

ORDINANCE NUMBER 3099-A

AN ORDINANCE AMENDING ORDINANCE NUMBER 3099, SECTION 2.2.28(1) ENTITLED LOW INTENSITY INSTITUTIONAL USE AND ADDING SECTION 4.11. ENTITLED SIDEWALKS.

WHEREAS, on June, 27, 2024, the Mayor and City Council approved and adopted Ordinance number 3099 adopting an updated Zoning Code for the City of Vestavia Hills which has not yet been codified in the Vestavia Hills' Code of Ordinance; and

WHEREAS, the City's Engineering team has developed an updated Sidewalk Masterplan and policy which was reviewed and accepted by the City of Vestavia Hills Design Review Board and the City of Vestavia Hills Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission has recommended a revision to said code to establish a sidewalk policy for the new Sidewalk Masterplan; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to adopt said revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that Section 2.2.28(1) entitled Low Intensity Institutional Use be revised and that Section 4.11 entitled Sidewalks be added in its entirety, as follows:

(1) "Section 2.2.28 (1) *Low Intensity Institutional Use*. Civic, service, and fraternal organizations and cultural facilities up to 10,000 sq. ft.; day care centers; pre-schools; elementary schools; group homes with no more than six (6) residents."

(2) "Section 4.11. The Vestavia Hills Planning and Zoning Commission in concurrence with the City Council has adopted an official Sidewalk Master Plan to facilitate the construction of those pedestrian connections by preparing a plan for future facilities in the form of the Sidewalk Master Plan ("the Plan"). The Plan, as currently adopted is hereby incorporated into this Code and located on the City's official website, and, as may be amended from time to time by the Planning and Zoning Commission following a public hearing, shall have the following rules and procedures in order to require the construction of sidewalks and/or collect funds in lieu of sidewalks, where applicable

4.11.1 All sidewalk outlined within the approved Vestavia Hills Subdivision Regulations and other design guidelines shall apply to all projects governed by those policies

4.11.2 If a property is subdivided along an existing public street or if a property is developed or redeveloped within a commercial, institutional, office or multifamily area shown on the City's sidewalk masterplan, the developer shall be required to construct a City standard sidewalk along the frontage of the property or development.

1. In the event that the developer or his engineer determines that it is infeasible or inadvisable to construct a sidewalk, they must submit, in writing, an appeal to the City Engineer outlining why it is infeasible or inadvisable.
2. The City Engineer or his designee, will evaluate the appeal using engineering judgement to approve or deny the appeal.
3. If the appeal is approved, the developer shall contribute to the City's sidewalk fund in lieu of constructing the sidewalk. The linear foot cost of sidewalk will be calculated by the City Engineer or his designee based on the average unit cost for a concrete sidewalk from the three most recent publicly bid sidewalk projects constructed by the City. The City Engineer will use the frontage length multiplied by the concrete sidewalk cost to determine the contribution amount, where frontage is defined by this Ordinance.
4. The funds shall be contributed prior to project closeout.
5. The contributed funds will be held within the City designated fund and used solely for the purpose of constructing pedestrian facilities shown on the sidewalk masterplan.
6. If the appeal is denied the developer will be required to install the City's standard sidewalk as prescribed in Section 4.11."

(3) Severability: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance, which is not in and of itself invalid or unconstitutional.

(4) Effective date: This Ordinance Number 3099-A shall become effective immediately upon adoption and approval following posting/publishing as required by Alabama law.

DONE, ORDERED, ADOPTED and APPROVED this the 27th day of January, 2025.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 3099-A is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 27th day of January, 2025, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills New Merkel House, and Vestavia Hills Civics Center
this the _____ day of _____, 2025

Rebecca Leavings
City Clerk