

Town of Westover

PLANNING COMMISSION

SUBDIVISION REGULATIONS of WESTOVER, ALABAMA

TOWN OF WESTOVER – PLANNING COMMISSION

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ARTICLE I. GENERAL PROVISIONS

Section 1:01 Authority

Under authority of Title 11, Chapter 52 of the Code of Alabama, 1975, the Town of Westover Planning Commission at its meeting on October 7, 2003 adopted by resolution the following regulations, a copy of which has been certified to the Probate Judge of Shelby County, Alabama on October 8, 2003.

Section 1:02 Jurisdiction

From and after the date of October 7, 2003, these regulations shall govern each and every subdivision of land in all areas of the Township of Westover in Shelby County.

Section 1:03 Separability and Severability

The provisions of this Act are severable. Should any article, section, subsection or provision of these regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not effect the validity or unconstitutionality of these regulations as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Section 1:04 Amendments

The Planning Commission may from time to time adopt amendments that will tend to increase the effectiveness of these regulations or expedite the approval of subdivision plats. These regulations and amendments thereto may be changed or amended by the Planning Commission after a public hearing by giving due notice as required by law, and approval by the Town of Westover Planning Commission.

Section 1:05 Penalty

The Town Attorney shall initiate any appropriate action or procedure to prevent such unlawful subdivision of land and to prevent the occupancy of such subdivision of land under the authority conferred by Section 11-52-33 Code of Alabama, 1975.

Section 1:06 Definitions

Alley. Any public right-of-way designed primarily for vehicular access to the back or side of premises otherwise abutting on a street.

Condominium. A division of property or interest in property as defined by, created under and subject to the "Alabama Uniform Condominium Act of 1991" and subsequent amendments and revisions.

Condominium Subdivision. A division of land on the basis of condominium ownership. The term "subdivision", wherever used herein, encompasses and includes condominium subdivision. Any condominium unit or portion thereof shall be equivalent to the term "lot" as used and defined herein, for the purposes of determining compliance with the provisions and requirements of these regulations.

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 curb or gutters exist.

Dedication. The deliberate assignation of land by its owners for any general or public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Department. The Shelby County Department of Planning and Development.

Director. The Director of the Shelby County Department of Planning and Development.

Engineer. A professional engineer and registered by the State of Alabama Board of Registration for Professional Engineers and Surveyors.

Family subdivision. A subdivision of land into no more than five parcels, including remnant parcels, for the purpose of dividing land among the following designated legally related family members: spouse, siblings, children, grandchildren, parents, grandparents, or step-related individuals of the same status.

Final plat. The completed subdivision plat in form for approval and recording.

Large lot subdivision. A residential subdivision with a minimum lot size of three (3) acres.

Lot. A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on subdivision of record or survey map or by metes and bounds.

Planning Commission. The Town of Westover Planning Commission.

Preliminary plat. A tentative plat of a proposed subdivision for presentation to the Planning Commission for its consideration.

Roadway. That portion of a street between the regularly established curb lines, or that part of a street or alley devoted to vehicular traffic.

Town Council. The chief legislative body of the Town of Westover, Alabama.

Sidewalk area. That portion of a street not included in the roadway, and devoted in whole or in part to pedestrian traffic.

Small lot subdivision. A subdivision with lot size less than three (3) acres.

Street. A public right-of-way for vehicular and pedestrian traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated, excepting, however, an alley.

Major street. A highway or street, which may serve commercial, industrial, office park or multi-family development. These streets serve a dual purpose in moving traffic as well as providing access to adjoining land uses.

Minor street. A street primarily for access to abutting properties and serving no more than twenty (20) dwelling units.

Secondary street. An interconnecting street within a subdivision or among small areas.

Subdivider or applicant. Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Subdivision. The development and division of a lot, tract or parcel of land into two or more lots, plats, sites or otherwise for the purpose of establishing or creating a subdivision through sale, lease or building development is defined as a subdivision. The term "subdivision", wherever used herein, encompasses and includes, but is not limited to, condominium subdivision. Development includes, but is not limited to, the design work of lot layout, the construction of drainage structures, the construction of buildings or public use areas, the planning and construction of public streets, and public roads, and the placement of public utilities. A subdivision does not include the construction or development of roads or buildings on private property to be used for agricultural purposes.

Surveyor. A land surveyor and registered by the State of Alabama Board of Registration for Professional Engineers and Land Surveyors.

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ARTICLE II. PROCEDURE

Section 2:01 Application for Approval

- (a) To obtain approval of a proposed subdivision, the subdivider or applicant shall submit to the Planning Commission a preliminary plat including all design prints required by the County Engineer, a vicinity sketch, a list of the names and addresses of owners of record of parcels of land immediately adjoining the proposed subdivision, and a final plat prepared in accordance with the requirements as set forth in these regulations. No owner of land or subdivider shall proceed with improvements or sale of land subdivided without the written approval of the Planning Commission.
- (b) The subdivider shall in addition, submit fifteen (15) copies of the preliminary plat, fifteen (15) copies of a vicinity sketch, and fifteen (15) copies of all design prints required to the office of Shelby County Department of Development Services at least twenty-one (21) days prior to the regular scheduled meeting of the Town of Westover Planning Commission.
- (c) The Shelby County Department of Development Services shall forward one (1) of said copies to the County Engineer; one (1) copies to County Highway; one (1) copies to County Environmental; one (1) copies to County Utilities; one (1) copies to Fire Chief; two (2) copies to County Board of Education. The Shelby County Department of Development Services shall submit its written recommendations to the Planning Commission by the time of its initial hearing on said plat.

Section 2:02 Fees and Notice

- (a) To partially defray the cost of filing said application, notifying interested parties, investigation, and holding a hearing upon the preliminary plat, a fee as set by the Town to be paid to the Planning Commission by the subdivider at the time of filing the application, together with the cost of giving legal notice.
- (b) Notice by certified mail to abutting property owners shall be mailed at least six (6) days prior to the hearing on the preliminary plat.
- (c) When application is made for approval of a subdivision under the provisions of Article II, Section 2:09, a final plat fee of five dollars (\$5) together with the cost of giving legal notice, shall be paid at the time of filing the applications.

Section 2:03 Preliminary Plat Approval

The Planning Commission shall approve, approve conditionally, or disapprove such preliminary plat within thirty (30) days after the submission thereof at its regular meeting. If approved conditionally, the conditions and reasons therefore shall be stated and if necessary the Planning Commission may require the subdivider to submit a revised preliminary plat. If any of the requirements are modified or waived, the reasons for such shall be specified. If the Planning Commission should disapprove the preliminary plat, the reasons for such action shall be stated and if possible recommendations made on the basis of which the proposed subdivision would be approved. One (1) copy of the preliminary plat as acted upon by the Planning Commission shall be retained in its office, one (1) copy forwarded to the County Engineer, and one (1) copy returned to the subdivider. The approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the subdivision layout as proposed on the preliminary plat.

Section 2:04 Effect of Preliminary Plat Approval

Approval of the preliminary plat is authorization that the subdivider may proceed with the staking of streets and lots in preparation for construction of improvements and for final platting.

Section 2:05 Engineering Requirements

- (a) The subdivider shall furnish all plans and information necessary for the engineering consideration and approval for the construction of the proposed improvements as requested by the County Engineer. Such plans and information shall be furnished with the preliminary plat application and shall be certified by a Registered Professional Engineer.
- (b) Before starting construction, necessary arrangements must be made between the subdivider and the County Engineer for adequate laboratory and construction inspection to insure that the proposed improvements shall comply with the requirements of Shelby County. All testing shall be the responsibility of the subdivider and shall be done by an approved Testing Laboratory.

Section 2:06 Final Review and Approval

- (a) The subdivider shall submit the original and three copies of a final plat to the Shelby County Department of Planning and Development for review within the time period in which the preliminary approval is valid. If the final plat is not submitted within this time period, the preliminary approval expires. The final plat shall have been signed and executed by all necessary parties and shall be accompanied by the appropriate application form and fee.
- (b) Within four (4) weeks the department, in coordination with the county engineer and environmental manager, shall determine whether the final plat should be approved or not approved based on whether the development conforms to the approved preliminary plat and the conditions, if any, imposed during preliminary review.
- (c) Upon determination that the final plat should be approved and that the installation of all required improvements has been satisfactorily completed in accordance with county specifications or that an acceptable financial guarantee has been provided for the satisfactory completion of all required improvements, the department shall forward the final plat tracing for signature to the person authorized by the Planning Commission to sign such plats.
- (d) Following signature, the department shall, at the subdivider's expense, coordinate recording of the plat at the office of the Probate Judge of Shelby County.
- (e) Upon determination that the final plat should not be approved, the department shall explain the deficiency in the plat to the subdivider with notice that a corrected plat may be resubmitted for approval.

Section 2:07 Subdivisions, Resubdivisions, and Exceptions

- (a) *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.

- (b) *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 director may require documentation to substantiate any 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.
 - (3) Subdivision of land, which existed on August 16, 1982 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.
 - (4) Subdivision of land wherein the size of each and every resulting portion of land equals or exceeds twenty (20) acres and involves no roadway, drainage or other public improvements.
 - (5) Subdivision of land which is not within a recorded subdivision and which involves no roadway, drainage or other public improvements into no more than five parcels, including remnant parcels, to be used exclusively for the placement of manufactured homes for residential occupancy and wherein all parcels will remain under single or same ownership and will not be sold.
- (c) *Minor subdivisions.* A minor subdivision is the subdivision or resubdivision of land, which is not within a recorded major subdivision into no more than five parcels, including remnant parcels, and involves no roadway, drainage or other public improvements.
- (1) *Procedure.* Applications for approval of a proposed minor subdivision shall consist of a completed application form accompanied by a final plat and application fee. The proposed minor subdivision shall be processed in accordance with the procedures for final review and approval. However, any proposed minor subdivision may be referred by the Director to the Town of Westover Planning Commission for review and approval if, in the opinion of the Director, the proposal should be more thoroughly or publicly reviewed.
 - (2) *Restriction.* Each resulting parcel in a proposed minor subdivision, which is not a family subdivision, must abut a paved public road.
- (d) *Major subdivisions.* A major subdivision is any proposed subdivision or resubdivision, which is not an exempt subdivision or a minor subdivision as determined by the Director in accordance with the above paragraphs.
- (1) All major subdivisions shall be subject to review and approval by the Town of Westover Planning Commission in accordance with the procedures contained in this article.
 - (2) *Manufactured home communities.* Major subdivisions, which are intended for use as manufactured home communities shall be subject to the provisions of the "Shelby County Regulations for Manufactured Home Communities" which are hereby incorporated into these regulations by reference.

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ARTICLE III. PLAT REQUIREMENTS

Except as provided in Article II, Section 2:09, for small subdivisions the following plat requirements shall apply.

Section 3:01 Preliminary Plat

The Preliminary Plat shall show the following:

- (a) Title, graphic scale, written scale, north arrow, date, and name and registration number of surveyor. The scale shall be sufficient to accurately portray existing conditions and proposed improvements.
- (b) Topography: Based on U.S. Geological Survey, or U.S. Coast and Geodetic Survey sea level datum. On grades of five percent (5%) or less, contours shall be shown at one (1) foot intervals. On grades between five percent (5%) and ten percent (10%), contours shall be shown at two (2) foot intervals. On grades greater than ten percent (10%), contours shall be shown at five (5) foot intervals unless otherwise specified by the Planning Commission.
- (c) Names of all streets, highways, or roads. Names shall not be in conflict with other named streets within the county.
- (d) Rights-of-way and Easements: The location, dimensions, and purposes of all easements shall be shown. All street or road rights-of-way and roadway or pavement widths, including sidewalks, shall be shown. Approximate locations and dimensions will be permitted.
- (e) Utilities: Location of existing or proposed utilities on or adjacent to the tract to be subdivided, including size and elevation.
- (f) Lot lines, lot and block numbers and approximate dimensions.
- (g) Purpose of subdivision.
- (h) Proposed Street Lights and Signs: Location, size, and type.
- (i) Public Facilities: All proposed public facilities, including schools, parks, and public open spaces, shall be shown.
- (j) Location: Quarter section, section, township, and range with approximate ties to all existing quarter section or section corners within or close to the proposed subdivision.
- (k) Names and addresses of the owners of the property, including existing mortgages and subdivider.
- (l) Names and addresses of record owners of adjoining lots or parcels of land.
- (m) Certificates of, or letter from the State and/or County Health Department indicating their approval of the proposed water supply and sanitary facilities.
- (n) If any portion of the land of the proposed subdivision is subject to inundation by storm drainage, overflow, or ponding of local storm water, such fact and portion shall be clearly shown and identified.

- (o) Any other information that may be considered necessary by the Planning Commission for full and proper consideration of the proposed subdivision.

Section 3:02 Vicinity Sketch

A vicinity sketch or key map shall be shown on, or accompany the preliminary plat. This sketch or map shall show all existing subdivisions, streets and tract lines of acreage parcels and right-of-way widths of all streets abutting the proposed subdivision. It shall also show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighboring area.

Section 3:03 Final Plat

The final plat shall be an original drawing in ink, on cloth or film and shall be referenced to an accepted section corner based on the U.S. Government survey of the area. A resurvey of a part of a subdivision, previously referenced to an accepted section corner, may be referenced to the original survey. All items shown on the preliminary plat shall also be shown on the final plat except as provided below.

Contours may be eliminated unless otherwise specified by the Planning Commission.

Right-of-way lines, easements, and property lines shall be shown with accurate dimensions and bearings; deflection angles, radii, arcs, and central angles of all curves.

Accurate grade shall be shown on all streets or roadways.

The final plat shall also show the following:

- (a) The purpose for which sites are dedicated or reserved, it being understood that any reservations of areas shall be subject to the proper zoning, if applicable.
- (b) The minimum building setback line on all lots and other sites in those areas subject to the Town of Westover Zoning Ordinance.
- (c) The location and description of monuments. (Iron pipes shall be designated by a small open circle at point of installation).
- (d) Reference to recorded subdivision plats of adjoining platted land, by map, book, volume and page number.
- (e) Space for approval of the County Engineer and the Town of Westover Planning Commission.
- (f) Where a street or alley has been vacated, a note shall be shown on the plat indicating such and referring to the recorded instruments of vacation by deed book and page number.
- (g) If there are existing structures on land proposed to be subdivided, three (3) copies of a survey plot plan showing the exact locations of such structures with their relation to the proposed subdivision shall accompany the final plat, one (1) of which shall be forwarded to the County Engineer.
- (h) The final plat shall be accompanied by three (3) copies of any protective covenants running with the land in form for recording.

- (i) On all plats when there is no mortgage, whether there is a dedication of property for street purposes or not, a certificate substantially in form as follows:

**THE STATE OF ALABAMA
SHELBY 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 made by said surveyor and that 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 Probate Judge of Shelby County 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 _____ 19____.

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

- (j) On all plats when there is a mortgage, whether there is a dedication of property for street purposes or not, a certificate substantially in form as follows:

**THE STATE OF ALABAMA
SHELBY 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 made by said surveyor and that 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 plot 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 Probate Judge of Shelby County 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 _____ 19____.

(Executed and acknowledgement by Surveyor, Owner(s) and Mortgagee(s))

(k) Notary's acknowledgement of the certificate referred to in (i) or (j) above, substantially in form as follows:

**STATE OF ALABAMA
SHELBY 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 same as owner (and (Name of mortgagee), whose name is signed to 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, they executed same voluntarily as such individuals (or in any other capacities) with full authority thereof.

Given under my hand and seal this ____ day of _____, 19__.

Notary Public (seal)

(l) On all plats where there is a dedication of land for street purposes whether in the form of new streets, additional right-of-way for existing streets, or merely curve radii where there were angle corners formerly existing, a resolution substantially in form as follows:

I/we (landowner's name) as owner(s) have caused the land embraced in the within plat to be surveyed, laid out and platted to be known as (subdivision name), a part of Shelby County, Alabama, and that the (streets, alleys, easements, public grounds) as shown on said plat are hereby dedicated to the use of the public.

(Spaces for the Signatures of the Owner(s) and Notary)

Section 3:04 Vacation of Public Lands

The vacation of public ways is a function of the Town Council. However, the effect of vacating public ways establishes new property lines of abutting properties in the centers of such vacated ways. The applicant shall therefore, within a reasonable time after the passage of the resolution assenting to the vacation thereof by the Town Council, submit a final plat indicating old property lines removed and establishing new ones, for the approval of the Planning Commission.

ARTICLE IV. DESIGN STANDARDS

All proposed subdivisions shall conform to the Town of Westover Zoning Ordinance in those areas where the Zoning Ordinance is in effect. Whenever a tract to a subdivided embraces any part of a highway, street, or road so designated on any county or regional plan, such part of such proposed public way shall be platted by the same width as indicated on such county or regional plan. The design standards of this Article shall be the minimum standards allowable for development. Standards above the minimum may be required by the Planning Commission or the County Engineer. Detailed construction specifications and engineering requirements may be obtained from the County Engineer.

The Planning Commission shall not grant any variance modification, or waiver of the requirements of this Article unless recommended by the County Engineer.

Section 4:01 Street Plan

- (a) All streets shall be platted along contour elevations, which will result in minimum grades and greater visibility wherever practical, with consideration given to the anticipated use of the land.
- (b) The proposed street layout shall be made according to good land planning practices for the type development proposed and shall be coordinated with the street systems of the surrounding areas. All streets must provide for the continuation or appropriate projection of principal streets in surrounding areas.
- (c) In subdivisions which border on or have included within the proposed area to be subdivided any expressway, major highway, or arterial street, access to lots abutting such major traffic arteries shall be provided in a manner such that the individual lots shall not have direct access to such expressway or arterial street.
- (d) The platting of any land, the purpose of which is to deny access to rights-of-way is prohibited, except as otherwise provided herein.
- (e) Street right-of-way widths shall be dependent upon street design and classification. Adequate widths shall be provided to accommodate roadway construction and utility location. Residential subdivision streets carrying local traffic only will require minimum fifty-foot (50') rights-of-way. Commercial or industrial subdivision will require sixty foot (60)' rights-of-way, however wider rights-of-way may be required based upon examination of individual development proposals. Subdivisions along existing or dedicated or platted streets or highways where rights-of-way are inadequate shall provide additional rights-of-way to meet these minimum standards.
- (f) All public streets and access streets shall be paved.

Base: The minimum thickness of the base material shall be six (6) inches. Base material shall be approved by the County Engineer. The County Engineer may require testing of any material proposed for use as a base. This testing shall be at the expense of the developer or contractor.

Street Width: The minimum roadway pavement width (not including gutters) shall be twenty-two (22) feet, except in large lot subdivision development in which case the minimum roadway pavement width shall be twenty (20) feet. Greater roadway pavement widths shall be required where projected traffic volumes warrant such wider facilities.

Curbs and Gutters: In small lot subdivisions, curbs and/or gutters may be required by the County Engineer or Planning Commission. The purposes for requiring curbs and/or gutters are drainage control, and reduction of maintenance costs. Where curbs and gutters are required, a twenty-four (24") inch curb and gutter or thirty (30") inch valley gutter will meet minimum standards.

Asphalt Surfacing: A permanent type paving shall be applied to all public streets. Pavement design shall be subject to approval by the County Engineer. Minimum plant mix requirements for all twenty-two (22) foot width residential streets will be as follows:

Binder - 140 lbs. per sq. yd.,
Seal - 80 lbs. per sq. yd.

Greater thickness may be required dependent upon street classification. Should any problem be encountered with the subgrade, base or binder layers, or should much immediate construction traffic be projected following road construction, the County Engineer may require the placement of the seal course of plant mix be delayed for a minimum period of six (6) months. If problems are encountered relative to pavement thickness, coring or plant mix may be required. Double Bituminous Surface Treatment pavement on an approved crushed stone base may be approved (where curbs and/or gutters are not required) for the following cases:

1. Entrance roads into subdivided areas where projected average weekday volumes will not exceed 400.
2. Roads serving large lot subdivisions.

Should Double Bituminous Surface Treatment paving be approved for use, the developer shall provide a maintenance bond on the roadway, equal to 100% of replacement cost, for a period of two (2) years from date of completion and approval of subdivision.

Shoulders: Shoulder shall be a minimum of seven (7) feet back of the curb line with a rise of not less than eight (8) inches nor more than fifteen (15) inches from the flow line of the gutter. In large lot subdivisions and entrance roads with a projected average weekday traffic volume less than 400, the minimum shoulder width shall be four (4) feet. Shoulder widths on roads without curbs and/or gutters shall be in accordance with ASHTO standards.

Horizontal Alignment: Proposed design speeds shall be designated by the Developer's Engineer on the plan profile sheets, which are submitted with the preliminary plans.

Minimum stopping sight distances:

<u>Design Speed</u>	<u>Minimum Stopping Sight Distance Ft.</u>
20	150
25	175
30	200
35	230
40	275
45	310
50	350
55	415

Corner Sight Distance: Corner Sight Distance is measured from a point of the minor road 15.0 feet from the edge of the major road pavement and measured from a height of 3.75 feet on the minor road to an object 4.5 above the surface of the major road.

<u>Design Speed</u>	<u>Minimum Corner Sight Distance Ft.</u>
20	200
25	250
30	300
35	350
40	400
45	450
50	500
55	550

Minimum radius of curvature.

<u>Design Speed</u>	<u>Minimum Radius in Ft.</u>
20	150
25	175
30	250
35	375
40	550
50	850
55	1000

Vertical Alignment: Grades of all streets shall comply with good engineering practice. Street grades shall not exceed fifteen (15%) percent or be less than five-tenths (0.5%) percent. Waivers may be considered by the County Engineer only when submitted in writing by the Developer. Waivers will be considered only on minor dead end streets with low projected traffic volumes. Grades approaching intersections shall not exceed five (5%) percent for a distance of not less than one hundred (100) feet from the centerline of said intersection. Grades of circles shall not be more than 5% for the last (100) feet of paving.

- (g) Sidewalks and pedestrian ways shall be required to provide for the health, safety and welfare of the citizens of the Town of Westover in Shelby County by the Westover Planning Commission. Sidewalks shall be constructed within the right-of-way of all non-industrial public and private streets submitted to the Planning Commission for approval. The following table shall serve as a guide for this requirement;

Residential Sidewalk Requirements	
A-R, Agricultural-Residential District	None Required
A-1, Agricultural District	None Required
(or where lot sizes are greater than 1 acre)	None Required
E-1, Single-Family Estate District	On One Side of the Street
E-2, Single-Family Estate District	On One Side of the Street
R-1, Single-Family District	On One Side of the Street
(or where lot sizes range from 15,000 square feet to 1 acre)	On One Side of the Street
R-2, Single-Family District	On Both Sides of the Street
R-3 (reserved)	On Both Sides of the Street
R-4, Multiple Dwelling District	On Both Sides of the Street
R-5, Multiple Dwelling District	On Both Sides of the Street
(or where lots sizes are less than 15,000 square feet)	On Both Sides of the Street

All sidewalks and pedestrian ways shall be designed and located to enhance natural features as well as tree conservation and preservation. The Planning Commission may require sidewalks located within environmentally sensitive tree conservation or preservation areas to be surfaced with non-impervious surfaces except where steep slopes or storm drainage considerations dictate that paving is required in order to maintain the pedestrian way.

- (h) Street alignment shall be designed to eliminate sharp curves and street jogs. No street plan will be approved with intersections, which offset less than one hundred twenty-five (125) feet between centerlines. Streets shall intersect as nearly at right angles as possible and in no case at an angle of less than sixty (60) degrees.
- (i) Dead end streets of more than 200 feet in length, as measured from centerline of intersection, will not be approved unless actual construction work has been started on future development for extending the dead end street at the time of plat recording in Probate Office. If construction work has not been started at the time of plat recording in Probate Office, a circle with the outside gutter radius tangent to the dead end property line will be required. Circle design will be as included in these regulations.
- (j) Circles shall terminate with a property line radius of not less than fifty-five (55) feet and an outside gutter radius of not less than forty (40) feet. Circles to accommodate school buses or other large vehicles may be required and shall terminate with a property line radius of not less than sixty-six (66) feet and outside gutter radius of not less than fifty (50) feet.
- (k) Curb radii of twenty (20) feet or more shall be provided at the intersection of all other streets.

- (l) **Street Intersections:** Deceleration and/or acceleration lanes may be recommended for Planning Commission consideration by the County Engineer if deemed necessary to maintain a safe flow of traffic on existing or proposed streets.

Section 4:02 Street Construction

- (a) **Clearing and Grubbing** - All areas which will receive fill material shall be cleared of all vegetation, trees, stumps, large rocks and other objectionable or unsuitable material prior to placing the fill material.
- (b) **Embankment** - The Public Works Director/County Engineer or his designated agent shall determine what material is suitable for Embankment. Natural ground area shall be properly compacted prior to placing the embankment. Embankment material shall be placed in uniform lifts of ten (10) inches or less and compacted to ninety-five (95%) percent of standard density as determined by AHD 223-71A method. In place density method AHD 221-71 or 222-71 may be used.
- (c) **Subgrade** - Finish grade shall conform to the lines, grades and cross-section as shown on the approved plan unless specific permission is acquired in writing from the Public Works Director/County Engineer. The subgrade shall be shaped and compacted to one-hundred (100%) percent of standard density as determined by AHD 223-71A method. In Place density method AHD 221-71 or 222-71 may be used.
- (d) **Bases** - Prior to placing any base material the subgrade shall be prepared and tested. The type material to be used for base and required thickness shall be stated on the approved plan.

Base material consisting of crushed rock, stone particles, or slag shall contain an approved filler of sand or other fine mineral filler. Required six (6) inch base of this material shall be spread without segregation and may be placed and compacted to full depth in one (1) layer. Required base layer greater than six (6) inches shall be placed in approximately equal layers. Compaction shall be by vibratory, steel wheel rollers or other approved rollers to obtain a density of one hundred (100%) percent when tested as determined by AHD 140-69 method. In place density method AHD 221-71 or 222-71 may be used.

- (e) **Culverts** - A special design drawing will be required for any drainage structure having a required end area of twenty (20) sq. ft. or more. Reinforced concrete drainage structures shall be constructed in accordance with standard drawings and specifications approved by the County Engineer. The standard drawings for many minor structures may be obtained through the State Highway Department or some Concrete companies.

Reinforced concrete pipe and arch pipe class and installation shall be in accordance with current specifications of the Alabama Highway Department.

Corrugated metal pipe and arch pipe culverts shall be fully coated with asphalt with a paved invert or fully coated with a polymeric coating. Gauge, corrugations and installation shall be in accordance with current specifications of the Alabama Highway Department.

All storm drain pipe shall be a minimum of eighteen (18) inches.

- (f) **Open Channels and Ditches** - Open channels and ditches shall be designed so as not to create hazardous erosion. The minimum flow line slope for paved ditches shall be 0.33% and shall be 1.0% for unpaved ditches. Well defined natural drainage ways which are to be left undisturbed may be considered by the County Engineer to be utilized without any improvements, provided the drainage easement includes

complete drainage way. Where drainage areas are being constructed or natural drainage ways are disturbed, concrete lined ditches or other erosion control measures designed by the Subdivision Engineer(s) and approved by the County Engineer shall be provided. Where erosion problems arise after completion of construction, the County Engineer may require corrective measures be installed before final acceptance of subdivision by the County and release of bond.

- (g) Headwalls - Headwall with wing walls and end walls shall be installed on pipe culverts. Headwalls for precast concrete or brick masonry construction shall be approved by the County Engineer. Headwalls for pipe sizes larger than forty-eight (48) inches shall be shown on the approved plans. Headwalls for multi-line installation shall be shown on the approved plans.
- (h) Combination Curb and Gutter, Valley Gutter and Sidewalks - Portland cement concrete shall be used and have a compressive strength of 3000 PSI at twenty-eight (28) days. Combination curb and gutter, valley gutter and sidewalks shall be constructed of portland cement concrete. Installation shall be on a prepared subgrade and conform to the cross-section shown on the plans. The surface finish of the concrete shall have a light broomed or burlap drag texture. The edges shall be smoothed with a radius type tool.

Transverse contraction joints shall be constructed at intervals not exceeding twenty (20) feet in combination curb and gutter and valley gutter. Joint depth shall be no less than 1/5 of the cross-section and concrete. Sawed contraction joints shall be done early after the concrete has set to prevent the formation of uncontrolled cracking. Expansion joints shall be constructed at immovable structures and at points of curvature for short radius curves. Filler material for expansion joints shall be approved by the County Engineer or his authorized agent. Construction joints may be either expansion or butt-type joints.

No combination curb and gutter, valley gutter or sidewalk shall be placed on frozen or soft earth or when other unsuitable conditions exist.

In the design for street drainage the Developer's Engineer is to select combination curb and gutter or valley gutter based on the amount of runoff. Combination curb and gutter shall be used where negative grade entering or within a circle exceeding 2%.

For streets with divided lanes a median curb may be used. Design drawings shall be submitted to the County Engineer for approval.

Sidewalks shall be at least five (5) feet in width on minor streets and at least six (6) feet wide on major streets. Sidewalks shall be a minimum of four (4) inches thick and be built upon a sub-grade compacted to a minimum ninety five (95) percent standard proctor density. Sidewalks shall have expansion joints every twenty four (24) feet and at all concrete to concrete connections, such as driveways, curbs, curb ramps and private sidewalks. Five (5) foot wide sidewalks shall have contraction joints every four (4) feet; six (6) foot wide sidewalks shall have contraction joints every six (6) feet.

A green space of at least five (5) feet in width is required between the back of the curb or valley gutter and the sidewalk, except where the Planning Commission determines that topography, street preservation or conservation, right-of-way characteristics or other conditions dictate that the green space be reduced or provided elsewhere.

The cross slope of a sidewalk shall be a minimum of 1/4 inch per foot and a maximum of 1/2 inch per foot sloping to the street. The grassed area between the curb and the edge of the sidewalk shall have a minimum cross slope of 1/2 inch per foot toward the street as shown in the chart below. In cases of extreme topography, the County Engineer may permit greater cross slopes. Adjustments to the cross slope should be

gradual to avoid abrupt grade changes.

The following chart shall be used as a guide in the design of grass strip cross slopes for various street profiles. The purpose of the steeper cross slopes is to minimize soil erosion behind the curb on steep segment.

Centerline Grade of street	1 to 4 %	4.1 to 8%	More than 8%
Grass Strip Cross Slope	½ inch per foot	1 inch per foot	1 ½ inch per foot

Pedestrian ramps that meet ADA requirements are required at all intersections

- (i) Inlets - Inlet design for installation on 18 inch through 42-inch pipe shall be approved by the County Engineer. Depth for this type inlet shall not exceed six (6) feet from invert of inlet to top of pipe. Storm drain inlet shall not be supported by the storm drain pipe. Special design installation will be required for pipes larger than 42 inches in diameter. This design must be submitted with street drainage plan for approval by the County Engineer.
- (j) Storm Water Detention - Developments, which produce an increase in the amount of storm water runoff, may be required to construct storm water detention ponds or other approved types of detention devices. When required, the developer shall submit detailed engineering plans to the County Engineer including historical runoff, developed runoff, detention pond details, method of discharge, and other information as required for review. The developer shall also include the method of maintenance for the detention pond after the development is completed.
- (k) Erosion Control Plan - The developer or subdivider shall have his engineer submit for approval an erosion control plan with the preliminary 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 control shall be in place before actual construction begins.

Section 4:03 Street and Subdivision Names

- (a) Street names for all subdivision plats shall be subject to approval of the Planning Commission.
- (b) Subdivision names for plats shall be subject to the approval of the Planning Commission and shall not duplicate the name of any plat already recorded in Shelby County.

Section 4:04 Alleys, Easements, and Half Streets

- (a) Alleys will not be permitted in residential districts except as a continuation of an existing alley. Alleys shall be required in commercial or industrial districts if it is determined by the Planning Commission that conditions necessitate alleys in any such district. Where alleys are permitted, their width shall be not less than twenty (20) feet.
- (b) Easements shall be not less than ten (10) feet in width except in cases of double-tiered lots where a width of five (5) feet from each tier will be permitted. 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. The location of any storm water ditch, creek or watercourse shall not be changed without the approval of the Planning Commission upon recommendation of the County Engineer.

- (c) Half streets will not be permitted except in such cases where there exists a half street contiguous thereto. Half streets, however, will not be permitted as an extension or continuation of an existing half street.

Section 4:05 Storm Water Drainage and Grading

- (a) All subdivisions shall be provided with adequate storm sewers.
- (b) The platting of lots for building purposes will not be allowed in any flood plain area. Areas subject to periodic flooding or excessive flows or surface runoff will not be acceptable for development unless the subdivider makes necessary provisions to eliminate such flooding.
- (c) All lots shall be graded in accordance with a grading plan approved by the County Engineer, which plan shall incorporate the following minimum requirements, except when more stringent requirements are necessary and so specified by the County 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) The finished slope along the bottom centerline of any lot drainage easement shall be not less than one percent (1%).
 - (3) The side slopes of any lot drainage easement shall not be greater than 4 (horizontal) to 1 (vertical).
 - (4) No street pavement shall shed surface runoff water on to any lot.
- (d) No subdivision or part thereof shall shed storm runoff water, either as surface runoff or an outfall from storm sewerage structures, on to any adjoining 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 County Engineer.

Section 4:06 Platting Requirements

- (a) Blocks:
 - (1) Blocks shall be laid out with special attention given to the type of the use contemplated
 - (2) Blocks shall be a minimum of five hundred (500) feet in length.
 - (3) Width of blocks shall be not less than three hundred fifty (350) feet.
 - (4) Blocks with lots having double frontage on streets shall no be permitted.
 - (5) The foregoing dimensions may be adjusted by the Planning Commission where the type of use or nature of the topography requires such modification.

(b) Lots:

- (1) Lot sizes and configurations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. A resubdivision, or a subdivision in an area already subdivided, shall be compatible in character with the surrounding neighborhood.
- (2) 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.
- (3) Lot area and widths shall meet or exceed minimum zoning and health requirements in the area in which the property is located, but the Planning Commission may impose greater requirements if it finds that a proposed subdivision, though meeting minimum zoning requirements, would tend to depreciate the value of surrounding or adjacent properties, or would impose an undue burden on the County in furnishing public services to the area.
- (4) Corner lots shall provide at least the same minimum setback on the sides as required on the front by the zoning ordinance. Lot lines shall be substantially at right angles to the streets except on curves where they shall be radial. Where the distance between rear lot corners on double tiered lots would be less than ten (10) feet the radial lines shall be deviated so that the distance between rear lot corners on double tiered lots would be less than ten (10) feet the radial lines shall be deviated so that the distance between rear lot corners will be a minimum of ten (10) feet.

Section 4:07 Utilities

Shelby County has formally adopted the State of Alabama Highway Department standards for accommodating utilities on Highway rights-of-way. The location, backfill and pavement repair has been modified by the County Engineer as follows:

- (a) All proposed subdivisions located in the sewer service area, as defined by the Director of Public Works, shall be provided with sanitary sewerage systems, where feasible, as approved by the County Engineer and the State and/or County Health Department and shall be in compliance with the Shelby County Commission Resolution dated August 14, 1989 as it applies to sanitary sewer systems in the Lake Purdy Watershed. 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 Shelby 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 Shelby County Commission.
- (b) All subdivisions shall be provided with water distribution systems as approved by the County Engineer and State and/or County Health Department.

- (c) The number, location and spacing of fire hydrants shall be in accord with the recommendations of the County Engineer.
- (d) Utility poles shall be installed in alleys or rear lot easements unless otherwise specified by the County Engineer.
- (e) 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 County Engineer.
- (f) Water, gas, and sanitary mains, and appurtenances if applicable, will be constructed prior to installation of paving with all mains being extended for service to all lots so that no subsequent cutting of pavement will be required to permit service to all lots.
- (g) Permits for utility installation on County or proposed county rights-of-way - Any person, firm, or corporation wishing to place a utility facility within the road rights-of-way of Shelby County shall make application to the Shelby County Public Works Department on the proper prescribed utility permit forms.
- (h) Location and Trench Backfill - Utilities shall generally be located a minimum of six (6) feet from the edge of existing or proposed paving. In areas where location less than the minimum is approved incompressible backfill material (sand, slag, crushed stone or gravel) will be required.
- (i) Backfill for utilities crossing proposed roadway section shall conform to the Alabama Highway Department Standard Specifications for Highways and Bridges in force at the time of installation.
- (j) Incompressible backfill material may be used to backfill such open trenches in lieu of compacted backfill material. The material used shall be of a type approved by the County Engineer or his authorized agent for this purpose.
- (k) All open cuts, under existing paving shall be backfilled with compacted stone. The stone used must be of a type approved by the County Engineer or his authorized agent for this purpose. A permanent pavement patch shall be in accordance with the typical repair section in the appendix.
- (l) Cased and Uncased Construction - All polyvinyl chloride (PVC) pipe used for water lines shall be encased with a casing approved by the Public Works Director/County Engineer or his authorized agent.

Section 4:08 Traffic Control and Signs

- (a) Traffic Control and Signs Construction - All necessary signing for construction areas will be the responsibility of the Developer. Traffic control devices shall conform to the latest Alabama Manual on Uniform Traffic Control Devices.
- (b) Regulatory, Warning and Miscellaneous Signs - The Developer will be responsible for the placement of proper signing of new streets or roads. A signing plan shall be submitted to the County Engineer for approval. Regulatory and Warning Signs shall be in accordance with Alabama Manual on Uniform Traffic Control Devices (AMUTCD). Street name signs not in accordance with the AMUTCD shall not be maintained by the County.

Section 4:09 Road and Street Inspection and Testing

- (a) Notification of Work - It shall be the duty and responsibility of the developer or contractor to give notification to the County Engineer or his authorized agent, twenty-four (24) hours prior to starting each phase of construction. Notify the County Engineer or his authorized agent the day work is resumed after a delay for any reason. This includes all phases of construction, clearing, grading, drainage, gutters, inlets, base, surfacing and any work that pertains to the street, road or development. Failure to notify as specified may be grounds for nonacceptance.
- (b) Inspection - The contractor and developer shall be notified of any unacceptable work found by the County Engineer or his authorized agent.
- (c) Testing - Embankment density test as required by the County Engineer or his authorized agent.

Subgrade and base minimum density testing shall be one test representative of each 1000 linear feet of each street or road or portion thereof. Additional tests may be required by the County Engineer or his authorized agent.

NOTE: See Section 4:02(b), 4:02(c) and 4:02(d) regarding density requirements.

Section 4:10 Private Subdivisions

- (a) 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.
- (b) A gate may be established after construction to limit access.
- (c) The Private or condominium status of the subdivision shall be clearly stated on the recorded final plat.
- (d) As long as the subdivision maintains its private or condominium status, the roads, structures and drainage shall be maintained by the developer and/or property owners. This shall be clearly stated to those who purchase a parcel(s) within the subdivision and shall be stated in writing on each property deed 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 Shelby County Planning Director for his file.
- (e) A proposal for a private subdivision or condominium subdivision will not be considered or approved if the proposed development prevents access to, or "land locks" adjoining property.
- (f) If a private subdivision or condominium subdivision is recorded in Shelby County Probate Office and all of the property owners (100%) at some future date desire to eliminate it and substitute in its place a regular subdivision with town-maintained roads, the owners must petition the Town Council for tentative approval. If the Town Council gives tentative approval of the petition, the owners shall submit subdivision plans to the Town of Westover Planning Commission including improvements and repairs that are required to be made by the owners according to the Town of Westover Subdivision Regulations and other specifications effective on the date of the petition. The subdivision shall then be subject to the procedures for approval of a major subdivision as contained in Article II Procedures of the regulations.

ARTICLE V. REQUIRED IMPROVEMENTS; BOND

Section 5:01 Improvements

Prior to the approval of the final plat the subdivider shall have installed or constructed the required improvements, or posted bond as provided for in this article.

Section 5:02 Bond and Surety: Amount and Release

- (a) In the event the Westover Planning Commission may consider that the requirements set out in Article V, Section 5:01 need not immediately be met by the subdivider, the requirements may be modified by the execution of a bond agreement with the subdivider. Such agreement shall state that the remaining improvements are to be installed and constructed within a specified length of time as determined by the Shelby County Departments of Planning and Public Works. All grubbing, clearing, grading, and storm drainage structures shall be constructed prior to execution of said agreement. A bond shall be required to insure the fulfillment of such agreement and shall be by cash, certified or cashier's check, certificate of deposit, irrevocable letter of credit or made by a surety company authorized to do business in the State of Alabama. The applicant shall not be released from said bond except by a release in writing from the Town and shall be subject to the administrative procedures established by the Departments of Planning and Public Works on behalf of the Town Council.
- (b) A bond amount shall be set at one hundred twenty-five percent (125%) of the estimated cost of the improvements. A schedule of estimated costs for all items to be bonded shall be submitted by a registered engineer for review by the Shelby County Engineer. This schedule shall clearly describe the items, quantities, unit cost and total cost of the remaining improvements.
- (c) Developers wishing to use an irrevocable letter of credit shall secure from a commercial banking institution located in Shelby and/or Jefferson Counties. The conditions for accepting a letter of credit and subsequent administrative procedures shall be established by the Departments of Planning and Public Works on behalf of the Westover Planning Commission.

Section 5:03 Maintenance Bond

- (a) The County Engineer shall secure from all developers a statement in which said developer shall agree to maintain all improvements for a period of one (1) year after the acceptance of such improvements by the Westover Planning Commission.
- (b) Maintenance bonding as referred to in Section 4:01(f) shall be required prior to recording of final plat in Shelby County Probate Office.

Section 5:04 Inspection and Acceptance

The County Engineer shall regularly supervise inspection for defects in the construction of the required improvements. If the County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the County's construction standards and specifications, the subdivider shall be responsible for completing the improvements. Wherever a surety covers the cost of improvements, the subdivider and the surety company shall be severally and jointly liable for completing the improvements according to specifications. Upon completion of the improvements, the subdivider shall file with the Planning Commission/County Department of Planning & Development a statement stipulating the following:

- a) That all required improvements are complete;
- b) That the improvements are in compliance with the minimum standards specified by the County for their construction;
- c) That the subdivider knows of no defects from any cause in those improvements; and
- d) That the improvements are free and clear of any encumbrance or lien.

The subdivider shall also file with the Planning Commission/County Department of Planning & Development an agreement dedicating said improvements to the Town. Upon completing of the required improvements, the County Engineer shall file with the Department of Planning & Development a statement either certifying that those improvements have been completed in the specified manner, or listing the defects in those improvements. The Town may, at its discretion, accept the dedication of any port 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 County 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 County Manager or the Director of Planning & Development shall, on behalf of the Town Council, accept the dedication of the specified land and improvements.

ARTICLE VI. VARIANCES

Section 6:01 Modifications, Variances, and Waivers

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If it be determined that strict compliance with these regulations should result in extraordinary hardship to the subdivider due to unusual topography or conditions beyond the control of the subdivided, then the Planning Commission, except as provided in Article IV, may modify, vary or waive such requirements provided that such modification, variance, or waiver will not tend to injure or place the public health, safety or welfare in jeopardy, nor nullify the stated or implied intent or purpose of these regulations, and provided further that such modification, variance, or waiver and the reason therefore shall be entered upon the minutes of the Planning Commission.

Section 6:02 Conditions of, and Applications for Variances

- (a) In granting modifications, variances or waivers, the Planning Commission may attach such other reasonable conditions as will, in its judgment, justify such modifications, variances or waivers and still maintain substantially the objectives of these regulations.
- (b) Each and every modification, variance, or waiver of these regulations sought by a subdivider shall be specially applied for, in the numerical order of these regulations, in writing by the subdivider and submitted to the Planning Commission which shall forward a copy of said application to the County Engineer immediately following the passage of the tenth (10th) day prior to a regular scheduled meeting of the Planning Commission. Any condition shown on the preliminary or final plat (or on engineering plans or data called for by Article II, Section 2:05 which would require a modification, variance or waiver) shall constitute a ground for disapproval of the preliminary or final plat unless such special application for a modification, variance or waiver is made.