planning Commission approval.

The procedure for approval is as follows:

- a. Applicant submits Administrative Subdivision Application, an electronic(pdf) copy of the proposed subdivision plat containing the elements listed above, and a copy of the unrecorded deed to the Revenue & Inspections Department to distribute for review by City staff. Alternatively, applicant may submit hardcopies of the plat, deed, and application with the Revenue & Inspections Department. Application fees will then be invoiced to the applicant.
- b. The Planning Commission Chairman and City staff (Fire Chief, Police Chief, Water Superintendent, Building Inspector, and City Clerk) will review the application to ensure the development aligns with the Riverside Zoning Ordinance, Municipal Codes, IBC Codes, and any other measure governing development, and that it is in accordance with the existing and future needs of the municipality to best promote the public health, safety, order, convenience, prosperity, general welfare, efficiency and economy of the City. If necessary, any concerns or comments will be posted on a marked ('REVIEW') copy of the proposed administrative subdivision plat and returned via email for the applicant's consideration.
- c. After revisions are made, applicant may submit a revised plat for a second review.
- d. The plat is routed to the original City staff to verify that concerns or comments have been resolved/addressed.
- e. Once approved, three(3) hardcopies of the approved plat shall be submitted to the Revenue & Inspections Department for signatures by the Planning Commission Chairman and by the Mayor on behalf of City staff. A Certificate to Subdivide shall then be issued by the City Clerk.
- f. One signed hardcopy of the plat and the Certificate to Subdivide is retained on file at the City of Riverside. The remaining two plats are returned to the applicant to 1) attain any

further outside approvals for filing in the Office of the Judge of Probate of St. Clair County and 2) for the subdivider's records.

#### **F. Recording of Administrative Plat**

Approval of the Administrative Subdivision Plat shall be null and void if such signed plat is not recorded in the Office of the Judge of Probate of St. Clair County within eighteen(18) months after the date of the approval, unless an application for an extension of time is made in writing and is granted by the City during the eighteen(18) month period.

#### **G. Copies of Recorded Plat**

The subdivider shall file with the Revenue & Inspections Department an electronic copy(pdf), or alternate hardcopies, of the Administrative Plat as recorded in the Office of the Judge of Probate of St. Clair County within eighteen(18) months after the date of the approval. The recorded Administrative Subdivision Plat must be filed with the City before the Revenue & Inspections Department may issue a construction permit for any lot included in the resubdivision.

#### **H. Remedies and Penalty for Transfer, Sale, Etc.**

Approval by the county engineer pursuant to this subsection shall not constitute approval in lieu of or on behalf of any municipality with respect to subdivision development regulated and enforced by the municipal planning commission, wherein all maps or plats must be first submitted to and approved by the municipal planning commission exercising jurisdiction over the subdivision. (AL Code § 11-52-30)

Whoever, (being the owner or agent of the owner of any land located within a subdivision), conveys, transfers, or sells any land by reference to or exhibition of or by other use of a plat of a subdivision before the plat has been approved by the appropriate commission, department, or agency of any municipality requiring such approval and recorded or filed in the office of the appropriate county probate office, the owner or agent shall forfeit and pay a penalty of one hundred dollars (\$100) for each lot or parcel so transferred and the description of the 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 the penalties or from the remedies provided in this section. (AL Code § 11-52-33)

#### **I. Conflicting Provisions**

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Whenever any provision of these regulations imposes restrictions different from those imposed by any other provision or law, whichever provisions are the more restrictive or impose higher standards shall prevail.

#### **H. Severability**

The requirements and provision of these regulations are severable. Should any provision, section, or article be held by a court of competent jurisdiction to be invalid or unconstitutional, the decision of such court shall not affect the validity of these regulations as a whole or any part or section thereof other than the part or section so declared to be unconstitutional or invalid.

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# ADMINISTRATIVE SUBDIVISION APPLICATION

*Per City of Riverside Subdivision Regulations and Code of Ordinances*

## APPLICANT INFORMATION

APPLICANT NAME: \_\_\_\_\_ COMPANY: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
STREET CITY STATE ZIP

APPLICANT IS PROPERTY OWNER: ☐ Yes ☐ No

PROPERTY OWNER IF DIFFERENT FROM APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_

*If applicant is not the property owner an Authorized Agent Form must be submitted with application. All communication will be directed to the applicant.*

## PROPERTY INFORMATION

GENERAL LOCATION / PROPERTY ADDRESS: \_\_\_\_\_

PARCEL PIN: \_\_\_\_\_ GROSS AREA: \_\_\_\_\_ acres

PROPOSED LAND USE: \_\_\_\_\_

DOES PROPERTY FRONT A PUBLIC ROAD: YES NO

DOES ANY PART OF PROPRTY LIE NEAR REGULATED WATERS? YES NO

IF YES, SPECIFY (Wetlands, FEMA Floodplain, etc.): \_\_\_\_\_

DOES DIVISION REQUIRE ANY OTHER PUBLIC IMPROVEMENT OR OFFICIAL ACTION BY THE CITY? YES NO

IF YES, SPECIFY (Dedicated Road, Annexation, Rezoning, etc.): \_\_\_\_\_

Proposed # of Lots \_\_\_\_\_ Gross Density \_\_\_\_\_

Smallest Lot Size \_\_\_\_\_ Largest Lot Size \_\_\_\_\_

IS WATER SERVICE CURRENTLY AVAILABLE? YES NO IF YES, Source: \_\_\_\_\_

IS SEWER SERVICE CURRENTLY AVAILABLE? YES NO IF YES, Source: \_\_\_\_\_

## ADMINISTRATIVE SUBDIVISION APPLICANT ACKNOWLEDGEMENT

I, the undersigned Applicant, hereby acknowledge submission shall include: Administrative Plat, Authorization to Act as Applicant form must be on file if the applicant is not the current property owner, and payment of applicable fees. I, the undersigned Applicant, understand that payment of these fees does not entitle me to approval and that no refund of these fees will be made. I, the undersigned Applicant, have reviewed a copy of the applicable administrative subdivision requirements as set forth by the City of Riverside, Alabama.

The parties hereby agree that this portion of the document may be executed with electronic signatures and shall be valid and binding on the parties.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

PLEASE PRINT NAME: \_\_\_\_\_



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## AUTHORIZATION TO ACT AS APPLICANT

I, \_\_\_\_\_, being owner of the property which is the subject of this application hereby authorize \_\_\_\_\_ to act as my representative with the City of Riverside Planning Commission and/or City Council, as required by the type of request listed on the \_\_\_\_\_ application form.

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Authorized Agent's Mailing Address: \_\_\_\_\_

**STATE OF ALABAMA**

**COUNTY OF \_\_\_\_\_**

I, \_\_\_\_\_, a Notary Public in and for said County and State, hereby certify that \_\_\_\_\_, whose name is signed to the foregoing document, and who is known to me or acknowledged before me on this day, that being informed of the contents of said document, did execute the same voluntarily on the day that bears the same date.

Given my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

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

My Commission Expires: \_\_\_\_\_

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Seal  
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# ST. CLAIR COUNTY, ALABAMA

## REQUIREMENTS FOR RECORDING A SUBDIVISION PLAT

**Effective: 2-11-2020**

For purposes of this policy, a subdivision is deemed any division to real property where residential or commercial development is deemed the owner's intent. This would include division where such development is intended to be conducted by a subsequent property owner. However, it is not the intent of this policy to contemplate as a subdivision, among other things, merely a division of a larger tract of property into smaller tracts to be given to a family member or family members for their personal use.

1. Turn in preliminary plat identifying the totality of real property the property owner(s) intends to divide and sell in the manner in which the property owner(s) intends to divide and sell the same to the County Engineer to check curve information, grades of any proposed roadways, and screen for Flood Plain area (For subdivision in areas of the county that are not incorporated).
2. Legal description of property (legible)/All lines must be identified with dimensions such as bearing, curve data, etc.
3. Owner's Signature
4. Owner's Signature Notarized
5. Surveyor's
  - a. Printer/Typed name (legible)
  - b. Signature with date
  - c. Registration Number (legible)
  - d. Seal
-  6. Subdivision Plat (Site Plan) within an incorporated area must have Town/City official's approval signature(s) with dates.<sup>1</sup>
7. St. Clair County Health Department authorized approval signature. \*
8. Alabama Power approval signature or correspondence. \*
9. E911 Office Signature for verification of road name(s) and adding property address.
10. All plats must be printed on nothing smaller than a 1" to 200' scale, with all **print** being legible.
11. Any plat with multiple pages must have initial blocks with dates.

### **11 MUST BE COMPLETED BEFORE GOING TO 12**

12. St. Clair County Engineer Signature
13. Record Plat with St. Clair County Probate \*
14. Any Plat not legible after scanning must be redone at owner's expense.

### **Adopted:**

\* Requirement may be waived should the Plat represent property divisions, re-surveys, etc. where residential or commercial development is not deemed to be the owner's intent as determined exclusively by the County Engineer. Should the County Engineer not require recordation pursuant to the above, the division shall be described with a metes and bounds type description.

**More information can be found online at [www.stclairco.com](http://www.stclairco.com).**

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<sup>1</sup> Plats required by municipalities but which are not for residential or commercial development shall be attached to the deed as an Exhibit thereto and recorded in the applicable Deed Book but will not be recorded or maintained in any development subdivision plat books.