



## **SUBDIVISION REGULATIONS**

**Approved and Adopted on  
August 23, 2007**

**Amended & Adopted on April 10, 2008**

**Amended & Adopted on June 12, 2008**

**Amended & Adopted on September 11, 2008**

**Amended & Adopted on January 12, 2012**

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## **Article 1. Purpose, Policy, Title and Interpretation**

### **Section 1.1 Purpose**

The purpose of these regulations is to establish procedures and standards for the development of subdivisions or proposed additions to existing subdivisions within the subdivision jurisdiction of the Town of Magnolia Springs, Alabama, in an effort to regulate the minimum size of lots, the planning and construction of all public streets, public roads, and drainage structures, and to require the proper placement of public utilities.

These subdivision regulations are designed to set the minimum requirements in order for the Town and its planning jurisdiction to remain “rural” in nature and to maintain it’s historic, cultural, and informal atmosphere to the degree possible within the confines of these regulations. It is also designed to be a part of our comprehensive plan and will be utilized by the planning commission to attempt to keep the area compatible with our comprehensive plan and the current overall ambience of the area.

### **Section 1.2 Policy**

#### **1.2.1**

It is hereby declared to be the policy of the Town of Magnolia Springs to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the Magnolia Springs Planning Commission pursuant to the authority granted to the County by Alabama Law (See *Section 2.1: Authority*).

#### **1.2.2**

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, wildlife, or natural resources, or peril from fire, flood, or other menace. Land shall not be subdivided until proper provision has been made for drainage, water, sewage disposal and streets, and approval has been granted in accordance with the procedures prescribed in these regulations.

#### **1.2.3**

Any owner of land which lies within the area of jurisdiction of the Magnolia Springs Planning Commission who wishes to develop, subdivide or re-subdivide such land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease, or of building development shall submit to the Town of Magnolia Springs Planning Commission and County Health Department for approval, a plat of the subdivision, which shall conform to the minimum requirements set forth in these regulations.

#### **1.2.4**

No subdivider shall proceed with any construction improvements, or with the installation of utilities in a subdivision until such subdivision plat has been reviewed and granted Preliminary Plat approval by the Town of Magnolia Springs Planning Commission and County Health Department, and a subdivision permit has been issued by the Baldwin County Engineer.

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### **1.2.5**

No subdivider shall proceed with the sale of lots or the erection of buildings, excluding required public improvements and utility structures, within a subdivision until such subdivision plat has been granted Final Plat approval entered in writing on the plat signed by the Chairman of the Town of Magnolia Springs Planning Commission and recorded in the Office of the Probate Judge of Baldwin County, in accordance with the procedures prescribed in these regulations.

### **Section 1.3 Title**

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of the Town of Magnolia Springs, Alabama.

### **Section 1.4 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, and preservation of wildlife and natural resources.

## **Article 2. Authority and Jurisdiction**

### **Section 2.1 Authority**

These Subdivision Regulations are adopted pursuant to the authority granted to the Planning Commission of the Town of Magnolia Springs by Section 11-52-30, et seq., of the Code of Alabama.

### **Section 2.2 Jurisdiction**

From and after the date of adoption, these regulations shall govern each and every subdivision of land in the Town of Magnolia Springs and its planning jurisdiction.

## **Article 3. Definitions**

### **Section 3.1 Usage**

For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular number; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".

A "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" and "must" are always mandatory; "should" and "may" are suggestive; a "building" includes a "structure" and includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

### **Section 3.2 Words and Terms Defined**

*Abutting/contiguous property.* Any property that is immediately adjacent to, touching, or separated from such a common border by a right-of-way, alley, or easement.

*Accessory structure.* A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

*ALDOT.* The Alabama Department of Transportation.

*All weather road.* A roadway with sufficient drainage, base and surface material to remain safe for use during heavy rain.

*Alley.* A public right-of-way primarily designed to serve as a secondary access to the side or rear of properties whose principal frontage is on some other street.

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

*Area and dimensional regulations.* Numerical standards established for a lot, yard, or building.

*Arterial.* (See *Street, Arterial*).

*Base flood.* The flood caused by a 100 year flood event.

*Base flood elevation.* The stormwater elevation caused by a Base Flood.

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

*Buffer.* Land which is maintained in either a natural or landscaped state and is used to screen and/or mitigate the impacts of development on surrounding areas, wetlands, properties, or rights-of-way.

*Building.* Any structure attached to the ground and intended for shelter, housing or enclosure for persons, animals, or chattels.



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***Building development.*** Includes, but is not limited to, the design work of lot layout; the construction of drainage structures; the construction of buildings and public use areas, including condos and apartments; the planning and construction of public streets and public roads; and the placement of public utilities.

***Building height.*** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs. In X-zones, as defined herein, building height will be measured from the lowest finished floor elevation. In V-zones, as defined herein, building height will be measured from the bottom of the lowest supporting girder.

***Building line.*** (See *Setback line*).

***Building site.*** The land occupied or to be occupied by a structure and its accessory structures including open spaces, required yards, and parking.

***Cluster development.*** A site planning technique that concentrates buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used for recreation, open space, and/or preservation of features and/or structures with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot areas, setback requirements, and/or bulk requirements, and with the resultant open space being devoted by deed restrictions for one or more reasons.

***Coastal construction line (CCL).*** A line in coastal Alabama determined by the Alabama Coastal Area Management Plan (ACAMP) seaward of which no construction is permitted.

***Coastal high hazard areas (V-zones).*** Areas that are subject to high velocity waters caused by, but not limited to, hurricane wave wash.

***Common driveway.*** A private driveway located to provide a single access to multiple lots from a publicly maintained street.

***Condominium:*** Condominiums are a valid form of development in accordance with State Law. Condominiums are considered a subdivision. Synonymous with condo, used herein.

***Conservation Development:*** See Section 11 of these regulations.

***County.*** Baldwin County, Alabama.

***County Commission.*** The Baldwin County Commission.

***Town Engineer or his/her designee.*** The duly designated Engineer of Baldwin County, Alabama.

***County specifications.*** All construction specifications which have been adopted by the County Commission or as required by the County Engineer and all utility departments.

***Dedication.*** The transfer of property from private to public ownership.

***Design Engineer.*** A registered professional engineer in the State of Alabama, qualified by education and experience to perform services of design in the area of their expertise. For these regulations, the design engineer is the consultant that is responsible for the design of the development and is retained by and/or is an agent for the owner/developer.

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*Developer.* The owner or his designated representative of land proposed to be subdivided. Consent shall be required from the legal owner of the premises.

*Development.* Includes, but is not limited to, the design work of lot layout, the construction of drainage structures; the construction of buildings and public use areas, including condos and apartments; the planning and construction of public streets and public roads; and the placement of public utilities.

*Differential runoff.* The difference in rate and volume of storm water runoff from a parcel or project in its undeveloped natural condition, and its developed condition.

*Double frontage lot.* (See *Lot, through*).

*Dwelling.* A building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including hotels, boarding houses, rooming houses, lodging houses or dormitories.

*Easement.* A grant by a property owner of the use of land for a specified purpose or purposes by the general public or a corporation, or person(s); or as created by operation of law.

*Engineering plan.* A post-construction record giving details of construction and locations of improvements and utilities as they were built or installed.

*Expressway.* (See *Street, Expressway*).

*Family division.* A division of land in accordance with the Code of Alabama 1975, Chapter 11-24-2(c) among the following designated legally related immediate family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

*Final plat.* A plat of a tract of land which meets the requirements of these regulations, and is in proper form for recording in the Office of the Probate Judge of Baldwin County, Alabama.

*Flood or flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters;
- (b) the unusual and rapid accumulation of runoff of surface waters from any source.

*Flood insurance rate map (FIRM).* An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to a community.

*Floodplain.* Those areas defined by the U.S. Geological Survey or the U.S. Army Corps of Engineers as subject to flooding once in 100 years, based on topography.

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface more than one (1) foot. For the purpose of these regulations, floodways shall be defined as follows:

- (a) The floodways as identified or delineated in the *Flood Insurance Study* for Baldwin County, Alabama.
- (b) Along Small Streams and Watercourses. All lands lying within 25 feet of the top of the bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the Town of Magnolia Springs Planning Commission that a lesser distance (but not less

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than 15-feet) is adequate based on the watershed characteristics and probable storm runoff for the base flood.

*Generalized Wetland Map.* Refers to the National Wetland Inventory (NWI) Maps, the Baldwin County Digital Wetland layer, and/or any other digital data depicting the general locations of wetlands or hydric soils and their degree of functionality within the jurisdiction of Baldwin County.

*Hardship.* An unusual situation which will not permit reasonable utilization of property. A hardship exists only when the situation is not self-created.

*Health Department.* The Baldwin County Health Department.

*Jurisdictional determination.* An official, written statement or map signed by the U.S. Army Corps of Engineers.

*Jurisdictional wetland.* A wetland area that is regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. It can meet the definitional requirements for wetlands (i.e. hydrophytic vegetation, hydric soils and hydrology) as determined by the U.S. Corps of Engineers, 1987 Federal Wetland Delineation Manual.

*Land subject to flood.* For the purpose of these regulations, land subject to flood shall be defined as follows:

- (a) The lands identified as having special flood hazards by the Office of Federal Insurance and Hazard Mitigation. The lands identified as subject to inundation by the base flood and all lands lying below the base flood elevations, as demonstrated by the maps and charts contained in the *Flood Insurance Study* for Baldwin County, Alabama, as prepared by the Federal Emergency Management Agency, Offices of Federal insurance and Hazard Mitigation, and all subsequent revisions thereto, which are made a part of these regulations.
- (b) All lands lying within 100 feet of the top of the bank of the channel (measured horizontally) along all small streams and watercourses.
- (c) Other low-lying property that accumulates and retains stormwater for a significant period, due to the topography of the land.

*Licensed Engineer.* A professional engineer registered in the State of Alabama.

*Licensed Land Surveyor.* A land surveyor registered in the State of Alabama.

*Lot.* A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, lease or rental, or for building development.

*Lot area.* The total horizontal area within the lot lines of a lot.

*Lot, corner.* A lot abutting upon 2 or more streets at their intersection or upon 2 parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

*Lot depth.* The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

*Lot, flag.* A lot with access provided to the bulk of the lot by means of a narrow corridor.

*Lot, interior.* A lot other than a corner lot.

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*Lot line.* The boundary line of a lot.

*Lot line, front.* On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; on a through lot, the lot line abutting the street providing the primary means of access to the lot; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained; or on a waterfront lot, the lot line abutting the water.

*Lot line, rear.* The lot line opposite and most distant from the front lot line.

*Lot line, side.* Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

*Lot of record.* A lot which is part of a recorded plat or a plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.

*Lot, through.* A lot, but not a corner lot, that abuts upon two streets, the frontages being noncontiguous.

*Lot width.* The horizontal distance between side lot lines, measured at the minimum front setback line, as required by either the Town of Magnolia Springs Subdivision Regulations, or the Town of Magnolia Springs Zoning Ordinance.

*Major subdivision.* A subdivision not classified as a minor subdivision, including but not limited to subdivisions of 5 or more lots, including remnant parcels, or any size subdivision requiring any new street or drainage improvements.

*Manufactured housing.* Single family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, including structures known as manufactured homes or mobile homes.

*Manufactured housing park.* A parcel or adjacent parcels of land under single ownership that have been planned and improved for the placement of 5 or more manufactured homes for dwelling purposes and for the production of income. This shall include any adjacent properties that are under unified control or that share common services (driveways, utilities, office, etc.)

*Master plan.* The master plan for the physical development of the Town of Magnolia Springs and its planning jurisdiction as adopted by the Town of Magnolia Springs. [Also known as the Comprehensive Land Use Plan.]

*Minor street.* (See *Local Street*).

*Minor subdivision.* A subdivision containing not more than 4 lots, including remnant parcels, fronting on an existing publicly maintained street and not involving any new street or drainage improvements.

*Mobile home.* (See *Manufactured housing*). A transportable, factory built home, designed to be used as a year round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

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

*Nonresidential subdivision.* A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

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*Owner.* Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

*Planned Developments.* Non traditional land development methods, as described in Section 9 of these regulations.

*Planning Commission.* The Magnolia Springs Planning Commission.

*Planning Commission staff.* Staff of the Town of Magnolia Springs Planning Commission includes but is not limited to the Town Engineer or his/her designee, Town Building Official, Town Zoning Administrator, Town Planning Director, the Town of Magnolia Springs Planning Commission Attorney and the Town of Magnolia Springs Planning Commission Secretary/Treasurer.

*Preliminary plat.* A tentative plan of the complete proposed subdivision submitted to the Town of Magnolia Springs Planning Commission for its consideration.

*Principal structure.* A building in which the primary use of the lot is conducted.

*Probate Judge.* The Judge of Probate of Baldwin County, Alabama.

*Record plat.* A plat of a proposed subdivision meeting the conditions of the Final Plat approval, if any; and containing signatures on all of the required certifications and signature blocks.

*Replat:* A replat is the modification or alteration of a common boundary line between lots, tracts, or parcels of property is proposed to be modified or altered. The net result is that no additional lots are created.

*Resubdivision.* A change in a map of an approved or recorded subdivision plat, if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

*Setback line.* A line defining the limits of a yard in which no building or structure, other than an accessory structure, may be located.

*Single tier lot.* A lot which backs upon a street, a railroad, a physical barrier, or a residential or nonresidential use, and to which access from the rear of the lot is usually prohibited.

*Site plan.* The development plan for one or more lots on which is shown the existing and/or proposed conditions of the lot(s).

*Special flood hazard areas.* Land in the floodplain as per the latest adopted FEMA Flood Insurance Rate Maps.

*Stormwater management.* The process of ensuring that the magnitude and frequency of stormwater runoff do not increase the hazards associated with flooding and that water quality is not compromised by untreated stormwater flow.

*Street.* The full right-of-way of a thoroughfare which affords the principal means of access to and from abutting property.

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- (a) *Expressway or freeway.* A street that has the main function to accommodate high traffic volumes for long distances by controlling ingress and egress, except at prescribed intervals. An expressway allows access at selected at grade intersections. A freeway allows access at only selected locations by means of on and off ramps with crossings above or below grade.
- (b) *Arterial.* A street that has a main function to connect areas in which large numbers of trips are generated. Arterials function to move traffic, and to provide access at limited locations to abutting land uses, particularly high trip-generating activities. Arterials may be classified as Principal or Minor.
- (c) *Collector.* A street that has a main function of collecting traffic from an area and moving it to the arterial street system, while also providing substantial service to abutting land use. Collectors may be further classified as Major or Minor.
- (d) *Local street.* A street that has a main function of serving abutting land use. This includes cul-de-sacs, marginal access streets, residential access streets, country lanes and single purpose streets.
- (e) *Marginal access street.* A street that separates abutting land areas from arterial streets. For example: (1) A service road in commercial area which serves to remove terminal traffic from arterials and in turn, allows them to fulfill their high volume, high speed function; and (2) an access street in residential area that serves to remove local traffic from an arterial and to buffer abutting residential lots from the detrimental effects of highway traffic (e.g. by use of park strips, screen plantings or other means), at the same time enhancing safety by limiting the number of driveways that directly access an arterial.
- (f) *Cul-de-sac.* A street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (g) *Single purpose street.* A two-directional one-lane local street. Access to a major subdivision by means of a single purpose street is not permitted.

*Subdivider.* Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) is directly or indirectly controlled by, or under direct, or indirect, common control with any of the foregoing.

*Subdivision.*

1. Subdivision: The division of land such that new boundaries are created which result in additional lots, tracts, or parcels of property for the purposes of sale, lease, gift or building development.

*Subdivision jurisdiction.* The territorial and extraterritorial jurisdiction of the Magnolia Springs Planning Commission over the subdivision of land.

*Subdivision, major.* (See *Major Subdivision*).

*Subdivision, minor.* (See *Minor Subdivision*).

*Surety.* Any bond, certificate of deposit, irrevocable letter of credit, cashiers check, or other acceptable surety as approved by the Magnolia Springs Planning Commission, the Town of Magnolia Springs, and the Town Attorney, guaranteeing performance of a contract or obligation.

*Town Engineer.* The duly appointed registered engineer of the Town of Magnolia Springs, whether employee or under contract to act in said capacity representing the interest of the Town.

*V-zone.* (See *Coastal high hazard areas*).

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*Watercourse.* Any depression serving to give direction to a flow of water, having a bed and well-defined banks and which shall, upon the rule or order of the Town Planning Commission and or Town Council, also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis, but may be intermittent, resulting from the surface runoff of precipitation.

*Wetlands.* Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as delineated by the Corps of Engineers. Wetlands generally include swamps, marshes, bogs and similar areas.

*X-zone.* (See *FEMA flood map regulations*).

*Yard, front.* An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On waterfront lots the front yard shall be considered from the front line of the building to the waterfront property line.

*Yard, rear.* An open space on the same lot with the principal building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the main building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

*Yard side.* An open, unoccupied space on the same lot with the principal building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

## **Article 4. Approval of Subdivision Plats**

### **Section 4.1 Approval of Subdivision Plats Required**

From and after the date of filing a certified copy of these regulations with the Probate Judge, no subdivision plat of land within the authority and jurisdiction of the Town of Magnolia Springs Planning Commission, as defined in Article 2 of these regulations, shall be filed or recorded, nor shall any lots be sold until the plat or exemption request (See Section 4.2) shall have been submitted to, and approved by, the Town of Magnolia Springs Planning Commission, and recorded by the Probate Judge. The Probate Judge, upon receipt of a copy of these regulations, shall not thereafter file or record a plat of a subdivision of land located within the Town's subdivision jurisdiction, as defined herein, without the approval of such plat in accordance with these regulations.

Applications for approval of a proposed minor subdivision shall include of a Final Plat. Applications for approval of a major subdivision shall include of a Preliminary Plat and Final Plat.

**(a)** Other types of development and subdivision methodologies also require approval by the Town of Magnolia Springs Planning Commission prior to any development. These other forms are as follows:

1. Condominiums: The Town Planning commission finds that condominiums have an impact on public health, safety, and welfare that makes no discernable difference in the vehicle of conveyance. Therefore, condominium projects shall meet the requirements, procedures, and approvals outlined for subdivisions.
2. Multi-Family Housing Units: When three or more housing units of any type or form are proposed for a given lot, tract, parcel, or parcels of property, the requirements, procedures, and approvals for subdivisions shall be met prior to any development activity.

### **Section 4.2 Exceptions to Required Approval.**

Notwithstanding the preceding paragraph, the following subdivisions are exempt from the provisions of these regulations:

- (a)** Subdivision of land by court order, including, but not limited to, judgments of foreclosure;
- (b)** 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;
- (c)** The division of land wherein the size of each and every resulting parcel of land equals or exceeds twenty (20) acres, including public rights-of-way, and involves no street or other public improvement. Each parcel shall have access from an ingress/egress and utility easement of a minimum of 50 feet in width;
- (d)** The division of land wherein the size of each and every resulting parcel of land equals or exceeds ten (10) acres including public rights-of-ways and involves no street or other public improvement. Each parcel shall have frontage on publicly maintained road, and must meet the requirements of Section 5.6 (h);
- (e)** The construction or development of roads or buildings on private property to be used for agricultural purposes.



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(f) One-time split: One-time splits are not permitted by exemption within the Town limits. Proposed one-time splits are considered to be a subdivision, and shall follow the procedures for approval by the Town Planning Commission. One-time splits are permitted in the planning jurisdiction as follows:

1. A “one-time” split of a single parcel into two parcels, if, and only if, the parcel existed and has not been divided since February 1, 1984. Sufficient documentation of property status as of February 1, 1984 must be submitted along with request for exemption. Each resulting parcel shall meet the minimum lot size and width requirements of Section 5.6(b).

(g) Family Division of Land – sale, deed or transfer of land by owner to immediate family members. Each parcel shall have its own ingress/egress and utility access of not less than 30 feet in width. If multiple parcels share access, an all weather road sufficient for emergency vehicles must be provide, and maintained. Each resulting parcel shall meet the minimum lot size and width requirements of Section 5.6(b) of the Magnolia Springs Subdivision Regulations.

*A Request for an Exempt Subdivision Letter* and supporting documentation to substantiate any claim of exemption shall be submitted to the Town Engineer or his/her designee. Owners of exempt subdivisions shall not be required to submit a plat to the Town of Magnolia Springs Planning Commission nor pay any of the required fees. Exemption from the requirement for approval to subdivide does not constitute exemption from the requirements of other applicable regulations, including, but not limited to, zoning ordinances, Health Department requirements, highway construction setbacks. Any subdivider who appears to be circumventing the intent and substance of these Regulations shall be required to submit a plat for review and approval by the Town of Magnolia Springs Planning Commission, and shall be subject to the penalties under *Section 15.3: Enforcement* of these Regulations.

### **Section 4.3 Municipal Extraterritorial Jurisdictions**

Whenever any subdivision of land, subject to the provisions of Ala. Code §11-52-30 et seq., is proposed within the extraterritorial jurisdiction of a municipal planning commission having properly exercised said extraterritorial jurisdiction, the subdivider shall be required to submit the subdivision to the municipal planning commission and County Engineer or, in his absence, the acting County Engineer, in accordance with §11-52-30(b) Code of Alabama, 1975, as amended.

### **Section 4.4 Submission of Preliminary Plat**

The procedure for obtaining Preliminary Plat approval is as follows: No subdivision Preliminary Plat application will be considered by the Magnolia Springs Planning Commission until all of the following requirements have been submitted.

#### **4.4.1 Application Procedure and Requirements**

The applicant shall file an application for approval of a Preliminary Plat. A complete application shall:

- (a) Be made on Preliminary Plat forms available at the offices of the Town of Magnolia Springs;
- (b) Be accompanied by the Preliminary Plat application fee according to the current schedule of fees established by the Magnolia Springs Town Council for the particular category of application;
- (c) Be accompanied by 10 full-size sets of black or blue-line prints of the proposed Preliminary Plat, and one 11”x17” copy of the proposed Preliminary Plat;

### ***Town of Magnolia Springs Subdivision Regulations***

- (d) Be accompanied by a digital file of the proposed Preliminary Plat, in suitable format to the Town Engineer or his/her designee.
- (e) Be accompanied by a generalized drainage plan in accordance with Section 5.7.7, and written narrative that describes in detail the existing and proposed drainage patterns and characteristics of the proposed development, as well as the proposed method of stormwater management to be used;
- (f) Be submitted to the Town of Magnolia Springs at least 45 days prior to a regularly scheduled meeting of the Town of Magnolia Springs Planning Commission.
- (g) Be accompanied by a current (within 60 days from date of application) title policy, title opinion, or title report, verifying ownership. Said title document shall cover a period of no less than 50 years;
- (h) Be accompanied by documentation from the Baldwin County Health Department that Phase 2 of the Site Preparation Plan process is complete (for developments proposing to utilize on-site septic systems);
- (i) Be accompanied by a draft copy of restrictive covenants and/or deed restrictions;
- (j) Be accompanied by a written report from each affected utility company (water, sewer, electric, and telephone) documenting their ability to serve said development;
- (k) Be accompanied by the Traffic Study and other information as required by Section 5.3.16;
- (l) Be accompanied by a completed Preliminary Plat Application Submittal Checklist, and by a transmittal letter listing all of the drawings, letters, calculations, attachments, and other information submitted for the application.
- (m) Fire Department review and approval.

#### **4.4.2 Preliminary Plat Review**

After the Town Engineer or his/her designee has reviewed the Preliminary Plat, the Town Engineer or his/her designee shall certify to the Town of Magnolia Springs Planning Commission whether the Preliminary Plat meets the subdivision regulations. If it is determined by the Town Engineer or his/her designee that any major deficiency exists, or that 4 or more minor deficiencies exist, the subdivision will not be reviewed by the Town of Magnolia Springs Planning Commission. If any major deficiency or 4 or more minor deficiencies exist, they will be detailed and accompanied by a letter to be sent to the applicant. If the Preliminary Plat meets the subdivision regulations, it may be approved by the Town of Magnolia Springs Planning Commission. Should the Preliminary Plat be determined by the Town Engineer or his/her designee to be deficient in any regard, the Town Engineer or his/her designee shall detail the deficiency to the Town of Magnolia Springs Planning Commission, along with a recommendation that the Preliminary Plat be disapproved. Notice of the recommendation of the Town Engineer or his/her designee shall be sent to the owner or developer whose name and address appears on the submitted Preliminary Plat by registered or certified mail at least 10 days before the recommendation shall be presented to the Town of Magnolia Springs Planning Commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear upon the plats in the office of the county tax assessor and their addresses appear in the directory of the county or on the tax records of the county, and to each utility affected thereby.

#### **4.4.3 Effective Period of Preliminary Approval**

The approval of a Preliminary Plat shall be effective for a period of 2 years, at the end of which time final approval of the subdivision must have been obtained from the County or Municipal planning commission,

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although the plat need not yet be signed and filed with the Probate Judge. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the applicant shall be required to resubmit a new plat for preliminary approval, subject to all subdivision regulations and filing fees. However, upon written request from the applicant stating the reasons for such request, the Town of Magnolia Springs Planning Commission, upon advice from the Town Engineer or his/her designee may extend the effective period of the approval up to twenty-four additional months.

### **4.4.4 Resubmission of Preliminary Plat**

The Town of Magnolia Springs Planning Commission shall not reconsider, for a period of 4 months, a Preliminary Plat which has been disapproved by the Town of Magnolia Springs Planning Commission. If after 4 months the applicant has complied with the Town of Magnolia Springs Planning Commission's required changes and/or additions, a new application for approval of a Preliminary Plat may be resubmitted. This submittal shall be in accordance with *Section 4.4: Submission of Preliminary Plat*.

### **4.4.5 Preliminary Plat Requirements**

The Preliminary Plat shall be prepared by a Licensed Professional Engineer or Land Surveyor registered in the State of Alabama, and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals 100 feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. All text shall be a minimum of 1/10 of an inch in height. The sheet size shall not exceed 24 x 36 inches. The Preliminary Plat shall show the following:

- (a) Name and address of owner(s) of record and subdivider;
- (b) Proposed name of subdivision, date, north point, scale, and location;
- (c) Name, address and phone number of Licensed Professional Engineer or Land Surveyor registered in the State of Alabama;
- (d) Vicinity map showing location of the subdivision;
- (e) Exact boundaries of the tract of land being subdivided, shown with bearings and distances;
- (f) Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, as their names appear upon the plats in the office of the county tax assessor, and as their addresses appear in the directory of the county or on the tax records of the county;
- (g) Wooded areas, wetlands, cultural resources and any other conditions affecting the site;
- (h) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on the tract being subdivided, and on adjacent land within 100 feet of the tract being subdivided;
- (i) The location of dams and water impoundments, including the limits of the top of such impoundment structure or embankment, the location of any related spillway(s), and/or outlet control structures;
- (j) Existing and proposed rights-of-way or easements including location, widths, purposes, and street names;
- (k) Proposed lot lines, with bearings and distances, square footage or acreage of each lot, and lot and block numbers;

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- (l) Proposed minimum building setback lines shown for each lot, clearly labeled on the plan view;
- (m) Proposed parks, school sites, or other public open spaces, if any;
- (n) Site data:
  - 1. Acreage in total tract;
  - 2. Smallest lot size;
  - 3. Total number of lots;
  - 4. Linear feet in streets;
  - 5. Minimum building setback;
  - 6. Zoning District and Zoning Classification (if applicable).
- (o) Any area within 100 feet of the proposed subdivision subject to inundation by the 100 year flood as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the plat;
- (p) Special flood hazard areas and/or coastal high hazard areas, as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect;
- (q) U.S. Army Corps of Engineers wetlands jurisdictional determination, if the proposed subdivision contains wetlands or is within 100 feet of a wetland as determined by the Town Engineer or his/her designee, from the Generalized Wetland Map; or through a site visit by County Staff;
- (r) The name of each utility company proposed to provide water, sewer, electrical, and telephone service;
- (s) Topography, showing existing contours at 1 foot intervals of the entire property, and full width of all adjacent right-of-ways. Topographic information shall be based on the NAVD 88 datum. Elevations must be field verified. Greater intervals may be allowed, if approved by the Town Engineer or his/her designee.

#### **4.4.6 Construction Plans**

Upon approval of the Preliminary Plat, the applicant shall, within 6 months of the date of Preliminary Plat approval, submit 1 set of construction plans for the required improvements, the construction plan review fee, and engineering calculations prepared in accordance with these regulations. These plans and calculations will be reviewed by the Town Engineer or his/her designee for compliance with these regulations. Any items being deficient will be detailed in a letter to the applicant, and corrected plans and calculations may be required to be submitted.

All plans shall meet the minimum standards of design and general requirements for the construction of public improvements, as set forth in these regulations. Construction plans shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Preliminary Plat. Construction plans shall be prepared by a Licensed Professional Engineer registered in the State of Alabama. The following construction plans shall be included:

- (a) Street Plan containing the following information:
  - 1. Locations of all proposed and existing streets or rights-of-way in or adjacent to the subdivisions;
  - 2. Width of existing and proposed rights-of-way and easements;
  - 3. Street names and location of street signs;
  - 4. Plan and Profile of all streets, showing natural and finished grades drawn to scale of not less than one (1) inch equals 100-foot horizontal and one (1) inch equals 10 feet vertical;

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5. Typical Roadway Section detail;
6. Cross sections of proposed streets at a minimum of 100 foot stations;
7. Curve data for the centerline of each street: Delta, Tangent, and Radius;
8. Location of all proposed sidewalks and crosswalks.

(b) Storm Drainage Plans showing plans and specifications that describe the measures proposed to manage stormwater runoff (see *Section 5.7: Drainage* and *Section 5.9: Storm Water Management*). This shall include an overall drainage plan.

(c) Erosion Control Plans showing plans and specifications that describe the measures and best management practices which are proposed to control site erosion during and after construction (see *Section 5.8: Erosion and Sedimentation*). This shall include an overall erosion control plan.

(d) Utility Plans showing plans and specifications for the proposed water supply, sewage disposal and fire protection as applicable (see *Section 5.2.5: Utilities*). This shall include an overall utility plan.

(e) Traffic Control Plans showing plans and specifications for the proposed permanent and temporary traffic control devices.

### **4.4.7 Approvals and Beginning of Construction**

No Preliminary Plat shall be approved by the Town of Magnolia Springs Planning Commission until each utility affected has been given at least 10 days to review the proposed plat and submit a written report to the Town of Magnolia Springs Planning Commission as to whether all provisions affecting the service to be provided by the utility are reasonable and adequate.

No development may proceed until all required local, state and federal permits have been received and submitted to the Town Engineer or his/her designee. Permits include, but are not limited to, NPDES permit; Section 401 and 404 Clean Water Act permit; Coastal Area Management Program permit; Alabama Department of Transportation access permit, and; Baldwin County Highway Department access permit or permit to construct acceleration lanes, deceleration lanes, and/or median left turn lanes on county right-of-way.

NO CONSTRUCTION OF SUBDIVISION IMPROVEMENTS SHALL COMMENCE UNTIL A SUBDIVISION PERMIT HAS BEEN ISSUED (See also Section 5.11). Once a Preliminary Plat is approved, the Construction Plans are approved, all necessary permits have been submitted to the Town Engineer for verification, all conditions of approval have been met, and the Road Construction Inspection Fee has been paid to the Town Engineer, a Subdivision Permit will be issued. Any violation of this provision will be subject to penalties as allowed by law.

### **Section 4.5 Submission of Final Plat**

The procedure for obtaining Final Plat approval is as follows. No subdivision Final Plat application will be considered by the Magnolia Springs Planning Commission until all of the following requirements have been met.

#### **4.5.1 Application Procedure and Requirements**

In the case of a minor subdivision, or following approval of the Preliminary Plat in the case of a major subdivision, the applicant shall file with the Town of Magnolia Springs Planning Commission an application for approval of the Final Plat. A complete application shall:

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- (a) Be made on Final Plat forms available at the offices of the Town of Magnolia Springs;
- (b) Be accompanied by the Final Plat application fee, according to the current schedule of fees established by the Town Council for the particular category of application;
- (c) Be accompanied by 10 full-size black or blue-line prints of the proposed Final Plat, one 11"x17" copy of the proposed Final Plat, one 8 ½"x11" copy of the proposed Final Plat, and 2 sets of As-built plans and in digital format, as per Section 4.5.5, and 2 sets of Test Reports as per Section 5.11(c);
- (d) Be accompanied by a digital file of the proposed Final Plat, in suitable format for the Town Engineer;
- (e) Comply in all respects with the Preliminary Plat, as approved, except for minor modifications not altering the design of the subdivision;
- (f) Be submitted to the Town of Magnolia Springs at least 45 days prior to a regularly scheduled meeting of the Town of Magnolia Springs Planning Commission;
- (g) Be submitted within two (2) years of the date of Preliminary Plat approval;
- (h) Be accompanied by a current (within 60 days from date of application) title policy, title opinion, or title report verifying ownership. Said title document shall cover a period of no less than 50 years;
- (i) Be accompanied by documentation from the Baldwin County Health Department that the Site Preparation Plan is approved (for developments proposing to utilize on-site disposal systems);
- (j) Be accompanied by a final copy of restrictive covenants and/or deed restrictions;
- (k) If required improvements are not complete, be accompanied by a surety, as required by Section 7.2 of these regulations;
- (l) Be accompanied by a written report from each affected utility company (water, sewer, electric, and telephone) documenting their ability to serve said development unless previously submitted with a Preliminary Plat application;
- (m) Be accompanied by a completed Final Plat Application Submittal Checklist, and be accompanied by a transmittal letter listing all of the drawings, letters, attachments, and other information submitted for the application.

#### **4.5.2 Final Plat Review**

##### **(a) Minor Subdivisions:**

After the Town Engineer or his/her designee has reviewed the Final Plat, the Town Engineer or his/her designee shall certify to the Town of Magnolia Springs Planning Commission whether the Final Plat meets the subdivision regulations. If it is determined by the Town Engineer that any major deficiency or 4 or more minor deficiencies exist, the subdivision will not be reviewed by the Magnolia Springs Planning Commission. If any major deficiency or 4 or more minor deficiencies exist, they will be detailed and accompanied with a letter to be sent to the applicant stating that the subdivision will not be placed on the Town of Magnolia Springs Planning Commission agenda until the deficiencies have been corrected. If the Final Plat meets the subdivision regulations, it may be approved by the Town of Magnolia Springs Planning Commission. Should the Final Plat be determined by the Town Engineer, or his/her designee, to be deficient in any regard, the Town Engineer or his/her designee shall detail the deficiency to the Town of Magnolia Springs Planning Commission, along with a recommendation that the

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Final Plat be disapproved. Notice of the recommendation of the Town Engineer, or his/her designee, shall be sent to the owner or developer whose name and address appears on the submitted Final Plat by registered or certified mail at least ten (10) days before the recommendation shall be presented to the Town of Magnolia Springs Planning Commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the office of the county tax assessor, and as their addresses appear in the directory of the county or on the tax records of the county, and to each utility affected thereby.

#### **(b) Major Subdivisions:**

The Town Engineer or his/her designee will review the Final Plat, Test Reports and Record Drawings. Anything found to be deficient will be detailed and accompanied by a letter to be sent to the applicant. If the Final Plat meets the subdivision regulations and is in conformance with the approved Preliminary Plat, the applicant shall be notified of such and the Final Plat may be signed for recording.

#### **4.5.3 Resubmission of Final Plat**

The Town of Magnolia Springs Planning Commission shall not reconsider, for a period of 4 months, a Final Plat which has been disapproved by the Town of Magnolia Springs Planning Commission. If, after 4 months, the applicant has complied with the Town of Magnolia Springs Planning Commission's required changes and/or additions, a new application for approval of a Final Plat may be resubmitted. This submittal shall be in accordance with *Section 4.5: Submission of Final Plat*.

#### **4.5.4 Final Plat Requirements**

The Final Plat shall be prepared by a Professional Land Surveyor registered in the State of Alabama, and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals 100 feet. The sheets shall be numbered if more than one (1) sheet is used. All text shall be a minimum of 1/10 of an inch in height. The sheet shall be of such size as is acceptable for filing in the Office of the Probate Judge, but shall not exceed 24 x 36 inches. The Final Plat shall show the following:

- (a) Name and address of owner(s) of record;
- (b) Name of subdivision, north point, scale, and location;
- (c) Name, address and phone number of Licensed Professional Engineer or Land Surveyor registered in the State of Alabama;
- (d) Vicinity map showing location of the subdivision;
- (e) The relation of the land so platted to the Government Survey of Baldwin County. The "point of beginning", as referred to in the written description, shall be so indicated;
- (f) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, and block line, whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arc and chord distances;
- (g) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name;
- (h) The exact position of the permanent monuments and property markers shall be indicated on the plat by a small circle "o";

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- (i) Existing rights-of-way, alleys, or easements including location, widths, purposes, street names and recording information;
- (j) Proposed rights-of-way, alleys, or easements including location, widths, purposes, street names and recording information;
- (k) Lot lines, square footage or acreage of each designated lot, parcel, and common area, and indication of all proposed lot and block numbers. Lots and blocks shall be uniquely identified in consecutive numerical or alpha-numerical order;
- (l) Proposed minimum building setback lines shown for each lot, and clearly labeled on the plan view;
- (m) Site data:
  - 1. Acreage in total tract;
  - 2. Smallest lot size;
  - 3. Total number of lots;
  - 4. Linear feet in streets;
  - 5. Minimum proposed building setbacks;
  - 6. Zoning District and Zoning Classification (if applicable);
- (n) Common areas, parks, school sites, or other public open spaces, if any;
- (o) All dimensions should be to the nearest one-hundredth (1/100) of a foot, and angles within plus or minus 5-seconds;
- (p) U.S. Army Corps of Engineers wetlands jurisdictional determination, if the proposed subdivision contains wetlands or is within 100 feet of a wetland, as determined by the Town Engineer or his/her designee, from the Generalized Wetland Map; or through a site visit by County Staff;
- (q) Special flood hazard areas and/or coastal high hazard areas, as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect.
- (r) The following endorsements, dedications, and certificates shall be placed on the Final Plat as applicable (see Appendix 1 for sample certificates):
  - 1. Licensed Surveyor's Certificate and Description of Land Platted;
  - 2. Owner's Dedication;
  - 3. Notary's Acknowledgment of the Dedication Certificate referred to in "2".
  - 4. A Certificate of Approval by the appropriate electric, gas, telephone, water, and sewer utility distributors;
  - 5. Certificate of Approval by the Baldwin County E-911 Addressing;
  - 6. A Certificate of Approval by the Baldwin County Coastal Area Program (if applicable);
  - 7. A Certificate of Approval by the County Engineer of Baldwin County;
  - 8. A Certificate of Approval by the Magnolia Springs Planning Commission;
  - 9. A Certificate of Approval by the Baldwin County Health Department (if applicable);
  - 10. Licensed Engineer's Certification of Improvements (Major Subdivisions only).
  - 11. Baldwin County Planning Director (if located within a zoned district of Baldwin County).
  - 12. A Certificate of Approval by the Fire Chief or his designee for the area.

The above certificates shall be lettered or typed on the Final Plat in such a manner as to insure that said certificates will be legible on any prints made therefrom.



#### **4.5.5 Engineering Plan and Test Reports**

At the time of Final Plat submittal the applicant shall submit all test reports and record drawings, or "As-Built" plans, signed by the engineer of record and giving details of construction and locations of the improvements which have been installed. This shall be submitted as blue or blackline drawings and in a digital format suitable to the Town Engineer or his/her designee. If the installation of improvements is completed under a bond (See Section 7.2), the engineering plan and test reports shall be submitted to the County upon request of release of the bond by the applicant. The "As-Built" plans shall include at a minimum, geometric roadway plans, plan/profiles of all roads, overall drainage plan, overall utility plan (including but not limited to water, sewer, phone, electrical), overall erosion control plan (permanent erosion control only), and details as required for construction plans. "As-Built" plans shall be on a sheet that is no larger than 24" x 36", and shall be at a scale of no larger than 1" = 50'.

#### **4.5.6 Recording of Final Plat**

(a) Upon determination that the Final Plat should be approved and that the installation of all required improvements has been satisfactorily completed in accordance with County specifications, and approved by the Town Engineer or his/her designee, or that an acceptable financial guarantee has been provided for the satisfactory completion of all required improvements, the original Final Plat tracing shall be signed by the person authorized by the Town of Magnolia Springs Planning Commission to sign such plats. The original Final Plat tracing and at least 8 blue or black line copies shall then be submitted to the offices of the Town Engineer or his/her designee for signature.

(b) On all major subdivisions, the subdivider shall submit a copy of the approved Final Plat in digital format on CD, DVD, or other approved media, to the offices of the Town Engineer or his/her designee. CAD/CAM files shall be submitted in an acceptable format. The digital file(s) shall be accompanied by a transmittal letter which lists the files being submitted, a description of the data in each file, a level/layer schematic of each design file, and a statement conveying rights to the Town of Magnolia Springs for the data to be used for GIS purposes. Text, parcels, and roads must be grouped together on separate layers. A separate miscellaneous layer may be used for other information. All data submitted shall use NAD 1983 Alabama West Zone Coordinates in US Survey Feet. Digital files must display, by text, said state plane coordinates for all points specified in *Section 6.1.2: Monuments*.

(c) Following signature, the original Final Plat tracing will be returned to the subdivider for recording at the office of the Probate Judge of Baldwin County.

#### **4.6 Replat**

Replats shall meet the technical requirements for a preliminary and final plat as outlined in the Town's Subdivision Regulations. Replats are to be administratively approved by the Town Planning Commission Chair and Secretary upon finding that all subdivision requirements and, any applicable dimensional zoning standards are met, and that no additional lots are created. There shall be a copy of the plat drawing, as required by the final plat process that must have all appropriate signatures prior to recording with the Judge of Probate.

## **Article 5. Development Standards**

### **Section 5.1 Minimum Standards**

The following planning and design standards shall be complied with, and higher standards may be required by the Town of Magnolia Springs Planning Commission, where exceptional or unique conditions of topography, location, shape, size, drainage, wetlands, or other physical features of the site, and surroundings, would create unacceptable demands on the accompanying infrastructure, or minimum standards specified herein would not reasonably protect or provide for public health, safety, or welfare. Any higher standard required shall be reasonable and shall be limited to the minimum additional improvements necessary to protect the public health, safety, or welfare. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- (a) All applicable statutory provisions;
- (b) The special requirements and rules of the Baldwin County Health Department and/or appropriate State agencies;
- (c) The rules and standards of the Alabama Department of Transportation, if the subdivision or any lot contained therein abuts a State highway;
- (d) The standards and regulations adopted by all boards, commissions, agencies, and officials of Baldwin County;
- (e) Plat approval may be withheld if a subdivision is not in conformity with the above guides, or with the policy and purpose established in Article I of these regulations.

### **Section 5.2 General Requirements**

#### **5.2.1 Plats Straddling Jurisdictional Boundaries**

Whenever access to a subdivision is required across land in another local government planning jurisdiction, the Town of Magnolia Springs Planning Commission may request assurance from the Town Engineer, or his/her designee, Attorney, or other appropriate official, that the access road is adequately improved, or that surety has been duly executed, and is sufficient in amount to assure the construction of the access road.

#### **5.2.2 Character of the Land**

Land which the Town of Magnolia Springs Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse soil formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Town of Magnolia Springs Planning Commission. Approval may be granted after a favorable recommendation has been made by the Town Engineer or his/her designee, to solve the problems created by the unsuitable land conditions; otherwise such land shall be set aside for uses as that shall not involve such a danger. It is therefore recommended that the applicant perform any necessary site investigations related to items such as soils, wetlands, flooding, drainage, and natural habitats prior to submitting a Preliminary Plat for review.

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Any development within jurisdictional wetlands is highly discouraged. No development shall be approved that proposes to fill either jurisdictional or non-jurisdictional wetlands in order to create buildable lots. Where a parcel of land proposed to be subdivided contains an area of wetlands delineated as jurisdictional by the Army Corps of Engineers, said wetlands shall be subject to Section 404(b)(1) guidelines concerning fill material disposal into wetlands. Lots may only be platted where sufficient upland areas exist to provide a building site for the principal structure and necessary ancillary facilities. Fill may be used only where necessary to provide access to lots where approval for such fill has been received from the Corps of Engineers and other appropriate governmental agencies. The building setback line from wetlands shall be 30 feet. In addition, a minimum 5 foot buffer shall be provided between all jurisdictional wetlands and all lot lines.

Land within any floodway shall not be platted for residential occupancy or building sites. Land outside the floodway, but subject to flood, may be platted for residential occupancy, provided each lot contains a building site that may reasonably lend itself to construction of a minimum floor level of one (1) foot above base flood elevation, or for such other uses which will not increase the danger to health, life, and property. Fill may not be used to raise land in the floodway. In other areas subject to flood, fill may be used, provided that proposed fill does not restrict the flow of water and unduly increase flood heights, or unnaturally redirect stormwater to adjacent properties.

Land subject to flood must not be platted as lots, unless the developer demonstrates to the satisfaction of the Town of Magnolia Springs Planning Commission that the property in question is free from the danger of inundation by the base flood, or that adequate remedial measures have been taken to allow the watercourse to safely accommodate the base flood. The developer shall submit such data or studies based on the watershed characteristics, probable runoff, and other topographic and hydraulic data prepared by a licensed professional engineer as the Town of Magnolia Springs Planning Commission may reasonably require to adequately make its determination of the flood susceptibility of the property.

### **5.2.3 Subdivision Name**

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Town of Magnolia Springs Planning Commission shall have final authority to designate the name of the subdivision, which shall be determined at Preliminary Plat approval.

### **5.2.4 Water Bodies and Watercourses**

(a) If a tract being subdivided contains a water body, or portion thereof, the ownership of and responsibility for safe maintenance of the water body shall be such that it will not become a Town responsibility. No public roadways will be approved which provide access across dams.

(b) Dams or impoundments, including impoundment embankments and the entire spillway and outlet structure, along with access at least 20 feet in width to each end of the embankment and outlet structure, shall be retained in a common area.

### **5.2.5 Utilities**

The applicant is *required* to place all utilities underground. All existing and proposed utility facilities throughout the subdivision shall be shown on the Construction Plans submitted with the Preliminary Plat. All pressurized underground utility lines located under pavement shall be encased, except for service lines less than 2" in diameter. Minimum cover must be provided over all utility lines as required by the Town Engineer.

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### **(a) *Water System.***

(1) *Major subdivisions.* Every major subdivision shall connect to an existing public water supply system capable of providing both domestic water use and fire protection when the existing system borders the subdivision, or the system is reasonably available and the utility has submitted a statement that it is willing and able to provide service.

(2) *Minor subdivisions.* Every minor subdivision shall connect to an existing public water supply system capable of providing both domestic water use and fire protection when the existing system borders the subdivision and the utility has submitted a statement that it is willing and able to provide service.

(3) Where public water is existing or is installed, fire hydrants shall be installed at a spacing not to exceed 1,000 feet along each street, and within 500 feet of all proposed lots. The water supply volumes and pressures shall be sufficient to adequately serve the subdivision. The design engineer shall submit a written report and calculations that include recent flow rate tests of the existing water system that verify the adequacy of the fire protection being provided. A letter must be submitted from the local fire protection authority, indicating that the proposed volumes and pressures are sufficient. If adequate fire flows are not existing and cannot be provided, the minimum lot size must be increased as though public water is not being provided as per Section 5.6(b)

### **(b) *Sanitary Sewer System.***

1) Connection to a sanitary sewer system is only required when necessary to meet the lot size requirements of Section 5.6(b). When sanitary sewer is installed, sewer stub-outs shall be provided for each lot, and shall extend to the property line of the said lot.

(2) If no sanitary sewer system is provided, on-site disposal systems may be used after approval is received from the Health Department.

(d) *Easements.* An easement a minimum of 15 feet wide on the rear and/or side lot lines shall be provided for utilities, as required by the utility providers and/or the Town of Magnolia Springs Planning Commission. Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements. All existing and proposed easements shall be clearly indicated in the plan view of the Preliminary and Final plats.

## **Section 5.3 Street Layout**

The arrangement, character, extent, location and grade of all streets shall be laid out according to good land planning principles, and shall be integrated with all existing and planned streets. New streets shall consider topographical conditions, orientation to vistas, public convenience and safety, and the proposed uses of land to be served by them.

### **5.3.1 Continuation of Adjoining Street System**

Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the Town of Magnolia Springs Planning Commission for reason of topography or design.

### **5.3.2 Access to Adjacent Properties**

Where, in the opinion of the Town Engineer or his/her designee or the Town of Magnolia Springs Planning Commission, it is desirable to provide for street access to an adjoining property, streets and rights-of-way shall be extended to the boundary of such property at a minimum of one (1) per quarter mile.

### **5.3.3 Private Streets**

There shall be no private streets platted within a subdivision where abutting properties will be sold to the public; however, in certain instances, private streets may be approved by the Town of Magnolia Springs Planning Commission, provided they are constructed according to the standards of these regulations.

In the event that the Town of Magnolia Springs Planning Commission does approve a private street, or if the Town of Magnolia Springs elects not to accept the subdivision streets for maintenance, the developer shall install street signs in accordance with Section 5.4.11 for private streets.

The following statement shall be shown on the preliminary and the final plats:

“All roads and rights-of-way shown on this plat are PRIVATE, and are not subject to public maintenance.

### **5.3.4 Private Reserve Strips**

Private reserve strips controlling access to streets shall be prohibited, unless required or approved by the Town Engineer or his/her designee or the Town of Magnolia Springs Planning Commission to limit access to Collectors or Arterials.

### **5.3.5 Additional Width on Existing Roads**

Subdivisions that adjoin existing streets with inadequate right-of-way shall dedicate additional right-of-way to meet the minimum street width requirements, or as required by the Town Engineer or his/her designee .

### **5.3.6 Street Names**

Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. All proposed streets shall be given a name. In no case shall the names of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, etc. Street names are subject to the approval of E-911 Addressing. All applications involving new streets shall be accompanied by a letter from the E-911 Addressing office indicating the names of the approved street names.

### **5.3.7 New Half-Streets and New Half-Alleys**

No new half-streets or half-alleys shall be platted.

### **5.3.8 Vacating a Street or Easement**

No street or easement may be vacated unless properly submitted and approved by the Town of Magnolia Springs.

### **5.3.9 Frontage on Improved Roads**

- (a) No minor subdivision shall be approved unless all resultant lots have frontage on, and access from an existing publicly maintained street.
- (b) No major subdivision shall be approved unless all resultant lots have frontage on, and continuous access from:
  - 1. an existing publicly maintained paved street with suitable asphalt width and right-of-way as required by Section 5.4; or
  - 2. a proposed paved street upon a plat approved by the County or municipal planning commission and to be recorded in the Baldwin County Probate Judge's Office. Such street or highway shall be suitably improved as required by these regulations or be secured by an improvement guarantee as provided for by Section 7.2 of these subdivision regulations.
- (c) Subdividers proposing subdivision developments that obtain access from existing county maintained roads that do not have adequate asphalt and/or right-of-way widths will be required to make improvements to the existing roadways and provide additional right-of-way to adhere to the standards of Section 5.4 of these regulations.

### **5.3.10 Topography and Arrangement**

- (a) Roads shall be related appropriately to the topography. Streets shall be arranged so as many as possible of the building sites are at, or above, the grades of the streets. Grades and curves of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in *Section 5.4: Street Design Standards* of these regulations.
- (b) All proposed streets shall be properly integrated with the existing system of streets.
- (c) All arterials shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- (d) Local streets shall be laid out to conform as much as possible to the topography; to discourage use by through traffic; to permit efficient drainage and utility systems; and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (e) The rigid rectangular gridiron street pattern need not necessarily be adhered to; and the use of curvilinear streets, cul-de-sacs, or U-shaped streets are encouraged, where such use will result in a more desirable layout.
- (f) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town of Magnolia Springs Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision, or with the existing layout of the most advantageous future development of adjacent tracts.
- (g) In business and industrial developments the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize conflict of movement among the various types of traffic, including pedestrian.

### **5.3.11 Access to Adjacent Roads**

(a) Where a subdivision borders on existing or contains proposed collectors or arterials, access to such collectors or arterials may be limited by one or more of the following means, to provide for the adequate protection of properties, and to afford separation of through and local traffic:

(1) The subdivision of lots so as to back up to the collector or arterial and front onto a parallel local interior street; no access shall be provided from the collector or arterial, and screening shall be provided in a buffer strip of land along the rear property line of such lots, as per Section 5.3.13(a);

(2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the collector or arterial;

(3) A marginal access or service road (separated from the collector or arterial by a planting or grass strip, and having access thereto at suitable points);

(4) A common driveway, as per Section 5.3.19 (minor subdivisions only).

(b) Multiple road accesses may be required by the Town of Magnolia Springs Planning Commission or the Town Engineer, or his/her designee, to improve traffic safety and circulation.

### **5.3.12 Excess Right-of-Way or Easements**

Right-of-way or easement widths in excess of the standards designated in these regulations shall be required whenever, due to topography and in the opinion of the Town Engineer or his/her designee or the Town of Magnolia Springs Planning Commission, additional width is necessary to provide adequate earth slopes.

### **5.3.13 Railroads, Arterials, and Major Thoroughfares**

Railroad rights-of-way, arterials, and expressways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

(a) In residential developments, a buffer strip at least 25 feet in depth, in addition to the normal depth of the lot required, shall be provided adjacent to the railroad right-of-way, arterial or expressway. This strip may be part of the platted lots, and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited;"

(b) In areas proposed for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance there from to ensure suitable depth for commercial or industrial sites;

(c) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practical, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

### **5.3.14 Cul-de-sacs**

(a) Permanent dead-end streets shall not exceed 1,320 feet (1/4 mile) in length. Permanent dead-end streets with a pavement width of 20 feet or less shall be provided with a turnaround having a roadway diameter of at least 70 feet, and a right-of-way diameter of at least 100 feet. Permanent dead-end streets with a pavement width of more than 20 feet shall be provided with a turnaround having a roadway diameter of at least 80 feet, and a right-of-way diameter of at least 100 feet.

If medians and/or islands are proposed in the cul-de-sacs, a minimum of 25 foot wide driving surface shall be maintained at all points around said cul-de-sac. (See Section 5.4.10)

(b) Temporary dead-end streets greater than 200 feet in length are required to have a temporary turnaround at least 70 feet in diameter, constructed of an all-weather surface, and have an easement or right-of-way at least 100 feet in diameter. Said temporary turnaround shall be graded properly to drain, and be maintained by the developer until the roadway is continued. If adjacent property is not owned by the developer or no other preliminary plat is approved at the time of final inspection, a permanent cul-de-sac shall be required.

(c) In the case that roads are stubbed out to adjacent properties for future connections, no lots will obtain access from said roads. If said roads are no longer than 150 feet, no turn-around will be required, unless otherwise required by the Town Engineer or his/her designee. Appropriate traffic control devices are required, and barricades may be required by the Town Engineer or his/her designee.

### **5.3.15 Intersections**

Street intersections shall be laid out as follows:

(a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of 2 new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100-feet therefrom. Not more than 2 streets shall intersect at any one point unless specifically approved by the Town of Magnolia Springs Planning Commission, except as provided in section (b) below;

(b) Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 125 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where local streets intersect collectors or arterials, their alignment shall be continuous. Intersections of arterials and collectors shall be at least 800 feet apart. Where a street intersects a state highway, the design standards of the Alabama Department of Transportation shall apply;

(c) In residential subdivisions, minimum edge of pavement (curb) radii at the intersection of 2-local streets shall be at least 20-feet; and minimum edge of pavement (curb) radii at an intersection involving a collector street shall be at least 25 feet. In non-residential subdivisions, minimum edge of pavement (curb) radii at the intersection of 2 streets shall be at least 40 feet;

(d) Intersections shall be designed with a relatively flat grade wherever practical, but must always be designed to drain stormwater away from the driving surface to prevent ponding. In hilly or rolling areas, at the approach to an intersection having a stop condition, a leveling area shall be provided having a grade not greater than 5 percent at a distance of 50 feet, measured from the nearest right-of-way line of the intersecting street;



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(e) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance;

(f) Property lines at street intersections shall be rounded with a minimum radius of 25 feet.

**(g) For each proposed intersection with an existing State or County maintained roadway, proposed sight distances shall be provided on a plan/profile sheets. Distances provided shall meet those required the latest version of the AASHTO Policy on Geometric Design of Highways and Streets.**

**5.3.16 Traffic Study Requirements**

For developments containing 50 lots or more, or phases or additions that increase the total number of lots to 50 or more, the applicant shall have a traffic study performed for the proposed development by a consultant designated by Baldwin Town Engineer. After consultation with the Town of Magnolia Springs Planning Commission, the Town Engineer will define the scope of the traffic study. Upon review of the site conditions and the traffic study, the Town Engineer shall determine the improvements required to be made by the developer, along with the other subdivision improvements.

For subdivision developments containing less than 50 lots the applicant is required to submit current (within 12 months) traffic counts of the links adjacent to the proposed development. Deceleration, Acceleration and/or Left-turn lanes or other roadway improvements may be required by the Town Engineer or his/her designee.

If turn-lanes are required or otherwise proposed the following standards shall be used:

Posted Speed (mph)	Taper Length (12' lane)	Decel Lane Length (ft)	Storage Length (ft)*	Lane Shift (12' lane)
25	50	60	50	125
30	50	80	50	180
35	75	100	50	245
40	100	150	100	370
45	100	200	100	540
50	170	240	100	600
55	180	300	100	660

\* - Storage Length shall be the minimum length shown or 20 feet times the no. of vehicles anticipated in 2 minutes of the peak hour, whichever is greater.

Typical section shall be to provide an asphalt binder to be flush with the existing asphalt surface and then provide 125 lbs/sy of asphalt surface over the entire project limits. Minimum of 50 feet of existing road surface to be milled down at each end of project to transition to new wearing surface. Build-up shall be as per Section 5.4.1(d)

All turn-lanes shall be appropriately striped. Thermo-plastic striping shall be used on roadways with functional classification of collector or higher.

**Design Table for Turn-lanes**

***(Figure 5.3.16)***

### **5.3.17 Perimeter Streets**

Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the applicant. The Town of Magnolia Springs Planning Commission may authorize a new perimeter street, where the applicant improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

### **5.3.18 Street Elevations**

No street shall be approved for construction, within an area subject to flood that is proposed to be constructed more than 2 feet below the elevation of the base flood, as defined in these regulations, unless approved by the Town of Magnolia Springs Planning Commission in accordance with *Article 8. Variances*. Drainage openings shall be designed so as not to restrict the flow of flood waters, or increase upstream flood heights.

### **5.3.19 Common Driveways**

(a) Where lots will access an existing off-site publicly maintained street, common driveways shall be used to minimize the number of curb cuts required.

(b) The maximum number of lots that may be served by a common driveway shall be 2.

(c) Common driveways shall be contained within a private ingress/egress easement, labeled as such on the final plat. Said easement shall be of sufficient width (minimum of 30 feet) to contain the common driveway and provide adequate ingress and egress.

(d) The final plat of a subdivision in which common driveways are utilized shall contain the following notation: "The common driveway shown hereon is private, and will not be maintained by Baldwin County."

(e) All subdivisions using common driveways shall provide for the establishment of a Homeowners Association to be responsible for the maintenance of the common driveway outside of the public right-of-way.

(f) If common driveways are proposed or required, they shall be installed prior to the Final Plat being signed by the Chairman of the Town of Magnolia Springs Planning Commission for recording.

## **Section 5.4 Street Design Standards**

All streets within the jurisdiction of these regulations shall be constructed in accordance with this section. Finished grade, cross-section, and profile shall be approved by the Town Engineer, or his/her designee, and shall be shown in the construction plans.

The following design standards shall be considered minimum requirements and shall apply to all subdivisions. All street construction shall conform to ALDOT Standards and Specifications.

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**5.4.1 Roadway Design**

Roadway Type (h)	Minimum ROW Width	Minimum Asphalt Width	Maximum Number of Lots	Minimum Lot Size (a)	Minimum Curb & Gutter	Minimum Design Standard	Minimum Sidewalk Standard
Collector	80 feet	24 feet	na	80,000 sq. ft.	Not required	(d)	(f)
Residential Access Street	50 feet	24 feet	na	39,999 sq. ft. or less	(b)	(c)	(f)
Paved Country Lane	60 feet	18 feet	20	40,000 sq. ft.	Not allowed	(e)	na
Non-residential Type A	60 feet	24 feet	na	20,000 sf	(b)	(d)	(f)

**Design Table for Roadways**  
*(Figure 5.4.1)*

(a) Unless additional lot area is required to meet minimum Town of Magnolia Springs Subdivision Regulations and/or Zoning Ordinance or Health Department requirements.

(b) Minimum 24" combination curb and gutter or 24" valley gutter. Other curb types must be submitted to Town Engineer or his/her designee for approval. See also Section 5.4.7.

(c) Roadway Build-up as follows:

- 429-A Improved Bituminous Concrete Wearing Surface Layer, ½" Maximum Aggregate Size Mix, ESAL Range B (110 lb/sy);
- 405-A Tack Coat, Spread Rate of (0.10 gal/sy);
- 429-B Improved Bituminous Concrete Binder Layer, ¾" Maximum Aggregate Size Mix, ESAL Range B (165 lb/sy);
- 401-A Bituminous Treatment Type "A" (0.25 gal/sy);
- 301-A Compacted Granular Soil Base Course (sand/clay) Type "A" minimum of 2 - 4" lifts of compacted thickness;
- Or
- 301-B, Crushed Aggregate Base Course (limestone) Type "B" minimum 6" compacted thickness, (if used delete 401-A treatment)

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

Other pavement designs may be submitted for approval by the Town Engineer or his/her designee.

(d) Roadway Build-up as follows:

- 429-A Improved Bituminous Concrete Wearing Surface Layer, ½" Maximum Aggregate Size Mix, ESAL Range B (125 lb/sy);
- 405-A Tack Coat, Spread Rate of (0.10 gal/sy);
- 429-B Improved Bituminous Concrete Binder Layer, 1" Maximum Aggregate Size Mix, ESAL Range B (220 lb/sy);
- 401-A Bituminous Treatment Type "A" (0.25 gal/sy);
- 301-A Compacted Granular Soil Base Course (sand/clay) Type "A" minimum of 2 - 4" lifts of compacted thickness;

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Or

- 301-B, Crushed Aggregate Base Course (limestone) Type “B” minimum 6” compacted thickness, (if used delete 401-A treatment)

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

Other pavement designs may be submitted for approval by the Town Engineer or his/her designee.

(e) Roadway Build-up as follows:

- 429-A Improved Bituminous Concrete Wearing Surface Layer, ¾” Maximum Aggregate Size Mix, ESAL Range B (220 lb/sy);
- 401-A Bituminous Treatment Type “A” (0.25 gal/sy);
- 301-A Compacted Granular Soil Base Course (sand/clay) Type “A” minimum of 2 - 4” lifts of compacted thickness;

Or

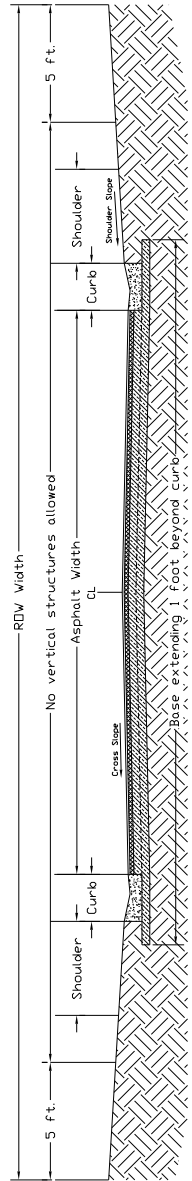
- 301-B, Crushed Aggregate Base Course (limestone) Type “B” minimum 6” compacted thickness, (if used delete 401-A treatment)

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

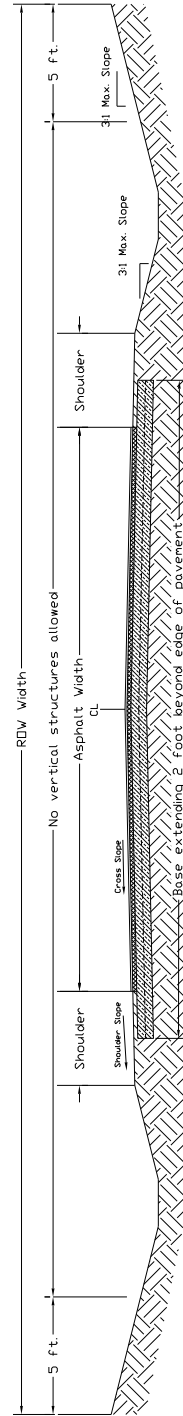
Other pavement designs may be submitted for approval by the Town Engineer or his/her designee.

(f) For all subdivisions with new roadway construction, at a minimum 5 foot sidewalks shall be required to be on both sides of all new streets within the subdivision. In industrial and heavy commercial areas, these may be eliminated if approved by the Town of Magnolia Springs Planning Commission. See Section 5.4.8.

(g) Refer to typical Sections A & B



Residential Access Street - Type 1  
 Non-residential - Type A  
 Typical Section A



Collector  
 Residential Access Street - Type 2 and 3  
 Paved Country Lane  
 Typical Section B

### **5.4.2 Geometric Design**

Any specifications for geometric design not otherwise covered by these regulations shall be governed by the applicable publication listed below.

(a) ROADS WITH LESS THAN 2500 ADT All streets shall be designed to conform to the Alabama Department of Transportation “County Road Design Policy, Design Criteria for New and Reconstructed Roadways and Bridges with less than 2,500 ADT”, except as required by these regulations.

(b) ROADS WITH GREATER THAN OR EQUAL TO 2500 ADT All streets shall be designed to conform to AASHTO’s “A Policy on Geometric Design of Highways and Streets”.

### **5.4.3 Street Grades**

Street grades shall not exceed the following unless otherwise approved by the Town Engineer, or his/her designee, and the Town of Magnolia Springs Planning Commission:

Collector or Non-residential Street	12%
Residential Access Street	15%
Country Lane	15%

The minimum allowed street grade shall be 0.5%.

The cross-slopes on all streets, including intersections, shall be no less than 2 percent.

### **5.4.4 Horizontal Curves**

Where a centerline deflection angle occurs, a circular curve shall be introduced having a centerline radius of not less than the following:

Collector	300 feet
Residential Access Street	100 feet
Country Lane	100 feet
Non-residential Streets	150 feet

### **5.4.5 Vertical Curves**

All changes in street grades over 1.0% shall be connected by vertical curves.

### **5.4.6 Centerline Offsets**

The minimum distance between centerline offsets at street jogs shall be 125 feet.

### **5.4.7 Curb and Gutter**

When required, curb and gutter, or valley gutter shall be installed on both sides of new streets. The curb and gutter, or valley gutter, shall be concrete with a minimum 28 day compressive strength of 3000 psi.

### **5.4.8 Sidewalks**

(a) Sidewalks shall be located within the right-of-way or within an easement of sufficient width adjacent to the right-of-way.

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(b) Sidewalks shall be a minimum of 5 feet wide; shall be constructed with reinforced concrete that has a minimum 28 day compressive strength of 3000 psi; and shall be in accordance with County specifications and these regulations.

(c) 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) All sidewalks must be constructed during the construction phase of development, unless appropriate surety is provided as per Section 7.2.

(e) All sidewalks shall be in accordance with current A.D.A. requirements.

### **5.4.9 Street Shoulders/Clear Zones**

A minimum 4 foot wide shoulder shall be required behind the back of curb or edge of pavement where no curb is installed.

The maximum cross-slopes on all shoulders shall not be more than 6 percent;

There shall be no vertical structures in the right-of-way except within the back 5 feet of the dedicated right-of-way, unless a minimum 6" vertical non-mountable curb is provided. If at least a 6" vertical non-mountable curb is provided for 20 feet in either direction, a vertical structure is permitted within 6 feet of the edge of asphalt. In no case shall the said clear zone be less than 6 feet from the edge of asphalt.

Vertical structures include but are not limited to fire hydrants, power/light poles, guy wires, decorative fences/walls, trees, electrical transformers.

For safety and maintenance purposes, no trees are allowed to remain or be planted within the limits of the right-of-way.

### **5.4.10 Medians/Islands**

Medians and islands may be used, provided that vehicular travel is not hindered or restricted and that the effective centerline meets all geometric requirements. All medians or islands shall be completely surrounded by curbing to protect the areas from vehicular encroachment. Medians and islands should be graded to provide positive drainage to either a storm inlet or to the roadway surface. Medians and islands intended to be landscaped or provide some other decorative or recreational function shall be recorded on the Final Plat as Common Area. In all cases, a clear zone of at least 6 feet must be provided from the edge of pavement.

### **5.4.11 Signage for Subdivisions**

Proper signage in accordance with the latest edition of the "Manual of Uniform Traffic Control Devices" (MUTCD), as adopted by the ALDOT, shall be installed prior to receiving Final Plat approval, and maintained in all subdivisions until such time as roads are accepted for maintenance by the Town of Magnolia Springs. 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" thick  
30" for all internal street intersections  
36" for all intersections with existing County, State and Federal Roads

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2. Street Name Sign – 9” Aluminum Extruded Blade, High Intensity Prismatic, 6” tall white all-capital lettering on green background - for streets proposed to be public  
6” tall white all-capital lettering on blue background – for streets proposed to remain private  
Brackets - Vulcan type VS-8 vandal proof or approved equal
3. All other signs – Engineering grade or better – Minimum 0.080” thick
4. Post for street signs – min. 10’ long – 2 3/8” Galvanized round post; Street signs must be mounted on separate post from the stop sign, unless approved by Town Engineer or his/her designee. In no case shall the street sign be attached directly to the stop sign, but instead must be attached to the post of the stop sign if approved by the Town Engineer or his/her designee
5. Post for all other signs – #3 Galvanized U-channel of appropriate height embedded not less than 3 feet below the finished grade elevation.

### **Section 5.5 Blocks**

Where a lot and block layout is proposed, the following criteria shall be used:

- (a) Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to expressways, arterials, railroads, or waterways, where single-tier lots are required to separate residential development from through vehicular traffic or nonresidential uses;
- (b) Blocks shall not exceed 1500 feet nor be less than 500 feet in length;
- (c) In long blocks, the Town of Magnolia Springs Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- (d) Pedestrian ways or crosswalks not less than 10 feet wide may be required by the Town of Magnolia Springs Planning Commission through the center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Town of Magnolia Springs Planning Commission for prospective use.

### **Section 5.6 Lots**

Lots shall comply with the following requirements:

- (a) The shape and orientation of lots shall be such as the Town of Magnolia Springs Planning Commission deems appropriate.
- (b) Minimum lot size and lot width shall be as follows except in cases where additional lot area or width is required by the Town of Magnolia Springs Zoning Ordinance, or County Health Department:
  1. Where public water and centralized wastewater collection and treatment are not provided, said lot shall be a minimum of **30,000** square feet in area, with a minimum lot width of 120 feet.
  2. Where either public water or centralized wastewater collection and treatment only is provided, said lot shall be a minimum of **20,000** square feet in area, with a minimum lot width of **100** feet.
  3. Where public water and centralized wastewater collection and treatment is provided, said lot shall be a minimum of **15,000** square feet in area, with a minimum lot width of **85** feet.



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(c) The subdivision plat shall provide each lot with satisfactory access to a street, as provided in *Section 5.3.9: Frontage on Improved Roads*.

(d) Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.

(e) Lot sizes of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading for the use contemplated;

(f) Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography or orientation.

(g) Side lot lines should be at right angles to streets, except on curves, where they shall be radial;

(h) Excessive depth in relations to width shall be avoided. A proportion of 3.5 to 1 shall be the maximum depth to width ratio for lots less than and equal to 120 feet in width, and 4 to 1 shall be the maximum depth to width ratio for lots greater than 120 feet in width;

(i) Minimum lot size shall be suitable land, as defined in Section 5.2.2.

(j) In areas which have elected to come within the zoning authority of the Town of Magnolia Springs, minimum setbacks from property lines shall meet or exceed zoning requirements.

In residential subdivisions outside the zoning authority of the Town of Magnolia Springs, the minimum setback from property lines shall be: from the front and rear lot line, 30 feet; from the side lot line, 10 feet and; from the side lot line which abuts a street, 20 feet.

In non-residential subdivisions outside the zoning authority of the Town of Magnolia Springs, the minimum setback from property lines shall be: from the front and rear lots line, 25 feet; from the side lot line, 10 feet; from the side which abuts a street, 20 feet.

(k) In accordance with Act No. 94-572 of the Legislature of Alabama enacted April 21, 1994, the following construction setbacks shall apply from any state or county road or highway:

1. Principal arterials require a 125 foot setback from the centerline of the right-of-way;
2. Minor arterials require a 100 foot setback from the centerline of the right-of-way;
3. Major collectors require a 75 foot setback from the centerline of the right-of-way and;
4. Minor collectors require a 50 foot setback from the centerline of the right-of-way.

### **5.6.1 Open Space Reservation**

(1) For major subdivisions a minimum of 20% of the gross land area of the subdivision shall be set aside for permanent open space for passive and/or active recreation such as parks, recreational facilities, pedestrian ways, and/or for conserving sensitive elements of the environment.

a. Stormwater detention/retention ponds, or similar holding basins for stormwater, steep slopes, internal street rights-of-way, driveways, off-street parking areas, and off-street loading areas or similar uses, shall not be counted in determining open space.

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b. A minimum of 50% of the required open space must be usable and accessible for passive or active recreation purposes. The usable open space shall not include steep slopes, streams, ponds, watercourses, wetlands, floodways and/or floodplains.

(2) The required open space may be owned in common by the residents of the subdivision. Any open space set aside for conservation shall be subjected to a conservation easement granted to a qualified land trust, conservation organization or government agency. Such conservation easement shall be in legal form satisfactory to the County.

## **Section 5.7 Drainage**

### **5.7.1 General Policy**

The main objective of drainage design shall be the safety of the traveling public, with the protection of County and private property consistent with good engineering practice.

### **5.7.2 Drainage and Storm Sewers**

(a) *General Requirements.* The responsible Design Engineer shall not submit any plat of a subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system.

The applicant shall submit a design narrative and complete drainage calculations, including but not limited to, assumptions, maps, and computations for each inlet, pipe, or ditch section. The design data and calculations shall be prepared, sealed and submitted by a licensed, professional engineer in the State of Alabama. The design narrative shall summarize the assumptions, calculations, and results of the design for the whole project as well as each drainage basin.

All subdivisions shall be provided with adequate storm drainage facilities. Any areas subject to periodic flooding caused by poor drainage facilities will not be accepted unless the developer or subdivider makes necessary provisions to eliminate such flooding.

Low-lying lands along existing watercourses subject to flooding or overflowing during a storm event up to and including the 100 year storm shall be preserved and retained in their natural state within a common area or drainage easement, except where improvements are warranted as may be proposed by the applicant and approved by the Town of Magnolia Springs Planning Commission and the Town Engineer or his/her designee.

When a proposed new drainage system will divert water into an unnatural water system or on private land adjacent to the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the Final Plat.

The applicant shall be required to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed drainage easements of appropriate width, (see Section 5.7.6(b)).

Adequate provision shall be made for the disposal of storm waters into existing channels, pipes, or bodies of water.

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(b) *Accommodation of Upstream Drainage Areas.* A culvert or other drainage facility shall, in each case, be large enough to accommodate potential developed property runoff from its entire upstream drainage area, whether inside or outside the subdivision.

(c) *Effect on Downstream Drainage Areas.* The Design Engineer shall review the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Town Engineer, or his/her designee, may withhold approval of the subdivision until provision has been made for the necessary downstream improvement.

### **5.7.3 Drainage Design Requirements**

(a) Inlets shall be provided so that surface water is not carried across any intersection, or for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point.

(b) The drainage system(s) shall accommodate flows from at least a -25-year frequency design storm. In addition, adequate drainageways shall be provided to allow the run-off from a 100-year frequency design storm to be accommodated. Bridges and box culverts shall accommodate a minimum of a 50-year frequency design storm.

(c) All roadway cross drain pipes and common driveway culvert pipes shall be reinforced concrete and have a minimum size of 18 inches in diameter, or an equivalent arch pipe. Only pipe that meets specifications equaling Alabama Department of Transportation Specifications or Baldwin County Standards will be acceptable. Other pipes may be other ALDOT approved materials.

(d) On any single drainage structure requiring 20 square feet or more of end area, a special design drawing will be required for approval. Concrete box culverts used shall be designed and constructed according to the latest edition of the ALDOT Standards and Specifications for Road and Bridge Construction. All proposed bridges must be submitted separately from other construction plans and must contain all plans, specification, design and construction data as required by The Federal Highway Administration and ALDOT. Any box culvert that spans 20 feet or more along the centerline of the road shall be considered as a bridge.

(e) Where the subdivider has open ditches, a maximum of 3 to 1 side slopes and flat bottom ditch is required. V-bottom ditches or other special designs will be permitted in special cases as approved by the Town Engineer, or his/her designee. Calculations shall show the volume and velocity for each different ditch section. Ditch lining shall be designed based on the ditch calculations. In the case where the ditch slope is less than 1 percent or where the water velocity exceeds the erodable velocity for the soil, a concrete lining must be provided.

Where proposed lots will gain access across an existing or a proposed roadside ditch, calculations shall be submitted that show the required size of future driveway culverts. These culvert sizes shall be shown on the Final Plat.

(f) The method of determining storm runoff shall be based on acceptable engineering practices.

(g) Calculations shall include a scale map of the off-site and on-site drainage areas; and the slope, type, size, flow, velocity, and the headwater and tailwater elevations for each pipe and structure.

(h) *Headwalls and Riprap.* A 3:1 concrete sloped paved headwall shall be required on all pipe culverts. Special types of headwalls, rip-rap, and other materials may be required by the Town Engineer or his/her

## ***Town of Magnolia Springs Subdivision Regulations***

designee when deemed necessary for erosion control, protection of existing downstream drainage facilities, and roadside safety.

### **5.7.4 Plan Requirements**

The Design Engineer shall submit detailed drainage plans to the County for review and approval. Said plans shall be prepared by a Professional Engineer licensed in the State of Alabama, and shall contain the following information:

- (a) Topography map of proposed developed areas showing existing and proposed contours at 1 foot intervals of the entire property and full width of all adjacent rights-of-way. Topographic information shall be based on the NAVD 88 datum. Elevations must be field verified. Greater intervals may be allowed, if approved by the Town Engineer or his/her designee.
- (b) Existing drainage system, including, but not limited to, pipes, culverts, inlets, ditches, and ponds.
- (c) Proposed drainage system, including pipes, culverts, junction boxes, inlets, ditches, retention/detention facilities, and an outline of the on-site drainage areas for each inlet and ditch cross-section. All proposed pipes, culverts, junction boxes and inlets shall be labeled and presented in tabular form on the overall drainage plan, and the plan view of all Plan/Profile sheets.
- (d) Structure location, type and size, and the Inlet and Outlet Flow line Elevation.
- (e) Cross-section of each ditch section.
- (f) Other pertinent information necessary for review of the drainage plans as may be required by the Town Engineer, or his/her designee.

### **5.7.5 Drainage Construction Requirements**

- (a) All pipes shall be placed in excavated trenches to the line and grade shown on the plans.
- (b) Material used for backfilling pipe trenches shall consist of small diameter uniform material, and shall be free of large rock or other unsuitable material. The backfill material shall be placed in uniform 8 inch lifts, and mechanically compacted to 95% of relative density. The backfill shall be placed uniformly on each side of the pipe, and all pipes shall be laid in accordance with County Standards. A detail must be provided that shows the proper backfilling of all pipe trenches.
- (c) A minimum of 12 inches cover shall be placed over each pipe 48 inches or less in diameter and 24 inches or more of cover shall be placed on all larger diameter pipes.
- (d) When a battery of pipes is used, a clear spacing of  $\frac{1}{2}$  the pipe diameter or span shall be provided between adjacent pipes.
- (e) The maximum cover allowed, pipe class, and strength requirements shall be in accordance with the manufacturer's recommendation.
- (f) For cross drain pipes and common driveway culvert pipes, a junction box shall be provided every 50 feet for maintenance and inspection. For all other side drain pipes and pipes located outside of the right-of-way, a junction box suitable for maintenance and inspection access shall be provided at least every 300 feet for continuous pipes of 24 inches in diameter or less and at least every 400 feet for larger continuous pipes, and at each angle point and at each change in grade.

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(g) Where type “S” inlets are used in conjunction with valley gutters, construction plans must show a smooth and gradual transition from gutter to inlet not less than 60 inches.

(h) Unless otherwise approved by the Town Engineer or his/her designee, all junction boxes shall be poured-in-place concrete or pre-cast concrete as per ALDOT Standard Drawings.

### **5.7.6 Dedication of Drainage Easements**

(a) *General Requirements.* Where a subdivision or development of land is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater or drainage easement conforming substantially to the lines of such water course, and of such width and construction or both as will be adequate for the purpose. Easement width must allow for maintenance access.

(b) *Drainage Easements.* Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, common areas with perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. All existing and proposed easements shall be clearly indicated in the plan view of the Preliminary and Final plats.

(c) *Side and Rear Lot Lines:* A minimum 15 foot (total width) drainage easement shall be provided along all side and rear lot lines to allow for the proper drainage of stormwater from both rear yards and off-site areas.

### **5.7.7 Generalized Drainage Plan**

A generalized drainage plan must be submitted at the time of Preliminary Plat application, and shall, at a minimum:

- (a) Be on a sheet the same size as the Preliminary Plat, and be at the same scale;
- (b) Show the layout of the proposed lots and common areas;
- (c) Show the existing one(1) foot contours of the subject property and all adjacent right-of-ways;
- (d) Show the proposed flow direction of all stormwater;
- (e) Show the proposed location of a stormwater management facilities;
- (f) Show the location of all existing drainage structures within 100 feet of proposed development;

## **Section 5.8 Erosion and Sedimentation**

### **5.8.1. General**

Throughout construction, accelerated erosion will occur during stormwater runoff with a proportionate increase in visible erosion, scour and siltation both within and outside of the construction site. The following provisions impose requirements on persons engaged in land disturbance activities that require planning and implementation of effective sedimentation controls for subdivision development sites.

(a) *Construction Requirements:* An erosion and sedimentation control plan shall be a part of the construction plans and shall be approved by the Town of Magnolia Springs, or his/her designee prior to the commencement of any land-disturbing activity including, but not limited to, tree cutting and root removal.

(b) *Protection of Property:* Persons engaged in land-disturbing activities shall take appropriate measures to protect all public and private property, including roadways, from damage by such activities.

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(c) More Restrictive Rules Shall Apply: Whenever there is a conflict between Federal, State, or local laws, ordinances, rules and regulations, orders, and decrees the more restrictive provision shall apply.

### **5.8.2. Basic Control Objectives:**

The basic control objectives which shall be considered in developing and implementing an erosion and sediment control plan are:

(a) Identify Critical Areas: Onsite areas subject to severe erosion and offsite areas especially vulnerable to damage from erosion and/or sedimentation, shall be identified and properly protected through the design and implementation of the erosion and sediment control plan.

(b) Minimize Size of Disturbed Areas: All land disturbing activities shall be planned and conducted to minimize the size of the total disturbed area at any one time. Phased erosion control plans shall be required for sites larger than three acres.

(c) Minimize Time of Exposure: All land disturbing activities shall be planned and conducted to minimize exposure time for any disturbed area. The Alabama Department of Environmental Management (ADEM) "13 Day Rule" shall be applicable to all projects.

(d) Control Surface Water: All land disturbing activities shall be planned and conducted to control onsite and offsite surface runoff to prevent/minimize erosion and sediment loss during the period of exposure.

(1) Bypass Onsite and Offsite Runoff: Temporary berms and ditches shall be constructed, when applicable and feasible, to bypass or redirect onsite or offsite runoff from any critical, disturbed areas.

(2) Structural BMP's: Structural Best Management Practices (BMP) shall be implemented to prevent possible erosion from onsite and offsite surface runoff.

(e) Control Sedimentation: All land disturbing activities shall be planned and conducted to prevent offsite sedimentation.

(1) Temporary Vegetation: Temporary seed and mulch shall be implemented to establish vegetative cover in disturbed areas not actively being used for construction.

(2) Temporary Detention/Sedimentation Control: Temporary sedimentation control shall be implemented to minimize and prevent offsite sediment transport through the construction of temporary sumps, check dams, silt fence, etc.

(f) Manage Stormwater Runoff: When the increase in the peak flow rate and/or velocity of stormwater runoff resulting from a land disturbing activity is sufficient to cause accelerated erosion of the receiving ditch or channel stream, appropriate measures shall be implemented to minimize and prevent accelerated erosion and sedimentation of the ditch or stream channel.

(g) Post Construction BMP's

(1) Permanent Detention Facilities: Permanent detention facilities shall be constructed in compliance with the applicable stormwater standards to protect the downstream watershed from excessive runoff and sediment transport.

(2) Permanent stabilization of the entire site shall be attained through established vegetative cover prior to issuance of a Certificate of Occupancy (CO).

### **5.8.3. Design Requirements**

- (a) No grading, earth moving, or other construction activities shall commence until all applicable erosion/sedimentation control measures and BMP's have been implemented.
- (b) Temporary vegetative measures shall be implemented to protect high risk erosion areas and any inactive disturbed areas during construction. The ADEM "13 Day Rule" – "Measures to be implemented on all areas not undergoing active disturbance or active construction and progressive construction for longer than thirteen days to prevent/minimize erosion and ensure timely temporary vegetative cover, and permanent re-vegetation or cover of all disturbed areas when disturbance is complete" is applicable to all projects, and shall be noted on the plans.
- (c) All land disturbing activities shall be planned and phased to minimize offsite sediment damage. Phased erosion control plans shall be required for sites larger than three acres.
- (d) Erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide control from and survive the calculated peak rates of runoff from a 25-year, 24 hour storm event. Runoff rates may be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area. Persons engaged in planning, designing, installing and maintaining sedimentation control measures may use accepted references on the subject following standard engineering practices including the Alabama Soil Conservation Service manual for standards and specifications for erosion control.
- (e) For projects in close proximity to wetlands or any natural watercourse, a buffer zone shall be required. See Stormwater Standards for specific buffer requirements.
- (f) The angle for graded slopes and fills shall not exceed a 3:1 (horizontal: vertical) slope.
- (g) Permanent protection and stabilization of onsite, adjacent to the site, and downstream drainage facilities shall be provided (stream banks, channels, etc.). Protective measures may include, but are not limited to, slope paving, rip rap, energy dissipaters, solid sodding, grassing and turf reinforcement.
- (h) Velocity Control Measures shall be implemented as necessary in any areas where the peak velocity is increased and will likely cause damaging accelerated erosion of the downstream receiving channel.
- (i) Erosion and Sediment Control plans shall be based on the current edition of the "Alabama Hand Book for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas."
- (j) Borrow and Waste Areas: When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained shall be considered a part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.
- (k) Access and Haul Roads: Temporary access and haul roads, other than public roads, constructed or used in connection with land-disturbing activity shall be considered a part of such activity.

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(l) Operations in Lake or Natural Watercourses. Land-disturbing activity in connection with construction, in, on, over, or under a lake or natural water course shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided.

### **5.8.4 Inspections and Maintenance**

(a) Notification: The applicant shall notify the Planning Commission of his/her designee as soon as the initial BMP's have been installed so that an inspection of the BMP's can be made. Such inspection shall be made within two working days of said notice. No land disturbing activities, except those necessary to install the BMP's, shall take place until after the inspection is complete and approved.

(b) Inspection: The Planning Commission or his/her designee may perform periodic inspection of the BMP's on the job site. Upon finding that erosion and sedimentation is taking place; or that the proposed BMP's are not installed, installed incorrectly, or not operating properly, the applicant will be notified verbally and in writing that all work affecting the BMP's in question shall be suspended until functioning BMP's are installed. ADEM monitoring reports may be requested by the Planning Commission or his/her designee from time to time.

(c) Responsibility for Maintenance: The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sedimentation control measures and facilities after site development is completed shall lie with the landowner, until such time vegetative cover and site stabilization is achieved. Maintenance of these facilities lies with the landowner until assumed by other parties.

(d) Detention ponds shall be stabilized by grassing, sodding, erosion control blanket, or a combination thereof. Prior to acceptance, all sediment shall be removed from the pond and areas shall be permanently stabilized/vegetated.

### **5.8.5. Submittal Requirements**

The following items are to be included with the application to Magnolia Springs.

(a) Erosion and sediment control plans shall include, but are not limited to: Detailed engineering drawings, construction details, maps, assumptions, calculations, and narrative statements as needed to meet the basic control objectives and provide proper erosion/sedimentation control measures and BMP's for the project duration, including inspection and maintenance.

(b) Any additional information or measures that the planning commission deems necessary to ensure adequate protection from sedimentation and erosion for downstream areas.

(c) All plans and design calculations shall be sealed and signed by the project engineer, who shall be registered to practice as a Professional Engineer in the State of Alabama.



## **Section 5.9 Storm Water Management**

### **5.9.1. General**

Developments which produce an increase in the amount of stormwater runoff shall be required to design, construct, and maintain stormwater management facilities. All detention/retention facilities shall be owned, operated, inspected, and maintained by the development entity.

### **5.9.2 Liability**

The design criteria herein establishes minimum elements of design which must be implemented with good engineering, workmanship, and construction practices. Use of information contained herein for placement of any structure, for use of any land, or any design basis shall not constitute a representation, guarantee, or warranty of any kind by the Town of Magnolia Springs, Its agents, offices, or employees, of the practicability, adequacy or safety and shall not create liability upon or cause action against any such public body, office, agent, or employee for any damage that may result pursuant thereto.

### **5.9.3 Pre-Design Conference**

The developer and design engineer shall be required to schedule and attend a pre-design conference with the Town or Its designated representative at the conceptual stage of the project. Such conference would be mutually beneficial to outline the complexity and scope of design, applicability of criteria and elimination of possible items of conflict during the review process. Subsequent conferences, during the preparation of plans may be arranged by the consulting engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.

### **5.9.4 Design Requirements**

- (a) Drainage Areas: Onsite and offsite drainage areas with appropriate run-off coefficients, curve numbers, etc. shall be determined for each drainage structure/facility under both pre-developed and post-developed conditions.
- (b) Time of Concentration, using an appropriate method, shall be calculated for each drainage structure/facility under both pre-developed and post-developed conditions.
- (c) Rainfall intensity, rainfall volume, general computation methods, etc. shall be determined/selected from the appropriate resource or design method (TR-55, TR-20, SCS-CN, Rational, etc.).
- (d) Culvert Design
  - (1) All stormwater culverts shall be reinforced concrete (class 3 minimum) and have a minimum size of 18" diameter, or an equivalent arch pipe.
  - (2) All culverts shall be sized to handle peak flow from a 100-year storm event. In all cases, the engineer must analyze the headwater and tailwater conditions and verify that the adjacent property does not have the potential to be flooded, eroded, or otherwise adversely affected.
  - (3) Headwalls and Riprap: A 3:1 concrete slope paved headwall shall be required on all pipe culverts. Special types of headwalls, riprap, and other materials may be required by the Town of Magnolia Springs or its designated representative when deemed necessary for erosion control, protection of downstream drainage facilities, and roadside safety. (4:1 Concrete slope paved headwalls shall be required for all sidedrains)

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(e) Inlet Design: All inlets shall be sized and spaced to handle/intercept peak flow from a 100-year storm event.

(f.) Gutter Design: All gutters and curbs shall be sized to handle peak flow from a 100-year storm event.

(g) Open Channel Design

- (1) All channels, swales and ditches shall be designed to handle flow from a 100-year storm event.
- (2) 6” minimum freeboard shall be required for all open channel designs.
- (3) Design Engineer shall provide appropriate measures and calculations (lining, checks, stilling basins, energy dissipators, etc.) to ensure that the ditch bottom and/or sloped is not eroded due to excessive velocity.

(h) Detention/Retention Design

- (1) General: Detention/Retention facilities shall be designed using a combination of storage and controlled release of stormwater in an effort to protect downstream properties. Design Engineer must demonstrate through hydrologic analysis that the detention facility does not adversely affect the downstream drainage area due to an increase in peak flow rates, increase in volume, or decrease in water quality.
- (2) General Locations: Retention/detention facilities shall be located within the parcel limits of the project under consideration. No retention/detention or ponding will be permitted within public road rights-of-way. Location of retention/detention facilities off-site will be considered by special request if proper documentation is submitted with reference to practicality, feasibility and proof of ownership or right-of-use of the area proposed. No retention/detention facility may be located in jurisdictional wetlands.
- (3) Common Ground Projects: It is required that retention/detention facilities be always located in common ground. Projects developed under these procedures shall establish (in the recorded plat) maintenance and access easements for the retention/detention facilities, and include provisions for maintenance in the Trust Indentures.
- (4) Methodology: Differential runoff, volume, and storage evaluations shall be determined using an appropriate computation method based on the size and type of proposed development (Rational, SCS, etc.).
- (5) All detention/retention facilities shall be designed to attenuate post-development discharge rates to a rate equal to or less than pre-development discharge rates for the 2, 5, 10, 25, 50 and 100-year, 24 hour, storm event. For sites discharging to an environmentally sensitive or critical area, as determined by the Town of Magnolia Springs or its designated representative, a 10% reduction in allowed post-development discharge rates and/or volume may be required.
- (6) Outfall structures shall be designed to attenuate post-development discharge rates to a rate equal to or less than pre-developed discharge rates for the 2, 5, 10, 25, 50 and 100-year, 24 hour storm event. The overflow shall be sized to handle the 100-year peak discharge flow rate. Intended land use, location/access of outfall structure, and public safety should be considered in the outfall structure design. Sheet flow discharge is encouraged over concentrated flow.

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- (7) All detention shall be designed with a one foot minimum free board requirement. Special consideration for reduction to a 6” freeboard requirement (for sites smaller than 3 acres) may be considered on a site by site basis.
- (8) Other Methods: Other methods of detention, such as underground detention, infiltration, etc. will be considered on a site by site basis. Proper supporting documentation for any “other” proposed method shall be submitted for review.
- (9) When existing downstream pipe sizing, outside the developers control jurisdiction, is inadequate, an evaluation for undersizing of pipes may be undertaken by the Town upon receipt of written request from the engineer specifying the run or runs desired to be undersized. Applicant shall submit a plan/profile view and appropriate calculations of the entire undersized system (if less than 600 feet in length), or a minimum of 600 feet. No undersizing will be allowed if the requested undersizing will affect the performance of an existing structure.
- (10) Aerators shall be required for any detention facility that is designed to have a permanent pool elevation.

(i) Post Construction Water Quality

- (1) Water Quality Treatment Volume: The stormwater quality treatment goal is designed to capture 85% of the annual stormwater runoff. Stormwater quality BMP’s must be designed to treat the runoff from the first 1.8 inches of rainfall. Each site’s stormwater quality treatment volume is also based on its percent impervious cover. The treatment standard is the same for all sites unless other secondary pollutant reduction goals are established by ADEM; for instance, through the establishment of Total Maximum Daily Loads (TMDLs). The stormwater quality treatment methodology to determine treatment volume is as follows:

$$WQv = P \times Rv \times \frac{A}{12}$$

Where:

WQv = water quality treatment volume, acre-feet

P = rainfall for the 85% storm event (1.8 inches)

Rv = runoff coefficient (see below)

A = drainage area in acres

$$Rv = 0.015 + 0.0092I$$

I = drainage area impervious cover in percent (50% imperviousness would be 50)

- (2) 80% Total Suspended Solid (TSS) Removal: 80% TSS Removal shall be attained through low impact site design and layout, non-structural BMP’s, and structural BMP’s.
  - (a) Low Impact design practices are meant to:
    - i. Minimize the impervious cover on a site.
    - ii. Preserve the natural infiltration ability at the site.
    - iii. Route stormwater to “micro-controls,” such as rain barrels, rain gardens, etc. that treat stormwater from small areas of the site.

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- iv. Minimize the long term BMP maintenance by preserving and using natural features of the site.

(b) Structural Stormwater Controls, or Best Management Practices (BMPs), are engineered structures designed to treat stormwater or mitigate the impact from stormwater runoff. The following table presents a pre-approved listing of structural BMP practices. These BMPs have been assigned a TSS removal capability, based upon existing research, and can be used by developers to meet the pollutant reduction goal of 80% TSS removal. The structural BMPs have been divided into two categories:

- i. General application BMPs are assumed to achieve the 80% TSS reduction.
- ii. Limited application BMPs which have to be used in combination with other BMPs to achieve the 80% reduction goal. These BMPs may not be applicable for certain sites and require frequent intensive maintenance to function properly.

### **Pre-Approved BMPs**

<b>BMP Removal Efficiency for Total Suspended Solids (TSS)</b>	
<b>Structural Control</b>	<b>TSS Removal (%)</b>
<b>General Application BMPs</b>	
Wet Pond	80
Stormwater Wetland	80
Bioretention Area	80
Sand Filter	80
Enhanced Swale	80
<b>Limited Application BMPs</b>	
Filter Strip	50
Grass Channel	50
Organic Filter	80
Underground Sand Filter	80
Submerged Gravel Wetland	80
Infiltration Trench	80
Gravity (Oil/Grit Separator)	40
Proprietary Structural Control	Varies
Dry Detention Basin	60

(j) Protection of Downstream Property: Stormwater release from any proposed development shall not create any adverse effect on existing downstream property or drainage facilities. On-site or downstream improvements may be required for protection of downstream property and/or drainage facilities, any required easements or right of entry agreement are the developer's responsibility.

## **5.9.5 Construction Requirements**

### **(a) Culvert Requirements**

#### **(1) Trench and Backfill Requirements**

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- i. All pipes shall be placed in excavated trenches to the line and grade shown on the plans.
- ii. Appropriate backfill material and installation procedures shall be specified in the plans. Backfill material shall be placed in a maximum 8" lift and be mechanically compacted to 95% relative density (minimum).

### (2) Cover Requirements

- i. A minimum of 12" cover shall be placed over each pipe 48" or less in diameter and 24" or more of cover shall be placed on all pipes larger than 48" in diameter.
- ii. The maximum cover allowed, pipe class and strength requirements shall be in accordance with the manufacturer's recommendation.

### (3) Pipe Spacing

- i. A minimum space of ½ the pipe diameter shall be used for multiple pipe sections.

#### b. Inlet Requirements

- (1) All new inlets shall be precast or cast in place reinforced concrete; meeting or exceeding Alabama Department of Transportation (ALDOT) Specifications.
- (2) Inlets and/or junction boxes shall be provided at least every 400 feet of continuous pipe, at any change in pipe size, at each change in direction, and at each change in grade.

#### c. Open Channel Flow Requirements

- (1) Open channel(s) shall be constructed with appropriate material/liner to handle the design velocity and flow for the 100-year storm event.
- (2) The minimum longitudinal design slope shall be 0.30%. The minimum design side slope shall be 3:1 (33%).
- (3) Prior to acceptance, any open channel ditch, swale, etc., shall be permanently stabilized/vegetated and any excess accumulated sediment shall be removed.

#### d. Detention/Retention Facilities

- (1) All detention/retention facilities and outfall structures shall be constructed with appropriate materials to handle the design velocity and flow for the 100-year storm event.
- (2) The minimum longitudinal design slope shall be 0.30%. The minimum design side slope shall be 3:1 (33%).
- (3) Prior to acceptance, all detention/retention facilities shall be permanently stabilized/vegetated and any excess accumulated sediment shall be removed.

#### e. Testing and Reporting Requirements

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- (1) Engineer shall provide as-built drawings and certification that all the stormwater management facilities and improvements are functional and constructed in substantial compliance with the approved plans.

#### **5.9.6 Submittal Requirements**

The following items are to be included with the application to Magnolia Springs.

- a. Drainage Report
  - (1) Design Narrative
  - (2) Site Pervious and Impervious Calculations
  - (3) Rainfall Intensities and Volumes
  - (4) Time of Concentration Calculations
  - (5) Drainage Area Map (offsite and onsite)
  - (6) Differential Runoff Calculations for pre-developed and post-developed conditions (2, 5, 10, 25, 50 and 100-year storm event)
  - (7) Pre-development and Post-development Hydrographs (2, 5, 10, 25, 50 and 100-year storm event)
  - (8) Routing Calculations (2, 5, 10, 25, 50 and 100-year storm event)
  - (9) Storage Capacity and Freeboard Verification
  - (10) Outfall Structure Details (Plan and Section Views)
  - (11) Culvert Calculations
  - (12) Inlet Spacing and Gutter Spread Calculations
  - (13) Open Flow Channel Calculations
  - (14) Water Quality Treatment Volume and 80% TSS Removal Verification
  - (15) Evaluation of the effect of the proposed development on upstream and downstream property and drainage facilities.
- b. Drainage Plans
  - (1) Contour map of proposed development areas including both finished and existing contours at one-foot contour interval.
  - (2) Existing drainage facilities, including any structures/facilities located immediately downstream that may be affected by the project.
  - (3) Proposed drainage facilities.

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- (4) Structure location, type, size, slope and elevation.
- c. Copy of ADEM “NOI” Permit, if applicable.
- d. Operations and Maintenance (O&M) Plan and Agreement for maintenance of detention facilities and other stormwater quantity and quality BMPs during development and documents providing for continued inspection and maintenance after completion of development and sale of all lots, such documents running as a covenant with the lands.
  - (1) An Operations and Maintenance (O&M) Agreement signed by the developer or owner for any required detention facilities or other stormwater quantity and quality BMPs must be submitted with the proposed plans. The agreement must contain a long-term maintenance plan prepared by the design engineer for each BMP. The maintenance plan must include a description of the stormwater conveyance system and its components, inspection priorities, schematics for each BMP, and inspection schedule for each water quantity and quality BMP. The O&M Agreement must be recorded prior to final plan approval. If the final configuration of the stormwater system or BMPs differs from the original design on the approved plans, the O&M Agreement must be revised, finalized, and rerecorded. Failure to follow the O&M Agreement could result in enforcement action.
  - (2) The long-term maintenance plan within the O&M Agreement contains the inspection priorities and schedule for the stormwater BMPs. The owner is responsible for inspecting the stormwater system and BMPs according to the schedule and submitting reports to the Town of Magnolia Springs every three (3) years to document that inspections have been completed and necessary maintenance has been performed. The first inspection report is due December 31 of the third year after construction has been completed. Inspection reports are then due by December 31 of every third year following submittal of the first report. The Town of Magnolia Springs must be notified of any change in ownership. Failure to file the three year inspection reports and perform required maintenance activities could result in enforcement action.
  - (3) Prior to the full release of the performance bond for any new or substantially improved stormwater facilities, an Alabama registered engineer shall submit to the Town of Magnolia Springs certification that the proposed stormwater management system and BMPs for the development are complete and functional in accordance with the approved plans and shall also provide as-built drawings for the stormwater management systems and BMPs.
- e. Certification and Seals: All plans and design calculations shall be sealed and signed by the project engineer, who shall be registered to practice as a Professional Engineer in the State of Alabama.
- f. Any additional engineering information the Town of Magnolia Springs or Its designated representative deems necessary for consideration of the project.

### **5.9.7 Location and Easements**

- (a) Drain-ways, whether conduit or open channel, shall be located within the right-of-way insofar as is practicable.
- (b) Where topography or other conditions render impracticable the inclusion of drainage within road rights-of-way, perpetual unobstructed easements not less than fifteen (15) feet in width shall be provided

### ***Town of Magnolia Springs Subdivision Regulations***

across the property with access to the road right-of-way. Such easements shall be clearly delineated on the plat as areas dedicated to public use as drainage easements, with provision for maintenance by the landowners. The Town shall not maintain such easements.

(c) Off premises drainage easements and improvements lying outside the proposed subdivision may be required of the Owner to handle runoff into a natural drainage channel.

(d) Where a subdivision or development is traversed by a watercourse, drain-way, channel or stream, there shall be provided a stormwater easement conforming substantially to the lines of such water course and of such width and construction as is adequate for the intended purpose, including maintenance operations.

(e) No stormwater detention shall be located in public right-of-way for any private development.

### **5.9.8 Maintenance**

(a) Retention/Detention facilities are to be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be partially or fully operational prior to the clearing of the vegetation and subsequent construction. Silt and debris connected with early construction shall be removed periodically from the retention/detention area and control structure in order to maintain adequate storage capacity.

(b) The responsibility for maintenance of the retention/detention facilities shall remain with the developer until such time as responsibility is transferred to a property owners'/home owners' association. The association shall clearly and explicitly accept responsibility for maintenance. These maintenance requirements do not imply that any drainage structures or systems are or will become the maintenance responsibility of the Town of Magnolia Springs. A letter from the owner/developer indicating the chain of responsibility for maintenance of all drainage structures or systems, along with a copy of the proposed instrument of organization for the property owners'/home owners' association, shall be submitted with the final plat submittal.

### **5.9.9 Stream Buffers:**

(a) An undisturbed streamside buffer (buffer) is an area along a shoreline, wetland, or stream where development and redevelopment is restricted or prohibited. The primary function of the buffer is to physically protect and separate a stream, lake, bay, or wetland from future disturbance or encroachment. Buffers can provide stormwater management and sustain the integrity of stream ecosystems and habitats. Buffers can be applied to new developments and redevelopment by establishing specific preservation areas and providing management of the buffers through easements or homeowner's associations. For existing developed areas, an easement is typically required from adjoining landowners. Waivers may be requested if the developer or landowner can demonstrate hardship or unique circumstances that make compliance with the buffer requirement difficult.

(b) Required buffer widths are listed below. The buffer requirement applies to streams beginning at a point where the drainage area is equal to or greater than 100 acres.

Feature	Buffer Width (ft)
Stream or Creek	75'
Wetlands (jurisdictional and isolated)	30'
Ponds and Lakes	30'



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(c) The buffer applies to all properties except those properties that are an existing lot of record and/or included on an approved preliminary subdivision plat (as of appropriate date).

(d) Allowable uses in the buffer include: flood control structures; utility easements as deemed necessary and approved by the Town of Magnolia Springs; natural footpaths; greenways, paved roadways; pedestrian and bikeway crossings perpendicular to the streamside including approaches, dock and ramp access, and other uses as determined by the Town of Magnolia Springs. All buffer disturbances associated with allowable uses shall be to the minimal extent practicable and all disturbed areas shall be stabilized as soon as possible.

(e) The vegetated target for the buffer shall be undisturbed natural vegetation. Any of the allowable uses shall be designed and constructed to minimize clearing, grading, erosion, and water quality degradation.

(f) Land in the buffer shall not be used for principal structures and accessories, such as swimming pools, patios, etc. All new platted lots shall be designed to provide sufficient land outside of the buffer to accommodate primary structures. Buffers should be delineated before streets and lots are laid out to minimize buffer intrusion and to assure adequate buildable area on each platted lot. Land within the buffer can serve to meet the minimum lot requirements.

(g) In order to maintain the functional value of the buffer: dead, diseased, or dying trees that are in danger of falling and causing damage to dwellings or other structures may be removed at the discretion of the landowner; debris in the buffer that is a result of storm damage may be removed; and, invasive plant species may be removed if they are replaced by native species. A buffer restoration plan must be approved by the Town of Magnolia Springs.

(h) Stream boundaries including each buffer zone must be clearly delineated on all grading plans, subdivision plats, site plans, and any other development plans. Stream and buffer limits must also be specified on all surveys and recorded plats and noted on individual deeds. Buffer requirements must be referenced in the property owner's association documents and shall be labeled on the plat.

(i) When a landowner or his representative obtain permits from ADEM or the Army Corps of Engineers that results in impacting the buffer then approved mitigation of these impacts based on the permit conditions supersede the applicable components of the buffer requirements in areas covered by the permit. The buffer requirements for areas not covered by the permit shall be applicable to the remainder of the proposed development site.

#### **5.9.10 Flood Prone Areas**

(a) Land within a designated floodway shall not be platted for residential occupancy or building sites. Fill may not be used to raise land in the designated floodway. In other areas subject to flood, fill may be used provided that proposed fill does not restrict the flow of water and unduly increase flood heights, or unnaturally redirect stormwater to adjacent properties.

(b) Other flood prone areas not located within a floodway shall not be platted as lots unless the developer demonstrates to the satisfaction of the Town of Magnolia Springs in consultation with their Engineer, that the property in question is free from the danger of inundation by the base flood or that remedial measures have been taken to allow the watercourse to safely accommodate the base flood. The developer shall submit such data or studies based on the watershed characteristics, probable runoff, and other topographic and hydraulic data prepared by a licensed professional engineer as needed to determine the flood susceptibility of the property.

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(c) Flood prone areas along existing watercourses shall be preserved and retained in their natural state within a common area or drainage easement, except where improvements are warranted as may be proposed by the applicant and approved by the Town of Magnolia Springs.

(d) Proof of approval from the Baldwin County Flood Plain Administrator for the plan is required.

### **Section 5.10 Special Requirements for Nonresidential Subdivisions**

In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Town of Magnolia Springs Planning Commission and the Town Engineer or his/her designee that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

(a) Proposed nonresidential street layout, blocks, and parcels shall be suitable, in area and dimensions, for the types of development anticipated.

(b) Streets carrying nonresidential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic; but shall be connected, insofar as is possible, to expressways, arterial, or collector streets in such a way that the number of intersections with such expressways, arterials, or collectors shall be minimized.

(c) Street rights-of-way and pavement shall be adequate and in accordance with *Section 5.4.1: Roadway Design* to accommodate the type and volume of traffic anticipated to be generated thereon.

(d) The applicant shall insure that the nonresidential subdivision as a whole may be self-sufficient with regard to providing necessary off-street parking. The applicant may make parking self-sufficiency a requirement of individual lots.

(e) With respect to physical improvements, special requirements may be imposed by the Town of Magnolia Springs Planning Commission, with the advice of the Town Engineer, or his/her designee, within the nonresidential subdivision.

(f) Every effort shall be made to protect adjacent residential areas from potential nuisances from nonresidential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential developments, and provision for a permanently landscaped buffer strip when necessary.

### **Section 5.11 Construction Requirements**

Construction of all roads and bridges shall meet the following minimum requirements and conform to the Alabama Department of Transportation's "Standard Specifications for Highway Construction". Best Management Practices for erosion control shall be used throughout construction and development. The developer shall be responsible for all erosion control in accordance with ADEM regulations and for securing any permits required by ADEM. **A Subdivision Permit is required from the County Engineer before the construction of any improvements can begin.**

(a) Pre-Construction Conference: It shall be the duty and responsibility of the developer or contractor to schedule and coordinate a Pre-Construction Conference with all involved parties prior to the beginning of construction. Once this conference has taken place and all requirements have been met, the Town Engineer or his/her designee will issue the Subdivision Permit and construction may begin. All

### *Town of Magnolia Springs Subdivision Regulations*

contractors must be properly licensed in the State of Alabama. A copy of the current Alabama General Contractor's License of the prime contractor shall be provided to Baldwin County at the Pre-Construction Conference.

(b) Notification of Work: It shall be the duty and responsibility of the developer or contractor to give written notice to the Town Engineer or his/her designee one working day prior to starting any phase of construction. The developer or contractor shall notify the Town Engineer or his/her designee or his authorized agent in writing the day work is resumed after a delay of more than five (5) working days. This includes all phases of construction, clearing, grading, drainage, gutters, inlets, base, surfacing and any work that pertains to the street, road or development. After all BMPs have been installed and/or constructed, but before any other construction takes place, the contractor shall notify the Town Engineer or his/her designee to inspect the required BMPs in accordance with Section 5.8.5 of these regulations. **FAILURE TO PROVIDE PROPER NOTIFICATION AS SPECIFIED SHALL BE GROUNDS FOR NON-ACCEPTANCE OF ROADWAYS BY BALDWIN COUNTY OR THE TOWN OF MAGNOLIA SPRINGS, WHICHEVER THE CASE MAY BE.**

(c) Testing: All testing shall be conducted by an independent testing laboratory approved in writing by the Town Engineer or his/her designee. The testing laboratory shall have the proper equipment and personnel necessary to perform the said testing of the required improvements, and shall be certified by the Alabama Department of Transportation. Proof of certification must be submitted to the Town Engineer or his/her designee, prior to said approval. The Town Engineer or his/her designee shall determine which tests shall be scheduled and performed. A schedule of proposed testing must be submitted to the Town Engineer 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. 28 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 required.

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

(d) Clearing and Grubbing: All rights-of-way shall be cleared of all vegetation, trees, stumps, large rocks and other objectionable or unsuitable material prior to grading or filling unless otherwise approved, in writing, by the Town Engineer or his/her designee;

(e) Embankment Sections: The Town Engineer or his/her designee 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 Town Engineer or his/her designee. Additional layers of fill shall not be added until directed by the Town Engineer or his/her designee. For all density requirements refer to Section 210 and Section 306 of the "Alabama Department of Transportation Standard Specifications for Highway Construction";

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(f) 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 “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 or 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 Town Engineer or his/her designee, with a fully loaded (minimum 20 CY) tandem axle dump truck to check for soft or yielding areas. Any unsuitable materials shall be removed and replaced with a suitable material compacted to a density as required.

(g) Base: Base course shall meet the requirements according to the Alabama Department of Transportation Standard Specifications for Highway Construction. Base course shall have a minimum thickness as required by Section 5.4 of these regulations, and shall extend eighteen (12) inches outside of curb sections or 24 inches from the edge of asphalt, whichever is greater. The density requirements for compaction shall be in accordance with Section 306 of the Alabama Department of Transportation Standard Specifications for Highway Construction. Developer/Engineer may submit an alternate base design method for approval by the Town Engineer or his/her designee. Design should be based on a proven and accepted engineering test or method for the site conditions that exist.

(h) Roadway Pavement: All roads and/or streets shall be paved and comply with the following:

1. All roads shall be improved according to the standard outlined in Section 5.4 of these regulations.
2. Prior to the placement of pavement, a bituminous treatment A (prime) shall be placed and inspected by the Town Engineer or his/her designee, unless crushed aggregate base is used.
2. The finished wearing surface shall be uniform and free of defects. The Town Engineer or his/her designee may require additional density tests in areas that appear questionable.

### **Section 5.12 Subdivision Tree Requirements**

(a) Purpose: The purpose of this section is to establish minimum standards for protection and restoration of trees and natural features. Trees provide the Town of Magnolia Springs with aesthetics, historical values, environmental quality, and increased land values. The objectives are to increase the current canopy coverage by trees and to increase the green space areas preserved within the town limits and the planning jurisdiction of the Town of Magnolia Springs.

(b) Exemptions: The following are exempted from compliance with the tree and landscape provisions of these regulations.

1. Utility easement for power lines, pipelines, drainage ditches, etc.
2. Land currently zoned and used for agricultural purposes, for the duration of such use, provided that property rezoned for purpose other than agriculture shall be subject to the provisions of these regulations.
3. Public utility construction activities within the public rights-of-way.
4. Trees irreversibly damaged or destroyed by natural disaster.

(c) Definitions: For the purposes of these regulations, certain words or terms herein shall be defined as follows. Words not defined herein shall be interpreted so as to give them the meaning they have in common usage. The word “shall” is mandatory and not discretionary. The word “may” is permissive.

1. *Caliper*: The diameter or thickness of the main stem of a young tree or sapling as measured at six inches above the ground.
2. *Circumference*: The distance around the periphery of a tree at 4 ½ feet above exiting grade.

## ***Town of Magnolia Springs Subdivision Regulations***

3. *Diameter Breast Height:* The diameter, in inches, of a tree trunk measured at 4½ feet above existing grade. DBH is also referred as the diameter of a tree.
4. *Greenspace:* Any area retained as permeable unpaved ground and dedicated to supporting vegetation.
5. *Heritage Tree:* A healthy, protected native tree and its root system with a diameter at breast height equal to or greater than 15 inches. (See “Overstory” Tree list) Also redbuds and dogwoods with a diameter at breast height equal to or greater than 6 inches. Any tree determined by the Mayor and Council, as provided herein, to be of notable historic interest, high aesthetic value, or of unique character because of species, type, age, or size.
6. *Overstory Tree:* Trees which, at maturity, comprise the canopy of a natural forest which are generally greater than fifty (50) feet at mature height.
7. *Site Clearing:* Any development or other activity which alters the land upon which it is located, except for normal sodding and placement of signs.
8. *Site Plan:* A plan describing for a particular site where the building(s), driveway, utility easements, parking, and stormwater management facilities are to be located and where greenspace is to be retained or planted in compliance with these regulations.
9. *Species Diversity:* A diverse planting or retention of tree species on a site within the Town to prevent dominance by any single type of tree. The purpose of this diversity is to prevent the destruction of the entire urban forest in the event of disease or pestilence.
10. *Understory Trees:* Trees, which, at maturity, comprise the sub-canopy of a natural forest. These are generally less than fifty (50) feet at a mature height.

(d) **Natural Features:** Preservation of outstanding and irreplaceable natural features may be required by the Magnolia Springs Planning Commission, and shall be determined on a case-by-case basis. These features may include, but are not limited to, watercourses, historical lands, wetlands, and protected species habitat.

(e) **Heritage Trees:** Heritage trees in excess of 24 inches in diameter are hereby protected and cannot be cut or intentionally harmed without the expressed written permission of the Town of Magnolia Springs Planning Commission. Species include, but are not limited to, long leaf pine, live oaks or southern magnolia. Replacement trees shall be required for the removal of all heritage trees. The developer is required to plant two (2) trees for each heritage tree removed without permission. The replacement trees shall correspond to the tree removed. For example a heritage live oak could be replaced by two live oak plantings. Replacement trees must be native non-invasive trees. The Landscape plan shall show the placement and species of the proper number of required new trees.

(f) **Heritage Tree Removal:** Any developer/builder wishing to remove or relocate a heritage tree shall submit a heritage tree removal plan to the Town of Magnolia Springs Planning Commission accompanied by a site plan. The Town of Magnolia Springs Planning Commission shall review the plan for consistency with these requirements. The site plan must identify the location and type of heritage tree to be removed and the location and type of plantings for replacement. Heritage trees may be removed, subject to review, if it is in immediate threat to life, safety and welfare. Examples:

1. The tree is located in an area where a structure or improvement is to be placed in accordance with the proposed plan.
2. The tree is diseased, injured, or in danger of falling too close to an existing or proposed structure, interferes with the existing utility service, creates an unsafe vision clearance or conflicts with other Ordinances, Articles or Regulations.
3. The tree shall be prior to or after construction in violation of federal, state or local laws or regulations including, but not limited to, laws and regulations pertaining to government programs for the financing of the construction.

(g) **Tree Survey:**

## *Town of Magnolia Springs Subdivision Regulations*

- 1) All major developments shall detail the following:
  - a) All heritage trees to be preserved and to be removed;
  - b) Areas of tree preservation in common areas and/or buffer;
  - c) Areas of tree plantings to include replacement heritage plantings and plantings per these requirements.
  
- 2) All minor developments shall detail the following:
  - a) All heritage trees to be preserved and to be removed;
  - b) Existing trees, shrubbery, and other vegetation to be preserved in common areas, buffers and/or yards;
  - c) Trees, shrubbery, or other vegetation to be planted to complete the final landscaping of the property.

(h) **Tree Density:** All residential lots shall have a minimum of two (2) overstory trees, one of which must be between the front setback line and the right-of-way. These individual trees per lot may be counted as part of the required tree density units per acre for the development, but they may be an additional requirement if the appropriate units per acre requirement are met elsewhere on the site. This tree per lot requirement shall apply to the developer or homebuilder, whoever is responsible for obtaining the building permit for the individual lot, but if it is applied to the homebuilder, the developer will be given credit on the whole project for the trees which will be required to be planted on the lots which may be built upon later.

Residential subdivisions developments shall have a minimum tree density of four (4) native trees per acre. All preserved and planted trees shall be included in the tree density, which includes trees located in the buffers, parking areas, perimeter, individual lots, and common areas.

(i) **Tree Planting:** The following standards shall apply to all trees planted as required as part of these regulations.

1. All tree plantings shall be installed to current nursery industry standards.
2. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
3. Tree plantings and overstory shall measure a minimum of 3 inches, 4 feet above grade and shall measure a minimum of 5 feet of clear trunk.
4. Understory trees shall have an initial caliper diameter of at least 1 inch and shall measure a minimum of 4 feet of clear trunk.
5. No overstory trees shall be planted within twenty (20) feet of overhead wires.
6. All plantings that die or are destroyed must be replaced by developer or builder during the next suitable planting season.
7. Maintenance of new plantings after the initial warranty period is the responsibility of the property owner.

(j) **Maintenance:** Maintenance shall include the replacement of all dead plants. Dead plant material shall be replaced within a time appropriate to the growing season of the species in question, not to exceed on year. The maintenance for the initial twelve (12) months will be the responsibility of the developer or burden of record.

(k) **Abrogation and Greater Restrictions:** This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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(l) Severability: If any provision of the section is declared to be invalid, such declaration shall not affect, impair or invalidate the remaining provision of this section.

(m) Allowable Overstory Trees: The following species are acceptable for planting within the Town of Magnolia Springs. Other species that are recognized as suitable for this area may be used if approved by the Planning Commission and are native to coastal Alabama.

*Acer rubrum* – Red Maple  
*Betula nigra* – River Birch  
*Carya spp* – Hickory (*any species native to coastal Alabama*)  
*Fraxinus spp* – Ash (*any species native to coastal Alabama*)  
*Liriodendron tulipifera* – Yellow-poplar/Tulip-Tree  
*Nyssa sylvatica* – Black Gum, Tupelo  
*Quercus spp.* – Live, Southern Red, or Laurel Oak  
*Taxodium distichum* – Bald Cypress

(n) Recommended Understory Trees: The following species are recommended for planting within the Town of Magnolia Springs. Other species that are recognized as suitable for this area may be used if approved by the Planning Commission and are native to coastal Alabama.

*Amelanchier aboreum* – Downy Serviceberry  
*Cercis Canadensis* – Eastern Redbud  
*Chamaecyparis thyoides* – Atlantic White Cedar  
*Chionanthus virginicus* – Fringe-tree/Grandsie-graybeard  
*Cornus florida* – Flowering Dogwood  
*Ginkgo biloba* – Ginkgo/Maidenhair Tree (*use male plants only*)  
*Halesia caroliniana* – Carolina Silverbell  
*Halesia diptera* – Two-wing Silverbell  
*Ilex spp.* – Holly/Ilex (*arborescent species native to coastal Alabama*)  
*Juniperus virginiana* – Eastern Red Cedar  
*Juniperus silicicola* – Southern Red Cedar  
*Lagerstroemia indica* – Crape-myrtle  
*Magnolia Magniflora*- Southern Magnolia  
*Myrica cerifera* – Southern Bayberry, Wax Myrtle  
*Nyssa ogeche* – Ogeeche Gum  
*Osmanthus americanus* – American Olive, Devilwood  
*Oxydendrum arboretum* – Sourwood  
*Persea borbonia* – Redbay  
*Styrax americanum* – American Snowbell

(o) Plants Not Supported By This Section: The following plants are exotic species, which are difficult to control, or otherwise unsuitable for this area, and are not acceptable to meet any of the requirements for overstory trees, understory trees or buffer zone planting.

*Ailanthus altissima* – Tree of heaven  
*Cinnamomum camphora* – Camphor Tree  
*Melia azedarach* - Chinaberry  
*Pawlonia tomentosa* – Princess Tree  
*Sapium sebiferum* – Chinese Tallowtree/Popcorn Tree

Additionally, all species of bamboo and all invasive exotic vines (such as Kudzu, Chinese Wisteria, Japanese Honeysuckle, and Air Potato) are not acceptable.

## **Section 5.13 Flood Prone Regulations**

This section (5.13) is applicable only in flood prone areas within the Town's jurisdiction pursuant to §11-19-1 et seq Code of Alabama 1975. Flood-prone areas shall include those areas within the boundaries of the Flood Insurance Rate Map (FIRM) provided by FEMA for a 100-year flood. The determination of whether a subdivision is subject to this section shall be made based on the map(s) in effect at the time of the submittal of the initial application.

### **5.13.1 Land Within Floodways**

Land within a designated floodway shall not be platted for residential occupancy or building sites. Fill may not be used to raise land in the designated floodway. In other areas subject to flood, fill may be used provided that proposed fill does not restrict the flow of water and unduly increase flood heights, or unnaturally redirect stormwater to adjacent properties.

### **5.13.2 Development in Flood Prone Areas**

Other flood prone areas not located within a floodway shall not be platted as lots unless the developer demonstrates to the satisfaction of the Magnolia Springs Planning Commission, in consultation with the County Engineer, that the property in question is free from the danger of inundation by the base flood or that remedial measures have been taken to allow the watercourse to safely accommodate the base flood. The developer shall submit such data or studies based on the watershed characteristics, probable runoff, and other topographic and hydraulic data prepared by a licensed professional engineer as needed to determine the flood susceptibility of the property.

Flood prone areas along existing watercourses shall be preserved and retained in their natural state within a common area or drainage easement, except where improvements are warranted as may be proposed by the applicant and approved by the Magnolia Springs Planning Commission.



## **Article 6. Installation of Permanent Reference Points**

### **Section 6.1 Permanent Reference Points**

Prior to the approval of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements:

#### **6.1.1 Subdivision Corner Tie**

At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the Government Survey of Baldwin County. The subdivision corner shall be marked with a monument, and shall appear on the map with a description of bearings and distance from the Government Survey corner.

#### **6.1.2 Monuments**

Concrete monuments 4 inches in diameter, or 4 inches square and 3 feet long with a flat top, shall be set at a minimum of 2 exterior corners of a major subdivision. The top of the monument shall have an indented mark to identify properly the location, and shall be set flush with the finished grade. Elevation based on the NAVD 88 datum shall be established on a permanent benchmark at a minimum of one (1) corner of the said concrete monuments, and shall be shown on the final plat and construction plans.

#### **6.1.3 Property Markers**

All lot corners not marked with a monument shall be marked with an iron pipe or iron pin not less than ½ inch in diameter or in width and 24 inches long, and driven so as to be flush with the finished grade. Each marker shall be identified with a durable cap bearing the Alabama Registration Number of the land surveyor in responsible charge, or the company Certificate of Authorization Number.

### **Section 6.2 Accuracy**

Each and every final plat submitted for review shall be at an accuracy as required by the latest edition of the State of Alabama Minimum Technical Standards for Surveys.

## **Article 7. Completion and Maintenance of Improvements**

### **Section 7.1 Installation of Required Improvements**

The subdivider shall be responsible for the provision of all required improvements to the subdivision. This may be accomplished by either the full installation of all required improvements by the developer at the time the Final Plat, is to be submitted to the Town of Magnolia Springs Planning Commission, or by the provision of a financial guarantee of performance.

### **Section 7.2 Financial Guarantee of Performance**

If a developer wishes to record a Final Plat prior to the completion of all required improvements, he/she may request that the Town of Magnolia Springs accept a financial guarantee of performance for the improvements not completed and approved.

#### **7.2.1 Subdivision Improvement Surety**

The guarantee of performance by the subdivider shall be in the form of an acceptable surety, and shall meet the following requirements:

(a) *Acceptance of Surety.* The surety must be accepted by the Town Council and approved by the Legal Council of the Town of Magnolia Springs;

(b) *Value of Surety.* The surety shall be of an amount equal to 150 percent of the cost (as estimated by an independent source and approved by the Town Engineer or his/her designee) of installing all improvements, including grading, paving of the streets, installation of all required utilities, and fees encountered during execution of improvements. If a utility provider agrees to accept a surety for required improvements related to its utility, the Town of Magnolia Springs may reduce the amount of required surety by said amount. A surety must be valid for a period of at least 15 months from the date of acceptance by the Town Council.

#### **7.2.2 Failure to Complete Work**

If, within 12 months after filing said surety, the subdivider has not completed all necessary improvements or if, in the opinion of the Town Engineer or his/her designee, the Town of Magnolia Springs Planning Commission said improvements have not been satisfactorily installed, a recommendation shall be prepared and submitted to the Town Council for approval to take such steps as may be necessary to require performance under the surety. If the construction of all required improvements is not completed within 11 months from the date of acceptance by the Town Council, the subdivider/developer may request that an extension be granted. This must be done in writing before the end of the 11 month period. Before granting an extension, the Town Council may require that the amount of the surety be increased to better reflect the current value of the required improvements.

#### **7.2.3 Release of Guarantee**

Upon inspection and approval by the Town Engineer or his/her designee, submittal of As-builts and Final Test Reports, and in accordance with these regulations, the Town Council shall authorize the release of the financial guarantee of performance.

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**Section 7.3 Certification of Improvements**

For all major subdivisions, the applicant is required to retain the services of a Licensed Engineer to perform regular inspections of the required improvements during the construction process. Upon completion of the improvements the Licensed Engineer and the applicant shall complete, sign and submit to the Town Engineer or his/her designee a Certification of Improvements form stipulating the following:

- (a) That all required improvements are complete;
- (b) That these improvements are in compliance with the minimum standards specified for their construction;
- (c) That the applicant knows of no defects from any cause in these improvements; and,
- (d) That these improvements are free and clear of any encumbrance or lien.

**Section 7.4 Maintenance of Roadways and Drainage Improvements**

It is the responsibility of the subdivider/developer to submit a request for town maintenance of roads/streets to the Town Engineer or his/her designee for consideration, once all required improvements have been completed and approved, but before the Final Plat is signed off by the Town Engineer or his/her designee, or surety is released as per section 7.2.3.

## **Article 8. Variances**

### **Section 8.1 General**

Where the Town of Magnolia Springs Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The variance, if approved by the Town of Magnolia Springs Planning Commission shall become part of the official record of the Town of Magnolia Springs Planning Commission, and shall be noted on the Final Plat. The Town of Magnolia Springs Planning Commission shall not approve a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a) The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property;
- (b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable generally to other property;
- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
- (d) The variance will not in any manner vary the provisions of other adopted policies and regulations of Baldwin County.
- (e) Inconvenience, financial concerns, or self imposed conditions shall not be considered as a hardship for the purpose of granting the variance.

### **Section 8.2 Submission of Variance Requests**

Any subdivider wishing to obtain a variance from these regulations for subdivisions exclusively within the jurisdiction of the Town of Magnolia Springs shall follow the following procedure. No Subdivision Variance Request will be considered to be placed on the agenda of the Magnolia Springs Planning Commission meeting until all of the following requirements have been submitted.

#### **8.2.1 Application Procedure and Requirements**

The applicant shall file with the Town of Magnolia Springs Planning Commission an application for approval of the Subdivision Variance. A complete application shall:

- (a) Be made on Subdivision Variance forms available at the office of the Town of Magnolia Springs;
- (b) Be accompanied by the Subdivision Variance application fee according to the current schedule of fees established by the Town Council;
- (c) Be accompanied by one 11"x17" scale drawing, and in digital format, if the nature of the variance requested is something that can be visibly demonstrated on such drawing;
- (d) Be submitted to the Town of Magnolia Springs at least 45 days prior to a regularly scheduled meeting of the Town of Magnolia Springs Planning Commission;

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(e) Be accompanied by a written narrative explaining the variance being requested, as well as the extraordinary hardships or practical difficulties that exist, and how strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal.

### **8.2.2 Subdivision Variance Review**

After the Town Engineer or his/her designee has reviewed the Subdivision Variance Request and other information, the Town Engineer or his/her designee shall make a recommendation to the Town of Magnolia Springs Planning Commission whether in his/her opinion the Subdivision Variance should be granted. Should the Town Engineer or his/her designee determine that the granting of the proposed Subdivision Variance will cause a public safety or road maintenance problem, the Town of Magnolia Springs Planning Commission shall not grant the request for the Subdivision Variance.

Notice of the recommendation of the Town Engineer or his/her designee shall be sent to the owner or developer whose name and address appears on the submitted Subdivision Variance application by registered or certified mail at least ten (10) days before the recommendation shall be presented to the Town of Magnolia Springs Planning Commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear upon the plats in the office of the county tax assessor and their addresses appear in the directory of the county or on the tax records of the county and to each utility affected thereby.

### **8.2.3 Resubmission of Subdivision Variance**

The Town of Magnolia Springs Planning Commission shall not consider a Subdivision Variance which has been resubmitted for approval after Town of Magnolia Springs Planning Commission disapproval for a period of 12 months, unless site conditions have changed or the applicant has significantly revised the Subdivision Variance request. Applications for approval of a Subdivision Variance which has been previously disapproved shall be submitted in accordance with *Section 8.2.1: Application Procedure and Requirements*.

## **Section 8.3 Conditions**

In approving variances, the Town of Magnolia Springs Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives, standards or requirements of these regulations.

The Town of Magnolia Springs Planning Commission shall not grant any variance within the Floodway District unless the developer submits a study prepared by a licensed professional engineer certifying that no increase in the base flood level would result from the proposed development.

Within other areas subject to flooding, variances shall only be issued upon a determination by the Town of Magnolia Springs Planning Commission that the relief granted is the minimum necessary, considering the flood hazard.

## **Article 9. Planned Developments**

### **Section 9.1 Purpose**

The regulations established in this article are intended to provide optional methods of land development which encourage imaginative solutions to environmental design problems, with provisions for residential, institutional, recreational, office, commercial, and industrial uses characterized by a unified building and site development program that provides for coordinated open space and architectural treatment, and to provide a mechanism for the development of projects in the extra territorial jurisdiction of the Town of Magnolia Springs. All projects in the extra territorial jurisdiction of the Town of Magnolia Springs must obtain Planned Development approval as outlined herein, prior to obtaining a building permit.

### **Section 9.2 Definitions**

Words and phrases used in this section shall have the meanings as set forth in this section. Words and phrases not defined in this section, but defined elsewhere in the subdivision regulations, shall be given the meanings as set forth in such regulations. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

*Large Scale Planned Developments:* A development of land, occupying 200 contiguous acres or more, or containing more than 400 dwelling units, that is under unified control, and is planned and developed as a whole in a single development operation or programmed series of development stages. A large scale planned development containing 4 units or less is exempt from these provisions. Large Scale Planned Developments are required to obtain Conceptual Site Plan approval by the Town of Magnolia Springs Planning Commission before they can be reviewed by the County Commission for final consideration. If the Conceptual Site Plan is approved, then Final Site Plan and/or Preliminary Plat approval for each phase of development must be obtained, as outline herein.

*Small Scale Planned Developments:* A development of land, occupying at least 5 acres, less than 200 contiguous acres, and less than 400 units, that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. A development containing 2 units or less is exempt from these provisions. Small Scale Planned Developments are required to first obtain Final Site Plan approval by the Town of Magnolia Springs Planning Commission before they can be reviewed by the County Commission for final consideration.

### **Section 9.3 Planned Developments, General**

#### **9.3.1 Unified Control**

The parcel or parcels of land for a Planned Development shall be in unified control, and shall be owned or controlled by either a single person, corporation, agency, group of individuals or like organizations. The applicant shall provide the county appropriate and necessary documents to indicate ownership. No application shall be considered until this section is fully complied with. An application must be filed by the owner or authorized agent of all property included in the project. In the case of multiple ownerships, the approved final development plan shall be binding on all owners and any successors. The developer shall maintain and provide for unified control of the Planned Development until the project is complete. The entity designated to provide unified control shall ensure that all conditions of development are met. Individual properties may be sold, after appropriate approvals and recordings have been completed and proper recordings have been made, which insures the continuance of the Planned Development as approved. Responsibility for unified control may be assigned to an individual or entity, such as a

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homeowner's association, that will provide for the maintenance of any common property and improvements.

### **9.3.2 Development Standards for Planned Developments**

A planned development shall meet the minimum development standards specified in *Article 5: Development Standards*, except as provided below.

(a) *Development area.* A planned development shall have a minimum development area of 5 contiguous acres.

(b) *Open space reservation.*

(1) A minimum of 20% of the gross land area of the planned development shall be set aside for permanent open space for passive and/or active recreation, such as parks, recreational facilities, pedestrian ways, and/or for conserving sensitive elements of the environment.

a. Stormwater detention/retention ponds, or similar holding basins for stormwater, steep slopes, internal street rights-of-way, driveways, off-street parking areas, and off-street loading areas or similar uses shall not be counted in determining open space.

b. A minimum of 50% of the required open space must be usable and accessible for passive or active recreation purposes. The usable open space shall not include steep slopes, streams, ponds, watercourses, wetlands, floodways and/or floodplains.

(2) The required open space may be owned in common by the residents of the development. Any open space set aside for conservation shall be subjected to a conservation easement granted to a qualified land trust, conservation organization or government agency. Such conservation easement shall be in legal form satisfactory to the County.

(c) *Lot size.* No minimum lot sizes are required, so that housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features; provided that the design shall not result in an increased density of lots that would otherwise result from a development based on the lot requirements described in Section 5.6 of these regulations;

(d) *Building Setbacks.*

(1) Individual Lots. The minimum setback outlined in Section 5.6 shall apply, except that the a waiver to these requirements may be approved in order to provide for better site design, clustering of dwelling, or otherwise to meet the purpose as described in Section 10.1 above; provided that such reduced setbacks will not threaten, compromise or create undo health or safety conditions or constitute a hazard to life, property or natural resources.

(2) Multi-family structures. The required setback from the property line or from other buildings shall be 20 feet for up to a building height of 35 feet, and shall be increased one (1) foot for each 10 feet of building height in excess of 35 feet.

(e) *Non residential uses.* Non residential land uses (excluding open space), including institutional uses, office and professional service uses, local commercial uses and general commercial uses, may not occupy more than twenty (20) percent of the gross acreage of the Planned Development. The following criteria shall be met to the County's satisfaction:

- The location of non residential land uses demonstrates a rational development scheme;

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- The non residential land uses are centrally located and interrelated to the development as a whole;
- The non residential land uses are located in the interior of the development, and front on an exterior or perimeter street or road;

(f) In approving a planned development, the Town of Magnolia Springs Planning Commission may reduce the pavement width and/or approve an alternative paving surface of any streets that would otherwise be required by the *Subdivision Regulations*; and/or may waive the installation of curbs, gutters, and/or sidewalks if it finds that the reduction and/or waiver will:

- (1) improve site design;
- (2) protect the natural features of the site;
- (3) maintain harmony with neighboring uses;
- (4) promote the objectives and purpose of the master plan;
- (5) promote the intent and purpose of these regulations.

If a road is proposed to be maintained by the Town of Magnolia Springs, it must meet the standards as set out in Section 5 of these regulations. Otherwise, the Town of Magnolia Springs may not accept the roads for maintenance.

(g) An applicant who wants the reduction of pavement width of streets, and/or the waiver of the installation of curbs, gutters, and/or sidewalks as provided in *Section 9.3.2(f)* above, shall submit a statement of justification for the reduction and/or waiver along with the required site plan.

### **9.3.3 Site Plan Review Standards**

(a) Approval of a planned development shall be based on the Town of Magnolia Springs Planning Commission's consideration of the following:

- (1) That the value and character of the property or properties adjacent to the tract of land under consideration will not be adversely affected;
- (2) That the proposed development promotes the objectives and purpose of the master plan;
- (3) That the proposed development is consistent with the intent and purpose of these regulations to promote public health, safety, morals and general welfare; and
- (4) That the proposed development meets the requirements of these regulations, as well as the requirements of all other regulating bodies.

After the Town Engineer or his/her designee has reviewed the site plan and construction plans, the Town Engineer or his/her designee shall certify to the Town of Magnolia Springs Planning Commission whether the site plan meets the submittal requirements as specified in this Article. If it is determined by the Town Engineer or his/her designee that any major deficiency, or 4 or more minor deficiencies exist, the subdivision will not be considered by the Magnolia Springs Planning Commission. If any major deficiency or 4 or more minor deficiencies exist, they will be detailed and sent along with an accompanying letter to the applicant stating that the subdivision will not be placed on the Town of Magnolia Springs Planning Commission Agenda, until the deficiencies have been corrected. Should the site plan be determined by the Town Engineer or his/her designee to be deficient in any regard, the Town Engineer, or his/her designee, shall detail the deficiency to the Town of Magnolia Springs Planning



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Commission, along with a recommendation that the site plan be disapproved. Notice of the recommendation of the Town Engineer or his/her designee shall be sent to the owner or developer whose name and address appears on the submitted site plan by registered or certified mail at least 10 days before the recommendation shall be presented to the Town of Magnolia Springs Planning Commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the property, as their names appear upon the plats in the office of the county tax assessor, and their addresses appear in the directory of the county or on the tax records of the county, and to each utility affected thereby.

### **9.3.4 Resubmission of Site Plan**

The Town of Magnolia Springs Planning Commission shall not reconsider, for a period of 4 months, a Planned Development Site Plan which has been disapproved by the Town of Magnolia Springs Planning Commission. If after 4 months the applicant has complied with the Town of Magnolia Springs Planning Commission's required changes and/or additions, a new application for approval of a Planned Development Site Plan may be resubmitted. This submittal shall be in accordance with *Section 9.5.1: Conceptual Site Plan Application and 9.5.8 Final Site Plan Application*.

### **9.3.5 Effective Period of Approval**

#### **9.3.5.1 Conceptual Site Plan Approval Period**

Conceptual Site Plan approval shall be effective for a period three (3) years from the date of approval by the Town of Magnolia Springs Planning Commission. In the case of a phased Planned Development, the Final Site Plan or Preliminary Plat for the first phase shall be submitted for approval in order to start construction. Each successive phase must be submitted to the County and start construction within two (2) years of the previously approved phase.

#### **9.3.5.2 Final Site Plan Approval Period**

Final Site Plan approval shall be effective for a period of two (2) years. If no construction has commenced within two (2) years, the developer shall have thirty (30) calendar days from the date of expiration to file for a one (1) year extension. If no extension is requested, the PRD site plan approval shall be automatically revoked. A maximum of two (2) one (1) year extension may be granted. If an extension is granted, the proposed development must conform to the Subdivision Regulations in place at the time when the extension is granted.

#### **9.3.5.3 Extension**

Extensions may be granted only upon a demonstration to the satisfaction of the Town of Magnolia Springs Planning Commission that the need for extension results from an event that the developer could not have anticipated and controlled, which event or effect makes the commencement or continuation impossible or impracticable.

#### **9.3.5.4 Annual Written Reports**

The developer shall submit a written report to the County each year the development is under construction. The report shall be submitted no later than thirty (30) days after the month and date of initial approval. If not submitted as required, then all permits and approvals will be withheld until properly submitted. The report shall be considered an attachment to the original Planned Development application. The report shall include at a minimum the following:

- (a) General Project status;

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- (b) Total number of lots platted or buildings constructed;
- (c) Total number of dwellings constructed;
- (d) Infrastructure improvements complete to date;
- (e) Status of future phases if appropriate;
- (f) Completion of Phases
- (g) Anticipated commencement of construction of future phases.

### **9.3.6 Modification of Conceptual Site Plan**

Any proposed major or substantial change in the approved Conceptual Site Plan which affects the intent and/or character of the development, the location or dimensions arterial streets, or similar substantial changes, shall require approval through the Planned Development Modification process. A request for modification shall be supported by a written narrative, and by revised Conceptual Site Plans. Minor changes or deviations from the original Conceptual Site Plan which do not affect the intent or character of the development may be reviewed and approved by the Town Engineer or his/her designee. Upon written approval, the revised Conceptual Site Plans approved by the Town Engineer or his/her designee shall be considered the approved Conceptual Site Plans. Any future modification or changes will be reviewed as set out herein. The total number of dwellings approved by the County Commission under to original Conceptual Site Plan may not be increased over the life of the development, unless additional property is acquired and added to said development.

#### ***Examples of major or substantial changes are:***

- Overall Boundary changes
- Relocation of Major streets
- Overall Density Increase
- Building Height Increase

#### ***Examples of minor changes are:***

- Change in alignment, location, direction, or length of local street
- Reorientation or slight shifts in building or lot locations
- Decrease in building height or overall number of units

### **9.3.7 Modification of Final Site Plan**

Any proposed major or substantial change in the approved Final Site Plan which affects the intent and/or character of the development, the location or dimensions of arterial streets, or similar substantial changes, shall require approval through the Planned Development Modification process. A request for modification shall be supported by a written narrative and by revised Final Site Plans. Upon written approval, the revised Final Site Plans approved by the Town Engineer or his/her designee shall then be considered the approved Final Site Plan. Any future modification or changes will be reviewed as set out herein.

#### ***Examples of major or substantial changes are:***

- Boundary changes
- Street relocation
- Substantial change in the lot configuration
- Increase in number of dwelling units for approved site plan
- Building Height Increase

#### ***Examples of minor changes are:***

- Slight change in alignment, location, direction, or length of local street
- Adjustments, reorientations or minor shifts in dwelling units, buildings or lot lines, not resulting in an increased number of dwelling units for said Final Site Plan

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Decrease in building height or density

### **9.3.8 Planned Development Modification Procedure**

Substantive changes in the conceptual or final site plan shall be considered amendments to the plan, and shall be subject to the same procedures specified for approval of the planned development. In large scale planned developments, request for modifications may be requested for a phase of the development. Only the phase in which the modification is being requested shall be subject to the modification procedures.

## **Section 9.4 Small Scale Planned Development Procedures**

The procedure for obtaining approval for a Small Scale Planned Development is as follows (see also *Section 9.3: Planned Developments in Planning Districts which have elected to come within the planning and zoning authority of the Town of Magnolia Springs*).

### **9.4.1 Small Scale Planned Developments Application**

The applicant shall file an application for approval of a Small Scale Planned Development. The application shall be submitted in accordance with Section 9.5.8 Final Site Plan Application

### **9.4.2 Small Scale Planned Development Site Plan Requirements**

The site plan shall be prepared by a licensed engineer, and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals 100 feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. All text shall be a minimum of 1/10 of an inch in height. The sheet shall not exceed 24 x 36 inches. The site plan shall be submitted in accordance with Section 9.4.2 Final Site Plan Requirements

### **9.4.3 Future Approvals for Small Scale Planned Development**

Once the Final Site Plan and required submittals are approved by the Town of Magnolia Springs Planning Commission, the applicant(s) must then submit either a preliminary plat (for typical subdivisions) in accordance with §4.4 for each phase of the project or a building permit (for non-typical subdivisions, i.e. condominiums, apartments, etc).

Submittals of all Preliminary plats, Final plats and Building Permits shall be in accordance with the approved Final Site Plan.

## **Section 9.5 Large Scale Planned Development Procedures**

### **9.5.1 Conceptual Site Plan Application**

The applicant shall file an application for approval of a Conceptual Site Plan. No Conceptual Site Plan application will be considered by the Magnolia Springs Planning Commission until all of the following requirements have been submitted.

The Conceptual Site Plan must:

- (a) Be made on Conceptual Site Plan forms available at the offices of the Town of Magnolia Springs;
- (b) Be accompanied by the required application fee according to the current schedule of fees established by the Town Council for the particular category of application;

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- (c) Be accompanied by a boundary survey which shall be submitted at a suitable scale indicating existing buildings, water courses, transmission lines, sewer lines, water lines and any public utility easements
- (d) Be accompanied by 10 full-size sets of black or blue-line prints of the proposed Conceptual Site Plan as outlined below, one 11"x17" copy of the said proposed Conceptual Site Plan;
- (e) Be accompanied by a digital file of the proposed Conceptual Site Plan, in suitable format to the Town of Magnolia Springs;
- (f) Be submitted with a Utility Service Plan as outlined below;
- (g) Be submitted with a Conceptual Written Summary as outline below;
- (h) Be submitted to the Town of Magnolia Springs at least 45 days prior to a regularly scheduled meeting of the Town of Magnolia Springs Planning Commission;
- (i) Be accompanied by a transmittal letter listing all of the drawings, letters, attachments, and other information submitted for the application;

### **9.5.2 Conceptual Site Plan Requirements**

The Conceptual Site Plan must be drawn at a suitable scale for review and include the following:

- (a) Proposed land uses, housing types, or building types by generalized area;
- (b) Proposed common areas and open space, showing proposed uses (i.e. recreation, retention/detention, park, school, church, etc.)
- (c) Proposed pedestrian pathways and bicycle paths;
- (d) The proposed location of the internal major and minor street system, the adjacent external street system and connections to the adjacent external street system, and typical sections of proposed streets;
- (e) The location, type and total gross square footage of all non-residential uses
- (f) A development schedule with a generalized phasing schedule, if appropriate.
- (g) Plans for traffic and circulation inside and outside the development in the immediate vicinity;

### **9.5.3 Conceptual Plan Written Summary**

A Conceptual Plan written summary shall include the following:

- (a) A Narrative that generally describes the entire project;
- (b) A statement of the present ownership and a legal description of the property;
- (c) Proposed land uses and development standards, density, height, yard requirements, typical lot configurations, and proposed restrictive covenants;
- (d) Tables showing the maximum number, type and density of dwelling units proposed for each phase or site and land use;
- (e) Statement regarding proposed dedication or reservation of land for public use, including streets, easements, parks and school sites;
- (f) Statement regarding water, sewer, electrical, telephone, fire protection, and solid waste collection service for the proposed development
- (g) Statement regarding the general method proposed for stormwater management and erosion control.

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- (h) A traffic study shall be performed and submitted with written summary. The study shall cover an area of influence from the proposed development to the nearest north-south major arterial and east-west major arterial.
- (i) A statement indicating the type of legal instrument that will be created to provide for the management of common areas.
- (j) A statement from the local law enforcement authority having jurisdiction in said development, stating that they are capable of providing law enforcement for the development as proposed.
- (k) A statement from the Baldwin County School Board outlining all potential impacts on the County School system.

### **9.5.4 Utility Service Plan Requirements**

A Utility Service Plan shall include the following:

- (a) A Generalized Utility Plan indicating the location and size of existing water and sewer lines, as well as any proposed offsite utility upgrades.
- (b) A Statement of Utility Service Commitment for the water, sewer, electric and telephone utility providers. This Statement of Commitment must include that the utility provider is willing and financially capable of providing service to the development at present and in the future. The statement shall indicate the location of the treatment facility, the current capacity of said treatment facility, the current flow to the treatment plant, the current number of customers serviced by the treatment facility, the number of unconnected sewer services committed to by the sewer provider for said facility. It should also make reference to any immediate or future infrastructure upgrades that will be required due to said development, and at what stage of development these upgrades will be necessary.
- (c) A letter from the fire chief of the fire district that will serve the development, stating that the department is capable of providing fire protection for the development and that the utilities, general layout, and building types will not reflect negatively on the current ISO rating of the citizens in that fire district. If a new fire district is to be created, then a similar letter from the responsible individual who intends to create such fire district is required. Proof of the creation of said fire district is required prior to Preliminary Plat or Final Site Plan approval.

### **9.5.5 Phasing**

Development of a Large Scale Planned Development may be done in phases, in which case all the property to be included in the Planned Development shall be submitted as a Conceptual Site Plan. All phasing must be shown on the submitted plan.

### **9.5.6 Reserved**

### **9.5.7 Preliminary Plats for Large Scale Planned Development**

Conceptual Site Plans must first obtain approval by the Town Engineer or his/her designee before they can be reviewed by the Town of Magnolia Springs Planning Commission for final consideration. If the Conceptual Site Plan is approved, then Final Site Plan approval for each phase of development must be obtained, as outline herein.

Once the Conceptual Plan and required submittals are approved by the Magnolia Springs Planning Commission, the applicant(s) must then submit a preliminary plat in accordance with §4.4 for each phase of the project

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If all or part of a Large Scale Planned Development is not being divided into individual lots, and therefore a preliminary plat is not required under Section 4.4, then a Final Site Plan must be submitted to the Town of Magnolia Springs Planning Commission for approval.

Submittals of all Preliminary plats, Final plats and Final Site Plans shall be in accordance with the approved Conceptual Site Plan.

#### **9.5.8 Final Site Plan Application**

The applicant shall file an application for approval of a Final Site Plan. No Final Site Plan application will be considered by the Magnolia Springs Planning Commission until all of the following requirements have been submitted.

The Final Site Plan must:

- (a) Be made on forms available at the offices of the Town of Magnolia Springs;
- (b) Be accompanied by the required application fee according to the current schedule of fees established by the Town Council for the particular category of application;
- (c) Be accompanied by 10 full-size sets of black or blueline prints of the proposed Final Site Plan as outlined below, one 11"x17" copy of the said proposed Final Site Plan and 2 sets of the generalized stormwater management plan, erosion control plan, and utility plan;
- (d) Be accompanied by a digital file of the proposed Final Site Plan, in suitable format to the Town of Magnolia Springs;
- (e) Comply in all respects with the Conceptual Site Plan, as approved, except for minor modifications as outlined in Section 9.5 (For Large Scale Planned Developments);
- (f) Be submitted to the Town of Magnolia Springs at least 45 days prior to a regularly scheduled meeting of the Town of Magnolia Springs Planning Commission;
- (g) Be submitted within the Effective Period of Approval as per Section 9.5 (For Large Scale Planned Developments);
- (h) Be accompanied by a transmittal letter listing all of the drawings, letters, attachments, and other information submitted for the application.

#### **9.5.9 Final Site Plan Requirements**

The Final Site Plan shall be prepared by a licensed engineer, and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals 100 feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. All text shall be a minimum of 1/10 of an inch in height. The sheet shall not exceed 24 x 36 inches. Multiple sheets may be necessary. The Final Site Plan shall show the following:

- (a) Name and address of owner(s) of record;
- (b) Proposed name of planned development, date, north point, scale, and location;
- (c) Name of licensed engineer or land surveyor;

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- (d) Vicinity map showing the location of the planned development;
- (e) Exact boundaries of the site shown, with bearings and distances;
- (f) Names and addresses of the owners of land immediately adjoining the site, as their names appear upon the plats in the office of the county tax assessor, and their addresses appear in the directory of the county or on the tax records of the county;
- (g) Wooded areas, marshes, and any other conditions affecting the site;
- (h) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on the site and on adjacent land within 100 feet of the site;
- (i) Proposed and existing rights-of-way or easements including location, widths, purposes, and street names;
- (j) The location and size of all lots;
- (k) Proposed minimum building setback lines shown and labeled on each lot and/or building;
- (l) Proposed or existing parks, school sites, or other public open spaces, if any that are within 100 feet. All proposed uses in each common area must be identified separately by indicating the area (in sq. ft.) of each different use;
- (m) Site data:
  - 1. Acreage in total tract;
  - 2. Smallest lot size;
  - 3. Total square feet of each lot or unit (residential or non-residential);
  - 4. Total number of lots or units;
  - 5. Linear feet in streets;
  - 6. Number of parking spaces;
  - 7. Amount of impervious surface;
  - 8. Density;
  - 9. Total square feet of all areas reserved for total open space
  - 10. Total square feet of all areas reserved for useable open space
- (n) Any area within or adjacent within 100 feet of the proposed planned residential development subject to inundation by the base flood as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the site plan;
- (o) Special flood hazard areas and/or coastal high hazard areas, as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect;
- (p) U.S. Army Corps of Engineers wetlands jurisdictional determination, if the proposed subdivision contains wetlands or is within 100 feet of a wetland as determined from the Generalized Wetland Map;
- (q) The name of each utility company proposed to provide water, sewer, electrical, and telephone service;
- (r) Proposed land uses and the location of proposed buildings and other structures, including walls and fences;
- (s) Number and location of parking spaces;

## ***Town of Magnolia Springs Subdivision Regulations***

(t) A schedule of development;

(u) Topography, including existing contours at 2 foot intervals.

(v) The method proposed to maintain private common open areas, buildings or other facilities, including copies of all legal documents necessary to accomplish this;

### **9.5.10 Approvals**

(a) The approved Final Site Plan, with attendant documentation, shall thereafter be binding upon the owner, his/her heirs, successors and assigns, shall limit and control the issuance and validity of permits and certificates and shall restrict and limit the use and operation of all land and structures within the planned development to all conditions and limitations specified in such plan and the approval thereof.

### **9. 5.11 Approvals and Beginning of Construction**

No development may proceed until all required local, state and federal permits have been received and submitted to the Town Engineer or his/her designee including but not limited to: NPDES permit; Section 401 and 404 Clean Water Act permit; Coastal Area Management Program permit; Alabama Department of Transportation access permit, and; Baldwin County Highway Department Access permit or Permit to Construct Acceleration Lanes, Deceleration Lanes, and/or Median Left Turn Lanes on County Right-of-way.

NO CONSTRUCTION OF IMPROVEMENTS SHALL COMMENCE UNTIL A SUBDIVISION PERMIT HAS BEEN ISSUED (See also Section 5.11). Once a Final Site Plan is approved, Final Construction Plans (as per Section 4.4.6) must be submitted to the Town Engineer, or his/her designee along with all necessary permits (as per Section 4.4.7) for review and verification. Once construction plans have been reviewed and approved, all conditions of approval have been met, and the Inspection Fee has been paid to the Town Engineer or his/her designee, a Subdivision Permit will be issued by said Town Engineer or his/her designee. Any violation of this provision will be subject to penalties as allowed by law.



## **Article 10. Conflict With Public Provisions**

### **Section 10.1 Public Provisions**

In the event that any provision of these regulations includes terms or restrictions in conflict with those imposed by any other provision, ordinance, rule, easement, regulation, or other provision of law, then the provision, ordinance, rule, regulation, or law which is either more restrictive and/or imposes higher standards shall control.

## **Article 11. Legal Provisions**

### **Section 11.1 Severability**

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Town of Magnolia Springs hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

## **Article 12. Amending Regulations**

### **Section 12.1 Amendment Procedure**

For the purpose of providing for the public health, safety and general welfare, the Town of Magnolia Springs may, from time to time, amend the provisions imposed by these regulations. Any article, section, subsection, or provision of these Subdivision Regulations proposed for amendment shall be subject to a public hearing. A notice of said public hearing shall be given once a week for two consecutive weeks in a newspaper of general circulation, and a copy of the proposed amendments shall be made available to any interested person before said public hearing. A copy of the amendment shall be certified by the Planning Commission to the Probate Judge of Baldwin County.

## **Article 13. Administration and Enforcement**

### **Section 13.1 General**

Regulation of the subdivision of land and the attachment of reasonable conditions to the development of land is an exercise of valid police power delegated by the State to the Town of Magnolia Springs. The developer has the duty of compliance with reasonable conditions laid down by the Town of Magnolia Springs Planning Commission for design, dedication, and improvement of the land so as to conform to the physical and economical development of the Town of Magnolia Springs and its Planning Jurisdiction, and to the safety and general welfare of future property owners.

### **Section 13.2 Administration**

The Town Engineer or his/her designee is designated by the Town of Magnolia Springs, and to act as their authorized agent in the interpretation and enforcement of the plans, specifications and requirements of these regulations. The Town Engineer, or his authorized agent, shall determine the amount, quality, and acceptability of the work as specified in these regulations.

### **Section 13.3 Enforcement**

#### **13.3.1 General**

It shall be the duty of the Town Engineer or his/her designee, County Planning Director or County Building Official to enforce these regulations, and to bring to the attention of the Town of Magnolia Springs Attorney any violations or lack of compliance with these regulations.

#### **13.3.2 Violations**

No owners, or agent of the owner, of any lot located within a subdivision may transfer or 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 Town of Magnolia Springs Planning Commission, and recorded with or filed with the County Probate Judge. The description of such a 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 any penalties or remedies herein prescribed.

#### **13.3.3 Penalties**

Conviction under *Section 13.3.2: Violations* of these regulations shall result in forfeiture and payment of a penalty of \$1,000.00 for each lot or parcel so transferred or sold. The Town Council may also institute an injunction against such transfer or sale in any court of equity jurisdiction, or may recover the same penalty through civil action in any court pursuant to authority granted by the Code of Alabama. Further, no streets will be accepted for maintenance by the Town nor shall any utilities be extended to any subdivision found in violation of these regulations.

## **Article 14. Effective Date**

### **Section 14.1 Adoption by the Town of Magnolia Springs**

These Amended Subdivision Regulations were adopted by the Town of Magnolia Springs Planning Commission on the 12<sup>th</sup> day of January, 2012. They shall take effect and be in force from and after the date of adoption.

## **Appendix 1. Sample Certifications**

### **SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED**

**STATE OF ALABAMA  
COUNTY OF BALDWIN**

I, (name of surveyor), a licensed Surveyor of \_\_\_\_\_ County, Alabama, hereby certify that I have surveyed the property of the (name of company or proprietor), a (Corporation or proprietor), situated in Baldwin County, Alabama and described as follows:

(Insert Legal Description)

And that the plat or map contained hereon is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and easement and its number and showing the streets, alleys and public grounds and giving the bearings, length, width and names of the streets, said map further shows the relation of the land so platted to the Government Survey, and that permanent monuments have been placed at points marked thus (o) as hereon shown. I further certify that all parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the practice of land surveying in the State of Alabama to the best of my knowledge, information, and belief.

WITNESS my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Surveyor \_\_\_\_\_

Alabama license # \_\_\_\_\_

### **LICENSED ENGINEER'S CERTIFICATION OF IMPROVEMENTS**

I, \_\_\_\_\_, a licensed Professional Engineer in the State of Alabama with a license number of \_\_\_\_\_, hereby certify that I have designed the within improvements in conformity with applicable codes and laws and with the principles of good engineering practice including the drainage design requirements of the Town of Magnolia Springs Subdivision Regulations. I further certify that I have provided oversight of the construction to my design, and that to the best of my knowledge and belief the within is a true and accurate representation of improvements as installed.

\_\_\_\_\_  
Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Firm

**OWNER'S DEDICATION**

I/We (land owner or developer, address), as proprietor(s), have caused the land embraced in the within plat to be surveyed, laid out and platted to be known as (Subdivision Name), a part of (Section Call Out), Baldwin County, Alabama, and that the (Streets, Drives, Alleys, Easements, etc.) as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of:

\_\_\_\_\_  
Witness Property Owner

**ACKNOWLEDGMENT**

**STATE OF ALABAMA  
COUNTY OF BALDWIN**

I, \_\_\_\_\_, Notary Public in and for said County, in said State, hereby certify that (individual's name), whose name as (title) of the (corporation name), is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, and as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**OR**

**ACKNOWLEDGMENT**

**STATE OF ALABAMA  
COUNTY OF BALDWIN**

I, \_\_\_\_\_, Notary Public in and for said County, in said State, hereby certify that (owner's name), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

*Town of Magnolia Springs Subdivision Regulations*

**CERTIFICATE OF APPROVAL BY THE  
(insert name of electric, gas, telephone, water, or sewer utility)**

The undersigned, as authorized by the (name of electric, gas, telephone, water, or sewer utility) hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(authorized signature)

**CERTIFICATE OF APPROVAL BY THE  
COUNTY ENGINEER**

The undersigned, as County Engineer of Baldwin County, Alabama, hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
County Engineer

**CERTIFICATE OF APPROVAL BY THE  
TOWN OF MAGNOLIA SPRINGS PLANNING COMMISSION**

The within plat of (Subdivision Name), Baldwin County, Alabama, is hereby approved by the **Magnolia Springs Planning Commission**, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Town of Magnolia Springs Planning Commission Chairman

**CERTIFICATE OF APPROVAL BY THE  
BALDWIN COUNTY HEALTH DEPARTMENT**

The lot(s) on this plat are subject to approval or deletion by the Baldwin County Health Department. The approvals may contain certain conditions pertaining to the onsite wastewater treatment system(s) that could restrict the use of the lot(s) or obligate owners to special maintenance and reporting requirements. These conditions are on file with the said health department and are made a part of this plat as if set out hereon. Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Authorized Signature

Or

The lot(s) on this plat meet the allowed exemptions to the Large-Flow Development Rules as provided in 420-3-1-.17 of the Onsite Sewage Treatment and Disposal Regulations, and the herein plat is approved for recording, this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. The signature affixed hereon does not imply an approval for any existing or future onsite sewage treatment system.

\_\_\_\_\_  
Authorized Signature



**CERTIFICATE OF APPROVAL BY THE  
BALDWIN COUNTY E-911 ADDRESSING**

The undersigned, as authorized by the Baldwin County E-911 Board, hereby approves the road names as depicted on the within plat and hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this the day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Authorized Signature

**CERTIFICATE OF APPROVAL BY THE COASTAL AREA PROGRAM**

The undersigned, as Director of the Baldwin County Coastal Area Program, hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Coastal Program Director

**CERTIFICATE OF THE BALDWIN COUNTY PLANNING DIRECTOR**

The undersigned, as Director of the Baldwin County Planning and Zoning Department, hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama this the day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Planning Director

**CERTIFICATE OF APPROVAL BY THE FIRE CHIEF OF  
THE MAGNOLIA SPRINGS VOLUNTEER FIRE DEPARTMENT**

The undersigned, as Fire Chief of the Magnolia Springs Volunteer Fire Department, hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this the day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Fire Chief



**RESOLUTION NO. 2012-01**

**A RESOLUTION ADOPTING THE AMENDED SUBDIVISION REGULATIONS FOR THE TOWN OF MAGNOLIA SPRINGS, ALABAMA, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA 1975,**

**WHEREAS**, Title 11, Chapter 52, Code of Alabama, 1975, authorizes the Planning Commission to enact Subdivision Regulations to govern the subdivision of all lands within the corporate limits of the Town of Magnolia Springs, Alabama and within the extraterritorial planning jurisdiction, and;

**WHEREAS**, the Town of Magnolia Springs may from time to time amend the provisions imposed by these regulations for the purpose of promoting municipal planning, fulfilling its functions, and carrying out the purposes of Title 11, Chapter 52, Code of Alabama, 1975, and;

**WHEREAS**, the Planning Commission conducted a public hearing on the proposed amended Subdivision Regulations on January 12, 2012, at a regularly scheduled Planning Commission meeting, in accordance with the requirement of §11-52-31, Code of Alabama, 1975;

**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Magnolia Springs, Alabama:

**Section 1.** That the Magnolia Springs Planning Commission hereby adopts the Town of Magnolia Springs Amended Subdivision Regulations, pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975 on this 12<sup>th</sup> day of January, 2012.

**Section 2.** That the aforementioned amended Subdivision Regulations shall become effective five (5) days after the date of final posting by the Town in accordance with Section §11-45-8 of the Code of Alabama, 1975.

\_\_\_\_\_  
**Chairman – Mike Costigan**

\_\_\_\_\_  
**Vice Chairman – Bob Holk**

\_\_\_\_\_  
**Member – Mayor Charles S. Houser**

\_\_\_\_\_  
**Member–Secretary – Karen S. Biel**

\_\_\_\_\_  
**Member – Jennifer Haffner**

\_\_\_\_\_  
**Member – Ed Stone**

\_\_\_\_\_  
**Member – Steve Mobley**

\_\_\_\_\_  
**Member – Rodney Hubble**

\_\_\_\_\_  
**Member -**

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