

ARTICLE XI. - MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS

11-1 - Suitability of land.

The planning commission shall not approve the subdivision of land or site development plans if, from adequate investigations conducted by all public agencies concerned, it has been determined that it is not in the best interest of the public or the proposed development is not suitable for platting or subdividing purposes. The design and improvements of all subdivisions and developments shall meet all State and Baldwin County Health Department requirements and proof thereof shall be submitted. All improvements shall be designed and sealed by a licensed professional engineer. The engineer shall carry errors and omissions insurance at a minimum coverage of at least one million dollars (\$1,000,000).

11-2 - Land subject to flooding.

Land subject to flooding or inadequately served by drainage facilities shall not be acceptable for subdivision unless the subdivider agrees to make such improvements as will render the land fit for occupancy in conformity with the National Flood Insurance Program. Fill may not be used to raise land in areas subject to flood and/or excessive erosion, unless the fill proposed does not restrict the natural flow of water, advance erosion, and unduly increase flood heights. The use of staining materials shall be prohibited in fill activity within coastal bluff areas or flood zones.

To ensure proper development in flood prone areas, the planning commission shall require the subdivider to provide elevation and flood profiles sufficient to demonstrate the sites will be free from the danger of flooding.

If a stream flows through or adjacent to the proposed subdivision, the plat shall provide for an easement or right-of-way along the stream for a floodway. For the smaller streams, the plat shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of houses shall be high enough to be above the regulatory flood. The flood way easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased.

Approval will not be given for streets within a subdivision which would be subject to excessive inundation or flooding.

11-3 - Conformance with existing plans.

Proposed improvements in all subdivision developments within the extraterritorial planning jurisdiction shall be in conformance with existing approved plans, maps, ordinances, and design standards of the City of Daphne or Baldwin County, whichever is more restrictive.

Any subdivision recorded prior to the enactment of this Ordinance shall remain a legal subdivision unless a re-plat of said subdivision is submitted and approved.

11-4 - Penalties.

The developer, owner, or agent of the owner of any land to be subdivided in the corporate limits or extraterritorial planning jurisdiction who transfers, sells, agrees to sell, or negotiates to sell such land by reference to an exhibition of, or by other use of a plat to subdivide such land before such plat has been approved by the planning commission and recorded in the Office of the Probate Judge of Baldwin County shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred or sold, and the description by metes and bounds in the instrument of transfer, or other document used in the process of selling or transfer shall not exempt the transaction from such penalties.

The City of Daphne, through its attorney or other designated representative, may enjoin such transfer, sale, or agreement by appropriate action.

No plat of a subdivision in the corporate limits or its extraterritorial planning jurisdiction shall be filed by a subdivider in the office of the probate judge until it shall have been submitted to and approved by the planning commission and such approval entered in writing on the plat by the chairman, vice-chairman, or secretary of the commission. The probate judge shall not file or record a plat of a subdivision which does not have the approval of the planning commission.

Any building or structure erected or to be erected in violation of subdivision regulations shall be deemed an unlawful building or structure, and the building official may bring action to enjoin such erection or cause it to be vacated or removed.

11-5 - Subdivision exceptions and exemptions.

Whenever the strict compliance with these regulations would result in an extraordinary hardship or injustice to the subdivider because of topography, unusual size or shape of the property, or unusual conditions in surrounding property of development, the planning commission may modify or waive such regulations so the subdivider may subdivide his property in a reasonable manner provided that such modification or waiver shall not nullify the intent or purpose of the subdivision regulations, the public welfare, and interest of the City of Daphne shall be protected. Any such modification together with reasons therefore shall be so noted in the minutes of the planning commission.

- (a) *Modifications/waivers:* In granting modifications or waivers, the planning commission may impose such other reasonable conditions as will, in its judgment, justify such modification or waiver and still substantially maintain the objectives of these regulations. Each modification or waiver of the regulations sought by a subdivider shall be applied for and acted upon individually by the planning commission.
- (b) *Subdivision exemptions:* The sale or exchange of lots or parcels of land or the relocation of an interior lot line within the city limits between adjoining property owners may be exempt from the subdivision regulations by the director of community development, provided that (1) no additional lots are created and (2) none of the lots affected by the sale, exchange or relocation of interior lines are reduced below the minimum size requirements of the zoning district in which the division is to occur.

No existing easement shall be vacated or moved without the recommendation of the planning commission and the acceptance by resolution of the city council as outlined in the applicable sections of this Ordinance.

- (c) *Extraterritorial jurisdiction subdivision exceptions and/or exemptions:* A request for an exempt subdivision letter and supporting documentation to substantiate any claim of exemption shall be submitted to the department of community development director along with a copy of the exempt subdivision letter from the Baldwin County Engineer. Subdividers shall not be required to submit a plat to the Daphne Planning Commission unless deemed appropriate by the director. The director may grant an exemption unless he/she deems the request appropriate for the planning commission's review. Exemption from the requirement for planning commission approval does not constitute exemption from the requirements of other applicable regulations including but not limited to state, county, or municipal law, zoning ordinances, health department requirements, or highway construction setbacks. Any subdivider who is found circumventing the intent and substance of these regulations shall be required to submit a plat for review and approval by the Daphne Planning Commission. The following is a list of qualifying subdivision exceptions/exemptions for property located outside of the city limits and in the extraterritorial jurisdiction of Baldwin County.
 - 1. Subdivision by testamentary or intestate provisions;
 - 2. Subdivision by court order including, but not limited to, judgments of foreclosure;
 - 3. Sale, deed or transfer of land by the owner to an immediate family member. Each parcel shall have its own ingress/egress and utility access of not less than required by Baldwin County subdivision regulations;

4. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;
5. Subdivision in which the size of each resulting lot equals or exceeds twenty (20) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each lot shall have at least two hundred (200) feet of frontage on an existing publically maintained road or
6. Shall have access to a publicly maintained road pursuant to a private easement, at least sixty (60) feet in width, which provides rights of ingress and egress and the right to install utilities sufficient to serve such subdivided lots;
7. Subdivisions in which the size of each resulting lot equals or exceeds ten (10) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each parcel declared to be exempt pursuant to this subparagraph shall have at least one hundred fifty (150) feet of frontage on an existing publicly maintained road.
8. A one-time split of a single parcel into two (2) resultant parcels, if, and only if, the parcel existed and has been divided since February 1, 1984.
9. The relocation of a common property line between two (2) parcels where no new parcels are created. Revised parcels shall meet the minimum zoning lot size and width requirements. The owner of each parcel approved as exempt under this section shall be required to submit, as a condition to approval, either an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the community development director, or designee thereof, shall have the authority to revoke such exempt subdivision approval.

In the case of an exemption involving a lot or lots which are included within a previously recorded subdivision plat, a resubdivision and a new plat will be required to reflect the resubdivision of lots, and such new plat shall be recorded in the Office of the Judge of Probate of Baldwin County. The new plat reflecting the resubdivision of such lot or lots shall contain the certifications prescribed by Baldwin County Subdivision Regulations Appendix.

(Ord. No. 2016-54; §§ I, II, 9-6-16)

11-6 - Minimum street requirements.

	Major Street	Collector Street	Local Street	Cul-de-Sac ¹ (Turn around)	Cul-de-Sac ¹ (Turn around w/ 20-ft island)	Hammer Head Turnaround	Alley
Minimum Right-of-Way:	100'	60'	50'	60' (120' diam.)	70' (140' diam.)	120'	30'

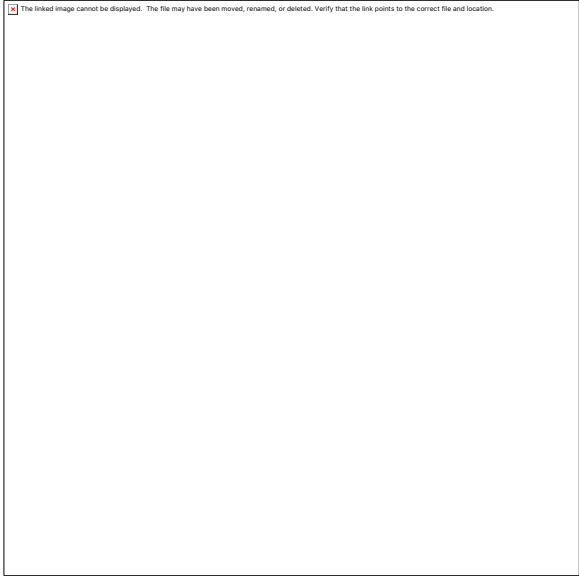
Minimum Asphalt Width (ft) ² :	12' per lane	12' per lane	22'	48' (93' diam.)	56.5' (113' diam.)	20'	20'
Maximum Grade ³ :	5%	10%	15%	3%	3%	3%	10%
Minimum Angle of Intersection:	80°	60°	60°	60°	60°	90°	60°
Minimum Intersection Offset	150'	150'	150'	150'	150'	n/a	150'
Minimum Curb Radius at Intersection:	40'	30'	25'	25'	25'	28'	20'
Minimum Horizontal Curve Radius:	300'	250'	100'	100'	120'	0'	100'
Minimum Reverse Curve Tangent:	100'	100'	100'	120'	120'	0'	100'

¹ Cul-de-sacs shall not be longer than one thousand three hundred twenty (1,320) feet measured from the intersecting street to the center of the turnaround.

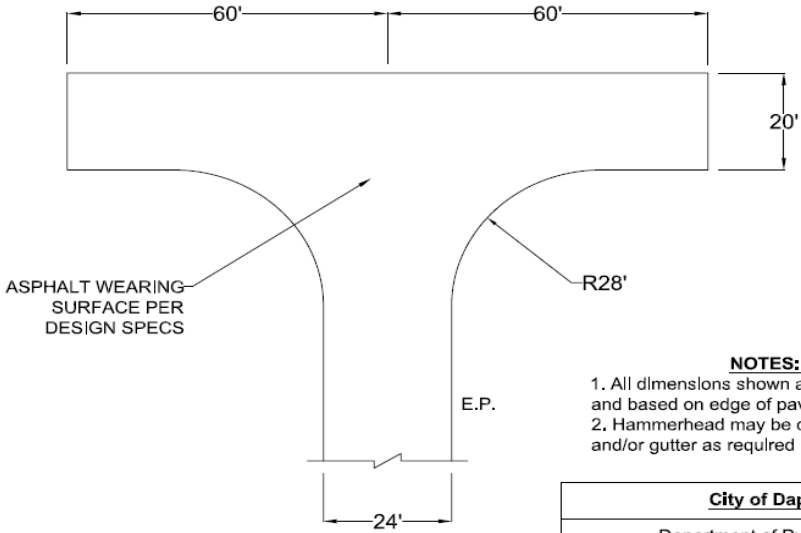
² Measured from toe of curbing. Minimum twenty-four (24) feet combination curb and gutter or twenty-four (24) feet valley gutter. Other curb types must be submitted to public works director for approval.

³ May vary with topography subject to planning commission approval based on recommendation of public works director and director of community development.

11-7 - Typical illustrations.

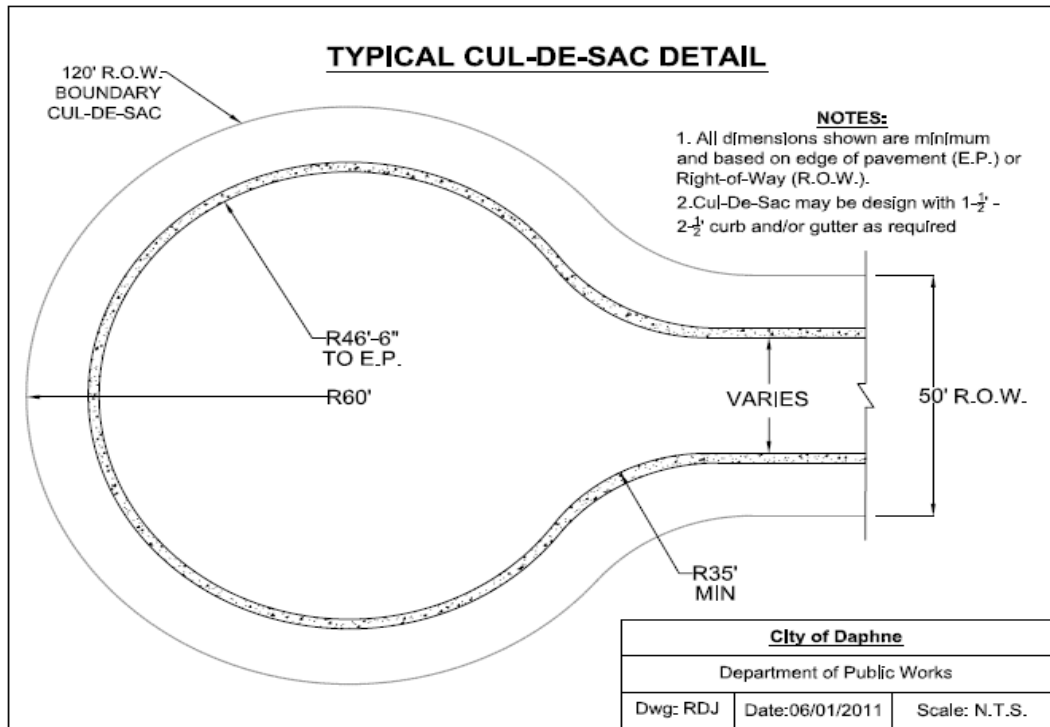
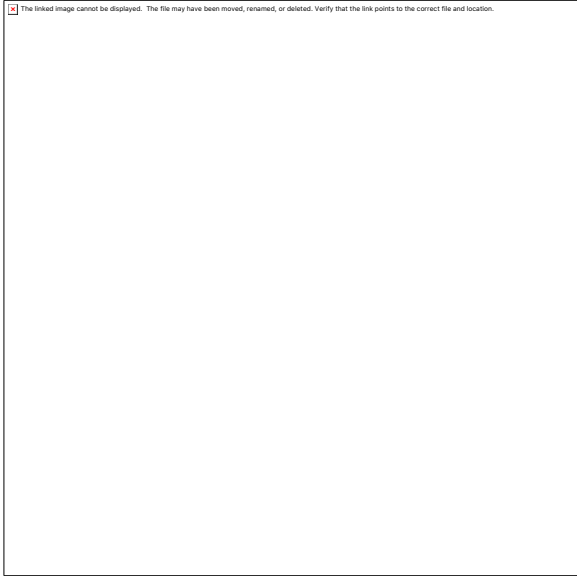


TYPICAL HAMMERHEAD DETAIL



- NOTES:**
- 1. All dimensions shown are minimum and based on edge of pavement (E.P.)
 - 2. Hammerhead may be design with curb and/or gutter as required

City of Daphne		
Department of Public Works		
Dwg: RDJ	Date:03/23/2011	Scale: N.T.S.



11-8 - Improvement standards for streets.

Any proposed streets in a subdivision, planned unit development, mobile home park, apartments, townhouses, condominiums, patio homes, business, commercial, or industrial developments whether such streets are to be private or dedicated for public use shall be paved and adequately drained.

This requirement is not subject to modification by the planning commission. The developer/owner shall construct such streets in accordance with good engineering practices and the standards prescribed herein in these regulations, as required by the director of community development or her/his duly authorized representative, state, county highway department, and the department of the respective utility.

The full width of the right-of-way shall be graded including the subgrade of the areas to be paved. This requirement may be modified for the purpose of preserving the natural beauty of the area. The minimum roadway build-up is as follows based on roadway classification:

(a) *Major and collector street:* ^{1, 2}

- (1) 429-A Improved Bituminous concrete wearing surface layer, one-half-inch maximum aggregate size mix, ESAL Range B, one-hundred and ten (110) pounds per square yard.
- (2) 405-A Tack coat, spread rate of 0.10 gal/sy.
- (3) 429-B Improved bituminous concrete binder layer, three-quarter-inch maximum aggregate size mix, ESAL, Range B two hundred twenty (220) pounds per square yard.
- (4) 401-A Bituminous Treatment type "A" (0.25 gal/sy).
- (5) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of two (2) to four (4) feet lifts of compacted thickness; or,
- (6) 301-B Crushed aggregate base course (limestone) type "B" minimum six-inch compacted thickness (if using this method, delete 401-A treatment).

(b) *Local street and hammerhead turnaround:* ^{1, 2}

- (1) 429-A Improved Bituminous concrete wearing surface layer, one-half-inch maximum aggregate size mix, ESAL Range B, one-hundred and ten (110) pounds per square yard.
- (2) 405-A Tack coat, spread rate of 0.10 gal/sy.
- (3) 429-B Improved bituminous concrete binder layer, three-quarter-inch maximum aggregate size mix, ESAL, Range B one hundred sixty-five (165) pounds per square yard.
- (4) 401-A Bituminous Treatment type "A" (0.25 gal/sy).
- (5) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of two (2) to four (4) feet lifts of compacted thickness; or,
- (6) 301-B Crushed aggregate base course (limestone) type "B" minimum six-inch compacted thickness (if using this method, delete 401-A treatment).

(c) *Alley:* ^{1, 2}

- (1) 429-A Improved Bituminous concrete wearing surface layer, three-quarter-inch maximum aggregate size mix, ESAL Range B, one hundred sixty-five (165) pounds per square yard.
- (2) 401-A Bituminous Treatment type "A" (0.25 gal/sy).
- (3) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of two (2) to four (4) feet lifts of compacted thickness; or,
- (4) 301-B Crushed aggregate base course (limestone) type "B" minimum six-inch compacted thickness (if using this method, delete 401-A treatment).

Notes

¹ Base design shall be based upon the in-situ soil conditions.

² Other pavement designs may be submitted for planning commission approval. Such options shall be contingent upon the director of the department of community development and the director of public works.

If curbs and gutters are required, they must be in conformance with approved city, state, and county highway department standards.

All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall be graded with a minimum

of two (2) inches of top soil and permanently stabilized with ground cover in a manner that will enhance the appearance of the environment. The shoulder at the edge of pavement or at back of curbing shall be stabilized with a minimum of two (2) courses or sod for the entire length of the roadway.

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

In order for the City of Daphne to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Riviera Utilities. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances shall be replaced by the utility company at the property owner's expense.

11-9 - Issuance of site disturbance permit.

Each person, firm, corporation, utility, entity, or agent thereof engaged in any site preparation and/or construction activities shall acquire a site disturbance permit from the community development department prior to commencement of such activities as established pursuant to the provisions of this article and no such activity shall commence prior to the approval of a preliminary plat or site plan by the planning commission.

Where applicable, any and all state and/or federal permits for construction related activities shall be obtained and submitted to the city prior to issuance of the site disturbance permit. The owner or developer shall provide to the department of community development, the appropriate signed application form, a certified cost estimate for site work, the fee for a site disturbance permit as enumerated in Article XXXIV, Schedule of Fees, and proof of the contractor's Daphne business license.

Whenever a major development, one which is five (5) acres or more, or any project deemed appropriate by the director of community development, is proposed within the corporate limits, the developer or his/her authorized engineer should contact the planning coordinator to arrange a pre-construction conference. Said meeting shall occur after site plan approval and prior to the issuance of a site disturbance permit. Participants shall include the developer, his engineer and his contractors, the representatives from the departments of community development, public works, building inspections; Riviera Utilities, Daphne Utilities, any other applicable public or private utility company, local, state, and/or federal agency. At the pre-construction conference, participants will discuss details related to permitting, construction safety, general expectations during construction, final inspection protocol, etc.

11-10 - Construction, testing and inspection of streets.

An independent testing laboratory shall conduct all the necessary tests to determine if the streets are installed to minimum design standards. Results shall be furnished to the department of community development prior to final subdivision plat approval. These tests shall be conducted at the expense of the developer/owner.

- (a) *Testing:* All testing shall be conducted by an independent testing laboratory approved in writing by the public works director or his/her designee. The testing laboratory shall have the proper equipment and personnel necessary to perform said testing of required improvements and shall be certified by the Alabama Department of Transportation. Proof of certification must be submitted to the public works director or his/her designee, prior to said approval.

The public works director shall determine which tests shall be scheduled and performed. A schedule of proposed testing must be submitted to the public works director or his/her designee for approval at the time of the pre-construction conference. The tests normally consist of, but are not limited to:

- (1) Soil gradation;
- (2) Optimum moisture content tests on embankment, subgrade and base material;
- (3) Soil compaction test on subgrade and base material;

- (4) In-place asphalt density analysis of road building materials;
- (5) Twenty-eight-day compressive strength of concrete;
- (6) Hydro-static test of water and pressurized sewer system as required by utility provider;
- (7) Air test of gravity sewer line as required by utility provider.

The developer shall notify the public works director, or his/her designee, twenty-four (24) hours prior to any required tests. Copies of all test reports are to be provided to the public works director before additional construction occurs. In the event problems exist that require remedial actions or design, the developer shall be required to submit revised engineering plans to the public works director before construction will be allowed to proceed.

- (b) *Clearing and grubbing:* All rights-of-way shall be cleared of all vegetation, trees, stumps, rocks and other objectionable or unsuitable material prior to grading or filling unless otherwise approved, in writing, by the public works director or his/her designee.
- (c) *Embankment sections:* The public works director will have the right to approve all borrow sources; however, this does not relieve the developer from full responsibility for the quality of material used. Roadway fill or embankment of earth material shall be placed in uniform layers, full width, and not exceeding six-inch thickness (loose measurement). Each layer shall be compacted so that a uniform specified density is obtained. Compaction tests shall be run at the frequency and location as directed by the public works director or his/her designee. Additional layers of fill shall not be added until directed by the public works director. For all density requirements refer to the current Alabama Department of Transportation "Standard Specifications for Highway Construction".
- (d) *Subgrade:* The subgrade shall be compacted and properly shaped prior to the placing of base materials. The top six (6) inches of the roadbed shall be modified, with the work being performed under Section 230 Roadbed Processing, of the current Alabama Department of Transportation "Standard Specifications for Highway Construction". It shall be full width of regular section and extend eighteen (18) inches outside of curb sections of thirty (30) inches from the edge of asphalt, whichever is greater. The embankment or subgrade shall be inspected by proof rolling, under the supervision of the public works director or his/her designee, with a fully loaded (minimum twenty (20) CY) tandem axle dump truck to check for soft or yielding areas. Any unstable materials shall be removed and replaced with a suitable material compacted to a density as required.
- (e) *Base:* Base course shall meet the requirements according to the current Alabama Department of Transportation "Standard Specifications for Highway Construction". Base course shall have a minimum thickness as required by section 11-8, Improvement Standards for Streets, of these regulations and shall extend twelve (12) inches outside of curb sections or twenty-four (24) inches from the edge of asphalt, whichever is greater. The density requirements for compaction shall be in accordance with the current Alabama Department of Transportation "Standard Specifications for Highway Construction". Developer/engineer may submit an alternate base design method for approval by the public works director or his/her designee. Design shall be based on a proven and accepted engineering test or method for the site conditions that exist.
- (f) *Roadway pavement:* All roads and/or streets shall be paved and comply with the following:
 - (1) All roads shall be improved according to the standards outlined in section 11-8, Improvement standards for streets, of these regulations;
 - (2) Prior to the placement of pavement, a bituminous treatment A (prime) shall be placed and inspected by the public works director or his/her designee;
 - (3) The finished wearing surface shall be uniform and free of defects. The public works director or his/her designee may require additional density tests in areas that appear questionable.

When all required improvements are installed, the developer/owner shall call for a final inspection. The public works director or his/her duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

11-11 - Sidewalks.

(a) It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial subdivisions in order to encourage vehicular and pedestrian connectivity within the City of Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and or industrial site developments in order to connect gaps between existing or planned sidewalk circulation systems within the city. Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a certificate of occupancy unless an agreement for future installation has been presented by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision development.

(b) Construction of sidewalks, shall comply with the following standards:

All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements. Sidewalks shall be constructed with reinforced concrete that has a minimum twenty-eight (28) day compressive strength of three thousand pounds per square inch (3,000 psi), and shall be in accordance with city specifications and these regulations, unless otherwise approved by the planning commission.

Type of Subdivision	Sidewalk Width
Low Density Residential	4 feet
High Density Residential	5 feet
Commercial or Industrial	6 feet

(c) Sidewalks shall provide pedestrian traffic and design shall encourage safe means of access eliminating conflicts between vehicles and pedestrians. Innovative design measures which would encourage the use of pervious material may be considered by the planning commission in lieu of typical sidewalk installation; however, ADA compliance is required where applicable. Sidewalks shall be installed in the following locations:

- (1) Along the perimeter of all developments where adjacent to city right-of-way.
- (2) Along the right-of-way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in section 11-14, Special provisions herein. Final plat shall not be approved until this provision is satisfied.
- (3) Along the right-of-way within each residential subdivision development.
- (4) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.
- (d) Restrictive covenants and the final subdivision plat, as required in Article XVII, Subdivision review, shall provide for the installation sidewalks by individual home owners or the developer:

The planning commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred (200) percent of the estimated cost and shall not expire within a twenty-four-month period.

(e) *Additional provisions:*

- (1) Subdividers may also be required to provide access through greenways and common areas.
- (2) Trail design shall be reviewed and approved by the planning commission. Trail width shall be at least ten (10) feet.
- (3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.
- (4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities. Pedestrian crosswalks should be provided wherever sidewalks connect with an existing or planned signalized intersection. Crosswalk shall be designed in accordance with applicable MUTCD guidelines.

(f) *Exemptions:* The developer may submit on the appropriate form a request for an exemption to the sidewalk provisions listed herein above. An exemption shall be granted upon receiving an affirmative supermajority vote of the planning commission and a favorable recommendation from the public works division director or designee thereof. All other sections, articles and/or content of the City of Daphne Land Use and Development Ordinance shall remain the same and shall be unchanged by this Ordinance.

(Ord. No. 2016-54, § III, 9-6-16)

11-12 - Water connections.

- (a) *Connection to public or private water system:* Developments, individual lots, or parcels shall be properly connected to a public or private community water system where such system borders the development, lot line, or is available and the appropriate utility has the capacity to provide service. The lines for both domestic use and fire protection shall be approved by a public or private community water supply and constructed in such a manner as to adequately serve all of the lots located within the subdivision. Water wells for purposes other than human consumption may continue to be used. If a well is required for each lot, the location, construction, and use of such well shall also meet the Baldwin County Health Department requirements. If a well is to serve more than one lot, a public community water system acceptable by and properly permitted by ADEM shall be required.

It is the intent of this Ordinance to eliminate by attrition, all existing private wells, in areas where public or private community water systems are available. Therefore, at such time as any private well fails to function properly, the owner must connect to the public or private community water system where such systems borders any development, lot line, or are available and the appropriate utility has the capacity to provide the service.

All developments shall have adequate potable water and adequate water for fire protection. In all cases, the developer, property owner, or agent shall submit written documentation verifying that the public or private water provider is willing and able to provide service to the development. Said documentation shall be on the utility company's letter head addressed to the department of community development.

When all water lines and connections are installed, the developer/owner shall call for final inspection prior to final plat approval or prior to the issuance of the certificate of occupancy. The appropriate utility provider representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications presented to the planning commission.

11-13 - Sewer connections.

- (a) *Connection to sanitary sewer system requirements.*
 - (1) A centrally connected sanitary system shall be constructed and installed and connected to a public sanitary sewer system where such system is reasonably available. A public sanitary sewer system is considered to be reasonably available if the system is located within an easement or right-of-way adjacent to or within five hundred (500) feet of the development or where such sanitary sewer system borders the development, individual lots, or parcels and the appropriate entity has the capacity to provide the service.
 - (2) Sanitary sewer collection systems for multiple customers shall be gravity systems. Low pressure systems, i.e., multiple grinder pumps, shall not be acceptable within the City of Daphne or its planning jurisdiction except with the approval of the planning commission. Consideration will be given to areas where access for proper maintenance to sewer mains is impractical and cost prohibitive as determined by the City or Daphne Utilities. The project design engineer shall provide written certification to justify the need for a multi-customer low pressure system. When approved as an acceptable system in lieu of a gravity system, low pressure systems shall be constructed to provide flow conditions that will minimize the development of corrosive and odor conditions from H₂S and to prevent the development of sewage BOD₅ (biochemical oxygen demand) concentrations greater than three hundred fifty (350) mg/l.
- (b) *Regulation of septic tanks:* The Board of Health of Baldwin County or its duly authorized representatives being specifically empowered and directed by state law, are hereby empowered and directed by the city to making such inspections and investigations of and to take such legal steps as may be necessary to regulate and control the type, construction, reconstruction, location, use and maintenance of all septic tanks and all appurtenances thereto or used in connection therewith in the city.
- (c) *Inspection of septic tanks:* All septic tanks within the city shall be subject to inspection or investigation by the board of health or its duly authorized representative(s) at all reasonable times and the board of health or its representative(s) shall have the right to enter upon or into all property, premises or building for such purposes.
- (d) *Permit for construction and maintenance of septic tank:* It shall be unlawful and an offense against the city for any person to construct a septic tank on any property within the city without first having obtained a permit from their county board of health or its duly authorized representative.
- (e) *Low pressure systems also known as grinder pumps:*
 - (1) Except as noted above, low pressure systems may only be installed with the approval of the planning commission. Construction of low pressure sanitary sewer systems, selection and installation of individual grinder pumps shall conform to the utilities board of the City of Daphne's Standard Constructed Specifications, latest edition, which is hereby adopted by reference.
 - (2) The building official or designee thereof or city engineer shall have the authority to determine if selection and installation of grinder pumps meets the minimum requirements of these specifications.

11-14 - Special provisions.

- (a) *Utility placement:* All water, sewer, gas, electric power, telephone, cable TV, and other utility lines shall be installed underground by the developer and/or owner in all new residential, commercial, or industrial developments, expansions and/or renovations of existing uses; said developments shall be connected to a central distribution system, unless for good reasons other than cost, the planning commission approves a modification or waiver of this requirement in part or in whole, or if a special condition requires otherwise.

- (b) *Drainage and utility easements:* Easements having a minimum width of ten (10) feet and located along the side or rear lot lines shall be provided as is necessary to utility lines, underground mains, and cables. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater or drainage right-of-way of adequate width, no less than five (5) feet to accommodate normal runoff. Said right-of-way shall be at a location one (1) foot above established high water or flood elevation.
- (c) *Location of fire hydrants:* Roadway fire hydrants shall be installed along each street at the center of each block and at one (1) corner of each roadway intersection, provided, however, that in no event shall fire hydrants be spaced so that any fire hydrant is located more than five hundred (500) feet from another fire hydrant. The water supply and pressure shall be sufficient to provide adequate fire protection and the future needs of the intended land use. Additional fire hydrant placement may be required on the interior of developed lots pursuant to local ordinance and fire regulations as adopted by the City of Daphne.
- (d) *Location of street lighting:* Lighting shall be installed at all intersections, curves, and cul-de-sacs. If additional lighting is consistent with safety and other community needs are deemed necessary, the director of community development shall require the subdivider to present a street lighting plan developed in conjunction with the appropriate utility company having jurisdiction within the area.

If the City of Daphne is to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Riviera Utilities. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances shall be replaced by the utility company at the property owner's expense.

- (e) *Placement of street signage for subdivisions and developments:* Proper signage in accordance with the latest edition of the "Manual of Uniform Traffic Control Devices" (MUTCD) as adopted by Alabama Department of Transportation (ALDOT) shall be installed prior to receiving final plat approval and maintained in all subdivisions until such time as roads are dedicated and accepted for maintenance by the city council resolution. All proposed signage shall be shown and detailed on the construction plans. The following minimum standards shall be adhered to:
 - (1) *R1-1 stop sign:* High intensity prismatic-minimum 0.080 inch thick, thirty (30) inches for all internal street intersections; thirty-six (36) inches for all intersections with existing city, county, state and federal roads.
 - (2) *Street name sign:* Nine-inch aluminum extruded blade, high intensity prismatic, six-inch tall all-capital lettering on green background for streets proposed to be public; six-inch tall white all-capital lettering on blue background for streets proposed to remain private. Brackets: Vulcan type VS-8 vandal proof or an approved equivalent.
 - (3) *All other signs, engineering grade or better:* Minimum 0.080 inch thick.
 - (4) *Post for street signs:* Minimum ten-foot long, two and three-eighth-inch galvanized round post. Street signs must be mounted on separate post from the stop sign, unless approved by public works director. If street signs and stop signs are approved to share the same post, in no case shall the street sign be attached directly to the stop sign. Stop signs shall be attached using a flanged bracket such as Vulcan Part #222491-501 or equivalent.
 - (5) *Post for all other signs: #3 Galvanized U-channel* of appropriate height embedded not less than three (3) feet below the finished grade elevation.
- (f) *Location of concrete monuments and pins:* Right-of-way and property line monuments shall be placed in each subdivision. Concrete monuments three-and-one-half (3½) inches square and two (2) feet long shall be driven flush with the grade at the intersection of all street rights-of-way and radius points.

Iron pins one-half-inch in diameter and two (2) feet long shall be driven flush with the grade at each lot corner and at each point where the property line changes direction.

- (g) *Annexation provision for extraterritorial planning jurisdiction subdivisions:* Proposed residential and/or commercial subdivisions located in the extraterritorial planning jurisdiction which are contiguous to the corporate limits and are served by a public community water and sanitary sewer system of the utilities board of the City of Daphne, shall be required to annex into the City of Daphne prior to approval of said subdivision, if it is deemed by the planning commission to be in the best interest of the city.
- (h) *Common open space and recreation provisions.* Common open space and recreation area set asides shall include formal recreation areas and/or natural open space areas.

There are two (2) types of formal recreation areas: passive and active. Passive recreation areas may include but shall not be limited to: open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculptures, and other forms of public art, pedestrian walk ways, dog parks, picnic areas, general landscaped areas, flower gardens, and other uses typical for passive recreation. Active recreation uses may include but shall not be limited to: playground or park for local or neighborhood use with swing sets, ball fields, tennis courts, jogging trails, clubhouses, swimming pools, including accompanying accessory structures, and any other similar use suitable for the common enjoyment of the residents.

Natural open space areas that preserve and conserve the natural condition and hydrology of the property should be included as well as tree groves, wetlands, associated wetland buffers, rock outcrops, pastoral areas, floodplains, lakes, streams, rivers, wildlife habitat, utility and conservation easements, and scenic vistas and trails. Detention ponds and related storm water facilities, especially low impact development measures, may also be included.

Applicability

Ten (10) percent of each proposed single-family or multi-family residential development shall be set aside for common open space and recreation area. Common open space and recreation provisions shall apply to each residential development within the corporate limits and extraterritorial jurisdiction of the City of Daphne except as exempted below.

Exemptions

Common open space and recreation provisions shall not apply in the following cases:

Where a unified planned single-family residential development (i.e., under single ownership and planned in multiple phases) is five (5) acres or less in total area and the minimum lot size exceeds twenty thousand (20,000) square feet; or,

Where the entire subdivision is zoned R-1, Low Density Single-Family Residential.

Phasing/Implementation

A common open space and recreation area plan shall be provided as a component of the subdivision master plan for single-family or multi-family residential subdivision development, except where herein exempted.

Upon preliminary plat submission for the first phase of the development an agreement shall be established for the implementation of the common open space and recreation area plan. The agreement shall be made using appropriate forms as provided by the city and shall include:

- (a) The proposed common open space and recreation area plan; and
- (b) A cost estimate of all work associated with the common open space and recreation area plan improvements (excludes land and/or utility costs); and
- (c) A renewable surety bond valid for two (2) years in the amount of one hundred ten (110) percent of the cost estimate or a letter of credit drawn on an Alabama based bank.

Performance Standards

The following factors shall be considered to determine the location for common open space and recreation areas.

Where possible and appropriate, common open space and recreation areas shall be readily accessible and useable by property owners.

To the maximum extent practical, a portion of the common open space and recreation area should provide focal points for the development.

Common open space and recreation areas shall have at least one (1) direct access to a public right-of-way.

The common open space and recreation areas shall be compact and contiguous unless the land is used as a continuation of or link to an existing or planned adjacent open space resource or where specific natural or topographic features require a different configuration.

In all developments, due regard shall be shown for all natural features such as large trees, heritage trees, water courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the overall development.

- (i) *Informal open space.* Informal open space shall be areas designated on the subdivision plat for undisturbed natural features including: tree groves, wetlands, rock outcrops, pastoral areas, floodplains, lakes, streams, rivers, and wildlife habitat; utility and conservation easements; and for passive recreation uses including walking trails, pathways, and picnic areas. Detention ponds and related stormwater facilities may be included in areas designated as informal open space.
- (j) *Formal open space/recreational provisions.* Landscaped formal open space/recreation areas, comprising not less than ten (10) percent of all common area required by this article, may include the following: pedestrian access walkways, children play areas, general landscaped areas, flower gardens, and areas for passive recreation, swimming pools, including accompanying accessory structures, and areas for organized sports, any other areas suitable for the common area enjoyment of the residents.
 - (1) Due consideration shall be given to the allocation of areas centrally located and of adequate size for a playground or park for local or neighborhood use, and other public service areas including but not limited to pools, ball fields, playgrounds, tennis courts, jogging trails, and clubhouses used primarily for recreation purposes. Additionally, open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculptures, and other forms of public art may be credited toward this provision.
 - (2) Where such features provide a clear community benefit, the planning commission may credit towards the minimum recreation provision any plazas and sidewalk areas exceeding the minimum sidewalk width requirements that contain at least four of the following features towards formal open space area requirements: seating elements; specialized or decorative paving features; pedestrian lighting beyond that required to illuminate public rights-of-way; canopies, awnings, or overhangs to shield pedestrians; street furnishings, including but not limited to planters, waste receptacles, bicycle racks, drinking fountains, or shelters for persons utilizing public transit; or informational kiosks.
 - (3) Detention ponds shall not be counted towards formal open space/recreational area provisions; however, retention ponds centrally located and accessible to the residents may be counted towards these recreation provisions. One-half ($\frac{1}{2}$) of the land area occupied by retention ponds and other bio-retention devices shall be counted toward these provisions.
 - (4) All formal open space/recreational areas shall be suitably developed for neighborhood use prior to final approval of the subdivision except where an agreement has been established for implementation in several phases.

(Ord. No. 2013-46, § I, 9-3-13)