

## SUBDIVISION COMMITTEE

### **WHEN MUST YOU GO BEFORE THE SUBDIVISION COMMITTEE?**

#### **When You Want To:**

- **Subdivide a Parcel of Land or an existing lot;**
- **Combine More than One existing Lot into one or more Lots;**
- **Vacate Public Rights-of-way and combine into an Abutting Lot;**
- **Dedicate a public right-of-way**

### **WHAT IS THE SUBDIVISION COMMITTEE?**

The Subdivision Committee is a subcommittee of the Birmingham Planning Commission. The committee is composed of five members (a quorum of at least 3 members is necessary to render a decision) who review proposals for subdividing land, combining lots, vacating public rights of way or dedicating public rights-of-way. The decisions of this Committee are final, except for vacations or dedications of public rights-of-way, which can only be approved by the Council of the City of Birmingham. Appeals of Subdivision Committee decisions can be made to the full Birmingham Planning Commission.

In cases involving the vacation of public rights-of-way and dedications, the Subdivision Committee makes a recommendation to the Birmingham City Council. The case is reviewed by the Public Improvements Committee and then the City Council sets a public hearing date. The vacation request is advertised and then considered by the City Council. Only the City Council can approve the vacation of public rights-of-way.

### **WHEN DOES THE SUBDIVISION COMMITTEE MEET?**

The Subdivision Committee meets in the City Council Chambers at 5:30 pm on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month. Applicants must file their applications with the Department of Planning, Engineering & Permits at least 14 days before a regular meeting day to appear on that agenda.

### **WHAT DO I NEED TO DO?**

1. File the application for subdivision with the Department of Planning, Engineering & Permits on the 2<sup>nd</sup> floor of City Hall (Room 210). Applications are available in Room 210 or can be downloaded on-line at [www.birminghamal.gov](http://www.birminghamal.gov). The telephone number for Room 210 is 254-2478.
2. The planning staff, in order to expedite the process for the Subdivision Committee, will assist in determining which materials are needed to submit to the Committee. Once you have submitted the required materials, the staff will schedule you for the earliest possible Committee meeting.
3. Generally, you will need to submit a preliminary or final plat of the changes to the properties drawn by a registered engineer or land surveyor (licensed in the City of Birmingham).
4. Adjoining property owners are notified of the upcoming meeting and offered the opportunity to comment on the proposed changes before the Committee.
5. When the Committee has approved the final plat, the applicant will then pay the recording fee. Once this fee is paid, staff will submit the final plat to the Judge of Probate's Office for recording, thus completing the process.

### **Additional Requirements for Vacation of Public Rights-of-Way:**

- If you are requesting a vacation of public rights-of way, you will need to submit a **Declaration of Vacation** which must be signed by all persons who own property that abuts or borders the property to be vacated.
- The Subdivision Committee will review the case and forward it to the Public Improvements Committee of the Council of the City of Birmingham (PIC). The PIC will make a recommendation to the City Council. The City Council then sets a date for the public hearing. The City Council will hold a public hearing and vote on the vacation request.
- The applicant will be notified by staff what the vacation fee will be. The amount of the vacation fee will be one-third of the value, as determined by multiplying the assessed value per square foot of all lots or tracts abutting that portion of the public right-of-way proposed for vacation, times the square foot area of the right-of-way to be vacated, and divided by three. The vacation fee is based on the land value only, as determined by the County Tax Assessor's Office.
- The amount of the vacation right-of-way fee will be waived for state, county and federal agencies. This vacation fee must be posted with the Department of Planning, Engineering & Permits office prior to the case being advanced to the City Council.
- The case shall be advertised in a newspaper of general circulation for four consecutive weeks prior to the hearing by the City Council. The advertising fee is \$2,500 and is due to the Department of Planning, Engineering & Permits prior to the City Council setting the public hearing. Written notice of the hearing shall also be mailed at

least 30 days prior to the hearing to all utilities and owners of property abutting the portion of the right of way proposed for vacation. The City Council will hear the request for the vacation as well as any opposition to the proposed vacation. The applicant, or a representative, should be present and be prepared to give a brief presentation or answer any questions that might arise at the City Council meeting. The City Council will vote to **approve** or **not approve** the vacation request at the conclusion of the public hearing.

- Upon Council assent to the vacation of the subject right-of-way(s), the applicant must submit a final plat drawn by a Registered Land Surveyor or a Civil Engineer which resurveys the subject right-of-way(s) into the abutting property. This submittal can be made concurrently with the application for the vacation (See Step #1).
- The vacation is only completed when the vacated property is resurveyed into the abutting properties and the final plat is recorded and signed by City Engineer and Chief Planner, along with the signed and notarized Declaration of Vacation.

**WHEN IS A DEDICATION NECESSARY?**

When the subdivision of property requires that public access to the subject property be provided, the applicant must dedicate a public right-of-way. This is presented in the final plat and is reviewed by the Subdivision Committee, who will make a recommendation to the City Council. The dedication must also be reviewed by the PIC. It is then considered by the Council of the City of Birmingham for acceptance. The certified copy of the Resolution accepting the dedication must be recorded on the final plat.

**WHAT DOCUMENTS OR MATERIALS WILL I NEED FOR PRESENTATION TO SUBDIVISION COMMITTEE?**

- The original plat and (5) five copies
- Vicinity map
- Names and addresses of adjacent property owners
- Declaration of Vacation for a Vacation of Public Right of Way
- As-built survey if there are existing buildings on property OR proposed site plan
- Any required maps, plans or studies for any significant or high impact development

**HOW LONG WILL IT ALL TAKE?**

Once a completed application has been received and all fees paid, your request should be heard by the Subdivision Committee within 2-3 weeks. If the request includes a vacation, a decision will be made by the City Council within approximately 8-12 weeks after the Subdivision Committee’s decision.

**What:** Subdivision Committee  
**Who:** Kim Speorl (254-7712)  
**When:** 2nd and 4<sup>th</sup> Wednesdays at 5:30pm  
**Where:** Council Chambers, 3<sup>rd</sup> Floor City Hall  
**How long:** Approximately 2-3 weeks for a simple subdivision action. If the request includes a vacation, a decision will be made by the City Council within approximately 8-12 weeks after the Subdivision Committee’s decision.

**Fees:**  
 Filing fee \$50.00-\$150.00  
 Legal notices: Cost of certified mail for each adjoining property owner  
 Lot fees \$5.00 per lot  
 \$5.00 per acre

**SUBDIVISION**

**City of Birmingham**

**William A. Bell, Sr., Mayor**



**DEPARTMENT OF PLANNING, ENGINEERING AND PERMITS**

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ANDRE V. BITTAS, DIRECTOR