

CITY OF PELHAM

SUBDIVISION REGULATIONS

UPDATED JUNE 12, 2025



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ARTICLE 1

GENERAL PROVISIONS

SECTION 1.01 AUTHORITY

Under the provisions of Section 11-52-31 of The 1975 Code of Alabama, which provisions are hereby made a part thereof, these following regulations governing the Subdivision of land are hereby adopted by the Planning Commission, City of Pelham, Alabama at its regular meeting on June 12, 2025. A copy of these regulations shall be certified to the Probate Judge of Shelby County, Alabama and the the Clerk of the City of Pelham, Alabama.

SECTION 1.02 JURISDICTION

1.02.01. From and after the date of adoption, these regulations shall govern each and every subdivision of land within the corporate limits of the City of Pelham, Alabama, as now or hereafter established.

1.02.02. Exemptions. Subdivisions resulting from court order, in testamentary or intestate provisions are exempt from these regulations.

SECTION 1.03 PURPOSE

The purpose and intent of these regulations is to establish objective standards for public improvements and subdivision of land within the city. These regulations shall be applied is such a manner as to accomplish the following purposes:

1.03.01. Future Growth. To guide the future growth and development of land within the subdivision jurisdiction in accordance with the Comprehensive Plan.

1.03.02. Health and Safety. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent the overcrowding of land and undue congestion of population.

1.03.03. Social and Economic Stability. To encourage an orderly and efficient development pattern in order to protect the consistent character, and to provide the social and economic stability of all parts of the area within the subdivision jurisdiction.

1.03.04. Consistency of Development. To harmoniously relate the development of the various tracts of land of the existing community and facilitate the future development of adjoining tracts.

1.03.05. Land Uses. To protect and conserve the value of land and the value of buildings and improvements on the land; and, through subdivision design, to minimize conflicts among the uses of land and buildings.

1.03.06. Public Services and Facilities. To encourage residential development where public services and community facilities are available or will be available when the subdivision is ready for occupancy.

1.03.07. Circulation. To provide an efficient relationship between development and the circulation of traffic, with an emphasis on connectivity.

1.03.08. Environment. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the community and the value of the land.

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1.03.09. Open Space. To provide open space through efficient design and layout of subdivision; to encourage the setting aside as open space land that is designated as being permanently undeveloped and used for recreation, conservation, or preservation.

SECTION 1.04 POLICY

It is hereby declared to be the policy of the City of Pelham, Alabama to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control and regulation of the Pelham Planning Commission pursuant to the authority granted to the City by Code of Alabama 1975, 11-52-30 et seq.

SECTION 1.05 CONFLICTING PROVISIONS

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

SECTION 1.06 SEPARABILITY AND SEVERABILITY

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

SECTION 1.07 Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

SECTION 1.08 AMENDMENTS

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

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SECTION 1.09 Penalties and Remedies

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 Shelby County 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 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.

SECTION 1.10 DEFINITIONS

Abut, Adjacent, Adjoin or Contiguous. To physically touch or border upon or to share a common border with or be separated from the common border by an easement, right-of-way, railroad; or body of water.

Alley. A thoroughfare either used or shown on any recorded description of the subject parcel(s) which is not more than thirty (30) feet wide and which affords only a secondary means of access to abutting property.

Applicant. One (1) individual, entity, or agency that is legally authorized, as the owner of land proposed to be subdivided or a person designated in writing by the legal owner as his or her representative, to submit subdivision plats for review and apply for any form of subdivision approval or waiver.

Buffer. A strip of land that is retained for the purpose of providing a means of screening or separating incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, reducing the effects of adjacent lighting, restricting passage, and enhancing the natural environment, thereby providing for a compatible mix of otherwise conflicting uses. Buffers may consist of existing or planted trees, shrubs or vegetation, fences, walls, or earth berms.

Building. Any structure enclosed on all sides having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

Building Area. That portion of a lot occupied by the principal building, including porches, carports, accessory structures, and other structures.

Building Line. A line showing the nearest distance to the property line or lines that is permissible to build a structure either in compliance with this ordinance or in following a plat, deed, or private contract or covenant. The outermost projection of the extreme overall dimensions of a building as staked on the ground, including all area covered by any horizontal projection or any vertical projection to the ground of overhang of walls, or of the roof or any other part of a structure which is nearest to the property line, except that open steps, terraces, and patios may be excluded.

City Council. The chief legislative body of the City of Pelham, Alabama.

City Engineer. The duly designated Engineer of the City of Pelham, Alabama.

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Common Open Space. Any greenbelt, park, lake, river, or recreational development or area which is owned in common or private, devoid of any buildings and other physical structures, except where accessory to the provision of recreation opportunities, and which is developed, located, and/or maintained to provide relatively permanent recreational opportunities. Common open space includes undisturbed natural areas, wildlife habitat, garden areas, nature trails, viewing areas, and other areas designed for passive enjoyment, but also including improved parks, athletic fields, playgrounds, swim & tennis facilities, or other like areas designed and intended for active pursuits. Common open space may be made available to the general public or may be restricted to use for a homeowner or business association membership or segment thereof. Common open space dedicated in fee to the City or other governmental agency to be responsible for the operation and maintenance, shall not be for the exclusive use of the development.

Comprehensive Plan. The official public document prepared in accordance with Section 11-52-8 of the Code of Alabama, as amended, consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the City of Pelham.

Construct. Construct shall include build, erect, reconstruction, alteration, moved upon or any physical operations on the premises required for the building, principal structure, sign or accessory use. This definition shall include excavations, earthwork, fill, drainage work, utilities installations, and other work as it relates to the construction or use of a building, principal structure, sign or accessory use.

Covenant. A written agreement between two or more parties for the performance of some action. When used in relation to property or real estate, it is generally an agreement executed between the buyer and seller of such real estate, and should be enforced by private landowners, and not the municipality, unless the proposed use violates the zoning ordinance. This tenn shall also include deed restrictions.

Cul-de-Sac. The dead-end street terminated by a vehicle turnaround area having a minimum pavement radius of 40 feet, with a minimum radius of 50 feet to accommodate school buses or other large vehicles.

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

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

Density. The minimum required lot area per dwelling unit or the maximum number of dwelling units per acre of site area.

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Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, alteration, relocations, or enlargement of a structure; any mining, dredging, filling, grading, paving, excavation, drilling, or disturbance of land and any use or extension of the use of the land.

Easement. That portion of land or property reserved or conveyed for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above said lot or lots. No easement shall be recognized under these regulations which has not been created through a valid legal instrument and recorded in the Office of the Judge of Probate of Shelby County, Alabama, established through continuous historic use, or created by court order.

Earthwork. The breaking of ground, except common gardening and ground care.

Engineer. A Professional Engineer and registered by the State of Alabama Board of Registration for Professional Engineers and Land Surveyors.

Erosion. The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.

Erosion Control. Measures and actions which are to be taken to control potential erosion and sedimentation problems.

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

Governing Body. The Mayor and City Council of the City of Pelham, Alabama.

Grade. The slope of land or a built feature such as a street or lot.

Half-Street. A street that does not meet the minimum right-of-way widths set forth in these regulations.

Hardship. An unusual situation on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the city. A hardship exists only when it is not self-created, or when it is not economic in nature.

Health Department. The Shelby County Department of Health and the State of Alabama Health Department.

Jurisdiction. As used in these regulations, jurisdiction is the corporate limits of the political subdivision known as the City of Pelham, which adopts these regulations for administrative purposes within its sphere of authority, and to also include any tracts of land subsequently annexed into the corporate limits.

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

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

Performance Assurance. A legally binding agreement with the city by which a developer assures the construction of improvements required by these regulations.

Performance Guarantee. Financial security filed by the developer with the City Clerk to assure the construction of all required improvements at a specified time in the future.

Planning Commission. The City of Pelham Planning Commission.

Plot Plan. A plat of a lot, drawn to scale and certified as to its accuracy by a surveyor who is licensed by, and registered with, the State of Alabama as a surveyor, showing the actual measurements, the size and location of any existing buildings or structures, or proposed buildings or structures, along with any easements and building setbacks, and the location of the lot in relation to abutting streets or rights-of-way, and similar information. The proposed structures are staked out by said registered land surveyor or an employee under his direct supervision.

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

Probate Judge. The Judge of Probate for Shelby County, Alabama.

Right-of-Way. A strip of land used or intended to be used for passage of the general public, and occupied or intended to be occupied by a street, road, bicycle path, crosswalk, utilities, railroad, or similar facility; and dedicated to the City of Pelham in fee simple, or by other legal means such as prescription.

Roadway. That portion of a public thoroughfare or right-of-way intended for use by vehicles.

Setback. The required minimum distance between a structure and the front, side, or rear lot line.

Sidewalk. The improved portion of a public right-of-way that is intended for use by pedestrians or other improved area designated for pedestrian use.

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

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Subdivider or Applicant. Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

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, whether immediate or future, of sale, of lease, or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Surveyor. A land surveyor, who is registered by the State of Alabama Board of Registration for Professional Engineers and Land Surveyors.

Zoning Ordinance. The official zoning ordinance of the City of Pelham, Alabama.

ARTICLE 2 PROCEDURES

SECTION 2.01 APPLICATION FOR APPROVAL §1.01.

2.01.01. To obtain approval of a proposed subdivision, the subdivider or applicant shall submit to the Planning Commission a preliminary plat, a vicinity sketch, and a final plat prepared in accordance with the requirements as set forth in these regulations. No owner of land or subdivider shall proceed with improvement or sale of land subdivided without the written approval of the Planning Commission.

2.01.02. It is mandatory that the Subdivider and/or his Engineer conference with the City Engineer early or prior to the design effort.

2.01.03. The subdivider shall submit the appropriate application and all supporting documentation at least 15 business days prior to the regular scheduled meeting of the Planning Commission.

2.01.04. The Subdivider shall submit with the plans a completed copy of the Preliminary Plat Requirements Checklist included in Appendix B-2. Each item shall be checked as either "P" for provided, "D" for disputed, or "NIA" for not applicable. If "D" is checked, provide all necessary documentation to support this.

2.01.05. The Planning Commission will not review plans unless all required information is submitted to the Planning Commission for consideration.

SECTION 2.02 FEES AND NOTICE

2.01.01. To partially defray the cost of filing said application, notifying interested parties, investigation, and holding a hearing upon the preliminary plat, a fee as established by the Fee Schedule adopted by City Council shall be paid by the subdivider at the time of filing the application, together with the cost of giving legal notice.

2.01.02. When application is made for approval of a subdivision under the provisions of §2.09 [Minor Subdivisions], a final plat fee as established by the Fee Schedule adopted by City Council shall be paid at the time of filing the application

ARTICLE 2

SECTION 2.03 PRELIMINARY PLAT APPROVAL

2.03.01. The Planning Commission shall approve, approve conditionally, or disapprove such preliminary plat within 30 days after the submission thereof at its regular meeting. The 30-day limit may be extended if agreed upon by the subdivider. If approved conditionally, the conditions and reasons therefore shall be stated and if necessary the Planning Commission may require the subdivider to submit a revised preliminary plat. If any of the requirements are modified or waived, the reasons for such shall be specified. If the Planning Commission should disapprove the preliminary plat, the reasons for such action shall be stated and if possible recommendations made on the basis of which the proposed subdivision would be approved. One copy of the preliminary plat as acted upon by the Planning Commission shall be retained in its office, and one copy returned to the subdivider.

2.03.02. The approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the subdivision layout as proposed on the preliminary plat.

SECTION 2.04 EFFECT OF PRELIMINARY PLAT APPROVAL

Receipt of the approved copy of the preliminary plat by the subdivider is authorization that he may proceed with the staking of streets and lots in preparation for final platting, following the approval of the construction plans and all necessary information as required by the City Engineer as provided in §2.05.01, and the issuance of a land disturbance permit as provided in §2.05.03.

SECTION 2.05 ENGINEERING REQUIREMENTS

2.05.01. The subdivider shall furnish the City Engineer all plans and information necessary for engineering consideration and approval for the construction of the proposed improvements as requested by the City Engineer. Such plans and information shall be furnished separately and apart from the preliminary plat and vicinity sketch, and shall be certified by a Registered Professional Engineer except as provided in §2.09 [Minor Subdivisions].

2.05.02. Before starting construction, necessary arrangements must be made between the subdivider and the City Engineer for adequate laboratory and construction inspection to ensure that the proposed improvements shall comply with the requirements of the City of Pelham. All testing shall be the responsibility of the subdivider and shall be done by an approved Testing Laboratory.

2.05.03. A land disturbance permit will be issued following the approval of the preliminary plat and the approval of the construction plans as provided in §2.05.01, and Chapter IV, Division 3 of the Pelham Code, including an erosion control plan. It will be permitted to utilize an ALDOT detail for installation of silt fence to include a buffer between the road and the silt fence. If the disturbed area of the subdivision exceeds the minimum acreage requirement by the Alabama Department of Environmental Management (ADEM), a National Pollution Discharge Elimination System (NPDES) permit issued by the ADEM will also be required prior to the issuance of a land disturbance permit by the City of Pelham. The erosion control measures shall be in place before actual construction begins.

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2.05.04. Grading and Clearing. No lot shall be graded or cleared, nor shall the earth contained in the lot be altered before appropriate permits concerning grading and sedimentation control have been issued by the Engineering Department. In addition, if a permit is required by the Alabama Department of Environmental Management, evidence of this permit must be provided to the City of Pelham, along with any other necessary drawings, stormwater calculations or other documents, prior to obtaining approval from the Engineering Department and before any work begins on the site. All disturbed ground left inactive for 14 days shall be stabilized by seeding, hydroseeding, sodding, or landscaping.

SECTION 2.06 FINAL PLAT AND EXECUTION

2.06.01. Upon completion of all improvements or submittal of a sufficient performance bond, the subdivider shall file the final plat with the Pelham Planning Commission at least 15 business days prior to the date of the meeting of the Planning Commission at which time it is to be considered.

2.06.02. All final plats shall have been signed and executed by all necessary parties before being filed.

2.06.03. The Subdivider shall submit with the plans a completed copy of the Final Plat Requirements Checklist included in Appendix B. Each item shall be checked as either "P" for provided, "D" for disputed, or "N/A" for not applicable. If "D" is checked, provide all necessary documentation to support this.

SECTION 2.07 APPROVAL OF FINAL PLAT

2.07.01. Approval or disapproval of the final plat shall take place within 30 days after the date of submission unless the subdivider agrees to an extension of that time. If the final plat is disapproved, the grounds for refusal shall be stated in the records of the Planning Commission. The action of the Planning Commission shall be shown on the final plat with the date of action shown over the signature of the person authorized by the Planning Commission to sign such plats.

2.07.02. Approval of the final plat carries with it the condition that: (1) all required improvements have been satisfactorily installed and completed by the subdivider, or: (2) a bond provided in accordance with Article 5 [Required Improvements, Bond] of these regulations, before such final plat is signed as approved by the Planning Commission.

SECTION 2.08 FINAL PLAT FEES AND RECORDING

2.08.01. Approval or disapproval of the final plat shall take place within 30 days after the date of submission unless the subdivider agrees to an extension of that time. If the final plat is disapproved, the grounds for refusal shall be stated in the records of the Planning Commission. The action of the Planning Commission shall be shown on the final plat with the date of action shown over the signature of the person authorized by the Planning Commission to sign such plats.

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2.08.02. Approval of the final plat carries with it the condition that (1) all required improvements have been satisfactorily installed and completed by the subdivider, or (2) a bond provided in accordance with Article 5 [Required Improvements, Bond] of these regulations, before such final plat is signed as approved by the Planning Commission.

2.08.03. Approval of the final plat does not constitute acceptance or dedication of public improvements.

SECTION 2.09 MINOR SUBDIVISIONS

2.09.01. For minor subdivisions, as defined in §7.02 [Words and Terms Defined], the Planning Commission may waive the filing of the preliminary plat, and allow submittal of a final plat meeting the requirements of §3.04, for approval of the final plat within thirty days by one of the following:

- A. At the time of hearing or
- B. At the time of filing without hearing for a minor subdivision.

2.09.02. Where applications for subdivisions are filed under §2.09.01.A above, the final plat shall be filed together with all supporting documents at least 15 business days prior to a regular scheduled meeting of the Planning Commission.

2.09.03. Upon meeting the requirements of §3.04 [Plat Requirements for Minor Subdivisions] and obtaining administrative approval, the final plat, with all applicable certifications and signatures, may be submitted for recording with the Shelby County Probate office.

SECTION 2.10 VACATION OF PLATS

2.10.01. 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.

2.10.02. 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.

2.10.03. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivision; and being duly 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.

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

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SECTION 2.11 VACATION OF PUBLIC LANDS

The vacation of public ways is a function of the Pelham City Council; however, the effect of vacating public ways establishes new property lines of abutting properties within such vacated ways. The applicant shall, therefore, within a reasonable time after the passage of the resolution assenting to the vacation thereof by the Pelham City Council, submit a final plat indicating old property lines removed and establishing new ones, for the approval of the Planning Commission. Said final plat shall include the stamp, registration number, and signature of a professional land surveyor licensed in the State of Alabama.

ARTICLE 3

PLAT REQUIREMENTS

SECTION 3.01 PRELIMINARY PLAT

3.01.01 The Preliminary Plat shall show the following:

(a) Title, graphic scale, written scale, north arrow, date, and name, registration number, stamp, and signature of the land surveyor. The scale shall be sufficient to accurately portray existing conditions and proposed improvements.

(b) Topography: Based on U. S. Geological Survey, or U.S. Coast and Geodetic Survey sea level datum and listed on the plat. On grades of five percent (5%) or less, contours shall be shown at one (1) foot intervals. On grades between five percent (5%) and ten percent (10%), contours shall be shown at two (2) feet intervals. On grades greater than ten percent (10%), contours shall be shown at five (5) feet intervals unless otherwise specified by the Planning Commission.

(c) Names of all streets, highways, or roads: Names shall not be in conflict with other named streets within Shelby County and the City of Pelham.

(d) Rights-of-way and Easements: The location, dimensions, and purposes of all easements shall be shown. All street or road right-of-way and roadway or pavement widths shall be shown. Approximate locations and dimensions will be permitted.

(e) Utilities: Location of existing or proposed utilities on or adjacent to the tract to be subdivided and within adjacent rights-of-way or easements, including size and elevation.

(f) Lot lines, lot and block numbers and approximate dimensions.

(g) Purpose of subdivision.

(h) Proposed Street Lights and Signs: Location, size and type.

(i) Public Facilities: All proposed public facilities, including schools, parks, and public open spaces be shown.

(j) Location: Quarter section, section, township, and range and shall be referenced to an accepted section corner based on the U.S. Government Survey of the area. A re-survey of a part of a subdivision may be referenced to the original subdivision.

(k) Names and addresses of the owners of the property, including existing mortgages and subdivider.

(l) Names and addresses of record owners of adjoining lots or parcels of land.

(m) Certificate of, or letter from the State and/or County Health Department indicating their approval of the proposed water supply and sanitary facilities.

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(n) If any portion of the land of the proposed subdivision is subject to inundation by storm drainage, overflow, or ponding of local storm water, such fact and portion shall be clearly shown and identified. The effective date, appropriate community panel number, and flood zones shall be included, with the flood plain and floodways clearly delineated with base flood elevations shown.

(o) Any other information that may be considered necessary by the Planning Commission for full and proper consideration of the proposed subdivision. Any irregularities shall be listed on the plat referencing inadequacies of water pressure, hydrant flow rates, sprinkler system requirements, ect. Language referencing Low Pressure Sewer requirements shall also be listed.

(p) Identify any common areas or other areas designated for the benefit of lot owners, including but not limited to the following: private parks, gardens and recreational facilities, environmental protection, valuable amenities, flood prevention (including detention or retention ponds), access to lakes or other water features, sewage treatment plants or lagoons, garages, parking lots or decks, storage or warehouses, identification and beautification, plazas, fountains, historic or aesthetic monuments, privacy buffers or screening, local traffic control, safety or security concerns, pedestrian walks, bikeways, equestrian paths or trails, nature conservation, and landmarks or historic preservation.

SECTION 3.02 VICINITY SKETCH

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

SECTION 3.03 FINAL PLAT

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

3.03.02 Contours may be eliminated unless otherwise specified by the Planning Commission. Right-of-way lines, easements, and property lines shall be shown with accurate dimensions and bearings, deflection angles, radii, arcs, and central angles of all curves. Accurate grades shall be shown on all streets or roadways.

3.03.03 The final plat shall also show the following:

(a) The purpose for which sites are dedicated or reserved, it being understood that any reservations of areas shall be subject to the proper zoning, if applicable.

(b) The minimum building setback line on all lots and other sites in those areas subject to the Pelham Zoning Ordinance.

(c) The location and description of monuments. (Iron pipes shall be designated by a small open circle at point of installation.)

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(d) Reference to recorded subdivision plats of adjoining platted land by map, book, volume, and page number.

(e) Space for approval of the Pelham Planning Commission, the Mayor, the City Clerk, the Public Works Director, and the City Engineer.

(f) Where a street, alley, or easement for public utilities has been vacated, a note shall be shown on the plat indicating such and referring to the recorded instruments of vacation by deed book and page number or instrument number.

(g) If there are existing structures on land proposed to be subdivided, three (3) copies of a survey plot plan showing the exact locations of such structures with their relation to the proposed subdivision shall accompany the final plat.

(h) The final plat shall be accompanied by three copies of any protective covenants running with the land in form for recording. Reference to the recorded covenants affecting any common areas and the certificate of formation of the homeowners' association shall be made on the final plat. The certificate of formation and bylaws of the particular homeowners' association shall be reviewed in conjunction with approval of the final plat.

(i) On all plats, certifications as appropriate for the presence or absence of a mortgagee, owners and street dedications, substantially in the form as provided in Appendix D of these regulations.

(j) General notes, as applicable, listed in Appendix B Final Plat Requirements Checklist.

SECTION 3.04 FINAL PLAT REQUIREMENTS FOR MINOR SUBDIVISIONS

For minor subdivisions, as defined in §7.02 [Words and Terms Defined], a final plat shall be an original drawing in ink, or cloth or film and shall be referenced to an accepted section corner based on the U.S. Government Survey of the area. A resurvey of a part of a subdivision may be referenced to the original subdivision. This plat shall show as a minimum the following:

3.04.01. Title, graphic scale, written scale, north arrow, date, and name of person making the survey. The scale shall be sufficient to accurately portray existing conditions and proposed improvements.

3.04.02. Purpose of Subdivision

3.04.03. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of lots, with accurate dimensions and bearings, deflection angles, radii, arcs, and central angles of all curves.

3.04.04. Number to identify each lot or site.

3.04.05. Location and description of monuments. (Iron pipes shall be designated by a small open circle at point of installation.)

ARTICLE 3

3.04.06. Reference to recorded subdivision plats of adjoining platted land by map, book, volume, and page number.

3.04.07. Names and addresses of the owners of the property, including existing mortgagee, subdivider, and owners of adjoining lots or parcels of land.

3.04.08. Certificate of, or letter from the State and/or County Health Department indicating their approval of the proposed water supply and sanitary facilities.

3.04.09. Space for the approval of the Planning Commission, Public Works Director, Mayor, City Clerk, and City Engineer.

ARTICLE 4

DESIGN STANDARDS

SECTION 4.01 PRINCIPLES OF ACCEPTABILITY

4.01.01. Conformance to comprehensive plan. In general, the subdivision shall conform to the master plan for the City of Pelham and adjacent territory within the subdivision jurisdiction, to the zoning ordinance (if the subdivision is within the City of Pelham or the city's extraterritorial jurisdiction), and to other applicable ordinances or regulations. If a suggested plan for the neighborhood in which the land to be subdivided is located has been made by the Planning Commission, the layout of the subdivision shall be in general conformance thereto.

4.01.02. Provisions for future subdivision. Parcels within a subdivision shall be arranged so as to provide for and to allow the opening of future streets and logical further subdivision. Street rights-of-way will be stubbed out accordingly to adjoining properties for future development.

4.01.03. Land subject to flooding. Land subject to periodic flooding, as shown in the Federal Emergency Management Agency Flood Insurance Study, City of Pelham and Shelby County latest revision and land deemed to be uninhabitable must not be platted for residential occupancy or for any use that may increase danger to health, life, property, or aggravate the flood hazard. Such land within the tract to be subdivided will be set aside for such uses as will not be endangered by periodic or occasional inundation or will not produce unsatisfactory, unsanitary, or unhealthy living conditions. If the land to be subdivided is located in an area having poor drainage or other physical impairment, the Planning Commission may approve the subdivision, provided the applicant agrees to make such improvements as are necessary to render the area substantially safe for residential use, or in lieu of the improvements, will furnish a surety bond or certified check covering the cost of the required improvements, as provided herein. Chapter 4, Article III of the Code of the City of Pelham, Flood Damage Prevention Regulations will govern and the following standards for subdivisions will apply:

- A. All subdivision proposals will be consistent with the need to minimize flood damage.
- B. All subdivision proposals will have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals will have adequate drainage provided to reduce exposure to flood hazards, and;
- D. Base flood elevation data will be provided for subdivision proposals and other proposed development, including manufactured home parks and subdivisions.

4.01.05. Natural features. Natural scenic features of the land, such as streams and ridges, will be considered community assets, and the design of the subdivision will protect and utilize such natural scenic features.

4.01.05 Trees. Trees are a valuable resource for energy conservation and aesthetics of a neighborhood and shall be preserved whenever practicable. For proposed development street trees are required. Street trees shall be planted on both sides of proposed streets approximately 80 feet apart and at least 5 feet from any sidewalk or thoroughfare. Minor variations in the location of street trees may be necessary to reduce conflict with the location of driveways, street corners, topography and similar conditions. Street trees are to be planted on private property and not within the right-of-way and shall be the maintenance responsibility of the homeowner association. Tree planting wells, if used, shall be large enough to allow for ample growing space and to prevent damage or impede access to buried utility lines, sidewalks or streets. Trees shall be chosen from the list as specified in Article 10, Table 10-3 [of the Zoning Ordinance], must meet the minimum requirements for tree plantings, and must be a variety that does not obstruct vision.

ARTICLE 4

4.01.06. Reserve strips. There will be no reserve strips controlling land dedicated or intended to be dedicated to street or other public use except where their control is placed in the appropriate governing body under conditions approved by the Planning Commission.

4.01.07. Buffer strip. Where a residential subdivision adjoins land zoned for or used for a railroad right-of-way, an industrial area, a commercial area, or other land use which would have a depreciating effect on the residential use of the land, a buffer planting strip or a wooden privacy fence of six feet in height may be required by the planning commission. Said required buffers, planting strips or privacy fences shall be installed by the subdivider pursuant to a notice to proceed from the building official. Such buffer strip area will be designated as such on the plat and further, noted as a "non-buildable protected area."

4.01.08. Names. The name of the subdivision and new street names will not duplicate nor closely approximate phonetically or original spelling the name of any other subdivision or street in Shelby County. Street names will be subject to approval of the Planning Commission. In general, the use of names associated with the history and development of the City of Pelham and Shelby County is desirable

SECTION 4.02 STREET PLAN

4.02.01. All streets shall be platted along contour elevations which will result in minimum grades and greater visibility wherever practical, with consideration given to the anticipated use of the land.

4.02.02. The proposed street layout shall be made according to good land planning practices for the type [of] development proposed and shall be coordinated with the street systems of the surrounding areas. All streets must provide for the continuation or appropriate projection of principal streets in surrounding areas.

4.02.03. In subdivisions which border on or have included within the proposed area to be subdivided any expressway, major highway or arterial street, access to lots abutting such major traffic arteries shall be provided in a manner such that the individual lots shall not have direct access to such expressway or arterial street.

4.02.04. The platting of any land, the purpose of which is to deny access to rights-of-way is prohibited, except as otherwise provided herein.

4.02.05. Street right-of-way widths shall be in accord with recommendations of the Planning Commission and shall not be less than 60 feet except a cul-de-sac or short street may be less if adequate right-of-way is provided for public utilities. Subdivisions along existing or dedicated or platted streets or highways where rights-of-way are inadequate shall provide additional rights -of-way to meet these minimum standards.

4.02.06. All public streets shall be paved. The minimum roadway pavement shall be 23 feet. A suitable hard surfaced permanent type of pavement shall be constructed as prescribed by the current specifications of the Alabama Department of Transportation and approved by the Planning Commission. A typical street section shall be provided. Greater roadway widths and/or concrete curbs may be required by the Planning Commission. Curb type and size shall be constructed as approved by the City Engineer.

ARTICLE 4

4.02.07. Sidewalks are required for public safety. Sidewalks shall be in accordance with the Zoning Ordinance, §3.12 Sidewalks.

A. Sidewalk locations shall be identified by location, width and ramp locations; and shall be constructed per the detail provided by the City Engineer. All driveways shall contain a sidewalk within the construction of the driveway per the detail provided by the City Engineer.

B. Planned Unit Developments with a master plan that was approved prior to the adoption of these regulations will be bound by the master plan. The Planning Commission shall not waive sidewalk requirements. Should the master plan be amended and sidewalks be removed, the Zoning Board of Adjustment shall have the authority to grant a variance.

C. If a developer cannot meet ADA requirements in regard to connectivity between subdivision phases, a hardship shall be proven and approved by the Planning Commission prior to the approval of the preliminary plat.

D. Per the design standards, a grass strip of the minimum width as specified in §3.12 Sidewalks of the Zoning Ordinance, will be required between the road and the sidewalk. The strip must be maintained as a grass strip and will not be allowed to be changed to any other material. It will be the responsibility of the homeowner to maintain the grass strip. Specifications for the maintenance of the grass strip shall be contained in all HOA covenants.

E. Should the city adopt a Major Street Plan, the subdivider shall be required to dedicate necessary right-of-way for new streets or streets to be widened in accordance with such plan.

SECTION 4.02.08 STREET LIGHTING

4.02.08. Street lights shall be provided by the developer of the subdivision. The street light should be designed to produce illumination as required by the City and electrical utility service. The location, density and type of street lights within the subdivision shall be approved by the City Engineer and/or electrical utility service. For street lights provided by an electric utility regulated by the Alabama Public Service Commission, the street lights shall be of the description and the rates set forth in the utility's rate schedules approved by and on file with the Commission. Street lights shall be located along the streets in the right-of-way at the following locations at a minimum:

A. All street intersections within the Subdivision. Street lights shall be located on the corners of the intersections such that it illuminates the entire intersection

B. Terminal ends of all cul-de-sac streets.

C. Locations along streets at minimum intervals of 300 feet.

4.02.09. Street alignment shall be designed to eliminate sharp curves and street jogs. No street plan will be approved with intersections which offset less than 125 feet between centerlines. Streets shall intersect as nearly at right angles as possible and in no case at an angle of less than 75 degrees.

4.02.10. Tangents of at least 100 feet on all curves will be required unless there are local conditions that would warrant a shorter tangent.

ARTICLE 4

4.02.11. Dead-end streets will not be approved except in cases where topography or surrounding development would warrant them or unless a dead-end street is for the purpose of connecting future development. The Planning Commission may require temporary easements for turn-around facilities. Dead end streets will not be approved unless planning has been started on future development for extending the dead-end street at the time of plat recording in Probate Office.

4.02.12. Streets shall not exceed one thousand 600 feet in length, or as established within the current International Fire Code, without a cul-de-sac or street intersection and shall have a property line radius of not less than 50 feet and an outside pavement radius of not less than 40 feet for cul-de-sacs at intersecting streets. All streets with no outlet shall terminate in cul-de-sacs designed to accommodate school buses or other large vehicles and shall have a property line radius of not less than 66 feet and outside gutter radius of not less than 50 feet.

4.02.13. Curb radii of 20 feet or more shall be provided at the intersections of all other streets.

4.02.14. Substandard streets, whether existing city or county streets or private streets, providing access to any subdivision shall be upgraded to meet city specifications before approval of the final plat. All construction costs of upgrading such streets shall be the responsibility of the subdivider. Subdivisions along existing or dedicated or platted streets or highways where rights-of-way are inadequate shall provide additional rights-of-way to meet these minimum standards.

4.02.15. Existing streets that terminate at a proposed subdivision shall be continued within the subdivision.

4.02.16. Stub streets may be required to meet connectivity requirements, as established within the current version of the International Fire Code. Stub streets over ??? in length may require a temporary turnaround.

4.02.17. The City Engineer may require traffic calming guidelines, as established in the City of Pelham's Neighborhood Traffic Calming Program (NTCP), when justified for street design that may encourage speeding within the subdivision.

4.02.18. Private reserve strips controlling access to streets are not permitted.

ARTICLE 4

SECTION 4.03 STREET GRADES

4.03.01. Grades of all streets shall comply with good engineering practice. Street grades shall not exceed 15% or be less than five-tenths percent.

4.03.02. Grades approaching intersections shall not exceed five percent for a distance of not less than 100 feet from the center line of said intersection.

4.03.03. The Planning Commission may permit some variation from these grade requirements if in its opinion such variation will not adversely affect the safety and general welfare of the public.

4.03.04. Streets shall be graded to a minimum shoulder of seven feet back of the curb line with a cross slope of one-half inch per foot. Traffic lanes shall be graded to a minimum cross slope of one-quarter inch per foot.

4.03.05. In the design for street drainage the Developer's Engineer is to select combination curb and gutter or valley gutter. Combination curb and gutter shall be used where negative grade entering or within a circle exceeding five percent.

4.03.06. Combination curb and gutter shall be constructed on grades over ten percent.

4.03.07. The maximum grade for driveways shall be compliant with the current adopted Fire Code, IFC.

SECTION 4.04 STREET AND SUBDIVISION NAMES

4.04.01. Street names for all subdivision plats shall be subject to approval of the Planning Commission.

4.04.02. Subdivision names for plats shall be subject to the approval of the Planning Commission and shall not duplicate the name of any plat already recorded in Shelby County.

SECTION 4.05 ALLEYS, EASEMENTS AND HALF STREETS

4.05.01. Alleys will not be permitted in residential districts except as a continuation of an existing alley. Alleys shall be required in commercial or industrial districts if it is determined by the Planning Commission that conditions necessitate alleys in any such district. Where alleys are permitted, their width shall be not less than 20 feet.

4.05.02. Easements shall be not less than ten feet in width except in cases of double tiered lots where a width of five feet from each tier will be permitted. Where there exists a storm water ditch, creek or any other such watercourse, the easement shall be of sufficient width that such watercourse may be installed and maintained efficiently. The location of any storm water ditch, creek or watercourse shall not be changed without the approval of the Planning Commission.

ARTICLE 4

4.05.03. Half streets will not be permitted except in such cases where there exists a half street contiguous thereto. Half streets, however, will not be permitted as an extension or continuation of an existing half street

§4.06. Storm Water Drainage And Grading

4.06.01. All subdivisions shall be provided with adequate storm sewers.

4.06.02. The platting of lots for building purposes shall comply with the City's Floodplain Development Ordinance, Ord. 070-06. Areas subject to periodic flooding or excessive flows or surface runoff will not be acceptable for development unless the subdivider makes necessary provisions to eliminate such flooding.

4.06.03. All lots shall be graded in accordance with a grading plan approved the City Engineer, which plan shall incorporate the following minimum requirements, except when more stringent requirements are necessary and so specified by the City Engineer.

A. No lot shall shed channeled surface runoff water on to any other lot, unless such runoff is contained within an easement provided, graded and dedicated for such purpose.

B. The finished slope along the bottom centerline of any lot drainage easement shall be not less than one percent.

C. The side slopes of any lot drainage easement shall not be greater than four (horizontal) to one (vertical).

D. No street pavement shall shed surface runoff water, either as surface runoff or an outfall from storm sewage structures on to any adjoining land unless such runoff is contained within an existing drainage easement, ditch, structure or right-of-way. And provided further, that such existing drainage easement, ditch, structure or right-of-way provides outfall to an established drainage channel.

E. All stormwater piping shall extend from the street to a point ten feet beyond the rear of the proposed house location.

F. All other drainage ways shall be piped or concrete flumed throughout the subdivision at the discretion of the City Engineer.

4.06.04. The following storm drainage design parameters shall also be observed:

A. Street inlets shall be the standard ALDOT Type 'S' inlet with manhole access.

B. Drainage facilities shall have a minimum design for a twenty-five year rainfall event, except for major drainageways. Design calculations shall be based on future probable development of the entire drainage area to be served or developed.

ARTICLE 4

C. Drainage area and peak flow estimates shall be provided for each drainage facility, as well as profiles for all new storm sewers and open ditches, with outlet velocities.

D. Reinforced concrete pipe shall be required for all proposed storm sewers within easements and rights-of-way.

E. All storm sewer pipe shall have an inside diameter of eighteen inches or larger and shall be designed by a civil engineer licensed in the State of Alabama.

F. Typical sections of all ditches and swales shall be provided.

G. Calculations shall be included with the submittal of all stormwater designs.

H. An as-built survey of all storm drainage facilities with plan and profile information shall be provided prior to final plat approval.

4.06.05. The following design parameters shall be observed in the design of detention facilities:

A. The post-development runoff leaving a site shall not exceed the pre-development runoff.

B. Detention facilities shall be designed for a 25-year rainfall event. Each detention facility shall include an emergency outlet designed for the 100-year rainfall event. The City Engineer may require additional detention when conditions warrant.

C. 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.
7. 100-year peak rainfall flow to the emergency spillway.

D. One foot of freeboard shall be provided from the water surface elevation of resulting from the 100-year rainfall event to the top elevation of the dam.

E. Detention ponds shall conform to the requirements of the City of Pelham Zoning Ordinance.

F. Detention facilities shall be enclosed with a minimum four-foot-high permanent fence. Gate(s) with locks shall be provided for maintenance access.

G. A paved access shall be provided to the detention facility with an easement to the subdivision association for ingress and egress and maintenance of the detention pond. Access shall be granted to allow for vehicle and equipment access.

ARTICLE 4

4.06.06. Maintenance requirements for stormwater drainage and detention facilities are as follows:

A. Property owner(s) or his designated representative(s) shall submit a covenant setting forth their obligations to maintain the stormwater drainage structures, easements and detention facilities. Such covenant shall be approved by the city engineer and city attorney before being recorded.

B. The City of Pelham may enforce the provisions of the maintenance restrictions and shall have the power and authority to cause the facility to be properly maintained.

§4.07. Platting Requirements

4.07.01. Blocks:

A. Blocks shall be laid out with special attention given to the type of use contemplated.

B. Blocks shall be a minimum of 500 feet in length.

C. Width of blocks shall be not less than 350 feet.

D. Blocks with lots having double frontage on streets shall not be permitted.

E. The foregoing dimensions may be adjusted by the Planning Commission where the type of use or nature of the topography requires such modification.

4.07.02. Lots:

A. Lot sizes, and configurations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. A re-subdivision, or a subdivision in an area already subdivided, shall be compatible in character with the surrounding neighborhood. Every lot shall contain a suitable building site. Each lot must be capable of meeting the minimum lot width at the required minimum front and required rear building line. Each lot shall be designed to and arranged to eliminate unnecessary jogs or offsets in easements to help facilitate power distribution, telephone service, sewers, drainage, and water services and mains. Each lot shall also contain the required square footage of the zoning classification outside of any flood zone on the proposed lot.

B. Where easements for public utilities, storm or sanitary sewers are contemplated, the lot lines shall be located in such manner as to facilitate the construction of such improvements and the maintenance thereof.

C. Lot areas and widths shall meet or exceed minimum zoning and health requirements in the area in which the property is located. Minimum zoning requirements, would tend to depreciate the value of surrounding or adjacent properties, or would impose undue burden on the City in furnishing public services to the area.

ARTICLE 4

D. In general, the maximum depth of any lots, exclusive of unusable land, shall not be more than three times the width of the lot at the minimum building setback line.

E. Corner lots shall provide at least the same minimum setback on the side as required on the front by the Zoning Ordinance. Lot line shall be substantially at right angles to the streets except on curves where they shall be radial. Where the distance between rear lot corners on double tiered lots would be less than ten feet the radial lines shall be deviated so that the distance between rear lot corners will be a minimum of ten feet.

§4.08. Utilities

4.08.01. All subdivisions shall be provided with sanitary sewage systems, which conform to the City of Pelham Standards of Construction for Water and Sewer Systems, as approved by the Planning Commission and the State and/or County Health Department.

4.08.02. All subdivisions shall be provided with water distribution systems, which conform to the City of Pelham

4.08.03. Standards of Construction for Water and Sewer Systems, as approved by the Planning Commission and State and/or County Health Department. Individual wells will be permissible unless conditions are such that their use would result in a hazard to health.

4.08.04. The number, location and spacing of fire hydrants shall be in accord with the recommendations of the City of Pelham Fire Department.

4.08.05. Utility poles shall be installed in alleys or rear lot easements unless otherwise permitted by the Planning Commission.

4.08.06. Utility appurtenances where required, such as transformer installations, sewage pumping stations, water tanks, pressure regulating stations, and other similar facilities shall be located and installed as approved by the City Engineer.

4.08.07. Water, gas, and sanitary mains, and appurtenances if applicable, will be constructed prior to installation of paving with all mains being extended for service to all lots so that no subsequent cutting of pavement will be required to permit service to all lots.

ARTICLE 4

4.08.08. When necessary, easements for water and/or sewer main extensions shall be obtained and dedicated to the City. The developer shall provide, at no cost to the City, easements for extensions which cross private property between existing city water and/or sewer systems and the property being subdivided.

4.08.09. Water and sewer improvements shall be constructed in accordance with the Standards for Construction of Water Systems and Sanitary Sewer Systems of the City of Pelham.

4.08.10. Inspections, pressure tests, bacteriological reports, as-built utility drawings, and other tests which may be required by the City Engineer or his/her designee shall be provided to the City and approved for all utilities which are to become a part of the City's water and/or sanitary sewer system prior to approval of the final plat.

§4.09. Common Areas and Open Space

4.09.01. Subdivisions with common areas shall have relevant deed restrictions and protective covenants to assure the continuing usefulness, maintenance, operation and financing of the commonly held property. There shall also be an incorporated non-profit property homeowners' association formed in compliance with the Alabama Homeowners' Association Act. The homeowners' association shall be empowered to administer the terms of the covenants and manage all aspects of the common property, including all powers and duties provided in the Alabama Homeowners' Association Act.

4.09.02. In addition to all other requirements of these subdivision regulations, the uses and all improvements on common areas shall be subject to Planning Commission approval of a site development plan. Applicant must submit three copies of a detailed site development plan to scale, fully dimensioned that includes the following: all structures, all common areas, all easements, principal uses, streets and driveways, all traffic control devices, sidewalks, lighting, parking spaces, service areas, trash receptacles, curbs, drainage, and signs; indicating relations among buildings, structures, utilities, site improvements and open spaces

4.09.03. Where applicable, each subdivision shall provide the required amount of open space as established in Article 4, Table 4-1 Area and Dimensional Requirements for Residential Districts, Article 6, Table 6-4 PUD Development Standards and §10.01.05 Frontage Landscaping for nonresidential vehicular areas.

ARTICLE 4

4.09.04. In addition to the requirements stipulated in the applicable zoning district as noted above, open space shall:

A. be passive or active recreational space.

B. not include stormwater facilities unless designed to be incorporated as an amenity for the development.

C. may include natural preservation areas such as wetlands, floodplain area, slopes and natural vegetation.

4.09.05. Although tree preservation is not required within these standards, the preservation of existing trees is recommended for all subdivision development. The subdivider must submit justification for the need to remove any existing tree.

§4.10. Digital and Hard Copy Submittal Requirements for As-Built Drawings

AutoCAD requirements As-built utility and storm drainage drawings submittals shall show the following design and surveyed data.

4.10.01. Sewer main diameter, length, material, slope are to be called out on the plan.

4.10.02. Sewer manhole and t-type cleanout rims and inverts are to be located horizontally and vertically. Design elevations (rims and inverts) in the profile shall be crossed through and the surveyed (rims and inverts) displayed in bold next to the crossed out values. Design grades shall be recalculated to show installed grades and shown in revision clouds. Changes in type and lengths of pipe must also be shown on final plat utility plan. Show all laterals.

4.10.03. Water main diameter, length, and material are to be called out in on final plat utility plan. Show all laterals.

4.10.04. Water fire hydrants, valves (main and hydrant), plugs, air-release and blow-off stations are to be located horizontally and vertically. Documented or known changes in types, lengths of pipe, location, or any other changes to the water system shall be shown on final plat utility plan.

4.10.05. Storm drainage pipe diameter, length, material, pipe invert and pipe outfall, and slope are to be called out on the final drainage and erosion plan.

4.10.06. Storm drainage manhole and t-type cleanout rims and inverts are to be located horizontally and vertically. Design elevations (rims and inverts) in the profile shall be crossed through and the surveyed (rims and inverts) displayed in bold next to the crossed out values. Design grades shall be recalculated to show installed grades and shown in revision clouds. Changes in type and lengths of pipe must also be shown on final plat drainage and erosion plan.

ARTICLE 4

4.10.07. Storm drainage related catch basins, culverts, and outfalls are to be located horizontally and vertically.

4.10.08. A detailed cost estimate of construction of streets, curbs and gutters, sidewalks, drainage structures, sanitary sewer, water lines and appurtenances, which are to be dedicated and accepted shall be provided to the City by the developer.

4.10.09. Any other changes to the construction drawings should be noted and shown with a revision cloud.

4.10.10. Maximum error of as-built measurements shall be:

A. Manhole inverts measure to 0.01 feet with maximum vertical error of 0.50 feet per 1,000 feet of horizontal traverse.

B. Manhole rims: measure to 0.10 feet with maximum vertical error of 0.50 feet per 1,000 feet of horizontal traverse.

C. Horizontal locations: measure to nearest 1.0 foot with allowable error of 0.5 feet per 1,000 feet of traverse.

4.10.11. All surveyed points (as noted above) are to be shown on a separate layer in the electronic AutoCAD file.

4.10.12. Record Drawing Submittal Packages shall include:

A. One hard paper copy (Xerox or Blue Line)

B. One electronic copy on a disk or USB thumb drive that includes:

1. PDF of Hard Paper Copy.

2. AutoCAD drawing in NAO 1983 State Plane Alabama West FIPS 0102 (US Feet).

3. All utilities and storm drainage shall be (Geo-referenced using the referenced coordinate system above.

4. Each of the mentioned utility and drainage assets above will require a unique number as a key identifier associated with an X (Easting), Y (Northing), and Z (Elevation) in a separate displayed table in the drawing. See Exhibit # 1.

ARTICLE 5

REQUIRED IMPROVEMENTS: BOND

SECTION 5.01 IMPROVEMENTS

Prior to the approval of the final plat, the subdivider shall have installed, caused to be installed, or constructed (or posted bond as provided for in Section 5:02) all required improvements, including the following:

(5.01.01) All streets shall have been graded in accordance with all dimensional and design requirements set out in Article IV and approved construction drawings.

(5.01.02) Where provided on the preliminary plat, on both sides of each street there shall have been constructed a standard curb and gutter or valley gutter in accord with approved design drawings on file in the office of the City Engineer.

(5.01.03) On all streets, including side streets and alleys, a suitable hard surfaced permanent type of pavement shall be installed, meeting the requirements of the City of Pelham. The developer's engineer shall design a pavement buildup based on the current Alabama Department of Transportation Standard Specifications for Highway Construction and the current Alabama Department of Transportation Standard and Special Drawings. At least 48 hours prior to the installation of base material the City Engineer shall be contacted for a proof roll inspection of the subgrade. This test shall be performed by using a fully loaded truck with tandem axles and done to the satisfaction of the City Engineer.

(5.01.04) All required utilities and service connections shall have been constructed prior to installation of paving with all mains being extended and all lots having sufficient utility service stub-outs to ensure no subsequent cutting of pavement. All required utilities, except storm and sanitary sewer systems, shall be installed in the locations shown on the approved drawings.

(5.01.05) All storm sewers, detention, and retention ponds shall have been constructed in accordance with the approved construction drawings and the preliminary plat, and subject to the provisions of Floodplain Redevelopment Ordinance 070-06 and Storm Water Management Program Plan.

(5.01.06) All street signs have been installed in accordance with the approved construction drawings and the preliminary plat.

(5.01.07) All right-of-way grading and required public improvements, including necessary seeding, and removal of debris from all public areas, shall have been completed.

(5.01.08) All record drawings and as-built drawings have been received and approved by the City.

(5.01.09) All streetlights and traffic control signals or similar signage as approved by and at points designated by the City Engineer.

(5.01.10) All required sidewalks shall have been constructed.

ARTICLE 5

SECTION 5.02 BOND AND SURETY: AMOUNT AND RELEASE

(5.02.01) In the event the Planning Commission may consider that the requirements set out in §5.01 need not immediately be met by the subdivider, the requirements may be modified by the execution of an agreement with the subdivider that such improvements shall be installed and constructed with a reasonable and specified length of time. Bond shall be required to ensure the fulfillment of such agreement and shall be issued in favor of the City of Pelham by a letter of credit issued by a commercial bank authorized to do business in the State of Alabama, or by a surety company authorized to do business in the State of Alabama, or by cash in the form of United States currency.

(5.02.02) Such bond shall be two hundred percent (200%) of the estimated cost of the improvements. The surety shall not be released from said bond except by a release in writing from the Pelham Planning Commission.

(5.02.03) Prior to the City of Pelham releasing bonds and accepting maintenance of street rights-of-way, as-built certification from the design engineer shall be required that all sidewalks and pedestrian walkways are constructed in the subdivision, are constructed in compliance with the American with Disabilities Act.

(5.02.04) Prior to the City of Pelham releasing bonds and accepting maintenance of street rights-of-way, any off-road bike paths and/or pedestrian ways in common areas shall have been paved with a suitable hard surfaced material meeting the requirements of the City of Pelham.

(5.02.05) Prior to the City of Pelham releasing bonds and accepting maintenance of street rights-of-way, streetlights and traffic control signals shall be installed.

SECTION 5.03 MAINTENANCE BOND

The City Clerk shall secure from all developers a letter or statement in which said developer shall agree to maintain backfill to the level of finished grade and to maintain improvements located thereon or therein of any excavation or fill which has been made in connection with the installation of improvements and such letter or statement shall be binding on the developer for a period of one year after the acceptance of such improvements by the Pelham City Council.

SECTION 5.04 PERFORMANCE AGREEMENT

A performance agreement guaranteeing the installation, construction, and maintenance of required improvements shall be provided using the following agreement on the next page.

SUBDIVISION REGULATIONS

CITY OF PELHAM, ALABAMA

Agreement

THIS AGREEMENT entered into and between _____ hereinafter called the Subdivider, and the City of Pelham, Alabama, hereinafter called the City, acting by and through the Pelham Planning Commission, hereinafter called the Planning Commission.

WITNESSETH

WHEREAS, the Subdivider has submitted to the Planning Commission a final plat of a proposed development to be known as _____ and the Planning Commission has decided in accordance with Article V Section 5.02 of its Subdivision Regulations that, conditioned upon the agreement and bond of the Subdivider hereinafter set out and provided for, the requirements set out in Article V Section 5.02 need not be met prior to approval of said final plat.

NOW, THEREFORE, the Subdivider agrees with the City as hereinafter set forth in paragraphs 1, 2, 3, 4, and 5 hereof.

1. The Subdivider shall by _____ construct and install in or with respect to said proposed subdivision all improvements and utilities as defined by the minutes of the Planning Commission meeting dated _____, all in accord with the standards.

2. In the event the Subdivider shall fail in whole or in part to complete within said time (or such additional time, if any, as may be granted) the construction and installation provided for by paragraph 1 above, the City shall have the right at the cost and expense of the Subdivider to complete the same or cause the same to be completed, and the Subdivider hereby grants unto the City all rights necessary or appropriate to enable the City so to do.

3. In consideration of the premises and of the foregoing agreement of the Subdivider and of the furnishing of proper bond (the amount of which is to be determined by the City Engineer) to secure the faithful performance of such agreement and the actual construction and installation of the aforesaid improvements and utilities within the time specified, the Planning Commission agrees that it will not require installation or construction of the aforesaid improvements and utilities prior to approval of said plat, but that in lieu of the completion of such improvements and utilities prior to approval of said final plat it will accept the aforesaid agreement of the Subdivider and the aforesaid performance bond of the Subdivider and by its surety.

4. The consideration for this agreement by the Subdivider is to induce the City to grant final approval of said subdivision or plat prior to the completion of the work above described. Said Subdivider further recognizes that said consideration is full, complete, and sufficient as stated and further said Subdivider recognizes the authority of said City to enter into and execute this agreement and further recognize the authority of said City to require the improvements and work as set out in said Agreement.

ENTERED into this _____ day of _____ 20__.

Attest: _____ Subdividers: _____

<p>Please Print Contact Information:</p> <p>Responsible Party:</p> <p>_____</p> <p>Address:</p> <p>_____</p> <p>_____</p> <p>Phone:</p> <p>_____</p>
--

(Print & sign name)

The undersigned individual(s) hereby guarantee the performance of this Contract by the Developer:

(Print & sign name)

Pelham Planning Commission

By: _____
Planning Commission Chairman

ARTICLE 6

MODIFICATIONS AND WAIVERS

SECTION 6.01 MODIFICATIONS AND WAIVERS

Any proposed deviation from the preliminary plat or construction plans shall first be submitted to the Planning Commission for approval prior to construction by a civil engineer and/or land surveyor licensed in the State of Alabama. This request must be in writing or in the form of a revised drawing with the stamp, registration number, signature, and date of the engineer and/or land surveyor.

(6.01.01) The City Engineer may waive technical requirements contained herein provided the Engineer and/or Surveyor of record provides a written request to the City Engineer fully documenting the reason for request, justification of request and other information as required provided the City Engineer concurs with the request.

(6.01.02) If it be determined that strict compliance with these regulations would result in extraordinary hardship to the subdivider due to unusual topography, or other special conditions exist which warrant modifications, then the Planning Commission may modify, vary or waive such requirements provided that such modification or waiver will not tend to injure or place the public health, safety or welfare in jeopardy, nor nullify the stated or implied intent or purpose of those regulations, and provided further that such modification or waiver and the reason therefor shall be entered upon the minutes of the Planning Commission.

SECTION 6.02 CONDITIONS OF, AND APPLICATIONS FOR MODIFICATIONS & WAIVERS

(6.02.01) In granting modifications or waivers, the Planning Commission may attach such other reasonable conditions as will, in its judgment, justify such modifications or waivers and still maintain substantially the objectives of these regulations.

(6.02.02) Each and every modification or waiver of these regulations sought by a subdivider shall be specially applied for, in the numerical order of these regulations, in writing by the subdivider and submitted to the Planning Commission. Any condition shown on the preliminary or final plat (or on engineering plans or data called for by §2.05 [Engineering Requirements]) which would require a modification or waiver, shall constitute a ground for disapproval of the preliminary or final plat unless such special application for a modification, variance, or waiver is made.

ARTICLE 7

DEFINITIONS

SECTION 7.01 Usage

7.01.01. For the purposes of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth in this Article.

7.01.02. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.

7.01.03. In interpreting words and phrases not otherwise defined, every day and common usages and understanding shall apply, and external sources may be consulted for guidance.

7.01.04. May also use the Zoning Ordinance of Pelham, Alabama, for additional definitions.

SECTION 7.02 Words and Terms Defined

7.02.01. Abut or Contiguous. Having property or district lines in common, to physically touch or border upon. Properties separated by a right-of-way are "adjacent," but not "abutting."

7.02.02. Adjacent. Either abutting or on the opposite side of a street or other right-of-way that separates it from the subject property. Properties separated by an interstate or railroad are not considered "adjacent."

7.02.03. Alley. A thoroughfare either used or shown on any recorded description of the subject parcel(s) which is not more than 30 feet wide, and which provides access to the side or rear of properties.

7.02.04. Applicant. One individual, entity, or agency that is legally authorized, as the owner of land proposed to be subdivided or a person designated in writing by the legal owner as his or her representative, to submit subdivision plats for review and apply for any form of subdivision approval or waiver.

7.02.05. As-built Drawing or Survey. A post construction record showing all monumentation and improvements (sidewalks, streets, utilities, etc.) and reflecting any changes in the Construction Plans over the course of the development's construction.

7.02.06. Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or boundary lines of municipalities.

7.02.07. Buffer. A strip of land that is retained for the purpose of providing a means of screening or separating incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, reducing the effects of adjacent lighting, restricting passage, and enhancing the natural environment, thereby providing for a compatible mix of otherwise conflicting uses. Buffers may consist of existing or planted trees, shrubs or vegetation, fences, walls, or earth berms.

7.02.08. Building. Any structure enclosed on all sides having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

7.02.09. Building Area. That portion of a lot occupied by the principal building, including porches, carports, accessory structures, and other structures.

7.02.10. Building Line. A line showing the nearest distance to the property line or lines that is permissible to build a structure either in compliance with this ordinance or in following a plat, deed, or private contract or covenant. The outermost projection of the extreme overall dimensions of a building as staked on the ground, including all area covered by any horizontal projection or any vertical projection to the ground of overhang of walls, or of the roof or any other part of a structure which is nearest to the property line, except that open steps, terraces, and patios may be excluded.

7.02.11. City Council. The chief legislative body of the City of Pelham, Alabama.

7.02.12. City Engineer. The duly designated Engineer of the City of Pelham, Alabama.

7.02.13. Common Open Space. Any greenbelt, park, lake, river, or recreational development or area which is owned in common or private, devoid of any buildings and other physical structures, except where accessory to the provision of recreation opportunities, and which is developed, located, and/or maintained to provide relatively permanent recreational opportunities. Common open space includes undisturbed natural areas, wildlife habitat, garden areas, nature trails, viewing areas, and other areas designed for passive enjoyment, but also including improved parks, athletic fields, playgrounds, swim and tennis facilities, or other like areas designed and intended for active pursuits. Common open space may be made available to the general public or may be restricted to use for a homeowner or business association membership or segment thereof. Common open space dedicated in fee to the City or other governmental agency to be responsible for the operation and maintenance, shall not be for the exclusive use of the development.

7.02.14. Comprehensive Plan. The official public document prepared in accordance with §11-52-8 of the Code of Alabama, as amended, consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the City of Pelham.

7.02.15. Construct. Construct shall include build, erect, reconstruct, alter, moved upon or any physical operations on the premises required for the building, principal structure, sign or accessory use. This definition shall include excavations, earthwork, fill, drainage work, utilities installations, and other work as it relates to the construction or use of a building, principal structure, sign or accessory use.

7.02.16. Covenant. A written agreement between two or more parties for the performance of some action. When used in relation to property or real estate, it is generally an agreement executed between the buyer and seller of such real estate, and should be enforced by private landowners, and not the municipality, unless the proposed use violates the Zoning Ordinance. This term shall also include deed restrictions.

7.02.17. Cross Access. A driveway providing access between two or more abutting lots so that a driver need not enter the public thoroughfare system to access one of the sites from the other. Cross access is privately maintained and does not include "Alley."

- 7.02.18. Cul-de-Sac. A street with a single common ingress and egress and with a circular turnaround at the end.
- 7.03.19. Curb or Curb Line. The inside vertical face of a masonry curb, the centerline of a valley gutter, or the edge of the pavement where no curb or gutters exist.
- 7.04.20. Dedication. The deliberate assignation of land by its owners for any general or public uses, reserving to himself no other right than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.
- 7.02.21. Density. The minimum required lot area per dwelling unit or the maximum number of dwelling units per acre of site area.
- 7.02.22. Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, alteration, relocations, or enlargement of a structure; any mining, dredging, filling, grading, paving, excavation, drilling, or disturbance of land and any use or extension of the use of the land.
- 7.02.23. Easement. That portion of land or property reserved or conveyed for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above said lot or lots. No easement shall be recognized under these regulations which has not been created through a valid legal instrument and recorded in the Office of the Judge of Probate of Shelby County, Alabama, established through continuous historic use, or created by court order.
- 7.02.24. Earthwork. The breaking of ground, except common gardening and ground care.
- 7.02.25. Engineer. A Professional Engineer and registered by the State of Alabama Board of Registration for Professional Engineers and Land Surveyors.
- 7.02.26. Erosion. The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.
- 7.02.27. Erosion Control. Measures and actions which are to be taken to control potential erosion and sedimentation problems.
- 7.02.28. Final Plat. The completed subdivision plat in form for approval and recording.
- 7.02.29. Flood Plain Ordinance. Refers to Article III Flood Prevention Ordinance, as adopted by the City of Pelham, as required by the National Flood Insurance Program (NFIP), establishing requirements for effective enforcement provisions to regulate responsible development in flood prone areas to reduce flood losses.
- 7.02.30. Governing Body. The Mayor and City Council of the City of Pelham, Alabama.
- 7.02.31. Grade. The slope of land or a built feature such as a street or lot.
- 7.02.32. Half-Street. A street that does not meet the minimum right-of-way widths set forth in these regulations.
- 7.02.33. Hardship. An unusual situation on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the city. A hardship exists only when it is not self-created, or when it is not economic in nature

- 7.02.34. Health Department. The Shelby County Department of Health and the State of Alabama Health Department.
- 7.02.35. Improvements. Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.
- 7.02.36. Jurisdiction. As used in these regulations, jurisdiction is the corporate limits of the political subdivision known as the City of Pelham, which adopts these regulations for administrative purposes within its sphere of authority, and to also include any tracts of land subsequently annexed into the corporate limits.
- 7.02.37. Lot. A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision of record or survey map or by metes and bounds.
- 7.02.38. Maintenance Bond. Financial security filed by the developer with the City to secure structural integrity of all required improvements as well as the functioning of the improvements for an initial period of time.
- 7.02.39. Major Street Plan. The official plan, as adopted by the Planning Commission, showing the location of existing and planned roadways designed to service the City of Pelham and its environs.
- 7.02.40. Major Subdivision. A subdivision plat consisting of more than six lots, requiring all improvements as applicable in Article IV.
- 7.02.41. Minor Subdivision. A subdivision plat meeting the following requirements:
- A. A subdivision of land into not more than six lots, or one that reduces the number of lots or is a boundary line adjustment and;
 - B. Having access along a dedicated and paved street, and;
 - C. Requiring no public improvements by meeting the Standards of Construction for Water and Sewer Systems.
- 7.02.42. Monument. A permanent object serving to indicate a limit to or mark a boundary.
- 7.02.43. Open Space. Any land either publicly or privately owned which is designated as being permanently undeveloped and used for recreation, conservation, or preservation.
- 7.02.44. Pedestrian Passage. A walkway that provides access across the middle of a block or from a cul-de-sac to an adjacent street. A "Pedestrian Passage" may be within a public right-of-way or easement. "Pedestrian Passages" may also be designed to accommodate bicycle access.
- 7.02.45. Performance Bond. Financial security filed by the subdivider with the City to assure the construction of all required improvements at a specified time in the future.
- 7.02.46. Performance Guarantee. Financial security filed by the developer with the City Clerk to assure the construction of all required improvements at a specified time in the future.
- 7.02.47. Private Street. A roadway which has not been dedicated to the public and is not owned or maintained by the city, county, or state. Private streets on properties that may be annexed into the City of Pelham shall retain their designation as a private street/road, however, shall not be maintained by the city.

7.02.48. Planning Commission. The City of Pelham Planning Commission.

7.02.49. Plot Plan. A plat of a lot, drawn to scale and certified as to its accuracy by a surveyor who is licensed by, and registered with, the State of Alabama as a surveyor, showing the actual measurements, the size and location of any existing buildings or structures, or proposed buildings or structures, along with any easements and building setbacks, and the location of the lot in relation to abutting streets or rights-of-way, and similar information. The proposed structures are staked out by said registered land surveyor or an employee under his direct supervision.

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

7.02.51. Probate Judge. The Judge of Probate for Shelby County, Alabama.

7.02.52. Reserve Strip. A parcel of land located usually at the edge of a subdivision for the purpose of restricting access from the end or side of a street.

7.02.53. Resubdivision. A combination, recombination, or splitting of previously recorded lots or tracts of contiguous land for the purpose of creating additional lots or enlarging existing ones.

7.02.54. Ridge. The chain of mountains or hills forming a continuous elevated crest, including areas 100 vertical feet below the elevation of the crest.

7.02.55. Right-of-Way. A strip of land used or intended to be used for passage of the general public, and occupied or intended to be occupied by a street, road, bicycle path, crosswalk, utilities, railroad, or similar facility; and dedicated to the City of Pelham in fee simple, or by other legal means such as prescription.

7.02.56. Roadway. That portion of a public thoroughfare or right-of-way intended for use by vehicles.

7.02.57. Setback. The required minimum distance between a structure and the front, side, or rear lot line.

7.02.58. Shared Access. A driveway, alley or other access facility connecting two or more contiguous sites to a public street.

7.02.59. Sidewalk. The improved portion of a public right-of-way that is intended for use by pedestrians or other improved area designated for pedestrian use.

7.02.60. Street. A public right-of-way for vehicular and pedestrian traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated, excepting, however an alley. For the purposes of these regulations the following types of streets are recognized regardless of their name:

A. Arterial. A major street intended mainly to carry through traffic and to connect major activity centers.

B. Collector. A street intended to carry traffic from minor streets to the system of boulevards, avenues, arterial and minor streets, including the principal entrance streets of a residential development and streets for circulation within such development.

C. Local. A street intended mainly to provide access to adjoining property and uses, providing access to and from individual lots.

7.02.61. Subdivider. Any individual, firm, association, syndicate, co partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

7.02.62. Subdivision. The division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land, whether described by metes and bounds or by any other description, for the purpose, whether immediate or future, of sale, of lease, or of building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

7.02.63. Surveyor. A land surveyor, who is registered by the State of Alabama Board of Registration for Professional Engineers and Land Surveyors.

7.02.64. Swale. A constructed watercourse shaped or graded in earth materials and stabilized with vegetation, for the conveyance of stormwater runoff.

7.02.65. Valley Gutter. A concrete channel with a "V"-shaped profile installed at roadside to capture and convey stormwater runoff.

7.02.66. Zoning Ordinance. The official zoning ordinance of the City of Pelham, Alabama.