

# ARTICLE ONE

## GENERAL PROVISIONS

### 1.0 Title

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

### 1.1 Authority

Under the provisions of Section 11-52-30 to 11-52-36, inclusive, of the Code of Alabama (recompiled 1975), which provisions are hereby made a part hereof, these following regulations governing the subdivision and development of land are hereby adopted by the Loxley Town Planning Commission at its meeting on July 8, 19 91 by resolution. A copy of these regulations shall be certified to the Probate Judge of Baldwin County, Alabama, and to the Clerk of Loxley, Alabama.

### 1.2 Jurisdiction

A. On and after July 13, 19 91 these subdivision regulations shall apply to all subdivisions and development of land, as defined herein, located within the corporate limits of the Town of Loxley and within one and one-half (1 ½) miles of the corporate limits, or as otherwise agreed to, in writing, between the Town and Baldwin County or other jurisdictions.

B. No land shall be subdivided within the stated limits of the Town of Loxley until:

1. The subdivide or his agent has submitted the required plats and plans to the Planning Commission, and
2. Approval of all lats and plans, including approval of the final plat, by the Planning Commission, and
3. The approved final plat is recorded with the Office of the Judge of Probate, Baldwin County, Alabama.

### 1.3 Purpose

A. Land Subdivision is the first step in city development. Once land has been subdivided into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivided land sooner or later becomes a public responsibility, in that

roads, drainage and utilities must be maintained and various customary municipal services must be provided. The welfare of the entire Town is directly affected by land subdivision. It is to the residents that subdivisions be conceived, designed and developed in accordance with sound practice and appropriate standards.

- B. The purpose and intent of these regulations is to establish objective, community wide standards for public improvements and the subdivision of land within the Town. These regulations are based upon:
  - 1. Proper subdivision design criteria.
  - 2. The impact of development upon adjacent property.
  - 3. The definition of public and private development responsibilities.
  - 4. Concern for the health, safety and welfare of the entire Town.
  - 5. Encouragement of an orderly and efficient development pattern.
  - 6. Coordination with other applicable ordinances and plans.
  - 7. The Preservation of valuable and scenic natural features and open spaces.
  - 8. The vital use of imagination and creativity in development of property.
- C. These regulations also recognize the responsibility of the Town to maintain public improvements. Proper and timely maintenance is essential to preserve the required improvements through their designed life.

# ARTICLE TWO

## DEFINITIONS

### 2.0 General

Except as otherwise provided herein, all words shall have customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust or partnership. The word “building” includes “structure”. The word “shall” is mandatory. The word “may” is permissive.

### 2.1 Definitions

For the purpose of these regulations certain words used herein are defined as follows:

Abutting Property. Property that is immediately adjacent to property that is subject to review under these regulations or property that is located immediately across and road or public right-of-way from the property that is subject to review under these regulations.

Alley. A minor public way with a narrow tight-of-way designed to afford a secondary means of access to abutting properties.

Arterial Streets. These which serve the major traffic movements and which provide intracommunity continuity, but do not penetrate identifiable neighborhoods.

Block. A tract of land bounded by streets or a combination of streets and public parks, Cemeteries, railroad right of ways, shorelines of waterways, or boundary lines of municipalities or counties.

Block or Lot Corners. An angle in the boundary of a block or lot.

Building Official. The duly designated Building Official of the Town of Loxley, Alabama, or the appointed or designated Town Engineer or his duly authorized representative that may be consulted from time to time on technical matters. The term “Building Official” as used herein refers all of the above interchangeably.

Building Setback Line. A line parallel to the property line in front of which no structure may be erected.

Town. Town of Loxley, Alabama.

Town Attorney. The licensed attorney designated by the Town Council to furnish legal assistance for the administration of these regulations.

Town Clerk. The duly designated Clerk of the Town of Loxley, Alabama.

Town Council. The Town Council of the Town of Loxley, Alabama.

Town Specifications. All construction specifications of codes which have been adopted by the Town Council or as required by the Planning Commission.

Collector Streets. Those which collect traffic from local streets to the arterial streets by providing both land access and traffic circulation within neighborhoods and commercial and industrial areas.

Corner Lot. A lot abutting upon two or more streets at their intersection.

Cul-De-Sac. A local street with only one outlet and designed to have one end permanently closed; the closed end is terminated by a vehicular turnaround.

Curb or Curb Line. The inside vertical face of a masonry curb, the center line of a valley gutter, or the edge of the pavement where no curb or gutters exist.

Dedication. The deliberate assignment of land by its owners for any general or public uses, reserving to himself no other rights than such as are compatible with the gull exercise and enjoyment of the public uses to which the property has been devoted.

Designated Representative. An individual appointed or named by the Town Council to enforce the provisions of these subdivision regulations in the absence of the Building Official. For the purposes of these Subdivision Regulations, any reference to “Building Official” shall be understood to mean “Designated Representative”.

Developer. A person, corporation, or duly authorized agent who undertakes the subdivision of land as defined herein. The term “developer” includes the term, “Subdivide”.

Deviation. An approved and acceptable change from the provisions of these Subdivision Regulations.

Double Frontage Lot. A lot having frontage on two nonintersecting streets as distinguished from a corner lot.

Easement. A grant by the property owner for use, by the public, a corporation or person(s), of a strip of land for specified purposes. No title to real property is conveyed.

Engineer. A Professional Engineer and registered by the State of Alabama Board of Registration for Professional Engineers and Land Surveyors.

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

Fire Chief. The duly designated Fire Chief of the Town of Loxley, Alabama.

Group Development. A development comprising two or more structures built on a single lot, tract, or parcel of land and designed for occupancy by separate families, firm, businesses, or other enterprises.

Half Street. A street which does not meet the minimum right-of-way widths set forth in these regulations.

Health Department. The Baldwin County Department of Health.

Inspector. An individual who, on behalf of the Town, inspects public improvements in a subdivision to assure conformance with approved plans and specifications.

Land. Includes the words “water”, “marsh” or “swamp”.

Local Street. Those intended to provide access to abutting properties and to other streets.

Lot. A portion of land which is part of a subdivision, is intended for transfer of ownership or for building development, and has its principal frontage on a public street.

Maintenance Bond. A cash bond used to insure the proper orientation of all public improvements (taken over by the City). The bond will be made out to the Town of Loxley and remain in effect for one year from the date of completion of construction. The bond will be equal to 10% of the performance bond.

Marginal Access Streets. A street which is parallel with and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.

Metes and Bounds. A system of land description using distances and directions.

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

Open Space. Any land either publicly or privately owned which is designated as being permanently undeveloped and used for recreation, conservation or preservation.

Owner’s Engineer. That engineer or land surveyor registered and in good standing with the State Board of Registration of Alabama who is the agent in his professional capacity of the owner of land which is proposed to be subdivided or which is in the process of being subdivided. Included “Developer’s Engineer”.

Parcel. A portion or tract of land which has not been previously subdivided or recorded in the Probate Judge's Office.

Paving Width. The horizontal width of paved surface, excluding curb and gutter.

Performance Bond. A cash bond equaling 100% of the cost of constructing water, sewer, drainage, street, and other public improvements. The bond is to insure the complete construction of such facilities and is to be made out to the Town of Loxley.

Planning Commission. The Planning Commission of the Town of Loxley, Alabama.

Preliminary Plat. A set of engineering drawings which meet the requirements of these regulations for the proposed subdivision and is submitted for consideration by the Planning Commission.

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

Public Hearing. An advertised public meeting involving the Town Council or the Planning Commission and all interested residents and the developer if he chooses to be there.

Right-of-Way. A strip of land separate and distinct from the lots adjoining such right-of-way and not included within the dimensions or areas of such lots, which is occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use.

Sidewalk. A right-of-way intended primarily for pedestrians, excluding self-propelled vehicles.

Sight Distance. The maximum extent of unobstructed vision (in a horizontal plane), along a street located at any given point on the street.

Street. A thoroughfare which affords the principal means of access to abutting property. This includes lanes, ways or other means of ingress or egress regardless of the term used to describe it.

Subdivide. The person(s), firm(s), or corporation(s) engaged in the process of creating a subdivision or having completed a subdivision.

Subdivision. The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites or other divisions of land, whether described by metes and bounds or by any other description, for the purpose, whether immediate or future, of sale or of building development includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. However, the following shall not be included within this definition or be subject to the requirement thereof:

When two or more lots are combined to create one lot or parcel that meets the lot size requirements for the zoning district in which the lots are located.<sup>2</sup>

Surveyor. A Land Surveyor and registered by the State of Alabama Board of Registration for Professional Engineering and Land Surveyors.

Utilities Department. The official department of the Town of Loxley concerned with the location, installation, and maintenance of water, natural gas, sewage, and garbage services. This department is also responsible for determination of the placement of infrastructure by outside agencies such as telephone, electricity and cable.

Work. All required construction as shown on approved plans and specifications for all facilities and features of any kind.

Zoning Ordinance. The Zoning Ordinance of Loxley, Alabama.

# ARTICLE THREE

## ADMINISTRATION

### 3.0 Enforcement, Violations, and Penalties

A. For the purpose of generally enforcing and administering these Subdivision Regulations, the Planning Commission shall be deemed the administrative division of the Town. The Building Official (or Designated Representative, see Definitions) shall serve as the Council's and the Commission's representative for the direct administration and enforcement of these Subdivision Regulations. He shall review plats, plans, specifications, designs, and other information required by these Regulations to assure conformance with all provisions thereof. He shall inspect or cause to have inspected the construction of all public improvements within a subdivision to assure conformance with the approved plans and specifications. Such inspections shall be made before, during, and after the construction of the work. The Town Council, by certification of the Town Clerk, shall issue final approval of plats and other data as prescribed by law.

Any violations or lack of compliance of these Regulations noted or discovered by the Building Official shall be brought to the attention of the Town Attorney and the Planning Commission. All corrective actions deemed necessary by the Planning Commission shall be taken prior to Final Acceptance by the Town.

- B. No owner or agent of the owner, of any parcel of land located in a proposed subdivision, shall transfer to sell any such parcel before a final plat of such subdivision has been approved in accordance with the provisions of these Regulations by the Planning Commission, and filed with the Judge of Probate, Baldwin County. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from these penalties.
- C. The penalty for transferring a lot in an unapproved subdivision shall be one hundred (\$100.00) dollars for each lot or parcel so transferred or sold. The Town of Loxley may enjoin such transfer or sale or agreement by action for injunction brought in any court or equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

### 3.1 Conflict With Other Laws

Whenever the provisions of these regulations impose more restrictive standards that are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provision of any other ordinance require more restrictive standards than are required herein, the requirements of such regulations shall prevail.

### 3.2 Guarantee of Completion of Improvements

- A. General. The subdivider shall be responsible for the provision of all required improvements to the subdivision. This may be accomplished by either the full installation of all required improvements by the subdivider at the time the final plat is submitted to the Planning Commission, or by the provision of a financial guarantee of performance.
- B. Financial Guarantee of Performance. The guarantee of performance by the subdivider shall be in the form of a Subdivision Improvement Bond or an Irrevocable Letter of Credit, and shall meet the following requirements:
1. Bond or Irrevocable Letter of Credit must be approved by the Building Official and Town Attorney, and shall be made payable to the Town of Loxley, Alabama.
  2. Bond or Irrevocable Letter of Credit must be in an amount not less than 100% of the total cost to cover installation of all required utilities and fee encountered in the completion of improvements. The estimated cost shall be approved by the Building Official.
  3. The Improvement Bond shall be filed with the Town Clerk.
  4. The Bond shall be made by a surety company doing business in the State of Alabama and approved by the Planning Commission.
- C. Failure to Complete Work. If within twelve (12) months after filing said bond, the subdivider has not completed all necessary improvements, or if, in the opinion of the Planning Commission, improvements have not been satisfactorily installed, the bond shall be used by the Town to complete the improvements in the satisfactory fashion, or the Town may take such steps as may be necessary to require performance under the bond.
- D. Guarantee Against Faulty Materials. If, in the opinion of the Building Official or the Town Council, there is reasonable doubt concerning the stability or proper construction of any improvement made under these Regulations, the Planning Commission may require a maintenance bond for three years. This bond shall be in cash or a cashier's check, or made by a surety company doing business in Alabama. Such maintenance bond shall be in addition to the one year's maintenance bond described elsewhere herein.

If, at any time during the prescribed maintenance period, defects within those items covered by the bond become apparent, the Developer will, at the request of the Building Official, immediately cause to have all such defects repaired to the satisfaction of the Town Council.

- E. Final Completion and Acceptance. Upon completion of all work, where the work has proceeded under bond, the developer's engineer shall submit to the Town a certificate stating that the work has been entirely completed and that it conforms in all respect to the final plat and plans for required improvements and to the specifications set by these regulations. On completion of all the work, the Developer will furnish five (5) copies of as-built drawings of the improvements to the Town.

Upon receipt of this certificate of completion, the Building Official shall make a final inspection of the completed construction on the site. In the event that the Improvements are incomplete or do not conform to the requirements of these regulations and the plans and specifications, the Building Official shall notify the developer and the developer's engineer so that corrective measures may be instituted within the life of the construction contract and within the tenure of the contractor's performance bond. Once the improvements are approved by the Building Official, the plat shall be submitted to the Planning Commission and the Town Council for acceptance by the Town Council.

When the plat has been approved by the Planning Commission and City Council, four (4) copies and the original, with the approval of the Planning Commission certified thereon shall be returned to the subdivider to be used for filing with the Probate Judge as the official plat of record. The original tracing containing all required certifications shall be retained by the subdivider and one (1) copy shall be retained in the records of the Planning Commission. The Planning Commission must consider a final plat within thirty (30) days after the meeting at which the final plat is introduced. Failure of the Planning Commission to act on a final plat submission within thirty (30) days shall be considered an approval of same. If the plat is disapproved, grounds for such disapproval shall be stated in writing in the official minutes of the Planning Commission.

Approval of final plat by the Planning Commission shall not constitute acceptance by the public of the dedication of any street or other public improvement. After approval of the final plat and the construction of public improvements thereon the Building Official may recommend to the Town Council that it accept these public improvements and take over their perpetual maintenance.

The developer shall provide the Planning Commission a copy of any subdivision restrictive covenants.

### 3.3 Conformity to Town Plan

All proposed subdivision plans shall conform to all the Town of Loxley plans and to the Loxley Zoning Ordinance. Whenever a tract to be subdivided embraces any part of a highway, major street, secondary street, or parkway so designated, such part of such proposed public way shall be platted by the subdivider in the same location and at the same width as indicated on such town plan.

### 3.4 Deviation

Where the Planning Commission finds that unusual hardship may result from strict compliance with these regulations, it may approve deviations to these regulations so that substantial justice may be done, provided that such deviation shall not have the effect of mollifying the intent or purpose of these regulations.

The Planning Commission shall not approve deviations unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the deviation will not be detrimental to the public safety, health or welfare or injurious to other property.
- b. The conditions upon which the request for a deviation is based are unique to the property for which the deviation is sought and are not applicable generally to the property.
- c. Because of the particular physical surroundings, shape or topographical conditions of the property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

A petition for such deviation shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration by the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Any deviation thus authorized shall be entered in writing in the minutes of the Planning Commission with the reason which justified the departure to be set forth.

### 3.5 Amendment

Any article, section, sub=section, or provision of these Subdivision Regulations proposed for amending shall be published as provided by law for the publication of ordinances. Before adoption, a public hearing, as described by law, shall be held thereon. Following its adoption, a copy of the amendment shall be certified by the Planning Commission to the Probate Judge of Baldwin County.

### 3.6 Severability and Separability

If any section, clause or portion of these regulations shall be held by a court of competent jurisdiction to be invalid or unconstitutional, such findings shall not affect any other section, clause or portion of these regulations.

### 3.7 Vacation of Plat or Map

Any plat or map, whether or not executed and recorded as provided in these regulations, may be vacated by the owner, his executor, administrator or guardian of the lands at any time before the sale of any lot therein by a written instrument declaring the same to be vacated, executed, acknowledged and recorded in like manner as conveyances of land which declaration, being duly recorded, shall operate to destroy the force and effect of the recording of the plat or map so vacated and to divest all public rights in the streets, alleys and public grounds and all dedications laid out or describe in such plan or map.

When lots have been sold, the plat or map may be vacated, in the manner herein provided by all the owner of lots in such plat or map joining the execution of such writing, as prescribed by law.

### 3.8 Public Use and Service Areas

- A. Public Uses. Where a park or a neighborhood recreational open space, a school site, or other areas for public use shown on an official map or on a plan adopted by the Planning Commission is located in whole or in part in the proposed subdivision, the Planning Commission shall seek to secure the reservation of the necessary land for such use.
- B. Easements for Utilities. Except where alleys are provided for the purpose, the Planning Commission may require easements not exceeding ten (10) feet in width for poles, wires, conduits, storm, and sanitary sewer, gas, water, or other utility lines on each side of the common rear lot line and along side lot lines if necessary or advisable in the opinion of the Planning Commission, and unless wider easements are required in the opinion of the Building Official.
- C. Dedication to Public Use. There shall be no reserve strips except those which are conveyed to the government having jurisdiction.
- D. Suitability of the Land. Land which the Planning Commission has found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formation, or other features likely to be harmful to the safety, health, and general welfare of the future residents shall not be subdivided unless adequate methods approved by the Planning Commission are formulated by the developer for meeting the problems involved.
- E. Building Restrictions. No final plat of land within the force and effect of the Loxley Zoning Ordinance shall be approved unless the building restrictions to be established conform with the minimum requirements of such zoning ordinance.

### 3.9 Comprehensive Group Housing Development

A comprehensive group housing development including the construction of two or more buildings together with the necessary drives and ways of access and which is not subdivided into the customary lots, blocks and streets may be approved by the Planning Commission if, in the opinion of the Commission, any departure from the foregoing regulations can be made without destroying the intent of the regulations. Plans for all such development shall be submitted to and approved by the Planning Commission whether or not such plat is to be recorded and no building permits shall be issued until such approval has been given.

### 3.10 Mobile Home Subdivisions

All provisions of the Subdivision Regulations shall apply to the development of mobile home subdivisions, including the preliminary and final plat requirements. In addition, all minimum requirements if the Alabama State Health Department pertaining to mobile home use shall be met.

### 3.11 Mobile Home Parks

Development of mobile home parks on parcels of land will be allowed. Any and all public improvements which are expected to be dedicated will be constructed in accordance with these Subdivision Regulations. All minimum requirements of the Alabama State Public Health Department pertaining to mobile home use shall be met.

## ARTICLE FOUR

### APPLICATION PROCEDURE AND APPROVAL PROCESS

#### 4.0 General

No subdivider shall proceed with the movement of dirt or any other improvements or with the installation of utilities in a subdivision until such subdivision plat shall have been reviewed and granted Preliminary Plat approval by the Town of Loxley Planning Commission.

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider shall apply for and secure approval of such proposed subdivision in accordance with the following procedures:

- A. The preparation and submission to the Planning Commission of a preliminary plat of the proposed subdivision.
- B. The preparation and submission to the Planning Commission of a final plat, with required certificates. This final plat becomes the document to be recorded in the office of Judge of Probate, Baldwin County, when duly signed by the chairman of the Planning Commission and by the Town Clerk.

At the time of submission of the preliminary plat, the Developer shall pay to the Planning Commission a fee in accordance with the fee schedule shown in Table 1. Said fee shall be used to partially defray the cost of filing the application, notifying interested parties, investigation, and holding a public hearing on the preliminary plat.

#### 4.1 Preliminary Plat

- A. Application Procedure. Before preparing the preliminary plat for a subdivision, the subdivider should discuss with the Building Official the procedure for adoption of a subdivision plat and the design requirements.

The application for approval of a preliminary plat shall be made on a form available from the Town Clerk (See Appendix A).

The application, including five (5) prints of subdivision plan, shall be submitted at least thirty (30) days prior to the Commission's regularly scheduled meeting. The preliminary plat fee shall be due and payable upon submission of the preliminary plat.<sup>3</sup>

The Building Official, prior to approval of the plat by the Planning Commission shall transmit prints of the preliminary plat and subdivision plans to agencies, departments and other entities that he deems appropriate for review and recommendations. Said agencies shall submit their comments to the Planning Commission no later than three (3) days prior to the public hearing.

A public hearing shall be held at the regularly scheduled Planning Commission meeting. Such hearing shall be advertised in the same manner as that adopted procedure utilized by the Planning Commission for rezoning applications.

- B. Review and Approval. The Planning Commission shall approve, subject to modifications, or disapprove the preliminary plat within thirty (30) days after the date of its regularly scheduled meeting at which time the public hearing was held.

The recommendations of the Building Official, Fire Chief, and any other applicable town or county official concerning the preliminary plat shall be reviewed by the Planning Commission before action is taken.

Three copies of the preliminary plat shall be retained by the Building Official for the official Planning Commission files and two copies shall be returned to the subdivider with the date of approval, approval with modifications, or disapproval and the reasons therefore accompanying the plat.

The approval of a preliminary plat shall be effective for a period of one year at the end of which final approval on the subdivision must have been obtained from the Planning Commission. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the subdivider shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations.

- C. Submittal Contents. The preliminary plat and development plans, which shall meet the minimum standards of design and the general requirements for the construction of public improvements set forth in these regulations, shall contain the following information:

1. A map of the proposed subdivision at a scale no smaller than one inch equals two hundred (200) feet. The map shall be prepared and certified by a land surveyor registered in the State of Alabama.
2. Vicinity Sketch Map at a scale no smaller than one inch equals two thousand (2,000) feet showing location of the subdivision in relation to the existing street system and the corporate limits of Loxley, including pertinent city facilities (shopping areas, schools, parks, hospitals, churches).
3. Name of subdivision.

4. Names, addresses and telephone numbers of owner(s) and person(s) responsible for subdivision design, including mortgagors.
5. Description of property location by section, township and range; graphic scale; north arrow; and date.
6. Amount of acreage to be subdivided.
7. Topography at contour intervals no greater than two (2) feet and based on U. S. G. S. datum.
8. The approximate location, dimensions and areas in square feet of all existing and proposed lots, including lot and block numbers.
9. Names and locations of all existing and proposed streets within the subdivisions and adjacent to it including dimensions and curve data.
10. Location of and widths of all existing and proposed street rights-of-way within the subdivision.
11. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, easements, rights-of-way, manholes, catch basins and entrance radius. Natural and finished grades shall be shown to a scale no smaller than one inch equals one hundred (100) feet horizontal and one inch equals ten (10) feet vertical.<sup>3</sup>
12. The names, locations, purposes, widths, and other dimensions of proposed alleys, easements, parks, and other open spaces, reservations, lot lines, and building lines.
13. Preliminary layout of proposed utilities (sewer, water, and electricity) showing feasible connections, where possible, to existing and proposed utility systems.
14. If the proposed subdivision does not lie within the force and effect of the Loxley Zoning Ordinance, the preliminary plat shall be accompanied by a plan indicating the proposed use of the lots.
15. Certificate of the State and/or County Health Department indicating their approval when the proposed subdivision is not served by municipal sewer facilities.
16. Certificate of approval from the State and/or County Health Department where individual wells are proposed for each lot.

17. Certificate of approval from the Electric, Water, Sanitary, and any other interested Municipal, County, or State Department.
18. If any portion of the land of the proposed subdivision is subject to inundation by storm drainage, overflow, or ponding of local storm water, such fact and portion shall be clearly shown and identified.
19. The existing zoning classification of the subdivision and all contiguous land.
20. Assurance that the provisions of the latest Alabama Manual on Uniform Control Devices for Streets and Highways will be adhered to during construction.

#### 4.2 Final Plat

- A. Application Procedure. The application for approval of a final plat shall be made on a form available from the Town Clerk (See Appendix).

The final plat shall conform substantially to the preliminary plat as approved; and, if desired by the subdivider, approval may be phased; provided, however, that each phase conform to all of the requirements of these regulations.

At least seven (7) days prior to the meeting at which it is to be considered, the subdivider shall submit the original drawing of the plat, along with four (4) copies, together with any street profiles or other plans which may be required by the Planning Commission.

The plat shall be drawn to a scale of not more than one (1) inch equals one hundred (100) feet, on sheets not larger than twenty-four (24) by thirty-six (36) inches. When more than one (1) sheet is required, an index sheet of the same size shall be filed as a key, showing the entire subdivision, with the sheets in alphabetical order.

- B. Review and Approval. The recommendations of the Building Official and any other applicable town or county official concerning the preliminary plat shall be reviewed by the Planning Commission before action is taken. Before recording the Final Plat of all or part of a proposed subdivision, the Planning Commission will require certification by the Building Official to the effect that all of the improvements required herein have been completed to his satisfaction and in accordance with the approved Preliminary Plat and these regulations; or that the developers of the subdivision have furnished satisfactory improvement Bond guaranteeing the installation of the improvements within the time specified in the Bond by the Building Official.

The Planning Commission shall approve or disapprove the final plat within thirty (30) days after the date of its regularly scheduled meeting at which the final plat is introduced.

If the final plat is disapproved, the reasons therefore shall be stated in the official minutes of the Planning Commission.

If the final plat is approved, a certificate of Planning Commission approval, which shall be provided on the final plat (See Appendix B), shall be signed by the duly authorized representative of the Planning Commission. Failure by the Planning Commission to act within thirty (30) days of submission shall be deemed approval of the plat.

The following certifications in accordance with wording contained in Appendix B, shall be provided on the final plat:

1. Certification that the subdivider is the legal owner of the land.
  2. Certification of formal irrevocable offer of formal dedication of streets, right-of-ways and other sites for public use.
  3. Certification by the Owner's Surveyor of the accuracy of the plat, and of the placement of all required monuments. The Owners shall join in this certification.
  4. Certification of approval of the Health Department concerning sewage disposal and water system installation, if applicable.
  5. Certification by the Building Official and Town Clerk that the subdivider has complied with one of the following:
    - a. Installed all improvements according to these regulations.
    - b. Posted a surety bond or irrevocable letter of credit, in an amount sufficient to assure the completion of all required improvements.
  6. Certification approval to be signed by the Chairman of the Planning Commission and Town Clerk.
  7. Certification for recording by the Probate Judge.
- C. Recording. After approval by the Planning Commission, the Town Clerk will sign all five (5) copies of the final plat. Four (4) of these will be returned to the subdivider who shall have the same recorded in the office of the Baldwin County Probate Judge. The Probate Office will keep two (2) copies for the recording and properly stamp the other two (2) copies, showing book number of said recording.

The subdivider shall return two (2) of the stamped copies of the final plat to the office of the Planning Commission. One of the copies he retains shall be<sup>3</sup> the original. The Developer shall pay all recording costs.

D. Contents. The final plat and as-built development plans shall give the following information:

1. Vicinity Sketch Map at a scale in relation to its surroundings. The map submitted with the preliminary plat may be used.
2. Name of subdivision.
3. Names, addresses and telephone numbers of owner(s) and person(s) responsible for subdivision design.
4. Description of property location by section, township and range, graphic scale, north arrow, and date.
5. Names and location of all streets within the subdivision and adjacent to it.
6. Names, location and width of all streets and other right-of-ways within the subdivision.
7. Lot numbers in numerical order for all lots.
8. House numbers for all lots.
9. Dimensions to the nearest one tenth of one foot, bearings of all angles to the nearest one minute, and location which can be reproduced on the ground for the following information.
  - a. Lot Lines
  - b. Boundary Lines
  - c. Block Lines
  - d. Building Setback Lines
  - e. Street Lines
  - f. Alley Lines if present
10. Location, width and purpose of all utility and other easements.
11. Location and description of all monuments for lot and right-of-way boundaries.

12. Name and locations of adjoining subdivisions, along with record owner of unplatted property.
13. The purpose for which sites are dedicated or reserved, it being understood that any reservations of areas shall be subject to the proper zoning, if applicable.
14. The minimum building setback line on all lots and other sits in those areas subject to the Loxley Zoning Ordinance.
15. The various certifications as required herein above.
16. Three (3) sets of as-built plans that shall:<sup>3</sup>
  - a. Bear the seal, signature, and registration number of the professional engineer responsible for the design.
  - b. Reflect actual locations, dimensions, or other physical data that resulted from the construction of the subdivision. Such data shall include pipe inverts, centerline elevations of roadway, utility locations referenced to permanent monuments, lateral locations, and any deviations from the development plans submitted with the preliminary plat.
  - c. Reflect that lot grading conforms with grading and drainage plan.
  - d. Where required by the Building Official, a comprehensive traffic analysis, indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area.
17. Restrictive Covenants that apply to the subdivision shall be submitted with the final plat.

#### 4.3 Small Subdivisions and Resubdivisions

A subdivision having five (5) lots or less with lots fronting a previously dedicated street, and the platting of said subdivision does not affect any major operation of utility installation, may be subdivided under the final plat procedure at the initial hearing. Certification and requirements pertaining to development plans or construction shall not apply, except for lot drainage plans and Health Department certifications. Applications under this provision shall be filed together with maps and all other matter at least ten (10) days prior to a regular meeting to the Planning Commission.

4.4 Applicability

The following shall not be included within the definition of subdivision or be subject to the requirements thereof:

- A. The original parcel being divided into no more than two (2) tracts with not street construction, utility installation or other public improvements involved. Any further division of this original tract will require a recording of a subdivision plat.
- B. The division of land into parcels greater than five (5) acres where no street construction is involved. Any further division of this original tract will require a recording of a subdivision plat.
- C. Where property is divided within a family or by probated family estates.<sup>2</sup>

TABLE I

SUBDIVISION FEES

Preliminary and Final Plat.<sup>2</sup>

<u>DESCRIPTION</u>	<u>Fees</u>
Preliminary Plat Application	\$150.00
Fee per lot	\$ 10.00
Amendments	\$ 50.00
Final Plat Application	\$100.00

Requirements:

- 1. Checks shall be made payable to the Town of Loxley
- 2. Remittance of subdivision fee is due and payable upon submission of the preliminary plat.
- 3. Each filing of a preliminary plat, regardless of the fact that the same plat has been previously submitted, shall be subject to the same fee structure as specified above.
- 4. Fees for resubdivision and replats will be the same as if the property had never been replatted.
- 5. If the final plat contains a greater number of lots than the preliminary plat, the subdivider shall submit payment for the additional number of lots at the time the

final plat is submitted at the rate where the additional lots commence above the preliminary submission.

6. If the final plat contains a lesser number of lots than the preliminary plat, no reduction in the fee shall occur.

## ARTICLE FIVE

### GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS

#### 5.0 General

Unless otherwise required herein, all construction of proposed subdivision improvements within the Town of Loxley or its police jurisdiction shall be in accordance with the Standard Specifications of the State of Alabama Highway Department latest edition. Said Standard Specifications shall be considered a part of these subdivision regulations as though bound herein. Installation of public utilities, including but not limited to water, sewer, power, telephone, television cable, and gas, shall be in accordance with the respective utilities standard specifications. Coordination with each utility shall be the responsibility of the Developer.

#### 5.1 Land Development Intensity and Density Regulations<sup>4</sup>

In keeping with 11-52-31 of the Alabama State Code the single family residential developments in the unincorporated extraterritorial jurisdiction shall adhere to the following density requirements:

Land located in the extraterritorial jurisdiction shall be developed using the density of not more than two (2) housing units per acre. No lot shall be less than 9,500 square feet and have less than a 75 foot width at front building line.

#### 5.2 Streets

##### A. General

1. The arrangement, character, extent, location, and grade of all streets shall conform, when reasonable, to a plan with good land planning principles and shall be integrated with all existing and planned streets. Land abutting a proposed subdivision shall not be land-locked by the proposed subdivision.
2. The propose street system shall be coordinated with the street system of the surrounding area. However, the number of streets converging upon any one point which would tend to promote congestion shall be held to a minimum. Creation of multiple street intersections shall not be permitted. The street pattern shall be in conformity with a plan for the most advantageous development of the entire community.

3. In addition, if in the opinion of the Planning Commission, it is desirable to provide street access to an adjoining property, said street shall extend by dedication to the boundary of such property. A temporary turn-around, as defined in design standards for street cul-de-sac, shall be provided. Local streets shall be so laid out that their use by through traffic in the subdivision will be discouraged.
4. Subdivisions which abut or have included within the proposed area to be subdivided and arterial streets shall provide for the adequate protection of properties, and afford separation of through and local traffic.
5. Intersections of minor subdivision streets with major and arterial streets shall be held to a minimum.

B. Street Plan

1. All streets shall be designed along contour elevations which will result in minimum grades and greatest visibility whenever practicable with consideration given to the anticipated use of the land. Grades of streets shall conform as closely as possible to the original topography.
2. The proposed street layout shall be made according to sound land planning principles for the type of development proposed.
3. Local and collector streets shall be laid out 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.
4. Existing streets and right-of-way which are proposed to be retained shall be incorporated into the street system so as not to cause hazardous conditions.
5. Proposed streets shall be extended to the boundary line of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Building Official and Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
6. Where a proposed subdivision has no frontage on an existing public road or public right-of-way, the subdivider must provide and dedicate to the Town a suitable right-of-way for ingress and egress. This connecting road becomes a part of the street system of the proposed subdivision and is subject to all regulations regarding streets.

7. The arrangement of streets shall provide for the continuation of principle streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, or for efficient provision of utilities. If the adjacent property is redeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T and L shaped turnabout shall be provided on all temporary dead-end streets, with notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
8. When a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the design standards of these regulations. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited to 600 feet in length.
9. Streets shall be laid out so as to intersect as nearly as possible at right angles and in no case at an angle of less than 75 degrees. Property lines at street intersections shall be rounded with a radius of twenty (20) feet. The Town will permit comparable cut-offs or chords in lieu of rounded corners.
10. Intersections involving more than four (4) basic street legs or approaches shall be prohibited. Merging lanes, deceleration lanes, "Y" intersections, and traffic circles are not included in this prohibition but are considered as being parts of one street leg or approach.
11. Opposing intersections shall be placed opposite each other where practical or placed at a minimum of 125 feet apart, except, where the intersected street has separated dual drives without median breaks at either intersection.
12. Minimum curb radius at all intersections shall be at least fifteen (15) feet unless a different figure is expressly approved by the town engineer because of special topographical consideration or sound engineering practices.

C. Horizontal and Vertical Alignment

1. Grades of all roads shall comply with accepted engineering practice. Road grades shall not exceed eight (8) percent or be less than a half percent (0.5%). The Planning Commission may permit some variation for these grade requirements if such variation would not adversely affect the safety and general welfare of the public. Grades of major collector and arterial streets shall not exceed five (5) percent.
2. Grades approaching intersections shall not exceed three (3) percent grade for a distance of not less than fifty (50) feet from the center line of said intersection.
3. Roads shall be graded to a minimum line of seven (7) feet back of the curb line with a slope of ½ inch per foot.
4. All roads shall be crowned in the center and have a minimum ¼ inch per foot slope.
5. Vertical curves shall be used at all changes of grade exceeding one percent and shall be designed with equal tangents in order to avoid hazardous profiles.
6. Minimum radii of horizontal curves shall not be less than 400 feet on arterial streets, 200 feet on collector streets, and 100 feet on local streets. There shall be a tangent of 100 feet provided between all reverse curves on arterial and collector streets and fifty (50) feet on local streets.
7. Intersections should be planned and located to provide as much sight distance as possible. In achieving a safe, highway design, as a minimum, there should be sufficient sight distance for the driver on the local or collector street to cross an arterial without requiring approaching traffic to reduce speed.
8. Both passing sight and stopping sight distances will be designed in accordance with acceptable engineering standards.

C. Rights-of Way

1. Where a subdivision abuts on or contains an existing or proposed arterial street or expressway, the Planning Commission may recommend marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

2. Reserve strips controlling access streets shall be prohibited except where their control is given to the Town.
3. The Planning Commission shall determine the classification of city streets.

Minimum widths of rights-of-way are as follows:

<u>Street Classifications</u>	<u>Minimum Right-of-Way Width</u>
Alley	20 feet
Local	50 feet <sup>2</sup>
Collector	60 feet
Arterial or Commercial/Industrial	80 feet
Designated Highways	100 feet
Cul-de-sac	50 feet (radius)

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

- a. The entire right-of-way shall be provided where any part of the subdivision is located on both sides of the existing streets.
- b. When the subdivision is located on only one side of an existing road, one half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided. The entire roadway width shall be paved, unless the Planning Commission gives written approval to the contrary.

E. Pavement and Street Section

1. Streets shall be graded to a minimum line of seven (7) feet back of the curb line with a rise of not less than eight (8) inches or more than fifteen (15) inches from the flow line of the gutter.
2. After the roadway is cleared and graded to subgrade, the subgrade shall be processed and compacted for a minimum depth of six (6) inches at a minimum density of 95% standard proctor. Greater depths may be required by the Building Official, depending on existing subgrade conditions and future traffic projections. The total width of compacted subgrade shall extend one (1) foot beyond the back of curb on each side of the pavement.
3. After the subgrade is tested and accepted, a minimum of six (6) inches of compacted aggregate base material or eight (8) inches of sand clay shall be placed at a minimum density of 100% standard proctor.<sup>2</sup> The base material shall be in accordance with the Alabama Highway Department (A. H. D.) Specifications, Section 820. The base width shall be at least six (6) inches beyond each back of curb. Testing of the compacted subgrade and the compacted base shall be done by a licensed soils testing laboratory

approved by the Building Official. The Developer shall pay for all testing expenses, shall have tests performed as required by the Building Official, and shall provide to the Building Official with copies of the test results. No further construction shall be allowed until the subgrade and base are accepted.

4. The accepted, compacted base shall be saturated to its full width with an asphalt tack coat applied at a rate of 0.20-0.25 gallons per square yard and shall be in accordance with A. H. D., Section 405.
5. The asphalt base course shall be a minimum of one and a half (1 ½) inches, compacted thickness of Hot Bituminous Pavement, A. H. D., Section 411, Mix A. The minimum application rate shall be 105 pounds per inch per square yard.
6. The final asphalt layer shall be a minimum of one (1) inch compacted thickness of Bituminous Concrete Wearing Surface. A.H.D., Section 416, Mix A. The application rate shall be 108 pounds per square inch per yard of asphalt.
7. Based upon expected use or other special consideration, the Building Official may require additional thickness of base, asphalt base, or wearing surface. The developer shall follow the requirements of the Building Official in such cases.
8. Combination curb and gutter shall be constructed of concrete on each side of all streets. The curb shall be a standup curb.<sup>2</sup>
9. The minimum pavement widths back of curb to back of curb for the various classifications of streets shall be as follows; unless specified otherwise on the Major Thoroughfare Plan:

<u>Street Type</u>	<u>Minimum Pavement Width</u>
Arterial Street	40 feet
Local Street	22 feet <sup>2</sup>
Residential Collector Street	24 feet <sup>2</sup>
Commercial Collector Street	24 feet <sup>2</sup>
Alley	12 feet
Cul-de-sac (radius)	35 feet

10. The developer may be allowed to use an alternate paving material, such as Portland cement concrete. He shall submit the paving design, a typical section, and a formal request to use the design to the Building Official. The alternate pavement shall have at least the design life and capacity as the standard paving structure.

11. The developer shall not be required to pave any major arterial street. Additional right-of-way, pavement width or pavement may be required to promote public safety and convenience, or to ensure adequate access, circulation and parking in high density residential, commercial or industrial areas, but no additional right-of-way or paving shall be required from a developer in connection with existing streets or highways which meet the above standards. Where a subdivision abuts on or contains an existing street of inadequate right-of-way width, additional right-of-way in conformity with the above standards shall be required for new subdivision. In the event additional right-of-way is required, the developer shall acquire same for dedication to the Town.
12. Sidewalks shall be a minimum of four (4) feet wide in residential and seven (7) feet wide in commercial areas. The cross-section for a sidewalk shall be in accordance with the Town's standard details. A sidewalk shall be constructed on both sides<sup>2</sup> of local and collector streets, and commercial streets.

### 5.3 Storm Drainage and Erosion Control

#### A. General

1. Drainage and grading plan shall be made for each subdivision by the Developer's Engineer, which plan shall take into consideration the ultimate or saturated development of the tributary area in which the proposed subdivision is located. If on-site storm water detention measures are required or planned, a plan shall be developed and submitted setting forth the maintenance requirements for the facility as well as the party that will be responsible for performing the maintenance.<sup>1</sup>
2. The storm and sanitary sewer plans shall be worked out prior to the development of the other utility plans. Engineering considerations shall give preferential treatment to these gravity flow improvements, as opposed to other utilities and improvements. Off-premises drainage easements and improvements may be required to handle the run-off of subdivisions into a natural drainage channel. But under no condition shall storm drainage be emptied into the sanitary sewer system-or vice versa.
3. The Planning Commission may require whatever additional engineering information it deems necessary to make a decision on subdivisions and other development which contains an area of questionable drainage. Lakes, ponds, and similar areas will be accepted for maintenance only if such area constitutes a necessary part of the drainage control system.
4. The Town of Loxley will not approve development of one site that causes an adverse effect on adjacent property. In some cases, storm water

retention or improvement of existing downstream drainage facilities may be required. The applicant is urged to contact the Building Official for a preliminary discussion on this matter prior to plan submittal.

5. Drainage area and peak flow estimates must be provided for each drainage facility, as well as profiles for all new storm sewers and open ditches, with outlet velocities. Structural capabilities for all new culvers and storm sewer pipes shall be provided.

Any new culvert or storm sewer pipe under the jurisdiction of the Alabama Highway Department or the Baldwin Engineering Department shall be approved by that authority. Copies of this approval shall be provided at the time of submittal of the preliminary plat.

Catch basins and drop inlets shall be constructed if deemed necessary by the Building Official.

No street shall shed surface run-off water onto any lot.

Storm drainage facilities shall be designed by a professional engineer, registered in the State of Alabama. The engineer's seal shall be on all drawings.

6. All development in the Town shall be in compliance with all applicable laws, ordinances and regulations.

B. Design Requirements

1. Storm drainage facilities shall be provided in each subdivision. They shall be designed to carry not less than the storm water from a maximum projected rainfall to occur once in twenty years, with run-off factor of 90% for pavements and buildings and a variable run-off factor depending on the topography of the ground for other areas. All drainage facilities and appurtenances shall meet the specifications for street paving and storm sewer as set forth by the Building Official. The Building Official may require a more restrictive design (i.e., 25 or 100 year design) for such facilities as major drainage ways. Design calculations shall be based on future probable development of the entire drainage area to be served or developed.
2. Water will not be permitted to run down the street more than 500 feet without proper drainage structures to intercept surface water.
3. If outlet velocities are greater than five (5) feet per second, some type of energy dissipation will be required. If rip-rap is used, the minimum weight shall be 50 pounds per stone.

4. All roadways cross drain pipes shall be a minimum size of 15 inches and all side drainage pipes shall be a minimum of 15 inches.
5. All off-project drainage, draining onto the subdivision, shall be shown on contour maps showing the areas in acres that the subdivision will have to accommodate.
6. A minimum velocity of two (2) feet per second shall be maintained in all drainage way, and scouring velocities shall be considered in the design of natural swales and ditches.

C. Drainage Elements

4. Where a subdivision is traversed by an existing or proposed watercourse, drainage way, channel, or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage way. The width of such drainage easement or right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream and shall be approved by the Building Official.
5. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road.
6. Where required by the Building Official, the Developer shall obtain a Discharge Permit(s) from adjacent property owner(s) on a form prescribed by the Building Official.

D. Construction Requirements and Erosion Protection

1. The Developer shall have all drainage structures and facilities constructed in accordance with the details and specifications of the Building Official.
2. Before construction of drainage facilities, the Building Official shall be notified no less than 24 hours in advance of any phase of operation to be started.

No drainage structure will be covered up until approval is given by the Building Official.

3. Storm sewers and drainage ways shall be installed to the grades and elevations shown of plans which have been reviewed by the Building Official. Such plans shall bear the signature of the Building Official.
4. Whenever possible, storm water shall be conveyed in closed conduit manufactured of materials acceptable to the Building Official. Where open channels are used for drainage ways, the channel shall be concrete-lined. No natural-lined channels will be allowed unless specifically approved by the Building Official. Design notes, construction techniques and other considerations shall be submitted to the Building Official for review.
5. An erosion and sedimentation control plan shall be a part of the construction plans and filed with the Town of Loxley prior to the commencement of any land-distributing activity. Determination of the requirement for an erosion and sedimentation control plan shall be made by the Building Official.
6. Whenever there is a conflict between Federal, State or local laws, ordinances rules and regulations, orders and decrees, the more restrictive provision shall apply.
7. Erosion and sedimentation control measure, structures and devices shall be so planned, designed and constructed as to provide control from the calculated peak rates or run-off from a ten-year frequency storm. Run-off rates may be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or other accepted calculation procedures. Run-off computations shall be based on rainfall data published by the National Weather Service for the area.
8. A combination of storage and controlled release of storm water run-off may be required for highway construction; commercial, industrial, educational, and institutional developments of one acre or more; for multi family residential developments of five (5) acres or more; and for single family developments of ten (10) acres or more.
9. Detention storage and controlled release will not be required in those instances where the person planning to conduct the activity can demonstrate that the storm water release will not cause an increase in accelerated erosion or sedimentation of the receiving ditch, stream channel, or other drainage facility, taking into consideration any anticipated development or the watershed in question.
10. 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 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.

11. Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.
12. Land-disturbing activity in connection with construction, in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relation of a stream, where relocation is an essential part of the proposed activity shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alterations to flow characteristics is provided.
13. 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 as determined by the Building Official.
14. Persons engaged in planning, installing, and maintaining sedimentation control measures may use generally accepted references on the subject following standard engineering and/or agricultural practices. All plans will be subject to review by the Building Official.
15. Whenever the Building Official determines that significant sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person responsible for maintenance will be required to take additional protective action.

#### 5.4 Water Distribution and Sanitary Sewer

##### A. General

Water and Sanitary Sewer system shall be provided by the Developer in each subdivision if the Planning Commission determines that existing facilities are reasonably accessible. Installation of the facilities shall be in accordance with the specifications and requirements of the Building Official.

B. Water System

1. The water distribution system shall be sized based on specifications of the Town of Loxley and be of suitable size and capacity to accommodate the required placement of fire hydrants per ISO regulations.
2. Water mains and fire hydrants shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk or other public improvement.
3. Plans and Specifications shall be prepared by a Registered Engineer licensed in the State of Alabama. Specifications shall be in accordance with the Town of Loxley requirements. Pipe material, meter and connection types, and brands shall conform to Town of Loxley criteria.
4. Upon completion of the project, the Developer shall furnish the Building Official with two (2) sets of as-built drawings showing lateral locations and water main offsets from a permanent reference datum, which is either the curb line or the front lot line.
5. All costs for installation of the water distribution system and appurtenances shall be borne by the Developer. Where the Developer is required to install larger lines of facilities than necessary to serve his development in order to provide for future development, the difference in costs between installing facilities adequate for the subdivision and the oversize lines shall be negotiated.
6. All service taps shall be made, service line shall be installed to the property line and referenced, and the full number of meters and boxes for the subdivision shall be delivered to the Town of Loxley at its warehouse. If building permits are issued before the Developer completes the project, the Developer shall request meters and boxes and install same at his own expense. For the remaining lots, the Town of Loxley shall install meters and boxes for a fee established by Loxley as building permits are issued. For any and all lots, no Certificates of Occupancy shall be issued before and until the meter and box are installed and the fee paid.

C. Sanitary Sewage System

1. Sanitary sewers shall be installed in each subdivision as approved by the Building Official of the Town of Loxley. In the absence of available public sewer lines, septic tanks may be permitted upon approval by the Health Department.

2. Lot size shall not be less than the minimum standard and of satisfactory size for the proper installation of an on-site sewerage disposal system if required by the Health Department. No building permit shall be issued until written approval has been given by the Health Department.
3. The sanitary sewer system shall be separate and independent of any storm water drainage system.
4. Sanitary sewers and laterals shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk or other public improvement.
5. Sanitary sewers shall be laid in all streets, service connections installed to property lines, and connections made to trunk line sewers. The cost of the public sanitary system shall be borne by the Developer.
6. Two (2) copies of the sewer plan, designed by a registered engineer licensed in the State of Alabama and showing the proposed sewer plan and profile, shall be submitted to and approved by the Building Official prior to beginning installation of the sewer system. The plan shall be prepared from, an actual engineering survey and shall include the following information and data:
  - a. Station at each manhole.
  - b. Property or lot lines and preset owners if sewer is on private property.
  - c. Lot and block number.
  - d. Invert elevation at each manhole.
  - e. Grade of sewer between manholes expressed in percent.
  - f. Bench mark elevation and description at least each one thousand (1,000) linear feet along sewer line. Whenever possible, U.S.G.S. data shall be used.
7. Upon completion of the project, the developer shall supply the Building Official with two (2) copies of the plan and profile drawing showing the sewer as-built with the exact location of each service connection (stub-out) indicated.

D. Construction

1. A qualified general contractor shall be employed by the Developer to install the water and sewer lines. The installation shall be done under the inspection of the Building Official and shall conform exactly to the approved plans and specifications with no exception unless approved by the same. At the Town's option, a professional representative may inspect the work.
2. The Developer shall hold the contractor responsible until the completed project has been given final approval and acceptance by the Town Engineer. All manhole castings shall be adjusted to the finished surface of paving and all manholes shall be left free of dirt, asphalt, and other debris.

E. Easements

The Developer shall dedicate any and all easements for water and sanitary sewer lines which are installed on private property. Such easements shall be shown on the plat, shall be in the actual location of the installed line, and shall be dedicated for perpetual use by the Town.

5.5 Other Utilities

A. General

The Developer shall be responsible for coordinating with the power, phone, gas, and other utilities to provide service for the subdivision, and shall pay any and all fees, service charges, or other costs levied by the utilities and associated with the installation of the same. Street lights may be required by the Planning Commission.

B. Construction

Installation shall be in accordance with the respective utilities specifications and procedures. Such work shall not conflict with the installation or location of water or sewer lines, paving, sidewalks, or other improvements. The developer shall secure and provide the Building Official with an acceptance or approval statement from each and every utility that installation is satisfactory and complete. Final approval of the subdivision will not be given until all statements are submitted.

C. Utility easements shall be platted as required.

## 5.6 Inspection

### A. General

All improvements within the subdivision shall be inspected by the Building Official or designated representative. Such inspection shall be to assure conformance with the approved plans and specifications. The Inspector shall not direct or supervise the Developer's personnel. The Developer shall be solely responsible for the correctness and completeness of the work. The improvements shall be in strict accordance with the approved plans and specification, and no changes shall be made without the written permission of the Building Official. The Developer shall give the Building Official at least forty-eight (48) hours notice before any separate segment of the improvement begins. No underground work shall be covered before the Building Official view and accepts the work.

## 5.7 Streets, Lots and Blocks

### A. Streets

1. Street names, subdivision names and apartment project names shall be sufficiently different in sound and in spelling from other street names in the Town so as not to cause confusion. The Building Official shall consult the Postmaster before approval is given by the Planning Commission. Proposed streets obviously in alignment with existing and named streets shall bear the names of existing streets.
2. The subdivider shall deposit with the Town at the time of final plat approval, the sum of one hundred (\$100.00) dollars for each street sign required by the Town.
3. The Town shall install all street signs before issuance of certificates of occupancy for any residences on the streets approved.
4. Applications for all new accesses to streets within the Town shall be made to the Building Official. The proposed location, width, drainage structure, traffic condition, sight distance and surfacing shall be included in the access application.
5. Entrances shall be located at points affording maximum sight distances and minimum grads. Entrances shall not be less than ten (10) feet nor more than twenty (20) feet in width, measured at the right-of-way line. Entrances shall be located so that the curb openings are a minimum of five (5) feet from the nearest edge of a street drainage inlet and fifty (50) feet from the corner radius. More restrictive requirements may be required by the Building Official for commercial and industrial entrances.

6. Commercial and industrial entrances shall not be more than thirty-five (35) feet nor less than twenty-four (24) feet in width measured at the right-of-way line. The radius to increase the opening shall not be less than fifteen (15) but not more than twenty-five (25) feet. Larger radius to accommodate truck traffic may be required by the Building Official. The distance between openings shall be minimum of one hundred fifty (150) feet and the distance from opening to corner radius shall be fifty (50) feet.

B. Lots

1. Lot dimensions shall conform to the requirements of the Zoning Ordinance if within the corporate limits of the Town of Loxley. If the subdivision is not located in the corporate limits, all residential lots shall comply with requirements of the Health Department as determined by the availability of particular utilities.
2. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance of these regulations.
3. Side lot lines shall normally be at right angles to streets, except on curves where they shall be radial.
4. Additional depth may be required on lots which back up to major streets, or other conflicting land uses.
5. Where easements for public utilities, storm or sanitary sewers are contemplated, the lot lines shall be located in such manner as to facilitate the construction of such improvements and maintenance thereof.
6. Lot areas and widths shall meet or exceed minimum zoning and health requirements in the area in which the property is located.
7. Corner lots shall provide at least the same minimum setback on the side as required on the front by the zoning ordinance. Lot lines shall be substantially at right angles to the streets except on curves where they shall be radial. Where the distance between rear lot corners or double tiered lots would be less than ten (10) feet, the radial lines shall be deviated so that the distance between rear lot corners will be a minimum of the ten (10) feet.

8. Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation.
9. All lots for detached houses shall abut a public street.
10. Where driveway access from an arterial street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit the possible traffic hazard on such street.
11. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial streets.
12. A monument shall be placed at all lot corners, and at all changes of direction of a public right-of-way, including the beginning and end of a curve or radius.
13. Monuments shall be of iron pipe not less than three-fourths (3/4) inches in diameter and 24 inches long, and driven so as to be flush with the finished grade.
14. All markers shall be established on the ground prior to approval of the final plat.
15. All markers shall be verified before issuance of a certificate of occupancy.

D. Blocks

1. Blocks shall not be more than twelve hundred (1200) feet in length. In blocks over eight hundred (800) feet in length the Planning Commission may require one or more public crosswalks with not less than ten (10) foot right-of-way. Blocks shall be a minimum of four hundred (400) feet in length.
2. Where blocks are over eight hundred (800) feet in length, the Planning Commission may require a pedestrian walkway to traverse the block. The easement shall be a minimum of ten (10) feet in width and the sidewalk shall be a minimum of five (5) feet in width.

---

<sup>1</sup> Amended by Planning Commission action on November 29, 2001.  
<sup>2</sup> Amended by Planning Commission action on December 30, 2004.  
<sup>3</sup> Amended by Planning Commission action on January 26, 2006.  
<sup>4</sup> Amended by Planning Commission action of March 30, 2006.