



PLANNING COMMISSION RESOLUTION NO: 2019-01

A RESOLUTION AMENDING Section 4, OF THE TOWN OF PERDIDO BEACH SUBDIVISION REGULATIONS

WHEREAS, Ala. Code Section 11-52-31, expressly authorizes a municipal planning commission to adopt subdivision regulations governing the subdivision of land within its jurisdiction; and

WHEREAS, the Planning Commission desires to amend the Subdivision Regulations as hereinafter provided.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PERDIDO BEACH, ALABAMA, as follows:

- 1. SECTION 4. JURISDICTION OF THE SUBDIVISION REGULATIONS is hereby revised to read as follows:**

Section 4. Jurisdiction

These regulations shall govern all subdivisions of land within the subdivision jurisdiction of the Planning Commission of the Town of Perdido Beach, less and except:¹

- a. Allowing Subdivisions of 5 lots or less to submit Sketch, Preliminary, and Final plats at the same time paying only 1 application fee.
- b. Allow a one-time subdivision of a parcel, provided that all subdivided lots comply with the minimum lot size provisions as set forth in Section 12.9, and In accordance with and subject to the provisions of Alabama Code § 11-24-2 (1975), as amended, the sale, deed or transfer of land (including transfers made pursuant to a will or the laws of intestate succession) by the owner to a person or persons, all of whom are members of the owner's immediate family. Each parcel which is subdivided pursuant to this subparagraph (a) shall have its own ingress/egress and utility access or easement that runs with the land of not less than 30 feet in width.
- c. The owner of each parcel approved as exempt under this Section 4.2 shall be required to submit, as a condition to such approval, an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph, and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the County Engineer, or his designee, shall have the authority to revoke such

exempt subdivision approval and to assess the cost of such approval and revocation on the party who executed the affidavit required hereby.

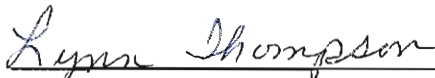
d. A request for an Exempt Family-Subdivision Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the Town Clerk. Owners of exempt subdivisions shall be required to submit a plat to the Town of Perdido Beach Planning Commission but not pay any required fees. Exemption from the requirement for approval to subdivide does not constitute exemption from the requirements of other applicable regulations including but not limited to state law, zoning ordinance, Health Department requirements, or highway construction setbacks. Any subdivider who is circumventing the intent and substance of these regulations shall be required to submit a plat for review and approval by the Perdido Beach Planning Commission and shall be subject to the penalties under Section 10.

DULY ADOPTED this 2nd day of May, 2019.



Hank Jordan, Vice Chairman

Attest:



Beth Pierce, Secretary

SUBDIVISION REGULATIONS

TOWN OF PERDIDO BEACH

ALABAMA

Adopted
May 4, 2011

Amended
May 2, 2019

Assistance Provided By:
The South Alabama Regional Planning Commission
110 Beauregard Street
Mobile, Alabama 36602

Town of Perdido Beach Subdivision Regulations

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SUBDIVISION REGULATIONS

Section 1. Authority

These subdivision regulations are adopted pursuant to the authority granted the Planning Commission of the Town of Perdido Beach by Section 11-52-30, et seq., of the Code of Alabama.

Section 2. Purpose

The purpose of these regulations is to promote the health, safety, convenience, order, prosperity, and general welfare of the residents; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to facilitate the adequate provision of water, sewerage, and enhance the ecological and aesthetic environments of present and future residents and to effect the coordinated and efficient development of the Town of Perdido Beach, Alabama. These regulations are:

- 2.1 Considered as minimum requirements;
- 2.2 Liberally construed in favor of the governing body; and
- 2.3 Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 3. Application

A subdivision of land is defined as the division of a lot, tract, or parcel of land into two (2) or more lots, tracts or parcels or other divisions of land for the purpose of immediate or future sale or building development. The term subdivision includes the process of re-subdividing land.

Every plat of land that is a subdivision shall be prepared, presented for approval and recorded as required by these regulations.

No building permit and no certificate of occupancy shall be issued for any parcel of land created by subdivision unless a final plat of such subdivision has been approved and recorded as required by these regulations. In addition, no excavation of land and no construction of any public or private improvements shall take place or be commenced in subdivision unless done in conformity with these regulations.

Section 4. Jurisdiction

These regulations shall govern all subdivisions of land within the subdivision jurisdiction of the Planning Commission of the Town of Perdido Beach, less and except:¹

- a. Allowing Subdivisions of 5 lots or less to submit Sketch, Preliminary, and Final plats at the same time paying only 1 application fee.

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- b. Allow a one-time subdivision of a parcel, provided that all subdivided lots comply with the minimum lot size provisions as set forth in Section 12.9, and In accordance with and subject to the provisions of Alabama Code § 11-24-2 (1975), as amended, the sale, deed or transfer of land (including transfers made pursuant to a will or the laws of intestate succession) by the owner to a person or persons, all of whom are members of the owner's immediate family. Each parcel which is subdivided pursuant to this subparagraph (a) shall have its own ingress/egress and utility access or easement that runs with the land of not less than 30 feet in width.

- c. The owner of each parcel approved as exempt under this Section 4.2 shall be required to submit, as a condition to such approval, an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph, and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the County Engineer, or his designee, shall have the authority to revoke such exempt subdivision approval and to assess the cost of such approval and revocation on the party who executed the affidavit required hereby.

- d. A request for an Exempt Family-Subdivision Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the Town Clerk. Owners of exempt subdivisions shall be required to submit a plat to the Town of Perdido Beach Planning Commission but not pay any required fees. Exemption from the requirement for approval to subdivide does not constitute exemption from the requirements of other applicable regulations including but not limited to state law, zoning ordinance, Health Department requirements, or highway construction setbacks. Any subdivider who is circumventing the intent and substance of these regulations shall be required to submit a plat for review and approval by the Perdido Beach Planning Commission and shall be subject to the penalties under Section 10.

Section 5. Definitions

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A-zone. (See Floodplain).

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

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

ALDOT. The Alabama Department of Transportation.

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

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

Area and dimensional regulation. Numerical dimension standards expressed in square feet established for a lot, yard or building in a particular zoning district.

Arterial. (See Street, Arterial).

Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation. The elevation for which there is a one (1) percent chance in any given year that flood levels will equal or exceed it.

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

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

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

Building height. The vertical distance stated in feet measured from the average elevation of the proposed finished grade at the front of the building to the highest eave of the roof.

Building line. (See setback line).

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

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

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

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

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

County. Baldwin County, Alabama.

Town of Perdido Beach Subdivision Regulations

County Engineer. The duly designated Engineer of Baldwin County, Alabama.

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

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

Development. Any man made change to improved or unimproved real estate including but not limited to buildings or other structures, digging, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

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

Double frontage lot. (See Lot, through).

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

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

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

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

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

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

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

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

Floodway. That portion of the floodplain, including the channel, which is reasonably required to discharge the bulk of the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway. For the purpose of these regulations, floodways shall be defined as follows:

- (a) The floodways as identified or delineated in the Flood Insurance Study for Baldwin County, Alabama.

(b) Along Small Streams and Watercourses. All lands lying within 25 feet of the top of the bank of the channel (measured horizontally) unless the developer demonstrates to the satisfaction of the Planning Commission that a lesser distance (but not less than 15 feet) is adequate based on the watershed characteristics and probable storm runoff for the base flood.

Town of Perdido Beach Subdivision Regulations

Generalized Wetland Map. Refers to the National Wetland Inventory (NWI) Maps maintained by the U.S. Army Corps of Engineers, the Baldwin County Digital Wetland layer and/or any other digital data depicting the general locations of wetlands or hydric soils and their degree of functionality within the jurisdiction of the Town of Perdido Beach.

Hardship. An unusual situation on the part of an individual property owner which will not permit the full utilization of property which is given to others within the Town. A hardship exists only when it is not self-created.

Health Department. The Baldwin County Health Department.

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

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

(a) The lands identified as having special flood hazards by the Office of Federal Insurance and Hazard Mitigation. The lands identified as subject to inundation by the base flood and all lands lying below the base flood elevations as demonstrated by the maps and charts contained in the Flood Insurance Study for Baldwin County, Alabama, as prepared by the Federal Emergency Management Agency, Offices of Federal Insurance and Hazard Mitigation, and all subsequent revisions thereto, which are made a part of these regulations.

(b) Along Small Streams and Watercourses. All lands lying within 100 feet of the top of the bank of the channel (measured horizontally) unless the developer demonstrates to the satisfaction of the Planning Commission that the property in question is free from the danger of inundation by the base flood or that adequate remedial measures have been taken to allow the watercourse to safely accommodate the base flood. The developer shall submit such data or studies based on the watershed characteristics, probable runoff, and other topographic and hydraulic data prepared by a licensed professional engineer as the Planning Commission may reasonably require to adequately make its determination of the flood susceptibility of the property.

Licensed Engineer. An engineer properly licensed and registered in the State of Alabama.

Licensed Land Surveyor. A land surveyor properly licensed and registered in the State of Alabama.

Lot. A piece, parcel, tract or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main buildings and such open spaces as are provided in these zoning ordinances, or as are intended to be used with such piece, parcel, tract or plot of land.

Lot area. The total horizontal area, measured in square feet, within the lot lines of a lot.

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

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

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

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

Lot line. The boundary line of a lot.

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

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

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

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

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

Lot width. The horizontal distance between side lot lines, measured at the required front setback line.

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

Master plan. The master plan for the physical development of the Town of Perdido Beach and the Planning Area as agreed upon with Baldwin County.

Minor street. (See Street).

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

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

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

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

Planning Commission. The Town of Perdido Beach Planning Commission.

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

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

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

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

Re-subdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or

Town of Perdido Beach Subdivision Regulations

any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

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

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

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

Special flood hazard areas. Land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

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

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

(a) Arterial. A street that connects areas which produce large numbers of trip generations. An arterial functions to move traffic and to provide access to land uses, particularly high trip-generating commercial activities.

(b) Collector. A collector street has the primary function of collecting traffic from an area and moving it to the arterial street system while also providing substantial service to abutting land use.

(c) Minor street. A minor street is one whose primary function is to service abutting land use. This includes cul-de-sacs, marginal access streets, residential access streets, country lanes and alleys.

(d) Marginal access street. A road separating abutting land areas from arterial streets. A service road in commercial areas intended to remove terminal traffic from arterials and allow them to fulfill their high volume, high speed function. An access street in residential areas intended to remove local traffic from arterials and to buffer abutting residential lots from the detrimental effects of highway traffic by use of park strips, screen plantings or other measures, as well as to limit the number of direct driveway accesses to arterials for safety purposes.

(e) Cul-de-sac. A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

(f) Single purpose street. A two-directional one-lane minor street. A major subdivision shall not be permitted to take access from a single purpose street.

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

Subdivision. The division or re-division of a parcel of land into two or more parcels as provided for in the *Town of Perdido Beach Subdivision Regulations*. The development and division of a lot, tract or parcel of land into two or more lots, plats, sites, or otherwise for the purpose of establishing or creating a subdivision through the sale, lease, or

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building development. Development includes, but is not limited to, the design work of lot layout, the construction of drainage structures, the construction of buildings or public use areas, the planning and construction of public streets and public roads, and the placement of public utilities. A subdivision does not include the construction or development of roads or buildings on private property to be used for agricultural purposes.

Subdivision jurisdiction. The territorial jurisdiction of the Perdido Beach Planning Commission over the subdivision of land.

Surety. Any surety bond, certificate of deposit, irrevocable letter of credit, cashiers check, or other acceptable surety as approved by the Town Council.

Town Council. The Town Council of the Town of Perdido Beach, Alabama.

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

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

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

Yard, rear. A yard extending the full width of the lot between the rear line of the principal building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard

Yard, side. A yard situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the parallel to the street upon which the lot has its greatest dimension shall be considered to be a side yard.

Section 6. Word Interpretation

The word may is permissive. The word shall is mandatory. The words building and structure are mutually inclusive. Words used in the present tense include the future tense and words used in the future tense include the present tense. Words used in the singular include the plural and words used in the plural include the singular.

Section 7. Procedure

The procedure for review and approval of subdivision by the Planning Commission ultimately results in the approval and recording of a final plat of the subdivision. The procedure for obtaining subdivision approval is as follows:

7.1 Presentation of the Sketch Plan

The Sketch Plan is intended to be a relatively simple "sketch" or "drawing" of the proposed subdivision, submitted so that the subdivider may begin the approval process by meeting with and discussing the feasibility of the proposal with the Planning Commission prior to incurring engineering and surveying costs. The Sketch Plan must contain at least a diagram showing the location and ownership of the land proposed to be subdivided, noting the location of all adjoining property, its ownership and the nature of its improvements, and the location and name of all existing public streets providing direct access to the land proposed to be subdivided.

The subdivider shall be present at the Planning Commission meeting either personally or through a representative in order to discuss, answer questions, and explain the submission. The requirements stated for preparation of the Sketch Plan are minimal requirements.

7.2 Presentation and approval of the Preliminary Plat

The Preliminary Plat is intended to be a detailed presentation covering the engineering plans for the construction of all improvements.

7.2.1 Submission of Preliminary Plat

The subdivider shall submit to the Town of Perdido Beach at least 5 copies of the proposed subdivision prepared in accordance with the plat requirements at least thirty (30) days prior to a regularly scheduled meeting.

7.2.2 Filing and Advertising Fees

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In order to defray the Town's costs in the course of review and approval and costs of revisions to maps and regulations, there shall be paid to the Town the following sums:

- 7.2.2.1 The appropriate fee shall accompany the preliminary plat to cover the administrative costs of the Planning Commission.
- 7.2.2.2 The total of all postage for certified letters to adjacent property owners.
- 7.2.2.3 All Fees associated with professional review.
- 7.2.2.4 The actual sum of money as required by the Baldwin County Probate Judge shall accompany the final plat to cover recording costs.

Fees are not subject to refund or adjustment.

7.2.3 Public Hearing and Notices

Prior to the approval of the preliminary plat, the Planning Commission shall first hold a public hearing. Notice of such public hearing shall be sent to all adjoining landowners by registered mail as their names appear upon the plats of the Baldwin County Tax Assessor's Office, posted at Town Hall and on the town's official website.

Such notices shall be sent at least five (5) days prior to the date of the public hearing. Any plat submitted to the Planning Commission shall contain the name(s) and address(s) of all persons to whom notice of a public hearing shall be sent.

7.2.4 Approval or Denial

The Planning Commission will review the plat and decide approval, denial, or approval subject to modifications. If the Planning Commission denies the preliminary plat, the reasons for such action shall be stated in writing upon the records of the Commission, and reference shall be made to the specific section(s) of the regulations or ordinance with which the preliminary plat does not comply. If approved subject to modifications, the nature of the required modifications shall be indicated.

7.2.5 Approval Within Thirty Days

The Planning Commission shall approve or deny a plat within thirty (30) days after the submission thereof to it, otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by

the Commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period.

7.2.6 Expression of Approval

The approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the layout as submitted on the preliminary plat. The Planning Commission files shall retain one copy of the preliminary plat.

7.2.7 Effective Period

Approval of the preliminary plat shall be effective for a period not to exceed one (1) year and shall thereafter expire and be considered null and void, unless a petition of an extension of time is submitted to and subsequently approved by the Planning Commission.

7.2.8 Changes or Modifications

Any change or modification to a preliminary plat shall be submitted to the Planning Commission for approval and may be subject to additional fees and a public hearing if deemed necessary by the Planning Commission.

7.2.9 Preliminary Plat Content

The preliminary plat shall contain the following information:

1. Name and address of owner of record and subdivider and name and registration number of surveyor.
2. Proposed name of subdivision and its acreage.
3. North point, graphic scale of not less than 1 inch equals 100 feet and date.
4. Vicinity map showing location and acreage of the subdivision.
5. Exact boundary lines of the tract by bearing and distance.
6. Names and addresses of owners of record of adjoining land with their approximate acreage.
7. Existing streets, utilities and easements on and adjacent to the tract, including the size and width of each.
8. Proposed subdivision layout using contours of vertical intervals of not more than five (5) feet and including streets, alleys and easements with both dimensions and proposed street names; lot lines; land to be reserved or dedicated for public uses; and any land to be used for purposes other than single family dwellings.
9. Block letters and lot numbers.

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10. Indication of zoning district boundaries if such exists. Otherwise indicate the proposed use of all land within the subdivision as well as any restrictions on the lots.
11. Preliminary plans of proposed utility layouts (sewer, water, gas and electricity) including pipe sizes and the location of valves and fire hydrants, and showing feasible connections where possible to existing and proposed utility systems.
12. Preliminary plan of all drainage facilities, including necessary retention and retention/detention areas.
13. Signature blocks for: Property Owner, Land Surveyor, Professional Engineer and any others as may be required by the Planning Commission.
14. Site data:
 - a. Acreage in total tract;
 - b. Smallest lot size;
 - c. Total number of lots;
 - d. Linear feet in streets.
15. Minimum building front yard setback lines.
16. Typical street cross-sections and center-line profiles.
17. Location of streams, lakes, and swamps and land subject to flooding as determined from past history of flooding, and as delineated by the U.S. Geological Survey or U.S. Corps of Engineers.
18. Location of land dedicated for a neighborhood park or open space area for subdivisions exceeding fifty (50) lots.
19. Soil types in the area to be subdivided at a scale equal to that of the preliminary plat.
20. Lot restrictions, trusteeships and/or protective covenants.
21. Proposed use.
22. Any other information that may be considered necessary by the Commission for full and proper consideration of the proposed subdivision.
23. Inscription stating “NOT FOR FINAL RECORDING.”

7.3 Presentation and Approval of the Final Plat

Within one (1) year of the date of preliminary plat approval, the subdivider shall submit to the commission the final plat for its approval in accordance with the following procedure:

- 7.3.1 The subdivider shall submit to the Town of Perdido Beach at least thirty (30) days prior to a regularly scheduled meeting of the Planning Commission, the original tracing, and three (3) hard copies and one digital copy of the plat.

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- 7.3.2 Prior to the approval of the final plat, a certificate must be obtained from the Town Clerk showing that a corporate surety bond has been posted made available to the Town and in sufficient amount to assure the completion of the required improvements if necessary.
- 7.3.3 The Planning Commission shall approve or deny a plat within thirty (30) days after such plat has been duly received by the Planning Commission; otherwise such plat shall be deemed approved unless the owner or his agent waives such requirement and consents to a time extension.
- 7.3.4 Final Plat Content.

The final plat shall conform to the conditions of the tentatively approved preliminary plat. It shall show sufficient detailed data to readily determine and to accurately reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line. The plat shall be clearly drawn on any acceptable polyester or cloth tracing sheet (not larger than 24 x 36 inches in size) at a scale of not less than one hundred (100) feet to the inch and shall contain the following information:

1. Name and address of owner of record and subdivider and name and registration number of surveyor and/or engineer.
2. Name of subdivision, north point, graphic scale of not less than 1 inch equals 100 feet and date.
3. Vicinity map showing location and acreage of the subdivision.
4. Names of owners of record of adjoining land with their appropriate acreage.
5. Location of streams, lakes, and swamps and land subject to flood as determined from past history of flooding and as delineated by the U.S. Geological Survey or U.S. Army Corps of Engineers.
6. Bearings and distances to the nearest established street lines or official monuments; section lines accurately tied to the lines of the subdivision by distances and bearings; and bearing and distance to a section corner or to an immediately adjacent plat which is tied to a section corner.
7. Municipal and county lines shall be accurately tied to the liens of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
8. Location of land dedicated to a neighborhood park or open space area for subdivisions exceeding fifty (50) lots.
9. Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest one-tenth (1/10) foot and angles to the nearest minute.
10. Exact location, widths, and names of all streets and alleys within and immediately adjoining the new subdivision.

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11. Street right-of-way lines showing angles of deflection, angles of intersection, radii, and lines of tangents.
12. Location of all utilities and drainage facilities as well as easements for such facilities.
13. Tree inventory identifying any tree 24 inches or greater in diameter at breast height (DHB).
14. Site data:
 - a. Acreage in total tract;
 - b. Smallest lot size;
 - c. Total number of lots;
 - d. Linear feet in streets.
15. Lot lines with dimensions to the nearest one-tenth (1/10) foot and bearings to the nearest minute.
16. Lots numbered numerically and blocks lettered alphabetically.
17. Each lot shall have a house number.
18. Indication of zoning district boundaries if such exists. Otherwise indicate the proposed use of and restrictions on each lot within the subdivision. These restrictions are to be recorded on or with the plat.
19. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for the public use.
20. Accurate location, material, and description of all monuments and markers.
21. Minimum building front yard setback lines.
22. Certifications showing:
 - a. Notarized proof of ownership of the land.
 - b. Surveyor's attest to the accuracy of the survey.
 - c. Lot restrictions, trusteeships and/or protective covenants.
 - d. Dedication of streets, rights-of-way and other sites.
 - e. Compliance with applicable Board of Health Codes and Ordinances.
 - f. Granting of all easements included in the plat.
 - g. Attest by applicant's engineer that all improvements have been installed in accordance with the requirements of the subdivision regulations or that a bond in sufficient amount to assure the proper installation of such improvements has been accepted by the Town of Perdido Beach.
 - h. Space on the plat for approval of the Town of Perdido Beach Planning Commission and authorization for the recording of said plat by the Judge of Probate.

Section 8. Movement of a Lot Line Where No Additional Lot is Created is Not Subject to the Provisions of These Regulations

An owner of a tract of land may convey a portion of a tract to an adjoining owner without being subject to the provisions of these regulations provided that no new lots are thereby created and that no lot is reduced below the minimum size otherwise required by the provisions herein or by provisions of the Land Use and Zoning Ordinance.

Section 9. Official Recording

No plat or description of land subdivided shall be filed in the Probate Records until such plat shall have been finally approved by the Planning Commission.

Section 10. Penalties

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded in the records of the office of the Judge of Probate of Baldwin County, shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred to be sold or agreed or negotiated to be sold; and the description of such lot or by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The Town of Perdido Beach may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

Section 11. Variances

11.1 Variances, modifications and waivers may be granted under the following conditions:

11.1.1 Hardship. Where the Planning Commission finds that extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other conditions beyond the control of the subdivider, it may vary the regulations so that substantial justice may be done and the interest secured; provided, however, that such variance will not have the effect of nullifying the purpose and intent of these regulations, the Land Use and Zoning Ordinance or the Comprehensive Plan. Any variance granted must be entered upon the minutes and the reason for the variance specified therein.

11.1.2 Experimental Subdivisions. The Planning Commission may waive, vary or modify the standards and requirements of these regulations if,

in its judgment, an unusual or experimental subdivision might prove of considerable merit toward:

1. The use of unusual materials in constructing required improvements, or:
2. A new or untried concept in the area which appears promising.

11.1.3 Conditions. In granting variances and modifications provided herein, the Commission may require such conditions that will, in its judgment, secure the objectives and interest of the Town.

Section 12. Minimum Designs Standards and Required Improvements

12.1 Minimum Standards

The following standards are considered minimum standards and a higher standard may be required by the Town of Perdido Beach because of exceptional and unique conditions of topography, location, shape, size, drainage, wetlands or other physical features of the site, or minimum standards specified herein would not reasonably protect or provide for public health, safety, or welfare. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- a. All applicable statutory provisions;
- b. The special requirements and rules of the Baldwin County Health Department and/or appropriate State agencies;
- c. The rules and standards of the State Highway Department if the subdivision or any lot contained therein abuts a State highway;
- d. The standards and regulations adopted by all boards, commissions, agencies, and officials of Baldwin County, where appropriate, and of the Town of Perdido Beach;
- e. Plat approval may be withheld if a subdivision is not in conformity with the above guides or with the policy and purpose established in Section 2 of these regulations.

12.2 General Requirements

Within the extra-territorial jurisdiction of the Town the minimum lot area shall be not less than one acre (43,560 square feet).

12.3 Character of the Land

Land which the Planning Commission finds to be unsuitable for subdivision or development due to features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Planning Commission, upon recommendation of the Town Engineer or his/her designee, to solve the problems created by the unsuitable land conditions; otherwise such land shall be set aside for uses as shall not involve such a danger. It is therefore recommended that the applicant perform any necessary site investigations related to items such as soils, wetlands, flooding, drainage, and natural habitats prior to submitting a preliminary plat for review.

Any development within a jurisdictional wetland is highly discouraged. Where a parcel of land proposed to be subdivided contains an area of wetlands delineated as jurisdictional by the Army Corps of Engineers, said wetlands shall be subject to Section 404(b)(1) guidelines concerning fill material disposal into wetlands. Lots may be platted where sufficient upland areas exist, above the 100 year flood plain, to provide a building site for the principal structure and necessary ancillary facilities. Fill may be used where necessary to provide access to lots where approval for such fill has been received from the Corps of Engineers and other appropriate governmental agencies. The building setback line from wetlands shall be a minimum of 30 feet.

Land within any floodway shall not be platted for residential occupancy or building sites. Fill may not be used to raise land in the floodway. In other areas subject to flood, fill may be used providing the proposed fill does not restrict the flow of water and unduly increase flood heights.

Other flood prone areas, not located within a floodway, shall be platted as lots provided the developer demonstrates to the satisfaction of the Town Planning Commission, in consultation with the Town Engineer or an engineer designated by the Town, that the property in question is free from the danger of inundation by the base flood or that remedial measures have been taken to allow the watercourse to safely accommodate the base flood. The developer shall comply with all floodplain regulations adopted by the Town including minimum base flood elevation building requirements. The developer shall submit such data or studies based on the watershed characteristics, probable runoff, and other topographic and hydraulic data prepared by a licensed professional engineer as needed to determine the flood susceptibility of the property.

12.3.1 Water bodies and Watercourses

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

12.3.2 Grading

All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall be graded and seeded in a manner that will enhance the appearance of the environment.

12.4 Subdivision Name

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

12.5 Conformance with Existing Plans

Proposed improvements in all subdivision developments within the Perdido Beach Planning Jurisdiction shall be in conformance with existing approved plans, maps, ordinances, and design standards of the Town of Perdido Beach and/or the Perdido Beach Planning Commission.

12.6 Street Layout

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

12.6.1 Continuation of Adjoining Street System

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

12.6.2 Access to Adjacent Properties

Where, in the opinion of the Planning Commission, it is desirable to provide for street access to an adjoining property, streets shall be extended by dedication to the boundary of such property at a minimum of one (1) per quarter mile.

12.6.3 Private Streets

Private streets may be approved by the Planning Commission provided they are constructed according to the standards of the Town of Perdido Beach.

When the Planning Commission approves a private street, the developer shall install a sign of reasonable size stating that the street is a private street and is not subject to public maintenance by the Town. The following statement shall be shown on the preliminary and the final plats: "All roads and rights-of-way shown on this plat are PRIVATE, and are not subject to maintenance by Baldwin County or the Town of Perdido Beach."

12.6.4 Additional Width on Existing Roads

Subdivisions that adjoin existing streets with inadequate right-of-way shall dedicate additional right-of-way to meet the minimum street width requirements.

12.6.5 Street Names

Proposed streets, which are obviously in alignment with other existing and named streets, shall bear the assigned name of the existing streets. In no case shall the names of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, etc. Street names are subject to the approval of the Planning Commission.

12.6.6 Vacating a Street or Easement

No street or easement may be vacated unless a petition for that purpose (accompanied by the necessary documents specified by the Town) is submitted through the Planning Commission to the Town Council. The Planning Commission shall review such petition and make recommendations to the Town Council, whose decision, following a public hearing, shall be final.

12.6.7 Frontage on Improved Roads

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- a. No subdivision shall be approved unless the area to be subdivided shall have frontage on an existing publicly maintained street of not less than 30 feet as provided in 12.6.15 Common Driveways.
- b. No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from:
 1. An existing publicly maintained paved street; or
 2. A street upon a previously approved plat and recorded in the Baldwin County Probate Judge 's Office. Such street or highway shall be suitably improved as required by rules, regulations, specifications, or orders, or be secured by an improvement guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations.

12.6.8 Topography and Arrangement

Roads shall be related appropriately to the topography. Minor streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in Section 12.6.16 Street Design Standards.

- a. All proposed streets shall be properly integrated with the existing system of streets.
- b. All arterials shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- c. Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- d. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision or with the existing layout of the most advantageous future development of adjacent tracts.

- e. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement among the various types of traffic, including pedestrian.

12.6.9 Access to Arterials

Where a subdivision borders on or contains an existing or proposed arterial, the Planning Commission may require that access to such arterial be limited by one or more of the following means:

- a. Lots may front onto the arterial but no access shall be provided from the arterial. Screening shall be provided in a strip of land along the rear property line of lots if the rear property line abuts the arterial;
- b. A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).
- c. A series of cul-de-sacs, U shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing on the arterial.

12.6.10 Excess Right-of-Way or Easements

Right-of-way or easement widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of 2 to one.

12.6.11 Cul-de-sacs

Permanent dead-end streets shall not exceed 1,320 feet (1/4 mile) in length. Permanent dead-end streets with a pavement width of 20 feet or less shall be provided with a turnaround having a roadway diameter of at least 75 feet and a right-of-way diameter of at least 100 feet every 600 feet. Permanent dead-end streets with a pavement width of more than 20 feet shall be provided with a turnaround having a roadway diameter of at least 80 feet and a right-of-way diameter of at least 100 feet every 600 feet.

12.6.12 Intersections

Street intersections shall be laid out as follows:

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- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of 2 new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet there from. Not more than 2 streets shall intersect at any one point unless specifically approved by the Planning Commission;
- b. Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 125 feet shall not be permitted, except where the intersected street has separated dual drives. Where a street intersects a state highway, the design standards of the State Highway Department shall apply;
- c. Intersections shall be designed with a flat grade wherever practical. **At** the approach to an intersection, a leveling area shall be provided having a grade not greater than 5 percent at a distance of 50 feet, measured from the nearest right-of-way line of the intersecting street;
- d. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance;
- e. The cross-slopes on all streets, including intersections, shall be 5 percent or less;
- f. Property lines at street intersections shall be rounded with a minimum radius of 25 feet;
- g. Deceleration and/or acceleration lanes may be required where necessary to maintain a safe flow of traffic on existing or proposed streets.

12.6.13 Perimeter Streets

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

12.6.14 Street Elevations

The Planning Commission may require, where necessary, profiles and elevations of streets for areas subject to flood. No street shall be approved for construction within an area subject to flood that is proposed to be constructed more than 2 feet below the elevation of the base flood, as defined in these regulations. Fill may be used for streets. Drainage openings shall be so designed as not to restrict the flow of flood waters or increase upstream flood heights.

12.6.15 Common Driveways

- a. Where lots will access an existing off-site publicly maintained street, common driveways shall be used where appropriate to minimize the number of curb cuts required.
- b. The maximum number of lots served by a common driveway shall be 4.
- c. The maximum length of a common driveway shall be 660 feet.
- d. Common driveways shall be contained within a private ingress and egress easement labeled as such on the final plat. Said easement shall be of sufficient width (minimum of 30 feet) to contain the common driveway and any utilities and provide adequate ingress and egress.
- e. The final plat of a subdivision in which common driveways are utilized shall contain the following notation: "The common driveway shown hereon is private and will not be maintained by the Town of Perdido Beach."
- f. All subdivisions using common driveways shall provide for the establishment of a Homeowners Association to be responsible for the maintenance of the common driveway.

12.6.16 Street Design Standards

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

The following design standards shall be considered minimum requirements and shall specifically apply to residential subdivisions. The requirements for non-residential subdivisions shall be such as the Planning

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Commission deems appropriate for the type of development and use contemplated but in no event shall they be less than the requirements for residential subdivisions.

Minimum Street Design Standards				
	Collector Street	Residential Street	Cul-de-Sac ¹ (Turnaround)	Country Lane ²
Minimum Right-of-Way	80'	60'	50'	30'
Minimum Pavement	24'	24'	25' (80' Diam.)	16'
Maximum Grade ³	12%	15%	15%	15%
Minimum Angle of Intersection	75	75	75	75
Minimum Intersection Offset	125'	125'	125'	125'
Minimum Curb Radius at Intersection	30'	15'	15'	15'
Curve Radius	250'	100'	100'	100'
Minimum Reverse Curve Tangent	100'	100'	100'	100'

Notes:

1. Cul-de-sacs shall not be longer than 600 feet measured from the intersecting street to the center of the turnaround.
2. Crushed limestone is allowed. Minimum requirements: 5 inches compacted thickness; maximum street length of 1,320 feet. Maximum number of lots allowed in this subdivision is 20. Curbing may be required. Other pavement designs may be submitted for approval by the Engineer or its designee.
3. May vary with topography subject to Planning Commission approval based on recommendation of Town engineer.
4. A minimum 4 foot wide street shoulder with a maximum 6:1 slope shall be required behind the back of curb or edge of pavement where no curb is installed.

12.6.16.1 Surface course shall be asphalt with a minimum of 2 inches compacted thickness (collector streets shall be a minimum of 2½ inches). Base course shall be a minimum of 8 inches compacted sand clay or 6 inches compacted thickness crushed limestone. Pavement design shall be based on the proposed soil conditions. Other pavement designs may be submitted for approval by the Town Engineer or his/her its designee.

12.6.16.2 Vertical Curves

All changes in street grades over 1.0% shall be connected by vertical curves of a minimum length equivalent to the following:

- a. Crest vertical curves shall have a minimum K value of 45;
- b. Sag vertical curves shall have a minimum K value of 40.

12.6.16.3 Curb and Gutter

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

12.6.16.4 Street Shoulders

A minimum 4-foot wide shoulder with a maximum 6:1 slope shall be required behind the back of curb or edge of pavement where no curb is installed.

12.6.16.5 All materials used and construction methods employed for building streets shall comply with the requirements listed under Section 6.18 of the Standard Specifications for Highway Construction, 2002 of the Alabama Department of Transportation, or latest edition.

12.6.16.6 The full width of the right-of-way shall be graded including the sub-grade of the areas to be paved. This requirement may be modified for the purpose of preserving the natural beauty of the area.

12.6.16.7 Street Signs

The applicant shall install stop signs, street name signs, speed limit signs and, if required, private road signs. These sign locations shall be shown on the construction plans and shall be installed prior to receiving final plat approval. The signs shall meet the design criteria established by the town.

12.7 Sidewalks

- a. Sidewalks shall be installed in all residential subdivisions and they shall comply with the following standards:
 1. Sidewalks shall be located within the right-of-way or within an easement of sufficient width adjacent to the right-of-way.
 2. Construction of sidewalks shall be a minimum of 5 feet wide and 4 inches thick, and shall be constructed with concrete that has a minimum 28 day compressive strength of 3000 psi.
- b. If it is determined by the Planning Commission that sidewalks are not appropriate for the proposed development the Planning Commission may require that the developer pay a fee in lieu of sidewalk construction that is equal to the cost estimate of installation. The Town shall place this fee in a special interest bearing account for use at a later date for the completion of the Town's Master Sidewalk Plan.

12.8 Blocks

Blocks shall be arranged to assure maximum use of the topographic features of the land.

Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to expressways, arterials, railroads, or waterways where single-tier lots are required to separate residential development from through vehicular traffic or non-residential uses;

Blocks shall not exceed 1,500 feet nor be less than 500 feet in length;

In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrian ways or crosswalks not less than 10 feet wide may be required by the Planning Commission through the center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.

12.9 Lots

12.9.1 Residential lots shall comply with the following requirements:

- a. The size, shape and orientation of lots shall be such as the Town Planning Commission deems appropriate for the types of development and use contemplated.
- b. Minimum lot size shall conform to: these regulations; Section 12.1 of the Town of Perdido Beach Land Use and Zoning Ordinance; and, the Baldwin County minimum lot size where applicable.
- c. Minimum lot width shall be not less than 60 feet.
- d. The subdivision plat shall provide each lot with satisfactory access to an existing street as provided in Section 12.6.16 Street Design Standards.
- e. Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.
- f. Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography or orientation.
- g. Side lot lines should be at right angles to streets, except on curves where they shall be radial;
- h. Excessive depth in relation to width shall be avoided. A proportion of 3 to 1 will normally be considered maximum;
- i. Minimal lot size should be usable land.
- j. Minimum setbacks from property lines shall meet or exceed minimum zoning requirements. In residential subdivisions outside the zoning authority of the Town of Perdido Beach but within the Town's extra-territorial jurisdiction, the minimum setback from property lines shall be: from the front and rear lot line, 30 feet; from the side lot line, 10 feet and; from the side lot line which abuts a street, 20 feet.
- k. In accordance with Act No. 94-572 of the Legislature of Alabama enacted April 21, 1994, the following construction setbacks shall apply from any state or county road or highway:
 1. Principal arterials require a 125 foot setback from the centerline of the right-of-way;
 2. Minor arterials require a 100 foot setback from the centerline of the right-of-way;
 3. Major collectors require a 75 foot setback from the centerline of the right-of-way and;
 4. Minor collectors require a 50 foot setback from the centerline of the right-of-way.

12.9.2 Commercial lots shall comply with the following:

Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading for the use contemplated.

12.10 Drainage

12.10.1 General Policy

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

12.10.2 Drainage and Storm Sewers

- a. General Requirements. The responsible Design Engineer shall not submit any plat of a subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. The applicant shall submit a design narrative and complete drainage calculations, including but not limited to, assumptions, maps, and computations for each inlet, pipe or ditch section. The design data and calculations shall be prepared, sealed and submitted by a licensed, professional engineer in the State of Alabama. The design narrative shall summarize the assumptions, calculations, and results of the design. Calculations will be based on Baldwin County IDF curves using 5 minute minimum duration for 2, 5, 10, 25, 50, 100 years storms.

All subdivisions shall be provided with adequate storm drainage facilities. Any areas subject to periodic flooding caused by poor drainage facilities will not be accepted unless the developer or subdivider makes necessary provisions to eliminate such flooding. Low-lying lands along existing watercourses subject to flooding or overflowing during a storm event up to and including the 100 year, 24 hour, storm shall be preserved and retained in their natural state within a common area.

When a proposed new drainage system will divert water into an unnatural water system or on private land adjacent to the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the plat. The applicant shall be required to carry away by pipe or open ditch any spring or

surface water that may exist either prior to, or resulting from, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, 15 foot minimum. Adequate provision shall be made for the disposal of storm waters.

- b. Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential developed property runoff from its entire upstream drainage area, whether inside or outside the subdivision.
- c. Effect on Downstream Drainage Areas. The Design Engineer shall review the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Town Engineer, shall withhold approval of the subdivision until provision has been made for the necessary downstream improvement.

12.10.3 Drainage Design Requirements

- a. Inlets shall be provided so that surface water is not carried across any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point.
- b. The drainage system(s) shall accommodate flows from at least a 25-year frequency design storm. In addition, drainage ways shall be provided to allow the run-off from a 100-year frequency design storm to be accommodated. Bridges and box culverts shall accommodate a minimum of a 50-year frequency design storm, unless the Town Engineer or his/her designee, requires a 100-year frequency design storm. In all cases the design engineer must analyze the backwater that is produced and verify that no upstream is being flooded or otherwise adversely affected.
- c. On any single drainage structure requiring 20 square feet or more of end area, a special design drawing will be required for approval. All roadway cross drain pipes shall be reinforced concrete and have a minimum size of 18 inches in diameter, or an equivalent arch pipe. Only pipe that meets specifications equaling Alabama State Highway Department

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Specifications or Baldwin County Standards will be acceptable. Pipes other than cross drain pipes may utilize other ALDOT approved materials. Concrete box culverts used shall be designed and constructed according to the latest edition of the ALDOT Standards and Specifications for Road and Bridge Construction.

- d. Where the subdivider has open ditches, a maximum of 3 to 1 side slopes and flat bottom ditch is required. V-bottom ditches or other special designs will be permitted in special cases as approved by the Town Engineer or his/her designee. Calculations shall show the volume and velocity for each different ditch section. Ditch lining shall be designed based on the ditch calculations. For roadside ditches, calculations shall also require sizing of driveway culverts.
- e. The method of determining storm runoff shall be based on acceptable engineering practice and/or these standards. For small basins, up to 200 acres, the Rational Method ($Q=cia$) may be used. Q = estimated peak discharge in cubic feet per second.

c = runoff coefficient (to be taken from the table below).

i = rainfall intensity in inches per hour for a design storm derived from the time of concentration.

a = runoff area in acres.

NOTE: These values shall take into account the proposed soils, ground cover, slopes, and uses.

Wooded 0.20 to 0.30
Farmland 0.20 to 0.40
Barren or sparsely vegetated 0.40 to 0.60
Unpaved (shell, gravel, etc.) 0.40 to 0.90
Paved (asphalt, concrete) 0.90 to 1.00
Buildings 0.85 to 0.95
Lawns 0.40 to 0.60

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

- g. Headwalls and Riprap. A concrete headwall shall be required on all pipe culverts. Special types of headwalls, rip-rap, and other materials may be required by the Town Engineer when deemed necessary for erosion control, protection of existing downstream drainage facilities and roadside safety.

12.10.4 Plan Requirements

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

- a. Topography map of proposed developed areas.
- b. Existing and proposed contours at 2 foot intervals.
- c. Existing drainage system, including, but not limited to, pipes, culverts, inlets, ditches, and ponds.
- d. Proposed drainage system, including pipes, culverts, junction boxes, inlets, ditches, retention/detention facilities, and an outline of the on-site drainage areas for each inlet and ditch cross-section.
- e. Structure location, type and size, and the Inlet and Outlet Flow Line Elevation.
- f. Cross-section of each ditch section.
- g. Other pertinent information necessary for review of the drainage plans as may be required by the Town Engineer or his/her designee.
- h. Tree inventory that identifies each tree over 24 inches diameter at breast height (DBH)

12.10.5 Construction Requirements

- a. All pipes shall be placed in excavated trenches to the line and grade shown on the plans. The maximum width of the excavated trenches shall not exceed the outside diameter of the pipe by more than 1.5 feet on either side of the pipe.
- b. Material used for backfilling pipe trenches shall consist of small diameter uniform material and shall be free of large rock or other unsuitable material. The backfill material shall be placed in uniform 8 inch lifts and mechanically compacted to 95% of relative density. The backfill shall be placed uniformly on each side of the pipe and all pipes shall be laid in accordance with the Town's Standards.
- c. A minimum of 12 inches cover shall be placed over each pipe 48 inches or less in diameter and 24 inches or more of cover shall be placed on all larger diameter pipes.

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- d. When a battery of pipes is used, a clear spacing of ½ the pipe diameter or span shall be provided between adjacent pipes.
- e. The maximum cover allowed, pipe class, and strength requirements shall be in accordance with the manufacturer's recommendation.
- f. A structure suitable for maintenance and inspection access shall be provided at least every 300 feet for continuous pipes of 24 inches in diameter or less and at least every 400 feet for larger continuous pipes, and at each angle point and at each change in grade.

12.10.6 Dedication of Drainage Easements

- a. **General Requirements.** Where a subdivision or development of land is traversed by a watercourse, drainage way, channel, or stream, there shall be provided storm water or drainage easement conforming substantially to the lines of such water course, and of such width and construction or both as will be adequate for the purpose.
- b. **Drainage Easements.** Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the Preliminary and Final plat.

12.11 Erosion and Sedimentation

12.11.1 General

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

- a. **Construction Requirements.** An erosion and sedimentation control plan shall be a part of the construction plans and shall be approved by the Town Engineer or his/her designee, prior to the commencement of any land-disturbing activity including but not limited to tree cutting and root removal.
- b. **Protection of Property.** Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private

property, including roadways, waterways and water courses, from damage by such activities.

- c. More Restrictive Rules Shall Apply. Whenever there is a conflict between Federal, State, or Local Laws, Ordinances, Rules, Regulations, Orders and Decrees the more restrictive provision shall apply.

12.11.2 Basic Control Objectives

The basic control objectives that shall be considered in developing and implementing an erosion and sedimentation control plan are to:

- a. Identify Critical Areas. On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, shall be identified and receive special attention.
- b. Limit Exposed Areas. All land-disturbing activities shall be planned and conducted to minimize the size of the area to be exposed at any one time.
- c. Limit Time of Exposure. All land-disturbing activities shall be planned and conducted to limit exposure to the shortest feasible time.
- d. Control Surface Water. Surface water runoff shall be controlled to reduce erosion and sediment loss during the period of exposure.
- e. Control Sedimentation. All land-disturbing activities shall be planned and conducted so as to minimize off-site sedimentation damage.
- f. Manage Stormwater Runoff. When the increase in the peak rates and velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving ditch or channel stream, plans shall include measures to control both the velocity and rate of release so as to minimize accelerated erosion and increased sedimentation of the ditch or stream channel.

12.11.3 Design Requirements

- a. Mandatory Standards. No land-disturbing activity subject to these provisions and requirements shall be undertaken except in accordance with the following mandatory requirements.
 1. No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property where applicable unless a buffer zone of not less than 30 feet is provided along the boundary of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under a lake, natural watercourse or adjacent property.
 2. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed shall, within the shortest feasible time, be planted or otherwise provided with ground cover, devices, or structures.
- b. Design and Performance Standards. Erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide control from the calculated peak rates of runoff from a 25 year, 24 hour storm event. Runoff rates may be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area. Persons engaged in planning, designing, installing and maintaining sedimentation control measures may use generally accepted references on the subject following standard engineering and/or practices such as the Alabama Soil Conservation Service manual for standards and specifications for erosion control. All plans will be subject to review by the Town.
- c. Permanent Downstream Protection of Adjacent Property, Stream Banks and Channels. Provision may be required for the permanent protection of on-site or adjacent stream banks, channels and property from the erosive effects of concentrated flows, increased velocity, and volume of storm water runoff resulting from certain land-disturbing activities. These can include, but are not limited to, slope paving, rip rap, energy dissipaters, solid sodding and grassing.
- d. Borrow and Waste Areas. When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained shall be

considered a part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

- e. Access and Haul Roads. Temporary access and haul roads, other than public roads, constructed or used in connection with land-disturbing activity shall be considered a part of such activity.
- f. Operations in Lakes or Natural Watercourses. Land-disturbing activity in connection with construction, in, on, over, or under a lake or natural water course shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream is prohibited.

12.11.4 Plan Requirements

The Design Engineer shall submit an erosion and sediment control plan for review and approval. Said plan shall be prepared by a Professional Engineer licensed in the State of Alabama. If the Town determines, upon review of such plan that a significant risk of off-site sedimentation or erosion exists, it will require a revised plan to be prepared. Erosion and sediment control plans shall contain architectural and engineering drawings, maps, assumptions, calculations and narrative statements as needed to describe adequately the proposed development of the site and the measures planned to meet the Basic Control Objectives. Plan content may vary to meet the needs of specific site conditions. Large and/or complex sites shall include the proposed stages of construction and the proposed erosion and sediment control measures proposed to be used in each different stage of construction.

12.11.5 Periodic Inspections and Maintenance

- a. Notification. The applicant shall notify the Town Engineer or his/her designee as soon as the initial BMP's have been installed so that an inspection of the Best Management Practices, (BMP's) can be made. Such inspection shall be made within 2 working days of said notice. No land-disturbing activities, except those necessary to install the BMP's, shall take place until after the inspection is complete and no additional BMP's are required.
- b. Inspection. The Town may perform periodic inspections of the BMP's on the job site. Upon finding that erosion and sedimentation is taking place; or that the proposed BMP's are not installed, installed incorrectly, or not operating properly, the applicant will be notified

verbally and in writing that all work affecting the BMP's in question shall be immediately suspended until proper, adequate, and functioning BMP's are installed.

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

12.12 Storm Water Management

12.12.1 General

Developments which produce an increase in the amount of storm water runoff will be required to construct storm water management facilities. The developer shall submit: detailed engineering calculations and plans to the Town including historical runoff, developed runoff, stormwater facility details, method of discharge, and other information as required for review. The developer shall also include the method of maintenance for the retention/detention pond after the development is completed.

Post development release rates shall not exceed pre-development rates. Provisions shall be made to address 100 year, 24 hour storm events to ensure that retention/detention facilities survive such events. Retention/detention facilities shall be owned, operated and maintained by development entities and shall not be accepted for maintenance by the Town of Perdido Beach.

12.12.2 Minimum Requirements for Stormwater Retention/Detention and Design Criteria

- a. Liability. The design criteria establish 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 Town of Perdido Beach, its offices or employees, of the practicability, adequacy or safety and shall not create liability upon or cause action against any such public body, office, or employee for any damage that may result pursuant thereto.

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- b. **Engineer's Seal.** All plans, specifications, and calculations submitted for review and/or approval shall be prepared and signed by a licensed engineer, and shall meet the minimum standards and requirements of the Town and other applicable authorities. Each of the plan, profile and special drawing sheets for a project shall bear a legible stamp of the Professional Engineer in charge. If the name or license number is not clear, the signature and number shall be added. It is imperative that the professional design engineer be qualified in the area of drainage per the State of Alabama registration laws.
- c. **Pre-Design Conference.** The developer and Design Engineer are encouraged to contact the Town 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 consulting engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.
- d. **Method of Evaluation.** 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. Design should be based on at least the worst case scenario of runoff up to and including a 100 year, 24 hour rainfall event. This shall be based on sound engineering criteria and computations and shall be submitted to the Town's engineer for review. Post-development discharge from retention/detention facilities shall be equal to or less than pre-development conditions for a 2, 5, 10, 25, 50 & 100 year storm event. In no case shall the discharge from a drainage basin exceed the hydraulic capabilities of the downstream drainage structures and facilities. A "pre" and "post" development discharge/duration graphic shall be submitted to illustrate compliance.

The Rational or Modified Rational Method shall not be used for drainage basins greater than 40 acres.

Any existing onsite areas that currently retain stormwater shall be preserved within common areas and in their current state. If approved by the Town Engineer, a developer may fill in said areas, if similar storage capacity is provided onsite and in the same drainage basin.

In locations where the discharge from a development will be directly into a tidally influenced body of water, the Town Engineer may consider waiving the stormwater management requirement, upon request by the design engineer. The Town Engineer has the sole

discretion of whether or not this will be allowed. This will not alleviate the developer from any erosion/sediment control requirements or requirements of other governmental agencies.

- e. **General Location.** Retention/detention facilities shall be located within the parcel limits of the project under consideration. No retention/detention or ponding will be permitted within public road rights-of-way. Location of retention/detention facilities off-site will be considered by special request if proper documentation is submitted with reference to practicality, feasibility and proof of ownership or right-of-use of the area proposed. No retention/detention facility shall be located in jurisdictional wetlands.
- f. **Common Ground Projects.** It is required that retention/detention facilities be always located in common ground. Projects developed under these procedures shall establish (in the recorded plat) maintenance and access easements for the retention/detention facilities and include provisions for maintenance in the Trust Indentures.
- g. The entire reservoir area of the open channel shall be seeded, fertilized and mulched, sodded, paved, or lined prior to final plat approval by the Town.
- h. The hydraulic elevations resulting from channel retention/detention shall not adversely affect adjoining properties.
- i. **Permanent Lakes.** 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 no less than 2 feet below the lowest sill elevation of any building.
 - 1. Maximum side slopes for the fluctuating area of permanent lakes shall be one (1) foot vertical to 3 feet horizontal (3:1) unless proper provisions are included for safety, stability and ease of maintenance.
 - 2. Maximum fluctuation from permanent pool elevation to maximum ponding elevation shall be 3 feet.
 - 3. Special consideration is suggested to safety and accessibility for small children in design of permanent lakes in residential areas.
 - 4. 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 required.

5. 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 Town. Any area susceptible to or designed as overflow by higher design intensity rainfall, as indicated previously, shall be sodded or paved.
- j. Other Methods. Other methods of retention/detention such as seepage pits, French drains, etc. are discouraged. If other methods are proposed, proper documentation of soils data, percolation, geological features, etc. will be needed for review and consideration.
- k. Verification of Adequacy. Analysis of all elements of design is always performed by the Design Engineer.

The following outline is provided to ascertain that certain critical elements of design are in workable compliance with the aims of design:

1. volume of retention for the total project
2. tributary (Q) peak runoff to basin
3. balanced maximum outflow rate from the low-flow structure
4. ratios of inflow to outflow
5. sizing of the overflow facilities
6. stability of dikes
7. safety features
8. maintenance features

For projects up to 200 acres, routing calculations shall be submitted in legible tabulated form. Proof of adequacy of volume of retention and sizing computations for low-flow structures shall also be submitted.

Features of stability and safety may also need to be documented if the scope of the project requires special attention in this area of design.

Projects over 200 acres in area shall provide documented verification of adequacy according to scope and complexity of design.

- l. Control Structures. Retention/detention facilities shall be provided with obvious and effective control structures. Plan view and sections of the structure with adequate detail shall be included in plans.

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1. The maximum overflow opening or emergency spillway shall be designed to accept the total peak runoff of the improved tributary area during the base flood.
2. Proper engineering judgment shall be exercised in analysis of secondary routing of discharge of greater intensity than the basic design storm in order to avoid economic losses or damage downstream. Review with the maximum probable precipitation event is recommended.
3. When existing downstream pipe sizing, outside the developers control jurisdiction, is inadequate, an evaluation for undersizing of pipes may be undertaken by the Town upon receipt of written request from the engineer specifying the run or runs desired to be undersized. Applicant shall submit a plan/profile view and appropriate calculations of the entire undersized system (if less than 600 feet in length), or a minimum of 600 feet. No undersizing will be allowed if the requested undersizing will affect the performance of an existing structure.

12.12.3 Plan Requirements

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

- a. Topography map of the proposed retention/detention facility area(s);
- b. Existing and proposed contour lines at 2 foot intervals;
- c. All proposed pipes, control structures, headwalls, riprap, junction boxes, including location, size, flow line elevations;
- d. Detailed drawings of the control structure(s);
- e. Cross sections of each storm water facility.

12.12.4 Easements

Two types of easements shall be provided in plans for retention/detention facilities.

- a. Maintenance Easement. All retention/detention reservoirs with the exception of parking lot and roof retention/detention shall be enclosed by a maintenance easement. The limits of the easement shall extend 10 feet beyond the maximum anticipated ponding area for a base flood event.

- b. Drainage Easement. A minimum 20-foot wide drainage easement shall be provided within the reservoir area connecting the tributary pipes and the discharge system along the best possible routing of a piping system for possible future elimination of retention/detention.

12.12.5 Maintenance

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

The responsibility for maintenance of the retention/detention facilities shall remain with the developer until such time as applicable escrows are released. Upon release of escrows the maintenance responsibility shall be vested in the trustees of the subdivision, by virtue of the Trust Indenture. The Indenture of Trust shall clearly indicate responsibility for maintenance. These maintenance requirements do not imply that any drainage structures or systems are or will become the maintenance responsibility of the Town. A letter from the owner/developer indicating responsibility for maintenance of all drainage structures or systems along with a copy of the proposed Trust Indenture shall be submitted with the preliminary plat submittal.

12.13 Special Requirements for Non-residential Subdivisions

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

- a. Proposed non-residential street layout, blocks, and parcels shall be suitable in area and dimensions to the types of development anticipated.
- b. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to expressways, arterial, or collector streets in such a way that the number of intersections with such expressways, arterial, or collectors shall be minimized.

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- c. Street rights-of-way and pavement shall be adequate and in accordance with Section 12.6.16 Street Design Standards to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at driveway intersections shall be at least 25 feet.
- d. The applicant shall insure that the non-residential subdivision as a whole may be self-sufficient with regard to providing necessary off-street parking. The applicant may make parking self-sufficiency a requirement of individual lots.
- e. With respect to physical improvements, special requirements may be imposed by the Planning Commission with the advice of the Town Engineer or his/her designee, within the non-residential subdivision.
- f. Every effort shall be made to protect adjacent residential areas from potential nuisances from non-residential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential developments and provision for a permanently landscaped buffer strip when necessary.

12.14 Other Requirements.

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds, parks for local or neighborhood use and other public service areas. In all subdivisions due regard shall be shown for all natural features such as large trees, water courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the property.

12.14.1 In subdivisions of fifty (50) or more lots or twenty (20) or more acres in size, the Planning Commission may require that the subdivider provide suitable recreation land of at least (5) percent of the total area of land to be subdivided. In the event the subdivision is to be developed in sections, appropriate agreement shall be made with the Planning Commission to assure the dedication of the required land.

12.14.2 Where public sites have been set aside in the Perdido Beach Comprehensive Plan or when such features are recommended as essential by the local governing body or Planning Commission, such sites shall be reserved in written agreement by the subdivision for acquisition by the proper public body by purchase or other means for a period of one (1) year from the date of the recording of the subdivision after which if the acquisition has not been accomplished, the reservation shall become null and void.

12.14.3 Reserve strips and/or easements controlling the access to streets shall be prohibited except where this control is definitely placed in

the hands of the Town of Perdido Beach under conditions approved by the Planning Commission.

12.14.4 Easements having a minimum width of fifteen (15) feet and located along the side or rear lot lines shall be provided as is necessary for utility lines and underground mains and cables. Where subdivision is traversed by a watercourse, drainage way, channel or stream there shall be provided a stormwater or drainage right-of-way of adequate width to accommodate normal runoff.

12.14.5 Water, sewer, electric and gas utilities shall be installed underground in the street right-of-way by the subdivider before any street base is applied unless special conditions require otherwise. Furthermore, water lines and sewer lines shall be installed on opposite sides of the right-of-way. All existing and proposed utility facilities throughout the subdivision shall be shown on the Construction Plans submitted with the Preliminary Plat.

12.14.5.1 Water mains for both domestic use and fire protection shall be properly connected with a central water system or with an alternate water supply approved by the county health officer. The line shall be constructed in such a manner as to serve adequately all lots shown on the subdivision plat.

Every subdivision shall connect to an existing public water supply system capable of providing both domestic water use and fire protection when the existing system borders the subdivision or the system is reasonably available and the utility has submitted a statement that they are willing and able to provide service.

If a well is required for each lot, the location, construction, and use of such well shall also meet the county health department requirements. If a well is to serve more than one lot, a public water system shall be required. The design and specifications of such distribution system shall meet the county health department specifications, and shall be installed under inspection of the utilities department.

Fire hydrants shall be installed along each street at a maximum interval of six hundred (600) feet, or at the ends and center of each block. The water supply and pressure shall be sufficient to provide adequate fire protection as well as the future needs of the intended land use.

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- 12.14.5.2 A public sanitary sewer system or individual septic tanks may be installed on all lots in the subdivision. Where lots are not connected with a sewerage system, they must contain adequate area for the installation of septic tank and disposal fields as approved by the county health officer.

Where a private system is installed, it shall be constructed in accordance with requirements of a public system, Town regulations now in place or promulgated in the future and with appropriate permits from the Alabama Department of Environmental Management.

- 12.14.5.3 When gas mains and/or electric lines are connected with central distribution systems, the lines shall be installed in such a manner as to serve adequately all lots shown on the subdivision plats.

12.15 Street Lighting

Street lighting shall be installed at all intersections. If additional lighting consistent with safety and other community needs is deemed necessary, the Planning Commission may require the subdivider to present a street lighting plan developed in conjunction with the utility company having jurisdiction within the area.

12.16 Right-of-way and property line monuments shall be placed in each subdivision.

- 12.16.1 Concrete monuments three and one-half (3½) inches square and two (2) feet long shall be driven flush with the grade at the intersection of all street rights-of-way and radius points.

- 12.16.2 Iron pins one-half (1/2) inch in diameter and two (2) feet long shall be driven flush with the grade at each lot corner and at each point where the property line changes direction.

12.17 Inspection of Improvements

The subdivider is required to install or construct the improvements herein described prior to having released the bond or other surety which guarantees installation of such required improvements. All improvements required shall be constructed in accordance with the standards set forth in these regulations, or as required by the Town, the state or county highway department and the department of the respective utility.

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

When all required improvements are installed, the subdivider shall call for a final inspection. The building inspector or his duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications. To determine if the streets are installed to minimum design standards, the city shall select an independent testing laboratory to make the necessary tests. These tests shall be conducted at the expense of the subdivider.

Section 13. Adoption of Amendments

Prior to the adoption of proposed amendment(s) to these subdivision regulations, the Planning Commission shall hold a public hearing with at least six (6) days prior notice and by posting said proposed amendment(s) in four (4) conspicuous locations as designated by Town Council. Adoption shall be done by a resolution of the Planning Commission carried by the affirmative votes of not fewer than (5) members of the Commission. The adopted amendments shall be published in at least three (3) prominent locations in the Town for a period of five (5) days. The secretary of the Commission shall file a certified copy of the amendments with the Probate Judge of Baldwin County, Alabama.

Section 14. Interpretation

In interpreting and applying the provisions of these regulations they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Whenever the provisions of these regulations require higher standards than are required in any other applicable statute, ordinance or regulation, the provisions of these regulations, such other applicable statutes, ordinances or regulations shall govern.

Section 15. Validity

The requirements and provisions of these regulations are severable, and should any section or part thereof be declared by any court of competent jurisdiction to be unconstitutional or invalid, the decision of the court shall not affect the validity of the regulations as a whole or any section or part thereof other than the section or part so declared to be unconstitutional or invalid.

Section 16. Effective Date

These regulations shall take effect upon adoption and publication as required by law.

Town of Perdido Beach Subdivision Regulations

END NOTES

¹Amended May 2, 2019 by Resolution No.2019-01

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