

SUBDIVISION REGULATIONS
CITY OF SPANISH FORT, ALABAMA



Adopted:
February 8, 2016

Amended:
April 11, 2016 (A)

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ARTICLE I

GENERAL PROVISIONS

A. PURPOSE

The purpose of these Subdivision Regulations is to promote the health, safety and general welfare of present and future residents of the City of Spanish Fort, Alabama. It is also the purpose of these Regulations to promote coordinated, ecologically sensitive and aesthetic development in the City of Spanish Fort and its extra-territorial jurisdiction in accordance with the Comprehensive Plan and all other plans and regulations adopted by the City. The City Council has adopted these Regulations to fulfill the following purposes:

- 1) Govern the subdivision of land within its jurisdiction;
- 2) Provide for the proper arrangement of streets in relation to other existing or planned streets in accordance with the Comprehensive Plan;
- 3) Provide adequate park space;
- 4) Provide adequate access for fire-fighting apparatus;
- 5) Make adequate provisions for recreation;
- 6) Make adequate provisions for light and air;
- 7) Provide minimum standards to avoid congestion of population;
- 8) Provide appropriate standards for the grading and improvement of streets, water and sewer, other utilities and facilities;
- 9) Establish minimum requirements and procedures to control the adverse effects of increased storm water runoff associated with both future land development and existing developed land. Proper management of storm water will minimize damage to public and private property, ensure a functional drainage system, reduce the effects of development on land and stream channel erosion, assist in the attainment and maintenance of water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, maintain as nearly as possible the pre-developed runoff characteristics of the area, and facilitate economic development while mitigating associated flooding and drainage impacts; and
- 10) Promote good civic design and arrangement in accordance with the Comprehensive Plan.

B. POLICY

- 1) Any owner of land which lies within the subdivision jurisdiction of the City of Spanish Fort who wishes to develop, subdivide, or resubdivide such land into 2 or more lots, plats, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development shall submit to the Planning Commission and the Baldwin County Health Department (if individual septic tanks are to be installed) for approval a plat of the subdivision, which shall conform to the minimum requirements set forth in these Regulations.
- 2) No subdivider shall proceed with any construction improvements or with the installation of utilities in a subdivision until such subdivision plat shall have been reviewed and approved by the Planning Commission and approved by the Baldwin County Health Department (if individual septic tanks are to be installed).
- 3) No subdivider shall proceed with the sale or lease of lots or the erection of buildings, excluding required public improvements and utility structures, until a Final Plat approval for the subdivision is entered in writing on the plat and signed by the Chairman of the Planning Commission and recorded in the Office of Probate Judge of Baldwin County in accordance with the procedures prescribed in these Regulations.

C. AUTHORITY

These Subdivision Regulations for the City of Spanish Fort are created and enacted under the authority of Title 52 of Chapter 11 of the *Code of Alabama* (1975), as the same may be amended from time to time.

These Regulations shall apply to all land within the corporate limits of the City of Spanish Fort, Alabama, as said limits are amended from time to time. These Regulations shall also apply to all land within the extra-territorial planning jurisdiction of the City as authorized by the *Code of Alabama*, Title II, Chapter 52.

D. JURISDICTION

These Regulations shall govern all subdivisions of land within the corporate limits of the City of Spanish Fort and its extra-territorial subdivision jurisdiction, subject to applicable state law.

A map of the current extra-territorial jurisdiction is included in the Appendix.

ARTICLE II

DEFINITIONS

- 1) As-Built Plan: a set of engineering or site drawings that delineate the specific permitted facilities as actually constructed, which plans must be submitted in both digital (PDF preferred) and a full size hard copy.
- 2) Adverse Effect to Downstream Areas: the potential for harm or damage to downstream areas where receiving systems and facilities are deemed inadequate to satisfactorily accommodate runoff from upstream development.
- 3) Agent: a person, firm, corporation or entity empowered to act for an owner on matters which come within the scope of designated activities.
- 4) Alley: a two-directional, one-lane local street located within a public right-of-way or a private easement used primarily for low speed (15 MPH or less) access purposes and serving the rear or side of properties which also abut a street. Access to a major subdivision street is prohibited.
- 5) Arterial Street: a major thoroughfare, used primarily for moving large volumes with high speeds (35 MPH- 70 MPH) of traffic through or around the City, rather than for access to adjacent land, that is characterized by high vehicular capacity and continuity of movement, with some degree of access control.
- 6) Best Management Practices: a wide range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use.
- 7) Block: a division or parcel of land entirely surrounded by public highways, streets, alleys or other right-of-ways and boundaries as specified in these regulations.
- 8) Building Setback Line Front: the minimum allowable horizontal distance between the street right-of-way line and the building in which no building or structure or any portion of a building or structure may be located, except for architectural features of a building such as roof overhangs that project no more than three (3) feet from second floors and no more than three (3) feet beyond the main floor of the building.
- 9) City: the City of Spanish Fort, Alabama.
- 10) City Council: the governing body of the City of Spanish Fort, Alabama.
- 11) Collector Street: a street which carries traffic from local roads to a system of arterial streets with moderate speeds from 20-60 MPH.

- 12) Common Space: areas owned by the property owner's association, but shared by all owners, which may include recreation facilities, outdoor space, parking, landscaping and other jointly used space. Management is by the property owner's association, which collects dues or assessments from the owners and pays for upkeep, insurance, maintenance and other costs associated with the common space.
- 13) Comprehensive Plan: the plan adopted by the City Council that provides for the physical and orderly development of the City within its defined jurisdiction in accordance with the *Code of Alabama*, (1975), as amended.
- 14) Corner Lot: a parcel of land abutting the intersection of two or more streets.
- 15) Cross-Drain Culvert: a culvert located under a roadway.
- 16) Crosswalk: a designated crossing of a public or private right-of-way in order to protect pedestrians.
- 17) Cul-de-sac: a minor street designed to have one end permanently closed with a turnaround.
- 18) Curb or Curbline: shall mean the vertical face of a concrete curb nearest the center of the street or, where no curb exists, the edge of the traveled way.
- 19) Design Report: the report that accompanies the storm water management plan and includes data used for engineering analysis, results of all analysis; design and analysis calculations (including results and digital copies obtained from computer programs); and other engineering data that would assist the City Engineer in evaluating proposed storm water management facilities.
- 20) Detention Structure: a permanent storm water management structure whose primary purpose is to temporarily store storm water runoff and release the stored runoff at controlled rates.
- 21) Development: generally any of the following actions undertaken by a public or private individual or entity:
 - a. The division of a lot, tract or parcel of land into two or more lots, plots, sites, tracts, parcels or other divisions by plat or deed; or
 - b. Any land change, including but not limited to, construction of drainage structures, public streets or roads, public utilities, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land.
- 22) Developed Land: to change the runoff characteristics of a parcel of land in conjunction with construction or alteration.
- 23) Developed Land Use Conditions: shall mean the current existing conditions and use of a parcel of property.
- 24) DBH: diameter at breast height or 4.5 feet above ground level.

- 25) Differential Runoff: shall mean the difference between the rate and volume of storm water runoff from a particular parcel or project in its undeveloped or natural condition and that of the same property after development.
- 26) Double Frontage Lot: a lot which abuts a public way on both front and rear; a lot which extends all the way through the block.
- 27) Easement: a restricted area on privately owned land, the use of which is reserved for a specific purpose or utility and runs with the land in perpetuity, unless it expires by its own terms, is vacated or is terminated pursuant to court decree or agreement.
- 28) Engineer: one who is licensed to practice as a Professional Engineer in his qualified field of expertise by the Alabama Licensing Board for Engineers and Land Surveyors. A qualified engineer undertaking the design and inspection of construction within subdivisions may be referred to herein as the Project Engineer or Design Engineer.
- 29) Highway: a road or street that forms a part of the existing or projected Federal Aid Highway System, the State road system or the County road system.
- 30) Interpretive Box: those boxes throughout these regulations that intend to communicate the rationale for the regulations or a regulatory standard. They are not regulatory by nature and are intended to facilitate communication.
- 31) Jurisdictional Wetland: a wetland area that is regulated by the U.S. Army Corps of Engineers.
- 32) Local Roads: consists of all roads not defined as arterials or collectors used for through traffic and high land accessibility.
- 33) Lot: a parcel of land intended for transfer of ownership or for building development, or both, which fronts upon a public right-of-way or private access easement.
- 34) Lot Width: the horizontal distance between side lines of the lot when measured parallel to the access right-of-way.
- 35) Major Street: see Arterial Street above.
- 36) Minor Street: a neighborhood street used primarily to provide access to lots adjacent to said street.
- 37) Master Plan: an overall plan for the development of a project including all known future phases.
- 38) Marginal Access Street: a minor street which is parallel and adjacent to a major street or highway and provides protected access to abutting properties.
- 39) Minor Subdivision: a subdivision of 4 or less lots where no new streets, right-of-ways or utility mains are required.
- 40) Monument: a permanent object which serves to indicate a limit or to mark a boundary.
- 41) Natural Space: an area in or around a development intended to be preserved in its natural state.

- 42) Official Maps and Plans: all the maps and plans prepared as a part of the Comprehensive Plan.
- 43) Owner: a person, group of persons, company or companies, or entity that has legal title to a parcel of property proposed for sale or development or in parcels of property which may be affected by development.
- 44) Park Space: an area in or around a development intended to provide recreational use in order to enhance the quality of life.
- 45) Planning Commission: the Planning and Zoning Commission of the City of Spanish Fort, Alabama.
- 46) Planting Strip: the portion of the street right-of-way between curb and the sidewalk, if provided, or the private property line.
- 47) Re-Plat: the modification or adjustment of property lines by subdivision action that results in no additional lots and where no new utility mains or other public infrastructure is required.
- 48) Sidewalk: a designated portion of the right-of-way or a private easement that is constructed for pedestrian use.
- 49) Specifications, State: the latest revision of the Alabama Highway Department Specifications for Roads and Bridges.
- 50) Street, Street Surface or Roadway: the portion of the right-of-way or easement that is constructed or used for vehicles, parking or shared use with bicycles.
- 51) Street Width: the horizontal distance of the pavement from edge of pavement to edge of pavement or curblineline to curblineline.
- 52) Subdivider: that person or entity, whether a property owner or said owner's agent, who intends to create a subdivision as defined in the *Code of Alabama (1975)* Section 11-52-1, et seq., as the same may be amended.
- 53) Subdivision: the term has the same meaning as provided for in *Code of Alabama (1975)*, Section 11-52-1, et seq., as the same may be amended.
- 54) Surface Drainage: a storm water drainage system consisting of gutters, culverts and open channels.
- 55) Waiver: a request for modification of a standard or the non-applicability of a standard in these regulations that is heard, considered and granted by the Planning Commission.
- 56) Watershed: The entire land area which contributes surface drainage to a specific point.
- 57) 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. Wetlands generally include swamps, marshes, bogs and similar areas and may or may not be jurisdictional.

58) Word Interpretation: The word “may” is permissive. The word “shall” is mandatory. The words “building” and “structure” are mutually inclusive.

ARTICLE III

RESPONSIBILITIES

A. RESPONSIBILITY OF THE APPLICANT/SUBDIVIDER

The subdivider shall be responsible for providing all engineering services, including plans and specifications in conformity with these regulations and construction observation, inspection and supervision as necessary to assure that improvements are installed in conformity with plans, City standards and the requirements of these Regulations. The subdivider shall provide the City with all engineering plans required in conjunction with any applicable state, federal or local laws, rules or regulations. Where the Planning Commission deems additional or supplemental engineering data to be necessary for the purpose of assuring the City's interests are protected, all costs shall be borne by the subdivider. The subdivider is responsible for payment of all fees and charges in full.

B. RESPONSIBILITY OF THE CITY OF SPANISH FORT

After final plat approval, plat recording and upon receipt of all test reports, maintenance surety, as-built plans and certification and other requirements of these regulations, the City, by resolution of the City Council, will accept the streets and drainage within the public right-of-way for maintenance, if constructed in accordance with these Regulations. The City Council shall only accept for public maintenance the right-of-ways that are located within the corporate limits of the City of Spanish Fort, Alabama, as required by state law. The City may cause the inspection of any or all parts of the improvements during and after construction and require the correction of any improvements for maintenance which have not been constructed in accordance with all applicable standards, and the City may refuse to accept any such streets or improvements not constructed in accordance with these Regulations or which are defective as determined by the City Council.

ARTICLE IV

PROCEDURAL AND ADMINISTRATIVE PROCESSES

A. GENERAL

The plat, construction plans and all design documents shall be in conformance with generally accepted professional standards and practices as well as applicable Zoning Regulations and any other applicable federal, state or local standards. No plat shall be recorded in the Office of the Judge of Probate of Baldwin County until after the final plat has been approved by the Planning Commission and all required signatures and certifications have been secured.

There are, in general terms, four steps in the subdivision process:

- 1) Preliminary Concept Review;
- 2) Preliminary Plat Review and Approval;
- 3) Final Plat Review and Approval; and
- 4) Acceptance of Publicly Dedicated Streets and Infrastructure for Maintenance.

B. PROCEDURAL EXEMPTIONS

Application for approval of all subdivisions shall require a Preliminary Plat approval as well as Final Plat approval by the Planning Commission. Provided that all lots comply with the minimum lot size provisions, the following subdivisions are exempt from certain provisions of these Regulations, subject to the following:

1. Minor Subdivision Plat

This process allows for a simplification of the subdivision process and provides for concurrent Preliminary and Final Plat approval so that the plat may be recorded after a single approval.

- a. *Applicability*: a minor subdivision may be used when a potential subdivision is proposed to contain four (4) or less lots, and each of the following apply:
 - i. No new street construction is needed or required;
 - ii. No new right-of-way is dedicated; and
 - iii. No utility mains are required to be extended or increased in size or capacity.
- b. *Minimum Submission Requirements*: an application shall conform to the minimum subdivision requirements of a Final Plat found in these Regulations.

- c. *Staff Review:* the staff shall review the application package and will return all incomplete submissions with an explanation of deficiencies.
- d. *Hearing, Notice and Decision of Planning Commission:* Complete applications and packages will be heard by the Planning Commission at an appropriately called and noticed meeting. Notice of a pending subdivision application shall be mailed no less than 5 calendar days from the Planning Commission meeting date by certified mail to all property owners, as shown in the records of the Baldwin County Revenue Commissioner, owning property within 300 feet of the proposed subdivision. The notice will include meeting time and place of the Planning Commission Meeting and a brief description of the application, together with the name of the applicant/owner and the address of the affected property.
 - i. No subdivision application shall be approved unless it is heard at an open meeting of the Planning Commission. No public hearing shall be required, but the Planning Commission chairman may, in his/her discretion, allow for public comments.
 - ii. *Decision Options and Empowerment:* The Planning Commission has several options available when considering a minor plat application. The Commission may:
 - 1) Approve the Minor Subdivision Plat by simple majority vote of the members present;
 - 2) Deny the Minor Subdivision Plat with written explanation of deficiencies in said plat;
 - 3) Approve the Minor Subdivision Plat with conditions; or
 - 4) Table the Minor Subdivision Plat with the applicant's consent.
 - iii. All decisions of the Planning Commission will be provided to the applicant in writing. If an application was denied, no subdivision application affecting the subject property, or a portion of the subject property, will be considered for a period of 2 months from the date of the Planning Commission decision, unless all deficiencies have been corrected and the plat meets the requirements of the subdivision regulations.
 - iv. *Required Improvements:* A minor subdivider/applicant may be required to install minor improvements, including, but not limited to, a sidewalk and fire hydrants. Minor improvements such as these shall not prevent the applicant from filing an application for approval of a plat under this Article IV. If more significant improvements are required, such as a turn lane or water or sewer main extension, then the City may require the applicant to comply with the requirements applicable to a major subdivision contained in these Regulations.

- v. After the Minor Subdivision Plat has been approved by the Planning Commission, the applicant shall produce an original full size rendering of the Minor Subdivision Plat. This original plat will contain all the original certifications signatures and professional stamps as required. The applicant shall secure all other signatures and certifications prior to providing it to the City for signature. Once the plat is signed by the City, the original will be provided back to applicant for recording in the Office of the Judge of Probate of Baldwin County along with the operations and maintenance plan and any restrictive covenants, if applicable. The applicant shall have 180 days from the date of Minor Subdivision Plat approval by the Planning Commission to record the Minor Subdivision Plat, the operations and maintenance plan and any restrictive covenants, or the approval shall expire.
- vi. *Copies of Recordation:* The City shall be provided a copy of the recorded Final Plat, the operations and maintenance plan and any restrictive covenants, if applicable.
- vii. *Public Infrastructure Acceptance:* Since a minor plat process does not provide for public infrastructure construction, the City will not accept any infrastructure for maintenance by any applicant submitting an application for a Minor Subdivision.

2. Re-Plat or Common Boundary Line Modification Options

Lot line adjustments may be approved administratively by an appointed staff person without the review of the Planning Commission.

- a. *Applicability:* the administrative approval may only be granted if all of the following circumstances and conditions are met:
 - i. No additional lots are created.
 - ii. No lot is reduced below the minimum size required by the applicable zoning regulations or a previously granted Planning Commission approval.
 - iii. The re-plat is presented to the appointed staff member in sketch form.
- b. *Minimum Submission Requirements:* if the above circumstances and conditions are met, then the owner(s) shall prepare a Re-plat of full size, meeting the applicable requirements of the Final Plat in these Regulations.
- c. *Copies of Recordation:* the executed Re-plat shall be recorded in the Office of the Judge of Probate of Baldwin County and a copy provided to the City.

3. Large Tracts

In certain circumstances, the ability to create and transfer large tracts of land is desirable. Subdivisions in which all lots would exceed twenty (20) acres may be approved if all of the following apply:

- a. *Applicability*: Large tract subdivisions may be created and transferred only if each tract, lot or parcel that is created or remaining totals at least 20 acres in size, and no new public right-of-ways are constructed.
- b. *Minimum Submission Requirements*: the applicant shall provide the following:
 - i. A completed application with all fees and forms for notice requirements.
 - ii. A subdivision plat prepared in accordance with professional land survey standards showing the following:
 - 1) All existing improvements;
 - 2) All existing and proposed boundary lines;
 - 3) All watercourses, wetlands and flood zones;
 - 4) Appropriate private access easements for each tract, lot or parcel;
 - 5) Vicinity map;
 - 6) All required certificates as outlined in these Regulations, such as owners, lien holders, approval certificates and utility providers;
 - 7) All survey monuments and corner pins found and proposed; and
 - 8) All bearings and distances including arcs, tangents, radii and other data sufficient to reproduce the proposed lots on the ground.
 - iii. The Staff Review, Hearing, Notice and Decision of Planning Commission and Recording shall be the same as for Final Plat approval as set forth in these Regulations.
 - iv. *Required Improvements*: there are no required improvements for a large tract subdivision.
 - v. *Public Infrastructure*: if any public infrastructure associated with Large Tract Subdivision is located in a public right-of-way or dedicated easement and is proposed to be accepted for maintenance by the City, then that subdivision shall not be eligible for subdivision using Large Tract Subdivision procedures, but shall follow the procedures applicable to a major subdivision.

C. PRELIMINARY CONCEPT REVIEW

The purpose of the Preliminary Concept Review is for the owner or agent to become familiar with the process, time and regulations that may be applicable. The Preliminary Concept Review consists of a meeting with the City's Planning Department to discuss the project.

The applicant is encouraged to submit the Preliminary Concept for Planning Commission Review. This is not mandated or required, but is highly encouraged.

1. Minimum Submission Requirements

Should the owner submit the Preliminary Concept to the Planning Commission, the following shall be provided:

- a. The drawings shall be drawn on a scale of not more than 1:200.
- b. A directional arrow clearly indicating North.
- c. Zoning designations for the subject property and adjoining properties, if applicable.
- d. Proposed lot lines, numbers and size of each lot in square feet and dimensions.
- e. Existing and proposed street width, locations and dimensions.
- f. Existing and proposed sidewalk width, locations and dimensions.
- g. Locations of existing and proposed utilities and easements.
- h. Common space dimensions and calculations, detention/retention areas and parks.
- i. Topography at no greater than 2' intervals.
- j. Proposed street or private right-of-way access for each lot.
- k. Estimated locations of all natural features such as preservation trees, wetlands, streams, rivers and similar features.
- l. Location of existing and proposed drainage easements.
- m. Generalized drainage plan.

2. Staff Review

Should the owner or agent make a submission for Planning Commission review, the staff shall review the documents. The staff may or may not prepare written comments to the applicant or the Planning Commission. Staff, will, however, provide a recommendation on the conformance of the proposal to these Regulations. Recommendation of the staff is not binding on the Planning Commission.

3. Optional Planning Commission Review

The Planning Commission may consider a Preliminary Concept Review at a regularly scheduled work session and/or meeting. Official public notice and a public hearing are not required for consideration.

- a. *Planning Commission Input*: the Planning Commission shall give input in either general or specific nature in response to the presented concept. Each commissioner shall have an opportunity to comment. The Planning Commission and/or individual commissioners may choose not to comment.
- b. *Inability to Approve*: during a Preliminary Concept Review, the Planning Commission has no power to approve any project or take a vote. There shall be no vote of the Planning Commission.
- c. *Planning Commission Input Not Binding*: no action taken or statement made by the Planning Commission, any commissioner or any representative of the City shall be binding on the Planning Commission or the City.

D. PRELIMINARY PLAT REVIEW

The proposed subdivision plat shall be prepared by a licensed P.E. or P.L.S. registered in the State of Alabama. The Preliminary Plat package consists of a “shovel ready” set of plans. The package should reflect the full design of the proposed subdivision in accordance with these Regulations and other applicable requirements. Submission of the Preliminary Plat shall be made to the City in accordance with the Planning Commission’s published yearly meeting schedule. No submission will be accepted or effective unless made on or before the second Tuesday of the month in order to be placed on the next regular Planning Commission meeting agenda.

The Preliminary Plat shall include all plats and construction plans necessary to build the project and must demonstrate conformity to these Regulations and any other applicable requirements. Two (2) hard copies of the plat, two (2) hard copies of construction plans and any other necessary documentation shall be submitted. In addition, all plats, plans, reports, and other required documentation shall be submitted in Portable Document Format (PDF).

1. Minimum Submission Requirements

- a. Completed preliminary plat application provided by the City (Appendix ‘A’).
- b. All applicable fees are paid.

- c. Legal description of the property and total acreage of the parcel being subdivided submitted in Microsoft Word format.
- d. Title Policy, title opinion or title report to verify ownership.
- e. Name(s) and addresses of property owners as shown in the records of the Baldwin County Revenue Commissioner or the Baldwin County Judge of Probate for all properties located within 300 feet in any direction of the proposed project in Microsoft Excel format.
- f. Letters from utility companies indicating their ability to provide services to the proposed subdivision.
- g. Health Department approval, if applicable.
- h. Traffic Study, if applicable
- i. A copy of the transmittal to Baldwin County, if the subject property is located in the extra-territorial jurisdiction.
- j. The Preliminary Plat shall include at a minimum:
 - i. Two copies of the plat submitted on paper no larger than 30" x 40";
 - ii. One 11" x 17" copy of the plat submitted on paper and PDF format;
 - iii. Scale not less than one inch equals one hundred feet (1" = 100');
 - iv. Date, north arrow and graphic scales;
 - v. A vicinity map annotated as not to scale (NTS);
 - vi. The proposed name of the subdivision indicating the phase number, if applicable. The Planning Commission reserves the right to approve or disapprove a subdivision name. Similar sounding subdivision names, or names which are offensive, confusing or controversial in the opinion of the Planning Commission, shall not be permitted;
 - vii. The name, address and contact information of the owner(s);
 - viii. The name, address and contact information of the surveyor and Design Engineer;
 - ix. Names of owners and zoning of adjacent properties;
 - x. A site data table indicating the following:
 - 1) Zoning of subject property.
 - 2) Total acreage of the property to be subdivided.
 - 3) Minimum lot size.
 - 4) Net density per acre.
 - 5) Total number of lots.
 - 6) Area of common space and park space.
 - xi. A diagram reflecting all proposed blocks and lots with all bearings and dimensions shown, including clearly-defined site boundaries;

- xii. The location and dimensions of existing and proposed streets within and adjacent to the proposed subdivision;
 - xiii. Proposed street names and proof of E-911 approval;
 - xiv. Any and all setback and buffer lines required by zoning ordinances, other regulations, covenants or restrictions;
 - xv. Scale drawings showing the location, nature and extent of any and all areas reserved for common space, park space, natural space or other public uses. Park space shall be indicated on the plat as "Park Space". All common and park spaces shall include a brief description of the intended purpose (i.e., "Playground" or "Detention"), as well as square footage or acreage;
 - xvi. Topographical contours at one (1) foot intervals within fifty feet (50') of the subject property;
 - xvii. Location of existing water courses, jurisdictional wetlands, railroads, major transmission lines, drainage structures and public utility easements, on proposed subdivision and adjacent land;
 - xviii. A designation and the location and boundaries of any and all flood zones in accordance with the National Flood Insurance Program Flood Insurance Rate Maps (FIRM);
 - xix. All proposed utility providers; and
 - xx. The location and description of any and all required or needed utility or drainage easements, both on or off site.
- k. Along with the Preliminary Plat, a complete set of Construction Plans shall include at a minimum:
- i. A Street Plan depicting the following:
 - 1) Location of all existing and proposed streets and all right-of-ways in or adjacent to the subdivision;
 - 2) Width of all existing and proposed streets and all right-of-ways and easements;
 - 3) Typical section(s) showing location and dimensions of sidewalks and landscaping;
 - 4) Centerline profiles of all proposed streets with existing and finished grades at a scale of horizontal 1"=50' and vertical 1"=5', or horizontal 1"=100' and vertical 1"=10';
 - 5) All curb radii for street intersections;
 - 6) Any and all offsite improvements, i.e. turn lanes, traffic signals, etc.;

- 7) Cross Sections of proposed streets at a maximum of 100 foot intervals;
 - 8) Stopping Site distance;
 - 9) Curve Data for Centerline, Delta, Tangent, Radius and etc.; and
 - 10) Location of all proposed sidewalks, ramps and grades.
- ii. A Utility Plan depicting the following:
- 1) All existing and proposed utilities in or adjacent to the subdivision; and
 - 2) Location of all fire hydrants.
- iii. A Stormwater Management Plan depicting the following:
- 1) All surface waters, jurisdictional wetlands and FEMA flood zones;
 - 2) Existing and proposed one (1) foot contours of the subject property and all adjacent right-of-ways. Elevations must be field verified. Greater intervals may be allowed if approved by the City Engineer or Building Official;
 - 3) Minimum finished floor elevations for every lot within or adjacent to a flood zone;
 - 4) All proposed pipes, control structures, headwalls, rip-rap and junction boxes, including location, size and flow line elevations;
 - 5) Location of stormwater management facilities;
 - 6) Detailed drawings of the control structure(s);
 - 7) Cross sections of each stormwater facility including dimensions, elevations and characteristics;
 - 8) Design Q at each outfall structure; and
 - 9) Location of all existing drainage structures within 100 feet of proposed development.
- iv. A Stormwater Management Design Report (submitted on 8 ½” x 11” paper) describing the following:
- 1) A determination that no occupied first floor elevation of any structure will be constructed below the 100-year flood elevation;
 - 2) If wetlands are identified on site by National Wetland Inventory, Baldwin County or Spanish Fort geographic information systems, the applicant shall submit Jurisdictional Determination acquired through an environmental scientist, a letter of “No Impact”, or other permits/documents issued by the Corp of Engineers, ADEM or other applicable government agencies;
 - 3) A Stormwater Facility Maintenance Agreement in accordance with Article V;
 - 4) Hydrologic-Hydraulic Study including the following:

- a. Elevations of Pre and Post Differential Runoff;
 - b. Evaluations of Required Retention/Detention Ponds;
 - c. Pond Routing Calculations in Legible Tabulated Form;
 - d. Inlets and Gutters;
 - e. Culvert Pipes; and
 - f. Open Channel Drainage Systems.
- 5) Verification of Adequacy including the following:
- a. proof of adequacy of volume of retention for each drainage basin;
 - b. tributary (Q) peak runoff to basin;
 - c. balanced maximum outflow rate from the low-flow structure;
 - d. ratios of inflow to outflow;
 - e. sizing of the overflow facilities;
 - f. stability of dikes;
 - g. safety features;
 - h. maintenance features;
 - i. routing calculations in legible tabulated form;
 - j. A graphic illustrating the intensity and duration of runoff resulting from pre-development, post-development without stormwater management facilities and post-development with stormwater management facilities shall be submitted to illustrate compliance; and
 - k. Projects involving complexity of design may require more documented verification.
- v. Erosion and Sedimentation Plan including the following:
- 1) Sites which require coverage under the NPDES General Permit (generally, those which disturb greater than one acre of land) shall include the following:
 - a. A copy of the Notice of Intent (NOI) for coverage under the NPDES General Permit;
 - b. A copy of the Construction Best Management Practices Plan (CBMPP), including the Spill Prevention, Control and Countermeasures (SPCC) Plan submitted to the Alabama Department of Environmental Management; and
 - c. Application for "Class 1" Land Disturbance Permit.
 - 2) Sites which do not require coverage under the NPDES General Permit shall include the following:

- a. An Erosion and Sedimentation Plan in accordance with the City's most-current Zoning Regulations and Clean Water Ordinance; and
 - b. Application for "Class 2" Land Disturbance Permit.
- vi. Landscape Plan in accordance with Ordinance No. 417-2012, as the same may be amended, depicting the following:
- 1) Tree saving and planting plan;
 - 2) Types of vegetation that will be used for stream bank(s), stabilization, erosion control, sediment control, aesthetics and water quality improvement; and
 - 3) Any special requirements related to the landscaping of the drainage system and efforts necessary to preserve the natural aspects of the drainage system, including required buffers.

2. Project Phasing

Should a project be developed and constructed in phases, an overall master plan shall be provided. The overall master plan shall show, to scale, the location of all streets, common areas and park spaces, lot sizes and an estimated schedule of construction/development. The Planning Commission may require that all streets and other areas intended to be publicly dedicated be submitted to dedication with phase one, if it is determined to be in the best interest of the City to do so.

3. Staff Review

The City's representatives/staff shall review the submitted package for conformity to these Regulations and for completeness. Staff shall notify the applicant in writing of any deficiencies in the application and shall provide the applicant with an opportunity to withdraw the application and resubmit a revised application. If an applicant fails to withdraw such application, it shall be placed on the Planning Commission's agenda with a notation that such application is non-compliant and in violation of these or other Regulations. The determination of deficiencies shall not be binding on the Planning Commission, nor shall any list of deficiencies determined by staff prevent the Planning Commission from determining that further deficiencies exist. Other than written notation of deficiencies, the staff may or may not provide written comments to the applicant. The applicant is encouraged to make revisions as a result of staff comments and any input from Planning Commission work sessions.

Upon revision of the Preliminary Plat package, the applicant shall resubmit to the City any information requested by staff. These revisions shall be submitted no later than 12:00 p.m., seven (7) days prior to the next hearing at the regular Planning Commission meeting. In the event the Preliminary Plat package is not submitted in accordance with this deadline, the Preliminary Plat shall be removed from the Planning Commission agenda.

4. Hearing, Notice and Decisions of the Planning Commission

No subdivision application shall be approved unless it is heard and approved at a public meeting of the Planning Commission. Complete applications and packages will be heard by the Planning Commission at an appropriately called and noticed meeting. The City shall mail out notices of a pending subdivision application. Notice shall be mailed by certified mail to all property owners, as shown in the records of the Baldwin County Revenue Commissioner, whose property is located within 300 feet of the proposed development, not less than 5 calendar days from the scheduled Planning Commission meeting date. The notice will include the time and place of the Planning Commission meeting and a brief description of the application, together with the name of the applicant/owner and the address of the affected property.

a. *Decision Options and Empowerment:* after a hearing, the Planning Commission may:

- i. Approve the Preliminary Plat by simple majority of the members voting, or deny the Preliminary Plat by vote. Additionally, failure to obtain a majority vote in favor of the application shall be considered a denial of the application;
- ii. Approve the Preliminary Plat with conditions; or
- iii. Table the Preliminary Plat with the applicant's consent.

All decisions of the Planning Commission will be provided to the applicant in writing. If an application was denied, no subdivision affecting the subject property or a portion of the subject property will be considered for a period of two (2) months from the date of the Planning Commission decision, unless all reasons for denial or noted deficiencies have been corrected. If an application is approved with conditions, then prior to commencing construction, the applicant shall address such conditions and submit a revised Preliminary Plat, together with all required documentation to the City for staff review. If City staff finds the revised Preliminary Plat and Plans to be in compliance with these Regulations and in compliance with the conditions for approval, then such Preliminary Plat shall be deemed approved. If staff determines that such revised Preliminary Plat fails to comply with these Regulations and fails to meet the conditions for

approval, staff may allow an additional opportunity to address conditions for approval. If staff ultimately determines that the revised Plat is not in compliance with these Regulations and with conditions for approval, staff shall notify the applicant in writing of all deficiencies, and no land disturbance permit shall be issued for the project.

5. Pre-Construction Requirements

No construction of subdivision or site improvements shall commence until after the Land Development Permit has been issued by the City. Anyone constructing a subdivision or site improvements without a Land Development Permit shall be subject to penalties as allowed by law. Upon approval of a Preliminary Plat and satisfaction of all conditions for approval, an applicant shall comply with the following requirements prior to commencing construction:

- a. *Applicable Permits:* prior to the commencement of construction, the applicant shall obtain a land disturbance permit and furnish copies to the City of all applicable permits including, but not limited to, ADEM permits, ALDOT permits and Corps of Engineer permits.
- b. *Contractor(s) Licensure:* prior to the commencement of work by the contractors or any sub-contractors, the applicant/developer shall provide a list of such contractors/subcontractors to the City, with contact names and addresses for each person so identified. All contractors and sub-contractors shall be licensed by the State and the City as required by law.
- c. *Pre-Construction Conference:* prior to the commencement of construction of a major subdivision, a conference shall be conducted to facilitate communication among responsible parties, utility providers and governmental agencies with permitting or regulatory authority over the development. All utility providers shall be invited, and the project engineer or his representative shall attend the meeting. Various officials including police, fire and Building and Planning Department officials shall also be invited and attend as necessary. This meeting is required. It is the responsibility of the applicant to schedule this meeting.

6. Plat Expiration and Revocation

- a. *Expiration of Approval:* the approval of a preliminary plat shall be valid for 2 years from the date of the Planning Commission approval. Any plat not receiving final approval within the 2 year “window” shall be null and void, and the applicant/owner shall be required to submit a new preliminary plat and meet all applicable requirements. The applicant/owner may request an extension of up to 24 additional months in writing to the Planning Commission. The

extension request shall provide reasons to substantiate the need for an extension. Extension requests shall be processed in similar fashion as a plat application as it relates to submission dates, review times and public notices. The applicant/owner shall pay for all public notice costs. Extensions must be approved by the Planning Commission by majority vote.

- b. *Process of Revocation:* revocation of any approvals may take place if any information or data provided by the applicant is found to be materially incorrect or false as determined by the Planning Commission. Revocation must take place at a properly noticed meeting of the Planning Commission. The owner, subdivider or applicant will be notified at least 15 calendar days prior to the hearing. All adjoining property owners shall also be notified at least 15 calendar days prior to the hearing. The owner, subdivider or applicant, or the representative of the owner, subdivider or applicant, shall have an opportunity to be heard before the Planning Commission. Revocation of a plat or an approval requires the affirmative vote of seven Planning Commission members.

7. Construction Observation Responsibilities

The applicant/ owner shall provide construction observation at the applicant/owner's expense. The City shall bear no financial responsibility related to the construction or observation of the construction, nor shall the City have any duty to observe construction.

- a. *Observation Requirement:* The Project Engineer or the engineer's representative shall observe the construction of a project in accordance with generally accepted professional engineering standards. The Project Engineer is charged with certifying compliance with all applicable permits, building codes and with generally accepted construction standards. The observation personnel shall not be an agent or employee of any contractor, materialman or laborer, but shall be the employed by the owner/applicant.
- b. *Reporting:* The Project Engineer shall provide construction reports to the City on a bi-weekly basis, unless otherwise agreed in writing by the City Engineer. These reports shall provide documentation of the construction progress and conformance with applicable regulations, codes and permits. All reporting and documentation required by other permits such as ADEM, Baldwin County and ALDOT shall also be copied to the City.
- c. *Remedies:* Should the Project Engineer observe violations of the approved construction plans or any permit, the applicant/owner and the City shall be notified immediately. The City shall have the ability to issue stop work orders and to issue citations for violations of standards, permits and codes, which shall be enforceable through City Court or other appropriate venue.

The City shall also have the authority to pursue any further or different relief or remedies deemed necessary by the City through court action, including, but not limited to, injunctive relief, nuisance abatement or penalties. The Project Engineer shall provide all documentation concerning the project to the City in the event of a violation. The Project Engineer shall make recommendations to the City in order to bring the project back into compliance with the approved construction plans or permit requirements.

E. FINAL PLAT APPROVAL

Prior to the expiration of Preliminary Plat approval or extension thereof, the applicant shall make an application for Final Plat approval. All required improvements approved during the Preliminary Plat phase are to be substantially constructed and completed prior to the submission of a Final Plat package.

1. Minimum Submission Requirements

No Final Plat application shall be processed until a complete package consisting of the following has been submitted:

- a. Completed Final Plat application provided by the City (Appendix 'C').
- b. All applicable fees are paid.
- c. Subject to Article IV, a written certification from the Project Engineer that all improvements have been constructed and completed in accordance with the design plans and City regulations and standards.
- d. Subject to Planning Commission and City Council approval, in their discretion, the applicant may submit either a financial guaranty of performance in the form of cash, an irrevocable letter of credit or a performance bond in the amount of 125% of the value of any uncompleted improvements. The cost figures shall be prepared and stamped by the Project Engineer and approved by the City Engineer. Acceptance of cash, a bond or irrevocable letter of credit by the City pursuant to this section shall not constitute acceptance of any improvements for maintenance and/or control by the City.
- e. The plat and plans as required in the Preliminary Plat minimum submission requirements.
- f. As-built plans that detail the location of all utilities and underground stormwater improvements in relation to a visible above ground monument such as a fire hydrants, monuments or markers.
- g. All storm water management facilities indicating actual field verified sizes, locations, materials, elevations and grades.

- h. Location, bearings and dimensions, and purposes of all easements on the Final Plat.
- i. The following endorsements, dedications and certifications on the Final Plat:
 - i. Engineer's Certificate (Appendix 'E');
 - ii. Engineer's Affidavit (Appendix 'F');
 - iii. Surveyor's Certificate (Appendix 'G');
 - iv. Owner's Dedication (Appendix 'H');
 - v. Notary's Acknowledgment of Owner's Dedication Certificate (Appendix 'I' or 'J')
 - vi. A Certificate of Approval by the affected utility providers (Appendix 'K' and 'L');
 - vii. Certificate of Approval by the Baldwin County E-911 addressing (Appendix 'M');
 - viii. A Certificate of Approval by the Baldwin County Coastal Area Program (if applicable) (Appendix 'N');
 - ix. A Certificate of Approval by the Baldwin County Health Department (if applicable) (Appendix 'O');
 - x. Certification of Flood Hazard Zone (Appendix 'P');
 - xi. A Certificate of Approval by the City of Spanish Fort Planning Commission (Appendix 'Q'); and
 - xii. County Engineer Certificate (ETJ Only) (Appendix 'R').
- j. Deed restrictions and formation of a property owners association detailing maintenance responsibility, if applicable.
- k. Sufficient data to reproduce on-the-ground location, bearing and length of every road line, block line, boundary line and building line, whether curved or straight, including radius of arc, central angle, length of tangent and length of curve for the centerline of all roads or streets and for all party lines. Dimensions shall be shown to the nearest 1/100 foot and bearings to the nearest second.
- l. Location and description of all monuments and lot corner pins.
- m. Submission of video of all storm water drains and pipes documenting damage free and sedimentation free structures.
- n. Operation and maintenance plan.
- o. Copy of plat and as-built plans in PDF.
- p. Copy of plat and as-built plans in shapefile or CAD format.
 - i. Projected Coordinate System: NAD 1983 StatePlane Alabama West FIPS 0102 (US Feet).
- q. Copy of all geotechnical materials and test reports in PDF format.

2. Project Phasing

If the Final Plat is a portion of a larger development, the lines marking each separate phase shall be noted and clearly defined on the plat.

3. Staff Review

The City shall review the submitted package. Incomplete applications will not be accepted. The City's representatives/staff shall review the submitted package for conformity to these Regulations, and for completeness. Staff shall notify the applicant in writing of any deficiencies in the application and shall provide the applicant with an opportunity to withdraw the application and resubmit a revised application. If an applicant fails to withdraw such application, it shall be placed on the Planning Commission's agenda with a notation that such application is non-compliant and in violation of these or other Regulations. The determination of deficiencies shall not be binding on the Planning Commission, nor shall any list of deficiencies determined by staff prevent the Planning Commission from determining that further deficiencies exist. Other than written notation of deficiencies, the staff may or may not provide written comments to the applicant. The applicant is encouraged to make revisions as a result of staff comments and any input from Planning Commission work sessions.

Upon revision of the Final Plat package, the applicant shall resubmit to the City any information requested by staff. These revisions shall be submitted no later than 12:00 p.m., seven (7) days prior to the next hearing at the regular Planning Commission meeting. In the event the Final Plat package is not submitted in accordance with this deadline, the Final Plat shall be removed from the Planning Commission agenda.

4. Final Inspections

Prior to the Final Plat being considered by the Planning Commission, the project shall have a final inspection. The final inspection shall be coordinated by the Project Engineer, and at a minimum, the following persons or their representatives shall have the opportunity to attend:

- a. The City Engineer, City representatives from building/planning, public works and fire departments.
- b. All utility providers.

- c. Representatives from the Baldwin County Planning and Zoning Department or Highway Department, if the subdivision is located in the ETJ. In its discretion, Baldwin County Planning and Zoning or Highway Department may forego having their representative attend the conference and may submit a copy of their inspection report and/or punch list.
- d. ALDOT's representative, or in the alternative, a document reflecting ALDOT's acceptance or approval of the streets/roadways, if needed.
- e. The Project Engineer or his representative.

A punch list identifying any corrections needed shall be generated by the Project Engineer and copied to the City. Once any identified corrections are made, the Project Engineer shall certify the corrections to the City.

5. Hearing, Notice and Decisions of the Planning Commission

Complete applications and packages will be heard by the Planning Commission at an appropriately called and noticed meeting. Notice of a pending subdivision application shall be mailed no less than 5 calendar days from the Planning Commission meeting date by certified mail to all property owners, as shown in the records of the Baldwin County Revenue Commissioner, owning property within 300 feet of the proposed subdivision. The notice will include meeting time and place of the Planning Commission meeting and a brief description of the application, together with the name of the applicant/owner and the address of the affected property.

- a. *Meeting Required:* no subdivision application shall be approved unless it is heard at an open meeting of the Planning Commission. No public hearing shall be required, but the Planning Commission chairman may, at his/her discretion, allow for public comments.
- b. *Decisions of the Planning Commission:* when considering a subdivision application, the Commission may:
 - i. Approve the Final Plat by simple majority vote of the members present;
 - ii. Deny the Final Plat with written explanation of deficiencies in said plat;
 - iii. Approve the Final Plat with conditions; or
 - iv. Table the Final Plat with the applicant's consent.

All decisions of the Planning Commission will be provided to the applicant in writing. If an application was denied, no subdivision application affecting the subject property, or a portion of the subject property, will be considered for a period of two (2) months from the date of the Planning Commission decision, unless all noted deficiencies have been addressed or corrected. If approved

with conditions, all conditions must be satisfied before execution of the plat by the City or recordation of the plat.

6. Recording

After the Final Plat has been approved by the Planning Commission, the applicant shall produce an original full size rendering of the Final Plat. This original plat will contain all the original certifications, signatures and professional stamps as required. The applicant shall secure all other signatures and certifications prior to providing it to the City for signature. Once the plat is signed by the City, the original will be given back to applicant for recording in the Office of the Judge of Probate of Baldwin County along with the operations and maintenance plan and any restrictive covenants, if applicable. The applicant shall have 180 days from the date of Final Plat approval by the Planning Commission to record the Final Plat, the operations and maintenance plan and any restrictive covenants, or the Final Plat approval shall expire.

7. Copies of Recordation

The City shall be provided a copy of the recorded Final Plat, the operations and maintenance plan and any restrictive covenants, if applicable.

8. Validity of Recording the Final Plat

Any owner within the jurisdictional limits of these Regulations wishing to subdivide land shall make the appropriate application to the Planning Commission for approval. Except as authorized by state law, no subdivider shall proceed with any improvements, transfer or sale of lots until the plat has been properly approved by the Planning Commission.

- a. *Authorization to Transfer:* property within a subdivision may only be transferred once the plat has been approved and recorded in the Office of the Judge of Probate of Baldwin County.
- b. *Building Permit:* the City of Spanish Fort will not issue building permits on land requiring a subdivision plat until:
 - i. A Land Disturbance Permit has been issued;
 - ii. The plat is recorded in the Office of the Judge of Probate of Baldwin County; and
 - iii. The City Council accepts for maintenance the public right-of-ways, if applicable.

F. PUBLIC INFRASTRUCTURE ACCEPTANCE

The City may accept infrastructure constructed in the publicly dedicated right-of-ways for public maintenance in accordance with this section.

1. General

All infrastructure to be accepted must be located in a publicly dedicated right-of-way. The City may, in its discretion, accept streets, sidewalks and storm drainage systems in the public right-of-ways only. The City will not accept for maintenance water or sewer lines or other utilities regardless of location. In general, the steps for acceptance are as follows:

- a. Identification of infrastructure to be accepted in public right-of-ways prior to construction and preliminary agreement by the City Council to accept the infrastructure for maintenance if constructed in accordance with these Regulations and all applicable laws, rules and regulations.
- b. The Project Engineer shall calculate the construction cost of infrastructure to be accepted and shall provide a stamped estimate to the City.
- c. The owner shall secure a maintenance surety for a period of 2 years and provide it to the City in accordance with the surety requirements of these Regulations.
- d. Subject to City Council approval, the City staff shall prepare a resolution of the City Council accepting the proposed infrastructure for maintenance, identifying the recorded Final Plat and attaching the engineer's construction estimate and the maintenance surety provided by the owner/applicant.
- e. The City Council shall consider the resolution, and if the resolution is adopted, the City shall accept the identified infrastructure for maintenance, subject to the surety.

2. Surety Requirement

A maintenance surety valid for 2 years from the date of City Council acceptance is required for the City to accept infrastructure for maintenance. The surety shall be in a form and in detail suitable to the City Council. The surety shall cover defects, workmanship and other failures. The surety may consist of cash, a bond or irrevocable letter of credit, or other instrument agreed to by the City Council and approved by the City Attorney.

3. Calculations

The required surety amount shall be 40% of the Project Engineer's stamped construction estimate.

4. Submission Process and Review

The Project Engineer's stamped construction estimate, the 2 year maintenance surety, and a copy of the recorded plat shall all be submitted together to the City along with a transmittal detailing the request for public infrastructure acceptance. City staff will review the package for completeness, and the City Attorney will review the provided surety. Once the package and surety is deemed by staff to be complete and in compliance with these Regulations and any other applicable laws, rules and regulations, the request shall be placed on the next available City Council agenda.

5. City Council Acceptance

The City Council shall consider accepting for maintenance only that infrastructure located in dedicated public right-of-ways. The City Council shall not accept any stormwater management systems located outside the public right-of-ways. The Council shall consider the resolution and package submitted, and if a simple majority of members vote in favor of acceptance, the City shall be deemed to have accepted the infrastructure for maintenance, subject to the maintenance surety and any other terms or conditions deemed necessary by the City Council.

G. PLANNED UNIT DEVELOPMENTS

1. Applicability

A planned unit development (PUD) may be created on any property more than 3 acres in size. A PUD may be created on both zoned and un-zoned areas within the jurisdictional limits of the City. If a property is zoned, the applicant/owner must request a zoning change to rezone the subject property as a Planned Unit Development. The master plan and development regulations approved as part of the PUD zoning would then govern the subdivision process, and the subdivision of the property is required to substantially conform to the approvals granted during the rezoning. If the property is located in an un-zoned area, the project shall follow the process in this section.

2. Minimum Submission Requirements

- a. Completed Final Plat application provided by the City.
- b. Payment in full of all required fees.
- c. Approved PUD master plan (if the property is zoned) or a master plan that details the following:
 - i. Setbacks for buildings and structures;
 - ii. Location, type, size and width of public and private right-of-ways and alleys;
 - iii. Street connections and sidewalk/pedestrian plan;
 - iv. Special landscaping proposals, if any;
 - v. Adherence to Tree Protection requirements as required by City ordinance or zoning regulations;
 - vi. Scaled plans reflecting lot coverage and lot sizes;
 - vii. Plans, drawings and calculations reflecting generalized storm water volume and quality management;
 - viii. Plans for roadway or traffic flow improvements and traffic study;
 - ix. Generalized utility plan;
 - x. A map of the subject property reflecting topography at one foot (1') contours;
 - xi. Site data table with total average density, linear feet of roadway and open space; and
 - xii. Data, information or submittals required by the applicable zoning regulations, if in a zoned area.

3. Process Description

- a. *Master Plan Approval:* if the subject property is not located in a zoned jurisdiction, then a Master Plan must be approved as the initial step in the development process. This approval is granted by the Planning Commission. Once a Master Plan is approved, all development and construction shall be in substantial conformance with the Master Plan. If the property is zoned as a PUD, then the Master Plan approved during the rezoning process shall govern the development of the subject property. The Master Plan application and hearing shall follow the process established for a Preliminary Plat in a major subdivision in Article IV of these Regulations. Public notice in accordance with Article IV of these Regulations is required.
- b. *Preliminary Plat:* the preliminary plat package shall consist of all required plans and documents as required for a Preliminary Plat in a major subdivision as required by Article IV of these Regulations.

- c. *Final Plat*: the final plat package shall consist of all the required plans and documents as required for a final plat in a major subdivision as required by Article IV of these Regulations.
- d. *Recording*: the PUD plat shall be recorded as required for a final plat in a major subdivision as required by Article IV of these Regulations.
- e. *Public Infrastructure Acceptance*: the public infrastructure may be accepted for maintenance by the City in accordance with the requirements for acceptance of infrastructure in a major subdivision as contained in Article IV of these Regulations.

H. LARGE SCALE PLANNED UNIT DEVELOPMENT

1. Applicability

A Large Scale Planned Unit Development (LSPUD) may be created on any property that contains 1,000 acres or more of area. A Large Scale PUD may be created in both zoned and unzoned areas within the jurisdictional limits of the City. If a property is zoned, the applicant/owner must request a zoning change to rezone the subject property as a Planned Unit Development. The Master Plan and development regulations approved as part of the PUD zoning would then govern the subdivision process, and the subdivision is required to substantially conform to the PUD as approved. If the property is located in an un-zoned area, the project shall follow the process in this section.

2. Minimum Submission Requirements

- a. Completed Final Plat application provided by the City.
- b. Payment in full of all required fees.
- c. Approved PUD master plan (if the property is zoned) or a master plan that details the following:
 - i. Proposed future land use map;
 - ii. Boundary survey indicating water courses, wetlands, existing and proposed easements, right-of-ways, utilities and existing improvements;
 - iii. Proposed utilities to be provided with letters of commitment from all utility providers;
 - iv. Letter from the applicable fire department providing service indicating willingness and capability; and
 - v. A narrative that encompasses the following:
 - 1) The proposed concept and a narrative summary of the project;
 - 2) A statement of ownership and a legal description of the subject property;

- 3) Development regulations addressing street and building heights, lot sizes, setbacks, lot density, and commercial, single family and multi-family residential and civic uses;
- 4) A site data table showing the linear footage of streets and other right-of-ways, common or recreational space, and density for each phase;
- 5) A phasing plan, if the property is to be developed in phases;
- 6) A generalized storm water management and natural resources protection plan; and
- 7) A traffic impact study.

3. Process Description

- a. *Master Plan Approval:* if the subject property is located in an un-zoned area, then a Master Plan must be approved by the Planning Commission as the initial step in the subdivision process. Once a Master Plan is approved, all development and construction shall be in substantial conformance with the Master Plan. If the property is zoned as a PUD, then the Master Plan approved during the re-zoning process shall govern the development of the subject property. The Master Plan application and hearing shall follow the process established for a Preliminary Plat in a major subdivision in Article IV of these Regulations. Public notice in accordance with Article IV of these Regulations is required.
- b. *Preliminary Plat:* the preliminary plat package shall consist of all required plans and documents as required for a Preliminary Plat in a major subdivision as required by Article IV of these Regulations.
- c. *Final Plat:* the final plat package shall consist of all the required plans and documents as required for a final plat in a major subdivision as required by Article IV of these Regulations.
- d. *Recording:* the LSPUD plat shall be recorded as required for a final plat in a major subdivision as required by Article IV of these Regulations.
- e. *Public Infrastructure Acceptance:* the public infrastructure may be accepted for maintenance by the City in accordance with the requirements for acceptance of infrastructure in a major subdivision as contained in Article IV of these Regulations.

I. CONSERVATION SUBDIVISION

Conservation subdivisions are allowed for those owners/applicants wishing to preserve significant amounts of natural space in perpetuity. The subdivision proposal may contain more density per

developed area as long as the density does not exceed the overall limitations for the property as set forth below.

1. Applicability

A conservation subdivision development option is available within the entire jurisdictional limits of these regulations. A minimum of five (5) contiguous acres are required to propose a conservation subdivision.

2. Minimum Submission Requirements

a. *Master Plan Package*: a completed master plan package containing the following information is required:

i. *Housing Density Determination*: the maximum number of housing units shall equal the density allowed by either the applicable zoning regulations and/or the minimum lot sizes as allowed by these Regulations. A yield plan prepared by the applicant will show development of the property in a conventional design. The yield plan is not required to be an engineered document, rather, it can be a detailed sketch plan that demonstrates maximum lot yield pursuant to these Regulations.

ii. *Site Analysis Map*: this map identifies the important site features of the property proposed to be included in the conservation subdivision. It is also intended to demonstrate that the conserved open space is significant. This map at a minimum must show the following:

- 1) Property boundaries;
- 2) All streams, watercourses, wetlands, lakes and ponds;
- 3) Stands of preservation trees;
- 4) Topography in two (2) foot intervals;
- 5) General soil types;
- 6) Proposed location and amount of conserved open space;
- 7) Existing roads and structures;
- 8) Connections to other trails, greenways or open space; and
- 9) Proposed street or right-of-way connections.

iii. *Natural Space Management Plan*: this plan is intended to assign responsibility and guidance for the effective long term upkeep and use of the conserved natural space. All maintenance responsibilities should be noted with any capital costs and re-

occurring costs. Strategies for long term upkeep and use shall be detailed. This may include, for example, identification of partners, particular user groups and other management details as warranted by the nature of the particular space. This management plan becomes part of the property owner's association documents, if an owner's association is made part of the subdivision. The owner/applicant or property owner's association should be designated as the responsible party.

- iv. *Legal Instrument for Permanent Protection:* the conserved natural space shall be preserved in perpetuity. This shall be accomplished through the identification of the preserved area on the final subdivision plat to be recorded and through a legally binding conservation easement. The City requires that the conservation easements are in favor of: 1) an established land-trust or 2) a governmental entity. Clear restrictions on the use and development of the natural space shall be expressly detailed in the easement and on the plat. The City Attorney shall review and approve all instruments prior to recording.

3. Process Description

The Conservation Subdivision may be approved pursuant to the following process:

- a. *Master Plan Approval:* the Planning Commission shall consider the proposed master plan package at a meeting. Should the master plan package earn approval, all subsequent development must be in substantial conformance with the approved package. Application and approval of master plans shall be conducted in accordance with the provisions applicable to a major subdivision as contained in Article IV of these Regulations. Public notice in accordance with Article IV of these Regulations is required.
- b. *Preliminary Plat:* the preliminary plat package shall consist of all required plans and documents as required for a Preliminary Plat in a major subdivision as required by Article IV of these Regulations.
- c. *Final Plat:* the final plat package shall consist of all the required plans and documents as required for a final plat in a major subdivision as required by Article IV of these Regulations.
- d. *Recording:* the final conservation subdivision plat shall be recorded as required for a final plat in a major subdivision as required by Article IV of these Regulations.
- e. *Public Infrastructure Acceptance:* the public infrastructure shall be accepted for maintenance by the City in accordance with the requirements for acceptance of infrastructure in a major

subdivision as contained in Article IV of these Regulations, subject to applicable laws, rules and regulations.

4. Tax Assessment

The property owner's association may petition the Baldwin County Tax Assessor for a reduction in the tax liability of the conserved natural space. The basis of the petition shall be on the legally binding conservation documents, the recorded final plat and the particularly limited use of the conserved natural space in perpetuity.

J. WAIVERS

1. Waiver Standards

Waivers may be granted when a majority of the Planning Commission by vote at a meeting of the Planning Commission finds that the following conditions exist:

- a. An extraordinary hardship may result from strict compliance with these Regulations due to unusual topographic or other physical conditions of the property or surrounding area not generally applicable to other land areas;
- b. The condition is beyond the control of the sub-divider;
- c. The requested waiver will not have the effect of nullifying the purpose and intent of these Regulations, the Comprehensive Plan or other applicable ordinances and plans;
- d. The waiver is the minimum deviation from the required standard necessary to relieve the hardship;
- e. In the opinion of the Planning Commission, the waiver shall not have an adverse effect on adjacent landowners, future landowners or the public; and
- f. The waiver is necessary so that substantial justice is done.

2. Procedure

- a. Waivers must be requested in writing at the time of application submission. The waiver request will be considered by the Planning Commission at the same meeting at which the plat is scheduled to be voted on.
- b. Any waiver granted must be entered upon the minutes stating the grounds for the waiver.
- c. Notice to adjacent property owners shall include a description of any waiver requested.

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- d. Approval of a waiver request requires a super-majority of two-thirds (2/3) of the Planning Commission members present and voting on the request.

3. Conditions

In granting approval of a subdivision/plat with a Waiver, the Planning Commission may require conditions on development and construction to secure the objectives and interests of the City and the purposes of these Regulations.

ARTICLE V

PLANNING AND DESIGN STANDARDS

A. GENERAL

The following planning and design standards shall be followed by all applicants seeking subdivision and site approval.

No subdivision shall be approved unless every lot has frontage on, and continuous access from:

- a. An existing paved street with suitable width and thickness; or
- b. A proposed street meeting these regulations, approved by the Planning Commission and platted as Right-of-Way or Private Easement.

In the event that the land proposed to be subdivided lies outside of the City limits in the extra-territorial planning jurisdiction of the City, the more restrictive standards of either Baldwin County or these Regulations shall apply.

The following Planning and Design Standards apply to all proposed subdivisions including non-residential subdivisions.

B. CONFORMITY TO PLANS AND ORDINANCES

1. Approval

The Planning Commission shall only approve the subdivision of land if the following are found to have been satisfied:

- a. The subdivision is consistent with the City's Comprehensive Plan, where applicable.
- b. The subdivision is in conformance with the applicable zoning regulations.
- c. The subdivision is in compliance with these Subdivision Regulations.
- d. The subdivision is in compliance with other Federal, State or local laws, rules and regulations, as applicable.
- e. The subdivision is in compliance with the current edition of the ALDOT Specifications and Standard Drawings.
- f. The subdivision is in compliance with the currently accepted edition of the MUTCD by ALDOT.

2. Improvements in Jurisdictional Limits

It is expressly intended by the Planning Commission that the operative procedures of the *Code of Alabama* (1975) § 11-52-11, et seq., apply in their entirety.

C. LOT STANDARDS

1. Purpose

These Regulations shall implement the Comprehensive Plan of the City of Spanish Fort by establishing a basis for:

- a. Practical and organized design of the areas within the City limits and the extra-territorial jurisdiction;
- b. Avoiding congestion of population; and
- c. Providing adequate light and air.

2. Lot Numbering

Proposed lot numbers shall be sequential all the way through a development so as to avoid duplication of lot numbers, regardless of phase.

3. Size

- a. *Lots under Zoning Authority:* each and every lot that falls within the jurisdiction of either the zoning ordinance(s) of the City of Spanish Fort or Baldwin County shall meet all applicable dimensional standards of the applicable zoning ordinance. The Planning Commission has no authority to waive, relax or modify any standard of a zoning ordinance.
- b. *Lots not within a zoned jurisdiction:* in the event that proposed lots are not zoned and have public water and sewer access, the minimum lot frontage shall be 65 feet on non-cul-de-sac streets, and the minimum total area shall be at least 10,000 square feet. Lots located in a cul-de-sac shall have a minimum lot width of 65 feet at the building setback line.
- c. *Water and Sewer:* there may be cases when both public water and sewer service cannot be provided to the proposed lot(s). In that event, the following minimum standards apply:
 - i. *Water Available, but No Sewer:* if only public water is available and the lot(s) propose to use individual septic tanks, then the minimum lot width shall be 100 feet, and the

minimum lot size shall be 20,000 square feet in total area, unless the Baldwin County Health Department requires a greater minimum lot size, which shall control.

- ii. *No Utility Service:* if no public water or sewer is available to the lot(s), the minimum lot width shall be 120 feet, and the minimum lot size shall be 40,000 square feet in total area; unless the Baldwin County Health Department requires a greater minimum lot size, which shall control.
- d. Every effort shall be made to make side lot lines at right angles or radial to street lines.
- e. Where land is subdivided into parcels larger than 10 acres, the lots shall be arranged to allow for openings for future streets and logical future subdivision.

4. Access

- a. All proposed lots shall have access to a paved publically maintained street or a proposed newly constructed paved public or private street.
- b. No lot shall be accessed from more than one right-of-way, excluding alleys and corner lots with access to local and minor streets only.
- c. *Curb-cuts and Access:* the following minimum standards shall apply for all curb-cuts and access points to lots:
 - i. *Arterial Streets:* all access points shall be as required by ALDOT. However, the City encourages common access easements.
 - ii. *Collector Streets:* collector streets shall require a distance of 100 feet from the driveway centerline location to the right-of-way of the nearest street. There shall be a minimum of 120 feet between curb-cuts.
 - iii. *Local Streets:* there shall be a maximum of two driveway curb-cuts per lot.
- d. *Driveway Widths:*
 - i. Driveways for singular lots as measured at the back of radius shall not exceed the following widths:

1) Residential	12'
2) Non-Residential (One-Way)	30'
3) Non-Residential (Two-Way)	45'
 - ii. Driveways that are accessed via a common access easement for Residential driveways shall be 24 feet wide at the back of radius and up to 36 feet wide at the back of radius for non-residential driveways. The length may vary as needed to accommodate stacking and turning movements.

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e. *Driveway Radii*: The radius of all driveways to lots shall meet the following unless otherwise approved by the City Engineer:

- i. Rural (Open Ditch)
 - 1) Residential 10'
 - 2) Non-Residential 15'
- ii. Urban (Curb and Gutter)
 - 1) Residential 1.5'
 - 2) Non-Residential 7.5'

5. Orientation

a. Should the back boundary of a lot border an existing or future ROW, a minimum landscaping buffer of 20 feet is required. The landscaping shall be as needed to protect the back of the lots from the impact of traffic and pedestrian use.

6. Building Envelope

- a. *Zoned Areas*: in zoned areas, setbacks shall be as required by the applicable zoning ordinance.
- b. *Unzoned Areas*: in unzoned areas, the minimum setbacks shall be as follows:
 - i. Street Frontage Setback*: 30'
 - ii. Rear Setback**: 30'
 - iii. Side Setback: 10'

*Side street setbacks on corner lots shall be 20'.

**Includes the 20' buffer described in Section V (C) (5) above, as applicable to lots whose rear boundary borders a street or road.

7. Easement Requirements

Easements shall be provided as needed by the applicant to accommodate drainage, storm water management and utilities.

- a. *Easements along Right-of-Ways*: on right-of-ways with less than 60 feet in width, all lots shall have a minimum 5 foot utility easement along on the front of the lot.
- b. *Easements along Property Lines*: in cases where easements along property lines are required, the minimum width shall be a total width of 15 feet.

8. Finished Floor Requirements

In flood zones and flood prone areas as determined by the Project Engineer, the Project Engineer shall establish a required minimum finished first floor elevation for the home to be constructed on each lot, and such required minimum finished first floor elevation shall be reflected on the plat.

9. Wetland Protection

Wetlands areas are determined in concert with the definition and practice of the US Army Corps of Engineers (COE). Wetlands areas may be privately held and may count toward the minimum area requirement for proposed lots. It is highly encouraged by the City that wetland areas are held in common space with limited development impacts.

- a. *Jurisdictional Determination (JD)*: JD is required when the property proposed to be developed or subdivided either contains wetlands areas, or is within 100 feet of wetland areas identified by the most current National Wetland Inventory (NWI) or the Baldwin County or Spanish Fort geographic information system database. Jurisdictional wetlands shall be delineated by an Environmental Scientist and certified by the COE.
- b. *Permitting*: Any proposed impacts to a jurisdictional wetland – including, but not limited to, filling, draining, or otherwise altering – shall require a permit from the COE, regardless of size or scope of the impact. All needed and required permits from the COE and other government agencies shall be provided to the City during the review process. Filling a jurisdictional wetland shall only be in accordance with permits issued by the COE.
- c. *Protection*: Unless permitted by the United States Army Corps of Engineers (COE) and Alabama Department of Environmental Management (ADEM), no development shall be approved that proposes to fill jurisdictional wetlands in order to create buildable lots/sites.
- d. *Fill*: Any and all fill materials or proposed filling activity shall be subject to the US Army Corps of Engineers Section 404(b) (1) guidelines. Fill material may only be used where necessary to provide access to lots and only after appropriate permits have been received by the City prior to any construction activity in the wetland areas, or any other activity which may change the extent and character of the wetland areas.
- e. *Protection of Wetlands*: Major subdivisions requiring public or private improvements, as defined herein, shall not fill, cut or otherwise disturb any jurisdictional wetland without proper permitting through the COE. Any remaining wetlands shall be protected through appropriate restrictions. Clear restrictions on the use and development of the natural space shall be

expressly detailed in an easement, restrictive covenants and include a note or reference on the plat.

- i. Lots may only be platted in areas where sufficient upland is available for the building site for principal and auxiliary facilities including sufficient setbacks as required in the most-current zoning and subdivision regulations.
 - ii. Wetland areas may count towards density allowances. There is no penalty to a property owner for having wetlands on the subject property. Conservation easements may fulfill up to fifty percent (50%) of park space requirements – provided the wetlands fulfill the recreational intent of park space – at the discretion of the Planning Commission.
- f. *Setback Requirements:* Provided there is no conflict with the City’s zoning ordinances or subdivision regulations, a fifty foot (50’) building setback from delineated jurisdictional wetlands shall be provided for principal structures as determined by the surveyor or engineer of record. A five foot (5’) building setback from delineated jurisdictional wetlands shall be provided for non-principal structures. The required setback shall be recorded on the final plat or plan and noted on lot deeds. Where standards conflict, the more stringent standards shall apply.

10. Perennial Streams and Rivers

- a. *Buffer Requirements:* On sites traversed by a perennial stream, a thirty foot (30’) vegetated buffer is required from the top of the bank at the time of application for building permit as determined by the surveyor or engineer of record.
- b. *Setback Requirements:* On sites traversed by a perennial stream, a fifty foot (50’) building setback measured from the top of the bank as determined by the surveyor or engineer of record at the time of application shall be provided for principal structures. Non-principal structures shall require a fifteen foot (15’) building setback from the top of the bank with the exception of piers, docks or boat houses with appropriate permits. The required setback shall be recorded on the final plat or plan and noted on lot deeds.
- c. *Jurisdiction:* the ability to fill or alter the natural state of a perennial stream or river is contingent on securing the needed approvals from the COE, FEMA, and other government agencies as required. It is the City’s desire that streams and rivers stay in their natural state, and that any alteration of the adjacent property is for recreational use.

- d. *Minimum Finished Floor Elevations:* property proposed to be developed or subdivided and located either adjacent to or within one hundred feet (100') of a stream, river, or flood zone shall specifically designate on the plans the finished floor elevation of the principal structure.

11. Tree Protection Standards and Plan

- a. *Tree Protection Requirements:* All preservation trees as contemplated by City Ordinance 417-2012, as the same may be amended, are declared protected. No preservation trees shall be damaged, removed or altered until the preliminary plat of the proposed subdivision has been approved and the pre-construction requirements have been satisfied.
- b. *Tree Plan:* In conjunction with the site plan or preliminary plat application, the applicant shall locate all preservation trees as contemplated by City Ordinance 417-2012. Trees that must be removed for stormwater management, utilities or other infrastructure must be clearly annotated on the plan or plat. A full landscaping and tree protection plan which meets the requirements of City Ordinance 417-2012 Section 13 shall be provided.
- c. *Construction:* Section 15 of City Ordinance 417-2012 shall apply during construction of all developments.
- d. *Tree Replacement:* Preservation trees that must be removed to facilitate or develop the proposed subdivision or development shall be replaced as outlined in the City Ordinance 417-2012. The goal is to replace the total DBH lost.
- e. *Hardship:* an owner may request a variance of the requirements of this section in accordance with the variance procedures established in the Subdivision Regulations.
- f. *Enforcement:* Section 27 of City Ordinance 417-2012 shall apply to all development and subdivision requests.

D. MINIMUM DESIGN STANDARDS

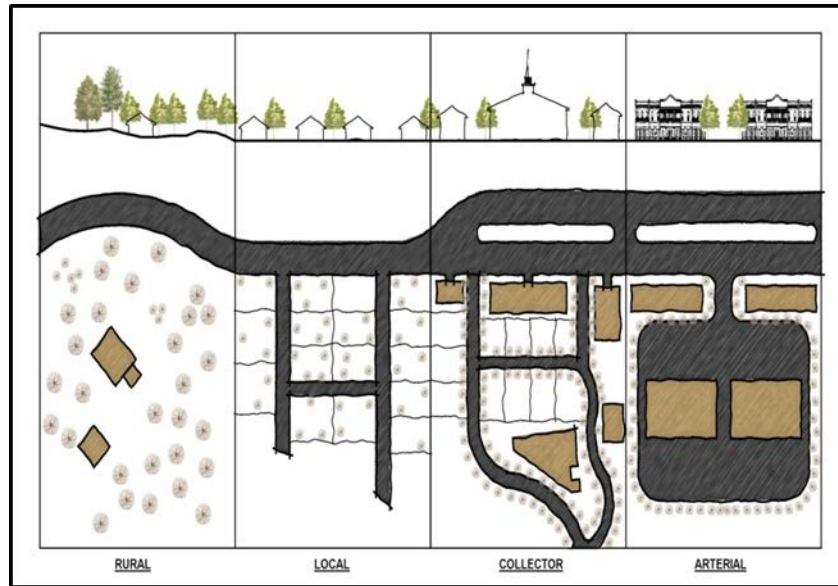
1. Street Standards

- a. The City shall not approve any public street which provides access across a dam.
- b. Private streets may be approved by the Planning Commission provided that:
 - i. The streets are constructed in accordance with these regulations; and
 - ii. The City Engineer has advised the Planning Commission that the private streets are appropriate.

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- c. If private streets are approved by the Planning Commission, the statement in Appendix ‘S’ shall be shown on the Final Plat.
- d. If approved by the Planning Commission, the developer shall install approved street signs.
- e. All streets shall be given a name. In no case shall duplicate names be permitted, regardless of suffix. The developer shall provide a letter from E-911 indicating that street names are approved.
- f. *Reserve Strips*: strips of privately held property reserved with the purpose of controlling or limiting access to streets or utilities are prohibited.
- g. *Half Streets*: half streets are prohibited.
- h. *Curb and Gutters*: concrete curb and gutter is required on all streets unless otherwise recommended by the City engineer and approved by the Planning Commission. Roll type curb and gutters are greatly preferred. Stand-up curbs are permitted. Asphalt wings are prohibited.
- i. *Medians*: medians shall typically have Type N curb meeting ALDOT specifications around the perimeter. Other curbing may be approved by the Planning Commission, based on the recommendation of the City Engineer.
- j. *Street Classifications*: streets in proposed subdivisions are classified in accordance with AASHTO (American Association of State Highway and Transportation Officials) policy as follows:

CLASSIFICATION	DESCRIPTION	MINIMUM RIGHT-OF-WAY WIDTH
Rural	Two-lane highway with light traffic volume.	80'
Alley	A narrow passage between a continuous row of houses permitting access from the street to backyards, garages, etc. Alleys, and any infrastructure located therein, shall be dedicated as common space and shall not be maintained by the City or County.	15' (Common Area)
Local	Provides access to farms, residences, business, with little through traffic, volumes are largely short trips.	50'
Collector	Collects local traffic for movement between arterials and provides access and links neighborhoods to a larger network serving moderate traffic volumes.	60'
Arterial	Carries large volumes of traffic within and through urban areas. Objective is mobility with limited and controlled access to adjacent property.	100'



k. *Lane Widths*: the following constructed pavement widths – excluding curb and gutter – shall apply:

CLASSIFICATION	LANE WIDTHS	MINIMUM SHOULDER WIDTH	MINIMUM CLEAR ZONES
Rural	12'	4'	4'
Alley	9'	2'	2'
Local	12'	2'	2'
Collector	12'	4'	4'
Arterial	13'	4' (AASHTO)	4' (AASHTO)

l. *Bridges*: shall be a minimum of 28 feet clear roadway and designed to meet HS-20 loading.

m. *Street Pavement Cross Slope*:

CLASSIFICATION	STREET PAVEMENT CROSS SLOPE
Rural	2.0% - 2.5% or "e", Curb and Gutter or Open Ditch
Alley	0.0% - inverted
Local	2.0% - 2.5%, Curb and Gutter
Collector	2.0% - 2.5% or "e", Curb and Gutter
Arterial	2.0% - 2.5% or "e", Curb and Gutter or Open Ditch

n. *Grass Shoulder Cross Slope*:

i. Curb and Gutter section shall have cross slope of 4.0% to 6.0% sloped toward the street (excluding any sidewalk located within this area).

- ii. Open Ditch section shall have cross slope of 4.0% to 6.0% sloped away from the street (excluding any sidewalk located within this area).
- o. *Slope Criteria:* cross slopes outside of the street and shoulder areas shall conform to the following:
 - i. Fill section shall be no steeper than 3:1.
 - ii. Cut (back) slope section shall be no steeper than 3:1, unless recommended by a licensed geotechnical engineer, licensed in the State of Alabama. The City Engineer may require a Slope Stability Analysis prior to making a recommendation to Planning Commission for approval.
- p. *Pavement Build-Up:* the following are minimum pavement build-up specifications the City Engineer may require in addition to thickness or materials.
 - i. Local and Alley
 - 1) 424-A Superpave Bituminous Concrete Wearing Surface layer, $\frac{3}{4}$ inch Maximum aggregate size mix, ESAL Range B (220 lb/sy)
 - 2) 401-A Bituminous Treatment Type "A" (0.25 gal/sy)
 - 3) 301-B Crushed Aggregate Base Course (limestone) Type "B" minimum 4 inch compacted thickness, on top of 301-A Compacted Granular soil base course (sand/clay) Type "A" minimum of one 4 inch (if approved by the City Engineer)
 - OR
 - 4) 301-B Crushed Aggregate Base Course (limestone) Type "B" minimum 6 inch compacted thickness, (if used, delete 401-A treatment)
 - ii. Rural, Collector, Arterial and Non-Residential
 - 1) 424-A Superpave Bituminous Concrete Wearing Surface layer, $\frac{1}{2}$ inch Maximum aggregate size mix, ESAL Range B (125 lb/sy)
 - 2) 405-A Tack Coat, Spread Rate of (0.10 gal/sy)
 - 3) 424-B Superpave Bituminous Concrete Binder Layer, 1 inch Maximum aggregate size mix, ESAL Range B (220 lb/sy)
 - 4) 401-A Bituminous Treatment Type "A" (0.25 gal/sy)
 - 5) 301-B Crushed Aggregate Base Course (limestone) Type "B" minimum 4 inch compacted thickness, on top of 301-A Compacted Granular soil base course (sand/clay) Type "A" minimum one 4 inch (if approved by the City Engineer);
 - OR

- 6) 301-B Crushed Aggregate Base Course (limestone) Type “B” minimum 6 inch compacted thickness (if used, delete 401-A treatment)
- q. *Vertical Clearance*: there shall be a minimum of 16 feet of vertical clearance over all roadways and streets. The City Engineer may require additional clearance.
- r. *Geometric Design*: all streets shall meet the following:
 - i. *Horizontal Curves*: where a deflection angle occurs in the alignment of a street, a horizontal curve shall be constructed, and where the magnitude of such angle exceeds ten degrees, a curve of suitable and reasonable radius shall be required in accordance with the AASHTO design manual.
 - ii. *Vertical Curves*: every change in grade shall be connected by a vertical curve constructed in accordance with the AASHTO design manual.
 - iii. *Tangents*: where design speeds require super elevation of roadways in horizontal curves, a tangent not less than 100 feet long shall be required between reverse curves.
 - iv. *Gradients*: grades shall typically range between one-half percent (0.5%) and seven percent (7.0%). Should a topographical challenge exist, a Waiver may be requested as provided for in these Regulations.
 - 1) Grades approaching an intersection shall not be greater than five percent (5.0%) for a distance of 100 feet from centerpoint of the intersection to the vertical curve.
 - 2) Mainline roadway cross slope shall be maintained through the intersection.
- s. *Intersections*:
 - i. Street intersections should typically be designed to intersect at right angles. However, in certain circumstances, if approved by the Planning Commission, the Engineer may use up to a 25 degree angle of departure.
 - ii. The minimum off-set in intersection alignment shall be 125 feet for Alleys and local streets, and 800 feet for collector and arterial streets.
 - iii. Stopping Sight Distance (SSD) shall conform to AASHTO Standards based on 3.5 feet driver eye height and 2 foot object height. SSD shall be shown on plans.
 - iv. Intersection Sight Distance (ISD) shall conform to AASHTO standards. ISD shall be shown on plans or the Design Engineer may elect to provide a signed and sealed letter stating that all ISD have been checked and comply with AASHTO standards.
 - v. *Curb Radii*: The minimum curb radii at street intersections shall fall with the specified range as demonstrated by the following intersection matrix:

STREET TYPE	Rural	Local/Alley	Collector	Arterial
Rural	25'	25'	25'	35'
Local/Alley	20'	20'	35'	35'
Collector	35'	35'	35'	35'
Arterial	40'	40'	40'	40'

- vi. Intersections shall be designed to drain storm water away from the intersection to prevent ponding. The City Engineer may require spot elevations to be included in the construction plans to ensure this can be accomplished.
- vii. Proposed property lines/right-of-way lines at intersections shall be rounded and parallel with the road radius. In cases where the subdivision intersects another road or at Non-Residential Subdivisions, an angular cut may be required to eliminate the potential for signs to be constructed or other obstacles to be permitted within the Intersection Sight Distance window.

2. Traffic Calming

The City highly encourages traffic calming where the design speeds of local roadways (25mph) can be reasonably expected to be routinely exceeded. Traffic calming techniques may include, but are not limited to, the following:

- a. *Traffic Circles*: typically a small raised island in the roadway, traffic circles may not be used at intersections of local streets or on local streets to horizontally deflect the flow of traffic.
- b. *Roundabout*: typically a raised island at an intersection, a roundabout requires a yield sign to enter and are constructed to have traffic flows counter clockwise. Roundabouts are frequently used in lieu of four-way stop signs and signalized intersections.
- c. *Medians*: medians may be utilized as a traffic calming method, as a visual technique to narrow the perceived travel way. If medians are installed as a traffic calming mechanism, type N curb is required.
- d. *Narrow Lanes*: narrower lanes of no less than 9' may be approved by the Planning Commission, in its discretion.

3. Pedestrian Standards

The following pedestrian standards shall apply in proposed projects:

- a. *Applicability*: sidewalks are required in all cases where new streets are to be constructed.

- b. *Location*: sidewalks shall be placed in the right-of-way and shall have a minimum 3' grassed area between the sidewalk and the edge of street pavement or back of curb. Sidewalks shall be constructed on both sides of the proposed street.
- c. *Installation*: all sidewalks shall be constructed within two years of final plat approval. The applicant shall provide a performance bond or letter of credit, approved by the City Council and the City Attorney, guaranteeing the construction of all sidewalks. The amount shall be 125% of the engineer's estimated construction cost for the sidewalk only. If the sidewalk is not constructed within 2 years of final plat approval, the City shall use the bond or letter of credit to fund construction. All sidewalks adjacent to common spaces shall be constructed at the time of street construction.
- d. *Width*: sidewalks in residential settings shall be a minimum of 5' in width. Sidewalks in commercial settings shall be a minimum of 6' in width.
- e. *Ramps*: all sidewalks shall include ramps to the street at all intersections in accordance with Americans with Disabilities Act guidelines.
- f. *Cross Slope*: all sidewalks shall be constructed in accordance with Americans Disabilities Act guidelines.

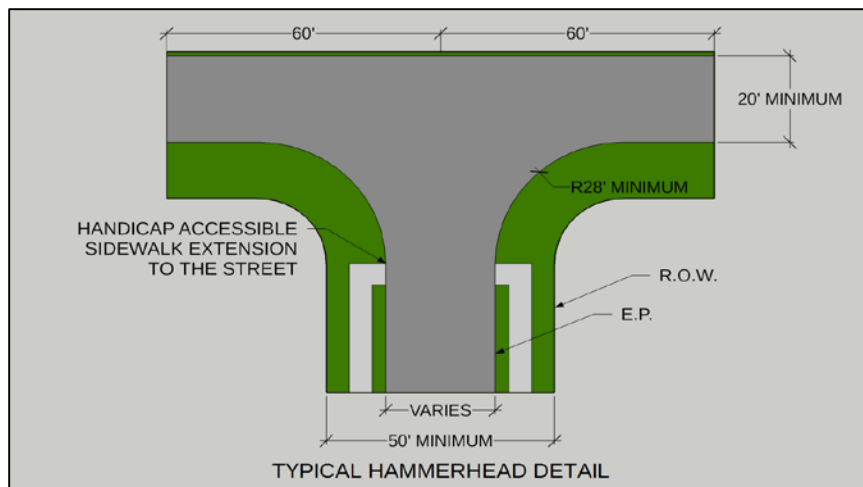
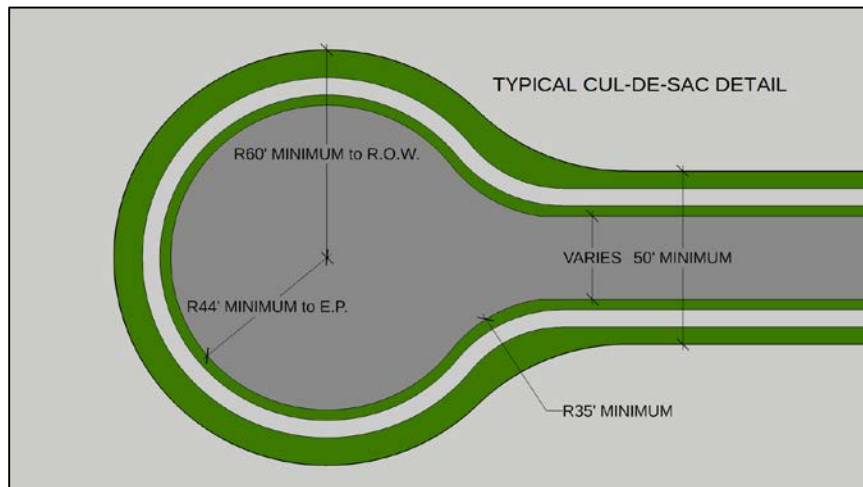
4. Street Layouts

Interconnectivity between subdivisions is encouraged. It is anticipated that most new streets contemplated by proposed subdivisions will be local streets as defined in these Regulations. However, there may be times in conjunction with a subdivision application that collector streets are required to be constructed to serve a proposed subdivision. The following layout standards apply:

- a. *Alley*: alley streets shall not exceed a maximum length of 1,320' without an intersection. Intersections may be no closer than 500'.
- b. *Local*: local streets shall not exceed a maximum length of 1,320' without an intersection. Intersections may be no closer than 500'. The Planning Commission, however, due to topography outside of property limits and the size of property to be subdivided, may modify this requirement in whole or part in accordance with the Waiver section.
- c. *Collector*: collector streets shall not exceed a maximum length of 5,280' without an intersection.
- d. *Access to Abutting Property*: connections to adjacent property shall occur at a maximum of 2,640'. The connection shall be constructed at the time of subdivision development and may

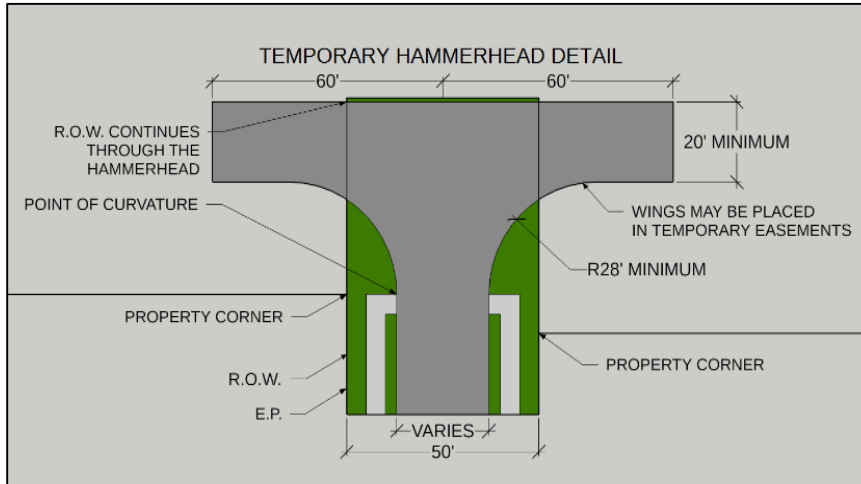
be either a roadway to the property line or a concrete sidewalk/recreational trail. The City prefers that connections are made via roadways. Should a condition exist that precludes the connection such as a stream or a river, the requirement may be modified in whole or part by the Planning Commission in accordance with the Waiver section. When access is provided via a street, the street shall be fully constructed in accordance with all construction standards including curb and gutter.

- e. *Dead End Streets:* dead end streets of a length not greater than 1320' are permitted. Dead End streets longer than 150' shall require a cul-de-sac or "hammerhead" turnaround, which shall be designed in accordance with the figures below:



- f. *Temporary Turnarounds:* when a proposed subdivision consists of more than one phase, there may be the need for a temporary turnaround at an end of a street which is scheduled to be extended in the future. In such cases, the right of way shall extend to the furthest edge of the final lot served by the street at a minimum. Temporary turnarounds shall be constructed to the same standards, design specifications, and materials as a permanent street. In cases in which a

temporary turnaround is placed within an easement, the point of curvature shall be, at a minimum, parallel to the closest lot corner or beyond. In no case shall the curve of a temporary turnaround encroach on a lot boundary.



- g. *Streetlights*: streetlights are required to be installed in conjunction with the construction of new subdivisions which entail the construction of streets. Streetlights are not required to be installed with a pre-platting request. In residential subdivisions, streetlights shall be installed using standard spacing requirements not to exceed 200' and shall be provided in the construction plans. In non-residential subdivisions, street lights are required at a maximum 300' interval. Streetlights may be installed (a) all on one side of the street, (b) both sides of the street, or (c) by alternating installations as agreed by the electric utility provider. Decorative poles and fixtures are required. Streetlights shall not be highway standard type or cobra-head type lights. All residential subdivisions requiring the installation of streetlights shall have a homeowners' association. The homeowners' association in a residential subdivision shall be responsible for all energy and maintenance costs. In a non-residential subdivision, the owner of the parcels on which street lights are installed shall be responsible for payment of all energy and maintenance costs.

5. Traffic Impact Study and Improvements

When a subdivision or site development fronts an ALDOT maintained road, ALDOT may have more stringent traffic study requirements.

- a. *Triggers:* the City may require a traffic study for any subdivision or phase of subdivision development, but will require a traffic impact study when a proposed development meets any of the following:
 - i. Proposes more than 50 lots or dwelling units; and
 - ii. A development, regardless of phase, that increases the combined total of lots in a subdivision to more than 50 lots or dwelling units.
- b. *Study:* the scope of the study shall be mutually agreed to by the City engineer and the project engineer. The study shall be paid for by the owner/applicant. The study shall be performed and sealed by a professional engineer licensed in the State of Alabama, who has expertise in traffic study and transportation planning.
 - i. *Minimums:* any and all recommendations of the traffic impact study are considered minimums. The City engineer may recommend additional improvements to the Planning Commission based on historical and local knowledge and professional judgment.
 - ii. *Improvements:* all required improvements as determined by the Planning Commission shall be constructed by the developer in accordance with project development. The City may elect to participate in the project, in its discretion, but that decision and manner of participation rests with the City Council.

E. PARK SPACE

Park space is considered an important feature and characteristic of the City of Spanish Fort. Park space is identified in the City's Comprehensive Plan as an important asset to the City, and increasing the amount of recreational space is a goal of the City. As such, these Regulations implement the goals of the Comprehensive Plan by providing for the construction of appropriately located parks and open space and other recreational opportunities.

1. Applicability

At least ten percent (10%) of the gross area of all major subdivisions shall be reserved permanently as park space. All required park space shall be annotated on the face of the plat(s) as Park Space, which shall also be common area.

2. Phasing

In the case of phased subdivisions, at least ten percent (10%) of the gross area of each phase shall be reserved permanently as park space. In the event Park Space in a given phase exceeds 10%, the Planning Commission may, in its discretion, give credit for such Park Space in future phases, in order to encourage larger park spaces in a given phase or development.

3. Characteristics

Property that is proposed to be set aside as park space shall:

- a. Be useable for either active or passive recreation as determined by the developer subject to approval by the Planning Commission;
- b. Be located outside of any floodway as determined by the applicable and current FIRM maps;
- c. Not include Right of Ways; and
- d. Be included as common area, and shall be maintained by the developer or the Property Owners' Association.

4. Ineligible Properties for Park Space

- a. Stormwater Detention
- b. Drainage and Utility Easements
- c. Buffers
- d. Medians
- e. Wetlands
- f. Other incidental open space

If approved by the Planning Commission, retention ponds, buffers or wetlands that are designed to be neighborhood amenities and which provide recreational elements, such as boardwalks, sidewalks or trails, piers, docks, kayak launches or similar features, may count toward the park space requirements.

5. Design, Orientation, and Use

The purpose of this park space requirement is to provide small scale, neighborhood-orientated recreational opportunities. In order to achieve this goal, the park space must be appropriately designed and orientated. The required park space:

- a. Shall maximize public exposure;
- b. Shall be provided access via right-of-ways or common area;
- c. Shall not be exclusively located behind any residential lots; and
- d. Shall be contiguous.

6. Maintenance

There shall be a note on the plat to the effect that the City of Spanish Fort is not responsible for maintenance of any common areas.

7. Hardship

The Planning Commission may grant a waiver from the park space requirements by a vote of two-thirds of the Planning Commission. In order to grant a waiver of the park space requirements, the Planning Commission shall find that each of the following conditions are applicable:

- a. the hardship is a function of the natural character of the land;
- b. the hardship is not man made;
- c. the hardship is not self-inflicted;
- d. that denying the request would result in unnecessary hardship;
- e. that the spirit and intent of the park space regulations is met; and
- f. that substantial justice is done.

All hardship claims shall be made by the applicant in writing at the time of plat application in accordance with the Waiver Section of these regulations.

F. STORMWATER MANAGEMENT STANDARDS

1. General

- a. No person shall develop any land without having provided for appropriate drainage and stormwater management measures that control or manage runoff in compliance with these Regulations.
- b. The responsible Design Engineer shall not submit any plat of a subdivision or plan of development which does not make provision for stormwater runoff as required by these Regulations.
- c. All plans, specifications and calculations submitted to the City for review shall be prepared, signed and sealed by a licensed professional engineer registered in the State of Alabama.
- d. The Design Engineer shall submit a drainage narrative, drainage calculations, assumptions and maps for each inlet, pipe and ditch within the proposed development. The drainage narrative shall, at a minimum, summarize the assumptions, calculations and results of the design for each drainage basin as well as the whole project.
- e. The storm water drainage system shall be separate and independent of any sanitary sewer system.
- f. The developer and Design Engineer are encouraged to contact the City for a pre-design conference 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 Design Engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.
- g. Drainage openings shall be designed as to not restrict flow of flood waters or increase upstream flood heights.
- h. Potential development may be derived from the most-current City or County comprehensive plan or zoning ordinances, or large-scale development master plans.
- i. The applicant shall be required to carry away by pipe or open ditch any spring or surface water within or affecting the Right of Way, that exists either previously to, or as a result of, the subdivision or development. Such drainage facilities shall be located in the road right-of-way or in areas with perpetual unobstructed drainage easements of sufficient width, unless approved by Spanish Fort Planning and Zoning Commission.
- j. Developments which produce an increase in the volume or velocity of stormwater runoff shall be required to construct stormwater management facilities. The Design Engineer shall submit

detailed engineering calculations and plans to the City including pre-development runoff, post-developed runoff, post-developed runoff with detention/retention, stormwater facility details, method of discharge, and other information as required for review.

- k. The drainage system and all stormwater management structures within the City limits or within the extra-territorial jurisdiction over which the City regulates subdivisions, whether publicly or privately owned, shall be designed to the same engineering and technical criteria and standards.
- l. Provisions shall be made to address an event in excess of the 100 year event to ensure that the retention/detention facility survive such event.
- m. All retention/detention facilities shall be owned, operated and maintained by the owner or Property Owners' Association and shall not be accepted for maintenance by the City of Spanish Fort. The developer/owner shall include the method and responsibility of maintenance for the retention/detention facility after it is constructed.
- n. Post-development release rates shall not exceed pre-development rates for a 2, 5, 10, 25, 50 and 100 year event. In no case shall discharge from a drainage basin exceed the hydraulic capabilities of the initial receiving downstream drainage structures. The Planning Commission may withhold approval of the subdivision until provision has been made for the necessary downstream improvement.

2. Minimum Requirements for Stormwater Management and Design Criteria

- a. The design criteria establishes minimum elements of design which must be implemented with good engineering and good workmanship. Use of the information contained herein for placement of any structure or use of land shall not constitute a representation, guarantee, or warranty of any kind by the City of Spanish Fort, its officers or employees, of the practicability, adequacy or safety of such designs and shall not create liability upon or a cause of action against any such public body, officer or employee for any damage that may result pursuant thereto.
- b. At a minimum, storm drainage structures shall be designed to the following standards:

DRAINAGE STRUCTURE	MAXIMUM STORM EVENT
Side Drain or Lateral Storm Sewer	10 year, 24 hour
Crossing (Closed) Storm Sewer	25 year, 24 hour
Culvert (Open) Cross Drainage	25 year, 24 hour
Bridge or Bridge Culvert	50 year, 24 hour*
Detention/Retention Ponds	100 year, 24 hour

*FEMA Flood Zone Requirements may require a 100 year design and FEMA coordination.

3. Drainage Systems

- a. The method of determining stormwater runoff shall be as follows:
 - i. For areas less than 200 acres, the engineer may use the Rational Method for determining inlet spacing, roadway spread, and the sizing of opened and closed pipe network and collection basins. The Kirpich Equation shall be the only method which may be used to determine the time of concentration.
 - ii. For areas greater than 200 acres, the engineer may only use Regression Equations (rural or urban) or SCS Method.
- b. 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.
- c. The Design Engineer must analyze the backwater produced and verify that no upstream property will be flooded or otherwise adversely affected by the design storm.
- d. 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. The spread of surface water carried in the gutter shall not exceed ½ of the design lane width.
- e. All 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 ALDOT Specifications will be acceptable.
- f. Open ditches or swales shall be constructed with a maximum slope of 3:1 unless otherwise approved by the City Engineer. Ditches shall have flat bottoms. Calculations shall show the volume and velocity for each different ditch section. Ditch lining shall be designed based on the stormwater volume and velocity calculations.
- g. The longitudinal grade of an open ditch or swale shall not be less than 0.3%.
- h. A minimum 3:1 concrete sloped paved headwall shall be required on all pipe culverts; a minimum 4:1 concrete sloped paved headwalls are required on pipe culverts that are parallel to traffic flow.

- i. 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 must be shown on the Final Plat or Site Plan.
- j. Special types of headwalls, rip-rap and other materials may be required by the City Engineer or his/her designee when deemed necessary for erosion control, protection of existing downstream drainage facilities and roadside safety.
- k. Storm sewer networks, cross drains, driveway pipes, etc. located within right-of-ways or in easements must have an access opening – either an inlet or junction box – at a maximum spacing of 300 feet.

4. Detention/Retention Facilities

- a. The SCS Method shall be used to determine the sizing of stormwater detention/retention areas. The Rational Method will not be permitted for such use.
- b. Retention/detention facilities shall be dedicated as common space located within the parcel limits of the project under consideration. No retention/detention or ponding will be permitted within public road right-of-ways.
- c. 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.
- d. No retention/detention facility shall be located in jurisdictional wetlands, unless approved by the COE.
- e. It is required that retention/detention facilities along with access to those facilities shall be located in common areas. Projects developed under these procedures shall include provisions for maintenance by the owners or property owners' association.
- f. Existing areas that currently retain stormwater shall be preserved within common space and in their current state. The developer may request to fill the area as long as no wetlands are involved and similar capacity is provided onsite or included in a proposed retention/detention facility that discharges into the same drainage basin.
- g. In locations where the discharge from a development will be directly into a tidally influenced body of water, the Planning Commission may consider waiving the stormwater management requirement, upon request by the Design Engineer. The Planning Commission has the sole discretion of whether or not this will be allowed. This will not alleviate the developer from any

- erosion/sedimentation control requirements. However, the development will be required to control velocities of stormwater leaving the site.
- h. Differential runoff evaluation consists of determination of rates of runoff before and after development, determination of required volume of retention/detention and verification of adequacy of discharge and control structures.
 - i. Design of the facility outlet structure will be based upon land use conditions for the area within the proposed development and existing land use characteristics for upstream areas draining to the facility outlet structure.
 - j. The expected timing of flood peaks through the downstream drainage system shall be considered by the Design Engineer when planning the use of detention facilities.
 - k. Permanent lakes with fluctuating volume controls may be used as retention/detention areas provided that the limits of maximum ponding elevations are no closer than 30 feet horizontally from any building and less than 2 feet below the lowest sill elevation of any building.
 - i. Maximum size slopes for the fluctuating area of permanent lakes shall be one (1) foot vertical to three (3) feet horizontal (1:3); unless proper provisions are included for safety, stability and ease of maintenance.
 - ii. Special consideration is suggested for safety and accessibility for children in design of permanent lakes in residential areas.
 - iii. Viability of the permanent impoundment shall be considered. An acceptable guideline is to make the area of the permanent pool no greater than one-tenth the size of the tributary drainage area. It is suggested that the minimum depth of 25 percent of the permanent pool area be no less than 8 feet. Allowances for silting under denuded soil conditions (during construction) for a period no less than one year is also recommended.
 - iv. The entire fluctuating area of the permanent reservoir shall be seeded, fertilized and mulched, sodded or paved prior to release of surety if required by the City. Any area susceptible to or designed as overflow by higher design intensity rainfall, as indicated previously, shall be sodded or paved.
 - l. Other methods of retention/detention such as seepage pits, french drains, etc. are subject to approval by the City Engineer. If other methods are proposed, the Design Engineer shall submit documentation, including, but not limited to, soils data, percolation data, geological features, maintenance procedures, etc. for review and consideration.

- m. Calculations shall be included in the drainage narrative developed by the Design Engineer that demonstrates adequacy of the system for a 2, 5, 10, 25, 50 and 100 year event. Additional items include, but are not limited to:
 - i. Proof of volume of retention for each facility is included
 - ii. Ratios of in-flow to out-flow
 - iii. Tributary peak flow runoff to basin
 - iv. Sizing of the overflow structure(s)
 - v. Stability of berms, dikes, slopes, etc.
 - vi. Safety features
 - vii. Routing calculations in tabulated form
 - viii. Pre-development, post-development and post-development with detention intensity/duration graph to illustrate design is in compliance for each storm event.

5. Bridge Standards

- a. Any structure(s) – including culverts, battery of pipes, etc. – that spans 20 feet or more along the centerline of the roadway shall be considered a bridge structure. Any bridge structure proposed within the City’s jurisdiction shall be designed and constructed in accordance with the currently approved ALDOT Standard Specifications and Standard Drawings.
- b. A pre-design conference with the City is mandatory.
- c. The bridge structure must be designed to pass a minimum of a 50 year storm event with a minimum of 2 feet of freeboard to the girders. The City reserves the right to require greater design criteria requirements.
- d. The bridge structure shall be designed as to not affect upstream or downstream flood elevations. When a bridge structure is proposed within a flood prone area, the Design Engineer shall submit appropriate design calculations showing no adverse effect.
- e. All bridges used for vehicular traffic must be constructed with reinforced concrete components including, but not limited to, reinforced concrete pipe, precast bridge components or cast in place bridge components, unless otherwise approved by the City. No precast concrete box culverts are allowed.

6. Easements

- a. Where a subdivision or development 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 as will be necessary for the purpose as determined by the City Engineer or his designee. Easement width must allow for maintenance access.

- b. As a minimum, easements shall have the following characteristics:
 - i. Provide adequate access to all portions of the drainage system and structures.
 - ii. Provide sufficient land area for maintenance equipment and personnel to adequately and efficiently maintain the system with a minimum of 10 feet along both sides, or 15 feet along one side, of all drainage ways, streams, channels, etc., and around the perimeter of all detention and retention facilities. This distance shall be measured from the top of the bank or toe of the dam, whichever is applicable.
 - iii. Restrict the use of the property containing stormwater maintenance facilities through the use of easements which shall prohibit all fences and structures which would interfere with access to the easement areas and/or the maintenance function of the drainage system.
- c. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-ways, common areas with perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road right-of-ways and with satisfactory access to the road. All existing and proposed easements shall be clearly indicated in the plan view of the proposed subdivision as depicted in the application for Final Plat or Site Plan approval. Such easements will vary in width according to depth of structure. Where drainage facilities are adjacent to public right-of-ways or public property, no fence, hedgerow or other obstruction may be placed in such a manner as to obstruct access to the drainage facilities from such public right-of-way or public property.
- d. 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.

7. Ownership and Municipality Participation

- a. Any stormwater discharge control facility which services a single lot or residential, commercial, or industrial development shall be privately owned and maintained. The owner thereof shall grant to the City a perpetual, non-exclusive easement which allows for public inspection and emergency repair, in accordance with the terms of the maintenance agreement set forth in Section 8 below.

- b. All storm water management measures relying on designated vegetated areas or special site features shall be privately owned and maintained as defined on the stormwater management plan.

8. Maintenance, Construction and Inspection

- a. Private maintenance requirements shall be a part of the restrictive covenant to the affected property and shown as necessary on the final plat.
- b. *Maintenance Agreement Required:* a proposed inspection and maintenance agreement shall be submitted to the City Engineer for all private on-site stormwater discharge control facilities prior to the approval of the stormwater management plan. Such agreement shall provide access to the facility by virtue of a non-exclusive perpetual easement in favor of the City at reasonable times for regular inspection by the City Engineer. The agreement will identify who will have the maintenance responsibility. No maintenance bond shall be released until proof of the formation of a property owners' association is complete, and the formation documents of the property owners' association are recorded. Possible arrangements for this maintenance responsibility might include the following:
 - i. Use of property owners' association(s)
 - ii. A statement that properties which will be served by the facility are granted rights to construct, use, reconstruct, repair, maintain and access the facility
 - iii. Routine and Non-routine maintenance: Description, expected schedule, and cost of maintenance activities that are routine and non-routine (expensive but infrequent, such as pond dredging or major repairs to stormwater structures). Non-routine maintenance shall be performed on an as-needed basis based on information gathered during regular inspections
 - iv. A statement that each lot served by the facility is responsible for repairs and maintenance of the facility and any unpaid ad valorem taxes, public assessments for improvements and unsafe building and public nuisance abatement liens charged against the facility, including all interest charges together with attorney fees, cost and expenses of collection. If an association is delegated these responsibilities, then membership into the association shall be mandatory for each parcel served by the facility and any successive buyer, the association shall have the power to levy assessments for these obligations, and that all unpaid assessments levied by the association shall become a lien on the individual parcel; and

- v. A statement that no amendments to the agreement will become effective unless approved by the municipality
- c. The agreement shall provide that preventative maintenance inspections of stormwater management facilities may be made by the City Engineer, at his option. Without limiting the generality of the foregoing, the City Engineer's inspection schedule may include an inspection during the first year of operation and once every year thereafter, and after major storm events (i.e., 25-year floods or greater).
- d. The agreement shall provide that if, after an inspection, the condition of a facility presents an immediate danger to the public health, safety or general welfare because of unsafe conditions or improperly maintenance, the City shall have the right, but not the duty, to take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the Municipality shall be paid by the owner.
- e. The agreement shall be recorded by the owner in the Probate Court prior to final plat recording.
- f. The final plat shall reference the recorded location of the agreement.
- g. The agreement shall provide that the City Engineer shall notify the owner(s) of the facility of any violation, deficiency or failure to comply with this Ordinance. The agreement shall also provide that upon a failure to correct violations requiring maintenance work, within 10 days after notice thereof, the City Engineer may provide for all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the costs of the work performed by the City Engineer and there shall be a lien on all property of the owner which property utilizes or will utilize such facility in achieving discharge control, which lien, when filed in the Probate Court, shall have the same status and priority as liens for ad valorem taxes. Should such a lien be filed, portions of the affected property may be released by the City following the payments by the owner of such owner's pro-rata share of the lien amount based upon the acreage to be released with such release amount to be determined by the City Engineer, in his reasonable discretion.
- h. The City Engineer, at his sole discretion, may accept the certification of a registered engineer in lieu of any inspection required by this Ordinance.

G. LOW IMPACT DEVELOPMENT

While the planning and design standards contained within these regulations pertain to conventional methods of stormwater management, other practices may be acceptable to the City Engineer if they achieve an equivalent removal of sediment while ensuring water quality. Low Impact Development differs from conventional stormwater management in that it seeks to mimic a site's predevelopment

hydrology by using design techniques that infiltrate, filter, store, evaporate and detain runoff close to its source. Stormwater is controlled through small-scale landscape practices and design approaches that preserve natural drainage features and patterns. On a larger scale these practices are sometimes interconnected through a network of open spaces and natural areas that incrementally reduce the volume of stormwater on its way to the stream to replicate forest or natural hydrology and water quality. LID approaches not only help the City and downstream receiving areas, but also offer incentives to developers due to the potential of reduced construction costs and greater returns on their investments associated with their use. The City encourages well planned, designed, constructed and maintained LID Controls that can be certified as equally effective stormwater management procedures. Therefore, the following approach shall be used to review all subdivisions that propose to utilize LID Stormwater Management Controls:

1. Pre-Planning Conference

A pre-planning conference shall be requested by the Developer no less than thirty (30) calendar days prior to the submission deadline. The conference shall be attended by the Developer's design professionals and must, at a minimum, include an Alabama Licensed Professional Engineer. The Developer shall bear the burden of demonstrating/providing to the satisfaction of the City Engineer and the Planning Commission the following:

- a. Efficiency has been calculated for disturbed conditions for the 10-year, 24-hour design storm event.
- b. Controls will function as well as the conventional design criteria.
- c. The Developer's design professionals are adequately experienced in the construction, maintenance and use of proposed controls.
- d. A plan for adherence to an acceptable standard of care that will be followed by well documented and published design methodologies.
- e. A list of the particular controls proposed, as well as narratives describing their design, construction, and maintenance.
- f. A thorough knowledge and ability of sustainable maintenance together for specific maintenance plans for stormwater controls.
- g. A design plan containing calculations, data, maintenance schedules and responsibilities, and additional information that will be provided to the City with the SMP in accordance with Article IV.

2. Recommendation

Within one week following the pre-planning conference, the City Engineer shall provide the Planning Commission with the following opinions and recommendations:

- a. An opinion as to whether the Developer's design team thoroughly demonstrated the knowledge of the above referenced items in the pre-planning conference and an opinion on the potential success of the proposed stormwater controls.
- b. Additional calculations, data, criteria, and other information that should be provided with the SMP.

The Planning Commission shall then review and either approve or deny the use of LID Stormwater Management Controls in accordance with the pre-planning conference and City Engineer's recommendations at a meeting of the Planning Commission.

ARTICLE VI

CONSTRUCTION STANDARDS

A. GENERAL

1. Jurisdiction

- a. These standards shall apply whenever these subdivision regulations apply.
- b. These standards shall apply to all infrastructure within the City of Spanish Fort or its extra-territorial jurisdiction.
- c. The standards shall apply to all privately owned infrastructure such as a private street. All privately held infrastructure shall meet the minimum requirements of publically held infrastructure.

2. Minimum Requirements

The owner/applicant shall be required to install or construct all improvements in conformity with these minimum requirements:

- a. *Pre-Construction Conference*: a pre-construction conference is mandatory and shall be the duty and responsibility of the developer or contractor to schedule and coordinate with all parties involved prior to beginning construction. Once the conference has taken place and all requirements have been met, the City shall issue the Land Disturbance Permit. All contractors must be licensed in the state of Alabama. A copy of the current Alabama General Contractors License for the prime contractor shall be provided to the City at the pre-construction conference.
- b. It shall be the responsibility of the contractor or developer to give the City written notice a minimum of one working day prior to the start of any phase of construction. The developer or contractor shall notify the City in writing the day work is resumed after a delay of more than five (5) working days. This includes all phases of work. After BMP's have been installed, and before any other item of work has taken place, the developer or contractor shall notify the City to inspect the required BMP's. Failure to provide this notification shall be grounds for non-acceptance of roadways by the City of Spanish Fort.

B. STREETS

Construction of all roads and bridges shall meet the following minimum requirements and conform to the current ALDOT Standards Specifications, ADEM’s Best Management Practices, these Regulations and all City Ordinances.

1. Clearing

The entire right-of-way shall be cleared of all stumps, or other vegetative matter, and all such material shall be removed (not buried) to a minimum depth of 2’ below finished sub-grade.

2. Fill

Suitable material from cuts may be used as fill. Fill shall be in layers not exceeding 8” in loose thickness. All fill shall be compacted to 100 percent modified proctor density.

3. Base

The base may be constructed of the suitable mixture of sand and clay to a minimum depth of 8” or as provided in a Geotechnical Report making recommendations on build-up. A 6” thick aggregate base meeting ALDOT specifications may be used in lieu of the sand clay base. Base shall extend 12 inches outside of the back of curb and 24 inches outside the edge of pavement. Density requirements shall be in accordance with ALDOT Specifications.

4. Asphalt Build-Up

The build-up shall be tested to determine the conformance with these standards. Should all tests pass, the emulsified asphalt shall be heated or otherwise prepared to insure uniform application and a coat shall be sprayed on the base in accordance with recommended ALDOT application rates.

- a. Prior to the placement of asphalt pavement, a bituminous treatment Type A (Prime) shall be placed and inspected by the City.
- b. The finished wearing surface layer shall be free of defects and placed in a uniform manner. Additional density requirements may be required by the City if areas appear questionable.

5. Testing

All testing shall be performed by a qualified geotechnical engineer licensed in the state of Alabama. Normal testing consists of the following, but is not limited to:

- a. Optimum moisture content test on embankments, subgrade, and base material
- b. Soil Gradation
- c. Soil Compaction test on subgrade and base material
- d. 28 day compressive strength of concrete
- e. In-Place density of asphalt of roadway building materials
- f. Hydro-static test of water and pressurized sewer system as required by the utility provider
- g. Air test of gravity sewer line as required by utility provider
- h. Bridge pile driving logs

The developer or contractor shall notify the City at a minimum of 24 hours in advance prior to any required tests. Copies of all tests shall be provided to the City before additional construction occurs. In the event failure of a test or problems occur that require design or remedial action, revised plans shall be submitted to the City before construction will be allowed to proceed.

6. Paint

Street markings shall be as follows:

- a. *Local Streets*: where the City engineer requires, traffic stripes should be painted with Class 1 paint in accordance in the ALDOT specifications.
- b. *Rural, Collector, and Arterial*: where the City engineer requires traffic stripes, Class 2 thermoplastic material, in accordance with ALDOT specifications, shall be used.

7. Reflector/Pavement Marker

Where reflective pavement markers are used, they shall conform to ALDOT standards meeting Type 2 bi-directional. Yellow shall be used for traffic control. Blue shall be used for fire hydrant locations. In cases where additional turn lanes are required or other road improvements, the Design Engineer shall conform to ALDOT Specifications and Standard Drawings. Raised Pavement Markers may be required to be shown in the construction plans.

8. Signage

Signage for traffic control purposes on streets shall be specified by the City engineer in accordance with MUTCD latest edition. All signage shall be installed prior to final plat approval. Standards are as follows:

- a. *Stop Sign*: R1-1 Stop Sign High Intensity Prismatic. Minimum .080" thick 30" for all local street intersections. 36" for all other intersections.
- b. *Street Name Signs*: 9" long minimum Aluminum Extruded Blade, High Intensity Prismatic. 4" tall white letter with first letter of each word capitalized on green background.
- c. *Other Signs*: All other signs are to be engineering grade, equivalent to the above standards.
- d. *Post*: Street sign and street name posts shall be a minimum 10' long- 2 3/8" galvanized round posts or an approved equal. Street name signs shall not be attached to stop signs.
- e. *Decorative Sign Posts*: The owner/applicant may propose decorative sign posts at his/her discretion. The City shall not maintain decorative posts. They shall be the responsibility of the POA or other designated party. The City will maintain street name and traffic control signage, provided the signage is standard signage approved by the City.

C. CURBS AND GUTTERS

Concrete curb and gutters shall have minimum 28 day compressive strength of 3000psi. Roll type or stand up curbs and gutters of not less than 6" shall be provided. Where a mountable curb is required, Type N may be used. All curbs and gutter shall be designed and installed with good engineering practice. Curb and gutters shall have 1/2" expansion joints every 50 feet on center and contraction joints on 10 foot centers.

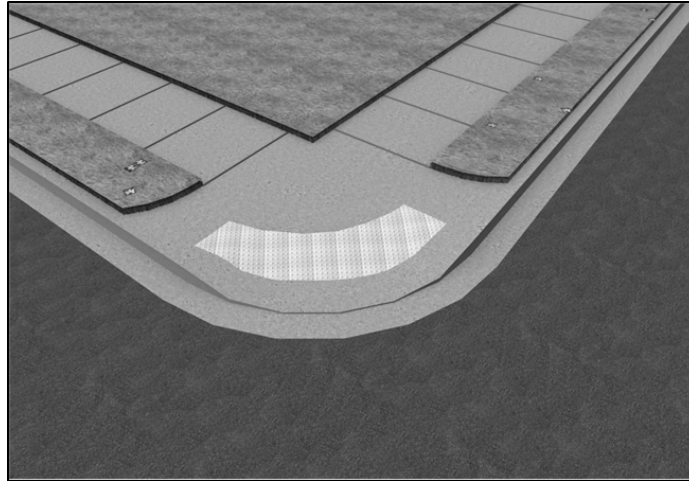
D. SIDEWALKS

1. Concrete Specifications

All sidewalks and ramps shall be constructed of reinforced concrete with a minimum 28 day compressive strength of 3000psi.

2. Ramping Requirements

At intersections, all sidewalks shall ramp down to the street and provide access in accordance with Americans with Disabilities Act guidelines as illustrated below. Additionally, the use of truncated domes in accordance with ALDOT specifications is required.

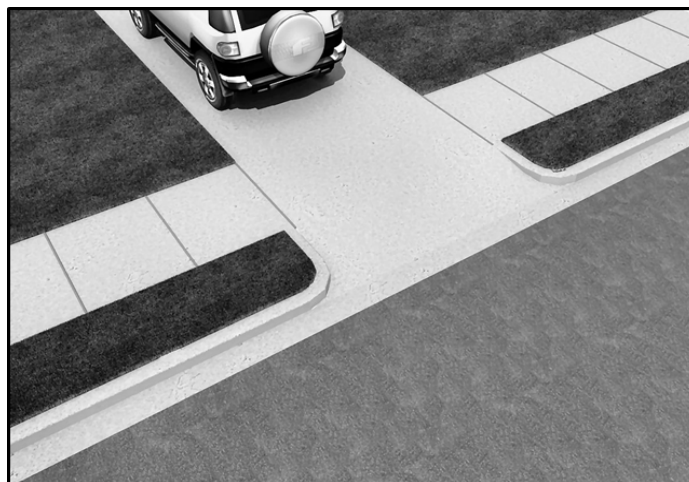


3. Slopes

Sidewalks shall not exceed a 2% cross slope and shall ramp into driveways.

4. Driveway Crossing

Where a sidewalk crosses a driveway, the sidewalk shall be designed with level landings using returned curbs in accordance with FHWA sidewalk best practices design guide as illustrated below:



5. Joints

Expansion joints shall be 20' on-center and have appropriately recessed filler. Tooled joints shall be every 5' on-center.

E. STREETLIGHTS

1. Residential

Streetlights are required in all residential applications as listed in the Planning Design Standards.

- a. *Type:* Spanish Fort is served by multiple electric providers, and as such, streetlights vary. In all cases, decorative streetlights shall be installed as agreed to by the electrical provider and approved by the City engineer.
- b. *Height:* streetlights shall be pedestrian or neighborhood scale. Highway standard or higher streetlights are prohibited.

2. Non-Residential

Streetlights are required in all non-residential applications as listed in the Planning Design Standards.

- a. *Type:* Spanish Fort is served by multiple electric providers, and as such, streetlights vary. In all cases decorative streetlights shall be used as agreed to by the electrical provider and approved by the City Engineer.
- b. *Height:* Streetlights shall be no more than 30' tall.

F. STORMWATER MANAGEMENT

1. Minimum Requirements

The owner/applicant shall be required to install or construct all improvements in conformity with these minimum requirements:

- a. Requirements contained herein are in addition to the requirements of any National Pollutant Discharge Elimination System (NPDES) Permit issued for a development, particularly with regards to turbidity and impairment. Stormwater shall not be discharged so that:

- i. Turbidity of the receiving water is increased by over 50 NTUs above background; or
 - ii. Discharge will cause or contribute to the listed impairment on any stream listed in the most recently approved 303(d) list.
- b. All necessary work to construct the approved stormwater management system shall take place, including grading, infrastructure construction, construction of ponds and structures, erosion and sedimentation protection and final stabilization in accordance with the Stormwater Management Plan.
- c. The work shall at all times be subject to inspection by the City Engineer, the Authorized Enforcement Personnel, the project engineer and any agency having jurisdiction or permit authority.
- d. Work shall be prosecuted in conformance with the design plans, the then-current edition of the Alabama Handbook, ALDOT Standard Specifications for Highway Construction and other applicable laws and permits.

2. Drainage Systems and Stormwater Management Facilities

- a. All methods and materials used to construct and install drainage pipes and structures shall adhere to current ALDOT Specifications and Standard Drawings.
- b. Drainage structures proposed within the right-of-ways must be poured in place or precast concrete as per ALDOT Specifications and Standard Drawings.
- c. Only reinforced concrete pipe (RCP) shall be used in construction of stormwater infrastructure beneath or adjacent to roadways. The minimum pipe size shall be 18” and shall require a minimum cover of one foot. The City may approve plastic pipe beneath or adjacent to roadways which shall require a minimum 24 inches of cover and anchor details.
- d. All pipes shall be placed in excavated trenches to the line and grade shown on the approved plans.
- e. Junction boxes and inlets shall have an accessible manhole lid stamped with “STORM”.
- f. All open ditches or swales shall have flat bottoms, constructed with a maximum slope of 3:1 unless otherwise approved by the City Engineer.
- g. For cross drain pipes, common driveway culvert pipes, or other stormwater pipes located under the driving surface or curbing, and 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, at each angle point and at each grade change.

- h. 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.
- i. All open channel ditches shall be seeded, fertilized and mulched, sodded, paved, or lined in conjunction with Best Management Practices.
- j. Testing shall be conducted by geotechnical engineer licensed in the state of Alabama.
- k. All rip-rap shall be in conformance with ALDOT Specifications. Rip-rap shall be placed as required by the design plans and must be installed on geotextile fabric.

3. Development in Floodways and Flood Prone Areas

- a. The following requirements shall apply to developments in floodways or flood prone areas:
 - i. Any subdivision or development located in a flood prone area or partially located with a flood prone area shall provide proof of compliance with the City’s Flood Damage Prevention Ordinance as well as all state and federal regulations.
 - ii. The developer and the Design Engineer shall provide the City with all federal and state permits allowing development.
 - iii. Any subdivision proposed for approval shall make all efforts to minimize flood damage.
 - iv. The subdivision must have adequate drainage to reduce exposure to hazards.
 - v. Public utilities shall be provided for each individual property. No wells or septic tanks will be allowed.
 - vi. Base flood elevation data shall be provided, and finished floor elevations shall be included on each lot.
 - vii. Any plat or site plan located within or partially located within a Floodway or Flood Prone Area shall have the following statement:

“All or part of the property contained within this subdivision lies in a Floodway or Flood Prone Area as determined by the Federal Emergency Management Agency’s Federal Insurance Rate Map. Purchasers of property within this subdivision are advised that application of any improvements, structures, or other construction activities may be subject to additional insurance requirements and building regulations.”

4. Final Approvals

- a. No final plat shall be approved and signed without the following:

- i. Recorded easements for stormwater management facilities;
 - ii. Receipt of an as-built plan which includes a certification of the storm drainage system;
 - iii. All State and Federal permits required for the proposed development;
- b. The contractor or permittee shall ensure all construction waste and debris, silt fences, wattles, inlet protection, and other temporary BMPs are removed prior to final inspection;
- c. Permanent vegetation must be in place before a Certificate of Occupancy may be issued; and
- d. All off-site impacts shall be mitigated prior to issuance of a Certificate of Occupancy, provided that the owner of the impacted property provides written permission for mitigation activities to take place. If the removal involves streams or wetlands, proper Federal and State permits shall be required prior to removal.

G. PUBLIC WATER AND PRIVATE WELLS

There are multiple water providers in the City of Spanish Fort. As such, a subdivision application must conform to the construction specifications of the respective service provider.

1. Public Water Service Standards

When a public water service is within 300' of the boundary of the proposed subdivision, and the subject property is less than 3 acres in area, an appropriate connection shall be made. Irrigation only is exempt from this requirement. The water provider shall obtain and maintain all necessary permits from the state and shall have valid and existing franchise agreements with the City of Spanish Fort as applicable.

- a. *Location and Color:* a water line shall be located, generally, no closer to 10' to a sewer line. Water and sewer line crossings shall be designed in accordance with the Ten State Standard. Water lines shall be blue or a different type of pipe than sewer lines, and shall bear a blue stripe.
- b. *Tracing Wire:* blue tracing wire shall be used.
- c. *Letter of Conformance:* The applicant shall provide a letter or similar correspondence from the public water provider that the design and construction of the improvements meet the minimum standards established.

2. Private Potable Well Service Standards

Proof of approval from the County Health Department is required for use of private wells. A private potable well shall not serve more than one lot.

3. Meter Locations

All meter locations shall be located in the right-of-way or the provided utility easements and shown on the construction plans.

4. Irrigation

Proposed irrigation meters shall meet the standards and specifications of the water provider. Private irrigation wells are permitted.

5. Curb Markings

Curbs shall be marked with a “W” at the location of the waterline or lateral. This marking shall be in the concrete itself, not painted.

H. FIRE PROTECTION

1. Hydrant Flow Tests

Fire flow calculations and test reports shall be performed with all final plats. All calculations and test reports shall be in conformance with NFPA 291, as amended from time to time. All new hydrants shall flow a minimum of 1,000 gallons per minute at 20psi.

2. Hydrant Types

All fire hydrants must be domestically produced. The preferred manufactures are Mueller, M and H, American, and Kennedy. Other manufactures may be an “approved equal” upon providing suitable manufacturers’ documentation to the Fire Department.

3. Hydrant Colors

All hydrants shall be painted yellow, but the bonnet color shall indicate the flow in accordance with NFPA standards as determined by the Fire Department.

4. Water Lines

No water line shall be less than 6” in diameter. No dead end lines are permitted. Where feasible a loop system shall be designed and installed. If it is not feasible to loop the lines, a fire hydrant is required at the end of the line. Flush plugs are not permitted.

5. Location Requirements

Hydrants shall be spaced at no greater than 500’ intervals. Hydrants shall also be located at every intersection.

6. Reflector Requirements

Blue reflectors meeting ALDOT requirements shall be placed on the road where a fire hydrant is located. The reflector shall be located in the center of the travel way on the appropriate side of the road.

7. Steamer Valve

All fire hydrants shall have a 4.5” steamer valve for hose connection. The steamer valve shall be at least 18” above the adjoining final grade and shall be facing the street.

I. SANITARY SEWER AND PRIVATE SEPTIC TANKS

1. Sanitary Sewer Service Standards

If a sewer service is located within 300’ of the proposed subdivision, and the subject property is less than 3 acres, it is required to connect to sanitary sewer. The sewage provider shall obtain and maintain all necessary permits from the state and valid existing franchise agreements with the City of Spanish Fort as applicable.

- a. *Location and Color:* a sewer line shall be no closer than 10’ to a water line. Water and sewer line crossings shall be designed in accordance with the Ten State Standard. All sewer lines shall be green.
- b. *Letter of Conformance:* prior to the approval of the final plat, a letter stating that the constructed sanitary sewer is in conformance with applicable specifications of the service provider is required.

2. Private Septic Tank Standards

In cases where sanitary sewer service is not available, and the proposed lot meets dimensional requirements, a private individual septic tank may be used on each lot. The Baldwin County Health Department shall approve the proposed system.

J. ELECTRIC, GAS, CABLE, PHONE AND OTHER UTILITIES

Throughout the jurisdiction of the City of Spanish Fort, there are often different utility service providers. These providers each have differing construction standards and procedures. It is the City's intent to work with the utility providers to ensure that their applicable standards are met.

1. Electric

Prior to approval of the final plat, a letter of conformance stating that installation of all electric lines and related facilities meets construction standards is required. This requirement applies only to the extension of the distribution system and does not apply to individual lots or building service.

- a. *Location Requirements:* all construction shall be underground.
- b. *Easements:* all construction shall take place within the right-of-way or the provided utility easements.

2. Gas

Prior to approval of the final plat, a letter of conformance stating that the installation of all gas distribution lines and related facilities meets construction standards is required. This requirement applies to the extension of the distribution system and does not apply to individual lots or building service.

- a. *Location Requirements:* all construction shall be underground.
- b. *Easements:* all construction shall take place within the ROW or the provided utility easements.

3. Cable

The City views cable television as a utility, but not a utility that is required to be installed in a subdivision to support the development or density. As a result, a letter of conformance is not required.

- a. *Location Requirements:* all construction shall be underground.
- b. *Easements:* all the construction shall take place within the ROW or the provided utility easements.

4. Telephone

The City views telephone service as a utility, but not a utility that is required to be installed in a subdivision to support the development or density. As a result, a letter of conformance is not required.

- a. *Location Requirements:* all construction shall be underground.
- b. *Easements:* all construction shall take place within the ROW or the provided utility easements.

K. COMPLETION OF IMPROVEMENTS

All of the required improvements shall be made prior to final plat approval.

1. Posting of Financial Guarantee

The owner may post a guarantee in lieu of completing all of the improvements, if approved by the Planning Commission. The guarantee shall be either cash, an irrevocable letter of credit or a performance bond in a form approved by the City Attorney and the City Council. The cash, LOC or bond amount shall be 125% of the work and materials remaining to be performed. The amount shall be calculated by the engineer of record.

The City Council reserves all rights for approval or denial of the cash, LOC or Performance Bond. Approval through this process is not guaranteed.

L. INSPECTION OF ALL IMPROVEMENTS

1. Inspection

When all of the required improvements have been installed, and when the site is stabilized, the owner or applicant shall call for a final inspection at least 10 days before the final plat submission deadline. The City and other utility providers and agencies with authority will conduct an on-site inspection to ensure conformance and adherence to all requirements of these and other applicable regulations. All deficiencies shall be recorded by the Project Engineer via a punch list. Corrections

to the site shall also be inspected prior to and completed at least three business days before the meeting.

2. Testing

A licensed geotechnical testing company shall perform tests and provide a report on all in-place infrastructure. Test reports on the potable water and sewer, conforming to the providers' standards, shall also be performed.

3. Responsibility

It is the owner's responsibility to perform all tests. The City shall be copied on all test reports.

ARTICLE VII

PENALTY AND ENFORCEMENT

A. PENALTY

All penalties and remedies made available to the City of Spanish Fort through the *Code of Alabama*, 1975, as amended shall apply.

B. ENFORCEMENT

The enforcement of these Regulations shall be made by the Building Official of the City of Spanish Fort. Stop work orders, citations, and summons to municipal court are all valid exercises of enforcement authority. Appropriate due process shall be given to owners, applicants, and contractors.

APPENDIX

APPENDIX 'A'

APPLICATION FOR PRELIMINARY SUBDIVISION PLAT REVIEW

Tax Parcel No(s): _____

Name of Subdivision or P.U.D.: _____

Name of Applicant or Owner: _____

Mailing Address: _____

Email Address: _____

Name of Local Agent/Engineer, if other than Applicant: _____

Phone: _____

Mailing Address: _____

Subdivision or P.U.D. Location: _____

Total Acreage: _____ Number of Lots (Units): _____ Average Lot Size: _____

Current Zoning of Property: _____ Water Source: _____ Sewer Source: _____

Application Fee: \$_____ Base Fee + (_____ Lots x \$_____) + (_____ Certified Letters x \$_____)

Amount Paid: \$_____

Application fee and postage fees must be paid by Submission Deadline. Postage fees cover the cost of mailing a Certified Return Receipt letter to each property owner within 300 feet of the subject property. No application will be included on the Planning Commission meeting agenda unless ALL required completed application elements and fees, including the Preliminary Plat Approval Checklist, are received by the deadline. NO EXCEPTIONS.

I (WE), THE UNDERSIGNED APPLICANT (OWNER), UNDERSTAND THAT PAYMENT OF APPLICATION FEES DOES NOT ENTITLE ME (US) TO APPROVAL OF THIS APPLICATION AND THAT NO REFUND OF THE APPLICATION FEE WILL BE MADE. I HAVE REQUESTED AND RECEIVED A COPY OF THE APPLICABLE SECTIONS OF THE ZONING ORDINANCE AND UNDERSTAND THAT I MUST BE PRESENT ON THE DATE OF THE SCHEDULED HEARING.

Signed: _____ Date: _____

APPENDIX 'B'

PRELIMINARY PLAT CHECKLIST

Name of Subdivision or P.U.D.: _____

Name of Applicant(s): _____

Tax Parcel No(s): _____

All applicable requirements in the Spanish Fort Subdivision Regulations, Article IV, Section D, Subsection 1, including but not limited to the following, shall be submitted no later than the **second Tuesday of the month**:

1. _____ Completed application form, including this checklist
2. _____ All applicable fees are paid (see fee schedule)
3. _____ Legal description of the property in Microsoft Word format
4. _____ Title Policy, Opinion or Report to verify ownership
5. _____ Names and addresses of all property owners within 300 feet of subject property in Microsoft Excel format
6. _____ Letters from utility companies
7. _____ Health Department approval, if applicable
8. _____ Traffic study, if applicable
9. _____ A copy of the transmittal to Baldwin County (ETJ only)
10. _____ Preliminary Plat or P.U.D. which meets the following requirements:
 - a. _____ Scale not less than 1 inch = 100 feet
 - b. _____ Date, north arrow and graphic scales
 - c. _____ Vicinity map annotated as not to scale (NTS)
 - d. _____ Proposed name of the subdivision indicating the phase number, if applicable.
 - e. _____ Name, address and contact information of the owner(s)
 - f. _____ Name, address and contact information of the surveyor and design engineer
 - g. _____ Names of owners and zoning of adjacent properties
 - h. _____ Site data table indicating the following:
 - i. _____ Zoning of subject property
 - ii. _____ Total acreage of the property
 - iii. _____ Minimum Lot Size
 - iv. _____ Net density per acre
 - v. _____ Total number of lots

- vi. _____ Area of common space and park space
 - i. _____ Diagram reflecting all proposed blocks and lots with all bearings and dimensions
 - j. _____ Location and dimensions of existing and proposed streets within and adjacent to the subject property, proposed street names and proof of E-911 approval
 - k. _____ Any required and/or proposed minimum setbacks and buffers
 - l. _____ Common Space and Park Space identified with a brief description of the intended use and total size
 - m. _____ Topographical contours at 1 foot intervals within 50 feet of the subject property
 - n. _____ Location of existing water courses, jurisdictional wetlands, railroads, major transmission lines, drainage structures and public utility easements on proposed subdivision and adjacent land
 - o. _____ Location and boundaries of any and all FIRM flood zones
 - p. _____ All proposed utility providers
 - q. _____ Location and description of proposed utility and drainage easements
11. _____ Construction Plans which meet the requirements of Article IV.D.1.k:
- a. _____ Street Plan
 - b. _____ Utility Plan
 - c. _____ Stormwater Management Plan
 - d. _____ Stormwater Management Design Report (8 ½" x 11")
 - i. _____ Jurisdictional Determination
 - ii. _____ Stormwater Facility Maintenance Agreement
 - iii. _____ Hydrologic – Hydraulic Study
 - iv. _____ Verification of Adequacy
 - e. _____ Erosion and Sedimentation Plan
 - i. _____ Application for Land Disturbance Permit
 - ii. _____ Copy of Notice of Intent (N.O.I.) for NPDES Permit coverage, if applicable
 - f. _____ Landscape Plan
12. _____ Two (2) printed copies of plat and construction plans no larger than 30" x 40"
13. _____ One (1) 11" x 17" copy of plat in print
14. _____ One (1) copy of all plats, plans, reports, and other required documentation submitted in PDF

APPENDIX 'C'

APPLICATION FOR FINAL SUBDIVISION PLAT APPROVAL

Tax Parcel No(s): _____
Name of Subdivision or P.U.D.: _____
Name of Applicant or Owner: _____
Mailing Address: _____
Email Address: _____
Name of Local Agent/Engineer, if other than Applicant: _____
Phone: _____
Mailing Address: _____
Subdivision or P.U.D. Location: _____
Total Acreage: _____ Number of Lots (Units): _____ Average Lot Size: _____
Current Zoning of Property: _____ Water Source: _____ Sewer Source: _____

Minor Subdivision? YES NO

Application Fee: \$ _____ Base Fee + (_____ Lots x \$ _____) + (_____ Lots x \$ _____ Inspection Fee) + (_____ Certified Letters x \$ _____)

Amount Paid: \$ _____

Application fee and postage fees must be paid by Submission Deadline. Postage fees cover the cost of mailing a Certified Return Receipt letter to each property owner within 300 feet of the subject property. No application will be included on the Planning Commission meeting agenda unless ALL required completed application elements and fees, including the Final Plat Approval Checklist, are received by the deadline. NO EXCEPTIONS.

I (WE), THE UNDERSIGNED APPLICANT (OWNER), UNDERSTAND THAT PAYMENT OF APPLICATION FEES DOES NOT ENTITLE ME (US) TO APPROVAL OF THIS APPLICATION AND THAT NO REFUND OF THE APPLICATION FEE WILL BE MADE. I HAVE REQUESTED AND RECEIVED A COPY OF THE APPLICABLE SECTIONS OF THE ZONING ORDINANCE AND UNDERSTAND THAT I MUST BE PRESENT ON THE DATE OF THE SCHEDULED HEARING.

Signed: _____ Date: _____

APPENDIX 'D'

FINAL PLAT CHECKLIST

Name of Subdivision or P.U.D.: _____

Name of Applicant(s): _____

Tax Parcel No(s): _____

All applicable requirements in the Spanish Fort Subdivision Regulations, Article IV, Section E, Subsection 1 including but not limited to the following, shall be submitted no later than the **second Tuesday of the month** within two (2) years of preliminary plat approval:

1. _____ Completed application form, including this checklist
2. _____ All applicable fees are paid (see fee schedule)
3. _____ Surety bond, if required, to guarantee installation of improvements
4. _____ Written certification by Project Engineer verifying completion of all improvements in accordance with design plans and City regulations and standards
5. _____ Address the completion of all conditions, restrictions or other requirements placed on Preliminary Plat Approval
6. _____ All requirements of the Preliminary Plat (Article IV, Section D), including the following:
 - a. _____ The following endorsements, dedications and certificates:
 - i. _____ Engineer's Certificate & Affidavit
 - ii. _____ Surveyor's Certificate
 - iii. _____ Owner's Dedication (and notary's acknowledgement)
 - iv. _____ Certificate of Approval by utility providers
 - v. _____ Certificate of Approval by Baldwin County E-911
 - vi. _____ Certificate of Approval by Baldwin County Health Department (if applicable)
 - vii. _____ Certificate of Approval by Baldwin County Coastal Area Program (if applicable)
 - viii. _____ Certification of Flood Hazard Zone
 - ix. _____ Certificate of Approval by the City of Spanish Fort Planning Commission
 - x. _____ County Engineer Certificate (ETJ only)

7. _____ Operation and maintenance plan, including any deed restrictions and formation of a property owners' association detailing maintenance responsibility (if applicable)
8. _____ As-Built Plans including the following:
 - a. _____ Location of all utility and stormwater improvements in relation to a visible above ground monument such as a fire hydrant, monuments or markers
 - b. _____ All stormwater management facilities indicating actual field verified sizes, locations, materials, elevations and grades
 - c. _____ Video of all stormwater drains and pipes documenting damage free and sediment-free structures
 - d. _____ Location and description of all monuments and corner pins
 - e. _____ Sufficient data to reproduce on-the-ground location, bearing and length of every road line, block line, boundary line and building line, etc.
9. _____ Two (2) printed copies of plat and as-built plans no larger 30" x 40"
10. _____ Copy of plat and as-built plans in Portable Document Format (PDF)
11. _____ Copy of plat and as-built plans in shapefile or CAD format – NAD 1983 StatePlane Alabama West FIPS 0102 (US Feet) Projected Coordinate System
12. _____ Copy of all geotechnical materials and test reports in PDF format

APPENDIX 'G'

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED

STATE OF ALABAMA)

COUNTY OF BALDWIN)

CITY OF SPANISH FORT)

I, (name of surveyor), a registered Engineer-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 as 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.

WITNESS my hand this the _____ day of _____, 20_____.

_____ (Name)

Registration # _____

APPENDIX 'H'

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

Commentary

In any case that the developer and the land owner are not one and the same, two or more Dedication Certificates may appear on the plat in order to allow for the owner's signature to be fixed to said plat, in which case one of the following notary's acknowledgements must appear for each Dedication Certificate.

APPENDIX 'I'

ACKNOWLEDGEMENT

STATE OF ALABAMA)

COUNTY OF BALDWIN)

CITY OF SPANISH FORT)

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 fact of said corporation.

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

NOTARY PUBLIC

-OR-

APPENDIX 'J'

ACKNOWLEDGEMENT

STATE OF ALABAMA)

COUNTY OF BALDWIN)

CITY OF SPANISH FORT)

I, _____, a 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.

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

NOTARY PUBLIC

APPENDIX 'K'

CERTIFICATE OF APPROVAL BY THE (insert name of electric utility)

The undersigned, as authorized by the (name of electric utility) hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this _____ day of _____, 20_____.

(Electric Utility Authorized Signature)

APPENDIX 'L'

CERTIFICATE OF APPROVAL BY THE (insert name of water and/or sewer, if available, utility)

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

(Water and/or Sewer Utility Authorized Signature)

APPENDIX 'M'

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

APPENDIX 'N'

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY HEALTH DEPARTMENT

The undersigned, as authorized by the Baldwin County Health Department, Alabama, 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

APPENDIX 'O'

**CERTIFICATE OF APPROVAL BY THE COASTAL AREA PROGRAM
(if required)**

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_____.

Director

APPENDIX 'P'

CERTIFICATION OF FLOOD HAZARD ZONE

This is to certify that we have consulted the Federal Insurance Administration Flood Hazard Boundary Map, Panel No. _____, dated _____ and found that the above described property (does, does not) lie (wholly, partly) in an identified flood hazard zone.

Engineer/Surveyor for the Applicant

APPENDIX 'Q'

CERTIFICATE OF APPROVAL BY THE CITY PLANNING COMMISSION

The within plat of (Subdivision Name), Spanish Fort, Alabama, is hereby approved by the Spanish Fort Planning Commission, this the _____ day of _____, 20_____.

THE SPANISH FORT PLANNING COMMISSION

Chairman

APPENDIX 'R'

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

APPENDIX 'S'

STATEMENT OF PRIVATE STREET MAINTENANCE RESPONSIBILITIES

“All roads and right-of-ways shown on this plat are PRIVATE, and are not subject to maintenance by the City of Spanish Fort, and the owners of all lots shall bear the expense of maintaining all private streets.”

APPENDIX 'T'

PLANNING COMMISSION FEE SCHEDULE**

Minor Subdivision Application Fee: \$100.00 base fee* + \$10.00 per certified letter

Preliminary Plat Application Fee: \$250.00 base fee* + \$5.00 per lot* + \$10.00 per certified letter

Final Plat Application Fee: \$350.00 base fee* + \$5.00 per lot* + \$5.00 per lot inspection fee
+ \$10.00 per certified letter

***Non-Refundable**

****April 11, 2016 (A) Amendment**

