

Ordinance No. 2015-39

AMMENDMENT TO ORDINANCE #2009-57

**AN ORDINANCE TO REGULATE THE CREATION OF SUBDIVISIONS
IN THE CITY OF VALLEY GRANDE**

WHEREAS, the City of Valley Grande has the authority to regulate the creation of subdivisions; and

WHEREAS, it is the purpose of the City of Valley Grande to promote the health, safety, convenience, order, prosperity, and general welfare of their residents.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Valley Grande, Alabama:

Section 1. Purpose

- 1.1 To lessen congestion in the street; to secure safety from fire, panic and other dangers; to facilitate the adequate provision of water, and enhance the ecological and aesthetic environments of present and future residents and to effect the coordinated and efficient development of the City of Valley Grande, Alabama.
- 1.2 To guide the future growth and development of the City of Valley Grande.
- 1.3 To encourage the orderly and beneficial development of the city and its environs.
- 1.4 To protect and conserve the value of land throughout the city and its environs and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 1.5 To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage and other utilities.
- 1.6 To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monuments of subdivided land.
- 1.7 To insure that the public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- 1.8 To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the community and the value of the land.

Section 2. Application

The property owner or developer shall provide the City of Valley Grande with a Performance Bond in an amount equal to the estimated cost of work to complete the project as submitted for approval.

Every plat of land that is a subdivision shall be prepared, presented for approval and recorded as required by these regulations.

No building permit and no certificate of occupancy shall be issued for any parcel of land created by subdivision unless a final plat of such subdivision has been approved and recorded as required by these regulations. In addition, no excavation of land and no construction of any public or private improvements shall take place or be commenced in subdivision unless done in conformity with these regulations.

Section 3. Jurisdiction.

On and after their effective date, these regulations shall govern each and every subdivision of land within the corporate limits and within five miles of the City of Valley Grande incorporated limits as the same now exists or may hereafter be altered.

Section 4. Definitions

- 4.1 Adverse Affect: the potential for harm or damage to downstream areas where receiving systems and facilities are deemed inadequate to satisfactorily accommodate runoff from upstream development.
- 4.2 Agent: a person, firm or corporation who is empowered to act for a principal on matters which come within the scope of designated activities.
- 4.3 Arterial Street: a highway or street of considerable continuity which is used primarily for moving large volumes of traffic through or around the City; sometimes called a major street.
- 4.4 City: The City of Valley Grande, Alabama
- 4.5 City Council: the governing body of the City of Valley Grande, Alabama
- 4.6 Collector Street: a street which carries traffic from minor or neighborhood streets to a system of arterial streets.
- 4.7 Cul-de-sac: a minor street designed to have one end permanently closed, the closed end being terminated with a vehicular turnaround.

- 4.8 Easement: shall mean a restricted area on privately owned land, the use of which is reserved for a specific purpose or public utility, such right of use to run with the land in perpetuity unless the governing body, by resolution, assents to the vacation of such easement upon a finding that there is no public need there for.
- 4.9 Engineer: shall mean one who is licensed to practice as a Professional Engineer in his qualified field of expertise by the Alabama Licensing Board for Engineers and Land Surveyors. A qualified engineer undertaking the design and inspection of construction within subdivisions may be referred to herein as the Project Engineer.
- 4.10 Family Subdivision: The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites or other divisions of land, whether described by metes and bounds or by any other description, for the purpose of establishing a residential use to be occupied by legally related immediate family members (spouse, child, parent, grandparent, sibling or step-related individuals of the same status). Proof of legal relation shall be the unique responsibility of the applicant.
- 4.11 Highway: a road or street that forms a part of the existing or projected Federal Aid Highway System, the State road system or the County road system.
- 4.12 Lot: a parcel of land intended as a unit for transfer of ownership or for building development, or both, which fronts upon a public right-of-way, exclusive of any part of the right of way.
- 4.13 Minor Street: neighborhood street – a street used primarily to provide access to abutting property.
- 4.14 Non Public Access Exemption: the conveyance of a portion of one property owner's previously unplatted land to an owner of directly abutting unplatted land, provided that no such conveyance shall reduce a parcel of land below the minimum area as required by any agency with jurisdiction over that piece of property. Furthermore, the deed conveying said property must recite that the land conveyed is to form a homogenous part of the grantee's property, is not a separate building lot, and shall not be conveyed to a third party as a separate property unless and until it shall have been subdivided in accordance with applicable subdivision regulations.
- 4.15 Planning Commission: the Planning Commission of the City of Valley Grande, Alabama.

- 4.16 Subdivision: A subdivision of land is defined as the division of a lot, tract, or parcel of land into two (2) or more lots, tracts, or parcels or other divisions of land for the purpose of immediate or future sale or building development, or the creation of two (2) or more residential or commercial areas within a single tract of land for the purpose of leasing or future sale. The term subdivision includes the process of re-subdividing land with the intent of public access.

Section 5. Procedure and required submittals for plat approval.

5.1 General

The procedure for review and approval of a subdivision plat consists of two (2) separate steps. The initial step is the preparation and submission to the Building Department. The second step is the preparation and submission of a final plat to the City Council. Along with the final plat all required certificates and bonds should be delivered to the City Clerk and Building Department for approval by the City Council. This final plat becomes the instrument to be recorded in the Office of the Probate Judge when duly signed by the County Engineer, Building Official and the Mayor of Valley Grande, Alabama and shall be attested by the City Clerk.

5.2 Preliminary Plat Approval

The application for the preliminary plat approval, including (2) 24 x 36 inch prints and one (1) 11 x 17 inch print of the Subdivision plan shall be submitted the Building Department at least twenty one (21) days prior to the City Council's regularly scheduled meeting. A fee of one hundred (\$100) dollars plus the cost of giving legal notice to adjacent properties shall be paid at the time of filing the preliminary plat. Also at the time of submittal of the preliminary plat the developer shall supply the names, address, and owner verification of all adjacent lots to the proposed development.

The Building Official shall transmit prints of the preliminary plat to the appropriate City Departments, the County Engineer, and any other city or county department(s) for review and recommendations in relation to specific service problems.

Prior to approval of the preliminary plat, the City Council shall hold a public hearing. Notice of such hearing shall be sent to all adjoining land owners as their names appear upon the plats in the Dallas County tax assessor's office.

Notice of the public hearing shall be sent at least five (5) days prior to the date of the hearing.

The preliminary plat and preliminary plans, which shall meet the minimum standards of design and the general requirements for the construction of public improvements set forth in these regulations, shall give the following information:

1. Preliminary Plat
 - a. Vicinity Sketch Map;
 - b. Name and location of subdivision;
 - c. Names and addresses of owner, subdivision project engineer and surveyor;
 - d. North arrow, scale and date;
 - e. Boundaries and approximate dimensions;
 - f. Amount of acreage to be subdivided;
 - g. Zoning of land and adjoining land;
 - h. Linear Footage of Roadway to be installed and linear footage of Sidewalks to be installed;
 - i. Major traffic arteries, utilities, and community facilities (major shopping areas, schools, parks, hospitals, churches) which are pertinent to the proposed design.
 - j. Any uses or requirements, currently existing ordinances and / or regulations and covenants: (example; sidewalks, underground utilities, buffers, etc)
 - k. Written permission from Dallas County and / or State of Alabama Department of Transportation to access any roadway other than a City maintained street.
2. Preliminary Plans of subdivision at a scale of not more than one inch equals 100 Feet, Projected in Alabama State Plane Coordinate (Alabama State Plane West, US Feet) and showing the following:
 - a. Name and location of subdivision;
 - b. Names of owner, subdivision project engineer and surveyor;
 - c. North arrow, graphic scale, written scale, and date;
 - d. Amount of acreage to be subdivided;
 - e. Vertical Datum for Topography based on NADA 88 vertical datum.
Contours shall be shown at two-foot intervals on grades less than 10

percent and at five-foot intervals on grades greater than 10 percent unless otherwise specified by the Building Department.

- f. Street plan which includes:
 - (1) location of all existing and proposed street within the subdivision,
 - (2) widths of existing and proposed right-of-ways,
 - (3) street names which are subject to approval by the Planning Commission and shall not be in conflict with other named streets within the city,
 - (4) plan and profile of all streets,
 - (5) typical cross-section of proposed streets,
 - (6) curve data for the center-line of each street
- g. Blocks and lots with approximate dimensions shown for all lot lines;
- h. All building setback lines for each lot;
- i. Plans of proposed utility layouts showing feasible connections to existing or proposed utility systems. When such connections are not practical, all proposed individual water supply and/or sewage disposal systems shall meet the approval of the Dallas County Department of Health.
- j. All proposed culverts (location and size);
- k. Location, width, and purpose of all easements;
- l. Location and dimension of land to be dedicated or reserved for parks, schools, open space or other public use;
- m. Any portion of the land in the subdivision subject to periodic inundation by storm drainage, overflow, or ponding shall be clearly shown and identified on the plat; This shall also include any portion of the land within the 100 year flood plain or any portion of land within any flood plain;
- n. The existing zoning classification of subdivision and all contiguous land;
- o. The names of adjacent subdivisions and the names and addresses of record owners of adjoining parcels of land as they appear on the current tax records;
- p. Location, size and type of all street signs and lights.

q. Size and dimensions of all lots.

Within thirty (30) days after the first regularly scheduled meeting of the City Council, which is held at least thirty (30) or more days after the submission of the preliminary plat, the City Council shall review the plat and indicate its approval, disapproval, or approval subject to any required modifications. If a plat is disapproved, the reasons for such disapproval shall be stated in writing. If approved, subject to modification, the nature of the required modifications shall also be indicated in writing.

Approval of the preliminary plat by the City Council 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 show on the preliminary plat.

Approval of the preliminary plat 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 is specifically applied for by the subdivider and expressly granted by the City Council.

5.3 Final Plat

The final plat shall conform substantially to the preliminary plat as approved; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at that time; provided, however, that such portion conforms to all of the requirements of these standards.

At least thirty (30) days prior to the meeting at which it is to be considered, the subdivider shall submit to the Building Official the original drawing of the plat, done in black drawing ink, along with three (3) copies (black and white or blue line prints), together with any street profiles or other plans which may be required by the City Council.

At the time of filing the final plat the subdivider shall be required to pay a fee to the City of Valley Grande to cover the cost of engineering fees incurred by the city in review and inspection of the subdivision.

The final plat shall be drawn to a scale of one (1) inch equals one hundred (100) feet on sheets not larger than twenty-four (24) by thirty-six (36) inches. One eleven (11) inch by seventeen (17) inch copy shall be submitted. When more than one (1) sheet is required, an index sheet of the same size shall

be filed as a key showing the entire subdivision with the sheets in alphabetical order.

The final plat shall give the following information:

1. Vicinity Sketch Map at a scale sufficient to show the site in relation to its surroundings. The map submitted with the preliminary plat may be used.
2. Final Plan of the subdivision including the following:
 - a. Name and location of subdivision;
 - b. Name of owner, subdivision project engineer and surveyor;
 - c. North arrow, graphic scale, written scale and date;
 - d. Location, width, and name of all streets, roads and alleys and other right-of-ways;
 - e. Location of all blocks and lot lines with all lot numbers in numerical order;
 - f. All building setback lines;
 - g. Zoning of Subdivision;
 - h. Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every road line, lot line, boundary line, block line, easement, and building line, whether curved or straight, and including the radius, central angle, and tangent distance, and the length of curve for the center line of all curved roads and property lines which are not the boundary of the property being subdivided. The length of all dimensions shall be to the nearest one tenth or .10 of one (1) foot, and bearing of all angles to the nearest one (1) minute;
 - i. Location, dimensions, and purpose of all easements;
 - j. Location and description of all monuments and iron pins;
 - k. Name and location of adjoining unsubdivided property.
 - l. Flood zone certification and minimum finish floor elevations not to be exceeded.
 - m. Note linear footage of streets, sidewalks, curb and gutter, valley gutter, and utilities (sewer main, manholes, etc.).

The following certifications shall be presented along with the final plat:

1. Certification showing that the applicant is the legal owner of the land, and that he formally dedicates all streets, right-of-ways, and any other sites for public use.

2. Certification by a registered surveyor of the accuracy of the survey and plat, and the placement of all required monuments.
3. Certification of approval by the Dallas County Department of Health when individual sewage disposal or water systems are to be installed.
4. Certification by the Building Official and City Clerk that the subdivider has complied with one of the following alternatives:
 - a. Installed all improvements according to the requirements of these regulations, or
 - b. Posted a surety bond in an amount sufficient to assure the completion of all required improvements.
 - c. Developer shall be responsible for all street sign installation. All street signs shall be installed and in place prior to final plat approval.

When the plat has been approved by the City Council, the final tracing containing all required certifications shall be returned to the subdivider to be used for filing with the Probate Judge as the official plat of record. One (1) copy shall be retained in the records of the City Council. The City Council must consider a final plat within thirty (30) days after its first regularly scheduled meeting which is held thirty (30) or more days after the submission of the final plat. If the plat is disapproved, ground for such disapproval shall be stated in writing in the official minutes of the City Council.

Developer shall provide the City Council a copy of any subdivision Restrictive covenants.

5.4 Small Subdivisions

Where a proposed subdivision already has in existence public improvements that present no engineering or planning problems, the City Council may waive any of the requirements of this article and may approve the final plat without submission of a preliminary plat or any other supportive documents.

5.5 Family Subdivision

A family subdivision is created when a person(s) divides a tract of land into two (2) or more residential parcels and whose conveyance is to any person legally related to the immediate family member (see "Definitions" – Family Subdivision). The application must provide truthful representation of the legal relationship and that the property has access from either a paved dedicated county road or from a private road or easement. Property subdivided under the terms of this section

shall be for the exclusive use of immediate family members unless required public improvements are constructed in accordance with the City of Valley Grande Subdivision Regulations. Application for a Family Subdivision shall consist of a final plat. The plat must be approved by the City of Valley Grande. After a family subdivision is subdivided once, any of the lots involved in the subdivision may not be subdivided again until twelve (12) months after the approval of the first subdivision.

Section 6. Minimum design standards and required improvements.

6.1 Streets.

All proposed streets in any subdivision whether such streets shall be private or dedicated for public use, shall be paved and adequately drained. The subdivider shall construct streets in the subdivision in conformance to the standards described herein. The street design shall comply with the minimum specifications in accordance with the County Engineering department requirements.

6.2 Street Requirements.

	Local Street	Cul-de-Sac (Turnaround)
Minimum Right-of-Way	50'	50'
Minimum Pavement	20'	20'
Maximum Grade	3%	3%

6.3 Water Mains and Fire Protection

Water mains for both domestic use and fire protection shall be properly connected with a central water system. The line shall be constructed in such a manner as to serve adequately all lots shown on the subdivision plat.

Where a public water supply is available the subdivider shall connect with the same. The design and specifications of the distribution system shall meet the water system requirements. Each lot must have "tapped access" consistent with the requirements of the water authority having jurisdiction.

Fire hydrants shall be installed along each street at a maximum interval of six hundred (600) feet, or at the ends and center of each block. The water supply and pressure shall be sufficient to provide adequate fire protection as well as the future needs of the intended land use. Each hydrant must have two 2½

inch National Standard thread hose connections and one 4½ inch National Standard thread hose connection.

6.4 Inspection of Improvements.

The subdivider is required to install or construct the improvements herein described prior to having released the bond or other surety which guarantees installation of such required improvements. All improvements required shall be constructed in accordance with the standards set forth in these regulations, or as required by the building inspector or his duly authorized representative the state or county highway department, and the department of the respective utility.

All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other required pavement.

When all required improvements are installed, the subdivider shall call for a final inspection to determine if the required improvements are satisfactorily installed according to the plans and specifications. All inspections and testing required to assure compliance of all installed improvements shall be made by the authority having jurisdiction at the expense of the developer.

Section 7. Penalties

Whoever being the owner or 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 City of Valley Grande and recorded or filed in the county probate office shall forfeit and pay a penalty of \$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 be 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.

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—Similar provisions, Code of Ala. 1975, § 11-52-33.

Section 8. Adoption of amendments.

The adoption of any amendment to these subdivision regulations shall be by resolution of the City Council carried by the affirmative votes of a majority of the members of the council.

Section 9. Interpretation.

In interpreting and applying the provisions of these regulations they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Whenever the provisions of these regulations require higher standards than are required in any other applicable statute, ordinance or regulation, the provisions of these regulations, such other applicable statutes, ordinances or regulations shall govern.

Section 10. Validity.

The requirements and provisions of these regulations are severable, and should any section or part thereof be declared by any court of competent jurisdiction to be unconstitutional or invalid, the decision of the court shall not affect the validity of the regulations as a whole or any section or part thereof other than the section or part so declared to be unconstitutional or invalid.

Section 11. Effective date.

These regulations shall take effect upon adoption and publication as required by law.

Section 12. Adoption

These Regulations were Adopted and Approved by the City of Valley Grande, Dallas County, Alabama

on this the 19th day of October, 2015.

APPROVED: _____

Wayne Labbe, Mayor

ATTEST: _____

Janet Frasier, City Clerk