



**CITY OF WESTOVER**

**2022**

**Planning Commission**

**SUBDIVISION**

**REGULATIONS**

**January 25<sup>th</sup>, 2022**



# **CITY OF WESTOVER**

## **Planning Commission**

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**Robin Smith, Pro-Tem**

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**Wayne Jones, City Council Representative**

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# **CITY OF WESTOVER**

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## ARTICLE I. GENERAL PROVISIONS

### **Section 1:01 Authority**

Under authority of Title 11, Chapter 52 of the Code of Alabama, 1975, the City of Westover Planning Commission at its meeting on January 25, 2011, adopted by resolution the following regulations, a copy of which has been certified to the Probate Judge of Shelby County, Alabama on January 2011.

### **Section 1:02 Jurisdiction**

From and after the date of January 25, 2011, these regulations shall govern each and every subdivision of land in all areas of the Township of Westover in Shelby County, Alabama.

### **Section 1:03 Separability and Severability**

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

### **Section 1:04 Amendments**

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

### **Section 1:05 Penalty**

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

### **Section 1:06 Definitions**

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

*City Council* – The Chief Legislative body of the City of Westover, Alabama.

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

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

*Curb or Curb Line* – The inside vertical face of a masonry curb, the center line of a valley gutter, or the edge of the pavement where no curb or gutters exist.

*Dead End Street* – A local street that is not a thru street one way in and one way out.

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

*Department* – Development Services, Building Inspections and Permitting.

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

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

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

*Larger Lot Subdivision* – A residential subdivision with a minimum lot size of three (3) acres.

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

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

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

*Planning Commission* – The City of Westover Planning Commission.

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

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

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

*Sidewalk Area* – That portion of the street not included in the roadway and devoted in whole or in part to pedestrian traffic.

*Small Lot Subdivision* – A subdivision with lot size less than three (3) acres.

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

*Sub-divider or Applicant* - Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for themselves or for another.

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

*Surveyor* – A land Surveyor shall be registered and licensed by the Alabama Board of Licensure for Professional Engineers and Land Surveyors.

## ARTICLE II. PROCEDURE

### **Section 2:01 Application for Approval**

- a. To obtain approval of a proposed subdivision, the sub-divider or applicant shall submit to the Planning Commission, a preliminary plat including all design prints required by the City Engineer, a vicinity sketch, a list of the names and addresses of owners of record of parcels of land immediately adjoining the proposed subdivision, and a final plat prepared in accordance with the requirements as set forth in these regulations. No owner of land or sub-divider shall proceed with improvements or sale of land subdivided without the written approval of the Planning Commission.

- b. The sub-divider shall in addition submit four (3 hard and 1 digital) copies of the preliminary plat, vicinity sketch, and all design prints required to the office of Westover Development Services and a pre-meeting shall be held, consisting of Developer, Engineers and Commission Representative at least thirty (30) days prior to the regular scheduled meeting of the City of Westover Planning Commission.
- c. Westover Development Services shall forward, as required: one (1) digital of said copy to the City Engineer; One (1) digital copy to County Highway (if applicable); One (1) copy to County Utilities; One (1) copy to Fire Chief; One (1) copy to Sewer Contractor; One (1) copy to County Board of Education. The City Engineer shall submit written recommendations to the Planning Commission by the time of its initial hearing on said Plat.

### **Section 2:02 Fee & Notices**

- a. To partially defray the cost of filing said application, notifying interested parties, investigation and holding a hearing upon the preliminary plat, a fee as set by the City to be paid to the Planning Commission by the sub-divider at the time of filing the application, together with the cost of giving legal notice. Subdivisions consisting of more than five (5) lots and/or requiring engineered streets and utility improvements shall be subject to additional fees.
- b. Notice by certified mail to abutting property owners shall be mailed at least six (6) days prior to the hearing on the preliminary plat.
- c. When application is made for approval of a subdivision under the provisions of Article II, Section 2:06, a final plat fee of fifty dollars (\$50.00) per lot together with the cost of giving legal notice, shall be paid at the time of filing the applications.

### **Section 2:03 Preliminary Plat Approval**

The Planning Commission shall approve, approve conditionally, or disapprove such preliminary plat within thirty (30) days after the submission thereof at its regular meeting. If approved conditionally, the conditions and reasons therefore shall be stated and if necessary, the Planning Commission may require the 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 Planning Commission should disapprove the preliminary plat, the reasons for such action shall be stated and if possible, recommendations made on the basis of which the proposed subdivision would be approved. One (1) copy of the preliminary plat as acted upon by the Planning Commission shall be retained at its office, one (1) copy forwarded to the City Engineer, 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.

### **Section 2:04 Effect of Preliminary Plat Approval**

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

### **Section 2:05 Engineering Requirements**

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

### **Section 2:06 Final Review & Approval**

- a. The sub-divider shall submit the original and three (3) copies of a final plat to the Westover Development Services for review within the time period in which the preliminary approval is valid. If the final plat is not submitted within this time period, the preliminary approval expires. The final plat shall have been signed and executed by all necessary parties and shall be accompanied by the appropriate application form and fee.
- b. Within four (4) weeks the department, in coordination with the City Engineer, shall determine whether the final plat should be approved or not approved based on whether the development conforms to the approved preliminary plat and the conditions, if any, imposed during preliminary review.
- c. Upon determination that the final plat should be approved and that the installation of all required improvements has been satisfactorily completed in accordance with City and County specifications or that an acceptable financial guarantee has been provided for the satisfactory completion of all required improvements, the department shall forward the final plat tracing for signature to the person authorized by the Planning Commission to sign such plat(s).
- d. Following signature, the sub-divider shall, at the sub-divider's expense, coordinate recording of the plat at the office of the Probate Judge of Shelby County, Alabama.
- e. Upon determination that the final plat should not be approved, the department shall explain the deficiency in the plat to the sub-divider with notice that a corrected plat may be re-submitted for approval.

### **Section 2:07 Subdivisions, Re-subdivisions & Exceptions**

- a. *Approval Required* – All subdivisions shall be subject to the provisions of these regulations and subject to approval in accordance with this section. No development activity or sale, rental or lease of land subdivided shall proceed without written approval in accordance with these regulations.
- b. *Exceptions To Required Approval* – Notwithstanding the preceding paragraph, the following subdivisions are exempt from the provisions of these regulations and from any requirement for approval to subdivide. The Planning Commission may require documentation to substantiate any claim of exemption.
  - 1. Subdivision of land by testamentary or in testate provisions.
  - 2. Subdivision of land by court order including, but not limited to, judgements of foreclosure.
  - 3. Subdivision of land, which existed on August 16, 1982 as a single contiguous parcel and is not within a recorded subdivision and which involves no roadway, drainage or other public improvements into no more than two parcels, including remnant parcels.
  - 4. Subdivision of land wherein the size of each and every resulting portion of land equals or exceeds twenty (20) acres and involves no roadway, drainage or other public improvements.
  - 5. Subdivision of land which is not within a recorded subdivision and which involves no roadway, drainage or other public improvements into no more than five (5) parcels, including remnant parcels and involves no roadway, drainage and other public improvements.
- c. *Minor Subdivisions* – A minor subdivision is the subdivision or re-subdivision of land, which is not within a recorded major subdivision into no more than five (5) parcels including remnant parcel and involves no roadway, drainage or other public improvements.
- d. *Procedure* – Applications for approval of a proposed minor subdivision shall consist of a completed application form accompanied by a final plat and application fee. The proposed minor subdivision shall be processed in accordance with the procedures for final review and approval. However, any proposed minor subdivision may be referred by the Planning Commission Chair to the City of Westover Planning Commission for review and approval, if, in the opinion of the Planning Commission Chair, the proposed should be more thoroughly or publicly reviewed.
- e. *Restriction* – Each resulting parcel in a proposed minor subdivision, which is not a family subdivision, must abut a paved public road.
- f. *Major Subdivision* – A major subdivision is any proposed subdivision or re-subdivision, which is not an exempt subdivision, or a minor subdivision as determined by the Planning Commission Chair in accordance with the above paragraphs. All major subdivisions shall be subject to review and approval by the City of Westover Planning Commission in accordance with the procedures contained in this article.
- g. *Manufactured Home Communities* – Major subdivisions which are intended for use as a manufactured home communities shall be subject to the provisions of



the Subdivision Regulations of Westover and shall be subject to the "Shelby County Regulations for Manufactured Home Communities" adopted February 14, 2000 including revisions through July 25, 2005 which are hereby incorporated into these regulations by reference.

## **ARTICLE III. PLAT REQUIREMENTS**

Except provided in Article II, Section 2:07, for small subdivisions the following plat requirements shall apply.

### **Section 3:01 Preliminary Plat**

The Preliminary Plat shall show the following:

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

- n. *Inundated Portion of Land* - If any portion of the land of the proposed subdivision is subject to inundation by storm drainage, overflow, or ponding of local storm water, such fact and portion shall be clearly shown and identified.
- o. Any other information that may be considered necessary by the Planning Commission for full and proper consideration of the proposed subdivision.

### **Section 3:02 Vicinity Sketch**

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

### **Section 3:03 Final Plat**

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

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

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

Accurate grade shall be shown on all streets or roadways.

The final plat shall also show the following:

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

their relation to the proposed subdivision shall accompany the final plat, one (1) of which shall be forwarded to the City of Westover Development Services.

- h. The final plat shall be accompanied by three (3) copies of any protective covenants running with the land in form for recording.
- i. On all plats when there is no mortgage, whether there is a dedication of property for street purposes or not, a certificate substantially in form as follows:

*See Appendix A4*

## **THE STATE OF ALABAMA SHELBY COUNTY**

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

Dated \_\_\_\_\_ 20\_\_\_\_\_

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

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

*See Appendix A4*

## **THE STATE OF ALABAMA SHELBY COUNTY**

The undersigned (Name), Registered Land Surveyor, State of Alabama and (Name), owner(s) hereby certify that this plat or map were made at the instance of said owner(s) was made pursuant to a survey made by said Surveyor and that said survey and this plat or map is a true and correct map of lands shown therein and known as (Name of Subdivision or Resurvey) showing the subdivisions into which it is proposed to divide said lands giving the length and bearings of the boundaries of each lot and its number showing the streets, alleys and public grounds; giving the bearings, length, width and name of each street, as well as the number of each lot and block and showing the relation of the lands to the government survey (or if the plot is a resurvey) of an existing recorded subdivision, showing the relation of the lands to the survey of (Name of Subdivision) as recorded in the Office of The Probate Judge of Shelby County in map book (Map Book No.) (Page No.) and that iron pins have been installed at all lot corners and curve points shown and designated by small open circles on said plat or map. Said

owner(s) also certifies that he, she, they, it) is (are) the owner(s) of said lands and that the same are not subject to any mortgage, except a mortgage or mortgages held by the following mortgagee (Name).

Dated \_\_\_\_\_ 20\_\_\_\_

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

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

**THE STATE OF ALABAMA  
SHELBY COUNTY**

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

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public (Seal)

\_\_\_\_\_  
My Commission Expires

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

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

(Spaces for the Signatures of the Owner(s) & Notary).

**Section 3:04 Vacation of Public Lands**

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

## **ARTICLE IV: DESIGN STANDARDS**

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

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

### **Section 4:01 Street Plan**

- a. All streets shall be platted along contour elevations, which will result in minimum grades and greater visibility wherever practical, with consideration given to the anticipated use of the land.
- b. The proposed street layout shall be made according to good land planning practices for the type development proposed and shall be coordinated with the street systems of the surrounding areas. All streets must provide for the continuation or appropriate projection of principal streets in surrounding areas.
- c. In subdivisions which border on or have included within the proposed area to be subdivided any expressway, major highway or arterial street, access to lots abutting such major traffic arteries shall be provided in a manner such that the individual lots shall not have direct access to such expressway or arterial street.
- d. The platting of any land, the purpose of which is to deny access to rights-of-ways is prohibited, except as otherwise provided herein.
- e. Street Right-of-way widths shall be dependent upon street design and classification. Adequate widths shall be provided to accommodate roadway construction and utility location. Residential subdivision streets carrying local traffic only will require minimum fifty-foot (50') rights-of-way. Commercial or industrial subdivision will require sixty-foot (60') rights-of-way, however, wider rights-of-way may be required based upon examination of individual development proposals. Subdivisions along existing or dedicated or platted streets or highways where rights-of-way are inadequate shall provide additional rights-of-way to meet these minimum standards.
- f. All public streets and access streets shall be paved.
  1. The upper two (2) feet of subgrade shall be compacted per Section 4.02(c).
  2. *Stone Base* – Stone base material and compaction shall comply with Section 4:02 (d). The minimum thickness of the stone base material shall be six (6) inches; Except for a cul-de-sacs and other turn arounds, of which the minimum thickness shall be eight (8) inches. Base material shall be approved by City Engineer. The City Engineer may require testing of any material

proposed for use as a base. This testing shall be at the expense of the developer or contractor.

3. *Asphalt Base* – Asphalt base material shall comply with Alabama Highway Department 424C. The minimum thickness of asphalt shall be one half the thickness of a stone base design. Compaction shall be to the satisfaction of the City Engineer or City Inspector. Base material shall be approved by the City Engineer. The City Engineer may require testing of any material proposed for use as a base. The testing shall be at the expense of the developer or contractor.
4. *Street Width*: The minimum roadway pavement width (not including gutters) shall be twenty-two (22) feet, except in a large lot subdivision development in which case the minimum roadway pavement width shall be twenty (20) feet. Greater roadway pavement widths shall be required where projected traffic volumes warrant such wider facilities.
5. *Curbs and Gutters*: In small lot subdivisions, curbs and/or gutters may be required by the City or Planning Commission. The purposes for requiring curbs and/or gutters are drainage control and reduction of maintenance costs. Where curbs and gutters are required, a twenty-four (24") inch curb and gutter or thirty (30") inch valley gutter will meet minimum standards.
6. *Asphalt Surfacing*: A permanent type paving shall be applied to all public streets. Pavement design shall be subject to approval by the City Engineer. Minimum plant mix requirements for all twenty-two (22) foot width residential streets will be as follows:
  - a. Binder – 220 lbs. per square yard (2" thick)
  - b. Seal – 140 lbs. per square yard (1.25 " thick)

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*Cul-de-sacs Hammer heads and turn arounds as follows:*

- c. Binder - 250 lbs per square yard (2.27" thick)
- d. Seal - 165 lbs per square yard (1.5" thick)

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

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

- Should Double Bituminous Surface Treatment paving be approved for use, the developer shall provide a maintenance bond on the roadway, equal to 150% of replacement cost, for a period of two (2) years from date of completion and approval of subdivision.
7. *Shoulders:* Shall be a minimum of seven (7) feet back of the curb line with a rise of not less than eight (8) inches nor more than fifteen (15) inches from the flow line of the gutter. In large lot subdivisions and entrance roads with a projected average weekday traffic volume less than 400, the minimum shoulder width shall be four (4) feet. Shoulder widths on roads without curbs and/or gutters shall be in accordance with ASHTO standards.
  8. *Horizontal Alignment:* Proposed design speeds shall be designated by the Developer's Engineer on the plan profile sheets, which are submitted with the preliminary plans.

a. Minimum Stopping sight distances:

**Table 1**

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

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

**Table 2**

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

**Table 3**

<b>Minimum Radius of Curvature</b>	
<b>Design Speed</b>	<b>Minimum Radius in Feet</b>
20	150
25	175
30	250

35	375
40	550
50	850
55	1000

9. *Vertical Alignment:* Grades of all streets shall comply with good engineering practice. Street grades shall not exceed fifteen (15%) percent or be less than five tenths (0.5%) percent. Waivers may be considered by the City Engineer when submitted in writing by the Developer. Waivers will be considered only on minor dead-end streets with low projected traffic volumes. Grades approaching intersections shall not exceed five (5%) percent for a distance of not less than one hundred (100) feet from the centerline of said intersection. Grades of circles shall not be more than 5% for the last (100) feet of paving
- g. Sidewalks and lighted pedestrian ways shall be required to provide for the health, safety and welfare of the citizens of the City of Westover in Shelby County by the Westover Planning Commission. Sidewalks shall be constructed within the right-of-way of all non-industrial public and private streets submitted to the Planning Commission for approval. The following table shall serve as a guide for this requirement.

**Table 4**

<b>Residential Sidewalk Requirements</b>	
AP – Agricultural Preserve District	None Required
RR – Rural Residential District	None Required
Or Where all lot sizes are greater than 1 acre	None Required
RN – Neighborhood Residential District	On One Side of the Street
TS – Transition District	On One Side of the Street
Or where lot sizes range from 15,000 square feet to 1 acre.	On One Side of the Street
E-1, Single Family Estate District	On One Side of the Street
E-2, Single Family Estate District	On One Side of the Street
R-1, Single Family District	On One Side of the Street
Or where Lot Sizes Range From 15,000 square feet to 1 acre	On One Side of the Street
R-2, Single Family District	
R-3, Reserved	
R-4, Multiple Dwelling District	
R-5, Multiple Dwelling District	
Or where lot sizes are less than 15,000 square feet	
<b>Commercial</b>	
All Commercial Developments	Pursuant to approved site Development Plan

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



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

#### **Section 4:02 Street Construction**

- a. *Clearing & Grubbing* – All areas which will receive fill material shall be cleared of all vegetation, trees, stumps, large rocks and other objectionable or unsuitable material prior to placing the fill material.
- b. *Embankment* – The Public Works Director/City Engineer or his designated agent shall determine what material is suitable for Embankment. Natural ground area shall be properly compacted prior to placing the embankment. Embankment material shall be placed in uniform lifts often (10) inches or less and compacted to ninety-five (95%) percent of standard density as determined by AHD 223-71A method. In place density method AHD 221-71 or 111.71 may be used.
- c. *Sub Grade* – Finish grade shall conform to the lines, grades and cross-section as shown on the approved plan. The sub grade shall be shaped and compacted to one hundred (100%) percent of standard density as determined by AHD 223-71 A method. In Place density method AHD 221-71 or 222-71 may be used.
- d. *Bases* – Prior to placing any base material the subgrade shall be prepared and tested. The type material to be used for base and required thickness shall be stated on the approved plan.
  - 1. Base material consisting of asphalt shall be spread without aggregate segregation and maybe placed and compacted to full depth in one (1)

layer. Required base layer greater than three (3) inches shall be placed in approximately equal layers. Compaction shall be by vibratory, steel wheel rollers or other approved rollers to obtain an average density of +/- 91.2% when tested as determined by AHD 224 or as directed by the City Engineer or City Inspector.

2. Base material consisting of crushed rock, stone particles or slag shall contain an approved filler of sand or other fine mineral filler. Required six (6) inch base of this material shall be spread without segregation and may be placed and compacted to full depth in one (1) layer. Required base layer greater than six (6) inches shall be placed in approximately equal layers. Base material in a cul-de-sac shall require compacted eight (8) inch base of this material and shall be compacted in two (2) four inch layers. Compaction shall be by vibratory, steel wheel rollers or other approved rollers to obtain a density of one hundred (100%) percent when tested as determined by AHD 140-69 method. In place density method AHD 221-71 or 222-71 may be used.

- e. *Culverts* - A special design drawing will be required for any drainage structure having a required end of area of twenty (20) sq. ft. or more. HDPE Storm Drainpipe or reinforced concrete drainage structures shall be constructed in accordance with standard drawing and specifications approved by the City Engineer. The standard drawings for many minor structures may be obtained through the State Highway Department or some Concrete companies. HDPE Storm Drainpipe reinforced concrete pipe and arch pipe class and installation shall be in accordance with current specifications of the Alabama Highway Department. *See Appendix A3*

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

All storm drainpipes shall be a minimum of eighteen (18) inches in diameter.

- f. *Open Channels & Ditches* – Open channels and ditches shall be designed so as not to create hazardous erosion. The minimum flow line slope for paved ditches shall be 0.33% and shall be 1.0% for unpaved ditches. Well defined natural drainage ways which are to be left undisturbed may be considered by the City to be utilized without any improvements, provided the drainage easement includes a completed drainage way. Where drainage areas are being constructed or natural drainage ways are disturbed, concrete lined ditches or other erosion control measures

designed by the Subdivision Engineer(s) and approved by the City Engineer shall be provided. Where erosion problems arise after completion of construction, the City Engineer may require corrective measures be installed before final acceptance of subdivision by the City and release of bond.

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

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

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

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

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

Sidewalks shall comply with the most current ADA specifications and shall be at least five (5) feet in width on minor streets and at least six (6) feet wide on major streets. Sidewalks shall be a minimum of four (4) inches thick and be built upon a subgrade compacted to a minimum ninety-five

(95) percent standard Proctor density. Sidewalks shall have expansion joints every twenty-four (24) feet and at all concrete to concrete connections, such as driveways, curbs, curb ramps and private sidewalks. Five (5) foot wide sidewalks shall have contraction joints every four (4) feet; six (6) foot wide sidewalks shall have contraction joints every six (6) feet.

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

The cross slope of a sidewalk shall be minimum of ½ inch per foot and a maximum of one (1) inch per foot sloping to the street. The grassed area between the curb and the edge of the sidewalk shall have a minimum cross slope of ½ inch per foot toward the street as shown in the chart below. In cases of extreme topography, the City Engineer may permit greater cross slopes. Adjustments to the cross slope should be gradual to avoid abrupt grade changes.

The following Table 5 shall be used as a guide in the design of grass strip cross slopes for various street profiles. The purpose of the steeper cross slopes is to minimize soil erosion behind the curb on steep segment.

**Table 5**

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

Pedestrian ramps that meet ADA requirements are required at all intersections.

- i. *Inlets* – Inlet design for installation on 18 inch through 42-inch pipe shall be approved by the City Engineer. Depth for this type inlet shall not exceed six (6) feet from invert of inlet to top of pipe. Storm drain inlet shall not be supported by the storm drain pipe. Special design installation will be required for pipes larger than 42 inches in diameter. This design must be submitted with street drainage plan for approval by the City Engineer.
- j. *Storm Water Detention* – Developments, which produce an increase in the amount of storm water runoff, may be required to construct storm water detention ponds or other approved types of detention devices. When required, the developer shall submit detailed engineering plans to the City Engineer including historical runoff, developed runoff, detention pond

details, method of discharge and other information as required for review. The developer shall also include the method of maintenance for the detention pond after the development is completed.

- k. *Erosion Control Plan* – The developer or sub-divider shall have his engineer submit for approval an erosion control plan with the preliminary application. This plan shall denote proposed locations for erosion control measures to be used during construction and maintained until such time as all areas have been stabilized. The erosion control shall be in place before actual construction begins.

#### **Section 4:03 Street & Subdivision Names**

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

#### **Section 4:04 Alleys, Easements & Half Streets**

- a. Alleys will not be permitted in residential districts except as a continuation of an existing alley. Alleys shall be required in commercial or industrial districts if it is determined by the Planning Commission that conditions necessitate alleys in any such district. Where alleys are permitted, their width shall not be less than twenty (20) feet.
- b. Easements shall be not less than ten (10) feet in width except in cases of double-tiered lots where a width of five (5) feet from each tier will be permitted. Where there exists a storm water ditch, creek or any other such watercourse, the easement shall be of sufficient width that such watercourse may be installed and maintained efficiently. The location of any storm water ditch, creek or watercourse shall not be changed without the approval of the Planning Commission upon recommendation of the City Engineer.
- c. Half Streets will not be permitted except in such cases where there is a half street contiguous thereto. Half streets, however, will not be permitted as an extension or continuation of an existing half street.

#### **Section 4:05 Storm Water Drainage & Grading**

- a. All subdivisions shall be provided with adequate storm sewers.
- b. The platting of lots for building purposes will not be allowed in any flood plain area. Areas subject to periodic flooding or excessive flows or surface runoff will not be acceptable for development unless the sub-divider makes necessary provisions to eliminate such flooding.
- c. All lots shall be graded in accordance with a grading plan approved by the City Engineer, which plan shall incorporate the following minimum requirements, except when more stringent requirements are necessary and so specified by the City Engineer.

1. No lot shall shed channeled surface runoff water onto any other lot, unless such runoff is contained within an easement provided, graded and dedicated for such purpose.
  2. The finished slope along the bottom centerline of any lot drainage easement shall not be less than one percent (1%).
  3. The side slopes of any lot drainage easement shall not be greater than 4 feet (horizontal) to 1 foot (vertical).
  4. No street pavement shall shed surface runoff water on to any lot.
- d. No subdivision or part thereof shall shed storm runoff water, either as a surface runoff or an outfall from storm sewer structures onto any adjoining land unless such runoff is contained within an existing drainage easement, ditch, structure or right-of-way provides outfall to an established drainage channel, as approved by the City Engineer.

#### **Section 4:06 Platting Requirements**

##### *a. Blocks*

1. Blocks shall be laid out with special attention given to the type of the use contemplated.
2. Blocks shall be a minimum of five hundred (500) feet in length.
3. Width of blocks shall be not less than three hundred fifty (350) feet.
4. Blocks with lots having double frontage on streets shall not be permitted.
5. The foregoing dimensions may be adjusted by the Planning Commission where the type of use or nature of the topography requires such modification.

##### *b. Lots*

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

feet the radial lines shall be deviated so that the distance between rear lot corners will be a minimum of (10) feet or as approved by the City Engineer.

#### **Section 4:07 Utilities**

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

- a. All proposed subdivisions located in the sewer service area, as defined by the Sanitary Sewer provider shall be provided with sanitary sewerage systems, where feasible, as approved by the City Engineer and the State and/or County Health Department and shall be in compliance with the Shelby County Commission Resolution dated August 14, 1989 as it applies to sanitary sewer systems in the Lake Purdy Watershed proposed subdivisions located within service areas of publicly operated sanitary sewer systems shall:
  1. Be required to install a sanitary sewer system, including collector and lateral lines and necessary appurtenances serving all lots within the proposed development. Such construction shall be in accordance with applicable regulations and specifications as adopted by the State of Alabama, the Shelby County Commission and the City of Westover.
  2. On-site sewer treatment shall comply with the requirements with the requirements of the State of Alabama Department of Health and the Shelby County Health Department and City of Westover.
  3. 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 State of Alabama, Shelby County Commission and the City of Westover.
- b. All subdivisions shall be provided with water distribution systems as approved by the City Engineer, State and/or County Health Department and City of Westover.
- c. The number, location and spacing of fire hydrants shall be in accord with the recommendations of the Fire Chief.
- d. Utility poles shall be installed in alleys or rear lot easements unless otherwise specified by the City Engineer.
- e. Utility appurtenances where required, such as transformer installations, sewage pumping stations, water tanks, pressure-regulating stations and other similar facilities shall be located and installed as approved by the City Engineer.
- f. Water, gas and sanitary mains and appurtenances if applicable, will be constructed prior to installation of paving with all mains being extended for service to all lots so that no subsequent cutting of pavement will be required to permit service to all lots.
- g. Permits for utility installation on County or proposed county rights-of-way. Any person, firm or corporation wishing to place a utility within the road rights-of-ways of Shelby County shall make application to the Shelby County Public Works

Department on the proper prescribed utility permit form with a copy of permit to City of Westover.

- h. Location and Trench Backfill – Utilities shall generally be located a minimum of six (6) feet from the edge of existing or proposed paving. In areas where location less than the minimum is approved incompressible backfill material (sand, slag, crushed stone or gravel) will be required.
- i. Backfill for utilities crossing proposed roadway section shall conform to the Alabama Highway Department Standard Specifications for Highways and Bridges in force at the time of installation.
- j. Incompressible backfill material may be used to backfill such open trenches in lieu of compacted backfill material. The material used shall be of a type approved by the City Engineer or the authorized agent for this purpose.
- k. All open cuts, under existing paving shall be backfilled with compacted stone. The stone used must be a type approved by the City Engineer or the authorized agent for this purpose. A permanent pavement patch shall be in accordance with the typical repair section in the appendix.
- l. *Cased and Uncased Construction* – All polyvinyl chloride (PVC) pipe used for water lines shall be encased with a casing approved by the City Engineer or his/her authorized agent.

#### **Section 4:08 Traffic Control and Signs**

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

#### **Section 4:09 Road & Street Inspection and Testing**

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



representative of each 1000 linear feet of each street or road or portion thereof. Additional tests may be required by the City Engineer or his/her authorized agent.

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

#### **Section 4:10 Private Subdivisions**

- a. Improvements within proposed private subdivisions and condominium subdivisions shall meet regular subdivision standards and the private status shall not be effective nor shall the subdivision be legal until final plat recording.
- b. A gate may be established after construction to limit access.
- c. The private or condominium status of the subdivision shall be clearly stated on the recorded final plat.
- d. If the subdivision maintains its private or condominium status, the roads, structures and drainage shall be maintained by the developer and/or property owners. This shall be clearly stated to those who purchase a parcel(s) within the subdivision and shall be stated in writing on each property deed or conveyance of any interest therein. The procedure for accomplishing this shall be outlined in a letter by the owner(s) and/or developer to the City of Westover Planning Commission for the file.
- e. Hydrant distribution, current fire code, and dry hydrant should be engineered and conform to all applicable studies. There shall be sufficient flow rates in hydrostatic fire-fighting capability according to the current fire code.
- f. A proposal for a private subdivision or condominium subdivision will not be considered or approved if the proposed development prevents access to or "land locks" adjoining property.
- g. If a private subdivision or condominium subdivision is recorded in Shelby County Probate Office and all of the property owners (100%) at some future date desire to eliminate it and substitute in its place a regular subdivision with city-maintained roads, the owners must petition the City Council for tentative approval. If the City Council gives tentative approval of the petition, the owners shall submit subdivision plans to the City of Westover Planning Commission including improvements and repairs that are required to be made by the owners according to the City of Westover Subdivision Regulations and other specifications effective on the date of petition. The subdivision shall then be subject to the procedures for approval of a major subdivision as contained in Article 11 Procedures of the Regulations.

### **ARTICLE V. Required Improvements Bond**

#### **Section 5:01 Improvements**

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

### **Section 5:02 Bond and Surety: Amount and Release**

- a. In the event the Westover Planning Commission may consider that the requirements set out in Article V, Section 5:01 need not immediately be met by the sub-divider, the requirements may be modified by the execution of a bond agreement with the sub-divider. Such agreement shall state that the remaining improvements are to be installed and constructed within a specified length of time as determined by the City of Westover. All grubbing, clearing, grading and storm drainage structures shall be constructed prior to execution of said agreement. A bond shall be required to ensure the fulfillment of such agreement and shall be by cash, certified or cashier's check, certificate of deposit, irrevocable letter of credit or made by a surety company authorized to do business in the State of Alabama. The applicant shall not be released from said bond except by a release in writing from the City and shall be subject to the administrative procedures established by the City of Westover. *See Appendix A1 (Page 26)*
- b. A bond amount shall be set at one hundred fifty percent (150%) of the estimated cost of the improvements. A schedule of estimated costs for all items to be bonded shall be submitted by a Registered Engineer for review by the City Engineer. This schedule shall clearly describe the items, quantities, unit, cost and total cost of the remaining improvements.
- c. Developers wishing to use an irrevocable letter of credit shall secure from a commercial banking institution located in Shelby and/or Jefferson Counties. The conditions for accepting a letter of credit and subsequent administrative procedures shall be established by the Official Representative on behalf of the Westover Planning Commission.

### **Section 5:03 Maintenance Bond**

- a. The City Engineer shall secure from all developers a statement in which said developer shall agree to maintain all improvements for a period of one (1) year after the acceptance of such improvements by the Westover Planning Commission.
- b. Maintenance bonding as referred to in Section 4:01(f) shall be required prior to recording of final plat in Shelby County Probate Office. *See Appendix A2 (page 27)*

### **Section 5:04 Inspection and Acceptance**

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

- a. That all required improvements are complete.
- b. That the improvements are in compliance with the minimum standards specified by

the City for their construction

- c. That the sub-divider knows of no defects from any cause in those improvements.
- d. That the improvements are free and clear of any encumbrance or lien.

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

## **ARTICLES VI. VARIANCES**

### **Section 6:01 Modifications, Variances, Waivers**

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

### **Section 6:02 Conditions of, Applications for Variances**

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



On Bank Letterhead

Date: \_\_\_\_\_

Letter of Credit # \_\_\_\_\_

City of Westover  
P. O. Box 356  
Westover, Alabama 35185

IRREVOCABLE STAND-BY LETTER OF CREDIT

Gentlemen:

We hereby establish our Irrevocable Stand-by Letter of Credit # \_\_\_\_\_  
in your favor for the amount of [sub-divider], up to the aggregate of U.S.  
\$ \_\_\_\_\_ and no/100 U.S. Dollars.

This Letter of Credit is available by your drafts at sight for up to the aforementioned amount if drawn and presented with a "Certificate of Default" stating that [sub-divider] has failed to perform on its agreement to your expectations. Each draft drawn hereunder must be marked "Drawn under [Bank Name] Letter of Credit # \_\_\_\_\_," referencing the number of this credit.

This Letter of Credit expires on [expiration date]. It shall be automatically renewed for additional one-year periods beginning on the first day of [expiration month and year] and the same day of each succeeding year. This Letter of Credit will not be automatically renewed if we send the City of Westover notice of our intention not to renew by certified mail at the address shown above at least 90 days prior to the beginning of any renewal period. All drafts drawn under and in compliance with the terms of this Letter of Credit shall be duly honored if presented and delivered with the documents set forth above to us no later than the expiration date.

[Bank Name}

By \_\_\_\_\_



MAINTENANCE AGREEMENT

THIS AGREEMENT entered into and between \_\_\_\_\_, hereinafter called the Sub-divider and the City of Westover, Alabama, hereinafter called the City, acting by and through the Westover Planning Commission, hereinafter called the Planning Commission.

WHEREAS, the Sub-divider has submitted to the Planning Commission a final plat of a proposed development to be known as \_\_\_\_\_, and has requested the Planning Commission to give final approval of said plat and for the City to accept dedication of those items specified by Sub-divider on the final plat.

NOW, THEREFORE, the Sub-divider agrees with the City as hereinafter set forth in paragraphs 1, 2, 3 and 4 hereof.

1. The sub-divider warrants all materials and workmanship and shall maintain for a period of one (1) year with respect to said propose subdivision all required improvements and utilities as defined or described by maps and resolutions of the Planning Commission dated \_\_\_\_\_, which maps and resolutions are incorporated herein; provided, however, that the warranty period for major streets, subdivision entrance roads or streets, or any other roads or streets utilized or expected to be utilized by heavy construction traffic for the further development of the subdivision, is three (3) years.
2. In the event the Sub-divider shall fail in whole or in part to comply with the requirements provided for by paragraph 1 above, the City shall have the right at the cost and expense of the Sub-divider to complete the same or cause the same to be completed and the Sub-divider hereby grants unto the City all rights necessary or appropriate to enable the City so to do.
3. The Sub-divider shall furnish proper bond in accordance with Article V, Section 5:02 of the Subdivision Regulations to secure the faithful performance of this agreement.
4. The consideration for this agreement by the Sub-divider is to induce the Planning Commission to grant final approval of said subdivision or plat and to induce the City to accept the dedications offered by Sub-divider. The Sub-divider further recognizes that said consideration is full, complete and sufficient as stated and further said Sub-divider recognizes the authority of said Planning Commission to enter into and execute this agreement on its behalf and on behalf of the City and further recognizes the authority of said Planning Commission to require the improvements and work as provided in this agreement.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Sub-divider:

By: \_\_\_\_\_  
Westover Planning Commission and City of Westover  
By Westover Planning Commission

By: \_\_\_\_\_

Westover Planning Commission Chairman



**HIGH DENSITY POLYETHYLENE (HDPE) CORRUGATED AND SMOOTH LINED  
THERMOPLASTIC PIPE SPECIFICATION: (FOR GRAVITY FLOW DRAINAGE PIPE  
APPLICATIONS)**

1. *Description* – This item shall govern for the furnishing and installing of all High Density Corrugated Polyethylene (HDPE) Smooth Lined Pipe and/or materials for constructing of culverts, side road pipes, storm sewers, stubs and all related connections and fittings, all of which shall conform to ASTM F2306 (diameters 12" – 60"), latest edition. The pipes shall be of the sizes, types and dimensions shown on the plans and contained in this specification. In addition, it shall include all connections and joints to new or existing pipes, storm sewer manholes, inlets, headwalls and other appurtenances as may be required to complete the work.
2. *Materials* – Unless otherwise specified on the plans or herein, thermoplastic pipe and joint fittings shall conform to the following:
  - a. High Density Polyethylene (HDPE) Corrugated and Smooth Lined Pipe & Fittings shall be manufactured in accordance with requirements of ASTM F2306, latest edition.
  - b. High Density Polyethylene (HDPE) Corrugated and Smooth Lined Pipe shall be manufactured from virgin PE compounds which conform with the requirements of ASTM D 3350.
  - c. Minimum Pipe Stiffness (PS) at five percent deflection shall be as described in ASTM F2306, Section 6.3 when tested in accordance with ASTM D 2412.
3. *Installation* – Installation shall be in accordance with ASTM D 2321, "Standard Practice for Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity Flow Applications".
  - a. *General Installation Requirements:* Thermoplastic pipe shall be unloaded and handles with reasonable care. Pipe shall be placed in the bed starting at the downstream end. Trenches must be excavated in such a manner as to ensure that the sides will be stable under all working conditions. Trench walls shall be sloped or supported in conformance with all standards of safety. Only as much trench as can be safely maintained shall be opened. All trenches shall be backfilled as soon as practicable, but no later than the end of each working day.
  - b. *Trench Widths* - Trench width shall be sufficient to ensure working room to properly and safely place and compact haunching and other backfill materials. Minimum trench width shall not be less than 1.25 times the pipe outside diameter plus 12 inches (1.25 x O.D. + 12 inches).
  - c. *Outside The Roadway Bedding and Backfill Options* - Bedding material shall meet the requirements of ASTM D2321 Class I material. A minimum of 6" of bedding shall be provided prior to placement and shall be loosely compacted. Bedding material size shall be 1 1/2 " maximum granular material. Backfill material shall meet the same requirements as the bedding material and shall extend to 1/2 of the diameter of this pipe. Backfill material shall be placed in 6 inch lifts and compacted to 90% SPD.
  - d. *Minimum Cover* - The minimum cover is one foot (1.0") for HS-25 Live Loads (4"-48" Diameters) and two feet for (2.0") for larger diameter structures (60" Diameter); however, care should be taken when heavy construction equipment

loads cross the pipe trench during construction. If the passage of construction equipment over an installed pipeline is necessary during project construction, compacted fill in the form of a ramp shall be constructed to minimum elevation of three (3.0') feet over the top of the pipe. Any damaged pipe shall be replaced at the contractor's expense.

- e. *Installation Deflection* - The internal diameter of the barrel shall not be reduced by more than 5% of its base inside diameter when measured or inspected not less than 60 days following completion of installation.
- f. *Joints* - Joints shall be installed that the connection of pipe section will form a continuous line free from irregularities in the flow line. Joint shall meet one of the following:
  - 1. *Soil Tight Joints* are specified as a function of opening size, channel length and backfill particle size. If the size of the opening exceeds 3 mm, the length of the channel must be at least four times the size of the opening. A backfill material containing a high percentage of fine-graded soils requires investigation for the specific type of joint to be used to guard against soil infiltration. Information regarding joint soil tightness criteria is listed below.

<b>SUPERIOR JOINTS &amp; CONNECTIONS</b>	
<i>Features</i>	<i>Benefits</i>
75% few Joints than RCP	Less opportunity for infiltration/Less labor intensive
Integrated Bell & Spigot	No bell hole required for gravity flow storm drains
Water tight Joints available	Meets 10.8 psi laboratory test
Soil tight Joints available	Meets 3.0 psi laboratory test
Rubber Gaskets	Meets ASTM F477 & Factory installed
Field Couplers for RCP & CMP	Makes jointing of dissimilar materials easy

STATE OF ALABAMA  
SHELBY COUNTY

In witness thereof, said surveyor executed these presents this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ Date: \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for said county and state, do hereby certify that \_\_\_\_\_, whose name is signed to the foregoing certificate as surveyor, and who is known to me, acknowledged before me, on this date, that after being duly informed of the contents of said certificate, does execute same voluntarily as such individual with full authority thereof.

Given under my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

By: \_\_\_\_\_ Date \_\_\_\_\_

I, the undersigned, a Notary Public in and for said county and state, do hereby certify that, \_\_\_\_\_, whose name is signed to the foregoing certificate as owner, and who is known to me, acknowledged before me, on this date that after being duly informed of the contents of said certificate, do execute same voluntarily as such individuals with full authority thereof.

Given under my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

By: \_\_\_\_\_ Date \_\_\_\_\_

I, the undersigned, a Notary Public in and for said county and state, do hereby certify that, \_\_\_\_\_, whose name is signed to the foregoing certificate as owner, and who is known to me, acknowledged before me, on this date that after being duly informed of the contents of said certificate, do execute same voluntarily as such individuals with full authority thereof.

Given under my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

\_\_\_\_\_  
Date

\_\_\_\_\_  
City of Westover Planning Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
City of Westover Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
City of Westover City Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fire Chief

\_\_\_\_\_  
Date

\_\_\_\_\_  
SHELBY COUNTY HEALTH DEPARTMENT

\_\_\_\_\_  
(For recording purposes only.)



**PERFORMANCE BOND**

**CITY OF WESTOVER  
WESTOVER, ALABAMA**

**KNOW ALL MEN BY THESE PRESENTS:** that

\_\_\_\_\_,  
As Developer, herein after called the Principle,

\_\_\_\_\_ and;

\_\_\_\_\_, an insurance company authorized to do business in  
the State of Alabama, having an office and place of business at:

\_\_\_\_\_ as Surety, are held and firmly  
bound unto the CITY OF WESTOVER, ALABAMA, hereinafter known as the "CITY", in the penal sum  
of

\_\_\_\_\_  
Dollars  
in lawful money of the United States of America, for payment of which sum, well and truly to be made,  
we bind ourselves, our successors, heirs assigns, executors and administrators, jointly and severally,  
firmly by these presents.

**THE CONDITION OF THIS OBLIGATION IS SUCH**, that whereas, the Principle has  
entered in to a certain written agreement with the CITY, bearing the date of \_\_\_\_\_, 2\_\_\_\_\_, to  
furnish all equipment, tools, materials, skill and labor for the completion of the work covered by the  
following items of the attached Proposal for

(name of development)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_,  
a copy of which agreement is attached hereto, incorporated herein by reference, and made a part of the  
same extent as if set out herein full, and the Principle and Surety are bound under this Bond which shall  
remain in full force and effect until all of the work under the Agreement has been fully completed in full  
accordance with the covenants, terms, conditions, agreements and provisions of the Agreement.

**NOW, THEREFORE**, if the Principle shall well, truly and faithfully perform all his duties,  
undertakings and obligations, all in accordance with the covenants, terms, conditions, agreements and  
provisions of the Agreement during the original term thereof, and during any extensions thereof which  
may be granted by the CITY with or without the consent of the Surety, and during the stipulated guaranty  
period, and if the Principle shall satisfy all claims and demands incurred under the agreement, shall fully  
correct all faulty work, shall fully indemnify and save harmless the CITY from all costs and damages  
whatsoever which the CITY may suffer by reason of any failure on the part of the Principle to do so, and

shall fully reimburse and repay the CITY for any and all outlay and expense, including all additional engineering costs, all legal costs and attorney's fees, which the CITY may incur in making good any default, then this obligation shall be void; otherwise, it shall remain in full force and effect.

Be it also understood that should the Principle be declared in default under the terms of the Agreement, the CITY have performed CITY's obligations thereunder, the Surety shall promptly:

Remedy the default of the Principle, or Complete the work under the Agreement in full accordance with the terms and conditions of the Agreement, using a Contractor chosen by the Surety and approved by the CITY, or

Assist the CITY in securing a Contractor who shall fully complete the work under the Agreement in full accordance with the covenants, terms, conditions, agreements and provisions of the Agreement.

"Promptly", as used herein, shall be defined as "initiating the resumption of full-scale construction work by the Contractor and all sub-Contractors under the Agreement within thirty (30) days from the date on which the CITY has declared the Principle to be in default".

Whichever of the three methods may be used by the Surety to complete the work under the Agreement (after the Principle has been declared to be in default), the Surety shall pay to the CITY any extra or additional costs incurred by the CITY by reason of the default of the Principle and the subsequent completion of the work under the Agreement by the Surety.

**PROVIDED FURTHER**, that the said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Agreement or to the work to be performed thereunder or to the Specifications accompanying the same, shall in any wise affect the obligation of the Surety under this Bond and the Surety does hereby waive notice of any such change extension of time, or alteration or addition to the terms of the Agreement or to the work or to the Specifications.

**PROVIDED FURTHER**, that no final settlement between the CITY and the Principle shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

**IN WITNESS WHEREOF**, this instrument is executed in four (4) counterparts, each one of which shall, without proof of or accounting for the other counterparts, be deemed an original, on this day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

**ATTEST:**

By \_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Principle)

By \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**ATTEST:**

By \_\_\_\_\_  
**(Witness)**

**(Surety)**  
By \_\_\_\_\_  
**(Attorney-in-fact)**

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# CITY OF WESTOVER, ALABAMA

## AGREEMENT

THIS AGREEMENT entered into and between \_\_\_\_\_ hereinafter called the Developer, and the City of Westover, hereinafter called the City.

### WITNESSETH

WHEREAS, the Developer has submitted to the City a proposed plan to be known as \_\_\_\_\_ and the City has received and approved said plan, conditioned upon the agreement and bond of the Developer hereinafter set out and provided for in this agreement for remaining improvements and that bond amount set at one hundred fifty percent (150%) of the amount described on the attached sheet.

NOW, THEREFORE, the Developer agrees with the City as hereinafter set forth as follows:

1. The Developer shall within one (1) year construct and install in or with respect to said proposed road plan all improvements and utilities as defined by maps and plans dated \_\_\_\_\_ in accordance with the City of Westover Subdivision Regulations.
2. In the event the Developer shall fail in whole or in part to complete within said time (or such additional time, if any, as may be granted) the construction and installation provided for in one above, the City shall have the right at the cost and expense of the Developer to complete the same or cause the same to be completed, and the Developer hereby grants unto the City all rights necessary or appropriate to enable the City to do so.
3. In consideration of the premises and of the foregoing agreement of the Developer and of the furnishing of proper bond (the amount of which is to be provided by a licensed and qualified contractor and approved by the City Engineer) to secure the faithful performance of such agreement and the actual construction and installation of the aforesaid improvements and utilities within the time specified, the City hereby agrees that it will accept the aforesaid agreement of the Developer and the aforesaid performance bond of the Developer and by its surety.
4. The consideration for this agreement by the Developer is to induce the Commission to grant final approval of said road plan prior to the completion of the work above described. Said developer further recognizes that said consideration is full, complete, and sufficient as stated and further said developer recognizes the authority of said City to enter into and execute this agreement and further recognizes the authority of said City to require the improvements and work as set out in said Agreement.

ENTERED into this \_\_\_\_ day of \_\_\_\_\_ 2021.

Attest: \_\_\_\_\_

Developer: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_





# AMENDED FEE SCHEDULE 2021

## City Clerk Applications

Public Records Request. . . . .	\$25.00
Each additional copy. . . . .	\$0.25 per page
Rezoning . . . . .	\$100.00
Property Lein Request. . . . .	\$10.00
Business Licenses. . . . .	(Dependent on the type of Business)

## Planning Commission Applications

General Application. . . . . (not including Subdivision). . . . .	\$50.00
Subdivision Plat Minor . . . . . (not requiring infrastructure). . . . .	\$50.00
Subdivision Preliminary Plat Major. . . . .	
.(requiring infrastructure and Engineering) . . . . .	\$1500.00
Permit Fees . . . . .	(Dependent on Valuation)
Amended Preliminary Plat Fee . . . . .	\$0.00