

SUBDIVISION REGULATIONS
CITY OF VALLEY, ALABAMA 36854

REVISED NOVEMBER 19, 2007

ADOPTED BY VALLEY PLANNING COMMISSION

ON

NOVEMBER 18, 1991

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CITY OF VALLEY, ALABAMA

SUBDIVISION REGULATIONS

INDEX

	PAGES
ARTICLE 1. PURPOSE, POLICY, TITLE & INTERPRETATION	4 - 5
ARTICLE 2. GENERAL PROVISIONS	5 - 10
ARTICLE 3. PROCEDURES	11 - 16
ARTICLE 4. DEVELOPMENT STANDARDS	16 - 25
ARTICLE 5. INSTALLATION OF PERMANENT REFERENCE POINTS	25 - 26
ARTICLE 6. REQUIRED IMPROVEMENTS	26 - 29
ARTICLE 7. GUARANTEE OF COMPLETION OF IMPROVEMENTS	30 - 31
ARTICLE 8. VARIANCES	32 - 34
ARTICLE 9. CONFLICT WITH PUBLIC & PRIVATE PROVISIONS	34 - 34
ARTICLE 10. LEGAL PROVISIONS	34 - 34
ARTICLE 11. AMENDING REGULATIONS	35 - 35
APPENDIX 1. SAMPLE CERTIFICATES	35 - 37

SUBDIVISION REGULATIONS
CITY OF VALLEY, ALABAMA

ARTICLE 1
PURPOSE, POLICY, TITLE AND INTERPRETATION

1.1 PURPOSE:

The purpose of this regulation is to establish procedures and standards for the development of subdivisions or proposed additions to existing subdivisions within the subdivision jurisdiction of Valley, Alabama, in an effort to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require the proper placement of public utilities.

1.2 POLICY:

- a. It is hereby declared to be the policy of Valley, Alabama, to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City of Valley Planning Commission pursuant to the authority granted to the City by the Code of Alabama.
- b. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, water sewerage disposal and streets.
- c. Any owner of land, which lies within the area of jurisdiction, who wishes to divide or re-subdivide such land into two (2) or more lots, sites or divisions, for the purpose, whether immediate or future, of sale or building development, shall submit to the City Planning Commission, for approval, a plat of the subdivision, which shall conform to the minimum requirements set forth in these regulations, for approval.
- d. No sub-divider shall proceed with improvements or installation of utilities in a subdivision until such subdivision plat shall have been granted preliminary Plat approval by the City Planning Commission.
- e. No sub-divider shall proceed with the sale of lots or erection of buildings, excluding public utility structures, within a subdivision until such subdivision plat shall have been granted Final Plat approval entered in writing on the plat and signed by the Chairman of the City Planning Commission and recorded in the Office of the Probate Judge of Chambers County.
- f. Single Lot Sell-Off

1.3 TITLE:

The regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of the City of Valley, Alabama.

1.4 INTERPRETATION:

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

ARTICLE 2.
GENERAL PROVISIONS

2.1 AUTHORITY:

Pursuant to the authority granted by the Code of Alabama, 1975, Article 2, Sections 11-52-30 through 11-52-36, inclusive, of the Code of Alabama which provisions are hereby made a part of these regulations, the Valley Planning Commission, hereinafter called Planning Commission, at its meeting on November 18, 1991, adopted by resolution the following regulations, a copy of which has been certified to the Probate Judge of Chambers County, Alabama.

2.2 JURISDICTION:

From and after the date of November 18, 1991, these regulations shall govern the subdivision of all land located in the City of Valley, Alabama, and in addition shall govern the subdivision of land within five (5) miles of the corporate limits of the City of Valley, Alabama, except where there are contiguous borders with another municipality. Where there is another municipality with a planning commission within five (5) miles and its borders are not contiguous with Valley's these regulations shall govern one-half (1/2) the distance from Valley to the other municipality.

2.3 AMENDMENTS:

The Planning Commission may from time to time adopt amendments that will tend to increase the effectiveness of these regulations or expedite the approval of subdivision plats. These regulations and amendments thereto may be changed or amended by the Planning Commission after a public hearing.

2.4 ADMINISTRATION:

A City Agent is appointed by the City Planning Commission and acts as their authorized agent in the interpretation and enforcement of the plans, specifications and requirements of these regulations. The City Agent or his authorized agent, shall determine the amount, quality and acceptability of the work as specified in these regulations.

2.5 ENFORCEMENT:

It shall be the duty of the City Agent to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance with these regulations.

2.5.1 VIOLATIONS:

No owner, or agent of the owner, of any lot located within a subdivision may transfer or sell or agree to sell or negotiate to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the City Planning commission and recorded with or filed with the County Probate Judge. The description of such a lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction for any penalties or remedies herein prescribed.

2.5.2 PENALTIES:

Conviction under subsection 2.5.1 of these regulations shall result in forfeiture and payment of a penalty of one hundred dollars (\$100) for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The City Planning commission may also institute an injunction against such transfer or sale in any court of equity jurisdiction, or may recover the same penalty through civil action in any court pursuant to authority granted through by the Code of Alabama. Further, no streets will be accepted for maintenance by the City nor shall any utilities be extended to any subdivision found in violation of these regulations.

2.6 DEFINITIONS:

- (1) **Alley:** A public right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.
- (2) **Applicant:** The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.
- (3) **Arterial:** See Street, Arterial (41-b).
- (4) **Block:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of water-ways or boundary lines.
- (5) **Building:** Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and includes any structure.
- (6) **Building Setback Line:** A lone parallel to the property in front of which no structure may be erected.
- (7) **City:** The City of Valley

- (8) **Collector Street:** See Street, Collector (41-c).
- (9) **Corner Lot:** A lot, which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front.
- (10) **County:** The County of Chambers, Alabama.
- (11) **City Clerk:** The duly designated Clerk of the City.
- (12) **City Planning commission:** The Planning Commission of the City of Valley, Alabama.
- (13) **City Agent:** The duly designated Agent of the City of Valley, Alabama.
- (14) **City Specifications:** All construction specifications which have been adopted by the City Planning Commission or as required by the City Agent and all utility departments.
- (15) **Cul-De-Sac:** A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (16) **Dedication:** The transfer of property from private to public ownership.
- (17) **Developer:** The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.
- (18) **Depth of Lot:** The mean horizontal distance between the front and rear lot lines.
- (19) **Double Front Lot:** A lot having frontage on two (2) nonintersecting streets as distinguished from a corner lot.
- (20) **Easement:** A grant by the property owner of use, by the public, a corporation, or person(s) of a strip of land for specified reasons, or as created by operation of law.
- (21) **Expressway:** See Street, Expressway (41-a).
- (22) **Final Plat:** A plat of a tract of land which meets the requirements of these regulations and is in form for recording in the Office of the Probate Judge of Chambers County, Alabama.
- (23) **Flood-proofing:** Any combination of structural or nonstructural additions, changes, or adjustments which reduce or eliminate flood damage to real estate or improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

- (24) **Floodway:** The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one (1) foot above the predevelopment conditions. For the purpose of these regulations, floodways shall be defined as follows:
- a. Along the Chattahoochee and Unnamed Tributaries. The floodways as identified in the Flood Insurance Study for Chambers County, Alabama.
 - b. Along Small Streams and Watercourses: All lands lying within twenty five (25) feet of the top of the bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the City Planning Commission that a lesser distance (but not less than fifteen (15) feet) is adequate based on the watershed characteristics and probable storm runoff for the 100-year flood.
- (25) **Land Subject to Flood:** For the purpose of these regulations, land subject to flood shall be defined as follows:
- a. The lands identified as having special flood hazards by the Office of Federal Insurance and Hazard Mitigation (FIHM). The lands identified as subject to inundation by the 100-year flood and all lands lying below the 100-year flood elevations as demonstrated by the maps and charts contained in the Flood Insurance Study for Chambers County, Alabama, as prepared by the Federal Emergency Agency (FEMA), Office of Federal Insurance and Hazard Mitigation, and all subsequent revisions thereto, which are made a part of these regulations.
 - b. Along Small Streams and Watercourses: All lands lying within one-hundred (100) feet of the top of the bank of the channel (measured horizontally) unless the developer demonstrates to the satisfaction of the City Planning Commission that the property in question is free from the danger of inundation by the 100-year flood. The developer shall submit such data or studies based in the watershed characteristics, probable runoff, and other topographic and hydraulic data prepared by the registered professional engineer as the City Planning Commission may reasonably require to adequately make its determination of the flood susceptibility of the property.
- (26) **One-Hundred (100) Year Flood:** A flood which has, on the average a one percent (1%) chance of being equaled or exceeded in any given year.
- (27) **Hardship:** An unusual situation on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the county. A hardship exists only when it is not self-created.
- (28) **Health Department:** Chambers County Health department.
- (29) **Lot:** A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

- (30) **Minor Street:** See Street, Minor (41-d).
- (31) **Monument:** A permanent object serving to indicate a limit or to mark a boundary.
- (32) **Nonresidential Subdivision:** A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.
- (33) **Owner:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
- (34) **Owner's Engineer:** Shall mean the engineer or land surveyor registered and in good standing with the State Board of Registration of Alabama who is the agent in his professional capacity of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.
- (35) **Preliminary Plat:** Shall mean a tentative plan of the complete proposed subdivision submitted to the City Planning Commission for its consideration.
- (36) **Probate Judge:** Shall mean the Judge of Probate of Chambers County, Alabama.
- (37) **Registered Engineer:** An engineer properly licensed and registered in the State of Alabama.
- (38) **Registered Land Surveyor:** A land surveyor properly licensed and registered in the State of Alabama.
- (39) **Re-subdivision:** A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- (40) **Setback:** The distance between a building and the street line nearest thereto.
- (41) **Single Tier Lot:** A lot which backs upon a 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.
- (42) **Street:** A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting property.
- a. **Expressway or Freeway:** Facilities which accommodate a high volume of traffic through the prohibiting of ingress and egress except at controlled intervals. Freeways involve complete control of access while expressways permit a grade intersections at infrequent intervals. The expressway or freeway has only one function - to carry traffic.

- b. **Arterials:** Connect areas which produce a large amount of trip generation. Arterials have a dual function; to move traffic and to provide access to land uses, particularly the high trip generating commercial activities. The traffic and access functions of arterials conflict with each other and this is one of the major problems of planning.
 - c. **Collectors:** These routes are important streets whose primary function is to collect traffic from an area and move it to the arterial street system while also providing substantial service to abutting land use. Typically, they should not have extensive continuity, or they may be used undesirable as arterials. Their development in new growth areas is usually dependent upon the form taken by land subdivision, whether the subdivision is residential in nature, or a planned commercial, office or industrial development.
 - d. **Minor Streets:** Minor streets comprise the remainder of the street system and have the primary function of servicing abutting land use. Through traffic should be stringently discouraged on these streets.
- (43) **Sub-divider:** Any person who (1) having an interest in land, causes it directly or indirectly, to be divided into a subdivision of who (2), directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision, and who (3) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.
- (44) **Subdivision:** Shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites or other division of land for the purpose, whether immediate or future, of sale or of building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. It shall include all divisions of land involving the dedication of a new street or a change in existing streets.
- (45) **Subdivision Jurisdiction:** The territorial jurisdiction of the City Planning Commission.
- (46) **Watercourse:** Any depression serving to give direction to a flow of water, having a bed and well-defined banks and that it shall, upon the rule or order of the City Planning Commission also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis, but may be intermittent resulting from the surface runoff of precipitation.
- (47) **Width of Lot:** The mean horizontal distance between the two side lot lines at the building line.

ARTICLE 3
PROCEDURES

3.1 APPROVAL OF SUBDIVISION PLATS REQUIRES:

From and after the date of filing a certified copy of these regulations with the Probate Judge, no subdivision plat of land within the platting jurisdiction, as defined in Article 1.2 of these regulations, shall have been submitted to and approved by the City Planning Commission. The Probate Judge, upon receipt of a copy of these regulations, shall not thereafter file or record a plat of a subdivision of land located within the City Planning Commission subdivision jurisdiction, as defined herein, without the approval of such plat in accordance with these regulations. No street or road shall be accepted and maintained by the City, nor shall any services or utilities be extended to the subdivision, unless and until the requirements set forth in these regulations have been complied with and the same has been approved by the City Planning Commission.

3.2 PRE-APPLICATION PROCEDURE:

Whenever the subdivision of a tract of land is proposed within the jurisdiction of of these regulations, the sub-divider is urged to consult early and informally with the City Agent. The sub-divider may submit sketch early and data showing existing conditions within the site or in its vicinity, and the proposed layout and development of the subdivision. The purpose of this pre-application review is to afford the sub-divider an opportunity to avail himself of the advice and assistance of the City Agent in order to facilitate the subsequent preparation and approval of plans.

3.3 PRELIMINARY PLAT APPROVAL:

3.3.1 PROCEDURE:

(1) PRELIMINARY PLAT SUBMISSION:

Following the pre-application review of a proposed subdivision, a preliminary plat of the subdivision at a scale not smaller than one (1) inch equals one hundred (100) feet shall be submitted to the City Agent in four (4) copies at least fifteen (15) days prior to a regularly scheduled meeting of the City Planning Commission.

(2) CONSTRUCTION PLANS:

At the time of submission of the Preliminary Plat, the applicant shall also submit a Preliminary Site Plan for all required improvements. All plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction Plans shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Preliminary Plat. Construction Plans shall be prepared by a Registered Engineer.

(3) FEES:

One copy of the Preliminary Plat and Construction Plans shall be submitted to the City Planning Commission along with a filing fee of twenty-five dollars (\$25) plus five dollars (\$5) per lot for inspection and administration at the time the Preliminary Plat is submitted to the City Agent.

(4) RECOMMENDATIONS OF CITY AGENT:

The City Agent shall submit his written recommendations to the City Planning Commission by the time of its initial hearing on the plat.

(5) PLANNING COMMISSION APPROVAL:

The Planning Commission shall approve, approve conditionally, or disapprove such Preliminary Plat within thirty (30) days after the submission thereof at its regular meeting. If approved conditionally, the conditions and reasons, therefore, shall be stated and if necessary, the City Planning Commission may require the sub-divider to submit a revised preliminary plat. If any of the requirements are modified or waived, the reasons for such shall be specified.

If the City Planning Commission should disapprove the Preliminary Plat, the reasons for such action shall be stated and if possible, recommendations made on the basis of which the proposed subdivision would be approved. One (1) copy of the Preliminary Plat, as acted upon by the City Planning Commission, shall be retained in its office, one(1) copy forwarded to the City Agent and one(1) copy returned to the sub-divider.

The approval of the Preliminary Plat shall not be deemed final acceptance but rather an expression of approval of the subdivision layout as proposed on the Preliminary Plat. Receipt of the approved copy of the Preliminary Plat by the sub-divider is authorization that he may proceed with the staking of streets and lots and the construction of streets, utilities, and other improvements in preparation for final platting. Preliminary Plat approval more than two (2) years old is null and void and the plat shall be resubmitted for approval in accordance with these regulations.

3.3.2 PRELIMINARY PLAT REQUIREMENTS:

The Preliminary Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge but shall not exceed eighteen by twenty-four (18x24) inches. The Preliminary Plat shall show the following:

- (1) Name of owner of record:
- (2) Proposed name of subdivision, date north point, scale and location:
- (3) Name and seal of registered land surveyor:

- (4) Vicinity map showing location of the subdivision:
- (5) Exact boundaries of the tract of land being sub-divided, shown with bearings and distances:
- (6) Names and addresses of the owners of land immediately adjoining the tract of land being sub-divided, as their names appear on the plats in the County Tax Assessor's Office:
- (7) Wooded areas, marshes, and any other conditions affecting the site:
- (8) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on and adjacent to the tract being sub-divided:
- (9) Proposed right-of-way or easements including location, widths, purposes, and street names:
- (10) Proposed lot lines with bearings and distances and lot and block numbers:
- (11) Proposed minimum building setback lines:
- (12) Proposed parks, school sites, or other public open spaces, if any:
- (13) Site data:
 - a. Acreage in total tract:
 - b. Smallest lot size:
 - c. Total number of lots:
 - d. Linear feet in streets:
- (14) Any area within or adjacent to the proposed subdivision subject to inundation by the 100-year flood as defines herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the plat.

3.3.3 CONSTRUCTION PLANS AND FINAL PLAT REQUIREMENTS:

The following construction plans shall be included:

- (1) Street plan containing the following information:
 - a. Location of all proposed and existing streets or right-of-way in or adjacent to the subdivision:
 - b. Width of existing and proposed rights-of-way:
 - c. Street names:
 - d. Plan and profile of all streets, showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals ten (10) feet vertical:

- e. Cross sections of proposed streets at a minimum of 100' stations:
 - f. Curve data for the centerline of each street: Delta, Tangent and Radius:
 - g. Location of all required sidewalks and crosswalks:
- (2) Storm Drainage Plan containing the following information:
- a. Location of proposed drainage ways, streams and ponds in the subdivision:
 - b. Topography at ten foot contour intervals:
 - c. Location, size and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets and top elevations of head walls, etc., showing details on Drainage Plan, including conduit schedule:
 - d. Show construction details of typical manholes, connections and other drainage structures proposed:
 - e. Area of land contributing run-off to each drainage structure along with run-off calculations of each area and drainage calculations for each drainage structure and drainage ditch:
 - f. Location of easements and right-of-way for drainage ways and maintenance access thereof:
 - g. Typical cross sections of each drainage way:
 - h. Direction of water flow throughout subdivision and compatibility with existing drainage:
- (3) Sanitary Sewer Plan, if applicable, containing the following information:
- a. Location and size of all existing and proposed sewers in the subdivision and tie-points of the subdivision. Location of sewer laterals:
 - b. Direction of flow of each sewer line:
 - c. Location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds and treatment plants if any:

3.3.4 FINAL PLAT REQUIREMENTS:

The Final Plat shall be prepared by a registered land surveyor or engineer and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The Final Plat, as submitted for approval, shall be prepared in ink on linen or a suitable permanent mylar reproducible. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge, but shall not exceed eighteen by twenty-four (18x24) inches. The Final Plat shall show the following:

- (1) Name of subdivision, north point, scale and location:
- (2) The relation of the land so platted to the Government Survey of Chambers County. The "point of beginning" as referred to in the written description shall be so indicated:
- (3) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line and block line, whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance and arcs and chords:
- (4) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name:

- (5) The exact position of the permanent monuments shall be indicated on the plat by a small circle "o":
- (6) Streets and alleys, right-of-way, and street names:
- (7) The location of easements, including location, widths and purposes:
- (8) Lot lines and lot and block numbers:
- (9) Parks, school sites, or other public open spaces, if any:
- (10) All dimensions should be to the nearest one-hundredth (1/100) of a foot and angles within plus or minus five (5) seconds:
- (11) The following endorsements, dedications, and certificates shall be placed on the Final Plat (see Appendix 1 for sample certificates):
 - (a) Registered Surveyor's Certificate and Description of Land Platted:
 - (b) Dedication:
 - (c) A notary's Acknowledgement of the Dedication Certificate referred to in "b":
 - (d) A Certificate of Approval by the appropriate electric utility distributor:
 - (e) A Certificate of Approval by the appropriate water & sewer utility:
 - (f) A Certificate of Approval by the City Agent of Valley, Alabama:
 - (g) A Certificate of Approval by the City Planning Commission:
 - (h) A Certificate of Approval by the Chambers County Health Department:
- (12) The above certificates shall be lettered or typed on the Final Plat in such a manner as to insure that said certificates will be legible on any prints made therefore:
- (13) In addition to all of the above, the sub-divider shall also submit to the City Planning Commission copies of all Federal and State permits required for construction of the development shown on the plat.

3.4.1 PROCEDURE:

(1) FINAL PLAT SUBMISSION;

Following the approval of the Preliminary Plat, the applicant, if he wishes to proceed with the subdivision, shall submit to the City Agent the original tracing and three (3) copies of the Final Plat. The Final Plat shall be submitted within one (1) year of the date of the Preliminary Plat approval and shall comply in all respects with the Preliminary Plat, as approved, except for minor alterations not altering the design of the subdivision.

- (2) If all construction and installation of the required improvements have not been completed, a Surety Bond in a form satisfactory to the City Attorney and in an amount sufficient to guarantee the completion of the improvements shall be submitted along with the Final Plat.
- (3) If a Surety Bond has been submitted, the Chairman of the City Planning Commission shall indorse approval of the final Plat after the Bond has been approved by the City Planning Commission and all the conditions pertaining to the Plat have been satisfied.

- (4) If the installation of improvements has been completed, the Chairman of the City Planning Commission shall indorse approval on the final Plat after all conditions have been satisfied and all improvements satisfactorily completed and approved by the City Agent.

3.4.2 INSPECTION OF CONSTRUCTION:

All subdivisions will be adequately inspected during and after construction. A final inspection is required for final plat approval or bond release. The applicant shall submit a written request to the Office of the City Agent for the final inspection.

Before construction of streets, utilities, or drainage structures, the City Agent's Office shall be notified no less than two (2) days prior so that proper inspection can be arranged.

3.4.3 ENGINEERING PLAN:

At the time of Final Plat approval, the applicant shall also submit an Engineering Plan, or "as built" plan, giving details of construction and locations of the improvements which have been installed. The primary purpose of the Engineering Plan is to provide the City with a record of the location, size, and design of underground utilities for the City's use in the course of maintaining such improvements. If the installation of improvements is completed under a bond, the Engineering Plan shall be submitted to the City upon request of release of the bond by the applicant.

ARTICLE 4

DEVELOPMENT STANDARDS

All proposed subdivisions shall conform to these City of Valley, Alabama Subdivision Regulations in those areas where the regulations are in effect. The design standards of this Article shall be the minimum standards allowable for development. Standards above the minimum may be required by the City Planning Commission. The latest edition of the Alabama Highway Department "Standard Specifications for Highways and Bridges" is hereby made a part of these regulations and shall apply to construction procedures, construction methods, material requirements, etc., except as otherwise noted herein. Specifications of appropriate utility companies, County Health Departments, etc., will also be used.

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

4.1 GENERAL REQUIREMENTS:

4.1.1 CHARACTER OF THE LAND:

Land which the City Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse soil formations or topography, utility easements, or their features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be sub-divided or developed unless adequate methods are formulated by the applicant and approved by the City Planning Commission, upon recommendation of the City Agent, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

Land within any Floodway District shall not be platted for residential occupancy or building sites. Land outside the floodway but subject to flood may be platted for residential occupancy provided each lot contains a building site that may reasonably lend itself to construction of a floor level above flood elevation, or for such other uses which will not increase the danger of health, life, and property. Fill may not be used to raise land in the floodway. In other areas subject to flood, fill may be used providing the proposed fill does not restrict the flow of water and unduly increase flood heights.

4.1.2 SUBDIVISION NAME:

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The City Planning Commission shall have final authority to designate the name of the subdivision which shall be determined at Preliminary Plat approval.

4.2 STREET PLAN:

The arrangement, character, extent, location 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.

4.2.1 CONTINUATION OF ADJOINING STREET SYSTEM:

Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the City Planning Commission for reasons of topography or design.

4.2.2 ACCESS TO ADJACENT PROPERTIES:

Where, in the opinion of the City Planning Commission, it is desirable to provide for street access to an adjoining property, streets shall be extended by dedication to the boundary of such property.

4.2.3 ADDITIONAL WIDTH ON EXISTING ROADS:

Subdivisions that adjoin existing streets with inadequate right-of-way shall dedicate additional right-of-way to meet the minimum street width requirements.

- (1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- (2) When the subdivision is located on only one side of an existing street, a minimum of one-half (1/2) of the required right-of-way measured from the centerline of the existing street, shall be provided.

4.2.4 STREET NAMES:

Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. In no case shall the name of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix, street, avenue, boulevard, drive, place, court, etc. Street names are subject to the approval of the City Planning Commission.

4.2.5 HALF-STREETS AND HALF-ALLEYS:

Wherever there exists a dedicated or platted half-street or half-alley adjacent to the tract to be subdivided, the other half shall be dedicated. No new half-streets or half-alleys shall be platted.

4.2.6 VACATING A STREET OR EASEMENT:

No street or easement may be vacated unless such action is submitted to and approved by the City Planning Commission.

4.2.7 FRONTAGE ON IMPROVED RAODS:

No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from:

- (1) an existing state or county highway or
- (2) a street shown upon a plat approved by the City Planning Commission and recorded in the Chambers County Probate Judge's Office. Such street or highway must be suitably improved as required by the rules, regulations, specifications, or orders, or be secured by an improvement guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations.

Private reserve strips controlling access to streets shall be prohibited.

4.2.8 TOPOGRAPHY AND ARRANGEMENT:

- (1) Roads shall be related appropriately to the topography. Minor streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
- (2) All proposed streets shall be properly integrated with the existing system of streets.
- (3) All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to populations densities; and to the pattern of existing and proposed land uses.
- (4) Minor streets shall be laid out of conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (5) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or u-shaped streets shall be encouraged where such use will result in a more desirable layout.
- (6) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the City Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout of the most advantageous future development of adjacent tracts.
- (7) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provisions of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

4.2.9 ACCESS TO ARTERIALS:

Where a subdivision borders on or contains an existing or proposed arterial, the City Planning Commission may require that access to such arterial be limited by one of the following means:

- (1) The subdivision of lots so as to back onto the arterial and front onto a parallel minor street; no access shall be provided from the arterial and screening shall be provided in a strip of land along the rear property line of such lots.
- (2) A series of cul-de-sacs, u-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.

- (3) A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).

4.2.10 EXCESS RIGHT-OF-WAY:

Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of two to one.

4.2.11 RAILROADS, ARTERIALS, AND MAJOR THOROUGHFARES:

Railroad rights-of-way, arterials, and expressway where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (1) In residential districts, a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way, arterial, or expressway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening". The placement of structures hereon is prohibited.
- (2) In areas proposed for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance there from to ensure suitable depth for commercial or industrial sites.
- (3) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practical, be at a distance of at least one hundred-fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

4.2.12 CUL-DE-SACS:

Permanent dead-end streets shall not exceed six hundred (600) feet in length, and shall be provided with a turnaround having a roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) feet.

4.2.13 INTERSECTIONS:

Street intersections shall be laid out as follows:

- (1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet there from. Not more than two (2) streets shall intersect at any one point unless specifically approved by the City Planning Commission.

- (2) Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where minor streets intersect collector or arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart where a street intersects a state highway the design standards of the State Highway Department shall apply.
- (3) Minimum curb radius at the intersection of two (2) minor streets shall be at least twenty (20) feet and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet.
- (4) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a five percent (5%) grade at a distance of fifty (50) feet, measured from the nearest right-of-way to the extent deemed necessary to provide an adequate sight distance.
- (5) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- (6) The cross-slopes on all streets, including intersections, shall be five percent (5%) or less.
- (7) Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet.

4.2.14 PERIMETER STREETS:

Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the applicant. The City Planning Commission may authorize a new perimeter street where the applicant improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

4.2.15 STREET ELEVATIONS:

The City Planning Commission may require, where necessary, profiles and elevations of streets for areas subject to flood. No street shall be approved for construction within an area subject to flood that is proposed to be constructed more than two (2) feet below the elevation of the 100-year flood, as defined in these regulations. Fill may be used for streets. Drainage openings shall be so designed as to not restrict the flow of flood waters or increase upstream flood heights.

4.3 DESIGN STANDARDS:

The following design standards shall be considered minimum requirements and shall specifically apply to residential subdivisions. The requirements for non-residential subdivisions (See Section 8.3) shall be such as the City Planning Commission deems appropriate for the type of development and use contemplated but in no event be less than the requirements of residential subdivisions.

4.3.1 RIGHT-OF-WAY WIDTHS:

Minimum street right-of-way widths shall be not less than eighty (80) feet for major streets and sixty (60) feet for minor streets. Rights-of-way in excess of this may be required in accord with the recommendations of the City Agent.

4.3.2 STREET GRADES:

Street grades shall not exceed fifteen percent (15%) or be less than zero point five percent (0.5%). Major street grades shall not exceed eight percent (8%).

4.3.3 TANGENTS:

Tangents of not less than one hundred (100) feet shall be provided between reverse curves on all streets.

4.3.4 VERTICAL CURVES:

The minimum length for both crest and sag vertical curves shall be fifty (50) feet.

4.3.5 CENTERLINE OFFSETS:

The minimum distance between centerline offsets at street jobs shall be one hundred twenty-five (125) feet.

4.3.6 SIGNING:

Adequate street and warning signs shall be required as part of the street or road development. Such signing shall meet the requirements of the Federal Highway Administration Manual for Uniform Traffic Control Devices.

4.3.7 STREET CONSTRUCTION REQUIREMENTS:

Construction of all streets and roads shall meet the following minimum requirements:

- (1) All roads or streets shall be graded to their full right-of-way width.
- (2) The sub-grade shall be compacted and properly shaped prior to the placing of base materials. When deemed necessary by the City Agent the top six (6) inches of the roadbed may be improved and/or modified, with the work being performed under Section 231 Roadbed Stabilization of the State of Alabama Highway Department Standard Specifications for Highways and Bridges, It shall be full

width of regular section and extend one (1) foot outside of curb and gutter and valley gutter sections.

- (3) Sub-base course is to be used, where deemed necessary by the City Agent, of not less than three (6) inches compacted thickness, full width of regular section and shall extend one (1) foot outside of curb and gutter and/or valley gutter sections. Sub-base course may be specified in lieu of, and/or in conjunction with sub-grade treatment. It shall be placed in successive layers, not to exceed six (6) inches per layer of compacted thickness.
- (4) The density requirements for compaction shall be as follows:
 - (a) The layers of embankment up to the bottom layer of improved roadbed (if improved roadbed is required) shall be compacted to not less than ninety-five percent (95%) of maximum density as established by AASHO-99.
 - (b) The improved roadbed (if required) shall be constructed of the last six (6) inches of sub-grade and shall be compacted to not less than one hundred percent (100%) of maximum density as established by AASHO-99.
 - (c) If construction of improved roadbed is not required, the City Agent may require that a modification of the top six (6) inches of sub-grade be made by ripping, remixing and re-compacting to the requirements of improved roadbeds.
 - (d) Sub-base and base course layers of local material shall be placed in successive layers not to exceed six (6) inches per layer and compacted to not less than one hundred percent (100%) of AASHO T-180.
 - (e) All testing shall be the responsibility of the developer and shall be done by an independent testing laboratory approved by the City Agent. The number of types of tests to be submitted will be determined by the Agent. Copies of all test reports are to be sent to the City Agent.

(5) Roadway Width:

The minimum roadway width shall be twenty-eight (28) feet.

(6) Roadway Pavement of all roads and/or streets shall be paved and comply with the following:

- (a) All new subdivisions will require a minimum 24" curb and gutter.
- (b) Minimum paving requirements shall include two (2) inches of asphaltic binder and a minimum one (1) inch wearing surface to be applied to all new roads. (I.E. Road requirements include 6" – 2" – 1" base, binder, wearing surface)

4.3.8 LOTS:

Residential lots shall comply with the following requirements:

- (1) See Valley Zoning Ordinance for additional regulations.
- (2) The subdivision plat shall provide each lot with satisfactory access to an existing street or to a subdivision street that will be deeded to public use at the time of Final Plat approval.
- (3) Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.
- (4) Depth and width of properties reserves or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading for the use contemplated.
- (5) Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages to topography and orientation.
- (6) Side lot lines shall be at right angles to streets, except on curves where they shall be radial.
- (7) Each lot in a subdivision shall contain a flood-free building site a minimum of one (1) foot above the elevation of the 100-year flood as defined in these regulations and outside the limits of any existing easement or the building setback lines.

4.3.9 DRAINAGE AND INUNDATION:

A Drainage Plan shall be made for such subdivision by the owner's engineer which plan shall take into consideration the ultimate or saturated development of the tributary area in which the proposed subdivision is located. Adequate provisions shall be made to provide drainage easements needed within the subdivision, taking into consideration the saturated development of the tributary area.

The storm and sanitary sewer shall be worked out prior to the development of the 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 shall be required to handle runoff of the subdivisions into a natural drainage channel. But under no conditions shall storm drainage be emptied into the sanitary sewer system or vice versa.

The City Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

Land within any designated floodway shall not be platted for residential occupancy or building sites. Fill may not be used to raise land within the floodway. Other land subject to flood may be platted for use only if filled to such height as will secure a flood-free building site, provided such fill does not endanger life or property, restrict the flow of floodwaters, or result in increased flood heights; and further provide that any fill shall extend twenty-five (25) feet beyond the limits of any structure erected thereon, except when twenty-five (25) is not feasible, a variance may be granted for a lesser distance, or the city Planning commission may approve a plan for fill which is designated to protect against erosion.

Fill shall consist of soil or rock materials only and shall be thoroughly compacted to prevent excessive settlement and shall be protected from erosion. Fill slopes shall be not steeper than one (1) foot vertical or two (2) feet horizontal unless steeper slopes are justified and approved by the City Planning Commission. Fill shall be used only to the extent that it does not adversely affect adjacent properties.

The City Planning Commission may require whatever additional engineering information it deems necessary to make a decision on subdivisions and other development, which contains an area 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. Such park land will be subject to approval by the City Planning Commission.

ARTICLE 5

INSTALLATION OF PERMANENT REFERENCE POINTS

5.1 PERMANENT REFERENCE POINTS:

Prior to the approval of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements:

5.1.1 SUBDIVISION CORNER TIE:

At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the Government Survey of Chambers County. The subdivision corner shall be marked with a monument and shall appear on the map with a description of bearings and distances from the Government Survey corner to an accuracy of 1:5,000.

5.1.2 MONUMENTS:

Concrete monuments four (4) inches in diameter or four (4) inches square and three (3) feet long with a flat top shall be set at all exterior corners of the subdivision. The top of the monument shall have an indented mark to identify properly the location, and shall be set flush with the finished grade.

5.1.3 PROPERTY MARKERS:

All lot corners not marked with a monument shall be marked with an iron pipe or iron pin not less than one-half (1/2) inch in diameter or in width, and twenty-four (24) inches long, and driven so as to be flush with the finished grade.

5.2 ACCURACY:

Land surveys shall be at an accuracy of at least 1:5,000.

ARTICLE 6

REQUIRED IMPROVEMENTS

6.1 IMPROVEMENTS

Approval of the Final Plat shall be subject to the installation of the improvements and utilities hereinafter designated and satisfactorily completed in accordance with Chambers County constructions, specifications and standards, or the posting of a surety bond with sufficient surety to secure the City the actual constructions and installation of such improvements and utilities.

6.1.1 STREETS:

On all streets and alleys within the jurisdiction of these regulations on approved hard surfaced permanent type of pavement shall be constructed in accordance with these regulations and Chambers County street construction specifications. All streets shall be graded. Finished grade cross-section and profile shall be approved by the City Agent. All water, sewer or other underground utilities shall be installed before the applicant shall construct curbs and gutters, where applicable, and shall base and surface or cause to be based and surfaced all pertinent streets to the width prescribed in these regulations.

6.1.2 CURBS

Curbs are mandatory, on both sides of new streets within the area of jurisdiction of these regulations in accordance with City specifications. All new subdivisions will require a minimum 24" curb and gutter.

6.1.3 RURAL SUBDIVISION:

When a subdivision design includes lots, the average width at the street of which is in excess of one hundred (100) feet and average lot size exceeds fifteen thousand (15,000) square feet or when a subdivision is offered under a HUD concept for modestly priced housing or for special exceptions approved by the City Planning Commission, the owner/agent may request an open swale drainage street section. In such cases, the street right-of-way shall be as follows:

- (a.) Pavement width twenty-four (24) feet.
- (b.) Shoulder width of four (4) feet each side with a grade of one-half (1/2) inch per four (4) feet from top of pavement edge.
- (c.) Swale slope of 3:1 maximum front slope and 2:1 back slope, until the new slope meets existing grades.
- (d.) Minimum swale bottom shall be two (2) feet. Entire swale shall have an established stand of permanent grass prior to final acceptance. Maximum slope of such swale shall not exceed six percent (6%). Any swale having grade in excess of six percent (6%) shall have surface paving with a minimum of four (4) inches of 2500 PSI concrete. Swales with lesser grades may require such paving at the discretion of the Commission.
- (e.) Driveway entrances shall be installed at each lot from the pavement edge to the edge of the right-of-way with under drains installed. Under drains shall be constructed with a minimum of eighteen (18) inches approved RCP pipe with sloping headwalls on each side of such a design to meet Alabama Highway Specifications. All pipe requirements will be approved reinforced concrete pipe.
- (f.) In such subdivisions, all other provisions in this Resolution shall apply.
- (g.) Basins and under drains shall be provided as necessary.

ADDITIONAL REQUIREMENTS: (All drawings are attached to back of this book.)

- 1. Driveway pipes shall be installed pursuant to drawing A-1.
- 2. Grading behind back of curb shall conform to drawing A-2.
- 3. Roads shall be built in accordance with drawing A-2 or drawing A-3 if sidewalks are installed.
- 4. Driveway cutouts and specs shall conform to driveway drawing A-6.
- 5. City agent and/or inspectors shall determine suitable conditions to perform inspections, proof rolls, and work proceedings. (I.E. Proof rolls will not occur when temperatures are below 37 degrees Fahrenheit, paving will not begin or continue with any rain event, or when temperatures are below 37 degrees.)
- 6. Construction entrances will be required per detail in drawing A-4.
- 7. Erosion and sediment control will be required per detail in drawing A-5.
- 8. All storm pipe within city's row shall be approved RCP.
 - a. Inverts in structures shall be poured and rounded to line of affected pipes.
 - b. Throat openings in curbs inlets shall be a minimum of 4.5" opening and a maximum of 6" opening.
 - c. Curb inlet structures shall not be allowed to encroach past the front of gutter line into areas under asphalt paving.
 - d. Inlet lids shall be poured in place or precast and shall match adjacent grades.
- 9. Weep holes shall be provided in curb and gutter at structures (size min. 1" to max. 2").

10. Landscaping (trees, shrubs, etc.) on and affecting city row shall first be approved by city agent or designated inspectors.
11. Workmanship shall be completed to the discretion of the city agent or it's designated inspectors.
12. Control joints in curb and gutter shall be required every 100'.
13. Dummy joints in curb and gutter shall be every 10'.

6.1.4 SIDEWALKS:

Sidewalks shall be included at the discretion of the City Planning Commission, within the dedicated non-pavement right-of-way of streets within the area of jurisdiction of these regulations. Constructions of sidewalks shall be in accordance with City specifications and these regulations, and shall include ramps for use by the handicapped.

6.1.5 WATER SYSTEM:

Necessary action shall be taken by the applicant to extend the public/private water supply system capable of providing domestic water use and fire protection. The design and specifications of the water distribution system shall meet the appropriate public water system requirements. Water mains shall be a minimum of six (6) inches in diameter and shall be extended the full length or width of the pavement. If a well is required for each lot, the location, construction and use of such well shall meet Health Department specifications. All new or replacement water supply systems together with attendant facilities, proposed to be located within an area subject to flood shall be designed within an area subject to flood shall be designed and constructed to minimize or eliminate flood damage.

6.1.6 FIRE PLUGS:

Fire plugs shall be installed along each street every one thousand (1,000) feet or at the ends of center of each block. The water supply and pressure shall be sufficient to adequately serve the potential needs of the intended land use.

6.1.7 SANITARY SEWERS:

The applicant shall install sanitary sewer facilities in a manner prescribed by City construction standards and specifications. Sanitary sewers shall be provided where a public sanitary sewerage system is reasonable accessible as determined by the City Agent and the appropriate sewer utility. Individual disposal systems shall be used in instances where no public sanitary sewerage system is available providing approval is received from the State and County Health Department. All new or replacement sanitary sewer systems together with attendant facilities, proposed to be located within an area subject to flood, shall be designed and constructed to minimize or eliminate floor damage.

6.1.8 UTILITIES:

The applicant is encouraged to place all utilities underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the Preliminary Plat. Easements centered on rear and/or side lot lines shall be provided for utilities (private and Public); such easements shall be at least fifteen (15) feet wide. Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements. All new or replacement gas distribution systems, electrical distribution systems, together with attendant facilities, proposed to be located within an area subject to flood, shall be designed and constructed to minimize or eliminate flood damage.

6.1.9 STREET SIGNS:

The City Agent shall determine the number of signs and method and cost of sign installation for each required street sign within the subdivision.

6.1.10 WIDENING AND REALIGNMENT OF EXISTING ROADS:

Where a subdivision borders an existing road with a right-of-way less than the specified in the regulations, the applicant shall be required to dedicate such additional areas for widening or realignment of such roads. Existing substandard roads shall be dedicated by the applicant to the full width as required by the subdivision regulations.

6.1.11 DRAINAGE EASEMENTS:

Where a subdivision is traversed by a watercourse, drainage-way, channel or stream there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and constructions or both as will be adequate for the purpose. It is desirable that the drainage be piped wherever feasible.

- (a.) Where topography or other conditions are such as to make impractical the the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- (b.) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the plat.
- (c.) The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing water courses, to a distance to be determined by the City.
- (d.) Low-lying lands along water courses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage-ways

ARTICLE 7

GUARANTEE OF COMPLETION OF IMPROVEMENTS

7.1 INSTALLATION OF REQUIRED IMPROVEMENTS:

The sub-divider shall be responsible for the provision of all required improvements to the subdivision. This may be accomplished by either the full installation of all required improvements by the developer at the time the final Plat is to be submitted to the City Planning Commission or by the provision of a financial guarantee of performance.

7.1.1 SUBDIVISION IMPROVEMENT BOND:

The guarantee of performance by the sub-divider shall be in the form of an acceptable surety and shall meet the following requirements:

- (a.) Acceptance of Surety: The surety must be approved by the City Planning Commission and the City Attorney.
- (b.) Value of Surety: The surety shall be of an amount equal to one hundred percent (100%) of the cost of installing all improvements, including grading, paving of the streets, and installation of all required utilities and fees encountered during execution of improvements.

7.1.2 FAILURE TO COMPLETE WORK:

If within twelve (12) months after filing said surety, the sub-divider has not completed all necessary improvements or if in the opinion of the City Planning Commission said improvements have not been satisfactorily installed, the bond shall be used by the City to complete the improvements in satisfactory fashion, or the City may take such steps as may be necessary to require performance under the bond.

7.2 IMPROVEMENTS, INSPECTION AND CERTIFICATION:

The City Agent shall regularly supervise inspection for defects in the construction of the required improvements. The applicant shall pay to the City an inspection fee of ten dollars (\$10) per lot and the subdivision plat shall not be signed by the Chairman of the City Planning Commission unless such fee has been paid at the time of application. These fees shall be due and payable upon demand of the City. If the City Agent finds upon inspection that any of the required improvements have not been constructed in accordance with the City's adopted construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a surety, the applicant and the surety company shall be severally and jointly liable for completing the improvements according to specifications.

Upon completion of the improvements, the applicant shall:

1. File with the City Planning Commission a statement stipulating the following:
 - (a.) That all required improvements are complete.
 - (b.) That these improvements are in compliance with the minimum standards specified by the City Planning Commission and the City for their construction.
 - (c.) That the applicant knows of no defects from any cause in those improvements.
 - (d.) That these improvements are free and clear of any encumbrances or lien.
2. File with the City Planning Commission an agreement dedicating said improvements to the City.
3. File a written request with the City Planning Commission for a final inspection.

Upon completion of the final inspection, the City Agent shall file with the City Planning Commission a statement either certifying that the improvements have been completed in the specific manner or listing the defects in those improvements.

If the City Agent has certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed above, the City Planning Commission shall accept the dedication of those improvements. The City Planning Commission may, at its discretion, accept the dedication of any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

7.3 RELEASE OF GUARANTEE:

Upon acceptance, in accordance with these regulations of the dedication of the final portion of improvements, the City Planning Commission shall authorize the release of the remaining portion of the improvement guarantee.

7.4 MAINTENANCE OF IMPROVEMENTS:

The applicant shall be required to file a maintenance surety with the City Planning Commission, prior to dedication, in an amount considered adequate by the City Agent and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of one (1) year after the date of their acceptance by the City Planning Commission and dedication of same to the City.

ARTICLE 8

VARIANCES

8.1 GENERAL

Where the City Planning 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 Variances to these subdivisions regulations so that substantial justice may be done and the public interest secured, provided that such Variance shall not have the effect of nullifying the intent and purpose of these regulations. Any application for a Variance shall first be submitted to the City Agent for recommendations to the City Planning Commission. An application for a Variance shall be submitted in writing by the applicant at the time when the Preliminary Plat is filed for the consideration of the City Planning Commission. The application shall state fully the grounds for the Variance and all of the facts relied upon by the applicant. The Variance, if approved by the City Planning Commission shall become part of the official record of the City Planning Commission and shall be noted on the Final Plat. The City Planning Commission shall not approve Variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a.) The granting of the Variance will not be detrimental to the public safety, health or welfare or injurious to other property.
- (b.) The conditions upon which the request for a Variance is based are unique to the property for which the Variance is sought 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 are carried out.
- (d.) The variance will not in any manner vary the provisions of other adopted policies and regulations of City of Valley.

8.2 CONDITIONS:

In approving Variances, the City Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives, standards or requirements of these regulations.

The City Planning Commission shall not grant any Variance within the Floodway District unless the developer submits a study prepared by a registered professional engineer certifying that no increase in the 100-year flood level would result from the proposed development.

Within other areas subject to flooding, Variances shall only be issued upon a determination by the City Planning Commission that the relief granted is the minimum necessary considering the flood hazard.

8.3 SPECIAL REQUIREMENTS FOR NON-RESIDENTIAL SUBDIVISIONS:

8.3.1 GENERAL PROCEDURAL REQUIREMENTS:

It is recognized that the applicant, in creating non-residential subdivisions, faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the City Planning Commission shall be upon street layout and block arrangement. Generally, the procedural requirements shall be for the applicant to follow the regular procedure outlined in Article 4 and to show the entire tract to be subdivided with necessary improvements and as many parcels as he cares to show but must include at least two (2) parcels.

Then, from time to time, as prospective buyers express interest in lots sized to their required specifications and following informal discussions with the City Planning Commission if the applicant so requests, the applicant shall submit directly at a regular meeting of the City Planning Commission following receipt of a Final Plat shall then apply. A two hundred dollar (\$200) fee to cover advertising and administrative costs of a Public Hearing shall accompany this application. Subsequent Public Hearings may be held at the discretion of the City Planning Commission.

8.3.2 OTHER SPECIAL REQUIREMENTS:

In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City Planning Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

- (1) Proposed non-residential street layout, blocks, and parcels shall be suitable in Area and dimensions to the types of development anticipated.
- (2) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominately residential areas, nor connected to streets intended for predominately residential traffic, but shall be connected insofar as is possible to expressways, arterials, or collector streets in such a way that the number of intersections with such expressways, arterials, or collectors shall be minimized.
- (3) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at driveway intersections shall be at least twenty-five (25) feet.
- (4) The applicant shall insure that the non-residential subdivision as a whole may be self-sufficient with regard to providing necessary off-street parking. The applicant may make parking self-sufficient a requirement of individual lots.
- (5) With respect to physical improvements, special requirements may be imposed by the City Planning Commission with the advice of the City Agent within the non-residential subdivision.

- (6) Every effort shall be made to protect adjacent residential areas from potential nuisance from the non-residential subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

ARTICLE 9

CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

9.1 PUBLIC PROVISIONS

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

9.2 PRIVATE PROVISIONS

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provision of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or private agreement or restriction imposes duties and obligations more restrictive or higher standards than the requirements of these regulations or the determinations of the City Planning Commission in approving a subdivision or in enforcing these regulations and such private provisions are not inconsistent with these regulations or determination there under, then such private provisions shall be operative and supplemental to these regulations and determination made there under.

ARTICLE 10

LEGAL PROVISIONS

10.1 SEVERABILITY

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity to the remainder of these regulations or the application thereof to other persons or circumstances. The City Planning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or Application.

- 10.2 These regulations shall not be constructed 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 any waiving any right or 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 City except as shall be expressly provided in these regulations.

ARTICLE 11

AMENDING REGULATIONS

For the purpose of providing for the public health, safety and general welfare, the City Planning Commission may from time to time amend the provisions imposed by these regulations. Any article, section, subsection or provision of these Subdivision Regulations proposed for amending shall be subject for public hearing. Said public hearing shall be advertised a minimum of fifteen (15) days prior to the date of the hearing. Notice of the public hearing shall be published in a newspaper of general circulation published in the City and shall contain the time, place and description of the proposed amendment. Following its adoption, the amendment shall be published as provided by law for the publication of ordinances. A copy of the amendment shall be certified by the City Planning Commission to the Probate Judge of Chambers County.

APPENDIX 1

SAMPLE CERTIFICATE

Example of (a)

SURVEYOR’S CERTIFICATE AND DESCRIPTION OF LAND PLATTED

STATE OF ALABAMA

COUNTY OF CHAMBERS

CITY OF VALLEY

I, (name of surveyor), a registered Engineer-Surveyor of Chambers County, Alabama, hereby certify that I have surveyed the property of the (name of company of proprietor), a (corporation of proprietor), situated in Chambers County, Alabama, and described as follows:

(Insert Legal Description)

And that the plat or map contained hereon is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and its number and showing the streets, said map further shows the relation of the land so platted to the Government Survey, and that permanent monuments have been placed at points marked thus (0) as hereon shown.

WITNESS my hand this the _____ day of _____, 20_____.

Name of Surveyor

Registration No. _____

Example of (b)

DEDICATION

I/W (Land owner or developer, address). As proprietor(s), have caused the land embraces in the within plat to be surveyed, laid out and platted to be known as (Subdivision Name), a part of (Section Call Out), City of Valley, Chambers County, Alabama, and that the (Streets, Drives, Alleys, etc.) as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of:

Witness

Property Owner

Witness

Property Owner

In any case that the developer and the land owner are not one and the same, two or more Dedication Certificates may appear on the plat in order to allow for the owner’s signature to be fixed to said Plat. In which case one of the following notary’s acknowledgements must appear for each Dedication Certificate (See example c-1 or c-2).

Example of (c-1)

ACKNOWLEDGEMENT

STATE OF ALABAMA

COUNTY OF CHAMBERS

CITY OF VALLEY

I, _____, Notary Public in and for said City, in said State, hereby certify that (individual’s name), whose name as (title) of the (corporation name), is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this ____ day of _____, 20_____.

Notary Public

Example of (c-2)

ACKNOWLEDGEMENT

STATE OF ALABAMA

COUNTY OF CHAMBERS

CITY OF VALLEY

I, _____, a Notary Public in and for said City, in said State, hereby certify that (owner's name), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on the day that, being informed of the contents of the instrument, executed the same voluntarily.

GIVEN under my hand and official seal this _____ day of _____, 20_____.

Notary Public

Example (d)

CERTIFICATE OF APPROVAL BY THE
(insert name of electric utility)

The undersigned, as authorized by the (name of electric utility) hereby approved the within plat for the recording of same in the Probate Office of Chambers County, Alabama, this _____ day of _____, 20_____.

(Electric utility authorized signature)

Example of (e)

CERTIFICATE OF APPROVAL BY THE
(insert name of water and sewer, if available, utility)

The undersigned, as authorized by the (name of water and sewer utility) hereby approved the within plat for the recording of the same in the Probate Office of Chambers County, Alabama, this _____ day of _____, 20_____.

(Water & sewer utility authorized signature)

Example of (f)

CERTIFICATE OF APPROVAL BY THE CITY AGENT

The undersigned, as City Agent of Valley, Alabama, Chambers County, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Chambers County, Alabama, this the _____ day of _____, 20_____.

City Agent
Valley, Alabama
County of Chambers, Alabama

Example of (g)

CERTIFICATE OF APPROVAL BY THE CITY PLANNING COMMISSION

The within plat of (Subdivision Name), Chambers County, Valley, Alabama, is hereby approved by the City Planning Commission of Valley, Chambers, County, Alabama, this the ____ day of _____, 20_____.

City Planning Commission of
Valley, Alabama
Chambers County, Alabama

Chairman

Example of (h)

CERTIFICATE OF APPROVAL BY CHAMBERS COUNTY HEALTH DEPARTMENT

The undersigned, as authorized by the Chambers County Health Department, Valley, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Chambers County, Alabama, this the _____ day of _____, 20_____.

Health Officer