

CITY OF VESTAVIA HILLS

SUBDIVISION REGULATIONS



Adopted by the Planning and Zoning Commission
of the City of Vestavia Hills, Alabama on

April 8, 2010
Amended December 12, 2013
Amended July 9, 2015

TABLE OF CONTENTS

Article 1 AUTHORITY AND JURISDICTION 1-1

 §1.1. Authority..... 1-1

 §1.2. Jurisdiction..... 1-1

 §1.3. Application of Regulations..... 1-1

 §1.4. Separability and Severability..... 1-1

 §1.5. Amendments..... 1-1

 §1.6. Penalties..... 1-2

Article 2 DEFINITIONS2-1

 §2.1. Purpose.....2-1

 §2.2. Interpretation..... 2-1

 §2.3. Use of Words 2-1

 §2.4. Definition of Terms Used.....2-1

Article 3 DESIGN STANDARDS.....3-1

 §3.1. Conformity to City, County or Regional Plans 3-1

 §3.2. Street Layout..... 3-1

 §3.3. Access Management 3-5

 §3.4. Sidewalks 3-9

 §3.5. Blocks and Lots 3-10

 §3.6. Building Restrictions 3-5

 §3.7. Public Uses 3-11

 §3.8. Erosion Control Plan..... 3-11

 §3.9. Easements 3-11

 §3.10. Street and Subdivision Names..... 3-11

 §3.11. Private Subdivisions 3-12

Article 4 IMPROVEMENTS4-1

 §4.1. General Requirements 4-1

 §4.2. Roadways and Sidewalks 4-1

 §4.3. Utilities..... 4-1

 §4.4. Storm Water, Drainage and Grading..... 4-2

 §4.5. Markers 4-3

 §4.6. Regulatory, Street and Miscellaneous Signs 4-3

Article 5 REQUIRED IMPROVEMENTS, BOND5-1

 §5.1. Improvements 5-1

 §5.2. Bond and Surety, Amount and Release..... 5-1

 §5.3. Inspections and Acceptance..... 5-2

Article 6 PROCEDURES6-1

 §6.1. Preliminary Plat 6-1

 §6.2. Engineering Plan..... 6-3

 §6.3. Final Plat..... 6-4

 §6.4. Combined Preliminary and Final Plat 6-5

 §6.5. Subdivision, Resubdivisions, and Exceptions..... 6-5

FOREWORD

The Legislature has vested in municipalities the power to control the subdivision of land within their town limits and within their police jurisdiction. The purpose of this delegation of authority is merely to enable each town to prescribe rules for the orderly development of property consistent with previous development of the town and according to comprehensive and well-designed plans. In this way only can existing values be protected and the integrated growth and future of the town and its inhabitants be assured. In Vestavia Hills, authority over such subdivision control is vested in the Vestavia Hills Planning and Zoning Commission, which has adopted these Subdivision Regulations to govern the conduct of its work.

It is not the purpose of this regulation of the subdivision of property to interfere unreasonably with the plans of property owners. The regulations are relatively simple and are entirely consistent with every considerate use of private property. It is the desire of the Planning and Zoning Commission to give careful and immediate attention to every application. A study of the Regulations and strict adherence to them by the property owner will further this objective.

To facilitate the administration of these Subdivision Regulations for both the prospective developers of property and the Commission, it is suggested that a pre-preliminary sketch of a proposed subdivision be presented to the Commission for review and discussion. The Commission will then have an opportunity to interpret any of the requirements in the Regulations about which the developer may be in doubt and thereby eliminate much of the possibility of improperly designed plat being submitted for preliminary approval.

Article 1 AUTHORITY AND JURISDICTION

§1.1. Authority

Under the authority of Act No. 82-693, Acts of Legislature, State of Alabama, 1982 and as amended by Act No, 84-454, Acts of Legislature, State of Alabama, 1984, which sections are hereby made a part of these regulations, the Vestavia Hills Planning and Zoning Commission, hereinafter referred to as “the Commission”, at its meeting on April 8, 2010, adopted by resolution the following regulations, a copy of which has been certified to the Probate Judges of Jefferson and Shelby Counties.

§1.2. Jurisdiction

From and after the date of adoption, these regulations shall govern all subdivision of land within the corporate limits of Vestavia Hills, hereinafter referred to as “the City”, as now or hereafter established, plus such added territory as is shown on the map attached hereto and made a part hereof.

§1.3. Application of Regulations

From and after the date of these Subdivision Regulations, every plat of land that is a subdivision, as defined herein, shall be prepared, presented for approval, and recorded as required herein.

All development within the subdivision jurisdiction of the City of Vestavia Hills, including land-lease developments and condominiums, whether or not plats or deeds are to be recorded, and including the construction of two or more buildings or primary structures, together with the necessary drives and ways of access, that may or may not be subdivided into lots, blocks and streets, shall be subject to the provisions of these Regulations. These provisions shall also be deemed to include single principal structures and additions proposed to an existing multiple building or

site development. Plans for all such developments shall be submitted to and for approval by the Commission.

No building permit and no Certificate of Occupancy shall be issued for any parcel of land created by subdivision, as defined herein, unless a Final Plat of such subdivision has been approved and recorded as required by these regulations. No grading, excavation, or other disturbance of land; and no construction of any public or private improvements for the purpose of constructing a subdivision shall take place or be commenced except in conformity with these regulations.

No subdivider, proposing to make or having made a subdivision, shall proceed with any construction work on the proposed subdivision, including grading, before obtaining Preliminary Plat approval and shall not convey title to any lot before obtaining from the Commission Notice of Final Plat Approval and acceptance of the plat.

§1.4. Separability and Severability

The provisions of these Regulations are severable. Should any Article, Section, Subsection or provision of these Subdivision Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Subdivision Regulations as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

§1.5. Amendments

The Commission may from time to time amend these Regulations. These Regulations and amendments thereto may be recommended to be changed and amended by the Commission after a public hearing by giving due notice as required by law and subsequently approved by the Commission.

§1.6. Penalties

The City of Vestavia Hills shall initiate any appropriate action or procedure to prevent the unlawful subdivision of land and to prevent occupancy of such subdivision of land under the authority conferred by Section 13 Act No. 84-454, State of Alabama.

Article 2 DEFINITIONS

§2.1. Purpose

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 City Zoning Ordinance, the City 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.

§2.2. Interpretation

The Zoning Official of the City of Vestavia Hills 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 Zoning Official’s determination may be filed with the Commission. Such appeal must be filed within fifteen (15) days of such determination.

§2.3. Use of Words

In the interpretation of these Regulations, the provisions and rules of this Section shall be observed and applied, except where the context clearly requires otherwise.

Words used or defined in one tense or form shall include other tenses and derivative forms. Words in the singular shall include the plural; and words in the plural shall include the singular. The masculine gender shall include the feminine; and the feminine gender shall include the masculine. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes an individual, firm, association, organization, partnership, trust, company, or corporation.

In case of any conflict between the text of these Regulations and any caption, illustration, figure, or other graphic material, the text shall govern.

§2.4. Definition of Terms Used

As used in these regulations, the following words or phrases shall have the following meaning or definition:

- 2.4.1. *Access.* A way or means of approach to provide vehicular or pedestrian entry or exit to a property.
- 2.4.2. *Applicant.* A landowner, including his heirs, successors and assignees, or developer authorized to represent a property for which an application for development has been filed.
- 2.4.3. *Application.* Any application required to be filed and accepted prior to start of construction or development including, but not limited to, an application for the approval of a subdivision plat or plan; or for the acceptance of a development plan.
- 2.4.4. *Building Setback.* The line, generally parallel to a lot line or street right-of-way line, indicating the minimum 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.
- 2.4.5. *City.* The City of Vestavia Hills, Alabama.
- 2.4.6. *City Attorney.* The licensed attorney designated by the City Council to furnish legal assistance in the administration and enforcement of these Regulations.
- 2.4.7. *Commission.* The Planning and Zoning Commission of the City of Vestavia Hills, Alabama.
- 2.4.8. *Council or City Council.* The City Council of the City of Vestavia Hills, Alabama.
- 2.4.9. *County.* Jefferson or Shelby County, Alabama, as applicable to the subdivision application.

- 2.4.10. *Cross Access*. A driveway providing access between two or more abutting lots so that a driver need not enter the public thoroughfare system to access one of said sites from another. Cross access is privately maintained and shall not include the term “alley”.
- 2.4.11. *Culvert*. A structure with appurtenant works, which carries a watercourse under or through an embankment or fill.
- 2.4.12. *Curb or Curb Line*. The inside vertical face of a masonry curb, the center line of a valley gutter, or the edge of the pavement where no curbs or gutters exist.
- 2.4.13. *Dead End Street*. A street having no outlet at one end.
- 2.4.14. *Detention Basin or Detention Pond*. A basin designed to drain completely after retarding stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.
- 2.4.15. *Development*. Any of the following activities:
1. The improvement of one (1) lot or more abutting lots, tracts or parcels of land for any purpose involving:
 - a. a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features;
 2. A subdivision of land.
 3. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- 2.4.16. *Drainage Easement*. A right granted by a landowner to a grantee, allowing the use of private land for storm water management purposes.
- 2.4.17. *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.
- 2.4.18. *Engineer or Registered Engineer*. An engineer properly licensed and registered in the State of Alabama.
- 2.4.19. *Engineering Plan*. Plans prepared by an engineer registered in the State of Alabama showing details of the design and construction of required improvements in a proposed subdivision.
- 2.4.20. *Erosion*. The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.
- 2.4.21. *Erosion Control*. Measures and actions that are to be taken to control potential erosion and sedimentation problems.
- 2.4.22. *Final Plat Approval*. The official action of the 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.
- 2.4.23. *Final Plat*. The map or plan or record of all or a portion of a subdivision, and any

- accompanying materials, which is presented for final approval as required in these Regulations.
- 2.4.24. *Frontage Road*. A street parallel to and adjacent to a major highway or street that provides access to abutting properties.
- 2.4.25. *Grade*. The slope of land or a built feature such as a street, specified in percentage terms.
- 2.4.26. *Grading*. The movement of dirt, top soil, grass, native material, landscaping or other forms of surface material which will result in a difference of six (6) inches or greater from the original elevation.
- 2.4.27. *Grading Plan*. A map of a proposed development defining existing and proposed elevations, watercourses, vegetative cover and drainage patterns, including one (1) foot contours, spot elevations, and flow arrows. The plan also describes the limits and depths of excavations, fills and removal of native vegetation.
- 2.4.28. *Health Department*. The Health Department of the applicable county and/or the State of Alabama Health Department.
- 2.4.29. *Highway*. A road or street that forms a part of the existing or projected Federal Aid Highway System or the State Highway System.
- 2.4.30. *Land Surveyor or Registered Land Surveyor*. A land surveyor properly licensed and registered in the State of Alabama.
- 2.4.31. *Maintenance Bond*. Financial security filed by the developer with the City to secure structural integrity of all required improvements as well as the functioning of said improvements for an initial period of time.
- 2.4.32. *Monument*. A permanent object serving to mark a boundary.
- 2.4.33. *Open Space*. Land, not covered by parking areas, rights-of-way or buildings other than recreational structures, pools and stormwater facilities, which is landscaped or left in a natural state as may be required by the provisions of these Regulations or of the Zoning Ordinance.
- 2.4.34. *Owner*. The person having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.
- 2.4.35. *Passage, Pedestrian*. A pedestrian-only connector that provides shortcuts through long blocks or from a cul-de-sac to an adjacent street.
- 2.4.36. *Performance Bond*. Financial security filed by the developer with the City to assure the construction of all required improvements at a specified time in the future. Also referred to as a “Bond”.
- 2.4.37. *Planning Commission*. The Planning and Zoning Commission of the City of Vestavia Hills, Alabama, created under the authority of Sections 11-52-2 and 3 of the Code of Alabama, 1975, as amended.
- 2.4.38. *Planting Strip*. The portion of the street between the curb and the sidewalk.
- 2.4.39. *Plat*. An exact and detailed map or plan of a subdivision or land development and related written material indicating the manner or layout of a road, parcel, and/or subdivision to be submitted to the City of Vestavia Hills for approvals and/or recording purposes.
- 2.4.40. *Preliminary Plat*. A map and related materials indicating the proposed layout of a development submitted for preliminary approval in accordance with these Regulations.

- 2.4.41. *Preliminary Plat 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.
- 2.4.42. *Private Street.* Any street for vehicular travel, which is privately owned and maintained.
- 2.4.43. *Probate Judge.* The Judge of Probate for Jefferson or Shelby County, Alabama, as applicable to the application.
- 2.4.44. *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.
- 2.4.45. *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.
- 2.4.46. *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.
- 2.4.47. *Retention Basin or Retention Pond.* A basin designed to capture stormwater runoff with its primary release of water being through the infiltration of said water into the ground. Retention basins normally contain some pooling of water.
- 2.4.48. *Roadway or Travelway.* The portion of the street available for vehicular traffic, or, in other words, the portion between curbs.
- 2.4.49. *Shared Access.* A driveway, alley, or other access facility connecting two or more contiguous sites to a public street.
- 2.4.50. *Sidewalk.* A paved path provided for pedestrian use, and usually located at the side of a road and within the street right-of-way.
- 2.4.51. *Sight Distance.* The length of street visible to the driver of a passenger vehicle at any given point in the street when viewing is unobstructed by traffic. See also “Sight Triangle, Clear” and “Intersection Sight Distance”.
- 2.4.52. *Significant Change in Trip Generation.* A change in the use of a property, including land, structures, or facilities, or an expansion of the size of structures or facilities causing an increase in the trip generation of the property exceeding ten (10) percent (either peak or daily) and 100 vehicles per day more than the existing use for all streets under local jurisdiction; or exceeding twenty-five (25) percent (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.
- 2.4.53. *Stopping Sight Distance.* The distance required by a motorist to stop a vehicle traveling at or near the design speed of a thoroughfare before reaching a traffic-controlled intersection or stationary object in their path.
- 2.4.54. *Street.* Any street, avenue, boulevard, road, parkway, viaduct, drive, or other right-of-way provided for vehicular traffic and travel.
- 2.4.55. *Street Classification.* The functional classification of streets based upon their individual function, as follows:
1. *Arterial.* A street that distributes traffic to and from collectors. Arterials include

- U.S. Highway 31, U.S. Highway 280, and Columbiana Road.
2. *Collector*. A street that collects traffic from local streets and connects with minor and major arterials. Collector streets include, but are not limited to, Acton Road, Altadena Road, Cahaba Heights Road, Cahaba River Road, Crosshaven Drive, Dolly Ridge Road, Green Valley Road, Massey Road, Rocky Ridge Road, Shades Crest Road, and Tyler Road.
 3. *Local*. A street used primarily to provide access to abutting properties.
 4. *Marginal Access Street*. A service road that runs parallel to an arterial street. Its purpose is to separate through traffic from local traffic, and to provide controlled access to abutting properties.
- 2.4.56. *Street, Half*. A street, or any extension of an existing street, along and roughly parallel to a lot line such that less than the entire required right-of-way and thoroughfare improvements, longitudinally, would be located on one property.
 - 2.4.57. *Street, Stub*. A portion of a street used as an extension to an abutting lot that may be developed in the future.
 - 2.4.58. *Subdivider*. Any person who, having an interest in land, causes it directly or indirectly, to be divided into a subdivision as defined herein.
 - 2.4.59. *Subdivision*. The division or redivision of a subdivision, 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 or of building development. All subdivisions are developments. See “Development”.
 - 2.4.60. *Subdivision Regulations*. The Subdivision Regulations of the City of Vestavia Hills, Alabama.
 - 2.4.61. *Surety*. A legally-binding agreement with the City by which a developer assures the construction of improvements required by these Regulations. See also “Performance Bond.”
 - 2.4.62. *Swale*. A constructed watercourse shaped or graded in earth materials and stabilized with vegetation, for the conveyance and water quality improvement of storm runoff.
 - 2.4.63. *These Regulations or Standards*. The City of Vestavia Hills Subdivision Regulations together with all applicable design and construction requirements, all of which constitute the comprehensive development regulations of the City of Vestavia Hills, Alabama.
 - 2.4.64. *Valley Gutter*. A concrete channel with a “V”-shaped profile installed at roadside to capture and convey storm runoff.
 - 2.4.65. *Watercourse*. A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water, carrying or holding surface water, whether natural or manmade.
 - 2.4.66. *Water Supply*. The system made up of water sources, treatment facilities, and conveyance systems to provide potable water to the community.
 - 2.4.67. *Zoning Ordinance or City Zoning Ordinance*. The Zoning Ordinance of the City of Vestavia Hills, Alabama.

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Article 3 DESIGN STANDARDS

All subdivisions shall conform to all applicable State and local regulations.

The design standards of this Section shall be the minimum standards allowable for development. Standards above the minimum may be required by the Commission or the City Engineer. Detailed construction specifications and engineering requirements may be obtained from the City Engineer and from the Public Works and Engineering Standards, hereinafter referred to as the “Public Works Manual”. The Commission shall not grant any waiver of the requirements of this Section unless recommended by the City Engineer.

For the purposes of this Article, residential developments or portions thereof shall be categorized as follows: 1) low density - lots of 20,001 –30,000 sf; 2) medium density - lots of 10,000-20,000 sf; 3) high density - lots less than 10,000 sf and any duplex, triplex, townhouse or multiple family development.

§3.1. Conformity to City, County or Regional Plans

All proposed subdivisions shall conform to any Town, City, County or Regional Plan and to the City Zoning Ordinance. Whenever, a tract to be subdivided embraces any part of a street, so designated on any City, County, or Regional Plan, 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 City, County, or Regional Plan.

§3.2. Street Layout

Public streets shall be designed, constructed and paved in accordance with all applicable requirements of this §3.2 and the Public Works Manual. The design standards of this Section are intended to ensure connectivity throughout the City street network to prevent unnecessary congestion on major streets and

to ensure safe access and mobility for motorists, pedestrians, bicyclists, transit-users and the handicapped.

3.2.1. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area. All proposed streets shall be in alignment with existing planned or platted streets with which they are to connect.

The minimum right-of-way widths for new streets shall be in accordance with the following. However, the Commission may approve a modification, after a recommendation of the City Engineer, to address horizontal curves, additional lanes, adjustments to street design elements (i.e., sidewalks, planting strips, etc.), and similar project or site specific issues, and as further provided in the Public Works Manual:

1. Low density residential:
 - a. local street – 45 ft
 - b. collector street – 50 ft
2. Medium density residential:
 - a. local street – 50-55 ft
 - b. collector street – 55-60 ft
3. High density residential:
 - a. local street – 50 ft
 - b. collector street – 55 ft
4. Neighborhood mixed use or neighborhood non-residential:
 - a. local street – 65 ft
 - b. collector street – 70 ft
5. General mixed use or non-residential
 - a. local street – 70 ft
 - b. collector street – 75 ft
6. Frontage road – 45 ft

3.2.2. Connectivity

1. The street layout of a subdivision shall provide for the continuation and connection of streets between adjacent properties whenever such continuation and connection is necessary for the convenient movement and circulation of traffic, effective police and fire protection, access by public service vehicles, and efficient provision of utilities; and in accordance with the policies of the Comprehensive Plan. See Figure 3.2.2.
2. Street networks shall be designed to disperse traffic flow among multiple local streets. The number of culs-de-sac should be minimized to avoid undue congestion on internal collector streets and to assure convenient route options for emergency access.
3. The platting of any land, the purpose of which is to deny access to rights-of-way, is prohibited.
4. Existing streets that abut a subdivision shall be continued, and the continuations shall be in alignment with them and at least as wide as the existing street unless a reduction in width is approved by the Commission. The street layout shall also provide stub streets for future continuation into unsubdivided lands to meet the purposes stated herein.
5. If the adjacent property is undeveloped, the right-of-way to be continued shall extend to the property line. The area necessary for the temporary turnaround outside the normal right-of-way shall be contained within a temporary easement, which shall automatically dissolve when the street is extended and approved by the City. The Commission may limit the length of such temporary dead-end streets in accordance with the standards herein. The paving or improvement of

right-of-way to the boundary with the adjoining property may not be required. The intention is that the paving and utilities be extended far enough to serve the subdivision lots; and the right-of-way and/or easements extended so that the streets and utilities can be extended into adjoining property as needed.

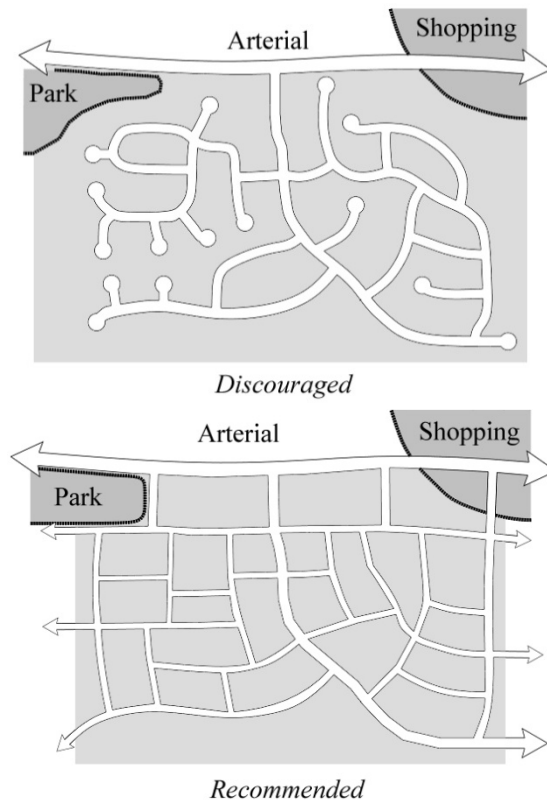


Figure 3.2.2 Street Network Patterns and Connectivity

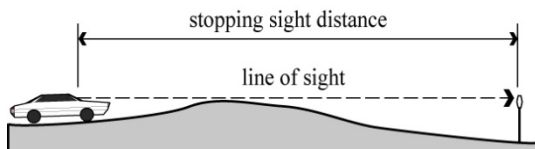
- 3.2.3. Relation to Topography. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
- 3.2.4. Horizontal and Vertical Alignment and Stopping Sight Distance. Streets shall be designed to eliminate sharp curves.
 1. No street improvements shall be approved with intersections with offsets of less than 125 feet as measured between centerlines.
 2. Streets shall intersect as nearly at right angles as possible and in no case shall

intersect at an angle of less than sixty (60) degrees.

3. Design speeds shall be designated by the project engineer on profile sheets submitted with the preliminary plans and shall be in accord with the design speeds provided in the Public Works Manual. Minimum stopping sight distances and street curvature shall be in accordance with the Manual. See Figure 3.2.4.

Stopping Sight Distance

Line of sight between a motorist (at stopping sight distance) and upcoming intersection should be clear of elevation changes that obscure the view of the upcoming intersection.



Stopping Sight Distance

Line of sight between motorist (at stopping sight distance) and upcoming intersection should be clear of visual obstructions such as signs, structures, landscaping, grade changes, etc.

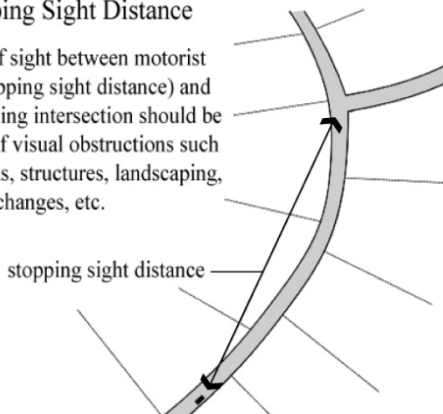


Figure 3.2.4 Stopping sight distance, elevation and plan view

4. Grades of all streets shall comply with good engineering practices, shall not exceed fifteen (15) percent, and shall not be less than 0.5 percent. Waivers, for minor dead-end streets with low traffic volumes only, may be considered by the City Engineer when submitted in writing. Grades approaching intersections shall not exceed five (5) percent for a distance of not less than 100 feet from the intersection centerline. Grades of circles shall not be more than five (5) percent for the last 100 feet of paving.

- 3.2.5. Relation to Highways and Railroad Rights-of-Way. Wherever the proposed subdivision contains, or is adjacent to, a railroad right-of-way, or highway, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between such streets and the railroad or highway. See also [§3.3 Access Management](#).

- 3.2.6. Street Design Standards. Streets shall be designed in accordance with the classifications provided in §3.2.1. Adequate widths shall be provided to accommodate roadway construction and utility location. Subdivisions along existing or dedicated or platted streets where rights-of-way are inadequate shall provide additional rights-of-way to meet these standards.

1. The applicant shall provide or dedicate additional right-of-way and/or easement if it is determined by the City Engineer that the additional right-of-way and/or easement is necessary for street improvements, such as acceleration/deceleration lanes, as established on the approved Access Plan in accordance with [§3.3](#).
2. On low density residential streets, paved turnouts may be required for access of mail trucks to mailboxes.
3. Half Streets. Wherever there exists a dedicated or platted half street adjacent to the tract to be subdivided, the other half shall be platted. No new half streets shall be platted.
4. Existing Streets. Subdivisions that adjoin or include existing streets shall dedicate additional right-of-way (ROW) as necessary to meet the minimum standards specified in the Public Works Manual. When any part of the

subdivision is on both sides of the existing street the entire additional ROW shall be provided. When the subdivision is located only on one (1) side of an existing street, one half (1/2) of the required ROW, measured from the centerline of the existing ROW, shall be provided. In rolling or hilly terrain, construction easements may be required to ensure that appropriate front and back slopes are developed.

3.2.7. Alleys

1. Alleys may be approved by the Commission in medium and higher density residential developments as alternative locations for rear access, above-ground utilities, garbage pick-up, and/or mail service.
2. Alleys shall be required in commercial or industrial districts where it is determined by the Commission that alleys will be necessary in providing safe access to abutting sites in accordance with the provisions of [§3.3 Access Management](#).
3. Alleys shall have a minimum right-of-way width of twenty (20) feet and be dimensioned subject to the Public Works Manual.

3.2.8. Sight Triangle

1. An unobstructed, clear sight triangle shall be established at all intersections according to required intersection sight distances.
2. Minimum intersection sight distances shall be in accordance with the Public Works Manual and as shown in Figures 3.2.8.

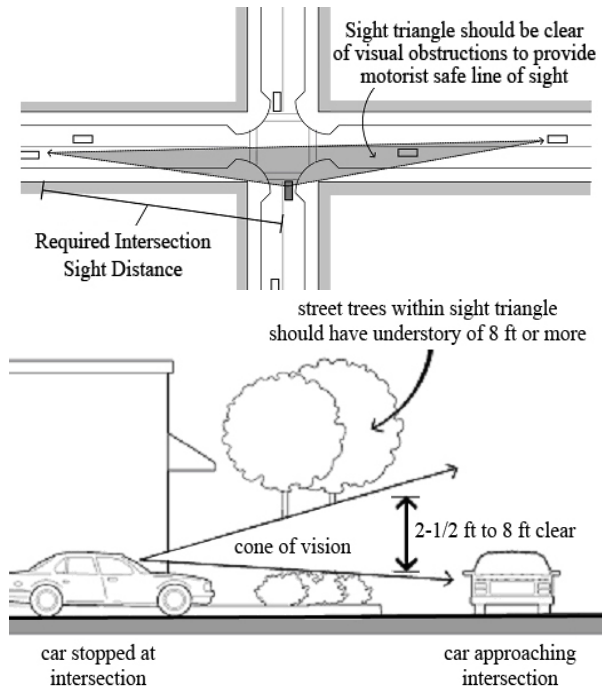


Figure 3.2.8 Sight triangle. Plan and elevation views

3.2.9. Reserve Strips. Reserve strips controlling access to streets, alleys, and public grounds shall not be permitted unless their control is placed with the Council under conditions approved by the Commission.

3.2.10. Dead End Streets. Dead end streets, longer than 150 feet shall have a vehicular turnaround as approved by the City Engineer in accordance with the Public Works Manual.

Alternative designs, including hammerheads, eyebrows and closes (see Figure 3.2.10), may be approved by the City Engineer where such alternative best suits the natural features of the site and provides sufficient access for emergency response vehicles.

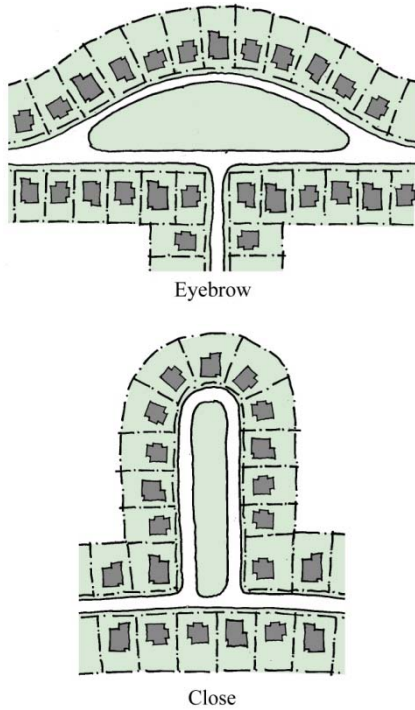


Figure 3.2.10 Cul-de-sac alternatives

3.2.11. Intersections

1. Submission of a grading plan showing existing and proposed contours at one (1) foot intervals and a detailed design for intersections which are unusual or are located on difficult terrain may be required by the Commission.
2. Curb radii at intersections shall be in accordance with the Public Works Manual and the following.
 - a. Curb radii at intersections shall be sized to provide safe turning movements appropriate to the desired travel speed along the intersecting streets. Larger radii shall be required along streets with higher design speeds and at intersections where frequent turns by large vehicles are expected. On local streets, especially in residential areas, the smallest curb radius should be used to slow vehicular turning movements (while accommodating turning movements by

emergency vehicles) and provide short crossing distances for pedestrians.

- b. Where on-street parking is/will be near the intersection corner, the effective radius should control (See Figure 3.2.11). This allows a shorter crossing distance for pedestrian convenience while still accommodating wider turning movements for larger vehicles.

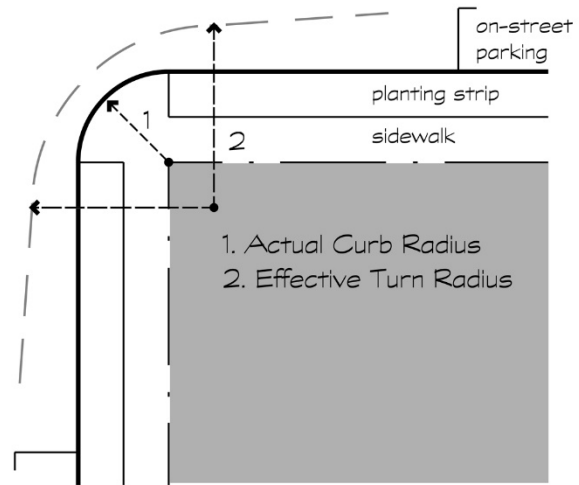


Figure 3.2.11 Effective curb radius

3. Property line corners at street intersections shall be rounded by an arc, the minimum radius of which shall be ten (10) feet. In business districts, a chord may be substituted for the arc.

§3.3. Access Management

The street layout shall be made according to good land planning and access management practices for the type of development proposed and shall be coordinated with the existing and planned street systems of the surrounding areas. The standards of this §3.3 shall apply to all streets.

- 3.3.1. Purpose. The purposes of this Subsection are to promote the overall safety of motorists, bicyclists, and pedestrians; to reduce interference with through traffic by other vehicles entering, leaving, and crossing streets; to assure safe access to

and from streets by emergency vehicles; and to preserve the traffic capacity of streets. Refer to Figure 3.3.1.

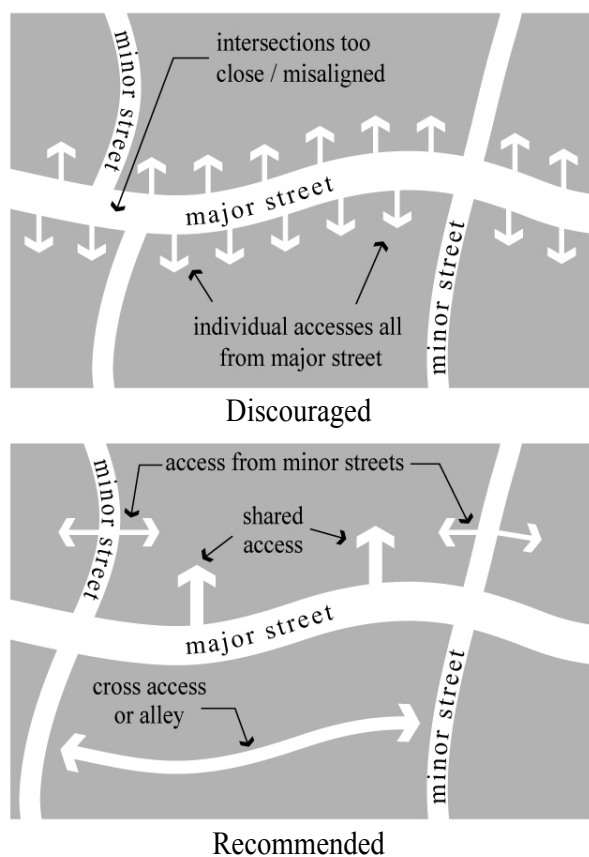


Figure 3.3 Access Management Patterns

3.3.2. General Conditions and Requirements.

The location and design of vehicular accesses from arterial, collector, and non-residential local streets proposed with a subdivision shall be specified in an Access Plan submitted to the City Engineer for review and recommendation to the Commission for action. No curbs or rights-of-way shall be cut, paved, or otherwise altered until a permit for the access has been secured from the City and/or any other governmental agency owning or controlling the street right-of-way.

1. Approval for Specific Use. Accesses existing as of the effective date of these standards, are approved for the existing use only. Accesses approved under these

standards shall be approved for the use specified in the Access Plan. Changes in use that would increase traffic or change the types of vehicles accessing the site shall require a new approval of access. When a site existing at the time of these standards is redeveloped so as to create a “significant increase in trip generation”, the existing driveways shall be brought into conformity with these requirements.

2. Expiration of Approval. Access Plans for non-residential uses, including related off-site street improvements, shall be constructed within two (2) years of approval, or the approval shall terminate.
3. Prohibition of Unsafe Access. Notwithstanding any other provisions of these standards, an access, which demonstrates a potential threat or danger to the public and/or which could affect the safe, efficient flow of traffic, may be denied, based on commonly accepted and applied traffic engineering principles.

3.3.3. Access Plan. An Access Plan is required for subdivision, resubdivision, development, redevelopment and changes in use. The Access Plan may be submitted as a part of the site plan, or, in the case of the issuance of a residential building permit, the information may be included on the plot plan. A separate access permit shall be required for each dwelling. The Access Plan shall specify the intended use of the property. Refer to Appendix A for Access Plan requirements.

3.3.4. Guidelines. For all developments, redevelopments, and changes in use, the City Engineer shall provide a recommendation to the Commission regarding requests for access:

1. Access to a corner lot should be permitted only from the street of lesser classification or lower average daily

traffic, except as otherwise specified herein.

2. Access to streets shall be provided to lots by means of shared access (alleys or shared driveways), frontage access drives, or direct access (non-shared driveways). The number and location of access points shall be in accordance with Table 3.3 and measured as shown in Figure 3.3.4.
3. Exceptions for local streets. Minimum separation distance may be reduced, provided that, if approved by the City Engineer, the following conditions exist, based on commonly accepted and applied traffic engineering principles: shared access is not possible; exceptional topographic or site conditions exist at the

driveway location (such as in-place utility or drainage features) which would make strict application of the standard exceptionally and/or practically difficult or unduly harsh; application of this Subsection would conflict with other provisions of these regulations; and where the reduction would not constitute a threat or danger to the safe and efficient flow of traffic.

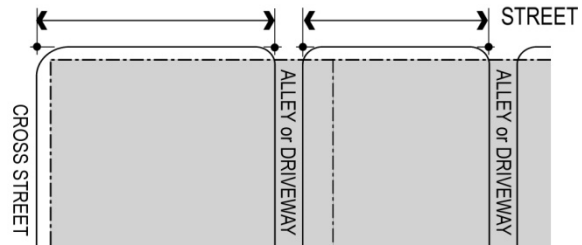


Figure 3.3.4 Measuring Driveway separation

Table 3.3 Access Management Criteria ^(Notes)				
Use and Street Type	Number of accesses permitted	Minimum required spacing		
		from intersection	between driveways on same lot	between driveways on separate lots
Arterials regardless of use	1 access for lots with street frontage < 600 ft ⁽¹⁾	250 ft	250 ft	250 ft
Non-residential and Multi-family uses on Collectors	1 access for lots with street frontage <300 ft ⁽¹⁾	200 ft	150 ft	150 ft
Single-family dwellings on Collectors	1 access for lots with street frontage <125 ft ⁽¹⁾	200 ft ⁽²⁾	50 ft	150 ft
Non-residential and Multi-family uses on Local Streets	1 access for lots with street frontage <125 ft ⁽¹⁾	150 ft	100 ft	75 ft
Single-family dwellings on Local Streets	1 access per lot with street frontage <100 ft or 2 access per lot with street frontage ≥100 ft	150 ft ⁽²⁾	50 ft	10 ft

¹ Lots with greater street frontage may have a second driveway, provided that the Commission may approve additional driveways based on trip generation or topography, and it is determined that the impact to traffic safety and movement on the street will be minimal.

² A corner lot abutting two (2) local streets may have a driveway with less than the above required distance from the intersecting street, if, in the opinion of the City Engineer, the driveway will not adversely affect traffic safety and movement on the streets.

4. Access Easements. In the subdivision of property, the Commission may require shared access easements or other conditions that require multiple lots to have shared access to arterials or collector streets such as through the use of alleys, shared driveways, or frontage or access roads. Such requirements shall be considered for both residential and non-residential subdivisions where application of the access spacing standards of this Subsection would prevent direct access along arterials and collector streets. Access roads should be used only when they can be designed properly to provide safe and efficient access for properties.
 - a. Shared access easements should be provided wherever it is possible to construct a continuous access drive or alley connecting one street to another. In such cases, the access drive or alley shall be constructed by the developer and may be considered for maintenance by the City. Where it is not feasible to create such an easement, the Commission may require a private access easement as described below.
 - b. Where private access easements are used, the subdivision plat shall state that the transfer of lots shall be subject to the provision of such easements, which shall provide for a guaranteed, unrestricted, right of access to all other owners providing such easements and that the owners of lots subject to private access easements shall be required to execute an agreement specifying responsibility for construction and perpetual maintenance of the easements and drives in accordance with the approved Access Plan. The agreement shall specify that the parties thereto shall hold the City harmless from liabilities resulting from unsafe conditions on private access easements. Copies of the agreements shall be filed with the City Clerk. Construction on private access easements shall not be commenced until all agreements are filed. Copies of all subsequent amendments to the agreements shall also be filed with the City Clerk.
5. At access points, adequate throat length shall be provided for stacking space, as specified in the Public Works Manual. The minimum length may be increased, provided the City Engineer finds that anticipated traffic volumes and commonly accepted and applied traffic engineering principles justify the need for longer, controlled throat length.
6. Acceleration and Deceleration Lanes, Storage and Turn Lanes.
 - a. Acceleration Lanes for Non-residential Uses. In instances of unusual topography or for traffic safety considerations, the City Engineer may require the construction of an acceleration lane for non-residential uses. The length of taper and total length shall be determined based on commonly accepted and applied traffic engineering principles.
 - b. Deceleration Lanes. Approval of access to an arterial or a collector may be conditioned upon construction of a deceleration lane as provided in the Public Works Manual. The minimum dimensions of the deceleration lane may be reduced, provided that, it is determined by the City Engineer that, the following conditions exist, based on commonly accepted and applied traffic engineering principles: exceptional topographic constraints or unusual site conditions at the driveway location (such as in-place utility or

- drainage features) which would make strict application of the standard exceptionally and/or practically difficult or unduly harsh; and the reduction would not constitute a threat or danger to the safe and efficient flow of traffic.
- c. Left-turn storage lanes. Approval of access to an arterial or to a collector may be conditioned upon the provision of a left-turn storage lane. The requirement and design of each storage lane, including the paved approach, bay, and departure tapers, shall be determined from the recommendations of a traffic study and approved by the City Engineer based on commonly accepted and applied traffic engineering principles.
 - d. Turn Lanes on Collectors and Local Streets. Right and left turn lanes at intersections may be required by the City Engineer based upon existing or required traffic studies. Such lanes shall be accommodated in the dedication of additional right-of-way widths on existing streets or in the planned right-of-way of proposed streets. Design requirements, including width and storage length, shall be determined from the recommendations of the applicable traffic study and approved by the City Engineer based on commonly accepted and applied traffic engineering principles. Continuous two-way left-turn lanes shall be discouraged and a median shall be provided to control access between intersections on collector streets.

§3.4. Sidewalks

Sidewalks shall be provided on both sides of streets in high density residential developments and any non-residential or mixed-use developments. Sidewalks shall be

required on only one side of streets in low density and medium density residential developments. However, in medium density residential development, the Commission may require sidewalks on both street sides when the development is located within ¼ mile of a school, place of assembly, park, transit stop, or shopping area. This distance shall be measured along the connecting streets (and/or off-street pedestrian ways) forming the shortest route from the development site. Sidewalks shall not be required in residential development in which the average lot size is greater than 30,000 square feet.

The Commission may modify or waive these requirements where it finds that topography or other constraints would make such sidewalks impractical or undesirable. Sidewalks shall be designed and constructed in accordance with the Public Works Manual.

- 3.4.1. A planting strip as required in the Manual shall be provided between the back of curb and sidewalk, except where the Commission determines that topography; tree preservation or conservation; right-of-way characteristics; or other conditions dictate that the planting strip requirement be modified.
- 3.4.2. Pedestrian ramps in accordance with the requirements of the American Disabilities Act (ADA) shall be provided at intersections of streets requiring sidewalks.
- 3.4.3. The width of sidewalks along culs-de-sac in residential subdivisions may be reduced to four (4) feet.
- 3.4.4. Cul-de-sac within medium or higher density residential subdivisions or districts may be required to provide a permanent pedestrian passage to adjacent streets. An easement of at least twelve (12) feet in width shall be provided.

Design of the passage shall be as approved by the City Engineer.

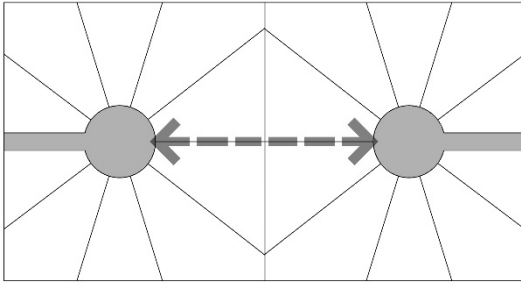


Figure 3.4.3 Pedestrian passage between cul-de-sacs

§3.5. Blocks and Lots

3.5.1. Length and Width of Blocks

1. Blocks shall not exceed 1,320 feet in length and shall be wide enough to allow two (2) tiers of lots of appropriate depth, except where abutting upon major streets, limited access streets, or railroads, or where other situations make this requirement impracticable.
2. One or more improved pedestrian passages, not less than ten (10) feet in width, shall be provided and entirely cross any block that is more than 800 feet long.
3. Blocks shall be laid out with special attention given to the type of use contemplated and requirements of [§3.3 Access Management](#).
4. Blocks intended for commercial or industrial use shall be designed specifically for such use, with consideration of off-street loading and unloading, and off-street parking facilities, and access thereto.

3.5.2. Lots

1. No building lots shall be platted in areas subject to flooding, or in areas which for other reasons are unsuitable for such use.
2. The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type

of development contemplated, and shall conform to the following:

- a. Every lot shall abut on a dedicated public street unless specifically exempted by §3.10, Private Subdivisions.
 - b. Double-frontage lots shall be avoided when practical. Double frontage lots will be permitted only where necessary to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation. A planted buffer at least ten (10) feet wide and across which there shall be no right of access shall be provided along the line of lots abutting such major street or disadvantageous use.
 - c. Reverse frontage lots shall be avoided in blocks platted exclusively for residential use.
 - d. Lot lines shall generally be perpendicular to the street except on curves where they may be radial.
 - e. Lots shall meet or exceed the area requirements of the applicable County Health Department. Within the Subdivision Jurisdiction limits and outside the municipal limits, the size and shape of lots shall be such as the Commission deems appropriate for the type of development contemplated. Within the city limits, all lots shall comply with the minimum area and dimensional standards of the Zoning Ordinance. The Commission may impose greater requirements if it finds that a proposed subdivision, though meeting minimum zoning requirements, would impose an undue burden on the City in furnishing public services to the area.
3. Flag lots shall not be permitted.

4. 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 the maintenance thereof.
5. When land is subdivided into parcels larger than normal, building lots shall be designed so as to allow for future resubdivision and extension of future streets.

§3.6. Building Restrictions

No final plat of land within the jurisdiction of the Zoning Ordinance shall be approved unless the building restrictions to be established conform with the minimum zoning requirements.

§3.7. Public Uses

Wherever a park, neighborhood recreational space, school site, or other areas for public use shown on an official map or plan adopted by the Commission is located in whole or in part within the proposed subdivision, the Commission shall seek to secure reservation of the necessary land for such use. Such reservation shall remain in effect only during the duration of the preliminary proposal to afford the appropriate government agency the opportunity to coordinate its acquisition of such area with the development of the proposed subdivision.

§3.8. Erosion Control Plan

The project engineer shall submit for approval an erosion control plan with the preliminary plat application. This plan shall denote proposed locations for erosion control measures to be used during construction and maintained until such time as all areas have been stabilized. The erosion controls shall be in place and shall be inspected and approved before actual construction begins. Where erosion problems arise after completion of

construction, the City Engineer may require corrective measures be installed before final acceptance of subdivision by the City and release of surety. Erosion control measures shall be in accordance with City Ordinance #1788 Erosion and Sedimentation Control, as amended.

§3.9. Easements

Upon recommendation of the City Engineer, the Commission may require public easement for poles, wires, conduits, storm and sanitary sewers, gas and water lines, and similar public services and utilities. Such easements shall not exceed twenty (20) feet in width unless additional area is needed, and shall as far as possible be centered on lot lines.

- 3.9.1. Easements shall not be less than ten (10) feet in width, including five (5) feet on each side of a shared lot line. Where there exists a storm water ditch, creek or any other such watercourse, the easement shall be of sufficient width that such watercourse may be installed and maintained efficiently, minimum ten (10) feet. The location of any storm water ditch, creek or watercourse shall not be changed without the approval of the Commission upon recommendation of the City Engineer.
- 3.9.2. Easements shall be required in all drainage ways including, but not limited to, swales, ditches, culverts or storm drainage pipe. Required width shall be in accordance with commonly accepted engineering practices as approved by the City Engineer.

§3.10. Street and Subdivision Names

- 3.10.1. Street names for all subdivision plats shall be subject to approval of the Commission.
- 3.10.2. Subdivision names for plats shall be subject to the approval of the Commission and shall not duplicate

either materially or phonetically the name of any plat, street, development or subdivision already recorded in the City, in any adjacent city or county properties in the immediate vicinity of said proposed subdivision.

§3.11. Private Subdivisions

- 3.11.1. Improvements within proposed private subdivisions and condominium subdivisions shall meet regular subdivision standards and the private status shall not be effective nor shall the subdivision be legal until final plat recording. The Planning and Zoning Commission may approve a subdivision without approving its "private" status.
- 3.11.2. A gate may be established after construction to limit access. The gate must be approved by the Vestavia Hills Fire Marshal and Police Chief.
- 3.11.3. The private or condominium status of the subdivision shall be clearly stated on the recorded final plat and on all deeds.
- 3.11.4. As long as the subdivision maintains its private or condominium status, all private streets, 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 or conveyance of any interest therein. The procedure for accomplishing this shall be outlined in a letter by the owner(s) and/or developer to the City Planner and Planning and Zoning Commission at the time of submittal.
- 3.11.5. A proposal for a private subdivision or condominium subdivision shall not be considered or approved if the proposed development prevents access to or "land locks" adjacent property.
- 3.11.6. If a private subdivision or condominium subdivision is recorded in the County Probate Office and all of the property owners at some future date desire to eliminate it and substitute in its place a regular subdivision with city-maintained streets, the owners must petition the Council for tentative approval. If the Council gives tentative approval of the petition, the owners shall submit subdivision plans to the Commission including improvements and repairs that are required to be made by the owners according to this Section and other City specifications effective on the date of the petition. The subdivision shall then be subject to the procedures for approval of a subdivision as contained in Article 5 Procedures.

Article 4 IMPROVEMENTS

§4.1. General Requirements

All improvements required under these regulations shall be constructed in accordance with the specifications and under the supervision of the City Engineer and to its satisfaction. All sewers, drains, water and gas lines, and other underground structures shall in general not be located under the roadway and shall be installed before streets, sidewalks or alleys are paved, with connections to the property line at each lot and permanently marked.

§4.2. Roadways and Sidewalks

All roadways and sidewalks shall be constructed in accordance with the Public Works Manual.

§4.3. Utilities

4.3.1. Sanitary Sewers. All proposed subdivisions located in the sewer service area, as defined by the applicable County Sewer System or similar agency, shall be provided with sanitary sewerage systems, where feasible, as approved by the County Engineer.

Sanitary sewers shall be of sufficient size to provide for future extensions to serve all tributary areas. Proposed subdivisions located within service areas of publicly operated sanitary sewer systems shall:

1. Be required to install a sanitary sewer system, including collector and lateral lines and necessary appurtenances serving all lots within the proposed development. Such construction shall be in accordance with applicable regulations and specifications as adopted by the Council and/or County Commission; and
2. Be required to connect to such sanitary system, which is located adjacent to the

proposed development. If proposed development is not located adjacent to a public sewer, the developer shall cap the system in accordance with regulations and specifications as adopted by the Council and/or County Commission.

4.3.2. Water System. All subdivisions shall be provided with water distribution systems as approved by the City Engineer and the applicable Water Authority.

4.3.3. Fire Hydrants. The number, location and spacing of fire hydrants shall be consistent with the following guidelines, though such may be modified upon a recommendation by the Fire Marshal:

1. Fire hydrant spacing shall not be greater than 500 feet.
2. Single-family dwellings shall not be located further than 400 feet from a fire hydrant. Non-residential lots shall be located no further than 250 feet from a fire hydrant.
3. Hydrants shall be placed in the planting strip between the curb and sidewalk. In the absence of a planting strip, the location shall be as approved by the Fire Marshal.

4.3.4. Above-ground and Underground Utilities

1. Underground utilities are required in all high density residential and mixed-use developments.
2. For all other developments, above-ground utilities shall be permitted and shall be located in mid-block alleys or utility easements.
3. Utility poles shall be installed as specified by the City Engineer and utility company.

4.3.5. Utility appurtenances where required, such as transformer installations, sewage pumping stations, water tanks, pressure-regulating stations, and other similar

facilities shall be located and installed as approved by the City Engineer or designated utility authority.

§4.4. Storm Water, Drainage and Grading

The design and construction of subdivisions shall be in accordance with the applicable requirements of Article II Erosion and Sedimentation Control and Article III Flood Damage Prevention in Noncoastal Communities in Chapter 5.5 of the City of Vestavia Hills Code of Ordinances and the following:

4.4.1. Storm Water Detention

1. Developments, which produce an increase in the amount of storm water runoff, may be required to construct storm water detention or retention ponds or other approved types of detention/retention devices.
2. When required, the developer shall submit detailed engineering plans to the City Engineer including historical runoff, developed runoff, retention/detention basin details, method of discharge, and other information as required for review. The developer shall also include the method of maintenance for the detention/retention pond after the development is completed.

4.4.2. All subdivisions shall be provided with adequate storm sewers. Storm sewers shall be of sufficient size to provide for future extensions to serve all tributary areas.

4.4.3. Land within the hundred-year floodplain shall be clearly marked on all subdivision plats. Such areas shall not be developed in any way, which reduces the floodplain's capacity to store and convey stormwater. Areas subject to periodic flooding or excessive flows or surface runoff will not be acceptable for development unless the applicant makes

necessary provisions to eliminate such flooding.

4.4.4. All lots shall be graded in accordance with a grading plan approved by the City Engineer, which plan shall provide the following minimum requirements and as otherwise required by the Public Works Manual, unless more stringent requirements are deemed necessary and so specified by the City Engineer.

1. No lot shall shed channeled surface runoff water on to any other lot, unless such runoff is contained within an easement provided, graded and dedicated for such purpose.
2. No street pavement shall shed surface runoff water on to any lot.

4.4.5. No subdivision or part thereof shall shed storm runoff, either as surface runoff or an outfall from storm sewerage structures, on to any adjacent land unless such runoff is contained within an existing drainage easement, ditch, structure or right-of-way. And provided further, that such existing drainage easement, ditch, structure or right-of-way provides outfall to an established drainage channel, as approved by the City Engineer.

4.4.6. Where permitted, swales and ditches shall be designed so as not to create hazardous erosion. Well-defined natural drainage swales, which are to be left undisturbed, may be considered by the City Engineer to be utilized without any improvements, provided a drainage easement includes complete drainage way. Where drainage swales are being constructed or where natural drainage ways are disturbed, erosion control measures designed by the subdivision engineer and approved by the City Engineer shall be provided.

- 4.4.7. Before subdivision construction is begun a bond in an amount determined by the City Engineer, sufficient to cover the cost of drainage ditches and storm sewers shall be posted guaranteeing the completion of the same in accordance with these regulations. See Article 5 for bonding requirements. [Ord. # 236, 1972]

§4.5. Markers

The corners of all lots and the beginning and ending of all curves on property lines shall be accurately marked on the ground with one-half (1/2) inch diameter iron rods at least eighteen (18) inches long driven flush with the surface of the ground.

§4.6. Regulatory, Street and Miscellaneous Signs

- 4.6.1. The developer will be responsible for the placement of proper signing of new streets. A signing plan shall be submitted to the City Engineer for approval. Regulatory and warning signs shall be in accordance with Manual on Uniform Traffic Control Devices (MUTCD). Street name signs not in accordance with the MUTCD shall not be maintained by the City.
- 4.6.2. All necessary signing for construction areas shall be the responsibility of the developer.
- 4.6.3. Traffic control devices shall conform to the latest Manual on Uniform Traffic Control Devices.

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Article 5 REQUIRED IMPROVEMENTS, BOND

§5.1. Improvements

Over the course of the subdivision approval process, a total of four bonds will be required on the part of the Developer to ensure completion of planned public improvements in accordance with city standards and to cover maintenance of the improvements for a set amount of time. This section outlines the bonding requirements and how they coincide with the subdivision platting process. All bonds filed with the City are subject to an annual review and potential increase based on current costs for construction labor and materials as determined by the City Planner and City Engineer.

§5.2. Bond and Surety, Amount and Release

5.2.1. **Subdivision Performance Bond** Upon approval of preliminary plat but prior to construction, the applicant shall execute a Subdivision Agreement as provided in Appendix B and file such Agreement with the City Engineer. A Subdivision Performance Bond shall be required to ensure the fulfillment of such agreement and shall be in the form of a Bond approved by the City Engineer, or designee. Said bond amount shall be set at 115% of the estimated cost of all public improvements.

5.2.2. **Subdivision Maintenance Bond** Concurrently with the Subdivision Performance Bond, a Subdivision Maintenance Bond shall also be filed with the City Engineer. Said bond amount shall be set at 15% of the estimated cost of all public improvements and shall extend for a period of three (3) years.

5.2.3. **Final Wearing Surface Performance Bond** Once construction is substantially complete, a binder course of pavement has been installed and prior to the recording of the Final Plat, the applicant

shall file a Final Wearing Surface Performance Bond in an amount equivalent to 125% of the cost of the remaining public improvements. Said bond shall be in the form of a Bond approved by the City Engineer, or designee. A schedule of estimated costs for all items to be bonded shall be submitted by the project engineer for review by the City Engineer. This schedule shall clearly describe the items, quantities, unit cost and total cost of the remaining improvements. Following successful filing of said Final Wearing Surface Performance Bond, if all constructed public improvements constructed to date have been inspected and approved by the City Engineer, the City Engineer may issue a written release of the previously filed Subdivision Performance Bond.

5.2.4. **Final Wearing Surface Maintenance Bond** The Final Wearing Surface Performance Bond and the Subdivision Maintenance Bond shall be retained in the Office of the City Engineer until all inspections of the constructed improvements are complete, the Council accepts dedication by way of adoption of a Resolution and a Final Wearing Surface Maintenance Bond has been filed.

The amount of the Final Wearing Surface Maintenance Bond shall be equivalent to 10% of the previously filed Final Wearing Surface Performance Bond and shall be in the form of a Bond approved by the City Engineer, or designee. Upon the approval of the City Engineer of the submitted Final Wearing Surface Maintenance bond, the City Engineer shall issue a written release of the previously submitted Subdivision Maintenance Bond and the Final Wearing Surface Performance Bond.

The City Engineer shall secure from all applicants a statement in which said applicant shall agree to maintain all improvements in good repair for a period of one (1) year after the acceptance of such improvements by the Council.

The subdivider shall keep such Final Wearing Surface Maintenance bond in full force and effect for the duration of the period in which it is required.

Following that one year, the applicant shall obtain the approval of the City Engineer in order to release said Final Wearing Surface Maintenance bond.

§5.3. Inspections and Acceptance

The City Engineer shall regularly supervise inspection for defects in the construction of required improvements. If the City Engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for completing the improvements. All testing shall be the responsibility of the applicant and shall be done by a testing laboratory, approved by the city, and approved by the City Engineer.

- 5.3.1. Upon completion of the improvements, the applicant shall file with the City Engineer a statement stipulating the following:
1. That all required improvements are complete;
 2. That the improvements are in compliance with the minimum standards specified by the City for their construction;
 3. That the applicant knows of no defects from any cause in those improvements; and
 4. That the improvements are free and clear of any encumbrance or lien.

- 5.3.2. The applicant shall also file with the City Engineer an agreement dedicating said improvements to the City. Upon completion of the required improvements, the City Engineer shall file with the City Clerk a statement either certifying that those improvements have been completed in the specified manner, or listing the defects in those improvements. The Council may, at its discretion, accept the dedication of any part of the required land and improvements, provided that all statements and agreements specified above have been received for that portion of the subdivision. If the City Engineer has certified that the required improvements are complete and free from defect, then upon receipt of all the statements and agreements detailed above, the Council shall accept the dedication of the specified land and improvements.

Article 6 PROCEDURES

§6.1. Preliminary Plat

- 6.1.1. Before any land is subdivided or any subdivision is recorded, the subdivider or his agent shall file a preliminary plat of said subdivision with the City Clerk requesting approval by the Commission of the proposed subdivision.
- 6.1.2. The preliminary plat, prepared in accordance with the requirements set forth in the preceding Article 3 and in this Article, shall be filed with the application to the Commission prior to the completion of final surveys of streets and lots and before the start of any grading or construction work upon the proposed streets and before any map of said subdivision is recorded and preferably before any map is made in form suitable for recording. The Commission shall determine whether preliminary plat is in proper form and shall not receive and consider such map as filed until it is submitted in accordance with the requirements hereof.
- 6.1.3. Pre-Application. Whenever the subdivision or development of land is proposed, the subdivider or developer is urged to consult early and informally with City Staff. In this way the developer can obtain the assistance of the City Engineer and City departments, and facilitate the subsequent preparation of the subdivision plat or development plan.
 - 1. The subdivider may present a lot layout sketch. This sketch may be freehand, but shall be drawn to scale. The information submitted should include the location of the proposed subdivision in relation to the surrounding area; existing features such as highways; drainage facilities; lakes, woodlands, other significant natural and built features; the general topography of the site; and the proposed

pattern of streets, lots, and blocks. The lot layout sketch should be submitted to the Commission. Copies may be distributed to other City departments for comment.

- 2. Although not required, the lot layout sketch is included in the review process to allow the subdivider and local officials to discuss the proposed subdivision in an informal setting, and to deal with issues and correct errors and/or problems during the early stages of the project.
- 3. Upon receiving favorable consideration, the applicant may proceed to prepare the preliminary plat for the subdivision. Neither the applicant nor the Commission shall be bound by the pre-application review; and it is expressly understood that favorable consideration by the Commission at the pre-application stage of the process shall not be construed as preliminary or tentative approval, nor bind either party.
- 6.1.4. Application Requirements. The applicant shall, in addition, submit four (4) full construction sets of the preliminary plat, one (1) vicinity sketch, fifteen (15) full size clean "lot line" prints (folded to a size approximately 8 1/2" x 11") and one (1) copy of lot line print sized to 8 1/2" x 11". Said copies shall be submitted to the City Clerk at least twenty (20) days prior to the regular scheduled meeting of the Commission. An electronic copy in portable document format (PDF) of all required materials shall also be provided. The Commission shall forward one (1) copy to the City Engineer who shall submit written recommendations to the Commission by the time of its initial hearing on said plat.
- 6.1.5. Information on Plat. Refer to Appendix A for submittal requirements.

6.1.6. Building Restrictions. If the proposed subdivision does not lie within the force and effect of an existing Zoning Ordinance, the preliminary plat shall be accompanied by a plan indicating the proposed use of the lots and by the instrument to be used in establishing restrictions.

6.1.7. Vicinity Sketch. A vicinity sketch or key map at a scale not more than 400 feet to the inch shall be shown on or accompany the Preliminary Plat. This map shall show all existing subdivisions, streets and tract lines of acreage parcels, together with the names and addresses of the record owners of parcels of all land immediately adjoining the proposed subdivision. It shall also show how streets and alleys may in the proposed subdivision may connect with existing and proposed street and alleys in neighboring subdivisions or undeveloped property, to produce the most advantageous development of the entire neighboring area.

6.1.8. Fees and Notice

1. To partially defray costs of filing said application, notifying interested parties, investigation, and holding a hearing on a preliminary plat, a fee, as may be set from time to time by the Council, shall be paid to the City by the applicant at the time of filing of the application, together with the cost of giving legal notice.
2. Preliminary plats shall be considered by the 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 owner(s) of the land. The owners of all abutting property shall also be notified by certified mail of the hearing at least fourteen (14) days prior to such hearing.

6.1.9. Preliminary Plat Approval

1. The Commission review of this Preliminary Plat shall be governed by the procedure set forth in Title 37, Chapter 16, Article 3, Section 799, of the Code of Alabama.
2. Approval of the preliminary plat is authorization that the applicant may proceed with appropriate applications for the staking of streets and lots in preparation for construction of improvements and for final platting pursuant to the bonding requirements set forth in Article 5 Required Improvements; Bonding.
3. Tentative approval of the Commission is revocable and is to be considered only as approval of the design, with the understanding that the Commission, the City Engineer, Water Authority, and the County Health Department will examine the grades of streets, the types of improvements, the layout of drainage and sewerage system and the water system, and may modify any engineering or construction details submitted by the subdivider whenever required for the protection of the public interest.
4. Before starting construction, necessary arrangements must be made between the applicant and the City Engineer for adequate laboratory and construction inspection to insure that the proposed improvements comply with the requirements of the City and County.
5. Tentative approval shall be effective for twelve (12) months unless extended by the Commission. Subdivisions, the Final Plats of which are not submitted within this time limit, must be re-submitted for tentative approval as new subdivisions; provided, however, that if a Final Plat of a part of the subdivision shall have been submitted and approved within the twelve (12) month period, the tentative approval of the Preliminary Plat shall

automatically be extended for a period of twelve (12) 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 twelve (12) month period during which the Preliminary Plat approval is effective, the 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.

6. Upon tentative approval of a Preliminary Plat by the Commission, the Commission shall notify the subdivider by separate letter of such approval.

§6.2. 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 City Engineer and with other officials and agencies concerned with construction or installation of improvements. The Engineering Plans may include only the portion of the approved Preliminary Plat, which the subdivider proposes to develop at the time.

- 6.2.1. 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 City Engineer four (4) sets of black or blue line prints 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 City and of other agencies concerned.

- 6.2.2. 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:
 1. Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision.
 2. Typical cross sections of the proposed grading, roadways, and sidewalks; and profiles of all sanitary and storm sewer lines.
 3. 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.
 4. The location and results of soil percolation tests if individual sewage disposal systems are proposed.
 5. The Engineering Plan shall be signed and sealed by a Registered Engineer or Land Surveyor.
 6. The City Engineer 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.

§6.3. 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. All inspections and testing must be completed and the construction approved by the City Engineer prior to the final plat being placed on the agenda for Commission action.

6.3.1. Application Requirements. The final plat shall be drawn upon mylar film, on sheets measuring no more than twenty-four (24) by thirty-six (36) inches; and at a scale of one inch equals one hundred (100) feet or other appropriate scale as approved by the City Engineer. Where necessary the final plat may consist of several sheets, accompanied by an index sheet showing the entire subdivision. The original and fifteen (15) black and white prints shall be submitted to the City Engineer at least fifteen (15) business days prior to the date on which the Commission will consider the Final Plat.

6.3.2. Information on the Plat. Refer to Appendix A for submittal requirements.

6.3.3. The Final Plat shall also be accompanied by the following, as appropriate:

1. 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.
2. A statement signed by the City Engineer that the subdivider has complied in full with one of the following alternatives:

- a. 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 Commission in giving tentative approval to the subdivision, and in accordance with City specifications.

- b. A performance bond, approved as to form by the City Attorney and with surety satisfactory to the Commission, securing the design and installation of these improvements, utilities, and facilities within the period fixed by the Commission.

3. 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.

6.3.4. Final Plat Approval

1. Final approval of the plat will be given upon (1) fulfillment of all conditions attached to, and in conformance with, the Preliminary Plat; and (2) certification of the proper installation of the improvements and compliance with these Regulations. The Commission shall act upon the Final Plat within thirty (30) days or the Final Plat shall be deemed to have been approved.

2. Approval of the Final Plat by the Commission shall not be deemed to constitute or affect an acceptance by the public of the dedication of any street or other proposed public ways or lands shown on the Final Plat. Acceptance of dedicated lands by the Council must occur prior to recording the Final Plat.

3. Approval of the Final Plat by the Commission shall be null and void if the plat is not recorded in the office of the Probate Judge within sixty (60) days after the date of approval, unless application for an extension of time is made in writing during said sixty (60) day period to the Commission and granted.
4. If the plat is disapproved the ground for disapproval shall be stated upon the records of the Commission.

6.3.5. Fees and Notice

1. To partially defray costs of filing said application, notifying interested parties, investigation, and holding a hearing on a final plat, a fee, as may be set from time to time by the Council, shall be paid to the City by the applicant at the time of filing of the application, together with the cost of giving legal notice.
2. Notice by certified mail to abutting lot owners shall be mailed ten (10) days prior to the hearing on the final plat.

§6.4. 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.

§6.5. Subdivision, Resubdivisions, and Exceptions

- 6.5.1. Approval Required. All subdivisions shall be subject to the provisions of these Regulations and subject to approval in accordance with this Section. No development activity or sale, rental, or lease of land subdivided shall proceed without written approval in accordance with these Regulations.
- 6.5.2. Exceptions to Required Approval. Notwithstanding the preceding

paragraph, the following subdivisions are exempt from the provisions of these Regulations and from any requirement for approval to subdivide. The City may require documentation to substantiate a claim of exemption.

1. Subdivision of land by testamentary or in testate provisions;
2. Subdivision of land by court order including, but not limited to, judgments of foreclosure; and
3. Subdivision of land, which existed prior to the effective date of these Regulations as a single contiguous parcel and is not within a recorded subdivision and which involves no roadway, drainage, or other public improvements into no more than two parcels, including remnant parcels.

PRELIMINARY PLAT REQUIREMENTS

The Preliminary Plat shall be drawn at a horizontal scale of 100 feet or less to the inch and at a vertical scale of twenty (20) feet or less to the inch and shall include the following:

1. The proposed name of the subdivision.
2. The name and address of the owner and subdivider of the plat and of any mortgage or holder of any encumbrance on the property to be subdivided; also, the name and address of the designer of the plat, who shall be a registered architect, engineer, landscape architect or land surveyor, licensed to practice in the State of Alabama.
3. North point, scale and date.
4. The boundary line (accurate in scale) of the tract to be subdivided, accurately located with reference to established Section, Township and Range lines.
5. Contours with intervals of five (5) feet or less, referred to sea level datum.
6. The names of adjacent subdivisions, or the names and addresses of recorded owners of adjoining parcels of unsubdivided land.
7. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the said tract, existing permanent buildings, railroad right-of-way and other important features, such as section lines, political subdivisions or corporate lines.
8. Existing sewers, water mains, culverts or other underground structures within the said tract and immediately adjacent thereto with pipe sizes, grades and locations identified.
9. All parcels of land intended to be dedicated for public use, together with the purpose and the conditions or limitations of such dedications, if any.
10. The layout, names and widths of proposed streets, alleys and easements. Plan and profile drawings of each street with tentative grades.
11. The cross section of proposed streets showing the width of roadways, location and width of curbs and sidewalks, and the location and size of utility mains.
12. Plan and profile drawings of proposed sanitary and storm water sewers, with grades and pipe sizes indicated.
13. The layout, number and approximate dimensions of proposed lots.
14. The placement of necessary extension of public utility installations, including:
 - Electricity, water, gas and telephone services. Said plans to be approved, in writing, by the public utility company concerned.
 - Proposed sewer line and/or other sewage disposal facilities to be approved by the County Sanitary Engineer and/or the County Health Department.
15. Restrictions and limitations on the use of land and improvements to be incorporated in and made a part of said plat or subdivision. Where the plat of land falls within the force and effect of a Zoning Ordinance, these restrictions and limitations must conform with such Zoning Ordinance.

16. A statement that any lot transferred will have a minimum width, substantially the same as those of the platted lots, and that only one (1) principal building will be permitted on any such lot unless otherwise permitted by the Zoning Ordinance.

FINAL PLAT REQUIREMENTS

The Final Plat shall be drawn to the scale of one (1) inch equal to 100 feet or less, and shall show:

1. The boundary lines with accurate distance and bearings; the exact location and width of all existing and recorded streets intersecting the boundary of the tract. 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. 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 ($1/2$) mile of the subdivision.
2. Primary control points approved by the City Engineer 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.
3. An accurate location of the subdivision in reference to the real estate records of Jefferson County.
4. The exact layout including:
 - Streets and alleys, with their names and numbers.
 - The length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents.
 - All easements for rights-of-way provided for public services or utilities and any limitations of the easements.
 - All lot numbers and lines with accurate dimensions in feet and hundredths, and with bearings and angles to street and alley lines.
5. The accurate location, material and approximate size of all monuments and markers.
6. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon.
7. Building setback lines.
8. Private restrictions:
 - Boundaries of each type of use restrictions.
 - Other private restrictions for each definitely restricted section of the subdivision.
9. Proposed name of the subdivision.
10. Names and addresses of the owner and subdivider of the plat and of any mortgagee or holder of any encumbrance on the property to be subdivided.
11. North point, scale and date.
12. Certificate of approval by the Planning Commission.

ACCESS PLAN REQUIREMENTS FOR NON-RESIDENTIAL AND MULTI-FAMILY USES

The Access Plan shall be drawn to a scale of not less than one (1) inch equals fifty (50) feet and shall include:

1. driveway locations and length of lot lines abutting streets;
2. distances from adjacent intersections;
3. access sight distance relative to vertical or horizontal curves and the normal operating speed/grade/lane configuration of the street;
4. the area proposed for street construction on the right-of-way, including the width and length of driveways and acceleration/deceleration lanes, radius of curves, typical pavement section, type of concrete curbs and relocations of sidewalks;
5. location of existing overhead and underground utilities, fire hydrants, and drainage structures, and proposed utility relocations;
6. right-of-way and street improvements proposed for dedication to the City; and
7. a traffic-control plan, which shall include signage to be maintained by the contractor during construction.

ACCESS PLAN REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS AND DUPLEXES

The Access Plan shall be drawn to a scale of not less than one (1) inch equals fifty (50) feet and shall include:

1. the distance of the proposed driveway from lot lines, abutting streets and driveways on abutting lots;
2. the driveway width and radius of driveway curves; and
3. the location of existing utilities, drainage structures, and fire hydrants

CERTIFICATES

APPENDIX B-1

THE STATE OF ALABAMA
 _____ COUNTY

The Undersigned (name), Registered Land Surveyor, State of Alabama, and (name), owner(s) hereby certify that this plat or map was made pursuant to a survey and this plat or map is a true and correct maps of lands shown therein and known as (Name of subdivision or resurvey) showing the subdivisions into which it is proposed to divide said lands, giving the length and bearings of the boundaries of each lot and its number, showing the streets, alleys and public grounds, giving the bearings, length, width and name of each street, as well as the number of each lot and block, and showing the relation of the lands to the government survey (or, if the plat is a resurvey of an existing recorded subdivision, “showing the relation of the lands to the survey of (Name of subdivision) as recorded in the office of County Probate Judge in map book (Map Book No.), page (Page No.)”) and that iron pins have been installed at all lot corners and curve points as shown and designated by small open circles on said plat or map. Said owner(s) also certifies (certify) that he (she, they, it) is (are) the owner(s) of said lands and that the same are not subject to any mortgage.

Dated _____ 20__.

(Execution and acknowledgement by Surveyor and Owner(s).

APPENDIX B-2

The Undersigned (name), Registered Land Surveyor, State of Alabama, and (name), owner(s) hereby certify that this plat or map was made pursuant to a survey made by said surveyor and this said survey and this plat or map were made at the instance of said owner(s); that this plat or map is a true and correct map of lands shown therein and known as (Name of subdivision or resurvey) showing the subdivisions into which it is proposed to divide said lands, giving the length and bearings of the boundaries of each lot and its number, showing the streets, alleys and public grounds; giving the bearings, length, width and name of each street, as well as the number of each lot and block, and showing the relation of the lands to the government survey (or, if the plat is a resurvey of an existing recorded subdivision, “showing the relation of the lands to the survey of (Name of subdivision) as recorded in the office of County Probate Judge in map book (Map Book No.), page (Page No.)”); and that iron pins have been installed at all lot corners and curve points as shown and designated by small open circles on said plat or map. Said owner(s) also certifies (certify) that he (she, they, it) is (are) the owner(s) of said lands and that the same are not subject to any mortgage, except a mortgage or mortgages held by the following mortgage(s): (Name).

Dated _____ 20__.

(Execution and acknowledgement by Surveyor, Owner(s), and Mortgagee(s).

APPENDIX B-3

STATE OF ALABAMA
_____ COUNTY

I, (Name), as Notary Public in and for said County and State, do hereby certify that (Name of Surveyor), whose name is signed to the foregoing certificate as a surveyor, and (Name of owner) whose name is signed to the same as owner (and (Name of mortgagee), whose name is signed to the same as mortgagee), all of whom are known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificates, the executed same voluntarily as such individuals (or in any other capacities) with full authority thereof.

Given under my hand and seal this ____ day of _____, 20__.

Notary Public (seal)

APPENDIX B-4

Having reviewed this plat, and the associated improvements by the owner for dedication to the City of Vestavia Hills (as secured by bonds), I (Name) as City Engineer, recommend approval and acceptance by the Planning and Zoning Commission, this ____ day of _____, 20__.

Having reviewed this plat, and considered the recommendations of the City Engineer, the Planning and Zoning Commission hereby by majority vote, (accepts the plat for recording)(and recommends the City Council accepts the dedications shown thereon), this the ____ day of _____, 20__.

By _____, Chairman

APPENDIX B-5

BE IT RESOLVED, by the Vestavia Hills City Council that the assent of the body be, and the same hereby is, given to the dedication of the streets, alleys, and public grounds as shown on plat or map of (Title of plat or map), which said plat or map is certified to have been made by (Name of surveyor) as surveyor, at the instance of (Name of owner) as owner, and recommended by the Planning and Zoning Commission and; said plat or map being further identified by a recital of the approval of the City Council signed by _____, City Clerk, this the ____ day of _____, 20__.

APPENDIX B-6.1:

CITY OF VESTAVIA HILLS, ALABAMA
SUBDIVISION PERFORMANCE BOND

BOND NUMBER _____

KNOW ALL MEN BY THESE PRESENTS, THAT WE _____ (hereinafter called the Principal) and _____ (hereinafter called the Surety) are held firmly unto the City of Vestavia Hills, Alabama (hereinafter called the Obligee), in full and just sum of _____ Dollars (\$ _____), lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Principal has applied to the Obligee for approval and acceptance of a subdivision known as _____ and Obligee has given tentative approval and acceptance to the said subdivision, provided the Principal constructs the improvements on or before _____, in accordance with the approved construction plans prepared by _____ and filed with the City Engineer.

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if Principal shall promptly and faithfully construct the improvements in accordance with the approved construction plans which are made a part hereof by reference as if set out in here full, and said construction HAS BEEN approved by Obligee, within the time mentioned, then the Bond shall be null and void UPON WRITTEN ACCEPTANCE BY THE CITY; otherwise SAID BOND SHALL remain in full force and effect. The bond SHALL automatically extend without amendment for additional one-year period(s) from the expiration date, or any future expiration date, until all improvements have been constructed in accordance with approved construction plans.

Whenever, the Principal shall be, and is declared by Obligee to be in default under this agreement, the Surety may promptly remedy the default; or shall promptly:

1. Complete the improvements, or
2. Obtain a bid for submission to Obligee for completing the improvements and upon determination by Obligee and Surety of the lowest responsible bidder, arrange for a contract between such bidder and Obligee and make available as work progresses sufficient funds to pay the cost not to exceed the cost for which the Surety may be liable hereunder, the amount of this bond.

No right of action shall accrue on this bond to or for the use of any persons or corporation other than the Obligee named herein.

SIGNED, SEALED AND DELIVERED THIS _____ day of _____, _____.

Principal (Company Name)
Address
Telephone Number
Fax Number
Official Signature

Surety (Company Name)

Address
Telephone Number
Fax Number
Official Signature

APPENDIX B-6.2:

**CITY OF VESTAVIA HILLS, ALABAMA
SUBDIVISION MAINTENANCE BOND**

BOND NUMBER. _____

KNOW ALL MEN BY THESE PRESENTS, THAT WE _____ (hereinafter called the Principal) and _____ (hereinafter called the Surety) are held firmly unto the City of Vestavia Hills, Alabama (hereinafter called the Obligee), in full and just sum of _____ Dollars (\$ _____), lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Principal has obligated himself to provide maintenance of the improvements, for said project _____ for a minimum term of three (3) years after completion of said improvements.

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT, Principal shall faithfully perform all maintenance required to keep all dedicated improvements in substantially the same condition as that in which it has been approved by the City on the pre-final inspection for a minimum period of three (3) years after said approval or upon completion and acceptance of the asphalt seal wearing course and all covered maintenance items.

Whenever, the Principal shall be, and is declared by Obligee to be in default under this agreement, the Surety may promptly remedy the default; or shall promptly:

1. Complete the maintenance of improvements necessary on the date of default, or
2. Obtain a bid for submission to Obligee for completing the maintenance and upon determination by Obligee and Surety of the lowest responsible bidder, arrange for a contract between such bidder and Obligee to complete default items and make available as work progresses sufficient funds to pay the cost not to exceed the cost for which the Surety may be liable hereunder, the amount of this bond for any remaining part of the said minimum period or upon completion and acceptance of the asphalt seal wearing course and all covered maintenance items.

No right of action shall accrue on this bond to or for the use of any persons or corporation other than the Obligee named herein.

SIGNED, SEALED AND DELIVERED THIS _____ day of _____, _____.

Principal (Company Name)
Address
Telephone Number
Fax Number
Official Signature

Surety (Company Name)

Address
Telephone Number
Fax Number
Official Signature

APPENDIX B-6.3:

CITY OF VESTAVIA HILLS, ALABAMA
FINAL WEARING SURFACE PERFORMANCE BOND

BOND NUMBER _____

KNOW ALL MEN BY THESE PRESENTS, THAT WE _____ (hereinafter called the Principal) and _____ (hereinafter called the Surety) are held firmly unto the City of Vestavia Hills, Alabama (hereinafter called the Obligee), in full and just sum of _____ Dollars (\$ _____), lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Principal has received approval to construct the improvements of _____ in accordance with the approved construction plans submitted by _____.

WHEREAS, said Principal has obligated himself to install the final wearing surface with approval from the City Engineer. Said installation should not occur earlier than one (1) year after completion of said improvements, or the completion of at least 80% of said subdivision.

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if Principal shall promptly and faithfully perform the installation of the final wearing surface, then this obligation shall be null and void; The bond SHALL automatically extend without amendment for additional one-year period(s) from the expiration date, or any future expiration date, until all wearing surface improvements have been constructed in accordance with approved construction plans.

Whenever, the Principal shall be, and is declared by Obligee to be in default under this agreement, the Surety may promptly remedy the default; or shall promptly:

1. Complete the installation of final wearing surface, or
1. Obtain a bid for submission to Obligee for completing the installation of final wearing surface and upon determination by Obligee and Surety of the lowest responsible bidder, arrange for a contract between such bidder and Obligee and make available as work progresses sufficient funds to pay the cost not to exceed the cost for which the Surety may be liable hereunder, the amount of this bond.

No right of action shall accrue on this bond to or for the use of any persons or corporation other than the Obligee named herein.

SIGNED, SEALED AND DELIVERED THIS _____ day of _____, _____.

Principal (Company Name)
Address
Telephone Number
Fax Number
Official Signature

Surety (Company Name)

Address
Telephone Number
Fax Number
Official Signature

APPENDIX B-6.4:

**CITY OF VESTAVIA HILLS, ALABAMA
FINAL WEARING SURFACE MAINTENANCE BOND**

BOND NUMBER _____

KNOW ALL MEN BY THESE PRESENTS, THAT WE _____ (hereinafter called the Principal) and _____ (hereinafter called the Surety) are held firmly unto the City of Vestavia Hills, Alabama (hereinafter called the Obligee), in full and just sum of _____ Dollars (\$ _____), lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Principal has obligated himself to provide maintenance of the improvements, for said project _____ for the term of one (1) year after completion of said improvements.

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT, Principal shall faithfully perform maintenance of the final wearing surface for a period of one (1) year from the date of installation.

Whenever, the Principal shall be, and is declared by Obligee to be in default under this agreement, the Surety may promptly remedy the default; or shall promptly:

1. Complete the maintenance, or
2. Obtain a bid for submission to Obligee for completing the maintenance and upon determination by Obligee and Surety of the lowest responsible bidder, arrange for a contract between such bidder and Obligee and make available as work progresses sufficient funds to pay the cost not to exceed the cost for which the Surety may be liable hereunder, the amount of this bond.

No right of action shall accrue on this bond to or for the use of any persons or corporation other than the Obligee named herein.

SIGNED, SEALED AND DELIVERED THIS _____ day of _____, _____.

Principal (Company Name)
Address
Telephone Number
Fax Number
Official Signature

Surety (Company Name)
Address
Telephone Number
Fax Number
Official Signature

APPENDIX B-7: IMPROVEMENT AND MAINTENANCE AGREEMENT

STATE OF ALABAMA)

_____ COUNTY)

WITNESS THIS AGREEMENT, made and entered into on this the _____ day of _____, _____, by and between, _____ hereinafter referred to as "Subdivider", and the City of Vestavia Hills, Alabama, a municipal corporation, organized and operating under the laws of the State of Alabama, hereinafter referred to as "City".

WITNESSETH THESE RECITALS:

WHEREAS, Subdivider, _____, is the owner and/or duly authorized agent of the owner, of the real estate and improvements situated at _____ in the City of Vestavia Hills, _____ County, Alabama, which said real estate is more particularly described as follows: _____

_____ ; and

WHEREAS, the Subdivider desires to subdivide and develop the above described property in conformity with the terms, provisions and conditions of the Subdivision Regulations for the City of Vestavia Hills; and

WHEREAS, Subdivider has filed a written application, together with black-line print copies of a preliminary plat, of proposed subdivision of said property with the Vestavia Hills Planning and Zoning Commission requesting approval by the City of said proposed subdivision; and

WHEREAS, the Subdivision Regulations of the City of Vestavia Hills, Alabama, provide for, among other things, street and roadway, sidewalk, utilities and stormwater improvements; and whereas the City of Vestavia Hills, Alabama, in an effort to promote the health, safety and general welfare of the City, requires that all subdividers guarantee that all improvements meet the requirements of the City's Subdivision Regulations; and

WHEREAS, the Vestavia Hills Planning and Zoning Commission is willing to approve the preliminary plat upon the execution and delivery of this agreement by the undersigned Subdivider; and

WHEREAS, Subdivider is willing to execute and deliver this Agreement.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That Subdivider and City mutually agree as follows:

1. Subdivider shall build and construct the streets, roadways and all other improvements shown on the preliminary plat and the final plat at the sole expense of said Subdivider, all in accordance with the terms of this Agreement and the Subdivision Regulations of the City of Vestavia Hills.
2. All improvements required under this Agreement and the Subdivision Regulations shall be constructed in accordance with all applicable specifications of the City, including among others, those set forth in the Subdivision Regulations and Public Works Manual, and under the supervision of the City Council and to its satisfaction.
3. The work shall be inspected and/or supervised by the City Building Official and the City Engineer as directed by the City Council, to the extent necessary to determine whether or not the work performed complies with the requirements of this Agreement and the Subdivision Regulations.
4. All improvements shall be guaranteed to the City in writing as detailed below until final acceptance of the dedication by the City Council. The guarantees shall be secured by a surety acceptable to the City of Vestavia Hills as defined:
 - a. A Subdivision Performance Bond as detailed in Appendix B-6.1 in a minimum amount of 115% of the cost of the proposed public improvements to be constructed shall be submitted with this Agreement and approved by the City Engineer and City Planner prior to approval of the Preliminary Plat and prior to any construction upon the property. Said Subdivision Performance Bond shall be kept in full force and effect and renewed as needed until such time as the final plat is recorded in the Office of the Judge of Probate and a written release is issued from the City Engineer following the successful filing of a Final Wearing Surface Performance Bond as described in Section c below.
 - b. In addition to and concurrently with the Subdivision Performance Bond, the Subdivider shall also file a Subdivision Maintenance Bond as detailed in Appendix B-6.2 in a minimum amount of 15% of the total cost of public improvements to be constructed.
 - c. Following approval of the final plat, a Final Wearing Surface Performance Bond as detailed in Appendix B-6.3 in a minimum amount of 125% of the cost of the public improvements remaining to be constructed along with the final seal shall be submitted and approved by the City Engineer and the City Planner. The City Engineer shall inspect all constructed improvements and issue a written release of the Subdivision Performance Bond. Said approval and release are required prior to the recordation of the final plat in the Office of the Judge of Probate.

- d. Following acceptance of dedication by the City Council and prior to the release of the sureties in Subsections b and c (above), the Subdivider shall submit a Final Wearing Surface Maintenance Bond as detailed in Appendix B-6.4 in a minimum amount of 10% of the previously filed Final Wearing Surface Performance Bond required in Subsection c (above) and approved by the City Engineer and the City Planner . At the expiration of a minimum period of one (1) year from the date of acceptance by the City Council, at the request of the Subdivider, the City Engineer shall conduct a final inspection of all public improvements. If no deficiencies are found or upon completion of repairs of any existing deficiencies, the City Engineer shall issue a written release of said surety.
5. Subdivider shall offer dedication of all streets and roadways and all other applicable improvements shown on the preliminary plat and final plat as approved by the Vestavia Hills Planning and Zoning Commission. Approval of the plat, however, shall not be deemed to constitute an acceptance by the public of any improvements shown upon the plat. In order to dedicate improvements shown on a plat of a subdivision, it is necessary that the dedication be accepted by the City Council. Acceptance of a dedication can only be accomplished by the approval of a formal written resolution adopted at a regular scheduled meeting or a special meeting called for that specific purpose following an offer of dedication by the Subdivider and an inspection and recommendation of the City Engineer.
6. The City shall not accept the dedication until such time as 80% of the lots in the subdivision as shown on the plat have been developed with the construction of a home or other building. In no event shall an acceptance be made by the City until such time as the City Engineer has furnished written confirmation to the City Council that all work has been performed by the Subdivider in accordance with this Agreement, the Subdivision Regulations, Public Works Manual and any other City requirements. If it is found that the subdivision is substantially completed (in excess of 80%) and the remaining lots are held by individual property owners with no immediate plans for construction, the Subdivider may offer the improvements for dedication and the City Council in its sole discretion, may decide to accept said improvements. If accepted by the City Council, sureties may be obtained from the owners of the remaining lots at the time in which construction is commenced to warranty and ensure no damage to the public improvements during construction to said lot.
7. Subdivider shall keep all streets, roadways and other improvements shown on the plat of the subdivision in good repair until such time as the City accepts the dedication and also during the guarantee period of one (1) year as provided hereinabove.
8. Subdivider shall keep the sureties as required in paragraph 4 above in full force and effect continuously during the period beginning on the date of approval of the preliminary plat and ending upon the expiration of the one year guarantee following acceptance of dedication by the City Council as herein provided. Said sureties shall be reviewed with the Subdivider on an annual basis by the City Engineer and the City Planner. If the City Engineer and City Planner determine that the cost of completing said public improvements has risen based upon current costs for construction labor and materials and said surety is not within the stated guidelines of Section 4, the City Engineer and City Planner shall require the Subdivider to increase any and all bonds detailed in Section 4 to the required minimums.
9. Members of the general public shall have the right to use all streets and roadways shown on the preliminary plat and final plat for purposes of motor vehicular traffic, transportation and

intercommunication after the initial application of paving at all times prior to acceptance of dedication by the City.

10. Should the Subdivider and/or the surety bonding the performance of the work fail or refuse to complete the work as provided herein in conformity with the Vestavia Hills Subdivision Regulations, then in such event, the City may cause the same to be made at Subdivider's expense and the cost thereof shall be a lien on such property, prior to all other liens, except for taxes, and the same may be collected as other debts are collected for liens enforced.

11. The condition, restrictions, covenants and limitations recited in this instrument shall be binding upon the undersigned Subdivider and his, her or its respective heirs, successors and assigns. These covenants are to run with the land described in the premises above and shall be binding on all parties and persons until such time as the City accepts the dedication as hereinabove provided. These covenants shall be released and null and void after acceptance of dedication by the City of Vestavia Hills, Alabama and completion of the warranty period following dedication.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on this the _____

day of _____, _____.

SUBDIVIDER

WITNESSED BY:

CITY OF VESTAVIA HILLS, ALABAMA

BY _____
City Manager

ATTESTED BY:

City Clerk