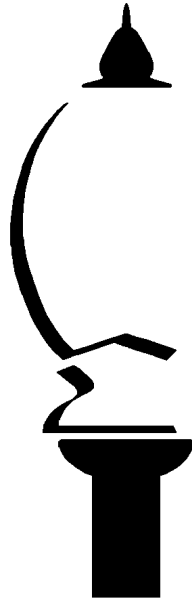


HOMEWOOD SUBDIVISION REGULATIONS



**ADOPTED BY RESOLUTION 2005-1 ON
SEPTEMBER 6, 2005**

**Revised by Resolution 2009-1 on April 7, 2009
Revised by Resolution 2011-1 on September 6, 2011**

**PREPARED UNDER THE DIRECTION OF THE
HOMEWOOD PLANNING
COMMISSION**

\$10.00

TABLE OF CONTENTS

Article

I) General	1
II) Subdivision Platting Procedures	6
Division 1) Overview	6
Division 2) Sketch Plat	9
Division 3) Preliminary Plat	10
Division 4) Final Plat	13
III) Subdivision Completion Procedures	15
IV) Design and Construction Standards	18
Division 1) Overview	18
Division 2) Lots and Blocks	22
Division 3) Streets	24
Division 4) Drainage	35
Division 5) Sanitary Sewers and Water Systems	39
Division 6) Standard Drawings	40
V) Definitions	52

APPENDIX B

SUBDIVISION

ARTICLE I. GENERAL

Sec. 1. Short title.

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

Sec. 2. Authority.

These Regulations are enacted in accordance with the authority granted to the Homewood Planning Commission by the Legislature of the State of Alabama in Title 11, Chapter 52, Code of Alabama, 1975, as amended.

Sec. 3. Jurisdiction.

(a) From and after the effective date hereof, these Regulations shall govern the subdivision of all land located within the city limits of Homewood, Alabama.

(b) No land shall be subdivided within the city limits of Homewood, Alabama until the requirements of these Regulations are met.

(c) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these Subdivision Regulations and local zoning requirements.

(d) No disturbance of land or construction of any public or private improvements shall take place or be commenced except in conformity with these Regulations.

State law reference - Territorial jurisdiction, Code of Ala. 1975, § 11-52-30.

Sec. 4. Purpose.

These Regulations are made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development, including, among other things:

- (a) adequate provision for traffic;
- (b) the promotion of safety from fire and other dangers;
- (c) adequate provision for light and air;
- (d) the promotion of the healthful and convenient distribution of population;
- (e) the promotion of good civic design and arrangement;

- (f) wise and efficient expenditure of public funds; and
- (g) the adequate provision of public utilities and other public requirements.

State law reference - Purpose of plan, Code of Ala. 1975, § 11-52-9.

Sec. 5. Scope of regulations.

(a) These Regulations provide for the proper arrangement of streets in relation to other existing or planned streets and to the City Master Plan, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air and for the avoidance of congestion of population, including minimum width and area of lots.

(b) These Regulations also include provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping or other facilities shall be installed as a condition precedent to the approval of the plat.

(c) These Regulations and the practice of the Planning Commission provide for tentative approval of a plat prior to installation of streets, other ways, water, sewer and other utility mains, but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the City Council may accept a bond with surety to secure to the City of Homewood the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the Regulations of the Commission. The City may enforce such bond by all appropriate legal and equitable remedies.

State law reference - Provisions of Subdivision Regulations, Code of Ala. 1975, § 11-52-31.

Sec. 6. Subdivision Administrator.

The Department head of the Engineering, Planning and Zoning Department or his appointee shall serve as Subdivision Administrator and shall administer and enforce these Regulations.

Sec. 7. Amendments.

(a) These Regulations may from time to time be amended by the Planning Commission. Such amendments shall be published as provided by law for the publication of ordinances.

(b) Before the adoption of any amendment, the Planning Commission shall hold at least one (1) public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City and in the official gazette, if any, of the City.

(c) The adoption of any such amendment shall be by a motion of the Planning Commission carried by the affirmative votes of not less than five (5) members of the Commission.

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

State law reference - Adoption, publication, Code of Ala. 1975, § ~11-52-31; procedure for adoption, Code Ala. 1975, § 11-52-10; Publication and recordation of ordinances, Code of Ala. 1975, 11-45-8.

Sec. 8. Penalties and remedies.

(a) Whoever, being the owner or authorized agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiates 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 Planning Commission and recorded or filed in the office of the Probate Judge of Jefferson County shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred or sold or agreed or negotiated to be sold, and the description of such 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 from such penalties or from the remedies provided in this section.

(b) The City may enjoin such transfer or sale or agreement by a civil action for injunction brought in any court of competent jurisdiction or may recover the same penalty provided in this section by a civil action in any court of competent jurisdiction.

State law reference - Remedies and penalty for transfer, sale, etc., Code of Ala., 1975, § 11-52-33.

(c) All appeals of decisions of the Engineering Department in the administration of these Regulations shall be directed to the Planning Commission.

(d) Any person who shall violate a provision of these Regulations or fail to comply therewith, or with any of the requirements thereof shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of these Regulations is committed or continued and upon conviction of any such violations such person shall be punished within the limits and as provided by § 1-8 of the City code.

(e) Municipality and major street plan adopted by Planning Commission.

(1) The municipality shall not accept, lay out, open, improve, grade, pave, curb or light any street or lay or authorize water mains or sewers or connection to be laid in any street within any portion of territory for which the Planning Commission shall have adopted a major street plan unless such street shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to the adoption of such plan or unless such street corresponds with a street shown on the official Master Plan or with a street on a subdivision plat approved by the Planning Commission or with a street on a street plat made by and adopted by the Commission.

(2) The council may, however, accept any street not shown on or not corresponding with a street on the official Master Plan or on an approved subdivision plat or an approved street plat; provided, that the ordinance or other measure accepting such street shall be first submitted to the Planning Commission for its approval and, if approved by the Commission, shall be enacted or passed by not less than a majority of the entire membership of the council or, if disapproved by the Commission, shall be enacted or passed by not less than two thirds of the entire membership of the council. A street approved by the Planning Commission upon submission by the council or a street accepted by a two-thirds vote of the council after disapproval by the Planning Commission shall thereupon have the status of an approved street as fully as though it had been originally shown on the official Master Plan or on a subdivision plat approved by the Commission or had been originally platted by the Commission.

State law reference - Municipality not to improve, grade, etc., streets in territory for which major street plan adopted by Planning Commission until street accepted, etc., Code of Ala., 1975, § 11-52-34.

Sec. 9. Buildings, building permits and major street plan adopted by Planning Commission.

(a) From and after the time when the Planning Commission shall have adopted a major street plan of the territory within its subdivision jurisdiction or part thereof, no building shall be erected on any lot within such territory or part nor shall a building permit be issued therefore unless the street giving access to the lot upon which such building is proposed to be placed shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to that time or unless such street corresponds with a street shown on the official Master Plan or with a street on a subdivision plat approved by the Planning Commission or with a street on a street plat made by and adopted by the commission or with a street accepted by council after submission to the Planning Commission by the favorable vote required in Sec. 8.

(b) Any building erected in violation of this section shall be deemed an unlawful structure, and the building inspector or other appropriate official may cause it to be vacated and have it removed.

State law reference - Buildings not to be erected or building permits issued in territory for which major street plan adopted until street providing access to proposed building accepted, etc., Code of Ala., 1975, § 11-52-35.

Sec. 10. Requirements held minimum.

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.

Sec. 11. Conflicting provisions.

(a) These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Wherever 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.

(b) These Regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where any provision of these Regulations is more restrictive or imposes higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Regulations shall govern. Where any provision of the easement, covenant, or private agreement or restriction imposes duties and obligations more restrictive, or higher standards than the requirements of these Regulations, then the requirements of such private provisions shall govern.

Sec. 12. Severability.

The provisions of these Regulations are severable and should any provision be held by a court of competent jurisdiction to be invalid, these Regulations in their entirety and remaining parts, other than the part so held to be invalid, shall still be valid.

Sec. 13. Saving provision.

These Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision Regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these Regulations,

or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in these Regulations.

Sec. 14. Effective date and repeal.

(a) These Regulations shall become effective upon their adoption and publication as required by law.

(b) Upon adoption of these Regulations according to law, the Subdivision Regulations of the City of Homewood, Alabama, adopted September 18, 1945, as amended, are hereby repealed to the extent necessary to give these Regulations full force and effect.

Sec. 15. - 19. Reserved.

ARTICLE II. SUBDIVISION PLATTING PROCEDURES

Div. 1. Overview

Div. 2. Sketch Plat

Div. 3. Preliminary Plat

Div. 4. Final Plat

DIVISION 1. Overview

Sec. 20. General procedures.

(a) Whenever any subdivision of land is proposed, before any contract is made or negotiated for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his/her authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the procedures contained in these Regulations.

(b) Procedures differ depending on the classification of a subdivision as minor, major or condominium which shall be determined by the Subdivision Administrator, according to the following definitions:

(1) Minor subdivision shall refer to any subdivision of land fronting on an existing street, not involving any new street or public improvements, not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Zoning Ordinance, or these Regulations. Minor subdivisions require only the approval of a Final plat.

(2) Major subdivision shall refer to all subdivisions not classified as minor subdivision, or condominium subdivision. Major subdivisions require a three (3) step process, as follows:

(i) Sketch Plat

(ii) Preliminary plat

(iii) Final plat

(3) Condominium Subdivision. A division of property on the basis of condominium ownership under the "Alabama Uniform Condominium Act". 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. Condominium subdivisions require a two (2) step process, as follows:

(i) Preliminary plat which shall be accompanied by all applicable restrictive covenants.

(ii) Final plat which may be approved in house by the Engineering Department, with the signature approval of the Planning Commission Chairman and Secretary if in the same form as the Preliminary Plat.

Sec. 21. Statutory limitations on Planning Commission actions.

(a) For the purposes of these Regulations, for major, minor and condominium subdivisions, the date of the meeting of the Planning Commission at which the public hearing on preliminary or final plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the thirty (30) day statutory period required for formal approval or disapproval of the plat shall commence to run.

(b) Failure of the Planning Commission to act within the thirty (30) day period shall be deemed approval of the plat, and a certificate to that effect shall be issued by the Commission on demand. However, the applicant, with the affirmative votes of not less than five (5) members of the Commission, may waive this requirement and consent to an extension of such period.

(c) The grounds of disapproval of any plat shall be stated upon the records of the Commission.

State law reference - Procedure for approval or disapproval of plat, Code of Ala. 1975, § 11-52-32(a).

Sec. 22. Public notice and hearing requirements.

Any preliminary or final plat submitted to the Commission shall contain the name and address of a person to whom notice of a hearing shall be sent, and no preliminary or final plat shall be acted on by the Commission without affording a hearing thereon. Notice shall be sent by the Subdivision Administrator to the owner or his authorized agent and the applicant by registered or certified mail of the time and place of such hearing not less than seven (7) days before the date fixed, therefore; the same notice shall be mailed to the owners of land immediately adjoining the platted land (to include land directly across from any adjoining right-of-way) as their names appear upon the plat in the Jefferson County Tax Assessor's office and their addresses appear in the directory of the City or on the tax records of the City or of Jefferson County.

State law reference - Procedure for approval or disapproval of plat, Code of Ala. 1975, § 11-52-32(a).

Sec. 23. Affect of final plat approval.

(a) Every final plat approved by the Commission shall, by virtue of such approval, be deemed to be an amendment or an addition to or a detail of the City Master Plan and a part thereof.

(b) Approval of a final plat shall not be deemed to constitute or affect an acceptance by the public of any street or other open space shown upon the plat.

State law reference - Legal effect of approval, Code of Ala. 1975, § 11-52-32(b).

Sec. 24. Resurvey of plat.

(a) For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Planning Commission by the same procedures, rules, and regulations as for a minor subdivision.

(b) If two (2) or more lots, or part thereof, are combined as required by the Zoning Ordinance, the resurvey shall be reviewed and approved administratively by the Engineering Department, with the

signature approval of Planning Commission Chairman and Secretary before being recorded at the county courthouse. The filing fee for such resurveys shall be one hundred dollars (\$100.00).

Sec. 25. Future resubdivision.

Whenever a parcel of land is subdivided, and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land and are indications that such lots will eventually be resubdivided into smaller building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

Sec. 26. Vacation of plat.

(a) Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

(b) Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivision. However, no public rights in any of its public uses, improvements, streets, or alleys may be vacated unless such action is recommended by the Planning Commission to the City Council and approved by the City Council.

(c) Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivision; and being dully recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alley, and public grounds, and all dedications laid out or described in such plat.

(d) When lots have been sold, the plat may be vacated in the manner herein provided all of the owners of lots in such plat join in the execution of such in writing.

Sec. 27. Vested rights.

No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission. All requirements, conditions, or regulations adopted by the Planning Commission applicable to the subdivision or on all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the Chairman of the Planning Commission. Where the Planning Commission has required the installation of improvements prior to signing of the final plat, the Planning Commission shall not unreasonably modify the conditions set forth in the final approval.

Sec. 28. - 49. Reserved.

DIVISION 2. Sketch Plat

Sec. 50. Pre-application Conference.

An applicant wishing to subdivide land within the City of Homewood, Alabama is required to attend a pre-application conference with the Subdivision Administrator. The purpose of the conference would be to acquaint the applicant with the regulations governing land subdivision, the procedures to be followed in obtaining final plat approval, and the identity of other agencies or officials who must eventually approve one or more elements of the subdivision plat.

Sec. 51. Sketch plat application requirements. (If required by Subdivision Administrator to be consistent with **Appendix B Subdivision Article 1. Sec. 4**).

(a) Prior to subdividing land, the owner or authorized agent shall first file an application for approval of a sketch plat.

(b) The application shall include the following materials:

(1) Application for the sketch plat approval.

(2) Five copies of a sketch plat.

Sec. 52. Sketch plat review procedures.

(a) The Subdivision Administrator shall transmit copies of the sketch plat to the Engineering Department, Fire Department Chief, and other appropriate City or County departments or agencies for their review, shall retain one (1) copy for his/her review, and keep one (1) copy on file. The Subdivision Administrator may additionally submit all sketch plats, applications and checklists to the Planning Commission for informational purposes after administrative reviews.

(b) The administrative officials shall review the sketch plat for general compliance with these Regulations. The administrative officials shall report their findings and recommendations to the applicant within thirty (30) days of application submission or forty-five (45) days if the Sketch Plat is reviewed by the Planning Commission. The Subdivision Administrator shall advise the applicant of the specific changes or additions, if any, required as a prerequisite to approval of the sketch plat. If changes are required a revised sketch plat shall be submitted for review, and reports of administrative officials shall be returned to the applicant within fourteen (14) days.

(c) The approved sketch plat shall be signed and dated by the Subdivision Administrator. One (1) copy shall be retained in the files of the Subdivision Administrator, and one (1) copy shall be returned to the subdivider for filing with the preliminary or final plat application.

(d) Following review of the sketch plat, the Applicant will be advised of specific changes or additions, if any, which will be required as prerequisite to consideration for preliminary and/or final approval of the subdivision plat. Recommendations made for the record by the Subdivision Administrator shall constitute authorization to proceed with the subdivision application and is not binding approval by the Planning Commission. However, prior to granting subsequent approval the Planning Commission may require additional modifications to the preliminary plat and/or final plat to ensure compliance with these Subdivision Regulations.

Sec. 53. – 59. Reserved

DIVISION 3. Preliminary Plat

Sec. 60. Preliminary plat application requirements.

(a) Following approval of a sketch plat, the applicant for a major subdivision or new condominium proposal shall file an application for approval of a preliminary plat to the Subdivision Administrator at least forty-five (45) days prior to a regular meeting of the Planning Commission.

(b) The application shall include the following materials:

- (1) Completed application for preliminary plat approval as provided by the Subdivision Administrator.
- (2) A filing fee of two hundred dollars (\$200.00).
- (3) Irrevocable offer of dedication
- (4) Approved sketch plat
- (5) Original plat, five (5) copies and one (1) reduced to 11 x 17.
- (6) Completed Preliminary Plan Checklist
- (7) Restrictive covenants for Condominium subdivisions.
- (8) Original construction plans and five (5) copies. The construction plans required by these regulations are in addition to and not in lieu of any construction or building permit plans required by the Building Inspection Department or any other rules, regulations or ordinances of the City established at the time of and subsequent to the adoption of these Subdivision Rules and Regulations to protect the public health, safety and welfare of the occupants of the improvements to be made on the property located in the City of Homewood.
- (9) Completed Construction Plan Checklist along with all other required information as provide by the Engineering Department.

Sec. 61. Administrative review of preliminary plat.

(a) The Subdivision Administrator, prior to review by the Planning Commission at the public hearing, shall transmit copies of the preliminary plat and construction plans to the Engineering Department, Fire Department Chief, and any other appropriate City, County, or State department, agency, or official for review, retain one (1) copy for his/her review, and file one (1) copy.

(b) The administrative officials shall review the preliminary plat and construction plans for compliance with these Regulations and within fourteen (14) days report their findings and recommendations to the Subdivision Administrator. Upon receipt of the reports, the Subdivision Administrator shall transmit the reports to the applicant for revisions and resubmittal. All revisions required by administrative review shall be completed by the applicant before the subdivision application is placed on the Planning Commission agenda.

(c) Upon review and acceptance of the revisions by the administrative officials, the complete preliminary plat application and final administrative reports shall be transmitted to the Planning Commission, at least seven (7) days before the public hearing.

Sec. 62. Preliminary Plat Public Hearing.

(a) Public Hearing. The Planning Commission shall hold a public hearing for the purpose of determining conformity of the preliminary plat and construction plans with these Regulations and to permit adjoining property owners to state their views.

(b) Notice of Public Hearing. See **Section 22** for requirements.

Sec. 63. Planning Commission action on preliminary plat.

(a) Preliminary Plat Approval. Within thirty (30) days after the public hearing, the Planning Commission shall review the preliminary plat and plans and, by resolution carried by not less than a majority of the members of the Commission attending approve, disapprove, or approve subject to required modifications. If the plat is disapproved, the reasons for such disapproval shall be stated upon the records of the Planning Commission. If approved subject to modifications, the nature of the required modifications shall also be indicated in the records of the Planning Commission.

(b) Failure of the Planning Commission to take action on the preliminary plat within thirty (30) days of the public hearing shall be deemed approval of the preliminary plat and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the applicant for the Planning Commission's approval may waive this requirement and consent to an extension of such period.

Cross reference – See § 21 for statutory limitations on Commission actions.

(c) The approved preliminary plat and construction plans shall be signed and dated by the Planning Commission Chairman and shall bear all required endorsements and certifications, signed and dated by applicable parties.

(d) One (1) copy of the preliminary plat and construction plans shall be retained in the files of the Subdivision Administrator, and one (1) copy shall be returned to the applicant with the date of approval, approval subject to modifications, or disapproval, and the reasons therefore accompanying the plat.

(e) Before the Planning Commission signs a preliminary plat showing land proposed for dedication to the City, the Planning Commission shall first obtain the City Council's approval of the dedication.

Sec. 64. Submission of performance bond.

A performance bond, as required, shall be submitted and approved by the City Council prior to issuance of a building permit that includes public improvements.

Sec. 65. Effect of Preliminary Plat Approval.

Approval of the preliminary plat by the Planning Commission shall not constitute acceptance of the final plat, except when the final plat is completed during the specified time in substantial accordance with the layout shown on the preliminary plat.

Sec. 66. Effective period of Preliminary Plat Approval.

(a) Effective Period of Preliminary Plat Approval. approval of the preliminary shall lapse unless a final plat in substantial conformance therewith is submitted within twelve (12) months from the date of such approval, unless an extension of time (for a maximum of twelve (12) months) is specifically applied for in writing by the Applicant and expressly granted by the Planning Commission.

(b) Any lapsed preliminary plat shall be null and void, and the developer shall be required to resubmit a full preliminary plat application subject to regulations in effect at the time of resubmittal.

(c) Any approved preliminary plat and construction plans shall be exempt from any subsequent amendments to these or other City regulations that would render such plat or plans nonconforming, provided that final plat approval is obtained within the twelve (12) month period.

Sec. 67. - 69. Reserved.

DIVISION 4. Final Plat.

Sec. 70. Final plat application requirements.

(a) Following the approval of the sketch plat in the case of a minor subdivision or the preliminary plat in the case of a major subdivision, the applicant shall file an application to the Subdivision Administrator for final plat approval at least forty five (45) days before a scheduled meeting of the Planning Commission.

(b) The application shall include the following materials:

- (1) Completed application for final plat approval as provided by the Engineering Department
- (2) A filing fee of two hundred dollars (\$200.00).
- (3) Completed Final Plat Checklist along with all other required information as provided by the Engineering Department.
- (4) A copy of any proposed subdivision covenants.
- (5) The original, two (2) sepias or mylars, five (5) copies, and one (1) 11X17 copy

Sec. 71. Administrative review of final plat.

(a) The Subdivision Administrator, at least forty (40) days prior to review by the Planning Commission at the public hearing, shall transmit copies of the final plat to the Engineering Department, Fire Department Chief, and any other appropriate City, County, or State department, agency, or official for review, retain one (1) copy for his/her review, and file one (1) copy.

(b) The administrative officials shall review the final plat for compliance with these Regulations and shall within fourteen (14) days report their findings and recommendations to the Subdivision Administrator.

(c) Upon receipt of the reports, the Subdivision Administrator shall transmit the reports to the applicant for revisions and resubmittal.

(d) All revisions required by administrative review shall be completed by the applicant before the subdivision application is placed on the Planning Commission agenda.

(e) Upon review and acceptance of the revisions by the administrative officials, the complete final plat application and final administrative reports shall be transmitted to the Planning Commission, at least seven (7) days before the public hearing.

Sec. 72. Final Plat Public Hearing.

(a) Public Hearing. The Planning Commission shall hold a public hearing for the purpose of determining conformity of the final plat with these Regulations and to permit adjoining property owners to state their views.

(b) Notice of Public Hearing. See **Section 22** for requirements.

Sec. 73. Planning Commission action on final plat.

(a) Final plat approval. Within thirty (30) days after the close of the public hearing, the Planning Commission shall review the final plat and by resolution carried by not less than a majority of the members of the Commission attending shall approve, disapprove, or approve subject to required notification. If the final plat is disapproved, the reasons for such disapproval shall be stated in the records of the Planning Commission. If approved subject to modifications, the nature of the required modifications shall also be indicated in the records of the Planning Commission.

(b) Failure of the Planning Commission to take action on the final plat within thirty (30) days of the public hearing shall be deemed approval of the final plat and a certificate to that effect shall be issued by the Planning Commission on Demand; provided, however, that the applicant for the Planning Commission's approval may waive this requirement and consent to an extension of such period.

(c) The resolution approving the final plat shall stipulate the period of time within which the required improvements shall be completed, if a performance bond in lieu of improvements is posted. In no event shall completion of required improvements exceed twelve (12) months, except where an extension for up to twelve (12) additional months has been granted by the Planning Commission. Failure to complete the required improvements within the stipulated time frame shall be subject to the penalties and remedies specified in **Article III**.

(d) One (1) sepia or Mylar copy of the final plat shall be retained in the files of the Subdivision Administrator, and one (1) sepia or Mylar copy shall be returned to the applicant with the date of approval, approval subject to modifications, or disapproval and the reasons therefore accompanying the plat.

Sec. 74. Signing of final plat.

(a) All final plats are subject to the applicable requirements of subdivision completion procedures as contained in **Article III**.

(b) The approved final plat shall be signed and dated by the Planning Commission Chairman and shall bear all required endorsements and certifications, signed and dated by applicable parties.

(c) Applicant shall provide the Planning Commission Secretary with an electronic copy of the final approved plat for all major subdivisions

Sec. 75. Recording of final plat.

The Planning Commission Secretary shall file the endorsed original of the final plat with the office of the Jefferson County Probate Judge within thirty (30) days of the date of endorsement by the Planning Commission. Simultaneous with the filing of the plat, the Planning Commission Secretary shall record the agreement of dedication together with such legal documents as shall be required by the Planning Commission after review by the City Attorney.

Sec. 76. Phasing of major subdivision.

The Planning Commission may permit the preliminary plat to be divided into two or more phases. Prior to granting approval of the final phase of a major subdivision final plat the Planning Commission may require additional subdivision improvements surety as is appropriate with the performance of the prior subdivision phases after reinspection of the improvement by the Engineering Department.

Sec. 77. -79. Reserved.

ARTICLE III. SUBDIVISION COMPLETION PROCEDURES

Sec. 80. Completion of improvements prior to final plat approval.

(a) The Planning Commission may require prior to final plat approval that all public improvements be installed and dedicated.

(b) Where the Planning Commission requires that all public improvements be installed and completed prior to final plat approval, the subdivider shall be required to complete, in accordance with the construction plans approved by the Planning Commission, all of the required street, drainage, sanitary sewer, and other improvements required by these Regulations.

(c) An as-built plan shall be submitted to the City prior to approval of the final plat.

Cross references – See § 5(c) for statutory authority to require completion of improvements prior to final plat and § 84 for acceptance requirements.

Sec. 81. Performance bond in lieu of completion.

(a) In lieu of completion and dedication of public improvements prior to final plat approval, the Commission may accept a performance bond with surety to secure to the City the actual construction and installation of such improvements or utilities, as the City deems appropriate.

(b) The performance bond amount shall be established by the Planning Commission and approved by the City Council, based upon the recommendation of the Engineering Department. The amount of the bond shall be sufficient to secure to the City the satisfactory construction and installation of required improvements and that all improvements be installed and offered for dedication prior to signing of the final plat.

(c) The performance bond shall be submitted by the applicant prior to final plat approval.

(d) The performance bond shall comply with all statutory requirements and shall be reviewed by the City Attorney as to form, sufficiency, and manner of execution as set forth in and these Regulations.

(e) The period within which required improvements must be completed shall be specified by the Planning Commission's approval of the final plat and shall be incorporated in the bond. The period shall not exceed twelve (12) months from date of final plat approval. The Planning Commission grants an extension for up to twelve (12) additional months.

Cross references – See § 5(c) for statutory authority to require completion of improvements prior to final plat and § 84 for acceptance requirements.

(f) A performance bond may be reduced by a recommendation of the Planning Commission to the City Council at the request of the developer and then only to the ratio that the public improvements dedicated bear to the total public improvements for the plat. In no event shall a performance bond for partially completed improvements be reduced below fifteen percent (15%) of the total cost of all public improvements.

(g) The performance bond recommended by the Planning Commission and approved by City Council shall remain in full force and effect until released by the City Council.

Sec. 82. Failure to complete improvements.

In cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the City, at its election, may call the bond and may require that all the improvements be installed or the area be restored.

Cross references – See § 5(c) for statutory authority to require completion of improvements prior to final plat and § 84 for acceptance requirements.

Sec. 83. Inspection of improvements.

(a) The Engineering Department shall provide for inspection of required improvements during construction and certify their satisfactory completion.

(b) The subdivider shall reimburse the City for any outsourced engineering fees encountered in conducting inspections.

(c) If the Engineering Department finds upon inspection that any of the required improvements have not been constructed in accordance with the approved construction plans, the subdivider shall be responsible for compliant remedial construction of the improvements.

(d) Wherever the cost of improvements is covered by a performance bond, the subdivider and the bonding company shall be severally and jointly liable for completing the improvements according to required specifications.

Sec. 84. Acceptance of public improvements.

(a) The City Council may accept dedication of required improvements after the Engineering Department certifies that the following criteria have been satisfied.

(1) The Engineering Department has certified that all required improvements have been satisfactorily completed; and

(2) The subdivider's engineer or surveyor has certified to the Engineering Department, through the submission of an "as-built" plan of the subdivision that the layout and construction of all public improvements are in accordance with the approved construction plans.

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

Sec. 85. Maintenance of improvements.

(a) The subdivider shall be required to maintain all improvements until acceptance of the required improvements by the City.

(b) The subdivider shall file a repair and maintenance bond with the recommendation of the Planning Commission and approval by the City Council for the repair and maintenance of the public improvements. The amount of the repair and maintenance bond shall be fifteen percent (15%) of the total cost of all public improvements.

(c) The repair and maintenance bond shall comply with all statutory requirements and be reviewed by the City Attorney as to form, sufficiency, and manner of execution as set forth in these Regulations.

(d) The repair and maintenance bond shall remain in full force for a period of twelve (12) months after the Engineering Department certifies to the City Council substantial completion of the subdivision.

Sec. 86. Issuance of permits.

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

(b) Where a performance bond has not been required, no certificate of occupancy shall be issued prior to recording of a final plat.

Sec. 87. - 99. Reserved.

ARTICLE IV. DESIGN AND CONSTRUCTION STANDARDS

Div. 1. Overview

Div. 2. Lots and Blocks

Div. 3. Streets

Div. 4. Drainage

Div. 5. Sanitary Sewers and Water Systems

Div. 6. Standard Drawings.

DIVISION 1. Overview

Sec. 100. Design and construction requirements.

(a) In addition to the requirements established in this article, all subdivision plats shall adhere to all applicable policies, regulations and codes of the City of Homewood or other governing agencies as may be appropriate.

(b) The developer will meet these minimum requirements even if the minimum requirements are not met on the approved plans. (Example: If after the approval by the Planning Commission sidewalks are not shown, sidewalks will be installed as required by these Regulations.)

Sec. 101. Conditions.

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the City. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvements, and restrictive use of the land so as to conform to the physical and economical development of the City and to the safety and general welfare of future property owners in the subdivision and the community at large.

State law reference – Powers of Planning Commission as to subdivision zoning, Code of Ala., § 11-52-32(c).

Sec. 102. Self-imposed restrictions.

If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Homewood Zoning Ordinance or these Regulations, the Planning Commission may require such restrictions be indicated on the subdivision plat or may require that restrictive covenants be recorded in the office of the Jefferson County Probate Judge in a form approved by the City Attorney. This is to include restrictions contained within Condominium Documents.

State law reference – Powers of Planning Commission as to subdivision zoning, Code of Ala., § 11-52-32(c).

Sec. 103. Plats straddling jurisdictional boundaries.

Whenever access to the subdivision is required across land in another local jurisdiction, the Planning Commission may require assurances from the other locality that access is legally established and that the

access road is adequately improved or that a performance bond has been duly posted to assure the construction of the access road.

Sec. 104. Subdivision or development name.

The Planning Commission shall have final authority to designate the subdivision or development name which shall be determined at preliminary plat approval. The name shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the Birmingham metropolitan area.

Sec. 105. Monuments.

Prior to Planning Commission approval of a final plat for a subdivision, all monuments shall be properly set in the ground and approved by a registered land surveyor, in accordance with the latest edition of *Minimum Technical Standards for Land Surveying in the State of Alabama* published by the Alabama Society of Professional Land Surveyors.

Sec. 106. Waivers.

(a) Where the Planning Commission finds that unusual hardships or practical difficulties may result from strict compliance with these standards or the purposes of these standards may be served to a greater extent by an alternative proposal, the Planning Commission may waive certain standards required by these Regulations so that substantial justice may be done and the public interest secured. However, such waiver shall not have the effect of nullifying the intent or purposes of these Regulations.

(b) The Planning Commission may consider a waiver based upon the evidence presented to it in each specific case. that the following criteria are met:

- (1) The granting of the waiver will not be detrimental to the public safety, health, or general welfare or be injurious to other property;
- (2) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property; and
- (3) The waiver will not in any manner interfere with the provisions or purposes of the comprehensive development regulations of the City.

(c) In granting a waiver, the Planning Commission may impose such conditions necessary to secure the purposes of these standards.

(d) Any waiver desired by the developer must be requested in writing to the Planning Commission and shown on the plans.

Sec. 107. Private Subdivisions

(a) A private subdivision is defined as a subdivision in which no roadway, drainage structure or other infrastructure is dedicated to , accepted by, or maintained by the City.

(b) 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.

(c) A gate may be established after construction to limit access if it meets fire department requirements.

(d) The private or condominium status of the subdivision shall be clearly stated on the recorded final plat.

(e) As long as the subdivision maintains its private or condominium status, the roads, structures and drainage shall be maintained by the developer and/or property owners. This shall be clearly stated to those who purchase a parcel(s) within the subdivision and shall be stated in writing on each property deed or conveyance of any interest therein. The procedure for providing maintenance of the roads, structures and drainage shall be outlined in a letter by the owner(s) and/or developer to the Engineering, Planning and Zoning Department for the file.

(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, or where a street stub would be required

(g) If a private subdivision or condominium subdivision is recorded in the Jefferson County Probate Office and all 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 Homewood City Council for tentative approval. If the Homewood City Council gives tentative approval of the petition, the owners shall submit subdivision plans to the Homewood Planning Commission including improvements and repairs that are required to be made by the owners according to the City of Homewood Subdivision Regulations and other City Specifications effective on the date of the petition. The subdivision shall then be subject to the procedures for approval as a major subdivision as contained in Article II Subdivision Platting Procedures of the regulations.

(h) Privately maintained streets in single-family residential subdivisions shall be permitted only as closed end streets serving the immediate development. However, subdivisions designed for townhouses, terrace houses or patio homes; a multiple-family residential project; or other building groups such as a shopping center, office park, or industrial park shall be subject to site-specific review to ensure the adequate circulation of traffic and so that the purposes of these Regulations are achieved.

(i) All Private Streets shall have direct access to a standard public street.

(j) Private Streets shall not be approved if the roadway is presently needed, or is likely to be needed for extension to adjacent property or to be utilized for public road purposes in the normal development of the area.

(k) Any private streets approved by the Planning Commission shall be constructed according to the standards of the City of Homewood.

(l) There shall be designated on the plat utility easements acceptable to the appropriate provider of utility services within the subdivision.

(m) Presentation of a legal document to run as a covenant with the land, providing for continuing maintenance of the street by an owners’ association or other entity, granting right of ingress and egress for emergency and utility maintenance vehicles, saving harmless the governing body from damages to any owner within the association arising or which may arise out of the existence of such private street, said document shall be approved by the City Attorney or his designee as to form and legality and shall be properly executed and recorded simultaneously with the plat in the Probate Records of Jefferson County,

Alabama. Each and every owner of property abutting upon and with legal access to the proposed private street shall be a party to such document and agreement.

(n) The Plat of Record shall contain a prominent notation to the effect that streets are privately maintained and not dedicated to the public.

(o) A sign shall be posted and maintained at the entrance to the Private Street(s) with the street name and identifying it as a Private Street not maintained by the City of Homewood. Signage shall be made to City standards. Street names must be approved by the City Engineer.

(p) A note on the Final Plat and clearly stated in the legal document referenced subparagraph (m) above that if the Private Street(s) is not constructed and maintained to the appropriate city or county standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the Private Street(s) is dedicated. Said assessment will run with the land to any subsequent property owners.

(q) A letter bearing the seal of a registered land surveyor or civil engineer certifying all the aforementioned Criteria and Standards have been complied, and must be submitted with the Final Plat. The original letter to be recorded with the Final Plat and a copy of the recorded letter to remain on file in the Engineering, Planning and Zoning Department.

Sec. 108. -109. Reserved.

DIVISION 2. Lots and Blocks.

Sec. 110. Lotting requirements.

(a) The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Homewood Zoning Ordinance or the Jefferson County health regulations and in providing access to buildings on such lots from an approved street.

(b) Lot areas and dimensions shall comply with the minimum standards of the Homewood Zoning Ordinance and the Jefferson County Health Department. In cases where the requirements conflict, the more strict requirements shall be followed.

(c) Where lots are more than double the minimum required area for the zoning district, such lots should be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance and these Regulations.

(d) Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum setback from both streets.

(e) Depth and width of properties reserved or laid out for multi-family residential, institutional, commercial, or industrial uses shall be adequate to provide for the off-street parking, loading, and other zoning requirements for the type of development contemplated.

(f) Double frontage and reverse frontage lots shall be avoided except where necessary due to any of the following conditions:

- (1) to provide separation of residences from arterial streets,
- (2) to limit direct access of development along arterial streets, or
- (3) to overcome specific disadvantages of topography.

(g) Lots, in general, shall not derive access exclusively from an arterial street. Where access from an arterial street may be necessary for several adjoining lots, the Engineering Department may require that such lots be served by a dedicated marginal access street or a combined access drive in order to limit possible traffic hazards on such street. Reverse frontage lots, as provided in (f) above may be required. Driveways shall be designed and arranged so as to prevent vehicles from backing into an arterial street.

(h) All lots shall have frontage on and access from a suitably improved public street designed to handle the traffic generated from the contemplated development. The Planning Commission may permit private streets owned and maintained in common by a homeowners' association or other legal entity. The maintenance contract for the private road shall be reviewed by the City Attorney prior to Planning Commission approval of final plat.

(i) Lot lines shall not cross jurisdictional boundaries.

(j) It is in the intent of these Regulations that:

- (1) lot depth should be two (2) to three (3) times the lot width.

- (2) side lot lines shall be at right angles to street lines or radial to curving street lines.
- (3) pointed or very irregular shaped lots should be avoided whenever possible.

Sec. 111. Blocks.

- (a) The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (1) Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
 - (2) Zoning Ordinance and Jefferson County Health Department requirements as to lot sizes and dimensions;
 - (3) Needs for convenient access, circulation, control, and safety of street traffic; and;
 - (4) Limitations and opportunities of topography and other physical features.
- (b) Block lengths should not be less than four hundred (400) feet and shall normally be wide enough to allow two (2) tiers of lots of appropriate depth.
- (c) Pedestrian crosswalks not less than ten (10) feet wide may be required where deemed essential by the Planning Commission to provide circulation or access to schools, playgrounds, shopping areas, or other community facilities.

Sec. 112. Easements.

- (a) Easements shall be provided throughout the subdivision and shall be of a sufficient width for egress and ingress for public utilities, sanitary sewer, storm sewer, storm ditches and shall be for such purposes to serve property both within and without the subdivision.
- (b) Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary, and shall not be less than a total of fifteen (15) feet wide, unless otherwise approved by the Planning Commission and the Engineering Department of the specific utility.
- (c) Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement jogs or offsets and to facilitate the use of easements.

Sec. 113. Development constraints.

- (a) Land which the Planning Commission finds unsuitable for development due to flooding, improper drainage, slopes, geologic formations, topography, utility easements, or other features deemed harmful to the safety, health, and general welfare of the present or future inhabitants or users of the development or its surrounding areas, shall not be developed unless acceptable engineering solutions are formulated by the developer and approved by the Planning Commission.
- (b) Land subject to flooding, or land deemed to be topographically unsuitable for urban usage, shall not be platted for residential occupancy, nor for any other uses which may increase danger to health, life, or property, aggravate erosion, or increase flood hazard.

Sec. 114. -119. Reserved.

DIVISION 3. Streets.

Sec. 120. Topography and arrangement.

- (a) All streets shall comply with current fire codes adopted by the City of Homewood.
- (b) All streets shall be platted along contour elevations which will result in minimum grades and greatest visibility wherever practicable with consideration given to the anticipated use of the land.
- (c) The arrangement, character, extent, location, and grade of all streets shall be laid out according to accepted engineering practices and shall be integrated with all existing and planned streets.
- (d) The proposed street layout shall provide for the continuation or appropriate projection of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding tracts.
- (e) The number of streets converging upon any one (1) point which would tend to promote congestion shall be held to a minimum. Creation of multiple street intersections shall not be permitted. The street pattern shall be in conformity with a plan for the most advantageous development of the entire community.
- (f) If in the opinion of the Engineering Department it is desirable to provide street access to an adjoining property, said street shall extend by dedication to the boundary of such property. A temporary turn around, as defined in the design standards for street cul-de-sac, shall be provided. Local streets shall be so laid out that their use by through traffic in the subdivision will be discouraged.
- (g) Where a proposed subdivision has no frontage on an existing public road, or right-of-way for a public road, the subdivider must provide, and dedicate to the City, a suitable right-of-way for ingress and egress. This connecting road becomes part of the street system of the proposed subdivision and is subject to all regulations regarding streets.
- (h) Where an existing road or other right-of-way falls within a proposed subdivision and the subdivider proposes to abandon or relocate this right-of-way, a request for vacation of a street right-of-way shall be filed with the Planning Commission for recommendation to the City Council for consideration by City Council.
- (i) Development of property shall not be allowed to landlock adjacent property.
- (j) Subdivisions which abut or have included within the proposed area to be subdivided any freeway or arterial street shall provide for the adequate protection of properties, and afford separation of through and local traffic.
- (k) Intersections with arterial streets shall be held to a minimum.

Sec. 121. Private reserve strips.

Private reserve strips controlling access to streets or strips for unspecified or unacceptable purposes shall be prohibited.

Sec. 122. Half-streets.

Where there exists a dedicated or platted half-street adjacent to the property to be subdivided, the other half shall be platted. New half-streets or half-alleys shall be prohibited.

Sec. 123. Street names.

No street name shall be used which will duplicate by spelling or sound or otherwise be confused with the name of existing streets.

Sec. 124. Right-of-way and pavement widths.

(a) The classification of all City streets shall be as indicated on the Major Street Plan as determined by the Planning Commission.

(b) All streets shall meet the minimum requirements for right-of-way and pavement widths as follows:

TABLE I. RIGHT-OF-WAY AND PAVEMENT WIDTH		
Street Classification	Right-of-Way (Feet)	Pavement (Feet)
Arterial	120	60
Collector	80	50
Subcollector	60	28
Local	50	24
Marginal Access	50	24
Alley (Rear Service Roads)	30	20
Cul-de-sac (radius)	60	50

(c) Where sloping is necessary 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 three to one (3:1) (horizontal to vertical).

(d) Where approved retaining walls are used standard right-of-way widths shall apply.

(e) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing road.

(f) When the subdivision is located on only one side of an existing road, one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided. The entire roadway width shall be paved, unless the Engineering Department gives approval to the contrary.

(g) Right-of-way for any street, road, or avenue which, in the opinion of the Engineering Department, is or might become an arterial highway, collector or subcollector shall comply with **Table 1 (pg. 25)**.

(h) A minimum of seven (7) foot shoulders shall be constructed.

Sec. 125. Design Speeds.

The design speed of the road shall be as shown below or unless otherwise approved by the Planning Commission

TABLE II. DESIGN SPEED	
Street Classification	Design Speed (M.P.H.)
Arterial	55
Collector	45
Subcollector	35
Local	35
Marginal Access	Dictated by traffic considerations

Sec. 126. Sight Distance.

The minimum of all sight distances for design of all streets shall be consistent with AASHTO “A Policy on Geometric Design of Highways and Streets”, latest edition.

Sec. 127. Horizontal Alignment.

(a) The safety of the traveling public depends on the proper selection of horizontal alignment of roads. The selection of the horizontal alignment should depend on the amount of traffic, natural terrain features, design speed and classification of road. The curvature of all roads and streets shall be consistent with AASHTO “A Policy on Geometric Design of Highways and Streets”, latest edition.

- (b) The minimum length of tangents between reverse curves shall be one hundred (100) feet.
- (c) Horizontal curves shall not end at bridges.
- (d) It is prohibited to have a horizontal curve through a bridge.
- (e) The minimum curb radius at all intersections shall be at least twenty-eight (28) feet.

Sec. 128. Vertical Alignment.

- (a) Vertical curves shall be used at all changes of grade exceeding one percent (1.0 %).
- (b) The grades for all roads shall be between fifteen percent (15%) maximum and one percent (1%) minimum.
- (c) Proper drainage shall be provided at the low point in vertical curves.
- (d) Vertical curves shall be consistent with AASHTO “A Policy on Geometric Design of Highways and Streets”, latest edition.
- (e) The first fifty (50) feet from the center line of the intersecting road shall not exceed three percent (3%) equivalent grade.

Sec. 129. Base material.

(a) All base material shall be placed on suitably compacted and prepared subgrade as approved by a Geotechnical Engineering Entity hired by the City of Homewood at the applicant’s expense. Unsuitable subgrade material shall be undercut and replaced with controlled fill as required by the Engineering Department.

(b) A minimum of eight (8) inches of compacted graded aggregate or approved equivalent shall be required on all road beds. Additional depth of base material may be required by the Engineering Department because of anticipated traffic

(c) A minimum of ninety-eight percent (98%) compaction for base material is required in accordance with ASTM D698 (standard proctor density). The City may require compaction test results, performed by a licensed testing laboratory, at the applicant’s expense, prior to release of any improvement bond(s) or securities.

Sec. 130. Pavement thickness.

The minimum pavement thickness for the various classifications of City streets shall be as follows:

TABLE III. PAVEMENT THICKNESS		
Street Classification	Pavement thickness (Inches)	
	Binder	Seal
Arterial	3	1.5
Collector	2	1.5
Subcollector	2	1.5
Local	2	1.5
Marginal Access	2	1.5
Alley (Rear Service Roads)	2	1.5
Cul-de-sac	2	1.5

Sec. 131. Superelevation.

Superelevation shall normally be used on curves to aid the vehicle in negotiating the curve. The maximum rate of superelevation cross slope shall not exceed eight percent (8%). The centerline of the road shall normally be used for the axis of rotation. Care shall be taken to avoid drainage pockets in the low points of the superelevation. The transition from a crown slope to superelevation shall be determined by standard engineering practice. Use of superelevation shall be consistent with AASHTO “A Policy on Geometric Design of Highways and Streets”, latest edition.

Sec. 132. Cul-de-sacs.

Streets designed to have one end permanently closed shall be provided at the closed end with a turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum pavement radius of fifty (50) feet (excluding curbs) and shall not exceed seven hundred and fifty (750) feet in length.

Sec. 133. Alleys.

Alleys may be required in commercial, industrial and residential districts, to facilitate access to parking, loading, and service points.

Sec. 134. Street drainage.

(a) Proper drainage structures shall be located and constructed using accepted engineering practice. All locations and size of facilities are subject to approval by the Engineering Department.

(b) All streets shall have combination curb and gutter.

(c) Water will not be permitted to run on the surface for more than five hundred (500) feet. Catch basins and drop inlets shall be constructed to intercept surface water as required for proper drainage.

Sec. 135. Sidewalks.

(a) Sidewalks shall be placed on both sides of all streets. Sidewalks shall be a minimum of five (5) feet wide in residential areas and eight (8) to twelve (12) feet wide in business areas, and shall be constructed according to city design specifications.

(b) Sidewalks shall be improved in accordance with the construction standards of the City of Homewood. In residential developments a median strip of grassed or landscaped area at least three and one-half (3 1/2) feet wide shall separate all sidewalks from adjacent curbs; provided however, this distance may be reduced to two (2) feet upon recommendation by the Engineering Department in order to overcome specific problems with topography or engineering design.

(c) Curb ramps shall be constructed at crosswalks. All curb ramps shall be constructed in compliance with the latest regulatory requirements relative to access for the disabled.

(d) Sidewalks in minor subdivisions may be excluded at the discretion of the Planning Commission.

Sec. 136. Pedestrian Accesses.

The Planning Commission may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

Sec. 137. Installation of public utilities.

(a) Public utilities shall be installed prior to City acceptance of streets. All water mains, sanitary sewers and laterals, fire hydrants, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other public improvement.

(b) All public utility appurtenances shall be located so as not to interfere with or be located within the curbs, gutters, or sidewalks.

Sec. 138. Standard traffic notes.

- (a) All work zone traffic control used, shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices.
- (b) Removal of existing striping shall be performed by methods approved by the Engineering Department.
- (c) All material and application procedures used for paint striping and markings shall be approved by the Engineering Department.
- (d) Nothing shall be planted or erected in the right-of-way unless approved in writing by the Engineering Department.
- (e) Front slope in excess of three to one (3:1) shall require guardrail to ALDOT specifications.

Sec. 139. Driveway access to streets.

- (a) Unless otherwise approved by the Planning Commission all driveway access (excluding single family residential) shall be designed by a traffic engineer, at the applicant’s expense.
- (b) Applications for access to streets within the City shall be made to the Engineering Department. The proposed location, width, drainage structures, traffic conditions, site distances, and surfacing shall be addressed in the application.
- (c) Entrances shall be held to a minimum and be located at points affording maximum sight distances, minimum grades, and maximum separation. Combined or shared driveways and entrances may be required on collector or arterial streets.
- (d) Entrances to residential, commercial, and industrial properties shall conform to the geometry shown in **Figures 1 through 3 (pgs 31 & 32)** and **Table IV (pg. 31)**.
- (e) The maximum number of entrances for each site shall be limited based on the following:

street frontage width	maximum number of entrances
less than or equal to seventy-five (75) feet	One (1)
greater than seventy-five (75) feet but less than or equal to one hundred and fifty (150) feet	Two (2)
greater than one hundred and fifty (150) feet but less than or equal to five hundred (500) feet	Three (3)
greater than five hundred (500) feet (limited to commercial and industrial)	Four (4)

(1) Driveways shall be, located with respect to intersections based on sound traffic engineering principals. The distance from the property end of the driveway radius to the curb line of the cross-street shall not be less than thirty (30) feet.

(2) Entrances shall be located such that the driveway radii are a minimum of five (5) feet from the nearest edge of a street drainage inlet.

(f) Turning lanes or pavement widening at approaches to entrances may be required if deemed necessary by the Engineering Department to provide safe turning movements.

(g) Commercial and industrial entrances shall conform to the AASHTO sight distance requirements for stopped vehicles entering at-grade intersections. The same requirements apply to vehicles exiting driveways.

(h) Driveway grades (vertical profile) shall be subject to the limitations as shown in **Figure 2 (pg 32)**. Any driveway grade which exceeds the recommended grades shall receive approval of the Engineering Department. Within ten (10) feet of the roadway edge, the driveway grade shall be limited to six percent (6%).

(i) Driveways shall comply with requirements of Fire Apparatus Access Roads of the International Fire Code as currently adopted by the City of Homewood.

(j) **DEFINITIONS**

The following definitions and classifications apply to this Section. They deal with various types of roadways and driveways.

(1) **Corner Radius** – That dimension which defines the geometric arc between points of tangency at the intersection of streets and measured at the curb line.

(2) **Curb Frontage** – Denotes length of frontage measured along the face of curb between projections of property lines to the curb. In the case of a corner lot, the length of frontage is measured along the face of the curb from the projection of a property line to property end of the corner radius.

(3) **Driveway Types:**

(i) **Residential:** One providing access to a single family residence, to a duplex, or to an apartment building containing not more than four (4) dwelling units.

(ii) **Commercial:** One providing access to an office, retail or institutional building, or to an apartment building having five (5) or more dwelling units. Such buildings are customarily serviced by trucks as an incidental rather than an industrial driveway use. Industrial driveways whose primary function is to serve administrative or employee parking lots are considered commercial driveways.

(iii) **Industrial:** One directly serving substantial numbers of truck movements to and from loading docks of an industrial facility, warehouse, or truck terminal. A centralized retail development, such as a community or regional shopping center, may have one (1) or more driveways specially designed, signed, and located to provide access for trucks. These also are classified as industrial driveways.

(4) **Street Frontage** – see curb frontage.

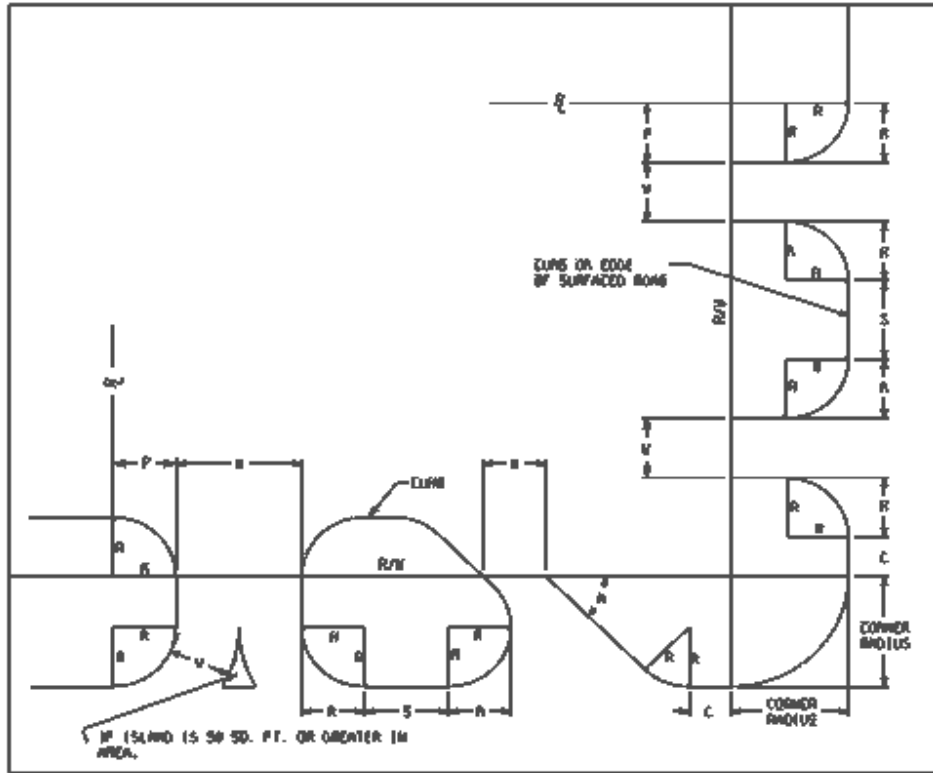


Figure 1 Driveway dimensions measurements (See Table IV)

Table IV

	Dimension Reference (See Fig. 1)	Residential	Commercial	Industrial
Nominal Width	W			
One-way		10	20	20
Two-way		10	30	40
Maximum Width	W	20	36	50
Minimum Right turn radius of flare ¹	R	4.5	28	28
Minimum Spacing ²				
From property line	P	R	R	R
From street corner	C	30	30	30
Between driveways	S	5	5	10
Minimum Angle ³	A	45°	45°	30°

¹On the side of a driveway exposed to entry or exit by right turning vehicles. The radii for major generator driveways may be increased as required by the Engineering Department.

²Measured along the face of curb from the roadway end of the curb radius or flare.

³Minimum acute angle measured from the edge of pavement, and generally based on one-way operation. For two-way operation and in high pedestrian areas, the minimum angle shall be 70 degrees.

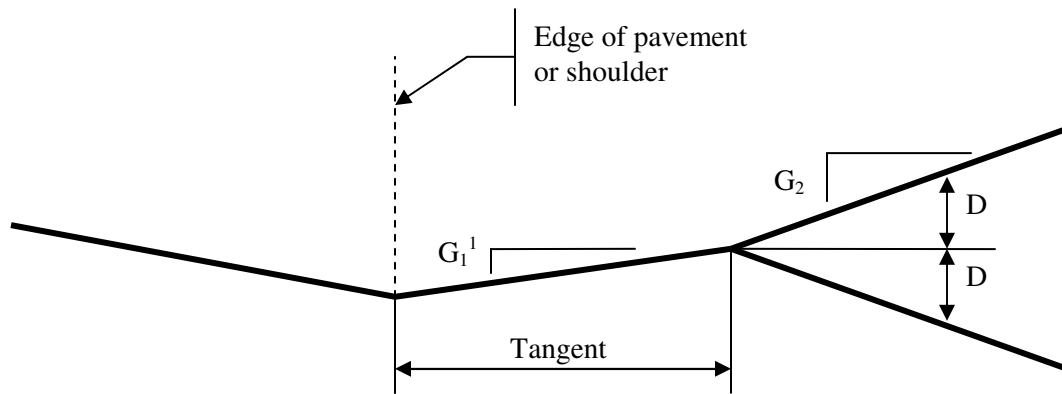


Figure 2. Suggested driveway profile

¹The value of G1 is limited by shoulder slope or by the presence of a sidewalk within the right-of-way, but shall not exceed Maximum stated above.

	Maximum Grade Change (D)		Tangent	G ₁	G ₂
	Desirable	Maximum	Minimum	Maximum	Maximum
Industrial	<1%	3%	10ft	6%	15%
Commercial	<3%	6%	10ft	6%	5% to 8%
Residential	<6%	15%	10ft	6%	5% to 8%

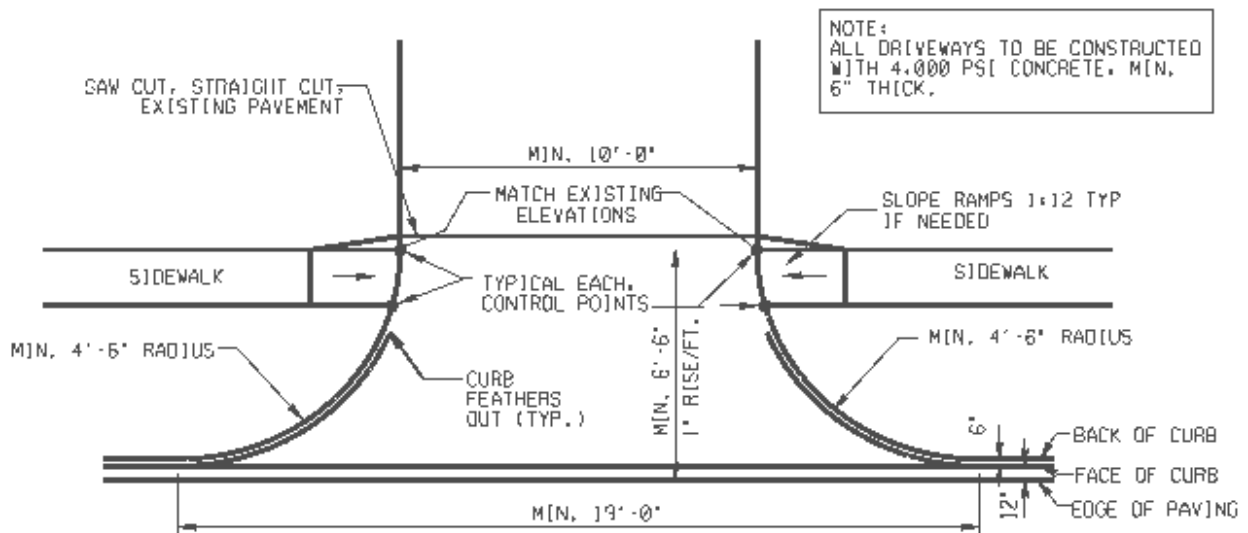


Figure 3. Standard residential driveway

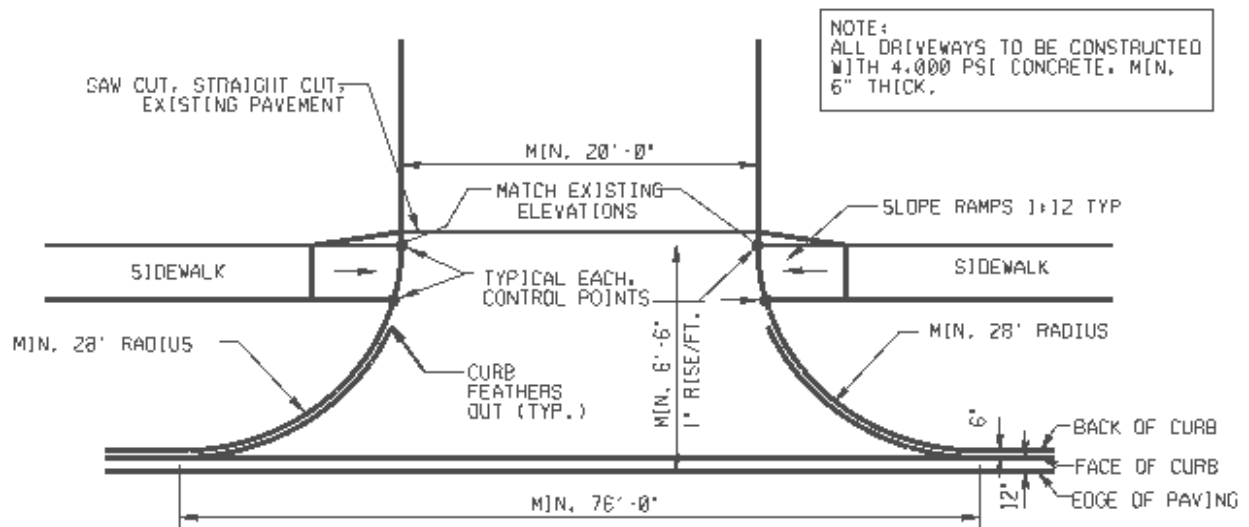


Figure 4. Standard commercial driveway

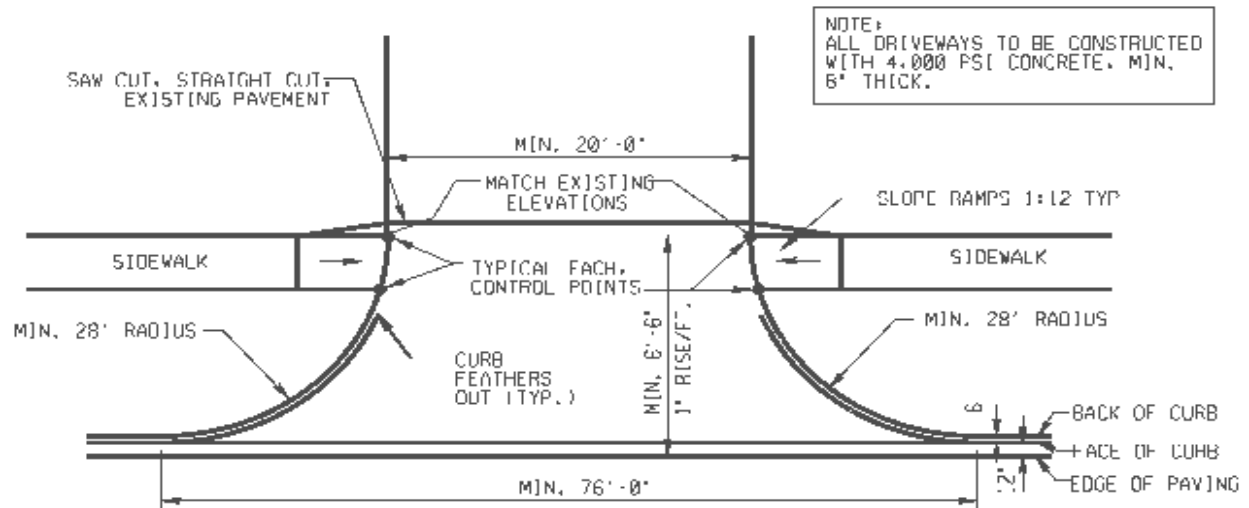


Figure 5. Standard industrial driveway

Sec. 140. Signs.

The subdivider/developer shall furnish material and erect street signs and approved traffic control devices to meet the needs identified by the traffic control plan. These street signs and traffic control devices shall meet with standards set forth by the Traffic Division of the Police Department and the Alabama Department of Transportation. . If required a Private Road sign will need to be posted.

Sec. 141. -149. Reserved.

DIVISION 4. Drainage.

Sec. 150. General requirements.

(a) All developments shall be provided with adequate storm drainage facilities. Any areas subject to periodic flooding will not be approved unless the developer makes the necessary provisions to eliminate flooding.

(b) All development in the City of Homewood shall be in compliance with the FEMA flood hazard regulations. The applicant shall contact the Engineering Department for a preliminary discussion on this matter prior to plan submittal.

(c) An “as-constructed” storm sewer drawing on suitable reproducible media signed and sealed by the registered engineer and an electronic media (CAD format acceptable by the city) copy, shall be submitted to the Engineering Department prior to a certificate of occupancy being issued.

(d) There will be no diversions of drainage without written permission from the Engineering Department.

Sec. 151. Drainage easements.

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

(b) The minimum drainage easement width shall be fifteen (15) feet.

Sec. 152. Storm sewers and drainage structures.

(a) Drainage facilities shall be designed for a twenty-five (25) year rainfall event, except for major drainage ways which shall be designed for a one hundred (100) year rainfall event. (A major drainageway is defined as having a contributing watershed area of fifty (50) acres or more).

(b) The development of one (1) site shall not cause an adverse effect on adjacent property. The Planning Commission may require off-site easements and improvements by the applicant to tie into an existing sewer or creek. In some cases, storm water detention or off-site improvement of existing downstream drainage facilities may be required by the Planning Commission.

(c) Construction of new open stormwater ditches is prohibited.

(d) Outlet velocities shall not exceed five feet per second (5 fps).

(e) The Engineering Department may require whatever additional engineering information deemed necessary to make a decision on a development which contains an area of questionable drainage.

(f) Storm drainage facilities shall be designed by a practicing professional registered engineer, in the State of Alabama. The engineer's seal shall be on all drawings.

(g) No storm sewers shall be within ten (10) feet of any proposed building.

(h) Any new culvert or storm sewer pipe under the jurisdiction of the Alabama Department of Transportation, or the Jefferson County Engineer, must be approved by that authority. Copies of the approvals shall be provided to the Engineering Department at the time of submittal.

(i) Storm sewer pipe shall be reinforced concrete pipe, Class III (minimum), and shall not be less than eighteen (18) inches in diameter. All pipes shall be designed for the use and depth contemplated. Additional strength pipe may be required by the Engineering Department.

Sec. 153. Stormwater drainage plans.

(a) All design drawings prepared for the stormwater drainage plan shall include:

(1) A contour map showing the existing and proposed storm pipe size, locations and the areas to be drained including all off-site stormwater draining onto the development (area in acres);

(2) Building pad and existing and proposed finished floor and street elevations if building construction is proposed;

(3) Location and design of any existing and proposed facilities for storage or for conveyance of run-off into indicated drainage channels, including depressions, basins, channels, culverts, ponds, storm drains and drop inlets;

(4) Calculations of existing and increased run-off resulting from the proposed improvements and a statement of the proposed effects on the existing drainage system and adjacent property. Drainage area and peak flow calculations must be provided for each drainage facility, as well as profiles for all new storm sewers with outlet velocities;

(5) Structural capabilities and requirements for all new storm sewer pipe.

(b) Stormwater facilities construction:

(1) All storm inlets shall be Alabama Department of Transportation, Type "S" inlets.

(2) Storm sewer pipe bedding, backfill and installation shall be per **Division 6: Standard Drawings**.

(3) Storm sewer pipe joints shall be properly sealed to prevent soil infiltration.

(4) Storm sewer manholes under ten (10) feet tall may be precast reinforced concrete poured in place reinforced concrete, or of brick construction having a minimum diameter of forty-eight (48) inches. Storm sewer manholes over ten (10) feet tall shall be precast or poured-in-place reinforced concrete only, and shall have a minimum diameter of forty-eight (48) inches. Manholes over sixteen (16) feet tall will require special approval from the Engineering Department

(5) Castings on manholes and steps in manholes and inlets will conform with Jefferson County and City of Homewood specifications and be subject to the Engineering Department's approval.

- (6) No corbelling of inlets shall be allowed in the City of Homewood.
- (7) All inlet bottoms and tops will line up and be square to the gutters in the street.
- (8) All manholes will be stacked and lined up vertically. The top elevation of precast manholes may be adjusted with brick not to exceed sixteen (16) inches.
- (9) All steps in inlets and manholes shall line up vertically.

Sec. 154. Stormwater detention facilities.

(a) Stormwater detention facilities, where deemed necessary by the Engineering Department, shall meet the minimum design requirements set forth in this section.

(b) Detention facilities shall be designed for a twenty-five (25) year, twenty-four (24) hour rainfall, minimum. Rainfall amounts shall be based on the latest available information.

(c) Each detention facility shall provide for an emergency spillway designed to convey the one hundred (100) year rainfall event.

(d) The minimum information submitted for a detention pond design shall be as follows:

- (1) Existing drainage area and peak flow to the facility.
- (2) Proposed drainage area and peak flow to the facility.
- (3) Inflow hydrograph.
- (4) Outflow hydrograph.
- (5) Storage elevation plot.
- (6) Required storage volume, in acre-feet or cubic feet.
- (7) One-hundred (100) year peak rainfall flow to the emergency spillway.
- (8) Statement of methodology used for detention facility design.

(e) Underground detention is acceptable.

(f) Requirements for wet weather detention facilities are as follows:

- (1) Maximum water depth in pond for design storm - four (4) feet.
- (2) Maximum water depth in pond for emergency spillway use - five (5) feet.
- (3) Minimum (cut and fill section) dam width - five (5) feet.
- (4) Maximum side slope steepness – three to one (3:1).
- (5) Maximum water surface elevation in reservoir shall be two (2) feet (or greater) below lowest floor elevation of adjacent structure(s).

- (6) Provide for low flow ditch in reservoir.
 - (7) Sides shall be grassed or paved.
 - (8) Overflow sections, such as emergency spillways, shall be sodded or paved.
 - (9) Shall be enclosed with a minimum of six (6) foot high fence.
 - (10) Gate(s) with lock(s) shall be provided for maintenance access as approved by the fire code official.
- (g) Requirements for permanent ponds used as detention shall be as follows:
- (1) Maximum water surface elevation shall be two (2) feet (or greater) below lowest floor elevation of adjacent structure(s) or as per FEMA requirements.
 - (2) Maximum fluctuation between permanent pond level to maximum pond level shall be three (3) feet.
 - (3) Geotechnical stability analysis of impoundment structure shall be furnished.
- (h) Detention pond calculations shall be determined by a professional registered engineer registered in Alabama. Calculations and drawings shall be sealed.
- (i) Maintenance requirements for detention facilities are as follows:
- (1) Property owner(s) or his designated representative(s) shall submit a covenant setting forth their obligations to maintain the detention facility. Such covenant shall be approved by the Engineering Department and the City Attorney before being recorded. A certificate of occupancy shall not be issued until the covenant has been recorded. Such covenant shall run with the property until the detention facility is no longer required. Release of the covenant shall occur only after approval of the Engineering Department, City Attorney, and the City Council.
 - (2) The Building Official shall enforce the provisions of the maintenance restrictions, and shall have the power and authority to cause the facility to be properly maintained. Under such condition, the City of Homewood shall have the right to place a lien on the property until the City's obligation has been terminated.

Sec. 155. -169. Reserved.

DIVISION 5. Sanitary Sewers and Water Systems.

Sec. 170. General sanitary sewer requirements.

(a) Sanitary sewers shall be installed in each subdivision and shall meet the Jefferson County Environmental Services requirements. Septic tanks may be permitted in lieu of sewer lines, upon approval by the Jefferson County Health department. Capped sewers shall be required where applicable.

Sec. 171. General water systems.

(a) The design and specifications of water distribution systems shall meet the Birmingham Water Works Board requirements.

(b) Fire hydrants shall be installed along each street as designated by the current Fire Code as adopted by the City of Homewood. The water supply and pressure shall be sufficient to adequately serve the potential needs of the intended land use. The Homewood Fire Department must approve the installation of all fire hydrants.

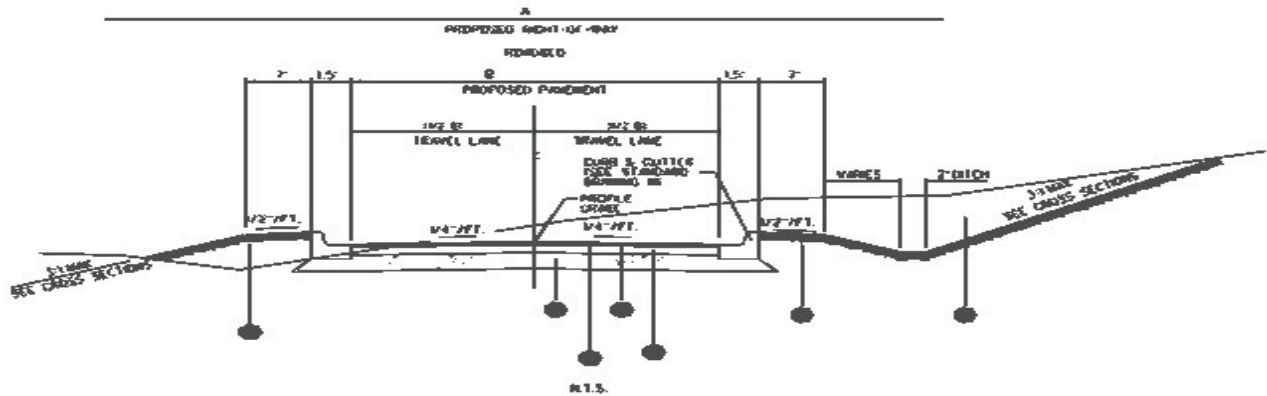
Sec. 172. -189. Reserved.

DIVISION 6. Standard Drawings.

Sec. 190. Design and construction compliance.

All design and construction shall comply with the standard drawings contained within these Regulations.

STANDARD DRAWING I. TYPICAL SECTION WITH CURB AND GUTTER



**ALDOT
SECTION**

- | | | |
|------|---|---|
| 416A | 1 | REQUIRED ITEM NO. 416 A, BITUMINOUS CONCRETE WEARING SURFACE, APPROX. 150#/S.Y. |
| 405A | 2 | REQUIRED ITEM NO. 405A, TACK COAT. |
| 414A | 3 | REQUIRED ITEM NO. 414A, BITUMINOUS CONCRETE BINDER LAYER. |
| 301A | 4 | REQUIRED ITEM NO. 301A, CRUSHED AGGREGATE BASE COURSE LOWER LAYER, TYPE A, PLANT MIXED, 8" COMPACTED THICKNESS. |
| 650A | 5 | REQUIRED ITEM NO. 650A, TOPSOIL, APPROX. 4" THICK. |
| 210A | 6 | REQUIRED ITEM NO. 210A, UNCLASSIFIED EXCAVATION. |

STREET CLASSIFICATION	MINIMUMS			
	A (FEET)	B (FEET)	1 (INCHES)	3 (INCHES)
ARTERIAL	120	60	1.5	3
COLLECTOR	80	50	1.5	2
SUBCOLLECTOR	60	28	1.5	2
RESIDENTIAL ACCESS	50	24	1.5	2
MARGINAL ACCESS	50	24	1.5	2
ALLEY (REAR SERVICE ROAD)	30	18	1.5	2
CUL-DE-SAC (RADIUS)	60	50	1.5	2

STANDARD DRAWING II. TYPICAL SECTION WITH VALLEY GUTTER

STANDARD DRAWING III. GUTTER DETAILS

STANDARD DRAWING IV. TYPE "S" INLET

STANDARD DRAWING V. YARD INLET

STANDARD DRAWING VI. HEADWALL

STANDARD DRAWING VII. DISSIPATOR HEADWALL

STANDARD DRAWING VIII. TRENCH BEDDING DETAILS

STANDARD DRAWING IX. UTILITY TRENCH REPAIR DETAIL

STANDARD DRAWING X. SIDEWALK & WHEELCHAIR RAMP DETAILS

Sec 191-199. Reserved.

ARTICLE V. DEFINITIONS

Sec. 200. Purpose of definitions.

Certain terms used in these Regulations shall have the meanings defined by this article. In the event a term is not listed in this article or is not defined elsewhere in the Homewood Zoning Ordinance, the Homewood City Code, or Secs. 11-52-1 et seq. of the Code of Alabama, 1975, as amended, the most current addition of Webster's Unabridged International Dictionary.

Sec. 201. Interpretation of terms used.

The Subdivision Administrator is authorized to make a final determination of the meaning of any term used in these Regulations. In case of any dispute, a written appeal of the Subdivision Administrator's determination may be filed with the Planning Commission.

Sec. 202. Word usage.

- (a) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (b) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- (c) The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- (d) The word "shall" is mandatory, and the word "may" is permissive.
- (e) The word "person" includes an individual, firm, association, organization, partnership, trust, company, or corporation.
- (f) In case of any conflict between the text of these Regulations and any caption, illustration, figure, or other graphic material, the text shall control.
- (g) The word "herein" means "in these Regulations"; the word "regulations" means "these Regulations".

Sec. 203. Terms defined.

AASHTO. American Association of State Highway and Transportation Officials.

Alley. A public right-of-way primarily designed to serve as secondary access to the side or rear of properties.

Applicant or developer. The owner of land proposed to be subdivided or his representative. Consent in writing shall be required from the legal owner of the premises.

Authorized agent. Any person who represents or acts for or on behalf of an applicant with their written permission.

Block. A tract or parcel of land entirely surrounded by streets, other than alleys, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond, Repair & Maintenance. Any acceptable form of security deemed adequate to cover maintenance and the proper operation of public improvements for a period of twelve (12) months following acceptance of dedication by the City.

Bond, Performance. A surety bond from a surety bonding company authorized to do business in the state or other acceptable form of security to secure to the City the actual construction and installation of public improvements prior to dedication and acceptance of such improvements by the City Council.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building Official. The person designated by the Mayor to administer and enforce the City's building codes.

Certify. Whenever these Regulations require that an agency or official certify the existence of some fact or circumstance, the municipality by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the certification.

Chairman. The Chairman of the Homewood Planning Commission.

City. The City of Homewood, Alabama.

City Attorney. The licensed attorney designated by the City Council to furnish legal assistance in the administration and enforcement of these Regulations.

Council, City Council, Governing Body. The words "council", "city council" and "governing body" shall mean the City Council of the City of Homewood, Alabama.

Construction Plans. Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining Planning Commission approval as required by the Engineering Department.

County. The County of Jefferson, in the State of Alabama.

Cul-De-Sac. A street with a single common ingress and egress and with a circular turnaround at the end.

Culvert. A structure designed to convey a water course not incorporated in a closed drainage system under a road or pedestrian walk.

Dedication. The designation by plat, certified survey map, or written deed of a certain area to be used for public purposes. A dedication transfers title to the dedicated area from the private landowner to the public domain.

Detention Facilities. A man-made or natural water collector facility designed to collect surface and sub-surfaced water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Developer. Any person who, having an interest in land, causes it, directly or indirectly, to be developed. Consent shall be required from the legal owner of the premises.

Development. The subdivision of land; the construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure; mining, dredging, filling, grading, paving, excavation, drilling, or disturbance of land; and any use or extension of use of land.

Drainage. The removal of surface water or groundwater from land by drains, grading, or other means.

Drainage system. Structural and nonstructural elements designed to collect stormwater runoff and convey it away from structures and/or sites and through the roadway right-of-way or easements in a manner which adequately drains sites and roadways and minimizes the potential for flooding and erosion.

Driveway. A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building, other structure, facility or site.

Easement. Authorization by a property owner for another to use the owner's property for a specified purpose. These Regulations shall recognize only those easements created through valid legal instruments and recorded in the office of the Judge of Probate in Jefferson County, and those established by the City through continuous and historic use in excess of ten (10) years.

Erosion. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, and gravity.

Engineering Department. The department designated by the Mayor to furnish engineering assistance in the administration and enforcement of these Regulations.

Excavation. Any earth disturbance that relates to removal of earth for site preparation, subdivision, structural improvements and/or utilities.

Final Approval. Formal action of the Planning Commission that requires no further action.

Final Plat. The map of a subdivision to be recorded after approval by the Planning Commission and any accompanying material as described in these Regulations.

Flood. A general and temporary condition of partial or complete inundation of normally dry land from: 1. The overflow of inland waters or waterways. 2. The unusual and rapid accumulation or runoff of surface waters from any source.

Frontage. That side(s) of a lot abutting on a public street, not an alley, and ordinarily regarded as the front of the lot.

Grade. The average level of the finished surface of ground adjacent to the exterior walls of a building; and/or the slope of a street, or other public way, specified in percentage (%) terms; and/or the excavation or fill or combination thereof of materials to get the ground at correct elevation for construction.

Health Department. The Jefferson County and/or State of Alabama Health Departments.

Improvement. Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

Land Use. The occupation or use of land or water area for any activity or purpose.

Lot. A platted parcel of land that is part of a subdivision, abuts a public street, has a minimum area and dimensions required by the Homewood Zoning Ordinance, and shall be recorded in the Office of the Judge of Probate of Jefferson County, Alabama.

Lot, corner. A lot located at the intersection of two or more streets.

Lot, double frontage. A lot having frontage on two streets but not at their intersection.

Lot, reverse frontage. A double frontage lot having frontage on an arterial street and access to another street.

Lot area. The size of a lot measured within the lot lines and expressed in terms of standard measurement (e.g. acres and square feet).

Lot depth. The mean horizontal distance between the front and the rear lot lines.

Lot line. A line bounding a lot. The lot line divides one (1) lot from another or from a street or from any other public or common space.

Lot line, front. The side of a lot that abuts a public street in the front of the lot. Where buildings exist on the lot, the frontage may be established by the orientation of the buildings, or of the principal entrance, if the building orientation does not clearly indicate lot frontage. Where no other method determines conclusively the front of a lot, the Zoning Administrator shall select one frontage on the basis of traffic flow on adjacent streets.

Lot line, rear. The lot line which is parallel to and most distant from the front line of the lot. In the case of an irregular or triangular, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of a corner lot or a double frontage lot, there are no rear lot lines but only front and side lot lines.

Lot line, side. Any boundary of a lot that is neither a front lot line nor a rear lot line.

Lot of record. A lot that is part of a recorded subdivision or a parcel of land that has been recorded at the Probate Court of Jefferson County, Alabama.

Lot width. The minimum distance measured between the side lot lines at the front building line. In the case of only one side lot line, lot width is the distance measured between the side lot line and the opposite lot line.

Maintained. Preserved in a condition or state of equivalent quality to that which was approved or required by the City. Unless the context demands otherwise, the term is synonymous and is interchangeable with the term “permanently maintained.”

Master Plan. A comprehensive long-range plan, adopted by the Planning Commission, intended to guide growth and development of a community or region and one that includes analysis,

recommendation, and proposals for the community's population, economy, housing, transportation, community facilities, and land use as specified by the Code of Alabama .

Metes and bounds. A series of lines around the perimeter of an area: "metes," means bearing and distances and "bounds" refers to monuments both physical and legal.

Monument. A permanent object serving to indicate a limit or to mark a boundary.

Neighborhood. An area of a community with characteristics that distinguish it from other community areas and that may include schools, or social clubs, or boundaries defined by physical barriers, such as major highways and railroads, or natural features, such as bodies of water.

Off-site. Outside the limits of the area encompassed by the tract area or the parcel of record on which the activity is conducted.

Open space. Any land either publicly or privately owned which is designated as being permanently undeveloped and used for recreation or conservation.

Ordinance. Any legislative action of a local government, which has the force of law, including any amendment or repeal of any ordinance.

Owner. The legal or beneficial owner or owners of a lot or any real property. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Parcel. Any legally described piece of land to be used or developed as a unit, or that has been developed as a unit. A parcel can consist of one or more lots.

Plan. A large scale drawing representing the details of a proposed or existing subdivision or development. Also, a method of design or arrangement for the accomplishment of a particular result.

Planning Commission. The City of Homewood Planning Commission established in accordance with the laws of Alabama.

Plat. A map of property or subdivision, drawn to scale, showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, and other details as required by the Subdivision Administrator.

Pond. A body of standing water created either by a man-made or natural dam, or other means of holding back water.

Preliminary Plat. The preliminary drawing or drawings, described in these Regulations, indicating the proposed manner or layout of the subdivision submitted.

Probate Judge. The Judge of Probate of Jefferson County, Alabama.

Public hearing. A publicly noticed hearing held by the Planning Commission for the purpose of imparting and obtaining information pertinent to any issue before the Commission.

Public improvement. Any way, facility, or improvement for which the City has assumed the responsibility for ownership, maintenance, and/or operation.

Registered engineer. A professional engineer properly licensed and registered in the State of Alabama, practicing in the required area of expertise.

Registered land surveyor. A professional land surveyor properly licensed and registered in the State of Alabama.

Restrictive Covenant. Written conditions, restrictions, and/or limitations on the use, maintenance, or sale of the property. Such restrictive covenant shall be recorded in the public record of the Jefferson County Probate Court and shall run with the land and shall be binding upon the property owner, his successors, and assigns.

Resurvey or resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any lot line.

Right-of-way. A strip of land occupied or intended to be occupied by a street, alley, sidewalk, crosswalk, railroad, road, electric transmission, oil or gas pipeline, water main, sanitary or storm sewer main, or for other special purposes. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. The maker of the plat on which such right-of-way is established shall dedicate any use involving maintenance by a public agency to public use.

Secretary. A person designated by the Subdivision Administrator to act as the Administrative Assistant to the Planning Commission.

Security. The letter of credit or cash escrow provided by the applicant to secure its promise in the bond.

Setback. The distance between a building and the property line nearest the building.

Sewer. Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams or ponds.

Sidewalk. A paved path of material approved by the Subdivision Administrator provided for pedestrian use.

Sketch Plat. A sketch preparatory to the preparation of the preliminary plat (or final plat in the case of a minor subdivision) to enable the subdivider to save time and expense in reaching general agreement with the Subdivision Administrator as to the form of the plat and requirements of these Regulations.

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Sod. The grass-covered surface of the ground and the soil below the surface only to the depth of the roots of the grass.

Storm drain. A conduit, pipe, natural channel, or human-made structure that serves to transport rain water runoff.

Street. A dedicated and accepted public right-of-way or private right-of-way designed to public standards for vehicular traffic with a hierarchical rating of local street or greater. See Division 3 under Article IV and Street Hierarchy pg. 60).

Street, arterial. Highest level order of streets (see Street Hierarchy pg. 60). A major street intended to move through traffic to and from major activity centers within the City or intended as a major route between communities.

Street, collector. Second level order of streets (see Street Hierarchy pg. 60). A major street intended to move traffic from local and subcollector streets to arterial streets. A collector street serves a neighborhood or large subdivision and should be designed so that no single family residential lots face onto it.

Street, local. The lowest order of streets (see Street Hierarchy pg. 60). A minor residential street intended to provide access to other streets from individual lots.

Street, marginal access. A service street that runs parallel to a higher-order street which, for purposes of safety, provided access to abutting properties and separation from traffic. May be designed as a local street or subcollector street as anticipated daily traffic dictates. (See Street Hierarchy pg. 60)

Street, private. Any road or street that is used for access by the occupants of the development and their guests, and is privately owned and maintained and shall be constructed to local street standards.

Street, subcollector. Middle-order of residential streets (see Street Hierarchy pg. 60). A residential street intended to move traffic from local street to collector and arterial streets and from abutting lots.

Subdivide. The act or process of creating a subdivision.

Subdivider. Any person who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms and conditions. Subdivision includes the division or development of residential and non residential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision includes resubdivision and condominium creation and conversion.

Subdivision, major. Major subdivision shall refer to all subdivisions not classified as minor subdivision. Major subdivision requires a two (2) step process, as follows:

- (i) Preliminary plat
- (ii) Final plat

Subdivision, minor. Minor subdivision shall refer to any subdivision of land fronting on an existing street, not involving any new street or public improvements, not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Zoning Ordinance, or these Regulations. Minor subdivisions require only the approval of a Final plat.

Subdivision Administrator. The Department Head of the Engineering, Planning and Zoning Department or his designated appointee shall serve as Subdivision Administrator and shall administer and enforce these Regulations.

Subdivision plat. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted to the Probate Court of Jefferson County for filing.

Subdivision Regulations. The Homewood Subdivision Regulations.

Tract. One or more lots, parcels, sites, units, plots, condominiums, properties, or interests.

Vacant. Lands or buildings that are not actively used.

Vacation. The termination of interest in, an easement, right-of-way, or public dedication of land.

Watershed. The total area above a given point on a watercourse that contributes water to its flow; the entire region drained by a waterway or watercourse that drains into a lake, or reservoir.

Waterway. Any body of water, including creek, canal, river, lake or bay, or any body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

Zoning Ordinance. The Homewood Zoning Ordinance, the duly approved, enacted, and amended ordinance that controls and regulates land use in the City of Homewood.

STREET HIERARCHY

