

SUBDIVISION REGULATIONS

City of Gardendale, Alabama



RESOLUTION NO. 2015-01
SUBDIVISION REGULATION
FOR THE CITY OF
GARDENDALE, ALABAMA
Adopted March 12, 2015
Effective March 12, 2015

Includes the following amendments:

Resolution No. 2016-01 in regards to Bonds

Resolution No. 2016-02 regarding ADA Compliance

Resolution No. 2018-01 regarding further regulating Utility Availability

Resolution No. 2019-01 regarding LED street lights

Resolution No. 2023-01 various amendments

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Planning and Zoning Commission
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Contents

- ARTICLE 1 GENERAL PROVISIONS..... 1
 - §1.1 Short Title 1
 - §1.2 Authority 1
 - §1.3 Jurisdiction..... 1
 - §1.4 Purpose 1
 - §1.5 Requirements Held Minimum, Conflicting Provisions 1
 - §1.6 Self-Imposed Restrictions 1
 - §1.7 Severability 2
 - §1.8 Saving Provision..... 2
 - §1.9 Amendments 2
 - §1.10 Exceptions 2
 - §1.11 Enforcement, Violations and Penalties 3
 - §1.12 Appeals..... 4

- ARTICLE 2 DEFINITIONS..... 5
 - §2.1 General 5
 - §2.2 Specific Definitions 5
 - §2.3 Abbreviations Used in these Regulations 11

- ARTICLE 3 PROCEDURES..... 13
 - §3.1 General 13
 - §3.2 Pre-application 13
 - §3.3 Sketch Plat..... 14
 - §3.4 Preliminary Plat 14
 - §3.5 Construction of Improvements, Performance Bond, Inspection 16
 - §3.6 Acceptance of Improvements, Maintenance..... 17
 - §3.7 Final Plat..... 18
 - §3.8 Combined Preliminary and Final Plat 19
 - §3.9 Issuance of Permits 20
 - §3.10 Vacation of Public Rights-of-Way..... 20

- ARTICLE 4 DESIGN STANDARDS 21
 - §4.1 Conformity to City, County and Regional Plans 21
 - §4.2 Land Subject to Flooding or Other Hazard 21
 - §4.3 Street Layout..... 21
 - §4.4 Blocks 29
 - §4.5 Lots 30
 - §4.6 Easements 31
 - §4.7 Drainage and Inundation 31
 - §4.8 Sidewalks, Pedestrian Facilities 32

§4.9	Access Management	34
§4.10	Driveways	37
§4.11	Utilities	38
§4.12	Private Subdivisions	39
§4.13	Nonresidential Subdivisions	40
§4.14	Street, Subdivision Names	40
ARTICLE 5	REQUIRED IMPROVEMENTS	42
§5.1	General	42
§5.2	Streets and Alleys	42
§5.3	Sidewalks	43
§5.4	Curbs and Gutters	43
§5.5	Water System	43
§5.6	Fire Hydrants	43
§5.7	Sanitary Sewers	43
§5.8	Storm Sewers, Drainage	44
§5.9	Street Signs and Traffic Control Devices	44
§5.10	Property Markers	44
ARTICLE 6	EFFECTIVE DATE	46

ARTICLE 1 GENERAL PROVISIONS

§1.1 Short Title

These Regulations shall hereafter be known, cited and referred to as the Gardendale Subdivision Regulations.

§1.2 Authority

These Regulations are adopted under authority of Section 11-52-30, et. seq., of the Code of Alabama, 1975, as amended.

§1.3 Jurisdiction

From and after the effective date hereof, these regulations shall govern the subdivision of all land located in the planning jurisdiction of the City of Gardendale, hereinafter referred to as “the City”, and every plat of land that is a subdivision, as defined herein, shall be prepared, presented for approval, and recorded as required herein.

§1.4 Purpose

These Regulations have been prepared and adopted to promote the health, safety and the general welfare of the people of the City of Gardendale and shall be applied to accomplish the following purposes:

- To guide the development of land in accordance with the Comprehensive Plan;
- To secure safety from flood and other dangers;
- To assure adequate provision of public facilities, services and utilities;
- To assure adequate provisions for access and mobility;
- To preserve the integrity, stability, and beauty of Gardendale’s natural resources;

§1.5 Requirements Held Minimum, Conflicting Provisions

In their interpretation and application, these Regulations shall be held to be minimum requirements for the promotion of the public health, safety and general welfare. Wherever any provision of these Regulations imposes restrictions different from those imposed by any other provision of these Regulations or any other ordinance, rule, regulation, easement, covenant, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

§1.6 Self-Imposed Restrictions

If the subdivider places restrictions on any of the land contained in a subdivision greater than those required by the Zoning Ordinance or these Regulations, the Commission may require such restrictions be indicated on the subdivision plat or may require that restrictive covenants be recorded with the Probate Judge in a form approved by the City Attorney and recording information shown on the subdivision plat.

§1.7 Severability

The provisions of these Regulations are severable. If any part or provision of these 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.

§1.8 Saving Provision

These Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person, firm or corporation; or as waiving any right of the City under any section or provision existing at the time of adoption of these Regulations; or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the municipality except as expressly provided in these Regulations.

§1.9 Amendments

The City of Gardendale Planning and Zoning Commission, hereinafter referred to as “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.

An attested copy shall be certified to the City Council and to the Probate Judge of Jefferson County.

§1.10 Exceptions

1.10.1. General. Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these Regulations and/or the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve exceptions to these Regulations so that substantial justice may be done and the public interest secured, provided that the exception shall not have the effect of nullifying the intent and purposes of these Regulations; and further provided the Commission shall not approve exceptions unless it shall make findings based upon the evidence presented to it in each case that:

- a. The granting of the exception will not be detrimental to the public safety, health or welfare or injurious to other property;
- b. The conditions upon which the request is based are unique to the property and are not applicable generally to other property;
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations is carried out;
- d. The relief sought will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan.

- 1.10.2. Conditions. In approving exceptions, the Commission may require such conditions as will, in its judgment, secure substantially the purposes described in [§1.4 Purpose](#).
- 1.10.3. Procedures. A petition for an exception shall be submitted in writing by the subdivider at the time of Preliminary Plat Application. The petition shall state fully the grounds for the request and all of the facts relied upon by the subdivider. Approval of an exception shall require an affirmative vote of 2/3 the regular membership of the Commission.

§1.11 Enforcement, Violations and Penalties

1.11.1. General

- a. No owner or agent thereof of any parcel of land located in a proposed subdivision shall transfer or sell any part of the parcel before a Final Plat of the subdivision has been approved by the Commission and recorded with the Probate Judge.
- b. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease or development is prohibited.
- c. No Building Permit or Certificate of Occupancy shall be issued for the construction or occupation of any building or structure on a lot or plat subdivided or sold in violation of these Regulations, nor shall the City have any obligation to extend any utility services to any parcel created in violation of these Regulations.
- d. 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.

1.11.2. Violations and Penalties. Any person who violates a provision of these Regulations, or fails to comply therewith, shall be guilty of a misdemeanor. Each and every day or portion thereof during which any violation of these Regulations is committed or continued shall be considered a separate offense. The City shall initiate any appropriate action or procedure to prevent the unlawful subdivision of land and to prevent occupancy of such subdivision of land in accordance with Section 11-52-33 of the Code of Alabama, 1975, as amended.

- a. Any owner or authorized agent thereof who transfers or sells or agrees to sell or negotiates to sell any land by use of a subdivision plat before such plat has been approved by the Commission and recorded with the Probate Judge shall pay a penalty of one hundred dollars (\$ 100.00) for each lot so transferred or sold or agreed or negotiated to be sold, and the description of such lot by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section.
- b. The City may enjoin such transfer or sale or agreement by a civil action for injunction brought in any court of competent jurisdiction or may recover the same penalty provided in this section by a civil action in any court of competent jurisdiction.

§1.12 Appeals

In accord with the notice and hearing procedures set forth in [§3.4 Preliminary Plat](#), the Commission shall hear and decide on all appeals by any party aggrieved or adversely affected, where it is alleged that:

- a. There is an error in any written order, requirement, decision, interpretation or determination by the Subdivision Official or other official responsible for enforcing these Regulations, OR
- b. Any particular provision of these regulations conflicts with another specified federal, state or local law.

Appeals shall be filed with the Commission at the time of Preliminary Plat submission or no later than fifteen (15) days from the date of the determination being appealed.

ARTICLE 2 DEFINITIONS

§2.1 General

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.

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.

§2.2 Specific Definitions

When used in these regulations, the following words and phrases shall have the meaning given in this section:

- 2.2.1. 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.
- 2.2.2. CITY CLERK: The duly designated Clerk of the City of Gardendale, Alabama.
- 2.2.3. CITY COUNCIL: The City Council of the City of Gardendale, Alabama.
- 2.2.4. CITY FIRE CODE: The most recent edition of the International Fire Code, including all appendices, as adopted by the City Council.
- 2.2.5. CITY SPECIFICATIONS: All construction specifications which have been adopted by the City Council or as required by the Commission and all utility departments.
- 2.2.6. 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".
- 2.2.7. CULVERT: A structure with appurtenant works, which carries a watercourse under or through an embankment or fill.
- 2.2.8. DEAD END STREET: A local street with only one outlet.

- 2.2.9. 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 .
- 2.2.10. DEVELOPMENT: Any of the following activities:
- a. The improvement of one (1) lot or more abutting lots for any purpose involving:
 - (1) a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building regardless of the number of occupants or tenure; or
 - (2) 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;
 - b. A subdivision of land.
 - c. 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.
- 2.2.11. DIRECTOR OF PUBLIC WORKS: The Director of the City of Gardendale Public Works Department or his/her designee.
- 2.2.12. DRAINAGE EASEMENT: A right granted by a landowner to a grantee, allowing the use of private land for storm water management purposes.
- 2.2.13. 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.
- 2.2.14. ENGINEER or REGISTERED ENGINEER: A professional engineer registered and in good standing with the State of Alabama Board of Registration for Professional Engineers and Surveyors.
- 2.2.15. 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.
- 2.2.16. EROSION: The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.
- 2.2.17. EROSION CONTROL: Measures and actions taken to control potential erosion and sedimentation problems.
- 2.2.18. FINAL PLAT: A plat which meets the requirements of these regulations and is in form for recording in the office of the Probate Judge of Jefferson County, Alabama.

- 2.2.19. 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.
- 2.2.20. FRONTAGE ROAD: A street parallel to and adjacent to a major highway or street that provides access to abutting properties.
- 2.2.21. GRADE: The slope of land or a built feature such as a street, specified in percentage terms.
- 2.2.22. 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.
- 2.2.23. 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.
- 2.2.24. HALF STREET: An existing street that does not comply with the minimum right-of-way and/or pavement widths required in these Regulations.
- 2.2.25. HARDSHIP: An unusual situation that, in the absence of a variance, would prevent the reasonable use of property. Hardships may not be self-created.
- 2.2.26. HEALTH DEPARTMENT: The Jefferson County Department of Health and/or the State of Alabama Health Department.
- 2.2.27. HIGHWAY: A street that is part of the Federal Aid Highway System or the State Highway System.
- 2.2.28. INDUSTRIAL ACCESS: A street designed and intended specifically for access to properties developed for industrial use.
- 2.2.29. LAND SURVEYOR or REGISTERED LAND SURVEYOR: A land surveyor registered and in good standing with the State of Alabama Board of Registration for Professional Engineers and Surveyors.
- 2.2.30. LOT SPLIT: A subdivision of a previously recorded lot into two (2) lots on an existing street, not involving any construction or extension of streets, public improvements or public facilities
- 2.2.31. 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.
- 2.2.32. MAJOR STREET PLAN: The major street plan of the City prepared as an element of the Comprehensive Plan, pursuant to §11-52, Article 3, Code of Alabama, 1975.

- 2.2.33. MONUMENT: A permanent object serving to indicate a limit or mark a boundary.
- 2.2.34. 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.
- 2.2.35. PASSAGE, PEDESTRIAN: A walkway that provides access across the middle of a block or from a cul-de-sac to an adjacent street (see illustration). A PEDESTRIAN PASSAGE may be within a public right-of-way or easement. PEDESTRIAN PASSAGES may also be designed to accommodate bicycle access.
- 2.2.36. PAVEMENT WIDTH: The width of that portion of a street or alley as measured from 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.
- 2.2.37. PERFORMANCE BOND: Financial security filed by the subdivider with the City to assure the construction of all required improvements at a specified time in the future.
- 2.2.38. PLANTING STRIP: The portion of the street between the curb and sidewalk.
- 2.2.39. 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 street, parcel, and/or subdivision to be submitted to the City for approval and/or recording purposes.
- 2.2.40. PRELIMINARY PLAT: A map and related materials indicating the proposed layout of a development submitted for preliminary approval in accordance with these Regulations.
- 2.2.41. 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 Commission and the subdivider.
- 2.2.42. PRIVATE STREET: A street for vehicular travel that is privately owned and maintained.
- 2.2.43. PROBATE JUDGE: The Judge of Probate of Jefferson County, Alabama.
- 2.2.44. 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.
- 2.2.45. 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.
- 2.2.46. RESURVEY or RESUBDIVISION: A MINOR SUBDIVISION that involves changing of lot boundaries but where no additional lots are created.

- 2.2.47. 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.
- 2.2.48. SHARED ACCESS: A driveway, alley or other access facility connecting two or more contiguous sites to a public street.
- 2.2.49. SIDEWALK: A paved path for pedestrian use located along the side of a street and usually located within the public right-of-way.
- 2.2.50. SIGHT DISTANCE: The length of street visible to a driver at any given point in the street when viewing is unobstructed by traffic.
- 2.2.51. SIGNIFICANT CHANGE: Any alteration in a subdivision plat following tentative approval of the PRELIMINARY PLAT including but not limited to the following: any change in the number of proposed lots; a change of more than five (5) percent in the square footage of proposed nonresidential uses; a change to the street layout; a change to drainage patterns; any change resulting in a SIGNIFICANT INCREASE IN TRAFFIC GENERATION; or a request to alter or delete a condition attached to the approved PRELIMINARY PLAT.
- 2.2.52. SIGNIFICANT INCREASE IN TRAFFIC GENERATION: An increase in the trip generation—due to a change in the use of a property, including land, structures, or facilities, or an expansion of the size of structures or facilities—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.
- 2.2.53. SINGLE TIER LOT: A lot which backs upon an arterial street, a railroad, a physical barrier, or a residential or non-residential use, and to which access from the rear of the lot is usually prohibited.
- 2.2.54. SKETCH PLAT: A map and related materials indicating the conceptual layout of certain MINOR SUBDIVISIONS (see [§3.3 Sketch Plat](#)) and for any MAJOR SUBDIVISION submitted for administrative review in accordance with these Regulations.
- 2.2.55. STREET: Any street, avenue, boulevard, road, parkway, or other right-of-way provided for vehicular travel, including the following street classifications:
- a. ARTERIAL STREET: A street used primarily for moving fast or heavy traffic or that distributes traffic to and from Collector Streets.
 - b. COLLECTOR STREET: A street intended to carry traffic between Local Streets and Arterial Streets.
 - c. LOCAL STREET: A street used primarily for access to abutting properties.
 - d. MARGINAL ACCESS STREET: A Local Street that is parallel with and adjacent to an Arterial Street to provide access to abutting properties and to separate local traffic from through traffic.

- 2.2.56. STREET MARKINGS: Paint markings, applied after binder installation, that are used for traffic control, including reflective beading and thermoplastic application.
- 2.2.57. STREET STUB: A street that extends to the property line of adjacent property and is intended to continue on adjacent property when the adjacent property is developed.
- 2.2.58. SUBDIVIDER: A landowner, including his heirs, successors and assignees, or developer authorized to represent a property for which an application for development has been filed.
- 2.2.59. SUBDIVISION. The division or redivision of a subdivision, lot 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.
- a. MAJOR SUBDIVISION: Any subdivision not otherwise classified as a MINOR SUBDIVISION, including but not limited to a subdivision of six (6) or more lots, or any size subdivision requiring a new street, extension of public facilities, or construction of any public improvements.
 - b. MINOR SUBDIVISION: Any subdivision not involving any new street, extension of public facilities or construction of public improvements, and not adversely affecting the remainder of the parcel or abutting property including LOT SPLITS and RESURVEYS; subdivisions creating not more than five (5) lots all fronting on an existing street; and subdivisions creating plots of ten (10) or more acres for the purpose of selling or conveying (such as to family members) said lots but not for development of the same.
- 2.2.60. SUBDIVISION ENGINEER: An engineer registered and in good standing with the State Board of Registration of Alabama, who is the agent in his professional capacity of the SUBDIVIDER.
- 2.2.61. SUBDIVISION OFFICIAL: The official designated by the City Council to administer and enforce these regulations, or his/her designee.
- 2.2.62. 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.
- 2.2.63. SWALE: A constructed watercourse shaped or graded in earth materials and stabilized with vegetation, for the conveyance of water quality improvement of stormwater runoff.
- 2.2.64. THESE REGULATIONS: The City of Gardendale Subdivision Regulations together with all applicable design and construction requirements.
- 2.2.65. TRAVELWAY: That portion of a public right-of-way available for vehicular traffic.
- 2.2.66. VALLEY GUTTER: A concrete channel with a "V"-shaped profile installed at roadside to capture and convey stormwater runoff.
- 2.2.67. ZONING ORDINANCE: The Zoning Ordinance of the City of Gardendale, Alabama.

§2.3 Abbreviations Used in these Regulations

- 2.3.1. AASHTO: American Association of State Highway and Transportation Officials
- 2.3.2. ADEM: Alabama Department of Environmental Management
- 2.3.3. ALDOT: Alabama Department of Transportation
- 2.3.4. CAD: computer-aided drafting
- 2.3.5. FEMA: Federal Emergency Management Administration
- 2.3.6. FHWA: Federal Highway Administration
- 2.3.7. ft: Feet
- 2.3.8. PDF: Portable document format
- 2.3.9. max.: maximum
- 2.3.10. min.: minimum
- 2.3.11. mph: miles per hour
- 2.3.12. MUTCD: Manual on Uniform Traffic Control Devices
- 2.3.13. sf: square feet

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ARTICLE 3 PROCEDURES

§3.1 General

Whenever any subdivision is proposed, before any contract is made or negotiated for the sale of any part thereof, and before any permit for the erection of a structure in a proposed subdivision shall be granted, the subdivider shall apply for and secure approval in accordance with these Regulations.

- 3.1.1. Minor Subdivisions. Minor Subdivisions do not require Preliminary Plat approval but must receive Final Plat approval. Prior to accepting a Final Plat application, the Subdivision Official shall hold a pre-application conference ([§3.2 Pre-application](#)) with the subdivider. If the Subdivision Official finds no street, drainage or other improvements are required and that the proposed subdivision is in conformance with the Comprehensive Plan, Zoning Ordinance and these Regulations, the subdivider may file a Final Plat application.

If the Subdivision Official finds that any improvements are necessary for the proposed subdivision to comply with these Regulations, the proposed subdivision shall be considered a Major Subdivision subject to the procedure outlined in §3.1.2. However, if the required improvements are limited solely to widening of a half street, a Preliminary Plat shall not be required and the Subdivision Official shall instead require the subdivider submit a Sketch Plat ([§3.3](#)) prior to Final Plat application. Upon receipt of City findings and recommendation on the Sketch Plat, the subdivider may proceed with preparation and submittal of a Final Plat ([§3.7](#)) application.

- 3.1.2. Major Subdivisions. Major Subdivisions require administrative review of a Sketch Plat and Preliminary and Final Plat approvals by the Commission. Prior to formal submittal of the Sketch Plat, the Subdivision Official shall hold a pre-application conference ([§3.2](#)) with the subdivider. Following the pre-application conference, the subdivider may submit a Sketch Plat ([§3.3](#)) for administrative review.

Upon receipt of City findings and recommendations on the Sketch Plat, the subdivider may proceed with preparation and submittal of a Preliminary Plat ([§3.4](#)) application. The Preliminary Plat shall be reviewed and a public hearing held by the Commission on the Preliminary Plat application. Upon Commission approval of the Preliminary Plat, the subdivider may proceed with either construction of the subdivision or posting of a Performance Bond in accordance with [§3.5 Construction of Improvements, Performance Bond, Inspection](#). Upon completion of improvements or acceptance by the City of a Performance Bond, the subdivider may then submit a Final Plat ([§3.7](#)) application.

- 3.1.3. Exemptions. Subdivisions resulting from court ordered, in testamentary or interstate provisions are exempt from these regulations.

§3.2 Pre-application

The purpose of Pre-application Conference is to acquaint the subdivider with the regulations governing land subdivision, procedures for approval, and other agencies or officials who must approve one or

more elements of a subdivision plat. Neither the Subdivider nor the Commission shall be bound by considerations delivered during pre-application review.

The subdivider shall present a lot layout sketch, which may be freehand, but shall be drawn approximately to scale. Information presented should include location of the proposed subdivision; existing features of the site and surrounding area such as topography (contour interval no larger than 10 ft), streets, watercourses, drainage facilities and other natural and built conditions; and the proposed pattern of streets, lots and blocks.

§3.3 Sketch Plat

3.3.1. Administrative Review. Where required, review of the Sketch Plat shall be conducted by the Subdivision Official. The Subdivision Official shall transmit copies of the Sketch Plat to all pertinent City departments, County and State agencies and other officials and agencies, as may be applicable, for review and recommendation. The Subdivision Official shall report findings and recommendations to the subdivider in writing within thirty (30) days of submission of the Sketch Plat. Upon receipt of these findings and recommendations, the subdivider may prepare and submit a Preliminary Plat application.

If upon Sketch Plat review the Subdivision Official finds that the proposed subdivision involves one or more of the following or any similar conditions, the Subdivision Official shall submit the Sketch Plat for review by the Commission:

- a. multiple phases of development
- b. unusual or sensitive environmental conditions (e.g., topographic, hydrologic, geologic, etc.)
- c. exceptions, modifications or waivers from these Regulations

If no such conditions are found and upon receipt of administrative findings and recommendations, the subdivider may proceed with preparation and submittal of a Preliminary Plat Application.

3.3.2. Planning Commission Review. If the Subdivision Official determines that Commission review of the Sketch Plat is required, the Sketch Plat shall be referred to the Commission at its next regular meeting. The Commission shall not take any formal action on the Sketch Plat but shall make recommendations as necessary to assist the subdivider in preparing for Preliminary Plat submittal and review.

3.3.3. Neither administrative nor Commission review of a Sketch Plat shall be binding on the Commission in subsequent approvals.

§3.4 Preliminary Plat

3.4.1. Purpose. The purpose of the Preliminary Plat is to provide a basis for construction of a proposed subdivision and its improvements. Commission approval of the Preliminary Plat is tentative and revocable. It is to be considered only as approval of the design, with the understanding that the Commission; City, County and other officials and agencies will examine the grades of streets, the types of improvements, the layout of drainage and sewer and water

systems, and may modify any engineering or construction details submitted by the subdivider whenever required for the protection of the public interest.

3.4.2. Procedure.

- a. A Preliminary Plat application shall be submitted to the Commission at least thirty (30) days prior to the Commission's next regularly scheduled meeting, which shall include copies (6) copies of the Preliminary Plat and attendant materials. The Subdivision Official shall, before review by the Commission, transmit prints of the Preliminary Plat application to all other City departments, County and State agencies and other officials and agencies, as may be applicable, for review and recommendations. The Subdivision Official shall notify the subdivider within six (6) days of submission of any errors or omissions that cause the application to be considered "incomplete."
- b. Only upon receipt of a complete application shall a public hearing be scheduled before the Commission. Notice of such hearing shall be sent to all abutting land owners as their names appear upon the plats in the Jefferson County tax assessor's office. Notice of the public hearing shall be sent at least five (5) days prior to the date of the hearing.
- c. Within thirty (30) days after the hearing, the Commission shall indicate its approval, disapproval, or approval subject to any required modifications. If a plat is disapproved, the reasons for such disapproval shall be indicated in writing. If approved subject to modifications, the nature of the required modifications shall also be indicated in writing. Failure of the Commission to approve, approve with conditions, or disapprove any Preliminary Plat within these thirty (30) days shall be considered as approval of same as submitted; provided, however, that the subdivider may waive this requirement and consent to an extension of such period.
- d. Five (5) copies of the Preliminary Plat shall be retained by the Subdivision Official; and one (1) copy shall be returned to the subdivider with the specific notations of any changes or modifications required.

3.4.3. Duration of Approval. Preliminary Plat 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, shall be re-submitted for Preliminary Plat approval as new subdivisions; provided, however, that if a Final Plat of a part of the subdivision is submitted and approved within the twelve (12) month period, Preliminary Plat approval 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 govern in subsequent cases; 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.

3.4.4. Fees. To partially defray costs of filing a Preliminary Plat application, notifying interested parties, investigation, and holding a hearing on a Preliminary Plat, a fee, as set from time to time by the Council, shall be paid to the City by the subdivider at the time of filing of the application.

3.4.5. Submittal Requirements. The Preliminary Plat shall include all information listed in Appendix A Preliminary Plat Application Requirements.

3.4.6. Changes to the Preliminary Plat. Following tentative approval of the Preliminary Plat, the Subdivision Official shall have authority to approve minor changes only. Any “significant change,” as defined in Article 2, shall require an amendment to the Preliminary Plat. Amendments shall be presented for approval by the Commission following the same procedure outlined in this [§3.4.2 Procedure](#).

§3.5 Construction of Improvements, Performance Bond, Inspection

Before the Final Plat is approved, the subdivider shall complete all improvements required by these Regulations (see Article 6 Required Improvements) or shall provide a financial guarantee of performance of the same as provided for in this section. All public improvements shall be dedicated to the City free and clear of all liens and encumbrances.

For subdivisions for which no Subdivision Agreement has been executed and no surety has been posted, if the improvements are not completed within the period specified by the Commission, the Preliminary Plat shall be deemed to have expired.

3.5.1. Performance Bond. Following the approval of a Preliminary Plat and prior to the recording of the Final Plat, the subdivider shall execute a Subdivision Agreement as provided in Appendix B and file such Agreement with the City Clerk. The subdivider shall provide a Performance Bond to insure fulfillment of such Agreement. The Performance Bond shall be by certificate of deposit, irrevocable letter of credit, surety bond issued by a bonding company rated ‘A’ or above by A.M. Best Company, Inc. and qualified to transact business in the State of Alabama, or such other form as may be approved by the City Attorney. Said bond amount shall be one hundred fifty (150) percent of the estimated cost of all public improvements.

Said certificate shall be solely in the name of the City of Gardendale and signed by the Mayor or City Clerk. A schedule of estimated costs for all items to be bonded shall be submitted by the subdivider for review by the Subdivision Official. This schedule shall clearly describe the items, quantities, unit cost and total cost of the remaining improvements. Bonds shall be retained until the Council accepts dedication by way of adoption of a resolution and maintenance bonds have been filed pursuant to [§3.6 Acceptance of Improvements, Maintenance](#).

(Resolution No. 2016-01, 06-09-16)

3.5.2. Temporary Improvements. The subdivider shall build and pay for all costs of any and all required temporary improvements and shall maintain such improvements for a period specified by the Commission. Prior to construction, the subdivider shall execute a separate Subdivision Agreement and surety for temporary improvements. The agreement and surety shall ensure that the temporary facilities will be properly installed, maintained, and removed.

(Resolution No. 2016-01, 06-09-16)

3.5.3. Time Limit for Construction. Required improvements shall be completed at the time of the earlier to occur of: (a) twelve (12) months after filing of the Performance Bond; or (b) substantial completion of ninety percent (90%) of the lots within the subdivision. If at such time the subdivider has not completed all necessary improvements; or, if in the opinion of the Subdivision Official, the said improvements shall not have been satisfactorily installed, the bond shall be used by the City to complete the improvements in satisfactory fashion, or Subdivision Official may extend, upon written request by the subdivider, the performance period for an additional twelve (12) months. In such case, the Subdivision Official shall require the amount of the Performance Bond be recalculated and in the event the Subdivision Official determines that the amount of the Performance Bond is less than the current estimate of the cost of all public improvements the Subdivision Official shall demand the amount of the performance bond to be increased in an amount not less than the amount of such deficiency prior to approving such extension.

(Resolution No. 2016-01, 06-09-16)

3.5.4. Inspection. The Subdivision Official shall provide for inspection of required improvements during construction and certify their satisfactory completion. The subdivider shall reimburse the City for any outsourced engineering fees encountered in conducting inspections.

- a. If the Subdivision Official finds upon inspection that any of the required improvements have not been constructed in accordance with the approved construction plans, the subdivider shall be responsible for compliant remedial construction of the improvements.
- b. Wherever the cost of improvements is covered by a Performance Bond, the subdivider and the bonding company shall be severally and jointly liable for completing the improvements according to required specifications.

§3.6 Acceptance of Improvements, Maintenance

3.6.1. Acceptance. Acceptance of formal offers of dedication of streets, public areas, easements and parks shall be by ordinance of the Council. The Council may accept dedication of required improvements after the Subdivision Official certifies that the following criteria have been satisfied.

- a. The Subdivision Official has certified that all required improvements have been satisfactorily completed; and
- b. The subdivision engineer or surveyor has certified to the Subdivision Official that the layout and construction of all public improvements are in accordance with the approved construction plans.

A Performance Bond may be reduced upon actual dedication of public improvements and then only to the ratio that the dedicated improvements bear to the total public improvements for the plat. In no event shall a Performance Bond for partially completed improvements be reduced below twenty-five (25) percent of the principal amount.

3.6.2. Maintenance. The subdivider shall maintain all improvements until acceptance of the required improvements by the City in accordance with the following:

- a. The subdivider shall file a Maintenance Bond for the repair and maintenance of all of the public improvements being accepted by the City prior to the release of the Performance Bond. The amount of the Maintenance Bond shall be fifteen (15) percent of the total cost of all public improvements. The Maintenance Bond shall be by certificate of deposit, irrevocable letter of credit, surety bond issued by a bonding company rated 'A' or above by A.M. Best Company, Inc. and qualified to transaction business in the State of Alabama, or such other form as may be approved by the City Attorney.
- b. The Maintenance Bond shall comply with all statutory requirements and be reviewed by the City Attorney as to form, sufficiency, and manner of execution as set forth in these Regulations.
- c. The Maintenance Bond shall remain in full force for a period of twelve (12) months after the date of acceptance of the improvements; provided, however, that for subdivisions with multiple phases of construction, any street or alley within the subdivision used by construction traffic shall be included under the Maintenance Bond for the duration of construction of any phases requiring the use of such street.
- d. The subdivider shall provide a letter or statement in which the developer agrees to maintain the backfill and any improvements located thereon or therein of any ditch that has been dug in connection with the installation of such improvements. The letter or statement shall be binding on the subdivider for a period of twelve (12) months from the date of acceptance of such improvements.

(Resolution No. 2016-01, 06-09-16)

§3.7 Final Plat

3.7.1. Purpose. The purpose of the Final Plat is to provide an accurate record of street and property lines and other elements being established on the land and the conditions of their use. The Final Plat shall conform substantially to the Preliminary Plat as approved.

A Final Plat may include only that portion of the approved Preliminary Plat, which the Subdivider proposes to record and develop at that time. All inspections and testing shall be completed and constructed approved by the Subdivision Official prior to the Final Plat being placed on the agenda for Commission action.

3.7.2. Procedure. Upon receipt of Final Plat application, the Subdivision Official shall transmit prints of the Final Plat application to all other City departments, County and State agencies and other officials and agencies, as may be applicable, for review and recommendations. The Subdivision Official shall notify the subdivider within six (6) days of submission of any errors or omissions that cause the application to be considered "incomplete."

- a. If a subdivision has received tentative approval of its Preliminary Plat following a required public hearing and the Final Plat is determined by the Subdivision Official to be in substantial

conformance with the approved Preliminary Plat, no further public hearing by the Commission is required.

- b. If the Final Plat is for a Minor Subdivision for which improvement of only a half street is involved, an engineering plan shall be submitted prior to or at the time of Final Plat application. The engineering plan need not include all of the materials normally required for Major Subdivisions but shall include all those materials necessary to determine compliance of the street improvements with these Regulations, as determined by the Subdivision Official.
- c. If a public hearing has not previously been held on the subdivision, the Final Plat shall be considered in accordance with the following procedure:
 - (1) At least thirty (30) days prior to the meeting at which it is to be considered, the subdivider shall submit to the Subdivision Official six (6) copies of the Final Plat.
 - (2) Within thirty (30) days after the hearing, the Commission shall indicate its approval, disapproval, or approval subject to any required modifications. If a plat is disapproved, the reasons for such disapproval shall be indicated in writing. If approved subject to modifications, the nature of the required modifications shall also be indicated in writing. Failure of the Commission to approve, approve with conditions, or disapprove any Final Plat within these thirty (30) days shall be considered as approval of same as submitted; provided, however, that the subdivider may waive this requirement and consent to an extension of such period.

3.7.3. Submittal Requirements. The Final Plat shall include all information listed in Appendix A Final Plat Application Requirements.

3.7.4. Approval. When a Final Plat has been approved, one (1) copy with the approval of the Commission certified thereon shall be returned to the subdivider for filing with the Probate Judge as the official plat of record. The subdivider shall file with the Subdivision Official one (1) copy of the Final Plat as recorded with the Probate Judge. The original tracing containing all required certifications shall be returned to the subdivider for his records, and one (1) copy shall be retained in the records of the Commission.

Approval of the Final Plat by the Commission shall not be deemed to constitute or affect an acceptance of the dedication of any street or other proposed public ways or lands by the City. Where such is proposed, acceptance of dedicated lands by the City Council must occur prior to recording the Final Plat.

3.7.5. Recording of Plat. Recording of the Final Plat with the Probate Judge is the final step in the subdivision process. Approval of the Final Plat by the Commission shall be null and void if the plat is not recorded with the Probate Judge within twelve (12) months after the date of approval unless application for an extension of time is made in writing and granted by the Commission during such twelve month period.

§3.8 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.

§3.9 Issuance of Permits

Building permits may be issued for a subdivision under construction provided the extent of street improvements is adequate for vehicular access by the prospective builder and by police and fire equipment. However, no Building Permit shall be issued for the final two (2) lots, or ten (10) percent of lots, whichever is greater, within a subdivision until all public improvements have been accepted by the City.

Where a Performance Bond has not been required, no Certificate of Occupancy shall be issued prior to recording of a Final Plat.

§3.10 Vacation of Public Rights-of-Way

Vacation of public rights-of-way may be initiated by the owners of abutting property or by the City in accordance with §23-4-2 and §11-49-6 of the Code of Alabama, 1975, as amended. In making its determination regarding a vacation, the Council, on receipt of a recommendation from the Commission, shall take into consideration the following criteria:

- a. Vacation of the right-of-way will better serve the public good than changing the right-of-way and/or the public way it contains
- b. The right-of-way is no longer needed for the public use it was originally created to serve
- c. The public benefit received from the right-of-way is insufficient to justify maintenance costs of the right-of-way
- d. Future development or other changes in the surrounding area will not increase public use or need for the right-of-way.

Following approval by the Council of a right-of-way vacation, a resurvey shall be submitted and approved by the Commission to combine the vacated right-of-way with adjoining lots.

ARTICLE 4 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 Subdivision Official. Detailed construction specifications and engineering requirements may be obtained from the Subdivision Official. The Commission shall not grant any waiver of the requirements of this Section unless recommended by the Subdivision Official.

§4.1 Conformity to City, County and Regional Plans

All proposed subdivisions shall conform to any adopted city, county or regional plan and to the Zoning Ordinance.

- 4.1.1. 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.
- 4.1.2. To ensure development of the community in substantial conformity with the general principles set forth in the official plans and maps of the City, the Commission may require that the subdivider reserve suitable open spaces for parks, schools, fire stations, playgrounds, and any other use essential to the welfare of the community. This area shall be made available to the City for purchase at fair market value. Such offer shall extend for a period of not less than ninety (90) days from the date of receipt by the City of such written offer.
- 4.1.3. Public Uses. Wherever a park, 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 acquisition of such area with the development of the proposed subdivision.

§4.2 Land Subject to Flooding or Other Hazard

Land subject to flooding or land deemed to be topographically unsuitable for development, shall not be platted for residential occupancy or any other use that may increase danger to health, life, or property; aggravate erosion; or increase flood hazard.

§4.3 Street Layout

4.3.1. General

- a. The arrangement, character, extent, locations and grade of all streets shall be laid out according to good land planning principles and shall be integrated with all existing and

planned streets. New streets shall consider topographical conditions, orientation to vistas, public convenience and safety, and the proposed uses of land to be served by them.

- b. The number of streets converging upon any one point which would tend to promote congestion shall be held to a minimum.
- c. The minimum distance between the centerlines of street intersections shall be one hundred and twenty-five (125) ft.
- d. The street pattern shall be in conformity with a plan for the most advantageous development of the entire neighboring area and provide for the health, safety and welfare of all Gardendale citizens.
- e. Sufficient proposed streets shall be provided to create normal circulation of traffic within the vicinity.
- f. 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.
- g. Street networks shall be designed to disperse traffic, avoid undue congestion on collector streets and to assure convenient route options for emergency access.

4.3.2. Connectivity. The street layout of a subdivision shall provide for access to the existing street network and continuation and connection of streets between adjacent properties where 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.

- a. External Access to Residential Subdivisions. Residential subdivisions shall provide access points to the existing street network, in accordance with the following guidelines, based upon the number of lots or dwelling units contained within the subdivision, including the total number of lots or dwelling units projected for multi-phased subdivisions. In applying these guidelines, the Commission shall take into consideration the arrangement and capacity of the existing street network and constraints that would make strict adherence to these guidelines impractical or unduly harsh including but not limited to steep topography, hydrology, geology, and railroads.
 - (1) 100-149 lots or dwelling units—at least two separate access points, one of which may be a stub street
 - (2) 150-249 lots or dwelling units—at least two separate access points, excluding any stub streets
 - (3) 250-399 lots or dwelling units—at least three separate access points, one of which may be a stub street
 - (4) 400 or more lots or dwelling units—at least three separate access points, excluding any stub streets
- b. External Access to Nonresidential Development. Nonresidential and mixed-use developments shall provide sufficient external access to accommodate the ultimate traffic volume anticipated.

- c. Existing streets, rights of way and easements that abut a subdivision shall be continued, and the continuations shall be in alignment with and at least as wide as the existing street unless a reduction in width is approved by the Commission.

(Resolution 2023-01, 4-13-23)

- d. The street layout shall provide stub streets for future continuation into unsubdivided lands where necessary to meet the purposes of this §4.3.2.

If the adjacent property is undeveloped, the right-of-way to be continued shall extend to the property line and a temporary turnaround shall be provided. The temporary turnaround shall comply with the dimensional requirements for turnarounds in [§4.3.8 Dead End Streets, Cul-De-Sacs](#). The area necessary for the temporary turnaround outside the normal right-of-way shall be contained within an 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 [§4.3.8 Dead End Streets, Cul-De-Sacs](#). 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.

At the terminus of all stub streets, a sign shall be installed with the words “STREET TO BE EXTENDED BY AUTHORITY OF THE CITY OF GARDENDALE” to inform existing and prospective property owners.

4.3.3. Street Widths

Streets shall be designed in accordance with Table 4.3-1 (refer also to street cross sections in Appendix C). For the purposes of this Section, streets within residential developments shall be classified as follows: 1) low density - lots of 3 acres or larger; 2) medium density - lots of 10,001 sf to 2.99 acres; 3) high density - lots of 10,000 sf and less and any duplex, triplex, townhouse or multiple family development. These classifications shall be determined by calculating the average size of lots along each street segment within a proposed subdivision. Where the subdivision includes lots on both sides of a street and lot sizes/density vary from one side of the street to another, the street shall be classified based upon the side with smaller lots/higher density.

- a. Adequate widths shall be provided to accommodate roadway construction, maintenance, and utility location.

(Resolution 2023-01, 4-13-23)

- b. Arterial streets, if not otherwise specified in a City, county, regional or other duly adopted plan, shall have a minimum right-of-way width of one hundred (100) ft.
- c. The subdivider shall provide additional lanes and/or right-of-way if it is determined by the Subdivision Official that acceleration/deceleration or other street improvements are necessary and require right-of-way widths greater than the minimum widths provided in Table 4.3-1.

- d. Travel lane widths should be kept to the lowest allowable dimension to foster safe travel speeds. Wider lanes may be necessary to account for horizontal curves or other circumstances as approved by the Subdivision Official.

Table 4.3-1 Residential Street Design Standards						
Specifications are based on two-lane street sections. The Commission, upon a recommendation by the Subdivision Official, may require a median, on-street parking, turn lane, acceleration or deceleration lanes, or additional travel lanes where trips generated by anticipated uses or where City, County or regional plans require increased design requirements.						
Street Classification	Low Density		Medium Density		High Density	
	Local	Collector	Local	Collector	Local	Collector
Design Speed	25-35 mph	30-40 mph	25-30 mph	25-35 mph	25-30 mph	25-35 mph
Posted Speed	20-25 mph	25-30 mph	20-25 mph	20-30 mph	20-25 mph	20-30 mph
Min. Right-of-Way ¹	50 ft	60 ft	50 ft	60 ft	50 ft	60 ft
Min. Travelway Width ²	24 ft	26 ft	24 ft	26 ft	24 ft	26 ft
Travel Lane Width	11 ft	12 ft	10 ft	11 ft	10 ft	11 ft
Min. Sidewalk Width ^{3, 4}	4 ft where provided	4 ft where provided	5 ft if one side only	5 ft if one side only	4 ft both sides	4 ft both sides
Min. Planting Strip Width	3.5 ft ⁵	3.5 ft ⁵	3.5 ft	3.5 ft	3.5 ft	3.5 ft
Curb Type (all applicable sides)	24" valley curb or swale	24" valley curb or swale	18" curb and gutter	18" curb and gutter	18" curb and gutter	18" curb and gutter
Min. Median Width ⁶	n/a	11 ft	n/a	11 ft	n/a	11 ft
Min. On-street Parking Width	n/a	n/a	7 ft where provided	7 ft where provided	7 ft where provided	7 ft where provided
<p>¹ Minimum right-of-way includes widths required for two-lane travelway, curb and gutter or valley curb, planting strips and sidewalks (where required). Where swales are used, right-of-way may need to be increased. Minimum right-of-way widths do not account for median; additional travel, turn and acceleration/deceleration lanes; or on-street parking where any such improvements are proposed or required.</p> <p>² Travelway width is measured from face-of-curb to face-of-curb or centerline to centerline of valley curbs. In the absence of curbs, travelway is measured from edge-of-pavement to edge-of-pavement. Where additional travel lanes (including turn, acceleration, and deceleration lanes) are required by the Commission, travelway width shall be adjusted by adding travel lane widths as listed in Row 6.</p> <p>³ Refer to §4.8 Sidewalks, Pedestrian Facilities for additional sidewalk requirements.</p>						

- ⁴ Where sidewalks are provided, curb and gutter shall also be installed with the minimum planting strip between the sidewalk and curb; OR a valley curb may be used and the minimum planting strip width shall be increased to five (5) ft.
- ⁵ A vegetative swale may be provided as a substitute for a valley curb and planting strip. Width of swale is determined on a case-by-case basis in accordance with standards in [§4.7.2 Swales](#).
- ⁶ Generally, medians are not required. However, where left turn lanes at intersections may be required, a median may be required to limit left-turning movements between intersections.

Table 4.3-1 (continued) Nonresidential Street Design Standards

Specifications are based on two-lane street sections. The Commission, upon a recommendation by the Subdivision Official, require a median, on-street parking, turn lane, acceleration or deceleration lanes, or additional travel lanes where trips generated by anticipated uses or where City, County or regional plans require increased design requirements.

Street Classification	Commercial/Mixed-Use		Industrial Access
	Local	Collector	
Design Speed	25-35 mph	30-40 mph	25-30 mph
Posted Speed	20-30 mph	25-35 mph	20-25 mph
Min. Right-of-Way ¹	60 ft	60 ft	50 ft
Min. Travelway Width ²	26 ft	26 ft	28 ft
Travel Lane Width	11 ft	12 ft	13 ft
Min. Sidewalk Width ^{3, 4}	6 ft both sides	6 ft both sides	n/a
Min. Planting Strip Width	3.5 ft	3.5 ft	3.5 ft
Curb Type (all applicable sides)	18" curb and gutter	18" curb and gutter	18" curb and gutter
Min. Median Width ⁵	n/a	11 ft	11 ft
Min. On-street Parking Width	7 ft where provided	7 ft where provided	n/a

¹ Minimum right-of-way includes widths required for two-lane travelway, curb and gutter or valley curb, planting strips and sidewalks (where required). Where swales are used, right-of-way may need to be increased. Minimum right-of-way widths do not account for median, additional travel, turn and acceleration/deceleration lanes, or on-street parking, if required.

² Travelway width is measured from face-of-curb to face-of-curb or centerline to centerline of valley curbs. In the absence of curbs, travelway is measured from edge-of-pavement to edge-of-pavement. Where additional travel lanes (including turn, acceleration, and deceleration lanes) are required by the Commission, travelway width shall be adjusted by adding travel lane widths as listed in Row 6.

³ Refer to [§4.8 Sidewalks, Pedestrian Facilities](#) for additional sidewalk requirements.

⁴ Where sidewalks are provided, curb and gutter shall also be installed with the minimum planting strip between the sidewalk and curb.

⁵ Generally, medians are not required. However, where left turn lanes at intersections may be required, a median may be required to limit access between intersections.

- 4.3.4. Design Speed. Design speeds shall be designated by the subdivision engineer on profile sheets submitted with the Preliminary Plat and shall be in accordance with the design speeds provided in Table 4.3-1.
- 4.3.5. 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.
- 4.3.6. Subdivisions and Arterial Street and Highways. Wherever a proposed subdivision contains or abuts an arterial street or highway, one of the following conditions shall be met for the protection of properties and to provide separation of through and local traffic.
- a. A marginal access street shall be provided parallel to the highway or arterial for access to abutting property
 - b. Lots abutting the highway or arterial street shall have reverse-frontage and screen planting shall be provided in a non-access reservation along the property lines abutting the highway or arterial street
 - c. Lots may front on the highway or arterial street but shall have access from the rear of the lots, which access may be in the form of an alley.
- 4.3.7. Half Streets.
- a. New half-streets or half-alleys shall be prohibited.
 - b. Where there exists a half street abutting a proposed subdivision, the subdivider shall offer for dedication additional right-of-way as necessary to bring the right-of-way into conformance with these regulations. When the proposed subdivision lies on only one side of the half street, half of the normally required right-of-way width shall be provided, as measured from the street centerline or right-of-way centerline, whichever width is greater.

The pavement width for any such half street shall be increased by the subdivider, as required for rights-of-way in (b) above. The cost of such widening shall be borne by the subdivider. In rolling or hilly terrain, construction easements may be required to ensure that appropriate front and back slopes are developed.
 - c. When a previously developed subdivision or portion thereof, which contains a half-street, is to be annexed into the City, the owners of the properties to be annexed shall provide additional right-of-way to comply with the standards herein. When the properties to be annexed lie on only one side of the half-street, half of the width necessary to bring the right-of-way into conformance shall be provided. However, when the concerned right-of-way contains a local street and is at least forty (40) ft in width, the Commission may waive or reduce this requirement if it determines that properties relying on the street for access are unlikely or incapable of being further subdivided or redeveloped in a manner that would

increase traffic demand to an extent that additional right-of-way or physical improvements would be needed in the future.

4.3.8. Dead End Streets, Cul-De-Sacs. For the purposes of these standards, the length of a dead end street shall be measured from the centerline of the street from which it takes access to the center of the turnaround at the end of said dead end street, or in the absence of a turnaround to the end of the pavement.

a. Vehicular turnarounds shall be required as follows:

- (1) New dead end streets of 150 feet or less in length shall not require a vehicular turnaround.
- (2) Dead end streets of 151-600 ft in length shall have a cul-de-sac turnaround unless a hammerhead or similar turnaround (refer to Appendix C for specifications) is approved by the Subdivision Official for dead end streets with low traffic volumes.
- (3) Dead end streets, regardless of whether a turnaround is provided, shall not exceed 600 ft in length.
- (4) Cul-de-sacs shall terminate with a radius of not less than fifty (50) ft measured to face of curb or center of valley curb. To reduce increases in stormwater runoff, a planted circle may be installed with a mountable curb and low maintenance plants at the center of the cul-de-sac. The circle shall be dimensioned to accommodate a twenty (20) ft wide driving surface at the front of the cul-de-sac and a twenty-five (25) ft wide driving surface at the back, or as otherwise approved by the Subdivision Official and Fire Marshal. See illustration in Appendix C.

b. In no case shall a subdivision be approved that prevents the construction of a permanent cul-de-sac or turnaround required as part of a tentatively approved plat on abutting land.

c. Multi-phase Developments. In the case of a street that is to be continued as part of a subsequent phase of development, the Commission may require construction of a temporary turnaround, as required for stub streets in [§4.3.2 Connectivity](#). If a preliminary plat for the phase of development in which the street would be continued has not been submitted within two (2) years of recording of the phase containing the temporary turnaround, the Commission may require a permanent turnaround be constructed or a bond posted for same.

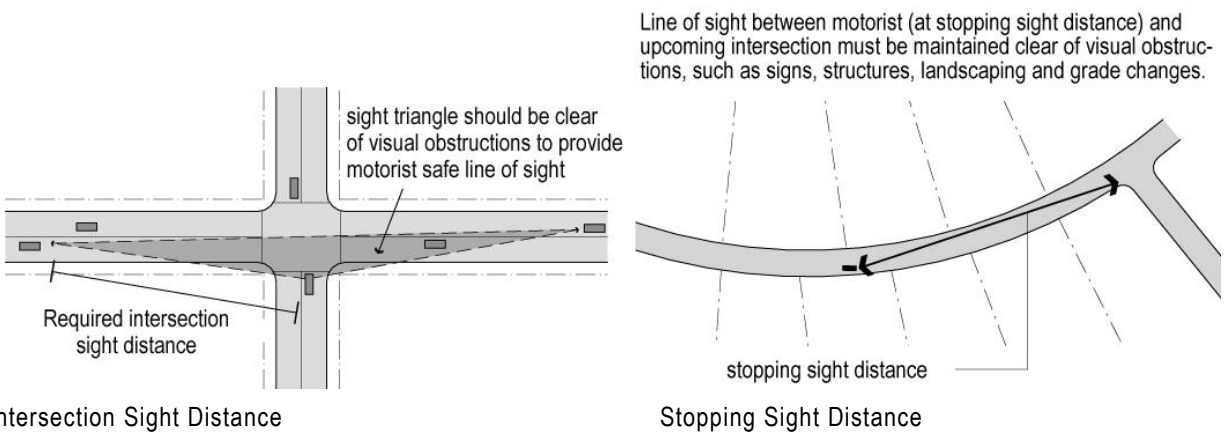
4.3.9. Street Grades. Grades of all streets shall comply with good engineering practices, shall not exceed fifteen (15) percent, and shall not be less than 0.5 percent. Waivers, for minor dead-end streets with low traffic volumes only, may be considered by the Subdivision Official when submitted in writing.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

4.3.10. Fire Apparatus Access. Where private drives are necessary to provide fire apparatus access in accordance with the City Fire Code, such drives shall have an all-weather driving surface and shall comply with the dimensional requirements in Table 4.3-2. If serving nonresidential development, the Subdivision Official may require asphalt or concrete pavement.

Table 4.3-2 Fire Apparatus Access Standards				
	Min. unobstructed width	Min. width of driving surface	Min. vertical clearance	Max. Grade
Residential	20 ft	14 ft	13.5 ft	10%
Nonresidential	30 ft	20 ft	13.5 ft	10%

4.3.11. Alignment and Visibility. Horizontal and vertical curves, stopping sight distance and intersection sight distance shall be in accordance with AASHTO Geometric Design of Highways and Streets, latest edition.

When existing streets and/or rights-of-way are to be retained, they shall be modified to eliminate all bends, crooks, and other undesirable hazardous conditions.



4.3.12. Curb and Gutter. Where vertical curb and gutter or valley curbs are required, they shall be designed and constructed in accordance with the specifications in Appendix C. Upon a favorable recommendation from the Subdivision Official, rolled curbs may be substituted for standard vertical curbs.

4.3.13. Intersections

- a. 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 Subdivision Official.
- b. Curb radii at intersections shall be in accordance with Table 4.3-3 and the following.
 - (1) Curb radii at intersections shall be sized to provide safe right-turning movements appropriate to the traffic volume, travel speed, width and other characteristics of the streets involved. 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 to provide short crossing distances for pedestrians.

Table 4.3-3 Curb Radius			
Street from which right turn is taken	Receiving Street (street on to which right turn is taken)		
	Local	Collector	Arterial
Local	15 ft min.	15-20 ft	15-20 ft
Collector	20 ft min.	20-25 ft	25-30 ft
Arterial or Highway	30 ft min.	30-35 ft	35 min.

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

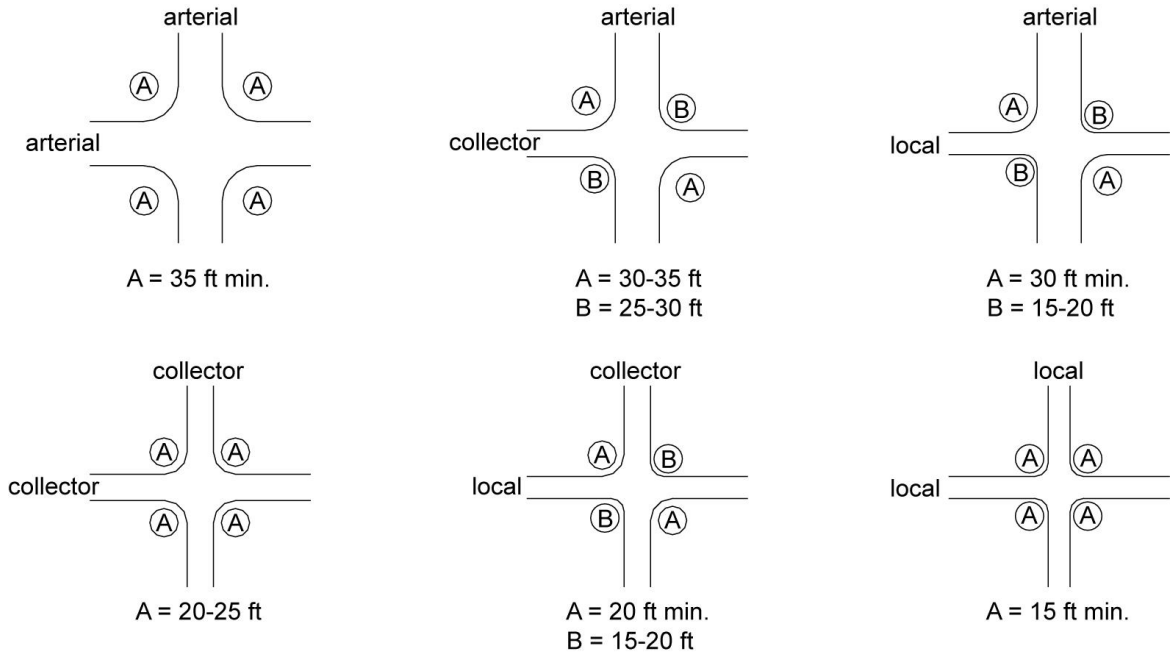


Figure 4.3 Curb Radius

4.3.14. Alleys

- a. Alleys may be approved by the Commission in medium and higher density residential developments for rear access and as alternative locations for above-ground utilities, garbage pick-up, and/or mail service.
- b. Alleys may be required in commercial or industrial developments 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 [§4.9 Access Management](#).

§4.4 Blocks

4.4.1. The lengths, widths, and shapes of blocks shall be determined with due regard to:

- a. Provisions of adequate building sites suitable to the type of use contemplated
- b. Needs for convenient access, circulations, control, and safety of street traffic
- c. Limitations and opportunities relative to topography

4.4.2. Blocks shall not be less than four hundred (400) ft nor more than twelve hundred (1200) ft and shall normally be wide enough to allow two tiers of lots of appropriate depth. Blocks located along arterial streets should generally be longer than those along collector and local streets to support access management.

§4.5 Lots

4.5.1. The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

4.5.2. Lot dimensions shall conform to the requirements of the Zoning Ordinance and the requirements of the County Health Department. Where requirements conflict, the greater requirement shall govern.

4.5.3. Except for lots within private subdivisions as allowed by [§4.12 Private Subdivisions](#), each lot shall front upon a dedicated right-of-way not less than fifty (50) ft in width.

4.5.4. Flag Lots. Where permitted, flag lots shall comply with the following requirements.

a. Flag lots for residential purposes shall only be approved by the Commission in low density residential and agricultural areas. Flag lots for nonresidential purposes may be considered by the Commission based upon topography, existing development patterns and related circumstances.

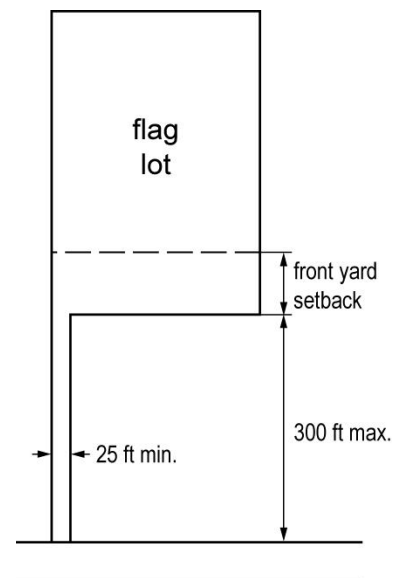
b. For approved residential purposes, the staff portion of the lot shall be at least twenty-five (25) ft in width throughout its length and shall not exceed a length of 300 ft unless expressly approved by the Fire Marshal.

c. For approved nonresidential purposes, the staff portion of the lot shall be at least thirty-five (35) ft in width throughout its length. A higher minimum width may be required by the Commission for nonresidential flag lots located along arterial streets or highways.

d. Where necessary to provide fire apparatus access to within 100 ft of building, access drives shall comply with the requirements of [§4.3.10 Fire Apparatus Access](#). In the absence of a second means of ingress and egress to a public street, a turnaround may be required as a maneuvering area for fire apparatus and other emergency vehicles. The design of the turnaround shall be subject to approval of the Fire Marshal.

e. Multiple flag lots shall not be grouped together unless provision is made for a shared access drive serving such lots. However, not more than three (3) flag lots may share the same access drive.

f. The staff portion of the lot shall not be included in determination of the minimum lot area or front yard setback.



4.5.5. Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from arterial 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 an arterial street.

4.5.6. Side lot lines shall normally be at right angles to streets, except on curves where they shall be radial, or as approved by the Commission.

§4.6 Easements

4.6.1. Easements shall normally be privately held and maintained. Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary, and shall not be less than a total of fifteen (15) ft wide (7.5 ft min. on each side of lot line) unless otherwise approved by the Subdivision Official or engineer of the applicable utility.

4.6.2. Where a subdivision is traversed by an existing or proposed water course, drainageway, channel, or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially to the lines of such existing or planned drainageway. The width of such drainage easement or right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.

4.6.3. Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement jogs or off-sets, and to facilitate the use of easements for power distribution, telephone service, drainage, water, and sewer services.

§4.7 Drainage and Inundation

A drainage plan shall be prepared by the Subdivision Engineer which shall take into consideration the ultimate or saturated development of the tributary area in which the proposed subdivision is located and provide for such structures and devices as may be required to handle a 100-year rain event, 24-hour storm. Adequate provisions shall be made to provide drainage easements needed within the subdivision, taking into consideration the saturated development of the tributary area. Maintenance of all easements outside of the City right-of-way shall be the responsibility of the property owner, developer or property owner's association and shall be recorded as such.

The storm and sanitary sewer plans shall be approved prior to the approval of other utility plans. Engineering considerations shall give preferential treatment to these gravity flow improvements, as opposed to other utilities and improvements. Off-premise drainage easements and improvements may be required to handle the runoff of subdivisions into a natural drainage channel. But under no condition shall storm drainage be emptied into the sanitary sewer system or vice versa.

4.7.1. No subdivision or part thereof shall shed storm runoff, either as surface runoff or an outfall from storm sewerage structures, onto 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 Subdivision Official.

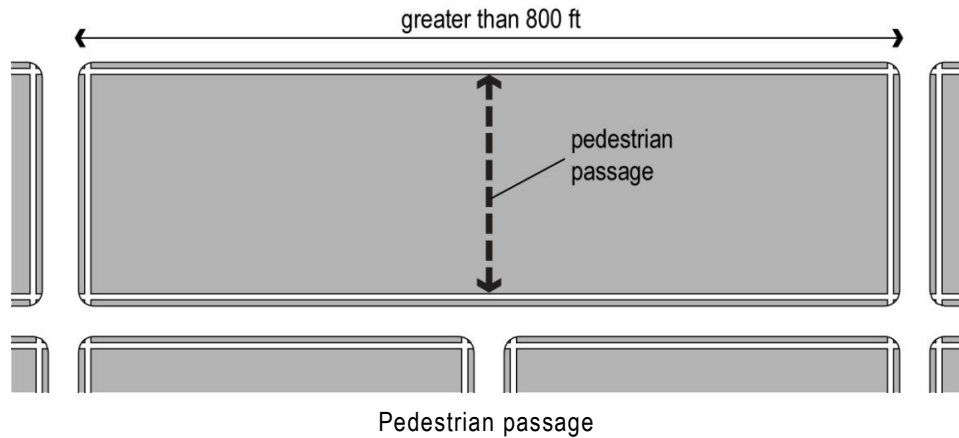
- 4.7.2. Low areas subject to periodic inundation shall not be developed or subdivided unless and until the Commission establishes that:
- a. The nature of the land use (e.g., recreational areas) would not lend itself to damage by water inundation to an appreciable extent;
 - b. The area may be filled or improved in such a manner to prevent such periodic inundation (where permitted in accordance with all applicable local and state laws); or
 - c. Minimum floor elevations will be provided that prevent damage to buildings and structures.
- 4.7.3. Land area within the 100-year floodplain shall be clearly marked on all subdivision plats. Such areas shall not be developed in any way that reduces the floodplain's capacity to store and convey stormwater.
- 4.7.4. The Commission may require whatever additional engineering information it deems necessary to make a decision on subdivisions and other developments that contain areas of questionable drainage. Lakes, ponds, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area, or if such area constitutes a necessary part of the drainage control system, and adequate access to the site is provided.
- 4.7.5. Swales. Where provided, swales shall meet the following design criteria:
- a. Swale may be trapezoidal or parabolic, with a bottom width of 2-10 ft. Maximum side slope is 3:1
 - b. Grass height shall be established and maintained at 3-6 inches.
 - c. Minimum swale length is 50 ft.

§4.8 Sidewalks, Pedestrian Facilities

Sidewalks and pedestrian facilities shall be provided as indicated in Table 4.3-1. The Commission may, in accordance with the following guidelines, modify requirements for sidewalks and pedestrian facilities indicated in Table 4.3-1. Where not required, such facilities may be provided at the option of the applicant provided minimum design and construction requirements are satisfied.

- 4.8.1. Guidelines
- a. Whenever land to be subdivided embraces any part of a sidewalk or pedestrian facility so designated on a City Sidewalk Master Plan, such facility shall be provided as part of the subdivision.
 - b. Whenever land to be subdivided embraces an existing public street without sidewalks, such facilities shall be provided by the subdivider along the applicable portion of the existing street as required in this Section and Table 4.3-1.
 - c. Sidewalks should be provided on at least one side of streets within 1,000 ft of an existing or planned school, library, park, place of assembly or commercial area.
 - d. Sidewalks should be provided along streets that presently or in the future will contain uses that are specifically intended to serve children or the aged.

- e. Pedestrian facilities should be placed along collector streets to provide a safe walking environment, adequately separated from higher speed vehicular traffic, connecting one or more subdivisions to nearby destinations.
- f. Sidewalks along and parallel to the street shall not be required where the running grade of the sidewalk would exceed five (5) percent.
- g. A permanently dedicated greenway, walking trail, pedestrian passage or similar pedestrian facility may be required as an alternative to or in addition to sidewalks to provide pedestrian access to nearby commercial centers, schools, parks, or places of assembly. In such cases, the pedestrian facility should be located so as to be accessible to the greatest number of users within the proposed development.
- h. Pedestrian passages may be required to provide access across the depth of a block that exceeds eight hundred (800) ft in length. See also [§4.8.4 Pedestrian Passages](#).



- i. Cul-de-sacs within medium or high density residential subdivisions may be required to provide a permanent pedestrian passage to nearby streets or community destinations. Such passage may be an alternative to or in addition to sidewalks within the subdivision. In determining whether a passage should be required, the Commission shall consider the degree to which the passage would increase the safety and convenience of pedestrians in reaching such destinations compared to other feasible pedestrian routes within the subdivision.
- 4.8.2. A planting strip 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 this requirement be modified or waived.
- 4.8.3. Pedestrian ramps in accordance with the requirements of the Americans with Disabilities Act (ADA) shall be provided at intersections of streets requiring sidewalks or other pedestrian facilities.
- 4.8.4. Pedestrian Passages. Where required, pedestrian passages shall be provided as follows:
- a. The easement or right-of-way containing the passage shall not be less than ten (10) ft and the minimum width of the walkway shall be five (5) ft in residential areas and six (6) ft in

nonresidential areas. The design and surface material of the passage shall be as approved by the Subdivision Official.

- b. If located in a right-of-way, the passage shall be subject to acceptance by the City.
- c. If located within a private easement, maintenance shall be the responsibility of the developer or property owners' association.

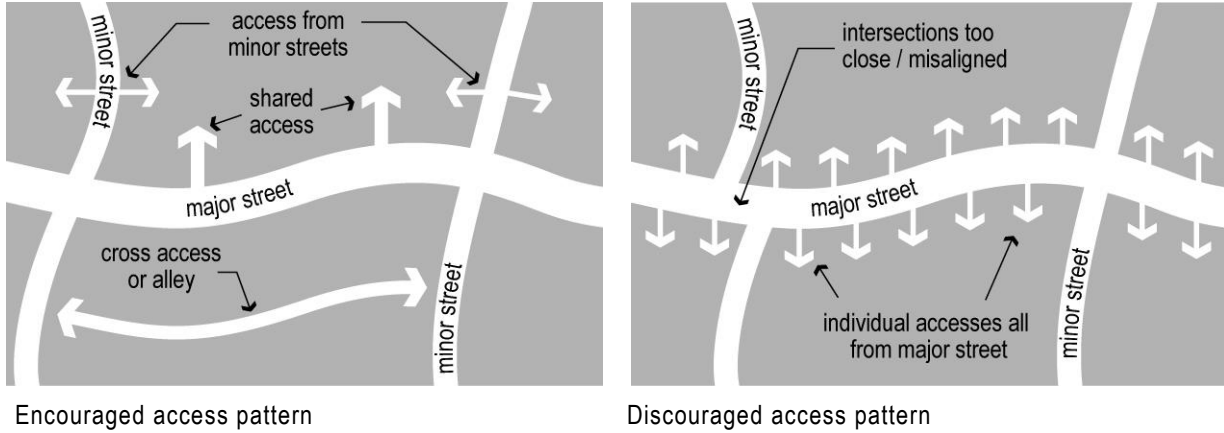
4.8.5. Fee-in-lieu. At its discretion, the Commission may accept a fee-in-lieu for required sidewalk improvements on existing or proposed local streets if it determines that installation of sidewalks on adjoining, existing streets—carried out under the direction of the City—would be of greater benefit to both the proposed subdivision and surrounding development than the normally required installation of sidewalks within the proposed subdivision. However, if a fee-in-lieu is approved by the Commission, all applicable streets within the proposed subdivision shall nonetheless be designed and constructed to allow installation of sidewalks at a later date. The fee-in-lieu shall be equal to the cost of sidewalk improvements that would otherwise have been required.

4.8.6. ADA Compliance ADA Compliance with Americans with Disabilities Act for Pedestrian Facilities in Public Rights-of-way. All sidewalks, pedestrian ramps, pedestrian street crossings, pedestrian signals, and other facilities for pedestrian circulation, traffic and use intended to be designed, constructed or altered for future dedication to the City's as a part of its rights-of-way shall be designed, constructed and altered from time to time in accordance with the most current versions of the *ADA Standards for Accessible Design* and the *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG)* and the *Manual on Uniform Traffic Control Devices (MUTCD)*. No subdivision shall be accepted for dedication to the City until such time as the Subdivision Official has declared that the requirements of this Section 4.8.6 have been met. The requirements of this §4.8.6 shall be applicable to all applications, including any material alterations, amendments or modifications thereto, filed with the Inspections Department on and after January 1, 2017.

(Resolution 2016-02, 12-08-16)

§4.9 Access Management

The purposes of this section 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. See illustrations below.



4.9.1. General Conditions and Requirements. The location and design of vehicular accesses from existing or proposed streets shall be specified in an Access Plan submitted as part of the Engineering Plan. 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.

- a. Approval for Specific Use. Accesses approved under these Regulations shall be approved only for the use specified in the Preliminary Plat. 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 access(es) shall be brought into conformity with these requirements.
- b. Prohibition of Unsafe Access. Notwithstanding any other provisions of these Regulations, an access, which demonstrates a potential danger to the public and/or which could affect the safe, efficient flow of traffic, may be denied following a recommendation from the Subdivision Official, based on commonly accepted and applied traffic engineering principles.

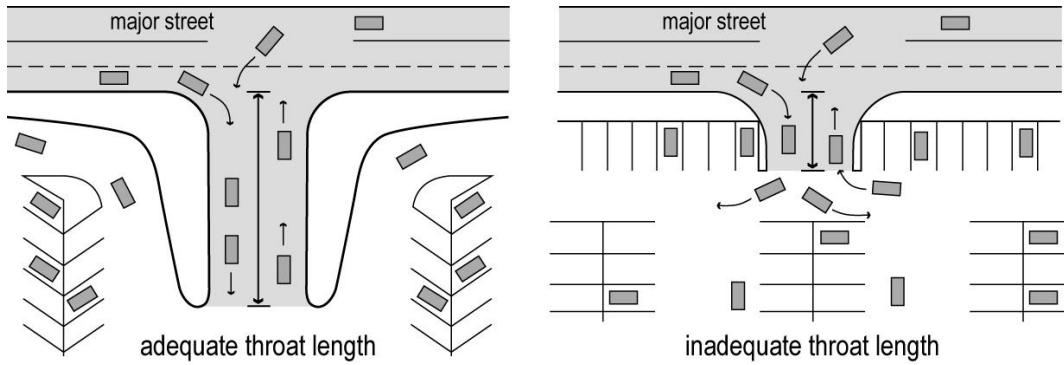
4.9.2. Guidelines.

- a. Access to a corner lot should be placed on the street of lesser classification or lower average daily traffic, except as otherwise specified herein.
- b. The number and location of access points shall be in accordance with Table 4.9-1.
- c. Lots along an existing or proposed alley shall be designed to and shall have access from such alley. In the case of an existing unopened or substandard alley, construction of an access along the alley shall not be required but the lot shall nonetheless be designed so that access may be constructed once the alley is opened or its deficiencies are corrected.

Table 4.9-1 Driveway Spacing Regulations			
Use and Street Type	Minimum Spacing		Max. number of driveways per frontage length
	from intersection ¹	from other driveways	
All Uses			
Arterial streets and highways	150 ft	100 ft	1 per 150 ft

Single family and duplex dwellings			
Collector Streets	100 ft	25 ft	1 per 100 ft
Local Streets	60 ft	10 ft	1 per 60 ft ²
All other Uses			
Collector Streets	125 ft	75 ft	1 per 125 ft
Local Streets	75 ft	50 ft	1 per 75 ft
¹ Where the frontage of an existing corner lot is less than the required distance, a driveway may nonetheless be approved by the Subdivision Official provided it is as far as practical from the intersection. Lots to be subdivided should have frontages of a length to accommodate required driveway spacing. ² For interior lots less than 60 ft in width, one driveway may be approved, if in the opinion of the Subdivision Official, the driveway will not adversely affect safety and movement on the street. Townhouse (attached dwelling) developments shall normally have shared access to the side or rear of building groups.			

- d. Minimum separation distance may be reduced, provided that, if approved by the Subdivision Official, 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 Section would conflict with other provisions of these Regulations; and where the reduction would not compromise the safe, efficient flow of traffic.
- e. Access Easements. The Commission may require shared access easements or other conditions that require multiple lots to have one or a limited number of shared accesses to arterial or collector streets, including through the use of alleys, shared driveways, or marginal access streets. Marginal access streets should be used only when they can be designed properly to provide safe and efficient access.
- f. Where private access easements are used, the subdivision plat shall state that the easements run with the land and that 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 the easement shall execute an agreement specifying responsibility for construction and perpetual maintenance of the easements and drives. 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. Amendments to such agreements shall also be filed with the City Clerk.



- g. Adequate throat length (see illustration above) shall be provided to prevent traffic entering a premises from backing up onto the public street. A minimum length may be required by the Subdivision Official when anticipated traffic volumes and commonly accepted and applied traffic engineering principles justify the need for longer throat length.
- h. Turn Lanes.
 - (1) Approval of access to an arterial or collector street may be conditioned upon the provision of a left-turn lane. The requirement and design of each turn lane, including the paved approach, bay, and departure tapers, shall be determined from the recommendations of a traffic study and approved by the Subdivision Official based on commonly accepted and applied traffic engineering principles.
 - (2) Right and left turn lanes at intersections may be required by the Subdivision Official based upon existing or required traffic studies. Such lanes shall be accommodated in the dedication of additional right-of-way widths on existing or proposed streets. Storage length shall be determined from the applicable traffic study.
- i. Two-way Left Turn Lanes, Medians.
 - (1) Two-way left-turn lanes shall not be used in low and medium density residential areas and are discouraged in previously undeveloped areas. However, they may be necessary in previously developed areas where a median is impractical due to the location and frequency of existing driveways.
 - (2) Medians are recommended to control access and turning movements between intersections on collector and arterial streets, particularly for subdivisions in previously undeveloped areas. Where a median is proposed, access to lots fronting on the street should be coordinated with median openings. Minimum spacing between median openings shall be determined by the Subdivision Official.

§4.10 Driveways

The width of driveways, measured at the nearest points of radius returns, shall conform to Table 4.10. See illustrations in Appendix C.

- 4.10.1. Driveways to nonresidential uses may exceed the maximum width, provided that it is determined by the Subdivision Official that the need to provide safer turning movements and/or the number

of trips generated for truck traffic to or from the property will justify the need for greater width and/or additional lanes.

Table 4.10 Driveway Standards			
Driveway Width		Driveway Radius ²	
Single-family and duplex dwellings	10-14 ft ¹	Local Street or Alley ³ Collector Street	5-10 ft 5-15 ft
Multifamily and Nonresidential Uses			
One-Way Traffic (ingress or egress)	14-18 ft	Alley	10-15 ft
Two-Way Traffic (ingress and egress)	20-30 ft	Local Street	10-20 ft
		Collector Street	15-25 ft
		Arterial	20-35 ft
¹ Width of driveway may exceed maximum width within the property for parking purposes. ² The larger radius is appropriate on streets of higher design speed and in cases of limited sight distance. Otherwise, the smallest radius should be used. ³ A driveway flare may be used instead of a curve.			

- 4.10.2. Driveways, in which ingress and egress lanes are separated by a raised median, may exceed the maximum two-way width, provided that the individual ingress or egress lane will not exceed the width limits for one-way traffic. Additionally, monuments, walks, vegetation, or signage shall conform to all applicable sight distance requirements.
- 4.10.3. Radius of driveway curve. The radius of curve connecting the edge of the acceleration or deceleration lane or through-traffic lane to the edge of the driveway shall meet the requirements of Table 4.10.
- 4.10.4. Pavement Markings, Signage. Driveways with more than one ingress or egress lane shall have the pavement surfaced marked in accordance with the requirements of the Manual on Uniform Traffic Control Devices, latest revision. The pavement markings and signage shall be continually maintained by the owner in good condition and visible to drivers at all times.
- 4.10.5. Within ten (10) ft of the edge of pavement, driveway grade shall not exceed six (6) percent.

§4.11 Utilities

- 4.11.1. All subdivisions shall be provided with water distribution and sanitary sewerage systems as approved by the Subdivision Official and the Health Department.
- 4.11.2. Utility appurtenances shall be located so as not to interfere with or be located within curbs, gutters, or sidewalks. Water mains, sanitary sewers and laterals, fire hydrants, and storm sewers shall be installed as necessary to prevent the future cutting of pavement on any street.
- 4.11.3. Fire Hydrants. Fire hydrants shall be installed within the planting strip or, in the absence of a planting strip, other location as approved by the Fire Marshal in accordance with the following:

- a. Fire hydrant flows, number of hydrants and their locations shall be determined and approved by the Fire Marshal.
- b. All medium and low density residential lots shall be located not more than 1,000 ft from the nearest fire hydrant.
- c. All high density residential lots and nonresidential buildings shall be located not more than 500 ft from the nearest fire hydrant.

4.11.4. Above-ground and underground utilities.

- a. Underground utilities are required in all high-density residential developments and any mixed-use development containing multifamily uses.
- b. For all other types of development, above-ground utilities shall be permitted and shall be installed in alleys or within rear lot easements in so far as practicable.
- c. Above-ground utility lines shall cross streets only as needed. The number of such crossings shall be minimized.

4.11.5. Street Lighting. Location of street light poles shall be approved by the Subdivision Official.

§4.12 Private Subdivisions

4.12.1. Improvements within proposed private subdivisions shall comply with the design and construction standards in these Regulations and the private status shall not be effective until Final Plat recording. The private status of the subdivision shall be clearly stated on the recorded Final Plat.

4.12.2. A gate may be established after construction to limit access. The gate shall be designed to allow rapid emergency vehicle access if and when the gate is unmanned. The method of access shall be subject to approval by the Fire Marshal.

4.12.3. As long as the subdivision remains 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. The procedure for accomplishing this shall be outlined in a letter to the Commission for the file.

4.12.4. If all property owners within a private subdivision, at some future date, desire to eliminate the private subdivision and offer any concerned streets or other improvements for acceptance and maintenance by the City, the owners must petition the City for tentative approval. Upon tentative approval by the City, the owners shall submit subdivision plans to the Commission including improvements and repairs that may be required according to the Subdivision Regulations effective on the date of the petition. It shall be the responsibility of the owners to prepare a revised Final Plat according to [§3.7 Final Plat](#) for approval and recording to the Probate Judge.

§4.13 Nonresidential Subdivisions

The following standards apply to any development containing commercial, industrial or other nonresidential uses and any combination of nonresidential and multifamily uses on the same block. These standards shall not apply to subdivisions for agricultural use.

- 4.13.1. Adequate space shall be provided for loading, unloading, off-street parking, vehicular circulation, and any required buffers, stormwater management facilities and/or on-site sanitary sewerage facilities.
- 4.13.2. Where practicable, stormwater detention/retention facilities shall be integrated into the design of parking, landscaping and open space areas.
- 4.13.3. Nonresidential flag lots shall only be permitted in accordance with [§4.5.4 Flag Lots](#).

§4.14 Street, Subdivision Names

- 4.14.1. No street name shall be used which will duplicate by spelling or sound or otherwise be confused with the name of existing streets in the City of Gardendale. Street names shall be approved by the Commission.
- 4.14.2. Subdivision names and multifamily development names shall not duplicate or be confused with names of existing subdivisions or development in the City of Gardendale. Subdivision and multifamily development names shall be approved by the Commission.

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ARTICLE 5 REQUIRED IMPROVEMENTS

§5.1 General

The subdivider shall install or construct the improvements hereinafter described prior to approval of the Final Plat or release of the Performance Bond as specified in [§3.5 Construction of Improvements, Performance Bond, Inspection](#). All required improvements shall be constructed in accordance with the standards set forth in these Regulations, and under the inspection of the Subdivision Official and the engineering department of any concerned utility or public agency.

All street improvements shall be in accordance with the most recent edition of the ALDOT Standard and Special Drawings for Highway Construction. When there is a conflict between the design requirements of these Regulations and the ALDOT standards, the more restrictive requirements shall govern. However, the Commission may authorize the use of an alternate design or the design of an improvement not included within the ALDOT standards upon a favorable recommendation by the Subdivision Official.

§5.2 Streets and Alleys

5.2.1. Procedures.

- a. Before construction of streets and drainage improvements, the Subdivision Official shall be notified no less than twenty-four (24) hours in advance of any phase of operation to be started.
- b. The base shall be inspected and installed under the direction of the Subdivision Official.
- c. No paving shall be installed until the base course and type of paving and material are approved by the Subdivision Official.
- d. In all cases in which the Subdivision Official has reasonable doubt concerning the stability or proper construction of any street or alley, he may require, after the installation of the binder course, that the seal course be delayed for a minimum of six months.
- e. No special drainage structure having 20 square feet of end area or larger will be covered up until approval is given by the Subdivision Official.

5.2.2. Pavement. On all streets and alleys, a suitable hard surfaced permanent type of pavement shall be constructed in accordance with ALDOT and City specifications, including the following minimum pavement standards:

Pavement Standards		
Base	6" compacted	Dense grade base
Binder	(ALDOT 429B)	2201bs/SY aggregate or 2" Compacted - 1" aggregate max
Seal	ALDOT429A	Slag seal no skid 125lbs/SY or 1" Compacted minimum

5.2.3. Street markings shall be applied after the binder is installed and shall comply with the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD) and shall consist of reflective beading and thermoplastic application.

§5.3 Sidewalks

Sidewalks, as required in [§4.8 Sidewalks, Pedestrian Facilities](#), shall be of Portland cement concrete and of the width prescribed in Table 4.3-1.

§5.4 Curbs and Gutters

Vertical curb and gutter, rolled curb and gutter and valley curbs as required in [§4.3 Street Layout](#) shall be of Portland cement concrete.

§5.5 Water System

The design and specifications of the distribution system shall meet the water system requirements. Water mains shall be extended the full length or width of the pavement. The Developer and/or Engineer shall provide a letter of availability for water service. Any stipulations and/or special requirements by BWWB shall be clearly identified and included on the plans (i.e., minimum water service line sizes, residential water booster pumps, etc.). Prior to issuance of a permit, the Developer and /or Engineer shall provide a copy of the BWWB Developer Installed Extension of Mains Agreement. Water mains shall meet the requirements of the Gardendale Fire Department and the Birmingham Water Works Board.

(Resolution 2018-01, 07-12-18)

§5.6 Fire Hydrants

Fire hydrants shall be installed in accordance with [§4.11.3 Fire Hydrants](#).

§5.7 Sanitary Sewers

5.7.1. Public Sanitary Sewer. All proposed subdivisions located in the sewer service area, as defined by the Jefferson County Environmental Services, shall be provided with sanitary sewerage systems, where feasible, as determined 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 the service area of the Jefferson County sewer system shall:

- a. 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 City and/or County; and
- b. 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 City and/or County.

c. The Developer and/or Engineer shall provide a letter of availability for sanitary sewer service. Any stipulations and/or special requirements by the sanitary sewer provider shall be clearly identified and included on the plans (i.e., residential sewer pumps, sewer lateral size, sewer mains, etc.). Prior to issuance of a permit, the Developer and /or Engineer shall provide a copy of the stamped approved sanitary sewer plans.

(Resolution 2018-01, 07-12-18)

5.7.2. Private sanitary sewer systems may be permitted in subdivisions outside the service area of the County sanitary sewer system.

5.7.3. Septic systems shall be permitted in accordance with the regulations and requirements of the County Health Department.

§5.8 Storm Sewers, Drainage

Storm sewers and drainage structures shall be designed and installed as required by the Subdivision Official and in accordance with good engineering practices. In no case shall the size of storm drainage pipe be less than eighteen (18) inches in diameter, or as deemed necessary by the Subdivision Official.

§5.9 Street Signs and Traffic Control Devices

The subdivider shall install street signs and approved traffic control devices in accordance with the MUTCD, any additional requirements of the City and/or ALDOT and the approved traffic control plan.

The subdivider, owner or property owners' association, but not the City, shall be responsible for replacement or repair of any decorative or non-standard street signs or traffic control devices.

§5.10 Street Lights

The subdivider shall install LED street lights in all residential subdivisions unless such requirement is waived by the Commission based upon a recommendation from the Subdivision Official. The subdivider shall be responsible for installation of all street light fixtures, poles, wiring, and related equipment and shall pay, in advance, to the City the cost of three years electrical service for operation of said street lights.

The subdivider, owner or property owners' association, but not the City, shall be responsible for replacement or repair of any decorative or non-standard street light poles and fixtures.

(Resolution No. 2019-01, 04-11-19)

§5.11 Property Markers

All lot corners shall be marked in accordance with the current requirements of the "Standards of Practice for Surveying in the State of Alabama".

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ARTICLE 6 EFFECTIVE DATE

These Subdivision Regulations shall supersede all previous Subdivision Regulations and shall take effect and be in force from and after the date of this adoption.

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