

City of Semmes, Alabama

SUBDIVISION REGULATIONS

SEMMES, ALABAMA

DRAFT
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Prepared by

The Semmes Planning and Zoning Commission

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City of Semmes – Mission Statement

We are committed to preserving the unique character, environmental beauty, historical and rural fabric that defines our city while embracing the future through planning and visionary leadership. We are committed to working with the community to provide ethical and responsible government so that everyone can enjoy the benefits of living and working in the City of Semmes.

City of Semmes – Vision Statement

Future growth in Semmes will support our vision of the future of Semmes, a community that our residents will be proud to call home. Attributes of this vision include;

- Protection of wetlands
- Protection of woodlands and rural aspects
- Integrating the existing community with the new design
- Common areas that are conducive to social, family interactions
- Nature trails & preserves (hiking, biking, horseback riding, etc.)

SECTION 1. GENERAL PROVISIONS

1.1 Authority

Pursuant to authority granted under Title 11, Chapter 24, Sections 1 through 9, Code of Alabama, 1975 and 1986 Cumulative Supplement, the Semmes City Planning Commission does hereby exercise the power and authority to review, approve and disapprove plats for subdivisions within the subdivision jurisdiction of Semmes, Alabama, as set forth in these Regulations.

1.2 Jurisdiction

From and after the date of adoption, these Regulations shall govern each and every subdivision of land within the planning jurisdiction of the City of Semmes Planning Commission.

1.3 Purpose

The purpose of these Regulations is to establish procedures and guidelines for the development of subdivisions or proposed additions to existing subdivisions within the subdivision jurisdiction of Semmes, Alabama, in order to regulate the minimum size of lots, the planning and construction of all streets, roads and drainage features, and to require the proper installation of water and sewer facilities as required by the Board of Health.

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

These regulations establish procedures and guidelines for the development of subdivisions or proposed additions to existing subdivisions with the subdivision jurisdiction of Semmes, Alabama, for the purpose of:

1. Future Growth – To guide the future growth and development of the land within the subdivision jurisdiction in accordance with the Comprehensive Plan as adopted.
2. Health and Safety – To provide for adequate light, air, privacy, to secure safety from fire, flood and other danger, to prevent the overcrowding of land, and undue congestion of population.

3. Social and Economic Stability – To protect the character and the social and economic stability of all parts of the area within the subdivision jurisdiction.
4. Land Uses – To protect and conserve the value of land and the value of buildings and improvements on the land and, through subdivision design, to minimize the conflicts among the uses of land and buildings.
5. Public Services and Facilities – To encourage residential development where public services and community facilities are available or will be available when the subdivision is ready for occupancy.
6. Circulation – To provide an efficient relationship between development and the circulation of traffic, having particular regard to the avoidance of congestion, to expedite circulation and the protection of land use values through the separation of local and through traffic, and to make adequate provision for traffic through the proper location and width of streets, including major streets set out in the Comprehensive Plan as adopted for future construction.
7. Environment – To prevent the pollution of air, streams, and ponds, to assure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the community and value of the land.
8. Natural Features – To preserve the natural beauty of the land, and to utilize as elements of the urban environment, the physiographic features of land and water.
9. Open Space – To provide open space through efficient design and layout of subdivisions, to encourage the setting aside as permanent open space land that is subject to flood or has soils unsuited to urban development.
10. Innovative Design – To encourage innovative subdivision design that will produce attractive and convenient arrangements house and neighborhood environment, affording a variety of lifestyles.

1.4 Policy

It is hereby declared to be the policy of the **City of Semmes** to consider the subdivisions of land and the subsequent development of the subdivided land as subject to the control of the **Semmes Planning Commission** pursuant to the authority granted to the County by Alabama Law.

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, potable water, sewerage disposal and access.

Any owner of land, which lies within the area of jurisdiction of the City of Semmes, who wishes to subdivide or re-subdivide such land into two (2) or more lots, parcels, plats, or other divisions of land for the purpose, whether immediate or future, of sale or of building development, shall submit to the City of Semmes Planning Commission and County Health Department, if individual septic tanks are to be used for approval, a plat of the subdivision which shall conform to the minimum requirements set forth in these Regulations.

No subdivider shall proceed with any improvements or with the installation of utilities in a subdivision until such subdivision plat shall have been reviewed and approved by the City of Semmes Planning Commission and by the Mobile County Health Department, if individual septic tanks are to be used.

No subdivider shall proceed with the sale, transfer, lease of lots, or the erection of buildings, excluding required public improvements and utility structures, within a subdivision until such subdivision plat shall have been granted Final Plat approval entered in writing on the plat and signed by the Chair of the City of Semmes Planning Commission, recorded by City Officials, and recorded in the Office of the Probate Judge of Mobile County in accordance with the procedures prescribed in these regulations.

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

1.5 Application of Regulations

From and after the date of filing a certified copy of these Regulations with the Probate Judge, no subdivision plat of land within the planning jurisdiction of these Regulations shall be filed or recorded, nor shall any lots be sold, transferred, or leased until the plat shall have been submitted to and approved by the City of Semmes Planning Commission and County Health Department if individual septic tanks are to be used and recorded with the Probate Judge. The Probate Judge, upon receipt of a copy of these Regulations, shall not thereafter file or record a plat of a subdivision of land located within the City's subdivision jurisdiction, as defined herein, without the approval of such plat in accordance with these Regulations.

1.6 Interpretation

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Where any provision of these Regulations impose restrictions different from those imposed by any other provision of these Regulations, or any other ordinance, rule or regulation, or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control.

1.7 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.

1.8 Effective Date

These Regulations shall take effect immediately from the date of adoption and publication.

Adopted: MM/DD/YYYY

SECTION 2.

DEFINITIONS

2.1 Usage

For the purpose of these Regulations, certain numbers, abbreviations, terms, words and phrases used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; the plural number includes the singular number; shall is always mandatory.

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

2.2 Words and Phrases Defined

ABUTTING/CONTIGUOUS PROPERTY

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

ACCESSORY BUILDING/STRUCTURE

A detached, subordinate building or structure, located on the same building site with the main structure, the use of which is incidental to that of the main structure.

AGENT

A person, firm, or corporation who is empowered to act for a principal on the matters which come within the scope of designated authorities.

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.

ALDOT

The Alabama Department of Transportation.

APPLICANT

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

ARTERIAL

A road or street which connects areas that produce a large amount of trip generation. Arterials have dual function to move traffic and to provide access to land uses, particularly the high trip-generating commercial activities.

BASE FLOOD

The flood caused by a 100 year flood event.

BASE FLOOD ELEVATION

The stormwater elevation caused by a Base Flood.

BLOCK

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

BUILDING

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind.

BUILDING FRONT SETBACK LINE

A line generally parallel to and measured from the front property line in front of which no structure may be erected.

BUILDING SIDE SETBACK LINE

A line generally parallel to and measured from the side property line on the side of which no structure may be erected.

BUFFER ZONE

The area: Within 100 feet of a public drinking water source and any associated tributaries; within 75 feet of perennial streams and associated wetlands; and within 50 feet of natural drainage features and adjacent and/or isolated wetlands.

BUILDING SITE

The land occupied or to be occupied by a principal structure and any accessory structures including open spaces, required yards and parking.

CONSERVATION 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.

COLLECTOR STREET

A route whose primary function is to collect traffic from an area and move it to the arterial street system while also providing substantial service to abutting land use, and which typically does not have extensive continuity.

CORNER LOT

A lot which occupies the interior angle at the intersection of two (2) street lines.

COUNTY

Mobile County, Alabama.

COUNTY COMMISSION

The Mobile County Commission.

COUNTY ENGINEER

The duly designated Engineer of Mobile County, Alabama.

COUNTY SPECIFICATIONS

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

CITY

Semmes, Alabama.

CITY COUNCIL

The organization adopted by the City of Semmes or its assigns.

CITY ENGINEER

The duly designated Engineer of Semmes, Alabama.

CITY SPECIFICATIONS

All construction specifications which have been adopted by the City Council or as approved by the Semmes Planning Commission.

CUL-DE-SAC

A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DEDICATION

The transfer of property from private to public ownership.

DEPTH OF LOT

The mean horizontal distance between the front and rear lot lines.

DESIGN ENGINEER

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

DEVELOPER

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

DEVELOPMENT

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

DOUBLE FRONTAGE LOT

A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

DWELLING

Any covered structure intended for the shelter, housing or enclosure of persons.

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.

ENGINEER

An engineer properly licensed in the State of Alabama.

ENGINEERING PLANS

The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.

FAMILY DIVISION

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

FINAL PLAT

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

FLOOD WAY

The stream channel and the portion of the adjacent flood plain which must be reserved solely for the passage of flood waters in order to prevent an increase in upstream flood heights of more than one (1) foot above the pre-development conditions. For the purpose of these Regulations, flood ways shall be defined as follows: The flood ways as identified or delineated in the Flood Insurance Study for Mobile County, Alabama. Reference is hereby directed to Section 4.11 of this Regulation.

HEALTH DEPARTMENT

The Mobile County Health Department.

HUNDRED (100) YEAR FLOOD

A flood which has, on the average, a one (1) percent chance of being equaled or exceeded in any given year.

IMPROVEMENTS

Street surfacing, curb and gutter, water mains, sanitary sewers, storm sewers, utilities, monuments, and other appropriate items.

LAND SURVEYOR

A land surveyor properly licensed in the State of Alabama.

LICENSED ENGINEER

An engineer registered in the State of Alabama.

LICENSED LAND SURVEYOR

A land surveyor registered in the State of Alabama.

LOT

A tract, plot, or portion of land in a subdivision or other parcel of land intended as a unit separated from other parcels by description, for the purpose, whether immediate or future, of transfer of ownership or for building development.

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 subdivision, the plat of which has been recorded in the Office of the Probate Judge of Mobile County.

LOT WIDTH

The horizontal distance between side lot lines, measured at the minimum front setback line, as required by the **City of Semmes Subdivision Regulations**.

MAJOR LOCAL ROAD

A street that serves as a link to communities or significant areas. Links streets of equal or higher functional classification. Access to abutting property is moderate.

MAJOR SUBDIVISION

A subdivision not classified as a minor subdivision, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new streets or extension of the local governmental facilities, or the creation of any public improvements.

MINOR LOCAL ROAD

A street that serves as a link to an isolated area and typically is the only access road from a higher functional classification street. Access to abutting property is moderate to high.

MINOR SUBDIVISION

A subdivision containing not more than five (5) acres nor more than five (5) contiguous lots, including remnant parcels, all fronting on an existing street, not involving any new street or road or the extension of public facilities, or the creation of any public improvements, including drainage improvements, and not adversely affecting the remainder of the parcel or adjoining property.

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

An organization authorized by the City of Semmes to review and approve all development work within the city.

PLANNING COMMISSION REVIEW SUBCOMMITTEE

A subcommittee of the Planning Commission consisting of the Planning Commission Chair and 2 Planning Commission Members appointed by the Planning Commission Chair.

PRELIMINARY PLAT

A tentative plan of the proposed subdivision submitted to the Semmes Planning Commission and County Health Department if individual septic tanks are to be used.

PRIVATE ROAD

Road not owned or maintained by City, County, Municipal, State or Federal Agency, whether or not it has public access.

PRIVATE ROAD SUBDIVISION

A Subdivision, as defined herein, in which no roadway, drainage structure or other infrastructure is dedicated to, accepted by, or maintained by the City.

PROBATE JUDGE

The Judge of Probate of Mobile County, Alabama.

RESERVE STRIP

A strip of land retained for private ownership for the purpose of controlling access to land dedicated or intended to be dedicated for a street or other public use.

RESIDENTIAL STREET

A street that serves to link residential areas to streets of a higher functional classification, or may be part of an internal grid of residential streets serving as the only access to residential properties.

RESUBDIVISION

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

ROAD OR STREET

A public right-of-way for vehicular traffic that affords the principal means of access to abutting property.

ROADWAY

The portion of a street available for vehicular traffic; where curbs are laid, the portion between curbs; an open ditch section would include the travelway and shoulders. A roadway does not include a private driveway serving an individual lot or a private driveway serving more than one lot, all of which are not located in a subdivision.

SETBACK LINE

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

SKETCH PLAN

The sketch plan is drawn prior to the preparation of the Preliminary Plans (or Final Plat in cases of minor subdivisions) to enable the applicant to save time and expense in reaching general agreement with the City Engineer as to the form of the plat and the objectives of these regulations.

STORMWATER MANAGEMENT

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

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, and who (3) is directly or indirectly controlled by, or under direct, or indirect, common control with any of the foregoing.

SUBDIVISION

The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. It shall include all divisions of land involving the dedication of a new street or a change in existing streets. However, the following shall not be included within this definition or be subject to the requirements thereof:

1. Property that is divided by a court order.
2. The division of land into parcels of five (5) acres or more where no new street or roadway access to the lots is involved.
3. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses.
4. The sale, deed or transfer of land by owner to an immediate family member within the meaning of *Code of Alabama (1975), Section 11-24-2(c)*.
5. The construction or development of roads or buildings on private property to be used for agricultural purposes within the meaning of *Code of Alabama (1975), Section 11-24-1(a)(4)*.

SUBDIVISION JURISDICTION

The territorial jurisdiction of Semmes, Alabama over the subdivision of land.

SURETY

Any surety bond, certificate of deposit, cashiers check, or other acceptable surety as approved by the City Engineer.

TRAVELWAY

The portion of the roadway that is used for the movement of vehicles, exclusive of the shoulders, curb and gutter or asphalt wing.

WATERCOURSE

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

WETLANDS

Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions

as delineated by the Corps of Engineers. Wetlands generally include swamps, marshes, bogs and similar areas.

WIDTH OF LOT

The mean horizontal distance between the two side lot lines.

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SECTION 3.

PROCEDURES FOR PLAT APPROVAL

3.1 General

The procedures for review and approval of subdivision plats by the City consist of the following steps. **Subdivisions of land that do not create more than two (2) additional parcels nor create or require additional streets or roads may be exempt from preliminary plan reviews and are only subject to the final plat review.**

3.1.1 Pre-application and Sketch Plat

The subdivider or agent may present a sketch plat for review and consultation with the City Engineer, the Planning Commission Review Subcommittee and the City Planner to obtain information, advice and assistance or may submit a preliminary plat for review and approval before incurring the costs associated with the Final Plat. This will enable the subdivider to become familiar with the City Subdivision Regulations and other requirements which might affect the proposed subdivision. During this review, the subdivision will be classified as a major or minor development in compliance with the definitions in Section 2.2.

3.1.2 Preliminary Plat

The subdivider or agent shall present the Preliminary Plat to the County Health Department if individual septic tanks are to be used and Engineering Plans to the Semmes Planning Commission for administrative review and approval. The Preliminary Plat and required construction plans shall conform to these Regulations unless special conditions exist which justify any modification of these requirements.

3.1.3 Final Plat

The subdivider or agent shall present the Final Plat of the development for official review by the City Engineer, the Planning Commission Review Subcommittee and the City Planner. Approval is indication that the subdivision has been constructed in compliance with approved Engineering Plans and then signed by the Chair of the Semmes Planning Commission and recorded by the Developer in Probate Court.

3.2 Pre-Application and Sketch Plat

3.2.1 Purpose

The purpose of the Pre-application and Sketch Plat is to enable the subdivider to become familiar with the City Subdivision Regulations and to obtain advice and assistance from the City Engineer, the Planning Commission Subcommittee, and the City Planner on his sketch plat prior to incurring the expense of preparing the Preliminary and/or Final Plat. Subdivisions shall be classified as major or minor during this review.

3.2.2 Filing and Review

The subdivider shall contact the City Clerk's office to make an appointment for the Conference and sketch review of the proposed development. The sketch plan shall be reviewed by the staff with the applicant and/or his agent at the appointed time. During the review, the applicant shall be advised regarding existing regulatory requirements and ensuing procedures leading to subdivision approval. Developments classified as major subdivisions shall comply with procedures required in Sections 3.3 and 3.4 of these Regulations.

3.2.3 Documentation

Documents required include the sketch plat which shall be drawn at an approximate scale of one inch to 100 feet and shall show the proposed street layout, ROW width, lot sizes and arrangement, approximate location and sizes of nearest water and sewer lines, existing structures, adjoining streets, north arrow, and proposed use of the land.

3.2.4 Effect of Review

The Preliminary Conference should enable the subdivider to proceed with the preparation of a Preliminary Plat and Engineering Plans that will be approvable under the City Regulations.

3.2.5 Timeline

The Semmes Planning Commission shall provide approval, or all recommended changes or revisions of the preliminary plat within fourteen (14) calendar days from date of submission. Date of submission receipt required.

3.3 Preliminary Plat

3.3.1 Purpose

The purpose of the Engineering Plan Review is to provide the preliminary plat and detailed plans and specifications in compliance with the requirements of these Regulations and the detailed construction specifications and engineering requirements to the County. This will enable the City Engineer, with input from other officials and agencies concerned, to hear, administratively review and act on the proposed development.

3.3.2 Filing and Review

The subdivider shall provide the City Clerk two (2) copies of the Preliminary Plat and the required Engineering Plans. The Preliminary Plat and Engineering Plans shall be evaluated for accuracy and compliance with these Regulations and the detailed specifications obtained from the City Engineer's Office. The documents may also be reviewed by other local officials and agencies with jurisdiction governing the development.

The names of subdivisions and proposed new streets shall not duplicate nor phonetically closely approximate existing names of subdivisions or streets in Semmes, Alabama. The subdivider shall check the proposed subdivision and street names with the City Engineer prior to preparing the Preliminary Plat. Roads names and subdivisions should have specific historic, cultural or geographical relevance if possible. Street names shall be subject to approval of the City Engineer, the Planning Commission Review Subcommittee, and the City Planner.

3.3.3 Specifications for Preliminary Plat

1. Name and address of owner(s) of record;
2. Name and address of Land Surveyor; project engineer; and geo technical engineer;
3. Proposed name of subdivision, date, north arrow, scale, and vicinity map;
4. Vicinity map showing location of the subdivision;
5. Boundaries of the tract of land being subdivided shown with bearings and distances;
6. Major traffic arteries, utilities, and community facilities (major shopping areas, schools, parks, hospitals, churches) which are pertinent to the proposed development and design.

7. The location of existing right-of-ways and or easements of record, water courses, on or abutting to the tract being subdivided;
8. Proposed rights-of-way or easements, including locations, widths, purposes, and street names;
9. Proposed lot lines with approximate bearings and approximate distances and lot and block numbers;
10. Site data:
 - a. Acreage in total tract;
 - b. Any additional future phases
 - c. Smallest lot size;
 - d. Total number of lots;
 - e. Linear feet in streets.
11. Wetlands, streams, creeks, watersheds, and tributaries.
12. Drainage design for current phase and any future phases.
13. A flood hazard notation indicating the zone(s) in which the property lies according to the latest Flood Insurance Rate Map (FIRM) for the area shall also be annotated on the plat.
14. Topography based on U.S. Geological Surveyor U.S. Coast and Geologic Survey sea level datum. Contours shall be shown at two (2) foot intervals on grade less than 10 percent and five (5) foot intervals on grades greater than 10 percent unless otherwise specified by the Planning Commission.
15. Identify the natural resources, physical features, including topography, soils, geology, hydrology and runoff conditions, vegetation and ground cover, and natural and cultural resources, and man-made features including the percentage of land covered in impermeable surfaces, types of pollutants generated, distances to streams and other surface waters, and impact on adjoining properties.

Other documentation required with Preliminary Plat

1. Copy of ALDOT Permit
2. Copy of ADEM Permit
3. Copy of Articles of Incorporation and Bylaws for Home Owners Association
4. Declaration of protective covenants
5. Document making covenants a part of the deed for each lot.
6. Proof of commitment to surety bond.

3.3.4 Specifications for Engineering Plans

Detailed construction specifications and engineering requirements may be obtained from the City Engineer's Office.

3.3.5 Approval Duration

Approval of the Preliminary Plat and Construction Plans authorizes the applicant to proceed with the construction of the improvements and development of the subdivision within the limitations and conditions set forth in the approval, subject to other required permits from appropriate Federal, State and local agencies. Preliminary Plat and Construction Plan approval shall be effective for one (1) year, unless, upon application in writing, the subdivider requests an extension and the same is granted for one (1) year period of time by the Semmes Planning Commission. Any plat not receiving final approval within the specified time period shall be null and void, and the applicant shall be required to resubmit a new plat for preliminary approval subject to all subdivision regulations in effect at that time. Final Plat approval during the period of validity of a Preliminary Plat of any phase or part of a subdivision shall automatically extend the Preliminary Plat approval for the rest of the subdivision for a period of one year from the date of such Final Plat approval of the phase or part of the subdivision, and the same automatic extension shall govern in subsequent cases of submission of a Final Plat of any part of the subdivision. However, any time after the expiration of the initial one-year period during which the Preliminary Plat approval is effective, the Semmes Planning Commission may notify the subdivider of changes that will be required to meet new or changed conditions, and a corrected Preliminary Plat (and revised Construction Plans, if applicable) complying with such changes and conditions shall be submitted by the subdivider to the City Clerk prior to the construction or installation of any improvements. Should subdivision be under construction within one (1) year of initial approval, no further extension nor changes in approved plans and specifications shall be required.

3.3.6 Time Table for Approval Process

The Semmes Planning Commission shall provide approval, or all recommended changes or revisions of the preliminary plat within fourteen (14) calendar days from date of submission. Date of submission receipt required.

City Engineer shall provide approval, or recommend changes or revisions of the construction plans within fourteen (14) calendar days from date of

submission of the plans and County Health Department approval if individual septic tanks are to be used. Date of submission receipt required.

3.4 Final Plat Procedures

3.4.1 Purposes

The Final Plat shall be based on the approved Preliminary Plat with any required conditions and changes, and shall provide an accurate record of the subdivision as constructed. It shall contain all required signatures and be suitable for recording by the Probate Judge.

3.4.2 Filing and Review

The subdivider shall file with the City Clerk's office two (2) original reproducible Final Plats. The review shall be accomplished by the City Engineer or their designee, the Semmes Planning Commission Review Subcommittee and/or the City Planner, and shall involve a site inspection and evaluation of the constructed improvements. The review shall take into consideration conformance to the approved Preliminary Plat and Construction Plans, and fulfillment of any conditions of such approval.

3.4.3 Specifications for Final Plat

The Final Plat shall conform in all respects with the approved Preliminary Plat, including all conditions and required changes. In addition, the Final Plat shall contain:

1. A notarized certification by the land owner of the adoption of the plat and the dedication of streets and easements.
2. A certification by a Land Surveyor that the plat represents a survey made by him, that the monuments shown on the plat actually exist as located, and that all dimensional and other data are correct. The plat shall conform to the *Standards of Practice for Surveying in the State of Alabama*.
3. A certification that the Final Plat has been approved for recording. Such certification shall have a space for the signatures of the City Engineer and the Planning Commission Chair.
4. A traffic impact study for the streets, entrances, and access of each subdivision of land that is intended for multi-family or commercial use, or for any subdivision development where the Planning Commission specifically required a traffic impact study.

All utilities, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

1. The applicant shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for installation for the proposed subdivision.
2. All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, should be located underground throughout the subdivision where ever possible.
3. Utility corridors shall be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, and any adverse impacts to natural, cultural or scenic resources and public safety.

3.4.4 Effect of Review

Upon satisfactory review, site inspection and evaluation of improvements, Final Plat approval shall be given within 14 calendar days. In such case, the City Engineer and Planning Commission Chair shall sign the plat. If the review is unsatisfactory due to discrepancies in the preliminary plat as approved and construction plans as approved, the City Engineer and Planning Commission Chair shall disapprove the plat and state the grounds for disapproval and the conditions under which it may be resubmitted for reconsideration. An approved Final Plat shall be recorded in the Office of the Probate Judge of Mobile County within twelve (12) months of the date of approval, and within 14 calendar days of acceptance of the roads for County Maintenance by the County Commission; otherwise, such approval shall be null and void.

3.5 Submission Requirements

3.6 Phased Plats

RESERVED

3.7 Staff Review

3.8 Procedure Exceptions

3.9 Multiple Occupancy Projects

RESERVED

SECTION 4. Special Watershed Protections

4.1 Detention Requirements

In any watershed which contains a public drinking water source, including, but not necessarily limited to, the J. B. Converse Watershed, no field lines or septic tanks may be constructed or maintained within a "flood prone area" as defined in *Code of Alabama (1975), Section 11-19-1(3)* or within a "Buffer Zone" as defined herein. Within any such watershed, storm water detention facilities are required in any Subdivision whether a Private Subdivision or a subdivision which will be accepted by the City. Detention criteria shall include a maximum release rate equivalent to the 10 year storm pre-development rate. The minimum detention capacity shall accommodate the volume of a 50 year post development storm. The licensed Professional Engineer must certify that the design of the Private Road Subdivision and its storm water detention features are designed in accord with these Regulations. Any storm water detention facility must be shown in the plans and on the recorded subdivision plat as a common area not maintained by the City of Semmes or the State of Alabama.

4.2 Maintenance

The Licensed Professional Engineer must submit a plan for maintenance of any drainage easements not maintained by the City and storm water detention facilities. The owner of any subdivision must provide a signed acknowledgment as to who will own and maintain any such storm water detention facilities and easements, and such owner must covenant that the maintenance responsibility will run with the land and is enforceable by any person or entity damaged by an owner's failure to maintain such facilities. Where the maintenance responsibility is vested in a property owners' association, articles of incorporation for such property owners' association must be submitted which must state that such association has perpetual maintenance responsibility for any such storm water detention facilities and easements, and that such maintenance responsibility constitutes a covenant that will run with the land and is enforceable by any person or entity damaged by an owner's failure to maintain such facilities. Such signed acknowledgments and articles of incorporation must be recorded of record with the Judge of Probate of Mobile County. Each five years after initial submission of a plan for maintenance and immediately upon any change in ownership, the owner of the subdivision storm water detention facilities shall resubmit the maintenance plan with a professional engineer's statement affirming the current operation of the facilities related to the initial and

ongoing intended purpose. If any deficiency exists, the statement shall describe the correcting actions and schedule for completing these actions.

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SECTION 5.

Planning Design Standards

5.1 General Applicability

5.1.1 General Requirements

Detailed construction specifications and engineering requirements may be obtained from the City Engineer. Best Management Practices will be utilized in all aspects of the development.

5.2 Approval Standards

5.2.1 Land Subject to Flooding

Subdivision and other new construction that encroaches upon a federally-designated special flood hazard area as delineated on the most currently adopted Mobile County Federal Insurance Rate Maps shall conform to the Mobile County Flood Damage Prevention Ordinance.

Delineation of the Flood Zone shall be shown on a subdivision plat by elevation.

5.2.2. Fill and/or Excavation is Prohibited Unless a FLOOD WAY is Designated

Administration of floodplain regulations will include the prohibition of new construction, substantial improvements, or other development (including fill) within "A" zones until a FLOOD WAY is delineated. This fill will include on-site sewage disposal systems with mound designs. Fill in this case will also include fill used for bulkheads and pier construction that includes a design with any form of siding or other surface area that may result in a hydraulic impedance such as a boat house. Any fill in an "A" zone will require a permit from the Building Inspection Services Department and/or a detailed flood way analysis or no-impact certification from an Alabama licensed professional engineer. Waivers to the regulation are not allowed, except by the Semmes Planning Commission.

5.2.3 Natural Features

Protection of Wetlands, Floodplains and Surface Waters.

The design of subdivisions shall be such as to protect streams, wetlands, floodplains, or other water bodies, to include but not limited to construction

runoff, silt, pollutants, debris, and trash. No streams, creeks, rivers, or other bodies of water may be altered from its natural flow or progression. All other appropriate Federal and State permits must be acquired. A written statement that all applicable Federal and State permits have been acquired along with a certified copy of the permit(s) shall be provided to the City Clerk prior to approval of the Construction Plans.

Placement of buffer areas to protect the identified feature(s) – the width of buffer areas shall be 100 feet from the delineated boundary line.

Disturbance within buffer areas shall be limited to the minimum clearing and excavation necessary to create and maintain:

- Stream bank stabilization and restoration projects, in accordance with all applicable state and federal guidelines
- Recreational trails
- Public recreational facilities
- Natural flow and movement of rivers and streams

Leave undeveloped and/or designate as open space shorelines, riparian areas, wetlands, vernal pools and adjacent buffer lands.

Protection of Critical Wildlife Habitat and Natural Areas.

Subdivision boundaries, lot layout and building sites shall be located and configured to minimize adverse impacts on critical wildlife habitat. Methods for avoiding such adverse impacts may include but are not limited to the following:

- (1) Locate building sites, roads, driveways to exclude identified natural areas and critical wildlife habitat, including deer wintering areas, and other critical habitats.
- (2) Locate building sites, roads, driveways to avoid fragmentation of identified natural areas and critical wildlife habitat.
- (3) Establish buffer area(s), as recommended by the Alabama Department of Environmental Management and the Alabama Department of Wildlife and Conservation, to ensure the protection of critical habitat.

5.3 Greenspace Standards

RESERVED

5.3.1 Recreation Areas

1. Where a proposed park, playground or other recreation area is to be located in whole or in part in a proposed subdivision, the Commission shall require that such area or areas be shown on the said plat.
2. The Commission may require the subdivision to provide appropriate playgrounds and/or other recreational facilities or to pay a fee, determined by Parks and Recreation Committee, for the impact of the subdivision on the City's recreational facilities and infrastructure.
3. The Commission may require the submission of proposed protective covenants to ensure that any proposed park, playground or other recreational area will be financially maintained by the applicant or the owners of the subdivision.

5.4 Street Standards

RESERVED

5.4.1 Frontage on Improved Roads

Proposed subdivision developments shall have frontage on and access from an existing federal, state or county highway; or a proposed new street shown on a Preliminary Plat submitted for approval. Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations. All new streets shall be paved and constructed to guidelines obtained from the Mobile County Engineering Office. All road access shall be subject to the approval of the Alabama Department of Transportation in the case of state highways and Mobile County in the case of County roads.

Where a subdivision borders on or contains an existing or proposed arterial or collector, the City may require that access to such arterial or collector street be limited by use of the following means:

1. Lots shall be laid out so as to back onto the arterial and front on a parallel minor street; no access shall be provided from the arterial or collector street directly to the lots.
2. The subdivision shall be designed with a series of cul-de-sacs, short loops, or U-shaped streets entered from and designed generally at right angles to such parallel street, with the rear

lines of their terminal lots backing onto the arterial or collector street.

5.4.2 Traffic & Road Capacity

Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Commission may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which is to be borne by the applicant. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, shall be the responsibility of the applicant as follows:

1. Where an existing access road is inadequate or unsafe, the Planning Commission may require the applicant to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. Upgrades to State highways will require the approval of the Alabama Department of Transportation. Upgrades to County roads and highways will require the approval of Mobile County Engineering. Upgrades to City roads will require the approval of the City Engineer.
2. In situations where a development may require the realignment, widening or an increase in the capacity of an existing road, or where the city plan indicates that such improvements may be required in the future, the applicant may be required to reserve land for such improvements.
3. When a proposed subdivision necessitates an upgrade in the capacity of a public road to accommodate traffic generated by that subdivision, the Planning Commission may condition road upgrade to be completed before any further development occurs. The applicant may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

5.4.3 Pedestrian Access

The Planning Commission may require pedestrian rights-of-way to facilitate pedestrian circulation within multiunit subdivision developments, high

density housing areas, commercial, shopping, medical, and education areas and facilities.

5.4.4 Intersections

Street intersections shall be at right angles or nearly so. Where, for topographic or other reasons, an intersection cannot be at right angles, it shall be so designed as to insure safety. There shall be a minimum number of intersections of minor streets with arterials or collectors. Street jogs with centerline offsets less than 150 feet should be avoided if practical.

5.4.5 Construction Specifications

All streets in any subdivision, whether such streets shall be private or dedicated for public use, shall be paved, and constructed to the requirements of Mobile County. Detailed construction specifications and engineering requirements may be obtained from the County Engineer's office. The following guidelines shall apply:

	Arterial Street	Collector Street	Major Local	Minor Local	Residential	Cul-de-Sac (Turnaround)	Private Road
Minimum Right-of-Way	100'	80'	60'	50'	50'	(100' diam)	50'
Minimum Travelway	Note ¹	Note ¹	22'	20'	20'	(80' diam)	18'
Maximum Grade	Note ¹	Note ¹	10%	12%	16%	10%	16%
Minimum Angle of Intersection	Note ¹	Note ¹	75°	75°	75°	75°	
Minimum Intersection Offset	Note ¹	Note ¹	150'	150'	150'		150'
Minimum Curb Radius at Intersection	Note ¹	Note ¹	25'	25'	20'	20'	20'
Maximum Horizontal Curve Radius	Note ¹	Note ¹	Note ¹	Note ¹	100'	100'	100'
Minimum Reverse Curve Tangent	Note ¹	Note ¹	Note ¹	Note ¹	100'		100'
Note ¹ : Refer to Design Criteria in current AASHTO Policy							

5.4.6 Blocks

The lengths, widths and shapes of blocks shall be determined with due consideration of the limitations and opportunities of topography, the provision of building sites suitable to the intended uses, and the need for convenient access, circulation, safety, and control of traffic. Blocks shall normally have two tiers of lots of appropriate depths, although single-tier lots may be permitted in blocks adjacent to expressways, arterials, collector streets, railroads and watercourses to separate residential development from non-residential uses and through vehicular traffic.

5.4.7 Side Lot Lines

Side lot lines shall be approximately at right angles or radial to Street lines.

5.4.8 Street Access

Every lot in a subdivision shall abut on and have adequate access to an existing street or to a proposed new subdivision Street that will be constructed to Mobile County Engineering Office requirements. All subdivision streets shall be dedicated for public use at the time of Final Plat approval.

5.4.9 Formal Acceptance of Public Rights-of-Way

The platting of streets, approval of plats by the City, recording of plats in the Probate Judge's Office, and dedication on plats of public rights-of-way do not constitute acceptance by the City for public ownership and maintenance of any rights-of-way or other areas intended for public use shown on the plats. The City accepts streets or other areas for public ownership and maintenance only by formal resolution specifying the street names and segments upon recommendation by the City Engineer, the Planning Commission Review Subcommittee, and the City Planner.

5.5 Lot Standards

5.5.1 Size and Shape of Lots

The size, shape and orientation of lots shall be appropriate to the location of the subdivision and to the type of development and use contemplated. Each lot shall provide off-street parking for at least two full size vehicles.

5.5.2 Minimum Dimensions

Minimum lot sizes shall be as follows or as required by the Board of Health:

1. Where served by an approved public or private water supply and sanitary sewer system, lots shall be a minimum of 21,780 square feet, ½ acre, in area and not less than 100 feet wide at the right-of-way line. Conservation subdivisions with lots less than the minimum square feet as specified above may be acceptable and approved. Consideration will be given to other lot sizes and subdivisions in the immediate area.
2. Where served by an approved public or private water supply but not by an approved public or private sanitary sewer system, lots shall be a minimum of 21,780 square feet in area and not less than 100 feet wide at the right-of-way line.
3. Where neither served by an approved public or private water and sewer services, lots shall be a minimum of 43,560 square feet in area and not less than 100 feet wide at the right-of-way line.

Public or Private Water Supply	Approved Sanitary Sewer System	Minimum Square Foot	Minimum Acreage	Minimum Frontage
Yes	Yes	21,780	.5 or ½ acre	100 ft
Yes	No	21,780	.5 or ½ acre	100 ft
No	No	43,580	1 acre	100 ft

5.5.3 Building Setbacks

Front building setbacks shall be a minimum of 35 feet from the end of the right-of-way and the beginning of the deeded property. The minimum setback from the property line shall be 35 feet. Side building setbacks shall be a minimum of 15 feet from the property line.

5.5.4 Corner Lots

Corner lots intended for residential use shall have adequate width and depth to provide front setbacks for structures to face either street.

5.6 Storm Water Standards

5.6.1 Drainage Easements

Whether it be by means of closed storm drains, or curbs and gutters, the subdivision shall have an adequate storm water collection system. Easements for the maintenance and repair of the drainage system shall be reflected on the Preliminary and Final Plats, as well as the Construction Plans.

5.7 Upsizing

RESERVED

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SECTION 6. Constructions Standards

6.1 General

6.2 Performance and Maintenance Bonds

6.2.1 Maintenance Bond

Upon approval by the Planning Commission and prior to the acceptance by the County of any improved street or roadway intended for dedication to public use, the owner may be required to post a maintenance bond with the County in an amount considered adequate by the Planning Commission to assure the satisfactory construction of the improvements for a period of time to be set by the City.

6.3 Streets and Lanes

6.4 Curbs and Gutters

6.5 Sidewalks

6.6 Storm Water

6.7 Water System

Where a public water supply is reasonably accessible, as determined by the Board of Health, the subdivider shall construct a water supply system connected to such public water supply with a stub-out for each lot in the subdivision. Water supply systems shall be designed, installed, and maintained to meet all applicable state, county and municipal requirements. There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision. For subdivisions which will connect to an existing water supply system, application for extensions to the system must have prior approval by the officers or agents entrusted with the care and operation of the water supply system.

6.8 Fire Hydrants

6.9 Sanitary Sewerage

Where a public sanitary sewer is reasonably accessible, as determined by the Board of Health, the subdivider shall construct a sewer collection system

and connect to such public sewer system with a stub-out for each lot in the subdivision. For subdivisions which will connect to a public sanitary sewer, applications for extensions must have prior approval by the officers or agents entrusted with the care and operation of the public sanitary sewer.

6.10 Permanent Monuments

6.11 Reserved

6.12 Inspection and Improvements

6.12.1 General Requirements

Street, utility, and other improvements shall be installed in each new subdivision in accordance with the standards and requirements of these Regulations and the detailed construction specifications and engineering requirements. Approval of the Final Plat shall be subject to the proper installation of such improvements, as determined by the City Engineer, or the posting of a surety or irrevocable letter of credit in such form and amount as approved by the City Engineer, such amount shall be of an amount equal to 125% of the cost (as estimated by an independent source and approved by the City Engineer and the Planning Commission Review Subcommittee), to secure the actual construction of such improvements.

6.12.2 Engineering Requirements

Improvements shall be made in accordance with good engineering practices and in compliance with the requirements of these Regulations and the detailed construction specifications and engineering requirements, and any other applicable agency requirements.

6.13 Requirement to Complete Improvements

6.14 Underground Utilities

RESERVED

SECTION 7. Conservation Subdivision

7.1 Purpose of Conservation Subdivision

RESERVED

7.2 General Regulations

RESERVED

7.3 Application Requirements

RESERVED

7.4 Open Space

RESERVED

7.5 Approval Process

RESERVED

7.6 Concept Plan

RESERVED

7.7 Design Standards for Conservation Subdivisions

RESERVED

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SECTION 8. Administration

8.1 General Provisions

The City Engineer is appointed by the Semmes City Council and acts as their authorized agent in the interpretation and enforcement of the plans, specifications and requirements of these Regulations. The City Engineer or his authorized agent, shall determine the amount, quality, and acceptability of the work as specified in these Regulations.

8.2 Penalties

It shall be the duty of the City Engineer to enforce these Regulations and to bring to the attention of the City Council and City Attorney any violations or lack of compliance with these Regulations.

No owner, or agent of the owner, of any lot located within a subdivision may transfer title of any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been given Final Plat approval by the City Engineer and recorded with the County Probate Judge. The description of such a lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from any penalties or remedies herein prescribed.

Enforcement of these regulations shall be in the manner provided by *Code of Alabama, Section 11-24-3*, as amended. Any owner or developer violating any these regulations shall be fined not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) per lot that has been sold, offered for sale, transferred, leased to the public, or has had non-permitted construction. The City Council shall have the right to enjoin action of the developer or owner by a civil action for the injunction brought in any court of competent jurisdiction in the City may recover the penalty set out above in any court of competent jurisdiction.

8.2.1 Appeal Process

Subdivider, owner, or agent, may appeal any administrative decision made by City Engineer or his designee to the City Council for its review and approval, within 14 calendar days from the date of the decision. The subdivider, owner, or agent may take further action through the appropriate judicial process.

8.3 Application Fees

8.4 Amendment

For the purposes of providing for the public health, safety and general welfare, the City Council may from time to time amend the provisions imposed by these Regulations. Any article, section, subsection, or provision of these Subdivision Regulations proposed for amendment shall be subject to a public hearing. Said public hearing shall be advertised a minimum of six (6) calendar days prior to the date of the hearing. Notice of the public hearing shall be published in a newspaper of general circulation published in the County and shall contain the time, place of the hearing, and description of the proposed amendment.

8.5 Requirements Held Minimum

8.6 Modifications

In cases where the strict application of any of these Regulations would result in peculiar and practical difficulties that are not self-imposed, the City may modify the application of the Regulations to relieve such difficulty. The difficulty must be inherent in the exceptional topographic or other extraordinary or exceptional characteristics of the tract proposed to be subdivided and shall not be the result of actions of the subdivider. No modification shall be made that will produce a conflict with the intent and purposes of these Regulations, and any modification shall be the minimum modification that will make possible the reasonable subdivision of the land.

8.7 Conflicting Provisions

8.8 Severability

8.9 Effective Date and Repeal

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